THE MARRIAGE CONTRACT AIT 91 (ALALAH) 
AND MARRIAGE ADOPTION IN LATE BRONZE AGE SYRIA

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§ 1. The juridical expression “marriage adoption” refers to a legal act whereby a woman (generally under age) was transferred from the authority of her father or legal guardian to the authority of another person, who was entitled, if he so wished, to take her as wife or to give her in marriage to a third party. This legal formula is attested in several areas of the Ancient Near East, such as Middle Bronze Age Babylon, Nuzi or Late Bronze Age Syria (Cardascia 1959, 1970; Beckman 1996b: 69; Lion 2001). Certain features on legal expressions of matrimonial adoption in this latter zone and period\(^1\) allow us to identify this phenomenon also in the legal document from Alalah AIT 91.

§ 2. Marriage contract\(^2\) AIT 91 (BM 131486) was found in the archaeological level IV of the site of Alalah (15\(^{\text{th}}\) century BC), but its exact location cannot be determined (Von Dassow 2005: 41). Its poor state of preservation prevents its complete reading. Wiseman (1953: 54 and pl. XXIII) published a copy of the text in the middle of the 20th century as well as a summary of its contents. Later on, several authors have worked on this document; a complete transcription and translation based on the collation by Na\(^{\text{aman}}\) (1980: 111-112) is of particular interest\(^3\). All the authors provide different reading

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Female personal names are preceded by “i” in superscript.

1 Cases of matrimonial adoption in Late Bronze Syria are found in the following documents: E6 216, RE 6, RE 61, RE 76, RAI 47/2 (Emar); RS 16.141; KTU\(_2\) 4.80 (Ugarit); MBQ-II 37/40 (Ekalte). To this we should add AIT 87 y AIT 91 (Alalah), in accordance with the proposal of the present study.

2 Von Dassow (1997: 293 n. 70) does not consider AIT 91 a marriage contract but a document of declaration of the status of the wives. However, both the form and the legal actions represented by that document are typical of the rest of marriage contracts from Alalah (AIT 92-94).


SEL 25, 2008, pp. 37-46
proposals for several passages, so that diverse interpretations of the contents have been suggested. However, a reasonable comprehension of the document is still lacking. Now the collation carried out by J. Oliva in September 2000 makes it possible to clarify certain points and to suggest new proposals towards a better interpretation of the text.4

The document reads as follows:

(seal)5

i-na pa-ni "niq-me-[a LUGAL]

2 "a-gáß-dá-gan DU[MU a]m-ra-du"

(erased)

4 DUMU,‘Í.DIM ta-gus-šu-li a-na DAM-šu i-šu-už

[erased]‘a-gáß-[A.AB],BA’ ma-ri-ia-an-ni

6 [x] MÍ.É.GI.’A’ ù DUMU.MÍ-šu

[erased]‘a É x [um-mi-tú-ra]

(low.)

8 [qa]‘[d]u’ DUMU.batši-ma

[DUMU].MI.batši-[š]i ma-ri-ia-t-an-nu’

10 [xxx] a-an-nu

(rev.)

x x x ‘na’ x u₄-mi

12 mi-im-ni mi-in‘-des be-el

um-mi-tú-ra TUK’?

14 ù ‘a-gáß-A.AB.BA’

qa-du DUMU.batši-ma

16 ma-ri-ia-an-nu za-ku-ù

[erased]‘a-gáß-ki-a-še ki-ma

18 DUMU.MÍ É MI.É.GI.[A] É

ú-ul [e]r-ru-[u][b]

20 IGI zi-ti-dISKUR IGI ir-[xx]

IGI a-ki-dISKUR IGI ta-gus-šu-li

22 IGI a-gáß-k‘áš-gan I[Gl ša]r-ru-[up]-š[e]

IGI aš-ra‘-a-ma SANGA

(upp.)

24 ša ‘a-gáß-[k]‘a‘š-e [ù]

[erased]‘ši-li-ib-na [šum-ma’]

26 i-ša-ši i-na be-ši-[ši-na]

(left)

711) is the first author who identified marriage adoption in this document - see also the interpretation of Wiseman (1953: 54), in this paper n. 21 - .
4 We thank J. Oliva for making a transcription of the text available to us.
5 The text is provided with a seal (Collon 1975: 11-12; Von Dassow 2005: 41), for which transcription and translation see Dietrich - Mayer 1996: 185-186.
The Marriage Contract AlT 91 (Alalah)

Translation:

(1) Before Niqmes[a, the king]. (2-4) Agab-Dagan, s[on of A]mmar-Addu, has tak[en] as his wife the daughte[r] of Taguuli. (5) [Agab-][kia]še is maryannu. (6-9) The kallatu and his daughter of[f] the house [x], [Um][mi-tûra], [alo]ng with her sons and [h]er [daught]ers, are maryânnu.

