

13 The widow

Wherever we find widows mentioned in an ancient Near Eastern text we must also think of orphans, children left with no father.¹ There are several well-known verses in the Hebrew Bible which refer to the widow as someone deserving divine protection.

The Lord will pull down the houses of the proud, but maintain the widow's boundary stones (Proverbs 15:25).

Sometimes the words for orphan and widow are set in poetic parallelism.

The Lord is his name, exult before him, a father to the fatherless, the widow's defender (Psalm 68:4b-5a, in Hebrew 5b-6a).²

The position of the widow was complex both from a psychological and a social point of view and these verses show that she could easily be threatened by people intent on starting legal proceedings to confiscate her land. The widow belonged to that group in society called in today's world 'vulnerable'.

The Babylonian kings were also aware of this danger and they took on themselves the role of the shepherd who would protect the widow and the fatherless. In their inscriptions they fondly draw attention to this role of theirs, so much so that it becomes a standard element of self-praise.³ The Sumerian city ruler Urukagina (ca. 2320) had agreed with the god of the city not to hand widows and orphans over to the strong and powerful elements of society.⁴ Gudea and Ur-Nammu provided them with similar protection.⁵ We also see how the law with regard to widows and orphans was upheld in this way by the Old Babylonian kings Nur-Adad and Hammurabi, as well as the kings in Canaan described in traditional Ugaritic literature.⁶ Justice for the widow and orphan was ensured by the gods, in particular by Utu/Šamaš, the sun god. As the god of justice he

1 Hebr. *yātôm*; Akkad. *ekūtu* (not only girls; AHw). See 'Waise', RIA XIV/7–8 (2016) 634 f.

2 Cf. also Exodus 22:21–24; see H. A. Hoffner, *Theologisches Wörterbuch zum Alten Testament I* (1971) 308 ff., art. *'almanā*.

3 F. C. Fensham, 'Widow, orphan, and the poor in Ancient Near Eastern legal and wisdom literature', JNES 21 (1962) 129–139; K. van der Toorn, *From her cradle to her grave* (1994) 134–139.

4 Ukg. 4 xii 23–28.

5 Gudea, Statue B vii 42f. (nu.siki, na.ma.kuš); cf. Cyl. B XVIII 6f. Ur-Nammu: laws, Prologue 162–165 (nu.siki, nu.mu.un.kuš); see C. Wilcke, *Festschrift J. Krecher* (2014) 533.

6 Nur-Adad inscr. 7 ii 55–6, in RIME 4 p. 148; Hammurabi, laws, Epilogue xi (= xxivb) 61f. Ugarit: the legends on Keret and Aqhat, KTU 1.16 vi 50; cf. 33.

protected the orphan, the abandoned child and the widow.⁷ One rather difficult Sumerian hymn to the goddess Nanše, for which two differing translations have been published, describes how she organised her temple and how she made herself responsible for the widows, the orphans and the poor.⁸ A Neo-Babylonian propaganda text, probably referring to King Nabonidus, describes how he would step in to correct injustice.

The rich take everything away from the poor. The governor and the patrician do not support the orphan and the widow in front of the judges. They appeal to the judges, but those do not deliver justice.⁹

A young woman could be described as an orphan if she had lost her husband, father, brother, or other supporting male family member. In a situation like this in the Neo-Babylonian period her mother could act as her representative. Indeed we see mothers and sometimes brothers arranging marriages for such a girl. Her paternal uncle, the brother of her deceased father, played no role at all. There is a theory that the *bit mār banī*, ‘the house of the citizen’, was a special ‘house’ providing protection to women who had been married but found themselves in reduced circumstances,¹⁰ but the idea of such a women’s refuge as a place of safety does not fit in with what we know of that culture. G. van Driel studied the question and demonstrated from the texts that a woman in need could simply seek help at the house of a free citizen. This might have been an emergency solution to her problem, because it might have cost her her freedom. So sometimes women were forbidden to do this.¹¹

Finding new accommodation was also a problem for widows.¹² The house of one Sumerian widow was bought by her brother-in-law and given to her, but after his death one of his sons could claim the house for himself. He would get his way as there were no witnesses to the arrangement.¹³ In Old Assyrian and

⁷ BMS 12:37 with W. R. Mayer, *Or. NS* 62 (1993) 317, 327; ‘Incantation to Utu’, 37 f., see B. Alster, *ASJ* 13 (1991) 44, with 82 (ki.gul.la ‘abandoned child’). Cf. the Nanše Hymn, 165–167, W. Heimpel, *JCS* 33 (1981) 92. God Marduk: T. Oshima, *Babylonian prayers to Marduk* (2011) 356:21.

⁸ Heimpel; Th. Jacobsen, *The harps that once* (1987) 125–142.

⁹ W. G. Lambert, ‘The King of Justice’, *Iraq* 27 (1965) 5 f., ii 4–6; B. R. Foster, *Before the Muses II* (1993) 763; H. Schaudig, *Die Inschriften Nabonids von Babylon* (2001) 581, 585.

¹⁰ M. T. Roth, ‘Women in transition and the Bit mār banī’, *RA* 82 (1988) 131–138.

¹¹ G. van Driel, ‘An institutional remedy?’, in: M. Stol, S. P. Vleeming, *The care of the elderly in the Ancient Near East* (1998) 174–178.

¹² According to M. Civil’s interpretation, § 27–29 of the laws of Ur-Nammu discuss this issue; *CUSAS* 17 (2011) 248, with 263b. Radically different is C. Wilcke, *Festschrift J. Krecher* (2014) 545 f.

¹³ M. Molina, *Studies G. Pettinato* (2004) 175 f.

Neo-Babylonian wills her accommodation was already arranged.¹⁴ In the Old Assyrian period it was mostly the eldest son who had to look after his mother till the end.

Only I. is responsible for the burial of Puzur their mother, and for the expenses and the loans of Puzur their mother.¹⁵

The same happened in another family.

As long as she lives she shall dwell in the house of A., and if she becomes fragile (?) A. and her sons shall not chase her away.¹⁶

Because men were usually older than their wives when they married, marriages were shorter and widowhood was commonplace. We note that there is not even a word for ‘widower’ in Akkadian or in Hebrew. Widowhood was usually occasioned through the natural death of one’s husband but there were occasions when violence played a part, as presaged by omens from extispicy or astrology.

