

THE CONCEALED CRIME OF THE *NADĪTU* PRIESTESS IN §110 OF THE LAWS OF HAMMURABI¹

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ABSTRACT

LH 110 is part of the ancient Near Eastern scholarly debate regarding the function and role of the *nadiātu*-priestess groups in Old Babylonian society. Seemingly, LH 110 forbids the uncloistered *nadītu* from opening up or entering a business place associated with the *sābītu*; the penalty for such a crime is public execution by burning. Mainstream scholars view the *nadiātu* through the lens of either (a) indulging in illicit behaviour or (b) that LH 110 reflects a prohibition for the *nadītu* to compromise her chastity. In contrast, Martha Roth (1999) opines that LH 110 is an economic regulation of the *nadītu*, prohibiting her from overshadowing the money-lending business of the *sābītu*. However, what poses a problem is the horrific penalty, which seems to suggest and be justification for a seemingly terrible crime committed in concealment. I propose that when this prohibition is transgressed, a horrific crime is committed – tax evasion – which is a furtive crime that endangers the continuous welfare of the king/state. LH 110 is a fiscal regulation protecting the state/king's revenues. The intention is to prevent a specific group of the *nadiātu* – an uncloistered priestess – to enter or open an enterprise, which the OB state administration is unable to regulate. Consequently, the *nadītu* could effortlessly conceal her yielded profits and thus evade paying tax to the king/state.

¹ The article is a revised version of a paper to be presented at the Rencontre Assyriologique Internationale Conference in Genève and Bern, Switzerland (Text and Image), 22–26 June 2015. In the article the Sumerian terms are in bold font. The Akkadian terms and any other foreign language terms are in italicised font. Abbreviations given in this article are: OB (Old Babylonia/Babylonian), ANE (Ancient Near East/Eastern), LH (Laws of/Law Collection of/Lax Code of Hammurabi), LL (Laws of/ Law Collection of/Law Code of Lipit-Ištar), LE (Laws of Ešnunna). I follow the transcription of the Chicago Assyrian Dictionary: in CAD N Part 1, the plural for *nadītu* is *nadiātu* or *nadātu* (Reiner 1980a:63). In CAD S, the plural for the male *sābū* is also *sābū*. The plural for the female *sābītu* is *sābiātu* (Reiner 1984:5). In CAD U and W (Roth 2010:33) the plural for *ugbabtu* is *ugbabātu*.

INTRODUCTION

Paragraph 110 of LH² – the starting point for a scholarly debate regarding the chastity of the *nadītu*-priestess – states that certain priestesses are prohibited from opening up or entering into a *bīt sībum* and if they do, the penalty is death by burning. Mainstream scholars deduce that the *bīt sībum* is like some nineteenth century taverns: places of beer drinking and illicit sexual behaviour, closed to respectable women. In addition, the severity of the penalty – death by burning – causes mainstream scholars to emphasise that the penalty ensures the preservation of the priestess’s chastity.

Among the alternative views of recent scholars, Martha Roth (1999) re-investigates the context of LH 110 concerning its terms and regarding the position of the paragraph with other LH paragraphs. Roth (1999) considers the rationale for LH 110 as an economic regulation, prohibiting the uncloistered *nadītu*-priestess from opening up or entering into the *bīt sībum* and preventing such *nadītu* from overshadowing the money-lending business of the *sābītu*.

What commands attention is one of Roth’s conclusions that LH’s dramatic public executions usually take place because of misconduct committed in secret (Roth 1999:461). This would mean that the severity of the penalty is unresolved, because the *nadītu*’s misconduct is not committed in secret, but in full public view: for the priestess would have opened up or entered into (*ip-te-te...ī-te-ru-ub*) a *bīt sībum* in the public eye. What, then, is the concealed crime of the uncloistered priestess, when in full public view she opens up or enters into the business place of the *sābītu*?

From this stance, I investigated LH 110 and disagree that it is a reflection of the protection of the chastity of a *nadītu* or an economic limitation in competing with the *sābītu*. Rather, LH 110 covers economic relationships that assist the king/state’s administration in the collection of taxes by prohibiting the uncloistered *nadītu* from conducting an enterprise which, for the state administration, is difficult to regulate and to collect taxes resulting from the gains of a money-lending business.

² See overview of Hammurabi as a “law giver” in Van de Mieroop (2005:99–114; Claassens 2010:462–463) esp. the outline of list of “laws” (Van de Mieroop 2005:103–104). LH consists of three parts: prologue and epilogue praising King Hammurabi in the first person, and a long list of 275 to 300 “laws” (amount uncertain due to illegible columns) (Van de Mieroop 2005:101; Claassens 2010:462–463).

I first introduce the traditional theories for the rationale of LH 110 – mainly a prohibition against or implication of illicit sexual behaviour – and then the alternative theory – the prohibition for economic competition with the *sābītu*'s money-lending business. Then I discuss the scholars' debate of LH 110's terms and outline OB tax collection practices in the regulation of the *sābītu* and the *nadītu*. I explain that, when conducting an unregulated business, the profits yielded can easily be disguised in order to avoid paying taxes. The ethics of tax evasion is an old concept and in many countries, irrespective of time and place, considered a serious offence (see McGee 2012:3), for this evasive misconduct endangers the economic position of society, even that of OB society, and especially the OB king's revenues, thus warranting the death penalty.³

TRADITIONAL AND ALTERNATIVE THEORIES OF LH 110

Paragraph 110 of the so-called Code of Hammurabi, nowadays referred to as the Law Collection of Hammurabi, stands out as a regulation prohibiting a certain act, with a deterrent – a horrific penalty – appropriate for a seemingly horrific crime committed. Scholars debate and view this and other Mesopotamian law collections from different angles of significance in OB society. However, the article's ambit does not allow a discussion of the placement of LH's authority and type of source, albeit as a literary work and scribal school training, and/or to serve as the king's propaganda as a great lawgiver/king, and/or reflecting the king's decision on matters or serving as a codification of law practices.⁴ For the purpose of the article, in the light of these theories, I place LH on a common ground, considering the paragraphs discussed as a propositioning of an idealistic situation regarding the *nadītu*'s and her family's

³ McGee (2012:3) holds that the ethics of tax evasion can be investigated from various perspectives, some being more religious in nature, while others are more secular and/or philosophical. This includes perspectives of the relationship of the individual to the state, and/or the individual to the "taxpaying community", and/or the relationship of the individual to God (McGee 2012:3ff.).

⁴ See my outline in Claassens (2010:461–478), regarding the different theories of the position and role of the law collections in OB society.

conduct, entitlements, obligations and privileges in OB society.⁵

Prohibition against or implication of illicit sexual behaviour

Mainstream ancient historians, classical and ANE scholars have assigned the etiquette of present-day prostitution unto the different priestess-groups of the ANE (including OB), and in so doing, implicate the *nadiātu* priestess-groups in indulging, in certain instances, in illicit sexual behaviour.⁶ In the *nadītu*-debate, either scholars place the priestess group, who lived in the regions of the city-states of Old Babylonian Nippur and Sippar, as prostitutes,⁷ or by contrast as god-devotees similar to a medieval nun,⁸ and/or as independent women who acted outside the boundaries of patriarchal authority.⁹ Nowadays, some scholars seek alternative views on the placement of the *nadītu*'s function and role within OB family and social life.¹⁰

⁵ Elsewhere (Claassens 2010) I give the reasons for my reservation regarding the unqualified application of the so-called law collections as legal rules in the same sense as present-day law codes and/or legislation.

⁶ Assante (1998:5–9) gives a historic outline of superimposing present-day prostitution onto ANE priestess-classes. The topic of the scholarly myth of the orgy of prostitution exercised by the ANE priestesses is also a subject of interest to gender studies: an interdisciplinary area of study that incorporates methods and approaches from a wide range of disciplines (Pollock 1992:22–24).

⁷ See Cooper (2006:12–21); Brooks (1921:54–79, 1923:189) and Astour (1966). For instance, Brooks' (1921) contribution is based on his dissertation *A contribution to the study of the moral practices of certain social groups in ancient Mesopotamia*. Brooks (1923:190) refers to the (*nadītu*) priestess as uncloistered and with the freedom of conducting business dealings, in contrast to the **nin an** (used in LH 110) a named “virgin high priestess”, who was cloistered, as well as the named “temple prostitutes” such as the *zermāšitam* and *qadištu*.

⁸ See Martin Stol (1995, 1998) and Dale Launderville (2010:261–273). Stol (1995) attributes to the *nadiātu* the term “nuns”, while Launderville (2010) maintains the transliteration term *nadiātum*. Both scholars associated the *nadiātu* with present-day nuns, developing from medieval Christianity, accepting that the *nadiātu* preserve their chastity as virgins in a lifetime of celibacy and answer to their “calling” in becoming cloistered devotees to their god/s. In contrast, Bromberg (1942:79) considers the priestess connotation term as a “sort of an honorary title”: “their functions were as much of a nun-like character as those of an honorary Kentucky Colonel are of a military nature.”

⁹ See Diakonoff (1986:225–238).

¹⁰ In my forthcoming article (Van Wyk 2015), I disagree with the superimposing of contradictory sexual roles and/or religious behaviour onto the *nadiātu* as either prostitutes or celibate virgin nuns. Although I have reworked the applicable sections into this article, the reader can consult the above-mentioned article for a wider outlook of the *nadiātu*'s

LH 110 is the unfortunate paragraph that caused the mainstream group of scholars to view the *nadiātu* through the lens of either conducting some sort of illicit behaviour or the paragraph's intention as a prohibition, with a severe penalty if the *nadiātu* let their chastity be compromised by means of association with a particular portion of space: the *bīt sībum*.

Mainstream scholars' translations of LH 110 showed different emphases in their interpretation of the *bīt sībum* as a place of illicit sexual behaviour. For instance, the translation of LH 110 by Boecker (1980:97) reads:

If a hierodule (*nadītu*) or a nun (*ēntu*) who is not living in a convent (*gagûm*) has opened the door of a wineshop (*bīt sībum*) or has entered a wineshop (*bīt sībum*) for a drink, they shall burn that woman [my emphasis is underlined].

