

Headscarf and Veiling
Glimpses from Sumer to Islam

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Veiling in Ancient Near Eastern Legal Contexts

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Abstract Particularly interesting textual evidence on the use of the veil in ancient Mesopotamia comes from 15th-14th century BC Assyria. No comprehensive code of laws has reached us from this age, but only a collection of 14 tablets, which are named ad hoc “Middle Assyrian Laws”, from the religious and political capital Aššur. Veiling was prescribed for appearances in public of married women, even if widows, but also applied to the vaster class of women who were ‘Assyrian’, i.e. of free status and native-born. On the other hand, prostitutes had no right to wear a veil, and severe punishments were foreseen for transgression; and the same applied to slave women. These harsh rulings on the veil and other matters in the “Middle Assyrian Laws” do not, curiously enough, find counterparts in the contemporaneous legal deeds, which show women endowed with a much more liberal status. Perhaps the “Laws” reflected normative codifications applying to the stricter moral and intellectual ‘climate’ of the city of Aššur, dominated by its temple and royal palace.

Keywords Veil. Ancient Mesopotamia. Middle Assyrian Period. Legal provisions. Harsh enalties. Coeval documents.

Summary 1 Introduction. – 2 The Lexicon and Semantics of ‘Veiling’. – 3 The Middle Assyrian Laws. – 4 Wider Contexts. – 5 Conclusions.



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To a prestigious colleague, Prof. Muazzez İlmiye Çiğ, who in 2006 defended with spirit the origin of the headscarf in ancient Sumer, as learned from Landsberger, Güterbock and Kraus in the late 1930s,¹ against the allegation of anti-Islamic slander by a Turkish tribunal in the Erdoğan climate, and was acquitted with all charges dropped. Kudos and all best wishes to Ms. Çiğ, now past her 106th birthday!

1 Introduction

My experience in studies of the Ancient Near East has taught me some crucial lessons over the years - and one of them is, that it is very difficult to trace social and cultural phenomena diachronically through Syro-Mesopotamian history down to Hellenism, expecting to find single strands of evidence, of a rewarding clarity in their consistency and long-term coherence. Although the almost one million clay tablets written in cuneiform script from 3000 BC to the beginning of the Christian era allow us to follow the history of innumerable words and their relevant concepts in detail,² it is very rare to encounter terms which have not been subject to changes of meaning or variation in applications over the centuries, or in different local settings. Even very basic Assyro-Babylonian items, like *bītu* 'house' and *ilu* 'god', show many and quite complex semantic nuances over the millennia.³

In addition to documents of many different types - from religious, literary and historiographic works to 'everyday' texts such as letters of public and private nature and legal deeds on many business matters - the ancient Mesopotamians have also fortunately left us a vast repertoire of scholarly texts dealing with words, which we call collectively "lexical texts": word lists, dictionaries, mono/plurilingual vocabularies, etc. These texts are of concrete help to us, for example in order to establish which Assyro-Babylonian words were synonyms, or to find and explain specific meanings in different dialects.⁴ On the negative side, however, Mesopotamia has unfortunately left us only very few treatises or 'handbooks' in which these words are

1 See, e.g., Çiğ 1988 for an account of this interesting phase of Near Eastern studies in Turkey - brought about by the removal from office and forced escape of Jewish scholars from Nazi Germany and their employment as academics in Turkish universities and museums by the Atatürk government - which lasted from c. 1935 to the end of WWII; see also Schmidt 2010 (especially page 17, on Çiğ and Kraus).

2 See Streck 2010, for a rough calculation of the existing cuneiform tablets, which is perhaps even somewhat conservative.

3 For *bītu*, see CAD B, 283b-296a. For *ilu*, CAD I-J, 91a-103b.

4 See Cavigneaux 1980-83 for a full survey of these textual materials.

commented and discussed outright: for example, we completely lack a manual like Vitruvius' text on Roman architecture *De architectura* from which the relevant Latin technical terminology may be fully understood and appreciated.⁵

Thus, despite the great abundance of written sources at his disposal, the student of ancient Mesopotamia is forced to examine one by one the individual textual occurrences (as much as they exist), and also to look through the ancient lexical attestations (if any), attempting to deduce on his own specific meaningful contexts for items of social or cultural interest. The result is that even rather conflicting interpretations on various themes may be, and are regularly, offered by scholars: and this has kept the discipline of Assyriology in a very vivacious and stimulating state, even in this day and age of totalising computer-based analyses.

