

# Close-Kin Marriage in Late Antique Mesopotamia

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**A**LTHOUGH THE ROMAN EMPIRE was fundamentally exogamous in its marriage patterns,<sup>1</sup> Keith Hopkins has presented evidence that Roman Egypt was an exception to this general rule. In this part of the empire, brother-sister marriage was practiced on a significant scale during the first three centuries A.D.<sup>2</sup> I argue here that close-kin marriage in the eastern regions of the Roman Empire was not limited to Egypt. The evidence for this pertains to the provinces of Mesopotamia and Osrhoene in late antiquity. Although the available material is very limited compared with the Egyptian census records which Hopkins had at his disposal, it is sufficient to show that close-kin marriage was an established practice in the areas in question.

Mesopotamia and Osrhoene, in the region bounded by the Middle Euphrates and Tigris rivers, lay adjacent to the Persian empire, now Rome's chief political and military rival. Evidence for the practice of close-kin marriage here can be discerned in two sixth-century laws. The first, which has frequently been noted by scholars,<sup>3</sup> was issued by the emperor Justinian in 535/6—his 154th *Novel*.<sup>4</sup> This law is directed specifically to inhabitants of the provinces of Osrhoene and Mesopotamia who have entered into unlawful marriages (*gamoï athe-mitōi*). Clemency is proclaimed for those who have entered into these unions before the issuing of this law, but henceforth capital punishment and confiscation of property is to be the penalty. The type of

<sup>1</sup> E. Weiss, "Endogamie und Exogamie im römischen Kaiserreich," *ZSav* 29 (1908) 340–69; B. D. Shaw and R. P. Saller, "Close-kin Marriage in Roman Society?" *Man* n.s. 19 (1984) 432–44.

<sup>2</sup> K. Hopkins, "Brother-sister Marriage in Roman Egypt," *Comparative Studies in Society and History* 22 (1980) 303–54.

<sup>3</sup> A. H. M. Jones, *The Later Roman Empire 284–602* (Oxford 1964) 972; J. Modrzejewski, "Die Geschwisterehe in der hellenistische Praxis und nach römischen Recht," *ZSav* 81 (1964) 52–82 at 78f; H. Chadwick, "The Relativity of Moral Codes: Rome and Persia in Late Antiquity," in W. R. Schoedel and R. L. Wilken, edd., *Early Christian Literature and the Classical Intellectual Tradition* (Paris 1979) 135–53 at 150.

<sup>4</sup> In R. Schoell and W. Kroll, edd., *Corpus Iuris Civilis III, Novellae* (Berlin 1895) 729f.

union to which the emperor is referring seems to be close-kin marriage, for he alludes to those who “bring shame on their own lineage and mingle their names.” But unlike a general law of A.D. 295 in which the emperor Diocletian denounced incestuous marriages and specified the prohibited degrees of kinship in detail,<sup>5</sup> Justinian’s phraseology is much more vague, and this leaves the precise nature of the infraction uncertain.<sup>6</sup>

This uncertainty can, however, be clarified through consideration of another imperial law promulgated three decades later. This is a law of Justinian’s successor, Justin II (565–578),<sup>7</sup> which has received little attention in discussions of endogamy in the Roman world,<sup>8</sup> and indeed seems to have been overlooked in more general accounts of Justin II’s reign. Issued on the first day of 566, this law begins by noting that there are times when it is appropriate to temper the severity of laws with imperial clemency. Reference is then made to a law of Justinian that penalises those living in unlawful marriages (*athemitoi gamoi*). Justin gives his own endorsement to this law and orders that it have force everywhere. The emperor then explains that he has received troubling reports from Mesopotamia, Osrhoene, and Euphratensis<sup>9</sup> —provinces which, he notes, are not far from the Persians. These reports indicate that, partly out of ignorance of the law and partly through having dealings with Persians and Arabs, some inhabitants of these provinces have entered into unlawful marriages, from which children and grandchildren have resulted. Some individuals have tried to profit from the situation by bringing accusations against those innocent of the crime—the immediate offspring and descendants of unlawful marriages whose perpetrators are now deceased. Justin accordingly proclaims clemency for all who have entered into unlawful marriages up to the date of his accession, even

<sup>5</sup> The text can be found in the *Comparison of the Laws of Moses and the Romans* 6.4, in Riccobono *FIRA* II 558–60. The fact that this law does not specifically associate incestuous marriages with Egypt may be an indication that Diocletian was aware of other parts of the empire where the practice was to be found.