Boecker (1980:97) holds that “a hierodule (*nadītu*) or a nun (*ēntu*)” is expected to “lead a blameless life,” for whom “going into a wineshop (*bīt sībum*) to drink ale” is “an unheard-of crime”. Lerner (1986:242) translates Boecker's “wineshop” as an “alehouse” and considers it as “a brothel or an inn which is frequently visited by prostitutes, and thus justifies the death penalty for an uncloistered *nadītu* who dares to enter such a place”. Lerner (1986:242) deduces that the *nadītu* is forbidden to “associate” with such a place, indicating that she must “live respectably” and “guard her reputation”. Lerner (1986:242) adds that the “need for recording such a law” reflects “looseness of morals among the cultic servants” and shows that OB society had “respectable” and “non-respectable” women. Finkelstein (1970:254) opines that the aim of LH 110 is to prevent the *nadītu*, a “priestess of high prestige”, from coming into contact with “other elements” which could “derogate” “the dignity of (her) station”.¹¹ Renger (1967:156) comments that LH 110 indicates the importance of

position, wherein I outline also perspectives given by Roth (1999), Stone (1982), Harris (1975) and Assante (2003, 2009a, 2009b). In summary, I have shown in the above-mentioned article (2015) that the *nadiātu* groups held a variety of attributes, depending on the type of group and socio-economic circumstances of society, as well as the hidden choices and motives of the male family members.

¹¹ Finkelstein (1970:254) refers to another law collection, LE 41, which is a “special and peculiar stipulation on the method of disposing of a surplus of beer” and opines that it is

securing financial independence for the *nadiātu* by preventing them from choosing prostitution in order to supplement their financial needs. Westenholz (1989:262) states that some priestesses work as commercial prostitutes and this includes those working in the “tavern”, thus guiding some scholars to associate this place with commercial prostitution.¹² Harris (2000:228) opines that the *nadītu*’s chastity is called into question if she enters a “tavern” and for such a crime, the priestess should be burnt to death. Harris (2000:228) brought this penalty in parallel with another death by burning punishment, in LH 157, in the case of incest between a mother and son.¹³ Harris (2000:228) then places the *bīt sībum* and *bīt ašammu*¹⁴ in the same category, sharing the function in “providing drink, entertainment and a place to meet prostitutes”¹⁵ and concludes that both places had “bad reputations” and were places of “games”.¹⁶

On the other side of the debate, Assante (2007:127ff.) and Roth (1999:445–448, 456) criticise the superimposing of our present-day perspectives of a tavern/brothel/inn unto the *bīt sībum*-term.¹⁷ Terms for brothels or bordellos,

due to the divine rank of certain professions which forbid them to sell beer directly, for this will bring them “into contact with elements of society of dubious repute”.

¹² Westenholz (1989:256) opines that “controlled coitus within the sacred sphere” cannot be regarded as “prostitution” and “ritual promiscuity”. Eugene Fisher (1976) and Gerda Lerner (1986) attempt to classify the cultic sexual services as indiscriminating in society, while those of commercial prostitution for payment as discrimination.

¹³ In LH 157, the mother is punished with death by burning and the son disinherited from his father’s estate.

¹⁴ In CAD A, *ašammu* (*altammu*) is translated as a tavern or hostel (Oppenheim 1968:473).

¹⁵ See Assante’s (1998:69, 69 fn 193, 70) comments regarding scholars’ comparisons of the *bīt sībum* with the *bīt ašammu*.

¹⁶ E.g., Malul (1989:249) translating the *bīt ašammu* as an ale-house and connecting it with prostitution. Malul describes and translates the Sumerian hymns of Inanna, the *ḫarmitu* Inanna, as a prostitute “who sits in the entrance of the alehouse”. Assigning the present-day term of prostitution gives a dramatic direction to the meaning of the text (see Malul 1989:245–247). See also Assante’s (2009a:27–29, 1998:5–95) remarks on the *ḫarimtu* (Sumerian **kar-kid**). See also comments by Roth (2008:24–34) and Assante’s (2007:128–132) reply. Assante (1989:180) states that representations are negative connotations and “by-products of nineteenth-century social conditioning”. I propose a re-investigation of the *bīt ašammu* and with that the abstinence of superimposing post-Darwinism and post-Enlightenment views onto ancient texts in our representations of gender and sex of the ancient world in absolute forms of the virgin, the mother and the whore. See van Wyk (2015) for additional remarks beyond the scope of this article.

¹⁷ See discussion of the term *bīt sībum* (*infra*) under the sub-heading of “Revisiting terms in LH 110”. Roth disagrees with Driver & Miles (1952:202) and claims that LH 110 has a

prostitutes and prostitution are unknown in cuneiform and constitute only present-day interpretations of illicit sexual behaviour (Assante 2007:66-67).¹⁸

Prohibition against economic-competition

Roth (1999) gives an insightful commentary on LH 110, stating that the *nadiātu* are erroneously implicated with prostitution in scholars' interpretations of the terms, i.e., the *nadītu*'s opening up or entering into the tavern and the harsh punishment for this type of offence, namely burning.¹⁹ Roth's (1999:445, 1995:101 fn. 18) translation (with Boecker's contradicting translation in brackets) reads as follows:

If a *nadītu* [hierodule] (var. adds: and/or/or likewise) the *ugbaltu* [nun], one who does not reside within the cloister [convent], should open a tavern or enter a tavern (*bīt sībum*) [wineshop] for some beer [to drink beer], they shall burn that woman (var.: *nadītu*).

Roth (1999:445) claims that LH 110 is a regulation of "economic competition" of the uncloistered Sippar *nadiātu* who are those priestesses dedicated to the god Marduk. Roth (1999) advocates that we must read LH 110 in context with LH's other paragraphs, which indicate that LH 110 is part of the regulation of the *sābītu* in LH 108-111. This section forms part of a greater category – LH 100-126 – dealing with the regulation of "economic ventures" and/or "economic-based personal relationships" (Roth 1999:447).

Roth not only relies on the context of LH 110, but also reviews other LH references dealing with different variations of isolated situations regarding the *nadiātu*'s dowry and/or *nadiātu* groups' inheritance rights and limitations on the

connection with LH 112, which Driver & Miles consider the "lodging needs" of the "travelling salesman". Roth (1999:447) opines that LH 112 is part of the group (LH 112–126) regulating the relationships between two persons "engaged in a manner of economic trust".

¹⁸ See also Assante's (1998:65–72) discussion of the misinterpretations of the role of the *sābītu* and the translated term *bīt sībum* as a "tavern". See my discussions in van Wyk (2015) for a holistic overview, although I have included in this article the essential critique remarks.

¹⁹ See Roth's (1999:445–462) discussion of the scholars' viewpoints.

alienation of their inheritance (Roth 1999:451). Roth argues that of all the *nadiātu*'s paragraphs, only LH 110 fits into the section of LH 109-111 regarding the regulation of the economic relationships or dealings of the *sābītu* and/or her profession with other occupations/persons. In addition, the *nadītu* paragraphs deal with a specific type of *nadītu*, except for LH 181, which could refer to a cloistered and/or uncloistered *nadītu* (Roth 1999:451). In LH 110 the offender/s, namely the *nadītu* – and/or the *ugbabbu*/or the *nadītu* like the *ugbabbu* – are referred to as the uncloistered priestess, a woman who lives outside of the *gagûm*, by means of the inclusion of the terms *ša ina gagîm la wašbat* (Roth 1999:449). LH 182 refers also to the uncloistered *nadītu* (of the god Marduk), reading as *Marduk ša Bābilim, nadīt ša Bābilim*; LH 144-147 specifically with the uncloistered *nadītu*'s marriage and its financial implications, while LH 180 refers to the cloistered *nadītu* by means of the words *nadīt gagîm*. However, in all of the paragraphs, including LH 110, there is a “deliberate and explicit identification of the status of the women and their deities” (Roth 1999:452). The qualification in LH 110 is a certain group of *nadiātu* who lived outside of the *gagûm* as “potentially economically and socially independent(s)” (Roth 1999:452).

The paragraphs before and following LH 110, Roth (1999:446-458) divides into sections and these are outlined in Table 1 below, supporting the following discussion.

Table 1: LH § 110 in context with other sections in LH ²⁰

100-103	104-107	108-111	112-126	127-...
International trading	Local trading	Individual business and trading		Marriage, etc.
		Sābītu's business relations		
		108	Parties involved: <i>sābītu</i> vs. her customers <i>sābītu</i> refuses grain for payment of beer and asks for silver.	Two persons in an economic trust relationship
		109	Parties involved: <i>sābītu</i> conspiring with criminals Omits to seize criminals and 'informs' palace authorities.	
		110	Parties involved: uncloistered <i>nadītu</i> priestess opens up or (<i>ulu</i>) enters into a <i>bī sībun</i>	
		111	Parties involved: <i>sābītu</i> vs. borrower Loan for one beer - in exchange receives (fixed) 50 silas of grain at harvest	

²⁰ This table is an adapted version from my contribution in Van Wyk 2015 (forthcoming).

LH 100-103 consists of international trade regulations and LH 104-107 proceeds with regulations of local trade. Then follow two groups regarding individual business and trading, with first LH 108-111 pertaining to the business and profit ventures of the *sābītu* and then LH 112-126 engaging in the general regulations of two persons in an economic trust relationship (Roth 1999:446). Only from §127 does LH deal with marriage and marital infidelity: the morality and chastity of OB society. Thus, Roth (1999:447-458) deduces that LH 110 fits into a small group of only four provisions dealing with economic relationships, but only with regard to the unilateral business affairs of the *nadītu* and not her “morality, chastity or sobriety”.²¹

Roth (1999:461) adds that LH 110’s offence indicates that a crime is committed in a public place: a public business. There is a “violation of social trust” and the offence contains “something economic”: the *nadītu*’s offence in her attempt to enter a certain space. Therefore, Roth (1999:461) concludes that the intention of LH 110 is to protect the “marginal economic niche of the small-time money-lender”, the *sābītu*, whose market share is already threatened by the trade of the *tamkāru* (merchant).²²

I agree with Roth that LH 110 is not an isolated paragraph. My stance is that LH 110 is part of the corpus of LH 108-111, and then pertaining to the death penalties fits into the sub corpora of LH 108-110. First, the king/state regulates the *sābītu*’s business activities, present in every paragraph of the corpus (LH 108-111). The *sābītu*’s business place (*bīt sībum*) or her house (*sābītum...ina bītīša*) is present by implication of the GEŠ.TIN.NA sign common to both the *sābītu* (LH 108-109 and 111) and her *bīt sībum* (LH 110). The *sābītu*’s related beer-business activities are present in LH 108, 110 and 111, although only implied in LH 109.

