2 Marriage

In the Near East, then and now, the most important event ever to happen to a girl was entering into a bond of marriage. Our survey of the life of the woman in Mesopotamia will have to give priority to this, for it was a life-changing event. We will see what customs were followed for the wedding and what status the married woman held in society. There almost all the girls were married.

We have had to scrape together information from diverse sources. There were law books and contracts dealing with marriages and divorces. There were also administrative documents with the expenses for a marriage. There were even love songs about the 'sacred marriage' of the king with the goddess of love. It is important to remember that these documents are to be dated over a period of at least 3000 years and come from a broad area of Mesopotamia and beyond. Many variations in time and place can be expected. The marriages of gods are a feature of Sumerian myths, but they make shamelessly direct approaches to each other, so what was true for them is not likely to have been usual in everyday life. It was a feature of mythological prehistory that everything was being tried out for the first time.[1]

Marriage is part of an ideal society. The king of Assyria received from a high official a lyrical report on the prosperous state of affairs in his kingdom:

> The old dance, the young sing, women and girls are happy and merry, women marry and put on earrings, they bear sons and daughters and their births are easy.[2]

It was the destiny of women to marry and bear children. This was also the advice given to the dishevelled bachelor Gilgamesh by the barmaid Siduri:

> Let your clothes be clean, your head washed. Bathe in water. Observe the little boy who takes your hand. Let your wife always delight in your lap. That is the des[tiny of mankind].[3]

A Sumerian blessing runs:

> May Inanna let a wife with hot hips lie down with you. May she present you with sons with broad arms. May she search out a place of happiness for you (Sumerian Proverbs 1.147).

1 For a survey see H. Limet, 'Les déesses sumériennes. Femmes modèles, modèles de femmes', Acta Orientalia Belgica VII (1992) 131–145.

2 SAA X 226:16–21.

3 A. R. George, *The Babylonian Gilgamesh Epic* (2003) 278 iii 10–14 (Old Babylonian).

Hot hips may indicate fertility. A sexually aroused woman would apparently get pregnant more easily.[4] A proverb states:

> My field is like a woman without man, for there is no-one to work it.[5]

We learn the phases of the normal life of young women from a rather negative picture painted of the behaviour of female demons. They are frustrated and dangerous because they have not experienced the normal destiny of a woman.

> The maiden is like a woman who never had intercourse.
> The maiden is like a woman who was never deflowered.
> The maiden never experienced sex in her husband's lap.
> The maiden never peeled off her clothes on her husband's lap.
> The maiden's clasp no nice looking lad ever loosened.
> The maiden had no milk in her breasts; only bitter liquid exudes.
> The maiden never climaxed sexually, nor satisfied her desires in a man's lap.[6]

According to the Gilgamesh epic Enkidu was allowed to see into the underworld and discover how the departed souls were faring.

> 'Did you see the woman who had not given birth?'
> 'I saw her.'
> 'How does she fare?'
> 'Like a useless (?) pot she is discarded with force, no man takes pleasure in her.'
> 'Did you see the young man who had not exposed the lap of his wife?'
> 'I saw him.'
> 'How does he fare?'
> 'He is finishing a hand-worked rope, he weeps over that hand-worked rope.'
> 'Did you see the young woman who had not exposed the lap of her husband?'
> 'I saw her.'
> 'How does she fare?'
> 'She is finishing a hand-worked reed mat, she weeps over the hand-worked reed mat.'[7]

These people are always frustrated, and it would be better for them if they were enjoying married life. This view is endorsed by a proverb,

> A married man has everything that he needs, but an unmarried man has to sleep in straw.[8]

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4 M. Stol, *Birth in Babylonia and the Bible* (2000) 6.
5 W. G. Lambert, *Babylonian Wisdom Literature* (= BWL) (1960) 232 f.
6 M. J. Geller, AfO 35 (1988) 14, 29–35; J. S. Cooper, CRRAI 47/1 (2002) 92; TUAT NF 4 (2008) 126 f. For more examples of such a negative picture, see G. Leick, *Sex and eroticism* (1994) 220–224.
7 A. R. George, *The Babylonian Gilgamesh Epic* (2003) 764 f., 775, c–e; iii 10–14.
8 B. Alster, *Wisdom of Ancient Sumer* (2005) 88, Instr. of Šuruppak 185 f.

2.1 Preparations

Babylonians never undertook any new ventures without first having their future foretold. For example, if a man was going on a journey for business he would first have the liver of a young sheep inspected by the diviner who would advise him what to expect. Entering into a marriage needed similar forethought and arranging for a liver to be examined was an obvious precaution. The detailed report on one such inspection was encouraging:

> The omen is favourable, for a marriage (*aḫuzzatu*).[9]

While the prospects for this planned marriage had relied on extispicy, a cheaper method would have been to examine the patterns made by oil poured ('thrown') on water:

> If you carry out the oil test before a marriage, you throw for the man and the woman, each separately.
> If they still go together, the intention is that they be married.
> If they still go together but that of the man is dark, the man will die.
> If that of the woman is dark, the woman will die.[10]

When King Esarhaddon planned to marry off his daughter to Bartatua (= Protothyes) the king of Scythia (Iškuza) according to the terms of a vassal treaty, he had a liver inspection carried out and presented the diviner with this question:

> If Esarhaddon, the king of Assyria, gives the princess in marriage to him, will Bartatua the king of Iškuza speak true and honourable words of peace to Esarhaddon the king of Assyria in sincerity? Will he adhere to the treaty ...?[11]

A manual for judging a person's inner qualities links their outward appearance (physiognomy) to their behaviour. Predictions were given based on these observations. Now and again something is said about personality. This manual was probably mainly used to see whether someone could be taken into service. The chapter about women is called 'If a woman has a big head', which is the first sentence of that section. It could help to form a judgement about whether or not to marry a girl without taking risks. Some of the formulas that occur, such as

9 VAS 24 116:45 f. with W. R. Mayer, Or. NS 56 (1987) 247.
10 G. Pettinato, *Die Öhlwahrsagung bei den Babyloniern* II (1966) 62, 68:14.
11 I. Starr, *Queries to the Sungod* (1990) 25 no. 20:4–9, with p. LXII.

'the house (of her husband) that she enters' or 'she lives in', reflect more on her 'family' than on herself, but a woman's physical appearance is often mentioned.[12]

> If the veins on her hands lie across, then she will make the house that she enters poor.
> If her hands, both right and left, are 'open', then she will walk around radiant. She will make the house where she lives happy.[13]

The predictions in this manual are mostly unfavourable. Now and then the bridegroom is mentioned.

> She will ruin whoever marries her.

More favourable was

> Her husband will have approval, (there will be) pleasure.

Exceptionally we find

> If she is looking around constantly, then her husband will often sleep with a married woman.[14]

It was important to know if she was going to produce children, and if she did, what would be their future. This depended on how her breasts and navel looked, but other features also played their part.[15]

> If a woman's hands are narrow, then she is moody.
> If they are tall, then she will be rich, she is a lucky one.
> If they are short, then she will be poor.
> If her hands are holding her belly, then she will not have an easy childbirth.
> If the elbows of a woman are hairy, then she will be annoying.
> If her fingers are short, then the house she enters will become poor.
> If her toes are short, then she will be successful and happy.
> If her fingers are very large, then whatever she takes in hand will not succeed.
> If they are small, then whatever she takes on will succeed.

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12 For the two formulas, see B. Böck, *Die babylonisch-assyrische Morphoskopie* (2000) 58 f.; the end of this chapter (with note 249).

13 Böck, 159:134, 115.

14 Böck, 167:231.

15 Böck, 157:101–104 (hands), 98 (elbows); 159:121 f. (fingers and toes), 129–133 (fingers and fingertips); 167:233 (long toes); 163:184–186 (lower belly). For the breasts see 161:156–172; the navel: 163:188–196; for the complete text see TUAT NF 4 (2008) 41–47; see further Chapter 22.

> If they are very fat, then she is a witch.
> If they are thin, then she is bad-tempered.
> If the fingertips of a woman are very fat, then she is a witch.
> If the toes of a woman are long, then she will 'build' the house; she will grow old, she is a lucky one.
> If a woman has white hair on her lower belly, then contentment.
> If she has red hair, then she will become a widow.
> If she has black hair, then her descendants will be unlucky.

The man's appearance gave rise to another set of portents. If a man has a lot of hair on the right of his forehead, 'a woman will be given to a man'. But if it is on the left, a man will be given to a woman. If he has much hair on both left and right sides, 'they will both love each other and grow old: contentment'. If he has a lot of hair everywhere equally distributed, 'they will not love each other'.[16]

An Assyrian manual gives examples of the questions that can be asked of the gods about future family life. It begins with the question of whether the wedding gift (*šūbultu*) from the man would be welcome, and goes on to ask if only girls would be born, which would make him angry. We know that there was another section, which is now lost, about a second wife. Finally there were questions about childbirth and a pregnant wife who became ill.[17] Manuals about favourable and unfavourable days are called hemerologies. In these we find that days 5 and 6 of the second month (Ayyaru) were favourable. It was good to get married on day 5 or day 6: 'Let him get a wife; he will grow old'; but extra benefit would come for day 6: 'he will feel comfortable'.[18] An excerpt from one handbook was found in a family archive, so members of that household must have consulted it. From actual marriage contracts and related texts we see that they deliberately choose a 'good' day. The contracts are never dated on unfavourable days.[19]

Despite these precautions marriage remained an adventure. A Sumerian proverb says:

> He married for pleasure. When he thought it over he divorced (SP 2.124).

One wisdom text is a long dialogue weighing up the pros and cons of all kinds of decisions a man must take. That is why it is called 'The Dialogue of Pessimism'.

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16 Böck, *Morphoskopie* (2000) 84 ii 118–121; for more cases see CRRAI 47/II (2002) 306.

17 W. G. Lambert, *Babylonian oracle queries* (2007) 88–91 no. 12. The first question was also discussed by S. Greengus in: T. Abusch, *Riches hidden in secret places. Ancient Near Eastern studies in memory of Thorkild Jacobsen* (2002) 133 f.

18 S. Lieberman in *Studies W. L. Moran* (1990) 324 f.

19 C. Waerzeggers in *Festschrift Karel van Lerberghe* (2012) 658.

A slave advises his master, who wants to 'love a woman', to go ahead for good will come of it.

> 'Yes, love, my lord! Yes, love! The man who loves a woman will forget trouble and affliction.'

But when his master hesitates to follow his advice the slave instantly changes tune, sounding like a thoroughgoing misogynist

> 'No, slave, I will not love a woman',
> 'Do not love, my lord! Do not love! A woman is a pitfall, a pitfall, a hole, a ditch. A woman is a sharp dagger that cuts a man's throat.'[20]

Pieces of folk wisdom with warnings against womankind are found in Sumerian proverbs. One which is much quoted says:

> Marry a wife according to your choice (SP 19, C 4).

To this can be added,

> Have children to your heart's content (SP 1.146),
> Do not marry a wife who has come from a feast (SP 11.150).

An older version makes it clear that everything that this woman is wearing belongs to someone else; she is dressed in borrowed plumes.[21] Some are like riddles, very difficult to understand.

> In what way are the early shepherd, the early farmer, the man who in his youthful years married a wife like each other? (SP 19, G 7).

But others are absolutely explicit,

> (As for) the daughter of a poor man, nobody values her vulva.[22]

20 W. G. Lambert, BWL (1960) 146:47–52; B. R. Foster, *Before the Muses* II (1993) 816, VI.
21 W. Sallaberger, *Studies Jeremy Black* (2010) 311 f.
22 OECT I plate 13 i 8, B. Alster, ZA 82 (1992) 200, on 10.

2.2 Age for marrying

Martha Roth has demonstrated that a girl married between the ages of 14 and 20 and a man between 26 and 32.[23] Ancient Greek and Roman sources show this was also the situation further west around the Mediterranean Sea.[24] This has consequences for our view of family life. Because the men were older and died earlier than their wives, there must have been many widows. In Greece a man was thought to be old in his sixtieth year. If his son married when he was thirty, he would in a sense replace his father.[25] The relatively old Greek laws from the city of Gortyna on Crete (ca. 450 BC) in their last stipulation indicate that a girl could be married off when she was 12 or older. The Jewish Mishnah, from the beginning of our era, states that a boy of 18 is suitable for marriage (*ḥuppā*) (Aboth V 25).[26] The early Greek poet Hesiod makes the following comment in his 'Works and Days' (695–701):

> Take your wife into the house when you are the right age, neither very much short of thirty years nor much beyond that: that is marrying time. Let a bride be four years past puberty; let her marry in the fifth. Marry a virgin in order that you may teach her devoted ways, and marry especially one who resides near you, after looking carefully at all things around you, lest you marry a source of laughter for the neighbours.[27]

A Middle Babylonian text tells how a merchant 'took' a girl who was a half-el tall from her parents with the intention of giving her as a bride (*ana kallūti*) for his youngest son.[28] As her bride-price ('her silver') two beautiful garments worth two shekels of gold were given to each of her parents. Really the girl was worth more, but instead of the 'rest of her silver' the buyer promised to take care (*zanānu*) of her. She was therefore still a child that had to be supported for some time. An Assyrian text speaks of a girl who was 'two half-els' tall and who was likewise given as a bride. Another bride was 'four half-els' tall.[29] For a boy the minimum

23 M. T. Roth, 'Age at marriage and the household: a study of Neo-Babylonian and Neo-Assyrian forms', Comparative Studies in Society and History (= CSSH) 29 (1987) 715–747, esp. 737.
24 W. K. Lacey, *Die Familie im Antiken Griechenland* (1983) 109 f.; F. Kirbihler in: F. Briquel-Chatonnet, *Femmes* (2009) 54 n. 4. Roth, 721, 737 is still relevant.
25 Lacey, 109.
26 For more see J. Fleishman, 'The age of legal maturity in Biblical law', JANES 21 (1992) 35–48.
27 As translated by D. W. Tandy, W. C. Neale (1996).
28 J. A. Brinkman, MSKH I (1976) 383 no. 9; with C. Wilcke, 'Familiengründung', 244, and H. Petschow, Or. NS 52 (1983) 145 n. 8.
29 CTN II 219 with J. N. Postgate, Iraq 41 (1979) 96; CTN III 47 = TUAT NF 1 (2004) 75.

age of 10 years old applied in cases of necessity, the *legitima aestas*.[30] It is difficult to imagine such tiny children getting married, so these situations may have essentially been betrothals. A letter says that a girl had already been formally promised to the 'son of a citizen' 'since she was small'.[31] In a myth we find the unburdening of the heart of a tender young goddess in the words,

> My vessel is too small, I do not know how to ... My lips are small, I do not know how to kiss ('Enlil and Ninlil', 30 f.).[32]

A Sumerian proverb says that a wife should not be very young:

> Unlike a donkey, one does not marry a three-year-old wife (SP 2.81).

