THE MARRIAGE CONTRACT AlT 91 (ALALAḪ)
AND MARRIAGE ADOPTION IN LATE BRONZE AGE SYRIA

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

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

[1] Cases of matrimonial adoption in Late Bronze Syria are found in the following documents: E6 216, RE 6, RE 61, RE 76, RAI 47/2 (Emar); RS 16.141; KTU₂ 4.80 (Ugarit); MBQ-II 37/40 (Ekalte). To this we should add AlT 87 y AlT 91 (Alalaḫ), in accordance with the proposal of the present study.

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

[3] Mendelsohn (1959: 355) suggested a reading for the last part of the document. Dietrich - Mayer (1996: 184-185) provided a complete transcription and translation of the text. More recently Niedorf - Zeeb (2004: 135-136), basically following the ideas put forward by Dietrich - Mayer, have produced a complete revision of the document and provided a translation. Márquez Rowe (2003:

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

The document reads as follows:

(seal)[5]

    i-na pa-ni ᵐ*níq-me-p*[*a* LUGAL]

2   ᵐ*a-gáb-dá-gan* DU[MU *a*]*m-ma-ra-du*[?]

    (erased)

4   DUMU.‹MÍ› *ta-gu₅-ḫu-li a-na* DAM-*šu i-ḫu-uz*

    ᶠ*a*[?]-*gáb*-[A.AB].BA[!] *ma-ri-ia-an-ni*

6   [x] MÍ.É.GI.ꞋAꞋ *ù* DUMU.MÍ-*šu*

    [*š*]*a* É x^erased ᶠ*um-mi-tù-ra*

(low.)

8   [*qa*]-Ꞌ*d*Ꞌ*u*[!] DUMUᵐᵉˢ-*ši-ma*

    [DUMU].MÍᵐᵉˢ-[*š*]*i ma-ri-ia-*Ꞌ*an-nu*Ꞌ

10 [xxx] *a-an-nu*

(rev.)

    x x x Ꞌ*na*Ꞌ x *u₄-mi*

12 *mi-im-ma mi-in*[!]-*de₄ be-el*

    um-mi-tù-ra TUK[?]

14 *ù* ᶠ*a-gáb*-A.AB.BA[!]

    qa-du DUMUᵐᵉˢ-*ši-ma*

16 *ma-ri-ia-an-nu za-ku-ú*

    ᵐᶠ*a-gáb-kí-a-še ki-ma*

18 DUMU.MÍ É MÍ.É.GI.[A] É

    ú-ul i[?]-*né*-[*e*]*r-ru-u*[*b*]

20 IGI *zi-ti*-ᵈIŠKUR IGI *ir*-[xx]

    IGI *a-ki*-ᵈIŠKUR IGI *ta-gu₅-ḫu-li*

22 IGI *a-gáb*-Ꞌ*dá*Ꞌ-*gan* I[GI *ša*]*r-ru*-[*up*]-*š*[*e*]

    IGI *aš-ra*[?]-*am*[?]-*ma* SANGA

(upp.)

24 *ša* ᶠ*a-gáb*-[*k*]*í*-Ꞌ*a*Ꞌ-*še* [*ù*]

    ᵐᶠ*sí-li-ib-na* [*šum-ma*[?]]

26 *i-ba-aš-ši i-na bé-ri*-[*ši-na*]

(left)

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⁴   We thank J. Oliva for making a transcription of the text available to us.

⁵   The text is provided with a seal (Collon 1975: 11-12; Von Dassow 2005: 41), for which transcription and translation see Dietrich - Mayer 1996: 185-186.

ša ú$^!$-la-dú

28 DAM-*ta₅ ša-lu-uš-ta la* [*i-iḫ-ḫa-az*]
    šum-ma ki-la-li-ši-na-ma la [*ú-la-dú*]

30 *ù* DAM-*ta₅ ša-lu-uš-ta*
    i-iḫ-ḫa-az di-nu NU T[UK]

Translation:

(1) Before Niqmep[aʿ, the king]. (2-4) Agab-Dagan, s[on of A]mmar-Addu, has tak[en] as his wife the daughte‹r› of Taguǵuli. (5) ^{f}Agab-[kia]še is *maryannu*. (6-9) The *kallātu* and his daughter o[f] the house [x], ^{f}Ummi-tûra, [alo]ng with her sons and [h]er [daught]ers, are *maryannū*.