(10-13) […] This […] in the future, the owner of Ummitûra shall take possibly any property. (14-16) And Aga[b-kiaše] along with her children shall also be maryannu, free. (17-19) [Agab-kiaše, instead of / owing to the daughter of the house (and)] kallâ[tu] of the house, shall not leave.


(24-28) Regarding Agab-[k]iaše [and] Silinna[; if?] among [them] there is one who [conceives], (he) shall not [ta] a third wife. (29-31) If neither of the two [conceives], then (he) shall take a third wife. The[re] shall not be any claims.

Comments:

2: The personal name Agab-Dagan was already proposed by Wiseman (1953: 54). Draffkorn (1959: 20) preferred to interpret this anthroponym in its pure Hurrian form, Agab-tage (a-gâb-ta-ḫê), which has been supported by Na’aman (1980: 111-112, Akabtaḫê), Dietrich—Mayer (1996: 184-186, Akap-taḫê) and Niedorf - Zeeb (2004: 136, Akap-taḫê). However, a fully Hurrian reading of the name is not certain at all, neither in Alalah nor in Syria, thus it would seem also possible a hybrid name such as Agab-Dagan, “Dagan (is) who guides”.

2: The reading of the personal name Ammar-Addu is based on the collation by Oliva. It is a well known anthroponym in level VII of Alalah (Wiseman 1953: 127). The rest of the authors have read Šemarana/u.

2-4: Von Dassow (1997: 293 n. 70) points out that it is not clear that Agab-Dagan was the husband who takes a wife, since he appears again as a witness (l. 22). But the scribe deleted l. 3, perhaps with the purpose of leaving Agab-Dagan as the subject of this sentence. The presence of the personal name of this character later on would only serve to witness the act of granting the women the status of maryannu (§ 3). Besides,

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6 On the construction of personal names with the Hurrian verb ag=a=b–, see Neu 1996: 238-239. Cf. also the personal name Agab-kiaše (ll. 5, 14, 17, 24).

7 The scribe seems to have written the beginning of the text and to have modified it partially later; evidence of this is the deleted line (l. 3) and maybe the lack of the logogram MÎ after DUMU in l. 4.
in documents from Late Bronze Syria there are contracts, such as E6 8 (from Em"ar), where the recipient of the document also acted as a witness (see Leemans 1988: 223).

4: We accept Draffkorn’s reading (1959: 53-54) of the Hurrian personal name Tagu"uli. This man, like the previous Aki-Te"ssup (his brother), would be part of the maryannu class according to AIT 128 (Von Dassow 1997: 271 n. 42, 283).

5: ma-ri-ia-an-ni: although a nominative could be expected, the term seems to be in the genitive singular, like in EA 24 (Dietrich - Loret 1996: 186).

5-11: According to Dietrich - Mayer (1996: 185) the sentence would end with 1Ummi-t"ura; Na’aman (1980: 112) and Niedorf - Zeeb (2004: 136) think that the sentence begins with a DUMU.MI (l. 6)8. We believe that, due to the coordinating conjunction, the terms kall"atu and m"artu are part of the same sentence (see explanation below). Besides, it is probable that the terms m"artu and b"itu (l. 6-7) should not be separated, according to the parallel provided by AIT 87: 10-12, where a similar sentence appears (§ 4).

7, 13: For 1Ummi-t"ura as a Hurrian personal name see in Nuzi Gelb – Purves - Macrae 1944: 317.

7: We prefer the reading [3]a rather than the other one possible [i-n]a (communication by Oliva), due to the parallel with AIT 87: 12, where a similar expression is attested (§ 4).

7: Between the sign E and the personal name 1Ummi-t"ura there seem to be traces of a sign which could have been deleted like all those of l. 3 (collation by Oliva). Wiseman already points it out in his copy; the rest of the authors do not take that into consideration.

9: The reading DUMU.MI 1mes-š is based on the collation by Oliva. In Wiseman’s copy this part remains rather unclear; since Na’aman (1980: 111) the general accepted reading has been DUMU.MI 1mes-š-ma.