<sup>6</sup> Cf. E. Patlagean, *Pauvreté économique et pauvreté sociale à Byzance 4<sup>e</sup>–7<sup>e</sup> siècles* (Paris 1977) 120, who suggests that the law perhaps refers to marriages between cousins, and between uncles and nieces.

<sup>7</sup> *Novel* 3 in C. E. Zachariae von Lingenthal, ed., *Jus graeco-romanum* III (Leipzig 1857) 8f; reprinted in P. and I. Zepos, edd., *Ius graecoromanum* I (Athens 1931) 5f.

<sup>8</sup> Justin’s law is noted by C. Mango in the context of the emperor Heraclius’ marriage to his niece Martina in 613/4: “Deux études sur Byzance et la Perse sassanide,” *TravMém* 9 (1985) 91–118 at 114.

<sup>9</sup> The province of Euphratensis lay immediately west of Mesopotamia and Osrhoene and comprised a band of territory running along the right bank of the Middle Euphrates. It is unclear whether any significance should be attached to its absence from Justinian’s law and inclusion in Justin’s.

though the imperial treasury will suffer loss of income. He is not unconcerned for moral probity or the enforcement of law, but it is his professed desire to remove all opportunities for the unjust oppression of many in the aforementioned provinces. From the beginning of his reign, however, the law concerning unlawful marriages is to be enforced everywhere, including these three provinces. At the same time, he has exercised his clemency towards these provinces with respect to the past since their inhabitants live in close proximity to Persians and Arabs and, Justin concedes, it is only human for them to imitate their behavior.

The allusion in this novel to an earlier law of Justinian must be to *Novel* 154.<sup>10</sup> Justin is therefore addressing the same problem, and so the later law has the potential to clarify the earlier. But Justin is no more explicit about the degrees of kinship involved in these unlawful marriages than Justinian was. There is, however, a significant feature of Justin's law which provides a solution to this uncertainty. Justin is very insistent on the proximity of these provinces to Persia and on the unlawful marriages being inspired by Persian customs.<sup>11</sup> Throughout antiquity, Greek and Roman writers who refer to Persian marital practices consistently remark on the acceptability there of marriage between siblings, and between parent and child.<sup>12</sup> Indeed the uniformity of Graeco-Roman statements about incestuous marriage in Persian society, and especially the frequent attribution of its origin to the Persian king Cambyses,<sup>13</sup> raises the possibility that we are dealing here, not with social reality, but with the reiteration of a cultural *topos*. It was common for Greek and Roman ethnographers to stress the marginality of alien societies by gratuitously attributing to them practices that inverted Graeco-Roman notions of what constituted normal behaviour.<sup>14</sup> One historian has therefore justifiably asked of

<sup>10</sup> Justinian did issue a more general law dealing with the penalties for unlawful marriages (*Nov.* 12), but the fact that his *Novel* 154 dealt specifically with Mesopotamia and Osroene is a clear indication that this is the law Justin had in mind. Zachariae von Lingenthal assumed this to have been the case: see his n.2 on Justin's novel.

<sup>11</sup> Justinian makes much vaguer allusions to the influence of neighbours in *Nov.* 154 (Schoell/Kroll 729.22, 730.19f).

<sup>12</sup> The fullest listing and discussion of such remarks is provided by Chadwick (*supra* n.3) 146–51. Some additional references are given by Averil Cameron, "Agathias on the Sassanians," *DOP* 23–24 (1969–70) 67–183 at 92. Note also Bas. *Ep.* 258 (*PG* 32.952f).

<sup>13</sup> For the implausibility of which, see M. Boyce, *A History of Zoroastrianism* II (Leiden 1982) 75f.

<sup>14</sup> E. Patlagean, "Byzance, le barbare, l'hérétique et la loi universelle," in L. Poliakov, ed., *Ni Juif ni Grec: Entretiens sur le racisme* (Paris 1978) 81–90; B. D. Shaw, "'Eaters of Flesh, Drinkers of Milk': The Ancient Mediterranean Ideology of

such statements, "Was marriage within the family widespread among the Persians, or confined to a religious sect, or was this only a rumour among foreigners?"<sup>15</sup>

In one sense—for the immediate purpose of understanding the meaning of Justin's law—it does not matter if Roman writers were merely repeating well-worn rumour. If it was a widespread assumption among Romans that Persian men married their sisters or daughters, then this still clarifies the type of unlawful marriages Justin (and therefore also Justinian) thought he was dealing with in Mesopotamia and Osrhoene. On the other hand, it will certainly make the further conclusion that such marriages persisted in those provinces of the Roman Empire during the sixth century much more persuasive if the reports of Roman writers about Persian practices are found to be more than mere rumour.