(10-13) […] This [… in the] future$^?$ the owner of ^{f}Ummi-tûra shall take possibly any property. (14-16) And ^{f}Agab-kiaše along with her children shall also be *maryannū*, free. (17-19) ^{f}Agab-kiaše, instead of / owing to the daughter of the house (and) *kallā*[*tu*] of the house, shall not leave.

(20) Witness: Ziti-Teššup. Witness: Ir[xxx]. (21) Witness: Aki-Teššup. Witness: Taguǵuli. (22) Witness: Agab-Dagan. Wit[ness: Ša]rrup-še(nni). (23) Witness: Ašramma, priest.

(24-28) Regarding ^{f}Agab-[k]iaše [and] ^{f}Silibna[: if$^?$] among [them] there is one who conceives, (he) shall not [t]a[ke] a third wife. (29-31) If neither of the two [conceives], then (he) shall take a third wife. The[re] shall not be any claims.

Comments:

2: The personal name Agab-Dagan was already proposed by Wiseman (1953: 54). Draffkorn (1959: 20) preferred to interpret this anthroponym in its pure Hurrian form, Agab-taǵe (*a-gáb-ta-ḫé*), which has been supported by Naʾaman (1980: 111-112, Akabtaḫe), Dietrich—Mayer (1996: 184-186, Akap-taḫe) and Niedorf - Zeeb (2004: 136, Akap-taḫe). However, a fully Hurrian reading of the name is not certain at all, neither in Alalaḫ nor in Syria, thus it would seem also possible a hybrid name such as Agab-Dagan, "Dagan (is) who guides"[6].

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

2-4: Von Dassow (1997: 293 n. 70) points out that it is not clear that Agab-Dagan was the husband who takes a wife, since he appears again as a witness (l. 22). But the scribe deleted l. 3, perhaps with the purpose of leaving Agab-Dagan as the subject of this sentence[7]. The presence of the personal name of this character later on would only serve to witness the act of granting the women the status of *maryannu* (§ 3). Besides,

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

[7] The scribe seems to have written the beginning of the text and to have modified it partially later; evidence of this is the deleted line (l. 3) and maybe the lack of the logogram MÍ after DUMU in l. 4.

in documents from Late Bronze Syria there are contracts, such as E6 8 (from Emar), where the recipient of the document also acted as a witness (see Leemans 1988: 223).

4: We accept Draffkorn's reading (1959: 53-54) of the Hurrian personal name Taguǵuli. This man, like the previous Aki-Teššup (his brother), would be part of the *maryannū* class according to AlT 128 (Von Dassow 1997: 271 n. 42, 283).

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

5-11: According to Dietrich - Mayer (1996: 185) the sentence would end with [f]Ummi-tûra; Naʾaman (1980: 112) and Niedorf - Zeeb (2004: 136) think that the sentence begins with *ù* DUMU.MÍ (l. 6)[8]. We believe that, due to the coordinating conjunction, the terms *kallātu* and *mārtu* are part of the same sentence (see explanation below). Besides, it is probable that the terms *mārtu* and *bītu* (l. 6-7) should not be separated, according to the parallel provided by AlT 87: 10-12, where a similar sentence appears (§ 4).

7, 13: For [f]Ummi-tûra as a Hurrian personal name see in Nuzi Gelb – Purves - Macrae 1944: 317.

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

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

9: The reading DUMU.MÍ[meš]-*ši* is based on the collation by Oliva. In Wiseman's copy this part remains rather unclear; since Naʾaman (1980: 111) the general accepted reading has been DUMU.DUMU[meš]-*ši-ma*.

