

ARCHIBALD HENRY SAYCE

BABYLONIANS AND
ASSYRIANS, LIFE AND
CUSTOMS

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A. H. Sayce

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Editor's Preface

Semitic studies, both linguistically and archæologically, have advanced by rapid strides during the last two decades. Fresh light has fallen upon the literary, scientific, theological, mercantile, and other achievements of this great branch of the human family. What these peoples thought and achieved has a very direct bearing upon some of the problems that lie nearest to the hearts of a large portion of the intelligent peoples of Christendom to-day. Classical studies no longer enjoy a monopoly of attention in the curricula of our colleges and universities. It is, in fact, more and more plainly perceived by scholars that among the early peoples who have contributed to the ideas inwrought into our present civilization there is none to whom we owe a greater debt than we do to the Semitic family. Apart from the genetic relation which the thought of these peoples bears to the Christianity of the past and present, a study of their achievements in general has become a matter of general human interest. It is here that we find the earliest beginnings of civilization historically known to

us—here that early religious ideas, social customs and manners, political organizations, the beginnings of art and architecture, the rise and growth of mythological ideas that have endured and spread to western nations, can be seen in their earliest stages, and here alone the information is supplied which enables us to follow them most successfully in their development.

The object of this series is to present, in brief and compact form, a knowledge of the more important facts in the history of this family in a way that will be serviceable to students in colleges, universities, and theological seminaries, to the clergy, and to intelligent lay readers.

It has been the good fortune of the Editor and Publishers to secure the interest and co-operation of scholars who are fitted by their special knowledge of the subjects entrusted to them. Works written on Semitic subjects by those whose knowledge is gained from other than the original sources are sure to be defective in many ways. It is only the specialist whose knowledge enables him to take a comprehensive view of the entire field in which he labors who is able to gain the perspective necessary for the production of a general work which will set forth prominently, and in their proper relations, the salient and most interesting facts.

Each contributor to the Series presents his contribution subject to no change by the Editor. In cases where it may be deemed of sufficient importance to notice a divergent view this will be done in a foot-note. The authors, however, will aim

to make their several contributions consistent with the latest discoveries.

James Alexander Craig.

University of Michigan,
September, 1899.

Chapter I. Babylonia And Its Inhabitants

Babylonia was the gathering-place of the nations. Berossus, the Chaldean historian, tells us that after the creation it was peopled by a mixture of races, and we read in the book of Genesis that Babel, or Babylon, was the first home of the manifold languages of mankind. The country for the most part had been won from the sea; it was the gift of the two great rivers, Euphrates and Tigris, which once flowed separately into the Persian Gulf. Its first settlers must have established themselves on the desert plateau which fringes the Babylonian plain rather than in the plain itself.

The plain is formed of the silt deposited each year by the rivers that flow through it. It is, in fact, as much a delta as Northern Egypt, and is correspondingly fertile. Materials exist for determining approximately the rate at which this delta has been formed. The waters of the Persian Gulf are continually receding from the shore, and Ainsworth¹ calculates that about ninety feet of land are added annually to the coast-line. But the rate of deposit seems to have been somewhat more rapid in the past. At all events, Mohammerah, which in 1835 was forty-seven miles distant from the Gulf, stands on the site of Spasinus

¹ Researches in Assyria, Babylonia, and Chaldea (1838), p. 131 *sqq.*

Charax, which, in the time of Alexander the Great, was not quite a mile from the sea. In 2,160 years, therefore, no less than forty-six miles of land have been formed at the head of the Persian Gulf, or nearly one hundred and fifteen feet each year.

The deposit of soil, however, may not have been so rapid in the flourishing days of Babylonian history, when the canals were carefully attended to and the irrigation of the country kept under control. It is safer, therefore, to assume for the period preceding the rise of the Macedonian Empire a rate of deposit of not more than one hundred feet each year. The seaport of primitive Chaldea was Eridu, not far from Ur, and as the mounds of Abu-Shahreïn or Nowâwis, which now mark its site, are nearly one hundred and thirty miles from the present line of coast, we must go back as far as 6500 B.C. for the foundation of the town. "Ur of the Chaldees," as it is called in the Book of Genesis, was some thirty miles to the north, and on the same side of the Euphrates; the ruins of its great temple of the Moon-god are now known by the name of Muqayyar or Mugheir. It must have been founded on the sandy plateau of the Arabian desert at a time when the plain enclosed between the Tigris and the Euphrates was still too marshy for human habitation. As the Moon-god of Ur was held to be the son of El-lil of Nippur, Dr. Peters is doubtless right in believing that Ur was a colony of the latter city. Nippur is the modern Niffer or Nuffar in the north of Babylonia, and recent excavations have shown that its temple was the chief sanctuary and religious centre of the civilized eastern world in the earliest

epoch to which our records reach. Eridu, Ur, and Nippur seem to have been the three chief cities of primeval Babylonia. As we shall see in a future chapter, Eridu and Nippur were the centres from which the early culture and religion of the country were diffused. But there was an essential difference between them. Ea, the god of Eridu, was a god of light and beneficence, who employed his divine wisdom in healing the sick and restoring the dead to life. He had given man all the elements of civilization; rising each morning out of his palace under the waters of the deep, he taught them the arts and sciences, the industries and manners, of civilized life. El-lil of Nippur, on the contrary, was the lord of the underworld; magical spells and incantations were his gifts to mankind, and his kingdom was over the dead rather than the living. The culture which emanated from Eridu and Nippur was thus of a wholly different kind. Is it possible that the settlers in the two cities were of a different race?

Of this there is no proof. Such evidence as we have tells against it. And the contrast in the character of the cultures of Eridu and Nippur can be explained in another way. Eridu was a seaport; its population was in contact with other races, and its ships traded with the coasts of Arabia. The myth which told how Ea or Oannes had brought the elements of civilization to his people expressly stated that he came from the waters of the Persian Gulf. The culture of Eridu may thus have been due to foreign intercourse; Eridu was a city of merchants and sailors, Nippur of sorcerer-priests.

Eridu and Nippur, however, alike owed their origin to a race which we will term Sumerian. Its members spoke agglutinative dialects, and the primitive civilization of Babylonia was their creation. They were the founders of its great cities and temples, the inventors of the pictorial system of writing out of which the cuneiform characters subsequently developed, the instructors in culture of their Semitic neighbors. How deep and far-reaching was their influence may be gathered from the fact that the earliest civilization of Western Asia finds its expression in the Sumerian language and script. To whatever race the writer might belong he clothed his thoughts in the words and characters of the Sumerian people. The fact makes it often difficult for us to determine whether the princes of primitive Chaldea whose inscriptions have come down to us were Semites or not. Their very names assume Sumerian forms.

It was from the Sumerian that the Semite learnt to live in cities. His own word for "city" was *âlu*, the Hebrew *'ohel* "a tent," which is still used in the Old Testament in the sense of "home;" the Hebrew *'îr* is the Sumerian *eri*. *Ekallu*, the Hebrew *hêkal*, "a palace," comes from the Sumerian *ê-gal* or "great house;" the first palaces seen by the Semitic nomad must have been those of the Chaldean towns.

But a time came when the Semite had absorbed the culture of his Sumerian teachers and had established kingdoms of his own in the future Babylonia. For untold centuries he lived in intermixture with the older population of the country, and the

two races acted and re-acted on each other. A mixed people was the result, with a mixed language and a mixed form of religion. The Babylonia of later days was, in fact, a country whose inhabitants and language were as composite as the inhabitants and language of modern England. Members of the same family had names derived from different families of speech, and while the old Sumerian borrowed Semitic words which it spelt phonetically, the Semitic lexicon was enriched with loan-words from Sumerian which were treated like Semitic roots.

The Semite improved upon the heritage he had received. Even the system of writing was enlarged and modified. Its completion and arrangement are due to Semitic scribes who had been trained in Sumerian literature. It was probably at the court of Sargon of Akkad that what we may term the final revision of the syllabary took place. At all events, after his epoch the cuneiform script underwent but little real change.

Sargon was the founder of the first Semitic empire in Asia. His date was placed by the native historians as far back as 3800 B.C., and as they had an abundance of materials at their disposal for settling it, which we do not possess, we have no reason to dispute it. Moreover, it harmonizes with the length of time required for bringing about that fusion of Sumerian and Semitic elements which created the Babylonia we know. The power of Sargon extended to the Mediterranean, even, it may be, to the island of Cyprus. His conquests were continued by his son and successor Naram-Sin, who made his way to the precious copper-

mines of the Sinaitic peninsula, the chief source of the copper that was used so largely in the work of his day. "The land of the Amorites," as Syria was called, was already a Babylonian province, and he could therefore march in safety toward the south through the desert region which was known as Melukhkha.

How long the empire of Sargon lasted we do not know. But it spread Babylonian culture to the distant west and brought it to the very border of Egypt. It was, too, a culture which had become essentially Semitic; the Sumerian elements on which it was based had been thoroughly transformed. What Babylonian civilization was in the latest days of Chaldean history, that it already was, to all intents and purposes, in the age of Sargon. The Sumerian and the Semite had become one people.

But the mixture of nationalities in Babylonia was not yet complete. Colonies of Amorites, from Canaan, settled in it for the purposes of trade; wandering tribes of Semites, from Northern Arabia, pastured their cattle on the banks of its rivers, and in the Abrahamic age a line of kings from Southern Arabia made themselves masters of the country, and established their capital at Babylon. Their names resembled those of Southern Arabia on the one hand, of the Hebrews on the other, and the Babylonian scribes were forced to give translations of them in their own language.

But all these incomers belonged to the Semitic race, and the languages they spoke were but varieties of the same family of speech. It is probable that such was the case with the Kaldâ, who

lived in the marshes at the mouth of the Euphrates, and from whom classical geography has derived the name of Chaldean. The extension of the name to the whole population of Babylonia was due to the reign of the Kaldâ prince, Merodach-baladan, at Babylon. For years he represented Babylonian freedom in its struggle with Assyria, and his "Chaldean" subjects became an integral part of the population. Perhaps, too, the theory is right which makes Nebuchadnezzar of Kaldâ descent. If so, there is a good reason why the inhabitants of Babylonia should have become "Chaldeans" in the classical age.

