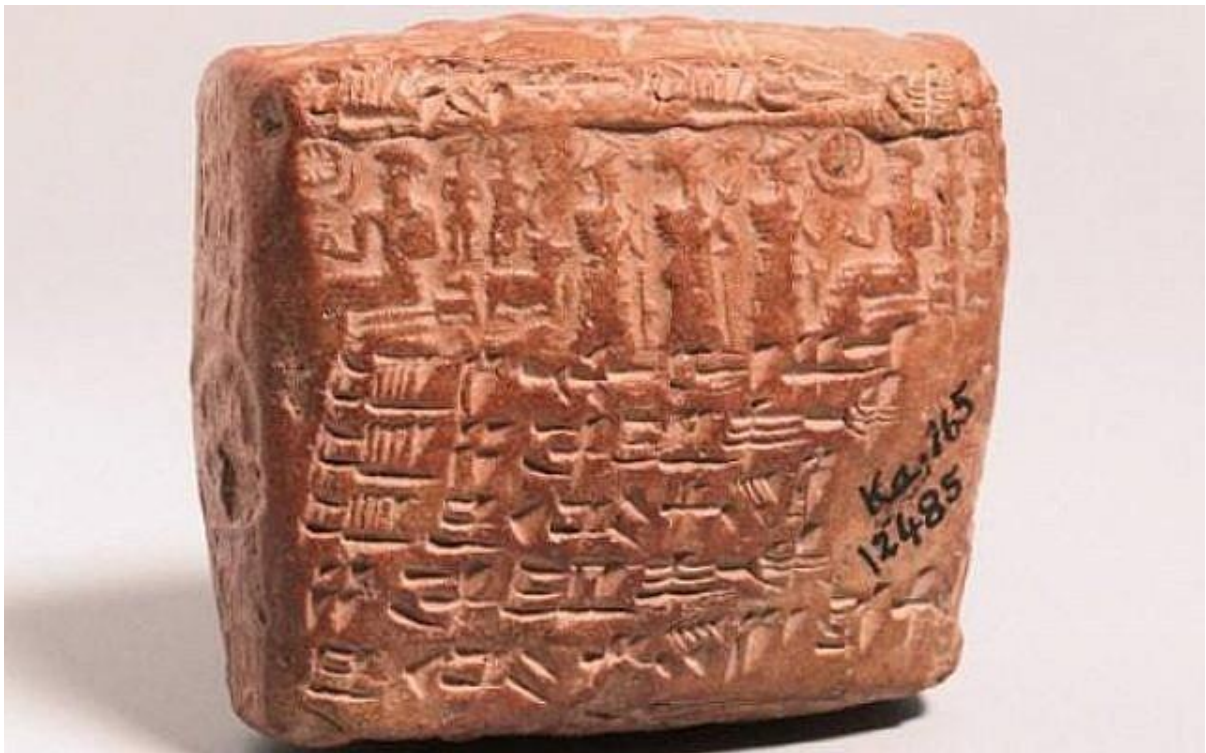


## 4,000-year-old prenup pushes for surrogacy in case of infertility

**Cuneiform tablet calls for a contractual sex slave to be freed after a son's birth -- and would have prevented the bitter rivalry between biblical Hagar and Sarah**

By [Amanda Borschel-Dan](#) 12 November 2017, 9:05 pm



A 4,000-year-old Assyrian tablet is the first evidence of surrogacy in infertility. (Istanbul Archaeology Museum)

The cradle of civilization is also the birthplace of surrogate motherhood, according to a recently deciphered cuneiform tablet from Turkey.

The first historical reference to infertility and surrogacy was found in a trove in Turkey's Kayseri province. And, unlike the famous biblical surrogacy of Hagar which resulted in bitter rivalry, this contractual surrogate mother would have been freed from slavery after the birth of a male child.

