

5 A second wife

The subject of a man taking a second wife raises questions about whether polygamy was practised and whether there were plural wives. Kings were certainly polygamous and surrounded themselves with a harem. Political marriages with foreign princesses made the setting-up of a harem a matter of national importance. However we will reserve this subject for Chapters 23 and 24, which concern the Court.

A prominent man in the society with which we are concerned could have two wives, his own little 'harem'. A Sumerian governor had children by his first and his second wife, the *lukur*.¹ In the Ur III texts we read of women who were called 'the little wife' of a high-ranking man. Such a person is assumed to be a second wife.²

We know that an Old Babylonian high official named Sammetar had a wife in his house in the capital city Mari and a second in the city of Zurubban.³ In the city of Kaḥat the deputy governor had three wives who are named on a list of people deported to Mari.⁴ A relief in an Assyrian palace of Sennacherib shows a man with two women seated opposite him between the high reeds of the marshes (Figure 17). They were fleeing and the artist wanted to indicate that the man with his two wives was an eminent person.⁵ But not only did kings, generals and important functionaries have two wives,⁶ it happened also in the lower echelons of society. In Emar a man was exonerated from his debt of a hundred shekels of silver because B. paid it for him. Before the elders of the city of Uri he declared:

1 J. L. Dahl, *The ruling family of Ur III Umma* (2007) 59 f., 75.

2 M. Sigrist, *Dreheim* (1992) 231 f.

3 F. van Koppen, *Florilegium Marianum VI* (2002) 295 f. For another man at the court of Mari with two wives see N. Ziegler, *Le Harem de Zimri-Lîm* (= *Florilegium Marianum IV*) (1997) 7, 211 no. 33:1–6; N. Ziegler, *JCS* 51 (1999) 58b; see also J.-M. Durand, *LAPPO* 18 (2000) 263 (two important women in the harem).

4 S. Dalley, *Mari and Karana* (1984) 109, on RA 65 (1971) 62 v 20:3; now J.-M. Durand, *MARI* 8 (1997) 652, Liste D v 17.

5 J. Bottéro in: P. Grimal, *Histoire mondiale de la femme I* (1965) 191; H. Frankfort, *The art and architecture of the Ancient Orient* (1954) plate 99; E. Strommenger, *Fünf Jahrtausende Mesopotamien* (1962) 235; J. Reade, *Assyrian Sculpture* (1983) 41; *SAA XVIII* (2003) p. 142. For a drawing see A. Kuhrt, *The Ancient Near East II* (1995) 584 fig. 38. For monogamist prisoners of war in art see *SAA V* (1990) p. 118 = *SAA XI* (1995) p. 99; R. D. Barnett, *Sculptures from the North Palace of Ashurbanipal at Nineveh (668–627 B. C.)* (1976) plate XVIII.

6 A. Millet Albà, *Chagar Bazar (Syrie) III* (2008) 242 f.



Fig. 17: A man hides with two women from Assyrian soldiers patrolling a marsh in southern Iraq. 620 BC. Relief in the palace at Nineveh. *British Museum, London.*

I myself, with my two wives [and goods], have on my own initiative entered into the service of B. as a slave.⁷

A list of deported Hurrian families from the Middle Assyrian period records men with two wives.⁸ We read of an archer and his two wives, a son, a daughter, and a small child at the top of two lists of wages from that period. These were not large families. It is possible that the reason a second wife was taken was because of the childlessness of the first wife.⁹ This happened very often, as we shall see.

In principle, marriage was still monogamous. The family, in sociological terms the nuclear family, consisted of a man, a woman and a number of children. But the image of a monogamous family could be distorted by childlessness, and it was this that was generally the reason for taking another wife. This is the

⁷ *Emar VI/3* 215.

⁸ H. Freydank, *AOF* 7 (1980) 98.

⁹ S. Jakob, *Die mittelassyrischen Texte aus Tell Chuēra in Nordost-Syrien* (2009) nos. 69:1–3, 70, 71.

generally accepted view in Assyriology. However, there is one point that is important to note. We have just seen that bigamy was normal in the higher echelons of society. This was also the case in the north (Assyria, Nuzi) and the west (Alalāḫ). In Assyria the law distinguished between the ‘foremost wife’ and the ‘lesser wife’ (§ 46). These terms may refer to a man’s first wife who had died and then to one he had subsequently married. According to this law it appears that the second wife was younger than the first, for in fact there was a possibility that she might marry the first wife’s son. There are few other indications for the existence of two differently ranked wives. Now and then in Babylon mention is made of a ‘slave-girl’ which is probably a reference to the second wife within the family. What her legal status was, we do not know.¹⁰

We see in Assyria that the concubine (*še’ītu* and *esirtu*) was also someone distinguished from a wife. At Alalāḫ in the West it seemed to raise no problems that a man could have two wives and possibly also a slave-girl to produce children for him. We presume that in these regions a man could take a second wife without having first to claim that his first wife was childless. Marriage was still essentially monogamous in the sense that the first wife held first position.

The reasons for taking a second wife deserve further thought. It was the responsibility of the woman to produce children. Taking on a second wife to bear children was a widespread occurrence in the ancient Near East. In Old Babylonian texts the first wife was called *hīrtu*, ‘the chosen one’, and in Sumerian, according to the laws of Lipit-Ištar, she was called *dam nitadam*. The name for the second wife was *šanītu*, ‘the second one’. In Lipit-Ištar (§§ 24, 28) we find the Sumerian term *dam egir.ra*, ‘the one afterwards’, possibly meaning someone who came later, with a variant term *dam.2.kam.ma*, ‘wife number two’. In this case it is possible that the first wife had died and that the man married again. Once in the laws of Hammurabi the first wife is called *rabītu*, ‘the great one’, and she produced the children (§ 158).¹¹

¹⁰ M. Stol, ‘Sklave. B. Altbabylonisch’, § 11, *RIA* XII/7–8 (2011) 570.

¹¹ Scholars have thought of a scribal error for *murabbītu* in § 158. G. Cardascia assumes that the *rabītu* is the first wife and the *šanītu* the second; *WdO* 11 (1980) 12 n. 22. The first wife is named *hīrtu* in *CH* § 170, but in the same section *amtu* can mean a slave-girl, not the second wife. In Ugaritic *att* (the first wife) is found next to *ššlmt* (the second wife, lit. ‘she who completes’), see A. Rainey, *Or.* NS 34 (1965) 16; S. Lafont, *Femmes* (1998) 223.

5.1 A slave-girl

The most widely known way to have a second wife was to bring in a slave-girl. In the Bible we see that the childless Sarai offered her husband Abram her Egyptian slave-girl Hagar:

Take my slave-girl; perhaps through her I shall have a son (Genesis 16:2).

She gave Hagar to Abram as his wife after almost ten years of childlessness. As the Bible story develops we are told that she was an upstart slave-girl and developed ideas about herself above her station. That was not a unique situation, for we see a slave-girl (*šiphā*) getting the better of her mistress (*g^ebirā*) cited in the book of Proverbs as one of the problems that could cause chaos in the world.

Under three things the earth shakes, four things it cannot bear: a slave becoming a king, a fool gorging himself, a hateful woman getting wed, and a slave supplanting her mistress (Prov. 30:22–23).

A slave-girl would take on a more elevated position if she bore children. Her status was sometimes recognised with a new contract. Old Babylonian marriage contracts state that such a girl would be a man's 'wife' and his wife's 'slave-girl', maintaining the higher position of his first wife.¹² In an anecdotal speech a slave who had become a second wife in this way said,

I am a slave-girl and I have no authority over my mistress. Let me go and pick my own husband.¹³

The laws of Ur-Nammu consider the repercussions when a man took the initiative in 'making the slave-girl just like her mistress'. Whoever then insulted her would have to go and wash out his mouth:¹⁴

If anyone should utter a curse against the slave-girl of a man, who has been made (equal to) her mistress, then his mouth should be rubbed with a litre of salt (§25).

¹² J. J. Finkelstein, YOS 13 (1972) p. 15 f.

¹³ B. Alster, *Proverbs of ancient Sumer I* (1997) 247, Coll. 19 Section D 11; 326 UET 6/2 386.

