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## FAMILY VALUES ON THE MIDDLE EUPHRATES IN THE THIRTEENTH CENTURY B.C.E.

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NOT SURPRISINGLY, we find few explicit statements and no extended discussions concerning family values in the material from Emar and its vicinity at our disposal. The vast majority of these tablets are concise records of economic or legal transactions, presenting in each case only essential information to readers or listeners already very familiar with the legal practices, social customs, and ideological views underlying the activity in question. Letters recovered at Emar are without exception administrative or commercial in character, so none of them reveal the emotions or the personal thoughts of the writer about his life, as do some pieces of correspondence from the Old Babylonian or Old Assyrian periods. Religious texts in the Emar corpus deal exclusively with the city's public cult and thus tell us little or nothing about the spiritual life of the individual man, woman, or family. And the literary texts from the scholarly library were simply "textbooks," to be copied and recopied by more advanced students in the course of scribal instruction. We look to them in vain for information about Emariote life and society.

Rather, we must painstakingly piece together a picture of the family at Emar and reconstruct contemporary ideas about this basic unit of social life from bits of information extracted from the practi-

cal texts produced in the course of the day-to-day functioning of these units. My discussion here is based primarily on the study of records of three types: adoptions, marriage arrangements, and testaments. It is important to stress a couple of points at the outset of this discussion: First, only problematic cases in family law produced documents of this sort in ancient Near Eastern society. At Emar, marriage arrangements and the disposal of property were normally carried out according to what is referred to as "(the custom of) the city"<sup>1</sup> and required no documentation. We must therefore be cautious in generalizing from the circumstances of those instances which so departed from the usual as to require written proof of the principal party's intent. Secondly, the Emariote scribes did not recognize strict generic divisions in the documents which they created. While some records deal with only one particular social transaction, say an adoption, others cover several related matters. Thus a testament might well include an adoption and the particulars of a future marriage.

The typical Emariote family consisted of an adult male to whom I shall anachronistically refer as the *pater familias*, his wife—or on rare occasion wives—and their minor children. To this core group might be added an adult son with his own wife and offspring, or a small number of slaves, perhaps including a concubine who might also bear children to the head of the family. As shown by the disposal of property in testaments, the members of this basic family dwelt together in one house or in several related structures. The deceased ancestors in the male line were also felt to be a part of every household, associated with the group's primary residence.<sup>2</sup>

Beyond this core family, Emar society also recognized some sort of extended body of kin known simply as the "brothers." A distinction was made by the scribes in the graphic representation for this term and that for sons of the same parent. The former is always indicated by means of a peculiar pseudo-logographic writing (lú.meš<sub>a</sub>h<sub>bi</sub>.a

1. E.g., RE 69:21: DUMU.MEŠ *ktma* URU<sup>ki</sup> *izazzā*, "(My) sons will divide (my property) according to (the custom of) the city."

2. K. van der Toorn, "Gods and Ancestors in Emar and Nuzi," ZA 84 (1994) 38-59.

and similar),<sup>3</sup> while the Sumerogram *šeš* is routinely employed for the latter. Members of this group of so-called “brothers” might be summoned to hear a person’s testament, and certain property sales were accompanied by a ceremony in which “the *ḫukku*-bread has been broken and the table anointed with oil. The ‘brothers’ have received one shekel (of silver) as the compensatory payment.”<sup>4</sup> More rarely, a collection of persons known as the “regional clan” (*līm A.ŠA*)<sup>5</sup> is forbidden to challenge a bequest. However, these wider groupings of kin seem to be vestigial in thirteenth-century Emariote society. No particular designations for clans or tribes are to be found in the documents, comparable to the Beni Yamina and Beni Sim’al of the Mari archives.<sup>6</sup> Certainly it does not appear that daily life was organized around clans, and the economic and legal documents do not normally involve *as family* persons any further removed from the principal party than the father’s brothers or their sons.

Kin had certain traditional socio-economic responsibilities toward one another and their property. Recall the *ḫukku*-bread ceremony just mentioned by which more distant relations symbolically renounce clan claims to what may once have been communally-held real estate. Also, sales of land parcels and of individuals into slavery often foresee the possibility that someone—undoubtedly a close relative—might redeem the alienated property or person, usually at

3. For a partial list of such writings, see A. Tsukimoto, “Akkadian Tablets in the Hirayama Collection,” *ActaSum* 12 (1990) 180.

4. A. Tsukimoto, *ActaSum* 12 (1990) 203-4, and Cl. Wilcke, “Aḫ, die ‘Brüder’ von Emar. Untersuchungen zur Schreibtradition am Euphratknie,” *AuOr* 10 (1992) 138 and 144 have collected many of the occurrences of this formula, whose significance is discussed by J. Scurlock, “Once more *ku-bu-ru*,” *NABU* 1993/21. See also W. Mayer, “Eine Urkunde über Grundstückskäufe aus Ekalte/Tall Munbāqa,” *UF* 24 (1992) 270-72.

5. See the discussion of this term in my commentary to RE 39 in *Texts from the Vicinity of Emar in the Collection of Jonathan Rosen* (forthcoming). Cf. also *LIM ŠERI* in the Boğazköy texts, which R. Beal, *The Organization of the Hittite Military. Texte der Hethiter* 10 (Heidelberg: Carl Winter, 1992) 92-104 renders as “clansmen of the countryside.”

6. D. Charpin and J.-M. Durand, “Fils de Sim’al’: les origines tribales des rois de Mari,” *RA* 80 (1986) 141-83.

the original price. Conversely, some purchasers are explicitly said to act "as an outsider" (*kīma nakari*), which suggests that they were in actuality kinsmen seeking to make it perfectly clear through such language that the transaction in question was *not* subject to later revision according to conceptions of familial solidarity. Perhaps this is an indication of the breakdown of values inherited from an earlier time when private property played a smaller role in economic life.

