

## ADOPTIONS INVOLVING OLD BABYLONIAN WOMEN DEDICATED TO A GOD AND THEIR HUSBANDS

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Old Babylonian nuns were often involved in adoptions. They used these legal agreements for quite varied purposes and in various ways, mostly depending on their own family situation.<sup>1</sup> When they remained unmarried, adoption was essentially a means to ensure future security by appointing as heir(s) the one(s) who would have to support them in old age; but even if the contracts named the adopter and the adoptee respectively as “mother” and “daughter” or “son”, they did not record true parenting adoptions.<sup>2</sup> On the other hand, nurturing real parenthood became the main purpose of those votaries who married: as wives, they were expected to overcome their obligation of barrenness – inherent in their religious calling<sup>3</sup> – by providing progeny to their husband. Their files therefore throw a revealing light on a variety of adoption agreements, inspired by different motives, the main purpose being to obtain progeny.

### 1. *Votary, wife and mother*

#### 1.1. The textual evidence in private documents

The discussed votaries belonged to three different classes (see table 1 below): the *nadītum* of Marduk (LUKUR <sup>d</sup>AMAR.UTU), the *qadištum* (NU.GIG) and the *kulmašītum* (NU.BAR).<sup>4</sup> Their marital situations are mostly seen in the twin cities of Sippar-Amnānum and Sippar-Yahrurum, but also occur in two other cities of Northern Babylonia (Dilbat [6] and Babylon [15-16]) and in the ancient land of Sumer (Ur [25] and Larsa [12]<sup>5</sup>). They are observed in contexts of marriage, divorce, transmission of dowry or marital gifts (1, 3, 4, 7, 8, 10, 11, 13, 14, 18, 19-23, 26-29, 32-34), at the occasion of a sale (9, 12, 15-16, 25, 35) or in various affairs involving the children of couples (2, 5, 6, 17, 24, 30, 31).

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<sup>1</sup> See the contribution of Klaas R. Veenhof in the present volume for some examples.

<sup>2</sup> For this specific topic, see Stol 1998: 84-116.

<sup>3</sup> The interdiction to give birth was explicitly expressed in the Old Babylonian version of the Myth of Atra-ḫasīs (III vii 9): see Lambert, Millard, and Civil 1969: 102-103; Kilmer 1972: 171; Stol 2000b: 464, 466; and Barberon 2012: 181-183.

<sup>4</sup> For an updated insight of these different votaries since the reference works Renger 1967; Renger 1969; and Harris 1975, as well as the clues to identify them despite frequent omission of their title, see Barberon 2012: 7-30 and 37-106.

<sup>5</sup> The marriage of Geme-Asalluḫi and Ubananum took place in Larsa before they had to leave to Sippar during the year Samsu-iluna 12 (Charpin 2004: 344-345).

Table 1  
Devoted women described as wives (*aššatum*) or expected to be acting in that role

***Nadītum of Marduk***

Name of couple	Text (date)	City
1. Tarām-Sagil & Warad-Šamaš	TCL 1, 61 (AS 6); CT 2, 44 (AS); BAP 89 (AS)	Sippar
2. Huššutum & Bunene-abī	VS 8, 127 (Ḫa 14) + duplicate BAP 94	Sippar
3. Aḫāssunu & Warad-Sîn	CT 48, 48 (Ḫa 16); <i>Archibab</i> 1, 1 (= BM 16981) (Ḫa 16)	Sippar
4. Eriš-Sagil & Warad-Šamaš	<i>Archibab</i> 1, 4 (= BM 97010) (Ḫa 28)	Sippar
5. Tarām-Sagil & Ašqūdum	BAP 7 (Ḫa 39)	Sippar
6. Šāt-Marduk & Marduk-nāšir	VS 7, 37 (Ḫa 39)	Dilbat
7. Geme-Asalluḫi & Šamaš-bāni	TLB 1, 229 (Si 3)	Sippar
8. Šīmat-Sagil & Sîn-šamuḫ	YOS 12, 376 (Si 14)	?
9. Eriš-Sagil & Išutum	AUCT 5, 107 (Si 28 <sup>7</sup> )	?
10. Bēlessunu & Nūr-ilīšu	CT 4, 39a (Si 30)	Sippar
11. [...] & Sîn-iqīšam	CBS 1214 (Ḫa-Si)	Sippar
12. ...tum & Sîn-iddinam	CT 47, 82 (Si-Ae)	Sippar
13. Geme-Asalluḫi & Ubananum	BM 16764 (Ae 1) <sup>6</sup>	Sippar
14. Bēletum & Sîn-bēl-ilī	CT 45, 119 (Ae); CT 47, 83 (Ae)	Sippar
15. Iltani & Ilšu-bāni	VS 22, 12 (Ad 18)	Babylon
16. Ṭāb-Esagil & Nakkarum	VS 22, 16 (Ad 23)	Babylon
17. Geme-Asalluḫi & Warad-Kūbi	Di 1272 (Ad 29) <sup>7</sup>	Sippar
18. Inūḫ-Esagil & Emūq-ilī-šitmār	BM 97057 (Ad 37) and BM 97025 (Aš 1) <sup>8</sup>	Sippar
19. Lamassani & Šamur-ezeššu	Di 1798 (Aš 10 <sup>9</sup> ) <sup>9</sup>	Sippar
20. Be... & Aḫujatum	OLA 21, 73 (Aš)	Sippar
21. Bēletum & Ilšu-ibnīšu	OLA 21, 87 (late OB)	Sippar
22. Nuṭṭubtum & Išum-nāšir	TIM 4, 47 (?)	?
<b><i>Qadištum</i></b>		
23. Aḫātum & unnamed ( <i>mutīša</i> )	CT 48, 57 (Sa <sup>?</sup> )	Sippar
24. Erištum & Šamaš-nāšir	VS 8, 92 (Ḫa 3)	Sippar
25. Aḫātum & Šillī-Erra	YOS 8, 125 (RS)	Ur
26. Tarām-Adad & Ipqu-ilīšu	CT 6, 38a (Ae “q”)	Sippar
27. Ilša-ḫegalli & Inanna-mansum	Di 1897 (Ad 1); <sup>10</sup> Di 1804 (Aš 5) <sup>11</sup> ; MHET 1, 69 (Aš 5)	Sippar

<sup>6</sup> Jursa 1997.<sup>7</sup> Gasche and Dekiere 1991.<sup>8</sup> Veenhof 1989: 183-184.<sup>9</sup> Janssen 1992: 40 note 49.<sup>10</sup> Tanret 2008: 141-142 (correct “Di 1297” to “Di 1897” on p.141).<sup>11</sup> Relevant passages and extracted information published in Janssen 1992: 33 (note 34), 42 (notes 54 and 56) and 50; and in Lerberghe and Voet 1991: 7.

