"SHE WILL DIE BY THE IRON DAGGER"

ADULTERY AND NEO-BABYLONIAN MARRIAGE*

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A number of Neo-Babylonian marriage agreements include a clause which deals with the possibility of the wife committing adultery: "Should IPN (wife) be discovered with another man, she

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1) I use the term "adultery" to refer only to the sexual activity of a married woman with a man other than her husband; a man’s extramarital sexual activities were not, in the ancient Near East, marital offenses against his wife but property offenses against the woman’s husband, father, or brother. See J. J. Finkelstein, "Sex Offenses in Sumerian Laws," Journal of the American Oriental Society 86 (1966): 355-72, especially p. 366 n. 34. The Neo-Babylonian adultery clause under consideration here was previously recognized in only one document, Strassmaier Liverpool 8; see V. Marx, "Die Stellung der Frau in Babylonien," Beiträge zur Assyriologie und semitischen Sprachwissenschaft 4 (1902): 1-77, at p. 7, and M. San Nicolò, "Ehebruch," in Reallexikon der Assyriologie 2 (1938), 300.
will die by the iron dagger”2). A clause that regulates adultery is curious and unexpected in a marriage agreement; it confuses what a modern jurist would categorize as contract and status. The individual elements of the NB clause, which set out the conditions and the consequences of the wife’s infidelity, are analyzed within the context of both the NB marriage contract and Near Eastern legal traditions relating to sexual offenses. The clause as a whole suggests important implications for our understanding of the nature of marriage in first millennium Babylonia.

The Adultery Clause

Ten marriage agreements preserve the adultery clause3); those with complete date formulae fall between 635 and 523 B.C. 4). Out

2) The reading of GIR2 AN.BAR as patar parzilli “iron dagger” is not certain; see CAD s.v. namaru discussion section. The expression GIR2 AN.BAR is fully or partially preserved in only six of the ten agreements with the adultery clause under discussion: RA 25 81 No. 23 is broken at the pertinent point; BM 61176 has only GIR2 “dagger,” omitting the qualification “iron”; YOS 6 188 has PA (probably for hatju, “stick”); and OECT 10 130 omits any specific means of execution. See note 3, and further below.


4) The two marriage agreements without preserved dates, BM 65149 and BM 66005, probably date to the late sixth century on the basis of orthography, prosopography, and internal considerations. BM 65149, dated to year 5 of a ruler whose name is not preserved, possibly dates to the reign of Cyrus the Great on the basis of the formula 1UGAL E.KI LUGAL KUR.KUR, but could be as late as