2.3 Regulations

As one would naturally expect, we find details about making arrangements for a nuptial contract, but we must make an important proviso. At first sight our sources appear to be trustworthy, with objective facts about the normal state of affairs. However, that is not the case. S. Greengus has shown that the agreements made about a marriage must in general have been made orally, even though the law books speak of a 'contract'. So it must have been a matter of a binding oral arrangement.[33] But the written contracts are our only sources, and these were issued because of unusual circumstances which required a written record. Such circumstances pertained usually because of financial pressure, the position of the first wife, or the inheritance rights of certain children. Even if we read nothing apparently unusual in these contracts, there might have been a special reason for later defending someone's interests by means of a written statement. This may also hold true for the Ur III texts.[34] Independently of the work of Greengus, the observation has been made that something similar can be detected in the Aramaic marriage contracts from Elephantine. They were possibly drawn up on behalf of already existing children. For Old Assyrian and Egyptian written contracts special circumstances are suspected.[35]

30 Middle Assyrian Laws § 43, with Fleishman, JANES 21 (1992) 35–48.
31 AbB 12 63:6–8.
32 J. S. Cooper, CRRAI 47/I (2002) 97.
33 S. Greengus, JAOS 89 (1969) 505–532, specifically 514b.
34 Greengus, 512, 524.
35 C. Wilcke, ZA 66 (1976) 197 (note 3); B. Porten, *Archives from Elephantine* (1968) 208.

J. Paradise has read marriage acts from Nuzi from the same viewpoint. By assuming that the stated stipulations arose precisely because of exceptional circumstances, he was able to reconstruct what would have been the more usual course of events.[36] Then he could proceed to form a first impression of what would have been common law.

(1) Once the fathers of the bride and bridegroom had come to an agreement the couple would go to live with the family of the man.

(2) The man could take another wife if his present wife had no children.

(3) A man had the right to take a concubine.

(4) A man could downgrade his wife and raise the status of a concubine.

(5) A man could divorce his wife even if she had borne him children.

(6) The oldest son received a double inheritance.

This was the law that had to be observed in Nuzi, but they are rules which did not necessarily apply anywhere else.

Greengus later looked at ethnological literature, e.g. concerning marriage in China, and established that setting up a marriage required a number of consecutive phases.[37] For Mesopotamia he suggested the following phases.

(1) A preliminary search (deliberative stage), for which some examples will be given below.

(2) Actions taken to arrange the wedding (prenuptial stage), which could be called the betrothal.

(3) The wedding (the nuptial stage).

(4) The man and wife living together (the connubial stage).

(5) The birth of a child (the familial stage).

These various phases, including any expenditure for a marriage (to be discussed later), fit in with those listed by Paradise. Because Greengus and Paradise restrict themselves to the earlier periods, marriage contracts from Assyria and Babylon in the later first millennium BC and from the surrounding areas must also be examined.

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36 J. Paradise, JCS 39 (1987) 6. We refer to p. 6 (our 1), p. 11 (2), p. 12 (3), p. 13 en 15 (4, 5), p. 18 note 55 (6). See now N. Pfeiffer, SCCNH 18 (2009) 373 f., particularly on the role of the person who takes the initiative to arrange a marriage.

37 S. Greengus, 'Redefining "inchoate marriage" in Old Babylonian contexts', in T. Abusch, *Studies Thorkild Jacobsen* (2002) 123–139 (see note 17). See his note 7 for the Akkadian terminology.

2.3.1 Marriage in Assyria[38]

Each one of the few contracts we have seems to fit one particular case. So the general opinion is that marriages were normally arranged orally. We can distinguish three groups of written contracts: between members of the elite; marriages with temple slave-girls; and the marriage of poor girls treated as a sale. The girl received a gift from her father (*nundunû*), on her marriage or later, and this counted as her inheritance.[39] The objects given are enumerated precisely in a fixed order. For an Old Assyrian woman the toggle-pin was the sign of her married status, and it was snatched from her if she was renounced.[40]

In the earlier Middle Assyrian laws (ca. 1100 BC) almost sixty paragraphs are about women. They are recorded on Tablet A, which deals entirely with women. Existing traditions about women and the law are here deliberately assembled together. Broadly speaking the following themes are treated: theft and healing (§ 1–6); beating and other violence (§ 7–11); sexual offences (§ 12–24); marriage law (§ 25–49); more criminal law (§ 50–59). The punishments in this law book are often severe. The 'eye for an eye, tooth for a tooth' principle was applied. In addition 'mirroring punishments' were envisaged, as when the hands of a thief would be chopped off. The married woman had to suffer under these laws as she was seen as the possession of her husband. The most infamous example will be dealt with in Chapter 11 dealing with rape (§ 55). This law-book can be seen as the fiercest of all those known in the Ancient Near East, even though we regularly find examples of the same judgements for women and the same treatment of them elsewhere. For example, the man is free to associate with unmarried women, but the woman is allowed no such freedom. The Assyrian law-giver aspired to equality in punishment as his ideal, and that was surely a noble intention.[41] In Chapter 31 a translation of this law-book will be given.

38 K. Radner, *Die neuassyrischen Privatrechtsurkunden* (1997) 157–171.

39 Radner, 163 f.

40 B. Kienast, AOF 35 (2008) 48, 51 (AKT 3 51:10 f.).

41 G. Cardascia, 'Les valeurs morales dans le droit assyrien', *Hommage à Guillaume Cardascia* (1995) (= Méditerranées no. 3) 161–170.

2.3.2 Marriage in later Babylonia

During this period contracts were often formulated in the form of a dialogue between two parties, where the lesser party made an offer and the superior party accepted it. A common request is,

> Give me your daughter, let her be my wife![42]

The contracts always raise the matter of a dowry which the wife would bring with her. Therefore the contract is usually called the 'tablet of the dowry' and rarely the 'tablet of being a wife'.[43] The dowry remained hers and was passed on down the female line. Protests could arise about the removal of a family possession and for this reason there is sometimes a note stating that an interested party was present. This is a well-known phrase in Neo-Babylonian documents and mostly it is a woman who 'was present'. Her silent approval was expressed in this way.[44] The dowry was recorded in the contract. It is possible that at this time the married woman wore a pendant (*zibu*) round her neck, perhaps one shaped like a shell to represent the womb.[45]

2.3.3 Marriages of Jews in Babylonia

The Jews that had been taken into exile in Babylonia were granted permission by Cyrus to return to Jerusalem in 539 BC. However, many remained behind and the Babylonian Talmud was produced by their descendants a thousand years later. In five marriage contracts Jews, recognisable by their names, who had remained in Babylon are mentioned. The agreements are drawn up in Akkadian and follow Babylonian formulations. But in one case an archaic format is used, which probably derives from Aramaic traditions. These include the ceremonial phrase for a divorce 'She is not (my) wife', the binding of the payment into the hem of the garment, and the Aramaic word *zindu*, 'provision'. The marriage was carried out in the fifth year of Cyrus in the 'Jewish city' (*āl Yaḫudu*), evidently a Jewish colony

42 Survey in M. T. Roth, *Babylonian marriage agreements 7th-3rd centuries B. C.* (1989). Marriage in the Greek (Seleucid) period: G. J. P. McEwan, 'Family law in Hellenistic Babylonia', in: M. J. Geller, H. Maehler, *Legal documents of the Hellenistic world* (1995) 20–36.

43 C. Wunsch, *Urkunden zum Ehe-, Vermögens- und Erbrecht aus verschiedenen neubabylonischen Archiven* (2003) 1 f.; Roth, 26 n. 83.

44 Roth, 21–23.

45 C. Waerzeggers, M. Jursa, ZABR 14 (2008) 12, 30.

in Babylon. The few witnesses had Jewish names.[46] The main characters may well have been Jews as well, but we notice that in Jewish contracts from a later generation people had already adopted Babylonian names, implying their adherence to local gods. Two contracts stipulate that anyone who broke the contract was threatened with punishments from the heathen gods. These were precisely the customs that Ezra and Nehemiah raged against. Later, in the Persian period and in the Greek period, literary texts would carry a superscription, such as 'May it be successful, by the god NN (and the god/goddess NN)'. In just ten contracts, four of which concern marriage, such a wish is expressed. This is reminiscent of the formula 'In the name of our Creator' on Palestinian-Jewish marriage contracts (*kᵉtubbāh*) from a thousand years later found in the old synagogue of Cairo.[47]

2.3.4 Marriage outside Mesopotamia

In the second millennium cuneiform script was used all over the Near East, and Akkadian was an international language until 1200 BC. So texts concerning marriage from outside Babylonia but written in Akkadian deserve attention. The language used can sometimes be understood only with difficulty, containing loanwords from the local languages. An example of this is the word for bride-price in Hurrian, *wadurrānni*, used instead of Akkadian *terḫatu* in Alalaḫ.[48] These marriage documents belonged to family archives, found in Nuzi, east of Assyria (near modern Kirkuk), and in Alalaḫ, and in Emar near Aleppo.[49] In these cities attention was also paid to the status of the persons involved. One was called a 'citizen of Ḫanigalbat', i.e. an inhabitant of the kingdom of Mitanni. A question arising in negotiating a marriage was whether the interested party was a citizen (a 'son' or 'daughter') of a particular city. We know of a marriage 'according to the daughters of Emar', and of someone treated 'as a daughter of Arrapḫa'.[50] A contract from

46 K. Abraham, 'West Semitic and Judean brides in cuneiform sources from the sixth century BCE', AfO 51 (2005–06) 198–219; TUAT NF 1 (2004) 90 f.

47 M. Roth, JSS 33 (1988) 1–9.

48 I. Márquez-Rowe, W. H. van Soldt, Aula Orientalis 16 (1998) 132 f.

49 C. Niedorf, *Die mittelbabylonischen Rechtsurkunden aus Alalaḫ (Schicht IV)* (2008) 158–174, 'Eheverträge', 265–299, the texts. For Emar see G. Beckman, 'Family values on the Middle Euphrates in the thirteenth century B. C.', in: M. W. Chavalas, *Emar* (1996) 57–79, esp. 68–71; J. J. Justel, 'Women and the family in the legal documents of Emar', Kaskal 11 (2014) 57–84. For Nuzi see N. Pfeiffer, 'Das Eherecht in Nuzi: Einflüsse aus altbabylonischer Zeit', SCCNH 18 (2009) 355–420.

50 A. Skaist, BiOr 56 (1999) 125 f., on Beckman, TVE no. 61. In general see C. Zaccagnini, 'Citizenship', in: R. Westbrook, *A history of Ancient Near Eastern law* I (2003) 578–580.

Alalaḫ demands that the status of a patrician (*mariyannu*) be guaranteed to the children.[51] Sometimes a marriage was arranged with a Hittite or a Babylonian.[52]

2.4 The betrothal

In discussing the first phase of marriage, which could be called 'the betrothal', it is best to begin with an apparently insignificant Old Babylonian text:[53]

> Adad-bani has weighed out to Lipit-Ištar and Itu-alimma, her mother — for the status of *kallatu* he chose (her) for marriage for Ubarum, his son — 5 shekels of silver as bride-price.

Witnesses are named at the end of the text. Although the formulation of the writer was clumsy, inserting what is logically the first clause of his narrative in the second position of his sentence, we see from this text that three factors coincide: the father choosing (*ḫiāru*) the bride; the status of the bride (*kallūtu*); the payment of the bride-price, or the first installment of it.

There it was the father who made the choice. Did young people growing up really have any chance to make their own choice, or was everything arranged by their parents? The texts about daily life show that the parents were the ones involved. Normally it would be the father who acted. But if he had died the mother or a brother would act, and that seems to happen surprisingly often. An inflammatory Sumerian proverb rejects a brother from having a role to play.

> Girl, do not let your brother choose for you! Whom do you choose?[54]

There was a problem at court in Babylon at the time of King Cyrus. A girl was given in marriage by her brother, but her father was not aware of this arrangement. This decision was reversed by the judges, who declared,

> If the girl is seen with the man she shall be branded as a slave.[55]

51 AT 91 with Niedorf, *Die mittelbabylonischen Rechtsurkunden aus Alalaḫ*, 158, 164, 265 ff. (33.1); TUAT NF 1 (2004) 135 f.; E. von Dassow, SCCNH 17 (2008) 277–280; J.-J. Justel, SEL 25 (2008) 43.
52 D. Arnaud, Semitica 46 (1996) 12 ME 155:11–13 (from Tell Mumbaqat = Ekalte).
53 YOS 12 457.
54 SP 1.148.
55 Cyrus 311, 312 with F. Joannès, *Rendre la justice en Mésopotamie* (2000) 206–208.

One document states that a girl who is seen with a man, or is taken away by him with threatening words, without her protesting or saying, 'Tell this to his father', will be branded as a slave. This sounds like an attempted elopement.[56]

In the songs about the romance between Inanna, the goddess of love, and the shepherd Dumuzi, a completely different atmosphere prevails. Th. Jacobsen, commenting on their courtship, says that 'they are lightweight stuff, popular ditties' of a genre that probably really existed.[57] These dialogues were playful and sometimes teasing. The woman frequently speaks of herself as 'we'.[58] They were republished by Y. Sefati, *Love Songs in Sumerian Literature* (1998). Because he mostly gives different titles from those of Jacobsen we shall give both, while following the interpretation of Jacobsen. In one of the songs Inanna tells her sister of the love awakened in her for Dumuzi ('The Sister's Message'; 'The Bed of Love'). However she avoids the bold advances of Dumuzi and tells him that he should address his proposal of marriage to her mother ('The Wiles of Women'; 'Love by the Light of the Moon'). It is interesting that in the myth of Enlil and Sud we see the same train of events. Enlil becomes overfamiliar with Sud, who directly turns her back on him. Then Enlil approaches her mother through a messenger.[59] The role of the mother of the bride is striking. The same myth later speaks separately about the sister of the bride. We hear nothing about fathers, which may have to do with the structure of this sort of story. In them the protagonists are the two lovers, the mother of the girl and the messenger of the young man.[60] Elsewhere in the Dumuzi songs we see that parents on both sides have made the arrangement. Those tell us that Inanna knows nothing about it. So she complains about Dumuzi, who is now so suddenly demanding, secure as he is in the knowledge of what has gone on. He answers that his father is now in a certain sense her father too, and in this way he goes down the whole list of other family members ('The New House'; 'The Lovers' Quarrel'). In another song Inanna's brother Utu tells her that linen sheets will be made and eventually the plot unravels. When asked

56 Cyrus 307 with F. Joannès, 'Amours contrariées', NABU 1994/72; Ktema 22 (1997) 125.

57 Th. Jacobsen, *The treasures of darkness* (1976) 27–32; *The harps that once* (1987) 1–23. Now supported by B. Alster, ASJ 14 (1992) 2 f. See also G. Leick, *Sex and eroticism* (1994) 66–79.

58 S. M. Paul, 'The "plural of ecstasy" in Mesopotamian and Biblical love poetry', *Studies J. C. Greenfield* (1995) 585–597. By this 'a woman gave ardent and passionate articulation to her highly charged sensuous state'.

59 M. Civil, JAOS 103 (1983) 43 ff.

60 Cf. H. L. J. Vanstiphout, 'Un *carré d'amour sumérien*, or ways to win a woman', in Durand, *La Femme* (1987) 163–178. He points out the problem (p. 171, 176) and writes about the resistance against the marriage by the 'female lineage', represented by the mother. Asking the mother is seen again in the Dumuzi texts; see also B. Alster, ASJ 14 (1992) 19:23.

who will be lying with her, Utu replies that it will be Amaušumgalanna, meaning Dumuzi. And then she replies gladly that this was 'the very man of my heart' ('Bridal Sheets'; 'The Bridal Sheets and the Chosen Bridegroom'). If one compares these songs with the legal texts and the few letters which we have several features stand out: the uninhibited individuality of the characters; the absence of fathers; no mention of the bride-price during the exchange of gifts; and the house of the girl as the only location for the action.[61] The comment has been made that the songs between Inanna and Dumuzi are the expression of the experience of women. They embody a 'tender, sensual sexuality'. From a later period only the titles of other love-songs are known, sometimes inspired by Ištar and Dumuzi/Tammuz.[62]

Are all these love songs purely literary? Probably not. One suspects that set phrases, such as 'I would like to join your family', said by the girl, and 'I would like to plough the field', gasped by the boy, have been taken from life.[63] These songs show that women had more say in the matter than we might think from other texts. The songs were finally given a place in the rituals of the Sacred Marriage. One is reminded of the playful dialogues in the Song of Solomon.[64]

We will now examine the legal texts which deal with betrothal. In the Sumerian period of Ur III the future bridegroom or his father made a short declaration under oath in these terms:

> By the king (I declare), 'Surely I have taken A, the daughter of B, as my wife'.