Women are the principal parties in a significant number of documents from Emar in the Late Bronze Age, although their numbers are hardly commensurate with their presumed representation in the population. Females are seldom if ever found in witness lists, but they are attested as participants in practically all types of private transactions known from the archives. In particular, wives and daughters are often the primary heirs named in testaments. In those instances where they are thus placed at the head of a household, however, they must be formally endowed with male gender.<sup>7</sup> Thus the testator may declare his wife to be the "father and mother" of his house,<sup>8</sup> or his daughter to be both "male and female." Since this juridical hermaphroditism is bestowed fairly frequently, we may suspect that the socio-economic position of at least some women in thirteenth-century Emariote society was improving over that generally allotted to members of their gender in ancient Near Eastern lands.

These general observations behind us, let us consider three important social mechanisms in the construction and maintenance of a family: adoption, marriage, and the making of testaments. While 42 records mentioning adoption are already known from Emar, a total of only 27 such texts are available from all other Late Bronze

7. K. Grosz, "Daughters adopted as Sons at Nuzi and Emar," *La femme dans le Proche-Orient antique*, ed. J.-M. Durand (Paris: Éditions Recherche sur les Civilisations, 1987) 81-86; and Z. Ben-Barak, "The Legal Status of the Daughter as Heir in Nuzi and Emar," *Society and Economy in the Eastern Mediterranean (c. 1500-1000 B.C.)*, eds. M. Heltzer and E. Lipiński (Leuven: Departement Oriëntalistiek, 1988 = OLA 23) 87-97.

8. See my commentary to RE 23 in *Texts from the Vicinity of Emar in the Collection of Jonathan Rosen*. In *ActaSum* 16:6 the wife is exceptionally named only "father."

Age sites combined. (See Tables I and III.) I exclude from this reckoning, of course, those very numerous pseudo-adoptions from trans-Tigridian Nuzi, which are in reality disguised sales of property or transfers of women for financial purposes.<sup>9</sup> I cannot readily explain this unusually high incidence of adoptions in the Emar archives.

While several of these Emar adoptions are embedded in testaments, the majority are the focus of independent documents. Most have been drawn up following a single basic pattern: the statement of adoption, including discussion of special circumstances if called for, is followed by clauses governing the possible repudiation of the agreement by either party. Typically, repudiation carries with it the forfeiture of all claims to family property and the payment of 60 shekels of silver, a sum which in this time and place might purchase two or three servants or a modest house. A list of witnesses and of those persons whose seals might have been impressed upon the tablet concludes the record.

The technical terminology most frequently employed for the act of adoption itself, PN *ana DUMU/DUMU-ūti epēšu*, "to make someone a son; [or] to install someone in the status of a son," is typical of that found in Akkadian texts of the periphery. (Philological details are outlined on Tables II and III.<sup>10</sup>) The adopter might also simply make a formal declaration that "so-and-so is now my son." This conferring of status by means of a verbal act is paralleled by the process of repudiation, or indeed that of disinheritance of a bodily child, in which the parent speaks the words: "He is not my son."<sup>11</sup> The duties

9. E.-M. Cassin, *L'adoption à Nuzi* (Paris: Adrien-Maisonneuve, 1938); J. Fincke, *Die Adoption von Frauen nach den Urkunden aus Nuzi*, diss. Hamburg 1989; and K. Grosz, "On Some Aspects of the Adoption of Women at Nuzi," *Studies on the Civilization and Culture of Nuzi and the Hurrians 2*, eds. M. A. Morrison and D. I. Owen (Winona Lake: Eisenbrauns, 1987) 131-52.

10. In order that this data might be compiled in tabular format, references in Table II do not include line numbers. Since so few documents are listed for each site in Table III, I have not given citations for the occurrence of the formulae, which the reader can easily find through the references in notes 85-92.

11. *Hirayama 28* (= *AuOr 5*, No. 17) 6: PN *ul māri*.

of the adoptee are referred to as "honoring" (Akkadian *palahu*) the parent or parents, a term which in this context implies tangible support as well as filial piety.<sup>12</sup>

Almost all of the Emar adoptions are into the status of son, although two or three involve freshly-acquired daughters, and one special case a new mother and brother.<sup>13</sup> Sometimes more than one person is adopted in a single legal action,<sup>14</sup> and a woman—always apparently a widow—is the adopting party in over one-fourth of the cases.<sup>15</sup> In one text a married couple jointly adopts a man.<sup>16</sup>

As shown in Table I, the Emar adoptions may be divided into two main categories, those of minor children and those of adults. Two texts deal with the adoption of abandoned children. In the first, a man takes in two boys and a girl who have been thrown "into the street" after their father has died and their grandfather has renounced his claims on them.<sup>17</sup> In the second, a woman turns over her son and daughter to her sister.<sup>18</sup> There is no mention in either of these records of the inheritance rights of the children or of their duties toward the new parent. Another pair of documents treat the adoption of children by the new spouse of the biological parent.<sup>19</sup> Like most adoptions in twentieth-century America, the transactions of this class were clearly intended to assure the biological and social survival of the minors in question, as well as to provide emotional satisfaction to the adoptive father or mother. I suspect that the addition to the household labor force was also a factor in such adoptions of children at Emar.

