

A Comparative Study of Marriage in the Ancient Near-East and Yoruba Customary Marriage

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INTRODUCTION

The Middle East or Near East is as important as anything in the adventure of Old Testament Scholarship. Marriage is the only known incubator for the raising of balanced socially functional children through which the society is formed or constituted within the purview of cultural construct. It is a civilized union of *man and woman*. The ideal set up for a child to be raised into full functionality in the African context has a contributor to civilization. It is the institutionalization of complementary relationship between male and female energies, enshrining in the child sentiments and values from both sexes. This succinct paper does a comparative sieving or analysis of marriage in Ancient Easter (ANE) culture with the Yoruba concept. However, there is a review of scholarly positions on the concept “marriage.”

GENERAL CONCEPT OF MARRIAGE

There have been variations in opinions on what constitutes a marriage by different people. This can also be the reason why marriage has developed so many approaches today which has resulted to a dark cloud over the heavenly institution.

Some people define marriage by sexual satisfaction. To them according to TAG marriage is constituted after the wedding vow

when a man and woman are joined together in sexual intercourse.⁷¹ Others view marriage from the legal, social, emotional and religious and cultural purposes. But marriage is far from meeting the social, traditional or cultural needs alone. Neither is it meant to satisfy economic stability. On this note the researcher shall employ the various views on marriage.

Marriage according to Merrill F. Unger is a divine institution, designed to form a permanent union between man and woman that they might be helpful to one another in every aspect of their lives.⁷² Furthermore, Adeyemi, look at marriage from inter personal religion says “marriage is a sacred union between a man and a woman of like faith in the Lord Jesus.”⁷³ To Adeyemi religious of common faith determines marriage. His opinion is undermining the position of love or choice. He placed more emphasis on common faith. But according to Mao a growing member of countries and other jurisdictions have lifted bans on and have established legal recognition for interracial marriage, inter faith marriage and most recently, gender-neutral marriage.⁷⁴

Dural Bell an Anthropologist view marriage as a relationship between one or more men (male or female) severalty to one or more women that provides those men with a demand right of sexual access within a domestic group and identifies women who bear the obligation of yielding to the demands of those specific men.”⁵

Bell is referring “men in severalty” as his lineages which, in paying bride price, retain a right in a woman’s offspring even if her husband (a lineage member) deceased. This position according to Bell provide the right of a woman to stand social fathers” of the wife’s children

⁷¹TAG, Swey, *A Biblical Approach to Marriage and family in Africa* (Nwaza, Tanzamia: In land Press 1994), 47.

⁷² Merrill F. Unger, *Unger Bible Dictionary* (Chicago: Mood Press, 1957), 697.

⁷³Debo Adeyemi, *The Sacred Union* (Ibadan: Scepter Printing Ltd, 1997), 14.

⁷⁴Map in legalizing gay marriage, England joins growing international community cited on 05/02/2018.

born of other lovers. The above view of marriage can be likened to what is practicable in eastern part of Nigeria where a woman can transfer children born when bride price was not paid to the man who paid her bride price.⁷⁵

Larry Christensen in his work said:

The neo-platonic philosophers looked on marriage with gloomy serenity. It was a contradiction to the spiritual nature of man. The most rigid sect of Jesus day – the essence view marriage as a hindrance to preparation for the kingdom of heaven. But the Christian family is formed to be the very image of the future kingdom of God, in which the will of the Lord shall be done on earth as it is done in heaven. It is created to bring glory and honour to God.⁶

James H. Olthuis opines that marriage as a lifelong union between a man and a woman which is constituted through physical intercourse.⁷⁶ Kore looking at marriage from the biblical concept says that it is a union between one male and one female.⁷⁷ He said it is a closure union binding a husband and a wife together in a monogamous not a polygamous.⁷⁸ Here one can see the cultural standards in contradicting to the biblical concept of marriage (monogamous).⁷⁹

To John & Diana Hagee, marriage should not be self-centered where the individual desire that his or her opinion be satisfied and is more than a honeymoon but it is a lifetime contract, through sickness and health, for richer and for poorer, and that it requires devotion and a mature ability when it is the last thing you want to do.⁸⁰ It is the act of two

⁷⁵Larry Christensen, *Solving Marriage Problems: Biblical Solution for Christian Counselors* (Grand Rapids: Baker Book House, 1983), 18.

⁷⁶ David C. Sheaks, *The Ministry of Marriage* (preparation for God's plan), 16.

⁷⁷ Danfulani Kore, *culture and the Christian Home* (Jos: Act publication 1995), 8.

⁷⁸James H. Olthuis, "marriage" *Baker's Dictionary of Christian Ethnics* (Grand Rapids: Cannon Press, 1973), 40.

⁷⁹Ibid, 9.

⁸⁰John & Diana Hagee *Marriage* (Florida: Charisma House, 198), 7

un-compactable people learning to become compactable via compassionate compromise.

G.M. Lewis in his book on sociology defines marriage as an institution in which a man and a woman comes together in family with equal right, legally, politically, socially and frequently economically.⁸¹ From the sociological angle, it is that the control of the house is in the hand both spouse. The definition is more of western world than African or Bible. The Bible says husband is the head of the wife even as Christ is the head of the church. (Ephesians 5:24).

Merrill C. Tenney though acknowledge the sociological aspect of marriage yet did not fail to assert it as divine institution which is safeguard by law and customs of the society. Hence he defines marriage as an intimate personal union to which a man and a woman connect, consummated and perfected in a lifelong partnership of mutual love and commitment.⁸² He defended his definition the more to say that it is also a social institution guarded by the word of God and the law and custom which a society develops to safeguard its own continuity and welfare.