This has been described by German scholars as the *Eheabsprache*, the 'marriage agreement'.[65] As is already clear from the wording, the 'bespoke' girl is validated as the wife. Within the Old Babylonian legal context she was directly known as a 'wife' even when she was just betrothed. In English the term 'inchoate marriage' is used for a marriage which is just beginning (Latin *inchoare*). C. Wilcke suggests that this is a concept from Germanic law, *Ehe in der Schwebe*, 'marriage hanging in the balance'. P. Koschaker in 1917 still unashamedly used the typically European word *Verlobung*, 'betrothal', which has much to recommend it, if it is

61 M. M. Fritz, *Und weinten um Tammuz. Die Götter Dumuzi-Ama'ušumgal'anna und Damu* (2003) 308–314.

62 J. A. Black, 'Babylonian ballads: a new genre', JAOS 103 (1984) 25–34.

63 B. Alster, ASJ 14 (1992) 2 f., 43 f.; for 'ploughing the field' see note 5.

64 J. Klein, Y. Sefati, '"Secular" love songs in Mesopotamian literature', *Studies S. M. Paul* II (2008) 613–626.

65 Wilcke, 'Familiengründung', 245 f.

correctly defined and put into context, as he did.[66] In the Old Babylonian period it was the custom to seal the betrothal by drinking beer. This ceremony (*kirru*) usually marked the conclusion of other agreements, such as taking on a lease.[67] It could be called a reception, but was not compulsory.[68] There are indications that in the Ur III period beer was also drunk when the wedding gift was given.[69]

According to the laws of Ešnunna a girl could not become a man's wife without the permission of her father.

> If a man 'took' a man's daughter without having first asked her father and mother, and neither provided a reception (*kirru*) nor drew up any contractual agreement with her father and mother, even if she has already lived for a year in his house, she is not his wife (§ 27).

Greengus has shown that there need not be a written contract (*riksātu*, literally 'a binding'). Later he says specifically that the contractual agreement seeks to establish the new status of the future married couple.[70] We understand from this law that a marriage was only legal if it had been carried out according to the rules. This is clear from other law books also.[71] The Hittite laws differentiate a betrothal to a girl and binding her in marriage (§ 28–9). The former can refer to a child while the latter can involve the payment of a bride-price.[72]

A situation described in one text concerns a woman who has had intercourse with one particular man, as well as some others, without any marriage agreement. Her family declared this before the judge:

> We have never given our sister S. to a husband. She went out on the town and N. had sex with her, along with many others. He never made any contract concerning her, nor did he establish a ... for her, nor did we receive a bride-price for her.[73]

We see here that with no agreement made and no bride-price paid no marriage was formalised.

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66 P. Koschaker, *Rechtsvergleichende Studien zur Gesetzgebung Hammurapis Königs von Babylon* (1917) 130 ff., § 9. Later on he fully agreed with 'inchoate marriage'; ArOr 18/3 (1950) 226.

67 F. R. Kraus, JEOL 16 (1959–62) 24 f.

68 In T. Abusch, *Studies Th. Jacobsen* (2002) 130–132 (see note 17).

69 ASJ 4 (1982) 66 no. 9, kaš.dé.a nam.mí.ús.sá, with C. Wilcke, ZA 78 (1988) 13 n. 49.

70 *Studies Th. Jacobsen* (2002) 134–136.

71 J. Fleishman, *Studies J. Klein* (2005) 481–484. He discusses LU § 11 (written contract), LE §§ 27–8, CH § 128 (always *riksātu*).

72 TUAT I/1 ('Rechtsbücher') (1982) 102, with Balkan, 7 f.

73 K. R. Veenhof, *Festschrift C. Wilcke* (2003) 315 f., lines 28–34.

Having examined a few cases of betrothal it should be remembered that these were undoubtedly not normal situations, so we do not understand everything. An Old Assyrian text, which appears to be a betrothal contract, strangely involves two women who are making an agreement about their 'daughter'. Ewanika, the first woman, has an indigenous name, and the second woman, Adi-matum, has an Assyrian name. The father may have died and these women were his two widows.[74]

> Ibni-Sîn, son of Ennam-Assur, will wed the daughter of Ewanika and Adi-matum. If they give their daughter to another (?), E. and A. shall pay Ibni-Sîn two minas of silver. If Ibni-Sîn marries the daughter of a native person here (*nuā'u*) and does not marry their daughter, Ibni-Sîn shall pay to E. [and A. two minas] of silver. He (?) may give the girl (*ṣuḫartu*) to wherever he (?) wishes.

We also have an Old Babylonian betrothal contract.

> Concerning 'the marriage relation' (*emūtu*) contract that Ištar-lamassi and Sîn-abušu have agreed to (*annam apālu*), that the son of Nannatum should marry their daughter, in the presence of thirteen persons. They have drunk beer to the value of a third of a shekel of silver. They have used a litre of oil with which to anoint themselves.[75]

The drinking and anointing at the end of this text most probably refer to the *kirru*, 'reception'. It is striking that as legal signatories of the contract first the woman Ištar-lamassi is named, and only later is the man named. Afterwards the girl is specifically referred to as 'her' daughter. The woman Ištar-lamassi 'and her mother' and the man Sîn-abušu appear next to one another in the list of those present. Their own expenses would need to be taken into account, and this was not a list of witnesses. We read 'Ištar-lamassi and her mother', so women arranged this marriage. The man Sîn-abušu may have been a brother or an uncle.

2.4.1 Becoming related by marriage

In what we have called an Old Babylonian betrothal contract the term *emūtu*, 'marriage relation' was used. It is derived from the word *emu*, 'father-in-law' or sometimes 'son-in-law'.[76] In Sumerian the terminology for family relations is

74 V. Donbaz, *Keilschrifttexte aus den Antiken-Museen zu Stambul* II (1989) no. 55; cf. W. C. Gwaltney, JAOS 112 (1992) 336. For the last line read [*a-šar l*]*i-bi-šu i-d*[*a-an*].

75 E. C. Stone, *Nippur neighborhoods* (1987) Text 34, with D. Charpin, RA 84 (1990) 11 f.

76 F. R. Kraus, *Vom mesopotamischen Menschen der altbabylonischen Zeit und seiner Welt* (1973) 50; R. M. Whiting, AS 22 (1987) 55, on no. 12:29.

very complicated, so much so that an attempt was once made to cut the Gordian knot by suggesting that the words *urum* or *murum* could cover all the relatives of the man, and the word *ušbar* could cover all the relatives of the woman.[77] It seems that in Akkadian *emu* could also have such a general meaning, and it could indicate any family member by marriage. A text from Nippur speaks of 'the little *emu*', whenever the father of the bridegroom is meant, and so 'the great *emu*' may have been the father of the bride.[78] For *emu* we can loosely use the word 'brother-in-law', and so show that in Akkadian the abstract concept of *emūtu*, 'marriage relationship' implied 'a relationship by marriage with two families'.[79] An Akkadian letter from Tell Taanach in Palestine supports 'entering into marriage' as a similar expression to 'becoming related by marriage', lit. 'to make (a man) son-in-law' (*ḫatanūta epēšu*). These expressions are found also in an Assyrian letter from a merchant from Anatolia. The related Hebrew word *ḥatan* means 'son-in-law'.[80]

It seems appropriate now to mention that *aḫuzzatu* is yet a third word for marriage, derived from the word *aḫāzu*, 'to take'. It occurs chiefly in Middle Babylonian. The Middle Assyrian laws speak of it in a way that seems to indicate a marriage with a woman who is no longer a virgin, in particular a widow.[81] But it is unlikely that there was a separate word for this situation.

2.4.2 Betrothed princesses

The betrothal of a princess was a special occasion and naturally exceptional preparations were made. Letters and documents from Mari show us something about how two royal marriages were arranged. These were the marriages of Yasmaḫ-Addu to the daughter of the king of Qatna, far away in the west, and of Zimri-Lim to the daughter of the king of Yamḫad, the region around Aleppo. It is noticeable that in both cases at first the girl is not named, being referred to as 'the

77 P. Steinkeller, JCS 32 (1980) 24 note 6. In general see Å. W. Sjöberg, *Studies A. Falkenstein* (HSAO) (1967) 219–231, cf. M. Civil, JNES 31 (1972) 222b; Wilcke, WdO 4 (1968) 156; 'Familiengründung', 220 ff.

78 Wilcke, 'Familiengründung', 230–232.

79 Cf. also J. J. Finkelstein, RA 61 (1967) 131. The Tell Taanach text compared with EA 89:18 (*imūtu*) is the principal witness. Cf. also Kraus, *Vom altmesopotamischen Menschen*, 48, on *salūtu*, 'Verschwägerung'.

80 A derivation from this abstract word *emūtu* 'marriage' may be 'the bed of your [fem.] *ḫamūtu*' (perhaps an archaising form of *emūtu*); E. Porada and J. A. Brinkman, AfO 28 (1981) 75 no. 32 (GIŠ. NÁ *ḫa-mu-ti-ki*).

81 K. Abraham in: R. Westbrook, *A history of Ancient Near Eastern law* I (2003) 536 (n. 69).

daughter of King NN'. Furthermore, the marriage was arranged by a high official from far away, by procuration. That is also how Abraham sent his servant to make arrangements for a bride for his son Isaac (Genesis 24). Sometimes it is difficult to distinguish which letters refer to which of the two marriages. From the dossier about the marriage of Zimri-Lim there is a passage which seems to indicate that gifts were distributed to the most important people, her father Yarim-Lim, her mother Gašera, and the bride herself, Šibtum. The high official wrote,

> After we had gone back, I made ready the sheep that had earlier been left for the sacrifice of the daughter, the rest of the sheep which remained in my possession.
> In addition: 1 gold arm ring, six shekels in weight; 1 *saqqu* garment; 1 best-quality *uṭuplu* garment; 5 second-rate *uṭuplu* garments; 21 normal second-rate garments; 100 ...-sheep, sheep with a fat tail, and birds; for Yarim-Lim.
> 1 finely made garment; 2 gold earrings weighing 2 shekels (each); 2 gold earrings weighing one shekel (each); and also 20 sheep; for Gašera.
> 1 garment from Marad; 4 gold earrings weighing two shekels each; for the daughter, Šibtum. This latter gift was enough, just like the previous one. The face of Yarim-Lim beamed. He said, 'Your previous present, what more can I do?'.[82]

More is known about the marriage of the daughter of the king of Qatna. She was called Bēltum, a word meaning literally 'mistress', which suggests that either she would become queen or that she already had the status of a spouse, to be addressed as 'My Lady'.[83] In Mari the word has both meanings. The king of Qatna described how the two families had grown closer through matrimony:

> My flesh and my loins (?) I have given into your lap. Furthermore, this house has changed into your house. Write to me about what desire you have and I shall give it to you.[84]

The father of the bridegroom, King Samsi-Addu of Assyria and Mari, wrote to his son about what it would cost.

> I take the girl, the daughter of Išḫi-Addu, for you. The house of Mari has a name and the house of Qatna has a name. To give too low a bride-price is scandalous. Five talents of silver as the bride-price will be given to Qatna.[85]

82 D. Charpin, 'The "matrimonial mission" to Aleppo', in: K. Radner, E. Robson, *The Oxford handbook of cuneiform culture* (2011) 257–260. The quote is AEM I/1 108 no. 11:15–36.
83 J.-M. Durand, MARI 4 (1985) 398–403; MARI 6 (1990) 276–295; J. M. Sasson, *Civilizations of the Ancient Near East* II (1995) 880.
84 MARI 6 (1989) 282 A. 3158:9–14.
85 ARM 1 77:8–13 with MARI 4 (1985) 403; LAPO 18 (2000) 169 f. no. 1005.

Administrative texts document the journey the bridegroom took to greet his bride, from place to place.[86] These indicate that on the sixth day of the ninth month olive oil was purchased for Queen Ama-duga 'when the bride from Qatna had been brought here'.[87] A cortège (*ḫudušu*) accompanied her.[88] Whenever she arrived at the palace, she had difficulty settling in. The girl had gone outside to dance and had become sick. Her unusual behaviour was blamed on the nurse she had brought with her.[89] More will be explained about these circumstances in Chapter 23.

A princess who was married off to a foreigner received the title of 'bride'. A vassal king wrote to Zimri-Lim of Mari,

> You have given the girl, the bride, to this house, and now I have set up your gods, and I have obtained a victory (?). So may you rejoice.[90]

The princess came with all her local gods. This was how Jezebel managed to bring her gods into the court of her husband, King Ahab (1 Kings 16:31–33). In an inscription on the seal of such a princess she is described as having three titles: the daughter of Sumu-El, king of Larsa; the bride (daughter-in-law) of a local king; and the wife of his son, the heir apparent.[91] From earlier times there are also examples of royal women described as 'the bride' of a king.[92] Sumerian administrative texts mention the 'bride' of the city governor or commandant.[93]

2.4.3 Anointing at the betrothal

The cuneiform texts also speak of anointing the woman, but do not make clear whether this was done at the betrothal or during the wedding ceremony. In any case it would have been different in different regions. Everything points to the fact that in the north and in the west the girl was anointed at her betrothal, but that this custom was not known in Babylon itself. Evidence for this comes from

86 MARI 6, 276; D. Charpin, Florilegium Marianum V (2003) 146 (year of Ikuppiya).
87 D. Charpin, MARI 3 (1984) 96 no. 90.
88 MARI 6, 283 A. 1224:7.
89 AEM 1/2 no. 298.
90 ARM 28 27: 6–11.
91 OECT 13 7, 12, with D. Charpin, NABU 2002/39; A. Goddeeris, ZA 97 (2007) 60 f.
92 Bara-irnunu, 'bride of Il, king of Umma', J. Cooper, SARI I (1986) 93 f.; Taram-Uram, 'bride of Ur-Nammu (king of Ur)', M. Civil, Or. NS 54 (1985) 41 vii 10.
93 W. W. Hallo, HUCA 29 (1958) 79; C. Wilcke, 'Familiengründung', 291 f., n. 115; P. Michalowski, 'The Bride of Simānum', JAOS 95 (1975) 716–719.

the so-called Amarna letters, where it appears that princesses in foreign parts could be anointed by a messenger from the bridegroom's family. Anointing from a distance gave the girl the status of someone who had now been betrothed.[94] The Hittites also observed this tradition. In a letter which Queen Puduḫepa received from Pharaoh Rameses II he writes about pouring out 'good oil' on the head.[95] In a letter from Ugarit we read that the ointment for a princess was kept in 'her horn' in the land Amurru.[96] Ointment being kept in a horn is attested elsewhere.[97]

Ointments are mentioned in particular in letters sent by the kings of the kingdoms of Mitanni and Babylonia to the Pharaoh.[98] After promising to give the Pharaoh a woman to marry, they ask him to send a messenger to 'pour oil on her head (*qaqqadu*)'. The following passage is very revealing:

> The very first time, I said to the messenger, 'Of course I will give her'. When your messenger came the second time, oil was poured on her head, and when I received her bride-price, I gave her.[99]

It is striking that the bride-price (*terḫatu*) was given here precisely on the occasion of the anointing. This appears to fit in with the passages from administrative texts from Ebla a thousand years earlier. The site of Ebla is located near Aleppo in modern Syria. In documents from there we read amongst reports of gifts of clothes a remark about 'pouring out oil on the head', in particular for women named in the text, and indeed 'on the day of the present (*nimusa*)'. This Sumerian word means a gift given on the occasion of a wedding. A particular 'day' is named after this and that must have been the day of celebration. This could have been either the day of the betrothal or the day of the wedding. A. Archi identifies *nimusa*, 'present' with the bride-price, the *terḫatu* of the Amarna letters, and concludes that it must have marked the betrothal. We have here a similar situation to the one in the letter cited above.[100] Another opinion is that it is the marriage that we are

94 W. L. Moran, *Les lettres d'El Amarna* (1987) 87 n. 7 (in EA 11, 29, 31).

95 KUB 3 63:15 with E. Edel, *Die ägyptisch-hethitische Korrespondenz aus Boghazköi* I (1994) 134 no. 51, with II 210; S. Lafont, Revue historique du droit français et étranger (RHD) 73 (1995) 486 (n. 46).

