

## Problems in the Study of Elamite Kinship

An investigation of Elamite kinship and social structure necessarily relies, first and foremost, on the cuneiform sources found in Iran, which means, principally, those from the site of Susa in Khuzestan (fig. 5). Susa, however, is far from a straightforward case for the simple reason that its population was mixed, containing many Akkadian-speakers;<sup>1</sup> thus, the social institutions attested there may not have been representative of Elam more broadly.

From the fourth millennium BC onward, Susa and other settlements in Khuzestan probably received immigrant settlers from southern Mesopotamia, who, if they did not bring about a political takeover, at least contributed demographically to a more mixed population than would otherwise have been the case. The influence of Mesopotamian customs seems to have been strong in the mid-third millennium BC as well, culminating in the conquest and annexation of Susa and its hinterland by the Akkadians in the twenty-fourth century BC.<sup>2</sup> With the exception of a brief period when Puzur-Inšušinak seized power after the demise of the Akkadian empire,<sup>3</sup> and prior to the city's conquest by Ur-Namma of Ur, c. 2100 BC,<sup>4</sup> Susa was effectively an eastern Mesopotamian city, and it was not until the early second millennium that other dynasties of eastern origin—Šimaški, the *sukkalmah*, and eventually the Middle Elamite kings—stamped their authority on the region and effectively incorporated Susiana and the highlands of Anšan in what is today Fars province and the adjacent mountain valleys into one state. This is what Father Vincent Scheil (fig. 6) presciently referred to in 1901 as the ethnic

1. See De Graef (2019, 93–98) on the onomastic and other evidence from Susa of cultural mixing and hybridity.

2. For a convenient summary of the political history of Susa, see Potts 2016, with further literature.

3. Steinkeller 2013.

4. Marchesi 2013.



FIGURE 5. Susa (photo courtesy of the Susa World Heritage Site Archive, ICHTTO, Khuzestan).

dualism of Elam, a topic to which Pierre Amiet<sup>5</sup> and François Vallat returned in the 1970s and 1980s.

Vallat suggested that, because of centuries of Mesopotamian political, cultural, and demographic influence, most of the population of Susiana were Semitic speakers.<sup>6</sup> The late Wilfred G. Lambert wrote of the “Akkadianization of Susiana,” just before and after its conquest by the Ur III state.<sup>7</sup> But as Ran Zadok later noted, “quantifiable proof of it exists only in the OB [Old Babylonian] period when the rich documentation provides a sizable prosopographical sample.”<sup>8</sup> More recently, the Belgian Assyriologist Katrien De Graef questioned this assessment of Susian society, noting that “only ca. 45% of the personal names” in texts from *sukkalmahera* Susa “can be identified linguistically and etymologically with certainty as (Sumero-)Akkadian,” while a “small part (ca. 15%) can be identified as Elamite and a fairly large part (ca. 40%) is uncertain, hybrid or foreign.”<sup>9</sup> Moreover, scholars

5. Scheil 1901, vii; Amiet 1979a, 1979b.

6. Vallat 1980.

7. Lambert 1991.

8. Zadok 2011, 127–28.

9. De Graef 2019, 93.

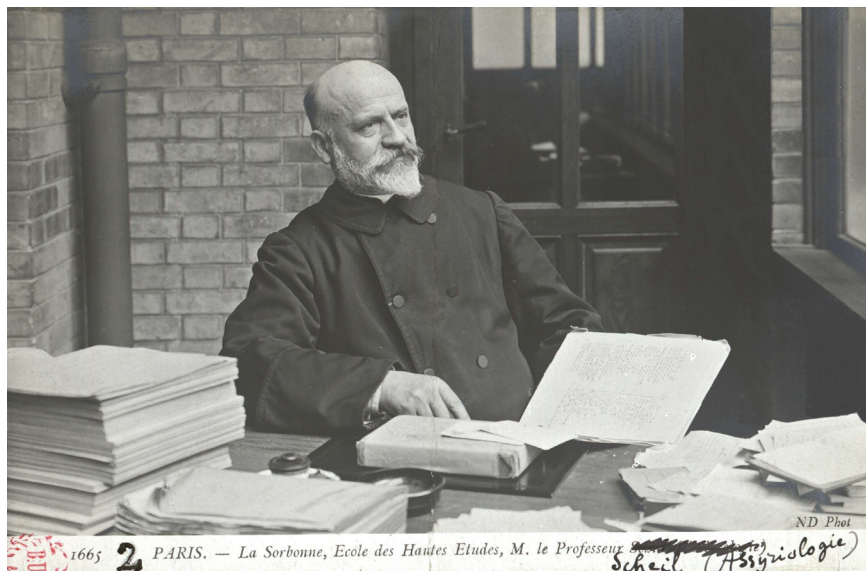


FIGURE 6. Vincent Scheil (1858–1940) (Bibliothèque Interuniversitaire de la Sorbonne; used with permission under the Creative Commons Attribution Share Alike 3.0 license).

of ancient law and legal institutions have repeatedly emphasized areas in which Susian law differed from that practiced in contemporary Mesopotamia.<sup>10</sup> In what follows, my remarks on Elamite kinship will touch on four areas: filiation, descent, the avunculate, and marriage.

#### ELAMITE FILIATION

Filiation in ancient Elam has been discussed for almost a century. Both filiation and descent are obviously important, and we may expect them to appear in different contexts. As Katrien De Graef pointed out, Atta-ḫušu is “called ‘son of Kindattu’ in one text but ‘sister’s son of Šilhaha’ in all other inscriptions.”<sup>11</sup> The former is a statement of filiation, the latter, as discussed below, of descent. But if kinship is a cultural construct rather than a diagram of biological filiation, then so, too, are individual designations like father and mother in classificatory systems, as discussed in chapter 1.

A rather naive example of automatically assuming biological filiation wherever the term *father* appears and of completely ignoring the cultural context of its usage is afforded by an analysis of the late twelfth century BC Elamite king,

10. See, e.g., Cuq 1931; Klíma 1963; Korošec 1964; Koschaker 1932, 1933, 1934, 1935a, 1936; Oers 2010, 2013; Badamchi 2018a, 2018b, 2019.

