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TESTING THE MIDDLE GROUND IN ASSYRO-ANATOLIAN MARRIAGES OF THE *KĀRUM* PERIOD¹

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Abstract

Central Anatolia in the Middle Bronze Age is marked by a well-documented Old Assyrian presence during the *kārum* period (20th–17th century B.C.),² a dynamic time of long-distance trade and cultural contact. One of the idiosyncrasies of the social history of this period is a special bigamous arrangement which allowed Assyrian men to enter second marriages on the condition that one wife remained at home in Aššur, and the other in Anatolia. This article tests the extent to which a middle ground (after White 1991) may be recognisable in such Assyro-Anatolian marriage practices and considers whether the peculiar terminology of bigamous arrangements in reference to the first and second wives (*amtum* and *aššatum* respectively) can be interpreted as the crucial element of misunderstanding in middle ground formation.

Introduction

So far unattested for other contemporary or later Mesopotamian societies, entering full second marriages appears to be a custom peculiar to the community of Old Assyrian expatriates in Anatolia³, designed to accommodate the needs of its travelling men (Michel 2006: 163). The potential role of Anatolian agency⁴ in the formation of this new custom, however, is seldom considered, despite numerous marriage contracts featuring mixed Assyro-Anatolian couples. This is partly due to the nature of the textual record, which offers very little of the kind of information one would require for reconstructing default conditions for Anatolian marriage practices, or gauging the extent to which these may have differed from Assyrian customs. While it is therefore inevitable that discussions of *kārum* period marriage rely mostly on the Assyrian perspective, it would be a mistake to assume Assyrian interests alone shaped mixed marriages. Anatolian agency should also be taken into account, especially where certain aspects of long-distance bigamy cannot be satisfactorily explained in terms of prioritising Assyrian needs, but instead suggest compromise. In other words, in generating a new legal mechanism of second marriages, Assyrians were not simply adapting to the passive logistics of long-distance life, but also to a new set of active

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² For a detailed reappraisal of chronology at Kültepe for the text-yielding levels II–Ib, dated to 1980–1690 B.C. according to the Middle Chronology, see Barjamovic, Hertel and Larsen (2012).

³ See Bryce (2005: 21 ff.) for a detailed historical account; Larsen 2015 for a thematic narrative; and Michel (2011b) for an introductive summary.

⁴ Following Ross and Steadman (2010:1), who define agency “as the human capacity for motivated, reflexive action having some consequence (if not always an expected or intended outcome).”

social expectations. As already noted by Lumsden (2008) and recently reiterated by Larsen and Lassen (2014), the nexus of intermarriage and cross-cultural compromise aligns Assyro-Anatolian marriage with White's (2011) model of the "middle ground." *Middle Ground in the kārūm Period*

Scholars are becoming increasingly alert to the need for theoretical nuance in modelling Anatolian-Assyrian interactions, and several such models have been proposed for the *kārūm* period (see Larsen and Lassen 2014 for a recent overview). Most notable has been Stein's critique (2008, with references), which proposes the trade diaspora model, although the wholesale applicability of such a framework to *kārūm* period society has been questioned. A more compelling alternative is Lumsden's (2008) suggestion in favour of White's (2011: xiii) "middle ground," namely:

[...] the creation, in part through creative misunderstanding, of a set of practices, rituals, offices, and beliefs that although comprised of [*sic*] elements of the group in contact is as a whole separate from the practices and beliefs of all those groups.

In discussing the usefulness of this term for *kārūm* period contact, Lumsden (2008: 32) has explained the middle ground as follows:

[A] space of social heterogeneity and hybridization, of compromise and accommodation, in which social encounters can lead to new systems of meanings and transformations among all participants. This is not a process of acculturation, of one culture becoming more like the other, but of a more nuanced form of encounter in the "in-between" space of the middle ground, which results in something completely new.

While Lumsden's (2008) recognition of the middle ground as a suitable model for the *kārūm* period holds tremendous potential, it has yet to achieve its deserved scale of impact in the field. Recently, Larsen and Lassen (2014) have brought the middle ground and associated notions of cultural hybridity into discussion, focusing specifically on the case of glyptic imagery. We must not, however, lose sight of the fact that hybridity is often the by-product of a wide range of cross-cultural encounters and not confined to the idiosyncratic circumstances of the middle ground. What we know of *kārūm* period society from its extensive textual documentation indeed confirms the element of middle ground in Assyro-Anatolian contact, but how should we distinguish the middle ground from *other* forms of hybridity, acculturation, imitation, or emulation? According to White (2011: xi), a key ingredient is the element of misunderstanding, but this is a notion that is extremely difficult to pinpoint, even within the textual realm (White 2011: xxii; see below). Lumsden (2008: 32, n. 11) also acknowledges the difficulty of identifying this element:

Although I believe that misunderstandings must have played a part in the middle ground process in the Old Assyrian Colony Period, I have not yet been able to find a corresponding phenomenon.

