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# Women and Real Estate in the Old Assyrian Texts

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# Women and Real Estate in the Old Assyrian Texts

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The Old Assyrian tablets, dated mainly to the nineteenth century BC and excavated at Kültepe, ancient Kaneš, document the activities of women living in Aššur and Kaneš as housewives and businesswomen. Women alone in Aššur were in charge both of the managing of the household and the maintenance of the building housing the family. Their letters sent to Kaneš show that they could own the house in which they were living. Purchase contracts involve Kaneš women buying houses, and in their testaments, the Assyrian merchants could decide to donate their houses to their wives, daughters or sisters.

**Keywords:** Old Assyrian, women, real estate, purchase contract, inheritance

## I. Introduction

Although the 22,500 cuneiform tablets excavated at Kültepe, ancient Kaneš, and dating mainly to the second half of the nineteenth century BC, focus mainly on Assyrian long-distance trade to Anatolia, they provide also a lot of data for daily life and material culture. The houses inhabited by the merchants and their families in Aššur and Kaneš are partially documented. Though we know little about their construction, size and internal organization, their prices are often given. Purchase and loan contracts, wills, verdicts and letters occasionally mention Assyrian or Anatolian women as owners of houses, mostly in Kaneš, but also in Aššur. They acquired their houses by purchase, inheritance, pledge, or gift. This essay investigates the home ownership and proposes a profile of the women home owners, and, when documented, tries to follow the transmission of women's real estate after their deaths.

## II. Houses and Their Owners in Aššur and Kaneš

Old Assyrian texts document houses in both Aššur and Kaneš, but in different ways. Letters sent from Aššur, especially women's letters, occasionally allude to the building in which these women lived, while in some Kaneš houses, purchase contracts were found dealing with these or other houses. Few studies have been published concerning houses and their owners. B. Kienast, thirty years ago, dedicated a volume to Old Assyrian purchase contracts and published about twenty such texts mentioning the sale of a house (or a plot of land) in Kaneš.<sup>1</sup> In 1997, I offered a synthetic study of houses in Aššur and Kaneš,<sup>2</sup> but since then many new texts have been made available. More recently, K. R. Veenhof has offered a detailed study of Aššur houses,<sup>3</sup> and J. Patrier and I have analyzed material aspects of Kaneš houses and their furniture using the

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Abbreviations used in this essay follow the Cuneiform Digital Library Initiative ([http://cdli.ox.ac.uk/wiki/abbreviations\\_for\\_assyriology](http://cdli.ox.ac.uk/wiki/abbreviations_for_assyriology)), with the following exception: KIM = Kültepe International Meetings.

<sup>1</sup> Kienast 1984, nos. 6–7, 16, 22–23, 31, 39 and no. 1 (unbuilt plot), p. 84–89.

<sup>2</sup> Michel 1996.

<sup>3</sup> Veenhof 2011.

archaeological and textual data respectively.<sup>4</sup>

Contrary to Old Babylonian purchase contracts, those from Kaneš never mention the size or the abutters of the house being sold. But three contracts mentioning built plots in Aššur provide the following areas: 108 m<sup>2</sup> and 360 m<sup>2</sup>.<sup>5</sup> In Kaneš, according to the archaeological data, the most typical houses had three or four rooms and measured between seventy and ninety m<sup>2</sup>; they also had an upper floor.<sup>6</sup> The Kaneš houses belonging to merchants had several rooms, some of them used to store merchandise, they could be sealed. The use of the word *bētum* may be ambiguous since it refers to a room in a house or to the house itself.<sup>7</sup>

Beside purchase contracts, owners of houses are sometimes mentioned in letters. Thus, in a letter sent to Ab-šalim by a member of her family, we learn that she is living on her own, together with female slaves, in a house belonging to her.<sup>8</sup>

There, bring to your (fem.) house the two female slaves Utru(wa)ššu and Gadada, and take to your (fem.) house the boy who was raised with Ab-šalim (sic!).

Other letters not addressed to women may also mention women as owners of houses: “Have the scribe of the trading post search the house of Šāt-Ea.”<sup>9</sup> Women could also appear as owner of a house in loan contracts, when they were in debt and had to sell their goods in order to repay it.<sup>10</sup>

Nanaya has loaned ½ mina minus ¼ shekel of silver to Ištar-lamassī. (...) If she has not paid by the end of her term, she (Ištar-lamassī) shall sell the female slave and the house and she (Nanaya) shall take her silver.

### III. How Did Women Become Owners of a House?

House ownership was most commonly accomplished by purchase or by inheritance; loan contract guarantors could also, in certain circumstances, become owners of a pledged house. Women may be found in each of these cases.

#### 1. Women Purchasing a House

In Aššur, the price of houses could vary quite widely according to their size and perhaps also their geographical situation. Pūšu-kēn bought eight houses, whose prices ranged from almost four minas to sixteen minas of silver.<sup>11</sup> According to the few purchase contracts giving the size of the building, the square meter could cost up to seven, or even nine shekels.<sup>12</sup>

<sup>4</sup> Patrier 2015; Michel 2015.

<sup>5</sup> Veenhof 2011, 215–217, 219–220; texts TCL 14, 11:6–7 and Kt 91/k 420:12–13, *ša-la-aš, šu-ba-tim*; Kt 91/k 347:4, 10, *šu-ba-tim*.

<sup>6</sup> Patrier 2015.

<sup>7</sup> Michel 1996. The expression *bēt abini* does not refer usually to a building (see Hertel 2015).