²¹ Roth (1999:452) observes that in the section of the *sābītu*’s business relations, only LH 110 reflects a unilateral offence, with an “actor” as the priestess and “no explicit victim”. However, in the other three paragraphs, two or more people are involved: LH 108 between the *sābītu* and a customer paying in grain for beer, LH 109 regarding the *sābītu*, criminals and palace authorities and LH 111 between the *sābītu* and a borrower (Roth 1999:452).

²² Leemans (1950) discusses the OB *tamkāru* (merchant), especially from pp. 11–22 outlining the *tamkāru* acting in his role as a money-lender. From the beginning of the Third Dynasty of Ur, the *tamkāru* or Sumerian **damkara** was the “obvious person” giving credit (Leemans 1950:10). The *tamkāru* becomes a professional money-lender, like a present-day banker providing loans (Leemans 1950:11). See also references to the *tamkāru* in LH 49–51, 66, 88–96, 151,152, 115,116, 117–119.

The imposed death penalty is present in LH 108 with the manipulation of the exchange rate – warranting death by water – and in LH 110 with the evading of taxes (later explained), justifying death by burning.²³ However, in LH 109, an unspecified death penalty is given to the *sābītu* who conspires with criminals and, depending on the degree of her transgression, she may also in the case of LH 108 and 110 be subjected to a violent execution. This depends to what extent the *sābītu* congregates in or contributes to criminal activities: did she just know about the criminal activities, but omitted or refused to report them and/or was she an active party in these criminal activities? LH 111, however, is left as an outsider from this sub corpus, due to the absence of a death penalty, and entails only the king/state’s prescription of loan conditions of the *sābītu* who gives a loan of one jug of beer, by regulating the return amount and repayment date. In this regard, LH 111 serves as a possible transitional paragraph to the next corpus in LH 112-126, with the overall theme inferred by Roth (1999:446) as “two persons in an economic trust relationship”.

Thus, LH 110 is a prohibition for the *nadītu* to open up or (*ulu*) enter into the business place of the *sābītu*, but not as personal or sentimental prohibition, and as part of the corpus, the king/state regulates the *sābītu*’s related beer-business activities in the corpus of LH 108-111.

REVISITING THE TERMS IN LH 110

In this section, I clarify LH 110’s terms in the recent debate, using Roth’s (1999) adapted transcription and translation, i.e., [1] The offender/s as the *nadītu*, [2] and/or the *ugbābtu*/or the *nadītu* like the *ugbābtu*, both later in the text referred as the [3] *awīltu* who are prohibited from committing an offence; [4] an act reserved for the *sābītu* profession associated with the *bīt sībum*. Then [5] in the particular portion of space in which the offence takes place, namely the *bīt sībum*; [6] which involved

²³ Finkelstein (1970:254) makes a comparison with LH 108–111 regarding the regulation of the business of the *sābītu*, of which “infractions” resulted in the death penalty. Finkelstein (1970:254) underlines the penalty in LH 109 wherein the *sābītu* will incur the death penalty if she allows “criminal types to congregate on her premises” and LH 110 where the *nadītu* or *ugbābtu*, on entering the premises of the *sābītu*, will be burnt to death.

activities associated with beer (*ana šikarim*); [7] the prohibited conduct is to open up (*iptete*) or (*ulu*) enter into (*īterub*) a certain space. [8] The penalty *šuāti iqallūši* is death by burning. For ease of reference, Roth’s transcription and translation with the inclusion of the discussed terms and corresponding numbering, reads as:

šumma nadītum (var. adds *u*) *ugbabtum ša ina gagīm la wašbat bīt sībim iptete u lu* (var. *ulu*) *ana šikarim ana bīt sībim īterub awīltam* (var. *nadītam*) *šuāti iqallūši* (Roth 1999:456).²⁴

If a [1] *nadītu*, (and/or/likewise a *nadītu* who is an)²⁵ [2] *ugbaktu*, one who does not reside within the cloister (*ša ina gagīm la wašbat*), [7] should open (*iptete*) a tavern or (*ulu*) enter (*īterub*) a [4 & 5] tavern (*bīt sībim*) [6] for some beer (*ana šikarim*), they shall [8] burn (*šuāti iqallūši*) that woman [3] (*awīltam*) (var.: *nadītu*).

[1] Uncloistered *nadiātu* and cloistered *nadiātu*: the priestesses

Scholars’ interpretations of the primary sources of the *nadiātu* priestesses come mainly from the thousands of cuneiform tablets excavated from the OB site of Sippar and the hundreds of documents from the OB site of Nippur.²⁶

²⁴ See also Roth’s (1995:101, footnote 18 at 141) transcription and translation reading as: “*šumma nadītum ugbabtum ša ina gagīm la wašbat bīt sībim iptete ulu ana šikarim ana bīt sībim īterub awīltam šuāti iqallūši*. If a *nadītu* or an *ugbaktu* (or as if a *nadītu* who is an *ugbaktu*) who does not reside within the cloister should open (the door to?) a tavern or enter a tavern for some beer, they shall burn that woman.” Different versions of LH were excavated in the past century, for this scribal school artefact was throughout the centuries in Mesopotamia copied and recopied by the Mesopotamian scribes. The most famous and complete example is in the Musée du Louvre (see Claassens 2010). Roth (1995:73) utilised dozens of duplicates and extracts, as well as commentaries, for assistance in the transliteration and translation of LH. See Driver & Miles (1952:27–33).

²⁵ Within the context of LH 110, *ugbaktu* is used in apposition to *nadītu*, or preceded (cf. the variant reading) by the conjunction “and” (*u*), which can also have the meaning “likewise”. See Huehnergard (2005:527). See also Roth’s (1999:141) alternative translation in footnote 18 “as if a *nadītu* who is an *ugbaktu*”. See Roth (1999:448–449).

²⁶ Harris (1975) and Stone (1982) pioneered the study of the *nadiātu* of Sippar and Nippur, although limitations in the availability of sources forced Harris and Stone to make do with what they had. Harris’s main work in ancient Sippar (1975) focuses on the Sippar cloistered *nadiātu* and, to a lesser extent, the other two *nadiātu* groups. Harris studied thousands of cuneiform tablets, mainly from the *gagīm* of Sippar in northern Mesopotamia. After the 1975 work, Harris published extended versions in 1961, 1963, 1964, 1968 and 1969. Harris

The term *nadītu* is a *genus* term for three groups, namely two groups living in northern Mesopotamia, i.e., the uncloistered *nadiātu*-group of Marduk,²⁷ living outside the secluded areas of Sippar and Babylon²⁸ and the cloistered *nadiātu* of Šamaš²⁹ living in the *gagûm*³⁰ of Sippar. The third group from southern Mesopotamia, mainly the city-state of Nippur, live in the “place of the *nadiātu*” as the cloistered *nadiātu* of Ninurta.³¹

Stone (1982:62–63) considers the differences and similarities between the *nadiātu* groups as “superficial” and compares only the two cloistered groups with one another. I hereafter add the uncloistered *nadiātu* of Marduk in my comparison of the three groups.

The cloistered *nadiātu*-groups are mainly unmarried priestesses, forbidden to have children. However, the uncloistered *nadiātu* of Marduk are allowed to marry, but not to have children (Roth 1999:449; Harris 1975:315, 317). The uncloistered *nadītu* may provide her husband with a second wife (**ugètum**) whose children are the *nadītu*’s children.³² The second wife can be a younger sister, a free woman or a slave girl

elaborates on the *nadiātu*’s slaves and their names in contributions in 1976, 1977, and 1989. Stone (1977, 1982, 1987) focuses on the study of the Nippur *nadiātu* in their social role in the OB Nippurian society and studies texts of which 10% include the *nadiātu* as a contractual party (Stone 1982:51–52). This includes the study of genealogies of four to six generations in the examination of five hundred private contracts, predominantly consisting of recordings of transfers of privately-owned fields, houses and temple property, mainly concerning sale and inheritance transactions. Thus, while Harris’s textual sources derive mainly from OB Sippar *gagûm*, Stone’s sources are Nippur contracts as found in the houses of the Nippurians (see Stone 1982:51 fn. 3).

²⁷ With his wife Šarpanītum (Harris 1975:315).

²⁸ See Harris (1975:309). Textual references to this group were dated in Sippar from the reign of King Hammurabi in the OB period, probably as a result of bringing the god Marduk as a religion from Babylon to Sippar. In the text CT 8 49b, there is a reference to a *nadītu* coming from Babylon, hence the reference that the group could come from Babylon (Harris 1975:315, 325 fn. 36, 317–318).

²⁹ With his bride or fiancée (*kallātu*): Aya (Harris 1975:315).

³⁰ It is a walled enclosed area consisting of buildings where administrative staff and workers lived and maintained administrative tasks and chores, so that the Sippar *nadiātu* could focus on their business dealings (Harris 1975:38–208, 306, 310–312).

³¹ The “place of the *nadiātu*”, **ki-lukur-ra**, is differently structured to the *gagûm* of Sippar where, for instance, in the cloistered area, men were not owners of houses (Stone 1982:56).

³² See LH 144–147 dealing with the uncloistered *nadiātu*’s marriage and its financial implications.

(Harris 1975:317–322).

The *nadiātu* were from the powerful, rich and even royal families. It was a position of prestige. In general, the *nadiātu* institution provided the opportunity for the family to advance their position in society, both socially and economically. For a cloistered *nadītu*, entry to the institution could be secured if she had an aunt or great-aunt who was already a *nadītu*. However, for the uncloistered *nadītu*, an added advantage was having an elder sister as a cloistered *nadītu*, while she herself remained uncloistered (Harris 1975:307, 315–316; Stone 1982:62). Harris (1975:306) opines that, owing to the older sister’s status as a cloistered *nadītu* of Šamaš, this indicates that the cloistered *nadītu* was of a higher rank than her uncloistered *nadītu*-sister.