96 KTU 2.72:29–31; TUAT I/5 (1985) 505 f.; *Festschrift M. Dietrich* (2002) 554, but the situation for this action is not clear.

97 CAD Q 138b, *qarnu* 4. 'Horn as container, rhyton' is mainly Old Assyrian.

98 Pharaoh Amenophis III to a king of Arzawa; EA 31:14, with TUAT NF 3 (2006) 194 f.

99 EA 29:22 f. The other passages are EA 11:17 f. (Babylonia) and 31:11–14 (Arzawa); see P. Artzi in Durand, *La Femme* (1987) 26 sub 5. The first fundamental discussion was by B. Landsberger, *Symbolae M. David* II (1968) 79–81.

100 A. Archi, Studi Eblaiti II /2–3 (1980) 21; for an English translation see Biblical Archaeologist 44/3 (1981) 14; cf. S. Greengus, HUCA 61 (1990) 63 f.

concerned with here and that the Sumerian word means 'marriage'.[101] However, we have shown that the day of the betrothal may be just as applicable, and there is some indication that the veil was put on the girl at the same time.[102]

This information has all come from sources in the west. But to the north of Babylonia was Assyria, and § 42 of the Middle Assyrian laws reads,

> If a man pours oil on the head of a woman of the *a'īlu* class on the occasion of a holiday, or brings dishes on the occasion of a banquet, no restitution shall be made.

We hear nothing about the exchange of wedding gifts, but here we are confronted with two ceremonies which set the seal on the betrothal, the pouring of oil, and a meal. It is assumed that the crockery (*ḫuruppātu*) was comprised of pitchers with drink in them, comparable to the beer used in Old Babylonian times on the occasion of a *kirru*, 'reception'.[103] The next section of these laws mentions this as well and examines the problem of what to do if the betrothed man should later die (§ 43). Then the family would do their best to find another man in the family for the girl for as long as it took. It is said that the anointing also occurred in ancient Sumer and is mentioned in the texts concerning the 'reforms' of Urukagina.[104]

Much has been written about the meaning of the anointing ceremony. The best theory is that anointing symbolised a change of status. It was a purification rite done in preparation for the change.[105] The high priestess in Emar was anointed on her installation.[106] The anointing of kings in Israel is also attested as a practice. As a custom in the west it was also mentioned in a letter from Mari, where a prophet speaks in the name of the weather god Adad:

> I made you turn back to the th[rone of your father's house]. I gave you the weapons with which I have fought the Sea. I anointed you with the oil of my … so that no one shall stand against you.[107]

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101 G. Pettinato in: H. Waetzoldt, H. Hauptmann, *Wirtschaft und Gesellschaft von Ebla* (1988) 304–308; M. G. Biga in: Durand, *La Femme* (1987) 45 with n. 18, 21. Archi, Eblaitica I (1987) 121, also translates the word as 'wedding'.

102 M. V. Tonietti, *Memoriae Igor M. Diakonoff* (2005) 250 f. note 33: for the veil together with anointing the head see TM.75.G.1326; also J. Pasquali, *ibidem*, 175; NABU 2009/11 [3].

103 B. Groneberg in: Th. Späth, B. Wagner-Hasel, *Frauenwelten in der Antike* (2000) 6 n. 19.

104 C. Wilcke, *Early Ancient Near Eastern law* (2003) 62 f.; Urukagina inscr. 6 ii 15–31, where the 'wedding' is indicated by pouring out an aromatic product on the head (22).

105 D. Pardee, BiOr 34 (1977) 17b, with a full discussion of all passages.

106 D. E. Fleming, *The installation of Baal's high priestess at Emar* (1992) 177–179. On p. 10:2 and p. 49 the central word (*pūru*) was misunderstood as 'the lots(?)' but it should have been 'the bowl (with salve)'. See W. Sallaberger, ZA 86 (1996) 144 f.

107 J.-M. Durand, MARI 7 (1993) 45 rev. 1–6, with p. 53. The Sea (*têmtum*, Hebrew *tehôm*) is the sea-monster, named in the Bible as Leviathan.

Some have linked anointing with communal eating and drinking, creating a new bond together. It was seen as a token of hospitality when you were being received by another family.[108] However, this would not apply to the anointing of kings or priests, nor to the freeing of a slave attested in Ugarit. During a wedding ceremony the guests anointed themselves,[109] or a woman would anoint the bride to cleanse her face, both actions of practical significance.[110]

2.4.4 The bride

On several occasions already we have encountered the concept of the bride. She appears in the Sumerian survey of family members in ages from young to old: a little child, a marriageable girl (*ki.sikil*), a marriageable boy (*guruš*), a bride (*é.gi$_4$.a*), a small boy (*tur bàn.da*, probably a betrothed man), an old man (*abba*), an old woman (*umma*).[111] The usual Sumerian word for bride is *é.gi$_4$.a*, which means literally 'she who has changed house'.[112] In Akkadian the bride is called *kallatu*. This title was mostly used when she was getting married and during the first period after her marriage. It can be used proleptically, before the wedding in anticipation of the event.[113] Probably she was considered to be a *kallatu* until her first child was born.[114] § 18 of the Laws of Ešnunna, as will be shown later, and § 46 of the Middle Assyrian law-book, indicate this. In Old Babylonian texts the word is also a sort of title. F. R. Kraus saw her not as the bride of her husband but of his family. It is striking that always there was only one person addressed as bride.[115] According to another theory this word for bride was reserved for the wife

108 M. Malul, *Studies in Mesopotamian legal symbolism* (1988) 175 f.
109 UET 5 636:9–11 with Malul, 166 f.; E. C. Stone, *Nippur neighborhoods* no. 34 rev. 9; 1 litre of (sesame) oil each time.
110 'Enlil en Sud' 147 with C. Wilcke in: Durand, *La Femme* (1987) 184.
111 In the Sumerian debate 'The Heron and the Turtle' (12–18); G. Gragg, AfO 24 (1973) 60; W. W. Hallo, *The Context of Scripture* I (1997) 571.
112 Cf. igi.gi$_4$, 'to change the appearance', M. Civil, AfO 25 (19) 70a. B. Landsberger, *Symbolae M. David* II (1968) 49 ff., and J. J. Finkelstein, JAOS 86 (1966) 355–362, surmised that the expression was to be taken literally to mean 'the deflowered one'.
113 F. R. Kraus, *Vom mesopotamischen Menschen der altbabylonischen Zeit und seiner Welt* (1973) 53, in his observations on the 'Schwiegertochter' (p. 50–55).
114 J. Bottéro in: P. Grimal, *Histoire mondiale de la femme* I (1965) 187 (top). M. Stol has supplied the proof in *Studies A. Skaist* (2012) 133 f.
115 C. Wilcke in Ziegler, *Le Harem* (1999) 45 n. 268.

of the oldest son.[116] One can also imagine that there would only be one married couple who could stay on in their parents' house until the first child was born.

The harem at Mari had eleven 'daughters of the king', seven 'brides' (*kallatu*), fifteen 'slave-girls of the king' (probably concubines).[117] An important sheikh complaining about the nomads said,

> 'They have removed as booty sons and daughters, my 'brides' (*kallatu*) and my servants'.[118]

By this he meant his family and their staff. Elsewhere the elders of the city of Urkiš tried to redeem a 'bride' taken hostage with the silver which her husband had brought along.[119] A man from Emar sold his 'bride' as a slave. This may possibly mean that it was a newly married woman without children.[120] The 'bride of the house' often received letters full of information about household provisions.[121] She was the recently married wife who managed the home.

A Sumerian proverb states that a bride who had come recently into the family could be a nuisance,

> The pleasure of a daughter-in-law is anger (SP 3.44).

Another Sumerian describes a father travelling through the desert,

> The waterskin is a man's life. The sandals are a man's eye. A spouse is a man's supervisor. A son is a man's shade. A daughter is man's head-covering (?). A daughter-in-law is a man's devil.[122]

Devils were known to wander around in the desert. A troublesome daughter-in-law figures in a letter:

> When you had left, there was no talk of her ... and insults (?). But now, for eight months she has been refusing to live (here). She quarrels and regularly goes back at night to her father's house, and I keep hearing bad things, and she will not listen to me.[123]

116 Thus F. R. Kraus, 53 f.
117 Ziegler, 45, with an extensive footnote.
118 J.-M. Durand, Amurru 3 (2004) 120 A. 2730: 43–45.
119 M. Guichard, Florilegium Marianum II (1994) 254 f. no. 125.
120 D. Arnaud, Aula Orientalis 5 (1987) 231 no. 12 ME 117.
121 S. Greengus, OBTI nos. 5–7. This title again in VAS 7 185 ii 5, etc.
122 B. Alster, *Proverbs of Ancient Sumer* (1997) 245, Collection 19 Section C 7.
123 C. Michel in CRRAI 40 (1996) 287 n. 3, with K. R. Veenhof, Archivum Anatolicum 3 (1997) 365 f.

We have already seen that there were surprisingly young brides. Little girls could be bought for money with the intention of giving them over later to a husband. In this event the girl was also called a bride. Assyrian texts use this idiom also.[124] In Emar and Nuzi a marriage broker would buy these tender brides and the future husband would later pay the bride-price of forty shekels of silver, the normal price. The broker would keep most of this, about thirty shekels, and the rest would go to the poor family of the girl.[125]

In other Semitic languages words cognate with Akkadian *kallatu* also mean bride. It is preserved even in Yiddish *kalle*.[126] The etymology of the word presents a problem. It cannot be linked to a verb, but it can be associated with nouns which mean 'garland', such as Akkadian *kulūlu* and *kilīlu*,[127] Syriac *kᵉlīlā*, and Arabic *iklīl*.[128] It is possible that the word for bride was a primitive noun, and because of her garlanding the word for the special garland was derived from it.[129] Perhaps the root of the verb *kll* indicates something round[130] and the married woman may have worn a sort of band on her head. In Sumerian times a piece of cloth rolled round the head is mentioned (*túg.šu.gur.ra*).[131] Such a cloth fits in with two Old Babylonian passages, according to which the girl who is given in marriage is 'dressed' and 'receives a head-covering', using the verbs *labāšu* and *apāru*.[132] A Middle Assyrian contract mentions a newly wed woman as 'clothed and bound up'.[133] In

124 K. Radner, *Die neuassyrischen Privatrechtsurkunden* (1997) 142–144. In CTN II 219 we have a 'bride' who is 4 half-els tall.

125 B. Lion, 'Filles à marier à Emar et à Nuzi', NABU 2001/74. For more about such practices see Chapter 17.

126 Hebrew *kallā(h)*.

127 H. Waetzoldt, 'Ring, Reif', in art. 'Kopfbedeckung', § 6.a, RlA VI/3–4 (1981) 199.

128 Another obscure word, read as *kalāla* in the Qur'an, seems to have this meaning (Surah 4:12 and 176); see David S. Powers, *Studies in Qur'an and Hadīth: the formation of the Islamic law of inheritance* (1986) 21–49. He translates 4:12b as 'If a man designates a daughter-in-law or wife as heir, and he has a brother or sister, each one of them is entitled to one-sixth (...)'. This verse implies that there were no parents or children to inherit.

129 Cf. the derived verb *kullulu* in R. Borger, BiOr 28 (1971) 19b, SAL.É.GI4.A (= *kallatu*) *uk-tal-*[*lal*] (p. 11 iii 17), 'Die Braut wird bekränzt (?) (p. 16a), ihren [Mann] wird sie verehren'; cf. Wilcke, 'Familiengründung', 282.

130 This may suit the verb *šuklulu* 'to complete, to perfect'.

131 A. Falkenstein, NSGU I (1956) 101 f.: a woman who does not wish to marry says to the rejected man, 'Unter Eid beim König sollst du zu mir nicht sprechen (und) meine Haube sollst du an dein Haupt nicht führen'; H. Waetzoldt, art. 'Kopfbedeckung', § 8.d, RlA VI/3–4 (1981) 201.

132 AbB 1 30:23 f. with B. Landsberger, *Symbolae M. David* II (1968) 98 n. 1; PBS 8/2 252:1 f.; CT 48 51:8 (*ana labšūssa u aprūssa īḫussi*). Cf. CT 45 119:8 f. with C. Wilcke, ZA 74 (1984) 176.

133 VAS 19 37:10 f. with J. N. Postgate, Iraq 41 (1979) 93 (*labulta u rakilta*).

illustrations we often see women with a band around their heads.[134] One cannot rule out the possibility that every woman, whether married or not, had something on her head. All this concerns the 'bride' after her wedding. These head coverings are not to be confused with the veil.

2.4.5 Betrothal time

The length of time a betrothal lasted is not known. For young girls who were married off when they were still very small, it could last for quite a while. Texts from the middle of the second millennium BC suggest four months, or seven years, or even ten years.[135] A Neo-Babylonian marriage contract ended with the announcement that the girl would go to live with her father for another two years. It is a postscript written in the left-hand margin.[136] We know that a man lived for four months with his in-laws in another town, but that was probably shortly before the wedding.[137] Perhaps we assume that the betrothed each stayed on living in their homes, but that was not necessarily always the case. R. Westbrook sees a difference between the 'standard inchoate marriage' and the 'status of the bride' (*kallūtu*). In the latter case the girl went to live in the house of her father-in-law at the time of the betrothal. Westbrook assumes that they must have been very young.[138] The father-in-law now 'took' (*aḫāzu*, 'to take control of') the girl until the bridegroom 'took' ('married') her later. Regarding the couple being together, we have only a lyrical speech by Dumuzi to Inanna before their wedding:

> Tell your mother some tale! Let us be dallying in the moonlight! Let me spread for you the pure sweet couch.[139]

Much could happen in the betrothal period. A paragraph in the laws of Hammurabi discusses the possibility that the father of the bridegroom might rape the bride living in his house, before or after his son had 'known' her (§ 155–6). A myth shows that at this time female friends of the girl could discourage her from mar-

134 J. Börker-Klähn, art. 'Haartrachten', RlA IV-1 (1972) 1–12. cf. 4b, Abb. 8, 'Haar liegt unter einem Schleier mit angearbeitetem Stirnband'.
135 C. Wilcke, 'Familiengründung', 250, note, and 251, bottom (MB); 274 f. (OB).
136 C. Wunsch, *Urkunden* (2003) 14 no. 3.
137 UET 5 636:39.
138 Westbrook, *Old Babylonian marriage law* (= OBML) (1988) 34–36, 48.
139 C. Wilcke, WdO 4 (1968) 154 f., Th. Jacobsen, *The harps that once* (1987) 11 ('The Wiles of Women').

rying, and that people could go back on their decision to marry.[140] A bridegroom swears:

> I am your son-in-law. I shall not step inside the house of a stranger.[141]

That means that during his betrothal he will not go after other girls. An Old Assyrian text stipulates a time limit for a marriage to be completed.