11. De Graef 2012, 541.

Hutelutuš-Inšušinak, and the Elamite royal family, published in 1985.<sup>12</sup> In a brick inscription commemorating the renovation of the temple of “Inšušinak of the grove,” Hutelutuš-Inšušinak calls himself “beloved son of Šutruk-Nahhunte, of Kutir-Nahhunte and of Šilhak-Inšušinak,” three kings who reigned before him. Is this a recitation of filiation or descent? Was Elamite kinship terminology classificatory or descriptive? In fact, as we know from other inscriptions, Šutruk-Nahhunte was the biological father of Kutir-Nahhunte and his brother Šilhak-Inšušinak, and Šilhak-Inšušinak was the biological father of Hutelutuš-Inšušinak. Hence, in straightforward, descriptive terms, Hutelutuš-Inšušinak’s grandfather was Šutruk-Nahhunte, and his paternal uncle was Kutir-Nahhunte. Yet one scholar has written of Hutelutuš-Inšušinak’s “triple paternity” because of the fact that he calls himself son of all three of the kings named in the inscription, as if all three were his “father.” This has prompted some wild speculation involving Šutruk-Nahhunte’s daughter, Nahhunte-Utu, who, it has been suggested, gave birth to Hutelutuš-Inšušinak by her own father in the first alleged case of father-daughter incest in Elamite history; subsequently married Kutir-Nahhunte; and, following his death, her deceased husband’s brother, Šilhak-Inšušinak. This scenario, it has been argued, explains the fact that Hutelutuš-Inšušinak refers to himself as the son of three different male forebears. It is more than likely that if a social anthropologist had read Hutelutuš-Inšušinak’s brick inscription,<sup>13</sup> he or she would not have leapt to such a convoluted conclusion but would have pointed to the literature on classificatory vs. descriptive kinship systems, discussed in chapter 1, in which numerous males, in addition to Ego’s own biological father, may be referred to by a single term translatable as “father.”

Whereas descriptive systems retain “specific terms for members of the immediate family, and other terms for more distant, collateral kin,” classificatory systems do not “reflect natural degrees of kinship, but lumped together relationships of different kinds under one term.” As a result, “the same word might refer, for example, to father, father’s brother, father’s brother’s son, and also perhaps to other relatives, confusing different kinds and degrees of biological relatedness.”<sup>14</sup> In both the Crow and Cherokee kinship systems, for example, the sons and grandsons of Ego’s father’s sister are all called “father.” This can result in some of these “fathers” being chronologically younger than Ego. In the Chickasaw system, the son of Ego’s father’s brother is called father, and this father’s sons are called “little father.”<sup>15</sup> The organizing principle of the kinship system is the classification of all relatives into one of four clans, those of Ego’s mother, Ego’s father, Ego’s mother’s father, and Ego’s father’s father. “In the father’s matrilineal lineage (and clan), for example, all men are ‘fathers,’” while “all women of the father’s generation and below are

12. Vallat 1985. Cf. Hüsing 1905, 250; and Waters 2000, 26.

13. See, e.g., Vernier 2005. Many more works are cited below.

14. Kuper 1985, 10–11.

15. Eggan 1937, Fig. 1.

‘father’s sisters,’ those above being ‘grandmothers’ or ‘father’s sisters,’ all husbands of these women are ‘grandfathers,’ all children are ‘father’s sisters’ and ‘fathers.’”<sup>16</sup> An even more extreme example can be found in the well-documented, so-called “Hawaiian” kinship system, which is widespread in Polynesia. In the Hawaiian system, *all* male uncles of Ego, whether on the mother’s or the father’s side (i.e., mother’s brothers and father’s brothers), are called “father” or, in Ira Buchler’s terms, are “structurally equivalent to the kin type Father.”<sup>17</sup> In the Iroquois system, in contrast, the biological father and all of his brothers are referred to as “father” by Ego.

My purpose in mentioning these systems is not to suggest a specific ethnographic parallel to the situation displayed in Hutelutuš-Inšušinak’s case, where Ego refers to his biological grandfather, father, and uncle all as “father,” but simply to show that there is nothing surprising in the application of one socially constructed term to different biological relatives in Ego’s family and no need to assume incest or brother-sister marriage in order to account for the fact that Ego calls multiple individuals “father.” Given that the biological relationship of the relatives named by Hutelutuš-Inšušinak is known—Šutruk-Nahhunte was his grandfather, Kutir-Nahhunte was his patrilineal uncle, and Šilhak-Inšušinak was his father—it appears certain that we are dealing with a classic case of classificatory kinship terminology.

One final aspect of filiation on which I wish to comment briefly is the use of the patronymic. This is attested in inscriptions of all sorts. In a well-known text of Šilhak-Inšušinak’s reporting on, among other things, his restoration of the temple of Inšušinak at Susa, the Elamite king names all of his predecessors who had restored or renovated the temple. In many cases, the king is identified as PN<sub>1</sub>, son of PN<sub>2</sub>.<sup>18</sup> Similarly, on Middle Elamite (late second millennium BC) cylinder seals from Haft Tappeh, one of the most common seal legends is “PN<sub>1</sub>, son of PN<sub>2</sub>, servant of PN<sub>3</sub> or Deity 1.”<sup>19</sup> Even briefer legends of the form PN<sub>1</sub>, son of PN<sub>2</sub>, such as “Huban-kitin son of Šutur-Nahhunte” or “Kitepatin son of Pinririra,” appear on later Neo-Elamite seals.<sup>20</sup> In the late Neo-Elamite era (mid-first millennium BC), as the inscribed objects from Kalmākarra cave clearly show, this sort of identification was the norm. There we find the formula PN<sub>1</sub> + Patronymic (son of PN<sub>2</sub>) repeated many times, for example \*Hamfrīš son of \*Tapala-; Unzi-kilik, son of \*Hamfrīš; Ahtir, son of \*Hamfrīš; Untaš, son of Huban; and so forth. In these cases, filiation is stated, presumably, for purposes of identification—to make it easier to distinguish homonymous individuals bearing the same name, in this case \*Hamfrīš—and would seem to satisfy a strictly utilitarian requirement. But apart

16. Eggan 1937, 45.

17. Buchler 1964, 291.

18. König 1965, 110.

19. Mofidi-Nasrabadi 2011, 296–298. PN = personal name.

20. Amiet 1973, 30, no. 40; Vallat 2002.



from the fact that the use of patronymics was obviously helpful in cases where more than one individual had the same name,<sup>21</sup> the use of the patronymic may also have been a marker of social status. In this case, the phrase “son of PN2” functions like a title. Certainly, all of the individuals whose names appear on the Kalmākarra objects were of high status. This is implied by the fact that all of the objects on which their names were inscribed were made of either gold or silver. But the name Unsak is also attested in Neo-Elamite texts from the Acropole at Susa, without a patronymic,<sup>22</sup> and one wonders if this was not just because the name appeared in a short economic text, where there was no need (or room) for specificity, but because the socioeconomic status of the individual named was low.

