

Hieroglyphs, Text and Society AHAR5004

2000-word Document review: 50%

To be submitted by 14th November 2017 no later than 11.59 pm.

Analyse the following extract from Hammurabi's Law Code. Consider what this text might tell us about the society in which it was created. You should consider the wider social, historical and archaeological context of the text: how was this text used, what was its message and who was its intended audience?

137. If a man set his face to put away a concubine who has borne him children, or a wife who has presented him with children, he shall return to that woman her dowry and shall give to her the income of field, garden, and goods, and she shall bring up her children; from the time that her children are grown up, from whatever is given to her children, they shall give to her a portion corresponding to that of a son, and the man of her choice may marry her.

138. If a man would put away his wife who has not borne him children, he shall give her money to the amount of her marriage settlement, and he shall make good to her the dowry which she brought from her father's house and then he may put her away.

139. If there were no marriage settlement, he shall give to her 1 mana of silver for a divorce.

140. If he be a freeman, he shall give her one-third mana of silver.

141. If the wife of a man who is living in his house set her face to go out and play the part of a fool, neglect her house, belittle her husband, they shall call her to account; if her husband say: "I have put her away," he shall let her go. On her departure nothing shall be given to her for her divorce. If her husband say: "I have not put her away," her husband may take another woman. The first woman shall dwell in the house of her husband as a maid-servant.

142. If a woman hate her husband, and say: "Thou shalt not have me," they shall inquire into her antecedents for her defects, and if she have been a careful mistress and be without reproach, and her husband have been going about and greatly belittling her, that woman has no blame. She shall receive her dowry and shall go to her father's house.

143. If she have not been a careful mistress, have gadded about, have neglected her house, and have belittled her husband, they shall throw that woman into the water.

144. If a man take a wife and that wife give a maid-servant to her husband and she bear children; if that man set his face to take a concubine, they shall not countenance him. He may not take a concubine.

145. If a man take a wife and she do not present him with children and he set his face to take a concubine, that man may take a concubine and take her into his house. That concubine shall not rank with his wife.

146. If a man take a wife and she give a maid-servant to her husband, and that maid-servant bear children and afterwards would take rank with her mistress, because she has borne children, her mistress may not sell her for money, but she may reduce her to bondage and count her among the maid-servants.

147. If she have not borne children, her mistress may sell her for money.

148. If a man take a wife and she becomes afflicted with disease, and if he set his face to take another, he may. His wife, who is afflicted with disease, he shall not put away. She shall remain in the house which he has built and he shall maintain her as long as she lives.

149. If that woman do not elect to remain in her husband's house, he shall make good to her the dowry which she brought from her father's house, and she may go.

150. If a man give to his wife field, garden, house, or goods, and he deliver to her a sealed deed, after (the death of) her husband, her children cannot make claim against her. The mother after her (death) may will to her child whom she loves, but to a brother she may not.

151. If a woman, who dwells in the house of a man, make a contract with her husband that a creditor of his may not hold her (for his debts) and compel him to deliver a written agreement; if that man were in debt before he took that woman, his creditor may not hold his wife, and if that woman were in debt before she entered into the house of the man, her creditor may not hold her husband.

152. If they contract a debt after the woman has entered into the house of the man, both of them shall be answerable to the merchant.

Suggested Reading

Bahrani, Z. 2001. *Women of Babylon: Gender and Representation in Mesopotamia*. London: Routledge.

Bahrani, S. 2017. *Mesopotamia: Ancient Art and Architecture*. London: Thames and Hudson [chapter 8]

Bertman, S. 2003. *Handbook to Life in Ancient Mesopotamia*. Oxford: Oxford University Press. [chapter 3]

Justel, J.L. 2016. Women, gender and law at the dawn of history: the evidence of the cuneiform tablets. In S.L. Budin and J.M. Turfa (eds) *Women in Antiquity: Real Women Across the Ancient World*. 77-100. London: New York: Routledge.

Postgate, J.N. 1992. *Early Mesopotamia: Society and Economy at the Dawn of History*. London: Routledge. [chapter 15] The Law of Hammurabi and Its Audience.

Slanski, K.E. 2012. The Law of Hammurabi and its audience. *Yale Journal of Law & the Humanities* 24(1): 97-111. [available at <http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1377&context=yjlh>]