***Nadītum of Marduk***

Name of couple	Text (date)	City
<b><i>Kulmašītum</i></b>		
28. Munawwirtum & ( <i>mutum</i> =) Awīl-ilī (?)	MHET 2/5, 582 (AS <sup>2</sup> ) MHET 2/1, 117 (Sm 11) <sup>12</sup>	Sippar
29. Lamassī & unnamed ( <i>mutiša</i> )	CT 8, 50a (Ḫa 2)	Sippar
30. Tarām-Ulmaš & Ninpirig-abī	BAP 95 (Ḫa -Si)	Sippar
31. Tarām-Ulmaš & Šamaš-liwwir	CT 8, 7b (Ad 11)	Sippar
32. Erišti-Eulmaš & Bunene-iddinam	CT 48, 55 (Ad)	Sippar
<b><i>Nadītum of Marduk and kulmašītum</i></b>		
33. Liwwir-Esagil & Warad-Šamaš	BE 6/1, 84 (Ad 31)	Sippar
34. Lamassatum & Ilšu-bāni	CT 8, 2a (Ad 34)	Sippar
<b>Unspecified title</b>		
35. Bēlessunu & Bunene-abī	CT 8, 22b (Ḫa 12)	Sippar

## 1.2. Legal dispositions for motherhood despite obligation of barrenness

When “daughters” or “sons” of a married votary occur in texts, one should suspect that they were not her natural children, and therefore one should wonder by which legal arrangement they had been acquired. The Laws of Ḫammurapi are revealing in that respect, as regards the *nadītum*-women – that is to say, the *nadītus* of Marduk who were the only *nadītus* to be married off, while those devoted to other city-gods stayed celibate and lived within cloister compounds. The Laws differentiate between the verb *walādum* “to bear children” – which was expected from an ordinary woman –, and the factitive forms *mārī šuršūm* “to provide children” and *mārī šubšūm* “to make children come into existence” – which was expected from a devoted woman precisely because of the enforced barrenness she had to overcome.

In the Laws of Ḫammurapi:<sup>13</sup>

## § 137:

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

## § 144:

*If a man marries a nadītum, and that nadītum gives a slave woman (amtum) to her husband, and thus she makes children come into existence, but that man then decides to marry a šugītum, they will not permit that man to do so, he will not marry the šugītum.*

<sup>12</sup> I propose that in both texts this is the same woman: the inheritance contract MHET 2/5, 582 (AS/Sm) scheduled her wedding, which was then effective at the date of MHET 2/1, 117 (Sm 11) which registered her marital gift.

<sup>13</sup> See Roth 1995.

## § 145:

*If a man marries a nadītum, and she does not provide him with children and that man then decides to marry a šugītum, that man may marry the šugītum and bring her into his house; that šugītum should not aspire to equal status with the nadītum.*

## § 146:

*If a man marries a nadītum, and she gives a slave woman (amtum) to her husband, and she (the slave) then bears children, after which that slave woman aspires to equal status with her mistress – because she bore children, her mistress will not sell her; she shall place upon her the slave-hairlock, and she shall reckon her with the slave women.*

## § 147:

*If she (the slave) does not bear children, her mistress shall sell her.*

The few surviving private legal documents reflect most of these dispositions, while at the same time offering a more complete view of the subject. First, they show that married *kulmašītus* and *qadištus* too were expected to provide children to their husbands.<sup>14</sup> Secondly, they permit to distinguish three ways of acquiring progeny: the simple legal adoption of an infant (leading to a fictive parenthood for both spouses), the surrogate motherhood (which combined natural fatherhood with fictive motherhood) and the double motherhood (based on a bigamous marriage, which required to integrate the secondary wife, and natural mother of the children, in the family of the votary by means of different adoption agreements). The present contribution investigates these options by proposing a classification of the textual evidence in order to explore the family configurations thus obtained.

## 2. Adoption of an infant

### 2.1. Adoption and suckling contracts (table 1: 2, 6, 30)

When a woman dedicated to a god is found to adopt a child with her husband, the child is almost always a suckling infant and the adoption is mentioned in a nursing context, since the adoptive mother was of course unable to feed the baby. She and her husband had to pay a suckling fee to the natural mother or to a wet-nurse whom they employed after the adoption.<sup>15</sup>

Such an arrangement is known in two duplicates according to which the *nadītum* of Marduk *Ḫuššutum* and her husband *Bunene-abī* adopted a little boy who was fatherless and seemingly the junior of his family:

#### 2. VS 8, 127 + duplicate BAP 94 (Ḫa 14)<sup>16</sup>

*Bunene-abī and Ḫuššutum, nadītum of Marduk, wife of Bunene-abī, have adopted Šamaš-apilī from Šaḫamātum, Mārat-Eštar, her daughter and Tarībum, her son. May Bunene-abī and Ḫuššutum get ten sons, Šamaš-apilī shall be their elder brother. In the future, if Šamaš-apilī says to Bunene-abī, his father, and Ḫuššutum, his mother, “you are not my father, you are not my mother”, they will shave and sell him. And if Bunene-abī and Ḫuššutum say to Šamaš-apilī, their son, “you are not our son”, they shall forfeit house and moveables. Šaḫamātum, Mārat-Eštar and Tarībum (have received) the suckling-fee of three? years. They are satisfied. Before eleven witnesses, date.*

<sup>14</sup> See Barberon 2005.

<sup>15</sup> See Stol 2000a: 181-190.