Of wholly different origin were the Kassites, mountaineers from the east of Elam, who conquered Babylonia, and founded a dynasty of kings which lasted for several centuries. They also gave their name to the population of the country, and, in the Tel-el-Amarna tablets, accordingly, the natives of Babylonia are known as "Kassi." Sennacherib found their kinsfolk in the Elamite mountains, and here they still lived in the age of the Greek writers. Strabo calls them Kosseans, and it seems probable that they are the same as the Kissians, after whom the whole of Elam was named. At any rate the Kassites were neither Sumerians nor Semites; and their language, of which several words have been preserved, has no known connections. But they left their mark upon the Babylonian people, and several family names were borrowed from them.

The Babylonian was thus a compound of Sumerian, Semitic, and Kassite elements. They all went to form the culture which we

term Babylonian, and which left such enduring traces on Western Asia and the world. Mixed races are invariably the best, and the Babylonians were no exception to the rule. We have only to compare them with their neighbors, the more purely blooded Semitic Assyrians, to assure ourselves of the fact. The culture of Assyria was but an imitation and reflection of that of Babylonia—there was nothing original about it. The Assyrian excelled only in the ferocities of war, not in the arts of peace. Even the gods of Assyria had migrated from the southern kingdom.

The dual character of Babylonian civilization must never be forgotten. It serves to explain a good deal that would otherwise be puzzling in the religious and social life of the people. But the social life was also influenced and conditioned by the peculiar nature of the country in which the people lived. It was an alluvial plain, sloping toward the sea, and inundated by the overflow of the two great rivers which ran through it. When cultivated it was exceedingly fertile; but cultivation implied a careful regulation of the overflow, as well as a constant attention to the embankments which kept out the waters, or to the canals which drained and watered the soil.

The inhabitants were therefore, necessarily, agriculturists. They were also irrigators and engineers, compelled to study how best to regulate the supply of water, to turn the pestiferous marsh into a fruitful field, and to confine the rivers and canals within their channels. Agriculture and engineering thus had their natural home in Babylonia, and originated in the character of the country

itself.

The neighborhood of the sea and the two great waterways which flanked the Babylonian plain further gave an impetus to trade. The one opened the road to the spice-bearing coasts of Southern Arabia and the more distant shores of Egypt; the other led to the highlands of Western Asia. From the first the Babylonians were merchants and sailors as well as agriculturists. The "cry" of the Chaldeans was "in their ships." The seaport of Eridu was one of the earliest of Babylonian cities; and a special form of boat took its name from the more inland town of Ur. While the population of the country devoted itself to agriculture, the towns grew wealthy by the help of trade.

Their architecture was dependent on the nature of the country. In the alluvial plain no stone was procurable; clay, on the other hand, was everywhere. All buildings, accordingly, were constructed of clay bricks, baked in the sun, and bonded together with cement of the same material; their roofs were of wood, supported, not unfrequently, by the stems of the palm. The palm stems, in time, became pillars, and Babylonia was thus the birthplace of columnar architecture. It was also the birthplace of decorated walls. It was needful to cover the sun-dried bricks with plaster, for the sake both of their preservation and of appearance. This was the origin of the stucco with which the walls were overlaid, and which came in time to be ornamented with painting. Ezekiel refers to the figures, portrayed in vermillion, which adorned the walls of the houses of the rich.

The want of stone and the abundance of clay had another and unique influence upon Babylonian culture. It led to the invention of the written clay tablet, which has had such momentous results for the civilization of the whole Eastern world. The pictures with which Babylonian writing began were soon discarded for the conventional forms, which could so easily be impressed by the stylus upon the soft clay. It is probable that the use of the clay as a writing material was first suggested by the need there was in matters of business that the contracting parties should record their names. The absence of stone made every pebble valuable, and pebbles were accordingly cut into cylindrical forms and engraved with signs. When the cylinder was rolled over a lump of wet clay, its impress remained forever. The signs became cuneiform characters, and the Babylonian wrote them upon clay instead of stone.

The seal-cylinder and the use of clay as a writing material must consequently be traced to the peculiar character of the country in which the Babylonian lived. To the same origin must be ascribed his mode of burial. The tomb was built of bricks; there were no rocky cliffs in which to excavate it, and the marshy soil made a grave unsanitary. It was doubtless sanitary reasons alone that caused wood to be heaped about the tomb after an interment and set on fire so that all within it was partially consumed. The narrow limits of the Babylonian plain obliged the cemetery of the dead to adjoin the houses of the living, and cremation, whether partial or complete, became a necessity.

Even the cosmogony of the Babylonians has been influenced by their surroundings. The world, it was believed, originated in a watery chaos, like that in which the first settlers had found the Babylonian plain. The earth not only rested on the waters, but the waters themselves, dark and unregulated, were the beginning of all things. This cosmological conception was carried with the rest of Babylonian culture to the West, and after passing through Canaan found its way into Greek philosophy. In the Book of Genesis we read that "darkness was on the face of the deep" before the creative spirit of God brooded over it, and Thales, the first of Greek philosophers, taught that water was the principle out of which all things have come.

The fertility of the Babylonian soil was remarkable. Grain, it was said, gave a return of two hundred for one, sometimes of three hundred for one. Herodotus, or the authority he quotes, grows enthusiastic upon the subject. "The leaf of the wheat and barley," he says, "is as much as three inches in width, and the stalks of the millet and sesamum are so tall that no one who has never been in that country would believe me were I to mention their height." In fact, naturalists tell us that Babylonia was the primitive home of the cultivated cereals, wheat and probably barley, and that from the banks of the Euphrates they must have been disseminated throughout the civilized world. Wheat, indeed, has been found growing wild in our own days in the neighborhood of Hit.

The dissemination of wheat goes back to a remote epoch. Like

barley, it is met with in the tombs of that prehistoric population of Egypt which still lived in the neolithic age and whose later remains are coeval with the first Pharaonic epoch. The fact throws light on the antiquity of the intercourse which existed between the Euphrates and the Nile, and bears testimony to the influence already exerted on the Western world by the culture of Babylonia. We have, indeed, no written records which go back to so distant a past; it belongs, perhaps, to an epoch when the art of writing had not as yet been invented. But there was already civilization in Babylonia, and the elements of its future social life were already in existence. Babylonian culture is immeasurably old.

Chapter II. The Family

Two principles struggled for recognition in Babylonian family life. One was the patriarchal, the other the matriarchal. Perhaps they were due to a duality of race; perhaps they were merely a result of the circumstances under which the Babylonian lived. At times it would seem as if we must pronounce the Babylonian family to have been patriarchal in its character; at other times the wife and mother occupies an independent and even commanding position. It may be noted that whereas in the old Sumerian hymns the woman takes precedence of the man, the Semitic translation invariably reverses the order: the one has "female and male," the other "male and female." Elsewhere in the Semitic world, where the conceptions of Babylonian culture had not penetrated, the woman was subordinate to the man, his helpmate and not his equal.

In this respect nothing can be more significant than the changes undergone by the name and worship of the goddess Istar, when they were carried from Babylonia to the Semites of the West. In Babylonia she was a goddess of independent power, who stood on a footing of equality with the gods. But in Southern Arabia and Moab she became a male divinity, and in the latter country was even identified with the supreme god Chemosh. In Canaan she passed into the feminine Ashtoreth, and at last was merged in the crowd of goddesses who were but the feminine

reflections of the male. A goddess whose attributes did not differ from those of a god was foreign to the religious ideas of the purely Semitic mind.

It was otherwise in Babylonia. There the goddess was the equal of the god, while on earth the women claimed rights which placed them almost on a level with the men. One of the early sovereigns of the country was a queen, Ellat-Gula, and even in Assyria the bas-reliefs of Assur-bani-pal represent the queen as sitting and feasting by the side of her husband. A list of trees brought to Akkad in the reign of Sargon (3800 B.C.) speaks of them as having been conveyed by the servants of the queen, and if Dr. Scheil is right in his translation of the Sumerian words, the kings of Ur, before the days of Abraham, made their daughters high-priestesses of foreign lands.

Up to the last the Babylonian woman, in her own name, could enter into partnership with others, could buy and sell, lend and borrow, could appear as plaintiff and witness in a court of law, could even bequeath her property as she wished. In a deed, dated in the second year of Nabonidos (555 B.C.), a father transfers all his property to his daughter, reserving to himself only the use of it during the rest of his life. In return the daughter agrees to provide him with the necessities of life, food and drink, oil and clothing. A few years later, in the second year of Cyrus, a woman of the name of Nubtâ, or "Bee," hired out a slave for five years in order that he might be taught the art of weaving. She stipulated to give him one *qa*, or about a quart and a half of food, each day,

and to provide him with clothing while he was learning the trade. It is evident that Nubtâ owned looms and traded in woven fabrics on her own account.

Nubtâ was the daughter of Ben-Hadad-amara, a Syrian *settled* in Babylonia who had been adopted by another Syrian of the name of Ben-Hadad-nathan. After the latter's death his widow brought an action before the royal judges to recover her husband's property. She stated that after their marriage she and Ben-Hadad-nathan had traded together, and that a house had been purchased with a portion of her dowry. This house, the value of which was as much as 110 manehs, 50 shekels, or £62 10s., had been assigned to her in perpetuity. The half-brother Aqabi-il (Jacob-el), however, now claimed everything, including the house. The case was tried at Babylon before six judges in the ninth year of Nabonidos, and they decided in favor of the plaintiff.