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

12: Naʾaman (1980: 112) reads *mi-in-de₄* whereas other authors read *mi-ṣu-te* (Dietrich - Mayer 1996: 184; Niedorf - Zeeb 2004: 136). The presence of *minde*, "perhaps, possibly", seems unlikely in a legal document. On the other hand, the meaning of the term *mīṣūtu*, which is not registered in Akkadian dictionaries, is far from clear (Niedorf - Zeeb 2004: 136 n. 46) and, according to Oliva's recent copy (2006: 332), it seems palaeographically improbable. Oliva (2006: 327) suggests a reading *mi-in te-be-el*, interpreting *te-be-el* as a verbal 3fs present G form of *bēlu*, and translates "anything whatever she possesses (?)"[9]. However the prefix 3fs *te-* does not seem to be attested in the Akkadian of Alalaḫ (Giacumakis 1970: 56)[10]. Besides, when introducing a

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[8]   From this passage and l. 16, Naʾaman (1980: 112) interpreted that there could be two types of *maryannu*: *maryannu kallūtu* and *maryannu zakû*, an idea which has been dismissed (Von Dassow 1997: 293 n. 71).

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

[10] It does occur occasionally in the archives of the area, such as in Ugarit (Huehnergard 1989: 158-159) and Emar (Seminara 1998: 346). See also Arnaud 1998: 174 and 177.

relative clause without the relative pronoun *ša*, the indefinite pronoun *mīnu* seems to appear always in its full form, not as *mīn*[11]. Finally, since the determinative in the personal name [f]Ummi-tûra is not written, it could might indicate that a construct state is here involved, namely: *bēl Ummitûra*, "owner of [f]Ummitûra" (see § 4). Therefore, the exact sense of ll. 11-13 still remains unclear; to date, the less questionable proposal seems to be Na'aman's.

14: On the equivalence of A.AB.BA and Hurrian *kiaše* see Dietrich - Mayer 1996: 184-187.

17: *ki-ma* may not have here the usual Akkadian meaning "as" (GAG § 114g)[12], since this would mean that [f]Agab-kiaše would be the "*kallātu* and daughter", when she was one of the wives of Agab-Dagan (n. 17). The meaning of *kīma* could be here: "owing to", which is certainly not common in Akkadian (CAD K 365, *kīma* a4') but is attested in other texts from Alalaḫ and from Late Bronze Age Syria[13], or "instead of", where something similar happens[14]. Niedorf - Zeeb (2004: 136) translate the preposition "so wie", but in that case the subject of the sentence would be plural, and this is not reflected in the singular verb form *inerrub* (l. 19). Nevertheless, the exact meaning of the entire passage is not clear.

19: *i-né-[e]r-ru-u[b]*, we interpret the verbal form as a 3cs present of *nērubu*, "to flee"[15].

23: Oliva's collation shows at the end of the line SANGA, *šangu*, "priest". It is a known role in texts from Alalaḫ VII (AlT 78: 23, 80: 15), where he would act as a witness (Wiseman 1953: 159). Dietrich - Mayer (1996: 185) suggest a reading SUKKAL, "vizier", and Na'aman (1980: 111) É.[GAL.LI]M, Akk. *ekallû*, "palace official"[16].

25: Draffkorn (1959: 49) interpreted the personal name as [f]Silib-nanu; instead, it has been proposed Zilip-nanun (Na'aman 1980: 112) or Zilipnanu (Dietrich - Mayer 1996: 185; Niedorf - Zeeb 2004: 136). However, Oliva's collation reveals the reading [mf]*sí-li-ib-na*, after which some broken signs appear, that probably could represent the continuation of l. 9.

§ 3. Thus, we understand AlT 91 as follows. The text contains two legal acts: a marriage and a regulation of the status of the wives. In the case of the act of marriage it seems that Agab-Dagan took a wife ([f]Agab-kiaše)[17]. In the case of the status, Agab-Dagan granted two women ([f]Agab-kiaše and [f]Ummi-tûra), as well as their descendants,

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[11] CAD M/2 93-94, *mīnu* 2b2'.

[12] So Na'aman 1980: 112; Dietrich - Mayer 1996: 185.

[13] See Giacumakis 1970: 41 (clearly in AlT 17: 9); Seminara 1998: 500.