The uncloistered *nadītu*’s religious role was lesser, for there is no regular reference to renaming her in order to associate her with her temple and only one letter contains a salutation address (Harris 1975:315–316).³³ However, she did have some temple duties – daily or for periods – which were similar to those “services” a young bride would have to fulfil as part of her father-in-law’s household duties (Harris 1975:308, 322).³⁴

The *nadītu* received her dowry and ring-money³⁵ during her initiation into the priestess institution. She was afforded the opportunity of obtaining property through her wit and labour (Van Wyk 2014a, 2014b). Upon her death, her dowry was returned to her family, securing the continuation of her family’s patronage estate (Stone 1982:59–60; Harris 1975:307, 316–318, 1968:119; Van Wyk 2014a; 2014b).

The three *nadītu*-institutions differed in the manner in which the *nadītu* received and managed property for herself and for the advantage of her family and institution.³⁶

³³ Harris (1975:307) outlines the religious rituals of the cloistered *nadiātu* of Sippar with her entering into the *gagūm*, which includes a new name to express her “devotion” to her god/s – for example, Amat-Šamaš, meaning “the servant of Šamaš and Eristi-Šamaš” or Eristi-Aja for “requested by Šamaš or Aja”. However, the uncloistered Sippar *nadiātu* of Marduk seem to have no “pious names” (Harris 1975:309).

³⁴ For even in one text reference (a marriage contract), the second wife and adopted sister is obliged to bring the uncloistered *nadītu*’s chair to the temple (Harris 1975:320, 322).

³⁵ “Ring money” is found in the sale contracts and is jewellery which the *nadītu*’s father gives to her at her initiation into the priestesshood (Harris 1975:316).

³⁶ In my contributions regarding the *nadiātu*, I focus on the maintenance and inheritance provisions for the *nadiātu* from OB Sippar (Van Wyk 2014a) and those of OB Nippur (Van Wyk 2014b).

The Marduk uncloistered *nadītu* provided for her own support and own property (Roth 1999:457-458).³⁷ It is only in one sales text that she was partially independent, for she appears as a party in the sale of land, represented with her brothers (Harris 1975:317).³⁸ In LH 178³⁹ and in a Sippar text, the uncloistered *nadītu* could appoint another person if she was dissatisfied with her obliged family member in the maintenance of her dowry property (Harris 1975:318).⁴⁰ In contrast, the cloistered *nadiātu* of Sippar and Nippur were in many instances maintenance dependants; and their independence from the patriarchal household was in certain instances a “reality, but in other circumstances an illusion by limitation and even prohibition” (Van Wyk 2015). In the division agreements from Sippar and in the contracts from Nippur, on the death of the father, the brothers provided for a lifetime for their sister’s – a cloistered *nadītu* – maintenance needs (Van Wyk 2014a, 2014b). Consequently, the cloistered *nadītu* was only a beneficiary to her maintenance property (Harris 1976:133; Van Wyk 2014a, 2014b).⁴¹ Still, some cloistered *nadiātu* possessed some independence, as

³⁷ LH 182 reads: “If a father does not award a dowry to his daughter who is a *nadītu* dedicated to the god Marduk of the city of Babilon or does not record it for her in a sealed document, after the father goes to his fate, she shall take with her brothers her one-third share from the property of the paternal estate as her inheritance, but she will not perform any service obligation; a *nadītu* dedicated to the god Marduk shall give her estate as she pleases” (Roth 1995:118).

³⁸ The text Szlechter Tablettes 45 Mah 15935 gives a confused picture of the property rights of the uncloistered *nadiātu* (Harris 1975:317). Harris (1975:317) opines that either she was limited in selling her property (probably family property) or she cannot, like the cloistered *nadiātu*, sell her land-dowry without male family representation.

³⁹ LH 178 states that, if the father does not give his uncloistered *nadītu* daughter the freedom for the alienation of the property, then the brothers must support her by managing her property and allotting the proceeds to her. This form of maintenance consists of food, oil and clothing allowances in accordance with the value of her inheritance share. Furthermore, the onus is on the brothers to ensure that she is satisfied with the allowances. In the instance of non-compliance, the uncloistered *nadītu* is given the power to appoint an agricultural tenant who can then make better use of the land to provide her with maintenance from the proceeds of the fields and orchard.

⁴⁰ LH 179 states that if the uncloistered *nadītu*’s father gives the land-dowry as a free disposition, the *nadītu* has the freedom to bequeath it to whomsoever she pleases, otherwise the land is her brothers’ land and they must support her.

⁴¹ For instance, LH 181 states that a (cloistered or uncloistered) *nadītu* who did not receive her dowry shall, upon her father’s death, “take her one-third share from the property of the paternal estate as her inheritance” for a lifetime maintenance and “her estate belongs only to her brothers” (translations by Roth 1995:180). Thus, the *nadītu* keeps a close connection

shown in texts, which refer to acquiring property such as fields, houses and slaves next to or near their father's holdings (Harris 1975:310-311; Stone 1982:68). Generally, in Sippar, the cloistered *nadītu* received property via inheritance from her father or other *nadiātu*; sometimes obtaining and leasing property without representation (Harris 1975:310-312; Van Wyk 2014 a, b). In Nippur, the cloistered *nadītu* was represented by her father and/or brothers and, during and after the lifetime of her father, received property and benefits in the form of a dowry, gifts of various property and maintenance (Stone 1982:57-58).⁴²

Furthermore, the Nippur cloistered *nadiātu* formed part of three social institutions: patrilineal lineages, the temple office group and the *nadītu* institution (Stone 1982:55, 1977:283-287, 1987:133). The Nippur *nadītu* maintained a symbiotic relationship with her family lineage and “close economic ties” with her family (Stone 1981:19), while serving her family's interests and acting as a link between the patrilineal lineages and the temple office group, protected by her family (Stone 1981:69; Van Wyk 2014b). While in Sippar, the *nadītu* institution once had a “spiritual and social role” and in the later OB period, the function of the temple office became of lesser importance (Harris 1968:119, 117; Stone 1981:69). In Sippar, cloistered and uncloistered *nadiātu* might or could gain some independent economic advantages, especially in the later OB periods (Stone 1982:69; Van Wyk 2014a, 2014b, 2015).

with her family. The property gained by the *nadītu* was “at least partly” controlled by her brothers (Stone 1981:18). In LH 180 the cloistered *nadītu* shall, as a lifetime-maintenance, “have a share of the property of the paternal estate comparable in value to that of one heir,” on the condition that “her estate belongs only to her brothers”. However, in some Sippar texts, the cloistered *nadiātu* of Sippar sometimes engaged in conflicting roles with their family members by adopting and bequeathing their maintenance property to their beneficiaries (Harris 1975:335–357, 1963:152–154).

⁴² In text ARN 29 three types of property are awarded to the Nippur cloistered *nadītu*, Beltani. A list of goods is given in the form of a dowry, consisting of household goods, grain and a slave girl, a “substantial plot” of 18 **iku** field coming originally from her *nadītu* aunt's estate (Stone 1982:57) and 3 **iku** plot provided by her father and her eldest brother. Beltani receives a lifetime of maintenance support. In a later agreement, CBS 7112, PBS 8/2, her maintenance is reduced and Beltani receives from her brothers a monthly ration of grain, oil and an annual ration of wool for life (Stone 1982:58).

[2] *Ugbabtu*: the uncloistered priestess

The *ugbabtu* priestess, also referred to as NIN.DINGIR is not, like the *nadiātu*, well-attested in the Old Babylonian sources (Harris 1975:313).⁴³

In text CT 6 22a and Waterman Business documents 34 and 35, the *ugbabtu* was of lesser status than the cloistered *nadītu* of Šamaš and received far less property in value (Harris 1975:314).

The *ugbabtu* was usually the younger sister and her eldest sister – the cloistered *nadītu* – was of higher rank (Harris 1975:314), similar to the position of the uncloistered *nadītu* sister in LH 110 (see Section [1]).

Nevertheless, the *ugbabtu* gained special privileges and in LH 178-179 the *ugbabtu*, with the *nadītu* and *sekretu*, gained some advantages regarding her dowry, although certain provisions concerning the use of such property limited the priestess (see Section [1]).

However, in the context of LH 110, the *ugbabtu* is referred to as the NIN.DINGIR – the one “who does not reside in a cloister” – and, according to Harris (1975:313), this implies that there were *ugbabātu* who lived in a cloister. Evidence for a cloistered *ugbabtu* is indicated in an inheritance text, litigation texts and seal inscriptions (Harris 1975:314).⁴⁴

In addition, the rendering of the *ugbabtu* priestess in the context of LH 110 is confusing. Roth mentioned three possible translations. Either there is only reference to a single offender: the *nadītu* who is an *ugbabtu* and who does not reside in the cloister. However, the variant of *u* in Source S contradicts this notion (Roth 1999:448). As another “extreme” alternative, there are three offenders: any *nadītu* or any *ugbabtu* or any woman who does not live in the cloister. As a third alternative, taking into consideration the phrase *ša ina gaġim la wašbat*, with the variant *u* it could render the meaning of either any *nadītu* or *ugbabtu* who does not reside within the cloister, but

⁴³ In LH, references to the *ugbabtu* include LH 110, 127 and 178–179. See also references in CAD U & W (Roth 2010:33ff). See Klengel’s (1971) three texts of the *ugbabtu* priestess, regarding her property.

⁴⁴ For instance, in the seal impressions the officials living in the cloister were linked to the title “steward of the *ugbabtu*” (Harris 1975:314).

here the inference for both priestesses is their uncloistered status (Roth 1999:449).