One of the documents that have come down to us from the age of Abraham records the gift of a female slave by a husband to his wife. The slave and her children, it was laid down, were to remain the property of the wife in case either of divorce or of the husband's death. The right of the woman to hold private property of her own, over which the male heirs had no control, was thus early recognized by the law. In later times it is referred to in numberless contracts. In the reign of Nebokin-abla, for instance, in the eleventh century B.C., we find a field bequeathed first of all to a daughter and then to a sister; in the

beginning of the reign of Nabonidos we hear of a brother and sister, the children of a naturalized Egyptian, inheriting their father's property together; and in the fourth year of Cyrus his son Cambyses sued for the payment of a loan which he had made to a Babylonian on the security of some house-property, and which was accordingly refunded by the debtor's wife. Other deeds relate to the borrowing of money by a husband and his wife in partnership, to a wife selling a slave for a maneh of silver on her own account, to a woman bringing an action before six judges at the beginning of the reign of Nabonidos to recover the price of a slave she had sold, and to another woman who two years previously was the witness to the sale of a house. Further proofs are not needed of the independent position of the woman, whether married or single, and of her equality with the man in the eyes of the law.

It would seem that she was on a level with him also in the eyes of religion. There were priestesses in Babylonia as well as priests. The oracles of Istar at Arbela were worked by inspired prophetesses, who thus resembled Deborah and Huldah and the other prophetesses of Israel. When Esar-haddon inquired of the will of heaven, it was from the prophetesses of Istar that he received encouragement and a promise of victory. From the earliest period, moreover, there were women who lived like nuns, unmarried and devoted to the service of the Sun-god. The office was held in high honor, one of the daughters of King Ammi-Zadok, the fourth successor of Khammurabi or Amraphel, being

a devotee of the god. In the reign of the same king we find two of these devotees and their nieces letting for a year nine feddans or acres of ground in the district in which the "Amorites" of Canaan were settled. This was done "by command of the high-priest Sar-ilu," a name in which Mr. Pinches suggests that we should see that of Israel. The women were to receive a shekel of silver, or three shillings, "the produce of the field," by way of rent, while six measures of corn on every ten feddans were to be set apart for the Sun-god himself. In the previous reign a house had been let at an annual rent of two shekels which was the joint property of a devotee of the Sun-god Samas and her brother. It is clear that consecration to the service of the deity did not prevent the "nun" from owning and enjoying property.

Like Samas, the Sun-god, Istar was also served by women, who, however, do not seem to have led the same reputable lives. They were divided into two classes, one of which was called the "Wailers," from the lamentations with which each year they mourned the death of the god Tammuz, the stricken favorite of Istar. The Chaldean Epic of Gilgames speaks of the "troops" of them that were gathered together in the city of Erech. Here Istar had her temple along with her father, Anu, the Sky-god, and here accordingly her devotees were assembled. Like the goddess they served, it would appear that they were never married in lawful wedlock. But they nevertheless formed a corporation, like the corporations of the priests.

Babylonian law and custom prevailed also in Assyria. So far

as can be gathered from the contracts that have come down to us, the Assyrian women enjoyed almost as many privileges as their sisters in Babylonia. Thus, in 668 B.C., we find a lady, Tsarpî by name, buying the sister of a man whose slave she was, for reasons unknown to us, and paying half a maneh of silver (£4 10s.) for the girl. Tsarpî was a "prefectess," like another lady who is called "the prefectess of Nineveh," and who, in 683 B.C., purchased seventeen slaves and a garden. It is plain from this that women could hold civil offices and even act as governors of a city.

In fact, wherever Babylonian culture and law extended, the principles and practice of it were necessarily in force. The Amorite colonies from Canaan established in Babylonia for the purposes of trade in the age of Abraham were naturally subject to the Babylonian laws, and the women among them possessed all the rights of their Babylonian neighbors. At the very beginning of the dynasty to which Khammurabi belonged, an Amorite lady, a certain Kuryatum, brought an action for the recovery of a field which had been the property of her father, Asalia, and won her suit. Kuryatum and her brother were themselves subsequently sued by three other "Amorites," the children of Izi-idrê, one of whom was a woman, for a field and house, together with some slaves and palm-trees, of which, it was asserted, they had wrongfully taken possession. The judges, however, after hearing both sides, dismissed the case.

It is not strange that the same laws and principles should have held good in Canaan itself, which was so long a Babylonian

province. Sarah, who was of Babylonian origin, owned a female slave (Gen. xvi. 2, 6, 8, 9), and the Kennizzite Caleb assigned a field with springs to his daughter Achsah in the early days of the invasion of Canaan (Josh. xv. 18, 19). A Canaanitish lady takes part in the Tel-el-Amarna correspondence, and writes to the Pharaoh on matters of state, while the Mosaic Law allowed the daughter to inherit the possessions of her father (Numb. xxxvi. 8). This, however, was only the case where there was no son; after the Israelitish conquest of Canaan, when the traditions of Babylonian custom had passed away, we hear no more of brothers and sisters sharing together the inheritance of their father, or of a wife bequeathing anything which belongs to her of right. As regards the woman, the law of Israel, after the settlement in Canaan, was the moral law of the Semitic tribes. We must go back to the age of Abraham and Sarah to find a Hebrew woman possessed of the same powers as the Babylonian lady who, in the fifth year of Cambyses, sold a slave for two manehs and five shekels of silver, her husband and mother guaranteeing the value of the chattel that was thus sold.

The dowry which the woman brought with her on marriage secured of itself her independence. It was her absolute property, and she could leave it by will as she pleased. It protected her from tyrannical conduct on the part of her husband, as well as from the fear of divorce on insufficient grounds. If a divorce took place the dowry had to be restored to her in full, and she then returned to her father's house or set up an establishment of her own. Where

no dowry had been brought by the bride, the husband was often required by the marriage contract to pay her a specified sum of money in case of her divorce. Thus a marriage contract made in Babylon in the thirteenth year of Nebuchadnezzar stipulates that, if the husband marries a second wife, the act shall be equivalent to a divorce of the first wife, who shall accordingly receive not only her dowry, but a maneh of silver as well. The payment, in fact, was a penalty on the unfaithfulness of the husband and served as a check upon both divorce and polygamy.

The dowry consisted not of money alone, but also of slaves and furniture, the value of which was stated in the marriage contract. In the contract just referred to, for instance, part of the dowry consisted of a slave who was valued at half a maneh. Sometimes the dowry included cattle and sheep. In the sixth year of Nabonidos we hear of three slaves and "furniture with which to stock the house," besides a maneh of silver (£6), being given as the marriage-portion. In this instance, however, the silver was not forthcoming on the wedding-day, and in place of it a slave valued at two-thirds of a maneh was accepted, the remaining third being left for payment at a subsequent date. Where the dowry could not be paid at once, security for the payment of it was taken by the bridegroom.

The payment was made, not by the bridegroom, as among the Israelites and other Semitic peoples, but by the father of the bride. If he were dead, or if the mother of the bride had been divorced and was in the enjoyment of her own property, the

mother took the place of the father and was expected to provide the dowry. In such a case she also naturally gave permission for the marriage, and it was from her accordingly that consent to it had to be obtained. In one instance, however, in a deed dated in the sixteenth year of Nabonidos, a sister is given in marriage by her two brothers, who consequently furnish the dowry, consisting of a piece of ground inherited from the mother, a slave, clothes, and furniture. It is evident that in this case both the parents must have been dead.

It was the bridegroom's duty and interest to see that the dowry was duly paid. He enjoyed the usufruct of it during his life, and not unfrequently it was employed not only to furnish the house of the newly married couple, but also to start them in business. It was with his wife's dowry that Ben-Hadad-nathan bought in part the house to which his widow laid claim after his death, and we read of instances in which the husband and wife enter into partnership in order to trade with the wife's money. More frequently the wife uses her dowry to transact business separately, her purchases and loans being made in her own name; this is especially the case if she otherwise has property of her own.²

² In certain cases the wife seems to have had the power of claiming alimony from her husband, though we do not know what were the circumstances which were held sufficient to justify the claim. Thus, in the third year of Nabonidos, "Nahid-Merodach, the son of Samas-baladhu-iqbi, voluntarily granted his wife Ramûa and his son Arad-Bunene four *gas* of food and three *gas* of beer daily, as well as fifteen manehs of wool, one *pi* of sesame, one *pi* of salt, and sixty *gas* of sweetmeats each year," with the

At times the son-in-law found it difficult to get the dowry paid. From a deed dated in the third year of Cambyses we gather that the dowry, instead of being delivered "into the hand" of the bridegroom, as ought to have been done at the time of the marriage, was still unpaid nine years later. Sometimes, of course, this was due to the inability of the father-in-law to discharge his debt, through bankruptcy, death, or other causes. Where, therefore, the money was not immediately forthcoming, security was taken for its future payment. If payment in full was impossible, owing to pecuniary losses incurred after the marriage contract had been drawn up, the bridegroom was entitled to claim a proportionate amount of it on behalf of his wife. The heirs were called upon to pay what was due if the father-in-law died between the drawing-up of the contract and the actual marriage, and when the wife died without children it returned to her "father's house."

If the husband died and his widow married again, she carried her former dowry with her. In such a case the children of the first marriage inherited two-thirds of it upon her death, the remaining third going to the children of the second husband. This was in accordance with a law which regulated the succession to the property of a father who had married a second time, the children of the first marriage receiving two-thirds of it and the remainder being reserved for the children of the second wife. The law could

provision that the grant should never be cancelled or willed away. The son, however, is included in the gift, and it is possible, therefore, that Ramûa was little more than a concubine.

only be overruled by a will made during the man's lifetime, and properly attested by witnesses.

The dowry could not be alienated by the wife without the consent of her parents, if they were still alive. In the year of Nergal-sharezer's accession, for example, a certain Nergal-ballidh and his wife Dhibtâ wished to sell a slave, who had constituted the dowry of Dhibtâ, for twenty-five shekels, but the sale was not considered valid until the consent of both her father and mother had been obtained.

The dowry was not the only property the woman was able to hold. She had similar power to hold and dispose of whatever else had come to her by inheritance or gift. The gains she made in business, the proceeds of the sale of her estates, and the interest upon the capital she lent, all belonged to herself, and to herself alone. For purposes of succession they were reckoned along with the dowry as constituting her property during life. In the thirty-fourth year of Nebuchadnezzar, for instance, a father stipulates that the creditors of his daughter's father-in-law should have no claim either upon her dowry or upon any other part of her possessions.

