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the status of women in the middle assyrian period

by

claudio saporetti

introduction and translation by
beatrice boltze-jordan

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Editors: Giorgio Buccellati, Marilyn Kelly-Buccellati, Piotr Michalowski

These two series make available original documents in English translation (Sources) and important studies by modern scholars (Monographs) as a contribution to the study of the history, religion, literature, art, and archaeology of the Ancient Near East. Inexpensive and flexible in format, they are meant to serve the specialist by bringing within easy reach basic publications, often in updated versions, to provide imaginative educational outlets for undergraduate and graduate courses, and to reach interested segments of the educated lay audience.

MANE 2/1

The Status of Women in the Middle Assyrian Period

by Claudio Saporetti

A synthesis of data pertinent to the situation of the woman in the Middle-Assyrian period, drawn from the laws and economic texts. Her situation within family and society is discussed through the various phases of her life—as unmarried and as a married woman, as divorcee and widow. The resulting picture shows an unusual degree of harshness in the limitations placed on her personal freedom.

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ERRATA

- ii line 5: C+G Middle Assyrian Laws, KAV 6+143, *AfO* 12, Tab. 3,1
- ii line 7: §
- 4 line 15: A46 speaks of a widow.
- 4 line 36: *aṭlu* three different types of veil are envisaged,
- 13 footnote: The only exception is found in A23 when the lover and the procuress are put to death without delay, regardless of what the punishment may be for the wife, who in this case is less guilty.
- 14 line 6: house of an "Assyrian" woman (A24).
- 14 line 31: (A18).
- 14 line 35, 42: *TIM*
- 15 line 1: Another abnormal marriage contract is *KAJ* 7 (*ARu* 1; *OLZ* 35, 772);
- 15 line 3-4: (*aššurā'ittu*), free but belonging to a lower social class, and apparently also given in pledge.
- 15 line 11: guardianship of a son of her dead future husband, if there is one who is of age
- 15 footnote: 3. NP *mūtsa* u 'NP *aššas/tsu*
- 15 footnote: 5. *šumma* NP *lā aššati-mi iqabbi ... u šumma* 'NP *lā mūtī-mi taqabbi*
- 16 line 16ff: husband and her father-in-law are dead, she will not return to her father, but will
- 18 line 6: (3) A widow with sons capable of taking care of her will have to live with one of them (A33),
- 18 line 17: may take her back and give another woman to the second husband (A36).
- 18 footnote: As suggested by G. Cardascia, *Les Lois Assyriens*, 183-184.
- 19 line 34-35: some real estate and even his children. In *KAJ* 51 and *KAJ* 90 a woman is creditor in a type of document defined as *šulmānu*,

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ABBREVIATIONS

A	Middle Assyrian Laws
AfO	Archiv für Orientforschung
AIUON	Annali dell'Istituto Orientale di Napoli
ARu	M. David—E. Ebeling, <i>Assyrische Rechtsurkunden</i> (Stuttgart 1929)
CAD	<i>The Assyrian Dictionary of the University of Chicago</i> , A/I, A/II, B, D, E, G, H, I/J, K, L, M/I, M/II, Š, Z (Chicago-Glückstadt 1956-1977)
CH	Code of Hammurapi
JNES	Journal of Near Eastern Studies
KAJ	E. Ebeling, <i>Keilschrifttexte aus Assur juristischen Inhalts</i> , WVDOG 50 (Leipzig 1927)
KAV	O. Schroeder, <i>Keilschrifttexte aus Assur verschiedenen Inhalts</i> , WVDOG 35 (Leipzig 1920)
MARV	H. Freydank, <i>Mittelassyrische Rechtsurkunden und Verwaltungstexte</i> (I), (II)
OA	Oriens Antiquus
OLZ	Orientalistische Literaturzeitung
<i>Stelenreihen</i>	W. Andrae, <i>Die Stelenreihen in Assur</i> , WVDOG 24 (Leipzig 1913)
TIM	Texts in the Iraq Museum
TR	Texts found at Tell al-Rimāh/Qaṭara
VAT	Texts from the Berlin Museum, Vorderasiatische Abteilung
WO	Die Welt des Orients

PREFACE

Professor Claudio Saporetti has treated the subject of women in the Middle Assyrian period with a fresh and insightful approach, drawing on a variety of textual evidence to understand the family structure of that period and the obligations, constraints, and customs that prevailed vis-à-vis Assyrian women. While the subject matter itself is not new, the integral examination by Saporetti sheds a critical light on various facets of Middle Assyrian family life.

Saporetti has based his endeavor on Assyrian legal texts and extra-Assyrian sources from Nuzi and Rimah, along with Hurrian records. Not only are the Middle Assyrian laws examined, but observations are made with regard to marriage contracts, adoptions, economic agreements, and inheritance arrangements.

This work traces the cycle of a woman's marital life from love and betrothal through marriage, widowhood or divorce. Her relationship to her father's and father-in-law's household receives special attention, as do her rights and expectations as regards property, dowry, bridal gift, and most significantly, her children.

The material which Saporetti has marshalled for his discussion of the woman's position in the Middle Assyrian household is highly illustrative for a comparison with its counterparts in earlier codes such as that of Lipit-Ishtar (20th Century B.C. from Isin) and that of Eshnunna from a century later. By far the most useful parallels are those with the Code of Hammurapi.

The author shows that the status of women, as it appears from the Assyrian laws of the 13th century B.C. and from economic texts slightly older, is extremely precarious, and also very indicative for an understanding of "Assyrian" mentality. There does not seem to have been much progress, for example, with respect to the status of Babylonian women some five centuries earlier. This is borne out from private and public documents but also, as suggested above, with parallels from the Code of Hammurapi. Some remarks about the parallels between the Code of Hammurapi (hereafter CH) and the Assyrian laws (A) are illuminating in this respect.

There are, obviously, similarities and even overlaps. For example, the laws which deal with rape (A12 and CH 130), with abortion (A21 and CH 209), with the situation of a woman whose husband has been taken prisoner (A45 and CH 133-135), are all very close in concept, in spite of minor variants.

But there are differences as well. In part, they stem from a difference in purpose between the two legal documents. For example, the Assyrian laws scarcely consider the status of religious women, whereas the section on adultery is much fuller than in the code (A13-15, 22-23 vs. CH 129). Also, the Assyrian laws do not deal with sexual infractions among relatives (for which see CH 154-158), nor of slave girls who bear children (CH 146-157, 170-171)—in fact, it deals hardly at all with slave girls.