11-13: Niedorf - Zeeb (2004: 136) translate “[a]n dem Tage irgendeiner Wenigkeit, an dem Ummit"ura einen Herrn bekommen wird…”. However, it seems improbable that the expression bêl 1NP could refer to the husband, as explained below (§ 4).

12: Na’aman (1980: 112) reads mi-in-de, whereas other authors read mi-su-te (Dietrich - Mayer 1996: 184; Niedorf - Zeeb 2004: 136). The presence of minde, “perhaps, possibly”, seems unlikely in a legal document. On the other hand, the meaning of the term m"is"uttu, which is not registered in Akkadian dictionaries, is far from clear (Niedorf - Zeeb 2004: 136 n. 46) and, according to Oliva’s recent copy (2006: 332), it seems palaeographically improbable. Oliva (2006: 327) suggests a reading mi-in te-be-el, interpreting te-be-el as a verbal 3fs present G form of bêlu, and translates “anything whatever she possesses (?)”9. However the prefix 3fs te- does not seem to be attested in the Akkadian of Alala"h (Giacumakis 1970: 56)10. Besides, when introducing a

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8 From this passage and l. 16, Na’aman (1980: 112) interpreted that there could be two types of maryannu: maryannu kall"atu and maryannu zak"a, an idea which has been dismissed (Von Dassow 1997: 293 n. 71).

9 A form 3fs ta-be-el is attested in Akkadian to although not in Late Bronze Syria (AHw 121, bêlu 7a-b). Another possible reading according to Oliva (personal communication) could be mi-še-ni; the term mi-še-na certainly appears in a text from Alala"h IV, AIT 422:3, but referring to a tree or a type of wood (CAD M/2 119a; AHw 660a), which does not make sense in our context.

10 It does occur occasionally in the archives of the area, such as in Ugarit (Huehnergard 1989: 158-159) and Em"ar (Seminara 1998: 346). See also Arnaud 1998: 174 and 177.
relative clause without the relative pronoun ša, the indefinite pronoun mīnu seems to appear always in its full form, not as minu11. Finally, since the determinative in the personal name ¹Ummi-tūra is not written, it could might indicate that a construct state is here involved, namely: bēl Ummittûra, “owner of ¹Ummittûra” (see § 4). Therefore, the exact sense of ll. 11-13 still remains unclear; to date, the less questionable proposal seems to be Na’amán’s.


17: ki-ma may not have here the usual Akkadian meaning “as” (GAG § 114g)12, since this would mean that ¹Agab-kiaše would be the “kallātu and daughter”, when she was one of the wives of Agab-Dagan (n. 17). The meaning of kīma could be here: “owing to”, which is certainly not common in Akkadian (CAD K 365, kīma a4’) but is attested in other texts from Alalaḫ and from Late Bronze Age Syria13, or “instead of”, where something similar happens14. Niedorf - Zeeb (2004: 136) translate the preposition “so wie”, but in that case the subject of the sentence would be plural, and this is not reflected in the singular verb form inerrub (l. 19). Nevertheless, the exact meaning of the entire passage is not clear.

19: i-nē[-]e[r-ra-u][b], we interpret the verbal form as a 3cs present of nērubu, “to flee”15.


25: Draffkorn (1959: 49) interpreted the personal name as ¹Silib-nanu; instead, it has been proposed Zilip-nanu (Na’amán 1980: 112) or Zilipnanu (Dietrich - Mayer 1996: 185; Niedorf - Zeeb 2004: 136). However, Oliva’s collation reveals the reading mfšī-li-ib-ana, after which some broken signs appear, that probably could represent the continuation of l. 9.

§ 3. Thus, we understand AIT 91 as follows. The text contains two legal acts: a marriage and a regulation of the status of the wives. In the case of the act of marriage it seems that Agab-Dagan took a wife (¹Agab-kiaše)17. In the case of the status, Agab-Dagan granted two women (¹Agab-kiaše and ¹Ummi-tūra), as well as their descendants,
the status of maryannu, a social category whose nature and prerogatives are still under discussion (for Alalah, see Von Dassow 1997: 258-332)\textsuperscript{18}. The fact that women could be maryannu is clear according to a document from Emar, RE 66, where a man manumitted his servant and declared him maryannu along with his wife and children\textsuperscript{19}.