The power of the married woman over her property was doubtless the result of the system which provided her with a dowry. The principle of her absolute control over the latter once admitted, it was extended by the law to the rest of her estate. She thus took rank by the side of the man, and, like him, could trade or otherwise deal with her property as she chose. The dowry, in

fact, must have been her original charter of freedom.

But it was so because it was given by her father, and not by the bridegroom. Where it was the gift of the bridegroom it was but a civilized form of purchasing the bride. In such a case the husband had a right to the person and possessions of the wife, inasmuch as he had bought her; as much right, in fact, as he had to the person and possessions of a slave. The wife was merely a superior slave.

Where, however, the dowry was the gift of the bride's father the conditions were reversed. The husband received not only a wife, he received also an estate along with her. He it was upon whom the benefit was conferred, and he had to accept the conditions offered him, not to make them. In a commercial state like Babylonia, property represented personalty, and the personalty of the wife accordingly remained with the family from which her property was derived, rather than with the husband, to whom the use of it was lent. Hence the independence of the married woman in Babylonia and her complete freedom of action as regards her husband. The property she possessed, the personalty it represented, belonged to herself alone.

Traces, however, may be detected of an older order of things, which once existed, at all events, in the Semitic element of the Babylonian population. The dowry had to be paid to the husband, to be deposited, as it were, in his "hand." It was with him that the marriage contract was made. This must surely go back to an age when the marriage portion was really given to the

bridegroom, and he had the same right over it as was enjoyed until recently by the husband in England. Moreover, the right of divorce retained by the husband, like the fact that the bride was given away by a male relation, points in the same direction. According to an early Sumerian law, while the repudiation of the wife on the part of the husband was punishable only with a small fine, for the repudiation of the husband by the wife the penalty was death. A deed drawn up in the time of Khammurabi shows that this law was still in force in the age of Abraham. It lays down that if the wife is unfaithful to her husband she may be drowned, while the husband can rid himself of his wife by the payment only of a maneh of silver. Indeed, as late as the time of Nebuchadnezzar, the old law remained unrepealed, and we find a certain Nebo-akhi-iddin, who married a singing-woman, stipulating in the marriage contract that if he should divorce her and marry another he was to pay her six manehs, but if, on the contrary, she committed adultery, she should be put to death with "an iron sword."

In this instance, however, the husband married beneath him, and in view of the antecedents of the wife the penalty with which she was threatened in case of unfaithfulness was perhaps necessary. She came to him, moreover, without either a dowry or family relations who could give her away. She was thus little better than the concubines whom the Babylonian was allowed to keep by the side of his lawful wife. But even so, the marriage contract had to be made out in full legal form, and the penalty to

be paid for her divorce was as much as £54. With this she could have lived comfortably and probably have had no difficulty in finding another husband.

The concubine was usually a slave who had been bought by the bridegroom. Occasionally, by agreement with the parents, the wife herself was in much the same position. Thus Dagilili, who married the daughter of a lady named Khammâ, gave the mother one and a half manehs of silver and a slave worth half a maneh, and agreed that if he married another wife he would give her daughter a maneh and send her back to her old home. Here the husband practically buys his wife, though even so the law obliged him to divorce her if he married again, and also fined him for doing so. Khammâ was apparently in financial difficulties, and consequently, instead of furnishing her daughter with a dowry, received money from the bridegroom. It was a private arrangement, and utterly opposed to the usual custom. The parents had, however, the power of selling their children before they came of age, and where the parents were dead, the same power was possessed—at any rate in Assyria—by a brother in the case of a sister. Doubtless the power was restricted by law, but the instances in which we hear of its being exercised are so rare that we do not know what these restrictions were.

Nor do we know the reasons which were considered sufficient to justify divorce. The language of the early laws would seem to imply that originally it was quite enough to pronounce the words: "Thou art not my wife," "Thou art not my husband." But the loss

of the wife's dowry and the penalties attached to divorce must have tended to check it on the part of the husband, except in exceptional circumstances. Perhaps want of children was held to be a sufficient pretext for it; certainly adultery must have been so. Another cause of divorce was a legal one: a second marriage invalidated the first, if the first wife was still alive.

This is a very astonishing fact in a country where polygamy was allowed. It proves that polygamy was greatly restricted in practice, and that the tendency of the law was to forbid it altogether. Among the multitudinous contracts of the second Babylonian empire it is difficult to find any which show that a man had two legitimate wives living at one and the same time. The high position of the mother of the family, her independence and commercial equality with her husband, were all against it. It is only where the wife is a bought slave that polygamy can flourish.

In early times, it is true, the rich Babylonian indulged in the possession of more than one wife. Some contracts of the age of Khammurabi, translated by Mr. Pinches, are particularly instructive in this respect. We hear in them of a certain Arad-Samas, who first married a lady called Taram-Sagila and then her adopted sister Iltani. Iltani, it is ordained, shall be under the orders of her sister, shall prepare her food, carry her chair to the Temple of Merodach, and obey her in all things. Not a word is said about the divorce of the first wife; it is taken for granted that she is to remain at the head of the household, the younger and

second wife acting as her servant. The position of Iltani, in fact, is not very different from that of a slave, and it is significant that neither wife brought a dowry with her.

As we have seen in the case of Dagil-ili, the law and custom of later Babylonia display a complete change of feeling and practice. Marriage with a second wife came to involve, as a matter of course, divorce from the first, even where there had been a *mésalliance* and the first wife had been without a dowry. The woman had thus gained a second victory; the rule that bound her in regard to marriage was now applied to the man. The privilege of marrying two husbands at once had been denied her; usage was now denying a similar privilege to him. It was only when the first wife was dead or divorced that a second could be taken; the wife might have a successor, but not a rival.

The divorced wife was regarded by the law as a widow, and could therefore marry again. A deed of divorce, dated in the reign of the father of Khammurabi, expressly grants her this right. To the remarriage of the widow there was naturally no bar; but the children by the two marriages belonged to different families, and were kept carefully distinct. This is illustrated by a curious deed drawn up at Babylon, in the ninth year of Nabonidos. A certain Bel-Katsir, who had been adopted by his uncle, married a widow who already had a son. She bore him no children, however, and he accordingly asked the permission of his uncle to adopt his step-son, thereby making him the heir of his uncle's property. To this the uncle objected, and it was finally agreed that if Bel-

Katsir had no child he was to adopt his own brother, and so secure the succession of the estate to a member of his own family. The property of the mother probably went to her son; but she had the power to leave it as she liked. This may be gathered from a will, dated in the seventh year of Cyrus, in which a son leaves property to his father in case of death, which had come to him from his maternal grandfather and grandmother. The property had been specially bequeathed to him, doubtless after his mother's death, the grandmother passing over the rest of her descendants in his favor.

The marriage ceremony was partly religious, partly civil; no marriage was legally valid without a contract duly attested and signed. The Babylonians carried their business habits into all departments of life, and in the eyes of the law matrimony was a legal contract, the forms of which had to be duly observed. In the later days of Babylonian history the legal and civil aspect of the rite seems to have been exclusively considered, but at an earlier period it required also the sanction of religion; and Mr. Pinches has published a fragmentary Sumerian text in which the religious ceremony is described. Those who officiated at it, first placed their hands and feet against the hands and feet of the bridegroom, then the bride laid her neck by the side of his, and he was made to say to her: "Silver and gold shall fill thy lap; thou art my wife; I am thy husband. Like the fruit of an orchard will I give thee offspring." Next came the ceremony of binding the sandals on the feet of the newly wedded pair and of handing them the latchet

wherewith the shoes should be tied, as well as “a purse of silver and gold.” The purse perhaps symbolized the dowry, which was given by the father of the bride. In the time of Nebuchadnezzar the ceremony was restricted to joining together the hands of the bride and bridegroom.

Contact with the Assyrians and Babylonians in the Exilic period introduced the Babylonian conception of the legal character of marriage among the Israelites, and, contrary to the older custom, it became necessary that it should be attested by a written contract. Thus, Raguel, when he gave his daughter “to be wife to Tobias,” “called Edna, his wife, and took paper and did write an instrument of covenants, and sealed it” (Tobit vii. 14).

According to Herodotus, a gigantic system of public prostitution prevailed in Babylonia. Every unmarried woman was compelled to remain in the sacred enclosure of Mylitta—by which Istar is apparently meant—until some stranger had submitted to her embraces, while the sums derived from the sale of their personal charms by the handsome and good-looking provided portions for the ugly. Of all this there is not a trace in the mass of native documents which we now possess. There were the devotees of Istar, certainly—the *ukhâtu* and *kharimâtu*—as well as public prostitutes, who were under the protection of the law; but they formed a class apart, and had nothing to do with the respectable women of the country. On the contrary, in the age of Khammurabi it was customary to state in the marriage contracts that no stain whatever rested on the bride. Thus we read in one

of them: "Ana-Â-uzni is the daughter of Salimat. Salimat has given her a dowry, and has offered her in marriage to Bel-sunu, the son of the artisan. Ana-Â-uzni is pure; no one has anything against her." The dowry, as we have seen, was paid by the near relations of the wife, and where there was none, as in the case of the singing-woman married by Nebo-akhi-iddin, there was no dowry at all. The dowries provided for the ugly by the prostitution of the rich must be an invention of the Greeks.

Within what degree of relationship marriage was permitted is uncertain. A man could marry his sister-in-law, as among the Israelites, and, in one instance, we hear of marriage with a niece. In the time of Cambyses a brother marries his half-sister by the same father; but this was probably an imitation of the Persian custom.

The children, as we have seen, whether boys or girls, inherited alike, subject to the provisions of the parent's will. The will seems to have been of Babylonian origin. Testamentary devolution of property went back to an early period in a country in which the legal relations of trade had been so fully developed. Trade implied private property and the idea of individual possession. The estate belonging to a person was his absolutely, to deal with pretty much as he would. He had the same right to alienate it as he had to increase it. In a commercial community there could be no community of goods.

As far back, therefore, as our materials carry us, the unit in the Babylonian state is the individual rather than the family. It

is he with whom both the law and the government deal, and the legal code of Babylonia is based upon the doctrine of individual responsibility. Private ownership is the key-note of Babylonian social life.

