4 The family

At the beginning of the Chapter 2, on marriage, we saw how much a happy family life was appreciated. That was why the innkeeper Siduri recommended this to the hero of the Gilgamesh epic. However, before delving into the Babylonian family life, we must investigate some preliminary conditions.

When the time comes for a couple to start a family, what are they going to do? Just climbing on to the couch is not enough (Figure 13). Some very careful thought will be needed beforehand. The sexually intimate relationship between a man and a woman is one of the themes of a large Babylonian handbook known as *Šumma ālu*. This text is a compilation predicting the significance of almost anything anyone will experience in a lifetime. Various aspects of human behaviour are itemised towards the end, and tablets 103 and 104 are concerned with the things that can happen during sexual intercourse. Tablet 103 (only partly preserved) describes a man 'going' to a woman and explains the consequences of adopting different positions for the act. One sentence states:

> If a man goes to her crotch: restraint will overcome him; he will be in a bad mood.[1]

Often specific rituals are prescribed, 'so that the (predicted) evil may not come near him'.[2] Tablet 104 concerns odd situations in the bedroom and begins with this statement:

> If a man approaches an older woman he will have quarrels daily.

By now it has become clear that this manual is concerned with a man having sex with any willing woman and not only with his legal sweetheart. These situations are beyond the scope of this chapter so they will be passed over speedily.[3] Moreover, nothing will be said about some suggestive clay models of bedroom scenes and the like which have been found.[4]

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1 KAL 1 107 no. 35:18; see further the translations by A. K. Guinan in: W. W. Hallo, *The Context of Scripture* I (1997) 425 nos. 45–48.

2 A. K. Guinan, CRRAI 47/I (2002) 187 f.

3 J. C. Pangas, Aula Orientalis 6 (1988) 211–226. For some examples see Guinan, *The Context of Scripture* I, nos. 49–51; see also Guinan, 'De houding ten aanzien van sexualiteit in Mesopotamië: Akkadische gedragsomina', Phoenix 25 (1979) 68–81.

4 N. Cholidis, *Möbel in Ton* (1992) 141–172, Tafel 39–42. On p. 167–169 there is a discussion on the scenes cast in lead found at Assur. It is possible that this position is described in the handbook, as translated by Guinan (no. 46, with n. 74): 'If a man "goes" to a woman lying on her back and

Fig. 13: A married couple from Nippur. 2600 BC. Limestone. Height 14,5 cm. *Iraq Museum, Baghdad*.

4.1 Impotence

For a man hoping for heirs, and all men entertained that hope, any questions of impotence needed to be treated seriously. One possible explanation of this affliction suggested that it was the result of sorcery or of the wrath of the gods and they had specific rituals with incantations to be conducted as a remedy.[5] But natural causes could also be blamed, such as when a man

her feet go around the back of his neck: wherever he goes, god, king and noble will be agreeable'. An exhaustive survey of human intercourse visualised in art, with numerous positions that can be adopted, is described by J. S. Cooper, RlA IV/4–5 (1975) 259–269, 'Heilige Hochzeit'.

5 R. D. Biggs, 'The Babylonian sexual potency texts', CRRAI 47/I (2002) 71–78. Biggs edited the texts in his book *ŠÀ.ZI.GA. Ancient Mesopotamian potency incantations* (1967). For the magic by which the Hittites countered this problem see D. Schwemer, Phoenix 49 (2003) 18–21; the texts were translated in M. W. Chavalas, *Women in the Ancient Near East* (2014) 262–265.

> through old age, or through a 'blow', or through 'fierce heat', or because of 'the reversing of the warchariot', is in a diminished state to come to a woman.

'In order that he may regain his virility and go to a woman' it is prescribed that he drink a concoction made from seven plants, bring a frankincense offering to the goddess Ištar, and recite an incantation seven times. He must drink the potion for three days and on the fourth day he will be better.[6] A Sumerian anecdote describes an old man complaining that his physical strength is failing, saying

> My manly strength has left my loins like a runaway donkey. My black mountain produces (white) plaster. My mother has sent a man from the woods to me and he inflicts me with numb hands.

The following remark is probably something about a reduced sense of smell, and then the text continues:

> My teeth, which could chew hard things are no longer able to chew hard things. My urine used to break forth as a strong stream but now ...

He complains that his son had not fed him and the young slave-girl he had hired had treated him badly. When the king heard of it he consulted a wise woman who said:

> Sire, if only the old man would marry a young woman ... the old man would get his manliness back and the young woman would get the status of a matron.