¹⁴ A. Falkenstein in C. Wilcke, *Das Lugalbandaepos* (1969) 182; *Studies Th. Jacobsen* (2002) 319 f.; see H. Neumann in Durand, *La Femme* (1987) 135–137. Previously it was thought that a slave-girl put herself on a par with her mistress and was punished. – Now C. Wilcke, *Festschrift J. Krecher* (2014) 546 § 30'.

The following law deals with someone striking a slave, but the passage about the punishment has been broken off. Was she a slave-girl who had been promoted to be the wife, or was she a concubine? Slave-girls could sometimes also be concubines, as we shall see in Chapter 6.

In the Old Assyrian period a childless wife could buy a slave-girl on her own initiative.

If she has not produced a descendant for him within two years, she shall herself buy a slave-girl and as soon as she later produces a child for him, she may sell her to whomsoever she wishes.¹⁵

We often see in the Old Babylonian period that the second wife is from humble origins and is evidently a slave. Even so, she may not be sold.

One instance of this is a marriage in Sippar in the time of King Immerum. We learn from this text that the second woman is of lowly birth and that her fertility has already been proven.¹⁶ The text is concerned with a certain Warad-Sîn, the son of Ibni-Sîn, who had married a girl named Ištar-ummi. He was a wealthy man and the text comes from his archive. Ištar-ummi is a typical slave's name, and the phrase 'is her name' after the name itself is an addition often found with the names of slaves. It is stated that the girl was the daughter of Buzazum and Lamassatum, and on the clay envelope in which the text was wrapped her mother L. is said to be a nun (a *nadītu*, of the god Šamaš). One assumes that the girl had at some time been adopted as a daughter by the couple, B. and L. She was taken in marriage out of their custody by Warad-Sîn, undoubtedly as his second wife. He paid forty shekels of silver as her 'bride-price' and he also gave them a slave, specified by name. This was exceptional. The price given is higher than we know from elsewhere and the gift of a slave was also unprecedented. According to the envelope, the parents of the bride could not complain against or make any demands on 'Ištar-ummi and her children', which is surprising. It is conceivable that the children already existed. We know of a similar case from a contract for a marriage, where the first wife had the name of a nun and the second was called her 'sister'. There mention is made of the children of the second wife, 'which had been or would be born' (they were regarded as being the children of both women).¹⁷ We learn from this that a second wife with children could be married. This woman was seen as being fertile, which she would have to be when taken

¹⁵ ICK I 3. We shall translate this text in full later.

¹⁶ VAS 8 4–5 (VAB 5 32), discussed by M. Stol in *Studies A. Skaist* (2012) 157 f.

¹⁷ BAP 89 with R. Harris, JNES 33 (1974) 365 f. One of a group of three texts which we shall discuss later under 'A marriage to two sisters'.

as a second wife. Reverting to the high bride-price, we note that the bride was valuable for two reasons. She had shown that she was fertile and furthermore she had brought children to the marriage. This would explain why the bride-price was high. Possibly a slave was given in exchange for the children. It is conceivable that this slave would be later adopted by the couple on condition that he would care for them in their old age. That was something that often happened.¹⁸

One gets the impression that second wives came from humble parentage. Their simple names already indicate this.¹⁹ Possibly they were handed over on payment of a bride-price by destitute parents. In those circumstances the ‘bride-price’ seems more likely to have been a ‘woman’s price’, an idea which can be supported with textual evidence. A woman ‘takes’ a girl like this from her father and mother and pays ‘the full bride-price’. This was done with the intention of avoiding having to make later payments, because there was probably some concern that the bride-price had been really very low. The girl was to be a ‘slave-girl’ for this woman, but for her husband Warad-Sîn ‘she was a wife’. The girl had to share in the likes and dislikes of the woman. But if ever she ‘made her heart sick’ she could immediately be sold, after she had been marked as a slave by shaving off her hair.²⁰ The inferior status of this girl, who was after all a free woman, is surprising. Did her parents in fact sell her? Or is this a clause in divorce law which aims to mark the low status of this woman within marriage?

5.2 Initiating the transaction

Sometimes the man took the initiative in procuring a second wife, at other times a married couple would act together, and sometimes the woman took the initiative.

5.2.1 The man

A man took the initiative in a contract from the early Old Babylonian period. He paid twenty shekels of silver to the father of the girl named U.²¹ But his spouse named Q. had been the wife of the man for a long time.

On the day that U. is not in harmony with Q., Q. may sell U.

¹⁸ M. Stol, *The care of the elderly in the Ancient Near East* (1998) 83.

¹⁹ M. Stol, *Studies A. Skaist* (2012) 141, 145, 151 f., 160–162.

²⁰ CT 48 48 with collations by Westbrook.

²¹ L. Waterman, BDHP 39 (HG 6 1420).

Since it is nowhere explicitly stated that the new woman is the second wife, it is surely more plausible to think that the man was merely buying a slave for his wife. The clause about lack of harmony only makes sense when applied to a relationship between two wives. Moreover, it was a drastic punishment to be sold. We can only understand it here by assuming that the girl was, or had become, a slave. Evidently she had been sold by her father, who desperately needed the bride-price. Perhaps the sum of twenty shekels was precisely the debt the father owed, and he owed it to the buyer.

According to a modern reconstruction of an archive from Emar, an exorcist entered a second marriage with a widow with one son. He adopted her son and fathered three more children with her. When the adopted son started a dispute with him about property from his mother's dowry he and the other three children were disinherited. The eldest son of the exorcist, by his principal wife, was appointed as sole heir.²²

5.2.2 A married couple

A text where a man and wife as a married couple acted together states that a girl was 'bought' (the verb used has a crude connotation) by them from her father.²³ She was then the 'spouse' of the man and the 'slave' of the woman. If she did not recognize the latter as her mistress, she could sell her as a slave. The second part of the text has the standard terms for a normal sale. The price was five shekels of silver, then the lowest amount for a bride-price. The name of the girl, Šamaš-nuri, suggests that she was a slave-girl.²⁴ It is noteworthy that in such cases it is a man or a married couple acting as the the parties in a sort of sale, and we have other similar examples.

²² Y. Cohen, *The scribes and scholars of the city of Emar in the Late Bronze Age* (2009) 151–154.

²³ CT 8 22b (VAB 5 77) with Stol, *Studies Skaist*, 140 f. Cf. CT 48 84, which lists a cow and six head-dresses, the remainder of a dowry (*nudunnū*) of a *šugītu*, which is to be given to her father-in-law (*emu*); Wilcke, 'Familiengründung', 269.

²⁴ R. Harris, *Ancient Sippar* (1975) 338; perhaps she had been adopted as his daughter by her (new) father.

5.2.3 The woman adopts a sister

Fairly often we read of a wife ‘adopting a sister’, meaning that she took the initiative in bringing into the family a second wife. This remarkable legal process was used in the Old Babylonian period for recruiting a second wife.²⁵ One example comes from Isin. The wife of a man adopted a woman ‘for sistership’ (*ana athūti*),²⁶ and then paid her parents five shekels as ‘the bride-price’, and gave this girl, this new ‘sister’, to her own husband to marry. Afterwards there follows a grammatically confusing clause, where feminine singular pronouns are used alternatively to refer to the first wife and to the ‘sister’ to show that whatever happens to the one will also happen to the other.

Whoever marries her, shall also marry her; whoever leaves her, shall also leave her.

This solidarity was what being a ‘sister’ involved, a subject which we will look at again shortly. If the man were to divorce his first wife, then she could ‘take the hand of A., her sister, and go away’. If she herself wanted to leave, she lost the house, land, and goods and had to pay twenty shekels of silver. The strong position of the wife is evident in this text. She was also independent of her husband in her dealings. Here in the case of a divorce there was no question of punishment by throwing her from a tower or casting her into the river (see Chapter 9). The second wife seemed in practice to be owned by her for good. She was called Ali-abi, ‘Where is my father?’, which suggests that she was an orphan.

There are other marriage contracts where the second wife was called the ‘sister’ of the first but where there is no mention of an adoption. Even so, this must have been the background to the marriage. Two sisters were married and a bride-price was paid for each of them.²⁷ It was recorded that the second of the ‘sisters’ within the marriage was the slave of the first. This points to the fact that it was impossible to have two wives of equal standing within a marriage. Legal scholars focus attention on the theory that ‘to take’ (*leqū*) in these texts must be the technical term for ‘to adopt’. The text just referred to coming from Isin and concerning adoption as a sister, was not really an adoption, because the silver paid to the parents was called the ‘bride-price’. K. R. Veenhof proposed that ‘to

²⁵ K. R. Veenhof, *Mélanges A. Finet* (1989) 185f.