But the whole of this social life was fenced about by a written law. No title was valid for which a written document could not be produced, drawn up and attested in legal forms. The extensive commercial transactions of the Babylonians made this necessary, and the commercial spirit dominated Babylonian society. The scribe and the lawyer were needed at almost every juncture of life.

The invention of the will or documentary testament, followed naturally. The same legal powers that were required to protect a man's property during his lifetime were even more urgently required when he was dead. The will was at first the title which gave the heir his father's estate. Gradually it developed, until at last it came to be an instrument by means of which the testator retained control over his property even after his death. As an example of the form which it usually assumed, we may take one which was drawn up in the seventh year of the reign of Cyrus as King of Babylon (532 B.C.):

Nebo-baladan, the son of Samas-palassar, the son of the priest of the Sun-god, has, of his own free-will, sealed all his estate, which he had inherited from Nebo-balasu-iqbi, the son of Nur-Ea, the son of the priest of the Sun-god, the father of his mother, and from Kabtâ, the mother of Assat-

Belit, his grandmother, consisting of a piece of land, a house and the slaves or serfs attached to it, in accordance with the will (literally tablet) which his maternal grandfather, Nebo-balasu-iqbi, and his maternal grandmother, Kabtâ, had sealed and bequeathed to Nebo-baladan, the son of their daughter, and has bequeathed them for ever to Samas-palassar, the son of Samas-ina-esi-edher, the son of the priest of the Sun-god. As long as Nebo-baladan lives the piece of ground, the house, the slaves, and all the rest of his property shall continue in his own possession, according to the terms of this his will. Whoever shall attempt to change them, may Anu, Bel, and Ae curse him; may Nebo, the divine scribe of Ê-Saggil, cut off his days! This will has been sealed in the presence of Sula, son of Bania, son of Epes-ilu; of Bel-iddin, son of Bel-natsir, son of the priest of Gula; of Nebo-sum-yukin, son of Sula, son of Sigua; of Nebo-natsir, son of Ziria, son of Sumâti; ... of Nebo-sum-lisir, son of Nebo-sum-iskun, son of the wine-merchant (?), and the scribe Samas-zir-yusabsi, son of Zariqu-iddin, son of the architect. (Written at) Babylon, the 19th day of Sebat (February), the seventh year of Cyrus, king of Babylon and the world.

In this case it is a son who makes over his property to his father should he be the first to die. The will shows that the son was absolute master of his own possessions even during his father's lifetime, and could bequeath it as he chose.

A remarkable instance of the application of the principles underlying testamentary devolution is to be found in the case

of Ninip-Sum-iskun, the son of a land-surveyor who handed over his property to his daughter Dhabetu, while he was still alive, stipulating only for the usufruct of it. The text begins by saying that the testator called to his daughter: “Bring me writing materials, for I am ill. My brother has deserted me; my son has offended me. To you therefore I turn. Have pity on me, and while I live support me with food, oil, and clothes. The income from my surveying business, in which I have two-thirds of a share with my brother, do I hand over to you.” After this preamble the deed is drawn up in due form, attested, dated, and sealed. The whole of the testator's property is assigned to his daughter “for ever,” “the usufruct of his income” only being reserved to himself “as long as he shall live.” He undertakes accordingly not to “sell” it, not to give it to another, not to pawn it or alienate a portion of it. By way of doubly securing that the deed shall take effect, the gods are invoked as well as the law.³

³ A similar case, in which, however, it is a testatrix who hands over her property to her son during her lifetime, is recorded in a deed dated at Babylon the 10th day of Sivân, in the second year of Nabonidos. The deed is as follows: “Gugûa, the daughter of Zakir, the son of a native of Isin, has voluntarily sealed and delivered to her eldest son, Ea-zir-ibni, her dowry, consisting of one maneh which is in the keeping of Nebo-akhi-iddin, the son of Sula, the son of Egibi; 35 shekels which have been mortgaged to Tabnea, the son of Nebo-yusallim, the son of Sin-sadunu, and 20 shekels which are due from Tasmetum-ramat, the daughter of Arad-Bel, the son of Egibi, as well as a field producing 48 *gas* of seed on the canal of Kish. As regards the maneh and 56 shekels belonging to Gugûa, which, in the absence of her eldest son, Ea-zir-ibni, she has divided between her younger sons, Nebo-akhi-bullidh, Nergal-ina-esi-edher, Itti-Samas-baladhu, and Ninip-pir-utsur, Ea-zir-ibni shall have no claim to them. Gugûa has delivered to Ea-zir-ibni, her eldest son, one maneh, now in the hands of Nebo-

Another case in which a kind of will seems to have been made which should take effect during the lifetime of the testator, is a document drawn up by order of the Assyrian King Sennacherib. We may gather from it that Esar-haddon, though not his eldest, was his favorite son, a fact which may explain his subsequent assassination by two of his other sons, who took advantage of their brother's absence in Armenia at the head of the army, to murder their father and usurp the throne. In the document in question Sennacherib makes a written statement of his desire to leave to Esar-haddon certain personal effects, which are enumerated by name. "Gold rings, quantities of ivory, gold cups, dishes, and necklaces, all these valuable objects in plenty, as well as three sorts of precious stones, one and one-half maneh and two and one-half shekels in weight, I bequeath to Esar-haddon, my son, who bears the surname of Assur-etil-kin-pal, to be deposited in the house of Amuk." It will be noticed that this document is not attested by witnesses. Such attestation was dispensed with in the case of the monarch; his own name was sufficient to create a title. Whether it would have been the same in Babylonia, where the king was not equally autocratic and the commercial spirit was stronger than in Assyria, may be questioned. At all events, when

akhi-iddin, 55 shekels in the hands of Tabnea, 50 shekels in the hands of Tasmetum-ramat, and a field bearing 48 *gas* of seed. As long as Gugûa lives, Ea-zir-ibni shall give his mother Gugûa, as interest upon the property, food and clothing. Gugûa shall alienate none of it out of affection or will it away. Ea-zir-ibni shall not be disturbed in his possession." The names of three witnesses are attached to the deed, which was "sealed in the presence of Babâ, the daughter of Nebo-zir-lisir, the son of Egibi."

Gigitu, the daughter of the Babylonian King Nergal-sharezer, was married to one of his officials, the contract was made out in the usual form, and the names of several witnesses were attached to it, while the deeds relating to the trading transactions of Belshazzar when heir-apparent to the throne differ in nothing from those required from the ordinary citizen.

Besides possessing the power of making a will, the head of the family was able to increase it by adoption. The practice of adoption was of long standing in Babylonia. The right to become King of Babylon and so to claim legitimate rule over the civilized world was conferred through adoption by the god Bel-Merodach. The claimant to sovereignty "took the hand of Bel," as it was termed, and thereby became the adopted son of the god. Until this ceremony was performed, however much he might be a sovereign *de facto*, he was not so *de jure*. The legal title to rule could be given by Bel, and by Bel alone. As the Pharaohs of Egypt were sons of Ra the Sun-god, so it was necessary that the kings of Babylon should be the sons of the Babylonian Sun-god Merodach. Sonship alone made them legitimate.

This theory of adoption by a god must have been derived from a practice that was already well known. And the power of adopting children was exercised by the Babylonians up to the last. It has been suggested that it was due to ancestor-worship, and the desire to prevent the customary offerings from being discontinued through the extinction of the family. But for this there is no evidence. Indeed, it is questionable whether there was

any worship of ancestors in Babylonia except in the case of the royal family. And even here it had its origin in the deification of the kings during their lifetime.

The prevalence of adoption in Babylonia had a much less recondite cause. It was one of the results of the recognition of private property and the principle of individual ownership. The head of the family naturally did not wish his estate to pass out of it and be transferred to a stranger. Wherever monogamy is the general rule, the feeling of family relationship is strong, and such was the case among the Babylonians. The feeling shows itself in the fact that when inherited land is sold we find other members of the family signing their assent by their presence at the sale. The father or mother, accordingly, who adopted a child did so with the intention of making him their heir, and so keeping the estate they had inherited or acquired in the hands of their own kin.

That this is the true explanation of the Babylonian practice of adoption is clear from the case mentioned above in which Bel-Katsir was prevented from adopting his step-son, because his uncle and adoptive father, whose property would then have passed to the latter, objected to his doing so. It was entirely a question of inheritance. Bel-Katsir had been adopted in order that he might be his uncle's heir, and consequently the uncle had the right of deciding to whom his estate should ultimately go. He preferred that it should be the brother of Bel-Katsir, and the brother accordingly it was settled to be.

The fact that women could adopt, also points in the same

direction. The woman was the equal of the man as regards the possession and management of property, and like the man, therefore, she could determine who should inherit it.