<sup>8</sup> Michel in press, no. 114:7–15, *a-ma-kam 2 a-ma-tim, Ut-ru-a-šu : ù Ga-da-da, a-na é<sup>bé-ti</sup>-ki*, lo.e. *šé-ri-bi-ší-na, ù šú-ha-ra-am*, rev. *ša a-[šar] : Ab-ša-lim, ù-ra-bu-ú-ni, a-na é<sup>bé-ti</sup>-ki, ta-ru-e-šu*.

<sup>9</sup> ATHE 34:23–25, dub-sar : *ša kà-ri-im, é Ša-té-a : dumu-munus Sú-e-ta-ta, na-hi<sup>i</sup>(DÍ)-id*.

<sup>10</sup> Michel in press, no. 75:1–3, 5–11 (tablet), ½ *ma-na lá ¼ gín kù-babbar, i-šé-er Ištar-lá-ma-sí, Na-na-a tí-šu (...)* *šu-ma, i-na u<sub>4</sub>-me-ša, lá ta-aš-qú-ul, géme é<sup>tám</sup>*, lo.e. *ta-dá-ma*, rev. *kù-babbar<sup>ap</sup>-ša, ta-lá-qé*.

<sup>11</sup> Veenhof 2011, 226.

<sup>12</sup> Veenhof 2011, 221.

In Kaneš, the price of a house was much lower, ranging from half a mina to a little more than two minas of silver. Contracts show that, when Anatolians were involved, it was often instances of houses pledged for debt, then foreclosed. Such a forced sale could explain the low price of some houses:<sup>13</sup>

Iddin-Ištar has loaned 1/3 mina of silver to Zia. She shall pay 2 shekels as its interest per month from the week of Amua. The houses are my pledges. (Witnesses)

Kaneš contracts dealing with the purchase or the sale of real estate show sometimes women either as buyers or sellers. Women, Assyrian or Anatolian, married or not, could indeed purchase a house on their own:<sup>14</sup>

The house of Ištar-lamassī and Aššur-ṭāb, for 2 1/2 minas of silver, they sold to Šalimma and with the silver, price of their house, Aššur-ṭāb and Ištar-lamassī are satisfied. The house belongs to Šalimma. If anyone raises a claim against her for the house, Aššur-ṭāb and Ištar-lamassī shall clear her. Aššur-ṭāb gave to Šalimma the contract recording the sale of this house, with the seal of the Anatolian, its previous owner.

According to K. R. Veenhof, who studied the archives of this family, Ištar-lamassī could be a daughter of Elamma from a first marriage, and Aššur-ṭāb her brother from a second marriage (see Fig. 1).<sup>15</sup> The woman Šalimma, who bought the house, was their sister, daughter of Lamassātum and Elamma, and the wife of Ir'am-Aššur. She left her husband with their child in Aššur and travelled to Kaneš where she lived with her mother, already a widow.<sup>16</sup> According to this contract, she bought a house while she was in Kaneš. As in some Old Babylonian texts,<sup>17</sup> the contract mentions the deeds of the previous transactions concerning this building. A verdict of the *kārum* Kaneš might pertain to the same matter. It reads as follows:<sup>18</sup>

<sup>13</sup> Michel in press, no. 78:1–9, 1/3 *ma-na* kù-babbar, *i-še-er* : *Zi-a, I-dī-Ištar i-šu*, 2 gín-ta : *ši-ba-sú, iš-tù ha-mu-uš-tim, ša A-mu-a, i-na iti-1-kam*, lo.e. *ta-ša-ḡal, bé-tù e-ru-ba-tù-a*. L. 9: the plural of the word *bētum* might refer to a multiroom house (see Michel 1997; Veenhof 2011). See also Michel in press, no. 79:1–12, in which two women are indebted and the main female debtor has pledge her house, 18 gín kù-babbar, *i-še-er* : *Ha-na, <ù> Pi-ti-a-na-al-kà, Hu-ma-da-šu ù I-lá-li-/iš-kán, i-šu-ú kù-babbar, i-na : i-tí, a-ra-ši-im*, lo.e. *ta-ša-ḡal*, rev. *é<sup>be</sup>-sà : a-na ša-pár-tim, ú-kà-lu kù-babbar, ta-ša-ḡal-ma ù i-na, é<sup>be-tim</sup> ú-ši-ú*, “Humadašu and Ilališkan have loaned 18 shekels of silver to Hana <and> Pitianalka; she (sic!) shall pay the silver at the time of cultivation. They (masc.) detain her house as pledge. She shall pay the silver and they (masc.) shall go out from the house.”

<sup>14</sup> Michel in press, no. 148:1–19, *é ša Ištar-lá-ma-/sí, ù A-šūr-du<sub>10</sub>, a-na 2 1/2 ma-na, kù-babbar a-na, Ša-lim-ma i-dī-nu-ma, kù-babbar ši-im é-šu-nu, A-šūr-du<sub>10</sub> ù Ištar-lá-/ma-sí, ša-bu-ú, é<sup>be-tú</sup>*, lo.e. *ša Ša-lim-ma*, rev. *šu-ma : ma-ma-an, a-na é be-ti i-tù-a-ar-/[ší]-im, A-šūr-du<sub>10</sub> ù Ištar-lá-ma-/sí, ú-bu-bu-ši, tup-pá-am ša ši-im, é<sup>be-té</sup> a-ni-ú-tim, ša ku-nu-uk nu-a-im, be-el é pá-nim A-šūr-/du<sub>10</sub>, a-na Ša-lim-ma i-dī-in*. See also the contracts Michel in press nos. 151 and 152, as well as the purchase of a house by an Anatolian couple, Michel in press no. 153, and Kt v/k 52 (Günbatt 1989) which reports the purchase of a house by the woman Ala.