²⁶ BIN 7 173 with F. R. Kraus, JCS 3 (1951) 113–115. Cf. also UET 5 87.

²⁷ TIM 4 47, 49. Note that here a second wife is taken in marriage and that the marriage with the first wife is recapitulated and reconfirmed. For another similar marriage see J. Oelsner, OLZ 88 (1993) 502, HS 2388: ‘Ehevertrag’, where Ali-aḫatum, wife of M., gives Narubtum and her sister Amertum into marriage; to be published by Anne Goddeeris as TuM NF 10 no. 3.

take’ meant no more than that, and we should not read into the verb the meaning ‘to adopt’ or ‘to buy’.²⁸ This restrained observation is reminiscent of R. Yaron’s opinion about the word *aḥāzu*, a difficult term for legal scholars to interpret, but which he understood to mean the ‘taking’ of the bride. He convincingly showed that here again not too much should be read into the word.²⁹ In other texts where a woman was adopted as a sister we read that the first wife could sell her if she said, ‘You are not my sister’. One can imagine that in a normal relationship between sisters something like this could clearly not happen. This clause must have been inserted to indicate the restricted status of the new sister.

Besides this, as we have seen above, in these contracts we can find a clause envisaging a ‘joint divorce’: ‘whoever leaves her shall also leave her’.³⁰ R. Westbrook states that this clause was there for the protection of the second wife against the first, to prevent the second wife from being divorced at the instigation of the first.³¹ One could also say that the first wife was protected. Veenhof gives a better explanation: ‘It prevents the husband from divorcing the older, childless *nadītu*, while staying married to the younger mother of his children’.

In general, when we see the words ‘sister’ and ‘parents’, we should take into account the fact that a poor girl or slave-girl would have been adopted by her ‘parents’ with the intention of later marrying her off as a second wife. What lies behind this must be the rule that marriage could only legally be contracted by free persons. The adopted woman was free, though she may really have been a slave. That is seen from a letter saying,

The woman is not a slave. She was taken by means of a bride-price.³²

The adoption process was necessary to make her a completely free woman. Some names for the second wife indicate that she was given this new name on the occasion of her marriage, such as ‘She is my sister’, and ‘I have acquired a sister’.³³

But what is the sense in creating such a ‘sister bond’? R. Westbrook thinks that we should assume they are natural sisters. Both sisters brought a dowry with them and the children which were born belonged to the two sisters. As such those children could inherit from both of them. That applied also in the case of adop-

²⁸ Veenhof, *Mélanges Finet*, 186 f.

²⁹ R. Yaron, ZSS 109 (1992) 55 ff.

³⁰ *āḥissa eḥḥassi ēzibša izzibši* (14–15). Cf. CAD E 422a (3.c.) and TIM 4 49:6 f.; UET 5 87:11 f. Veenhof, *Mélanges Finet*, 187a: ‘clause of solidarity’.

³¹ OBML, 105 f.

³² ARM 28 36:8–11.

³³ TIM 4 47, 49 with M. Stol, *Studies A. Skaist* (2012) 162.

tion: children from the second sister could inherit from the childless first sister. Whenever the second natural sister was called the ‘slave’ of the first, she had not received any dowry. Westbrook says elsewhere that a second wife could only be adopted as a ‘sister’ after she had given birth to her first child.³⁴ I feel that this is all rather speculative.

K. R. Veenhof suggests that ‘by adopting the secondary wife as sister ... a relation of kinship was created which went beyond ownership and constituted the nearest approach to real motherhood.’ In a story in the book of Genesis Rachel, who had not conceived, tells her husband Jacob:

Here is my slave-girl Bilhah. Lie with her, so that she may bear sons to be laid upon my knees, and through her I too may build up a family (Genesis 30:3).

Veenhof continues, saying that such a story shows that ‘by having the secondary wife give birth “on the knees” of the first wife, the latter’s motherhood and acceptance of the new-born as her child could be visualized. The same goal could be reached by taking as secondary wife a natural sister of the first wife.’³⁵ We will return to the subject of ‘sisters’ when we discuss the *šugîtu*.

5.2.4 A marriage to two sisters

A well-known group of three Old Babylonian texts give some slight hint as to how a marriage to two ‘sisters’ developed.³⁶ They relate to a time in the reign of King Apil-Sîn, in Sippar. In the first text we see a man marrying a woman. Judging from her name, Taram-Saggil, ‘She loves Esagil’ (i.e. Marduk’s temple), she must have been a nun (*nadîtu*) of Marduk (see Chapter 27). In the second text the same man enters into a marriage with the same Taram-Saggil and also with Iltani, the daughter of Sîn-abušu.³⁷ The second woman is clearly the ‘second wife’, as can

³⁴ Westbrook, 106a, with 103b, 104b, on BAP 89.

³⁵ K. R. Veenhof in *Mélanges A. Finet*, 186a.

³⁶ TCL 1 61 (Apil-Sîn year 6), CT 2 44, BAP 89; their sequence is reconstructed. See R. Harris, ‘The case of three Babylonian marriage contracts’, JNES 33 (1974) 363–369; cf. R. Harris, *Ancient Sippar* (1975) 319 f.; S. Greengus, HUCA 46 (1975) 23 f.; Westbrook, OBML, 79a, 83, 103, 104b, 110b; Veenhof, *Mél. Finet*, 185a; R. Pientka, TUAT NF 1 (2004) 27 f. (BAP 89); L. Barberon, *Les religieuses* (2012) 153 f., 231–233. The earliest discussion was by Th. G. Pinches, *The Old Testament in the light of historical records* (1902) 174; only two texts were known to him.

³⁷ In the one text her father has the name Šamaš-našir, but in the other his name is shortened to Šamšatum (BAP 89:3). For the existence of two fathers, see Chapter 3, note 155, Chapter 16, note 6.

be seen from a series of degrading duties stipulated for her to do. The text can be regarded as typical of such a situation.³⁸

(As for) Taram-Saggil and Iltani, the daughter of Sîn-abušu, Warad-Sîn took them both in marriage. If Taram-Saggil and Iltani should say to their husband, ‘You are not my husband’, they will throw them from the tower. And if Warad-Sîn should say to Taram-Saggil and Iltani, his wives, ‘You are not my wife’, then he will forfeit his house and chattels. In addition Iltani must wash the feet of Taram-Saggil, and carry her chair to the house of her god. Iltani shall share Taram-Saggil’s antipathies and share her sympathies. She may not open her seals. She will grind ten litres of barley flour and offer it. (Names of witnesses)

At the end of this text, as usual, are the names of the witnesses. It raises several points for discussion. The most important is that if there was a divorce the man would lose his house and chattels. In both the laws of Ešnunna (§ 59) and the laws of Hammurabi (§ 137) this was the case whenever there were children in the marriage. Therefore it seems reasonable to suggest that Iltani had at least one child at the time the contract was issued. This would explain the extreme level of punishment for the man, and also the demeaning duties showing the inferior position of Iltani. Taram-Saggil wanted no insubordination. This ruling was in her favour and the contract came from her archive.

All the duties stipulated for Iltani deserve comment. Washing the feet is a duty quite commonly stipulated for slave-girls to do for mistresses. Carrying the chair refers to carrying a chair for a nun to the temple of Marduk.³⁹ That the ‘sister’, the adopted second wife, had to exhibit the same antipathy and sympathy as the first wife was seen as a sign of submissiveness.⁴⁰ Sometimes the expression occurs that both have to ‘go in and out’ at the same time, an expression perhaps related to the work expected of them.⁴¹ Slaves, of all people, were not allowed to open the seals of storage rooms, an action which is apparent in a Sumerian literary legal text. To grind ten litres (= one *sūtu*, ‘a seah’) was the expected daily workload for a slave-girl.

The third text also concerns Warad-Sîn marrying the two women, and now they are both named as daughters of the same father, Šamšatum (= Šamaš-našir), previously named specifically as the father of Taram-Saggil, so now they are

³⁸ CT 2 44 (VAB 5 4).

³⁹ W. Sommerfeld, *Der Aufstieg Marduks* (1982) 31 n. 1.