§ 4. Following ll. 6-7, it has usually been understood that $\textsuperscript{1}$Ummi-tùra was the daughter of Agab-Dagan.\textsuperscript{20} However, this paternity, as in general the role of $\textsuperscript{1}$Ummi-tùra and her relationship with the rest of the persons involved in the act, is not clear (Von Dassow 1997: 292). Certain parallels provided by other legal documents from this area make it possible, in our opinion, to conclude that the relationship between Agab-Dagan and $\textsuperscript{1}$Ummi-tùra was not that of paternity, but a case of marriage adoption, for two reasons.

a) The first reason is connected with the passage of ll. 6-7, MÍ.É.G.LA ū DUMU.MÍ.šu [š]a É $\textsuperscript{1}$um-mi-tù-r.$\textsuperscript{21}$. According to our division of the sentences (see comments on ll. 5-11), $\textsuperscript{1}$Ummi-tùra was defined as kallātu (MÍ.É.G.LA) and “daughter of the house” (DUMU.MÍ.ša É). Both definitions would indeed suit a woman who was the subject of a marriage adoption: as such, she could become the wife of the father of her new family (since she is an adopted daughter) or be given in marriage to another man (since she would have the status of kallātu). Therefore, in AIT 91 $\textsuperscript{1}$Ummi-tùra would have entered the house of Agab-Dagan “as daughter and kallātu” (ana mārītū u kallāti), a well known phenomenon in Nuzi and other archives\textsuperscript{22}.

In particular, in the will from Alalah IV AIT 87 a man, Kabiya, declared - in the inheritance order of his children (ll. 7-9) - the existence of a kallātu in the house,\textsuperscript{23} and that the wife of the testator was the mother, probably in order for her to be respected and to be sustained in case she became a widow\textsuperscript{24}. This seems to be also a possible case of marriage adoption. However, the status of a woman as “daughter and kallātu” (AIT 91) meant that she could be given in marriage to somebody from outside the family, whereas the status of “kallātu” (AIT 87) would indicate that she ought to marry within the family\textsuperscript{25}, possibly to one of the four sons of the testator\textsuperscript{26}. Therefore, it appears that AIT 87 is also a possible case of marriage adoption.

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\textsuperscript{18} The appointment of the descendants as maryannu appears in various archives from Late Bronze Age Syria, besides this AIT 91: RE 66: 1-4 (Emar), RS 16.132: 4-6 (Ugarit), AIT 15: 7-9 (Alalah).

\textsuperscript{19} The expression of RE 66: 3-4, ana maryannūti wasāru, is the same used in AIT 15: 4, another document from Alalah which shows an appointment of the status of maryannu (§ 5).


\textsuperscript{21} Wiseman (1953: 54) believed that this sentence meant the existence of a woman who would have the status of first daughter destined to marriage, as compared to AIT 87 (n. 22), and he translated: “his daughter is the (eldest) marriageable daughter of the house”.

\textsuperscript{22} See Cardascia 1959: 4-5; Grosz 1981: 145-150. In Emar a woman may also be appointed “as daughter and kallātu” (ana mārītū u kallāti), as attested to in E6 216, RE 61 and perhaps also in RE 6.

\textsuperscript{23} “$\textsuperscript{1}$Hepat-tilla is the eldest kallātu of the household” (AIT 87: 10-12; $\textsuperscript{1}$ub4, ū-pāt-ti-l-la / MÍ.É.G.LA GAL / ša E4$\textsuperscript{b}$).

\textsuperscript{24} “Zkāptae is the mother regarding the household” (AIT 87: 11-12; m$\textsuperscript{2}$zi-kēp-ta-e / AMA a-na E$\textsuperscript{b}$).

\textsuperscript{25} See, for example, Westbrook 1988: 39; Zaccagnini 2003: 588 n. 73.

\textsuperscript{26} For this reason it does not seem that $\textsuperscript{1}$Hepat-tilla was the testator’s natural daughter, an idea supported by Von Dassow (1997: 28).
b) The second reason appears in ll. 12-13, where bēl Ummi-tūra could be read, “owner of ṬUmmi-tūra”. The term bēlu may mean, as a North-West Semitic expression, “husband” (CAD B 197, bēlu 2b)27, but in the corpus of Alalah it seems to mean always “owner” (Giacumakis 1970: 70), and in Syrian archives contemporary to Alalah the term bēlu never seems to have the meaning “husband” (see for example Marsman 2003: 129 n. 36). It is possible that ṬUmmi-tūra was previously a slave.28 For example, in another document from Alalah IV, AIT 415, the owner of a slave is referred to by the term bēlu: “an ass and a servant who have no owner”29. Granting the status of maryannu to a manumitted slave is possible, according to the already mentioned text from Emar RE 6630.