One man shall strike down (*rasābu*) another. People will fall and widows will be numerous. The enemy will inflict a defeat, (and) the land will be full of widows.¹⁷

Widows were recognised as a social category. Some lists known to have come from Mari have the names of 2500 women from the three provinces who had sworn an oath of allegiance to the king, on open ground outside the city or in a square. They were mostly denoted as the slave-girl of a man (probably this meant his wife), but some were described as widows or holy women.¹⁸ These women would have lived independently. Men swore that same oath of allegiance and it is interesting that here women were required to do so. In Emar we sometimes encounter the phrase ‘She is a widow with the widows’, sometimes followed by ‘She is a divorced woman with the divorced women’.¹⁹ This phrase either indi-

14 C. Michel in: J. G. Dercksen, *Anatolia and the Jazira during the Old Assyrian period* (2008) 225; M. T. Roth, JCS 43–45 (1991–93) 9a, 10b, 17, 23a, 26.

15 K. R. Veenhof in: *The care of the elderly in the Ancient Near East* (1998) 141–143.

16 Veenhof, 143f. = Donbaz, *Cuneiform texts from the Sadberk Hanim Museum* (1999) 107–109 no. 28.

17 F. Rochberg-Halton, *Aspects of Babylonian celestial divination* (1988) 209:7, 210 Q:4’; R. Labat, MDP 57 (1974) 137 ii 39f., with p. 154.

18 M. Bonechi, ‘Les serments de femmes à Mari’, in: S. Lafont, *Jurer et maudire* (1996) 97–104. Cf. L. Marti, RA 99 (2005) 111–122, ARM 23 236.

19 W. W. Hallo in S. Parpola, CRRAI 47/I (2002) 212 n. 72; D. Arnaud, *Emar VI/3* 16:26f., 216:11f.; D. Arnaud, *Semitica* 46 (1996) 9:6; *A history of Ancient Near Eastern law I* (2003) 671.

cates that these women could act independently, or refers to the destitute status of these women.²⁰

In a lament by a dead king his widow's emotions are described pathetically.

Has my wife not become a widow? She passes her days in lamenting and mourning.²¹

Even more pathetic is a lament of a son for his dead father:

Your wife – her husband is no more – will now always be a widow. She just spins round you[r dead body] like a whirlwind, falls down (?) like a stormy gust. She used to treat you like her adopted child; now her spirit is confused; crippling dread seizes her, as if she was about to bear a child ... she groans like a cow ... and pours forth tears.²²

13.1 Poor widows

According to a recent suggestion the Sumerian word *numunkuš*, 'widow' means literally 'she who has no rest'.²³ That a widow was seen as poor is a standard motif in Babylonian prayers.

The rich man offers a sheep as a sacrifice, the widow a cheap meal offering.²⁴

This reminds us of the incident in the Gospels, where Jesus contrasted the large amounts offered to the temple treasury by the rich with 'the widow's mite', referring to 'a poor widow who dropped in two tiny coins, together worth a penny' (Mark 12:41–44). An Old Babylonian letter reporting on the harvest states that even in tragic circumstances the needs of widows were not neglected.

A lion has killed men among our brothers while they were guarding the field. We have brought in seven *kor* of their barley. We have given half a *kor* and two litres of barley to the widow of our brother (or 'widows of our brothers').²⁵

20 S. Démare-Lafont in: L. Marti, *La famille dans le Proche-Orient ancien* (2014) 401f. 'La veuve est soumise aux usages locaux (...) ce qui n'est certainement pas une position enviable.'

21 'Ur-Nammu's Death', 166f., in E. Flückiger-Hawker, *Urnamma of Ur in Sumerian literary tradition* (1999) 130.

22 H. Vanstiphout, *Eduba. Schrijven en lezen in Sumer* (2004) 260.

23 B. Alster, *Kaskal* 2 (2005) 92; for Akkadian and Sumerian etymologies see J.-M. Durand in G. del Olmo Lete, *Mythologie et religion des Sémites occidentaux I* (2008) 407 n. 81.

24 E. Reiner, *Šurpu* (1958) 54, on I 10; CAD A/1 363b; T. Oshima, *Babylonian prayers to Marduk* (2011) 388:17f. The meal offering is named *mašhatu*.

25 A. 904, cited in H. Klengel, *Landwirtschaft im Alten Orient* (1999) 343.

A Sumerian song tells how a widow and an orphan resorted to eating vegetation that was actually sheep fodder.²⁶ Animal fodder, specifically a plant identified as ‘grass pea’ or ‘vetch’, is also mentioned in a Sumerian proverb to describe a widow’s poverty.

Because I am a widow, grass pea drips down on me like rain the whole day.²⁷

Still today the grass pea (*Lathyrus sativus*) is used to feed cattle. In times of famine human consumption can induce ‘lathyrism’, a disease of the nervous system.²⁸ A liver omen predicts that thirst could also be a problem, and widows would have to pray for help from Adad, the rain god.

The lonely widows will lift their hands to Adad for rain from heavens, but it will not rain.²⁹

In the text known as ‘A Debate between the Hoe and the Plough’ the latter boasts:

I fill the storehouses of mankind:
Even the orphans, widows and the destitute
Take their reed baskets and glean my scattered grains.³⁰

The myth of Enki and Ninḥursag speaks of a widow who spreads out malt on the roof of her house where birds peck at it and fly away (19–21). By contrast, the date palm boasts to the tamarisk in a literary debate that the ‘the orphan, the widow, and the poor fellow’ always have sweet dates in abundance.³¹ A sick man in an incantation uses an unusual phrase to describe his complaints:

My flesh is like a dagger, it pricks like ... Its appearance is ‘smoked’ like a widow.

The meaning of this last simile remains obscure.³²

One prediction in an omen about a widow’s son is something that would probably never occur:

26 The plant *šakir*; M. Civil, *Studies Erica Reiner* (1987) 39:13f.; Y. Sefati, *Love songs in Sumerian literature* (1998) 262.