2 The Lexicon and Semantics of 'Veiling'

On the present occasion, I will try to contribute to our common theme by devoting my attention in particular to the practice of veiling as applied to women in ancient Mesopotamian texts - a subject which has been touched upon in general social or gender studies relevant to the region, but rarely with an in-depth or detailed attention.⁶ Specifically, I would like to carry on the presentation and discussion of Mesopotamian material on the veil opened by M.G. Biga in this volume, concentrating in particular on the Middle- and Neo-Assyrian textual corpus, in its legal contents.

But, to start out, let us take a step backward, toward the already quoted lexical texts. Going through the Assyro-Babylonian dictionaries, it is clear that the action of 'veiling' belongs to the vaster semantic sphere of 'covering', for which the most important verb is *katāmu*, referring to a number of practices with garments, not necessarily (or not only) involving the head, but also with reference to the body in general.⁷ However, we may risk misunderstanding matters here: in a few figurative depictions of women in ceremonial garb,

⁵ In point of fact, however, an ancient Mesopotamian agronomic manual, of course not as detailed as Lucius Columella's *De re rustica*, but able to withstand some comparison with Cato's *De Agri Cultura*, known as the "Farmer's Instructions", has survived from the 18th century BC in the traditional language of Sumerian: see the latest, and fully updated, edition by Civil 1994.

⁶ Among the most detailed surveys touching the theme of the veil, see Van der Toorn 1995, 1996, 43-7; Stol 1995, 2016, 22-8 and *passim*.

⁷ See CAD K, 298a-303a. Perhaps the most famous quote involving *katāmu* is in the epic of Gilgamesh, VIII 59, where the protagonist, in mourning over Enkidu's corpse, "covered his friend's face, like a bride's".

we may observe a full garment covering the shoulders and the entire torso, whose upper part was formed by a sort of hood (*cappuccio*, *Kapuze*) which covered the head. In other words, we are not – or at least are not always – dealing with a veil as a separate and detached garment, but at times with the upper edge of a light mantle in the form of a hood to cover the hair of the woman. This would explain the fact that the verb *katāmu* was used to describe the general covering of the body with any garment.

On the other hand, the action of specifically covering the head is sometimes explicitly described in the texts; e.g., an epistolary text from city-state of Mari on the Middle Euphrates in the 18th century BC (ARM 2, 113) holds the following advice by king Zimri-Lim to one of his daughters, who was in some difficulties after an unsuccessful political marriage to a foreign ruler: “Go! Take the road to your house. If this is not acceptable, veil yourself and go away (*kut-mi-ma atlakim!*)”.⁸

A derivative noun from *katāmu* is *kutummu*, which refers to reed mats and covers of various types, but is also used to designate a veil. E.g. in another letter from Mari, on the occasion of a royal marriage (AEM 1/1 106 no. 10), emissaries from the city were sent upstream on the Euphrates to Aleppo, and charged with placing veils in a ceremonial fashion on the head of the bride, the local princess. In their report to the king, they write:

We have hastened, and the bridal gift which our master made us bring we have brought inside, and the veils [*kutummu*] we have laid on the daughter.⁹

From testimonies such as these, it appears that veiling presented specific links to the married status of a woman: as seen above, we may find its use during marriage ceremonies, as well as in more normal circumstances of life. However, whether a married woman was always required to remain veiled while outside her home or not, is unclear from these limited data. It is thus necessary to widen our gaze beyond the Mari correspondence, where we encounter other difficulties but also some rewarding information.

⁸ Cf. Stol, who notes that this passage could imply “that women in Mari had to be veiled outside the home” (2016, 26), quoting a well-known parallel from the Koran, 33:59, “O prophet, say to thy wives, and thy daughters, and the womenfolk of the believers, that they let down part of their mantles (*jalābīb*) over them; that is more suitable for their being recognised and not insulted. Allah is forgiving, compassionate”. This passage, together with 34:31 (where *ḥumur* is used), constitutes one of the very few outright references to the veil in the Koran. See Prenner in this volume.

⁹ Stol 2016, 23.

