WAS CHILD ADOPTION IN MESOPOTAMIA
IN THE 2ND MILLENNIUM BC?

Abstract

This article deals with the issue of child adoption in the second millennium BCE in Meso-potamia. The discussion will cover three levels: A. Methodology and theoretical background, includ-ing child adoption terms in Mesopotamia 4000 years ago; B. The documentation of a formal adop-tion process through two adoption contracts refer-ring to a young child up to the age of 10; C. The legal principles on which a Mesopotamian adoption contract was structured. We chose this period be-cause most of the documents date back to this time and therefore the question arose as to why different adoption documents existed in the second millennium BCE and whether real child adoptions actually took place. In addi-tion, I questioned the reason or reasons behind the adoption which was not motivated by marriage, property laundering or fraternity, but by infertility, a slave's child recogni-tion or other socioeconomic reasons.

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Introduction

This article deals with the issue of child adoption in the second millennium BCE in Mesopotamia. The discussion will cover three levels: A. Methodology and theoretical background, including child adoption terms in Mesopotamia 4000 years ago; B. The documentation of a formal adoption process through two adoption contracts referring to a young child up to the age of 10; C. The legal principles on which a Mesopotamian adoption contract was structured.

My article is the summary of a master's thesis. I focused on adoption during this period because most of the documents date back to this time and therefore the question arose as to why different adoption documents existed in the second millennium BCE and whether real child adoptions actually take place. In addition, I questioned the reason or reasons behind the adoption which was not motivated by marriage, property laundering or fraternity, but by infertility, a slave's child recognition or other socioeconomic reasons. I analyzed certificates, contracts, and letters with a direct or indirect contribution to the issue of young children's formal adoption. I also searched for details about the reason behind the adoption, about the adopter's parents and the payment for the adoption involving both parties.

In the study, I was able to determine the legal stages required for adoption as well as the socioeconomic criteria adoptive parents and biological parents had to meet in order to receive or give a child up for adoption, such as the rights and obligations of the child, of biological parents, and of adoptive parents; the payment method corresponding to each type of adoption; the reasons for adopting or giving a child up for adoption; the selection of witnesses to the contract; the actual adoption and its sustainment on time. I was also able to trace the feelings of the adults involved in the process.

Theoretical Review

David (1927) pioneered the research on 'child adoption' in the ancient east. Most of his research dealt with legal files in the ancient world and texts proving that there was adoption during the OB. The study included a discussion of terms related to adopted people *NAM.IBILA* and terms for adoption such as the formula *ilqū màrutu*. He also partially addressed the breach of adoption contracts. David thought there were several types of adoption: by a man, a woman, or of adoptees who needed a socioeconomic status (David 1927, 11). He claimed that there was also adoption in Ancient Babylon in order to have a family, in the case of people who could not give birth naturally (David 1927, 110).

Driver & Miles (1952-1955) claimed that, in Assyrian law, there were several examples of *ana* mar*ūtti* adoption and they found evidence of it in texts from that period, such as the adoption of a child by a woman for the purpose of marriage; and the father received money and was satisfied with it (Driver and Miles 1952-1955, 162); A man who took a girl to have her marry his son and received her in the presence of

witnesses at the gate (Gadd 35); A brother who gave his sister for marriage, together with a dowry for her husband (Chiera 180) and a man who gave his daughter to marry a man; this man gave the bride's father a daughter (Contenau 1926, 150).

Goody (1969) tried to deal with the question of adoption purposes. He found that adoption was designed to care for orphans, illegal children and abandoned children from devastated families. On the other hand, adoption provided offspring to childless couples, and also enabled inheritance within the family, a decisive factor in the ancient world. The adoption contract usually included rights and obligations. He also found a different kind of adoption, of children whose purpose was the teaching of a professional boy by an artist – *ana tabititim*. In addition, it should be noted that he emphasized the adoption present in ancient legends, such as Sargon, and Moses (Exod. 2: 8-10), and in the Roman legend of Romulus and Ramos (Goody 1969, 53).

Until the 1980s, no further studies were carried out on the question of adoption. However, cuneiforms dealing with adoption were published, the most notable being the publication of the Nuzi cuneiforms. Most of the adoptions in the Nuzi cuneiforms were economic adoption. In addition, different legal files from Mesopotamia began to be published, which led the research towards the question of adoption feasibility, in terms of the procedure and the rights of the sides (CAD 131-138).