To Tenney, God instituted marriage and allowed it to be guarded by his word and by the law and custom of the people that is not at vary to God. Therefore the sustenance of the marriage is by God, the institutor, his word and the custom of the people. To Tenney, marriage is sacred to the society in which both the husband and wife share and perpetuated their happiness in having and rearing their own children.

⁸¹ G.M Lewis, "O" *Level Revision Notes Sociology* (Durham: Casdec Limited, 1983), 13.

⁸² Merrill C. Tennery et al, *The Zondervan Pictorial Bible Dictionary* (Grow Rapid: Zonadervan publishing, 1998), 38.

From the biblical view Tenney had established that God instituted marriage between a man and a woman base on their love and commitment to each other for the purpose of both social, biological, procreation of children needs which is to last in unbroken relationship throughout their live time.

Adedeji from relational view defines marriage as a sacred and permanent union which exists between a man and a woman who have by legal implication agreed to live together as husband and wife.⁸³ The view of Adedeji is agreement with Tenney though with Adedeji placing priority on legal implication rather than God who instituted marriage.

Grallagher Maggie asserted that reasons for marriage:

People marry for many reasons, but usually on or more of the following: legal social and economic stability, the formation of family units, procreation and education and nurturing of children, legitimating sexual relations, to fulfill religions obligations. Public declaration of work, or to obtain citizenship.⁸⁴

The author view does not include the position of God for marriage.

Bowar and Knapp in the same view defines marriage as; the lifelong and exclusive state in which a man and a woman are wholly committed to live with each other in sexual relationship under the condition normally approved and witnessed by their social group or society.⁸⁵ Willian F. Dankenbring established that marriage equally took place between the fallen angels and daughters of men which led

⁸³John Adedeji, *The marriage that last* (Ejigbo: New Life counseling nd prayer clinic, 2002), 56.

⁸⁴J. Gallgher *marriage, what is marriage for? The public purposes of marriage land* (Louisiana: PDF, 2002), 60.

⁸⁵P.K. Bower and G.L Knapp “Marriage, marry” Geoffrey W. Bromilley (ed). *The international standard bible encyclopedia* (Grow Rapids: W.B Eerdsman publishing company, 1986), 261.

to the birth of saints. He buttressed his argument that (Matthew 22:30) stated that the angels in heaven that remain righteous on and in righteousness cannot marry but the fallen ones could marry. He buttressed his argument by citing Josephus a Jews man as saying that many angels of God accompanied with women and begat sons that was good, on account of the confidence they had on their strength.⁸⁶

Peschke in his view said;

In marriage, man and woman render mutual help to each other through an intimate union of their persons and actions. Man and woman with their different gifts and abilities complete each other in this covenant in the most perfect way. They become “one flesh” (Genesis 2v23ff) the expression “One flesh” asserts in a very concrete and vivid way the mutual completion of man and wife affected by marriage. It implies that marriage is not merely a bound, but a new being, a being together, on actuality which can never undo.⁸⁷

David Martz stated that “Christian marriage is viewed in three ways. First as a threefold covenant between God, man and woman, and second, as a contract between the couple and the state, and thirdly as a pledge of faithfulness between the two being married”.⁸⁸ According to Iyaye Benson, marriage is God’s premeditated and calculated divine institution deigned to form a paramount union between one man and one woman, as husband and wife for life.⁸⁹ He further stated that marriage is not meant for every man using Matthew 19:10-12 to

⁸⁶Ibid, 261.

⁸⁷ K.H Peschke. Christian ethnics. Moral theology in the light of Vatican II vol. (Bangalore: Theological publication in India, 1996), 472.

⁸⁸ David martz. Marriage (Covenant Network 211, *A paper presented to the/ second Russian/ Finnish Dialogue on Christian values and ethnics t Iso Kirija Bible college in Kemuriu* (finland 2002), 5.

⁸⁹ Iyaye Benson, developing excellence relationship in marriage (warri: RM publication department, 2009), 13.

buttress his point.⁹⁰ “The disciples said to him, if the relationship of the man with his wife is like this, it is better not to marry”. But he said to them “Not all men can accept this statement, but only those to whom it has been given.” “For there are eunuchs’ who were born that way from their mothers’ womb and there are also eunuchs’ who made themselves eunuchs’ for the sake of the kingdom of heaven. He, who is able to accept this, let him accept it”.

Iyaye could be right to an extent, but his opinion that marriage is not for everybody is a conclusion born out of circumstance. Originally, marriage is meant for everybody. Every seed of Adam is blessed at creation to be fruitful, multiply, replenish the earth and subdue it. According to happy home digest publication, marriage and family were established by God for the joy and enjoyment of his people. God’s desire is for his people to have happy home.⁹¹ In addition, Rosemary Babalola said marriage is a union between a minimum of two persons (male and female) which the society approves as legitimate for sexual relationship and which also becomes the foundation of founding a family and raising legitimate children.⁹² She proceeded to state that marriage is God’s institution which stands above culture or tradition. To her, God and our society attach more importance to marriage. There is a big social vacuum if a man is highly esteem and not marry and there are position in the society that such people may not fit into.

Rosemary’s view marriage from biblical angle above which of course is good but she had underestimated societal culture of people of different groups and their implications in marriage. Therefore as much as unbiblical views above marriage would not be supported yet; it is good to look into their cultural view in order to criticize them

⁹⁰Ibid, 1.

⁹¹Happy home digest, a publication of family intercessor ministry. Vol. 1 No.2, 2014.

⁹² Rosemary Babalola Joshua, *Understanding marriage* (Ibadan, Nigeria: Eregha Publisher 2011), 2.

with sympathy. With the view of various authors, one can conclude that marriage is been viewed from different angles, especially as God's given institution to man but which has been affected by societal cultures of different groups both positive and negative.

