



REVIEW

**STRUCTURES OF POWER:  
LAW AND GENDER ACROSS THE ANCIENT NEAR EAST AND BEYOND**

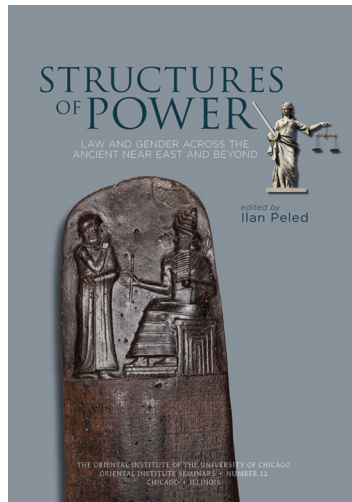
edited by Ilan Peled

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The last two decades have seen considerable advances in the holistic study of ancient Near Eastern law, spearheaded principally by works like the wide-ranging volumes written or edited by the late Raymond Westbrook.<sup>1</sup> Equally, there has been much progress in our understanding of gender across the ancient Near East, as shown, for instance, by the compendium of papers edited by Simo Parpola and Robert Whiting<sup>2</sup> or the thorough diachronic treatment of the topic by Diane Bolger.<sup>3</sup> However, what has been lacking until now is a major publication combining these two rapidly advancing areas of research, despite the obvious potential and need for such an endeavor, given the clear significance of gender matters in the legal sphere. This volume, while not without limitations, goes a long way towards filling this gap and moreover also provides useful comparanda beyond the Near East. Its editor and authorial team deserve great commendation for doing so.

The book is divided into three core sections, preceded by an overarching introduction by the editor and followed by a final response pulling the various



contributions back together into a coherent whole. The introduction (pp. 1–12) provides a lucid statement on the aims of the volume, placing emphasis on the need to avoid drawing conclusions about law and gender based on indisputably legal texts alone, and arguing for the inclusion of a wider array of documents broaching social dynamics across a plethora of cultures. Although the volume does not explicitly make this connection, such an approach is especially welcome in view of the growing importance of legal

pluralism in studies of ancient law, as has been recently highlighted by scholars such as Kyle Lakin<sup>4</sup> and—from a more general perspective of legal theory—Emmanuel Melissaris.<sup>5</sup>

The first core section, the longest in the volume (pp. 15–112), aims to investigate distinctions between formal law and informal custom in five ancient societies: Egypt, Mesopotamia, Greece, Rome, and China. In the opening chapter (pp. 15–25), Brian Muhs discusses the extent to which Egyptian legal documents of the later second and first millennia BCE reflected widespread social practice. He does so with reference to treatment of males and females in

inheritance law, placing considerable emphasis on the relatively high level of agency possessed by female testators. The following chapter (pp. 27–40), by Ilan Peled, provides an emphatic contrast to the Egyptian material by highlighting the divergence of male and female legal rights in Mesopotamia and Hatti. By discussing various perceived offences, ranging from adultery and rape to incest, bestiality, and homosexuality, he shows that the cuneiform legal tradition tended to see men as active agents, whereas women were often deemed passive objects. This same theme is evident again in the third chapter (pp. 41–59), where Adele Scafuro addresses various strategies deployed in ancient Greece to tackle sexual offences. Using examples from Gortyn and Athens, the author demonstrates that while women and men were equally liable to be punished for sexual deviance, the judicial and societal mechanisms for determining such penalties were entirely controlled by males. The focus changes somewhat in the following chapter (pp. 61–85), where Thomas McGinn provides a detailed study of Roman attitudes to one specific sexual offense: bigamy. While he focuses more on the legal interpretation of this term rather than the gender dynamic, he nonetheless makes the key observation that bigamy was defined in the same way for men and women. Finally, the section ends with Laura Skosey's chapter on narrative jurisprudence and legal reform in China (pp. 87–112), which also cannot be said to concentrate primarily on gender. However, while this means that in places the author strays from the main topic of the book, in so doing she provides a highly original and refreshing insight into how literature could be used to critique ancient judicial practice. This certainly has implications for gender studies, as illustrated by allusions to contrasts between male and female characters in the *Treatise on Penal Law* by the Chinese historian Ban Gu (32–92 CE).

The second core section shifts attention onto questions of gender in legal matters associated principally with administration and economy. It begins with Laura Culbertson, who investigates women in the household bureaucratic records of Ur-III period Mesopotamia. This chapter (pp. 115–129) is notable for its rigor in highlighting that high status women could enjoy considerable agency in Sumerian legal process related to domestic administration and participation in court, which represents a considerable addition to the conventional view that Mesopotamian law consistently assigned women

legal status far less favorable than that of men.<sup>6</sup> By focusing on Sumerian, rather than Akkadian, material, Culbertson demonstrates a need to look again at the existing understanding of the status of women in Mesopotamia, which may have varied significantly between Akkadian and Sumerian contexts. This observation also adds useful extra nuance to the discussions around cuneiform law by Peled earlier in the volume (pp. 27–40), and readers may wish to engage with these two chapters jointly. The following chapter then returns to Egypt (pp. 131–141), with Melinda Nelson-Thurst presenting an argument not dissimilar to that of Culbertson. She argues that Middle Kingdom women could hold fairly senior administrative office independently of their relationships with men, skillfully interweaving textual, visual, and archaeological evidence for female sealers to illustrate how they acted as officials in their own right. Moving on from this, the section concludes with a chapter by Gary Beckman about Hittite women in government and religion (pp. 143–151). Unlike the two preceding contributions, the focus here is exclusively on females of the highest status, namely queens and goddesses, and this inevitably limits opportunities for comparison with the other legal traditions discussed previously. Even so, Beckman makes an important and widely applicable point in emphasising the difference between the great agency ascribed to divine women and the severe limits to female power in the mortal realm, best epitomised by the formulation in the *Proclamation of King Telipinu* that the role of royal women is purely to legitimize claims to the throne by non-royal men. Thus, this section ends with a very different perspective on the links between gender and legal power, which broadens the intellectual scope of the whole volume.