Let us start from the difficulties: for example, we have no clear-cut term for 'veil' in the texts from the earliest literary language of Mesopotamia - Sumerian, used in the third millennium BC - and even in later times, the southern part of Mesopotamia - Babylonia, from around present-day Baghdad to the Persian Gulf - has yielded little or no ancient textual proof for the veiling of women on a regular basis. On the positive side, instead, relatively significant evidence for the use of a veil as a regular fixture of feminine apparel in relation to the married condition, comes from the Middle and Upper Euphrates region (where originally nomadic Amorite tribes had settled, from 2000 BC onward) and from the northern plains of Assyria, possibly even reaching Anatolia (present-day Turkey), where the cuneiform archives in the Hittite Empire (mid-second millennium BC) have some references to veiling.¹⁰

3 The Middle Assyrian Laws

Let us therefore concentrate our gaze on this northern Mesopotamian horizon from 1400-1300 BC, an age which we call the 'Middle Assyrian period'. Here, we find the full-fledged territorial state of Assyria, which progressively asserted itself in a network of international relations involving all of Western Asia during the Late Bronze Age. The older city-state of Aššur on the Tigris had now become the political and religious capital, marked by its royal palace, its temple-tower or *ziggurat*, but especially by its vast sanctuary to the eponymous god Aššur, a *numen loci* like Athena for Athens in Greece. A new political-religious ideology was developed, through which the god Aššur bestowed upon the newly-enthroned king not only full divine legitimation of his rule, but also the specific command to enlarge the territory with his "just sceptre" in outlying zones, i.e. to enlarge the "land of Aššur".¹¹ All through the remainder of Assyrian history, down to the Neo-Assyrian period, and the fall of the last capital, Nineveh, in 612 BC, this ideology of state and then imperial expansion would be followed and implemented.¹²

No comprehensive code of laws has come to us from the Middle Assyrian period - differently, for example, from king Hammurabi's well-known assemblage of legal clauses from Babylonia of a few centuries earlier. We only have a collection of 14 tablets, which are named *ad hoc* 'Middle Assyrian Laws', with many items in a fragmentary condition. Discovered in various findspots at the Assyrian capital Ashur, this group of texts is in the main formed by 11th-century copies of originals dated some 300 years earlier, and thus might go back to

¹⁰ See e.g. the Hittite Laws, §§ 197-8 (Tsevat 1975).

¹¹ Postgate 1992.

¹² See e.g. Fales 2001; Radner 2015.

vaster original codifications, although even a unitary origin of theirs is uncertain. The contents¹³ show groupings by quite broad themes. Thus tablet A, with 59 provisions, deals in general with women, but ranges through a wide set of issues: theft, blasphemy, bodily harm and assault, sexual offenses, homicide, false accusations, inheritance, marriage and property, veiling, witchcraft, pledges and debts, and finally abortion. Tablet B, with 20 provisions, deals with inheritance, agriculture and irrigation; tablet C+G, with 11 articles, regards pledges and deposits; the remaining tablets are less complete and significant. The provisions of the Middle Assyrian Laws have a casuistic (“if...then”) form, similarly to many Babylonian law codes, with each provision or paragraph marked by horizontal rulings.

Of particular interest to us is the best-preserved Tablet A, which deals with regulations on the theme of veiling in its 40th and 41st paragraphs. It is interesting to note that the verb used here for veiling is no longer *katāmu*, but a different word, *pasāmu* (*pussumu*). This verb means specifically ‘to veil’, as we can understand from the context itself, but also from the lexical texts, which equate it on one hand with *katāmu* ‘to cover’, and on the other with *pazāru* (*puzzuru*) ‘to conceal’. In sum, the verb *pasāmu* had a technical meaning, which specifically referred to the concealment of the woman’s head, or perhaps even part of the face, through the application of a veil.¹⁴

The main ‘rule’ governing Middle Assyrian laws on feminine veiling is laid out right at the beginning of paragraph 40:

The wives of a man, or widows, or any Assyrian women who go out in the main street shall not have their head bare [*qaqqassina* (*la pattu*)].¹⁵

Here it is made quite clear that veiling was prescribed for appearances in public of married women, even if in the state of widowhood, but also applied to the vaster class of women who were ‘Assyrian’, i.e. who were recognised as of free status because born to a native family of long standing (of the merchant class or professionally tied to the king).¹⁶ In sum, the law stated that the presence in public of a native-born and free woman, particularly if of a married status, was to be marked by the presence of a veil on her head.

This custom finds references also in other documents of the same age: thus, for example, a medical text concerning a woman in labour,

¹³ Texts are given in Roth 1997, 153-94; for a brief presentation, see e.g. Fales 2017, 411.