A slave could be adopted as well as a free man. It was one of the ways in which a slave obtained his freedom, and contracts for the sale of slaves generally guarantee that they have not been adopted into the family of a citizen. A curious suit that was brought before a special court at Babylon in the tenth year of Nabonidos illustrates the advantage that was sometimes taken of the fact. The action was brought against a slave who bears the Israelitish name of Barachiel, and may, therefore, have been a Jew, and it was tried, not only before the ordinary judges, but before special commissioners and "elders" as well. The following is a translation of the judgment which was delivered and preserved in the record office:

"Barachiel is the slave of Gagâ, the daughter of ... , redeemable with money only. In the thirty-fifth year of Nebuchadnezzar, King of Babylon (570 B.C.), he was given to Akhi-nuri, son of Nebo-nadin-akhi, as security for a debt of twenty-eight shekels. Now he claims that he is the adopted son of Bel-rimanni, who has joined the hands of Samas-mudammiq, the son of Nebo-nadin-akhi, and Qudasu, the daughter of Akhi-nuri, in matrimony. The case was pleaded before the commissioners, the elders, and the judges of Nabonidos, King of Babylon, and the arguments were heard on both sides. They read the deeds relating to the servile condition of Barachiel, who

from the thirty-fifth year of Nebuchadnezzar, King of Babylon, to the seventh year of Nabonidos, King of Babylon, had been sold for money, had been given as security for a debt, and had been handed over to Nubtâ, the daughter of Gagâ, as her dowry—Nubtâ, had afterward, by a sealed deed, given him with a house and other slaves to her son, Zamama-iddin, and her husband, Nadin-abla—and they said to Barachiel: You have brought an action and called yourself an adopted son. Prove to us your adoption. Barachiel thereupon confessed: Twice did I run away from the house of my master and for many days was not seen. Then I was afraid and pretended to be an adopted son. My adoption is non-existent; I was the slave of Gagâ, redeemable with money. Nubtâ, her daughter, made a present of me, and by a sealed deed transferred me to her son, Zamama-iddin, and her husband, Nadin-abla. After the death of Gagâ and Nubtâ, I was sold by sealed contract to Itti-Merodach-baladhu, the son of Nebo-akhi-iddin, the son of Egibi. I will go and [perform each of my duties. The commissioners,] the elders, and the judges heard his evidence and restored him to his servile condition, and [confirmed] his possession by Samas-mudammiq [the son of Nebo-nadin-akhi] and Qudasu, the daughter of Akhi-nuri, who had given him as a dowry (to his daughter).” Then follow the names of the judges and secretary, and the date and place where the judgment was delivered, two of the judges further affixing their seals to the document, as well as a certain Kiribtu who calls himself “the shield-bearer,” but who was probably one of the

commissioners sent to investigate the case.

After a slave had been adopted, it was in the power of the adoptive father to cancel the act of adoption and reduce him to his former state of servitude if he had not performed his part of the contract and the parties who had witnessed it were willing that it should be cancelled. We learn this from a deed that was drawn up in the thirteenth year of Nabonidos. Here we read:

“Iqisa-abla, the son of Kudurru, the son of Nur-Sin, sealed a deed by which he adopted his servant, Rimanni-Bel, usually called Rimut, in return for his receiving food and clothing from Rimanni-Bel. But Rimanni-Bel, usually called Rimut, has violated the contract ever since the deed by which he was adopted was sealed, and has given neither food, oil, nor clothing, whereas Ê-Saggil-ramat, the daughter of Ziria, the son of Nabâ, the wife of Nadin-Merodach, the son of Iqisa-abla, the son of Nur-Sin, has taken her father-in-law, has housed him, and has been kind to him and has provided him with food, oil, and clothing. Iqisa-abla, the son of Kudurru, the son of Nur-Sin, has, therefore, of his own free will, cancelled the deed of adoption, and by a sealed deed has given Rimanni-Bel to wait upon Ê-Saggil-ramat and Nubtâ, the daughter of Ê-Saggil-ramat and Nadin-Merodach, the grandson of Nur-Sin; Ê-Saggil-ramat and Nubtâ, her daughter, shall he obey. After the death of Ê-Saggil-ramat he shall wait on Nubtâ, her daughter. Whoever shall change these words and shall destroy the deed which Iqisa-abla has drawn up and given to Ê-Saggil-ramat and Nubtâ, her daughter, may Merodach and

the goddess Zarpanit denounce judgment upon him!" Then come the names of four witnesses and the clerk, the date and place of writing, and the statement that the deed was indented in the presence of Bissâ, the daughter of Iqisa-abla.

It is clear that the testator had little or no property of his own, and that he was too old, or otherwise incapacitated, to earn anything for himself. It is also clear that the adopted slave, who is described by the milder term *gallu*, or "servant," had acquired some wealth, and that this was the motive for his adoption. He, however, deserted and neglected his adopted father after his freedom had been secured to him, and thereby failed to carry out his part of the contract. Iqisa-abla accordingly had the legal right to break it also on his side.

One of the effects of the system of adoption was to give the privileges of Babylonian citizenship to a good many foreigners. The foreign origin of Barachiel, as evidenced by his name, was no obstacle to his claim to be a citizen, and the numerous contracts in which it is certified of a foreign slave that he has never been adopted prove the fact conclusively. A commercial community cannot afford to be exclusive on the ground of race and nationality.

Such, then, was the family system in the Babylonia of the historical period. Polygamy was rare, and the married woman possessed full rights over her property and could employ or bequeath it as she chose. The dowry she brought from her father or other near relation made her practically independent of her

husband. Sons and daughters alike were able to inherit, and the possessor of property had the power of making a will. The law seems to have placed but few restrictions upon the way in which he could bestow his wealth. A family could be increased or prevented from dying out by means of adoption, and new blood could thus be introduced into it.

The rights and duties of the individual were fully recognized; it was with him alone that the law had to deal. Nevertheless, a few traces survived of that doctrine of the solidarity of the family which had preceded the development of individual ownership and freedom of action. The bride was given in marriage by her parents, or, failing these, by her nearest male relations, and when an estate was sold which had long been in the possession of a certain family, it was customary for the rest of the family to signify their consent by attending the sale. We may gather, however, that the sale was not invalidated if the consent was not obtained. In the older days of Babylonian history, moreover, it was usual for the property of a deceased citizen to be divided among his heirs without the intervention of a will. It went in the first instance to his widow, and was then divided equally among his children, whether body heirs or adopted ones, the eldest son alone receiving an additional share in return for administering the estate. But disputes frequently arose over the division, and the members of the family went to law with one another. In such cases it became the custom to place the whole of the property in the hands of the priests of the city-temple, who

thus corresponded to the English Court of Chancery, and made the division as they judged best. The results, however, were not always satisfactory, and it was doubtless in order to avoid both the litigation and the necessity of appointing executors who were not members of the family, that the will came to play so important a part in the succession to property. In bequeathing his possessions the head of the family was expected to observe the usual rule of division, but it ceased to be obligatory to do so.

Chapter III. Education And Death

One of the lesson-books used in the Babylonian nursery contains the beginning of a story, written in Sumerian and translated into Semitic, which describes the adventures of a foundling who was picked up in the streets and adopted by the King. We are told that he was taken "from the mouth of the dogs and ravens," and was then brought to the *asip* or "prophet," who marked the soles of his feet with his seal. What the precise object of this procedure was it is difficult to say, but the custom is alluded to in the Old Testament (Job xiii. 27). Certain tribes in the south of China still brand the soles of a boy's feet, for the purpose, it is said, of testing his strength and hardihood.

After the operation was performed the boy was handed over to a "nurse," to whom his "bread, food, shirt, and (other) clothing were assured for three years." At the same time, we may assume, he received a name. This giving of a name was an important event in the child's life. Like other nations of antiquity the Babylonians conformed the name with the person who bore it; it not only represented him, but in a sense was actually himself. Magical properties were ascribed to the name, and it thus became of importance to know what names were good or bad, lucky or unlucky. An unlucky name brought evil fortune to its possessor, a lucky name secured his success in life. A change of name influenced a man's career; and the same superstitious belief

which caused the Cape of Storms to become the Cape of Good Hope not unfrequently occasioned a person's name to be altered among the nations of the ancient East.

The gods themselves were affected by the names they bore. A knowledge of the secret and ineffable name of a deity was the key to a knowledge of his inner essence and attributes, and conferred a power over him upon the fortunate possessor of it. The patron god of the dynasty to which Khammurabi belonged was spoken of as "the Name," Sumu or Samu, the Shem of the Old Testament; his real title was too sacred to be uttered in speech. The name of a thing was the thing itself, and so too the name of a god or person was the actual god or person to whom it was attached.

A large proportion of Babylonian names includes the name of some divinity. In spite of their length and unwieldiness they tended to increase in number as time went on. In ordinary life, however, they were frequently shortened. In the contract given in the last chapter, the slave Rimanni-Bel is said to have been usually called Rimut, the one name signifying "Love me, O Bel," the other "Love." In other instances we find Samas-musezib contracted into Samsiya and Suzub, Kabti-ilâni-Merodach into Kabtiya, Nebo-tabni-uzur into Tabniya. The Belesys of Greek writers is the Babylonian Balasu, which is a shortened form of Merodach-balasu-iqbi, and Baladan, which is given in the Old Testament as the name of the father of Merodach-baladan, has lost the name of the god with which it must originally have begun.

Sometimes a change in the form of the name was due to its being of foreign origin and consequently mispronounced by the Babylonians, who assimilated it to words in their own language. Thus Sargon of Akkad was properly called Sargani, "The Strong One," or, more fully, Sargani-sar-ali, "Sargani, the King of the City," but his Sumerian subjects turned this into Sar-gina or Sargon, "The Established King." The grandson of Khammurabi bore the Canaanitish name of Abesukh, the Abishua of the Israelites, "The Father of Welfare," but it was transformed by the Babylonians into Ebisum, which in their own dialect meant "The Actor." Eri-Aku or Arioch was an Elamite name signifying "The Servant of the Moon-god;" the Babylonians changed it into Rim-Sin and perhaps even Rim-Anu, "Love, O Moon-god," "Love, O Sky-god."

At other times the name was changed for political or superstitious reasons. When the successful general Pul usurped the throne of Assyria he adopted the name of one of the most famous of the kings of the older dynasty, Tiglath-pileser. His successor, another usurper, called Ululâ, similarly adopted the name of Shalmaneser, another famous king of the earlier dynasty. It is probable that Sargon, who was also a usurper, derived his name from Sargon of Akkad, and that his own name was originally something else. Sennacherib tells us that Esarhaddon had a second name, or surname, by which he was known to his neighbors. In this respect he was like Solomon of Israel, who was also called Jedidiah.

It is doubtful whether circumcision was practised in Babylonia. There is no reference to it in the inscriptions, nor is it mentioned by classical writers as among Babylonian customs. In fact, the words of the Greek historian Herodotus seem to exclude the practice, as the Babylonians are not one of the nations of Western Asia who are said by him to have learnt the rite from the Egyptians. Moreover, Abraham and his family were not circumcised until long after he had left Babylonia and had established himself in Canaan. Africa, rather than Asia, seems to have been the original home of the rite.