[3] *Awīltu*: “that woman” or the independent woman

In the context of LH 110, the term *awīltu* is referentially equal to *nadītum* (var. adds *u*) *ugbabtum ša ina gagīm la wašbat* (cf. the variant reading *nadītum*), and translated by Roth as “[that] woman”. Roth made some inferences as to the etymology of the term. In LH 110, the penalty *šuāti iqallūši* is translated as “they shall burn that woman”, with a reference to *awīltu* and *sinništu*. Roth (1999:458-459) considers the *sinništu* as a married woman or divorcée or widow in an economic male-female relationship and that the “preferred” *awīltu* term shows that this woman is without male representation and an “independent actor”. In CAD A 2 (Oppenheim 1968:46) *amīltu* (*awīltu*) is translated as either a free woman in commercial transactions, or a woman of lower or undetermined status or a female. CAD A 2, under number 2 (Oppenheim 1968:47), refers to the *awīltu* in LH 110 as a woman of lower or undetermined status connected to the “tavern”. However, Roth (1999:459) translates the *awīltu* in LH 110 within the ambit of the number 1 of the CAD A 2’s *awīltu* as a “free woman”.

[4] *Sābītu*: the shopkeeper-cum-money-lender

The *sābītu* is a common denominator in LH 108, 109 and 111 and, although in LH 110 the *sabītu* is not specifically mentioned, she is implied within the connotation of her mentioned business place – the *bīt sībum* or house in LH 108-110. Only LH 111 does not include the *sabitu*’s business place or house, but makes special reference to her and to the regulation of a related beer-business activity, i.e., the loan of a standard jug of beer, the *pīhu* (*ištēn pīhtum*). Related beer-business activities (*šikarim* or *pīhtu*) entail more than just drinking beer as a common denominator in LH 108, 110 and 111.⁴⁵ In LH 109, while there is no connotation of beer activities, again the *sabītu* and her house (*sābītum...ina bītiša*) are explicitly mentioned. See the schematic outline in Table 2 (infra), supporting this explanation.

⁴⁵ See further discussion under the sub-heading “*Šikaru*: related beer-business activities.”

Table 2 *Sābītu*, her house/workplace and beer activities in LH 108-111

LH 108	LH 109	LH 110	LH 111
<i>sābītu</i> , rules of business	<i>sābītu</i> , her house, rules of business	<i>bīt sībun</i> connected with <i>sābītu</i> , rules of business	<i>sābītu</i> , rules of business
<i>šikarim</i> (beer)	implicitly refer to beer activity	<i>šikarim</i> (beer)	<i>pīḫu</i> (standard jug of beer)

The term *sābītu*⁴⁶ is known in the OB period through a variety of different literary sources. From the law collections, the profession is usually translated as a “tavern keeper” or “barmaid” and in CAD S as an innkeeper or beer merchant (Reiner 1984:5; Assante 1998:66). Mainstream scholars associate the *sābītu* with illicit behaviour possibly because of the scenes in OB terracotta plaques and in literature, connecting the *sābītu* with beer and seemingly illicit sex (Assante 1998:66). The *sabītu* is portrayed as a “tavern-goer” in search of a sexual companion or facilitating sexual services. These assumptions are fuelled by the function of certain goddesses whom scholars associate with illicit sexual behaviour and beer in the tavern, i.e., the goddess Ninkasi as the patron goddess of brewing, and certain behaviours by the goddesses Inanna and Ishtar (Assante 1998:66). By contrast, there are also texts wherein Inanna enters the “tavern” as a young bride or a virgin sister (Assante 1998:66).

Scholars’ interpretations of excerpts from the Sumerian literature also contribute towards the obscuring of this profession. For instance, Mobley (2006:100-101) in his discussion of the meeting between Siduri, the *sābītu* and the king Gilgamesh, considers the *sābītu*’s workspace as an “inn near the sea” and an “outpost of culture in nature”. Mobley (2006:100-101) translates the term *sābītu* as an “ale-wife, a female tavern keeper and extra-domestic woman” in analogue with Šamhat, the *ḫarimtu*, which Mobley (2006:100-101) translates as a “prostitute”. Mobley (2006:100-101) underlines how Siduri, the *sābītu*, told Gilgamesh about the “pleasures” of life in “persuasive” language. However, Mobley overlooked the fact that Siduri gave Gilgamesh the *carpe diem* speech and with this Mobley limits Siduri’s role in the Epic

⁴⁶ In the CAD S, the male *sābū* (pl. *sābū*) originated from the Sumerian **lú-kaš-din** and the female *sābītu* (pl. *sābīātu*) from the Sumerian **lú-geštin-na** (Reiner 1984:5).

to that of a present-day barmaid of a bordello (Assante 1998:67). In addition, Slater (1991:12) states that beer drinking takes place in a commercialised “inn” by an “innkeeper” who “sells alcoholic beverages” and it is a “banal form of drinking”. Slater (1991:12) comments that the craft of beer by the male *sabu* and female *sābītu* is the same as the institution of inns and alewives from the early Sumerian times, such as Ku-Baba, the founder of the fourth dynasty of Kish, in the Sumerian King List and Siduri in the Gilgamesh Epic. Mobley and Slater (1991:12) go so far as to connect the workspace of the *sābītu* with present-day brothels and Slater (1991:12) contends that in these “brothels” “special forms of service” are performed in a “combination of alcohol and sex”.⁴⁷ Contrariwise, Assante (1998:68) considers the two *sābiātu*, Kubaba and Siduri, as “grand figures”: Kubaba as a ruler of Kish, and Siduri as the “paragon of wisdom” in the earlier OB version of the Gilgamesh Epic.

In addition, Roth (1999:446 fn. 6) affirms that the more suitably translated term for *sābītu* is not an innkeeper but a “tapster”, to remove any anomalies of misunderstanding associated with other translations and present-day connotations such as a barmaid and a tavern innkeeper. Although CAD S (Reiner 1984:5) translates the term *sabû* as “to draw beer” and *sābu* B as “beer”, CAD S also makes a distinction between a brewer (*siraš/sirāšû*)⁴⁸ who brews the beer, and the *sābû/sābītu* who was in charge of brewers, beer selling and involved in credit transactions, similar to those of the *tamkāru* (Reiner 1984:9).⁴⁹ Therefore, the *sābû* or *sābītu* is not only involved in the brewing process of a presumed ale-man/ale-woman, but acts also as a bar-person who sells beer. Some paragraphs of the law collections show that the OB *sābītu*’s duties and responsibilities are more than just those of a tapster, as reflected in the Laws of Ešnunna (§15 & §41),⁵⁰ for in §1 of the Laws of X⁵¹ the *sābītu* acts as a

⁴⁷ In contrast, see Assante’s (1998:70–77) criticism regarding mainstream scholars’ viewpoints of Siduri of Gilgamesh.

⁴⁸ See Harris (1975:283) regarding texts of the *sirāšû* delivering beer.

⁴⁹ See Harris (1975:282) regarding a text where the *sabītu* hires a slave to grind barley once a year and then the same *sabītu* delivers two gur of barley to a steward. The *sabītu*, in another text, is responsible for five bundles of onions.

⁵⁰ See LE 15 where a merchant and *sabītu* will not accept silver, grain, wool, oil or anything else from a slave and in LE 41 when *naptaru*, *mudû* and a foreigner buy beer, then the *sābītu* shall sell the beer at the current rate (See Roth 1995:41, 61).

credit-giver of beer. In addition, from the same economic LH grouping of LH 110, the *sābītu* emerges as a broker of the exchange rate between beer and grain in LH §108⁵² and §111.⁵³ Then, in LH 109,⁵⁴ the *sābītu* keeps the “local security” and in the Edict of Ammisaduga the *sābītu* is not allowed to be dishonest in the weighing process of goods (see Assante 1998:71).

In LH, if the *sābītu* committed certain economic transgressions, she was heavily penalised by means of the death penalty. The *sābītu* business is thus “closely monitored by the state”, especially her “financial dealings” (Assante 1998:72).

The *sābītu* and *sābû* profession disappear by the end of the OB period.⁵⁵

[5] *Bīt sībum*: the shop-cum-financial institution

As discussed, mainstream scholars translate the *bīt sībum* as “tavern”, “alehouse” or “brewery” and some scholars associate and translate the term with a “brothel” or “bordello”. The term “tavern” is from the Sumerian *é-èš-dam*, and Akkadian *bīt astummu* (Oppenheim 1965:282; Reiner 1984:9-10).

The tavern (*é sību*) was a shop situated in the city square (the *ribītu*) or on a wide street. In the texts, the *nadiātu* could be tavern keepers who lease the taverns out. For instance, in one text the *nadītu* inherited from her mother a large house, half a tavern and half a shop (Harris 175:20-21).

While the translation of the *bīt* in the CAD B includes 1. house, dwelling place,

⁵¹ §1 of the Laws of X states, “If a woman innkeeper or tapster gives one of her vats (of beer on credit) to a man, (she shall receive) 50 **silas** of grain at the harvest” (Roth 1995:38).

⁵² LH 108 states, “If a woman innkeeper/tapster (*sabītu*) should refuse to accept grain for the price of beer but accepts (only) silver measured by the large weight, thereby reducing the value of beer in relation to the value of grain, they shall charge and convict that woman innkeeper/tapster and they shall cast her into the water” (Roth 1995:101).

⁵³ LH 111 reads, “If a *sabītu* gives one vat of beer as a loan(?), she shall take 50 **silas** of grain at the harvest” (Roth 1995:101).

⁵⁴ LH 109 reads, “If there should be a woman innkeeper/tapster (*sabītu*) in whose house criminals congregate, and she does not seize those criminals and lead them off to the palace authorities, that woman innkeeper shall be killed” (Roth 1995:101).

⁵⁵ Although there are two texts in the Neo-Babylonian period attesting to the *sābītu/sābû*, in the one isolated text, the female slave of wealthy owners opens a tavern. In another possible text, it is not clear if it refers to the *sābītu/sābû* (Assante 1998:69).

shelter for an animal, temple and palace; 2. estate; 3. room of a house etc.; 4. a place, or area; 5. household (Oppenheim 1965:282ff), in the CAD S, *sābû* in *bīt sābî* (*bīt sēbi*, *bīt sābīti*) is translated as a tavern (Reiner 1984:9). In addition, CAD S translates *sābûtu* as the innkeeper's trade and in the textual reference to this term the emphasis is on the availability of barley for the innkeeper's trade (Reiner 1984:10).