<sup>16</sup> See HG 3, 17; VAB 5, 8; and David 1927: 43.

The natural mother, who certainly was a widow unable to support a third child, took care of the infant until he was weaned and then entrusted him to his adoptive parents.<sup>17</sup> Unfortunately we know nothing about the relationship between her and these adopters; because of the loss of the archival context, we also do not know what could have explained the need for a duplicate text.<sup>18</sup>

In a second document, coming from Dilbat, the adoption is implicit: the unnamed infant entrusted to a wet-nurse had certainly been adopted by Šāt-Marduk (supposed to have been *nadītum* of Marduk) and her husband:

**6. VS 7, 37 (Ḫa 39)<sup>19</sup>**

*Marduk-nāšir and Šāt-Marduk had given their son for suckling to Waqqartum. Waqqartum and Ḫabil-kēnum have received the suckling-fee of two years. They are satisfied. Waqqartum turned to the judges because of her suckling-fee and the judges summoned the qadištum-women: she had received the suckling-fee. Before six witnesses, date.*

Nothing is known about the natural parents: Waqqartum and Ḫabil-kēnum were here just involved in the nursing business supervised by *qadištum*-women.<sup>20</sup> What is relevant is the existence of two other sons of Marduk-nāšir: Uraš-muballiṭ occurs here as witness in the suckling contract and a second son occurs in a sale contract mentioning property of Šāt-Marduk.<sup>21</sup> But how they had become the couple's children remains unknown.<sup>22</sup>

Back in Sippar, another adoption contract involves the *kulmašitum* Tarām-Ulmaš and her husband Ninpirig-abī, who adopt Ubār-Šamaš. There is no mention of a suckling fee but insofar as the contract recorded a transfer of parenthood between the supposed natural parents and the adopters, Ubār-Šamaš was certainly also an infant:

**30. BAP 95 (Ha)<sup>23</sup>**

*Ninpirig-abī and Tarām-Ulmaš have adopted Ubār-Šamaš from Sîn-iddinam, his father, and Bettetum, his mother. May Ninpirig-abī and Tarām-Ulmaš get ten sons, Ubār-Šamaš shall be their elder heir. The day his father Ninpirig-abī and his mother Tarām-Ulmaš say to their son Ubār-Šamaš, “you are not our son”, they shall forfeit house and properties. The day Ubār-Šamaš says to his father Ninpirig-abī and his mother Tarām-Ulmaš, “you are not my mother, you are not my father”, they will shave him, mark him with the abbuttum and sell him. They have sworn the oath by Šamaš, Aja and Marduk. Before nine witnesses, date.*

<sup>17</sup> Stol 2000a: 183.

<sup>18</sup> The text strongly reminds of a similar nursing contract, Eubba 7, no. 25 (Sm 17), unearthed by Iraqi archaeologists among the archive of a *qadištum* in a house at Tell Abu Ḫabbāḥ. The archaeological context suggests that it was a text kept for teaching, rather than a contract carefully kept year after year: see Barberon 2009: 279-280.

<sup>19</sup> See HG 3, 33; VAB 5, 241; and Stol 2000a: 186.

<sup>20</sup> On the role of *qadištum*-women in that matter, see Stol 2000a: 186-188.

<sup>21</sup> Ibbi-Ilabrat in VS 7, 15: 25 (Ḫa 41).

<sup>22</sup> However we may notice that Uraš-muballiṭ has been designated in VS 7, 31 (Si 8), a few years later, as the son of Huzālum who was actually his grandfather. On this family archive and its references, see Goddeeris 2002: 228-242; and Charpin 2004: 86 note 302.

<sup>23</sup> See HG 3, 19; and Pientka-Hintz 2004: 30 no. 4.

Once again, we have to deplore our complete ignorance of the relationships between the “parents” who gave the child in adoption and the adopters. Prosopography yields no clues, except perhaps one: a *kulmašitum* called Tarām-Ulmaš and daughter of a Sîn-iddinam witnessed a marriage contract involving the slave girl of another *kulmašitum* (Iltani, daughter of Ilabrat-bāni) under the reign of Samsu-iluna<sup>24</sup>; in case these women were to be one and the same person, Tarām-Ulmaš would here adopt a brother or half-brother.

## 2.2. In Ur-Utu’s family (Sippar-Amnānum)

The file of texts collected and carefully kept by Ur-Utu in his archive during his dispute with his brothers, concerning the inheritance of their father Inanna-mansum, is mostly well known.<sup>25</sup> One of his letters recalls a declaration of Inanna-mansum about what would have been the true parentage of three of the siblings:

Di 1194<sup>26</sup>

(12-18) “*That Kubburum, he is the son of Warad-Mamu, a servant of Esagil-[mansum], the ...; Ilī-iqīšam is the son of a sister of the daughter-in-law of Ku...ya and Huzālum is the son of the woman dwelling in the house of the servant girl of the priest of Šarpanitum. I will not bequeath to them. Ur-Utu is my son, the one who received my sceptre from me: to him, I will leave everything.*”

This quotation has been understood as an idiomatic insult that Inanna-mansum would have uttered in a fit of anger against his other sons to express his favour towards Ur-Utu. Considering that Inanna-mansum was married with the *qadištum* Ilša-ḫegalli (table 1, **27**) and that, as a Chief Dirge Singer, he was perhaps himself a eunuch unable to father,<sup>27</sup> those words must nevertheless have been based on some true elements.<sup>28</sup> The filiations within this family could have been legal rather than natural. Also, Ur-Utu himself was certainly an adoptee, even when the letter of course tells nothing about his own true parentage.<sup>29</sup> The reason why he was chosen to succeed Inanna-mansum as Chief Dirge Singer remains unknown.<sup>30</sup> The absence of adoption contracts within the archive can be explained in two ways: either they were never drawn up, or, should they have existed, each adoptee would have personally kept his own contract. When the house was on fire, Ur-Utu would have managed to save his own adoption contract together with other precious documents that are today lacking in the excavated archive.