This article seeks the elusive element of cross-cultural misunderstanding (perhaps wilful) in the terminology of marriage practices peculiar to the Old Assyrian society in Anatolia.

For the historical setting for which White formulated the middle ground theory, namely the colonial encounters between the French and Algonquian Indians in the *pays d'en haut* between the 17th and 19th centuries, "problems in two arenas of contact—sex and violence—seem to have been particularly acute" (White 2011: 60). Sexual relations between the foreign and local populations were particularly significant as the conspicuous absence of women among the former inevitably meant

that sexual partners could only be found in the latter (White 2011: 60). A similar situation also applies to the *kārum* period during which, especially in the early periods, Assyrians travelling to Anatolia were predominantly men, thus determining the character of intermarriage during the earlier part of the *kārum* period as between foreign men and local women. Over time, however, texts also attest to intermarriages between Anatolian men and Assyrian women (Michel 2006: 173).

While the politics of sex governing French-Indian contact undoubtedly differ from those of the *kārum* period, a point of inescapable comparison is the creation of numerous mixed families, which constituted a unique context for negotiating cultural differences. As opposed to the public domain of commercial activity in which the main actors are men, mixed families constitute a more private setting within which both men and women play a part. Mixed marriages operate not only at the initial level of bringing foreign men and native women (or *vice versa*) into a context of potential misunderstandings and mutual compromise, but also at the level of children born into mixed marriages, who become cultural mediators themselves (White 2011: 74). Individuals with mixed parents are indeed conspicuous in the textual record of the *kārum* period, presented sometimes with Assyrian, sometimes with Anatolian names (Michel 2008b: 211), pointing to different social identities and with significant implications for middle ground formation over generations (Larsen and Lassen 2014: 177). In particular, the new form of bigamous arrangements peculiar to the expatriate community of Assyrians in Anatolia, presents a highly suitable context in which to test the middle ground, and may even reveal that crucial element of misunderstanding, in this case emerging as a potentially deliberate misappropriation of the terminology of (mixed) marriage.

Sources

Needless to say, textual sources attesting to *kārum* period marriage practices present a fair number of challenges of their own, starting with the inevitable Assyrian bias in the documents. Being generated mainly by the literate Assyrian community, texts reflect mainly Assyrian activities.⁷ Information on local customs is therefore quite limited (Veenhof 2012: 148–50), which presents considerable difficulty in identifying those points of cultural incompatibility which may have instigated misunderstanding, misappropriation, and compromise eventually leading to a middle ground.

Even for the Assyrian community, the available sources are predominantly business-related. This is offset to a certain extent, however, by the high intensity of correspondence with Aššur or within Anatolia. While the primary concern in most letters was again commercial matters, they also contained lively details of family relations. References to couples' relationships, mutual expectations, responsibilities towards children, and dealings with in-laws contain a great deal of indirect information which helps outline the basic principles of Assyrian marriage in Anatolia.

As for the legal framework of the conditions for marriage, divorce, ownership of property, and inheritance rights of children can be reconstructed from contracts. However, as Michel (2006b: 158) observes, most Assyrian men arriving in Anatolia would have been married already in Aššur, which is also where the relevant marriage contracts would have remained. Those contracts drawn up in Anatolia, of which about 40 have been identified thus far may not necessarily reflect typical Assyrian customs, dealing instead with unusual circumstances (Michel 2006: 158–59). Furthermore, it is particularly frustrating that no Old Assyrian law code has thus far been discovered,

⁷ For literacy among and archives belonging to Anatolians, see Kryszat (2008) and Michel (2011a).

although references to “words written on the stela” (Veenhof 1994–95, 2003: 431) certainly suggest one existed. This being said, the available records of Old Assyrian legal practice do not contradict contemporary Old Babylonian practice, which, at least in the context of shared tenets such as the fundamental principles of marriage, provides reasonable points of reference.⁸ The second legal corpus from which useful comparisons can be drawn is the Middle Assyrian law code, which, although reflecting legal practice of a later period, nonetheless offers a view specifically into the Assyrian cultural sphere.

Anatolian Marriage Practices

The little evidence available for local Anatolian marriage gives the impression of customs markedly different from (Veenhof 2003: 450), though evidently not wholly incompatible with Assyrian practices, as intermarriage was not only possible but also fairly common.

Similarities include the exchange of marriage gifts (see below); parents arranging for adopted daughters to marry natural sons (Lewy 1938: 114; Donbaz 1993),⁹ or rules governing inheritance and adoption (Veenhof 1998: 149). Divorce, on the other hand, appears to have been handled differently. In contrast to marriage contracts involving Assyrians, which prescribe a fixed amount of silver to be paid by the initiating party, contracts between Anatolians stipulate the equal division of the couples’ property (*AKT I 21*; see Michel 2009b: 256, n. 11). If this was the Anatolian socio-legal norm for a divorce settlement, it does not seem to have been adopted by Assyrians, even in mixed marriages.