<sup>15</sup> Veenhof 2015; the archive of this family will appear in volume AKT 8.

<sup>16</sup> Veenhof 2007, text Kt 91/k 386.

<sup>17</sup> Charpin 1986.

<sup>18</sup> Michel in press, no. 245:envelope, (seal A), kišib *kà-ri-im Kà-ni-iš, kà-ru-um dī-nam, i-dī-in-ma, i-t[a-m]a A-mur-Ištar*, (seal B), *i-n[a gir] ša A-šūr*, lo.e. (seal C), *b[é]-tù i-na kù-babbar<sup>ap</sup>*, rev. *Ša-lim-ma ša-mu-ni*, (seal D), *li-bu-šu lá i-de-š-ú, ki-ma kù-babbar Lá-ma-sí-ti-ni, šu-ma A-mur-Ištar i-ta-ma, bé-tù ša Ša-lim-ma, šu-ma la i-ta-ma, ta-ta-ma La-ma-sú-tum, i-na hu-pi-im ša Ištar, bé-tù i-na kù-babbar<sup>ap</sup>, I-dī-Sú-en<sub>6</sub> la ša-mu-ni, i-na kù-babbar<sup>ni</sup>-ša lu ša-mu-ni, šu-ma ta-ta-ma bé-tum*, u.e. *bé-sà*, (seal E up side down), *šu-ma A-mur-Ištar ù La-ma-sú-tum, la i-ta-am-ú-ma*, lo.e. *i-ta-am-gu<sub>5</sub>-ru 4 ma-na k[ù]-babbar*, (seal F), *i-ši-im bé-ti kà-ru-um, i-la-ḡé*, r.e. (seal G). Unpublished text Kt 86/k 155a–b (courtesy K. R. Veenhof); the tablet is also preserved.

Seal of the trading post of Kaneš. The trading post (authorities) gave the following verdict: Amur-Ištar will swear by Aššur's dagger (that) the houses have been bought with Šalimma's silver, (that) he honestly did not know that the silver belonged to Lamassātum. If Amur-Ištar swears, the houses belong to Šalimma; if he does not swear, Lamassātum will swear by the tambourine of Ištar that the houses were not bought with Iddin-Suen's silver (but) were bought with her own silver. If she swears, the house is her house. If Amur-Ištar and Lamassātum do not swear but reach a compromise, the trading post will take 4 minas of silver from the price of the houses.

This verdict concerns the disputed ownership of a house between Lamassātum, wife of the deceased Elamma, and Šalimma, her daughter and niece of Amur-Ištar, brother of Elamma. It could concern the house bought by Šalimma from her sister and brother. Iddin-Suen was the father of Elamma and Amur-Ištar. The ownership of the house depends on whether it was paid with Šalimma's private silver or with silver inherited from Iddin-Suen. Šalimma is not present and does not swear; this could suggest that she had died and that the ownership of the house had to be established before it could be inherited. Unfortunately we do not know the result of the oath procedure. This text clearly shows that married women could buy real estate on their own.

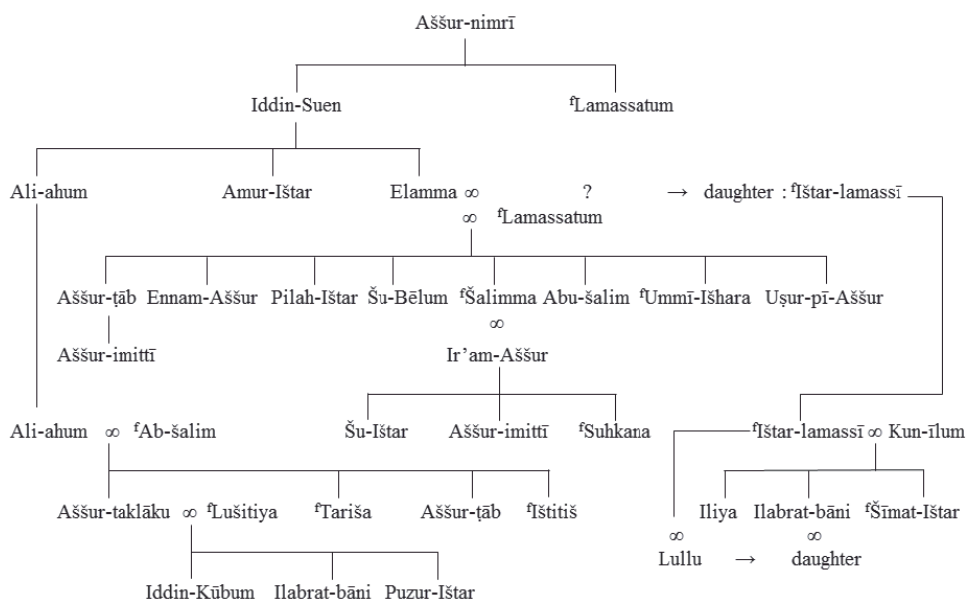


Fig. 1: The Family Tree of Elamma, from Veenhof 2015, 77.

Another contract, in which a woman named Umminara, wife of Ennam-Aššur, bought a house to an Anatolian, gives the name of the previous owner who is an Assyrian.<sup>19</sup>

<sup>19</sup> Michel in press, no. 149:1–8 (tablet), *é<sup>be-tám</sup> ša iš-tí I-ku-/nim, dumu A-ma-a « ta » Pè-ru-a, dumu Wa-lá-ah-ší-na, a-na ½ ma-na 4 lá ¼ gín, iš-ú-mu iš-tí, Pè-ru-a a-na ½ ma-na /4 lá ¼ gín, Um-mi-na-ra, ta-áš-a-am-šu*. The envelope is also preserved.