The most interesting differences are the ones which can be noted where the two legal systems deal differently with the same situation, or when a different legal orientation emerges. For example, in CH 142 consideration is given to women's rights by safeguarding their dignity and person, since it allows a woman to return to her father if her husband mistreats her. Similarly, CH 148 and 149 protect a woman who has become ill and is therefore in danger of being repudiated by her husband. Such a sensitivity seems totally alien to the Assyrian mentality, which even allows the husband to exercise private justice on a woman, even of the harshest kind. From A29 it also appears that an Assyrian husband has total control over the assets of his wife, whereas CH 141 allows for repudiation without compensation only when the wife has failed her husband in some way. Sterility is one such failing, but even then repudiation implies that the dowry be returned, and even some additional assets. The Code of Hammurapi is also more explicit concerning the inheritance which belongs to the wife (CH 171b-172: the wife may keep her dowry plus the wedding gift or a share of the inheritance equal to that of the children, besides the right of usufruct of her husband's assets— for which see A46). One final example: in the Assyrian laws no reference is made to debts incurred by the wife before her marriage in contrast with CH 151; this is instructive in that it shows how Babylonian women enjoyed greater freedom and responsibility, especially if these data are compared with others from the political and economic sphere.

Even from these few examples, we can see how in the half millennium which separates Babylon in the time of Hammurapi from Assyria in the time of Tiglath-pileser I there did not result any improvements in the lot of women—on the contrary! They bear clear witness to the great difference in mentality between Babylon and Assyria, which was both the result and the cause of the social and intellectual kaleidoscope represented by Ancient Mesopotamia.

September 1979

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THE STATUS OF WOMEN IN THE MIDDLE ASSYRIAN PERIOD

Claudio Saporetti

Love and the Unmarried Woman

The theme of the woman in the Middle Assyrian world has been dealt with by several authors, especially in the form of a commentary to the laws (in particular the Tablet A = KAV 1). For a rich bibliography on this subject one may refer to Cardascia, *Les Lois assyriennes* (Paris, 1969) and to a work of ours currently being prepared for publication. Interest in the topic dates back in time to 1923, in a work by Testaud in *Revue algérienne, tunisienne, et marocaine de législation et de jurisprudence* 36/37, devoted to the juridical status of women in the laws of Middle Assyria; obviously such interest is always timely, and the results of ongoing research are ever susceptible to revisions and additions. Here we present a general synthesis of the theme with some suggestions and considerations.

The Middle-Assyrian economic documents which pertain to the family, and thus to women, are few in number and certainly insufficient to let us know all pertinent details. They simply give us some fleeting and not always enlightening notions on the customs and mores of the time. Fortunately, there are several legal dispositions which fill in the gaps, especially the laws written in the great Tablet A (KAV 1) plus other minor texts. These tablets were compiled toward the end of the Middle Assyrian period, around the reign of Tiglath-pileser I (1114-1076 B.C.), but they certainly include dispositions originating in the preceding periods.

From the various articles of the laws it is thus possible to trace a sufficiently clear description of the family life of the period, even if problems and question marks remain.

The Father's Choice of a Husband

The father (*paterfamilias*) is the unquestioned head of the family: he has full power not only over servants, but also over wife and children, in respect to whom a kind of private justice is allowed and in fact frequently established by law.

This power within the small internal world of the family comes into existence at the moment the marriage is contracted—normally according to well defined customs and

rituals, although at times particular circumstances would lead to a valid matrimonial status even outside the norms.

But what about the period before the wedding ceremony? It would be interesting to know whether the engagement was purely the result of the will of two heads of household, concerned about arranging a marriage for reasons of political or economic opportunities, or whether it could also be born out of love, and derive from the meeting of two young people, whether casually or as a result of the normal relationships between two families.

Evidently, love was the last thing to be considered when planning a marriage, as is amply proven by what follows. But, there are at least two clues which indicate some deviation (and almost make us hope for it to be so, were this not contrary to a research methodology which requires the historian to be cold and impersonal): there were forms of marriage developed out of love, a spontaneous feeling, or at the very least out of an affection dating to the period of betrothal if not earlier.

A4b¹ speaks of a widow, and, in the relevant case history which is put forth, considers the status of a woman whose support must be provided for by the other children of her husband: they must furnish her with "her food and drink, as if she were a fiancée whom one loves."

This sentence, which is one of few in all Middle Assyrian literature to speak of a woman and her rights with a sense of humanity, sheds light on our problem as well: the example of a fiancée who is loved in a special way is selected in order to clarify a concept, thereby suggesting indirectly the existence of engagements based on love and not only on convenience.

But it is naturally only a hint, such as the one suggested by article A40—a lengthy consideration of the dispositions of law concerning whether or not the veil had to be worn by women. The veil, symbolizing dignity and social status, could be worn only by certain categories of women, which are listed in the following order: a) the wives of a man of a superior social class (*a'īlu*), there follows a break in the text, which perhaps included the term "widow" (*almattu*, confirmed perhaps in A40:51); and, b) following, a passage about "the women [. . .]" (the gap probably included the term "Assyrian," and referred to women whether married or not, and pertained to a lower social class of free men); c) the list ends with the "daughters of an *a'īlu*," i.e. the unmarried women of the superior class. But why are these listed after the generic entry about "(Assyrian)" women, who certainly are a social category of lower standing? The explanation seems to come from what follows immediately: for the daughters of the *a'īlu* two different types of veil are envisaged, so that the legislator has listed, for the sake of ease, first the woman who by custom had to wear a standard veil, then the unmarried (and noble) women who were permitted to wear different veils; and what do these veils represent if not the need of unmarried women to appear more beautiful, in order to be admired and noticed and finally to find husbands?

A bachelor then could fall in love with an unmarried woman, and ask his father to take steps so that she might become his spouse. But the final decision belongs only to

¹ This refers throughout to the laws as normally cited—the letter referring to the Tablet, and the number to the paragraph. Other numbers which may occasionally follow after a colon refer to the line.

the father, unless, naturally, he had already died, in which case the son was free to choose according to his preference.

The father and head of the household is sometimes even addressed as "lord or master" (EN, *bēlu*) by the household members who are subject to him. When, for example, the laws consider the case of homicide (B2), indicated by the expression "to finish a life" (*napšāte gamāru*), they provide for the murderer to be handed over to the "master of life" (*bēl napšāte*), i.e., the master of the life which has been taken so that justice might be made. This is none other than the father and head of the household.² And in A30, which considers the case of marriage, the father of the bride-to-be is called "master of the daughter" (*bēl mārī*).