Standard Old Assyrian Marriage and la bigamie relative

Texts from Kültepe-Kaneš attest to several stages of a marriage. Although itemized lists of dowry, marriage ceremonies or *verba solemnia* are not mentioned as in contemporary Old Babylonian documents (Veenhof 2012: 152–53), gift exchange between the families is attested (Michel 2006). Should the marriage end in divorce—a possibility regularly acknowledged in contracts—a monetary compensation was to be paid by the initiating party. Women who were divorced or widowed were free to remarry (Michel 2006: 161). At the completion of a marriage ceremony, the wife entered the house of the husband, who was responsible for feeding and clothing her and providing her with shelter thereafter (Michel 2006: 161). As for the wife, her principal duty was to produce offspring (Michel 2008a: 22).¹²

Not all marriages, however, were successful in meeting this goal. Where the wife was unable to bear children on account of (real or perceived) infertility, sickness, or disability, in order for the marriage to fulfil its fundamental purpose of producing heirs the husband was permitted to marry (*ahāzum*) another woman who, effectively, would serve as surrogate mother. While children born from such arrangements were treated as the natural children of the married couple and had full rights as heirs, the surrogate retained her slave status (*amtum*) in relation to the wife (*aššatum*). Thus the nature of the relationship between husband and wife (*aššatum*) as established by the original marriage was preserved.

⁸ For a detailed comparison of Old Babylonian and Old Assyrian marriage laws, see Veenhof (2012).

⁹ For matrimonial adoption in Old Babylonian marriage, see Westbrook (1988: 38–39). **FOOTNOTES SKIP HERE (DUE TO DELETED SECTIONS) NEED REFORMATTING**

¹² Comparable expectations are attested on the part of Anatolian parents. See, for instance, Kt 89/k 370 (Donbaz 1993: 141–42), which stipulates that brothers will take care of the surviving parent after the other dies. See also Veenhof 1998 for filial duty towards parents, as expressed in documents relating to inheritance.

In some cases, the burden of providing an *amtum* as surrogate seems to have been placed specifically on the wife (*aššatum*), who could then sell the *amtum* once the latter had fulfilled her childbearing services (ICK I 3, see below). From a strictly ‘business’ point of view, this would have been a practical arrangement whereby the unfulfilled reproductive duties of the wife were effectively ‘outsourced’ without having to dissolve the ‘partnership’ created by the initial marriage arrangement. The investment of material and social capital in a marriage would have been a strong incentive to preserve an already established arrangement rather than dissolve and replace it. Arguably, therefore, the acquisition of an *amtum* as a surrogate mother does not constitute bigamy in the strictest sense, as it does not replicate the relationship between husband and wife (*aššatum*), hence Michel’s (2006: 168) term, “la bigamie relative.”

Peculiar to the Assyrian Community in Anatolia: la bigamie autorisée

The Old Assyrian community in Anatolia also practiced another type of bigamy, which allowed men to enter a second marriage irrespective of, and separate from, real or anticipated cases of childlessness. Such cases of what Michel (2006: 161) terms “la bigamie autorisée” were permissible strictly on the condition that one wife remained in Aššur and the other in Anatolia. Thus, while bigamous in theory, such marriages preserved monogamy in practice, seeing as the husband could only cohabit with one wife at a time.

Prima facie, the terminology of *bigamie autorisée*, in which the first wife is called an *aššatum* and the second wife an *amtum*, suggests a similar disequilibrium of status between the two, where the *amtum*-wife is a slave and/or subservient to the *aššatum*-wife (see Łyczkowska 1996–98) as indeed would have been the case for *bigamie relative*.¹⁴ It is firmly established, however that this was not so, both wives being of equal rank and in possession of the same rights *vis-à-vis* their husbands. The terms *aššatum* and *amtum* used in this specific context identify the two wives in their chronological order of marriage. In short, Old Assyrian bigamous marriages remain the exception to the rule that “[Mesopotamian] wives were always of unequal status” (Westbrook 2003–05: 601). Nor was there an ethnic prerequisite: “The wives could be either Assyrian or Anatolian, and there was no rule that the *aššatum* had to be the wife in Aššur and the *amtum* the wife in the colonies” (Veenhof 2007: 303). One possible difference between an *aššatum*- and an *amtum*-wife seems to be in terms of the relative rights of their heirs, those of the former taking precedence over the children of the latter (Veenhof and Eidem 2008: 108; Westbrook 2003–05: 602).