The third and final core section discusses family and kinship matters. Its first chapter (pp. 155–169), by Edward Shaughnessy, is a case study of how a dowager aristocrat adjudicated a family land dispute in 9th century BCE China. It says little about law and gender in ancient Chinese society at large, but its tight focus on a very specific—and early—case raises searching questions about just how influential elite Chinese women were and whether their verdicts were in fact legally binding. Reading this chapter alongside the piece by Skosey (pp. 87–112) might be beneficial, allowing the reader to explore possible connections between somewhat later Chinese narrative jurisprudence with the practical realities of the legal system that ultimately gave birth to it.

Moving on, discussion then turns to Jewish family law (pp. 171–179), with Tal Ilan exploring commonalities in the composition of Jewish women’s archives from 5th century BCE Elephantine and the 2nd century CE Judean desert. While much of this contribution is not new and relies extensively on Ilan’s earlier published work,<sup>7</sup> its observation that personal archives far apart in both time and space were substantially the same is nevertheless of profound significance. Ilan reveals that in both cases Jewish women had three types of property ownership document: marriage contracts, deeds of gift from male relatives, and claim renunciation documents from other males. On the contrary, males seemingly possessed no archives whatsoever, indicating that the legal default entitled them to all property unless stated otherwise. This has important implications not only for wider documentary studies of family law but also for scholarship surrounding Semitic law and in particular the possibility of conducting similar investigations for earlier cuneiform material. Finally, the section closes with a lengthy chapter by David Powers (pp. 181–210), who looks at a particularly complex linguistic puzzle in the Qur’ân (Q. 4.12b) pertaining to the circumstances in which women may inherit. Much of this piece is tricky to follow unless one is a specialist in Qur’ânic paleography, but the overall argument—that alteration of a single word in a Qur’ânic verse led to a fundamentally different interpretation of female legal status—remains clear. This chapter also makes an interesting observation about apparent parallels between Qur’ânic formulations of the 7th century CE and female adoption texts in Akkadian from Nuzi of the mid-second millennium BCE. This is another fine example of the importance of diachronic research to law and gender studies, and will hopefully inspire more work in this tradition.

The volume ends with a short but extremely useful response by Janet Johnson and Martha Roth (pp. 213–220). This provides a commentary on the earlier contributions from Egyptological and Assyriological perspectives, highlighting key themes and synoptic links across the entire book. Among these are the distinctions between law and custom, the entire body of written and unwritten law as opposed to the defined corpus of legal documents, and the separation of family arbitration from state adjudication. The importance of language as a source of nuance in law is emphasised too, with examples drawn from the lack of grammatical

gender in Sumerian and the emergence of new words from established consonantal roots in the Qur’ân. The response also proposes some novel areas for future research, such as use of the theoretical framework surrounding narrative jurisprudence to enable new interpretations of ancient Egyptian literature.

Overall, this is a most informative, original, and wide-ranging publication that—despite a few limitations set out below—must surely be considered recommended reading for all scholars interested in ancient Near Eastern law, gender, or the intersections thereof. It is not perfect: with the exception of the very clear and cross-cultural introduction and final response, more could have been done to link individual chapters together into a more unified whole. The chapters are also pitched at very different levels, with some catering to a broad audience of academics not necessarily working on the specific culture being discussed, and others being tailored very much to narrow specialists in a particular field. This gives the volume a slightly inconsistent feel, which prevents it from being the wholly user-friendly reference work that it could otherwise have been. The quality of footnotes, while generally of a high standard, is also somewhat variable.

Notwithstanding these blemishes, the editor and his team have undoubtedly achieved their main goal: law and gender across the ancient Near East have now been integrated into a single, concise volume that not only does a service to the field but also pulls in other fields which would not typically be associated with this area. Greece, Rome, and China all feature prominently, giving the book a geographic scope far broader than the norm for scholarship focused on the ancient Near East and opening unorthodox and refreshing avenues for inquiry. Equally, the chronological expansiveness of this publication deserves great praise—going from the 3rd millennium BCE to the 7th century CE, it offers unrivalled opportunities for *longue durée* comparisons of legal process. With strengths such as these, the limitations of the work fade into relative insignificance. Instead, they merely become areas that other scholars might be inspired to improve upon, and if they do so, they will owe Ilan Peled and his authorial team a large debt of gratitude.

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#### Notes

- <sup>1</sup> Jasnaw and Westbrook 2001; Westbrook 2003, 2009, 2015.
- <sup>2</sup> Parpola and Whiting 2002.
- <sup>3</sup> Bolger 2008.
- <sup>4</sup> Lakin 2009.
- <sup>5</sup> Melissaris 2013; Melissaris and Croce 2017.
- <sup>6</sup> E.g., Stol 1995; Nemet-Nejat 1999.
- <sup>7</sup> Ilan 2000.