It is exactly in the levirate laws that one sees with the most clarity the power of the father in giving a spouse to his children. In A30 it is for instance determined that, if a married son should die, the father, under whose authority the widow would automatically fall, had the right to marry her to another son, even though he may have already been promised officially to another woman, and even if the widow had not yet taken up residence in the home of the deceased. He also had full authority over the fiancée of the son, if she had already been "acquired" by his household through a marriage gift (see below): as a result he could pretend that his son, by now married to the widow of his brother, would still marry his original fiancée as well, even if the father of the fiancée was against it. Only if the father of the groom was agreeable could the marriage gift be refunded, and consequently the fiancée be "returned" to her own father.

Analogous is article A33, which also considers the case of a widow. If the woman has no children, she falls back under the authority of her father-in-law, who may have her marry another one of his sons, and in the absence of sons, the father-in-law himself may marry her.

The law is confirmed in A43; it is said here that when a young woman is "acquired" by the household of her husband, she falls back under the authority of her future father-in-law should her betrothed die or simply disappear; and the future father-in-law may marry her to another one of his sons, provided he is at least 10 years old.

Similarly, the future father-in-law of the husband has the right to marry another daughter to his son-in-law, should the originally betrothed daughter die after the "acquisition" ceremony which takes place when the marriage gift is given (A31).

Clearly, then, the son might be assigned, with great ease, a wife he did not love or want—the only comfort being that he too, after being "subjected" to his own marriage, could exercise within his new family the same type of authority to which he had been a victim.

The Wedding

The regular form of the marriage implied, as we have seen, the "acquisition" of the bride by means of a wedding gift presented to the father of the bride either by the

² See A10, where the same concept appears.

father of the groom (when he was still dependent on the head of the household) or by the groom himself (when he had become free and emancipated after the death of his father).

The wedding gift was called *terhatu*, but could also be expressed by the terms *biblu* and *zubullū*, two synonyms which were probably distinct only in their etymological origin, perhaps depending on the nature of the gift. The laws tell us about the type of gift: it could be tin (which was the most common medium of exchange next to barley), or silver or gold; see also A30, which also speaks, generically, of other "non-edible" gifts. A31 mentions only silver, which was perhaps the most common gift. On the other hand, A43 speaks of (evidently precious or semi-precious) stones (NA₄) together with other gifts which, here too, are called "non-edible."

In addition to these items there were also edible goods, which were consumed during the solemn wedding banquet (see A42, A43). A31 speaks of barley, sheep, and then generically of "anything which can be eaten." In the event that the marriage could not be consummated because of the death of one of the spouses (see A30, 31, 42), it was foreseen that the marriage gift would be returned, except for the edible goods, either because they were perishable or simply because they had already been eaten at the banquet. This is expressly stated in laws A30, 31, and 42, and in point of fact law A42 has this as its specific subject.

The marriage gift, including the food staples, was sufficient to establish the fact that the two individuals were engaged to one another, i.e. that the bride had been "acquired" by the household of the groom, but there were also two other ceremonial acts which had a similar function; the wedding banquet, which may have come after delivery of the gift since it made use of the food staples which were part of the gift, and the act of pouring oil on the head of the bride (A42, 43). The anointing with oil was a ritual ceremony which may have taken place on a different day from the banquet, at a specified time: "If a man has anointed the head of the daughter of a man *ina ūme rāqe* or if he has brought dishes for eating, no restitution is possible." (A42).

Wedding gift, wedding banquet and anointing with oil were three events (the first of which presumably had to take place before the second) any one of which would be sufficient in order to ratify the marriage and make it irreversible, since the promise of matrimony was considered solemn. This is proven by the fact that when a girl is "acquired" she is called "wife" (e.g. in A31).

The wedding ceremony as such is not well documented. Law A41 suggests that the basic element was the imposition of the veil. It is here that this law refers, as we shall see, to marriage with a concubine, who becomes a wife as a result of the ceremony. It is however probable that here the imposition of the veil is nothing more than the repetition, in private, of what would solemnly take place during the wedding. This seems confirmed by the last part of the law itself: "If a man dies and there are no sons of his veiled wife, then the sons of the concubines are his sons."

Other possible aspects of the ceremony are unknown. The phrase "to hang the dowry to the cloak of the wife," which refers to the father and is attested in the Nuzi documents, may have been an echo of the ceremony, but there is no documentation in Assyrian texts.

A marriage contract (*riksu*) could not have been missing. Yet, the laws refer to it explicitly only with respect to a widow (*almattu*), about which more will be said later. However, the lack of a regulation which would have established the contract as obligatory at any time and under any circumstances is certainly not an argument from silence. The Middle Assyrian laws which have been preserved are nothing but a collection of laws pertaining to certain topics; since there is a section devoted to the topic "women" (Tablet A), we know, as a result, many regulations concerning marriage because many of the articles of law concern married women. But there is no section devoted to marriage as such, which certainly would have analyzed in greater depth aspects which are only touched upon—including the need to have a written contract, as in the Code of Hammurapi. Unfortunately, the two contracts which have survived among the actual documents do not appear to be (at least in our opinion) marriage contracts written on the occasion of an ordinary marriage, as we shall see later. But the gap may be filled with the contracts found in Nuzi, which is near in space and time.

The Nuzi contract tablet is generally drawn up between the groom or one of his parents on the one hand and one of the parents or brothers of the bride on the other. There are in this contract clauses which vary depending on given situations; but generally the text sets the amount of the wedding gift (*terhatu*), and sometimes also of the dowry, which consisted of a part of the wedding gift. Other clauses which are usually found include the obligation of the groom not to take another wife if the first one bears him sons, and the prohibition against selling wife and children as slaves.

In contrast to Nuzi, there are few Middle Assyrian examples of tablets of adoption of a daughter and betrothed (*tuppi martūti u kallūti*), through which some individuals would adopt a girl with the commitment to marry her—sometimes to a slave, sometimes to a person socially more elevated, or even to their own son. There are two Middle Assyrian adoption contracts which may be considered similar to the Nuzi contracts. In the first one (KAJ 2) a girl is described as handing herself over for adoption to a man who promises not to mistreat or rape her, but instead to find her a husband, receiving the ritual wedding gift (*terhatu*) which the groom was to give to the father of the bride. There is no reference to any property belonging to the girl, who seems to be an orphan, as we shall see later. In the second text (KAJ 3) two women have a contract drawn up, one adopting the other. The text is badly broken but the penalty clause is clearly preserved, in the measure of two pounds of silver for breach of contract. An analogous text refers to a boy who enters a man's house of his own free will (MARV = VS 19 = NS 3, No. 37). The term "adoption" is not mentioned, but there are the same clauses as in KAJ 2 and KAJ 3: the promise to find him a wife, and the penalty clause (of five pounds of silver) for breach of contract.