A more tangible difference seems to be that, as Veenhof (2007: 302) observes, “an *amtum* was more closely tied to her husband when he travelled, since only in contracts with an *amtum* [...] do we find the provision that the husband may take his wife with him on business trips on the condition that he eventually brings her back home to Kaneš.” The rationale for such a condition is not easy to gauge, as it is not immediately clear for whose benefit it would have been formulated. According to Veenhof’s interpretation, and certainly in the way it is presented in Prag I 490 (Larsen 2002; see also Michel 2006: 162, 166), the provision for an *amtum*-wife to accompany her travelling husband appears to reflect the interests of the husband, who then has to agree to the condition of eventually returning his *amtum*-wife home. In other texts, travelling with one’s husband is treated as a duty which a husband could

¹⁴ See Lewy (1956) for a much earlier correct interpretation of distinguishing between *amtum*-as-slave and *amtum*-as-wife. See also Kienast (2008) for a methodical examination of the status of Old Assyrian *amtum*-wives.

rightfully expect from an *amtum*-wife,¹⁵ but which an *aššatum*-wife was not obliged to fulfil.¹⁶ It is, however, also possible to take the view that provisions for *amtum*-wives to travel essentially served the interests of the women themselves. In Kt 94/k 149 (Michel and Garelli 1996: 298–99), Aššur-malik, who is to be accompanied by his wife Suhkana on his travels, is strictly prohibited from taking another wife whilst in Anatolia (but is free to enter a second marriage in Aššur, in keeping with the principle of *bigamie autorisée*). Michel (2008: 27–28) sees in this stipulation a conscious attempt to prevent Aššur-malik from acquiring a new wife in every Anatolian city he visits.

Presumably, travelling arrangements between *amtum*-wives and their husbands depended on the situation and the persons (and personalities) involved. Although Inna-Sîn has reportedly written to his wife, “If you do not come here, you are not my *amtum*-wife!” (Kt h/k 73, see n. 11) the failure of his wife’s repeated attempts to catch up with him suggests that he was in fact avoiding her. The reverse situation is also attested: in BIN 6 104, we find Puzur-Aššur entreating his evidently reluctant wife Nuhšatum to join him: “On the day you hear my tablet, tur[n] ther[e] to your father (i.e. “ask for his consent”) and (then) start out with my b[o]ys and do come here.”¹⁷

Michel (2008: 27) observes that the travelling clause is found in contracts between Assyrian men and Assyrian women with *amtum* status. If ethnicity was indeed a factor in defining the travelling obligations of an *amtum*-wife, this potentially has implications for assessing Assyro-Anatolian middle ground in the context of marriage. For the moment, however, it is difficult to offer substantial explanations without being able to determine who would have benefited from such an arrangement, and how. Did Assyrian women make up the majority of travelling *amtum*-wives because this somehow helped reconcile their status within *bigamie autorisée* with traditional Assyrian cultural expectations? Or were Anatolian women largely exempt from the obligations of a travelling *amtum*-wife because it was somehow at odds with Anatolian customs? Further evidence is needed to test these hypotheses.

Ultimately, Michel (2006: 162) summarises the current view of *amtum*-wives as simply having been necessitated by the circumstances in which Assyrian merchants found themselves:

Les marchands assyriens, absents du foyer pendant de très longues périodes et installés dans des comptoirs de commerce loin de chez eux en Asie Mineure, sont autorisés à prendre une deuxième épouse sur place.

Having left their wives tending home and hearth in Aššur and finding themselves *de facto* bachelors in Anatolia, Assyrian merchants were granted permission to marry a second time. Effectively, a legal loophole was created to allow Assyrian men to pursue normal married lives whilst also protecting the fundamental principle of monogamous marriage in practice—an elegant solution indeed to a tricky situation.

Questioning the Rationale behind bigamie autorisée

¹⁵ Kt h/k 73: *šū-ma lá ta-li-ki-/im ú-lá am-tí* (Michel 2006: 170, n.56), “If you do not come here, you are not my *amtum*-wife!”

¹⁶ Kt 91/k 385 l. 28-29: *um-ma šū-ut-ma iš-tù-ma lá am-tí-ni : ší-it / a-lá-kam lá ta-am-tù-a-ni : lá ta-tù-ar-ma*, “Since, not being my *amtum*-wife, she refuses to come here” (Veenhof 2007: 292–93).

¹⁷ BIN 6 104 10-14: *i-na^dUTU^{si} tup-pí / ta-áš-me-i-ni a-ma-k[am] / a-na a-bi-ki pu-nu-i-[ma] / iš-tí šú-ha-ri-[a] / té-eb-e-ma a-tal-ki-im* (Lewy 1950: 374; Michel 2006: 170, n.55;).

While *de facto* bachelorhood does certainly seem to be the fundamental problem and legalised bigamy its direct solution, the question remains as to why *this* particular solution was adopted.¹⁹

It is easy to see why being deprived of all the benefits of married life may have constituted a problem for Assyrian men. Not only would they have lacked female company, but also faced the more practical concerns of housekeeping or other tasks ordinarily performed by women (cf. Kienast 2008: 37). The complaint of Puzur-Aššur (see above), a lonely husband whose wife appears to be avoiding him, illustrates this basic expectation:

I am alone. There is no one who looks after me (lit. stands at my head), or sets the table for me. If you do not come with my servants then in Wahšušana I will marry a girl from Wahšušana.²⁰

If away from their wives for too long, Assyrian men also faced a potentially more serious problem which could threaten the most fundamental part of marriage, namely, the production of heirs. It is fair to assume that most Assyrian men needed women—but did they need *wives*?