Such an interpretation can also be proposed concerning Lamassani (table 1, **19**), daughter of Inanna-mansum and Ilša-ḫegalli. Until she got married five years after Inanna-mansum’s death (Aš 10), she remained in the house of her brother Ur-Utu who was in charge of her

<sup>24</sup> CT 48, 53: 24 (Si).

<sup>25</sup> See Janssen 1992 and Janssen 1996.

<sup>26</sup> Janssen 1992: 22-26.

<sup>27</sup> This seductive idea has been proposed by N. Ziegler (Ziegler 2007: 20 note 92).

<sup>28</sup> See Barberon 2005.

<sup>29</sup> To go further, we should add that Inanna-mansum could himself have been adopted by the lamentation priest Marduk-nāšir who is known to have adopted and then disinherited his nephew Ibni-Marduk in the year Abī-ešuh “k” (Lerberghe and Voet 1997).

<sup>30</sup> Was his parentage more honorable? Was he the first adoptee? Did he present some peculiar features and talents to the function as an adoption based on apprenticeship?

dowry.<sup>31</sup> Her arrival within the family could date 16 years back: I indeed propose to reckon the text MHET 1/1, 11 (Ad 32) as her first occurrence in the archive. Unfortunately badly broken in the wrong place, this document is all the same particularly relevant for our purpose. A gift is recorded and an unidentifiable person is asked to be responsible in the future for the marriage of Lamassani, who might also have been very young at that time:

MHET 1/1, 11 (Ad 32)

(1-13) *I slave girl, 1 bed, 5 chairs, 1 lower millstone of black basalt, one lower millstone for tappinum-flour, x copper cauldron(s), x barbers chest(s), x ša kišrim chest(s), x tablets chest(s), [...], a garment: (14-1') [...] Lamassani [...]. (2'-3') [PN] will give Lamassani to a husband (?). Date.*

This document could have been drawn up at the occasion of her introduction into the household as an adopted infant. Since it was found among the file documenting the dispute between Ur-Utu and his brothers,<sup>32</sup> we may imagine that Ur-Utu needed it to prove that he also had inherited the charge of his adoptive sister and her dowry.

### 3. Adoption procedures to acquire motherhood of the natural children of the husband

Most of the texts deliver information on family configurations where the husband was the natural father of the children, so that only the motherhood of the votary was in question and had to be legally established.

#### 3.1. The surrogate motherhood

Surrogacy is clearly expressed in the Laws of Ḫammurapi (§§ 144 and 146); it had to be initiated by the votary, who gave to her husband a slave woman charged especially with bearing children. This strongly reminds of the famous stories of Sarah and Rachel in the Bible:

Genesis 16:2-3

*And Sarah said to Abraham: "Behold now, the Lord has prevented me from bearing children. Go in to my servant (= Hagar); it may be that I shall obtain children by her."*

Genesis 30:3

*She (= Rachel) said: "Here is my maid Bilha; go in to her, and she will bear a child on my knees, that I also may have children by her."*

A few Old Babylonian contracts reflect such arrangements:

#### 28. MHET 2/5, 582 (AS/Sm)

(List of inheritance items): *this is the inheritance share of Munawwirtum, the kulmašītum, daughter of Nūr-Šamaš. Ibbi-Sîn shall be the heir of Munawwirtum. As long as she lives, she will enjoy the usufruct. The day she enters the house of a husband, a servant girl will enter with her.* Before the gods and five witnesses.

<sup>31</sup> See Di 1798 (Aš 10<sup>7</sup>). She is also mentioned in the barley list MHET 1/1, 42 (Aš 5).

<sup>32</sup> It was part of lot U found at the bottom of the bench in Room 17: see Janssen 1996 and Gasche 1989: plan 4.

**23. CT 48, 57 (Sa<sup>33</sup>)**

*Aḫātum, daughter of Musallimū, the qadištum, has adopted Aḫī-libūram from Sanaqratum, daughter of Musallimū, the kulmašitum, and given her to her husband.<sup>34</sup> Sanaqratum has received ten shekels of silver, the terḫatum (given by) Aḫātum. She (Aḫī-libūram) shall wash her (Aḫātum's) feet, she shall carry the chair after her to the temple of Adad, she shall not be forward. Aḫī-libūram shall not approach her husband in the presence of Aḫātum. The day Aḫātum is angry, Aḫī-libūram shall be angry. [The children there will] be [I are not (?)] the children of Sanaq[ratum]. They have sworn the oath by Šamaš, Aja, Marduk and the king [...]. Before five+ witnesses.*

**35. CT 8, 22b (Ḫa 12)<sup>35</sup>**

*Bunene-abī and Bēlessunu have purchased Šamaš-nūrī, daughter of Ibbi-Šaḫan, from her father Ibbi-Šaḫan. To Bunene-abī, she is a wife, to Bēlessunu, she is a slave. The day that Šamaš-nūrī says to her mistress Bēlessunu “you are not my mistress”, she will shave her and sell her. He/she has paid five shekels of silver for her full purchase-price. He has caused her to climb over the pestle, the transaction is complete, he is satisfied. That in the future, one will not raise claims against the other, they have sworn the oath by Šamaš, Aja, Marduk and Ḫammurapi. Before seven witnesses, date.*

**3. CT 48, 48 (Ḫa 16)<sup>36</sup>**

*Aḫāssunu has taken Sabītum, daughter of Aḫušina and Aḫātani, from her father Aḫušina and her mother Aḫātani. Sabītum is a slave to Aḫāssunu, a wife to Warad-Sîn. Whenever she (Aḫāssunu) is angry, she (Sabītum) will be angry, whenever she is friendly, she will be friendly. The day she distresses Aḫāssunu, she will shave her and sell her. Aḫušina and Aḫātani have received her terḫatum in full. They are satisfied. Before six witnesses, date.*