Between the marriage ceremony and the start of actual cohabitation in the house of the husband, there could be a certain span of time, but the marriage was valid in every respect. Many of the laws of Tablet A, which concern married women, begin with the protasis: "If a (married) woman lives in the house of her father . . ." The nature of these articles of law absolutely precludes their referring only to women who did not yet cohabit with their husbands: in fact, the circumstances described apply just as well to

cohabitation. Thus these various articles of law were considered valid *even* if a (married) woman (still) resided in her father's house, precisely because such residence in her father's house could give rise to some doubts with regard to the determination of certain types of property.

We may ask if by residence in her father's house the reference was to the period when the woman had been "acquired" through the wedding gift but had not yet gone through the wedding ceremony, i.e. a period when the marriage had not yet been consummated. This may well be the case, but the judicial situation of the woman seems in any case to correspond to that of a woman who already had taken up cohabitation with her husband. For instance, law A36 begins with the protasis: "If a woman (still) lives in the house of her father, or her husband has made her take up residence elsewhere (i.e. in a house different from his own) . . ."; in this case, a woman who still resides with her father and a full-fledged wife, even if not residing in her husband's house, are placed on the same level. The remainder of this law, like other similar ones, deals with a woman who is regularly married, i.e., one who has already had children.

It is clear then that there was, or at least there could be, a time period when the bride, after the wedding ceremony, would still reside with her father. It could be a short time—immediately after the wedding because the husband's house was not ready yet, or at any other period of the marriage because of a forced absence of the husband who did not want to leave his wife alone and had no one else to whom he could entrust her. But it could also be a longer period of time while the bride was still not of marrying age. However, these cases may have been limited in number, and may appear more important to us simply because they appear as articles of law, since it was necessary for the law to clarify situations which, even though not necessarily frequent, may have been ambiguous.³

Types of Marriage

It is good to review at this point some special types of marriage, some of which are attested in the laws.

1. Marriage with a concubine is expressed in A41: "If a man wants to put the veil on his concubine, he will take five or six of his neighbors as witnesses, he will impose the veil in front of them, he will say: 'she is my wife,' and she will be his wife." The law continues by saying that without this ceremony the concubine could not be considered a wife.

2. We have already seen the unusual marriage types involving persons who were officially promised to third parties: a man after the death of the brother (in A30—as a result of which he had to marry the sister-in-law besides his regular fiancée) or the

³But compare medieval customs in Europe—for example in Sicily before marriage ("spusari"), there was normally an engagement period ("nguaggiari"). See G.A. Garuffi, *Ricerche sugli usi nuziali nel Medio Evo in Sicilia*, Sala Bolognese 1978, 61 (differently from the author, I think that "nguaggiari" comes from the French "engager." Nowadays the verb is synonymous with "spusari" ("to marry"). See V. Mortillaro, *Dizionario Siciliano Italiano*, 744b).

death of the "official fiancée" (in A31—as a result of which he had to marry her sister), and a woman when her "official fiancé" died or disappeared (in A43—as a result of which she had to marry his brother or even one of his sons).

3. Analogous is the extraordinary marriage of persons already married—e.g., when a widow has no sons and must marry her brother-in-law or, if there isn't one, her father-in-law (A33; see also A30).

4. The marriage of a special type of widow, called *almattu*, is considered in A34: "if a man has married an *almattu*-widow and no marriage contract (*riksu*) has been drawn up, and if that woman has lived with him for two years, she is his wife."

5. A marriage of reparation would sometimes take place if a virgin had been raped, and the father of the girl demanded the marriage. This might free the aggressor from having to pay a fine, but not from other penalties (A55).

6. Another unusual marriage type could result when a childless woman was "presumed" to be a widow. If a husband had been absent from home for at least five years, without providing in any way for his wife, she was free to marry whom she pleased (A36). Similarly, the wife of a soldier lost in war, who was without father-in-law or sons, had to wait two years for her husband, but could then go on to a second marriage (A45).

7. Another unusual type of marriage may be inferred from the data; it concerns a young woman given as pledge by her father to a creditor. The latter did not have the right to give her in marriage; if her father were to die, one of her brothers had the option to redeem her within a month's time (A48).

8. Linked to the preceding is the case of a young woman held as pledge by a creditor and then handed over by him to a third party. If the latter were to marry off the young woman, the marriage was considered valid, whether or not he had in fact acquired the right to do so (A39).

9. In some of the cases which we considered earlier, the verb *aḥāzu* (with the noun *aḥūzatu*) takes the place of the usual phraseology otherwise employed to indicate the action of marrying off a woman (*ana mūte nadānu*) and of taking a wife (*ana aššutti šakānu*). The unusual terminology appears to stand for an unusual matrimony (see also CAD A/1 217b); perhaps similar to this was the marriage entered into with a *qadiltu*-woman, who was a temple servant (see A40: V 61).

The Authority of the Husband

Whatever the marriage type, it marked the beginning of a period in a woman's life which was perhaps no less sad than the one she had experienced in her father's house. It was a question only of having a new master. The wives of a man qualified as *a'īlu* could have the satisfaction, however meagre, of wearing publicly the veil of married women (A40: V 42), and of becoming therefore an object of respect, on account of her husband. The case of the *qadiltu*-woman is indicative in this respect, since she must go in public with her head bared, like slave-girls and prostitutes, whereas she can wear a veil once she is married (A40: V 62-65).

It was some small measure of honor and satisfaction for the wife of an *a'īlu* that even the concubine of her husband was allowed a veil in public only when the concubine was together with the wife (A40: V 58-60) meaning that the veil was a mark of respect for the wife, not a privilege for the concubine. More concretely, the wife of an *a'īlu* could exercise a certain authority over concubines and servants. But vis-à-vis her husband she was no more and no less than a servant herself. The most sensational examples are provided by the laws A50 and A55, and by some economic texts.