⁴⁰ L. Barberon, *Les religieuses et le culte de Marduk* (2012) 230–232, lists all her duties. For the broader context see R. Yaron, *Journal of Juristic Papyrology* 15 (1965) 173–175.

⁴¹ Westbrook, 109 f.

sisters with the same father. Here, an earlier marriage contract is reviewed. The short first sentence reads,

Iltani is the sister of Taram-Saggil.

This presumably means that she had now been adopted as a sister by Taram-Saggil. One of the witnesses in this text is named as *Sîn-abušū*, and he could be her biological father showing his tacit agreement. Then there follows this statement:

The children, as many as are born and will be born, are the children of them both. If she should say to Iltani, her sister, 'You are not my sister' [then she will take the hand of her] children [and go away].⁴²

After the break in the text (the middle section is missing) we read about the other, second, wife:

[If ...] sa[ys] 'Y[ou are not my sister]', she will shave off her hair and sell her. If Warad-Sîn should say to his wives 'You (two) are not my wives', he will pay sixty shekels of silver. And if they say to Warad-Sîn their husband, 'You are not our husband', they will be bound and thrown into the river.

In an earlier text we read that they would be thrown from the tower. The names of the witnesses are given. This text also needs further consideration. The fine levied on the man was twice as much as in the first contract. Perhaps this was because there are now two women. Our text explicitly states that there are children, but for some reason or other the man's possessions are not here forfeited. One hypothesis, which seems plausible, is that Iltani already had a child when she took on the role of second wife, and that Warad-Sîn was the biological father. In any case her fertility had been proven.

⁴² We owe this correction to Westbrook. This expression is attested elsewhere in the context of sister relationships. We there see that if the husband separates from his wife, she is allowed to take the hand of her adopted 'sister', his second wife, and leaves (BIN 7 173); if the husband wishes to separate, the *nadītu* of Marduk takes the hand of her sister, the second wife, and 'goes out' (TIM 4 47). Also regarding a holy woman, a *kulmašītu*, 'on the day that a husband marries her, she will take the hand of her husband and enter the house of her husband', CT 8 50a (Westbrook, 120a). The adoption document PBS 8/2 107:20–21 is not clear. In VAS 18 114:19–20 a mother adopted and raised a girl and her husband has no authority over her. If the man wishes to separate, the mother 'takes the hand of her daughter and goes away'. A correction is required in line 9: read (the man) *ul uwakka[l]*; thus AHw, CAD.

In our third text, agreements made earlier are repeated. A new factor here is what would happen to Iltani and the children. This third step was perhaps taken when Iltani became pregnant by Warad-Sîn. Then Taram-Saggil intervened, adopted her as her sister and assured herself of all the progeny. The third text also had her interest at heart.

5.2.5 The woman adopts a daughter

A holy woman (*qadištu*) of the god Adad, who adopted a girl ‘as a daughter’ (*ana mārūti*), paid her parents ‘the bride-price’ and ‘gave’ her to her husband. This can only mean that the adopted girl became the second wife, whereas the first woman did not or was not allowed to have children. The man was therefore married to wife and (fictive) daughter at the same time.⁴³ Elsewhere a woman ‘takes’ (perhaps meaning that she adopts) a daughter for her husband, pays the full ‘bride-price’ to her parents, and the woman becomes a ‘slave’ for her.⁴⁴ Is the slave-girl also her adopted daughter? The comment in a letter about the ‘adoption’ of a princess from Mari is difficult. She, like her sister Kirûm, is the wife of a foreign ruler. To her father she writes:

You yourself ‘gave’ me as a daughter and male heir.⁴⁵

5.2.6 The brother

On one occasion we see the wife’s brother providing a second wife. He ‘gives’ her.⁴⁶ The clauses of the contract all show her to have an inferior position to the first wife, named Eriš-Sagila, and at the end we read,

Even if she should bear ten children, they are the sons of E.

⁴³ CT 48 57 with Westbrook, 103b.

⁴⁴ CT 48 48 with Westbrook 104a.

⁴⁵ ARM 10 95:5f. (= LAPO 18 [2000] 437f. no.1225, ‘M’as-tu donnée en adoption?’), cf. J.-M. Durand, MARI 3 (1984) 166.

⁴⁶ CT 48 67. At the beginning two lines are missing, including the name of the second wife (colated by Westbrook).

We conclude from this that the family of a married woman saw it as their responsibility to see that one way or another children would be born in the marriage, and this would explain why the brother acted as he did.

5.2.7 The *šugîtu*

We discussed earlier the marriage of a second wife who was adopted as the ‘sister’ of the first. The title *šugîtu* for such a ‘sister’ is a special case. When the Laws of Hammurabi call the sister of the first wife a *šugîtu* it seems that this refers to an actual biological sister. Possibly the concept of *šugîtu* was originally restricted to and only suitable for a second wife who was recruited from the same family, so that a young man married two related sisters. A section in the Laws of Hammurabi envisages a family with a *šugîtu* as well as a nun, *nadîtu*. The clause about giving the dowry of the *nadîtu* is followed by one for the *šugîtu*.

If a man does not award a dowry to his daughter who is a *šugîtu* and does not give her to a husband, after the father dies, her brothers shall award to her a dowry proportionate to the value of the paternal estate, and they shall give her to a husband (§ 184).

Earlier it was assumed that the *šugîtu* was a sort of priestess, which would fit into this context. Now we take her to be the sister of the *nadîtu*, who for one reason or another did not go with her sister. The law makes clear that this *šugîtu* will marry in the end.

Much has been written about the etymology of the word *šugîtu*.⁴⁷ My suggestion is that it can be explained as a word basically meaning an ‘old woman’. It could be derived from Sumerian *šu.gi₄.a*, defined as Akkadian *šibtu* ‘old woman’, and *šugîtu* could be used as a taboo word, designed to mislead the demons, to keep them far away from the young mother and her child. In fact the function of the *šugîtu* was precisely that, a young woman there to bear children.

This institution seems already to have played a role in the legend about the struggle between Gilgamesh and *Īuwawa*. Gilgamesh offered him Enmebaragesi, his ‘big’ sister, as a wife (*dam*), and his ‘little’ sister, Peštur, as his second wife (*lukur*).⁴⁸ The name of the younger sister is Peštur meaning ‘Mouse’. It is hardly a coincidence that the Akkadian name Perurutu, also meaning ‘Mouse’, is often

⁴⁷ Wilcke, Jacobsen; see Veenhof, 187b.

⁴⁸ A. Shaffer, JAOS 103 (1983) 309–313; = lines 139, 143 as numbered by D. O. Edzard, ZA 80 (1980) 188; 81 (1991) 211f.; TUAT III/2 (1993) 546 f. Edzard translates *lukur* as ‘concubine’.

is the name of a *lukur*, already attested in Ur III Nippur.⁴⁹ A. Shaffer has said that Enmebaragesi must have been a priestess. So this would be a nice parallel to the Old Babylonian situation: a nun and an ordinary woman from the same family. In the Late Old Babylonian texts the second wife of the husband of a nun, called the *nadītu* of Marduk, was also called a *šugītu*, but it can be proved that this sisterhood was fictitious and that she was adopted.⁵⁰ Such a *šugītu*, who received a dowry, and for whom a bride-price was paid, is not often mentioned (Chapter 27).

The nun *nadītu* was a woman who lived in a convent and was not allowed physically to have any children herself, though she could adopt them (see Chapter 26 on convents). Only a *nadītu* of the god Marduk was allowed to marry, but not to bear children herself (thus scholars like R. Harris and L. Barberon; see Chapter 27).⁵¹ The second wife, who could have children with the husband of this *nadītu*, was called the *šugītu*.⁵² The Laws of Hammurabi do not deal with the second wife in a normal marriage, but do mention her in relation to this *nadītu*.

If a man marries a *nadītu*, and that *nadītu* gives a slave-girl to her husband, and thus she provides children, but that man then decides to marry a *šugītu*, they will not permit that man to do so, he will not marry the *šugītu*.

If a man marries a *nadītu*, and she does not provide him with children, and that man then decides to marry a *šugītu*, that man may then marry the *šugītu* and bring her into his house: that *šugītu* should not aspire to equal status with the *nadītu* (§§144–145).