#### ELAMITE DESCENT AND ASCRIBED GROUP AFFILIATION

Three issues concerned with the broader topic of descent have attracted attention in scholarship on the Elamite sources: descent and ascribed group affiliation; descent and succession; and the avunculate.

The topic of descent and ascribed group affiliation was raised in 1907 by Vincent Scheil in a discussion of the use of the gentilic *Unsakpera* in some Acropole texts from Susa. Scheil interpreted this term as “someone of the *gens* of Unsak” or, more simply stated, “the Unsakian.”<sup>23</sup> But since Unsak is a personal name rather than a toponym, the term *Unsakians* did not denote the residents of a geographical locale but rather “the people” of Unsak, in the sense of his descendants. This illustrates what Rüdiger Schmitt termed the *Propatronymikon*—an ancestral name derived from that of an eponymous ancestor that indicated tribal or lineage membership rather than filiation.<sup>24</sup> In 2002, François Vallat suggested that *Unsakpera*, while derived from a personal rather than a geographical name, designated members of a nomadic tribe, the eponymous founder of which bore the name Unsak.<sup>25</sup> We have no way of verifying the truth of this assertion, but it is clear that comparable tribal designations current among the Chaldaean and Aramaean tribes of southern and southeastern Babylonia in the first millennium BC did not apply exclusively to nomadic groups.<sup>26</sup> Similarly, contemporary urban Babylonian kin-groups organized by descent from an eponymous ancestor and called names like

21. Henkelman 2003, table 2.

22. Scheil 1907, 62, no. 68, line 11; 68, no. 79, line 4; and 128, no. 143, line 2.

23. Scheil 1907, 9.

24. Schmitt (2002, 364) wrote: “(wenn statt der Vatersangabe die Abstammung von einem früheren Ahnen bezeichnet wird). Alternative Namenszusätze sind die Angabe der Sippenzugehörigkeit (mittels Pluralgenetiv der Sippenbezeichnung) oder die der lokalen Herkunft (etwa des Wohn- oder Geburtsortes).”

25. Vallat 2002.

26. Brinkman 1968.

Šumu-lubši and Egibi, after “the personal name of the lineage’s supposed ancestor,” were certainly not nomads.<sup>27</sup>

#### DESCENT AND SUCCESSION

A striking manifestation of descent as a justification for the right of succession is found in the “Berlin Letter.” Published in 1986 by the late Jan van Dijk,<sup>28</sup> this literary text from Babylon, of Neo-Babylonian date, purports to be a letter to the Kassite court from an Elamite king who was married to a daughter of the Kassite king Meli-šipak (1180–72 BC). In it, the Elamite complains bitterly that, by virtue of his descent, he should be seated on the Kassite throne. In the text, not all of which is preserved, the writer, whom we may call Ego, enumerates at least four generations of ancestors who had married Kassite princesses, identified not by name but as “daughter of Kassite King X,” one of whom was a daughter of “the mighty King Kurigalzu.” Thus, matrilineal descent from a long line of Kassite princesses and, by extension, kings, coupled with patrilineal descent from four generations or more of Elamite kings belonging to what has *ex post facto* been termed the “Igi-halkid” dynasty, after the presumed founder of the dynasty, Igi-halki, were invoked by Ego to justify his claim to the Babylonian throne. “Why I, who am a king, son of a king, seed of a king, scion of a king, who am king (?) for the lands, the land of Babylonia and for the land of Elam, descendant of the eldest daughter of mighty King Kurigalzu, (why) do I not sit on the throne of the land of Babylonia?” he complains. “I sent you a sincere proposal, you however have granted me no reply; you may climb up to heaven [but I’ll pull you down] by your hem, you may go down to hell, [but I’ll pull you up] by your hair! I shall destroy your cities, demolish your fortresses, stop up your (irrigation) ditches, cut down your orchards, [pull out] the rings (of the sluices) at the mouths of your (irrigation) canals,” he threatens.

Because of their well-known campaigns against Babylonia, either Šutruk-Nahhunte or his son Kutir-Nahhunte have previously been considered the most likely author of this letter. Recently, however, Susanne Paulus has suggested that the writer was Kidin-Hutran II, whose Babylonian campaign in 1224 BC, recounted in a text known as Chronicle P, resulted in the overthrow of Enlil-nadin-šumi, an Assyrian puppet who had been installed by the Assyrian king Tukulti-Ninurta I following his defeat of Kaštiliašu I about a year earlier. This illegitimate king’s occupation of the Babylonian throne, Paulus suggested, was the trigger for Kidin-Hutran’s rage at having his rightful succession usurped by someone with no just claim to kingship.<sup>29</sup> In 2017, Michael Roaf reassessed all of the data in the Berlin Letter,

27. Nielsen 2011, 1–2, with extensive bibliography.

28. Van Dijk 1986. The principal later studies on the letter are Goldberg 2004; Quintana 2010; Paulus 2013; Potts 2016; and Roaf 2017.