27 B. Alster, *Kaskal* 2 (2005) 91–93.

28 M. Stol, *BSA* II (1985) 132.

29 A. R. George, *CUSAS* 18 (2013) 296:20–22.

30 H. Vanstiphout, *Studies Å. W. Sjöberg* (2014) 230 f. (lines 48–51).

31 C. Wilcke, *ZA* 79 (1989) 178, 183, line 70.

32 *Studies L. de Meyer* (1994) 82:34.

The son of the widow shall seize the throne.³³

Being ‘the son of a widow’ is a proverbial expression for being abandoned and left alone. In a Sumerian literary letter a man complains to the king,

My life hangs on a thread; please take my hand! I am a widow’s son, I have no one to take care of me.³⁴

‘Son of a widow’ is a general term of abuse. It is used as such in an Assyrian letter to describe the enemy and can be compared to the way ‘son of a bitch’ or ‘bastard’ is used in English today.³⁵ From the same period a letter from the king shows his desire to care for the widows of fallen soldiers.

Perhaps there is a man who has enslaved a widow or a son or a daughter. Make enquiries and examine the case and set them free.³⁶

It is often argued that both the word *almattu* in Akkadian and *’almanā*, its cognate in Hebrew, refer to such vulnerable and impoverished widows. They occur frequently and are usually translated simply as ‘widow’. According to modern scholarship they have a more precise connotation of ‘a poor widow’. But all widows did not have these problems and they would still be referred to as ‘the wife’ of her husband even after he had died.³⁷ Despite this trend in scholarship A. Tosato insists that the Hebrew word simply indicates the status of being a widow, ‘a woman whose husband has died’,³⁸ and that there is no question of her necessarily being bereaved without financial support.

In actual fact we seldom find evidence for widows in poverty. A Sumerian song speaks of widows and orphans who work at the harvest, but other women

33 CAD A/1 363b; SpbTU III 152 no. 91:21.

34 P. Michalowski, *The correspondence of the kings of Ur* (2011) 306:26 f.

35 SAA V 217 rev. 8. By contrast see K. Deller, *Or. NS* 53 (1984) 74. An obscure man was named ‘the son of a fellow without characteristics, the son of a mother without family’; W. R. Mayer, *Or. NS* 59 (1990) 17:24 f.

36 SAA I 21:5–11.

37 A. A. Tavares in: Durand, *La Femme* (1987) 155–162; D. I. Owen, *ZA* 70 (1980) 174 n. 12.

38 A. Tosato, ‘Sul significato dei termini biblici ’almānā, ’almānūt (“vedova”, “vedovanza”)', *Bibbia e Oriente* 25 (1983) 193–214. Tosato shows that this idea was inspired by the Assyrian laws (A § 33). There a woman whose husband and father-in-law have died and who has no children is defined as a widow: *almattu šīt*, ‘that woman is a widow’. But ‘that woman may go wherever she wishes’ (p. 197 f., 212) is better. He follows the translation by E. Szlechter. Earlier Driver and Miles, *The Babylonian Laws* (1956) 357 n. 4, were critical of this interpretation.

did the same.³⁹ A list of food distributions from a temple names a widow who receives only twenty litres per month, and this could have been her means of support.⁴⁰ In a register from a Sumerian institution a widow with five children was allowed thirty litres of barley, but even that was not much.⁴¹ The last name on the list of a brewer's personnel is 'Kurîtum, a widow, the wife of Sîn-ereš', and she is the only woman on the list.⁴² A widow in Emar 'in this year of calamity' was compelled together with her children to sell ground to pay off a debt of forty-five shekels of silver, but later the children were allowed to buy the ground back for ninety shekels.⁴³ The terms of the will of another widow from Emar are interesting to read.

Since the death of my husband I have been poor (*muškēn*) and in debt. Not one of the brothers of my husband supports me (literally, 'honours me') or pays off my debts. But now the diviner, Ba'al-malik, supports me and has paid off my debts. I give him my daughter Batta in marriage and I give him my house and all my possessions ... If Ba'al-malik should leave my daughter, he shall have no right to what he has paid off nor to my possessions.

The two debts and the discharging of them were registered. Ba'al-malik was a powerful man in Emar.⁴⁴

Two Neo-Assyrian letters are of interest.⁴⁵ The first includes a complaint from the guild (?) of sesame oil pressers about officials who force them into ruin on false pretences when an oil presser dies.

He writes out a false document about a debt ..., takes action against his house, and sells his widow.

Seven examples of this malpractice are given, and the letter ends with the call for better standards in the words of a standard expression in use since Hammurabi.

Do justice to those who were robbed (*ḥablūtu*) and the widows.⁴⁶

³⁹ CT 58 21:11 f. with W. H. Ph. Römer, *BiOr* 50 (1993) 170.

⁴⁰ B. Lafont, *TCTI* I 790 iv 10 with *RIA* IX/1–2 (1998) 154 § 7.

⁴¹ C. Wilcke in: *The care of the elderly in the Ancient Near East* (1998) 42.

⁴² *PBS* 8/2 172:13.

⁴³ D. Arnaud, *Aula Orientalis – Supplementa* 1 (1991) no. 65, with C. Zaccagnini, *Or. NS* 64 (1995) 107 no. 18.

⁴⁴ *Emar* VI/3 213 with *TUAT* NF 1 (2004) 155 f.; K. R. Veenhof in: *The care of the elderly in the Ancient Near East* (1998) 135 f.

⁴⁵ Cf. also K. Radner, 'Witwen', *Die neuassyrischen Privatrechtsurkunden* (1997) 161 f.

⁴⁶ *KAV* 197:27–37, 66 f., with J. N. Postgate, *Taxation and conscription in the Assyrian Empire* (1974) 363–367; F. M. Fales in: *Assyrien im Wandel der Zeiten* (1997) 37, 39 f.