Bigamous *amtum*-marriages of Assyrian men in Anatolia, insofar as they constitute a socio-legal practice “spécifique à la société marchande assyrienne” (Michel 2006: 163) seem too tortuous to be arising simply from the logistics of distance. From a strictly Assyrian perspective, less cumbersome solutions to the problem of *de facto* bachelorhood could easily have been accommodated within the existing legal stipulations and social expectations guiding marriage, without the necessity to modify the established practice of *bigamie relative* into *bigamie autorisée* by redefining *amtum*-ship into wife-ship.

Existing legal and social practices already allowed Assyrian men to meet all potential domestic and intimate needs by means of an *amtum* in the ordinary sense of a slave, who could easily have acted in the capacity of housekeeper and/or sexual partner, and could also produce heirs, whose legal status remained at the discretion of the father. As Lumsden (2008: 38, citing Larsen) puts it, “the acquisition of local women’s labor [was possible] through marriage *or other means*” (italics added).

Housekeeping, presumably the most common and pressing need shared by Assyrian men who found themselves in a bachelor’s existence in Anatolia would ordinarily be met by means of female slaves whose typical tasks lay within the domestic realm. Just as female domestic slaves were counted among standard household furnishings in Old Babylonian documents (Seri 2011: 50 ff.), so were slaves listed alongside various other assets in contemporary inheritance texts citing inheritance matters from Kültepe-Kaneš (see Albayrak 2000).²¹ Slaves and slave ownership are certainly well-attested for *kārum* period society, both among Assyrians and Anatolians (Veenhof 2003: 449). While there is no apparent reason why the role of a domestic slave should be transformed into that of a wife, the line between slaves and wives is easily blurred where sexual intimacy is concerned. Regardless of whether a man held sexual rights to his female slaves by default, sexual relations

¹⁹ Although Michel (2006: 155) recognises that this was an untypical situation encountered by Assyrians as they came into contact with peoples adhering to different customs, she does not discuss the extent to which Assyrian marriage practice may have been affected in accordance with local expectations.

²⁰ BIN 6 104 l. 15–22: *we-da-ku ma-ma-an ša i-na re-še-e-a- i-za-zu-ma pá-šu-ra-am i-ša-kà-na-ni lá-šu šu-ma iš-ti šu-ha-ri-ya lá ta-li-[ki-im] i-na Wa-ah-šu-ša-na mer[’at] Wa-ah-šu-ša-[na] a-ha-az* (Lewy 1950: 374, n. 48).

²¹ This was not exclusive to the Assyrian community, but attested also in documents recording dealings within Anatolian families (e.g. Kt 89/k 369, Donbaz 1993: 143–44).

between master and slave did not constitute a social taboo (Westbrook 1994–95: 1634).

Nor would sexual relations between a married man and his female slave have been considered adultery, which Mesopotamian law codes define “solely in terms of the extra-marital relations of the wife” (Westbrook 1984: 753). It then follows that lonely Assyrian merchants seeking sexual partners could freely do so without risking their marriages, or indeed without being compelled to marry their slave-women so that they could have (or because they *have* had) intercourse with them. More to the point, the option to acquire the services of a slave-woman specifically as a “concubine” (*ištariūtu*) was certainly available both in Kaneš and in Aššur.”²²

Even in those cases when sexual intimacy between master and slave (or concubine) led to the unsurprising eventuality of offspring, this did not necessarily predicate marriage or indeed a change in the status of the woman. Mesopotamian law codes make frequent references to children born of the sexual union of free men and slave-women outside the context of marriage (e.g. CH §171, Westbrook 1994–95: 1649). If a man wished his offspring from a slave-woman to be recognised heirs, as long as they were uncontested by the offspring of a wife, he could do so. Marriage was not an absolute condition even for acquiring legitimate heirs and the status of a slave-woman as well as the children she may have borne ultimately remained at the discretion of the man.