Concerning the house that Peruwa, son of Walahšina, bought from Ikūnum, son of Amaya, for ½ mina and 4 minus ¼ shekel (of silver), Umminara bought it from Peru(w)a for ½ mina and 4 minus ¼ shekel (of silver).

According to another text, the transaction was carried out in the name of Umminara by an Anatolian woman called Šuiškana, who is living in it. Šuiškana is allowed to stay in the house even though its owner has changed. In this second contract, the price stated is ¾ shekel less than in the previous contract. Unfortunately, we do not know the relationship between the two women.<sup>20</sup>

½ mina 3 shekels of silver, price of the house of Ikūnum, Umminara, wife of Enna-Aššur, gave the silver to Šuiškana. Concerning the house that Šuiškana bought, it (belongs) to Umminara. Šuiškana must not say as follows: “(It is) my house.” But she may go on living in (it) as she has been. The house (belongs) to Umminara: she paid the silver.

According to these contracts, the prices paid by Assyrian or Anatolian women for purchasing houses located in the Kaneš lower town are the same as those paid by men. Thus we can conclude that men and women could buy the same types of houses located at Kaneš.

## 2. Women as Guarantors of Loan Contracts

In rare instances, a woman appears as guarantor for an indebted member of her family. When the debtor could not repay his debt, the guarantor had to pay it and could receive a kind of compensation, as with Musa in the following text, who shares with the creditor a plot of land given up by her brother.<sup>21</sup>

(Concerning the) 15 shekels of silver that Iddin-Suen owes the Anatolian (creditor and for which) Musa, his sister, is guarantor, as the equivalent to the 15 shekels of silver he gave to Musa and the Anatolian (creditor) his plots of land behind the house. If anyone raises a

<sup>20</sup> Michel in press, no. 150:1–17, ½ *ma-na* 3 gín kù-/babbar, *ši-im* : é *ša I-/ku-nim*, *Um-mi-na-ra*, dam *En-nam-A-šur*, kù-babbar *a-na Šu-iš-kà-na*, *ta-dí-na* : é<sup>ni</sup>, *ša Šu-iš-ku-na*, *ta-áš-ú-mu*, *ša Um-mi-na-ra*, lo.e. *la ta-qá-bi*, *Šu-iš-ku-na*, rev. *um-ma ši-it-ma*, é<sup>ni</sup> *a-na*, *wa-ša-bu-tim*, *ki-a-ma* : *wa-áš-ba-at*, é<sup>ni</sup> *ša Um-mi-na-ra*, kù-babbar *ta-áš-qú-ul*. The corresponding envelope is also preserved. See also the case of Musa, a widow who is allowed to remain until her death in a house whose ownership has changed, Michel, in press no. 51:1–13, <sup>1</sup>*Mu-sà* *dumu-munus dingir-iš-ti-kál* <sup>2</sup>*a-ša-at I-lá-áb-ra-at-ba-/ni* <sup>3</sup>*i-na é be-ti ša A-šur-ma-/lik* <sup>4</sup>*dumu Puzur<sub>2</sub>-Ištar a-dí* <sup>5</sup>*ba-al-tá-at-ni* <sup>6</sup>*tù-ša-áb i-na é<sup>ni</sup>* <sup>7</sup>*ša A-šur-ma-lik-ma* <sup>8</sup>*ta-ša-bi<sub>4</sub>-ir A-šur-ma-lik* <sup>9</sup>*ù me-er-ú-šu lá i-tá-ru-/du-sí* <sup>10</sup>é<sup>dam</sup> <sup>6</sup>*gu<sub>5</sub>-šu-ri* <sup>11</sup>*da-lá-tim ú-tù-up-/tám* <sup>12</sup>*lá ta-da-an* <sup>13</sup>*ú-lá tù-ra-áb*, “Musa, daughter of Iliš-tikal, wife of Ilabrat-bāni, may live in the house belonging to Aššur-malik, son of Puzur-Ištar, as long as she lives. (If) in the house belonging to Aššur-malik, she becomes disabled, Aššur-malik and his sons shall not expel her. She shall neither sell nor pledge the house, 6 beams, doors and the household goods.” See also Michel in press, no. 52:1–21, *a-na* 2 *ma-na* kù-babbar, é : *A-ba-ba*, *I-ku-pi-a*, *iš-a-am* : *lu ú-tù-[ub-tù-um]*, *lu ku-si-um*, *lu pá-šu-ru-um*, *mi-ma šu-um-šu*, *ú-la ú-[šé-ša]*, é<sup>be-ni</sup>, é *I-ku-[pi-a]*, lo.e. *a-dí ba-al-[tá-at-ni]*, rev. *Ga-mu-[...]*, *tù-ša-ab*, *ma-ma-an*, *la i-tá-ra-si*, *a-dí ba-[al]-tá-at-[ni]*, [é<sup>ni</sup>] é<sup>be</sup>-[sá<sup>1</sup>], *šu-[ma iš-t]ù-mu-ùh-ma*, [i-t]á-ra-si kù-babbar, 1 *ma-na* : *i-ša-qal-ši-im-ma*, *tù-si*, “Ikuppia has bought the house of Ababa for 2 minas of silver. Neither household goods, nor a chair, nor a table (nor) anything else shall be [taken out]. The house is Iku[ppia]’s house. As long as [she] li[ves], Gamu[x-x] shall inhabit (it); nobody shall expel her. As long as she lives [the house] is [he]rs. [If he] breaks the agreement and [e]xpel her, he shall pay her 1 mina of silver and she shall leave (the house).”