The second letter concerns the treatment of war widows and orphans, in which Sargon II wrote that these widows should not be made slaves.⁴⁷

Later (in Chapter 17) we shall look at the women who were robbed of their freedom, and we shall see that poor children could be handed over to a temple. Some ‘widows’ in the Neo-Babylonian period who belonged to the temple of Šamaš at Sippar as dependants (*širku*), sometimes also with their children, were treated in the same way. There they had to make textiles for the temple and they were forbidden to make contact with free citizens (*mār banī*).⁴⁸

13.2 Arrangements made for widows in wills

Was anything ever arranged in wills for a widow? A will as we know it was not really necessary, since a man in his lifetime, in the presence of those concerned (*inter vivos*), would make her a gift, often with certain conditions attached. In Roman law this sort of inheritance agreement was called a *pactum successorium*, but there is no support for this practice in modern law. Often a man would appoint his wife as his executor, to act for him after his death until his sons had reached maturity. He could also bequeath a gift to his wife which would revert to his sons after her death. In Emar this gift was called the *kubuddû* and could consist of a few slaves, kitchen utensils, and sometimes a piece of ground.⁴⁹ We know of one such long list of household goods which ends with the warning ‘No-one may enter her bedroom’.⁵⁰ This gift could easily have come from her own dowry.⁵¹ The arrangements made in a will from Ugarit are slightly different.⁵²

From today onwards, in the presence of witnesses, Y. has spoken as follows.

‘I hereby give to P., my wife, everything that I possess (and) everything that P. has acquired with me: my cattle, my sheep, my asses, my slaves, my slave-girls, my bronze bowls, bronze cauldrons, bronze dishes, chest, the field of the son of H. in the R. area.

And of my two sons, Y. the elder and Y. the younger, whoever shall begin a lawsuit against P. and whoever shall disparage P., their mother, shall pay 500 shekels of silver to the king,

⁴⁷ SAA I 21 with commentary by F. M. Fales, *Cento lettere neo-assire I* (1983) 82.

⁴⁸ M. T. Roth, JCS 43–45 (1991–93) 24 f., ‘Widows supported by the temple’, with G. van Driel in: *The care of the elderly in the Ancient Near East* (1998) 182 f.; F. Joannès, Ktema 22 (1997) 124.

⁴⁹ J.-M. Durand, F. Joannès, NABU 1990/70. It cannot be shown that this gift is part of the woman’s dowry.

⁵⁰ CAD U/W 252b (c).

⁵¹ G. Beckman in M. E. Chavalas, *Emar* (1996) 72.

⁵² S. Lackenbacher, LAPO 20 (2002) 272 f. (RS 8.145); W.H. van Soldt in: S. Lafont, *Trois millénaires de formulaires juridiques* (2010) 113 f.

and he shall lay down his coat on the lock (?) and he shall go out through the door. And whomever of them P., their mother, shall esteem, to him she shall give a gift.’

The tablet ends with the names of five witnesses and the scribe.

Among other examples of donations was a man who gave his wife the house, a slave, a slave-girl, two grindstones, a kettle, two beds, and five chairs. The woman could later give these to whichever of her sons looks after her (lit. ‘fears her’) and contents her.⁵³ A man gave his wife a (perhaps ‘the’) house, a slave, three slave-girls, a cow, and ten sheep. He appears to sense his death approaching.

As long as she lives, they shall care for her. In the future she shall give it to her favourite son.

Who would look after her? This was clarified in a text dated to the same month, where this man gave both a slave and his wife together to his own wife ‘in sonship’. They had to care for her as long as she lived, and after that they would be ‘free before the sun god Šamaš’.⁵⁴ It has been suggested that this expression meant that they were bequeathed to his temple, but it is more likely to have been an expression meaning ‘as free as a bird’. When a man who was succumbing to a ‘serious illness’ made his will he bequeathed to his sons specific items to inherit and he also thought at that time of his daughter. To his wife he gave a gift (*nidittu*) and she had the task of managing his affairs.⁵⁵

The Old Assyrian merchants made complicated wills. Precise instructions were given about what the wife, sons, and daughters would each receive: houses, slaves, gold and silver, and debt claims.

The house in the City (= Assur) is for my wife and she shall receive a share of what silver is available equal to what my sons receive. She is the ‘father and mother’ of the silver, her share. The house, the silver, what she leaves and everything that she has, is for Š. (= the eldest son).⁵⁶

The laws speak of a gift (*nudunnû*) that a man could give (if he so wished) to his wife. It was meant as what used to be known as ‘the widow’s dower’, in French, *le douaire*, which she could put to good use if she were left on her own. It is mentioned in the Laws of Hammurabi.

⁵³ CT 8 34b = MHET II/1 117, with Westbrook, OBML, 119.

⁵⁴ BIN 7 190, 206 with M. Stol, *The care of the elderly in the Ancient Near East* (1998) 93 f.

⁵⁵ C. Wunsch, *Urkunden* (2003) 112 no. 34. She does not translate as ‘to manage his affairs’ (5), but as ‘über seinen Nachlaß zu entscheiden’.

⁵⁶ K. R. Veenhof in L. Marti, *La famille dans le Proche-Orient ancien* (2014) 348 f.

The wife shall take her dowry, and the gift (*nudunnû*) which her husband had given her and had recorded on a clay tablet, and she shall remain living in the house of her husband. As long as she lives she shall have the usufruct of it. She may not sell it. Her inheritance belongs to her sons (§ 171).

The Middle Assyrian laws show that this gift however still remained the property of her husband, and could even be used as collateral for his debts (§§ 27, 32; see Chapter 31).

In the Ur III period we see a widow and her daughter maintaining possession of a field. Her husband had been able to cultivate it and receive the produce from it as a remuneration for performing a service. They conveyed this right to another man for five shekels of silver, which has been estimated to be enough to live on for a year and a half.⁵⁷

13.3 Powerful widows

We should not just associate widows with pathetic stories. Texts from Mesopotamia show that after the death of her husband a widow would carry on with the housekeeping and took the lead in her household until her sons reached maturity and could take over the task from her.⁵⁸ The Sumerian law-book of Ur-Nammu states: ‘If a man dies, his wife will act in the house like one heir’; possibly ‘like the first heir’ is meant.⁵⁹ Texts from as early as the Old Assyrian period refer to her by saying that ‘She is the father and the mother (*abat u ummat*)’. This was also the case later at Nuzi and Emar.⁶⁰ The record of a Sumerian lawsuit shows that a woman who won her case was not bashful, and her husband’s brother, a merchant, learned to keep his hands off the family property for which she was responsible.⁶¹ Even her son was not given an automatic right of inheritance, unless she remarried.⁶² Even in the unfriendly Middle Assyrian laws the widow

⁵⁷ NATN 258 with H. Waetzoldt, AOF 15 (1988) 33; P. Steinkeller, J. N. Postgate, *Third Millennium texts in Baghdad* (1992) 99 f.