> If he does not come within two months and shows no attention to his wife, she shall be given to another husband.[142]

2.4.6 Breaking the contract

At the time of the betrothal both parties were bound to the agreement. The payment of the bride-price implies a claim on the father of the bride.[143] Still there was the possibility of breaking the engagement. An Old Akkadian contract stipulates at the end of a lawsuit, under an oath on the king's life, that someone shall not 'come back' to the woman N., and before witnesses he declares,

> N. shall wed the husband of her heart. In that I shall not hinder her.[144]

According to one Sumerian text breaking a betrothal contract was punishable with a fine. A promise had been made before witnesses, and the judges decided that the father of the bridegroom should pay a mina of silver to the girl.[145] In a lawsuit a problem is examined where the woman is 'married' (betrothed), but the mother of her husband for three months 'had not let her come into the house'.

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140 J. Klein, *Studies R. Kutscher* (1993) 100 n. 12.

141 NRVN 5 with C. Wilcke, 'Familiengründung', 246.

142 M. Ichisar, RA 76 (1982) 171, TCL 4 67:13–18. Others state that she is married but not supported by the man; R. Rems, WZKM 86 (1996) 365 (n. 24); C. Michel, RIDA 84 (2006) 162. C. Michel also discusses AKT I 76, where a fine could be meant, one incurred for breaking up the betrothal for another woman.

143 Wilcke, 256: 'Aus der Zahlung der *terḫatum* resultiert kein Recht auf die Braut, sondern nur ein Anspruch gegen den Brautvater'.

144 BIN 8 164 with D. O. Edzard, *Sumerische Rechtsurkunden* (1968) no. 85; M. Yoshikawa, *Studies Å. W. Sjöberg* (1989) 589 (n. 6). C. Wilcke: the last words of the man's oath strongly point to the woman as the initiator of the divorce; in *Early Ancient Near Eastern law* (2003) 62, 66.

145 H. Neumann, TUAT NF 1 (2004) 2 f.

They subsequently separated. No punishment was reported. Possibly the mother was a widow who wanted to be supported by her son.[146] A young man was getting married and declared before the court that an earlier agreement between him and another father-in-law about marrying another girl had come about 'without the knowledge of his father and mother' and the engagement was therefore broken. We see here that the mother also had a voice in the matter.[147]

§ 29 of the laws of Lipit-Ištar reads as follows:

> If the young son-in-law enters the house of his father-in-law, having 'done' the bride-price, but having later been sent out, and his wife having been given to his friend, then the bride-price which he had brought shall be doubled, and his friend shall not marry that wife.

Two remarks arise from this law. On the one hand the family of the bride breaks off the engagement and pays double. That double is the normal sanction if one does not pay back a loan on time. Twice the purchase price serves as the penalty clause.[148] On the other hand the girl might not be married off to the 'friend' of the man. This friend was certainly a 'best man', so someone directly involved in the marriage. The law found that he might not profit from his position, thus adopting a moral viewpoint. The Laws of Hammurabi have similar requirements and add that the friend of the bridegroom spoke ill of him (§ 160–161).

But a woman could also terminate an agreement. In the record of a lawsuit the judges of a city to the east of the Tigris fined a woman ten shekels of silver, because she had evidently broken an agreement. The hem of her garment was cut off as a sign of separation. The man could not demand that she had 'the status of (his) wife', and the woman could not say to him 'You are my husband' (the wording is asymmetrically formulated). It is noteworthy that the father of the woman did not make an appearance. He may have died. The woman paid a third party, possibly the father of the rejected bridegroom.[149] If in the ten shekels of silver a fine was included, then that would indeed be the 'double'. Half of that, five shekels, fits in with my theory that the bride-price was paid in instalments, and in general this amounted to five shekels for the first instalment.

An Old Babylonian text from Larsa gives more interesting information.[150] In the family of the young woman Burtum there was a row and 'they had approached'

146 M. Sigrist, *Studies J. C. Greenfield* (1995) 614 f., Tablet 4; B. Lafont in: F. Joannès, *Rendre la justice en Mésopotamie* (2000) 44 no. 4.
147 NSGU II no. 15.
148 Wilcke, WdO 4 (1968) 159; cf. M. Stol, *Een Babyloniër maakt schulden* (1983) 5 with n. 17.
149 Greengus, OBTI 25, with Wilcke, 'Familiengründung', 287 f.
150 YOS 8 141 with Wilcke, 'Familiengründung', 288 f., n. 108.

a certain man called Talimum. Then Burtum rejected her family and 'went after Ṣilli-Aḫuya', a third party who married (*aḫāzu*) her. We learn further on in the text that the family had said to Ṣilli-Aḫuya that he could not marry her. Evidently the betrothal was broken off in this way and they tried to give the girl to Talimum. But in this situation she had possibly obtained the right to a marriage with Ṣilli-Aḫuya, and she was free to follow this first choice. The lawsuit is primarily concerned with the gift which Ṣilli-Aḫuya gave to his wife. The gift was a large one and was composed like a dowry (*nudunnû*). As such it really contained what a father ought to give to his daughter. Her angry father had of course not done it and now she was getting it from her husband. An interesting point is that the man added household goods from his family possessions and his brothers were unable to object to this, on the grounds of a decree of the king. Our text sets out to record the gift properly in writing, before witnesses, including two 'wives', who may possibly have been the wives of the brothers.

The letters of Assyrian merchants in Asia Minor show that there was a certain freedom to withdraw from a marriage promise. We hear of an adult man who ended his arrangement. In a lawsuit he was addressed by her family:

> You made a promise to our father. Come here and marry your wife.

His answer was:

> Certainly I made a promise to your father but you did not give me a belt for my loins, as befits brothers-in-law. Moreover you did not invite my brothers. Time was going on (lit. 'the days were growing less') and I have grown old and I have married another citizen, a lady from Assur. I cannot marry your sister.

A later letter between the brothers begins, 'Our sister has become large', and goes on to discuss the problem of how they can collect money to 'give her to a husband'. Possibly the first marriage had already been arranged when she still was a child. Their parents appear no longer to be alive.[151] With regard to another 'girl (*suḫārtu*) who had become large', her brother says to another fellow,

> Come here and marry (*aḫuz*) my sister in Kaniš.

151 S. Çeçen, Archivum Anatolicum 1 (1995) 58–61 no. 6, with 56 f. no. 4; see now TUAT NF 1 (2004) 55 f., 56. Cf. K. R. Veenhof in: L. Marti, *La famille dans le Proche-Orient ancien* (2014) 357 (n. 74).

But the man he addresses, in fact the betrothed, says,

> Let her (just) stay there (...). Go and give your sister to a husband wherever you like.

Then a statement from the court is demanded. Before witnesses it is stated that the man is renouncing his right to the girl. We do not know the consequences of these testimonies. It is conceivable that the engagement was terminated and the price paid was never refunded, but this price is not explicitly mentioned.[152] We can conclude that the girl had been married off at a very young age. Another letter shows that a girl was also given the freedom to say 'no'. The author of the letter puts it to his betrothed in Assur that he could certainly marry a wife from his city in Anatolia. But the girl should consult her father.[153] And rightly so, for, who knows, presents might already have been given.

Because the betrothed woman was called a 'wife' it can be difficult to distinguish a text concerned with breaking an engagement from one about the divorce of a couple who had been definitely married. When scholars thought a divorce had occurred, they translated the expression *ul aḫḫaz*, which means literally 'I shall not take', not as 'I shall not marry you' but as 'I shall no longer be married to you'.[154] One text records the interrogation of a man who wanted to be free of the woman to whom he had been committed but she wanted to stay. It begins with a list of eight personal names who did the questioning.

> In the presence of these witnesses they questioned A. 'Is this woman your wife?' He declared, 'Hang me on a peg. Yes, dismember me. I will not marry her' (or: 'stay married to her'). Thus he said. They questioned his wife and she answered, 'I love my husband'. Thus she answered. He, however, refused. He knotted up her hem and cut it off. They questioned him. 'Should a woman, who has come to live in the house of your father and whom your ward knows as your wife, simply go away just like that? Make her situation the same as when she moved in with you'.[155]

It seems that here the statements have been recorded with the emotion of the occasion. The man gets his way. He knots the hem of the woman's clothing and cuts it off as a symbolic act of separation. The men presiding give their verdict,

152 K. Balkan, 'Betrothal of girls during childhood in Ancient Assyria and Anatolia', in *Kaniššuwar. A tribute to Hans G. Güterbock* (1986) 1–8; esp. 4 f. For minor corrections see Belleten 200 (1987) 427.

153 BIN 6 104 with Balkan, 7, and K. R. Veenhof, *Schrijvend Verleden* (1983) 92 f.

154 C. Locher, *Die Ehre einer Frau* (1986) 244 f.

155 CT 45 86 with K. R. Veenhof, 'The dissolution of an Old Babylonian marriage according to CT 45, 86', RA 70 (1976) 153–164, and C. Wilcke, 'Familiengründung', 286 f.

to restore her to the situation she was in before the unhappy cohabitation, which must have meant he suffered financial loss. It seems he had already paid the bride-price when the girl came to live with his family. This decision fits in with § 159 in the laws of Hammurabi:

> If a man who has the gift (*biblu*) brought to the house of his father-in-law, and who gives the bride-price, should have his attention diverted to another woman and declare to his father-in-law, 'I will not marry your daughter', the father of the daughter shall take full legal possession of whatever had been brought to him.

In an Old Babylonian deposition before witnesses the one party states,

> You have not given me (the house) as the bride-price.

Then the other retorts,

> I shall not marry your daughter. Tie her up and throw her in the river.

To treat a woman like this is the punishment for adultery. Were the negotiations about a coming marriage broken off because adultery was suspected?[156]

Finally, a betrothal could be ended by what R. Westbrook calls 'frustration', circumstances beyond one's control.[157] In § 17 of the Laws of Ešnunna, according to the standard translation by M. Roth, the possibility of the prospective wife or the prospective husband dying before preparations for the marriage were completed is envisaged, and in such circumstances any silver received would revert to the surviving widow or widower:

> Should a member of the *awīlu*-class bring the bride-price to the house of his father-in-law, and if either should go to his or her fate, the silver shall revert to the original owner.

Roth translates the following clause (§ 18) as being concerned with the death of one partner of a couple who are already married:

> If he marries her and she enters his house and then either the groom or the bride goes to his or her fate, he shall not take out all that he had brought (*wabālu*), but only its excess shall he take.

156 D. I. Owen, R. Westbrook, ZA 82 (1992) 202–207, with D. Charpin in: F. Joannès, *Rendre la justice en Mésopotamie* (2000) 92 f. no. 48.
157 OBML, 47.

Westbrook delved deeper into these laws, and in a subsequent article developed an alternative view.[158] He thinks that the two people referred to in § 17 are the bridegroom and the father of the bride, and it is one of them who had died. They are after all the only ones named. Common law determined that it was possible for the girl to marry the brother of the dead man, by levirate marriage. Westbrook establishes that these two provisions belong to the context of commercial laws and that they are based on financial concerns. The laws preceding § 17 stipulate that the agreements are null and void and that must mean here that the conveyance of money or goods has become invalid. But § 18 remains difficult. I suspect that the unexpected word 'bride' means there that the woman who married young as yet had no children. Only if she had a child would everything be paid and the marriage would be permanent. The apodosis 'he shall not take out …' can mean two different things. (1.) If 'he' refers to the father of the bride, he will not get back the dowry (supposedly *biblu*, 'bridal gift', a noun related to the verb *wabālu*). If this had only been partly paid he could keep the remainder. (2.) If 'he' refers to the father of the bridegroom, only a part of the bride-price could have been paid and in that case he could keep the remainder.[159]

A few contracts speak about a situation where circumstances are beyond the control of either party. One text concerns the relatively simple case when the betrothed man dies. It begins by listing the quantity of household goods (*numātu*) belonging to Belessunu that her father Ibni-Amurrum had 'brought inside the house of Ili-usati, the beer-brewer for Ibni-Adad, his son, and given to her'. This was the dowry. But after Ibni-Adad died the goods were returned:

> He sent his clay tablet to Ili-usati concerning the transporting of the household goods and in agreement with his clay tablet he gave (the household goods) into the keeping of S., the son of Ibni-Amurrum.

The father of the bride probably acted in a businesslike way to try to retain the dowry safely. He gave it to his son, a brother of the bride. Perhaps the girl was young and her brother was charged with looking after it.[160] Problems of adultery and rape during the period of betrothal will be covered in chapters 10 and 11.

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158 'A death in the family: Codex Eshnunna 17–18', Israel Law Review 29 (1995) 32–42. Reprinted in R. Westbrook, *Writings* II (2009) 127–137.

159 Full discussion by M. Stol in *Studies A. Skaist* (2012) 134.

160 S. Dalley, Edinburgh no. 15; cf. HG 6 1736 and Dalley, Iraq 42 (1980) 67 f.; Westbrook, OBML, 47b, 92a. A second text is not clear, see Riftin 48, with Westbrook, OBML, 42, 47b; see now Westbrook, Israel Law Review 29 (1995) 34 f.

2.4.7 Cohabitation

In the Laws of Ešnunna we find

> If a man marries the daughter of another man without the consent of her father and mother, and moreover does not conclude the nuptial feast (*kirru*) and the contract for(?) her father and mother, should she reside in his house for even one full year, she is not a wife' (§ 27, after M. Roth).

Referring to this outcome, even after a year of living together, H. Petschow established that a marriage without the permission of the parents (let us assume the couple were consumed with love) was certainly possible, even if the woman did not have the legal status of 'wife'. He is surprised that we hear nothing about any parental power over the girl.[161] Her age or social status could play a role (possibly she was immoral), but the laws are silent on this. Marrying 'without asking father and mother' was not usual, though widows and divorced women were independent (*sui iuris*) and as such would not have to rely on parental consent. The Assyrian laws state that living with a widow for two years grants her the status of full wife:

> If a man has married (*aḫāzu*) a widow, without any contract having been drawn up with regard to her, she lives in his house for two years, then she is a wife (*aššatu*); she may no longer go away (*aṣû*) (§ 34).

An Old Babylonian legal textbook draws an almost idyllic picture of a family, where the wife, a 'holy woman' (a sort of prostitute), is taken in from the street by a divorced man 'out of love'.[162]

From the Neo-Babylonian period we know of six wedding ceremonies attended by children who already belonged to the couple. One states that

> The seven-year-old daughter of (the woman) R. who has not yet had (a contract) sealed concerning her, [whom she] bore to Š., is the daughter of Š.[163]

In another case three children were listed as being already born and then the bridegroom accepted his paternity.[164]

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161 H. P. H. Petschow, 'Außereheliche Lebensgemeinschaften?', NABU 1990/118.

162 MSL 1 (1937) 99–101, Ai VII iii 7–21. Cf. Landsberger, *Symbolae M. David* II (1968) 87; Wilcke, 'Familiengründung', 244.