<sup>21</sup> Michel in press, no. 194:1–12 (tablet), 15 gín kù-babbar *ša I-dí-/Sú-en<sub>6</sub>*, *a-na nu-a-em ha-bu-/lu-ma*, *Mu-sà* : *a-ha-sú*, *qá-ta-tù-ni ki-ma*, 15 gín kù-babbar *qá-qí-ri-/šu-nu*, *ša ur-ki bé-tim*, *a-na nu-a-e-em «im»*, lo.e. *ù Mu-sà i-dí-in*, rev. *šú-ma ma-ma-an*, *a-na qá-qí-ri a-na*, *nu-a-e* *ù Mu-sà i-tù-ar*, *I-dí-Sú-en<sub>6</sub>* *ú-ša-ha-sú-nu*. The envelope is also preserved.

claim against the Anatolian (creditor) and Musa about the plots of land, Iddin-Suen shall clear them of liability.

This is the only known mention of a plot of land owned by a woman. It seems to be an unbuilt plot rather than a field.

### 3. Women Receiving Real Estate as an Inheritance

Accession to ownership was also possible by inheritance: widows, brothers and sisters, sons and daughters could inherit real estate. In the Assyrian community, lacking general rules concerning inheritance, merchants often drew up wills showing their concern for the support of the women of the family.<sup>22</sup> The great majority of these testaments were likely kept at Aššur, though several examples have been excavated at Kaneš. Among the goods left by testators were one or more houses located in Kaneš and in Aššur. The house of a deceased merchant could become the property of a woman, be it the widow, a sister or a daughter.

#### Widows

There are at least three testaments showing widows receiving from their husband by bequest the house in which they live. In the first case, Ilī-bāni divided his assets among his wife, Lamassī, his two sons, Iaya and Ikuppīya, and his daughter, Ahattum, who was single because she was a consecrated woman. The wife received the house in Kaneš in which she lived as well as a tablet of credit.<sup>23</sup>

Ilī-bāni drew up a will concerning his household. (...) The house i]n Kaneš [is the property of Lama]ssī, my wife. None of my [children shall rais]e a claim against [Lamassī]. (...)

The daughter inherited several credit tablets for copper, tin and silver, plus one share equal to her brothers.

Agūa also wrote a will in order to leave assets first to his wife and to his daughter Ab-šalim, who is single, then to his five sons. The wife received a house in usufruct and had full authority over the silver corresponding to her share, since she was said to be “father and mother.” But after her death, the eldest son shall inherit from her both the house and the silver, which means that she had limited ownership over the house.<sup>24</sup>

Agūa drew up his will as follows. The house in Aššur is the property of my wife. She shall share the silver with my children. She is father and mother over the silver (that is) her

<sup>22</sup> von Soden 1976; Wilcke 1976; Veenhof 1997; Michel 1997; Michel 2000; Albayrak 2000; Hecker 2004; Veenhof 2008; Albayrak 2010; Veenhof 2012.

<sup>23</sup> Michel in press, no. 56:1–2, 15–19, *Il<sub>3</sub>-ba-ni šī-im-ti bé-ti-/šu, i-šī-ma* (...) [*be-tum š*]a *Kà-ni-iš*, [*ša Lá-ma*]-*sí a-ší-ti-a*, lo.e. [*i-na me-er*]-*e-<a> a-na*, [*Lá-ma-sí ma*]-*ma-an* : *ú-lá*, [*i-tù-a-a*]r-*šī-im*.

<sup>24</sup> Michel in press, no. 54:1–26 (tablet), *A-gu-a* : *šī-im-tù-šu, i-šī-ma* : *bé-tum ša A-lim<sup>ki</sup>*, *ša a-ší-ti-a* : *i-na kù-babbar, qá-dì* : *me-er-e-a-ma, ta-zu-az i-na kù-babbar, zi-ti-ša* : *a-ba-at ù um-ma/at, bé-tù-um ù kù-babbar wa-ar-kà-/sà, ù mī-ma ti-šu-ú, ša Šu-Be-lim bé-tù-um, ša Kà-ni-iš* : *ša Šu-Be-lim, um-me-a-ni* : *me-er-ú-a, e-pu-lu-ma i-na kù-babbar, ša i-a-ti* : *i-šé-ta-ni, 1/3 ma-na kù-gi 1 ma-na, kù-babbar ù am-tám Ab-ša-lim, tù-ša-ra-ma* : *ta-lá-qé, ù i-na ší-ta-tim, me-er-ú-a*, lo.e. *ša bé-ta-tim, lá il<sub>3</sub>-qé-ú-ni 4 gú-ta*, rev. urudu *ki-ma bé-ta-ti-šu-lun, i-lá-qé-ú* : *i-na, ší-ti kù-babbar am-tim wa-ar-dim, a-ší-ti Šu-Be-lim ù me-er-ú-a, mu-ta mu-ta-ma, i-zu-zu*. The envelope is also preserved. See also Albayrak 2000; Michel 2000.



inheritance share. After her (death), the house and silver and everything that she owns is the property of Šū-Bēlum. The house in Kaneš is the property of Šū-Bēlum. My sons shall pay back my investors, and of my remaining silver, Ab-šalim shall be the first to take 1/3 mina of gold, 1 mina of silver, as well as a female slave. Then, from what remains, my sons who did not receive houses shall each take 4 talents of copper instead of their (share of) real estate. Of the remaining silver and male and female slaves, my wife, Šū-Bēlum and my sons shall share in equal parts. (...)