The first of these laws deals with induced abortion. If a man hits someone else's pregnant wife, and thereby causes an abortion, the law required that the same, i.e. an induced abortion, be inflicted on the wife of the guilty party—and if she was not pregnant already, one presumably had to wait until she did in fact become pregnant. The law exhibits here an almost hopeless tendency toward absolute equivalence of guilt and retribution, in line with the principle “an eye for an eye.” According to our mentality, this constitutes a terrible injustice; but the spirit of the time placed the woman simply on the level of an object, however precious and even coveted.

The same may be noted in A55. The punishment for someone who rapes a virgin is a case of total retaliation. Whether or not the guilty party is going to marry the girl, her father acquires full rights over the first wife of the rapist, and may in turn rape her. Thus again the presumed punishment of a criminal results in fact in an attack on an innocent party, who had already been hurt by the unworthy attitude of her husband.

The position of the woman is shown to be just as low by some private contracts. Sometimes a woman is handed over as pledge and she must go and live with the creditor, even when the loan is small—for instance, 66 pounds of tin and a little over 10 *emārū* of barley in one case (KAJ 28), but only 2 *emārū* of barley in another (KAJ 60) and just 1 *emāru* in a third case (KAJ 70). We also have instances where daughters or sons are given as pledge (A48 and C+G=KAV 6, 2 and 3) and where one's own wife is sold outright (A/O 20, 123b).

A Woman's Private Property

It is so inconceivable in Assyrian thought to recognize even to a minimal degree a woman's right to control her own fate that abortion is punished with the most severe penalty of the entire legal system (A53).

And there is more. Particularly significant are the laws pertaining to the right of ownership. From law A37 it clearly emerges that a husband may obtain a divorce without having to give any compensation. Law A38, which follows immediately, does not change anything with respect to the preceding law, but only defines in some detail what is to be done with the jewels (*dumāqū*) and the marriage gift (*terḥatu*). Since the former are objects made for a woman, one might presume they would be left to the wife in case of divorce; and since the latter comes from the husband to the father of the bride it seems logical that it should belong to him—but the father may give it to his daughter. The law clarifies the issue: the jewels will remain with the husband, even though he has “placed” them “on” his wife; whereas the wedding gift belongs to the bride, if the father has given it to her.

If the husband may claim everything in case of divorce (at least everything which came originally from him), it appears clearly that women had no property of their own but the eventual *terḫatu* from the father. This is also attested by A6, where it is stated that if the wife of an *a'īlu* were to bring something for safekeeping to the house of a third party, she would be considered guilty, in much the same way a slave would in a similar situation (C+G 9). In other words, goods given for safekeeping by either a slave or a wife were considered stolen. This is confirmed by A4, which condemns a woman if she turns "something" over to a slave. Thus anything a woman might conceivably call her own was under the jurisdiction of the husband, and could not be handed over to anyone without his permission.

Two other articles of law add further explanations about the jewels (*dumāqū*). Should the husband die, the widow may claim them only if there are no brothers-in-law who have not yet divided the estate (in such case, the jewels would be a part of the common property of the husband and his brothers, and thus the latter could claim them for their inheritance). Should there be no brothers-in-law, the jewels belonged to the sons of the dead man. Only in the absence of any sons could the woman actually claim the jewels (A25, 26).

Thus we may say that the husband "loaned" rather than gave outright the jewels to his wife for the duration of the marriage. Similar is the case with the *nudunnū*, a gift which the husband bestowed on the wife at the moment of the wedding. It was in fact a "gift" which remained the property of the husband, since he could "take it back as his own" (A27). Besides, it is made clear that this "gift" will remain at all times at the disposal of the husband should he need it as a result of "debts, faults or fines," even in the case of the "gift" being in the house of the bride's father, should she be dwelling there (A32).

Law 29 speaks of gifts which the wife may receive from her father. First of all the dowry (*širku*) which may have been part of the *terḫatu* (Nuzi), then "all that she may have brought with her from the house of her father," i.e. various accessory gifts; and finally, what gifts she may have received from her father-in-law when she married: "What she received from her father-in-law when she entered (her husband's house)." All of these gifts belong technically to the woman, and will be inherited by her children, but her husband has full authority to take them away from her and assign them in inheritance to whomever he chooses.

It is possible that even the presents inherited from the father would be treated in a similar fashion. There is little evidence in this respect. Not much can be gotten from the laws, which seem hardly to touch this subject at all, at least in what has been preserved (only tablet K = A/O 12, Pl. 5, 1, seems to refer in Paragraph 1 to property associated with an inheritance left to the daughters). More information seems to derive instead from private documents, in particular two found at Tell Rimāh (TR 105 and TR 2037 = *Iraq* 30, Pls. 67 and 47) and studied by Wilcke (*ZA* 66, pp. 208f. and 224f.). In TR 105 it is said that the first born son will obtain two shares of the inheritance, according to the current custom which we also find codified in the laws. There comes then the sentence: "As for the rest (of the children), however many there are, both man and woman will take one (share)." Such equal treatment of sons and daughters is

surprising, considering what we have seen so far. The other text TR 2037 is a will in favor of a daughter, with a clause which provides for a further transfer to her brothers, should she have no children. A very unusual mark of consideration is the recognized right of this woman to keep for herself “the bed of her childhood” (*erša ša šeḫrūtīša mamma lā ikallāši*)—a very rare example indeed with a trace of humanity and affection.

The goods inherited from her father are, strictly speaking, on the same level as the ones “she brought from the house of her father” (A29), so that even in this case the husband has the authority to take them and give them in inheritance to whomever he chooses. The contrast with the provision in TR 2037 (whereby the property will pass to the sons of the woman) is only apparent in A29. The intent is perhaps only to determine that the husband has the right to favor one son over the other, not necessarily to keep the property for himself.

All in all, then, the property owned by the wife may be summarized as follows:

<i>biblu</i> <i>zubullū</i> } <i>terḫatu</i>	Wedding gift given by the father of the groom or by the groom himself to the father of the bride. It belongs to the father of the bride. If the custom was the same as in Nuzi, the father of the bride could make the dowry with a part of this. The father of the bride could give it to his daughter (this may have been what was left of the <i>terḫatu</i> once the dowry was deducted from it). In this case it belonged to the daughter and nobody could claim it.
<i>dumāqū</i>	Jewelry given by the husband to his wife. They remain the property of the husband and when the inheritance is divided they are treated like the rest of the assets.
<i>nudunnū</i>	An optional wedding gift of the husband to his wife. It remains the property of the husband.
<i>širku</i>	The dowry given to the bride by her father. It belongs to the woman but is to go in inheritance to the children. The husband may take it away from the wife and give it to a child of his choice.
<i>mimma ša ištu</i> <i>bīt abīša naṣutūni</i>	Gifts given to the bride by her father, together with the dowry. Treated like the dowry.
<i>ša emūša ina</i> <i>erābīša iddinaššenni</i>	Gifts to the bride by her father-in-law, on the occasion of the wedding. Treated like the dowry.