In the earlier OB periods, the translated term “tavern-keeping” was a “common and respectable female occupation”, later taken over by men. In the Old Babylonian sources, there are numerous “restrictions and regulations on tavern owners”, although none could be proved to involve direct sexual/illicit behaviour. With regard to the one activity exercised in the *bīt sībum*, namely that of drinking beer, textual evidence shows that Mesopotamians drank an “estimated four to five litres of beer daily” and therefore places such as the so-called “beer stalls, home breweries and taverns” were a common OB feature. Men, women and children of all ages drank beer (Assante 1998:68).

In addition, the *sābītu*'s duties in the *bīt sībum* extended to those similar to a local “banker”⁵⁶ wherein she acted in the law collections as a merchant and broker, as well as a money-lender. In addition, the *bīt sībum* served as a type of a pharmacy wherein magical-medical practices occurred. Even the dust on the floor of the taverns was used in magic rituals (Assante 1998:68).

Consequently, the *bīt sībum* was more than a tavern or an inn and rather a collective business incorporating a restaurant, bar, pharmacy, financial institution (money-lending etc.), and a gathering place for companionship; in short, it provided for the private and public needs of the community (Assante 1998:68-71).

[6] *Iptete* and *īterub*: the opening up or entering into the business place of the *sabitu*

The pair of verbs *iptete* and *īterub* (“opened” and “entered”) are translated by Roth (1995:101) as “...should open (*iptete*) (the door to?) a tavern or (*ulu*) enter (*īterub*) a tavern (*bīt sībum*) for some beer”. Roth (1999:454-455) reads the *petû* verb with the

⁵⁶ See Assante (1998:68).

object *bīt sībum* as a “physical and metaphorical” “specific confined space” (at 454) which the priestess is forbidden to “open up” or “make accessible”. In the CAD P, the verb *petû* (*patû*, *patāu*) is translated as (1) to open a door, room, orifice etc., (2) to open a room, doorway etc., (3) to bare, uncover or reveal, etc. (Roth 2005:340-351). In addition, Assante (2009:6) opines that orifices, like all liminal zones, were unstable areas of flux and transition. Texts often construct malevolent forces such as black magic, demons, disturbed ghosts and divine disfavour, which invade the body through these gateways and orifices (Assante 2009:6). Thus, in a symbolic connotation of the opening into or entering of the *bīt sībum*, the *nadītu* moves into an unstable area of transition: a space having secrets. This metaphorical rendering of the pair of verbs reflects the Mesopotamians’ perception of symbolic meanings for different actions and objects, as attested in their different communication mediums.⁵⁷

Keeping within the realm of economics, the verb term *erēbu*⁵⁸ in CAD E is the closest to *ana bīt sībim īterub* (enter into the tavern) meaning 1. a) to enter (in genitive), [i.e. *erēbu* followed by a preposition] 1. b) said of human beings (Oppenheim 1958:260-261), 3. a) idiomatic phrases in legal contexts (Oppenheim 1958:262-263) and 3. b) to enter (with legal implications) said of women. Sub-section 3 (b) refers to texts where a woman who entered a house to live as a wife or daughter-in-law is subjected to legal implications/limitations/obligations (Oppenheim 1958:264).⁵⁹ At the said entry, examples of *erēbu* plus *ana* are given, e.g., entering into (*ana*) a *bīt sībum*. Two distinct acts have taken place with *iptete* (should open) or *īterub* (enter into) (Roth 1999:453-454). With *iptete*, the uncloistered priestess opened

⁵⁷ Malul (2002:5) emphasises that the “human senses ... are the key to understanding the epistemology of a certain culture”. In every culture, there are “different configurations of the human sensorium.” If we are not aware of this in our study of a given culture, there is “a real danger of imposing our frame of reference on a completely alien subject-matter”. See also Malul (1988) and Hibbits (1992) regarding multi-sensory communication, as well as symbolic acts in the Mesopotamians’ daily life and activities.

⁵⁸ Roth (1999:455) considers the common verb *ērebu* to be “elusive”, for concretely the priestess physically enters a place. However, what is then the intention with the phrase *ana šikarim*? For it is unclear whether the uncloistered priestess enters the place to “order a drink or imbibe (*ana šatim*) beer as a paying customer” or “to purchase (*ana šāmim*) beer for resale” or “to sell (*ana nadānim*) beer to the proprietor”.

⁵⁹ Note with this also the immediate reference to the “awīltu”. See sub-section (infra) “[3] *Awīltu*: “that women” or “the independent woman”.

up a specific realm, the business place of the *sābītu* who traded in beer activities or, as an alternative, the uncloistered priestess entered into a space with legal implications, i.e., the business place of the *sābītu*, for some beer activities. Thus, a more literal rendering could be “... should open up the business-place of the *sābītu* (*bīt sībim*) (inferred: connected with beer activities) or (*lu*, var. *ulu*) should enter the business place of the *sābītu* (*bīt sībim*) for beer activities (*ana šikarim*)”.

[7] *Šikaru*: related beer-business activities

In LH 110, the beer activity – *šikaru*⁶⁰ – is connected with the *sabītu*’s *bīt sībim*: the business place of the *sabītu*. In CAD Š Part 2 (Reiner 1992:420-422), the *šikaru* is notated as beer (made from grain) for brewing and selling, and 2. fermented alcoholic beverage with reference to drinking. Other connotations of the *šikaru* as a beer term include medical conditions, rations or provisions, offerings and rituals (Reiner 1992:420-428). Thus, in context with LH 110, the term *šikaru* included a wider notion than that of just beer drinking and refers to related beer-business activities.⁶¹

[8] *Šuāti iqallūši*: the public execution of burning to death

The penalty *šuāti iqallūši* translates as “they shall burn that woman”, showing that a “horrendous crime” has been committed and a “dramatic and public execution” takes place (Roth 1999:459). This is why Roth (1999:459-460, 461) thinks scholars associate LH 110’s offence with some sort of deviant sexual behaviour.

Roth (1999:464) outlines in a table format the “dramatic executions” of death sentences, consisting of death by fire, water, and hanging/impaling. Although Roth (1999:461) deduces that most of the dramatic executions involve an element of secrecy, the intention to defraud – a crime committed without witnesses, behind closed

⁶⁰ As previously discussed, the corpus of LH 108, 110 and 111 entails beer-business activities connected with either the *sabītu*’s *bīt sībim* and/or the *sabītu*. The exception is LH 109, which only mentions the *sabītu* and her house (*sābītum...ina bītiša*) but excludes beer activities. In LH 108, the beer activity is noted with the term *šikaru*, connected with the *sabītu*.

⁶¹ In contrast, the term *pīḫu* in CAD P refers to an exclusive meaning – that of a standard jug of beer, the *pīḫu* (*ištēn pīḫum*) (Roth 2010:369–370).

doors, and with a violation of trust – Roth also mentions that it seems that LH 110 is excluded from this common denominator of secretive evasive transgression.

However, when studying LH, in seven of the thirty-four LH penalties, women received dramatic violent death penalties (as highlighted in the three tables *infra*). In all seven of these violent death penalties for women, the common denominator was that of concealment, whereby the woman as the actual perpetrator committed a furtive crime. As previously discussed, the type of transgression in LH 110 was also an act of stealth and forms part of the sub corpora LH 108-110, inflicting a death penalty on the transgressor-woman. Whilst in LH 108 the punishment is death by water and in LH 110 by being burned alive, the unspecified death penalty in LH 109 does not reduce the death sentence to a less violent death, but rather lends discretion to the king/state to decide on the severity of the type of death on a par with the severity of the transgression.

In general, in LH there are three stealthy offences resulting in the death penalty by burning the offender alive (see Table 3 outline, *infra*), which include LH 110. LH 25, in the case of a looter in a fire and in two instances, specifically targeted women: LH 157, in the instance of incest between a son and mother, as well as LH 110 with the opening or entering of a *bīt sībum* by the uncloistered *nadītu* (Roth 1999:461) possibly committing tax evasion.

Table 3 Fire penalties in LH

Fire		
<i>LH paragraph (divisions)</i>	<i>Offender</i>	<i>Offence</i>
110 (economic: <i>sābītu</i>)	woman: priestess	open/enter tavern
157 (marriage: incest)	woman: mother	incest with son
25 (property: housebreaking)	Looter	loot others' property in fire

Then death by water in LH occurs with the following secretive and concealed transgressions (see Table 4 outline, *infra*), including the paragraph in the corpus – LH 108 – where the *sābītu* takes advantage of the seasonal price fluctuation, which could have dire economic consequences for society and warrants a harsh penalty (Roth 1999:460). It also occurs where the father-in-law in LH 155 commits incest with his

daughter-in-law and in LH 129 when the wife is an adulteress, in LH 133b when the wife enters another's house and in LH 143 where a wife squanders the resources of her husband.

Table 4 Water penalties in LH

Water		
<i>LH paragraph (divisions)</i>	<i>Offender</i>	<i>Offence</i>
108 economic: <i>sabītu</i>	woman: <i>sābītu</i>	devaluation of beer
129 marriage: adultery	woman and lover: wife	adultery
133b marriage: remarriage	wife	entering another's house (adultery?)
143 marriage: divorce	wife	squandering of husband's resources
155 marriage: incest	father-in-law	incest

The penalty of hanging or impaling occurs (see Table 5 outline, *infra*) when a burglar breaks into a house (LH 21), when a non-owner of a slave commits the act of removing a slave's mark (LH 227) and again concerning a wife where the wife conspired to murder her husband (LH 153): all secretive and concealed transgressions.

Table 5 Impaling or hanging penalties in LH

Hanging/Impaling		
<i>LH paragraph (divisions)</i>	<i>Offender</i>	<i>Offence</i>
21 economic: housebreaking	burglar (hanging)	breaking into house
153 marriage: murder	woman: wife (impaling)	conspiring to murder her husband
227 professions: barber	non-owner of slave (hanging)	removing slave mark to mislead others

COLLECTION OF TAXES AND LH 110

In the prologue of LH, King Hammurabi in the first person boasted of his huge public works such as restorations and building of canals, temples and city-walls. His letters to his high officials show the king's continuous and eager involvement in collecting taxes to support his costly temple, civil and military projects (Van de Mieroop 2005:82-84). Thus, the state's revenue is the lifeblood of the king/state and the

“primary interest and concern of the king” (Harris 1968:732, 1975:40). Numerous types of taxes existed and various tax collectors were responsible for collecting taxes, depending on the professions held and other circumstances. The main aim was to secure an effective fiscal regulation.⁶² Notwithstanding this, the OB bureaucracy was not completely successful in its fiscal management, to the detriment of the state/king (Harris 1968 fn. 48, 732).⁶³ The OB kings’ anxiety in this failure is evident in the correspondence letters between the Babylon king and the city administrator/s of Sippar (Harris 1968:732).