From the foregoing, some variables are very cardinal. One major variable deduced from the scholarly concepts above is that marriage takes place between a man and a woman. Another is that it unifies the man and the woman concerned with their respective families. A crop of the cited scholars above on the general concept of marriage posits that once marriage is done, it is for permanence whether monogamy or polygamy. This paper later, addresses the ground(s) on which another fellow can procure another person's wife.

An examination of the laws and customs that deal with marriage and family in the ancient Near East is necessarily incomplete. Scholars are limited in their conclusions by the fragmentary nature of the available evidence from that distant time. Therefore, much of what will be said in this paper will be subject to change as new discoveries come to light. The following view, however incomplete, of life in ancient Mesopotamia is based on law codes, personal correspondence, business records, and the annals of kings, religious documents, and archaeological data. This examination of marriage customs and family life will deal with the patriarchal nature of ancient society, the arrangement of marriage alliances, the importance of children, and finally the protections afforded to widows in comparison with African marriage and family life.

Laconic Background to the Ancient Near Eastern Milieu

The variation between Ancient Near East or the Middle East has a lot of challenge clarifying the terms. Despite conflicting usage in scholarship on the term, these terms do emphasize that the area being described owes its regional character to other than indigenous factors. As diverse as the countries of Europe, these lands are included in a single term merely because they are 'near' to or 'in the middle of'

other regions.⁹³ Whatever unity does exist within the region today is largely functional: it a unity in relation to the outside world rather than an inherent unity arising from similar geographical and social conditions or from a recent common history. Since ‘Near East’ and ‘Middle East’ are western terms indicating the location of the region relative to Europe, they are often not used at all by Asians. Many Indians, for example, refer to this part of the world today as southwest Asia.

The near East or middle East in this paper include Turkey, Iran, Israel, the Arab countries of Lebanon, Iraq, Jordan, Syria, Egypt, and the kingdoms, sheikhdoms, principalities, and other minor subdivisions of the Arabian heartland. Within the Ancient Near Eastern cultures, living outside of the city or being a nomad was frowned upon. Life in the city was the best life in which to be engaged. The Mesopotamians as well as the Egyptians believed that cities were created by the gods, before humans, as a tie to the past. Just as in every other aspect of life in the Ancient Near Eastern, the objectives of both the city and the king were to please the gods.⁹⁴ Cities were the epicenter of the world; they were a place where people lived and did business, but ultimately where the temples were. Each city had its own temple that was dedicated to a specific god. The importance of the city was somewhat the same for the Israelites. God's home on earth was the temple, and the temple was located in the city of Jerusalem. The difference, however, was that there was only one temple for the Israelites, and that temple was in *one* city.

Kings were the rulers of the time, thus directly tied to the cities, and therefore kingship played a very important role in religious practice. Kings were thought to have been chosen by the gods and were always attempting to show that the gods approved of them as king. They were

⁹³ Don Peretz, *The Middle East Today* 3rd Edition (New York: Holt, Rinehart and Wiston, 1978), 3.

⁹⁴ Samuel H. Hooke, *The Siege Perilous: Essays in Biblical Anthropology and Kindred Subjects* (London: Ayer Publishing, 1970), 35.

the mediators between the gods and the people who lived under their rule. It was said that they had access to the gods and their plans in a way that no other person did. The view of king was so high in Egypt that he was seen as divine. The king had many responsibilities in regard to the upkeep of the city, one of the most important being the institution of justice. But it was also the king's responsibility to lead the charge in appeasing the gods so that their land would be safe and overflow with blessing. Again, these ideas are very similar to Hebrew kingship. God did choose a king and he gave them authority to speak on His behalf. Some pose that the Old Testament is anti-king, but it is best to take from the text that God had always planned for a king. He was disgusted that the people did not want him (God) to rule over them and that they wanted a king on their time line. And, of course, from the lineage of King David comes the ultimate king, the Messiah.

ANCIENT NEAR EASTERN MARRIAGE AND FAMILY LIFE

Patriarch choosing Wife for the Male Child

While there are some who would suggest that matriarchal social structures existed or even dominated in the Ancient Near East, the weight of evidence indicates that male dominance was the rule and that patriarchal lineage and inheritance systems were the norm in both Egypt and Mesopotamia.⁹⁵ One of the clearest indications of this situation is found in the mandate for a woman to worship the personal or household god of her male protector. Thus, initially, a woman would worship the god of her father, and then, once her marriage contract had been arranged and she had officially joined the new household of her husband, she would transfer her worship to the god of her husband.⁹⁶ This practice is also echoed in the story of

⁹⁵ Ignace J. Gelb, "Household and Family in Early Mesopotamia," in *State and Temple Economy in the Ancient Near East*, ed. Edward Lipinski (Leuven: Peeters, 1979), 1-97.

⁹⁶ Johann Jakob Bachofen, *Mutterrecht und Urreligion: Eine Auswahl* (Stuttgart: A. Kröner, 1954), 89.

Rebecca's betrothal to Isaac and her quick decision to leave her father's household once the marriage contract was concluded (Gen 24:50-60).

Noteworthy is the fact that, it was never the choice of the male child to choose wife for himself but the Patriarch chooses a wife for the child. The male child has no option to the choice of the father because it was the Jewish custom. Any child that alters this principle will in no small measure face the penance.⁹⁷

The head of household (*paterfamilias*), whether the father, the eldest male or the eldest son, had complete charge of the household's property, represented the household in court, and was responsible for maintaining its prosperity and credibility within the community.⁹⁸ He determined which children would inherit the household's property, and in this (at least with respect to texts from Nuzi, Alalakh and Ugarit) he was not bound by the tradition of primogeniture.⁹⁹ As a result, his dignity had to be upheld, even if it required him to exercise summary judgment over members of his family.