Roth's (1979) research tackled adoption and inheritance through the analysis of ruling files and by examining the terms of different adoption processes. The concepts were examined linguistically, making comparisons with previously published texts. Roth proved that there was an adoption for inheritance purposes, but did not pay actual attention to the various types of adoption that resulted from the texts (Roth 1979).

Veenhof (1998) discussed texts from ancient Assyria, bringing evidence of the adoption of children by adults, so as that treat them in their old age. Most of the texts were from Emar and Kentish and testified to proper payment so that the sides would agree to the 'adoption'. The main part of the adoption obligates the son to support the parents physically, while the parents are obligated to support the son financially and secure his future. Veenhof found recurring terms in these contracts, such as *palāhum* (to serve), referring to a slave who serves his masters in old age or to serving god (Veenhof 1998). Wilcke (1999) added that such an adoption imposed a duty of serving the life and living of the family. He claimed that, in the ancient world, it was the duty of every child, especially the eldest, to support *(wabālum)* their parents and to take care of all their shortages and especially of an adopted child, and the duty of elderly parents to

secure their money after their death (Wilcke 1981, 87-94).

Studies published from the 1980s to the mid-1990s referred to texts from the NB or NB and discussed the question of the purpose of adoption, especially the inheritance law (Börger 1981, 544).

Ston & Awen (1991) renewed the research during the OB. They translated new texts found in Nippur relating to the question of adoption (Stone and Owen 1991, 53-55). Ston found that adoption was due to various reasons: the adoption of girls for marriage, the preservation of property and the transfer of property within the family, concern for older parents and the adoption by childless couples. The researcher did not discuss the adoptee's age but assumed that they were 'children' in the sense of class and not of chronological age. Stol (1998) found in his studies on adoption texts that there were many reasons and cases of adoption, among which he noted innovations, such as the adoption of slaves, or of slaves and masters, recognized as legal children (Stol 1998, 59-118). In Stol's book (2000), terms related to young children were discussed for the first time, from the moment they were born to adulthood. At the same time, Stol compared these terms with the adoption of young children, especially in cases where a nanny received a baby in order to breastfeed them; the adoption contract ended with the child returning to his parent's home (Stol 2000, 12).

In conclusion, most of the studies did not deal with the ancient Babylonian period and mainly dealt with terms and formulas related to the adoption process and its violation and the reasons behind the adoption; only a few dealt with the adoption of a child.

Child Adoption Terms

First, we will try to define the terms used for 'child' in Mesopotamia. In Sumerian or Akkadian, the term 'child' or 'girl' between the ages of 0-12 years refers to young people before they are ready for marriage. In Mesopotamia, every stage from having a child to defining the child as 'mature' has a unique term. Many texts showing the adoption of a little child, infant, or newborn use the official Babylonian term ('water and blood'), meaning 'a child in his water', *ina mesu*, from the water of the womb, which refers to the moment after birth (Hammurabi codex 158). The term *šilip remīm*, 'exit from the womb', is used when it comes to adoption (Stol 2000, 128). In Akkadian, a 'child' who was born is called *şerru* or *la'u* and also *şehru* (*TU* or *dumu. da* in Sumerian), which means 'small' or baby boy or girl (Stol 2000, 176). The Babylo-