12. K. Veenhof, "A Deed of Manumission and Adoption from the Later Old Assyrian Period," *zikir šumim: Studies presented to F. R. Kraus*, eds. G. van Driel, Th. J. H. Krispijn, M. Stol, and K. R. Veenhof (Leiden: E. J. Brill, 1982) 376-79.

13. TBR 42.

14. Emar 6, 93 (2 persons), 256 (3 persons), RE 88 (2 persons), and TBR 77 (2 persons).

15. Emar 6, 32, 33, 69, 93, 213, Hirayama 48, RE 63, TBR 48, 74 and 75.

16. RE 87.

17. Emar 6, 256.

18. TBR 77.

19. Emar 6, 30 and TBR 42.

Adoptions of adults are attested far more frequently in our texts than those of children, however, and it is indeed to this sort of document that the text pattern presented a moment ago actually applies. A representative text reads:

I, Išma'-Dagan, son of Gubba, have made Iya, son of Ḫimaši-Dagan, son of Tataliti, my son, and I have given (him) my daughter Ḫepat-ili as his wife. As long as (I), his father Išma'-Dagan, and his mother Dagan-simati, should live, our son Iya shall honor us. As he honors us, after our fate carries us off he shall divide my household and all of my possessions with my (other) sons. There is no senior or junior (son) among them.

If in the future Išma'-Dagan should say to his son Iya: "You are not my son," Išma'-Dagan shall pay 60 (shekels) of silver to his son Iya. He shall take (his) wife and children and go where he pleases.

And if Iya should say to his father Išma'-Dagan, "You are not my father," Iya, son of Ḫimaši-Dagan, shall pay 60 (shekels) of silver to his father Išma'-Dagan and have no right to his wife and his children. He shall place his garment on the stool and go where he pleases.<sup>20</sup>

And now, as an outsider, I have secured the release of his servant Ittina, together with his wife and daughter.<sup>21</sup> Now, where the silver has gone: 52 (shekels) of silver have been given to Azi, son of Tataliti . . .<sup>22</sup>

20. This legal gesture of renunciation is already familiar to us from texts found at Ugarit, for instance in the divorce decree issued by Tudḫaliya IV for Ammistamru II and the daughter of Bentešina of Amurru (RS 17.159 = CTH 107—see R. Yaron, "A Royal Divorce at Ugarit," *Or NS* 32 [1963] 21-31). Its significance seems to lie in the symbolic demonstration that the individual is departing the household with absolutely nothing.

21. These women had apparently been given in pawn against the debts of the adopted son Iya.

22. RE 25:1-23: <sup>m</sup>Išma'-<sup>d</sup>KUR DUMU Gubba <sup>m</sup>Iya DUMU Ḫimāši-<sup>d</sup>KUR DUMU Tataliti ana DUMU-ya *ētepuššu* u <sup>f</sup>Ḫepat-ili DUMU.MUNUS<sup>l</sup>-ya ana DAM-šu attadin <sup>ū</sup>mi<sup>meš</sup> ša <sup>m</sup>Išma'-<sup>d</sup>KUR abušu u <sup>f</sup><sup>d</sup>KUR-simat<sup>l</sup> AMA-šu TIL.LA <sup>m</sup>Iya DUMU.NI *liplaḫanāši kīme ipal-laḫanāši EGIR šīmtini ubbalanāši É-ya gabba mimma<sup>ū</sup>ya itti DUMU.ME<Š>-ya lizāzā GAL u TUR ina ŠA-šu<nu> iyānu § šumma ina EGIR <sup>ū</sup>mi<sup>l</sup> <sup>m</sup>Išma'-<sup>d</sup>KUR ana pāni<sup>l</sup> <sup>m</sup>Iya DUMU-šu iqabbi mā ul DUMU-ya attā=mi <sup>m</sup>Išma'-<sup>d</sup>KUR 60 KÙ.BABBAR.MEŠ ana <sup>m</sup>Iya DUMU-šu liddinšu DAM DUMU.MEŠ lišbat ašar ŠA-šu lillik § u šumma <sup>m</sup>Iya ana pāni<sup>l</sup> <sup>m</sup>Išma'-<sup>d</sup>KUR abišu iqabbi mā ul abuya attā=mi <sup>m</sup>Iya DUMU Ḫimāši-<sup>d</sup>KUR 60 KÙ.BABBAR.MEŠ ana Išma'-*

The list of payments continues, and is followed by the sealings and witness. This text is an excellent example of the first type of adoption within this second class—that of a new son-in-law. This practice can best be understood against the background of the virilocal family structure usual in ancient Mesopotamia and Syria. After marriage a bride normally moved into the household of her husband, and the eventual offspring of their union became members of that family. But by installing his son-in-law in the status of his *own* son, the father of an Emariote girl assures that socially her children will continue *his* line, rather than that of her father-in-law.<sup>23</sup> One of these children will ultimately assume primary responsibility for the ancestral cult, and thus for the posthumous needs of the adoptive parent himself. This manner of associating the son-in-law with the family of his wife is parallel, of course, to the so-called *errebu*-marriage as attested at Nuzi and in the Anatolian society of Hatti.<sup>24</sup>

Most often the adopted son is rewarded for abandoning his own lineage by being included among the heirs of his new family, but on a few occasions he is simply released to depart the household upon the death of the *pater familias*—or of the *mater familias*.<sup>25</sup>

The second category of adult adoption functioned somewhat like what we today call a “lifetime trust.” That is, the principal party to the agreement retains the use of his or her property as long as he or she lives, but in return for financial or other considerations contracts to turn over all or part of it to the other party at death. At Emar, such arrangements frequently entailed the adoption of a cred-

<sup>d</sup>KUR *abišu liddin ana DAM-šu DUMU.MEŠ-šu NU.TUK TÚG-šu ina g<sup>is</sup>ŠÚ<.A> li<iš>kunma ašar ŠA-šu lillik § u anumma <sup>m</sup>Ittina IR-šu itti DAM-šu DUMU.MUNUS-šu kt <sup>lú</sup>nikari aptašra anumma ašar KÙ.BABBAR.MEŠ erubu 52 KÙ.BABBAR.MEŠ ana let <sup>m</sup>Azi DUMU Tutaliti nadin ....*

23. K. Grosz, “Dowry and Brideprice in Nuzi,” *Studies on the Civilization and Culture of Nuzi and the Hurrians* 1, ed. M. A. Morrison and D. I. Owen (Winona Lake: Eisenbrauns, 1981) 161-82.