No father could tolerate the public humiliation associated with a disrespectful or criminal son: "If a child should strike his father, they shall cut off his hand" (CH 195).¹⁰⁰ Similarly, if charges of adultery were made against his wife, it was her responsibility "for the sake of her husband's honor" to submit to the River Ordeal (CH 132). In this way no shame was attached to the household (identified with the male), and its/his standing within the community was maintained.¹⁰¹

⁹⁷ James M. Freeman, *The New Manners and Customs of the Bible* (Alachua: Bridge-Logos, 1998), 34-35.

⁹⁸ Walker and J. D. Hawkins, *The Old Babylonian Tablets from Tell Al Rimah* (London: British School of Archaeology in Iraq, 1976), no. 116:4-5.

⁹⁹ "An ancestor or forefather" Karel van der Toorn, *Family Religion in Babylonia, Syria and Israel* (Leiden: Brill, 1996), 98.

¹⁰⁰ Shalom M. Paul, "Adoption Formulae: A Study of Cuneiform and Biblical Legal Clauses," *Maarav* 2 (1979-1980): 178, n. 8.

¹⁰¹ Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor* (Atlanta:

This ancient household generally consisted of the extended family—including not only the wife/wives and children of the father but also perhaps his unmarried sisters, his widowed mother, and minor children of his deceased father.¹⁰² While wives were entrusted with the management of the domestic aspects of the household, they ordinarily did not own property, could not testify in court, and were required to uphold the honor of the household through their chaste behavior and social correctness.¹⁰³ There were also categories of women in ancient Near Eastern society who were free of the male-dominated household (barmaids, prostitutes, some widows), but their liminal status removed them from ordinary social discourse. While they figured into legal texts, these unattached females operated outside the household and did not have either the restrictions or the guarantees associated with submitting to husbands or fathers.

Marrying within their Clan and Kinship

It is generally assumed that the culture of ancient Mesopotamia was a traditional society and as such clan based and kin oriented. However, textual evidence on kinship ties, clan or ethnic identity, and loyalties to peoples rather than to a king or city-state is not always consistent. In general it can be said that members of family groups and clans would be expected to come to one another's aid (financial and otherwise), but it is not clear how far this obligation actually went. To be sure, since many extended families lived in close proximity to one another within the cities, one would expect them to work together to maintain businesses and work fields that was owned jointly by the related households.¹⁰⁴

Scholars Press, 1995), 120.

¹⁰² K. R. Nemet-Nejat, *Daily Life in Ancient Mesopotamia* (Westport, Conn.: Greenwood, 1998), 127.

¹⁰³ Victor H. Matthews et al., *JSOTSup 262* (Sheffield: Sheffield Academic Press, 1998), 106-107.

¹⁰⁴ Igor M. Diakonoff, "On the Structure of Babylonian Society," in *Beiträge zur sozialen Struktur des alten Vorderasien*, ed. Horst Klengel (Berlin: Akademie, 1975), 106-107.

Several terms appear in Akkadian texts for the family, including *kimtu*, which may refer to “family houses,” and appears to include husband, wife and children as well as the wife’s brothers. There is some textual evidence that indicates that a *kimtu* included members in more than one city or village. The Mari texts from eighteenth-century B.C. northern Mesopotamia also use social designations to refer to family groups and their property. Thus government officials employed *nawum* as a collective term for tribal pastoralists as well as their animals and even the area in which they pitched their camp.¹⁰⁵ A more obvious term for a social unit is *hibrum*, which is defined as a group of families who share a common migratory pattern.¹⁰⁶ It can be translated as “clans” but is generally tied to the name of the chief member of the group or perhaps an eponymous ancestor.¹⁰⁷ A third term applied in the texts is *ummatum*, which seems to refer to a tribal unit. It most often appears as the designation for a fighting unit and thus may reflect the common practice in ancient military conscription to levy troops from tribal or kinship groups.¹⁰⁸

Some of this diversity in terminology probably results from the influx of new ethnic groups throughout Mesopotamian history. The Akkadians, the Amorites, the Hurrians, the Kassites, the Assyrians and the Chaldeans supplanted the Sumerian culture, which continued to influence all subsequent civilizations in the Tigris-Euphrates Valley. Each new people adopted the use of cuneiform writing, a temple-palace hierarchy of power and a pantheon of gods centered on fertility concerns.¹⁰⁹ New peoples assimilated quickly and thus may

1971), 15-31.

¹⁰⁵ Van der Toorn, *Family Religion*, 22 n. 65.

¹⁰⁶ Daniel C. Snell, *Life in the Ancient Near East 3100-332 B.C.E.* (New Haven, Conn.: Yale University Press, 1997), 52.

¹⁰⁷ Michael B. Rowton, “Urban Autonomy in the Nomadic Environment,” *JNES* 32 (1973), 253.

¹⁰⁸ J. N. Postgate, *Early Mesopotamia. Society and Economy at the Dawn of History* (London: Routledge, 1992), 20.

¹⁰⁹ Seely Snell, *Life in the Ancient Near East*, (Grand Rapids: Moody Press, 1990),

not have chosen in their legal and civil documents to emphasize ethnic differences.

In fact, the continuous settling of portions of the seminomadic tribal groups sloughing off into the village culture may have been prompted by the desire of the newly settled people to mask or submerge their former life in favor of that of their neighbors. In this way, they could more easily do business without the cultural frictions associated with strictly maintained ethnic customs and tribal identity. Evidence that this was not always totally successful can be found in the Old Babylonian Mari documents, which refer to several tribal groups occupying portions of the northern Syrian steppe region.