**Archibab 1, 1 (BM 16981) (Ḫa 16)<sup>37</sup>**

*Aḫāssunu, daughter of Šamaš-šulūlī, and Šarpanītum-lamassī, the servant girl: Warad-Sîn, son of Ša-Šamaš, has taken her for marriage from her father Šamaš-šulūlī and her mother Ramatum. He has paid five shekels of silver as her terḫatum. Her father Šamaš-šulūlī and her mother Ramatum are satisfied. In the future, the day Warad-Sîn says to his wife Aḫāssunu “you are not my wife”, he shall pay half a mina of silver and (the day) Aḫāssunu says to her husband Warad-Sîn “you are not my husband”, they will bind her and cast her in the water. Šarpanītum-lamassī is a wife to Warad-Sîn, a servant to Aḫāssunu. They have sworn the oath by Šamaš, Aja and Ḫammurapi. Before seven witnesses, date.*

Surrogate motherhood did not actually involve true adoption: the slave woman, being just a womb, was from the outset deprived of her maternity, which was transferred to the main wife. She had to be acquired by the votary, who paid her *terḫatum* (or a purchase-price as in 35) to the previous masters.<sup>38</sup> Thereby, the children to be born could not be claimed afterwards, but were automatically considered the children of the couple. Through these precise proceedings their descent was made official and did not become extra-marital: it was not an adoption process but a way to legitimate the children's filiation with the main wife.<sup>39</sup>

<sup>33</sup> See Wilcke 1985: 261 note 68; Westbrook 1988: 124; and Schwemer 2001: 319.

<sup>34</sup> As R. Westbrook pointed out, the formulary is the one of a matrimonial adoption that did not involve true adoption but just the giving in marriage to the husband (Westbrook 1988: 103).

<sup>35</sup> See HG 3, 424; VAB 5, 77; Westbrook 1988: 119; and Westbrook 1998: 234.

<sup>36</sup> See Westbrook 1988: 121-122.

<sup>37</sup> Reference quoted by Stol 1997: 720. He underscores the change of name of the slave girl, from Sabītum to Šarpanītum-lamassī.

<sup>38</sup> In BDHP 39 (nd), the *terḫatum* of the servant girl (called Ištar-ummī) was paid by the husband, but the status of the main wife Qadimatum remains unknown.

<sup>39</sup> BM 97159 (Sm) Veenhof 1989: 185 note 10) indeed presents a clause establishing that the son, presumably born from the servant girl (called Rībatum) whom the wife came with, was truly the son of the wife and her husband: “(20-21) Šamaš-tappê-wēdim is the son of Samīja and of Inbatum.” Unfortunately, we cannot be sure that Inbatum was a votary.

### 3.2. Double motherhood and bigamous marriage

The situation became more complex with a proper secondary wife. She is designated as *šugītum* in the Laws of Ḫammurapi (§ 145), which present bigamy as a last recourse to acquire progeny when the votary failed in providing children to her husband. Despite her inferior status towards the main wife, the *šugītum* was not deprived of her motherhood, contrary to the servant girl in the previous instances. She could receive a dowry (§§ 183-184): such is the case in three contracts and in one of them, her sons are said to be her heirs.<sup>40</sup>

In the private legal documentation, bigamy can be observed throughout the Old Babylonian period, even when the secondary wife is not designated as *šugītum* and when the status of the first wife remains unspecified (see table 2 below).<sup>41</sup> At first sight, they present only slight differences with the previous texts connected with surrogate motherhood; they stress the strict hierarchy between both wives, depicting the secondary wife as a servant girl with regard to the first one.<sup>42</sup> But at the same time they introduce and emphasize a paradoxical notion of sisterhood between them. Assyriologists have been tempted to take this literally, except when the texts clearly state that the sisterhood was based on a legal relationship.<sup>43</sup> My idea, on the contrary, is, that such sisterhood was almost always artificially created through an adoption procedure that also involved the parents of the main wife, who thus became the legal parents of the secondary wife as well. Several textual elements converge to this interpretation.

Table 2  
First ranking wife and secondary wife

References	first wife	secondary wife	respective titles
Table 1, 1	Tarām-Sagil	Iltani	<i>nadītum</i> of Marduk / – “sister”
11	[...]	<i>no name</i>	<i>nadītum</i> of Marduk / <i>šugītum</i> “sister”
10	Bēlessunu	Tašāḫ-ana-ālīša	<i>nadītum</i> of Marduk / –
14	Bēletum	...laltum	<i>nadītum</i> of Marduk / <i>šugītum</i> “sister”
33	Liwwir-Esagil	Ša-Tašmētum?	<i>nadītum</i> of Marduk and <i>kulmašītum</i> / – “sister”
34	Lamassatum	Suratum	<i>nadītum</i> of Marduk and <i>kulmašītum</i> / <i>šugītum</i> “sister”
18	Inūḫ-Esagil	Šiḫ-ālīša-rabi, then Sabītum	<i>nadītum</i> of Marduk / <i>šugītum</i> nieces
20	Bē...	Aḫāssunu	<i>nadītum</i> of Marduk / <i>šugītum</i> –

<sup>40</sup> See CT 48, 84 (Ad 8); PBS 8/2, 252 (Aš 12); and BE 6/1, 101 (Aš 15).

<sup>41</sup> The title *šugītum* occurs only from the time of Ḫammurapi onwards and always with a *nadītum* of Marduk as first ranking wife, so that R. Harris and M. Stol rightly stated that when a *šugītum* is mentioned alone with her husband, we have to suspect that there was such a first wife, alive or dead; Harris 1975: 321; Stol 1998: 82; and Barberon 2012: 227-235.

<sup>42</sup> The various clauses on that matter are mostly well-known, see the synthesis in Barberon 2012: 230-231.

<sup>43</sup> Harris 1974: 369: “Perhaps marriage with two sisters, natural or adopted, made for a more harmonious family.” See also Westbrook 1988: 103; Westbrook 2003: 52-54; Westbrook 2005; and Friedl 2000: 39, 67.

