
**WOMEN IN ANCIENT MESOPOTAMIA:
THE MOTHERS OF FEMALE SUBORDINATION**

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Introduction

The modern world has seen a movement toward the liberation of females from male subjugation. Yet there are contemporary cultures that consider women property. This phenomenon has existed, codified in law, for more than four-thousand years. Why have men dominated women in all civilizations for all of recorded history? What happened in prehistorical times that females came to be subordinated by males for so many thousand years, or have females been in a subordinate position since time immemorial?

Even in the current era of purported sexual equality, with feminism having made tremendous gains in the status and influence of women in society, the debate continues as to whether females are biologically inferior to males and whether female subordination is necessarily an antecedent to civilization. Even in the 21st century female subjugation persists. In certain parts of the world women are still consigned to an inferior social class based on cultural beliefs of male dominance as the natural order for human society. Indeed, throughout the history of human culture and society the female sex has been dominated by the male sex in almost every aspect of life, with only a few notable exceptions in primitive societies.

Like agriculture, the subordination of women occurred independently in numerous societies and civilizations. Agriculture proved to be an invaluable piece of technology, allowing humans to manipulate their environment, whereas female subordination proved to be an invaluable organizational tool for the complex societies which resulted from an agricultural way of life. Accordingly, agriculture and female subordination are intimately linked, each providing humanity with a dangerous mixture of advantage and detriment.

Patriarchal structured societies have flourished around the world, and their dominance is evident throughout history. These societies have prospered in every measurable way: population growth, economic surplus, military might, and even technological advancement, while at the same time creating a social system that commodified their females' reproductive capacity. This research aims to support the position that females are not naturally nor innately inferior to males and that the suggested inferiority of females in patriarchal societies is but a cultural creation of such societies dating back to the earliest civilizations.

The cultures of the Ancient Mesopotamian societies of Sumer, Babylon, and Assyria formalized the subordination of women in the ancient world. The religions and laws developed by these civilizations prevented females from asserting control over their reproductive function in society. The social institutions developed in these cultures reduced the social power available to women.

The written historical record provides a rich tapestry of evidence of the lives of the Ancient Mesopotamians. The extensive challenges inherent in the decipherment of their written language must be acknowledged, especially the problems inherent in interpreting such long dead language. Admittedly, primary methods of translation have been determined and a consensus reached among the scholars as to the meaning of the written symbols. Still, the challenge of deciphering the motivations and mind sets of the ancients is exacerbated by the great span of time separating the contemporary researcher from the Ancient Mesopotamians. Nevertheless, the content of the cuneiform records remains a worthwhile mode of inquiry for insights about the lives of the Ancient Mesopotamians.

In spite of the problems inherent in translation and interpretation, a thoughtful, systematic interrogation of the translated cuneiform sources can provide a prism through which the gender perspectives of Ancient Mesopotamia can be researched and studied. The primary focus of the current research is an analysis of the law codes of Sumer, Babylon, and Assyria. While literary works and secondary sources were also consulted, and indeed provided significant snippets of interpretation regarding the phenomena of female subordination, the law codes provided the most precise data in support of the thesis that the cultures of Ancient Mesopotamia formalized the subjugation of women.

Gender Roles in Pre-History

That only one sex has the capacity to give birth has profoundly impacted the development of human culture. Historically the direct consequence of this inequitable means of human reproduction has been the subordination of the female sex.

Before undertaking an analysis of the documentary evidence from the Ancient Mesopotamian societies, it is imperative to look closely at the situation of the Neolithic people who inhabited the area prior to state formation in Mesopotamia in order to determine what changes, if any, occurred in gender roles as societies adapted to an agricultural way of life.

The archaeological and anthropological evidence of human culture in prehistorical times overwhelmingly indicates that, before the widespread permeation of a sedentary, agricultural way of life, males and females lived together in relatively egalitarian hunter-gatherer societies. Jane Peterson argues that “male and female activity spheres overlapped considerably” during Neolithic time periods.¹ Peterson highlights the difficulties in making accurate determinations of

gender roles in prehistory, including labor distribution among the sexes, due to the ambiguity of the evidence available for analysis.²

Nevertheless, it is safe to assume that, prior to the development of farming, labor was divided along gender lines according to necessity. Biological function dictates that women devote a great deal of time to gestating and nurturing children. This is gendered labor division at its most basic, fundamental level; that is, in the absence of any social constructs whatsoever, child bearing and rearing – for at least the first year of a child’s life – must necessarily be done by women only. Men, unrestrained by such biological determinants, had the spare time to hone specialized skills and crafts. Further, without the hindrances inherent in traveling with small children, men were free to travel farther from the tribe’s camp on a regular basis, to hunt and to augment a tribe’s food sources. In the absence of any conclusive evidence it is safe to speculate that these societies possessed a social hierarchy that was based on actual ability rather than prescribed function.