Scholars of Middle Persian literature have in fact found evidence to substantiate the accounts of Roman writers. Much of it derives from legal sources, which refer to the practice of *khvaetvadatha*, or close-kin marriage, between brother and sister, or parent and offspring, in terms which imply that it was accepted among the Persian population at large during the centuries before the Islamic conquest.<sup>16</sup> These sources indicate that such marriages required witnesses, could be initiated by parents or children, and that the consent of both parties was required. Moreover, religious texts indicate that Zoroastrianism, the 'state religion' during the period of the Sasanian dynasty, gave positive encouragement to such unions. Entering into a close-kin marriage was viewed as a highly pious deed. Thus, in his inscription at Sar Mashad, Kartir, the great Zoroastrian priest of the mid-third century, boasted that one of his achievements was the encouragement of many consanguineous marriages.<sup>17</sup>

The conclusions derived from Middle Persian literature on this subject find confirmation in the records of the Syriac-speaking Christian communities of Sasanian Persia. The synodal letters of the patri-

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the Pastoral Nomad," *AncSoc* 13–14 (1982–83) 5–31; T. E. J. Wiedemann, "Between Man and Beasts: Barbarians in Ammianus Marcellinus," in I. S. Moxon *et al.*, ed., *Past Perspectives* (Cambridge 1986) 189–201.

<sup>15</sup> Hopkins (*supra* n.2) 354 n.89.

<sup>16</sup> References and discussion of the debate which they have occasioned are provided by B. Spooner, "Iranian Kinship and Marriage," *Iran* 4 (1966) 51–59, on whom I have relied for this paragraph (except the following reference). In contrast to the brief allusions to the practice in standard reference works on Sasanian Persia, Spooner's discussion is notable for his awareness of the anthropological significance of the Persian case.

<sup>17</sup> P. Gignoux, "L'inscription de Kartir à Sar Mashad," *Journal asiatique* 256 (1968) 387–418 at 398 (sect. 22).

arch Mar Aba from the year 544 include one that deals with Christian marriage. Among the various regulations is the stipulation that a Christian man should not marry any of the following kin, “as the Magians [*i.e.* Zoroastrians] do”—mother, wife of paternal or maternal uncle, paternal or maternal aunt, sister, daughter-in-law, daughter, stepdaughter, granddaughter, daughter of a stepdaughter.<sup>18</sup> These very specific ordinances were re-endorsed in detail by the church council of 585, and perhaps also more generally by the council of 576.<sup>19</sup> Furthermore, it is apparent that Mar Aba was not merely making a statement of principle—a possibility, given his own Zoroastrian background—for he goes on to make practical provision for the dissolution of such marriages: couples are to be allowed up to one year to sort out their affairs and separate; those who fail to make use of this period of grace and persist in their sin are to be denied entry to the church, participation in the Eucharist, and fellowship with the faithful, until they repent.<sup>20</sup> The most obvious interpretation of these regulations is that they were directed at former Zoroastrian adherents who had converted to Christianity—of which there seem to have been an increasing number in the sixth century.<sup>21</sup> But it is also possible that Persian Christians from non-Zoroastrian backgrounds were being influenced by the marital habits of the Zoroastrian population.

The evidence concerning close-kin marriage in Persia is an invaluable aid in elucidating these laws of Justinian and Justin. It confirms that the unlawful unions with which the laws were concerned were close-kin marriages between brothers and sisters, and parents and offspring. This in turn explains the unspecific nature of the expression used in the laws—‘unlawful marriages’; it is a euphemism employed by emperors too embarrassed to acknowledge explicitly and publicly the continuing presence of so heinous a practice within their domain.