Accordingly the king spoke to a girl, and she did not say no, but then the text is broken so we shall never know whether the man felt better.[7] The same prescription was devised for King David in the later years of his life:

> King David was now a very old man, and, though they wrapped clothes around him, he could not keep warm. His attendants said to him, 'Let us find a young virgin for your majesty, to attend you and take care of you; and let her lie in your arms, sir, and make you warm.' After searching throughout Israel for a beautiful maiden, they found Abishag, a Shunamite, and brought her to the king. She was a very beautiful girl. She took care of the king and waited on him, but he did not have intercourse with her (1 Kings 1:1–4).

6 Biggs, *Potency incantations*, 52 (AMT 88,3).

7 B. Alster, 'The old man and the young girl', *Wisdom of ancient Sumer* (2005) 384–390; R. Harris, *Gender and aging* (2000) 55–57; A. Gadotti in Chavalas, *Women*, 65–67.

A Sumerian literary text recounts a conversation between a bird-catcher and his wife. Apparently he had become a little drunk and was having trouble setting up his equipment, so she tells him:

> Fowler, let your net be drawn up, let the bird rise![8]

She could well be using sexually suggestive language here as she advises him to get on with the job.

To relieve frustration one could turn to reciting an incantation such as this:

> Let the wind blow! Let the mountains [quak]e!, Let the clouds gather! Let the moisture fall! Let the donkey swell up! Let him mount the jenny! Let the buck get an erection! Let him again and again mount the ... young she-goat. At the head of my bed is tied a buck! At the foot of my bed is tied a ram![9]

But others are more direct, with no obtuse references to randy animals.

> Let my potency be flowing river water! Let my penis be a (taut) harp string, so that it will not slip out of her![10]

Incantations like these would have been recited at the same time as conducting a simple ritual. These rituals often involve using two powdered minerals, magnetic haematite and iron. These materials have a natural strong power of attraction which made them particularly suited for the activity they were intended to promote. The ancient directions require each of them to be mixed with oil separately. The haematite paste was then spread over the man's navel, and the iron paste over the woman's.

> You crush magnetic iron ore, you mix (it) with *pūru*-oil. You recite the incantation seven times. You apply (it) to his navel. You crush iron, you mix (it) with *pūru*-oil. You recite the incantation seven times over (it). You apply (it) to the woman's navel. The man and the woman [will find satisfaction] together.[11]

8 SP 21 Section A 5, with B. Alster, 'The fowler and his wife', 371 f.; V. Haas, *Babylonischer Liebesgarten* (1999) 136 f.

9 Biggs, *Potency incantations*, 33 no. 14:1–6; for full translations see TUAT II/2 (1987) 274; B. R. Foster, *Before the Muses* II (1993) 886; Chavalas, *Women*, 107 f.

10 Biggs, 35 no. 15:14–16; Foster, 884.

11 Biggs, 22 f. no. 6:14–17.

Another text prescribes that a couple should make these mixtures of haematite and iron in oil, and with one the man would smear his penis and the woman her genitals.[12] The man could ensure his virility by simply wearing the magnetic haematite in a leather pouch around his neck,[13] or he could smear his penis, his breast and his hips with it.[14] In order to retain his virility, the man is recommended to wear around his neck a leather bag containing the blood of a male partridge and a bristle from a sexually aroused pig.[15] A Sumerian proverb, which was passed on to the Babylonians, shows a general awareness of such intimate foreplay, by reminding everyone that however carefully one prepared things may go wrong. The literal translation is:

> What has never yet happened: the young maid did not break wind on her husband's lap.

But English prefers to avoid such double negatives, the proverb can be rendered as

> It always happen that the young maid will break wind into her husband's lap.[16]

This sense of humour, dating back to the beginnings of human history, four thousand years ago, resonates with what can be heard in school playgrounds today.

Often married couples are represented in a genial manner. More formally one limestone sculpture from Nippur (2600 BC) shows a seated man and woman with fixed expressions (Figure 14). Their hands are clasped together on her lap. The style is archaic.[17] By contrast terracottas from Old Babylonian Lagash and Ur (1800 BC) are more lively, with the man and woman standing facing each other about to embrace (Figure 15).[18] We rarely see the king and queen pictured together.

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12 Biggs, 33 no. 14:15–17, with TUAT II/2 (1987) 274; Biggs, 18 no. 2:9–11; 42 no. 23:14–16; 63 LKA 98:13–16.