⁵⁸ For rich and poor widows see Th. Kämmerer, ‘Zur sozialen Stellung der Frau in Emar und Ekalte als Witwe und Waise’, UF 26 (1994) 169–208.

⁵⁹ M. Civil, CUSAS 17 (2011) 252 §E4. C. Wilcke, *Festschrift J. Krecher* (2014) 569: ‘wie (zu) ein(em) Erbsohn gemacht werden’.

⁶⁰ C. Michel, RA 94 (2000) 1–10; K. R. Veenhof in R. Westbrook, *A history of Ancient Near Eastern law I* (2003) 459.

⁶¹ D. I. Owen, ‘Widow’s rights in Ur III Sumer’, ZA 70 (1980) 170–184; B. Lafont in F. Joannès, *Rendre la justice en Mésopotamie* (2000) 49–51 no. 10; TUAT NF 1 (2004) 5 f.

⁶² E. Sollberger, *Studies S. N. Kramer* (1976) 440 f. no. 5.

had a high status.⁶³ Among the details in the lists of families deported to Assyria we find some with a widow as the head.⁶⁴ Nuzi texts show that ‘fatherhood’ (*abbūtu*) could be transferred by will to widows until the next generation came of age. One father even stipulated,

If my sons do not listen to S. and do not respect her, they will be fettered, they will have the mark of the slave applied and they will be thrown into prison and locked up. S. may not give anything to a strange man. If S. remarries, she must ‘cut off her hem’ and leave.⁶⁵

In the interim she was responsible for keeping the family property together and managing it, including fields, houses, personal possessions, and all the business affairs.⁶⁶ That was not an easy task. The man could set out in his will what precisely his wife should do, but the Nuzi archives show that people could become impoverished and the woman would then have to take unusual steps. It seems that in this society a widow still had to have a protector or acquire one, or she had to dispose of her own money.⁶⁷

In Emar an elderly head of the family could nominate his wife, who would shortly become his widow, as the ‘father and mother of the house’.

I hereby declare that the daughter of Y., my wife, is the father and mother of my house. My three sons shall maintain their mother, the daughter of Y. Any of the three sons who does not maintain his mother, the daughter of Y., shall lose his inheritance. She shall strike him on the cheek. She shall throw him out on the street.⁶⁸

We also see that both the wife and the daughter of a man can be designated ‘father and mother of the house’.⁶⁹ In a will from Emar a father named his daughter, U., ‘woman and man’,⁷⁰ meaning that she would have full authority after his death. We would have expected to see his wife fulfilling this role, but perhaps she had

63 C. Saporetti, *The status of women in the Middle Assyrian period* (1979) 18 f.

64 VAS 21 6 with H. Freydank, ‘Zur Lage der deportierten Hurriter in Assyrien’, AOF 7 (1980) 89–117.

65 HSS 19 7 with TUAT NF 1 (2004) 62 f., a will which continues by specifying what must happen for the daughter after the death of her mother, and stating that two sons living abroad would be disinherited.

66 E. Cassin, ‘Pouvoirs de la femme et structures familiales’, RA 63 (1969) 121–148.

67 M. A. Morrison, SCCNH 4 (1993) 120–122 (‘Women in the Eastern Archives’), cf. 30 f., 36, 55 f.

68 Iraq 54 (1992) 103 no. 6.

69 A. Tsukimoto, ASJ 13 (1991) 285 no. 23:6 f., with commentary. For this text see Th. Kämmerer, UF 26 (1994) 185–187.

70 For these and more variants of ‘father and mother’, see G. Beckman, *Texts from the vicinity of Emar* (1996) 40, on RE 23: the terminology is perhaps dependent on their age.

died before him. The ‘three sons’ seem really to have been the grandsons of the testator. The tasks of U., the daughter, were detailed.

She shall call on my gods and dead (spirits). As for my three sons, let A., the eldest son, and D. and B. maintain their mother U. Any of my three sons who does not maintain his mother shall not receive his inheritance. As long as their mother lives no inheritance can be claimed. If anyone claims an inheritance he shall not receive an inheritance. They shall pay him sixty shekels, the bride-price for a wife, and he can go wherever he wishes. As soon as their mother dies then my three sons can come in and they can divide equally my house, fields, personal possessions, and anything I have ... And they shall build a house for each other and acquire a wife for each other.⁷¹

A Neo-Babylonian widow could find herself in a tricky position. One married couple bought a large house in Borsippa, which was paid for with the dowry and some money belonging to the husband. They also borrowed money from a well-known moneylender Iddin-Marduk (at the usual rate of 20 %). Probably because the husband sensed an early death approaching, the couple adopted A. as their son and married him to their only daughter. But when the man died his wife’s brother demanded to have the dowry. The judges decreed that the woman could have her dowry returned, and they assented to the amount of the dowry of her daughter, but the moneylender would have to be repaid. Legally speaking he was the one who had first claim on that money, and it was in his archive that this text recording the judges’ decision was found. The house would surely have to be sold to pay for all this. The woman, her father, and brother all have West Semitic names and it is supposed that they were foreigners. There it would have been the custom for only brothers to have the right to inherit, but that was not the case in Babylonia.⁷²

Sons had a responsibility to maintain their mother if she became a widow and husbands would state this explicitly in their wills. We find it expressed also in the Middle Assyrian laws.

§ 46a. If a woman, whose husband dies, does not leave her house when her husband dies, if her husband has not set down anything in writing for her, then she shall live in the house of her sons, if she wishes. The sons of her husband shall feed her. They shall arrange food and drink for her as if she were a daughter-in-law/bride (*kallatu*) whom they loved.

71 J. Huehnergard, RA 77 (1983) 13 f. no. 1, with p. 26 f.; Kämmerer, UF 26, 192–194.

72 Nabn. 356 with G. van Driel, Phoenix 31 (1985) 38 f.; JEOL 29 (1985–86) 56; C. Wunsch, *Iddin-Marduk* (1993) no. 167; F. Joannès, *Rendre la justice en Mésopotamie* (2000) 237–239.