nians referred to the child's growth stages, such as breastfeeding, the stage in which the baby is attached to his mother's breast in order to suckle. The term 'mammal begins' in Akkadian is *bungu*, derived from the word *enequ* (*UŠ.G[A]* or *DUMU.GABA*), which means 'suckle' (breast milk) (Goodnick-Wetenholz 1997, 145-146). A mother of high social status would give the baby up for adoption to a foster mother in order to breastfeed them so that the biological mother can conceive again. In OB, there is evidence of the nanny-infancy profession, *mušëniqtu*. The nanny received an amount that would satisfy the baby's needs for a period of about three years until the child was weaned. This foster period was called *tenqu* or *terbitu*, from breastfeeding and hassle (Stol 2000, 181). A child between the ages of one and three would be called *lillidum,* a reptile child ḫenzer (*IGI-DIM*) (Goodnick-Wetenholz 1997, 146), a walking child who starts walking *mur-r[a-ku₄-ku4]* (Goodnick-Wetenholz 1997, 146), a toddler up to the age of five *gi-na* (*DUMU.DIŠ*) (Goodnick-Wetenholz 1997, 146), and a child between the ages of four and eight years would be called *šerru* or *şuhāru*, which means young (Goodnick-Wetenholz 1997, 145-147). In adulthood, for the adult boy, *NÍTA* was used and for the adult girl, *MUNUS* (Goodnick-Wetenholz 1997, 146). Goerze found in a text from Nippur terms that express the ages of children-heirs in adoption contracts, such as *ap-lu* or *IBILA*, which means heir-son (DUMU.DIŠ or *marū*) and, in Assyrian law, *DUMU.MU.MEŠ* (Goodnick-Wetenholz 1997, 123).

Child Adoption

The most accepted definition of the term 'child adoption' is the final and legal separation of a child from their biological parents and placement in people who become adoptive parents. They have the same obligation and responsibility for the child as those of their biological parents (Katzenelson 1985, 165). However, we have to remember that the adoption institution was used in the ancient world as a broad term and not only in connection with parents and young children: the term *mārūtu* (for boy adoption) and *mārūtutu* (for girl adoption) and, in the wide legal context, *ahūtu* (brother adoption) and *ahātatu* (sister adoption) for economic purposes or marriage.

B. Documentation of Adoption Contracts

I chose two texts representing child adoption contracts for two different reasons from the OB. The contracts were written in Sumerian using legal terms and in Akkadian using everyday language.

A) CT 33 40 (BM 97446)

Trans.	Trans.
1. ᴵa-↑a- AM.<TUM! >.NI- ir-ši	1. a-↑a- AM<TUM>.NI- irši
2. KI il-ta-ni DUMU.MÍ DINGIR-šu-i-bi-šu	2. from iltani daughter of ili-šu-ibišu
3. ᴵla-ma-zi	3. lamazi
4. DUMU.MÍ DINGIR-šu i-bi-šu	4. daughter of ili-šu-ibišu
5. a-na ma-ru-tim il-qí	5. to adoptive he takes her
6. KÙ.BABBAR ša ta!-ar-bi-ti-ša	6. growing money
7. ᴵil-ta-ni	7. iltani
8. DUMU.<MÍ> DINGIR-šu i-bi-šu	8. daughter of ili-šu-ibišu
9. ma-aÆ-ra-at	9. got
10. li-ib-ba-šu	10. her heart
11. tà-ab	11. is good
12. 3 IKU A.ŠÀ	12. 3 IKU field
13. ša il-ta-ni	13. of iltani
14. a-na la-ma-zi i-di-in	14. to lamazi she gave
15. a-di ma-al-ţà-at	15. as long as she lives
16. i-ka-al-ma	16. she will eat
17. ša a-↑a-am-ni!-ir-ši-i-ma	17. from a-↑a- AM<TUM>.NI- irši.
18. ᴵa-↑a-AM. <TUM!>.NI-ir-ši	18. a-↑a- AM<TUM>.NI- irši
19. a-na la-ma-zi	19. to lamazi
20. i-qa-bi-i-ma	20. she will say
21. ú-ga-la-ab-šu-ma	21. shave her head
22. a-na KÙ.BABBAR i-na-di-<in>	22. with money will sell
23. IGI E-ri-iš-tum	23. before Erištum
24. DUMU.MÍ 30-i-qí-ša IGI il-ta <ni>	24. son of S↑N-iqíša before iltani
25. IGI be-li-ku-nu DUMU.MI! be-li < >	25. before belikunu son of beli

Discussion

Line 1: The name of the child by her name is a-↑a- AM<TUM>.NI- irši (sister of…)

Line 2: The name of the biological mother and family attribution are mentioned.

Lines 3-4: The adoptive mother appears. The first part of her name is similar to that of the biological mother.

Line 5: The declaration of adoption using the fixed formula (mentioned above).

Lines 6-9: The money is paid for her upbringing, but it is not specified how much.

Lines 10-11: The formula that they are satisfied with, 'good core', appears. The formula is not present in all the texts. Is it used only for adoption for the purpose of marriage? This may be where the mother's consent to marriage is expressed.