13 Biggs, 52 AMT 66,1:9–10; 61 LKA 95:22; 62 LKA 96 rev. 8–9; 66 STT 280 i 55.

14 Biggs, 17 no. 1:18 f.

15 T. Abusch, D. Schwemer, *Corpus of Mesopotamian anti-witchcraft rituals* I (2011) 104, 112 no. 2:4.

16 SP 1.12 with J. S. Cooper, CRRAI 47/I (2002) 98 f.

17 W. Orthmann, *Der Alte Orient* (1975) plate 20 with p. 164; J. M. Sasson, *Civilizations of the Ancient Near East* IV (1995) 2473. Similarly in Mari (2500 B. C.), in the catalogue *Land des Baal. Syrien – Forum der Völker und Kulturen* (1982) 74 no. 65. The heads of both the man and the woman are broken off, see *Festschrift B. Groneberg* (2010) 193 Abb. 6 (Mari).

18 Orthmann, plate 184a with p. 302 (Lagash); J. Reade, *Mesopotamia* (1991) 81 fig. 90 (Ur).

Fig. 14: A married couple from Lagash. 1800 BC. Terracotta. Height 11 cm. *Musée du Louvre, Paris*.

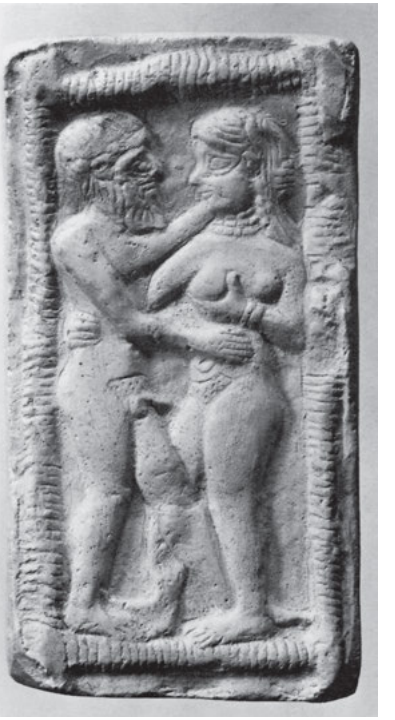

Fig. 15: On what may be a votive offering to achieve a fertile marriage is portrayed a couple drawing closer together on a bed. Susa, 1500 BC. Terracotta. Height 12.8 cm. *Teheran Museum*.

4.2 Children

The arrival of children raises a subject which the Sumerians knew only too well:

> Marrying is a human affair; getting children is a matter for the gods (Sumerian Proverbs 1.160).

How many children did a family normally have? The delightful relief of Ur-Nanše, the ruler of Lagash (Figure 16), shows him in two different settings. In the upper register he is standing erect, as the builder of a temple with a worker's basket on his head. In the lower register he is seated and holding a beaker. The eleven people with him, including eight children depicted on a smaller scale, are named in the inscription. Facing him in the upper register, from left to right we have

Fig. 16: Ur-Nanše, ruler of the city of Lagash, shown standing with a basket on his head, as builder of a temple, and sitting with a beaker in his hand, when his work was complete. The twelve persons surrounding him are all identified by name, and his eight children are depicted smaller. 2500 BC. Limestone. Height 40 cm. *Musée du Louvre*, *Paris*.

Abda, daughter; Akurgal, son; Lugalezen, son; Anikura, son; Mukurmušta, son.

Opposite him in the lower register are three more sons, and there are also three officials. His heir and sucessor was his son Akurgal.[19]

An administrator of the mountain people, the Gutium, dedicated a relief

for the life of S., his king, the life of his wife (and) children.

19 J. S. Cooper, *Sumerian and Akkadian royal inscriptions* I. *Presargonic inscriptions* (1986) 22f. (Urn. 20); for a photo see Ktema 22 (1997) fig. 18a, with p. 72. On the images: L. Romano in: L. Marti, *La famille dans le Proche-Orient ancien* (2014) 183–192.

A few damaged figures with captions have been preserved, including his wife and two sons.[20] One prominent Sumerian boasts of belonging to a well-heeled family.

> My mother is a matronly lady who has built her house; ten slaves work for her. My father is a general, a judge of the king. My brothers are soldiers of the king, each commanding fifty men. My sisters stand like doors in the respectable women's quarters.[21]

From Old Babylonian inheritance records we see that up to eight adult children could inherit. On average it was three children,[22] and in the better-off families six to eight.[23] Pušu-ken, a merchant from Assyria, had four sons and one daughter.[24] From a myth about the underworld we understand that the prevailing attitude among fathers was to have as many children as possible. It can be summarised as 'the more sons the better', with seven being the highest number (Gilgamesh XII 102–117). In a handbook with predictions derived from human births we come across a short treatise on what will happen if a woman bears multiple births at one time. Here the maximum of children is eight.[25] A Sumerian proverb takes pity on a mother who has given birth to them.

> A mother who has given birth to eight youths lies down in weakness (SP 2.141).