Social Changes Resulting from a Sedentary, Agricultural Lifestyle

Agriculture and the sedentary lifestyle that resulted from farming made possible the social reorganization that resulted in the subjugation of women. When people first began settling in permanent cities new and different social institutions necessarily developed in response to the altered cultural climate. There can be no simplistic, single-cause explanation for such a pervasive, complex phenomenon, but there is little doubt that the cultural changes brought about by farming greatly contributed to male dominance and female subordination. As an agricultural way of life

permeated human existence, the social fabric of human culture was drastically and permanently altered.³

While some of the first human settlements may have remained relatively egalitarian, such as Çatal Hüyük in modern day Turkey, the sedentary lifestyle that accompanied agriculture resulted in the dominance of new and different means of social organization.⁴ As to the social impacts of an agricultural lifestyle, McElvaine concludes that:

Agriculture brought with it an economics of surplus, which in turn increased the incentive for holding certain types of property that could help to produce surplus goods, notably land and laborers. Most important of all...would...be the only “resource” that could produce new laborers: women.⁵

Essentially, women and land are the most essential means of production in an agricultural society.

While Gerda Lerner contends that the exchange of females between groups via marriage was a precursor to the development of private property, other scholars argue that private property developed prior to the exchange of females.⁶ Likely the actual order in which these two phenomena developed is beyond our means of determination. Regardless of which came first, the second was a corollary of the first; either social construct can easily be derived once the other has been established.

Take, for instance, Lerner’s theory that the exchange of females preceded the development of private property in the form of land ownership. Lerner’s supposition is as follows: since women are the means by which a group increases its population – and, after the adoption of agriculture, its labor force – tribal groups would “seek to acquire the reproductive potential of women,” which would be manifest in the exchange of women between groups.⁷ Why would tribal groups seek to exchange women for reproductive purposes and not simply avail the

reproductive capabilities of the group's own women? Lerner proposes that the exchange of tribe members, first children and later women, began as a means of securing intertribal peace and maintaining alliances. In another scenario, a tribe might resort to the theft of women from other tribes in the event of a shortage of women capable of childbearing.⁸

How is it that the exchange and theft of women necessarily lead to the development of a conception of private property? Women, with their obvious and necessary role in reproduction, would have been among the first items of recognizable value in agricultural societies. The conception of private property could have easily followed the very same reasoning that allowed a woman – and her offspring – to be owned by a tribe or group. Alternatively, in the event that private property developed prior to the exchange of women, it would be but a small extension of the same logic to consider women as another form of property, subject to exchange just as any other form of property.

As societies became increasingly complex as a result of a sedentary lifestyle and an economy of surplus, it became necessary to develop rules regulating ownership – of property rights and rights of women's reproductive capacity. Prior to the invention of writing, it is impossible to determine what these rules might have been or how they may have been enforced, but with the invention of writing these rules were eventually codified in laws, as will be shown below.

The Development of Social Hierarchies

As the societies of Ancient Mesopotamia increased in complexity, labor came to be divided not only on lines of gender, but according to a strict hierarchy based upon military might

and religiously based authority. Rohrllich describes state formation in Mesopotamia as “a complex interaction among the processes of class stratification, militarism, patriarchy, and political consolidation.”⁹ The predominant pattern of social organization that emerged in the sedentary, agricultural communities of Ancient Mesopotamia was a patriarchy based, where female sexual and reproductive liberty was stifled. The basis of the patriarchal sociopolitical power structure was the legitimization of the patriarchal family.¹⁰