Line 12-14: The girl comes with a 'dowry', a field, for the adoptive mother, and much more.

Lines 15-17: The biological mother would enjoy the fruit of the fields as long as she lived.

Line 18-20: The breach of agreement formula. However, not all the words appear, only a clue, "she will say".

Lines 21-22: The expected penalty for breaching the contract is shaving her head and selling the hair (see Hammurabi codex 192 for comparison).

Lines 23-25: The witnesses. The mothers are not mentioned.

Conclusions

There is no evidence of a little girl, but she is not among the signatories to the contract. It could be a sign that she was indeed a girl of low social status or a young girl. There are no conditions regarding the breach of contract by the adopter, only their rights. The phrase 'good on her heart' is repeated several times in various texts, which do not actually indicate the adoption of a little girl. When parents give their little child for adoption, they approve of it using this formula. However, if the child is adopted for marriage, she is mentioned to be at least 10 years old and, if she violates the contract, she will be sold.

B) YOS 12 363

Tran.	Trans.
1. *ᴵU BAR.RUM.MU.NI*	1. Ubarrum s
2. *DUMU ip-qu-ša*	2. son of ipquša
3. *u-ir-şe-ya*	3. and uirşeya
4. *KI.NÌ.TE.AN.NI*	4. took him from them out
5. *ᴵa-pil-il-ᵈMAR.TU DUMU a-bi I.DIN.NAM*	5. apil-ammurum son of abi-I.DIN.NAM
6. *NAM DUMU.NI ŠU.BA.AN.TI*	6. to adoption he got him
7. *NAM IBILA.NI (DUMU.NITA) IN.GAR*	7. elder son for him
8. *TUKUMBI U.BAR.RUM DUMU.NI*	8. if his son Ubarrum
9. *NAM a-pil ᵈ [ ] ad-da-ni*	9. to apil-ammurum his father
10. *ú-ul ad-da at-ta*	10. you are not my father
11. *iq-ta-bi*	11. he will say
12. *NAM KÚ.BABBAR in-na-an-šum*	12. sell him by money
13. *TUKUMBI -a[ ] an[ ] šu ad-da-ni*	13. If apil-ammurum
14. *NAM U BAR.RUM DUMU.NI*	14. Ubarrum his son
15. *ú-ul DUMU.NI at-ta*	15. you are not my son
16. *iq-ta-bi*	16. he will say
17. *i-na È Ú Ù né-tim*	17. From his house and from his property
18. *i-it el-li*	18. He will go out.
19. *[Ammatum, rabianum]*	19. [Ammatum, rabianum]
20-25. missing	20-25. missing
26. *[abu(m)-waqr]*	26. [abu(m)-waqr]
27-31. missing	27-31. missing (witness list)

Discussion

Line 1: The name of the child

Lines 2-3: The names of the child's biological father and mother.

Line 4: According to the phrase, the moment was: removed from the womb, meaning he was born (Wilcke 1981, 89, 93).

Line 5: The names of both adoptive parents are mentioned here.

Line 6: A whole term that indicates adoption *NAM DUMU.NI ŠU.BA.AN.TI* is mentioned here.

Line 7: The conditions; the child has the right to be considered the eldest son. There is no mention of the future, should a couple of children be born.

Lines 8-9: The names of the adoptive parents.

Lines 10-11: The formula 'You are not my father'; there is no mention of cancelling the mother's status.

Line 12: Selling the child as punishment.

Lines 13-18: Again, a formula on the father's side: 'If you are not my son...'. The father receives the penalty of leaving the property to the child.

Lines 19-31: The following lines are missing. Probably the names of the witnesses.

Conclusions

There is a special adoption of a child from the womb water, according to the phrase *DUMU a-bi I.DIN.NAM*, for a newborn. There seems to be no connection between the child's biological parents who do not register together. In line 4, it is written that the child has been removed from his parents and it seems the parents cannot keep him, and the city's welfare council decides to take care of the child. The child's future was clearly assured and none of the parent's comments on the adoption according to the 'good on her heart' formula, as opposed to other contracts. The child may have been removed from his parents or they may have given up on him because they had many children or had a low social status. The parents may not be married and the child could be born out of wedlock. The child is given to other parents and does not remain the biological father's son. If the reason for adoption was financial, the biological parents would also receive compensation to give up the child, but, here, there is no payment for the adoption. This may be evidence of the idea of getting rid of the child, who is not welcome to either of the parents. However, maybe the city's social services care for the individual's welfare. An oath on the gods is made here, which indicates the importance of the agreement and the presence of important people as witnesses to the agreement.