When the names of members of families who were deported are listed the numbers are not necessarily reliable. Some individuals could have been away at the time, for families were quickly broken up with different members moving around to work in different places.[26] From the Middle Assyrian period we have a brief account of some 200 Hurrians who were deported from the northern uplands and put to work building the new royal city of Kar-Tukulti-Ninurta. They

20 FAOS 7 (1990) 297 f., RIME 2 (1993) 251; for a photo see P. Amiet, *L'art d'Agadé* (1976) 111 no. 65.
21 K. Volk, Saeculum 47 (1996) 193.
22 According to a full presentation given by L. Battini in L. Marti, *La famille dans le Proche-Orient ancien* (2014) 14–21. According to K. Reiter three to four children (as heirs) in Old Babylonian texts; in: K. R. Veenhof, *Houses and households in Ancient Mesopotamia* (1996) 263 n. 8.
23 I. J. Gelb, OLA 5 (1979) 63–65, 75.
24 K. Hecker, Or. NS 47 (1978) 406. Elsewhere five sons and one (unmarried?) daughter, or six sons and at least two daughters; K. R. Veenhof in Marti, *La famille*, 349.
25 A. R. George, CUSAS 18 (2013) 260 f. Giving birth to four or five boys is unfavourable; to four or five girls is favourable; to three boys and two girls, or three girls and two boys, is unfavourable; to five or six boys is unfavourable; to five or six girls is favourable; to six children is favourable, but to seven or eight is unfavourable; some manuscripts give nine as the maximum; E. Leichty, TCS 4 (1970) 44 Tablet I 131.
26 B. Lion, Ktema 22 (1997) 110–118. Most of these lists are not yet published; Lion, Amurru 3 (2004) 217–225.

were split into forty families, some of whom owned a few slaves. It is remarkable that of the children there were 35 girls and 57 boys. One assumes that the older girls had already left to marry into another family. Some of the women recorded as the head of the family were described as widows. For one of them we are even told the sequence in which her five children were born: three sons, a daughter, then another son. Some men had two wives. Each mother had on average 2.22 children.[27] Families deported by the Assyrians hundreds of years later normally had less, on average only 1.43 children. In modern Lebanese villages we are told the average is 3.7 children.[28] A Neo-Babylonian slave belonged to a family consisting of both parents, three boys and one girl.[29]

It was usually the father who made an offering for the wellbeing of the family, but sometimes the mother was involved.[30] A particularly interesting votive offering from a woman from Assur for the wellbeing of her husband and children was made of lead, an inverted triangle representing the female genitals. We described it in Chapter 1 when discussing make-up. Referring to the votive offering as a *téš* she dedicated it with the following inscription:

> for the life of her husband, for her own life and for the life of her child(ren) she brought in this *téš*.[31]

The genital triangle identifies the donor as a woman. Why does the mother of a family make an offering of such intimacy for the health of her family? The answer is simple: it is a fitting gift for the goddess of love, Ištar.

4.3 The mother

In the Instructions of Šuruppak a father gives his son wise advice.

> You shall not speak untruthful words to your mother: these engender hatred! You must not ... in your mouth the words of your mother (or) the words of your god. The mother is like Utu (the sun god); she brought forth mankind. The father is like a god; his word is trustworthy. The advice of the father ought to be respected![32]

27 VAS 19 6 with H. Freydank, AOF 7 (1980) 89–117.
28 F. M. Fales, *Censimenti e catasti di epoca neo-assira* (1973) 117.
29 F. Joannès, Ktema 22 (1997) 126 (BIN 1 120).
30 G. Gadaut in: Briquel-Chatonnet, *Femmes* (2009) 237.
31 K. Deller, OrAnt 22 (1983) 13–15; TUAT II/4 (1988) 497. For illustrations see AOF 8 (1981) Tafel XXIII–XXV.
32 C. Wilcke, ZA 68 (1978) 211, Instr. Šur. 258–263; TUAT III/1 (1990) 66:256–261; B. Alster, *Wis-*

A Sumerian proverb runs in a similar vein:

> A child should behave with modesty toward his mother. He should take old age into consideration.[33]

The child must owe the same respect to his older brother or sister as to his father and mother.[34] Before Gudea could build a temple, peace and harmony had to rule in his city, symbolised by the statement:

> The mother does not shout at her child; the child does not answer his mother back (Cyl. A xiii 3–5).

However in practice things were different. A Sumerian proverb (SP 1.157):

> A disorderly son, his mother should not have given birth to him, his god (= father) should not have created him.