<sup>18</sup> J. B. Chabot, *Synodicon orientale* (Paris 1902) 82.29–83.2. The phrase “or his sister” (82.32) is a restoration by Chabot, but is fully justified. The canons of the actual synod of 544 survive in fragmentary form, and the portion of Canon 38 that is extant reproduces almost word for word this section of Mar Aba’s synodal letter, including a secure reading of “sister” (550.1). The very detailed re-endorsement of Mar Aba’s stipulations on this matter in 585 also contains “sister” in the list of prohibited degrees (150.1). Another work by Mar Aba concerning matrimonial law includes a discussion of close-kin marriage with a similarly detailed listing of prohibited degrees. See N. Pigulevskaja, *Les villes de l’état iranien aux époques parthe et sassanide* (Paris 1963) 141.

<sup>19</sup> Chabot (*supra* n.18) 149.29–150.2; 118.15–17. The expression used in 576 to qualify the type of marriage, *lā nāmusayt* (118.15), is the adverbial form of that used in the detailed discussion of 544, *lā nāmus* (83.6), although the expression is a very general one.

<sup>20</sup> Chabot (*supra* n.18) 83.9–30.

<sup>21</sup> M. Morony, *Iraq after the Islamic Conquest* (Princeton 1984) 298ff.

Without wishing to prejudge the question of origins—this will be discussed below—the existence of close-kin marriage in Persia also makes it much less surprising that close-kin marriage should be found in Roman provinces adjacent to Persia.

But how widespread was the practice in Roman Mesopotamia and Osrhoene? Is it not possible that the practice was restricted to pockets of Zoroastrian adherents in Roman territory? Zoroastrian communities had certainly been present in the eastern parts of the Roman Empire during earlier centuries, presumably survivals from the period before Alexander when the empire of the Achaemenids extended across Syria and Anatolia.<sup>22</sup> Their presence in various regions of Anatolia was noted by writers of the first two centuries A.D.,<sup>23</sup> while the account of the Persian invasion of the Roman Empire in A.D. 260, preserved in the inscription of Kartir at Sar Mashad, describes how the invading Persians found Zoroastrian communities in Syria and Anatolia, which Kartir reorganised and strengthened.<sup>24</sup> Their presence in eastern Anatolia in the late fourth century, apparently in large numbers, is attested by Basil of Caesarea, who remarks that they maintained a very separate existence (“they do not associate with other men”) and retained their preference for unlawful marriages.<sup>25</sup> They are still present in Roman territory in the 460’s, but, consistent with the growing religious intolerance of Christian emperors from the late fourth century onwards, now appear to be experiencing persecution by the Roman authorities.<sup>26</sup> As for the sixth century itself, a late Arabic source states that the peace settlement of 561 between Justinian and the Persian king Khusrau I included guarantees for Persians living in the Roman Empire;<sup>27</sup> but the very detailed contemporary Roman account, which describes guarantees for Persian Christians incorporated in that settlement, makes no mention of any reciprocal safeguards for Zoroastrians in the Roman Empire.<sup>28</sup> As one

<sup>22</sup> Cf. L. Raditsa, “Iranians in Asia Minor,” in E. Yarshater, ed., *The Cambridge History of Iran III* (Cambridge 1983) 100–15 (dealing with the period down to the first century B.C.). For other instances of the survival of Achaemenid practices in Roman Anatolia, see L. Robert, *CRAI* (1975) 306–30 (a cult of Achaemenid origin still practiced in 2nd century A.D.), and S. Mitchell, *JRS* 66 (1976) 121f (use of Persian measures of distance in the first century A.D.).

<sup>23</sup> Strab. 15.3.15 (733) (Cappadocia); Paus. 5.27.5 (Lydia); Bardaisan, *The Book of the Laws of the Countries*, ed. H. J. W. Drijvers (Assen 1964) 42.21–44.5 (Phrygia).

<sup>24</sup> Gignoux (*supra* n.17) 396f sections 17–19.

<sup>25</sup> Bas. *Ep.* 258 (PG 32.952f).

<sup>26</sup> Priscus fr.31 (FHG IV 105).

<sup>27</sup> Th. Nöldeke, *Geschichte der Perser und Araber zur Zeit der Sasaniden aus der arabischen Chronik des Tabari übersetzt* (Leiden 1879) 288.