Child Adoption – Is It True? Some Insights

According to the law, adopting a child in the ancient world was a process in favour of a couple of childless parents, who wanted a child to continue the dynasty

and gain possession of their property. This child should not be considered different from others if they were to give birth to biological children afterwards (Katzenelson 1985, 165). Adoption was customary in the Ancient East as a means of ensuring the continuity and existence of the family in the absence of natural offspring (Driver and Miles 1952-1955, 383).

Adoption in the ancient world had different reasons. Most of the research dealt with different types of adoption in three main areas: adoption for economic purposes, adoption for social purposes, and adoption for religious purposes. Economic adoption took place between two or more people in order to transfer property and keep it out of the family so that the ruling king or council did not take over the property after the death of its owner (Driver and Miles 1952-1955, 492). Adoption for religious reasons was usually written in the myth of the king, in order for him to obtain approval from God; he thus accepts the kingdom and sovereignty over it. Social adoption usually occurred when adults adopted a child for various reasons: mainly a widow who adopted a child in order to preserve her estate or couples with many children, who were unable to support another child, or children born to unmarried mothers, such as *nāditu* (A woman who worked in a temple, usually as a slave), who could not have children as long as they worked in the temple and who were no longer able to give birth at the end of their service in the temple. Nonetheless, there were cases of a rare adoption of a child who was forcibly removed from their family by law (the elders of the city the king,) because their parents could not take care of their needs or abused them (Katzenelson 1985, 166). There was also the adoption of a child by a biological family member, in order to preserve the family's property in due course.

However, the main reason was infertility or people's inability to have a child; the adoption of newborn babies took place up to the age of 3-4 (Driver and Miles 1952-1955, 371). Such adoptions also happened between sisters (Driver and Miles 1952-1955, 491). Other types of adoption of young children included the adoption of children with the status of a slave, who were thus given civil rights; upon the death of the father, the child was granted freedom. In addition, we can notice that a child was given to a nanny under conditions which were similar to adoption, for the purpose of raising the baby and returning them to their parents through the process of re-adoption after the end of their infancy. Another reason for social adoption was the process of recognizing a citizen who did not have a child from his legal wife, a child-heir of a slave-mother citizen. This process regulated the rights of the child to inherit their

father, just like the other children (Driver and Miles 1952-1955, 371-374).

We can also examine the adoption process through the eyes of those involved in it, such as the childless parents who received a child as their legal child. These were usually elderly parents of high economic status or people with high incomes (Katzenelson 1985, 170). The adoptee was perceived as a householder and their legal status was determined by law or by the adoption contract; there were two possibilities: full rights, just like the rights of a natural and legal child, including the right to inheritance (YOS 14 344), or, in special cases, fewer privileges than those of a natural child (Freiman 1965, 431-433). Adopting a child usually required the supervision of parents until they became adults, and an inheritance, regardless of the number of children born to the couple in the future. If the son abandoned his parents, he would lose everything (Driver and Miles 1952-1955, 492).

Most contracts have no evidence of returning a young child from adoption. In ancient law, the adopted child had no right to know their origin, either to protect the child from the background from which they were removed, or because the adoption was not done by intermediaries from both parties, and the background of the adoption was known to everyone (Katzenelson 1985, 166). In the ancient world, the phenomenon of adoption occurred in families looking for an heir, but no evidence was found as to strengthening marriage or promoting one's status (ruler or class).