One hymn describes the opposite situation in the same words as an example of prevailing social disorder.[35] A proverb says:

> As for a chattering maid, her mother has silenced her. As for chattering young man, his mother could not silence him.[36]

In a letter a mother warns her daughter:

> Wherever daughters always answer their mothers with spiteful remarks, ... so in view of your words your slave-girls will always hear that I am not their mistress.[37]

Family rows between a mother and a daughter-in-law were attributed to the wrath of offended gods.[38]

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dom of ancient Sumer (2005) 98 Instr. Šuruppak 265–270. 'The words of your god': the 'god' is probably her husband (K. van der Toorn); possibly confirmed by 'your father, your god' in a Sumerian lullaby; M. Jaques, *Studies Å. W. Sjöberg* (2014) 65:11. – J. Klein, *Studies Adela Berlin* (2013) 16, did not take this into account.

33 B. Alster, *Proverbs of ancient Sumer* I (1997) 324. Respecting one's older brother follows.

34 Alster, *Wisdom of ancient Sumer*, 86 Instr. Šur. 172–4. Also in the 'Nippur Lament', 287. This was the accepted opinion; Th. Jacobsen, *Before philosophy* (1949) 217. The reverse situation is described in the Nanše Hymn; W. Heimpel, JCS 33 (1981) 92 f., line 170.

35 W. Heimpel, JCS 33 (1981) 92 f., Nanše Hymn, lines 168 f.

36 SP 1.185.

37 AbB 6 188:5–9.

38 Šurpu II 20–26.

In a Sumerian message, written in a literary style, a son named Lu-dingira writes that he wanted to give some reassurance to his mother in Nippur. It was to be delivered by a messenger to whom were given five important 'signs', significant information to enable him to identify the mother.[39] (1) Her name was Šat-Ištar, a woman who cared for her household well and who served the goddess Inanna. (2) She looked as dazzling as precious metal, to be compared with jewels, like an alabaster statue. (3) She was like a well-watered garden with trees and fruit. (4) She enjoyed going to feasts, singing and dancing. (5) Everything around her smelled good. In conclusion Lu-dingira says that his mother could be compared to

> A phial made from an ostrich shell, filled full with prime oil.[40]

The five signs may have been formulated like a riddle. It is remarkable that the text was transcribed and translated into Akkadian and Hittite, and a copy was even found in Ugarit. Evidently people could identify themselves with this text in praising the attractive attributes of their own mothers.[41] The identity of the woman referred to in the text is uncertain. G. Leick thinks she was an important courtesan of Ištar at court,[42] but S. N. Kramer and J. S. Cooper take her to be Inanna (= Ištar), the goddess herself. Cooper compares the second and third 'sign' with two Biblical passages (Song of Solomon 5:10–16; 4:12–15). We should note, of course, that there is no element of eroticism in this tribute to the mother.[43] A. Gadotti has shown that many qualities attributed to the mother are in other texts those of the goddess Inanna in her maternal role. So the text praises both the mother and Inanna.[44] As we shall see later (Chapter 29), Ištar/Inanna was particularly revered by women.

Lu-dingira, the son, also wrote two laments, which has led J. van Dijk to surmise that his three compositions were 'mystagogic' and played a role in the Dumuzi cult.[45]

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39 M. Civil, 'The "Message of Lú-dingir-ra to his mother" and a group of Akkado-Hittite "proverbs"', JNES 23 (1964) 1–11; Th. Kämmerer, *Šima milka* (1998) 164–169; M. Çıg, S. N. Kramer, 'The ideal mother: a Sumerian portrait', Belleten 40 (1976) 403–421 (a new manuscript); H. Vanstiphout, *Eduba. Schrijven en lezen in Sumer* (2004) 253–258.

40 S. N. Kramer in D. Schmandt-Besserat, *The legacy of Sumer* (1976) 19–21.

41 J. Puhvel, Archivum Anatolicum 2 (1996) 61–66.

42 G. Leick, *Sex and eroticism* (1994) 153–156.

43 J. S. Cooper, 'New cuneiform parallels to the Song of Songs', JBL 90 (1971) 157–162.

44 A. Gadotti, 'A woman most fair', in: *Studies D. I. Owen* (2010) 115–129 (with a new edition of the text).

45 *Studies A. Falkenstein* (HSAO) (1967) 253; van Dijk in his chapter in J. P. Asmussen, *Handbuch der Religionsgeschichte* (1971) 494.

The mother of Gilgamesh was the goddess Ninsumun (Ninsun), who was the spouse of the passive Lugalbanda, probably a human being with an enhanced status.[46] Gudea and the kings of Ur also claimed Ninsumun as their mother, even as their natural mother who had suckled them with her milk. These are of course literary clichés, as we shall see later in Chapter 30, on the sacred marriage. Gilgamesh learned that despite his divine origin he would never be immortal.[47] As his mother, Ninsumun intercedes with the sky god Anum and the sun god Šamaš for her royal sons, and when Ur-Nammu dies she laments his sudden death. We read in a Sumerian proverb (SP 2.158),

> (In) a palace, one day a mother gives birth, the next day a mother is lamenting.