Foundationally, people are propelled to marry within the context of their tribe. This is conspicuous in the case of Abraham – Isaac episode. He made his servant swear not to marry for his son from among the Canaanite (Gen. 24:3-4). This is because the Canaanite was without the knowledge of the true God. Though Abraham did not have the full understanding of the true God but he knew with the kind of practice among the Canaanite, it was conspicuous that they do not know God.

Children

Mesopotamian culture was based upon a cyclical understanding of the universe. As a result, each successive generation was expected to maintain continuity with the past, upholding traditions and performing rituals designed to protect the household and effectively manage its resources. Thus, the object of marriage, beyond the economic considerations of the families who had arranged it, was to produce children who would inherit the parents' property, care for them as they aged, and continue to make the offerings necessary to the ancestor cult. There is a clear association in the ancient texts between honoring one's father and the ability to become a father.

The parallel here reflects the duty of a son to his living father as well as previous generations of the fathers, all of whom represent the identity and honor of the household. As long as the family continues to perpetuate itself, the household is immortal and the cult of the ancestors can be maintained.¹¹⁰

Servitude

Jacob is a typical example in this regard. He desires to marry from the family of Laban and had to serve his in-law for seven solid years before he was given the wife. Even after service, it was Leah as against Rachael that she so desired. In view of that, he had to serve another corresponding number of years to get the wife of his choice (Gen 29:15-29).

Widows

Since death was a common companion for the ancients, it is not surprising to find very explicit legal statutes guaranteeing the rights of widows and their children. In fact, economic and administrative documents indicate that there were a fairly large number of elderly females, presumably widows, in the general population.¹¹¹ With their husbands deceased and therefore not present to protect them, the widow could easily have become the subject of economic or even physical abuse.¹¹² If she had not been provided for in her husband's will, or if she was either childless or neglected by her children, the widow could end up in a form of ancient poorhouse grinding grain into flour alongside female slaves.¹¹³ She might also become a ward of the temple complex, along with elderly slave women, working at menial tasks or weaving garments.

¹¹⁰ Westbrook, *Old Babylonian Marriage Law*, (Illinois: SPCK Press, 2003), 108.

¹¹¹ F. Charles Fensham, "Widow, Orphan, and the Poor" in *Ancient Near Eastern Legal and Wisdom Literature*, *JNES* 21 (1962), 129-139.

¹¹² Martha T. Roth, "The Neo-Babylonian Widow," *JCS* 43-45 (1991-1993), 1-2.

¹¹³ Martha T. Roth, "The Neo-Babylonian Widow," *JCS* 43-45 (1991-1993), 1-2.

Simply holding the legal status of widow, however, did not mean that the woman was necessarily destitute. The term that most often appears in the text for a widow is *almattu*, but it apparently holds additional social meaning beyond marital status.¹¹⁴ Household records of the Middle Assyrian period demonstrate that the legal term *almattu* was used only for widows who were economically and legally independent. These women could serve as heads of households (VAS 21.6), even if they had adult children. However, a widow who was subject to either a court authority or even another woman could not be labeled an *almattu*. Despite this evidence, the use of *almattu* is not always consistent from one period to the next. For instance, in the Neo-Babylonian period *almattu* is applied to impoverished women, who have no financial support from their families.¹¹⁵ Remarriage would have been one remedy for the problems associated with becoming a widow while still of childbearing age. However, the financial arrangements of the first marriage, especially the dowry might make this either impossible or difficult.

Marriage Procession

It is the duty of the husband to make provision for the expenses that marriage takes in the Near East. Freeman enunciated that “once the marriage dowries had been paid, he comes to take his wife to his house in the company of his wife.”¹¹⁶ This happened in the pre-mosaic era. The marriage celebration was usually done in the wife’s house after which the wife’s face is covered with a veil to be taken to his future husband’s house.¹¹⁷

In the Ancient, when it comes to the wedding banquet, all the invited dignitaries as Freeman explained are presented their tablets or cards to a servant stationed at the entrance, whose job it was to keep out the

¹¹⁴ J. N. Postgate, *Taxation and Conscription in the Assyrian Empire* (Rome: Pontifical Biblical Institute, 1974), 363-367.

¹¹⁵ Roth, “Neo-Babylonian Widow,” 3.

¹¹⁶ James M. Freeman, 468.

¹¹⁷ Ibid. 468.

uninvited.¹¹⁸ He further enunciates that, “as soon as the master of the house goes in with the company of the invited dignitaries, the door is shut and no one is allowed in again no matter their worth and prominence (Luke 13:24-25). This practice tells one how marriage is treated with every sense of confidentiality in the ancient world. It is solely within the purview of the invited alone with the families involved.

The Yoruba Religio-Cultural Context

Yoruba people also known as Yoruba lineage are one of the major ethnic groups in Nigeria. According to an educational journal, South-West Nigeria is home to about 20-25 million Yorubas (Nigeria Fertility Survey, 1984), who inhabit an area that stretches about 120 miles along the coast of the gulf of Guinea, East from the Benin border, to about 200 miles inland into the Savannah belt of Africa. Though there are diversities in the social and religious life of the Yorubas, but they share many things in common. Among those common features share by Yorubas is respect for elders or the head man of the family (Olori Ebi) and marriage institute. For the purpose of this paper, out of their customs features “marriage” which is widely common to them is looked into.