I found the terms attributed to child adoption recorded in contracts and certificates: *mārūtu (ma-ru-tim)* for child adoption or in the context of the *nāditu*, who gave her son or daughter up for adoption mainly in the OA (Börger 1981, 319-321). Similarly, during the OB, the natural adoption of a son by an older person could be seen upon birth (Hammurabi codex 34 / YOS 12 333); there were also terms related to the adoptee (VAS 8 127; VAS 8 73; CT 33 40), the son of an effort taken from the womb (2N-T361; CT 47 40; YOS 8 120; YOS 8 1; YOS 8 149; YOS 8 152). In Nippur and in Isîn, the unique adoption *leqû* was found: A woman gave a man the son of another woman to apparently free people from slavery, a couple adopted a girl to support them in their old age before the god ŠAMAŠ, and a child was adopted by a *nāditu* of the god ŠAMAŠ. Examples of adaptive fathers' adoption letters can be found, in which they voluntarily gave the child property, and another example is that of a couple adopting a child as their son, in the MA and NA. In MB, we can see adoption contracts of a 'son' for any purpose, from Allach, Nuzi (Gordon 1990, 135-136) and from Ugarit (Gordon 1990, 135-136). In NB, there were cases documented about a woman giving her seventeen-year-old son

as an adoptee son to another woman, or the adoption of a child for work, money, gifts, security, and the adoption of a son by a god (the legend of Sargon).

The law took adopting a child seriously and devoted a lot of files to it (Hammurabi codex: 185-193). The adoption process of a young child (boy and girl) was carried out through contracts written on tin boards, also called adoption bills. After I examined 23 adoption contracts and letters and read Mesopotamian laws, I can conclude that a young child's adoption contract consisted of most of the following elements:

a. Date (rarely)

b. The sides to the agreement:

- Name of the child or the clue as to whether he is a young child, using a fixed formula: PN1 is a son of

- PN2 (the same for a girl).

- Name of the biological parents of the child (if there are any).

- Name of the adoptive parents of the child (mostly two parents).

c. Declaration of adoption, using a fixed formula: PN1 *DUMU(.SAL)* PN3

- PN3 take PN1 and explicit mention of adoption, through the formula: *ana mārutim leqû*.

d. The reason for adoption (if it can be written).

e. Terms of the Agreement:

- Payment to biological parents and obtaining their consent to the process.

- Terms of violation of the child's agreement and punishment.

- Terms of violation of the parents' agreement and punishment (Ahmad Ali Yaseen 1996, 288).

f. Parents' oath (Biological parents if there are any and adoptive parents).

g. A list of witnesses in the following order: gods, king, mayor, and city dignitaries (Maria de J. Ellis 1975, 131, 148).

Conclusion

The article aimed to show the existence of the adoption of young children in the second millennium BCE. The concept of ' young child adoption' was recognized in Mesopotamian law but was subject to different interpretations. I realized that adopting children in the ancient east was a code name for different types of adoption and not necessarily for the adoption of a minor for his own well-being, but for socioeconom-

ic reasons. During certain periods, children were adopted for the welfare of childless couples and not in order to save children, as various texts attested. The adoption of young children, like any other adoption, was carried out as an interpretation of the laws that prevailed in the local-regional society. An adoption contract for young children was slightly different from the permanent structure which showed the various parties involved in the adoption process. There were signs testifying to the adoption of a minor, such as the names of the biological parents (the adopted child was usually adopted without a name and was not on the list of witnesses) and adoptive parents, including the list of witnesses.

Each contract was accompanied by witnesses, who were significant people in the community or family members. The adoptee's duties were not always specified, as opposed to other adoption contracts. The price of adoption varied, depending on the adoptee's age and the purpose of adoption. In order to maintain the fairness of the contract, a payment clause was introduced, which was usually nil, compared to other adoption contracts, which was evidence of the adoption of a young child and their social status, not profit. Another sign of the adoption of a minor was the vague formulation of the contract, because it mostly appeared in the complex circumstances of infertility, when there were no welfare problems, as the population was limited. The adoption of younger children took place about 4,000 years ago, a process which did not stand out in the archives, but it seems that the authorities or the family were concerned with the individual's welfare.

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Shortcuts

CAD   The Assyrian Dictionary of the Oriental Institute of the University of Chicago. Chicago: The Oriental Institute of the University of Chicago, 1956–2006.

MA   Middle Assyria period (13-10th century BCE)

MB   Middle Babylonian period (1595–1155 BCE)

NB   Neo-Babylonian period (626-100 BCE)

NA   Neo-Assyrian period (10th century BCE)

OA   Old Assyria period (14th century BCE)

OB   Old Babylonian period (1894-1595 BCE

PN   Personal name