Fathers never utter lamentations.[48]

More prosaic are letters from sons to mothers. More than once a son will ask for clothes, which probably have to be made specifically for him. A son far away in Aleppo made such a request to his 'mother and mistress' in Sippar. One mother refused the request because her son had behaved badly towards his father.[49] A son whose mother was a wealthy business woman, the wife of the head of the province, complained that he was not receiving enough clothes. He was possibly at school and writing the letter himself.[50]

> While the gentlemen's clothes improve year by year, you make my clothes cheaper year by year. By scrimping and saving on my clothes you have become rich! While wool is being consumed in our house like bread, you have made my clothes always cheaper. The son of Adad-iddinam, whose father is a servant of my father, has two new garments to wear, but you keep getting upset over just one garment for me. While you gave birth to me, his mother got him by adoption, but you do not love me in the way that his mother loves him.[51]

Some Sumerian literary texts describe the life of boys going to school, including one incident when a boy arrived late and had to face the wrath of his teacher:

46 J. Klein, 'The Mesopotamian hero and his mother', *Studies Adele Berlin* (2013) 11–28.
47 A. Cavigneaux, F. N. H. al-Rawi, *Gilgameš et la mort* (2000) 28:79, 31:169, with 41–43, 56; Klein, 20 f.; A. Zgoll, ZA 96 (2006) 124.
48 Klein, 21–28. Cf. Gilgamesh Epic III 43–57.
49 AbB 13 74, 103.
50 For the parents see M. Stol, 'Šamaš-ḫāzir', RlA XI/7–8 (2008) 616 f.
51 AbB 14 165, after F. R. Kraus, JEOL 31 (1989–90) 48.

> When I got up in the morning, I looked at my mother and said to her, 'Mother, give me my breakfast; I want to go to school!' Then my mother gave me two loaves out of the oven and I satisfied my hunger before her eyes. Then my mother gave me two more loaves to take with me and I went to school.

The late start for breakfast made him late for school and he was scolded by the teacher.[52]

4.4 Bereavement

We have two texts lamenting the death of a partner. One is a difficult and partly fragmentary text in Sumerian concerning a man from Nippur mourning his wife Nawirtum.[53] He is the same Lu-dingira who composed the song of praise to his mother mentioned earlier, and who also composed a lament on the death his father.[54] The lament ends with these words of consolation:

> Your ways shall not be forgotten. Your name shall be called upon!
> The sin of your household shall be destroyed. Your punishment shall be released!
> Your husband shall live and he shall have valor and reach old age.
> Fate shall be benificent to your children, good health will be established for them.
> Your household will prosper, in its future there will be plenty.
> The god Utu shall bring forth light for you from (in) the Netherworld and you shall drink clean water.
> Ninkura shall be at your side, she shall lift you high.
> As for the evil storm that befell you, that same one shall return beyond the horizon.
> A malevolent curse shall be uttered against the *galla*-demon who brought his hand upon you.
> As for the good maiden who lies in splendor like a bull, this is a bitter lament!

It was all certainly literary fiction. The second lament is Assyrian, and it concerns a woman who has died in childbirth. It is a song consisting of responses between a man and a woman, in which the vowels are sometimes lengthened, suggesting plaintive intonation. The man begins:

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52 W. H. Ph. Römer, TUAT III/1 (1990) 70:18–22.

53 S. N. Kramer, *The Sumerians* (1963) 208–217, 'Second Elegy'. We follow the edition and translation by A. Gadotti, JAOS 131 (2011) 203. For a new digitalised translation see www.etcsl.orinst.ox.ac.uk, text 5.5.3. – Line 61: Sumerian igi-šè du is a calque of Akkadian *ana pani alāku* 'to prosper'; CAD A/1 318a (d); Old Babylonian in AbB 3 52:21, cf. KUB 37 188:3.

54 H. Vanstiphout, *Eduba* (2004) 258–263 (on the father).

> Why are you cast adrift like a boat midstream? Your thwarts are in pieces! Your mooring rope is cut! With your face veiled, you cross the river of the city Assur.

The woman answers:

> How could I not be cast adrift? How could my tows not be cut? On the day I bore fruit, how happy I was. Happy was I. Happy my husband. On the day of my labour pains, my face became overcast. On the day I gave birth, my eyes became cloudy. I prayed to Belet-ili with my hands opened: 'You are the mother of those who gave birth, save my life!' When Belet-ili heard this, she veiled her face: 'You [...] why do you keep praying to me?'