¹⁴ CAD P, 218a, both with transitive and reflexive meanings. See also Waetzoldt 1980-83, 202.

¹⁵ Roth 1997, 167, MAL A § 40.

¹⁶ It is supposed that girls were typically married at age fourteen (Roth 1987, 737).

whose blocked womb is causing enormous difficulties for her travail, vividly illustrates how the pain she was suffering was stronger than the social conventions to be followed.

Like a warrior in battle, she is cast down in her own blood. Her eyes are diminished, she cannot see, her lips are covered, she cannot open them. [...] Her ears no longer hear, her breast is no longer *high*, her curls are scattered, She no longer wears the veil, she no longer feels shame. O merciful god Marduk, be present and *save her!*¹⁷

But the same code of conduct regarding married women applied to the circulation on the public street of a ‘concubine’ (*esirtu*), who could be living legitimately in the household of a married couple as a secondary sexual companion to the man, when accompanying the main wife:

A concubine who goes about in the main thoroughfare with her mistress must be veiled [*paššunat*].¹⁸

Another article of the same law collection is very clear on the fact that a concubine could be elevated by a man to the status of a wife, and that this change of condition implied precisely the act of veiling the woman:

If a man would veil his concubine, he shall assemble five or six of his comrades, he shall veil her in their presence, he shall declare “She is my wife”: she is his wife [*mā aššitī šīt iqabbi aššassu šīt*]. A concubine who is not veiled in the presence of the people, whose husband did not declare “She is my wife”: she is not a wife, she is indeed a concubine.¹⁹

The unveiled concubine could, however, take on an equal juridical status as a veiled wife if the man had died, leaving her with sons of his. In this case, no passage through ‘wifeness’ was required, and the sons in common were considered as legitimate heirs of the deceased.

If a man is dead and there are no sons of his veiled wife: the sons of concubines are indeed sons; they shall take the inheritance share [*zitta ilaqqeu*].²⁰

A further category of women taken into account by the Middle Assyrian laws is that of the *qadiltu*, of whom it is said:

¹⁷ Lambert 1969; see most recently a reedition with colour photograph of this very handsome tablet by F.M. Fales and R. Del Fabbro in Favaro 2017, 239 fn. 184.

¹⁸ Roth 1997, 168, MAL A § 40.

¹⁹ Roth 1997, 169, MAL A § 41.

²⁰ Roth 1997, 169, MAL A § 41.

A married *qadiltu*-woman is to be veiled (when she goes about) in the main street, but an unmarried one is to leave her head bare in the main street, she shall not veil herself.²¹

Now, the professional and social status of this category of women (whose title means ‘holy, pure’) is uncertain. As may be seen, the *qadiltu* could be married or not. She is also mentioned alongside the midwife in another Middle Assyrian text, the earliest of the so-called “Harem Edicts” – a set of 23 regulations on fragmentary tablets, bearing royal decrees on the running of the palace and the harem by nine kings over a three-century period. This passage²² has suggested that the task of the *qadiltu* was that of washing or purifying women after they gave birth, but there is no conclusive evidence on the matter and other scholars have rather likened her status to that of a prostitute.

The Middle Assyrian laws also dwell extensively on the veiling of prostitutes (*harimtu*)²³ – whereby it is not clear if the reference is to women privately plying their trade for money on the streets, or rather as personnel tied to a state institution, such as the temple or the palace (as may be inferred from their mention in lists of food rations from the same period), and thus possibly participating to rites and ceremonies such as sacred marriages, etc. What is clear, on the other hand, is that the prostitute had no right to wear a veil,²⁴ and that contravening against this custom carried quite severe physical punishments:

A prostitute shall not be veiled, her head shall be bare. Whoever sees a veiled prostitute shall seize her, secure witnesses, and bring her to the palace entrance. They shall not take away her jewelry, but he who has seized her takes her clothing; they shall strike her 50 blows with rods; they shall pour hot pitch over her head. And if a man should see a veiled prostitute and release her, and does not bring her to the palace entrance, they shall strike that man 50 blows with rods; the one who informs against him will take his clothing; they shall pierce his ears, thread them on a cord, tie it at his back; he shall perform the king’s service for one full month.²⁵

21 Roth 1997, 169, MAL A § 41.

22 Roth 1997, 197, MAL A § 41, decree on entering and leaving the palace: “[...] the midwife (*sabsūtu*) and the *qadiltu* [...] shall not go in or go out”.