References	first wife	secondary wife	respective titles	
<b>21</b>	Bēletum	Narubtum	<i>nadītum</i> of Marduk / –	–
<b>22</b>	Nuṭṭubtum	Šīma-aḫātī	<i>nadītum</i> of Marduk / –	“sister”
BIN 7, 173 (RS 30)	Tajjatūm	Ali-abī	– / –	“sister”
UET 5, 87 (Si)	Ša-Nanāja	Mattu	– / –	“sister”
TIM 4, 46 (?)	Iltani	Narāmtani	– / –	“sister”?
TIM 4, 49 (?)	Mamātum	Arši-aḫātam	– / –	“sister”

The well-known sequence of contracts in **1** offers the best illustration of the process.<sup>44</sup> Warad-Šamaš first married the *nadītum* of Marduk Tarām-Sagil, daughter of Šamaš-nāšir (TCL 1, 61). He then married Iltani, daughter of Sîn-abušu (CT 2, 44). She bore him children which occasioned the redaction of the third contract (BAP 89), where a clause stipulated that “as many children that have been born and will be born are the children of both of them” (= both wives). At that moment, her filiation obviously changed: she was from now on referred to as the sister of Tarām-Sagil and as the daughter of Šamaš-nāšir (= Šamaššatum). Her previous filiation was completely omitted,<sup>45</sup> so that it would have been impossible to detect the adoption procedure without the whole file.

#### 1. BAP 89 (AS 6+?)<sup>46</sup>

*Iltani is the sister of Tarām-Sagil. Warad-Šamaš, son of Ilī-ennam, has taken them from their father Šamaššatum for marriage. As for her sister Iltani, whenever she (Tarām-Sagil) is angry, she will be angry. Whenever she is friendly, she will be friendly. She shall carry her chair to the temple of Marduk. As many children as have been born and will be born are the children of both of them. (If) she (Tarām-Sagil) says to her sister Iltani “you are not my sister”, [she (Iltani) will take the hand of her] son [and leave. If Iltani] ‘says’ [to her sister Tarām-Sagil “you are not my sister”], she will shave her and sell her. If Warad-Šamaš says to his wives “you are not my wives”, he shall pay one mina of silver. If they say to their husband Warad-Šamaš “you are not our husband”, they will bind them and cast them into the river. Before eleven witnesses.*

Some other texts clearly recorded the adoption with the specific terminology *ana athūtīm leqūm* (or in Sumerian NAM.SAL.NIN.A.NI ŠU.BA.AN.TI). Nothing is said about the occasion of the adoption, that is, whether it followed childbirth, as in the previous instance, or took place at the occasion of the wedding:

#### 14. CT 45, 119 (Ae)<sup>47</sup>

(Dowry list): *[all this is what her father] gave to Bēletum, nadītum of Marduk, and entrusted to [Sippar-liww]ir, her father-in-law. [...]laltum, the šugūtum, [...] entered and she (Bēletum) took (her) as her sister. She is a wife to Sîn-bēl-ilī, a slave to Bēletum, her sister. They have sworn the oath by Šamaš, Aja [...], Marduk and King Abī-ešuh. Before eleven witnesses.*

<sup>44</sup> See Harris 1974; Westbrook 1988: 79, 103; and Friedl 2000: 98-101.

<sup>45</sup> Note that the second witness, called Sîn-abušu (son of Ḫu[...]), could be identified with the father mentioned in CT 2, 44; his presence would mean that he gave up his rights on the children born.

<sup>46</sup> See VAB 5, 5; Harris 1974: 365; Westbrook 1988: 127; Pientka-Hintz 2004: 27-28.

<sup>47</sup> See Wilcke 1984: 176-180.

BIN 7, 173 (RS 30)<sup>48</sup>

*Tajjatūm, daughter of Enki-ḫegal, has taken Ali-abī, daughter of Urmašum-ḫāzīr and Sīn-dūrī from her father Urmašum-ḫāzīr and her mother Sīn-dūrī as a sister. Tajjatūm gave five shekels of silver, the terḫatum, to Urmašum-ḫāzīr and Sīn-dūrī. Tajjatūm gave her to her husband Imgurruḫ for marriage. He who marries one marries the other, the divorcer of one divorces the other. If in the future Imgurruḫ says to his wife Tajjatūm, “you are not my wife”, she shall take the hand of her sister Ali-abī and leave. And if in the future Tajjatūm says to her husband Imgurruḫ, “you are not my husband”, she shall forfeit house, field, property, whatever there will be, and pay one-third mina of silver. They have sworn the oath of the king. Before five witnesses, date.*

UET 5, 87 (Si)<sup>49</sup>

*Ša-Nanāja has taken [Mattu] from her father Nidnat-Sīn and her mother Bēltum-rēmēni as a sister. Her sister Ša-Nanāja has given Mattu to her husband Mār-eršetim. The marrier of one marries the other, the divorcer of one divorces the other. Before eight witnesses, date.*

Two names given to secondary wives sound meaningful in this matter: Arši-aḫātam (‘I have obtained a Sister’) as well as Šīma-aḫātī (‘She is my Sister’) deliberately recall that the so-named women had been adopted as sister even when the contract did not record this precisely, and refers to both wives as if they were true natural sisters:

TIM 4, 49 (king unknown)<sup>50</sup>

*Igibar-lusa has acquired Mamātum and Arši-aḫātam, the daughters of Iballuḫ and Inbatum from their father Iballuḫ and their mother Inbatum for marriage. The marrier of one marries the other, the divorcer of one divorces the other. Arši-aḫātam is a wife to Igibar-lusa, a slave to Mamātum. [payment of the terḫatum and divorce clauses]. Before ten witnesses, date.*

22. TIM 4, 47 (king unknown)<sup>51</sup>

*Išum-nāšīr, son of Iddin-Nabium, has taken Nuṭṭubtum, nadītum of Marduk, and her sister Šīma-aḫātī, the daughters of Nūr-ilīšu and Dašuratum for marriage. Šīma-aḫātī is subordinate to her sister Nuṭṭubtum. Whenever she is angry, she shall be angry, whenever she is friendly, she shall be friendly. She shall wash her feet, carry her chair (and ...). The day Išum-nāšīr says to Nuṭṭubtum “(you are) not my wife”, she shall take the hand of Šīma-aḫātī and leave. The day Nuṭṭubtum says to Išum-nāšīr “(you are) not my husband”, they will bind her and cast her into the river. Nūr-ilīšu has received ten shekels of silver, (as) the terḫatum of his daughters, from Išum-nāšīr. Before four witnesses.*

Last but not least the servile origin of most of the secondary wives refutes definitively the possibility of a natural sisterhood. Five texts recorded those women as if they were part of the items listed in the dowry given to the *nadītum* at her betrothal or wedding:

11. CBS 1214 (probably Ha-Si according to the prosopographical data)<sup>52</sup>

*(Dowry list), a šugītum, her sister: all this is [the dowry of ...], nadītum of Marduk, daughter of Ibni-Šamaš, that her father Ibni-Šamaš, son of Sīn-nādin-šumī, gave her and caused to enter in the house of Erīb-Sīn, her father-in-law, for his son Sīn-iqīšam and that will be entrusted to Warad-Sīn, son of Būr-Sīn. (...).*

<sup>48</sup> See Kraus 1949: 113-115; and Westbrook 1988: 116.