Indeed, even within *bigamie autorisée*, Assyrian men reserved the right to an *amtum*-slave as surrogate mother in the eventuality that their wives should fail to bear children. The marriage contract between Lāqēpum and Hatala (ICK I 3) is a case in point:

Lāqēpum took Hatala, daughter of Enišru. Lāqēpum shall not take another wife in the Land (Anatolia). In the City (Aššur) he can take a *qadištum*. If in 2 years she (Hatala) does not acquire for him a child, she herself will buy a slave-woman. Afterwards, once she (the slave-woman) produces (for him) a child she (Hatala) shall sell her wherever she pleases. If Lāqēpum himself divorces her (text: him) (Hatala), he shall weigh out 5 minas of silver but if she divorces him, she shall weigh out 5 minas of silver.²³

What makes this contract particularly interesting is that it not only lays the ground for *bigamie relative* (i.e. the acquisition of a slave-woman, *amtum*, against the eventuality of Hatala failing to bear children within the specified time) but it also regulates Lāqēpum’s marriage to Hatala in terms of *bigamie autorisée* (i.e. the permission to enter a second marriage in Aššur). Clearly, *bigamie autorisée* and *bigamie relative* were not mutually exclusive. Therefore we must conclude that each arrangement had its distinct purpose. If the reason for the anticipated *bigamie relative* was childlessness in his first marriage, what was the reason for the anticipated *bigamie autorisée* permitting Lāqēpum to enter a second marriage in Aššur?²⁴

²² Mentioned in TuM 1 22a. This is reminiscent of the role of the *esirtu*, “concubines of private citizens” (*CAD E* sub *esirtu*) mentioned in MAL §41.

²³ ICK I 3 1–22: *Lá- qé-pu-um Ha-ta-lá / DUMU.MUNUS E-ni-iš-ru / e-hu-úz Lá-qé-pu-um / i-na ma-tim DAM / ša-ni-tám lá e-ha-az / i-na A-lim^{K1} qá-dí-iš-tám / e-ha-az šu-ma a-dí / MU.2.ŠE li-pè-e / lá ta-ar-ti-ši-šu-um / GÊME ší-it-ma / ta-ša-a-am-ma / u wa-ar-kà-tam / iš-tù ša-ra-am mi-im / ta-ra-ši-ú-ni / ú a-šar li-bi-šú / a-na ší-mi-tim i-da-šú / šu-ma Lá-qé-pu-um šu / e-ti-zi-ib-šú / 5 MA.NA KÙ.BABBAR i-ša-qal / ú šu-ma ha-ta-lá / e'-ti-zi-ib šu 5 MA.NA / KÙ.BABBAR i-ša-qal.*

²⁴ *Prima facie*, the reference to a *qadištum* for the hypothetical second marriage may create the impression that ICK I 3 does not constitute a typical case of *bigamie autorisée* by which to judge the norms of this practice (cf. Westbrook 1988: 108–09). Old Babylonian documents, however, attest to *qadištum* both in the capacity of first-wives as well as second-wives/surrogates (Westbrook 1988: 108 ff.). In Kültepe documents, the title *qadištum* is attested once in a will and twice in marriage documents, in all cases applied to Assyrian women (Michel 2006: 164). In addition to ICK I 3, the other marriage contract referring to a *qadištum* as a hypothetical wife is AKT I 77 7–9 which stipulates that Šu-suen, having married (*ahazum*) EtaRI, is prohibited from marrying a *qadištum* in

Ordinarily, the practice of introducing a surrogate mother into a marriage (*bigamie relative*) was justified either by reproductive failure arising from infertility, disability, or sickness; or by reproductive taboo arising from consecrated status, such as in the case of the *nadītum* of Marduk. A third category applicable in our case may be termed reproductive unfeasibility, arising from the sheer physical distance separating wives from their husbands for long periods of time. Instead of extending the well-established practice of *bigamie relative* into such cases of long-term separation, Assyrian expatriates in Anatolia formulated the auxiliary measure of *bigamie autorisée* to enter second marriages, whilst retaining the practice of *bigamie relative* for anticipated childlessness. Why did Assyrian men in Anatolia not simply continue the already established practice of *bigamie relative* instead of entering the legally binding²⁵ and costly obligation of another marriage? What was it that made them take on the burden of an additional set of wedding gifts to provide; an additional wife to feed, clothe, and shelter; an additional household to maintain; and an additional imposition of in-laws with which to contend, when it would be far simpler to purchase a slave or acquire a concubine?

The incentive does not appear to be a strictly practical or a purely economic one, as a second marriage would have required greater effort and incurred greater expenses. A moral incentive is also unlikely as Assyrian society did not regulate male sexuality to the extent that seeking sexual partners in slave-women would have been considered adulterous or even shameful. A legal incentive is not too convincing either, as the regular course of action for a man needing heirs was to employ a slave-woman as a surrogate mother without having to change the latter's slave status, nor was a man whose casual relations with a slave-woman produced children was obliged to count them among his heirs (e.g. MAL §40, Roth 2014: 166). In short, Assyrian men were not bound by any pressing economic reasons, social expectations or legal obligations to confine co-habitation, sexual intimacy, or even the production of heirs strictly to the context of marriage. If a truly compelling incentive for Assyrian men to enter second marriages is not evident within ordinary Assyrian socio-legal norms, which in fact offer far less burdensome means of resolving difficulties that may be associated with *de facto* bachelorhood, then explaining *bigamie autorisée* simply as an adaptive response to the logistics of long-distance trade cannot fully account for creating such an elaborate legal loophole. Even though our understanding of the Anatolian perspective on marriage may be nebulous, we must nonetheless be explicit in acknowledging its role in the emergence of *bigamie autorisée*, which must necessarily be a compromise catering both to Assyrian needs and Anatolian expectations.