24. G. Beckman, “Inheritance and Royal Succession among the Hittites,” *Kaniššuwār. A Tribute to Hans G. Güterbock on his Seventy-Fifth Birthday. Assyriological Studies* 23, eds. H. A. Hoffner, Jr., and G. Beckman (Chicago: The Oriental Institute, 1986) 16-17.

25. *Emar* 6, 69, TBR 39 and 40.



itor, either someone to whom the new parent owed silver, or someone who had settled the parent's debts to others with his own resources. For example, the woman Ḫudi says:

Since (the death of) my husband I have been impoverished and have gone into debt. Among the brothers of my husband there is no one who will honor me, but Ba'al-malik, son of the "diviner," has honored me and paid my debts. I have given him my daughter Bata in marriage. I have also given him my house and all of my possessions.<sup>26</sup>

Note that this particular arrangement includes marriage to a daughter and thus also belongs among the son-in-law adoptions. By the way, the younger man mentioned here is indeed a member of the family of the high religious functionary in charge of the Emar cult.<sup>27</sup>

An action such as that taken by Ḫudi in regard to the patrimony was to the obvious detriment of any sons already present in the family. Indeed, in one documented instance the former children are expressly disinherited in favor of the adoptee,<sup>28</sup> but most often the newcomer simply joins their ranks. I do not want to press my analogy with contemporary retirement planning too far, for there is no evidence that the adoptive parent's freedom of action in regard to family property was legally restricted. But it can hardly be an accident that in the available texts an adopted creditor is *always* included among the parent's heirs, and is thus well situated to recover or increase his capital.

A man or woman who already had a son would obviously adopt another in this manner only under financial duress, such as that experienced by Ḫudi. It is nonetheless clear that these arrangements were not mere legal fictions, but in fact obligated the adoptee to perform filial duties, including supporting his new parent or parents and seeing to the marriage of his new siblings.<sup>29</sup> It is surely significant in this regard that we do not know of any instances of

26. *Emar* 6, 213:10-15.

27. See D. Fleming, *The Installation of Baal's High Priestess at Emar* (Atlanta: Scholars Press, 1992 = HSS 42) 87-92, and cf. my first essay in this volume, p. 6.

28. *TBR* 78.

29. See, for example, *RE* 10 and 13.

the adoption of a single wealthy individual by more than one person indebted to him. We may contrast this to the situation of one particular rich man at slightly-earlier Nuzi, who became the fictitious son of around two hundred persons who sold him their real property under the legal ruse of the "sale-adoption."<sup>30</sup>

At Emar the financial relationship might also be inverted and a debtor adopted by his creditor. Adopted sons-in-law are frequently also former debtors to their new parent and in-law, as was the case in the first text quoted earlier. What was the advantage to the adopter in foregoing repayment of the groom's debt and also the receipt of the bridewealth for his daughter—since a man in financial straits was unlikely to be able to produce this nuptial prestation? In addition to the continuation of the family line discussed previously, the adopting father or mother thus secured an adult male to work in the household and to care for him or her in old age, an important consideration in a society without state or religious social services. In about half of those cases in which a debtor is adopted, he is *not* declared an heir,<sup>31</sup> but is merely allowed to depart the household together with his wife and children upon the demise of the adopting party and of his wife, should the latter survive him.<sup>32</sup> Formally, this situation is rather similar to that of a simple debt slave who is given the servant-girl of his master as wife and promised his own freedom as well as that of his family after his creditor's departure from this life.<sup>33</sup>

In a third group of adult adoptions no financial relationship between the parties is apparent—either not mentioned or perhaps lost in lacunae—but I believe that such considerations were probably nonetheless present in most of these cases too, for it must have taken a powerful incentive to induce a free man to leave the family

30. On the archive of this Tehip-tilla, see M. Maidman, *A Socio-economic Analysis of a Nuzi Family Archive*, diss. University of Pennsylvania 1976.

31. As he is in RE 25, 63 and TBR 74.

32. See, for example, RE 63, TBR 39 and 40.

33. For such a situation, see *Emar* 6, 16. The debtor in this case, however, must still repay his debt to the sons of the original creditor.

of his birth, where he had his place in a long line of males stretching from the remote past into the future, and to enter the household of another father.

A final category of adult adoption consists of manumissions in the form of adoption. These arrangements are usually so formulated as to take legal effect only upon the death of the principal party. One case seems to involve the bestowal of the children of a concubine upon the wife.<sup>34</sup> Since no father is mentioned for these children, I assume that they had been engendered by the *pater familias* himself. A particularly interesting manumission-adoption is that of a slave taken as son by his master and married by him to a slave-girl,<sup>35</sup> not to a daughter as in the practice discussed earlier. Nonetheless, this freed slave is to assume actual filial duties, including responsibility for the marriage of the children of his former owner. Only after these obligations have been satisfied will he be free to “take the hand of his wife and children and go where he pleases,”<sup>36</sup> as the standard phraseology puts it.