<sup>49</sup> See Westbrook 1988: 133.

<sup>50</sup> See Westbrook 1988: 132.

<sup>51</sup> See Westbrook 1988: 131.

<sup>52</sup> See Wilcke 1984: 171 note 3.

**33. BE 6/1, 84 (Ad 31)<sup>53</sup>**

(Dowry list), *Ša-Tašmētum*, her sister, *Qīšti-Ilabrat*: all this is the dowry of *Liwwir-Esagil*, *nadītum* of *Marduk* and *kulmašītum*, daughter of *Awīl-Sîn*, which her father *Awīl-Sîn*, son of *Imgur-Sîn*, has given to her and has caused to enter the house of *Utul-Ištar*, priest of *Ištar*, son of *Ku-Inanna* for his son *Warad-Šamaš*. After half a mina of silver, (as) her *terḫatum*, has been bound in her hem and returned to her father-in-law *Utul-Ištar*, thenceforth her children are her heirs. They have sworn the oath of *Šamaš*, *Marduk* and *King Ammī-ditāna*. Before six witnesses, date.

**34. CT 8, 2a (Ad 34)<sup>54</sup>**

(Dowry list), *Suratum*, *šugītum*, her sister: all this is what her father *Sîn-erībam*, son of *Awīl-Sîn* had made known to his daughter *Lamassatum*, *nadītum* of *Marduk* and *kulmašītum*, in the temple of *Annunitum* at her dedication, and (which) afterwards her mother *Šubultum* (and) her brothers *Qīšat-Sîn*, *Igmil-Sîn* and *Sippar-līšer*, sons of *Sîn-erībam* gave her and then caused to enter the house of her husband *Ilšu-bāni*, son of *Sîn-iddinam* and has (thus) been given to him. After one-third mina of silver, (as) her *terḫatum*, has been bound in her hem and returned to her husband *Ilšu-bāni*, thenceforth her children are her heirs. He has sworn the oath of *Šamaš*, *Marduk* and *King Ammī-ditāna*. Before thirteen witnesses, date.

**20. OLA 21, 73 (Aš)**

(Dowry list), *Aḫāssunu*, *šugītum*, with her [...]: all this is the dowry of *Bē[...]*, daughter of *Warad-Edimanna*, which her father *Warad-Edimanna*, son of *Ipqatum*, has given her and caused to enter the house of *Ilī-erībam*, purveyor of *Annunitum* for his son *Aḫujatum*. After one-third mina of silver, (as) her *terḫatum*, has been bound in her hem and returned to her father-in-law *Ilī-erībam*, he has sworn the oath of *Šamaš*, *Marduk* and *King Ammī-ṣaduqa*. Before five witnesses.

**21. OLA 21, 87 (probably late OB)**

(Dowry list), and *Narubtum* [...]: her father *Dingir-mupada* gave to [his daughter] *Bēletum*, *nadītum* of *Marduk*. *Narubtum*, daughter of *Dingir-[mupada]*, is a wife to *Ilšu-ibnišu*, a slave to *Bēletum*. If she continually utters complaints, she shall be thrown [...]. *Dingir-mupada* received four shekels of silver (as) her *terḫatum*. If *Bēletum*, [daughter of *Dingir-mupada*, says to her husband *Ilšu-ibnišu* “you are not my husband”, they will bind her and [cast her into the river]. If *Ilšu-ibnišu* says to his wife *Bēletum* “you are not my wife”, “he shall pay half a mina of silver”. [...].

The filiations of most of them confirm the impression that those women were actually selected from among slaves and manumitted through an adoption at the occasion of the wedding. CT 4, 39a indeed presents *Tašāh-ana-ālīša* as the daughter of a *nadītum* of *Šamaš*, which could of course not be her natural filiation:

**10. CT 4, 39a (Si 30)<sup>55</sup>**

*Nūr-ilīšu*, son of *Puzur-DN*, has taken *Tašāh-ana-ālīša*, daughter of *Amat-Šamaš*, the *nadītum* of *Šamaš*, daughter of *Šubula-...* from her mother *Amat-Šamaš*, the *nadītum* of *Šamaš*, for marriage. Her mother *Amat-Šamaš* has received five shekels of silver, she is satisfied. *Tašāh-ana-ālīša* is [a slave] to *Bēlessunu*, [a wife to] *Nūr-ilīšu*. She shall carry her chair [to the temple of *Marduk*<sup>2</sup> / her temple], she

<sup>53</sup> See Dalley 1980: 60-62; Wilcke 1982: 457-458; Westbrook 1988: 113; and Pientka-Hinz 2004: 31-32.

<sup>54</sup> See Wilcke 1982: 461; and Westbrook 1988: 118.

<sup>55</sup> See HG 3, 6 and Westbrook 1988: 117. The same situation may be observed in texts just mentioning the *šugītum*. For instance, in BM 96991 (Ad 26) (see Veenhof 1989: 181-183) the *šugītum* *Aḫātani* is presented as the daughter of the siblings *Aḫi-ai-amši* and *Lamassani* (*nadītum* of *Šamaš*); in BE 6/1, 101 (Aš 15), the *šugītum* *Damiqtum* too, is presented as the daughter of *Ilīma-aḫī* and *Bēletum*, supposed to have been *nadītum* of *Šamaš* as well.

shall wash her feet (...), put (...) upon them. Whenever she (*Bēlessunu*) enters, she (*Taṣāḥ-ana-ālīša*) shall enter, whenever she goes out, she shall go out. [They have sworn] the oath by [DN] and King *Samsu-iluna*. Before three witnesses, date.