Bigamie autorisée as *Middle Ground*

White (2011: xi) stresses that not all cross-cultural compromise qualifies as middle ground, for which mutual misunderstanding is an essential ingredient. The predicament of the historian who is “separated by two centuries or more from a native society that left few or no written records of its own” and must rely on only one side's descriptions (White 2011: xxii–xxiii) is only confounded when reaching as far back in

Anatolia (*qá-dí-iš-tám i-na ka-ni-[iš^{KI}] u ni-ih-ri-a ú-lá e-ha-az*, “He shall not take (in marriage) a *qadištum* in the Kaneš City or in Nihriya”). Michel (2009a: 150) rightly observes that the status of the hypothetical *qadištum* in Aššur mentioned in ICK I 3 can only be as a second(ary)-wife, namely an *amtum*, but is more cautious regarding the status of the *qadištum* in AKT I 77 which she concludes is unclear. In view of Old Babylonian parallels, it is safe to assume that a *qadištum* could be considered for either status. See Michel 2009a for “consecrated” women in the Old Assyrian/*kārum* period.

²⁵ See Greengus 1969 506 ff.

time as the *kārum* period. How can we identify genuine or wilful misunderstandings in a mixed society that existed over four thousand years ago, and judge the extent to which Assyrians and Anatolians understood one another when arranging marriages? A promising line of investigation has to do with the terminology of the marriage practices, namely the distortion of the use of the word *amtum*, which deserves closer scrutiny as a potential sign of (wilful?) misappropriation rather than being glossed over as a quirk.

Is the semantic shift of the term *amtum* in the context of *bigamie autorisée* simply a case of retaining a convenient term despite a new meaning, or a deliberate means of reformulating an otherwise an outlandish practice in familiar terminology, to make it (more) acceptable? The use of *amtum* as second-wife does not appear to have been applied carelessly, but was part of “un vocabulaire spécifique pour définir le statut des épouses” (Michel 2006: 164). In other words, Assyro-Anatolian *bigamie autorisée* introduces a previously unattested category of “wife” but retains the term *amtum*, the semantic range of which has now expanded beyond slave/servant-woman to second-wife. While the meaning of *amtum* as “slave/servant” is an accurate reflection of surrogate mothers in childless marriages, *amtum*-wives in Anatolia were neither purchased slaves nor subservient to *aššatum*-wives. In this specific context, then the term becomes a misnomer obscuring the actuality of marriage arrangements for two equal-ranking wives. It is significant that while *amtum* takes on a new meaning as second-wife in accordance with *bigamie autorisée*, it also retains its old meaning as slave-surrogate as used in the context of *bigamie relative*, which continued alongside and could indeed be merged with *bigamie autorisée*. While the first- and second-wives of a man—who were of equal status to one another and who could not even be in the same place were carefully separated by distinct terminology—a second-wife and a slave-surrogate—who were distinctly of unequal status but part of the same household—were referred to by the same term. Given that the terminology of *bigamie autorisée* on the one hand masks the equal status between an *aššatum*- and an *amtum*-wife, while distorting, on the other hand, the otherwise very clear disequilibrium between an *amtum*-wife and an *amtum*-slave/surrogate, the element of misunderstanding – perhaps created intentionally – is very possible.

Conclusion

Assyrian merchants arriving in Anatolia found themselves as *de facto* bachelors who, especially in a strange country, would have sought out women as housekeepers, sexual partners, and presumably also in a childbearing capacity. Instead of acquiring the services of slave-women who could easily fit all these descriptions, we find Assyrian men entering second marriages, in the context of what by all accounts is a new form of bigamy peculiar to those travelling between Aššur and Anatolia. Slaves being as prominent a part of Anatolian society as they were among Assyrians, it is unlikely that the latter would have been forced “to make honest women of” *amtum*-slaves in whom they were solely interested as housekeepers and/or casual sexual partners. Moreover, as the practice of introducing *amtum*-slaves as surrogate mothers into childless marriages (*bigamie relative*) continued in Anatolia, we can assume that employing slave-women in this capacity did not contradict Anatolian social taboos or legal restrictions. From the Assyrian perspective, seeing as existing socio-legal norms placed it at the discretion of the husband/father to determine the legal status of offspring, we must also conclude that the practice of entering a second marriage (*bigamie autorisée*) was designed for purposes other than ensuring legitimate heirs.