Complex religious beliefs and practices accompanied the nuanced social hierarchies that developed with the establishment of cities. Pollock uses the term “ideology” to refer to the ways in which “sociopolitical systems, and certain groups within them, attempt to establish their legitimacy through the creation of a particular view of how the world works,” and articulates that “religion is one way in which [an] ideology may be created and propagated.”¹¹ In Ancient Mesopotamia the elite classes, namely the priests and warriors, manipulated religious ideologies to legitimize their claims to power. The religious ideology was similarly manipulated to legitimize the domination of male deities over female deities, and therefore of human males over human females.¹²

As the early civilizations of Mesopotamia became increasingly urbanized, they established institutions which served to put women in an inferior social class. Women as a whole were doubly disadvantaged by the ideologies propagated by the ruling elite since women were subject to the constraints imposed by both class and gender. While women of the higher classes were subordinate to all men, women of the lowest class (slaves) were subordinate not only to all men, but also to all free women.¹³

The power of the patriarchal family combined with the conception women of as reproductive property led to the eventual commodification of female reproductive capacity and the widespread subordination of women. This process did not occur overnight nor did it take hold throughout all of Mesopotamia all at once. Rather, as Lerner points out, the end result was “a slow accretion of incremental changes, which occurred at different speeds in different regions, and with varying outcomes.”¹⁴ Although the precise outcome was different in the various regions and time periods in Ancient Mesopotamia, the negative impact on women was, however, quite similar across time and space.

The Codification of Female Subordination in Ancient Mesopotamia

Prior to the invention of writing sexual norms and taboos were enforced by the authority in all city-states, but writing resulted in the codification of laws to regulate society. Marriage rituals and correlating social roles predated the existence of marriage laws. Religious and cultic sexual practices similarly functioned as social constructs which assigned specific sexual roles to females prior to the codification any laws written to regulate such practices. It was inevitable, however, that these practices and rituals would become codified as writing became an integral part of managing urban life. The patriarchal institution of marriage acted as the primary means by which subjugation of the female sex was written into law.

The extant law codes of Sumer, Babylon, and Assyria reveal the extent to which matters of reproductive rights and female sexuality troubled society such that legislation was necessary to regulate certain aspects of these phenomena. The codified laws of these societies effectively compartmentalized female sexuality and commodified female reproductive capacity, which were

crucial steps in the subjugation of the female sex. The social institutions of marriage and religion served to reinforce these cultures' definitions of normal, acceptable sexual activity and, in the process, relegated women's sexuality solely to the realm of reproduction. By formalizing patriarchal inheritance rights and reducing women's control over their own procreative power, women were confined to the private sphere of life; their influence and prestige were made ineffective.

Table 1 outlines the law codes consulted in the course of this research, providing the name ascribed by scholars to each code, the approximate date the code was authored, and the culture which produced the code.¹⁵

Table 1. Law Codes of Ancient Mesopotamia

Identification	Approximate Date	Associated Culture
Laws of Ur-Namma	2,100 B.C.E.	Sumerian
Laws of Lipit-Ishtar	1,930 B.C.E.	Sumerian
Sumerian Exercise Tablet	1,800 B.C.E.	Sumerian
Laws of Eshnunna	1,770 B.C.E.	Babylonian
Laws of Hammurabi	1,750 B.C.E.	Babylonian
Middle Assyrian Laws	1,076 B.C.E.	Assyrian

Source: Roth, Martha T. *Law Collections from Mesopotamia and Asia Minor*, 2d ed. (Atlanta, Georgia: Scholars Press, 1997)

The law codes demonstrate how the cultures of the Ancient Mesopotamian societies of Sumer, Babylon, and Assyria formalized the subjugation of women in the ancient world. The codification of laws which prevented women from asserting any control over their reproductive

capacity was a crucial step in reducing the social power available to women. When consulting law codes as a source of historical understanding it must be acknowledged that, while the laws do not necessarily reflect actual behavior, they nevertheless provide insight into problems facing a society; legislation regulating a behavior only comes about when the behavior presents a problem to the orderly functioning of a society.¹⁶

By legislating acceptable sexual encounters between different classes of women and men the cultures of Ancient Mesopotamia dictated acceptable forms of sexuality and sexual expression. The result, as evidenced in the law codes, was a highly inequitable situation between males and females; women's sexuality was confined to being manifest in particular situations for very specific – that is, reproductive – purposes while men were free to sexually cavort in whatever manner they wished.¹⁷