163 Roth, *Marriage agreements*, 17 f.; quote from no. 30.

164 Roth, 117 no. 38.

2.5 The wedding

Often wedding customs, even in different cultures, have remarkably similar features. In 1944 a comparative study was set up to investigate the folklore surrounding the wedding in the Mediterranean region. The Aryan author was inclined to trace back customs from the Near East to ancient Greece.[165] The material he assembled in that study contained usages we know or suspect to have been observed also by the Babylonians. One such, the bathing of the bride, appears to be widely known.[166] Another intriguing feature is the 'crown', which was set on the bride's head by the Greeks, and which was used later in the Syrian church (*kᵉlīlā*) at betrothals, and much later on by Muslims also.[167] With Muslims the wedding celebrations last seven days, which was also the case in the Old Testament.[168] That study further dealt comprehensively with the marriage procession, veiling, showering with small items, virginity, and singing songs. An echo of these songs can perhaps be found in couplets associated with the Sumerian Sacred Marriage.

We do not know much about weddings in ancient Mesopotamia, but there are a few relevant passages in literary texts. Th. Jacobsen has reconstructed the events of an ordinary wedding on the basis of a text describing the sacred marriage ritual.[169] The bridegroom would appear with his wedding gifts, food and delicacies, at the door of the house of the bride's parents and ask to be admitted. Sumerian songs tell how the man makes a necklace, into which he sets precious stones and pearls 'like seeds', in preparation for the sacred marriage. That was thought to be a metaphor for intercourse, particularly when the verb 'to plough' occcurred, but in fact 'to plough' here indicates the threading of the beads,[170] so that idea must be rejected. The bride, who had already bathed, dressed and adorned herself, would open the door to him. Her opening the door was the symbolic action which made the marriage valid, according to Jacobsen. After that, the bride and groom would each be separately escorted to the bride's room, where

165 W. Heffening, 'Zur Geschichte der Hochzeitsgebräuche im Islam. Ein Beitrag zur Volkskunde der islamischen Länder', in: R. Hartmann, H. Scheel, *Beiträge zur Arabistik, Semitistik und Islamwissenschaft* (1944) 386–422.

166 Heffening, 392–394. The apostle Paul may allude to this bathing when saying, 'Husbands, love your wives, as Christ loved the church and gave himself up for it, to consecrate and cleanse it by water (*tōi loutrōi toû húdatos*) and word' (Ephesians 5:26–27).

167 Heffening, 395–398.

168 Heffening, 413–416.

169 In H. Goedicke, J. J. M. Roberts, *Unity and Diversity* (1975) 65, based on SLTNi 35 = Th. Jacobsen, *The harps that once*, 19–23 ('Dumuzi's Wedding').

170 Y. Sefati, *Love songs in Sumerian literature* (1998) 202 f., on 195 DI I:25–28.

intercourse would take place. On the following morning the bridal couple would preside at a rich banquet. More details about this banquet will be given in Chapter 3 where wedding gifts are discussed. Here it is appropriate to mention a Sumerian duet between Inanna and Dumuzi which was sung at these occasions. He and a choir of 'best men' sing about the food and drink which they have brought: beer, barley, bread and meat. Inanna answers briefly in 'women's language'. Possibly this duet has been taken from life and the bride and groom identify themselves with Inanna and Dumuzi.[171]

In Mari the idea of a wedding was expressed by *ḫadāšu (ḫudušu)* and in a later period *ḫašādu* was used in connection with the Sacred Marriage. It appears to be a West Semitic word, from the root *ḫ-d-š*, which has the basic meaning 'to be new'. The bride may possibly have been called 'the new one'. The expression 'men of the *ḫadāšu (ḫudušu)*' were members of the wedding procession. It is striking that on this occasion clothes were shared out, a practice later sustained in the Middle Babylonian period.[172] This is reminiscent of Samson, who arranged a celebration meal for his fiancée in Timna, in which thirty companions participated. He gave them a riddle, and if they found the answer he would give them 'thirty lengths of linen and thirty changes of clothing' (Judges 14:10–14).

It seems that a special table was used on these occasions, the *paššūr sakkî*. In Old Babylonian Nippur the oldest son always inherited the table.[173] In the Old Babylonian version of the Gilgamesh epic a man says,

> They have invited me to the 'house of marriage'. It is man's destiny to choose a bride. On the table of the *sakkû* I will pile up the merry food of the 'house of the father-in-law.'[174]

A song says,

> We often practised bridehood (*kallūti*) in the upstairs room, in the bedroom (...); we practised loving together (*tartami*) in the yard and in the barn.[175]

171 S. Mirelman, W. Sallaberger, ZA 100 (2010) 177–196.

172 J.-M. Durand, LAPO 18 (2000) 180. For clothes see ARM 23 375; 24 65; J. Aro, *Mittelbabylonische Kleidertexte* (1970) 13 ff. no. 3 (*ḫadašūtu*, 100); see further C. Wilcke, 'Familiengründung', 230–234; J. A. Brinkman, *Post-Kassite Babylonia* (1968) 122; H. Freydank, OLZ 69 (1974) 557; B. Landsberger, *Symbolae M. David* II (1968) 105 (top), for a princess.

173 E. Prang, ZA 66 (1976) 16; Landsberger, *Symbolae David* II, 83 n. 1. The *sakkû* (Sum. zà-gú-lá) was the place of honour, according to W. Sallaberger, *Der kultische Kalender Ur III-Zeit* I (1993) 220 n. 1051.

174 A. R. George, *The Babylonian Gilgamesh Epic* I (2003) 178 f., OB II 149–153.

175 W. G. Lambert, MIO 12 (1966) 54:12–15.

The mention of the upstairs room seems to focus on wedding behaviour, and the other places on a secret *tête-à-tête*. A few generations ago the haystack was the obvious place for such high jinks.

Other literary texts show how long a wedding lasted. In the Atram-ḫasis myth a tale is told about how marriage was first instituted and how childbirth birth followed later. A bed was erected, and then the 'wife and her husband make love (lit. 'choose each other')'. According to the myth, this introduces 'nine days of pleasure', apparently the same as the duration of the wedding celebrations. At that time Ištar, the goddess of love, was called Išḫara.[176] During the Assyrian sacred marriage of the god Nabû and the goddess Tašmetu, the statues of the two gods stayed in a bedroom for six days, from day 5 to day 10. Similarly for the Babylonian marriage of Nabû and Nanaya, they stayed from day 11 to day 17 in the first month.[177] According to the Gilgamesh epic, Enkidu and the wench were 'six days, seven nights' together (I:194). Nergal and Ereškigal were together for the same length of time.[178] This fits in with the number of days for a marriage celebration traditionally taken in the Middle East.[179] What is more, it is comparable to the traditional seven-day period of mourning.[180]

There are indications that in Palestine and Morocco, people liked to celebrate weddings at certain quiet times of the year. S. Greengus pointed this out and made the connection with the sacred marriage of the goddess Baba in Lagaš. Most of the documents on which the so-called 'marriage gifts' were recorded were dated from the eighth month, the month of the autumnal New Year, and in the spring.[181] But designating these as the normal times for weddings seems rather speculative.

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176 Atram-ḫasis I 299–304 with W. von Soden, ZA 68 (1978) 68 f. For the bed erected for Išḫara see Gilg. P v 22 f. (= OB II 196; A. R. George, *The Babylonian Gilgamesh Epic* I [2003] p. 178), cf. Gilg. II ii 44 (= II p. 109 in ed. George).

177 For the Assyrian marriage see ABL 366:13–15 with TUAT NF 3 (2006) 149 no. 4.16; E. Matsushima, ASJ 9 (1987) 138 and 141 (bottom). For Babylonia see C. Waerzeggers, *The Ezida temple of Borsippa* (2010) 129 f. B. Meissner used only sources like these in his reconstruction of wedding practices; BuA I (1924) 403.

178 B. R. Foster, *Before the Muses* I (1993) 411 (11.), 423 (iv 8–13, vi 34–41).

179 J. Morgenstern, *Rites of birth, marriage, death and kindred occasions among the Semites* (1966) 107–111. Cf. his notes 180, 220.

180 For example, the lyre was played during seven days and nights of mourning ('The Curse of Agade', 199 f.); and the mourning after the death of King Šulgi lasted seven days; see P. Steinkeller, *Studies P. Machinist* (2013) 461; also more in D. Katz, *Studies T. Abusch* (2010) 116. In Southern Iraq also there are seven days for a wedding and seven days for mourning; W. Thesiger, *The Marsh Arabs* (1964) 185 (chapter 20). See also W. W. Hallo, *Studies H. Tadmor* (1991) 158 f., MAARAV 7 (1991) 180 f.

181 S. Greengus, HUCA 61 (1990) 73 f.

2.5.1 The best men

We refer to the friends of the bridal couple as the 'best men' (or in German *Brautführer* and in French *paranymphe*). In Sumerian they were the *kuli*, 'friends', friends of each other and friends of the bridegroom. The bride had her own attendants, the *nimgir.si* (in Emesal *libirsi*), 'those who blow the horn', often called 'heralds'.[182] The corresponding Akkadian term is *susapinnu*, which was taken over into Aramaic as *šōšbīn*.[183] In ethnographic literature many other 'best men' such as these can be found. They are included in reports of tribal marriages in Syria and Morocco as recorded by Wetzstein and Westermarck. This evidence helps us to fill in the scant details over the bride's attendants in cuneiform texts. Rabbinic sources also help, all of which were of use to M. Malul.[184] Being a best man seems to have been considered an honourable duty, for which one could actually be paid. This is referred to in a short passage from a text from Ugarit as the 'silver for the best man' (*kasap susapinnūti*). Often the best man was armed, for he was supposed to protect the bride against both natural and supernatural enemies.[185] The indigenous Babylonian dictionaries likewise suggest that he carried a sword on his lap.[186] There is a cylinder seal from ca. 2400 BC with the image of a woman who is sitting with her legs spread on top of a supine man (Figure 11). There is no need for us to explain here what she was doing. A hero with a raised dagger stands beside them holding on to the woman's arm. Scholars have not known what to make of this scene, but now we can understand it perfectly.[187] There are widespread reports from people in the Middle East that on the first wedding night they believed a demon would threaten the married couple. In the apocryphal book Tobit that devil was identified as Asmodaeus (Tobit 3:8).[188] In the Song of Songs we read that 'sixty of Israel's picked warriors' stood round Solomon's bed,

182 H. Behrens, *Die Ninegalla-Hymne* (1998) 130.

183 S. Greengus, JCS 20 (1966) 68a; S. Kaufman, AS 19 (1974) 94. For the terminology in Arabic (*zāff*), see C. Wilcke, WdO 4 (1968) 160.

184 M. Malul, 'Susapinnu. The Mesopotamian paranymph and his role', JESHO 32 (1989) 241–278; see also the remarks of L. Sassmannshausen in his article on the herald, Baghd. Mitt. 25 (1995) 181 f.

185 Malul, 261 f.

186 Malul, 257, 271.

187 U. Winter, *Frau und Göttin* (1983) 348, with Abb. 345, at the end of the book; P. Toscanne, RA 7 (1909) 61 ('a punishment for adultery'); RlA IV/4–5 (1975) 262 no. 24; XII/5–6 (2010) 423 fig. 7. For the inscription see W. G. Lambert, RlA VII/1–2 (1987) 154b.

188 For the story, see K. van der Toorn, *From her cradle to her grave* (1994) 71.

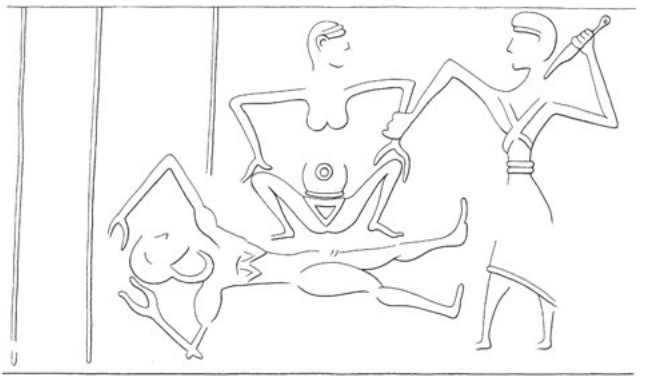

Fig. 11: A woman is seated on a man, and a hero with sword drawn protects them both. He may represent the best man. 2400 BC. Old Akkadian cylinder seal. *Musée du Louvre*, *Paris*.

> All of them skilled swordsmen, all expert in handling arms, each with his sword ready at his side against the terrors of the night (Song of Songs 3:7–8).[189]

The best man was responsible for the chastity of the bride, and Malul sees him as her guardian.

It may also have been the duty of the best man to see that intercourse had taken place. Sometimes he himself was even present to witness it. A blood-stained garment, the proof of deflowering the virgin, would have to be displayed,[190] and it may have been his duty to display it.[191] In Deuteronomy 22:17 that garment proving a new bride's virginity was called a *simlāh* in the Hebrew Bible, but in Aramaic, in the Targum, it was a *šušippā*.[192] In Akkadian was a cloth named *šusippu* from which the Aramaic word was derived.[193] However, we have no evidence from Babylonia that this entire scene ever took place.[194]

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189 S. Krauss, 'Der richtige Sinn von "Schrecken in der Nacht", HL III, 8', in: *Occident and Orient. (Moses) Gaster Anniversary Volume* (1936) 323–330, esp. 325, 327. On the dangers of the first night see Otto Böcher, *Dämonenfurcht und Dämonenabwehr* (1970) 128–130.

190 For the blood-stained garment see also C. Locher, 189 f.

191 Malul, 264–266.

192 Malul, 277.

193 A. van Selms, hesitatingly; Malul, 275 f.; contrast J. S. Cooper, CRRAI 47/I (2002) 94 n. 30 (the word is Sumerian).

194 In the Jewish tradition the problems in establishing virginity were well-known. They occur in a commentary from the Dead Sea scrolls; see J. H. Tigay, 'Examination of the accused bride in 4Q159: forensic medicine at Qumran', JANES 22 (1993) 129–134. For Morocco, see S. Naamane-Guessous, *Au-delà de toute pudeur* (1988), chapter 3.

A huge amount of trust was placed in the best men, especially if they did spend the first night in the same bedroom as the bride.[195] That was the time for crazy things to happen. Literary texts from Sumer show that a best man could go astray.[196] The god Marduk punished someone for 'secretly going to the bride of his best man (*ibru*, lit. 'his friend')'.[197] The laws of Lipit-Ištar anticipate the situation where the father-in-law chases away the bridegroom and gives his daughter to the best man, a procedure which of course was not allowed. There could be no wedding at all and the banished bridegroom would have double the bride-price paid back to him (§ 29).[198] We find the same judgement prescribed in the later laws of Hammurabi (§ 161). There another note was added to the effect that the best man had maligned the bridegroom and had himself been the agent in driving him away. He would not be allowed to marry the girl, for what he had done was morally offensive. He was after all not faithful to his friend the bridegroom. C. Wilcke sees this as the establishing of a moral principle, that of 'loyalty'. The same moral rule can be seen in other laws. A young married man (*guruš*) who has relations with a 'prostitute of the street' may perhaps divorce his wife, but may certainly not marry that prostitute (Lipit-Ištar § 30).[199] Hammurabi also assumes that a man will be faithful in marriage (§ 142). He violates this trust by 'going out' and by deeply humiliating his wife. Lawyers find these instructions regarding 'loyalty' interesting, because this principle evidently also applied to the man.

In a more recent study Wilcke suggests that we should see the best men as suitors, the lovers who compete for the hand of the girl. According to the myth about the marriage of Inanna and Dumuzi each of them brings along gifts fitting to his trade. The shepherd Dumuzi with his splendid dairy products was then chosen.[200] But this explanation conflicts with everything we know: they all bring along gifts and those of the bridegroom are of course the ones most acceptable.