In this connection it is interesting to note that a creditor might be referred to as the “father” of a person working off a debt in his household,<sup>37</sup> and indeed such an antichretic relationship could be expressed legally in terms quite similar to those employed for the adoption of a debtor.<sup>38</sup> On the other hand, we know of cases in which the senior male members of a family sold their juniors into slavery—in one instance a niece<sup>39</sup> and in another a sister-in-law and her son.<sup>40</sup> All of this shows that the *pater familias* was in a sense a father and a master to everyone subject to his authority. Formal adoption, however, was undertaken only when the financial interests or social standing of the subordinate party were bound up with

34. *Emar* 6, 91.

35. *RE* 26.

36. *RE* 26:8-9: ŠU DAM-šu DUMU.MEŠ-šu lišbat ašar ŠA-šu lillik.

37. *Emar* 6, 117:20.

38. *Emar* 6, 117:4-17.

39. *TBR* 52.

40. *Emar* 6, 118.

the disposition of the familial property. We must bear in mind that the very person of the slave, as opposed to that of an individual in debt servitude, constituted part of the family's capital, and that if he or she were not freed upon the death of the owner, he or she would become the property of one or another of the other survivors.

Thus we may recognize that at Emar adoption was an indispensable institution for continuing a family line where biology had failed, and it was adapted to perform other social functions as well, in particular to deal with certain problems of indebtedness and slavery.

I turn now to the practice of marriage, for which I have identified 15 relevant documents from Emar.<sup>41</sup> From these texts we learn nothing about the usual age of the parties to a marriage on the Middle Euphrates, but the relatively large number of widows appearing in our documentation and the frequent provision made for surviving wives in the testaments suggest that the male partner was commonly much older. Nor can we say anything concerning the ceremonies accompanying marriage, unless the ritual for the installation of Ba'al's high priestess, the *entu*, who becomes a spouse of sorts to the deity, gives us some indication of what a girl from a wealthy family might look forward to.<sup>42</sup>

As throughout the ancient Near East, marriage at Emar was more an arrangement between the households of the bride and groom than between the individuals themselves. This fact is well illustrated by an agreement in which two families exchange marriage partners.<sup>43</sup> The head of the first family, a woman, will give the girl whom she receives to her son, while the *pater familias* of the other group will take the daughter of the first party for himself. Reciprocal restrictions are imposed on possible divorce. The inter-familial nature of marriage arrangements is underscored by provi-

41. In addition to those listed under "Marriages" in Table I of my first essay, add *BLMJ-C* 23, *Emar* 6, 30, 31, 124, 128, *Hirayama* 44 and 45. Note that marriage is not the primary focus of all of these documents. I have classified several of them as testaments or legal cases.

42. The text has been edited by D. Fleming in *HSS* (1992) 42.

43. *RE* 61.

sions in many texts which call for a son-in-law to marry a sister of his first wife, should the former die, or even to take a third girl if necessary.<sup>44</sup>

The Sumerographic technical term *munuṣ-ḡi<sub>4</sub>.a*, Akkadian *kallātu*, is perhaps best translated in general not as "bride," but as "girl marrying into a family," since the young woman receives this status in regard to all members of her new household. Conversely, in one document a man is referred to as the *mutu*, "husband," of the mother of the girl he is marrying.<sup>45</sup> Thus it seems that at Emar this Akkadian word could be construed as the male counterpart to *kallātu*.

The family of the groom pays bridewealth (Sumerian *níg.mí.ús(sa)*, Akkadian *terḥatu*), to that of the bride. Sums of 30, 40, 60, and 100 shekels of silver are attested for bridewealth. In turn, a portion of this silver is often bestowed upon the girl by her father as the entirety or part of her dowry, a rebate of bridewealth which anthropologists refer to as "indirect dowry."<sup>46</sup> Perhaps because of the common utilization of this practice at Emar, there seems to be no terminological distinction between "bridewealth" and "dowry" in the texts from this site. That is, the same Sumerogram serves for both types of payment.

Bridewealth is frequently discussed in the testaments.<sup>47</sup> The presence of the bridewealth of the wife in such documents<sup>48</sup> supports the argument that no terminological differentiation was made between payments from the groom's family and those made by that of the bride at the time of marriage. For how should a husband be in a position to dispose of the silver paid out—by himself or on his behalf—for his wife years earlier? That it was possible to identify a portion of the wealth of a family as the wife's dowry

44. See *Emar* 6, 124, 185, *Hirayama* 26, *TBR* 40, 72, 73 and 75.

45. *Emar* 6, 124:2.

46. J. Goody, *Production and Reproduction. A Comparative Study of the Domestic Domain* (Cambridge: Cambridge University Press, 1976) 10-11.

47. *Emar* 6, 30, 70, 112, 177, 180, 202, *Hirayama* 24, 30 and *TBR* 41.