If the boy were the son of well-to-do parents he was sent to school at an early age. One of the texts which, in Sumerian days, was written as a head-line in his copy-book declared that "He who would excel in the school of the scribes must rise like the dawn." Girls also shared in the education given to their brothers. Among the Babylonian letters that have been preserved are some from ladies, and the very fact that women could transact business on their own account implies that they could read and write. Thus the following letter, written from Babylon by a lover to his mistress at Sippara, assumes that she could read it and return an answer: "To the lady Kasbeya thus says Gimil-Merodach: May the Sun-god and Merodach, for my sake, grant thee everlasting life! I am writing to enquire after your health; please send me news of it. I am living at Babylon, but have not seen you, which troubles me greatly. Send me news of your arrival, so that I may be happy. Come in the month Marchesvan. May you live forever,

for my sake!" The Tel-el-Amarna collection actually contains letters from a lady to the Egyptian Pharaoh. One of them is as follows: "To the king my lord, my gods, my sun-god, thus says Nin, thy handmaid: At the feet of the king my lord, my gods, my sun-god, seven times seven I prostrate myself. The king my lord knows that there is war in the land, and that all the country of the king my lord has revolted to the Bedâwin. But the king my lord has knowledge of his country, and the king my lord knows that the Bedâwin have sent to the city of Ajalon and to the city of Zorah, and have made mischief (and have intrigued with) the two sons of Malchiel; and let the king my lord take knowledge of this fact."

The oracles delivered to Esar-haddon by the prophetesses of Arbela are in writing, and we have no grounds for thinking that they were written down by an uninspired pen. Indeed, the "bit riduti," or "place of education," where Assur-bani-pal tells us he had been brought up, was the woman's part of the palace. The instructors, however, were men, and part of the boy's education, we are informed, consisted in his being taught to shoot with the bow and to practise other bodily exercises. But the larger part of his time was given to learning how to read and write. The acquisition of the cuneiform system of writing was a task of labor and difficulty which demanded years of patient application. A vast number of characters had to be learned by heart. They were conventional signs, often differing but slightly from one another, with nothing about them that could assist

the memory; moreover, their forms varied in different styles of writing, as much as Latin, Gothic, and cursive forms of type differ among ourselves, and all these the pupil was expected to know. Every character had more than one phonetic value; many of them, indeed, had several, while they could also be used ideographically to express objects and ideas. But this was not all. A knowledge of the cuneiform syllabary necessitated also a knowledge of the language of the Sumerians, who had been its inventors, and it frequently happened that a group of characters which had expressed a Sumerian word was retained in the later script with the pronunciation of the corresponding Semitic word attached to them, though the latter had nothing to do with the phonetic values of the several signs, whether pronounced singly or as a whole.

The children, however, must have been well taught. This is clear from the remarkably good spelling which we find in the private letters; it is seldom that words are misspelt. The language may be conversational, or even dialectic, but the words are written correctly. The school-books that have survived bear testimony to the attention that had been given to improving the educational system. Every means was adopted for lessening the labor of the student and imprinting the lesson upon his mind. The cuneiform characters had been classified and named; they had also been arranged according to the number and position of the separate wedges of which they consisted. Dictionaries had been compiled of Sumerian words and expressions, as well as

lists of Semitic synonyms. Even grammars had been drawn up, in which the grammatical forms of the old language of Sumer were interpreted in Semitic Babylonian. There were reading-books filled with extracts from the standard literature of the country. Most of this was in Sumerian; but the Sumerian text was provided with a Semitic translation, sometimes interlinear, sometimes in a parallel column. Commentaries, moreover, had been written upon the works of ancient authors, in which difficult or obsolete terms were explained. The pupils were trained to write exercises, either from a copy placed before them or from memory. These exercises served a double purpose—they taught the pupil how to write and spell, as well as the subject which the exercise illustrated. A list of the kings of the dynasty to which Khammurabi belonged has come to us, for instance, in one of them. In this way history and geography were impressed upon the student's memory, together with extracts from the poets and prose-writers of the past.

The writing material was clay. Papyrus, it is true, was occasionally used, but it was expensive, while clay literally lay under the feet of everyone. While the clay was still soft, the cuneiform or “wedge-shaped” characters were engraved upon it by means of a stylus. They had originally been pictorial, but when the use of clay was adopted the pictures necessarily degenerated into groups of wedge-like lines, every curve becoming an angle formed by the junction of two lines. As time went on, the characters were more and more simplified, the number of

wedges of which they consisted being reduced and only so many left as served to distinguish one sign from another. The simplification reached its extreme point in the official script of Assyria.

At first the clay tablet after being inscribed was allowed to dry in the sun. But sun-dried clay easily crumbles, and the fashion accordingly grew up of baking the tablet in a kiln. In Assyria, where the heat of the sun was not so great as in the southern kingdom of Babylonia, the tablet was invariably baked, holes being first drilled in it to allow the escape of the moisture and to prevent it from cracking. Some of the early Babylonian tablets were of great size, and it is wonderful that they have lasted to our own days. But the larger the tablet, the more difficult it was to bake it safely, and consequently the most of the tablets are of small size. As it was often necessary to compress a long text into this limited space, the writing became more and more minute, and in many cases a magnifying glass is needed to read it properly. That such glasses were really used by the Assyrians is proved by Layard's discovery of a magnifying lens at Nineveh. The lens, which is of crystal, has been turned on a lathe, and is now in the British Museum. But even with the help of lenses, the study of the cuneiform tablets encouraged short sight, which must have been common in the Babylonian schools. In the case of Assur-bani-pal this was counteracted by the out-of-door exercises in which he was trained, and it is probable that similar exercises were also customary in Babylonia.

A book generally consisted of several tablets, which may consequently be compared with our chapters. At the end of each tablet was a colophon stating what was its number in the series to which it belonged, and giving the first line of the next tablet. The series received its name from the words with which it began; thus the fourth tablet or chapter of the “Epic of the Creation” states that it contains “one hundred and forty-six lines of the fourth tablet (of the work beginning) ‘When on high unproclaimed,’ ” and adds the first line of the tablet which follows. Catalogues were made of the standard books to be found in a library, giving the name of the author and the first line of each; so that it was easy for the reader or librarian to find both the work he wanted and the particular chapter in it he wished to consult. The books were arranged on shelves; M. de Sarzec discovered about 32,000 of them at Tello in Southern Chaldea still in the order in which they had been put in the age of Gudea (2700 B.C.).

Literature of every kind was represented. History and chronology, geography and law, private and public correspondence, despatches from generals and proclamations of the king, philology and mathematics, natural science in the shape of lists of bears and birds, insects and stones, astronomy and astrology, theology and the pseudo-science of omens, all found a place on the shelves, as well as poems and purely literary works. Copies of deeds and contracts, of legal decisions, and even inventories of the property of private individuals, were also stored in the libraries of Babylonia and Assyria, which

were thus libraries and archive-chambers in one. In Babylonia every great city had its collection of books, and scribes were kept constantly employed in it, copying and re-editing the older literature, or providing new works for readers. The re-editing was done with scrupulous care. Where a character was lost in the original text by a fracture of the tablet, the copyist stated the fact, and added whether the loss was recent or not. Where the form of the character was uncertain, both the signs which it resembled are given. Some idea may be formed of the honesty and care with which the Babylonian scribes worked from the fact that the compiler of the Babylonian Chronicle, which contains a synopsis of later Babylonian history, frankly states that he does "not know" the date of the battle of Khalulê, which was fought between the Babylonians and Sennacherib. The materials at his disposal did not enable him to settle it. It so happens that we are in a more fortunate position, as we are able to fix it with the help of the annals of the Assyrian King.

New texts were eagerly collected. The most precious spoils sent to Assur-bani-pal after the capture of the revolted Babylonian cities were tablets containing works which the library of Nineveh did not possess. The Babylonians and Assyrians made war upon men, not upon books, which were, moreover, under the protection of the gods. The library was usually within the walls of a temple; sometimes it was part of the archives of the temple itself. Hence the copying of a text was often undertaken as a pious work, which brought down upon the scribe the blessing

of heaven and even the remission of his sins. That the library was open to the public we may infer from the character of some of the literature contained in it. This included private letters as well as contracts and legal documents which could be interesting only to the parties whom they concerned.

The school must have been attached to the library, and was probably an adjacent building. This will explain the existence of the school-exercises which have come from the library of Nineveh, as well as the reading-books and other scholastic literature which were stored within it. At the same time, when we remember the din of an oriental school, where the pupils shout their lessons at the top of their voices, it is impossible to suppose that the scribes and readers would have been within ear-shot. Nor was it probable that there was only one school in a town of any size. The practice of herding large numbers of boys or girls together in a single school-house is European rather than Asiatic.

The school in later times developed into a university. At Borsippa, the suburb of Babylon, where the library had been established in the temple of Nebo, we learn from Strabo that a university also existed which had attained great celebrity. From a fragment of a Babylonian medical work, now in the British Museum, we may perhaps infer that it was chiefly celebrated as a school of medicine.

In Assyria education was mainly confined to the upper classes. The trading classes were perforce obliged to learn how to read and write; so also were the officials and all those who looked

forward to a career in the diplomatic service. But learning was regarded as peculiarly the profession of the scribes, who constituted a special class and occupied an important position in the bureaucracy. They acted as clerks and secretaries in the various departments of state, and stereotyped a particular form of cuneiform script, which we may call the chancellor's hand, and which, through their influence, was used throughout the country. In Babylonia it was otherwise. Here a knowledge of writing was far more widely spread, and one of the results was that varieties of handwriting became as numerous as they are in the modern world. The absence of a professional class of scribes prevented any one official hand from becoming universal. We find even the son of an "irrigator," one of the poorest and lowest members of the community, copying a portion of the "Epic of the Creation," and depositing it in the library of Borsippa for the good of his soul. Indeed, the contract tablets show that the slaves themselves could often read and write. The literary tendencies of Assurbani-pal doubtless did much toward the spread of education in Assyria, but the latter years of his life were troubled by disastrous wars, and the Assyrian empire and kingdom came to an end soon after his death.