Marriage is seen as an important culture among the Yoruba people and it is been referred to as necessity for any fortunate responsible man. The Yorubas cherish marriage so much to an extent that they could sell their land and give the money out to their children who are due for marriage.¹¹⁹ To the Yoruba people, a woman who is single at a marriageable age is considered as a crownless woman. Husbands are seen as crowns and a single lady is seen as incomplete without her crown. This may be in agreement with Genesis 2:23 “And Adam said “this is now bone of my bones, and flesh of my flesh, she shall be

¹¹⁸ Freeman, 469.

¹¹⁹C.L. Adeoye *Asa Ati Ise Yoruba* (Ibadan Oxford University Press, 1979), 219.

called woman, because she was taken out of man. Yoruba has a concept that every woman has her own marriage crown (husband) that fits her alone and no other one can serve the purpose.

Marriage in the Yoruba Context

Marriage among the Yorubas goes beyond the man and woman that are concern. Rather it is considered to be family affair where the family of the woman and that of the man have the greater say. Marriage customs is affirmed by the kindred of the man and the woman who are to be married are as equally interested in the marriage as the individuals who are entering the union.¹²⁰

Marriage as a foundation of family becomes the union of not only the two spouses, but the two extended families to which they belong. It is true that this demonstration of interest find parallel in marriage customs and laws of western countries. But while the interest of western countries is manifested only indirectly and negatively, the interest of society is shown in direct and positive fashion in Yoruba communities. By successfully going through the demanding steps to the Yoruba marriage the spouses are good reflection on the quality of character of their families. They have shown restraint as people who are well brought up, focused, enduring, reliable, disciplined and people who are able to defer qualification until they are ready for the responsibilities of adulthood. As the Yoruba say; “It is easy to get married, what is difficult is to make provision for the family (Ati Gbeyawo, Kekere, Owo Obelo Soro).¹²¹ This is where the families come in order for the man and the woman not to bring reproach to them. The immediate agents of marriage among the Yorubas are the relatives of both sides and party is socially approved.¹²²

¹²⁰ C.L. Adeoye *Asa Ati Ise Yoruba*, 71.

¹²¹<http://family.jrank.org/pages/1773/Yoruba-culture-meaning-marriage.html>
“Yoruba family-yoruba culture and the meaning of marriage cited on
06/02/2018.

¹²² N.A. Fadipe, 70.

Choosing a Partner

Marriage among the Yorubas is not just universal but interwoven issue with the prevailing social cultural and economic system of the society. Therefore the choice of marriage partner is held with a very high concern. The choice is not left exclusively in the hands of the two individuals principally concerned. In this regard the influence of parent cannot be over-emphasized.

The parent can choose to withdraw their financial and moral contribution if their son or daughter chooses his or her partner out of their interest. The parent sometimes uses their personal interest to choose a wife or husband for their child. This is after many consultation and finding both physical and spiritual means. The parent has the right to place a curse if their child refuses their choice for his or her marriage.¹²³ Friendship is one reason for given out daughter to marriage among the Yorubas. A man can choose to give out his daughter to marry his friend's son. Good character is also another reason a man can consider in choosing a particular girl for his son.¹²⁴

There is a saying among Yorubas that (Obinrin sowanu, O L'ohun O rile Oko gbe) meaning "a woman lost character and complain that she could not stay in husband house." That is why character is considered cardinal when a man is to choose a wife. This is because the Yorubas believe in communal life in the home where they live together freely.¹²⁵ No wonder John Mbiti said, "I am because you are and because you are, I am."¹²⁶ The use of intermediary, known as "Alarina" between a man and the woman to be married is paramount in Yoruba marriage. He is the courageous man that speaks on behalf of the man to the woman for the wedding to take place. At the long-

¹²³ <https://ajol.info/index>

¹²⁴ C.L. Adeoye . *Asa Ati Ise Yoruba* (Ibadan : Oxford University press, 1979), 220.

¹²⁵ Nigeriaworld.com/feature/publication/arowolaji/051805.htm/cited on 05/02/2018.

¹²⁶ John, S. Mbiti, *African Religions and Philosophy* (London: Heinemann Educational Books, 1969), 108-109.

run, he vacates the position when the knitting between the would-be couple is done. No wonder the saying in Yoruba “Bi oko ba moju aya tan, alarina a yeba is very cardinal.

But this is just a parable because his assignment continues as message bearer between the two to marry even as the culture does not permit the togetherness of the husband and wife to be. The Velour has no personal interest rather than to see to the smooth running of the marriage exercise from the beginning to the end. Not for money or material gain but can be compensated by the family after the wedding has been traditional tied.¹²⁷

Consulting the Oracle

Yorubas are very religious people and therefore all of the finding from both families cannot serve as a conclusion for the man and the woman to get married without the oracle consultation. Ifa (the oracle) has the final say. The oracle is an instrumental use of symbolic inquiry to fathom the profitability of the future. Select male elders of the man would consult the oracle divinity (orunmila) who serves as the retraction of the Supreme Being, Olodumare. This is a mean to find out if the marriage will benefit the extended family.¹²⁸

This is usually done by going to Babalawo who is considered as a priest to Orunmila. The continuation of the exercise that will lead to the full manifestation of the marriage would be determined by if the oracle is positive. If it proved negative it brings an end to the whole exercise as the elders in the home would advise their son to discontinue with his intention for the marriage. The man has no choice than to imbibe by the instruction because safety one`s fortunes and safety are guaranteed only as a member of one`s group of ascription to separate oneself from the group amount to social

¹²⁷Nigeriaworld.com/feature/publication/arowolaji/051805.htm/cited on 05/02/2018.

¹²⁸Ibid.

suicide.¹²⁹ Upon the oracle's approval, the suitor is then allowed to visit the home the wife to be.