195 C. Wilcke, ZA 59 (1969) 78 (top); S. Greengus, JCS 20 (1966) 68b, 70b, with n. 102a.
196 Malul, 256, 265.
197 Šurpu IV 6; also copied in a later litany, see E. Reiner, JNES 15 (1956) 136:84.
198 C. Wilcke, ZA 59 (1969) 74 f., WdO 4 (1968) 153.
199 Wilcke, 161 f.
200 Wilcke, 'Familiengründung', 275–279. Cf. the translation by Th. Jacobsen, *The harps that once* (1987) 20 f., 'Dumuzi's Wedding'; Sefati, *Lovesongs*, 286 ff.

2.5.2 Expenses

In a few texts we can read of the expenses necessarily incurred in arranging a marriage. The one most discussed is an Old Babylonian list from Ur, in which the father of the bride has recorded the costs he incurred.[201] The family of the bridegroom lived in Larsa, a different city, and they travelled across for the occasion.[202] His father and mother were also present. This summary of expenses may have been used later to work out a financial settlement between the two families. Greengus has classifed the first group of expenses under seven phases incurred at the 'prenuptial' stage of negotiations.

> I. Gold, a ring and clothing, 'a present from (or 'for') Aplum'.

One generally assumes that this was a present from the father-in-law for Aplum who was the bridegroom. The Ebla texts speak of a 'present' (*níg.ba*) that was the counterpart of the marriage gifts of the bridegroom. In our text such a 'reciprocal' gift would be suitable.[203] There is a finger ring (*unqu*) on the list, which elsewhere would have been put on the finger of a woman who had married recently. One possibility is that the father-in-law paid for this ring and that Aplum could slide it onto the finger of his bride. One can imagine that a part of the bride-price given by the father of Aplum could be given directly in this way as a 'present' to the bride.

> II. At the ... of a pin (?): best oil for the gods.

It is unlikely that the 'pin' here was for securing the girl's chastity, although the pin did play such a role elsewhere. The writer is interested in the price of the oil.

> III. 'On the day that they brought the gift (*biblu*) here, they anointed themselves with a litre of best oil.' The expenses for the food and the oil follow, and there is talk of a purification (?)[204] of a table.

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201 UET 5 636 with S. Greengus, 'Old Babylonian marriage ceremonies and rites', JCS 20 (1966) 55–72; B. Landsberger, *Symbolae M. David* II (1968) 77; C. Wilcke, 'Familiengründung', 269–275; D. Charpin, *Le clergé d'Ur* (1986) 66–69. The name of the father of the bride was Kù-Ningal, according to D. Charpin.

202 A passage in an Old Assyrian letter also suggests that the wedding took place in the house of the bride's father; K. R. Veenhof in: L. Marti, *La famille dans le Proche-Orient ancien* (2014) 346 f.

203 S. Greengus, HUCA 61 (1990) 62–65.

204 According to D. Charpin, it is the purification (*takpirtu*, line 17) of the table. The offering (?) table *paššur sakkî* according to K. van der Toorn, *From her cradle to her grave* (1994) 67.

This points to a communal meal that the father had to pay for.

> IV. 'When Šat-Ilabrat and Ea-lamassi [two women] came here:' a sheep, beer and best oil.
> V. 'On the day that PN, his father, came here to Ur:' food was brought to him.
> VI. 'His mother came to Ur:' a sheep, beer and flour.
> VII. 'At the gate of (god) Enki his mother ...(?), and they brought her bread, beer and a (certain kind of) sheep.'

What the mother did in this phase is not well preserved, but the verb may have been *pašāru*, meaning 'to redeem' something. This is reminiscent of an Arabic sacrifice, the *ḥelîyye*, performed to 'redeem' the bride. The bridegroom slaughters a ewe for the purpose and the spell said over it 'redeems' the bride. J. Morgenstern assumes that this removes the 'taboo' so that intercourse can take place safely.[205]

If, as Greengus says, all the expenses under I – VII were incurred in the 'pre-nuptial' stage they all occurred within a short space of time. He sees four main stages.[206]

I–II concern presents sent by the father of the bride and unspecified offerings;

III concerns the arrival of the bride-price from the bridegroom's side, with a few presents for third parties;

IV–VI concern the arrival of the family of the groom in Ur;

VII concerns the mother of the groom performing a ritual.

The following phases VIII –XI concern the 'nuptial' stage, the wedding, and phase XII marks the beginning of the 'connubial' stage.

> VIII. 'When they bathed: beer for the reception (*kirru*).'

One assumes that this refers to the bathing of the bride during the wedding, but this is not certain. Furthermore one is inclined to think of a bath just before intercourse, but only after phase X is it reported that the man has entered the house of his father-in-law.

> IX. 'When they went back and forwards:' beer and a certain sheep.
> X. 'On the day he entered my house: a sheep worth two shekels (of silver) was slaughtered, sixty litres of flour was baked, two vats of beer were drawn off.'

205 J. Morgenstern, *Rites of birth, marriage, death and kindred occasions among the Semites* (1966) 112–115.

206 *Studies Th. Jacobsen* (2002) 129 f., 138 (see note 17).

This points to a real celebration, the wedding.

> XI. 'For four months he kept coming to my house and every day ten litres of bread, twenty litres of beer, a vat of beer was his daily food.' After this, the totals over the four months are calculated.

This daily food was much more than was needed by one person. We assume that the bridegroom was accompanied by his friends, the best men. It is a problem to know the purpose of a period of four months. It could well have been a period of waiting for a pregnancy.[207] But this raises the question of whether these four months came before or after the wedding.

> XII. 'When he took her with him (verb *tarû*):' oils for the use of the woman, a sheep, flour and beer.

This refers to the departure of the married couple to Larsa. The expression 'taking her with him' probably is the fixed phrase for taking the bride home, *in domum deductio*.

> XIII. 'PN came here from Ur and brought him (beer, bread, oil).'
> XIV. 'For two garments of the second ...'

Another rather mysterious list of expenses comes from Old Babylonian Sippar. There the expenditure noted was assumed to be for the entry of a girl into a nunnery.[208] But it has rather more to do with a wedding, mainly because there is mention of a bride-price. It begins,

> On the day that I placed the ring (*<un>-qá-am*) of Šamaš on her hand: twenty litres of beer from the brewery.

This putting on of the ring is not really recognisable from elsewhere. The following lines mention a piece of meat on 'the twentieth day, when pouring out the *kirru*', a word translated earlier as 'reception'. The 'twentieth' was the day of the god Šamaš, one on which travelling was not allowed.[209] Further on, our list speaks of 'the day when she is taken away (*tarû*)', which must have been after

207 K. van der Toorn, *From her cradle to her grave* (1994) 73, cf. 66. Some scholars saw a parallel in the 'Besuchsehe' of Arab Bedouins.
208 CT 4 18b with R. Harris, *Studies A. L. Oppenheim* (1967) 114–116; C. Wilcke, 'Familiengründung', 232 n. 28; M. Stol, JESHO 38 (1995) 139 n. 109.
209 M. Birot, ARMT 14 (1974) 215.

the twentieth. The bride was taken away by the man, and in connection with this we read about one and two-thirds shekels of silver 'from her bride-price'. This amount is exactly one-third of five shekels, which was half the standard amount. It is possible that at this time a new instalment of the bride-price was paid. A third text concerned with expenses lists barley, oil, beer and bread and ends with, 'various receipts which I gave regularly because of the girl; she came in without clothing'. That girl must have been very poor.[210]

Lists of expenses from other periods also involved marriages. An Old Assyrian document states that 'our sister shaved her head for the goddess Ištar', and lists items for those invited for the ceremony: a belt and shoes; foodstuff; animals; clothing; drinking straws and wine; and much more, from woollen fleeces to sacks of chaff.[211] One difficult text is from Middle Babylonian Nippur concerning clothing exchanged between families in Babylon and Nippur.[212] Three Assyrian texts mention quantities of silver, tools, clothing and food, and calculate everything in silver. The families lived in different cities.[213]

2.5.3 Intercourse

The couple had sexual intercourse during their wedding days. The Semitic expression 'to lie with' is rather direct. In Nuzi part of the bride-price was paid out at 'the lying'.[214] The law-books and some legal texts use euphemisms, such as 'to lie in the bosom', 'to know' and 'to learn'.[215] A prohibition on extra-marital relations mentions 'that of man and woman', 'kissing the lips' and 'lying in the bosom' to describe the sex act.[216] 'Touching (both) cheek(s)' seems to be another circumlocution, or 'to take off the loin-cloth'. 'Touching' is mentioned in the context of 'bringing home' the 'wife', but otherwise it is a sin, which causes illness.[217] Possibly it originally applied to the situation where the bridegroom took off the bride's

210 PBS 8/2 175.

211 J. G. Dercksen, AOF 35 (2008) 96–98.

212 Published by J. Aro; see note 172.

213 J. N. Postgate, Iraq 41 (1979) 99–103. The first text qualifies the goods as *zu-bu-la-nu-u*.

214 J. Fincke, SCCNH 7 (1995) 13–17.

215 Cf. S. M. Paul, 'The shared legacy of sexual metaphors and euphemisms in Mesopotamian and Biblical literature', CRRAI 47/II (2002) 489–498; F. A. M. Wiggermann, RlA XII/5–6 (2010) 411 § 1.2.

216 M. Anbar, RA 69 (1975) 120 f.

217 Touching (*lapātu*) the cheek: M. Stol, *Études Paul Garelli* (1991) 339 (on VAS 18 77); JEOL 32 (1990–92) 45 (n. 16) (TAG TE = *lipit lēti*). Taking off the loin-cloth (túg úr-ra si.g): C. Wilcke, *Festschrift J. Krecher* (2014) 502 f.

veil and touched her cheek. Biblical Hebrew uses the verbs 'to know', 'to come to' and 'to uncover one's shame' (*gillā 'erwā*). Hymns and songs about Sacred Marriage make clear that intercourse was central to the marriage. Dumuzi is said always to be on his way to the exquisitely extolled 'loins' of Inanna, and there is much about the bed which was made ready for them (see Chapter 30). Nothing could be clearer said than that the purpose of this union between the goddess and the king was to foster fertility and welfare in the nation.[218]

Ur III texts sometimes mention 'the placing of the bed' (*ná.gub.ba*) for the 'bride' of the city governor, during which sheep were sacrificed. An Old Babylonian text speaks of gifts 'when they lay in their bed'. C. Wilcke highlights these passages and sees in them 'a comparative openness surrounding the act of marriage'.[219]

We know extremely little about the first time the couple came together, and we have to grope in the dark.[220] Intercourse took place in or at the house of the parents of the bride. The room used for this may have been called the 'marriage bedroom' (*bīt emūti*).[221] In Hebrew a corresponding separate room (or tent) was called a *ḥuppā*. This is also known to the Arabs, and in the Middle East the married couple stayed in this room for seven days.[222] J.-M. Durand has tentatively suggested that when the Middle Assyrian laws mention *ḫuruppātu* they refer to this 'tent'; against this suggestion is the fact that this refers to a meal at the betrothal, and 'dinner ware' would be a better translation.[223] The Gilgamesh epic allows us a glimpse into the bedroom. Speaking about the right of the first night of the hero we read,

> For the king of Uruk, the metropolis, for the lover, the 'net' of people is opened (...). He impregnates the intended wife.[224]

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218 According to Th. Jacobsen, the older songs petition for a blessing for one product (the date palm) and the later songs refer to all products of the land; *The treasures of darkness* (1976) 32–47; the date palm occurs in the Uruk text.

219 D. R. Frayne, BiOr 42 (1985) 19 f.; Wilcke, 'Familiengründung', 291 f. A house (probably meaning a room) is arranged for the bride of the governor of Hamazi; AUCT III 84; cf. *Catalogo Torino* I no. 261.

220 Wilcke, 'Familiengründung', 281.

221 S. Greengus, JAOS 89 (1969) 524 n. 92 (at the place of the bride); J. J. Finkelstein, RA 61 (1967) 131–134 (the room).

222 Hortense Reintjes, *Die soziale Stellung der Frau bei den nordarabischen Beduinen unter besonderer Berücksichtigung ihrer Ehe- und Familienverhältnisse* (1975) 40–42.

223 AEM 1/1 (1988) 115 note 68; NABU 1995/49 (*urpatu*).

224 Gilg. P iv 14–24; see now A. R. George, *The Babylonian Gilgamesh Epic* (2003) 178 f., OB II 149–159.

What is meant here by the opening of the 'net' (*pūgu*)? It could refer to a tent, used for intercourse, such as the modern Marsh Arabs use in Southern Iraq. This would accord with the 'marriage bedroom' used by Syrians, which was 'woven'.[225] Another explanation sees it as referring to someone opening the 'thigh' (*pūqu*), which has inspired some bewildering translations. Some have also thought it refers to the veil. One educated guess explained that the 'curtain' is a lightly veiled reference to the hymen.[226] We can twist and turn as much as we want but these problems remain the secrets of the bedchamber.

Some importance was attached to the technique of the deflowering, as we see from a declaration under oath, originally written in Sumerian but copied in the Old Babylonian period. The end of the text is broken.[227]

> Kania, the son of Yâ, has taken Taturam-Ištar, the daughter of Ilam-minam-epuš, to be his wife. He has sworn the oath by the king. He has opened the pin of her 'not-being-known'. If ever Kania says to his wife Taturam-Ištar 'You are not my wife', he must pay ten shekels of silver. And if Taturam-Ištar ...

The opening (or releasing) of the pin of her 'not-being-known' (*nu.mu.un.zu.na*) refers to taking her virginity and fits with the literary adjuration referring to 'a young woman, whose pin (*dalla*, *ṣillû*) no young man has opened'. In the preceding passages her virginity is indicated by other phrases.[228] This line can be compared with the loosening (?) of the *partheniē zōnē* in Homer (Odyssey XI 245). An indirect instance is found in the Old Babylonian period concerning women in a nunnery. If a 'nun' passed on property to an heir, sometimes the phrase 'the pin (*ṣillû*) is placed in the wall' is used, meaning that the property is available and unmortgaged.[229]

More needs to be said about the man's declaration under oath that he had opened the girl's 'pin'. Why would a man make this declaration in an otherwise normal contract? A legal explanation of the text was given by C. Locher. We expect the man to declare that his new wife is a virgin. But this oath sworn by

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225 G. Widengren, *Religionsphänomenologie* (1969) 236, 238 (*qeṭar genōnā*).

226 D. O. Edzard, OLZ 62 (1967) 591 (a tent); D. A. Foxvog, *Studies Å. W. Sjöberg* (1989) 171a (the thigh): 'The loin(s) of the people are opened to (both) the lovers. He will lay with the fated wife – he first, the husband after'; A. R. George, *The Babylonian Gilgamesh Epic* I (2003) 188 (the veil); H. L. J. Vanstiphout, *Het epos van Gilgameš* (2001) 236 n. 155 (the hymen).

227 TIM 4 48 with C. Locher, *Die Ehre einer Frau* (1986) 195–202. Cf. F. A. M. Wiggermann on 'dress pins', RlA XII/5–6 (2010) 421 § 6.4.

228 S. Lackenbacher, RA 65 (1971) 136, lines 22–24; M. J. Geller, AfO 35 (1988) 14:33; see S. Greengus, *Studies Th. Jacobsen* (2002) 138 n. 50.