From this brief survey, it is clear that the wife had no property she could call her own, except if her father handed over to her the *terḫatu*, or a part thereof. Of all the other goods, a woman was only the beneficiary, not the owner.

A Husband's Right to Private Justice

The total and absolute dependence of the woman is also evidenced by her being subjected to the domain of private justice, where her husband was the judge.

Generally, one can say that if a woman was guilty towards her husband, whether it pertained to him personally, or to his property, and whether her offense was light or serious, it was up to the husband to impose a penalty or to set her free.

Official justice was invoked only rarely. The law article A3 = P3 (= *Iraq* 35, pl. 12.4) is significant in this respect. It pertains to a woman who is guilty of theft of her husband's property. If the husband is either sick or deceased, she is handed over to public justice—and she incurs the maximum penalty, i.e. capital punishment. If, on the other hand, her husband is alive and well, and hence capable of meting out justice, he may inflict a punishment of his own choosing, or else pardon her.

The law article A15, on the other hand, which deals with a betrayal on the part of the wife, makes it clear that private justice may simply imply that the husband implements a verdict which is otherwise issued by the judges, at least with regard to serious offenses which require heavy penalties. In A15 it is said that if a man finds his wife with another man and kills them both, he is not himself subject to prosecution. If on the other hand he turns the lovers over to the judges, they will then entrust to him the task of the punishment. It is thus clear that the lawgiver implies that the regular procedure is to denounce the lovers and to obtain proof of guilt before allowing private justice to proceed with the punishment; that the husband may be free of prosecution if he surprises them in the act and kills them is an exception arising from the special circumstances of a crime of honor.

In general it can be said that the punishment meted out by public justice is more severe than the one reserved to the husband, and that conversely, only the husband has the prerogative to extend a pardon.

Adultery of a variety of different types is obviously the case which occurs most frequently in the laws. It is mentioned in at least six law articles,⁴ and in almost every case private justice is invoked, which grants the husband the right to impose a punishment of his choice, including death. It is interesting to note that here, as elsewhere, the punishment inflicted upon the woman must be paralleled by the one inflicted upon her lover⁵ as well as a procurer, if there was one—who must however be released if the woman is pardoned.⁶

The only case of public justice which affects adultery is found in A13, where the two guilty parties are unequivocally sentenced to death: this is because the woman has gone herself to the house of her lover, so that this is envisaged by the law as a long-lasting connection, which has become public knowledge.

⁴ A13, 14, 15, 16, 22, 23.

⁵ Only in the case of proven guilt, that is if one knowingly lies with a married woman; otherwise there is no prosecution.

⁶ The only exception is found in A23 when the lovers and the procuress are put to death without delay, regardless of what the punishment may be for the adulteress.

Private justice is not limited to adultery. For example in A4, which has already been cited, the punishment affects a married woman who hands something over to a slave. The law imposes the maximum penalty which the husband is allowed to impose, and it allows here too the possibility of a pardon which must however also be granted to the accomplices. The same applies in the case of a run-away wife who takes refuge in the house of another "Assyrian" woman (A24).

From laws A57 and A58, however badly broken, it seems that serious punishments handed out by the husband had to be imposed under the control of the public authorities. For light punishments, on the other hand, the husband was allowed to proceed by himself, without any control: "Besides the punishments (which may be imposed) on a (wife) and which (are written down) on the tablet (i.e., Tablet A of the laws, which deals with women), the husband will be allowed to (hit) his wife, shave her head, wound or pierce her (ears)" (A59).

Private justice did not take place only within the same household. Even when the victim belonged to another family, the head of the household which had been wronged was allowed to punish the guilty party directly. Thus if a stranger committed a murder, the murderer was handed over to the head of the household affected, who could impose the death penalty or ask for a pecuniary compensation (A10, B2). The law article A5 is especially meaningful in this respect: if a married woman stole a valuable in somebody else's home, her husband could punish her himself and return the stolen goods; or else the woman could be punished by the wronged party. However, if a woman hit a man (A7, A8) she would immediately be turned over to public justice. The same would happen in the case of abortion.

When a man is involved, the opposite is true. In the case of adultery he is guilty only if he is aware that he is lying with a married woman, otherwise he cannot be prosecuted; in other words, if he is guilty it is only with respect to the husband of his lover, and not with respect to his own wife. Thus when a man becomes violent, whether mildly (A9) or seriously (A12), toward a married woman, he is convicted not so much because he has hurt a woman, but rather because he has offended her husband. The same applies to somebody who accuses somebody else's wife of infidelity (18).

The examples quoted so far are more than enough to show how unequal were the rights of women as opposed to the rights of men. It is thus very surprising to find a marriage contract which is actually based on the absolute equivalence of the two spouses (*TM* 4, 45; *OA* 7, 181; *WO* 5, 130). Here the spouses are themselves parties to the contract; they declare that they marry of free will, promise each other mutual respect, and establish a fine of equal amount for either one of them should one repudiate the other. The equality between the two is such that the names could be exchanged without changing the context of the document. All of this is in sharp contrast with what we have seen so far about the disparity between husband and wife in the laws; it also contrasts with the contracts found in Nuzi, where contracts are never made with the wife as a direct legal partner. We must then interpret *TM* 4, 45 not as a regular contract, but rather as one involving a free woman without any ties, perhaps a widow of the type known as *almattu*, for which see below.