29. For previous scholarship see van Dijk 1986.

including alternate suggestions by Jeremy Goldberg.<sup>30</sup> Roaf concluded that contradictions between Kassite and Elamite chronology and succession, as recounted on the Šilhak-Inšušinak stele, were irreconcilable but could be attributed to the fact that the Berlin Letter is a literary rather than historical work. For my purposes, however, it is still significant, for the Berlin Letter offers a perfect example of what the American anthropologist G. P. Murdock termed “double descent”—that is, “a combination of matrilineal and patrilineal descent, the two modes of affiliation being followed concurrently.” In such cases, Murdock continued, “there are necessarily at least two coexistent and intersecting sets of kin-groups—lineages, sibs, or moieties—the one matrilineal and the other patrilineal.”<sup>31</sup> Moreover, the data presented in the Berlin Letter is precisely the opposite of the “genealogical amnesia,” to borrow Clifford Geertz’s phrase,<sup>32</sup> that is often deployed to fabricate or falsify alliances and descent groups.<sup>33</sup> Rather, notwithstanding its literary character and Roaf’s comments, the text deploys descent in an unambiguous fashion to justify the writer’s claim to rightful succession.

#### THE AVUNCULATE

The third aspect of descent to be discussed here is the avunculate, a topic that has loomed large in the study of Elam since the late nineteenth century. The Dutch scholar Jan N. Bremmer referred to the avunculate as the “more cordial, affectionate relationship between the mother’s brother . . . and the sister’s son.”<sup>34</sup> The convoluted history of its treatment in Elamite studies began even before the first discovery of cuneiform tablets at Susa. In 1884, Theophilus G. Pinches, the great British Museum cuneiformist of the late nineteenth and early twentieth centuries, published a discussion of a text known as Babylonian Chronicle 1. There we read, “In the fifth year of Merodach-Baladan [II, i.e., 717 BC], Ummanigaš [Hubannikaš I], king of Elam, died, and was succeeded by Ištar-ḥundu [Šutruk-Nahhunte II], *his sister’s son*.”<sup>35</sup>

More evidence of relevance appeared when Scheil published several texts from Susa, in one of which the late second millennium BC, Middle Elamite ruler Ḫumban-numena was identified as sister’s son of Šilhaha (EKI 39m). The extant Elamite royal inscriptions, most particularly a large, fragmentary stele of Šilhak-Inšušinak’s (c. 1155–25 BC) excavated at Susa in 1902 and known as EKI 48, identify

30. Goldberg 2004.

31. Murdock 1940, 555, 557.

32. See Geertz 1964.

33. As Digard (1987, 18) noted, “genealogical amnesia” is a device deployed in the *ex post facto* fabrication of alliances, affiliations, and political regroupings justified in terms of descent.

34. Bremmer 1976, 65.

35. Pinches 1884, 199. Full references for what follows are found in Potts 2018a.



no fewer than eleven rulers in the *sukkalmah* period (early second millennium BC) as “sister’s son of PN”:<sup>36</sup>

1. Idaddu I, sister’s son of Țutran-Tepti (EKI 48)
2. Attaȥuȥu, sister’s son of Țilȥaȥa (EKI 48; UAA 191)
3. Kuk-Kirwaȥ, sister’s son of Țilȥaȥa (EKI 38)
4. Țirukduȥ I, sister’s son of Țilȥaȥa (EKI 48)
5. Țiwepalarȥuȥpak, sister’s son of Țirukduȥ (EKI 3 and 48)
6. Kuduzuluȥ, sister’s son of Țirukduȥ (UAA 195)
7. Temti-Agun, sister’s son of Țirukduȥ (UAA 196)
8. Kuk-Naȥur II, sister’s son of Temti-Agun, sister’s son of Țilȥaȥa (UAA 198; EKI 38a)
9. Țirukduȥ II, sister’s son of Kuk-Naȥur II (UAA 199)
10. Temti-ȥalki, sister’s son of Țilȥaȥa (EKI 48; UAA 200)
11. Kuk-Naȥur IV, sister’s son of Tan-Uli (EKI 48)

In the later second millennium BC, during the Middle Elamite period, only Țumban-numena was identified as sister’s son of Țilȥaȥa (EKI 39m), while in the early first millennium BC, during the Neo-Elamite period, as shown by Pinches, only Țutruk-Naȥȥunte II was called sister’s son of Huban-Nikaȥ I.<sup>37</sup>

The sister’s son has been a figure of special significance all over the world, from antiquity to the modern day. Had Pinches or Scheil looked into the extensive literature on this topic already available in their lifetimes, they would have found ample evidence of this phenomenon and simply added Elam to the long list of cultures in which the sister’s son enjoyed preferential status. Unfortunately, this was not the case. Rather, the course of the discussion of this topic was completely distorted in 1926 by F. W. König, who alleged that the sister’s son in Elam was the male offspring of a sibling marriage between the Elamite ruler and his biological sister.<sup>38</sup> The fundamental logic or illogic followed by many of the scholars who have written on this topic may be reduced to three simple propositions: first, Elamite royal inscriptions identify more than a dozen kings (noted above) who are identified by the epithet “sister’s son of X”; second, as “normal” royal succession “always” passes from father to son, the sister’s son must have been a son born of a king’s own sister—that is, a product of incestuous sibling marriage; and third, the stipulated filiation from a female, identified as the presumed previous ruler’s sister, implies matrilineal succession.

36. Taken from Soldt 1990, 587.

37. Grayson 1975, 75; Pinches 1884, 199.

38. König 1926a. Cf. König 1964. See also Vallat 1996, 300: “fils que le roi NP a eu avec sa propre sœur.” Cf. Frandsen 2009, 123: “the son whom the king had with his own sister.” Waters (2006, 502) even invoked incest as the root cause of the health problems (stroke, mysterious death) suffered by several Neo-Elamite kings who were brothers—that is, Huban-ȥaltas II, Urtak, and Te’umman. Gorris (2014, 74) showed, however, “that Huban-haltash II died of a natural cause and that Urtak & Tepti-Huban-Inshushinak I [Te’umman] were most likely murdered.”



FIGURE 7. Hanni and his family in the rock relief of Eškaft-e Salman II (photo: courtesy of Javier Álvarez-Mon).