[14] GAG § 114g-h; CAD K 369, *kīma* a4'; AHw 477, *kīma* A8d; Giacumakis 1970: 41 n. 13; Seminara 1998: 499; Van Soldt 1991: 460.

[15] AHw 781a; see already Na'aman 1998: 112. Dietrich - Mayer's proposal (1996: 187) must also be considered; according to this it would be a N form of verb *erēbu* (*innerrub*), "to cause to enter the house as bail"; however the Akkadian dictionaries do not include the N-stem for the verb *erēbu*.

[16] However, this group of logograms does not seem to correspond to the Akkadian term and it would rather be É.[GAL-*l*]*ì*. See the reading LÚ É.GAL in the legal text from Alalaḫ AlT 89: 6.

[17] [f]Agab-kiaše does not seem to have been the *kallātu* and daughter, as could be deduced from the sintaxis of l. 5-6, because later on, in the clause of l. 24-31, she is treated like the other wife ([f]Silibna). Therefore, it seems that [f]Agab-kiaše would be the wife that Agab-Dagan had taken in the first part of the document.

the status of *maryannu*, a social category whose nature and prerogatives are still under discussion (for Alalaḫ, see Von Dassow 1997: 258-332)[18]. The fact that women could be *maryannu* is clear according to a document from Emar, RE 66, where a man manumitted his servant and declared him *maryannu* along with his wife and children[19].

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

a) The first reason is connected with the passage of ll. 6-7, MÍ.É.GI.A *ù* DUMU.MÍ-*šu* [*š*]*a* É [f]*um-mi-tù-r*.[21] According to our division of the sentences (see comments on ll. 5-11), [f]Ummi-tûra was defined as *kallātu* (MÍ.É.GI.A) and "daughter of the house" (DUMU.MÍ *ša* É). Both definitions would indeed suit a woman who was the subject of a marriage adoption: as such, she could become the wife of the father of her new family (since she is an adopted daughter) or be given in marriage to another man (since she would have the status of *kallātu*). Therefore, in AlT 91 [f]Ummi-tûra would have entered the house of Agab-Dagan "as daughter and *kallātu*" (*ana mārtūti u kallūti*), a well known phenomenon in Nuzi and other archives[22].

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

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[18] The appointment of the descendants as *maryannu* appears in various archives from Late Bronze Age Syria, besides this AlT 91: RE 66: 1-4 (Emar), RS 16.132: 4-6 (Ugarit), AlT 15: 7-9 (Alalaḫ).

[19] The expression of RE 66: 3-4, *ana maryannūti wašāru*, is the same used in AlT 15: 4, another document from Alalaḫ which shows an appointment of the status of *maryannu* (§ 5).

[20] Wiseman 1953: 54; Naʾaman 1980: 112; Niedorf - Zeeb 2004: 136. Unlike Dietrich - Mayer (1996: 185), who translate l. 7 as "aus dem Haus der Ummidura".

[21] Wiseman (1953: 54) believed that this sentence meant the existence of a woman who would have the status of first daughter destined to marriage, as compared to AlT 87 (n. 22), and he translated: "his daughter is the (eldest) marriageable daughter of the house".

[22] See Cardascia 1959: 4-5; Grosz 1981: 145-150. In Emar a woman may also be appointed "as daughter and *kallātu*" (*ana mārtūti u kallūti*), as attested to in E6 216, RE 61 and perhaps also in RE 6.

[23] "[f]Ḫepat-tilla is the eldest *kallātu* of the household" (AlT 87: 10-12; [mfd]*ḫé-pát-til-la* / MÍ.É.GI.A GAL / *ša* É[ḫá]).

[24] "[f]Zikiptae is the mother regarding the household" (AlT 87: 11-12; [mf]*zi-kip-ta-e* / AMA *a-na* é[ḫá]).

[25] See, for example, Westbrook 1988: 39; Zaccagnini 2003: 588 n. 73.