Another abnormal marriage contract is *KAJ* 7 (*ARu* 1; *OLZ* 35, 772) here it is stated that one of the two parties is a slave (*urdu*) and the other an "Assyrian woman" (*aššurā'ittu*), free but belonging to a lower social class, and apparently also heavily in debt.⁷

The Father's Role After the Wedding

A woman definitely exits from her father's jurisdiction as soon as she leaves his house following delivery of the wedding gift. Only exceptionally does her father reappear, as in the case described in A43. Here it is said that if a woman has been "acquired" into the house of her future husband, and he dies, she comes under the guardianship of her future father-in-law; if he too dies, she comes under the guardianship of a son if there is one who is of age (i.e., ten years old at least!), whom she must marry; if even this condition does not exist, the woman returns under the guardianship of her father, who may give her in marriage to an even younger son of the

⁷ Note that even though the contracts are of an abnormal type, and not closely related in terms of the overall context, they have a certain phraseology, which may also have been found in the common contracts:

- | | | | |
|----|------------|------|---|
| 1. | <i>KAJ</i> | 7 | <i>ana piša-ma</i> (referring only to the woman) |
| | <i>TIM</i> | 4,45 | <i>ina migratišunu</i> (referring to both parties) |
| 2. | <i>KAJ</i> | 7 | <i>ana aššuttišu iltakan</i> (referring only to the man) |
| | <i>TIM</i> | 4,45 | <i>mūutta u aššutta idbubū</i> (referring to both parties) |
| 3. | <i>KAJ</i> | 7 | NP <i>mūtsa u</i> ¹ NP <i>aššassu</i> |
| | <i>TIM</i> | 4,45 | NP <i>mūssa u</i> ¹ NP <i>aššassu</i> |
| 4. | <i>KAJ</i> | 7 | <i>eqli u libbi āli pālah aḥāiš eppušū</i> |
| | <i>TIM</i> | 4,45 | <i>ina eqli u libbi āli pālahā ša aḥu ana aḥi eppušū</i> |
| 5. | <i>KAJ</i> | 7 | <i>ša ina bērišunu ippasilūni</i> |
| | <i>TIM</i> | 4,45 | <i>šumma NP lā aššatī-mi iqabbi . . . u šumma</i> ¹ NP <i>lā mutī-mi taqabbi</i> |
| 6. | <i>KAJ</i> | 7 | 3 <i>manū šarpa</i> [<i>išaqqa</i>] (referring to both parties) |
| | <i>TIM</i> | 4,45 | 1/2 <i>manū kaspi išaqqa</i> . . . 1/2 <i>manū kaspi tašaqqa</i> |

Some of these common elements share the way in which they are expressed (3 and 6; also, to some extent, 4); the others overlap only in meaning. The texts differ in 1 and 2 because in the second text (*TIM* 4,45) the two parties are on the same level, while in the first text (*KAJ* 7), the man takes the primary initiative.

promised future husband, or may take her back. (The latter is the only alternative if the promised future husband had no sons at all). This is the only known instance in which the father intervenes after his daughter has been promised officially, and "handed over". Somewhat related is the case where he may ask that another of his daughters take the place of the first one, if this one were to die (A31).

It stands to reason that after the marriage had become official, the break would be even sharper. If there is an exception, it is perhaps only in A33, which relates a situation similar to the one just seen (A43). A widow without sons, it is decreed, may be married off by her father-in-law to another one of his sons. Should there be no sons, (someone) will give her in marriage to the father-in-law himself: the tablet is broken where one expects the subject (hence the brackets above); it is likely that the subject is in fact her father, but it remains uncertain. But even if this is the case, her father hardly plays any role since at most he simply hands over his daughter for a second time to the same person, i.e. her father-in-law. His function is purely ceremonial, and this is confirmed by the conclusion of the same law article: if she has no sons, and both her father and her father-in-law are dead, she will not return to her family, but will rather come to be considered a widow of a special class (an *almattu*-widow in Assyrian), and "she will go where she pleases."

The Husband's Other Women

The question of polygamy is a problem which cannot be easily solved. Certainly one or more concubines were permitted. The law article A41, which has already been mentioned, envisages the possibility of a concubine being elevated to the rank of wife, and from the conditions mentioned there it appears that a single head of household had several concubines. But it is not clear whether actual bigamy, or even polygamy, was actually normal in a Middle Assyrian family. The law article A41 does not make clear whether a man who raises his concubine to the rank of wife was normally already married or not. There are but a few clues in this respect.

(1) There certainly was bigamy in the case of the levirate, of which we do not need to repeat here the various types. It will be sufficient to remember that a widow was bound to marry the brother of her deceased husband, even if he was already officially engaged to another woman whom he was also bound to marry if her father required it. But such an instance of bigamy was exceptional, and the aim of the law was to keep the widow within the bounds of the family, under a specific "tutelage." A similar type of bigamy would occur when a widow who had no brothers-in-law was required to marry her father-in-law (not necessarily a widower).

(2) The Nuzi contracts often have a clause which prevents the husband from taking a second wife if the first one bore him sons. Assuming that this was also the custom in Assyria (which is by no means certain) one would deduce that monogamy was the more common situation, one which may even be imposed by the woman's father, while polygamy was possible, but only when the first wife was sterile. This may in fact be the situation envisaged by A41, according to which a man marries a concubine who had already born him sons because his wife had not.

(3) Law A43 envisages the case of a woman who has already been "acquired" but whose future husband dies. If the future father-in-law is also dead, she becomes the wife of a son of her promised husband. If he already had sons at that time, he would have been a bigamist, unless he was a widower.

(4) Law A46 speaks of a "primary" and a "secondary" wife, which seems to imply not only the existence of bigamy/polygamy, but even of a hierarchy among the women, with a favorite status accorded one of them. But in my opinion the terms "primary" and "secondary" do not refer to a hierarchy based on degrees of importance, but rather to a chronological sequence with respect to the time when each woman had entered into marriage. In any case, this too is an example of bigamy; when the "first" wife becomes a widow, she may live in the house of one of her own sons; but the "sons of her husband" (i.e. sons her husband had from one or more wives he married after the first wife) will have to contribute to her maintenance.

In conclusion, we may say that bigamy is documented only in one case (or two, if the Nuzi parallel is valid), while two other cases simply suggest it as a possibility. Since no other law or contract speaks of bigamy/polygamy as normal, we may assume that such a status was allowed only under special conditions, clearly defined by the laws.

Divorce

A marriage could be ended either by divorce or by death. We have already seen what laws A37 and A38 have to say about divorce, in connection with the disposition of the relative assets. But the laws do not give any information about the causes of a divorce. In the laws which deal with adultery it is stated that a husband may either punish or pardon his wife. The punishments are physical in nature, and range from mutilation to death, while repudiation is not mentioned. The same can be said about sterility as a cause for divorce. It is not attested, but it cannot be excluded (and we saw in fact how in the Nuzi texts sterility is sufficient reason for the husband to take a second wife).

The Woman as Widow

We have already seen some laws concerning widows in connection with the so-called "levirate," but we will recapitulate them together with the other articles which deal with the same topic.