48. E.g., *Hirayama* 24.

also demonstrates that while this capital might be placed under the control of the *pater familias*, it was not subsumed within the property which he inherited or accrued through his own activity. Rather, the bridewealth maintained a special status. As was the custom with the dowry elsewhere in the ancient Near East, it was thus intended for the possible support of a widowed woman<sup>49</sup> and for ultimate disbursement to the children produced by the union which occasioned its payment.<sup>50</sup>

A testament might also concern itself with the brideprice of an as yet unmarried daughter, since the funds which she brought into the household economy would help to finance the payments going out for the acquisition of brides by the sons. Thus a father declares: "Now Zapatu is my daughter. Her brother Belu-kabar shall place her in the household of a father-in-law and take her bridewealth, and acquire a wife."<sup>51</sup> Since this potential payment for a girl was a very real financial asset, it might at Emar become the object of various kinds of transactions in a sort of a "futures trading" in bride-wealth. For instance, a father turns over to his brother the right to marry off his daughter and keep the bridewealth for himself.<sup>52</sup> In another case, a man has received a girl from her brothers "as a bride," but does not marry her himself as they had apparently expected.<sup>53</sup> Rather, he gives her in marriage to a third party and receives 40 shekels of silver in return. When the brothers complain, the matchmaker agrees to pass on to them 10 shekels of this bride-price. While this commerce in nubile women resembles that carried out by means of pseudo-adoptions of women at Nuzi, the institution

49. M. Roth, "The Neo-Babylonian Widow," *JCS* 43-45 (1991-93) 1-26.

50. See K. Grosz, "Bridewealth and Dowry in Nuzi," *Images of Women in Antiquity*, eds. A. Cameron and A. Kuhrt (London: Croom Helm, 1983) 193-206; and F. R. Kraus, "Von altmesopotamischem Erbrecht," *Essays on Oriental Laws of Succession*, eds. J. Brugman *et al.* (Leiden: E. J. Brill, 1969) 1-17.

51. *TBR* 41:27-29.

52. *Hirayama* 45:5-7.

53. *RE* 76. For this text see my edition.

of adoption is never employed for such purposes in the Emar archives.

Returning to the topic of marriage, a single source informs us that for this occasion the girl's father customarily made a ceremonial presentation (Akkadian *tātu*) of two garments of different types and of fine oil, the latter almost certainly intended for the anointing of the bride.<sup>54</sup>

As to the stability of marriages on the Middle Euphrates at this time, we know that divorce was possible "according to (the custom for) a daughter of Emar,"<sup>55</sup> but no cases are actually attested. Even should domestic strife arise, it was probably felt best to maintain the links established between the families of husband and wife and to make appropriate adjustments. The most likely cause for dissatisfaction with a conjugal union in this period would have been barrenness, and some husbands are explicitly permitted to take a second wife should the first produce no children.<sup>56</sup> A man might also officially adopt the offspring of his concubine.

The final legal institution to be considered here is also the last to which a resident of ancient Emar would have had recourse, the making of his or her testament. Almost 60 such records have come down to us from Emar and its vicinity.<sup>57</sup> Sometimes these were delivered before a high official of the imperial administration such as the King of Carchemish<sup>58</sup> or the Overseer of the Land,<sup>59</sup> while the local king only occasionally heads the list of witnesses.<sup>60</sup> A great many testaments were made in the presence of a person's so-called

54. *Hirayama* 44:14-18. In this particular document, the payment was *not* made.

55. *RE* 61:21: *izzibši kīma DUMU.MUNUS Emar<sup>ki</sup>*.

56. *Emar* 6, 31:10-11.

57. Add to those texts listed under "Testament" in Table I of my first essay: *Emar* 6, 15, 30, 31, 34, 70, 91, 112, 128, 176, 177, 180-82, 185, 195 and 197. Some very fragmentary pieces whose placement in this textual category is not certain have been omitted.

58. *Emar* 6, 31 (Šaḫurunuwa), *Emar* 6, 177 and *RE* 85 (both Ini-Teššup).

59. *RE* 56.

60. *Emar* 6, 185, *Hirayama* 25, 26, *RE* 15, 23 and *TBR* 35.

"brothers" or extended family. On one occasion the gods and the dead of the family are expressly summoned to hear the declaration.<sup>61</sup> Although the testaments routinely state that the testator is "of sound body" (*ina bułtišu*), many of these texts clearly anticipate that the continued presence of the maker within the family circle is not to be reckoned with for very long.

The primary concern of these documents is with the structure of the surviving family group and with the disposition of property. The first and most important matter is the designation of someone to take over the soon-to-be-vacated position of head of the household. In our records this successor is seldom a bodily son, for such a disposition was customary and hence did not require the drawing up of a text. If the new family head is a woman, she is transformed into a male and female person for legal purposes, as discussed earlier, to allow her to fulfill her expanded social role. It is interesting that in one testament the father strips his adult children of their rights in order to place his wife over the family.<sup>62</sup>

Assuring the social and economic position of the surviving wife is central to most testaments. If she is not herself named "father and mother," the heirs are enjoined to support her on pain of losing their claims to inheritance. The verb employed here is almost always a durative form of *wabālu*, "to carry," and not *palāhu*, "to honor," as in the majority of adoptions. The woman might be assigned a special bequest of her own (*kubuddā'u*),<sup>63</sup> which was probably drawn from her own dowry.<sup>64</sup> Only following her own death would this pass to the next generation of the family.

The testator takes a corresponding interest in the setting up of households by his children. Arrangements are made for the marrying out of the daughters still at home and for the acquisition of brides

61. *Emar* 6, 185.

62. *TBR* 21.

63. See J.-M. Durand and F. Joannès, "*kubuddā'u* à Mari et à Emār," *NABU* 1990/70; and cf. *kubuttû*, "abundance; abundant, rich gift," *CAD* K, 490-91.