Uniquely here the sons are required to love their mother as if she were their own young wife. This law is followed by one dealing with a 'later wife' who had no sons of her own when she became a widow.

Looking after elderly people by the younger generation is a well-known theme. From a book devoted to this theme we discover how people cared for widows and other old women.⁷³ In the Laws of Hammurabi we read that the widow

remains living in the house of her husband and has the usufruct of it; as long as she lives she may not sell anything; her legacy belongs to her sons (§ 171).

Three documented instances of maintenance provided for a widow exemplify what happened in the Old Babylonian period.

(1) Three sons make an annual gift to their mother of 750 litres of barley, 5 minas of wool, and 4 litres of lard. She was also given a slave-girl to serve her needs. After she died the inheritance was shared.⁷⁴

(2) Three brothers give their mother a slave-girl

to maintain her, instead of fixed rations of food and wool (...). On the day that a husband shall marry her, the sons shall take the slave-girl.⁷⁵

(3) A daughter gives her mother a slave-girl. As long as the mother lives the slave-girl will maintain her. That could mean that the slave-girl could be hired out. After the death of the mother, the slave-girl shall come back and the daughter

shall receive all that her mother had or would acquire.

This rather businesslike arrangement suggests that the daughter had been adopted by the mother with an eye to a comfortable old age.⁷⁶

Older women were supported also by other family members. An unmarried man cared for his half-sister and her mother, his stepmother. He granted them the right to live in a house, with a pension of five minas of silver, and much more which is listed item by item in a complicated will.⁷⁷

⁷³ M. Stol, S. P. Vleeming, *The care of the elderly in the Ancient Near East* (1998).

⁷⁴ TIM 4 27 with Stol, *The care of the elderly*, 72.

⁷⁵ UET 5 95 with Westbrook, OBML, 133.

⁷⁶ UCP 10 105 with Stol, 73, 79.

⁷⁷ C. Wilcke, ZA 66 (1976) 204–208, with K. R. Veenhof in *The care of the elderly*, 139 f.

13.4 Remarrying

We have seen earlier that men died younger than their wives. There must therefore have been many women who became widows. This gave them the important opportunity to marry again, and marry they did.⁷⁸ A Sumerian proverb says:

After the death of her husband a widow says, 'What a great number of widows there are! But a man to marry is not to be found'.⁷⁹

When a widow remarried to someone outside the family, that man was called a 'stranger' in Sumerian.⁸⁰ We have already seen that in wills arrangements were made to allow for the fact that a widow might remarry. She would then lose all her rights and have to leave the family. That was what was meant by saying that she would have to lay down her clothes, a symbolic action which we discussed in Chapter 9 concerned with divorce.⁸¹ A Sumerian text gives the verdict of the judges about what should happen to the house of a baker who had died and whose wife had married a 'stranger'. They decided that the house should be assigned to the baker's son.⁸²

An Assyrian woman shows in her letters found in Old Assyrian Anatolia that she was very unhappy after she had lost her sister and her husband had become ill. The first letter is one she wrote to her parents.

My sister Š. is dead and now A. is sick too. I can take no more ... You are surely my father and lord. You are surely my mother ... If your letter does not come to me quickly, I shall die.

From a later letter, which her father wrote to her from Assur, it seems that in the meantime her husband A. had died and that she had married a local man, which had cost her father a significant expense.

When I gave you to your husband A., I spent five minas of silver. But after your husband A. died, an Anatolian married you and again [I gave five] minas of silver. I and my sons are not important in your eyes. If we had been, then I would have honoured you as a daughter. Since I set out for the City, I have suffered losses, but you did not concern yourself about that.⁸³

78 C. Wilcke, 'Anhang: Die Wiederverheiratung von Witwen', in: 'Familiengründung', 303–313; M. T. Roth, 'The Neo-Babylonian widow', JCS 43–45 (1991–93) 1–26, esp. 4f.

79 B. Alster, *Proverbs of Ancient Sumer* (1997) 305, 2NT-731.

80 Wilcke in *The care of the elderly*, 48.

81 K. van der Toorn, ZA 84 (1994) 51f.

82 *Studies J. C. Greenfield* (1995) 613f. The same text is in *Studies S. N. Kramer* (1976) 440f.

83 G. Kryszat, 'Eine Frau mit Namen Zizizi', AOF 34 (2007) 210–218. The second letter is CMK no. 355.

Whatever the circumstances were, this widow had clearly the right to marry again on her own initiative, even though her father begrudged the expense involved.

There are marriage agreements which were concluded by a widow, although that fact is not explicitly stated. In the Old Assyrian period a woman independently decides to marry without making any reference to her father. It is stated that her husband, called ‘the son of NN’, may not marry any second wife. In the event of divorce they would have equal responsibility for a payment of twenty shekels of silver. Then follows the statement that ‘K., the son of A., acted on her behalf’. Evidently he was representing the woman for the purposes of the contract. Impressed on the envelope are the seals of of the new husband and the man, K., as the two witnesses. In Chapter 9 about divorce we described a marriage of a widow from the same region, where the parties had to pay a high fine of five minas if they divorced.⁸⁴

Contracts from Emar refer to remarriage as ‘following a stranger (*zarru*)’ and stipulate that the woman must place her clothing on a chair and leave.⁸⁵ Men could record in their wills what their wives could do after their death.⁸⁶ They could only remarry if they relinquished all right to possession. A Middle Assyrian contract simply says,

She may not live with a (new) husband. If she does live with a (new) husband, she shall leave empty-handed.

Texts from Nuzi have two forms of words to describe the consequences of remarriage. The first form is,

If she goes to live with a (new) husband, they shall strip the clothes from her and let her go out naked.

One text states that the sons were allowed to do this to her. West Semitic texts often speak of the woman ‘laying down’ her clothes on a seat. The second form involves a special phrase which literally means ‘to choose the hem’:

If she goes out to live together in marriage, she shall ‘choose the hem’ (*qanna nasāqu*) and go out.