§ 5. According to our reconstruction, Agab-Dagan mentioned twice his wife ṬAgab-kiašē as maryannu: first it is declared that she acquires such status (l. 5), and later that her children too have the same category (ll. 14-16). This double allusion to the new status of the wife may have been necessary because it had to be specified that the descendants of ṬAgab-kiašē would also have the status of maryannu. This fact is confirmed by another document from Alalah, AIT 15: “the king Niqmepa, son of Idrimi, has freed31 Kabiya as maryannu. He shall be like the sons of the maryannū of Alalah. And Kabiya, as well as his descendants, shall be maryannū forever, and priest of Kumarbi32-33. Apparently, it was necessary to include again the father (AIT 15) or the mother (AIT 91) in order to make clear that the descendants also had the status of maryannu.

On the other hand, the status of maryannu is also granted to the kallātu ṬUmmi-tūra. Note that the granting of benefits by a man to his kallātu, as it happens in AIT 91, also occurs in a document from Ekalte, MBQ-II 37.

§ 6. Marriage contract AIT 91 shows some aspects of social life which cannot be found in the rest of marriage contracts from Alalah. On the one side, it is attested that a man owned two wives and he was entitled, if neither of them gave him descendants, to take a third wife. On the other side, it seems that the woman called ṬUmmi-tūra could be the subject of a matrimonial adoption by Agab-Dagan - a phenomenon that is found in

28 Note that in Nuzi the situation of those women given as “daughter and kallātu” could have been close (although not identical) to slavery; in this sense, see Greengus 1975: 16-17, 22, and Grosz 1987: 147.
30 Another parallel could be LAM 30, where EN DUMU.MĪ (akk. bēlu mārti) has the meaning of “father” (Sanmartín 1999: 248 n. 123). In this case, it could be that the “lord of ṬUmmi-tūra” was in fact her father (adoptive), that is, following the idea that we have explained, Agab-Dagan himself.
31 wa-šar-šu, would be the Akkadian verb wašaru, in its intensive sense, conjugated as a Northwest Semitic perfect G. See Giacumakis 1970: 112; Von Dassow 1997: 287 n. 61, with bibliography.
32 On the equivalence of ṬEN.EN.LĪL with Kumarbi, see Von Dassow 1997: 288 n. 62; Arnaud 1996: 55 n. 46.
33 AIT 15:3-10; "mīq-me-pa LU.GAL DUMU id-ri-mi / "kà-bi-ia / a-na ma-ri-ia-an-na wa-šar-šu / ki-me-e DUMU₄₄₄₄₄ ma-ri-ia-an-na / ṣa an-ni-im-be-eššu / ū ṭUmmi-tūra ma-ri-ia-an-na / DUMU.DUMU-RI-šu a-na da-ri-ia / ma-ri-ia-an-ni / ū SANGA ša ṬEN.EN.LĪL. Note that this Kabiya is the person who later appears as a testator in AIT 87 (§ 4); in fact, both documents AIT 15 and 87 were found in the same place, room C1 (Von Dassow 1997: 303; 2005: 40).
other archives from Late Bronze Syria and that could also take place in other document from Alalah, AIT 87 -. Ummi-tûra was probably a former slave and by means of AIT 91 she is granted certain rights, such as the appointment as maryannu for her and for her descendants.

BIBLIOGRAPHY


Collon 1975 D. Collon, The Seals Impressions from Tell Atchana/Alalakh, Kevelaer/Neukirchen-Vluyn.

Von Dassow 1997 E. M. von Dassow, Social Stratification of Alalah under the Mitanni Empire, New York Univ.


Draffkorn 1959 A.D. Draffkorn, Hurrians and Hurrian at Alalah, an Ethnolinguistic Analysis, Univ. of Pennsylvania.

Gelb - Purves - MacRae 1944 I.J. Gelb - P.M. Purves - A.A. MacRae, Nuzi Personal Names, Chicago.


Lion 2001 B. Lion, “Filles à marier à Emar et à Nuzi”, *NABU* 01/74.