The vast majority of the laws concerned the sexual conduct of married women and the disposition of their children's inheritance. Several laws prescribed the rules of inheritance for children born to other classes of women, most notably concubines, slaves, and prostitutes. The law codes reveal that the extramarital sexual unions of men created a significant degree of social disorder as regards inheritance rights.¹⁸

Laws “define [adultery] solely in terms of the extramarital relations of the wife,” accentuating the inequality of the sexes in law in Ancient Mesopotamian society.¹⁹ Even in the earliest law code, the Laws of Ur-Namma (§ 7), the punishment for a married woman “initiating sexual relations” with a man is death even as the man “shall be released.”²⁰ The married woman adulterer was severely punished for her part in the extramarital relationship whereas the male participant's only crime was denying the woman's husband his exclusive right to his wife's

sexuality and procreative ability.²¹ In Ancient Mesopotamia adultery did not exist for men; Roth describes the situation as follows:

A married woman who had sexual relations with a man other than her husband was denying her husband his exclusive sexual and reproductive access. For his part, her lover, whether married or unmarried, was “stealing” that which was the domain of another. There was no offense committed against the male lover’s wife.

The law codes reveal that a woman was valued for her procreative value above all else.²² For instance, the Laws of Lipit-Ishtar (§ 25 and § 27) regulated the treatment of certain classes of women who bore children.²³ These two laws served to increase the living standard of slaves and prostitutes who became mothers. Slave women and the children they bore were to be freed by their masters, while prostitutes who bore children were to be supported by the father of the child.

The existence of women in positions of power does not indicate that all women enjoyed such exalted positions.²⁴ Indeed, even women holding ostensibly powerful positions remained, in actuality, dependent on their fathers or husbands.²⁵ This is evident in the numerous laws which assign males total dominance of over every aspect of the lives of females. In Ancient Mesopotamia a woman’s life course was not her own to determine; a woman’s fate rested in the hands of her father, brother, husband, or son. This was the case from the Laws of Lipit-Ishtar forward, and by the time of the Middle Assyrian Laws a woman’s livelihood depended solely on the men in her family. The Middle Assyrian Laws (§ 56) provided a father license to “treat his daughter in whatever manner he chooses” if a man swore she was a willing participant in extramarital sex.²⁶ Further, the Middle Assyrian Laws (§ 59) allowed a man to abuse his wife with impunity, so long as the abuse was confined to whipping her, striking her, plucking out her hair, or mutilating her ears.²⁷

Laws regulating the veiling of women highlight the diminished autonomy of women in Ancient Mesopotamia. Veiling laws did not appear until relatively late in the history of Ancient Mesopotamia (in the Middle Assyrian Laws), but head coverings as a distinguishing mark of a person's status are apparent by the Old Babylonian period. The Laws of Eshnunna reference a "slave hairlock"²⁸ which served as a means of identification of slaves. Similarly, the Middle Assyrian Laws (§ 40 and § 41) required the veiling of women who were attached to men and provided severe punishments for unattached women who went out unveiled and any man who did not turn in such a woman.²⁹ By dictating how a woman could appear in public in terms of her relationship to a man these laws greatly reduced the personal liberty of women in the public sphere.

Conclusion

The civilizations built by the Ancient Mesopotamians resulted in the formalization of a social order that wholly subjugated women. This was the result of innumerable incremental changes over time. As McElvaine observes, "The process of cultural development and value formation is not simple or linear."³⁰ This is important to consider so as to avoid reaching rash conclusions about how and why Ancient Mesopotamian society subordinated women. The fact that women were subordinated by men does not imply that Ancient Mesopotamian men set out on a course to subordinate their women when they started building cities. Nor does it imply that the subordination of women is part of the natural order of human society.

As evidenced by the law codes, the cultures of the Ancient Mesopotamian societies of Sumer, Babylon, and Assyria placed women in positions subordinate to men in every aspect of

life. The development of laws that prevented females from asserting control over their reproductive capacity deprived women of their most valuable resource in a sedentary, agricultural society. The social institution of marriage reduced the social power available to women, while a patriarchal family structure further restricted women's freedom and autonomy.