<sup>28</sup> Menander fr.11 (FHG IV 213). The *Dialogues* of Pseudo-Caesarius contain a

commentator has pointed out, too, it is unlikely that an emperor as intolerant in religious matters as Justinian would have permitted the continued practice of Zoroastrian worship in his empire.<sup>29</sup>

Justin's repetition of Justinian's law also supports the conclusion that these laws were not directed at residual Zoroastrian communities. These communities could only have survived into the late sixth century by maintaining the isolated mode of life on which Basil commented in the fourth century. But if the incidence of close-kin marriage in Roman Mesopotamia and Osrhoene was restricted to such tight-knit communities, then the Roman authorities would have had little difficulty in implementing Justinian's law and suppressing the practice. The very issuing of Justin's law shows that Justinian's legislation had had little success. Clearly, then, close-kin marriage in late Roman Mesopotamia and Osrhoene was not the preserve of a religious sect, but was more widespread.

Unlike the census material available for brother-sister marriage in Roman Egypt, our evidence offers little scope for making even a rough estimate of how widespread the practice was. Jack Goody has noted, with reference to Justinian's law, that the severity of the penalty—capital punishment—stands in contrast to the traditional Roman punishment for incestuous marriages—confiscation of property—and suggests that this is an indication of the high frequency of the practice in Mesopotamia and Osrhoene.<sup>30</sup> Justin's repetition of Justinian's legislation strengthens this conclusion.

One further clue is an interesting feature common to the two laws, namely the curious ambivalence that both emperors display towards the inhabitants of the provinces in question. On the one hand, they see it as their duty to condemn and punish this un-Roman practice. At the same time, they feel obliged to show remarkable clemency for crimes past, yet the reasons they give for so doing lack conviction. Justin excuses them on the grounds that it is only human for them to imitate the marriage patterns of neighbouring peoples, yet earlier in the same law he condemns the practice as unnatural. Justinian excuses them on the grounds that the provinces have suffered from invasions—presumably a reference to the conflict with Persia during

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reference to Persians in Anatolia (*PG* 38.980f; my thanks to Prof. C. Mango for this reference). The *Dialogues* seem to have been produced in the sixth century, but are a compilation of sources from the second to fifth centuries (R. Riedinger, *Pseudo-Kaisarios* [Munich 1969]), so it is not certain that they constitute firm evidence for the presence of Persians in sixth century Anatolia.

<sup>29</sup> K. Güterbock, *Byzanz und Persien in ihren diplomatischen-völkerrechtlichen Beziehungen im Zeitalter Justinians* (Berlin 1906) 99.

<sup>30</sup> *The Development of the Family and Marriage in Europe* (Cambridge 1983) 39 n.5.

the early years of Justinian's reign, and perhaps also to Kavad's invasion at the beginning of the century. But there is no obvious reason why invasions should induce people to adopt certain marital practices or excuse their doing so. These 'justifications' of clemency look more like a tacit admission by the emperors of inability to effect change and an attempt to make a virtue of necessity by presenting their inability in the best possible light.

It is possible that their inability to effect change is simply a reflection of the limitations of the late Roman administrative apparatus. If, as seems likely, marriages usually required no formal public procedures involving a government official (or even the church) in order to be legal,<sup>31</sup> then it will have been difficult for the government to monitor and control the marital habits of the empire's population at the point where intervention would have been most feasible. The government did have another potential means of detecting marital irregularities—namely the land and rural population census required as part of the fiscal system established by Diocletian. But, although the census obviously needed regular revision if it was to provide an up-to-date and accurate picture of the empire's resources, it is apparent that this was in fact done very infrequently.<sup>32</sup>

The other possible explanation for imperial inactivity is that the emperors considered the costs of effecting change to be too high in terms of potential disorder and disaffection. This must have been an especially important consideration with respect to Mesopotamia and Osrhoene, for these provinces were extremely important in the defence of the empire against Persia, and so it was vital that the loyalty of their inhabitants be retained. The emperors were deeply suspicious of the continued practice of close-kin marriage, both on moral

<sup>31</sup> The legal basis of marriage in classical Roman law was the consent of the participants (P. E. Corbett, *The Roman Law of Marriage* [Oxford 1930] 2ff, 55ff), and so becoming man and wife was not a process in which any governmental participation was required. (From the first century A.D. onwards, couples sometimes drew up written marriage contracts, but such *tabellae nuptiales* needed no subscription by any public official: see J. F. Gardner, *Women in Roman Law and Society* [London 1986] 49f.) The consensual nature of marriage continued to be the rule in the late Roman period until Justinian issued a law in 538 (*Nov.* 74) which required the aristocracy and specified urban classes to have written marriage contracts; soldiers and peasants, however, were expressly exempted from this requirement (see Patlagean [*supra* n.6] 114–18). This exemption is important for our subject, since, as will be seen below, it seems that peasants were the major perpetrators of close-kin marriages. It is of course possible that local non-Roman legal customs (of which we know little) continued, in practice, to govern the way in which marriages were 'formalised' in Mesopotamia and Osrhoene.