We see here clearly how a *nadītu* could provide descendants. One way that she herself could give her husband a slave-girl, and he would have children by her. Those children would count as children of the *nadītu*. Another way was for her husband to take the initiative in marrying a second wife, who would have children by him. This was a free woman, sometimes a ‘sister’ of the *nadītu*. The laws say that it was forbidden to use both methods (§144). Only if the *nadītu* produced no children by a slave-girl or by some other means (such as adoption) could the man go on to take the initiative himself and take another wife (§145).

49 M. Such-Gutiérrez, *Beiträge zum Pantheon von Nippur im 3. Jahrtausend I* (2003) 164–166.

50 M. Stol, *Studies A. Skaist* (2012) 147, 153, 156 f., 159, 161; Barberon, *Les religieuses*, 227–232.

51 J. Renger, *ZA* 58 (1967) 174 f.

52 Renger, 175; R. Harris, *Ancient Sippar* (1975) 317, 319, 321; C. Wilcke, *ZA* 74 (1984) 170–180. Note that in Nippur Geme-Ekuritum, the *ereš.dingir* of the god Lulal, had a son, together with her husband, but we assume that this was not a biological son; see TIM 4 13:28 f. with E. C. Stone, D. I. Owen, *Adoption in Old Babylonian Nippur* (1991) 39 (there translated ‘and Warad-ilišu, their son’).

R. Westbrook has considered the status of the slave-girl in §144. Was she a concubine or a second wife?⁵³ The laws that follow seem to treat her as a slave-girl:

If a man marries a *nadītu*, and she gives a slave-girl to her husband, and she then bears children, after which that slave-girl aspires to equal status with her mistress since she had given birth to children, her mistress shall not sell her. She shall place upon her the slave-hairlock, and she shall reckon her with the slave-girls.

If she does not bear children, her mistress shall sell her (§§146–147).

In fact these laws already give the answer to Westbrook: the slave is not a concubine but had the higher status of a second wife. Her punishment was always to be ‘put back’ into the role of a slave. Her status oscillated between freedom and slavery.

Sometimes it is apparent that children were really born to the second wife. A *nadītu* of the god Šamaš gave her inheritance to a nephew, but specified that a portion should be given to Šat-Aya and to Ana-yašim-damqat and her children, both those she has borne or shall bear. Ana-yašim-damqat was a slave’s name, meaning ‘She (= ‘my mistress’, or the goddess Aya) is good to me’. This means that we have here a *nadītu* and her slave-girl.⁵⁴ What follows is another example of the children of a nun produced by a slave-girl.⁵⁵ A brother gave a woman to his sister Eriš-Sagila (probably a *nadītu* of Marduk) to serve her. Among the duties the woman had to do were, for example, to carry her chair to the temple and to wash her feet. Then we read:

Even if she should bear ten sons, they are the sons of E.

There is no mention here of a husband.

The *šugītu* was supposed to be called the ‘sister’ of the *nadītu*.⁵⁶ That does not mean any more than that she had been adopted as a sister. There are a few texts which enumerate the content of the dowry, there meaning what the *nadītu* received from her father. After all the objects listed sometimes a woman is named as a *šugītu* and/or her sister. Such a text was given in Chapter 3, concerning

⁵³ OBML, 107.

⁵⁴ CT 47 47:23–26 with M. Stol, *The care of the elderly in the Ancient Near East* (1998) 99 f. Note that Šat-Aya must be a *nadītu* of Šamaš, not Marduk; Barberon, *Les religieuses*, 11 note 11.

⁵⁵ CT 48 67 with OBML, 125, and L. Barberon, *Les religieuses*, 228 n. 1241. According to her, the *nadītu* (of Marduk) was not yet married at this moment.

⁵⁶ Harris, *Ancient Sippar* (1975) 321. Now proved by CT 45 119 rev. 6, as suggested by Wilcke, ZA 74, 177 (*ana aṭḥūtiša ilqe?*).

wedding gifts. She is then part of the dowry and even at that point destined to ensure the birth of children. She could not be the biological sister.⁵⁷

One man is said to have married two sisters, the first of whom was a *nadîtu* of the god Marduk. The second sister had an inferior rank to the first (*wurruḍat*), had to share her sympathies and antipathies, wash her feet, carry her chair and ... (?). Then there follow clauses concerning divorce. When she is abandoned by the man, the first 'sister' shall 'take the hand' of the second sister and 'leave'. If the first sister wants to break up the marriage, she will be bound and thrown into the river. We see that the second sister had no active role to play. Both sisters had the same father and mother, but the *šugîtu* would certainly have been a poor girl adopted by them. The text ends with the interesting statement that the father had received 'ten shekels of silver, the bride-price for his daughters', that is two times five shekels.⁵⁸

Two texts show that, together with the *nadîtu* of Marduk, the man E. received one of her nieces, from a younger generation, as *šugîtu*. Then, 21 months later, he received another niece, from a different mother. The first extra wife was 'given' to the *nadîtu* by her mother and brothers, 'to marry E. along with her' (*ana ittiša E. aḥāzim iddinūši*). The second was recruited (*leqû*) by the *nadîtu* of Marduk herself for her husband.⁵⁹ We should not assume that the man now had three wives, but it could be that an earlier one (the *nadîtu* or the *šugîtu*) had died or was infertile. Assyrian contracts show that after two years of childlessness the man had a right to reject her.

It is interesting to see here that the second wife was chosen from within the first wife's own family. That brings us back to the question of whether the 'sisters' could have been real, natural sisters, with adoption being an emergency measure.⁶⁰ I think that this was indeed the norm, a norm reminiscent of the levirate, which should preferably not be explained by the equal right of inheritance for the children, as Westbrook thinks. Here something more primitive is at play, concerned with the ties of blood, and a family who knew they were responsible for producing descendants when their daughter was unable or not allowed to bear children. It seems that it was precisely within the convent tradition that this institution existed. The sister, who was indeed allowed to bear children, was the com-

57 R. Westbrook, RIA VIII/1-3 (1994) 276b 'Mitgift' § 3.2.3; CT 8 2a:12; BE 6/1 84:30; CBS 1214:17 (see Wilcke, ZA 74, 170 f., n. 3 and 5). The *šugîtu* at the end of the list: Barberon, *Les religieuses*, 228 (1.2).

58 TIM 4 47; also in TIM 4 49. In BM 97159 again 10 shekels for two women (Veenhof, *Mél. Finet*, 185 n. 10).

59 Veenhof, *Mél. Finet* (1989) 183-187, Texts B and C.

60 On the adoption of the sister see Veenhof, 185a.

panion of the childless *nadītu*. When no biological sister was available, a woman from humble origins could be adopted.⁶¹

It is curious that the *šugītu* could be given a new name by the *nadītu* of Marduk; she had had a rather common name before being renamed. This was a pious name, such as ‘The wish of Esagila’, or ‘Zarpanitum is my angel’, a name derived from an association with the temple of Marduk and his wife Zarpanitum. But there were also names in which the word ‘to laugh’ occurred, such as ‘She laughs towards her city’. Names like this do not occur in other situations. It may be that this one had something to do with the joy at the birth of children, just as Sarah laughed at the birth of Isaac (Genesis 21:6). After all, this was the very reason that the second wife was taken on.⁶²

One clause in Hammurabi’s laws concerns sending the *šugītu* away.

If a man should decide to divorce a *šugītu* who bore him children, or a *nadītu* who provided him with children, they shall return to that woman her dowry and they shall give her one half of (her husband’s) field, orchard, and property, and she shall raise her children: after she has raised her children, they shall give her a share comparable in value to that of one heir from whatever properties are given to her sons, and a husband of her choice shall marry her (§ 137).

A woman with children was well protected by Babylonian law. This law is a reflection of the two possibilities spoken of in §§ 144–145, but there they were in the opposite order: a slave-girl organized by the *nadītu* produces children, or a *šugītu* does. While they are being brought up the woman has the right to any profit from the inheritance.