Education, as we have seen, meant a good deal more than merely learning the cuneiform characters. It meant, in the case of the Semitic Babylonians and Assyrians, learning the ancient agglutinative language of Sumer as well. In later times this language ceased to be spoken except in learned society, and

consequently bore the same relation to Semitic Babylonian that Latin bears to English. In learning Sumerian, therefore, the Babylonian learned what was equivalent to Latin in the modern world. And the mode of teaching it was much the same. There were the same paradigms to be committed to memory, the same lists of words and phrases to be learned by heart, the same extracts from the authors of the past to be stored up in the mind. Even the "Hamiltonian" system of learning a dead language had already been invented. Exercises were set in translation from Sumerian into Babylonian, and from Babylonian into Sumerian, and the specimens of the latter which have survived to us show that "dog-Latin" was not unknown.

But the dead language of Sumer was not all that the educated Babylonian or Assyrian gentlemen of later times was called upon to know. In the eighth century before our era Aramaic had become the common medium of trade and diplomacy. If Sumerian was the Latin of the Babylonian world, Aramaic was its French. The Aramaic dialects seem to have been the result of a contact between the Semitic languages of Arabia and Canaan, and the rising importance of the tribes who spoke them and who occupied Mesopotamia and Northern Arabia caused them to become the language of trade. Aramaic merchants were settled on the banks of the Euphrates and Tigris, and conveyed the products of Babylonia and Phoenicia from one country to the other. Many of the commercial firms in Babylonia were of Aramaic origin, and it was natural that some part at least of their

business should have been carried on in the language of their fathers.

Hence it was that, when the Rab-shakeh or Vizier of Sennacherib appeared before Jerusalem and summoned its inhabitants to submit to the Assyrian King, he was asked by the ministers of Hezekiah to speak in "Aramæan." It was taken for granted that Aramaic was known to an Assyrian official and diplomatist just as it was to the Jewish officials themselves. The Rab-shakeh, however, knew the Hebrew language as well, and found it more to his purpose to use it in addressing the Jews.

Here, then, we have an Assyrian officer who is acquainted not only with Sumerian, but also with two of the living languages of Western Asia. And yet he was not a scribe; he did not belong to the professional class of learned men. Nothing can show more clearly the advanced state of education even in the military kingdom of Assyria. In Babylonia learning had always been honored; from the days of Sargon of Akkad onward the sons of the reigning king did not disdain to be secretaries and librarians.

The linguistic training undergone in the schools gave the Babylonian a taste for philology. He not only compiled vocabularies of the extinct Sumerian, which were needed for practical reasons, he also explained the meaning of the names of the foreign kings who had reigned over Babylonia, and from time to time noted the signification of words belonging to the various languages by which he was surrounded. Thus one of the tablets we possess contains a list of Kassite or Kossean words with

their signification; in other cases we have Mitannian, Elamite, and Canaanite words quoted, with their meanings attached to them. Nor did the philological curiosity of the scribe end here. He busied himself with the etymology of the words in his own language, and just as a couple of centuries ago our own dictionary-makers endeavored to find derivations for all English words, whatever their source, in Latin and Greek, so, too, the Babylonian etymologist believed that the venerable language of Sumer was the key to the origin of his own. Many of the words in Semitic Babylonian were indeed derived from it, and accordingly Sumerian etymologies were found for other words which were purely Semitic. The word *Sabattu*, "the Sabbath," for instance, was derived from the Sumerian *Sa*, "heart," and *bat*, "to cease," and so interpreted to mean the day on which "the heart ceased" from its labors.

History, too, was a favorite subject of study. Like the Hebrews, the Assyrians were distinguished by a keen historical sense which stands in curious contrast to the want of it which characterized the Egyptian. The Babylonians also were distinguished by the same quality, though perhaps to a less extent than their Assyrian neighbors, whose somewhat pedantic accuracy led them to state the exact numbers of the slain and captive in every small skirmish, and the name of every petty prince with whom they came into contact, and who had invented a system of accurately registering dates at a very early period. Nevertheless, the Babylonian was also a historian; the necessities of trade had

obliged him to date his deeds and contracts from the earliest age of his history, and to compile lists of kings and dynasties for reference in case of a disputed title to property. The historical honesty to which he had been trained is illustrated by the author of the Babylonian Chronicle in the passage relating to the battle of Khalulê, which has been already alluded to. The last king of Babylonia was himself an antiquarian, and had a passion for excavating and discovering the records of the monarchs who had built the great temples of Chaldea.

Law, again, must have been much studied, and so, too, was theology. The library of Nineveh, however, from which so much of our information has come, gives us an exaggerated idea of the extent to which the pseudo-science of omens and portents was cultivated. Its royal patron was a believer in them, and apparently more interested in the subject than in any other. Consequently, the number of books relating to it are out of all proportion to the rest of the literature in the library. But this was an accident, due to the predilections of Assur-bani-pal himself.

The study of omens and portents was a branch of science and not of theology, false though the science was. But it was based upon the scientific principle that every antecedent has a consequent, its fallacy consisting in a confusion between real causes and mere antecedents. Certain events had been observed to follow certain phenomena; it was accordingly assumed that they were the results of the phenomena, and that were the phenomena to happen again they would be followed by the same

results. Hence all extraordinary or unusual occurrences were carefully noted, together with whatever had been observed to come after them. A strange dog, for instance, had been observed to enter a palace and there lie down on a couch; as no disaster took place subsequently it was believed that if the occurrence was repeated it would be an omen of good fortune. On the other hand, the fall of a house had been preceded by the birth of a child without a mouth; the same result, it was supposed, would again accompany the same presage of evil. These pseudo-scientific observations had been commenced at a very early period of Babylonian history, and were embodied in a great work which was compiled for the library of Sargon of Akkad.

Another work compiled for the same library, and containing observations which started from a similarly fallacious theory, was one in seventy-two books on the pseudo-science of astrology, which was called "The Illumination of Bel." But in this case the observations were not wholly useless. The study of astrology was intermixed with that of astronomy, of which Babylonia may be considered to be the birthplace. The heavens had been mapped out and the stars named; the sun's course along the ecliptic had been divided into the twelve zodiacal signs, and a fairly accurate calendar had been constructed. Hundreds of observations had been made of the eclipses of the sun and moon, and the laws regulating them had been so far ascertained that, first, eclipses of the moon, and then, but with a greater element of uncertainty, eclipses of the sun, were able to be predicted. One of the chapters

or books in the "Illumination of Bel" was devoted to an account of comets, another dealt with conjunctions of the sun and moon. There were also tables of observations relating to the synodic revolution of the moon and the synodic periods of the planet Venus. The year was divided into twelve months of thirty days each, an intercalary month being inserted from time to time to rectify the resulting error in the length of the year. The months had been originally called after the signs of the zodiac, whose names have come down to ourselves with comparatively little change. But by the side of the lunar year the Babylonians also used a sidereal year, the star Capella being taken as a fixed point in the sky, from which the distance of the sun could be measured at the beginning of the year, the moon being used as a mere pointer for the purpose. At a later date, however, this mode of determining time was abandoned, and the new year was made directly dependent on the vernal equinox. The month was subdivided into weeks of seven days, each of which was consecrated to a particular deity.

These deities were further identified with the stars. The fact that the sun and moon, as well as the evening and morning stars, were already worshipped as divinities doubtless led the way to this system of astro-theology. But it seems never to have spread beyond the learned classes and to have remained to the last an artificial system. The mass of the people worshipped the stars as a whole, but it was only as a whole and not individually. Their identification with the gods of the state religion might be taught

in the schools and universities, but it had no meaning for the nation at large.

From the beginning of the Babylonian's life we now pass to the end. Unlike the Egyptian he had no desert close at hand in which to bury his dead, no limestone cliffs, as in Palestine, wherein a tomb might be excavated. It was necessary that the burial should be in the plain of Babylonia, the same plain as that in which he lived, and with which the overflow of the rivers was constantly infiltrating. The consequences were twofold. On the one hand, the tomb had to be constructed of brick, for stone was not procurable; on the other hand, sanitary reasons made cremation imperative. The Babylonian corpse was burned as well as buried, and the brick sepulchre that was raised above it adjoined the cities of the living.

The corpse was carried to the grave on a bier, accompanied by the mourners. Among these the wailing women were prominent, who tore their hair and threw dust upon their heads. The cemetery to which the dead was carried was a city in itself, to which the Sumerians had given the name of Ki-makh or "vast place." It was laid out in streets, the tombs on either side answering to the houses of a town. Not infrequently gardens were planted before them, while rivulets of "living water" flowed through the streets and were at times conducted into the tomb. The water symbolized the life that the pious Babylonian hoped to enjoy in the world to come. It relieved the thirst of the spirit in the underground world of Hades, where an old myth had declared

that "dust only was its food," and it was at the same time an emblem of those "waters of life" which were believed to bubble up beneath the throne of the goddess of the dead.

When the corpse reached the cemetery it was laid upon the ground wrapped in mats of reed and covered with asphalt. It was still dressed in the clothes and ornaments that had been worn during life. The man had his seal and his weapons of bronze or stone; the woman her spindle-wheel and thread; the child his necklace of shells. In earlier times all was then thickly coated with clay, above which branches of palm, terebinth, and other trees were placed, and the whole was set on fire. At a more recent period ovens of brick were constructed in which the corpse was put in its coffin of clay and reeds, but withdrawn before cremation was complete. The skeletons of the dead are consequently often found in a fair state of preservation, as well as the objects which were buried with them.

While the body was being burned offerings were made, partly to the gods, partly to the dead man himself. They consisted of dates, calves and sheep, birds and fish, which were consumed along with the corpse. Certain words were recited at the same time, derived for the most part from the sacred books of ancient Sumer.

After the ceremony was over a portion of the ashes was collected and deposited in an urn, if the cremation had been complete. In the later days, when this was not the case, the half-burnt body was allowed to remain on the spot where it had been

laid, and an aperture was made in the shell of clay with which it was covered. The aperture was intended to allow a free passage to the spirit of the dead, so that it might leave its burial-place to enjoy the food and water that were brought to it. Over the whole a tomb was built of bricks, similar to that in which the urn was deposited when the body was completely burned.

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