23 The long-established interpretation of the word *harimtu* as ‘prostitute’ was at length and vigorously opposed by J. Assante (see e.g. Assante 1998), but it now seems to have been definitely demonstrated (see e.g. Cooper 2006, 2011). See however an indirect reply in Assante 2007, and most recently Budin 2021.

24 As suggested by Cooper this provision would have been conceived for “visually marking the sexually approachable and the unapproachable” (2016, 212).

25 Roth 1997, 168, MAL A § 40.

A further category to which the veil was denied, as illegal, was that of slave women. The punitive provisions in the Middle Assyrian laws in case of infringement are not very dissimilar from the ones seen above for prostitutes – although one may notice that *lex talionis* (beating and forced labour) was also applied to a man who had not denounced her veiled status.

Slave women shall not be veiled, and whoever would see a veiled slave woman shall seize her, and bring her to the palace entrance. They shall cut off her ears; he who seized her shall take her clothing. If a man should see a veiled slave woman and releases her and not seizes her, and does not bring her to the palace entrance, and they then prove the charges against him and find him guilty, they shall strike him 50 blows with rods; they shall pierce his ears, thread them on a cord, tie it at his back; the one who informs against him shall take his garments; he shall perform the king's service for one full month.²⁶

4 Wider Contexts

Let us now attempt to view these Middle Assyrian laws on women, and specifically on veiling, in their wider historical context, so as to avoid facile judgments and possibly anachronistic conclusions. Not only this law collection, but especially the contemporaneous “Harem Edicts” emanated by the kings (see above), show very harsh provisions and regulations, reaching the point of calculated frightfulness in the punishment of misdemeanours and crimes involving genders or social classes. Since they frequently present the possibility of corporal/capital penalties and of extra-rational means of reaching the truth, such as the oath and the river ordeal, they have even caused scandalised views on the part of some modern interpreters (like Guillaume Cardascia, who described them as “a juridical museum of horrors” in 1969).²⁷

On the other hand, the day-to-day legal documents of the same age (which have recently come to light thanks to archaeological findings) indicate that some crucial rights and legal conditions differed radically from these official norms, and that recourse to pecuniary measures was widespread. How to solve this contradiction? Perhaps the Middle Assyrian laws and the Edicts reflected stricter normative

²⁶ Roth 1997, 168-9, MAL A § 40.

²⁷ Just to give one example, the following proviso may be quoted: “They shall kill a palace woman who swears] by the name of the god for improper purposes [...], they shall not spare her life” (Roth 1997, 202, § 11).

codifications applying to the specific moral and intellectual 'climate' of the religious and political capital Aššur, whereas the 'everyday' texts reflected the more varied mechanisms of economy and society throughout the kingdom, with its many provinces, diverse geographical landscapes, and mutually intermingling peoples.²⁸

However as this may be, family law shows noticeable differences between the Middle Assyrian official collection and the few relevant legal documents of the time. While in the official laws the woman is presented as being fully under the authority of a husband or father (as e.g. in marriage law), various deeds of this time show that women had the capacity to be parties to contracts in the name of their absent spouse, to grant or request loans, to adopt and purchase. This status of Middle Assyrian women thus seems closer to the one visible in earlier Old Assyrian law, where men and women had equal status in marriage law and divorce, in business practice, including the right to sue, and in testamentary and inheritance law.

5 Conclusions

So, to conclude, where do we stand on the rigid veiling practices of women illustrated in such great detail within these collections of Middle Assyrian laws and prescriptions? The only comment I feel like offering on the present occasion is that these texts from 1400 BC stand, for the moment, in splendid isolation. Despite the great abundance of cuneiform documents concerning Assyria - its vast territories and its diverse peoples, its many kings and their military deeds - in the course of the following seven centuries until its final downfall, we have no more evidence of this type and depth at our disposal regarding the use and limitations of female veiling.²⁹ Thus, to answer a hypothetical question: Were Assyrian women veiled? They were certainly veiled at times, even according to specific protocols of social condition and personal status, but we cannot say at present whether the relevant prescriptions had wide or limited validity, and whether they applied equally all through the following centuries of Assyrian domination, or not.

²⁸ Fales 2017, 412-14.

²⁹ The main evidence from Assyria of the first millennium BC as regards veiling concerns non-Assyrian women, as represented in the palatial bas-reliefs: either deportees from various (usually Levantine) captured cities, or Arab women. See D. Naldani in this volume.

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