5.3 The second wife in the Old Assyrian period

The second wife features much in Old Assyrian society, when the Assyrians were living in one of the thirty trading colonies in Anatolia, modern Turkey, in particular in the city of Kaniš, 20 km north-east of Kayseri. Some 23,000 clay tablets have been excavated there, most coming from the period 1890–1850 BC. Caravans with donkeys (camels had not yet appeared) travelled back and forth to the city

⁶¹ Such an adoption seems to be the basis of the marriage contracts CT 48 55 (at the end of line 9 read nu-bar = *kulmašītu*), PBS 8/2 252, and Veenhof, *Mélanges A. Finet*, 181–183, Text A (which Veenhof says may relate to the adoption of an orphan). For the humble origins of the *šugītu*, see Stol in *Studies Skaist*, 161 f., Barberon, *Les religieuses*, 234.

⁶² Stol, *Studies Skaist*, 161–163.

of Assur (in modern Iraq), where members of their family were also living. They were separated by a distance of 1200 km, a journey which took six weeks. The contracts from Kaniš show that a man could have two wives, one in ‘the country’ (i.e. Anatolian colony), and one in ‘the city’ (i.e. Assur).⁶³ This was not yet the case for the first generation of colonists. Pušu-ken lived in Kaniš and his wife Lamassi lived in Assur.⁶⁴ C. Michel thinks that such ‘bigamy’ was not normal, but that it was dictated by circumstances. If after two or three years no children had been born he could bring in a genuine slave-girl, but she did not make him a bigamist. Where there were two wives, the difference in rank was indicated. The first was known as the ‘wife’ or the ‘spouse’ (*aššatu*), and the second was called ‘the slave’ (*amtu*), or sometimes ‘the holy woman’ (*qadištu*). The second wife lived ‘alongside’ (*šaḫāt*) the first. Even if she were called ‘the slave-girl’, she was not really a slave. It was an expression designed to show her inferior position.⁶⁵ Moreover, it was not only the indigenous Anatolian women that were called the slaves of their Assyrian husbands.⁶⁶ The order of rank did not depend on where the woman lived but the sequence of the marriages. The wife of a first marriage, even one that happened in Anatolia, was called the ‘wife’. Assyrians in particular in a later generation could more easily marry first in Anatolia.⁶⁷ Some scholars have formalised the terminology to mean that the first wife was called the ‘wife’ (*aššatu*) in the city and in the colony, but that the second wife was called the ‘holy woman’ in the city and the ‘slave-girl’ in the colony (K. R. Veenhof; C. Saporetti).⁶⁸

We shall translate a few of these contracts. The first concerns a man who takes a woman with him on a journey to two places in Asia Minor.

Puzur-Ištar has taken Ištar-lamassi, the daughter of Aššur-nada as a ‘slave’ and he will lead her off to Purušhandum or to Ḫattum, (the destination of) his journey, and he will let her return to Kaniš with him. If he should leave her, he will pay five minas of silver. If she should

⁶³ C. Michel, ‘Bigamie chez les Assyriens au début du II^e millénaire’, RHD 84 (2006) 155–176; B. Kienast, ‘Altassyrisch *amtum* = “Zweitfrau”’, AOF 35 (2008) 35–52.

⁶⁴ K. Hecker, Or. NS 47 (1978) 405 f.

⁶⁵ Cf. B. Kienast, *Das altassyrische Kaufvertragsrecht* (1984) 94 f., sub 1; K. R. Veenhof, *Studies R. D. Biggs* (2007) 302 f., showing that it was less easy for her to divorce. A ‘slave-girl’ who was infertile could not take another woman to bear her children and her children did not have full rights; C. Michel, RHD 84 (2006) 167 f., 172.

⁶⁶ K. R. Veenhof in: H. Nissen, J. Renger, *Mesopotamien und seine Nachbarn I* (1978) 151 f. Sometimes the two titles are confused, within one text; Michel in: J. G. Dercksen, *Anatolia and the Jazira during the Old Assyrian period* (2008), 214 f.

⁶⁷ In general see C. Michel, ‘Les Assyriens et leurs femmes anatoliennes’, in: Dercksen, 209–229.

⁶⁸ See also the scheme in R. Rems, WZKM 86 (1996) 364 f.; K. R. Veenhof in: R. Westbrook, *A History of Ancient Near Eastern Law I* (2003) 452.

leave him, she will pay five minas of silver. Apart from his wife (*aššatu*) in the city of Assur, he will not take (*aḥāzu*) a second wife. If Ištar-lamassi does not ‘see’ a child (*šerru*) within three years, he will buy a slave and ‘take’ her. Aššur-nemedi, Anina and her mother gave her.⁶⁹

This man already had a ‘wife’ living in Assur and now he takes a second wife, called a ‘slave-girl’. K. R. Veenhof thinks that this ‘slave-girl’ is there to satisfy the emotional needs of the man in a far country. Another scholar even speaks of ‘love’ in this sort of case.⁷⁰ That a man had such needs is illustrated again in a letter sent by a lonely man to his wife:

I am alone. Nobody is supporting me. Nobody places a table in front of me. If you do not come with my servants, I shall marry a Waḥšušanish woman in Waḥšušana.⁷¹

A man was allowed to take along (*redû*) the second wife on his trading journeys. Sometimes the cities they would travel to are named in marriage contracts.⁷² This meant that in those cities he was not allowed to have any other sweethearts. Two partners were enough. It seems that a ‘slave-girl’ was duty-bound to make these journeys.⁷³

One contract is clearly worded and concerns a man in Anatolia who marries a woman there, but who was already betrothed to a girl in Assur.

He may take her with him wherever he wishes. He shall not marry a second one in Kaniš or let her live alongside her. He shall not marry a daughter of Assur and a daughter from ‘the country’ (...). In the city (Assur) he may marry the daughter of Dada.⁷⁴

That he should not marry a second ‘wife’ reflects the standard phrase *aššatam šanîtam ula eḥḥaz*.⁷⁵ C. Wilcke reminds us that the contracts precisely stipulated exceptions, which would mean that two ‘wives’ were indeed allowed, but that in this particular case they were forbidden.⁷⁶ Indeed, after this phrase the contracts

⁶⁹ Prag I (1998) 83 f. I 490; see earlier J. Lewy, HUCA 27 (1956) 6–8; K. Hecker, Or. NS 47 (1978) 408 f., n. 30.

⁷⁰ Veenhof, 152; Hecker, 412.

⁷¹ BIN 6 104:15–17 with C. Michel, CMK no. 397; RIDA 84 (2006) 170; B. Kienast, AOF 35 (2008) 43 f.

⁷² C. Michel, RHD 84 (2006) 166; Michel in Dercksen, 215 f.

⁷³ K. R. Veenhof, *Studies R. D. Biggs* (2007) 302.

⁷⁴ C. Michel, P. Garelli, *Anadolu Medeniyetleri Müzezi* 1995, 298 Kt 94/k, 149.

⁷⁵ R. Rems, WZKM 86 (1996) 361 f.

⁷⁶ C. Wilcke, ZA 66 (1976) 197 n. 3.

dealt with the possibility of the man marrying a second wife. If he did he would have to pay a fine.⁷⁷

Life was not simple for a woman in Anatolia. If she did not accompany the man on trade journeys there was the possibility of contact through letters. One ‘slave-girl’ complained:

You have left me behind in Purušḫandum and I actually escaped death, but you never enquired about me. I came, but in Kaniš you ignored me, and for a year you have not taken me to bed. You wrote to me from Timilkya: ‘If you do not come here you will no longer be my “slave-girl” ...’. After Timilkya you left for Kaniš with the message, ‘I am coming within fifteen days’. Instead of fifteen days you stayed there a year. From Kaniš you wrote, ‘Go up to Ḫattum’. Today I will have been staying in Ḫattum for a year but in your messages you never once mention my name.⁷⁸

Another text is a marriage contract in which two women are involved and the possibility of childlessness is discussed.⁷⁹

La-ḳipum married Ḫatala, the daughter of Enišru. La-ḳipum shall not marry a second spouse ‘in the country’. In the city he can marry a ‘holy woman’ (*qadištu*). If within two years she has acquired (*rašû*) no offspring (*lîpu*) for him, she herself shall buy a slave-girl and as soon as this girl later gets a child (*ša-ra*) for him, she can sell her wherever she wishes. If La-ḳipum should leave her, he shall pay her five minas of silver. And if Ḫatala should leave him, she shall pay five minas of silver.