Fiscal regulation of the *sābītu*

CAD S (Reiner 1984:6) shows in textual references that the *sābītu/sabu* and cooks were regulated and placed on a tax register (cf. Goetze 1965). Goetze (1965:211-215) refers to an OB Sippar tablet from the Library of Smith,⁶⁴ outlining the fiscal

⁶² From the Sippar texts, numerous types of taxes were imposed on different officials and craftsmen. For instance, the *nēmettum* was a “kind of licence fee” and “paid in kind”, while the *igisû* and *ilkû* are paid in silver. The *ilkû* is imposed on persons who held royal holdings and also on the College of Judges; even, in one case, the town of Sippar-Jaḥrurum had to pay a large *ilkû* tax of 300 shekels of silver (Harris 1968, fn. 47, 732). See other forms of taxations in the OB, outlined by Ellis (1974:211–250).

⁶³ Jursa (2011) re-investigates the Achaemenid’s empire tribute and tax system imposed on Babylonia and Assyria: mainly in the imperial phase of the Neo-Assyrian Empire (Sennacherib, Esarhaddon and Ashurbanipal). Jursa (2011) made a study from different archives. Taxes in King Darius’ time were generally paid in kind, and only on higher levels were they paid in silver or gold (Jursa 2011:431–432). See also Scheepers’ (2010) discussion of the Neo-Assyrian kings maintaining a non-interference policy in their fiscal regulations.

⁶⁴ Goetze’s (1965:211–212) translation reads: 1. Concerning getting the tavern keeper (*sabi^{mes}*) and cookshop operators liv[ing in...] 2. during the year: new year after Ammi-ditana, the king built Bad-Ammi-ditana, 3. who to Utul-Ishtar, the scribe, 4. have been assigned for collecting (the taxes), 5. completely inscribed (in the register), 6. (concerning) bringing the silver of their impost to the palace (*nēmettu*), 7. (concerning the rule) not to keep concealed a tavern keeper (*sabu*) or a cookshop operator, 8. (concerning the rule) not to substitute 9. slaves of free men for a tavern keeper of cookshop operator of the villages, (concerning the rule) not to get inscribed 11. a tavern keeper (*sabu*) or a cookshop operator liable to pay silver on the list of those tax-exempt 12. the *rabiānū* went up to Šamaš (?) and then 13. Ilšu-liblut, the foreman of the *gallābu*, 14–16. [...], 17. and the aldermen (of their villages) 18. [spoke] thus; [this is what they said:] 19. “One tavern keeper [...], 20. one cookshop operator [...] Lower Edge 21. of [the village ... we got inscribed (in the register)]. 22. ... one tavern keeper ... [...] 23. ... one cookshop operator ... [...] Reverse

regulations of the tavern keepers and cookshop operators by the *rabiānu*. The text reflects the *rabiānu*'s oath (lines 29-32), confirming the proper inscription in the register of the tavern keepers (*sabu*) and cookshop operators, that no concealment of any of these professions happened, and that these professions are not inscribed on the tax-exempt list. If the *rabiani* failed to properly register and maintain the collection of taxes, they would be held personally liable for damages incurred by the state. Goetze (1965:213) opines that this tablet provides the information that the *rabiani* were responsible for the proper implementation of the regulations relating to their registration of the tavern keepers and cookshop operators of villages and the payment of their taxes (*nēmettu*).⁶⁵ Two terms merit discussion, i.e., *nēmettu* and *rabiānu*.

The term *nēmettu* is attested in OB letters and documents from Sippar and other northern regions of Babylonia and has a range of meanings, depending on the context (CAD N in Reiner 180:163-164). In some texts, it undoubtedly referred to a levy mostly paid to the state, usually by persons with professions and titles. In other cases, the meaning of the word *nēmettu* is not so clearly determined (Pecha 2005:39-43).⁶⁶ The tax was usually paid in kind, often in animals or animal products (Pecha 2005:39-43). The text from Goetze is an exception, for the *nēmettu* tax was payable in silver. However, the text is dated in the thirty-sixth year of the reign of Ammi-ditana (a later

24. who turned up in Kar-Šamaš 25. we brought here (to Sippar) 26. except this one tavern keeper or cookshop operator 27. whom we got inscribed (in the register) 28. we did not conceal any tavern keeper or cookshop operator 29. we did not substitute slaves of free men 30. for any tavern keeper or cookshop operator, 31. nor did we get any tavern keeper or cookshop operator liable for paying silver 32. inscribed on the list of those tax-exempt." 33. This they spoke and swore on oath by Marduk and Ammi-ditana, the king. 36. For any tavern keeper or cookshop operator belonging to ... [place name?] whom they will keep concealed, 37. (for) substituting slaves of free men and tax-exempt people 38. whom (afterward) the *qabbāḥum* (police officer ?) 39. will bring to the palace, 40. and (for) any tavern keeper and cookshop operator who will disappear 41. they will be responsible to the palace. 42. Month Sebūtum, 20th day. Upper Edge 43. Year: new year after Ammi-ditana, the king 44. [built] 45. Bad-Ammi-ditana.

⁶⁵ In the CAD N, Part 2, under heading 2, *nēmettu* is explained as a tax (Reiner 1980b:163).

⁶⁶ Oppenheim (1947) outlines the fiscal practices of temple and state and notes that a cash box, mostly of silver, was sometimes used as payment. However, in the agricultural-based society of Mesopotamia, payments were made in the commodities of barley, dates and other produce, evaluated by certain officials (Oppenheim 1947:118ff.). In later periods, a "list of quotations" determined the value of the commodities in silver (Oppenheim 1947:119–120).

reigning OB king) (Harris 1975:40).

The *rabiānu* who in Goetze's text collected the *nēmettu* tax from the registered tavern-keeper (*sābû/ sâbîtu*) acted in the OB period as a tax assessor, field measurer and accountant in the king's agricultural organisations and the temple (Oppenheim 1947:116-120).⁶⁷

Fiscal regulation of the *nadiātu*

In OB Sippar, the main institutions, namely the city administration, military, judicial and temple organisations, represented the king of Babylon.⁶⁸ The quintessential function of the city administration was to collect taxes mainly for the state (Harris 1975:38-39), but each city-state held its own main god/s and temple/s, specific culture and life. However, in the prologue to LH, Hammurabi relates how he captured each city-state, gaining complete control over each city-state's inhabitants (Van Mieroop 2005:70-81). It is thus not surprising that during Hammurabi's reign institutional changes took place where centralisation and control were heightened (Harris 1968:728-729).⁶⁹ This is noted in the seal impressions of the *gagûm* officials. In the

⁶⁷ Seri (2005:78–50) outlines the scholarly debate regarding the position and function of the *rabiānū*, especially regarding the profession's different functions, e.g., as administrators of city properties (2005: 84–87, 94–96). Seri (2005:90) also discusses the function of the *rabiānū* as tax collectors for certain professions and occupations. Stol (1976:85–87) considers the *rabiānū* in the earlier texts as a "sheikh or chief of a tribe" and in the later periods as a "burgomaster or alderman". Gallery (1979:74) refers to the *rabiānū* as the "urban office of burgomaster", acting as "spokesman" in the settlement of disputes, rather than being sheikh of a tribe by descent. Also, the *rabiānū* is involved in the hiring of labour workers and a leader. See Stol (1976:76) who considers that *rabiānū* is also "leader" and refers to OB texts wherein there are simultaneously two *rabiani* present in the city-state. Therefore, Stol (1976:80) opines that a territory can have several *rabiani*, headed by the burgomaster *rabiānū* of the town. The *rabiānū* also appears as a witness, especially with leases and sales and thus could assist in the settlement of later disputes (Seri 2005:90).

⁶⁸ See outline of the three OB economic sectors in Godderis (2007:204–208).

⁶⁹ However, in the OB period, especially the Hammurabi period, a well as pre- and post-Hammurabi periods, institutional changes took place. Harris (1968:728) uses the contracts of that period, especially those from the *gagûm* in OB Sippar, to outline these changes. In the contracts, before Hammurabi's period, the scribes omitted the year dates of the kings. However, from the reign of Hammurabi, year dates are included, reflecting the purchase prices, with a few exceptions in some sale contracts. The scribes now include descriptions of the four neighbours, instead of the previous description of two neighbours (Harris 1968:728). After Hammurabi, later rulers established standards in the field rentals (Harris

pre-Hammurabi period, the temple and state were separated and in the seal impressions, the cloister officials refer to themselves as the servants of the temple Ebabbar or as the servants of Šamaš, but in the middle of the Hammurabi period, the phrase on the seal impression changes to the servant of King Hammurabi (Harris 1968:729, 1975:40). Thus, control over temple and *gagûm* offices changed from the temple hierarchy to the king (Harris 1968:729).⁷⁰ It was an important change, for the OB temple was not only a religious centre, but also an essential economic centre, similar to a present-day financial banking institution. The OB temple held even more importance, for its financial transactions carried with them the added weight of official authority and religious sentiment (Bromberg 1942:77). Especially, the OB Sippar temple held great prestige, for the god Šamaš was the sun god and lord of justice and righteousness, and Sippar, the so-called “eternal city” of Babylonia⁷¹ (Van de Mieroop 2005:80).

The temple was one of the different creditors, other than wealthy individuals and entrepreneurial creditors (Goddeeris 2002:385, 388-389). In LH, the interest rate on grain loan was 33.3% per annum (Bromberg 1942:80-81) and 20% for money loans. However, in a loan contract (KU 855) of a cloistered *nadītu*, the priestess charged an interest rate of six percent of the lending capital instead of the usual 20%. The interest

1968:728).