Betrothal in Yoruba Marriage

The concept of betrothal is peculiar in Yoruba culture. In this instance, the parent of the boy at this point will send a message of installment of bride price to the parent of the girl. This is done to register their interest to have the girl for their son in marriage. It is not the amount that matter but the message that it carries. During this occasion, the families of the girl neither both from the father and mother lines must be on sit nor neither the husband to be nor his parent nor any male member of his family should be present. The importance of the meeting is to openly declare for the fact of the girl's betrothal.¹³⁰

This celebration marked the formal betrothal of boy and girl. It is aftermath his ritual that they are considered as husband and wife but without which the boy cannot lay claim to the girl as his wife neither does he have right to challenge or accuse her if found with another man. The girl is then regarded as the boy's wife and the household wife can also address her as "our wife" (Iyawo wa).¹³¹

After this the bride and the bridegroom are warned to avoid travelling out of town, including to the farm. This is to prevent mishap.¹³² After the betrothal, the wife to be avoided as much as possible any meeting with the husband to be or any of his known relatives. The bride put on face covering wherever she goes. She cannot avoid a meeting especially if she was allowed by her parent to come and greet her prospective mother-in-law, or if she was by a surprise in a meeting

¹²⁹http://wikipedia.org/wiki/yoruba_culture#wedding cited on 05/02/2018.

¹³⁰ibid.

¹³¹ibid.

¹³²ibid

with any of her husband relatives, this she would do without uttering a word.

The covering of face by the bride would continue until after nine days after her arrival in her husband's house when the privilege of seeing her uncovered face would be purchased with a gift of money by a female member of her husband's immediate family. With all this marriage contract details in Yoruba marriage concept, it is clear that marriage among this people is really of family affair. Neither the man to marry nor the girl has final say over their parent. In the traditional marriage concept woman to marry seems to be onlooker while the family takes over the responsibilities of the manifestation of their marriage interest.

TYPES OF MARRIAGE IN YORUBA CULTURE

Yoruba people allowed different types of marriages in their culture with reasons to support it. Here are highlighted five types of marriages among the Yoruba people.

1. **The Full-Fledged Legal Marriage:** This type of marriage entails the consent of a girl and that of her parents being sought for. This involved payment of dowry and bride price with celebration among members and relatives of both families.¹³³ This type of marriage call for merriment because it is a fresh marriage and considered to be honourable.
2. **Inherited Widow (Opo Sisu):** This happen when a man (husband) suddenly died and left his wife behind. The Yorubas believes that a woman without husband lacks protection and safety, and for that reason, she is compelled to marry any young brother of her late husband or any man closer to her late husband. The culture does not permit her to be married to any elder brother, no matter how rich or

¹³³ibid

influential.¹³⁴ This form of marriage does not require any ceremony because the woman had been known as member of the family.

3. A Sacred Marriage (Igbeyawo Orisa): This type of marriage is not common. It might be that the destiny of a child boy or girl is been required from oracle and it has been stated that such child when grown-up be married to Sango priest, Ifa, Priest, Albino (Afin) or a hunch back (Abuke). Any of the Yoruba children with this prophecy wish to fulfill it because violation of such “prophecy” may have a great hazard befalling the lady.
4. Conditional Marriage: This type of marriage is not intentional. It is not by the intentional consent of the woman or her parents. For example, when a woman is sick and the parent had exhausted their finance without the woman getting healed and eventually they met an herbalist that promise to heal such disease from the woman, they may make an agreement to give their daughter to the herbalist to marry if she gets well. And it becomes a condition for the woman to marry the herbalist if she gets well.¹³⁵ This type of marriage can also take place if a girl is cured by an herbalist and the sickness started and deteriorated after returning home. The relative might consider giving such a woman to the herbalist for his wife. This may be with dowry and bride price or not depending on the decision of the herbalist.¹³⁶
5. Marriage by Hijacking a Married Woman (Gbigba Iyawo Elomiran): When a woman is married and she is been mistreated by her first husband or the family of her husband

¹³⁴ Elder David Ogunrinde, *An Oral Interview*. 06/02/2018.

¹³⁵Wale Oyeweso. *Ifaara Itan Isedale Yoruba Ati Asa Awuifo Won* (Osogbo: Magafel Computer,2002), 64.

¹³⁶Wale Oyeweso. *Ifaara Itan Isedale Yoruba Ati Asa Awuifo Won*, 75.

disliked her, if the issue cannot be resolved after much intervention by relatives of both wife and husband, such woman might decide to go and marry another man. All that is required is for the new man to return the dowry to the first husband. Hijacking marriage is also common among the herbalist and medicine maker. An herbalist might give a condition to marry a woman in the process of making medicine especially for the fruit of the womb (When the woman is barren). And others do impregnate another man's wives in the process of helping the woman to get pregnant through medicine.

Reason For Marriage Among The Yoruba People

Marriage is an important culture in Yoruba land and the main reason behind it, is because Yorubas love children so much.¹³⁷ Ogunbowade added his opinion by saying that the main purpose of marriage to Yorubas is **procreation** (to get children). Yoruba attach so much important to child-bearing after the wedding ceremony and any marriage without children is considered as unfruitful union. This is the concept of the typical Yoruba though the western influence has effected drastic changes in today's Yoruba world while great percentage is still holding fast to the past concept. Yorubas believe in having many children who could support them in their farm works and that is why they frown at barrenness of a woman. On this note that the researcher aggress with Ogunbowale who said, "a woman without children has no respect from the family members and this often is a factor responsible for a man to have second wife (polygamy) with pressure from his family."¹³⁸

¹³⁷ <https://oldnuija.com/2014/11/21/traditional.marriage-in-yoruba landcited on 05/02/2018>.