In the third testament, Amur-Ištar gave all his property, including a house in Kaneš and slaves, to his wife Lamassī, who was a consecrated *qadištum* and thus presumably had no children. So we can imagine that after her death, all her property reverted to her husband's relatives.<sup>25</sup>

Amur-Ištar drew up a will concerning his household in Kaneš. The house [x x x], the female slaves and their children, all what he owns, Ušinuman, his slave, (shall) belong to Lamassī [his] wi[fe], the (consecrated) *qadištum* [x x x].

From these three wills, we may conclude that the widow often received from her husband the house in which she was living, even if there were children.

### **Sister**

A unique testament left by Adad-bāni shows that a woman could receive a house from her brother because he had no heirs. Adad-bāni's father had married twice and Šāt-Adad was the half-sister of the testator, from a different mother. Because he was single and had no children, Adad-bāni left his goods to his brothers and sisters. He left to his sister, Šāt-Adad, his house in Kaneš that he had inherited from his father, but it is stipulated that she will have to share it with his other brothers and sisters. Šāt-Adad was not married and was presumably consecrated to a god. So, after her mother's death and her own death, their belongings go to one of Adad-bāni's brothers; again here, the women had a limited ownership over the house.<sup>26</sup>

Adad-b[āni] drew up [a will concerning his household]. The house [in Kaneš] that my father [bought] is the property of Šāt-Ad[ad, my sister]. (...) Whatever shall be left (after their deaths) by the women (Šāt-Adad and her mother), be it silver, bronze, furniture, or slaves, (it shall) go to Šū-Anum.

### **Daughters**

The status of daughters mentioned in Old Assyrian wills and who inherited portions of their fathers' estates was not always specified. They seem as a rule to have been unmarried and it is

<sup>25</sup> Michel in press, no. 55:1–9, *A-mur-Ištar šī-im-ti, é<sup>ti</sup>-šu ša Kà-ni-iš, i-šī-im-ma* : é [x x (x)], (line erased), *ú a-ma-tim ú šé-r[a]-áš-[n]a, ma-lá i-šu-ú, Ú-šī-nu-ma-an ú-ra<sup>1</sup>-sú, ša Lá-ma-sí a-š[i-ti-šu], qá-dí-iš-ti[m x x x]*. The tablet is badly damaged and the envelope is lost.

<sup>26</sup> Michel, in press no. 57:1–4, 38–41, *im-b[a-ni šī-im-ti é-šu], i-šī-ma é<sup>num</sup> ša Kà-ni-iš, ša a-bi-i [x x x], ša Ša-at-<sup>d</sup>i[m a-ha-ti-a] (...)* *wa-a-kà-/at, a-wi-lá-tim é<sup>num</sup> lu kù-babbar, lu sí-pá-ru lu ú-ù-ub-tum, lu šú-ub-ru-um ša Šu-A-núm-m[a]*. See also Wilcke 1976.

most likely that in every case they were consecrated daughters, even if not all documents state it.

Most of the time, daughters would inherit movable property: silver, credit tablets, slaves, etc. But, in rare instances, we see a daughter receiving a piece of real estate.

Among the archives of Elamma excavated in 1991 and studied by K. R. Veenhof, a text refers to the division of assets among his three sons and his consecrated daughter Ummī-Išhara. His other daughter Šalimma — who appears in the family tree (see fig. 1) — is not mentioned here because she was already married and had presumably received her share previously as a dowry. Elamma left a will, but his children decided to make an exchange.<sup>27</sup> Ummī-Išhara, represented by her brother-in-law, Ir'am-Aššur, Šalimma's husband, together with her brother Ennum-Aššur, negotiated for a house plot in Aššur.<sup>28</sup>

With Ummī-Išhara and Ennum-Aššur, Pilah-Ištar and Šū-Bēlum reached the following agreement: (...) Concerning this silver, Pilah-Ištar and Šū-Bēlum have dropped their claim in favor of Ummī-Išhara and Ennum-Aššur, and a house plot of 108 m<sup>2</sup> that the committee of five had given them. When Ummī-Išhara and Ennum-Aššur shall clear it of claims from the investors of Elamma, their father, they shall take it as their house plot. (...) If (within three years) they do not clear it of claims, they shall take 3 minas of silver from that of Kurub-Ištar and so then shall be satisfied with the price of their house plot, and they shall not raise a claim against their house plot. (...) If anyone among the sons of Elamma shall raise a claim on the 3 minas of silver belonging to Kurub-Ištar, on which Pilah-Ištar and Šū-Bēlum (now) have a claim, Ennum-Aššur and Ummī-Išhara shall clear them (Pilah-Ištar and Šū-Bēlum). (...) In accordance with the testamentary dispositions applying to them.

Another document shows a consecrated daughter and her brothers sharing a house plot with their uncle. After the death of Aguza, there was a dispute among his three sons, his consecrated daughter and the family of his brother. A witnessed agreement is intended to put an end to the dispute.<sup>29</sup>

Amur-Šamaš, brother of Aguza, Aššur-rabi, son of Aguza, Šū-Ištar, Aššur-tāb, the sons of Aguza and their sister, the (consecrated) *gubabtum*, swore the oath of the City (of Aššur). On the house in Kaneš, in which Aššur-rabi is living, and the will of their father and anything else, Amur-Šamaš shall not raise a claim against Aššur-rabi and his (other) brothers (and sister), the children of Aguza. And the children of Aguza shall not raise a claim about

<sup>27</sup> Veenhof 2012, 194.