The 4,000-year-old Assyrian clay tablet, an ancient prenuptial agreement, was discovered during modern excavations of a site where some 1,000 such tablets were uncovered in 1925. Today they are known by scholars as the Cappadocian tablets and since 2014 the site of Kültepe-Kanesh has appeared on the [UNESCO World Heritage List](#).

On the recently found pre-nup tablet, linguists uncovered what is now considered the first historical reference to infertility. According to the marriage contract, if within two years of marriage there is no issue, the couple's infertility was to be remedied by surrogacy through the use of a hierodule, which [Merriam-Webster Dictionary](#) defines as "a slave or prostitute in the service of a temple."

Due to its historic medical nature, the discovery was recently announced in the journal [Gynecological Endocrinology](#).



*This undated photo provided by the Bible Lands Museum Jerusalem shows tablets with cuneiform writing, one of the world's earliest scripts, on display in Jerusalem. (AP Photo/Avi Noam, Bible Lands Museum)*

According to the article's abstract, written by group of researchers led by Harran University in Şanlıurfa, Turkey, "demographic infertility" is defined as the inability to produce a live birth after five years of unobstructed sexual contact. It was previously unknown how early in mankind's history infertility was remedied through any external means, such as the use of a surrogate.

"A first mention about infertility and surrogacy is discovered on a 4000-year-old clay tablet of marriage contract belonging to the Assyrian period exhibited at Istanbul Archeology Museum in Turkey," according to the English abstract.

The tablet was found in Turkey's Kültepe district, which from 2,100 BCE to 1,800 BCE was a thriving trade colony of the Old Assyrian Empire. Written in Old Assyrian and signed before four witnesses, the pre-nup states the wife could hire a sex slave to serve as a surrogate mother. However the husband could not take an additional wife, according to an article in [Atlas Obscura](#). The article explains that Mesopotamians were monogamous and if one partner pushed for a divorce, according to the pre-nup, he would have to pay five *minas* of silver (some \$1,500 in current currency) to leave the marriage.

This Assyrian idea of a wife sourcing a handmaiden to bear her husband's child is paralleled in the story of Hagar and Sarai (later called Sarah). As described in Genesis 11 and 16, Sarai, Abram's wife (later Abraham), "saw she was barren." She then offers to Abram, "Consort with my maid; perhaps I shall have a son through her." "Hagar the Egyptian" was made her husband's concubine and became pregnant.



*'The Banishment of Hagar' by Jan Mostaert, c. 1620–25, Thyssen-Bornemisza Museum. (public domain, via wikipedia)*

However, the Bible indicates that Hagar felt herself superior to Sarai after conceiving, which arguably became the seeds for her eventual expulsion with her son Ishmael.

According to "[Surrogate Motherhood: Hagar and Sarah](#)" by Ben-Gurion University Medical School Prof. Emeritus Liubov Ben-Nun, "At her advanced age, Sarah was an infertile woman. She desperately wanted a child, so she gave Hagar to Abraham to be his wife. Since Hagar agreed to give birth to a baby on behalf of Sarah, we can define Hagar as a surrogate mother."

However, writes Ben-Nun, because not enough care was taken in the contract between Sarah and Hagar to prevent a loss of status to Sarah, the family's fabric was frayed.

"Persistent continuous tension between Sarah and Hagar poisoned the internal family atmosphere, so that hostile confrontations, jealousy, and hatred between women broke the equilibrium of Abraham's family," writes Ben-Nun. "Lack of comprehension and adequate handling of continuous stresses led to severe disequilibrium in this family. The crisis deepened, deteriorated slowly, and disintegration followed. This is indicated by Sarah's request '...Cast out this bondwoman and her son...' in Genesis 21:10.

The Assyrian prenup, however, would have eased such family drama before its inception in its stipulation that the surrogate mother be freed, and would presumably leave the couple and her offspring.

According to [an NTV interview](#) quoted in the Daily Sabah with Prof. Ahmet Berkiz Turp from Harran University's Gynecology and Obstetrics Department, "The female slave would be freed after giving birth to the first male baby and ensuring that the family is not... left without a child."