The text is broken here but at the end we read:

> [In] those days I was with my husband. I was living with him who was my lover, when death crept stealthily into my bedroom. It brought me out of my house. It separated me from my husband. It set my feet on the ground from which I shall not return.[55]

4.5 Childlessness

An expression used by the Babylonians if there were no descendants was *kinūnu belû*, '(the fire in) the hearth is extinguished'.[56] Ideally there should be boys among the children born into a family. Otherwise, according to a good patriarchal viewpoint, things had gone wrong. Various strategies could be deployed for achieving acceptability by procuring acceptable (i.e. male) children. If a man had no children he could take a second wife, a subject to be discussed in Chapter 5.

If the only children were all daughters, feminists lead us to believe that there is a biological 'fault in the man'. We listen with embarrassment. If that were so then even resorting to polygamy would not help. But the Babylonians could not have known that. There were some marriages in which only daughters were born, and in these circumstances exceptional provisions were made in the law of inheritance. In Chapter 15 we will return to this. If there were only daughters, a father could continue the family line by 'adopting' a son-in-law into his own family and letting him marry his daughter. Such a son-in-law takes on the same status as a son, and consequently he becomes the heir apparent. Contracts have been found

55 M. Stol, *Birth in Babylonia and the Bible* (2000) 140 f.; J. Scurlock in Chavalas, *Women*, 134 f.
56 A similar imagery can be seen in 2 Samuel 14:7, where a widow compares her only son with a glowing coal: 'If they do this, they will stamp out my last live ember and leave my husband without name or descendant on the earth'.

for adoptions of this kind.[57] In Sumer such an adopted son lost his right to inherit from his original family, and this gave rise to lawsuits.[58]

Two different procedures were followed for these adoptions of sons. In the one the initative was taken by the family of the woman, and in the other it was the family of the man.[59] When the family of the daughter takes the initiative her father ensures that the son-in-law will not take another wife, and that ownership of the family property is secured for his daughter and his grandchildren. In the two texts showing that the father took the initiative, he himself made the deal with the son-in-law. The son-in-law was already quite old and may well have already benefited from an inheritance from his own father. There is no mention in the texts of any failure in the woman to produce children. In Nuzi, where Hurrian traditions are known, Wullu was adopted in this way and his duties were described in detail. After the adopting father's death he would become the *ewru*, the head of the family.

> Adoption document. Našwe, son of A. adopted Wullu, son of Puḫi-šenni, as his son. As long as Našwe lives, Wullu shall give him food and clothing, and when Našwe dies, Wullu shall be his *ewru*. If Našwe should (later) get a son, then he and Wullu should share the inheritance between them, but the son of Našwe should take the gods of Našwe. But if Našwe has no son, Wullu himself should take the gods of Našwe. And Našwe gave his daughter Nuḫuya in marriage to Wullu. If Wullu should take another wife, he shall lose Našwe's fields and houses. If anyone breaks the agreement, he shall pay a mina of silver and a mina of gold.[60]

From another text we learn that the adoptive son Wullu died but grandfather Našwe survived him and in his will he granted his grandchildren the right of inheritance.[61]

When the family of the bridegroom takes the initiative the deals were arranged by the two fathers. Much attention was paid to possible childlessness and an arrangement was made for taking a concubine. Either the man could choose one, or the wife would bring in a girl called a 'Lullûbite', a slave girl from the land of Lullubum. But if he were to take another woman without having any good reason, such as his wife's infertility, then the state would confiscate his possessions.[62]

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57 J. Klíma, ArOr 18/3 (1950) 157–160 (in connection with succession); C. H. Gordon goes too far in his 'Erēbu marriage', SCCNH I (1981) 155–160.

58 A. Falkenstein, NSGU I (1956) 106 sub (a).

59 J. Paradise, JCS 39 (1987) 25–33.

60 R. H. Beal, JCS 35 (1983) 119 n. 26 (on Gadd 51; see K. Grosz, *The archive of the Wullu family* [1988] 44 ff.).

61 Grosz, 44 ff.

62 Paradise, 28–31. One example is HSS 5 67, see also ANET 220 (3).

Two adoptions of this type have been found recently at Emar. In the one a father adopted a man for his eldest daughter but made her the 'son and heir'. The couple were obliged to provide for the parents. Not only was the son-in-law not allowed to take another wife, but if his first wife died he would have to marry one of her sisters. Evidently there were only daughters in the family and everything was being done to safeguard the continuation of the family line.[63]

Among the Hittites marriages involving the adoption of a son are well attested. Kings practised it to ensure lineal succession. The adopted son was called an *antiyant* and his father even received a 'bride-price', which in this case was in fact a 'bridegroom's price'.[64] It was also practised in a Hittite 'land grant', when an elder child, a son, became a priest and his only sibling was his sister. His father adopted a son as a husband for his daughter and he may perhaps have received a house.[65]