<sup>28</sup> Michel in press, no. 58:1–3, 9–17, 22–27, 34–41, 44, *iš-ti Um-mi-Iš-ha-ra, à En-um-A-šur Pi-lá-ah-Ištar, à Šu-Be-lum i-mi-ig-ru-ma* (...) *kù-babbar a-nám, Pi-lá-ah-Ištar à Šu-Be-lum a-na, Um-mi-Iš-ha-ra à En-um-A-šur, qá-sú-nu : ik-bu-sú-ma ša-lá-áš, šu-ba-tim qá-qí-ri ša 5-tum, i-di-nu-šu-nu-ti-ni : iš-ti um-mi-a-an, E-lá-ma : a-bi-šu-nu Um-mi-Iš-ha-ra, à En-um-A-šur à-bu-bu, qá-qí-ri-šu-nu : i-lá-qé-ú* (...) *šu-ma : lá ú-bi-bu-ú, 3 ma-na kù-babbar i-na, ša Kur-ub-Ištar i-lá-qé-ú/ma, ši-im qá-qí-ri-šu-nu, uš-ta-bu-ú-ma a-na qá-qí-ri-/šu-nu, à-lá i-tù-ru* (...) *šu-ma : a-na, 3 ma-na kù-babbar ša Kur-ub-Ištar, ša qá-ti Pi-lá-ah-Ištar à Šu-Be-lim ša-ak-na-at-ni, ma-ma-an i-na me-er-e*, u.e. *E-lá-ma : i-tù-ar, En-um-A-šur à Um-mi-Iš-ha-/ra, à-bu-bu-šu-nu* (...) *a-na ma-lá ši-ma-ti-šu-nu*. Text previously published by Veenhof (2012, 187–193) as Kt 91/k 420.

<sup>29</sup> Michel in press, no. 62:1–19 (tablet), *A-mur-utu a-hu-ú A-gu<sub>5</sub>-za, A-šur-gal dumu A-gu<sub>5</sub>-za, Šu-Ištar A-šur-du<sub>10</sub> me-er-ú, A-gu<sub>5</sub>-za à a-ha-sú-un, gu<sub>5</sub>-ba-áb-tum ni-iš A-lim<sup>ki</sup>, it-mu-ú a-na bé-ti-im, ša Kâ-ni-iš ša A-šur-gal, wa-áš-bu à ši-ma-at, a-bi-šu-nu à a-na mi-ma, šu-um-šu A-mur-utu*, lo.e. *a-na A-šur-gal, à a-hi-šu me-er-e*, rev. *A-gu<sub>5</sub>-za ú-lá i-tù-ar, à me-er-ú A-gu<sub>5</sub>-za a-na, A-mur-utu à me-er-e-šu, a-na mi-ma šu-um-šu ú-lá i-tù-ru, qá-qú-ru ša řé-hi-i, è I-dí-A-šur dumu Ku-bi<sub>4</sub>-dí, a-na ba-ri-šu-nu i-za-zu*. The envelope is partly preserved.

anything against Amur-Šamaš and his sons. The house plot next to the house of Iddin-Aššur, son of Kūbi-(i)dī, belongs to them jointly.

Most of the wills found at Kaneš belonged to Assyrian families. In the Anatolian community, indivision between brothers seems to have been the rule. Daughters are not mentioned, which leads one to suppose that they had already left the family by marrying.

#### 4. Gift *iddinu* and Common Property in Marriage

Married daughters are usually not named in testaments because they received their share as a dowry for their marriage. Also upon marriage, the husband could make a gift to his wife (*iddinū*), and this could sometimes be substantial. An unpublished text contains one of the rare references to such a bride's gift made by her husband "who brought her one mina of silver, a house and slave girls." The text stipulates that if he divorces her, "he shall take her gift (back)."<sup>30</sup>

Anatolian marriage contracts witness that husband and wife act as two independent persons, by mutual agreement; they share everything they owned. Sale and purchase contracts show that they often acted together to sell or buy their house.<sup>31</sup> If they divorce, common property is divided in two parts as in the following example.<sup>32</sup>

Zabarašna married Kulzia. The house is their joint property. They will share poverty and wealth. If Zabarašna divorces Kulzia, they shall divide the house between them. When they die, Hištahšušar and Peruwa shall take the house.

#### IV. Bequest of Real Estate by Women?

When their mother died, the children normally inherited her goods. However, some widows drew up their own wills to distribute their belongings as they wanted. We do not know which portion of their goods properly belonged to them and which was inherited from their husbands. For example, Lamassātum, widow of Elamma, made a list of her goods which, after her death, were to be taken to Aššur and divided among her consecrated daughter and her sons.<sup>33</sup> Although one might suppose that the house in which she was living in Kaneš after the death of her husband had been inherited by Elamma's eldest son, and that he was obliged to let his mother live there, this does not appear to be the case since this house is mentioned as belonging to her in one of the dozens of texts also found in Elamma's house. This one deals with the funeral of another woman of the family, Ištār-lamassī. This is a memorandum recording that eight persons collectively paid the expenses for the mourning ceremonies for Ištār-lamassī and her sons, paying with the silver that Ištār-lamassī had on deposit in Elamma's wife's house, thus Lamassātum.<sup>34</sup>

<sup>30</sup> Unpublished text Kt 86/k 203:21 cited by Veenhof (2003, 453).