(1) A widow who has already been "acquired" into her husband's household but is not yet married:

a. The future father-in-law marries her to another one of his sons who is at least ten years old.

b. If the father-in-law is dead and there are no brothers-in-law, the woman marries a son of her promised husband, if of age.

c. If the son of her promised husband is a minor, the woman returns under the guardianship of her father, who may marry her to the minor or take her back.

d. If there are no sons of the promised husband, then her father takes her back. (A43).

(2) The widow is under the guardianship of her father-in-law, even if she still lives with her father; the father-in-law may give her in marriage to another son, even if he is already engaged (A30, A33).

(3) A widow with sons capable of taking care of her will have to live with them (A33), even if they are not her own, but from another wife of her husband (A46).

(4) A widow may marry a stepson who was borne to her husband by another woman (A46).

(5) A widow without brothers-in-law or sons may marry her father-in-law (A33).

(6) A widow without sons or father-in-law is considered of the *almattu* class, and is free to go where she chooses.

(7) A woman whose husband fails to return home, and is thus presumed to be a widow, may not remarry if she has any sons and her husband has gone abroad in the service of the king. Otherwise, she must wait for at least five years before she can remarry; if the husband then returns and shows that his absence was involuntary, he may take her back or replace her with another woman (A36).

(8) A woman who is the presumed widow of a soldier, and who has neither father-in-law nor sons, must wait at least two years before remarrying during which period she is maintained by the state. On occasion a widow might expect a bequest from her husband, as in *KAJ* 9 (see *ZA* 66, 211), a will by a man in favor of her wife, with the clause that upon her death everything would have become the property of a son, and she may not transfer to others the property nor remarry.

A special class of widows, which has already been mentioned often, is the one for which the term *almattu* is used.

a. She is defined by law A33 as a widow who has lost both husband and father-in-law, and who is without sons; in that case she can go where she pleases (see also A45). There is a text (*VAT* 18087, to be published shortly by H. Freydanck, in *MARV* II) which seems to be in contrast with the law just quoted. It is a list of Hurrian families, and in it we see, next to the regular wives of a head of household, an *almattu* widow who was the wife of a deceased man (who may or may not have been related to the head of the household) together with the sons she had born to the deceased. Elsewhere in the same text there is an *almattu* widow who has sons and behaves like a head of household. Unless we have here an indication of a difference in mentality between two worlds (the Assyrian and the Hurrian) we must give a different interpretation to A33: the fact that she did not have sons probably meant not so much that there were no sons at all, but rather that there were no sons capable of maintaining their mother.

b. Article A34 aims at safeguarding a de-facto marriage: if a man has married an *almattu* widow without drawing up a regular marriage contract, the marriage is valid two years after it has taken place.

c. Article A35 determines that if an *almattu* widow enters the house of a man, all of her possessions become his property. It is a type of concubinate⁸ which turns automatically into a marriage (see above under b). The second part of the law envisages

⁸ As suggested by G. Candascia, *Les Lois Assyriens*, 183-1B4.

the opposite situation: a man who depends on a woman (presumably an *almattu* widow) for his sustenance, loses his rights to what possessions he may have.

d. Article A28 determines that the posthumous son of an *almattu* widow who has remarried has no inheritance right toward his stepfather, unless he had been regularly adopted. He has a claim instead on the share of his own father.

It appears then that the *almattu* widow was a free woman, without sons (unless they were minors), who was under nobody's tutelage. Inasmuch as she was free and independent, she could cohabit with someone, and bring her own possessions with her (A35). In such a case the law made it a point to protect her interests but determined that after two years of cohabitation she was a legitimate wife (A34). Independent as she was on the financial level, she could even support a man, coming to own his own possessions (A35).

A problem in this connection is found in A35 which deals, as we saw already, with a posthumous son (i.e. a son born after his father's death). If he had not been adopted by his stepfather, he would inherit his father's estate, or at least that part of it which belonged to a first born son. According to A35, however, the estate had already been transferred to the second husband. Hence it is not clear whether at his birth the stepfather was forced to return, at least in part, the assets which he had received from the *almattu* widow when she entered his house and became his wife.

An even greater problem arises from the contrast we see between the situation of the *almattu* widow in Assyria, which seems a desirable situation in many respects, and the traditional figure of the widow in ancient Near Eastern literature and history.⁹ But there is no doubt about the ability of an *almattu* widow to own property and to act legally on her own—which is one reason why we believe that in the marriage contract discussed above (TIM, 4, 45) the woman concerned was an *almattu* (unless she was an unmarried orphan without interference from her brothers, for which see the two contracts from Tell Rimah quoted above). The same applies to those documents in which a woman appears as party to a contract. There are several instances of this. In KAJ 2 we saw that a woman, who is likely to be an unmarried orphan, offers herself spontaneously for adoption to a man. In KAJ 3 the same situation obtains, except that here even the adopting parent is a woman. In KAJ 7, a marriage contract already quoted above, a woman acts on her own initiative and it is *her* decision to be married. In KAJ 16, a woman lends a certain amount of tin to a man, accepting as a collateral some real estate and even his children. In KAJ 51 and KAJ 90 a woman grants a loan of a type defined as *šulmānu*, and the same is attested in KAJ 100. In KAJ 111 a woman places an order for bricks; and so on. Similar is the case, not infrequent, when a man's name includes his mother's rather than his father's name (e.g. KAJ 48; KAJ 102; *Stelenreihen* N. 116 = *AIUON* 33, 279, etc.).

Thus there appear to be some cases in which a woman seems free to act on her own and to handle her own affairs. But such a situation obtained only when nobody, i.e. no man, was left to act as her guardian, and even then she was not particularly favored or privileged. When an orphan, she would find herself unable to act in a world in which

⁹ See for example, C. Cohen, *The "Widowed" City* JNES 5 (1973), 75 sgg., about Hebrew *'almānāh* and Egyptian *h3ut* (*h3ut*).

the male element was totally dominant, and thus she would give herself in adoption to a stepfather who would then have the obligation to marry her off (*KAJ* 2). If she was a widow and without sons (or only with sons under age), her best choice might be to enter the house of a man as his concubine, with the certainty of becoming his wife after two years (*A34*, 35). In conclusion then, it is only a rare exception when a woman appears to be free, independent, and perhaps even in a position of strength vis-a-vis her own man (*A35*, second half) or other men (*KAJ* 16, 51, etc.).

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