Fundamentally, as the comparative study of political institutions around the world quickly demonstrates, the assumption that succession *naturally* passes from father to son is a completely ethnocentric notion. This flawed assumption, exacerbated by a complete indifference to and ignorance of the large body of literature on the historical importance of the sister's son, spawned the theory of incestuous, brother-sister marriage between Elamite rulers and their sisters. Yet, although François Vallat could not conceive of an Elamite monarch willingly ceding succession to his sororal nephew rather than his biological son,<sup>39</sup> and Walther Hinz considered “Geschwisterehe” a defining characteristic of the Elamite state,<sup>40</sup> these views are completely unsupported by the evidence. There is nothing in the phrase “sister's son” that justifies an assumption of incest; in fact, before the

39. Thus, to paraphrase Vallat (1996, 300), it would seem at the very least curious for a rich and powerful man to favor his nephews at the expense of his children, above all in the Orient, where, to this day, the son embodies not only a form of insurance in old age for the parents but the guarantor of their well-being in the hereafter.

40. According to Hinz (1964, 76), brother-sister marriage, levirate (see below), and a tripartite division of authority defined Elam. Nothing like it ever existed on Earth, he believed. Wider reading would have disabused Hinz of the mistaken belief that such institutions had never existed anywhere on Earth but in Elam.

Achaemenid period, there is no undisputed evidence of any royal incest in Elam. The only possible exception to this statement occurs in a Neo-Elamite inscription accompanying the rock relief of the local ruler (*kutur*) Hānni of Ayapir, son of Tahhi, at Šekaft-e Salman IIIB, near Malamir (fig. 7).<sup>41</sup> The text refers to *Huhin rutu šutu hanik urina*, which scholars have translated variously as “Huhin, his wife-and-sister,”<sup>42</sup> “my beloved sister-wife,”<sup>43</sup> and “my beloved spouse-sister.”<sup>44</sup> The Spanish Elamologist Enrique Quintana has suggested, however, that the expression *rutu šutu* should not be understood as “spouse-sister” but rather as lawful or true wife.<sup>45</sup>

In fact, if, as suggested above, the Elamite kinship system was classificatory rather than descriptive, then the term *sister* may denote a potentially large array of female relatives. Yet even a more literal understanding of the term need not imply that Ego was the son of an incestuous union between a king and his biological sister. Innumerable cases scattered widely in both time and space attest to the preferential position enjoyed by the king’s sister’s son, both in royal succession and in nonroyal cases of inheritance, around the world. Out of the abundant literary, historical, and anthropological attestations of the sister’s son may be selected just a few examples.

To begin with the extant body of Western literary evidence, Cú Chulainn, Beowulf, Tristan and Parzival, to name just a few literary figures, are all identified as “sister’s sons” in the epics in which they appear. Critical studies by F. J. Gummere,<sup>46</sup> W. O. Farnsworth,<sup>47</sup> C. H. Bell,<sup>48</sup> T. J. Garbáty,<sup>49</sup> R. H. Bremmer,<sup>50</sup> and T. Ó Cathasaigh<sup>51</sup> clearly demonstrate both how common and how important this social category was in medieval Europe. Moving from the realm of literature to history, we find many examples of sister’s sons enjoying special status. In the kingdom of Ellipi, just to the north of Elam in what is today Luristan, two brothers, Nibê and Ašpabara, who were the sons of the sister of king Daltâ, disputed the succession to the throne upon Daltâ’s death in 708/7 BC.<sup>52</sup> By contrast, Daltâ’s own son, Lutû, was not considered a candidate for the succession. Roughly a thousand years later

41. EKI 76. For the relief and earlier bibliography, see Waters 2000, 82–85; and Álvarez-Mon 2019, 38, 44–46.

42. Stolper 1987–90, 278.

43. Glassner 1994, 222. Cf. Grillot 1988, 53n21: Huhin, spouse-sister, my beloved.

44. Cf. Hinz 1962, 112.

45. Quintana 2010, 52n40: “my beloved true wife.” Cf. König 1965, 161: Huhin, my chosen/beloved lawful spouse. Soldt (1990, 588) queried whether Hānni was in fact married to his sister.

46. Gummere 1901.

47. Farnsworth 1913.

48. Bell 1922.

49. Garbáty 1977.

50. Bremmer 1980.

51. Ó Cathasaigh 1986.

52. Fuchs 2003, 130.

Charlemagne's sister's son Roland appears;<sup>53</sup> and in the early eighth century, the Orkhon inscriptions honoring Kül Tegin and his brother Bilgä Kagan were erected by Yolig Tegin, their sister's son.<sup>54</sup> Among the Picts, succession to kingship ran through the sister's son.<sup>55</sup> Tancred, who took command of the First Crusade after the capture of Bohemund of Antioch in the early twelfth century, was Bohemund's sister's son.<sup>56</sup> In India, the fifteenth-century Italian traveler Ludovico di Varthema found that "the kings of Calicut appointed the sister's son as heir to the throne, being sure that they two were of the same blood,"<sup>57</sup> and, in fact, the uncertain paternity of a king's son—that is, the suspicion that the queen or king's consort had been impregnated by someone other than the king—is often invoked as an evolutionary argument in favor of the preferential position of the sister's son for, even if a king could not be certain that he was the real father of a male child born of his wife, the king always knew with certainty that the child of his sister was of his own blood.<sup>58</sup>

Among the vast number of ethnographic examples illustrating the importance of the sister's son that could be cited, just a few will be noted here. In 1811, the French Orientalist Étienne-Marc Quatremère observed that, among the Bedja, who lived in parts of what is today Eritrea, Sudan, and the eastern desert of Egypt, succession passed from a chief to his sister's son, and he went on to compare this custom with what he had read in an unpublished manuscript entitled a "Relation of What Passed in New-France, on the Great St. Lawrence River, In 1634," by the Jesuit missionary Paul Le Jeune (1591–1664), who had observed the same practice among the Algonquin and Huron.<sup>59</sup> In 1877 the renowned nineteenth-century American scholar Lewis Henry Morgan said of an Ojibwa chief who died around 1840: "His son could not succeed him. . . . The right of succession belonged to his nephew, E-kwä'-ka-mik, who must have the office. This nephew was a son of one of his sisters."<sup>60</sup> Similarly, in the Delaware tribe, the son of a deceased chief was disallowed from succeeding his father because "he was of another gens"—that is, a consanguineous group descended from a common ancestor, distinguished by name and bound by blood ties—as a result of which the chief "was succeeded by his nephew . . . a son of one of the sisters of the deceased" chief, who was considered to belong to the same gens.<sup>61</sup> And similarly, in Fiji, as Lorimer Fison wrote to Morgan in 1879, "My father's sister is my mother and calls me her son, my mother's