<sup>31</sup> See for example Michel in press, no. 153:1'–7', [...], [*be-tām*] *a-šī-mi-im, i-dī-in*-(erasure)-*ma, a-na* 1/3 [*ma*]-*na* 1 *gīn, kù-babbar Zu-wa, ú A-ba-ba a-ša-sú, iš-ú-mu-šu-« nu »*, [...] sold the house and Zuwa and Ababa, his wife, bought it for 1/3 [mi]na 1 shekel of silver.

<sup>32</sup> Michel in press, no. 21:6–22 (envelope), *Za-ba-ra-áš-na, Ku-ul-zi-a : e-hu-úz*, lo.e.  $\dot{e}^{be-tum}$ , (seal A), *ša ki-lá-le-šu-nu-ma*, rev. *i-lá-pi-nu' Ú*, (seal B), *i-ša-ru-ú : a-na ba-ri-šu-nu-ma, šu-ma : Za-ba-ra-áš-na, Ku-ul-zi-a : e-té-zi-ib*,  $\dot{e}^{be-tām}$  : *ki-lá-lá-šu-nu, i-zu-zu : i-nu-mi, i-mu-tù-ni : be-tām, Hi-iš-ta-ah-šu-šar, ú Pè-ru-wa*, u.e. (seal A), *i-lá-qé-ú*.

<sup>33</sup> Kt 91/k 421 edited by Veenhof (2012, 196–197).

<sup>34</sup> Kt 91/k 446:15–16, *ša i-é, dam E-lá-ma ib-šī-ú*, "that was in the house of Elamma's wife" (courtesy K. R. Veenhof, to appear in AKT 8).

Ištar-lamassī was widow in the first instance of the Assyrian Kunīlum, with whom she had three children, and in the second of the Anatolian Lulu (see fig. 1). She also drew up a will, in which she left silver, gold, a seal and various objects, as well as tablets of credit for which houses were held as securities. However, this does not mean that she had become owner of these houses, but it suggests that she could have.<sup>35</sup>

In a witnessed record of a dispute, Iliya, eldest son of Ištar-lamassī and Kunīlum, mentions the house of his father and mother:<sup>36</sup>

All this, I entrusted to Lulu for the debt of Ilabrat-bāni, saying: “You shall not claim anything from the house of my father and mother, neither from the value of the house, nor from the value of textiles, nor from the value of *qablūtū*-containers, the mirror and the *mazlikū*.”

Since Kunīlum had died, we suppose that the house had been inherited by Ištar-lamassī, who had presumably young children at that time. The text states that no claim was possible on the other assets of Ištar-lamassī. These assets are referred to as “the value” of a house, textiles and various objects. It seems that these goods were sold, which means that Ištar-lamassī’s household was sold out. This would explain why the house is not mentioned in her will.

An undated text of the same archive mentioned above shows Ištar-lamassī, assisted by Aššur-tāb, son of Elamma, selling a house to the woman Šalimma, a daughter of Elamma, for 2 ½ minas of silver.<sup>37</sup> This house, which was sold within the family, could have belonged to Kunīlum; Ištar-lamassī did not need to keep it since she presumably had moved in with her new Anatolian husband.

Hence neither of the two known testaments left by Assyrian women mentions real estate. In the testament of Agūa quoted above (see n. 24), his wife who inherited the house in Kaneš, was supposed to leave it to her oldest son after her death: this was already stipulated in the testament of her husband, and she was not allowed to change this disposition.

## V. Conclusion

The Old Assyrian archives from Kaneš show that both men and women could own houses, either in Aššur or in Kaneš; women could own houses as large as those of men. These houses were acquired by purchase, as a marriage gift, by inheritance or as a pledge for debt. In the testaments left by merchants, houses were usually given to the wife, the eldest son, less frequently to an unmarried daughter or a sister. Generally, the house that a woman had received from her husband was, after her death, bequeathed to the eldest son of the couple. As for the houses bought by women, we suggest that they were also left to the eldest son, but there is no mention of real estate in the rare testaments left by women.

<sup>35</sup> Kt 91/k 453:13–16, ½ *ma-na* kù-babbar *ša*, *é-tù uk-t[a-lu]*, 15 gín kù-babbar q-lá-[x-x], *é-tù-ša uk-[ta-lu]*, “½ mina of silver for which the house is held (as security), 15 shekels of silver [...], her house is held (as security)” (courtesy K. R. Veenhof, to appear in AKT 8). See also Veenhof 2008; Veenhof 2012.

<sup>36</sup> Kt 91/k 348:9–20, *mì-ma* : *a-nim* : *a-na*, *hu-bu-ul* <sup>d</sup>*nin-šubur-ba-ni*, *a-na Lu-lu*, *áp-qi-id um-ma a-na-ku-ma*, *a-na é a-bi-a ù*, *um-mi-a a-na mì-ma*, *šu-um-šu ú-lá ta-tù-/ar*, *lu i-na šī-im bé-tim*, *lu i-ši-im túg-hi-a*, *lu i-ši-im qá-áb-li-a-/tim*, *mu-ša-li-im*, *ù ma-az-li-ki* (courtesy K. R. Veenhof, to appear in AKT 8).

<sup>37</sup> Kt 86/k 155a–b (see n. 18 above).

As to the unmarried consecrated girls, since they had no heirs, the paternal family apparently received their goods when they died. So up to now, we have no example of direct transmission of real estate by women in the Old Assyrian archives.

This essay was confined to houses, exceptionally to house plots, because Assyrian merchants were usually not interested by land and agriculture. The rare contracts dealing the sale of fields or orchards involved only Anatolians, who were seen as those able to provide food to the Assyrians.

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