The simplest explanation is that Assyrians – more specifically first-generation Assyrian men – actively sought to enter marriages with local women as a means of establishing and/or strengthening ties with, and gain acceptance and access into the local community with whom they were conducting business. As Lumsden (2008: 38) points out, “The social repercussions of intermarriage created connections that extended beyond the couple involved” (see also Michel 2006: 174). Similarly, mixed marriages would have been of value to the Anatolian community, as a means of creating alternative means of interaction outside of but beneficial to business relations, by making the foreign familiar. Such motivation very much falls within the remit of the middle ground, which “grew according to the need of people to find a means, other than force, to gain cooperation or consent of foreigners” (White 2011: 52).

In demonstrating the significance of preserving financial links between families, the stipulations for the marriage of Ilī-bani and Tataya are a case in point. According to the contract, mistreatment on the part of the husband and misbehaviour on the part of the wife, though punishable by a heavy fine, were not grounds for divorce. According to Veenhof (1997: 368),

[This] was not a normal marriage contract, but rather an agreement reached after or in connection with the marriage, with the aim of preventing by all means a divorce between the partners. Such an arrangement would be understandable in the light of [the related] texts [Kt 91/k 200] and [Kt 91/k 127], which reveal the existence [*sic*] of financial links between the father of the bride and his son-in-law.

Particularly where mixed marriages are concerned, we could expect a greater incentive for establishing and/or preserving similar ties. Both for the Assyrian and Anatolian communities, close family ties would have afforded a competitive advantage not only in terms of increased business opportunities but also by way of consolidating one’s interests through the support of allies. We may also speculate an alternative (but not mutually exclusive) explanation that entering marriages with Anatolian women was not simply a commercial expedience for Assyrian men, but perhaps more of a prerequisite. The kind of notional Anatolian identity to be acquired through marriage ties may well have been the crucial factor in creating a commercial common ground, leading to a cultural middle ground.

On the one hand, our image of Assyrian merchants in Anatolia is that of expatriates who appear to be freely intermarrying locals and on the whole adopting local material culture of everyday life; on the other hand we also find Assyrians expressing annoyance with compatriots for “constantly behaving like an Anatolian” (Larsen and Lassen 2014: 177) or displaying “patriotic” preferences for names with the theophoric component “Aššur” over successive generations (Eidem 2004: 94–95). It is precisely at this nexus of blending in *vs.* maintaining differences that intermarriage would have created a middle ground, simultaneously allowing Assyrians to become a familiar (and therefore non-threatening) part of Anatolian society, within which they could then pursue their business interests; but also allowing them to retain their Assyrian identity, which was closely linked to the monopoly on caravan trade. Maintaining one’s position within the Assyrian network was equally, if not more important than establishing new ones in Anatolia, if for no other reason than the fact that Assyrian men relied on women in Aššur for the production and shipment of textiles, one of the two major Assyrian imports into Anatolia (see Stein 2008: 35 for a “distinctive diasporic identity” for Assyrians in Anatolia). By accommodating two wives and by extension two households, *bigamie autorisée* would have thus made it possible for Assyrian men to acculturate into

Anatolian society through marriage, but also keep a firm hold on their Assyrian identity. In other words, in the wider context of Assyro-Anatolian intermarriage, *bigamie autorisée* constituted a particular middle ground for negotiating two identities: An Anatolian identity acquired by marriage, and an expatriate Assyrian identity of mercantile presence.

Individual circumstances presumably took precedence over ethnic identity, as we soon find Assyrian women emerging in texts as *amtum*-wives. Over successive generations, of mixed marriages, women with mixed parents, variously bearing Anatolian or Assyrian names, are attested as the wives of Assyrian men (Dercksen 2014: 199). Also potentially significant is that the (admittedly few) attestations of wives in Ib texts are all of the *aššatum* kind, suggesting that perhaps as the two communities mixed, the terminology changed.²⁷ All this is perfectly in keeping with middle ground trajectory, according to which what is initially conceived as a compromise between the expectations of two different cultures but incongruous to the norms of both, eventually becomes part of these norms (White 2011: 52).

Mixed marriages of the *kārum* period, which facilitated cultural encounters not only at a personal level, but also on one in which the wider community had a stake, certainly stand the test of the middle ground as theoretical model. Arguably one of the greatest benefits of using the middle ground as a framework within which to think, will be to consider Anatolian agency, participation, and interests, even in relationships for which we only have Assyrian accounts. Ultimately, however, the peculiarities of *kārum* period society itself, especially in terms of how it is manifested in the textual and the material record available to us, impose significant limitations on the extent to which the middle ground lends itself to Assyro-Anatolian contact, and we must remain circumspect in applying it. Testing external models on Assyro-Anatolian contact should not be the end but rather the means to reach an independent formulation with which to explain the idiosyncrasies of *kārum* period society in its own terms.²⁸

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²⁷ I would like to thank the anonymous reviewer for this suggestion, and for pointing me in the direction of Dercksen 2014.

²⁸ Credit for this essential note of caution goes to Nicholas Postgate, *pers. comm.*

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