Three women have a role to play: the first wife, the second wife, and in the case of childlessness a slave-girl bought by the first wife if she herself was infertile. We could say that the slave functioned as a surrogate mother. It should be noted that also in a Neo-Assyrian contract a very independent lady at the court promised that she herself would provide a slave-girl in the case of childlessness.⁸⁰ If a man is married to an infertile second wife (‘slave-girl’), he can also himself buy a (genuine) slave-girl.⁸¹ A man was only allowed to have one wife per location. In our text the ‘wife’ was in the colony and the ‘holy woman’ was in the city of Assur. Anatolia was called ‘the country’, but in another text the expression used is ‘in the field he may not marry a second wife’.⁸²

⁷⁷ EL no. 1 (= TCL 4 67) (a fine of 1 mina); AKT I 76 (a fine of 5 minas).

⁷⁸ C. Michel, RHD 84 (2006) 170 (n. 56).

⁷⁹ ICK I 3 with H. Hirsch, Or. NS 35 (1966) 279 f., Hecker, 409 n. 34 (‘DAM or GEME in the erasure’); also in ANET (1969) 543a (4); Michel, RHD 84 (2006) 162 f., 164 f., 167.

⁸⁰ J. N. Postgate, FNALD no. 14. See further Chapter 7, ‘Marriage between equals’.

⁸¹ C. Michel, Ktema 22 (1997) 106.

⁸² AKT I 76.

One example of marriage to a second wife or ‘slave-girl’⁸³ concerns a girl obtained by the husband A. for fifteen shekels.

(As for) her brothers, her mother, no-one shall come back to A. about this. A. may not marry a wife in Purušhattum, Waḥšušana, Durḥumit or Kaniš. His wife he may take with him wherever he wishes.

This girl is referred to as his ‘wife’ on the envelope, but on the tablet itself the word used is *amtu*, ‘slave-girl’. This woman must have been an Anatolian ‘slave-girl’ and she had to travel with him. Sometimes the second wife was not called a ‘slave-girl’ but a ‘wife’, and she participated in commercial activities.⁸⁴

After a husband had died in Assur his second wife (an Anatolian) fought for her interests and those of her daughter, but in vain.⁸⁵ We do not know much about the relationship between the first and the second wife, but it could have been a strained one. We have a sealed letter sent to Assur by a husband with this address on the envelope, ‘To Ištar-ummi, his “slave-girl”, and Š.’, and at the end is a plaintive kind of postscript:

Please, please, do not be so annoying!

In this emotional letter he writes:

Why do you still write so angrily? Whom do I have but you? (...) Please, please, get on your way and come here with the first caravan, together with A. and S.! Do not leave the little one behind! And if you need money, ask A. for one or two shekels of silver! If you really love me, get on your way and come here! This wife (*aššatu*) whom I have married, is hatching plans against you.⁸⁶

He had married his first wife, a she-devil, in Anatolia, and his second, his true love, later in Assur. It would seem that another woman in Assur had a good relationship, since she writes,

For the ‘slave-girl’ from Kaniš a garment (...); I will always love your ‘slave-girl’ from Kaniš.⁸⁷

⁸³ C. Michel, *Tablettes paléo-assyriennes de Kültepe I* (1997) no. 161a.

⁸⁴ J. G. Dercksen, *The Old Assyrian copper trade in Anatolia* (1996) 122.

⁸⁵ Michel, RHD 84 (2006) 172.

⁸⁶ P. Garelli, RA 51 (1957) 5–9 HG 75; CMK no. 396; RHD 84 (2006) 172f.; B. Kienast, AOF 35 (2008) 42 (c).

⁸⁷ M. T. Larsen, *The Aššur-nādā archive* (2002) 107 no. 72:8–9, 28–29 (BIN 4 88).

The next document includes the word *qadištu* translated ‘holy woman’, which is a problematical title for women and in Chapter 27 it will be discussed fully. In the Old Assyrian period it is used for a wife and a new text shows that the title is found in other cities besides Assur.⁸⁸

Šu-Sîn has married Etari, the sister of Ennam-Aššur. Her head is ‘open’ (*qaqqassa pate*). He shall not have a ‘girlfriend’ living alongside her. He shall not marry a ‘holy woman’ in Kaniš or Niḫriya. If on account of (*ana*) their sister anyone, whether it be her husband or an Anatolian or even a son of Assur, shall seize her on account of debt, then Ennam-Aššur, her mother, and Puzur-Šadûm will ‘cleanse’ Šu-Sîn. Her price has not been paid. If he should leave her, he shall pay two minas of silver. If she should leave him, then they shall pay two minas of silver.

The names of the witnesses are at the end. In the first half of the text the woman is described as having ‘her head open’, meaning that she was not veiled. This expression also occurs in the Middle Assyrian laws and refers to prostitutes and to ‘holy women’. If they married they would have to wear a veil. Let us therefore assume that Etari is a ‘holy woman’ (perhaps from Assur). Then it becomes clear why he must not marry a second ‘holy woman’. In the previous contracts we saw that a man could only marry one wife of each sort. We also saw that an Assyrian in Kaniš might marry a second woman to satisfy his emotional needs. The ‘holy woman’ would have been enough for this and that explains why he could not have a ‘girlfriend’ besides her. The expression ‘her price has not been paid’ refers to the bride-price, so it is hardly a legally valid marriage. This looks like a cohabitation contract.

What really happened when a man ‘abandoned’ a second wife is illustrated by the following text.⁸⁹

Pilaḫ-Ištar abandoned Walala, his ‘slave-girl’, and she was satisfied with her divorce ... silver. In this case those acting were Pilaḫ-Ištar, Walala, Šat-Ištar, her mother, Nunu and Amur-Aššur, her brothers beside her, and they swore the oath by Assur, the oath by Ana, the oath by the ruler, that they would not come back at Pilaḫ-Ištar, his son, or whoever. If they do come back, they will pay ten minas of silver. Regarding Lamassi, his daughter, whenever Pilaḫ-Ištar goes to the city (= Assur) he shall take her with him. They are satisfied (with the payment) for her upbringing and her food. They will demand nothing (more) from him.

⁸⁸ AKT I 77 with E. Bilgiç, *IX. Türk Tarih Kongresi*, II. Cilt (1990) 430–432; J. G. Dercksen, NABU 1991/28. Note that *ša-wa-tám* = *še’itam*, ‘girlfriend’.

⁸⁹ ICK I 32 with J. Lewy, *HUCA* 27 (1956) 3–5; C. Saporetti, *Geo-Archeologia* 1984–2, p. 37; B. Kienast, *AOF* 35 (2008) 48–50.

The divorce settlement of the ‘slave-girl’ Walala was paid and the agreement stated that her mother and brothers had nothing more to demand. The man could take the daughter born of the union with him to Assur and he had paid the cost of her upbringing and food. It is noteworthy that in one of the texts mentioned earlier the ‘slave-girl’ again had her mother and two other people as ‘givers’.⁹⁰

5.4 The second wife in later periods

5.4.1 Nuzi

The texts from Nuzi often state that a man may not have a second wife if the first one had given birth to children (*šerru*). That does not mean that in general in Nuzi a second wife was forbidden. The family of the woman only wanted to exclude the actual possibility and so protect the wife and her children. If the woman appeared to be infertile, then the man could indeed take a second wife. The woman or her family would see to that.⁹¹

One contract protected the married woman strongly and stated that if she bore children the man ‘could not take a second wife, nor even a concubine’.⁹² Sometimes the only problem was not producing sons. That was written only in the contracts drawn up between the brother of the bride and the bridegroom himself.⁹³ One text records a decision for a childless woman to take ‘a woman from the land of Lullubû as a wife’ for her husband and any children would have to obey her.⁹⁴ This woman must have been a slave-girl from the hill country.

5.4.2 Alalah

In Alalah a man married two wives, but reserved the right to marry a third one if no child was born.⁹⁵ Two wives would have been normal in the west, as seen in Deuteronomy 21:15. The story of Hannah and Peninnah in 1 Samuel 1 also assumes

⁹⁰ Michel, *Tablettes paléo-assyriennes de Kültepe I*, no. 161.

⁹¹ J. Paradise, JCS 39 (1987) 7 f., 28 f.

⁹² JEN 435 with TUAT NF 1 (2004) 61 f. ‘Concubine’: *ḫelaḫelu*.

⁹³ Paradise, 9.

⁹⁴ HSS 5 67:19–22 with K. Radner, *Die neuassyrischen Privatrechtsurkunden* (1997) 165 (n. 865).