53. Farnsworth 1913, 199–200.

54. Ross 1930, 864.

55. Zimmer 1894, 218. Cf. Kornemann 1925, 357.

56. Tritton and Gibb 1933, 72, 74.

57. Cited in Farnsworth 1913, 232; and Garbáty 1977, 224.

58. Fortunato 2012, 4940.

59. Quatremère 1811, 136n1.

60. Morgan 1877, 170–71n3.

61. Morgan 1877, 63.

brother is my father, and calls me his son. And in that tribe the chief's sister's son succeeds to the exclusion of the chief's own son."<sup>62</sup> Moreover, among the Trobriand islanders, "The chief was succeeded by his sister's son. His own son had no place in the new dispensation—unless he was married into the new chief's family. Therefore as an infant he was betrothed to his father's sister's daughter, making him the brother-in-law of the next chief."<sup>63</sup> The same was true throughout Melanesia, where R. H. Codrington found that "succession to property of all kinds is regularly and properly with the sister's son."<sup>64</sup> While these examples could be multiplied many times over, they suffice to demonstrate that, far from being an aberration occasioned by royal sibling marriage, succession to high office and inheritance by the sister's son is a phenomenon attested in societies all over the world and in many different periods. Just one final historical example should be mentioned though, which, had more scholars paid attention to it, could have pointed the way toward an understanding of the avunculate in Elam well over a century ago.

In his *Germania* (20.4), the Roman historian Tacitus (c. 56–120 AD) wrote, "Sister's children [*Sororum filii*] mean as much to their uncle [*avunculus*] as to their father, some tribes regard this blood-tie as even closer and more sacred than that between son and father, and in taking hostages make it the basis of their demand, as though they thus secure loyalty more surely and have a wider hold on the family." In 1748 Montesquieu famously commented on this passage in book 18 of his *De l'esprit des lois*. There he wrote that Tacitus's remark explained the particular love that early Frankish kings had for their sisters and the children of their sisters, such as Gunthram and his nephew Childebert,<sup>65</sup> who, according to Gregory of Tours, were regarded as the king's own children and the king's wife as their own mother.<sup>66</sup> A few years later, in 1755, the French historian Jean-Philippe-René de La Bléterie (1696–1772) published a translation and commentary on Tacitus in which he asked, why, in certain Germanic city-states, a father gave preference to his sister's son rather than his own children. Was it because paternity is often "equivocal," as he put it? He went on to express no surprise that this should be the case in Asia and Africa. But, in light of what Tacitus wrote about the sanctity of marriage among the Germans, he was surprised to find preferential succession by the sister's son there, although he decided that perhaps not all Germanic societies were as moral as the most noble ones described by Tacitus.<sup>67</sup>

In 1887, when the German ancient historian Hugo Winckler published his own edition, together with J. N. Strassmaier, of Pinches's *Babylonian Chronicle 1*, naming Šutruk-Nahhunte II as his uncle Huban-nikaš I's successor, he immediately

62. Stern 1930, 272–73.

63. Kuper 2008, 726.

64. Codrington 1889, 312.

65. Brehaut 1916, 212–13, bk. 9.20.

66. Montesquieu 1845, 243.

67. La Bléterie 1755, 162–64.

thought of the Tacitus passage on the sister's son, although he did not say this at the time. Fourteen years later, in 1901, however, in his review of Scheil's first volume of Akkadian texts from Susa,<sup>68</sup> which included inscribed bricks of Kuk-Kirwaš, Temti-ḫalki, and Attahušu in which the phrase "sister's son of Šilhaha" appeared, Winckler drew his readers' attention to the Tacitean passage on the sister's son. There, Winckler noted that he had first thought of the association between the Elamite sister's son and the passage in Tacitus when he edited the Babylonian Chronicle with Strassmaier in 1887.<sup>69</sup> The new texts from Susa, Winckler suggested, showed that the passage in the Chronicle was not an aberration and justified drawing a parallel with Tacitus. Had Winckler's insight been followed, we should have been spared more than a century of scholarship invoking brother-sister incestuous marriage in the misinterpretation of the sister's son in Elam. Yet, as we have seen, F. W. König's salacious perspective captured more attention than Winckler's judicious approach.

There remain two outstanding questions, however, that must be addressed. The first concerns the use of the epithet "sister's son" by rulers who lived long after their named uncle. It is entirely possible that Attahušu, the first Elamite to identify himself as Šilhaha's sister's son, may actually have been Šilhaha's biological nephew. But the Middle Elamite ruler Humban-numena, who also called himself "sister's son of Šilhaha," lived centuries later and was separated from Šilhaha by the reigns of at least eight kings. How can this be explained? Perhaps an insight from medieval Germanic epic will be useful.

In 1922, Clair Hayden Bell noted that the terms for maternal uncle and nephew, *oheim* and *neve*, were sometimes applied "as complimentary titles of people who bear no blood relationship to the speaker, and even more frequently . . . in the sense of a distant relative in general."<sup>70</sup> But in addition to establishing descent, such an association may be a device to enhance the epic stature of Ego, as in *Beowulf*, whose titular hero boasts of his famous kinsmen.<sup>71</sup> Similarly, an observation by the American anthropologist G. P. Murdock is potentially enlightening with respect to the "sister's son" in Elam. Commenting on the matrilineages of the Bantu-speaking Venda, documented by the British anthropologist H. A. Stayt, Murdock noted that these "are linked primarily with the ancestor cult."<sup>72</sup> A reference to "sister's son of Šilhaha" by a king who lived seven hundred years later than Šilhaha may have served a similar function—that is, to ally Ego with the charisma and heroic qualities of an ancestor, whether biologically related or not, in order to confer a benefit

68. Scheil 1900.

69. Winckler 1901a, 449.

70. Bell 1922, 78.

71. Garbáty 1977, 228.

72. Murdock 1940, 555–58.



on Ego, “a quasi-evolutionary, selective advantage out of all proportion to biological reality.”<sup>73</sup>