64. See *TBR* 71 and *AuOr* 5, no. 15.



for the bachelor sons.<sup>65</sup> Frequently one brother is commanded to assist another in this important undertaking.<sup>66</sup>

It is significant that a married daughter could still inherit property from the family fund.<sup>67</sup> That is, she was not necessarily thought to have received her entire share of the patrimony earlier in the form of her dowry, as would have been the case in Old Babylonian times.<sup>68</sup> Once or twice she is actually refunded the balance of her bridewealth by her parent.<sup>69</sup>

The types of wealth bequeathed in the Emar testaments include urban and agricultural real estate, livestock, quantities of silver—we might say “cash”—various household furnishings, and jewelry, the latter two categories of goods left primarily to women. An outstanding debt might also be passed on to the next generation, as in a text in which a man leaves a debt of 35 shekels of silver to be collected by whichever of his four children should survive the plague currently raging in the land.<sup>70</sup> However, liability for a debt could also be inherited, a fact which we learn not from a testament but from a lawsuit through which a creditor recovers the debt incurred by a father from his two sons.<sup>71</sup>

While we read that an “eldest son receives a preferential share,”<sup>72</sup> which of course reminds us of inheritance practice in southern Babylonia as well as in Mari earlier in the millennium,<sup>73</sup> the realization of this advantage is not always immediately apparent to us in many of the property divisions. But the senior son does usually receive the family’s main house and gods, along with the obligation to summon them in connection with the ancestral cult.<sup>74</sup>

65. E.g., *Emar* 6, 181:13.

66. *Hirayama* 25.

67. As in *Emar* 6, 31, *Hirayama* 13 and *TBR* 80.

68. F. R. Kraus, in *Essays on Oriental Laws*, 15.

69. *Emar* 6, 30 and 177.

70. *RE* 18. See my edition.

71. *TBR* 36.

72. *RE* 94:11: *ktma gal kubura išû*.

73. F. R. Kraus, in *Essays on Oriental Laws*, 11-12.

74. K. van der Toorn, *ZA* 84 (1994) 42-49.

Sometimes the making of his testament is the occasion for the *pater familias* to settle questions of status pertaining to his juniors. He might divide his property among his progeny by two wives,<sup>75</sup> or even disinherit the children of one mother to the advantage of those of a second woman.<sup>76</sup> In another case a mother apportions the family's goods among the sons of two fathers who had apparently succeeded one another as her husband.<sup>77</sup>

But practically everywhere in the testaments there is evidence for a strong concern lest the family's accumulated wealth be lost through the failure of the current generation to produce a male heir, or because of the irresponsible behavior of a surviving wife. She, after all, had merely married into the lineage and had not been born into it. Thus many a male testator specifies that: "If my wife goes after a strange man (*zararu*),<sup>78</sup> she shall place her garment on the stool and go where she pleases."<sup>79</sup> A similar measure is the prohibition on anyone entering the widow's bedroom.<sup>80</sup>

If the widow should find herself in need of support, she is expected to seek out a saviour from her husband's extended family. For example, we read the stipulation:

As long as she lives, her children shall support her. If my children do not support their mother, she shall give (the property) to whoever among the offspring of my father shall support her.<sup>81</sup>

Or again:

If my two daughters Abi-na'mi and Išarte do not support their mother Dagan-ni, Dagan-ni shall strike their cheek and give (her possessions to whoever) will support her among the progeny of

75. For example, *Hirayama* 27.

76. For example, *Emar* 6, 202.

77. *RE* 21. See my edition.

78. That is, if she remarries outside of the kin group.

79. E.g., *RE* 8:40-43: *šumma PN DAM-ya EGIR<sup>lu</sup>zarari tillik TÚG-ši ana gišŠÚ.A lu tiškun ašar ŠA-biši lu tillik.*

80. *TBR* 22:14-15.

81. *TBR* 50:16-23.

my father. She shall not give (it) to a man from outside (the family).<sup>82</sup>

Finally, testaments sometimes express the desire of the head of the family for the return of a prodigal son. We may imagine the emotional pain behind a father's wish such as the following:

Now my son Mašruwi is dwelling in a foreign land. If he should turn up, he shall honor his mother Ba'ala-milki. As he honors her—when her fate carries her off, he shall take my household and my goods. And if he should be disobedient to his mother [Ba'ala-milki], he shall have [no] claim [to his inheritance portion. He shall go] where he pleases.<sup>83</sup>

From this welter of detail we can begin to form an idea of how the family on the Middle Euphrates in the thirteenth century B.C.E. reproduced itself both biologically and socially, and how both property and values of group solidarity, the latter apparently in the process of redefinition, were transmitted across generational lines.

82. RE 15:22-30: *šumma* <sup>f</sup>*Abi-na'mi* u <sup>f</sup>*Išarte* 2 DUMU.MUNUS.MEŠ-ya <sup>f</sup>*d**Dagan-ni* AMA-šunu *lā ittanabal*<*lā*> <sup>f</sup>*d**Dagan-ni* *lētaši*<*nāti*> *lū timḥaš* u *ina* NUMUN.MEŠ *ša abiya ašar ittanaballuši lū tiddin ana* <sup>lū</sup>*nakri* *lā tanaddin*.

83. *Hirayama* 31:7-14. Cf. also *Hirayama* 30 and *TBR* 48.