⁷⁰ The diminutive power of the temple is also noticed with the *sanga*, the chief administrator of the temple, in Harris's (1968) study of the sequence of witnesses in legal transactions. After Hammurabi, from the period of Samsuiluna, the *sanga* acts less frequently as a witness in the transactions of the *nadītu* of Šamaš. The administrators of the city of Sippar are given more power: e.g. in a temple account, the city officials act as witnesses. This change is also seen with the *šatammu* officials who were the managers of the temple granary. Before Ammisaduga, the *šatammu* is mentioned with other temple officials in the temple transaction, but then from the Ammisaduga period the city officials appear as witnesses (Harris 1968:729). Also, before Samsuiluna's reign, the city administration was managed by the elders with the *rabiānū* as the head, but during the reign of Samsuiluna the *karum* is the chief city body (Harris 1968:730). One reason for the change could be that the *karum* consisted of a “prosperous merchant” and that the judges were the “wealthy and respected citizens” of the city-state, with the Overseer of the Merchants who, though not a merchant, was often a member of the College of Judges. The group seems to be more effective in their fiscal regulation and tax collection (Harris 1968:730; Ellis 1974:211–250).

⁷¹ Sterba (1976) outlines the temple organisation and considers the temple also as a “bank” (Sterba 1976:19; Bromberg 1942:77).

rate of the temple of Šamaš was one-third of the “prevailing legal rate” (Bromberg 1942:83). The temple thus received less income from their loans than the state did from the gains of the private persons lending capital to others.⁷²

The Sippar *nadiātu* acted as creditors and money-lenders, although it seems that the cloistered *nadītu* who served as creditor in lending money at a certain interest, did so as a representative of the Šamaš temple (Harris 1975:311-312). Only a few *nadiātu* are attested in the texts as lending money and Harris considers that it is a “curious” result, for either this was accidental or shows that they acted in an official capacity as money-lenders on behalf of the temple (Harris 1975:312, fn 15).

In the instance of the uncloistered *nadītu*, the prohibition against conducting a money-lending business is idealistically proposed in LH 110. In the instance of such a transgression, the uncloistered *nadītu* acted as an independent woman or *awīltu*. Furthermore, the uncloistered *nadītu* of Marduk only had some religious duties to the temple and lived outside the *gagûm*. She could therefore utilise her wealth, gained from her dowry property, to enter into the enterprise of a money-lender. As an independent woman, assuming an unregulated profession, she could yield high gains with her loans to her debtors, more than that of the cloistered *nadītu* who acted as a representative of the Šamaš temple and the *sābītu* whose profession was regulated by the state, as reflected in the idealistic paragraphs of LH. Such an unregulated business endangered the welfare of the state and the king’s continuous control over the state. The treacherous act of misleading the state and king in her gains hampered the proper collection of taxes and warranted the public penalty of death by burning.

⁷² Goddeeris (2002:385) examines the loan documents from the family archives and the documents which reflect different economic situations, including those having a “consumption function” in assisting the debtor through money scarcity or loans for “commercial and entrepreneurial” purposes (Goddeeris 2002:385, 388–389). The designation and location of a loan depends on the city, period and archive (Goddeeris 2002:386). The consumption loan is 33.3% expressed with the interest of Šamaš concerning barley, 20% on silver (Goddeeris 2002:387).

SUMMARY

The main function in the OB period was collection of taxes to ensure the sustainability of the king/state. Any evasive behaviour, such as not giving what was due to the king, seriously hindered the administration and maintenance of the state and undermined the king's continuous authority. During Hammurabi's reign, institutional changes took place and the king wished to gain control over the temple and *gagûm* offices (Harris 1968:729, 1975:40; Van de Mieroop 2005:82-84). The temple was one of the different creditors, apart from other wealthy individuals and entrepreneurial creditors (Goddeeris 2002:385, 388-389).

A certain priestess-group, the *nadītu*, was associated with the temple institution; however, present-day scholars differ in their interpretations of ancient texts regarding the function and role of the *nadiātu*-priestess groups in OB society (Van Wyk 2013c). LH 110 stands out as an indication for mainstream scholars to associate the *nadiātu* with illicit sexual behaviour. Roth (1999) re-investigates LH 110 and concludes that due to the paragraph's position, new translation and other *nadītu* paragraphs, LH 110 serves as an economic regulation, prohibiting the uncloistered *nadītu*-priestess overshadowing the money-lending business of the *sābītu*. The dramatic public execution – death by burning – occurs because the misconduct is committed in secrecy. However, Roth's (1999) theory shows that the *nadītu*'s misconduct is not committed in secrecy and the opening up or entering into of the *sābītu*'s *bīt sībum* is out in the open.

I investigate what the secret evasive misconduct of the uncloistered *nadītu* is in my interpretation of LH 110's terms. This includes the [1] offender/s as the *nadītu*; [2] and/or inclusion of the *ugbābtu* or like the *ugbābtu*; both later referred to as [3] *awīltu*; [4] the *sābītu* profession associated with [5] the *bīt sībum* (the particular portion of space); [6] the prohibited conduct of either opening up (*iptete*) or entering into (*īterub*) the space of [7] related beer-activities (*šikarim*); and [8] the penalty: death by burning *šuāti iqallūši*.

The term *nadītu* [1] is a genus term for three groups: the uncloistered *nadiātu*-group of Marduk and the cloistered *nadiātu* of Šamaš of the city-state Sippar, as well

as the cloistered *nadiātu* of Ninurta, from the city-state of Nippur (Stone 1982:62-63; Harris 1975:315-317).

The uncloistered *nadītu* from Marduk as one of the three *nadiātu* groups was, to a greater extent, an independent woman who had fewer religious connections and functions than her cloistered counterpart (Harris 1975:308, 315-316, 322).

The term *ugbaltu* [2] was either an alternative offender or the term-inclusion in context refers to any *naditu* or any *ugbaltu* or any woman living outside the cloister or, as a third alternative, the *naditu* who was an *ugbaltu*. Still in the context of LH 110, the *ugbaltu* was an uncloistered priestess with the same lesser rank in status as the aforementioned uncloistered *nadītu* (See Harris 1975:313-314).

In addition, LH 110 mentions that, if the uncloistered *nadītu* and/or *ugbaltu* opened up or entered into the *bīt sībum*, the priestess acted as an *awīltu* [3], translated by Roth (1999:459) as “[that] woman” but also within the ambit of the number 1 of the CAD A 2 as a “free woman” (See Roth 1999:459).

Overall, while in the Sippar texts, the cloistered *nadītu* acted as a representative of the temple in lending money at a certain interest, the uncloistered *nadītu* (and even the *ugbaltu*) acted as an independent woman, with only some religious duties to the temple (Harris 1975:311-312, 315-316).

I then investigate the role and position of the *sābītu* [4] who conducted her business in the *bīt sībum* [5], which the *nadītu* was not allowed to open up or enter into. Both the *sābītu* (explicitly mentioned as either an offender in LH 108 and 109 and an actor in LH 111) and the *sābītu*'s business venture are two common denominators in the corpus of LH 108-111. This includes the implication of the GEŠ.TIN.NA sign common to both *sābītu* (LH 108-109 and 111) and *bīt sībum* (LH 110). The *sābītu* as an OB occupation held different functions, beyond that of a presumed alewife/barmaid/tavern keeper (Assante 1998:66-68; Roth 1999:446). Her role extended to that of a money-lender and her business was regulated by the state in order to effectively collect annual levies and taxes, in accordance with the state regulations (Goetze 1965:211-215). Also, paragraphs in the law collections show that the OB *sābītu*'s duties and responsibilities included giving credit for beer (Laws of X),

acting as broker of the exchange rate (LH 108 & 111) and keeping the “local security” (LH 109). The *bīt sībum* [5] is different from a present-day tavern/inn/brothel and is rather a collective business consisting of a restaurant, bar, pharmacy, financial institution (money-lending etc.) and a gathering place for companionship: in all, to provide for the private and public needs of the community (Assante 1998:68-71). Thus, rather than focus on present-day conceptions of a drinking house, a bordello of sex and alcohol, the multifaceted functions of the *sābītu* and her working place, the *bīt sībum*, should be taken into account.

I then showed that with the prohibited conduct, two distinct acts have taken place with [6] *iptete* (should open) or *īterub* (enter into) (Roth 1999:453-454). I propose that a more literal rendering could be “... should open up the business-place of the *sābītu* (*bīt sībim*) connected with beer activities or (*lu*, var. *ulu*) should enter the business-place of the *sābītu* (*bīt sībim*) for beer activities (*ana šikarim*).”

In addition, in LH 110, the beer activity with the term *šikaru* [7] is connected with the *sabītu*'s *bīt sībum*: the business place of the *sabītu*. In CAD Š Part 2 (Reiner 1992:420-422), the beer term includes a wider notion than just drinking beer and refers to related beer-business activities. This is on a par with the corpus of LH 108, 110 and 111 referring to related beer-business activities connected with either the *sabītu*'s *bīt sībum* and/or the *sabītu*.

The penalty, death by burning [8] (*šuāti iqallûši*), is translated as “they shall burn that woman”, with a reference to *awīltum* as an independent woman (Roth 1999:458-459). It is one of LH's dramatic executions and other dramatic executions all involve an element of secrecy, the intention to defraud, a crime committed without witnesses, behind closed doors, and with a violation of trust (see Roth 1999:461). As previously discussed, the type of transgression in LH 110 was an act of stealth and formed part of the sub-corpus LH 108-110, inflicting a death penalty on the transgressor-woman. Whilst in LH 108 the punishment is death by water and in LH 110 by fire, the unspecified death penalty in LH 109 does not reduce the death sentencing to a less violent death, but rather lends discretion to the king/state to decide on the severity of the type of death in accordance with the severity of the transgression.

I finally conclude that LH 110 forbade the uncloistered *nadītu*, the one *nadītu* group not living in the *gagûm*, from opening up or entering into the business (including money-lending) enterprise of the *sābītu*. The penalty was death by burning for the uncloistered priestess, as an independent woman who committed a certain evasive and secret misconduct. Her enterprise was unregulated, her gains from money-lending (other beer-related activities) were uncertain and this position provided the uncloistered *nadītu* with the opportunity of evading taxation as a money-lender.

Thus, LH 110 gives us the idealistic glimpse of the king's attempt to place a fiscal regulation on a certain group in order to prevent the secret transgression of tax evasion, which warranted public execution by burning.

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