The second question concerns the relationship of the epithet “sister’s son,” succession, and matrilinearity. This idea originated in Winckler’s review of Scheil’s first volume of Akkadian texts from Susa mentioned above. There, Winckler suggested that the status of the sister’s son in Elamite royal succession was a marker of matriarchy and residual polygamy.<sup>74</sup> Four years later Georg Hüsing described Elamite succession as matrilineal,<sup>75</sup> and in his influential, if flawed, 1926 article on matrilinearity and succession in ancient Elam F. W. König interpreted *ruhu šak* as an epithet for male descendants of the female founder of the Elamite dynastic line.<sup>76</sup> In fact, “Elamite Matriarchy” formed an entire chapter in Ernst Herzfeld’s posthumously published collection of studies that appeared in 1968 as *The Persian Empire*. Among the topics covered there were “Matrilinear Succession in Elam,” “Matriarchal Family Excludes Brother-Sister-Marriage,” and “Adoption in Matrilinear Succession.”<sup>77</sup> Although he was critical of both König and Koschaker, the Soviet Azeri Orientalist Yusuf B. Yusifov maintained, in 1974, that in the early second millennium BC, the “matrilineal principle of succession” had prevailed, whereas in the Middle Elamite period, it was superseded by “the patrilineal principle of succession.”<sup>78</sup> And as recently as 2018, Behzad Mofidi-Nasrabadi suggested that the prominence of figures whom he interpreted as royal Elamite women on early second-millennium BC cylinder seals “probably arises from the significant social role of women in the Elamite community and could go back to a matrilineal form of social organization often proposed for the early era of Elamite history.”<sup>79</sup> None of the Elamite evidence, however, demonstrates that Elam, in any period, was a matriarchal society or observed strict matrilineal succession. Moreover, an abundance of anthropological and literary evidence shows that the avunculate and matrilinearity are not necessarily linked. Robert Lowie, for example, found “the avunculate among patrilineal Melanesians, such as Torres Strait Islanders,”<sup>80</sup> and H. A. Stayt noted that among the Bantu-speaking Venda, where the matrilineage exerted “a stronger emotional and personal influence” on individuals than the patrilineage did, “descent, succession, and inheritance” were *all* reckoned through the father’s side.<sup>81</sup> Similarly, in the twelfth-century romance *Perceval le Gallois*, by Chrétien de Troyes, the male protagonists are “physically and politically supreme

73. Potts 2018a, 544.

74. Winckler 1901a, 449.

75. Hüsing 1905, 250.

76. König 1926a, 536.

77. Herzfeld 1968, 259–74.

78. Yusifov 1974, 331. For a different perspective, see Quintana 2016.

79. Mofidi-Nasrabadi 2018, 245.

80. Lowie 1918, 532. This point was also echoed by Oswald Szemerényi, albeit in the context of Indo-European kinship terminology. See Szemerényi 1977, 184.

81. Stayt 1931, 185.

... yet filiation” was reckoned “on the side of the woman.”<sup>82</sup> We should also note, as R. S. P. Beekes did in 1976, that the important passage in Tacitus’s *Germania*, discussed above, while stressing the importance of the sister’s son, went on to say that “a man’s own children are his heirs and successors, and there is no power of bequest.”<sup>83</sup>

#### THE LEVIRATE

The final topic to be addressed here is levirate marriage, not because it is something for which we have good evidence but simply because it has been identified since the early twentieth century as a characteristic of ancient Elam. In 1905 Scheil published a short dedication to the deity Manzāt, inscribed on a stone door socket, in which the Elamite king Hutelutuš-Inšušinak identified himself as son of Kutir-Nahhunte and Šilhak-Inšušinak.<sup>84</sup> When he published a full edition of the text in 1911, Scheil suggested that Hutelutuš-Inšušinak had identified one biological and one adoptive father, adoptive in the sense that if Kutir-Nahhunte and Nahhunte-Utu were his biological parents, then following the death of his father, Kutir-Nahhunte, Šilhak-Inšušinak became Hutelutuš-Inšušinak’s adoptive parent by marrying the latter’s mother.<sup>85</sup> König believed, however, that from a juridical perspective, the marriage of a widow by the deceased’s younger brother was a form of adoption.<sup>86</sup>

In 1933 the great Austrian comparative legal scholar Paul Koschaker became the first scholar to classify Šilhak-Inšušinak’s marriage with his brother’s widow as a case of levirate.<sup>87</sup> The *locus classicus* of the so-called law of levirate is Deuteronomy 25:5–6, which enjoins one brother, in the event of the death of another who is married but childless, to “go in unto her, and take her to him to wife, and perform the duty of an husband’s brother unto her. And it shall be, that the firstborn which she beareth shall succeed in the name of his brother which is dead, that his name be not put out of Israel.”<sup>88</sup> It is important to recognize, however, that the biblical law of levirate has a close parallel in the Middle Assyrian laws (§30), where we read that in the event of the death of a married son, “the father who presented the bridal gift [brideprice]”—that is, the widow’s father-in-law—if he “so pleases, he shall take

82. Nitze 1912, 299.

83. Beekes 1976, 45.

84. Scheil 1905 = EKI 65. Cf. the discussion at the beginning of this chapter.

85. Scheil 1911, 70.

86. König 1964, 226. Cf. Burrows 1940, 5. Michaelis (1786, 184) maintained, however, that levirate was not a form of adoption. For a cross-cultural study of adoption see Goody 1969.