229 M. Malul, 'On nails and pins in Old Babylonian legal praxis', ASJ 13 (1991) 237–248.

the king is a promissory oath, not an assertory oath confirming a past event. In marriage contracts from the Ur III period the oath by the king was normal. One assumes that the man promises not to renounce his wife, and that if he does, he will pay her ten shekels. The sentence about virginity is, coming after this, something new and seeks to prevent anyone ever saying that the girl was not a virgin. The man himself put his seal on the clay tablet, which functioned as a sort of signature. It is possible that the man was compelled to make this declaration to protect the woman against any further accusations from his side on the basis of which he could easily be rid of her. Locher compares Deuteronomy 22:13–19 with this, which forms the theme of his book. The other clauses in the text are standard and simply dot the *i*-s and cross the *t*-s in favour of the woman. It all leads to the conclusion that this is no ordinary marriage contract, but a declaration made later about the girl's virginity.

Earlier on we said that virginity was important. It plays a major role on the first marriage night, at the moment of truth. A Sumerian lawsuit gave a man the right to divorce after his wife had explained that a stranger had slept with her without anyone knowing of it.[230] An alternating duet between Inanna ('my sister) and her lover Dumuzi ('my brother') begins and ends with exuberant praise for the physical excellence of each partner. This song will certainly have played a role in the celebration of the Sacred Marriage. In the middle of the song Inanna insists,

> Brother, swear to me that you have never laid a hand on a strange woman.

In answering he had to place his right hand on her pudenda and his left on her head.[231] The practice of making an oath at the same time as touching the pudenda also occurs in the Bible. The patriarchs Abraham and Jacob had a predilection for this,

> The servant put his hand under his master Abraham's thigh and swore that oath (Genesis 24:9; cf. 47:29).

Virginity was a matter of importance also in the Middle Assyrian period. A man adopted a girl, and promised not to treat her badly, not to dishonour (?) her, and

230 ITT 3/2 5286 with Locher, 203–208.

231 Y. Sefati, 'An oath of chastity in a Sumerian love song (*ŠRT* 31)', *Studies P. Artzi* (1990) 45–63; 'The womens's oath', Sefati, *Love songs in Sumerian literature* (1998) 128–131. Th. Jacobsen takes this text to be a 'tavern sketch'; for V. Haas it is 'ein erotisches Schenkenspiel'. Both note the stress on praise for the beer of Inanna.

later to give her to a husband. In exchange for this he would be able to receive the bride-price. It seems as if everything was set up to marry off the girl as a virgin.[232] A difficult Old Babylonian text points out that even her future husband would have to stay away from her. A certain man, E., had a girl as a pledge for a debt of her mother, and swore in the temple 'not to approach and not to take (*aḫāzu*) her'. The mother then swore by King Rim-Sîn,

> I shall 'keep' my daughter for E. for five, ten years, and give her to him in marriage.[233]

2.5.4 Completion

There comes a time when all the arrangements have all been completed and the marriage can be considered to be a fact. But to determine when this has happened various events need to be considered.[234]

1. The most obvious climax to the preparations will be the first act of sexual intercourse to mark the consummation of the marriage. Most lawyers agree with this criterion. From a legal point of view a husband takes over the authority over his wife from her father. This is the idea expressed by *aḫāzu*, lit. 'to take', the most frequently used word for 'to marry' in Akkadian. But, as we have just seen, that verb is also used with the harsher sense of 'to seize'. In a broken betrothal it is used in a more abstract sense, 'I shall not take her', which clearly means 'I shall not marry her'. Sexual intercourse, as we have shown above, was an important element to consider. The Laws of Hammurabi show that sexual intercourse could take place when the girl was still living in the house of her father-in-law, and he 'knew her' before the bridegroom did (§ 155–156). Such a circumstance raised a problem. Sociologists recognise that through the act of intercourse a woman gains a new status. It has a similar sacramental function in the Sacred Marriage, and also in the tradition of a king taking over his opponent's harem and occupying it himself.[235] A Hittite vase dating from 1600 BC from Inandik has pictures of what must surely be a wedding (Figure 12). It is certainly a festive occasion depicted in four registers and includes much music-making. Beginning at the

232 KAJ 2 with Locher, 224–231. In VAS 9 192–193 (Locher, 209–215) the meaning of not 'touching' a girl given to a husband is not clear.

233 YOS 8 51 with Locher, 216–223; S. Lafont, *Femmes* (1999) 266 f.

234 Westbrook, OBML, 48–53, 'II. Formation'; Westbrook, *A history of Ancient Near Eastern law* I (2003) 44–46.

235 M. Malul, *Knowledge, control and sex* (2002) 301–305.

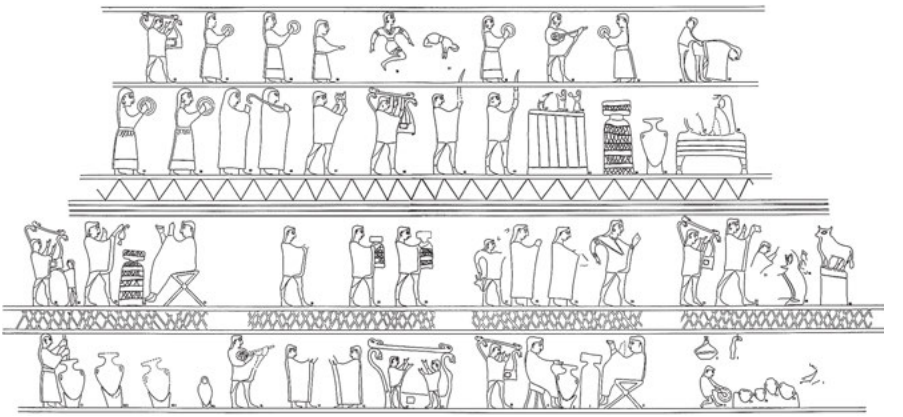

Fig. 12: Images on a vase from the Hittite temple at Inandik. A wedding is depicted, beginning at the bottom with the preparations and ending at the top with its consummation. 1600 BC. Height 82 cm, diameter 43 cm. *Museum of Anatolian Civilisations, Ankara*.

bottom we see people setting out jugs and cooking pots, while musicians play on two lyres. In the next register a man whom we assume to be the king is the protagonist, and a bull is being sacrificed to the bull-god. The third register portrays a temple with a bed coloured red and white on which apparently two figures are sitting. We think this is the king removing the veil from the queen. In the fourth register at the top we can see acrobats performing and instrumentalists playing the lyre, the cymbals and the lute. At the end a man stands close behind a woman who is leaning forward exposing her bare backside. Sexual intercourse in the dog position is a frequent motif in art and is almost certainly what we have here.[236]

We add that in the holy city of Mecca attention was also focused on *dukhla*, 'penetration'.[237]

2. It has also been suggested that the crucial moment for acknowledging a marital relationship was when the bride-to-be opened the door as her husband-to-be approached. Dumuzi is allowed in by Inanna in songs about the sacred marriage

236 M. Schuol, *Hethitische Kultmusik* (2004) 56 f. with Tafel 3 no. 9. For a drawing by M. Kutkan see J. M. Sasson, *Civilizations of the Ancient Near East* I (1995) 559; P. Bienkowski, A. Millard, *Dictionary of the Ancient Near East* (2000) 203.

237 C. Snouck Hurgronje, *Mekka in de tweede helft van de negentiende eeuw. Schetsen uit het dagelijks leven.Vertaald en ingeleid door Jan Just Witkam* (2007) 347, 363–367.

(Th. Jacobsen).[238] The Akkadian expression 'calling at the house of the father-in-law' reflects an expectant young man standing in front of a closed door waiting to be allowed to enter. Therefore the sentence, 'He called at the house of his father-in-law and he got a son and a daughter' would really mean that he got married and had children.[239] But another interpretation of the expression would be that relations had deteriorated between the parties involved; the bride-price had been paid but the bridegroom demanded his right of recompense.[240]

3. The act of bringing of the gift (*biblu*), and subsequently removing of the veil being worn by the young woman[241] can also be seen as significant moments.

4. Then we have to consider the significance of the recitation of a ceremonial formula (*verba solemnia*), such as are attested in contracts for adoption and divorce, according to S. Greengus.[242] In Assyrian law a man could declare 'She is my wife', but we have only indirect support for a declaration like 'You are my wife' or 'You are my husband' in a marriage ceremony.[243] Roman law used the phrase *ubi tu Gaius ego Gaia*, 'Wherever you are Gaius, I am Gaia'.

5. P. Koschaker has argued that a marriage was solemnised when the woman was taken to the house of her husband. When she had entered the *in domum deductio* had occurred. He saw an analogy between the *traditio puellae*, 'handing over of the girl', and the transfer of goods that had been bought. Obviously his theory works for a marriage which was regarded as a sale, though no-one really believes the two transactions were the same. For a girl living in her father-in-law's house the *in domum deductio* had already taken place, but the marriage was still not completed, as we can see from the Laws of Hammurabi (§§ 155–156).

6. In Syria to the west and Assyria to the north the bride was veiled for the wedding. Perhaps in these regions the wearing or lifting of the veil marked the

238 Jacobsen, *The treasures of darkness* (1987) 35 f.; *Unity and Diversity* (1975) 65; S. Greengus, JAOS 89 (1969) 521 n. 78 (Sumerian é.e gù-dé). Cf. J. C. de Moor, UF 11 (1979) 649 f., on the opening of the door by the groom, a subject Westbrook omits.

239 UET 6/2 402:8 f. with D. Charpin, *Le clergé d'Ur* (1986) 326.

240 Thus Wilcke, 'Familiengründung', 273. For earlier discussions see R. Yaron, *The Laws of Eshnunna* (1988) 191–198; F. R. Kraus, RA 68 (1974) 112.

241 Durand, AEM 1/1 (1988) 103.

242 Thus Greengus, JAOS 89 (1969) 514–520.

243 Suggested by literary texts; see Greengus; T. Abusch, History of Religions 26 (1986) 149, who refers to an article on such phrases in Hosea 2:15.

defining moment.[244] This would be the reason the betrothed princess from Qatna, who travelled to Mari, already had the title *bēltu*, 'lady'. In an Assyrian law we see that a man in the presence of 'five, six friends' could place the veil on his concubine and then said 'She is my wife' (§ 41). On the Hittite vase from Bitik which we mentioned in Chapter 1 the man is lifting the woman's veil with his right hand, and this was the very reason why the vase was made. In the same period and in similar circumstances the veil was removed on the vase from Inandik which we mentioned earlier in this chapter.

2.5.5 Afterwards

After the wedding the man took his wife home. According to the manual about favourable and unfavourable days the best time to do this would be from the first to the third month. There we read that in months I and III, 'He will feel good'; in month II 'his family (lit. 'his house') will grow'. There are other predictions for these months but the tablets are too badly broken to read. The tenth and eleventh months were also favourable but others may have been less so.[245] A king who gave his new wife a new name with a beautiful meaning chose 'Šulgi is my ornament', so it can be assumed ordinary wives were similarly forced to have names such as 'My husband is my happiness'.[246]

The sister of the man played a special role when he was married. She was addressed in Sumerian as *erib* by the new bride and she had the task of showing the new arrival around the house. The best support for this comes from the myth of the marriage of Enlil to Sud, where his sister Aruru (Ninmaḫ) did just this.[247]

A married man could first move in to live with his father-in-law and then later go to live together as a couple independently. Jurists in Germany speak of *Eintrittsehe* when the father of the bride makes arrangements for the couple to live in his house, but they find evidence for this practice only in the Ur III period.[248] The Middle Assyrian law-book speaks about a woman who still lived 'in the house of her father' and 'her husband came in regularly' and he gave her a present that she could later use when she would be a widow (§ 27). These two people were married

244 B. Groneberg in: Th. Späth, B. Wagner-Hasel, *Frauenwelten in der Antike* (2000) 5 f.
245 R. Labat, *Un calendrier babylonien des travaux des signes et des mois* (1965) 130–133 § 62–3.
246 K. Radner, *Die Macht des Namens* (2005) 29.
247 C. Wilcke, 'Die Schwester des Ehemannes', in Durand, *La Femme* (1987) 179–187.
248 A. Falkenstein, NSGU I (1956) 106 f.; J. Hengstl, 'Die neusumerische Eintrittsehe', ZSS 109 (1992) 31–52, who notes vestiges in Old Babylonian law-books; H. Sauren, *Studies W. W. Hallo* (1993) 204 n. 19.

according to the law. A manual of physiognomy sometimes speaks of a woman with the words, 'whenever she enters the house (of her husband)', or 'the house in which she lives'.[249] In Nuzi this practice also occurred if a man adopted a son and let him marry his daughter, a subject to which we shall return in Chapter 4, when discussing childlessness. In the Old Testament we can also read of situations when a man moved in with his father-in-law. Jacob moved in with Laban, and Moses with Jethro. There is a Biblical verse which could be intended to express God's command to humanity for a man to live together with his wife:[250]

> That is why a man leaves his father and mother and attaches himself to his wife, and the two become one (Genesis 2:24).

Enough has been said on this subject.[251]

2.6 Marriage and magic

Demonic force, such as the spirit of a dead person who could not rest, was often felt to be the source of illnesses. People imagined that the spirit of the dead person had chosen (*ḫiāru*) the invalid to be his bride. It was an unholy marriage which had to be annulled, and there was a magic ritual to perform which would arrange for a formal divorce. To satisfy the spirit the man would symbolically be married to someone else and supplied with marriage presents. For an epileptic the partner chosen in the ritual was a pig. Dolls were used to represent the invalid and the demon. They had to be dressed in particular clothing before the divorce ceremony was followed by a new marriage ceremony: if it was uncertain that the person had become sick through being possessed by and married to a demon, that marriage had to be arranged first, to prepare the scene for a divorce and a new marriage. Some marriages were symbolised by knotting together the hems of the garments of the partners, and for divorces this knot was cut away. There are different variants of this ritual.[252] There were also Aramaic and Jewish magic ceremonies for

249 B. Böck, *Die babylonisch-assyrische Morphoskopie* (2000) 58 f. For 'she enters' see pp. 155:51, 54, 62, 69; 159:121, 124, 134; for 'she lives' see pp. 155:55–58, 61, 64 f.; 157:73 f.; 159:115; 167:226.
250 C. H. Gordon, '*Erēbu* marriage', SCCNH 1 (1981) 155–160.
251 B. Groneberg in: Th. Späth, B. Wagner-Hasel, *Frauenwelten in der Antike* (2000) 7 f.
252 KAR 66 with M. Stol, *Epilepsy in Babylonia* (1993) 99–101; D. Schwemer, *Akkadische Rituale aus Hattuša* (1998) 59–62, with W. Farber, ZA 91 (2001) 256 f., lines 20 f. (lying in bed with him for three days), 46 f. ('You are her husband, she is your wife! You take her and go away!'). For an example see TUAT NF 5 (2009) 140.

this divorce. Such formulas could be written on incantation bowls. They had to be recited against the demon, who was generally female, such as Lilith. This was the formula used also for a normal Jewish divorce (*get*).[253]

In magical procedures one even could resort to adultery. A man suffering from the effects of evil was seen as tainted and his smear had to be cleansed. Among the rituals to accomplish this we find this remedy.

> He must go into another house and spend the night there. He must approach a strange woman. At dawn the next morning he must send the woman away.

The verb 'to approach' clearly means more than it says, for the idea was that he could rid himself of the smear by ejaculating his semen. In a related Assyrian ritual the king is required to sleep with a virgin for the same reason, and afterwards has the girl sent away across the border of his territory.[254]

253 S. Shaked in: T. Abusch, K. van der Toorn, *Mesopotamian Magic* (1999) 175 ff.
254 S. M. Maul, *Zukunftsbewältigung* (1994) 78 with 493:76 f.