*Table I*TYPES OF ADOPTION IN THE EMAR TEXTS <sup>84</sup>

## I. Adoption of children

- A. Adoption of orphans: *Emar 6, 256, TBR 77*
- B. Adoption of step-child: *ActaSum 16, Emar 6, 30, TBR 42*

## II. Adoption of adults

- A. Adoption of son-in-law: *AuOr 5, no. 14, Emar 6, 5(?), 29, 69, 185, 213, Hirayama 46, RE 25, 41, 82, 88, SMEA 30, nos. 9, 15, TBR 39, 40, 43, 46, 72, 73, 75*
- B. Adoption in connection with "lifetime trust"
  - 1. Adoption of creditor: *Emar 6, 213, RE 10, 13, TBR 48, 78*
  - 2. Adoption of debtor: *RE 25, 63, TBR 39, 40, 74*
  - 3. Adoption of person whose financial status is not mentioned/preserved: *Emar 6, 32, 93, 183, Iraq 54, no. 1, Prima dell'alfabeto, no. 67, RE 28, 30, 87*
- C. Adoption of slave in manumission: *Emar 6, 91, RE 26, TBR 41*

Total: 42 texts

84. Note that several texts appear under more than one category, but they are counted only once for the total.

Table II

## TERMS FOR ADOPTION IN THE TEXTS FROM EMAR

## I. Active

*epēšu:*

PN *ana* DUMU-*ūti epēšu*: *AuOr* 5, no. 14, *Emar* 6, 29, 30, 69, *Iraq* 54, no. 1, *Prima dell'alfabeto*, no. 67, RE 63, 82, 87, TBR 42, 72, 73, 74

PN *ana* DUMU *epēšu*: RE 25, 41(?), TBR 39, 40, 43(?), 46, 78

[PN *ana* AMA *epēšu*: TBR 42]

[PN *ana* ŠEŠ *epēšu*: TBR 42]

*leqû:*

PN *ana* DUMU-*ūti leqû*: RE 26(?)

PN *ana* DUMU *leqû*: *Hirayama* 46

PN *ana* *palāḫi leqû*: RE 10, 13

*rakāsu:*

PN *ana* *marūti rakāsu*: TBR 48

PN *ana* DUMU *rakāsu*: *Emar* 6, 183, RE 28, 30

*šakānu:*

PNN *ana* DUMU.NITA<sub>2</sub> u DUMU.MUNUS *šakānu*: *Emar* 6, 256

## simple declaration:

*anumma* PN DUMU-*ya šūt*: *Emar* 6, 185

*anumma* PN DUMU.MUNUS-*ya*: *Emar* 6, 32

*anumma* PN<sub>1</sub> u PN<sub>2</sub> 2 DUMU.MEŠ-*ya*: *Emar* 6, 93

individual referred to as DUMU-*ya*: *Emar* 6, 213

## II. Passive

*nadānu:*

PN *ana* DUMU-*ūti nadānu*: RE 41, TBR 77

PN *ana* DUMU *nadānu*: *Emar* 6, 91

Table III

## TERMS FOR ADOPTION IN OTHER LATE BRONZE AGE TEXTS

Nippur (1 text)<sup>85</sup>PN *ana marūti* ŠU.BA.AN.TI (of girl)Aššur (5 texts)<sup>86</sup>PN *ana marūti leqū*PN *ana DUMU-ūti šaṭāru*PN *ana marūti nadānu*PN *ana marūti erēbu*Nuzi (6 texts\*)<sup>87</sup>PN *ana marūti epēšu* (most common)PN *ana marūti nadānu*

\*includes only "real" adoptions

Ugarit (9 texts)<sup>88</sup>PN *ana ŠEŠ-ūti epēšu*PN *ana DUMU leqū*PN *ina ŠEŠ leqū*PN *ana DUMU rakāsu*  
(most common)PN *ina ŠEŠ rakāsu*Alalakh (1 text)<sup>89</sup>PN *ana abūti<sup>1</sup> epēšu*El-Qiṭār (1 text)<sup>90</sup>PN *ana DUMU-ūti epēšu*Munbāqa (3 texts)<sup>91</sup>

?? (unpublished)

85. BE 14, 40.

86. KAJ 1, 2, 3, 4, 6.

87. HSS V, 7, 58, 59, 60, 67, HSS XIX, 14.

88. RS 15.92 (= PRU III, 54ff.), RS 16.200 (= PRU III, 64-65), RS 16.295 (= PRU III, 70-71), RS 16.344 (= PRU III, 75a), RS 17.21(?) (= Ugaritica V, 2), RS 17.88 (= PRU VI, 37), RS 21.230 (= Ugaritica V, 81), RS 20.226 (= Ugaritica V, 82) and RS 25.134 (see S. Lackenbacher, "Un contrat d'Adoption en fraternité," *Marchands, diplomates et empereurs. Études sur la civilisation mésopotamienne offerts à Paul Garelli*, eds. D. Charpin and F. Joannès [Paris: Éditions Recherche sur les Civilisations, 1991] 341-43).

89. AT 16.

90. D. C. Snell, "The Cuneiform Tablet from El-Qiṭār," *Abr-Nahrain* 22 (1983-84) 159-70.91. T 38, T 78, T 79, as listed by W. Mayer, "Der antike Name von Tall Munbāqa, die Schreiber und die chronologische Einordnung der Tafelfunde: Die Tontafelfunde von Tall Munbāqa 1988," *MDOG* 122 (1990) 45-47.

Ḫatti (1 text\*)<sup>92</sup>

PN *ana* DUMU *epēšu*

(PN) *ana* DUMU-*āti* *epēšu*<sup>93</sup>

(PN) DUMU-*lam=man* *ḫalzai*-<sup>94</sup>

*kašma* PN DUMU-YA<sup>95</sup> (= *anumma* PN DUMU-*ya*?)

\*plus references in historical contexts

Total: 27 texts

92. K. Balkan, *Eine Schenkungsurkunde aus der althethitischen Zeit, gefunden in Inandik 1966* (Ankara: Türk Tarih Kurumu, 1973).

93. *KBo* 1, 3 obv. 24 (CTH 52: Treaty between Šattiwaza of Mittanni and Šuppiluliuma I of Ḫatti).

94. *KUB* 1, 16 ii 3-4 (CTH 6: Bilingual Succession Edict of Ḫattušili I).

95. *KUB* 1, 16 ii 37.