84 CCT 5 36, AKT I 76 with C. Michel in: F. Briquel-Chatonnet, *Femmes* (2009) 255 f.

85 Others translate ‘to follow a criminal’, reading *sarrāru*, not *zāru*. See E.J. Pentiuć, *West-Semitic vocabulary in the Akkadian texts from Emar* (2001) 161 f. (he opts for ‘rival, spouse other than the first one’).

86 The material from Assyria and Nuzi was collected by C. Wilcke, ZA 66 (1976) 216–218.

This phrase is presumably related to what we saw in Chapter 3 about marriage gifts, where a woman placed her own money in the hem of her clothing.⁸⁷ These arrangements were made in case the woman remarried in the future, and one text from Nuzi shows that this really happened.⁸⁸

A declaration which K., the daughter of H., made before these witnesses:

'In the past A. married me off and received forty shekels of silver from my husband. But now A. and my husband are dead, and as far as I am concerned, A., the son of H. (her brother), took me in from the street and treated me like a sister. He shall marry me off and receive ten shekels of silver from my (future) husband, as his compensation (?).'

Whoever of them shall break this agreement, shall pay a mina of gold.

Tablet written by the entrance to the great gate of Nuzi.

The woman had probably been adopted by A. with the intention of marrying her off. Her father and her brother may have handed her over for this. The brother is now helping her. The woman's declaration would indicate that she was alone (a meaning to be inferred from taking her 'from the street') and agreed to this arrangement. The reason for the low amount of compensation might be that the woman was seen as second-hand, or that she had had no children.

A unique stipulation regarding remarriage designed to protect the honour of the family says,

If a man should sleep with her at the door (= on the street), or should sleep with her in the house of G. (= the deceased husband), then the sons of G. shall kill her.⁸⁹

13.5 Cohabiting

According to the law-books it was fairly easy for a widow to cohabit. We find in the Middle Assyrian law-book:

§ 34. If a man has taken a widow, but no binding agreement has been made, and she has lived for two years in his house, then she is his wife. She shall not leave.

The law-books are strict in defining what is meant by a wife. According to the laws of Ešnunna (§ 27) cohabiting, even if it lasts only for one year, still does not

⁸⁷ C. Wilcke and others think that the hem is 'bitten off' (*našāku*). We prefer to read here with M. Malul and N. Pfeiffer the verb *nasāqu*, 'to choose'; see SCCNH 18 (2009) 406; contrast C. Wilcke, 'Familiengründung', 306–309; S. Lafont, *Hommage à Romuald Szymankiewicz* (1998) 546–548.

⁸⁸ AASOR 16 54 with K. Dosch, SCCNH 1 (1981) 175; B. Eichler, *Studies J. J. Finkelstein* (1977) 51.

⁸⁹ HSS 19 3 (*nāku*, 'to sleep with'); N. Pfeiffer, SCCNH 18 (2009) 405 n. 378.

give the woman the status of a wife. But the Middle Assyrian law § 34 deals with a special case of a widow who is cohabiting. According to G. Cardascia, the law protects the woman by allowing her to have the status of a wife after two years of cohabitation, and this is reflected in his translation of the end of the clause: ‘... then she is a wife; she shall not have to leave’.⁹⁰ The final verb could however be translated as ‘she may not leave’, meaning she was not allowed to leave, and thereby limiting the freedom of a widow. This would then contrast with the freedom granted to the widow in § 33: ‘she is a widow (or: ‘that widow’), she may go wherever she wants’.

There was a different degree of a man’s relationship with a widow than with an ordinary wife, which can be clearly seen in §§ 9–11 of the Laws of Ur-Nammu. They fix different amounts for a man to pay on the occasion of a divorce. For divorcing an ordinary wife he had to pay sixty shekels of silver, but divorcing a widow would cost him only thirty shekels, and it would be nothing at all ‘if he had lain in a widow’s bosom without any contractual agreement’. That practice we describe as concubinage. That a widow should receive less in a divorce settlement than an ordinary wife was also decreed in the Mishnah. There the payment for a virgin was 200 zuz, but for a widow 100 zuz (Keth. I, 2). If there had been any actuarial calculation behind this it would have been based on the fact an ordinary wife would have been married as a virgin and therefore would have been younger than a widow on the occasion of her divorce, so she would need more money because of her longer life expectancy.⁹¹ It is more likely that a widow was seen as second-hand and worth less than a fresh young girl.

A relationship which took the form of concubinage is covered in the Middle Assyrian law-book.

§ 35. If a widow enters the house of a man, then all that she brings with her shall belong to her husband. And if a man enters the house of a woman, then all that he brings with him shall belong to the woman.

Law-books also concern themselves with what to do for the married woman whose husband has been absent for a long period and may never return, such as a man who had been taken as a prisoner-of-war. These cases seem to be exercises in subtle legal thought and ones which we will pass by.⁹²

⁹⁰ G. R. Driver, J. C. Miles, *The Assyrian Laws* (1936) 217: ‘she has a legal right to remain in his house and cannot be ejected at will as a mere concubine.’

⁹¹ H. Petschow, ZSS 85 (1968) 7.

⁹² G. Cardascia, *Les lois assyriennes* (1969) 186–191.

13.6 Widows with children

Where could a widow with small children turn for help? Remarrying seemed to be the best option, and such marriages sometimes feature in contracts. However it is never stated explicitly that she was a widow. On the envelope of an Old Babylonian clay tablet there is a description of its contents, ‘The tablet of the marriage of D. and S.’, and both partners have rolled out their seals over the envelope.⁹³ The text itself states that the man was marrying a woman with three children. By so doing he was adopting the children as his own. The summary on the envelope shows that it was primarily a document for the negotiation of a marriage and not for an adoption. If the man were later to break the agreement, he would have to pay twenty shekels of silver. If the woman and children broke the agreement, they would be sold as slaves. There is no mention of a bride-price and it looks as if the poor woman had seen this marriage as her only way out of a difficult situation. Her two brothers are witnesses, which could mean that her family were reconciled to it. The third child had a very meaningful name, ‘Where is her father?’. Evidently she was given this name because she was born after her father had died. Similar names reoccur, such as ‘I do not know my father’. Marriages of widows with children under these conditions happened occasionally.⁹⁴ In another marriage a man paid ten shekels of silver and only the rights of the woman and her children were established. It must have been an agreement to put them both on an equal footing.⁹⁵