¹³⁸P.O. Ogunbowale, *Asa Ibile Yoruba* (Ibandan: Oxford Univeristy Pres, 1969), 1.

A crucial reason for marriage is for **domestic purpose**. Women in Yoruba are considered mainly for domestic work. The wife goes to farm with the husband, does the harvest and selling of farm product in the market. She also does all the cooking works, washes the husband dresses and keeps the house clean. There is no law in Yoruba land that allows the husband to support the wife in any of the domestic works. It is even an insult of the man if for any reason his family member or friend finds him doing any of those domestic works. Polygamy in Yoruba land is as a result of more wives to bear more children so as to serve as tools for farming work. Women and their children are considered as instruments for the expansion of farming profession.¹³⁹

Another basic reason for marriage in the Yoruba setting is to **earn respect**. Noteworthy is the fact that there is no specific age recommended by the Yorubas for marriage. The only consideration is the physical maturity of the man, which can be seen in his physique and the voice of the person concerned. Adeoye says whosoever that is due for marriage and is giving excuses the elders around him address him as “Awaye man gbeyawo, kenke-kenke atari bi eru fila.”¹⁴⁰ “The meaning is that someone who refuses to marry at his marriage age, his head is like the weight of a cap.” Such person can also be suspected as impotent (akura) or (lakhiriboto) if she is a woman.¹⁴¹ It is therefore against the moral law or custom of responsibility for a man or woman to remain single at marriageable age.

MARRIAGE IN ANCIENT NEAR EASTERN CULTURE AND YORUBA: A NEXUS

¹³⁹ C.L. Adeoye, *Asa Ati Ise Yoruba* (Ibadan: Oxford University Press, 1979), 220.

¹⁴⁰ Ibid, 223.

¹⁴¹ N.A. Fadipe. *The Sociology of the Yoruba* (Ibandan: University Press 1991) 69.

There are places of peculiarity and places of similarities in the marriage rites between marriage in Ancient Near East and Yoruba culture. Some cultural engagements in the Near East (especially among the Hittite) shares affinity with Yoruba culture.¹⁴² Here are few inferences from the two:

Child bearing and male child prominently: it is established in this paper that a major reason why marriage is seen as essential practice is because Yorubas love and cherish children. John Walton posits that every aims at perpetuating itself forever and it is as a matter of necessity that the descendants of the dead do not die out.¹⁴³ The African marriage generally emphasizes child bearing as a rationale for the coming together of a man and a woman. More specifically, Yoruba people place premium on child bearing after at most a year of marriage. If there are not issues (children) after a few years of marriage, the family begins to look for alternatives which may include getting another wife for the man. This is to make sure the lineage or the family name is protected through an heir. It is a cultural norm of the people of the Ancient Near East. The ground of difference between the Yoruba and the Ancient Near East is that the later does not use the idea of surrogacy¹⁴⁴ while it is a common practice in the later. One without a male child is not considered to be with the tendency of a continuity of the lineage history and his duties to their ancestors had been repudiated.¹⁴⁵

¹⁴² John H. Walton, *Ancient Near Eastern thought and the Old Testament: Introducing the Conceptual World of the Hebrew Bible* (Grand Rapids: Baker Books, 2007), 59.

¹⁴³ Not dying out in this sense implies “having a male heir.” Walton, 313.

¹⁴⁴ Surrogacy is an act of impregnating a woman with an egg and sperm of another couple so that she is not the biological mother of the child she bears. She carries the pregnancy to term, and when the child is born, she relinquishes the baby to the biological mother; Samuel Waje Kunhiyop, *African Christian Ethics* ((Nairobi: Word alive Hippo Books, 2008), 209.

¹⁴⁵ Walton, 313.

Polygamy (Multiplicity of Wives): this is a common practice between the two (Yoruba and ANE). There exist similar conditions or grounds by which husbands (men) marry many wives both in the ancient Near East and Yoruba culture. Some of these include: fame (it is here believed that the number of wives you are able to marry determines the level of your prominence and significance; childlessness (one will marry another woman if the first is unable to procreate; labour (many of those who marry many wives do so as to have the children work their farm land. These among several others are why people in ANE and Yoruba culture go polygamy.

Widow Inheritance: the idea is called (Isupo) in Yoruba culture. This also exists in the Middle East. The Yoruba people believe that the wife of the deceased as enunciated above must be “willed” to a younger brother of the deceased. This is to be able to take care of the wife and the children especially when the children of the deceased are still very young.

Betrothal: this is another unique feature that brings Yoruba and the ancient Near East to a close edge. This practice is also echoed in the story of Rebecca’s betrothal to Isaac and her quick decision to leave her father’s household once the marriage contract was concluded (Gen 24:50-60). The Yoruba culture has this concept as well. Several rich men in the Yoruba setting often betroth their children to their fellow men as wives even without the consent of the would-be couple

Divorce: this is a common practice in the Middle East and in Yoruba culture. Going beyond marital unfaithfulness, people divorce for flimsy excuses like childlessness, loss of beauty, lack of sexual satisfaction, ill-mannerism among others.

CONCLUSION

The union of man and woman is a celebration of the natural continuity of life. As said in the preceding page of this paper, marriage is the only known incubator for the raising of balanced

socially functional children. However, in all the communities the bride plays a very special role and is treated with respect because she is a link between the unborn and the ancestors. A bride might eventually bear a very powerful child. In some areas of East Africa the groom's family would even move to the bride's village and set up a whole new house there. Marriage in the Ancient Near East and African shore especially Yoruba have some things in common however; they have their peculiarities as well.

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