⁹⁵ AT 91:29–31 with TUAT NF 1 (2004) 135 f.; C. Niedorf, *Die mittelbabylonischen Rechtsurkunden aus Alalah (Schicht IV)* (2008) 265–275; AT 92 with W. W. Hallo, *The Context of Scripture III* (2002) 251 f.; Niedorf, 275–283.

this to be normal. Two other texts from Alalakh grant a period of seven years for the woman to produce a child. If in that time she has no child, the man may marry a second wife.⁹⁶ Setting a time limit for producing children, after which a man may marry a second wife, is confined to the north and the west of the region. In Assyria two years was allowed, but in Alalakh it was seven or ten years.

In the Bible Sarai brought in Hagar as a second wife for Abram after staying ten years in Canaan (Genesis 16:3). In the Mishnah a man should be concerned if after ten years he had no children, and should then look for a solution. But no mention is made of a second wife: the privileges of the patriarchs no longer applied (M. Yebamot 6:6).

5.4.3 Assyria

In the Neo-Assyrian period a marriage of equals involving taking a second wife was not acceptable. This is clear from the statement,

If he marries a second woman in addition, then he shall place five minas on top of her dowry and give it (to her).

This implies that it is possible that they then divorce and that he gives her the dowry plus this fine. The legal wife is a ‘holy woman’ of Ištar of Arbela, and therefore it is stated that neither her husband nor her brothers had legal authority over her.⁹⁷ Another text states,

If he should marry a wife in addition, then she shall take all that she had acquired and go and depart.⁹⁸

About this marriage it was noted that this woman must have been a princess. The special word ‘to acquire’ applies to presents from the king, and the clay tablet was found in the palace, beside the sarcophagus of a woman.⁹⁹

When a high-ranking lady at the court gave her daughter S. in marriage, it is stated:

⁹⁶ AT 93 with *The Context of Scripture* III, 252; Niedorf, 284–288; AT 94 with I. Mendelsohn in: *Studies S. W. Baron* (1959) 354 f.; Niedorf, 289–295.

⁹⁷ StAT 2 164, end; A. 2527 in Radner, *Die neuassyrischen Privatrechtsurkunden* (1997) 166.

⁹⁸ CTN II 247:6–10, with K. Radner.

⁹⁹ K. Deller, ‘Heiratsurkunde einer assyrischen Prinzessin’, NABU 1991/105. Deller’s suggestion was rejected by S. Svärd, *Women and power in Neo-Assyrian palaces* (2015) 87 n. 418.

If S. does not become pregnant and does not bear a child, she shall take a slave-girl as a replacement for herself. In this way she shall bring forth sons. The sons will be her sons. If she loves (her), she shall protect her. If she hates (her), she shall sell her.¹⁰⁰

5.4.4 Neo-Babylonian era

In the Neo-Babylonian period the possibility of a second wife is mentioned in marriage contracts.¹⁰¹

On the day that N. shall marry a second woman, he shall give to T. (his wife) a mina of silver.

This compensation for the first wife is a new development, and a completely new practice is found in another text. It adds that ‘she shall go wherever she wishes’. Such freedom had not been afforded before to the first wife.¹⁰²

Some contracts mention ‘a second wife above her’, and indicate that the second wife may never attain the status of the first.¹⁰³ This becomes clear in the variant formula, ‘On the day that he marries a second wife, N. remains the most important (literally: the great) wife’.¹⁰⁴ The two following sentences are intriguing: ‘On the day that (the woman) FN is seen with a male person, on the day that (the husband) PN lets another woman live (in the house) alongside FN’. Unfortunately what follows is not clear.¹⁰⁵

A contract from the second year of Nebuchadnezzar concerning a man who had no children by his wife includes this plea to the father of another girl:

There is no son of mine. I wish for a son. Give me Kullâ, your daughter. Let her be my wife.

That took place and she became his wife. Then follows the provision that should the first wife (*maḥrîtu*) nonetheless have a son, she would inherit two thirds of the

100 Postgate, FNALD no. 14 with A. K. Grayson, J. Van Seters, Or. NS 44 (1977) 485f. We will return to this ‘equal marriage’ in Chapter 7.

101 M. Roth, *Babylonian marriage agreements* (1989) 12f., speaks confusingly of ‘another woman’ and once of ‘the second wife’. K. Abraham, AfO 51 (2005–06) 202f., is clearer.

102 Roth, *Babylonian marriage agreements*, 89 no. 25:14–16, 43 no. 4:10–13.

103 Roth, 13 (n. 51).

104 C. Wunsch, *Urkunden zum Ehe-, Vermögens- und Erbrecht aus verschiedenen neubabylonischen Archiven* (2003) 21 no. 5 rev. 2–4, with p. 22, 24.

105 Roth, 65 no. 15:3–8.

estate.¹⁰⁶ This ruling is analogous to the provision in § 15 of the Neo-Babylonian laws: the sons of the first marriage would receive two thirds, and those of the second marriage (after the first wife had died) would receive one third.

In the Laws of Hammurabi a different regulation applied:

The sons shall not divide the property according to their mothers. They shall take the dowries of their respective mothers but the property of their father's house they shall divide equally (§ 167).

5.5 The position of the second wife when the first wife is ill

Illness could compel a man to take a second wife.¹⁰⁷ We know laws and a few legal judgements which allow the man, in the case of illness to take this step. But then the rights of the first wife must be protected. One is inclined to think here of illnesses which prevent pregnancy but nothing points to this. In a Sumerian text a widow remarries, but is struck by the demon *á.sàg*. She gives her husband permission to marry a named slave-girl, and adds:

I myself wish to receive a fixed allowance of barley and wool.

This proviso was made before the judges and the ration was granted to her for life, or possibly 'while she was living in the house of her husband U.'¹⁰⁸ A. Falkenstein considers that, as a consequence of the illness, the *debitum coniugale* (an expression apparently used by the prudish professor to mean sexual intercourse) had become impossible. However, there are strong indications that this demon caused a certain sort of paralysis, and it is noteworthy that only women are affected by this demon, a subject to be taken up again in Chapter 22, about diseases.¹⁰⁹

A woman with a son and married to a man, became ill with 'the attack of the god'. She went to the judges and they granted that the couple should divorce. Her son, recognizing that he was not the man's son, promised to make no claims on the field, house or hereditary office.¹¹⁰

106 VAS 6 3 (NRVU 1), Roth, no. 3; cf. B. Meissner, BuA I (1920) 405.

107 R. Westbrook, OBML (1988) 77 f.

108 A. Falkenstein, NSGU II (1956) no. 6, and Band I, 115 f. B. Lafont in: F. Joannès, *Rendre la justice en Mésopotamie* (2000) 45 no. 5.

109 M. Stol, *Epilepsy in Babylonia* (1993) 143, with n. 99.

110 BE 6/1 59 (VAB 5 232).

In the Laws of Hammurabi this subject is also taken up.

If a man marries a woman, and later *lahbu*-disease seizes her and he decides to marry another woman, he will not divorce his wife whom *lahbu*-disease seized: she shall reside in quarters he constructs and he shall continue to support her as long as she lives.

If that woman should not agree to reside in her husband's house, he shall restore to her her dowry that she brought from her father's house, and she shall depart (§§ 148–149).

No-one has yet been able to identify the disease known as *lahbu*, but it may possibly refer to a skin disease.¹¹¹

An older law of Lipit-Istar places these (later) laws in a context.

If the (first) wife of a man changes in appearance, or is paralysed, then she shall not depart from the house. If her husband marries a healthy wife, then the later wife shall take care of the (first) wife (§ 28).

An alternative translation of the final clause would be, 'he shall take care of the later wife and the first wife'.¹¹² Since Hammurabi must have been familiar with the regulation of his predecessor, his provision that the sick woman may divorce the man can be seen as an innovation.¹¹³

¹¹¹ Stol, *Epilepsy*, 143; M. Stol in I. L. Finkel, M. J. Geller, *Disease in Babylonia* (2007) 11 f.

¹¹² M. Civil, *Studies B. Landsberger* (1965) 2 f., with Civil, AfO 25 (1974–77) 70a.

¹¹³ J. Fleishman, *Studies J. Klein* (2005) 484 f. I do not understand why he states that it is another innovation in Hammurabi to say that she cannot be sent away.