87. Koschaker 1933, 59. Cf. Koschaker 1935a, 72–73.

88. I quote here from the King James Version. For just a few of the many discussions of this text published over the years, see Zschokke 1883, 125–26; Mielziner 1901, 54–58; Greenspahn 1994, 52–54; and Volgger 2002.

his daughter-in-law . . . and give her in marriage to his (second) son.”<sup>89</sup> A similar provision, though with extenuating ramifications,<sup>90</sup> appears in the Hittite laws, where we read (§193), “If a man has a wife, and the man dies, his brother shall take his widow as wife. (If the brother dies,) his father shall take her. When afterwards his father dies, his (i.e., the father’s) brother shall take the woman whom he had.”<sup>91</sup>

The biblical evidence of levirate has been discussed for centuries. To cite just a few of the many studies that are relevant to this subject, in the twelfth century, the Sephardic philosopher Moses Maimonides (1138–1204) examined levirate in his commentary on the *Mishneh*.<sup>92</sup> In 1639, the law of levirate was discussed by Johannes Buxtorf (1564–1629) in his *Lexicon Chaldaicum Talmudicum et Rabbinicum*,<sup>93</sup> and in 2009 Devora Weisberg published a book on the levirate in ancient Judaism. In 1915 and 1916, respectively, the Indo-Iranian philologist and rabbi Isidor Scheftelowitz and the American linguistic anthropologist Edward Sapir both wrote at some length on the levirate. Scheftelowitz, on the one hand, believed that the law of levirate in ancient Israel arose on “agro-political grounds” to prevent the diminution of a family’s landholdings by a widow’s exogamous marriage that resulted in her property passing to another family.<sup>94</sup> Sapir, on the other hand, examined the institution and associated kinship vocabulary among the Upper Chinook of Washington State and the Yahi or Southern Yana of Northern California. He cited cases where the terms for paternal uncle and stepfather are identical, as are the terms for a man’s brother’s son and a man’s stepson, or a man’s brother’s daughter and a man’s stepdaughter. In fact, as Sapir reported, his Yahi informant “made it perfectly clear that he himself looked upon the facts”—that is, the kinship terms—“as simply another way of saying that it was customary for the widow to marry her former husband’s brother and for the widower to marry his former wife’s sister.”<sup>95</sup> In contrast to Scheftelowitz, Max Weber argued that the levirate was a response to the very real threat of the extinction of a tribe through the death of its warriors and an attempt to ensure that a family was not left defenseless

89. Puukko 1949; Roth 1995, 164; Lafont 1999, 152n74.

90. Thus, Tylor (1889, 253) argued that “the word ‘levirate,’ from *levir* = husband’s brother, has become the accepted term for this institution, but its sense must in most cases be extended to take in a series of kinsmen, among whom the brother-in-law only ranks first.”

91. Hoffner, in Roth 1995, 236. Cf. Lafont 1999, 176–77 and note 20.

92. Pocock 1655, 55; Lewis 1725, 269–72; Fürstenthal 1842, 32. Note Rowley (1947, 77), who stressed that “while the later scholasticism of the Talmud may preserve some ancient traditions, it cannot be implicitly trusted to throw light on customs which were already obsolete when the book of Ruth was written, needing to be explained to the reader as customs that formerly held in Israel.”

93. Buxtorf 1639, 928, “*Leviratio*, Affinitas talis.”

94. Scheftelowitz 1915, 255. Cf. Westbrook 1991, 76–77: “We are of the opinion that all three biblical sources reflect an institution with a single legal object: to prevent extinction of the deceased’s title to his landed inheritance.”

95. Sapir 1916, 329–30.

in the event of a husband or father's demise.<sup>96</sup> In contrast, Yusifov believed that Šilhak-Inšušinak married his brother's widow "in order to weaken . . . possible claims to the throne," presumably from a rival who interposed himself in the line of succession such that "this marriage . . . was caused by . . . necessity, not by the formal observation of the custom of levirate."<sup>97</sup>

To his credit, Scheftelowitz cited a wide range of ethnographic parallels to illustrate the widespread, if not necessarily uniform, application of the law of levirate.<sup>98</sup> It is unnecessary to delve too deeply into this material, but perhaps one example from the Mota of Melanesia will show just why the custom, whether in its purest form or in a variant involving a kinsman other than a younger brother of the deceased, is so common. Among the Mota, as R. H. Codrington noted,

the Levirate obtains as a matter of course, so far as that a woman who has become the widow of one member of a family connexion remains as the wife of another member of the same. A wife is obtained by a certain payment, towards which the near relations of the bridegroom, both on the father's and mother's side, contribute; it is arranged, therefore, in case of death to which the member of the family connexion it will be most convenient and economical that the widow should pass, whether brother, uncle, or cousin of the deceased, of course of his own kin.<sup>99</sup>

And as Leslie White emphasized, "families became units in the cooperative process as well as individuals. Marriages came to be contracts between families, later between even larger groups. The individual lost much of his initiative in courtship and choice of mates, for it was now a group affair." Thus, with both levirate and its counterpart sororate, in which a deceased female's sister marries her former brother-in-law, White observed, "the group character of marriage is manifest. Each group of consanguinei supplies a member of the other group with a spouse. If the spouse dies, the relatives of the deceased must supply another to take his or her place. The alliance between families is important and must be continued; even death cannot part them."<sup>100</sup>

The discussion of the levirate in Elam was prompted in large part by EKI 60 and 65, in which Hutelutuš-Inšušinak identified himself as son of Kutir-Nahhunte and Šilhak-Inšušinak. The evidence I have reviewed here shows that there is nothing inherently implausible about the existence of the law of levirate in Elam, given its attestation in the Hittite, Middle Assyrian, and Deuteronomic laws. Two points, however, raise doubts about the use of Hutelutuš-Inšušinak's stated filiation as evidence of levirate in Elam. The first is the absence of evidence in earlier legal texts

96. See Hellmann and Palyi 1923, 47–48.

97. Yusifov 1974, 326.

98. Tylor (1889, 253) noted that "the levirate appears in its various forms among one hundred and twenty peoples in my list, or about one in three in the world."

99. Codrington 1889, 308. Similarly, there are numerous variants of levirate in Africa that go beyond the original biblical legal definition. See the papers in Radcliffe-Brown and Forde 1950.

100. White 1948, 425.

from Susa<sup>101</sup> of any reference to levirate marriage there. The second, more fundamental concern, arises from those texts in which Hutelutuš-Inšušinak is identified as son of Šutruk-Nahhunte (his biological grandfather), Kutir-Nahhunte (his paternal uncle), and Šilhak-Inšušinak (his biological father), not just of his putative biological (*pater*) and *levir* fathers. In view of everything said above about classificatory vs. descriptive kinship terms, we should be very wary of interpreting the statement that Hutelutuš-Inšušinak was literally or biologically the “son” of these “fathers,” thereby automatically imputing the institution of levirate to the Elamites. Until additional evidence becomes available, it would be prudent to reserve judgment on the existence of the levirate in ancient Elam, particularly at Susa.

101 See Sadafi 2013; and Badamchi 2018a.