This contract was drawn up as if the husband himself had chosen his secondary wife.<sup>56</sup> But the previous occurrences tend to show that in most cases, the family of the votary supervised the transaction. This is obviously the case in the two successive bigamous marriages of *Inūḥ-Esagil*:

**18. BM 97057 (Ad 37/iv/30)<sup>57</sup>**

*Šiḥ-ālīša-rabi*, *šugītum*, daughter of *Bulaṭātum*: *Bulaṭātum* her mother, *Sîn-nādin-šumī*, *Iddin-Ištar* and *Ipqu-Annunītum* her brothers, children of *Ilšu-ibni*, have given (her) to *Inūḥ-Esagil*, *nadītum* of *Marduk*, their sister, in order to be married together with her to *Emūq-ilī-šitmār*. *Bulaṭātum*, her mother, *Sîn-nādin-šumī*, *Iddin-Ištar* and *Ipqu-Annunītum*, their brothers, children of *Ilšu-ibni*, have received five shekels of silver, (as) her *terḥatum*, from the hands of *Emūq-ilī-šitmār* and *Inūḥ-Esagil*, *nadītum* of *Marduk*, their sister. Who divorces *Inūḥ-Esagil*, *nadītum* of *Marduk*, daughter of *Ilšu-ibni*, divorces *Šiḥ-ālīša-rabi*. Who marries *Inūḥ-Esagil*, marries *Šiḥ-ālīša-rabi*. They have sworn the oath by *Šamaš*, *Marduk* and King *Ammī-ditāna*. Before four witnesses, date.

**BM 97025 (Aš 1/-/-)<sup>58</sup>**

*Inūḥ-Esagil*, *nadītum* of *Marduk*, daughter of *Ilšu-ibni*, wife of *Emūq-ilī-šitmār*, son of *Būr-Adad*, acquired *Annabu*, *šugītum*, daughter of *Sabītum*, daughter of *Ilšu-ibni*, for *Emūq-ilī-šitmār*, son of *Būr-Adad*, her husband, in order to be married together with her. *Sabītum*, her mother, daughter of *Ilšu-ibni*, the judge, has received five shekels of silver, (as) her *terḥatum*, from the hands of *Inūḥ-Esagil*, *nadītum* of *Marduk*, and *Emūq-ilī-šitmār*. They have sworn the oath by [...]. Before four witnesses, date.

*Inūḥ-Esagil* twice acquired a *šugītum* for her husband in a short span of time of at most 21 months. We may suspect that the first died quickly or somehow was not to the satisfaction of the couple. Both of them were presented as her nieces, being the daughters of two different sisters, *Bulaṭātum* and *Sabītum*. However, we note that for the first *šugītum* three brothers were also involved in the transaction (*Ipqu-Annunītum*, *Iddin-Ištar*, and *Sîn-nādin-šumī*) – a role later played by their father (as witness in the second contract) –, whereas no husband, father of the *šugītum*, occurred. Actually this strongly reminds of the case where a sister and a brother together manumitted and adopted a slave girl or adopted a relative (perhaps because she was an orphan), in order to marry her off.<sup>59</sup> *Bulaṭātum* and *Sabītum* could have acted in such a way in order to provide their sister with a secondary wife already closely bound to the family.

Another hypothesis has to be taken in account, however: *Bulaṭātum* and *Sabītum* occur also in the documentation as slave names or at least as names borne by women of low birth,<sup>60</sup>

<sup>56</sup> We should add that this corresponds to the stage recorded in CT 2, 44 in 1, preceding childbirth.

<sup>57</sup> Veenhof 1989: 183.

<sup>58</sup> Veenhof 1989: 184.

<sup>59</sup> So did *Aḫi-ai-amši* and *Lamassani*, according to the text mentioned above (note 56). On this family, see Veenhof 2003: 321-322.

<sup>60</sup> For instance, see the slave *Bulaṭātum* in BE 6/1, 84 (Ad 31). There are some exceptions: see the *nadītus* of *Šamaš* called *Sabītum* in BDHP 70 (Sm) and MHET 2/5, 522 (Ha).

so that the so-named women could in fact have been part of the domesticity of the household instead of being sisters of Inūḫ-Esagil with equal status. I personally wonder whether they were not children born from the father of the votary and some of his domestic slaves; by this way the *šugītus* would have come from half sisters of the main wife.<sup>61</sup>

However laconic the documentation is, enough elements converge towards the same conclusions. As motherhood of the votary was questionable in bigamous marriages, adoption by her and her family of the natural mother of the progeny was conceived as a subterfuge to achieve full motherhood despite the disposition of the Laws: by means of such legal agreement, both wives shared a common filiation which bound the children to the family branch of the votary as well as to the husband's. This leads to a reconsideration of women as equal actors in the lineage and the social networks. Whichever legal device she used (adoption of children, surrogacy, or adoption of a secondary wife), the votary always tried to keep control over the progeny thus provided to her husband, and to preserve the links between these children and her own kin. The difficulty – mostly due to the loss of the archival origin of the texts – remains however, to perceive the precise motives and grounds of each arrangement, on a family by family basis.

As a last remark I should add that we must be careful if it seems that we have thus far no contract recording two mothers in a filiation: in BE 6/1, 8 (S1), the *kulmašitum* Munawwirtum (table 1, 28) is mentioned with her brothers and their mother, called Musallimatum, in the sale of a house plot; later, in MHET 2/5, 582 (AS<sup>3</sup>), recording Munawwirtum's inheritance, another woman, called Lamassī (quite a common name among the votaries), is described as being “her mother” (AMA.NI); one wonders whether we are here not witness of such a double motherhood configuration.

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<sup>61</sup> A quite similar hypothesis had already been formulated in Thureau-Dangin 1910: 124 note 1: according to Thureau-Dangin, sororal polygyny was difficult to conceive, except if the sisters had only the father in common.

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