[26] For this reason it does not seem that Ḫepat-tilla was the testator's natural daughter, an idea supported by Von Dassow (1997: 28).

b) The second reason appears in ll. 12-13, where *bēl Ummi-tûra* could be read, "owner of ^fUmmi-tûra". The term *bēlu* may mean, as a North-West Semitic expression, "husband" (CAD B 197, *bēlu* 2b)[27], but in the *corpus* of Alalaḫ it seems to mean always "owner" (Giacumakis 1970: 70), and in Syrian archives contemporary to Alalaḫ the term *bēlu* never seems to have the meaning "husband" (see for example Marsman 2003: 129 n. 36). It is possible that ^fUmmi-tûra was previously a slave.[28] For example, in another document from Alalaḫ IV, AlT 415, the owner of a slave is referred to by the term *bēlu*: "an ass and a servant who have no owner"[29]. Granting the status of *maryannu* to a manumitted slave is possible, according to the already mentioned text from Emar RE 66[30].

§ 5. According to our reconstruction, Agab-Dagan mentioned twice his wife ^fAgab-kiaše as *maryannu*: first it is declared that she acquires such status (l. 5), and later that her children too have the same category (ll. 14-16). This double allusion to the new status of the wife may have been necessary because it had to be specified that the descendants of ^fAgab-kiaše would also have the status of *maryannu*. This fact is confirmed by another document from Alalaḫ, AlT 15: "the king Niqmepaʿ, son of Idrimi, has freed[31] Kabiya as *maryannu*. He shall be like the sons of the *maryannū* of Alalaḫ. And Kabiya, as well as his descendants, shall be *maryannū* forever, and priest of Kumarbi[32]"[33]. Apparently, it was necessary to include again the father (AlT 15) or the mother (AlT 91) in order to make clear that the descendants also had the status of *maryannu*.

On the other hand, the status of *maryannu* is also granted to the *kallātu* ^fUmmi-tûra. Note that the granting of benefits by a man to his *kallūtu*, as it happens in AlT 91, also occurs in a document from Ekalte, MBQ-II 37.

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

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27 So interpreted by Niedorf - Zeeb (2004: 136).

28 Note that in Nuzi the situation of those women given as "daughter and *kallātu*" could have been close (although not identical) to slavery; in this sense, see Greengus 1975: 16-17, 22, and Grosz 1987: 147.

29 AlT 415: 19-22, ANŠE / *ù* MÍ.LÚ-*tu₄* / *ša an-ni-im be-el-ši-na* / *la-a ir-te-šu*.

30 Another parallel could be LAM 30, where EN DUMU.MÍ (akk. *bēlu mārti*) has the meaning of "father" (Sanmartín 1999: 248 n. 123). In this case, it could be that the "lord of ^fUmmi-tûra" was in fact her father (adoptive), that is, following the idea that we have explained, Agab-Dagan himself.

31 *wa-šar-šu*, would be the Akkadian verb *wašāru*, in its intensive sense, conjugated as a Northwest Semitic perfect G. See Giacumakis 1970: 112; Von Dassow 1997: 287 n. 61, with bibliography.

32 On the equivalence of ^dEN.LÍL with Kumarbi, see Von Dassow 1997: 288 n. 62; Arnaud 1996: 55 n. 46.

33 AlT 15:3-10; ^mníq-me-pa LUGAL DUMU *id-ri-mi* ^mkà-bi-ia / *a-na ma-ri-ia-an-na wa-šar-šu* / *ki-me-e* DUMU^meš *ma-ri-ia-an-nu* / *ša* ^uru*a-la-la-aḫ*^ki / *ù* ^mkà-bi-ia qa-tam-ma / DUMU.DUMU-*ri-šu a-na da-ri-ia* / *ma-ri-ia-an-ni* / *ù* SANGA *ša* ^dEN.LÍL. Note that this Kabiya is the person who later appears as a testator in AlT 87 (§ 4); in fact, both documents AlT 15 and 87 were found in the same place, room C1 (Von Dassow 1997: 303; 2005: 40).

other archives from Late Bronze Syria and that could also take place in other document from Alalaḫ, AlT 87 -. [f]Ummi-tûra was probably a former slave and by means of AlT 91 she is granted certain rights, such as the appointment as *maryannu* for her and for her descendants.

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