In Emar we see one and the same father making an arrangement twice. First his daughter was named as 'man and woman', which meant that she could act independently. However this did not appear to give a satisfactory guarantee that she would remain independent and that the family capital would remain within the family. Therefore he also adopted a son, and made them both marry. The man had to support his father-in law and mother-in-law and subsequently he could inherit. In another case the children inherited from the daughter. Sometimes provisions were made in case the daughter should die. Then the man would have to marry her sister. If the adopted couple did later get sons, all the sons would inherit equally. This was clearly an arrangement between equal parties. The man must certainly have been glad not to have to pay the bride-price.[66] Sometimes adoption was used as a way of getting out of financial difficulties. One adopting father was apparently in debt, with liability for a 'price' of 80 shekels.[67]

The instances in Nuzi are like those in Emar, where the son-in-law would have equal shares in the inheritance with the children born later. In one case there were already boys in the family, but it was thought desirable that the eldest daughter should have a protector, so a man was adopted as a husband for her. The adopted son-in-law now belonged completely to the family of his wife. Even

63 D. Arnaud, *Textes syriens de l'âge du Bronze récent* (1991) no. 72. Also *Emar* VI.3 no. 29.
64 Beal, 117–119.
65 TUAT I/3 (1983) 208 f. (*Landschenkungsurkunde*). Cf. N. Bellotto, 'L'adozione con matrimonio a Nuzi e Emar', Kaskal 1 (2004) 129–137, esp. 131.
66 Bellotto, 132–134 (Aula Orientalis 5 p. 14, TS 72). She does not agree with Grosz, who assumed that the adoptee had not been the firstborn within his original family, and had had himself adopted in order to get a larger inheritance in his new family.
67 *Emar* VI/3 29 with Bellotto, 134.

so in Nuzi one man managed to transfer the wealth to his own family.[68] One father found a most elegant solution to his problem. Since he had produced only daughters he married a second wife who had only sons. He adopted her sons and married them to his daughters.[69] This sounds like an entrepreneurial merger.

4.6 Repudiation of a childless wife

Three of the laws of Hammurabi consider the possibility of repudiating a childless wife.

> If a man intends to divorce his first-ranking wife who did not bear him children, he shall give her silver as much as her bride-price and restore to her the dowry that she brought from her father's house, and he shall divorce her (§ 138).
> If there is no bride-price, he shall give her 60 shekels of silver as a divorce settlement (§ 139).
> If he is a commoner, he shall give her 20 shekels of silver (§ 140).

The word for 'first-ranking wife' (*ḫīrtu*) is unusual. It is the feminine counterpart of masculine *ḫāwiru* in § 135, and indicates the woman to whom the man was first married. Evidently the woman was thought to be infertile. Since she could not be blamed for this, she had the whole of her own dowry returned to her, which would have been managed by the man. Moreover she received the value of the bride-price, which had already been paid to her family before the wedding. That means the man's family would have paid this twice, although it is possible that the bride-price had not yet been paid in full. The arrangement found in § 159 is comparable, where it is stated that if a man cancelled a betrothal he lost the bride-price plus all that he had brought (i.e. the *biblu*, 'gift') to his father-in-law's house.

If we assume that the bride-price was five or ten shekels of silver, then for a man who paid it twice his and his family's losses would have amounted to twenty shekels of silver at most. But the fine in § 139 amounts to considerably more than this, sixty shekels of silver. It is also much more than the twenty shekels so often agreed in divorce contracts. So the figure of twenty shekels in § 140 seems more reasonable for what had to be paid by a *muškēnu*, the Akkadian word for an 'commoner', 'ordinary citizen'. The word is often taken to mean a person in a lower social class and translated 'serf'. But F. R. Kraus took it to mean a normal citizen who was not attached to the palace, and therefore not employed by the

68 Bellotto, 130 f.
69 HSS 19 19 with Z. Ben-Barak, *Inheritance by daughters in Israel and the Ancient Near East* (2006) 129–132.

state. The evidence from divorce contracts seems to refer to ordinary citizens and would thus confirm the opinion of Kraus. However a problem remains, because it is evident here that the intended amount is double the amount of the bride-price. Perhaps the bride-price for ordinary citizens was fifteen shekels and for the higher social classes (*awēlu*) thirty shekels (§ 139).

The sentence 'there is no bride-price' in § 139 suggests a general possibility that marriages could be arranged without paying a bride-price. Another possibility would be that payment was postponed until the birth of the first child. This fits the situation in § 138–139 where the wife is childless.