An Old Babylonian agreement concerned a woman who already had a son by a man named P., and with this son ‘she entered the house of M.’. So she was a widow who had begun to cohabit. When subsequently she was ‘seized by the seizure of a god’, meaning that she had become seriously ill, she applied to the judges, who ‘pronounced her departure’. That means that she had permission (or was obliged) to divorce. From the rest of the text it would appear that her own son had no right of inheritance in his new surroundings. The son himself said,

I am the son of P. and you are not my father.⁹⁶

⁹³ E. C. Stone, *Nippur Neighborhoods* (1987) Plate 36 no. 1, with E. C. Stone, D. I. Owen, *Adoption in Old Babylonian Nippur* (1991) 49 no. 14. Here nothing is said about the envelope with the seal imprints. It was found in house H; D. Charpin, RA 84 (1990) 3.

⁹⁴ Stone and Owen, p. 5, adoption, ‘third group’; Westbrook, OBML, 63.

⁹⁵ YOS 15 73 with OBML, 138. In an edition (unsatisfactory) by Stone and Owen, 63 f. no. 27.

⁹⁶ BE 6/1 59 (VAB 5 232); cf. M. Stol, *Epilepsy in Babylonia* (1993) 143.

In Chapter 5 we saw that an exorcist in Emar married a widow with a son as his second wife, and that he disinherited all the children he had with her, nominating the son of his principal wife as his sole heir.

In the Neo-Babylonian period a man married a woman, possibly according to the wishes of his father, ‘but she bore me no son or daughter’. This woman seemed already to have a child, the son of a man, whose name was given and who was from a respectable family. Was she a widow? The man then asked his father if he could adopt the son of this woman, with the result that he would inherit the temple income (benefices) of the family. The father refused and said that only a biological son could inherit the benefices and the remainder. The widow had wanted to secure the future of her child, but the father’s family took precedence.⁹⁷

A text from Emar outlines a very stark situation.⁹⁸ A man married a woman who had a daughter. She gave her daughter to her new husband, ‘together with her’. It might have been the case that the daughter would only become the second wife on the death of her mother. She also had a son, who was adopted by the man, and joined in marriage to his own daughter, A. This couple had to maintain the parents and their children would be the heirs. If daughter A. were to die, then the father would arrange a new marriage for the son. Another son of the man was disinherited. The Bible certainly does not allow sexual intercourse between blood relatives.

You must not have intercourse with both a woman and her daughter, nor may you take her son’s daughter or her daughter’s daughter to have intercourse with them: they are blood relations and such conduct is lewdness (Leviticus 18:17; cf. Amos 2:7)

We know of two cases where the situation was reversed, where a widower (though no word for widower was used) with children remarried. The man who must have been a widower with two sons was married to a new wife, and she is mentioned as the first party of the new couple. A contract set out strict punishments if she were renounced by her husband (he would lose his house and sons) or if the sons did not recognise her status as their mother (they would be sold). Here it is the mother who appears to be laying down the conditions. What was the background for this affair?⁹⁹ In Old Babylonian Nippur a widower married a woman and gave his three sons to her ‘as her heirs’. The sons would later divide their father’s pos-

⁹⁷ CTMMA III 102 (previously Th. Pinches in *Hebraica* 3). Another similar case is M. J. Geller, *Studies J. C. Greenfield* (1995) 532–537.

⁹⁸ W. W. Hallo, ‘Love and marriage in Ashtata’, in: S. Parpola, *CRRAI* 47/I (2002) 203–216.

⁹⁹ YOS 14 344 with D. Charpin, *BiOr* 36 (1979) 191a; OBML, 78b.

sessions according to local rules (the eldest would receive more). If the woman ever denied that she was his wife, she would be sold as a slave. And if the contract was broken all the other parties involved were threatened with sanctions of fines and loss of wealth. The sons had to maintain their new mother with annual allowances of barley, wool and oil. She appears also to have had a right of inheritance, for she lost that if she disowned the boys as ‘her sons’.¹⁰⁰ One wonders about the whole situation. Were the sons already adults? Why was it necessary for her to adopt the sons? Was the woman a divorcée?

The law-books concern themselves with what to do in various foreseeable situations. Do the children still inherit if their father dies? A widow with small children who wanted to remarry had to obtain the permission of the judges, and they would have to assess the wealth of her first husband, something to be reserved for his own children later, as we find in the Laws of Hammurabi.

§ 177. If a widow whose children are still young should decide to enter another’s house, she will not enter without (the prior approval) of the judges. When she enters another’s house, the judges shall investigate the estate of her former husband, and they shall entrust the estate of her former husband to her later husband and to that woman, and they shall have them record a tablet (to make an inventory of the estate). They shall safeguard the estate and they shall raise the young children. They shall not sell the household goods. Any buyer who buys the household goods of the children of a widow shall forfeit his money and the property shall revert to its owner.

We even have a lawsuit where sons make accusations against their mother for the ‘household effects of the house of their father’.¹⁰¹

A curious situation is recorded in a Middle Assyrian law.

§ 28. If a woman, a widow, enters the house of a man and she brings her son born after his death (*hurdu*) with her, he grows up in the house of her marriage partner, but a document about his status as (his) son has not yet been written, then he shall not take an inheritance from the house of the one who raised him. He will not be responsible for the interest-bearing debts. He shall take his inheritance from the house of his natural father according to his portion.

Some widows had descendants who eventually developed into a large family bearing her name. The Babylonians had ancestral families from ca. 1200 BC onwards called after their forebear, and on two occasions they are traced back to a woman. She was probably a rich widow. In the line of descent originally

100 BE 6/2 48 (VAB 5 6) with Stone and Owen, 51 f. no. 16; Westbrook, OBML, 63b, 115 f.

101 BAP 100 (VAB 5 296).

the woman's name would have been preceded by the feminine determinative, but later we find the masculine determinative before what is clearly a woman's name.¹⁰²

102 C. Wunsch, 'Metronymika in Babylonien. Frauen als Ahnherrin der Familie', *Studies J. Sanmartin* (2006) 459–469.