The biological differences between the sexes – specifically the fact that only one sex has the capacity to give birth – have had a profound influence on the development of human civilization. The adoption of a sedentary, agricultural way of life, and the urbanization that followed created conditions vastly different from those in which humans evolved. Life in the city provided situations and challenges that humans, and human culture, had never before encountered during millennia of evolution. The Ancient Mesopotamians implemented coping mechanisms – the social institutions of formalized religion and marriage – and codified laws to regulate behavior in a way that would keep social order and allow cities, and thereby the cities' cultures, to thrive.

It is merely a coincidence that the institutions and laws developed by the Ancient Mesopotamian cultures were contrived in such a way as to subordinate the female sex. The formalized system of female subordination introduced and proven successful by the cultures of Ancient Mesopotamia established a precedent that the rightful role of females is one that is subordinate to males. Nevertheless, a close examination of the historical record reveals that female subordination was only a social construct of the first complex urban societies, and was not an inevitable means of social organization based on any inherent, measurable disparity between the sexes.

NOTES

1. Jane Peterson, *Sexual Revolutions: Gender and Labor at the Dawn of Agriculture* (Walnut Creek, Calif.: AltaMira Press, Roman & Littleford Publishers, Inc., 2002), 131.
2. *Ibid.*, 139.
3. Robert S. McElvaine, *Eve's Seed: Biology, The Sexes, and The Course of History* (New York: McGraw-Hill, 2001), 87-88.
4. Susan Pollock, *Ancient Mesopotamia: The Eden That Never Was* (Cambridge, England: Cambridge University Press, 1999), 5.
5. McElvaine, *Eve's Seed*, 132.
6. Gerda Lerner, *The Creation of Patriarchy* (New York: Oxford University Press, 1986; Oxford University Press paperback, 1987), 49-53.
7. Lerner, *Creation of Patriarchy*, 46-48.
8. *Ibid.*, 48.
9. Ruby Rohrlich, "State Formation in Sumer and the Subjugation of Women," *Feminist Studies* 6: p. 98 (Spring, 1980) [journal online]; available from <http://links.jstor.org/sici?sici=0046-3663%28198021%296%3A1%3C76%3ASFISAT%3E2.0.CO%3B2-D>; Internet; accessed 22 February 2007.
10. Lerner, *Creation of Patriarchy*, 54. See also Rohrlick, *State Formation in Sumer*, 83-84.
11. Pollock, *Ancient Mesopotamia*, 173.
12. Rohrlick, *State Formation in Sumer*, 85-87.
13. Lerner, *Creation of Patriarchy*, 95-96.
14. *Ibid.*, 55.
15. All law code citations herein are from Martha T Roth, *Law Collections from Mesopotamia and Asia Minor*, 2d ed. (Atlanta, Georgia: Scholars Press, 1997). Roth's volume contains a complete collection of all extant law codes pertinent to this study, in addition to some deemed irrelevant to the scope of this research.
16. Lerner, *Creation of Patriarchy*, 102.

17. In addition to being evidenced in the law codes, this conclusion is clear from reading Martha T. Roth, "Marriage, Divorce, and the Prostitute in Ancient Mesopotamia," in *Prostitutes and Courtesans in the Ancient World* ed. Christopher A. Faraone and Laura K. McClure (Madison, Wisconsin: University of Wisconsin Press, 2006): 21-39; and Raymond Westbrook, "The Enforcement of Morals in Mesopotamian Law," *Journal of the American Oriental Society* 104: pp. 753-756, Oct. - Dec., 1984 [journal online]; available from <http://links.jstor.org/sici?sici=0003-0279%28198410%2F12%29104%3A4%3C753%3ATEOMIM%3E2.0.CO%2B-S>; Internet; accessed 14 February 2007
18. Roth, *Marriage, Divorce and Prostitute*, 32-34.
19. Westbrook, *Morals in Mesopotamian Law*, 753.
20. Rother, *Law Collections*, 19.
21. *Ibid.*, 63, 105-107, 110, 158-161.
22. *Ibid.*, 31, 173-174.
23. *Ibid.*, 31.
24. Lerner, *Creation of Patriarchy*, 67-68.
25. *Ibid.*, 74-75.
26. Roth, *Law Collections*, 175.
27. *Ibid.*, 175-176.
28. *Ibid.*, 67.
29. *Ibid.*, 169.
30. McElvaine, *Eve's Seed*, 151.