<sup>32</sup> Jones (*supra* n.3) 454, who cites, among others, the case of a revised census from the early sixth century still in use as late as 565.



grounds and because it seemed to indicate a dangerous predilection for things Persian. But their emphasis on clemency perhaps betrays a reluctance to take strong action which might alienate a sector of the population in this militarily sensitive region.<sup>33</sup>

Whichever explanation for this feature of the laws is right, the corollary of both is the same—that the proportion of the population living in these unlawful marriages was significant. If it was a case of the emperors being unable to monitor marriages, then the fact that they are nevertheless aware of the practice of unlawful marriages in these provinces must be due to the significant scale of the phenomenon. If it was a case of unwillingness to take action for fear of causing disorder and disaffection, then once again the implication is that the proportion of the population involved is significant. We have already drawn attention to the paucity of our evidence compared with that available from Roman Egypt, but if these arguments concerning the scale of close-kin marriage in Mesopotamia and Osrhoene are valid, then Hopkins' claim concerning the uniqueness of the Egyptian case<sup>34</sup> begins to look less secure.

Indications as to the social distribution of the practice are very limited. Justin's law sheds no light on this question: in *Novel* 154 Justinian comments that the greater part of those committing the offence belong to the "rural masses" (*agroikos plethos*). It is possible that this remark reveals more about Justinian's view of peasants than about their marital habits,<sup>35</sup> but a leading scholar has accepted it at face value.<sup>36</sup> But if the peasantry of Mesopotamia and Osrhoene were the main perpetrators, it appears that the practice was not restricted to them. Justinian adds that the sanctions are to apply even to those of higher status and to clergy found in unlawful unions.<sup>37</sup> A letter of the fifth-century bishop Theodoret of Cyrrhus is of some relevance here. Addressing certain local officials of the Mesopotamian city of Zeugma, he reprimands them for allowing their daughters to marry cousins and for condoning the marriage of uncles to nieces.<sup>38</sup> Although concerned with situations a step removed from brother-sister

<sup>33</sup> It is also this consideration, as much as a concern for the unjust oppression of the innocent, that is likely to have prompted Justin to respond to the evident discontent of those falsely accused.

<sup>34</sup> Hopkins (*supra* n.2) 303f.

<sup>35</sup> A possibility that acquires added piquancy when one recalls Justinian's own peasant origins in the Balkans.

<sup>36</sup> Patlagean (*supra* n.6) 120 ("indication précieuse").

<sup>37</sup> With the exception of bishops, clergy in the eastern Mediterranean were permitted to marry—a tradition that remains a part of eastern Orthodoxy.

<sup>38</sup> Thdt. *Ep.* 8 (in *Sources chrétiennes* 40, ed. Y. Azema [Paris 1955]).

and father-daughter marriages, it is of interest that the officials in question were not peasants—but they *were* avowed Christians.

This is the extent of our knowledge of the social distribution of close-kin marriage in late Roman Mesopotamia and Osrhoene. Clearly this hardly constitutes a secure base from which to address the question of the origins of the practice in this region, but it may still be of value to offer some thoughts, especially as a further piece of evidence is available. The inscriptions of Dura-Europus in Mesopotamia reveal that brother-sister marriage was practiced there during the first century A.D.<sup>39</sup> It is of course a large jump from the first to the sixth century, but the Dura evidence does suggest that close-kin marriage in the region had deep roots stretching back to the period before its incorporation into the Roman Empire in the mid-second century A.D. The inscriptions derive from the period when the region was under the control of the Sasanians' predecessors, the Parthians. They, too, were Zoroastrians, which may point to a religious origin for the practice in this region.<sup>40</sup>

In his discussion of Roman Egypt, Hopkins draws a distinction between originating and maintaining institutions: "the original causes of widespread brother-sister marriage need not have been the same as the social forces which maintained the practice."<sup>41</sup> This is a useful distinction in the Mesopotamian context, for if Zoroastrian influence had a part in the pre-Roman origins of the practice there, it is unlikely that it can have continued to exercise a direct influence long after the region fell to Rome, which was firmly exogamous and, from the fourth century onwards, Christian. Yet the evident resistance of the marriage habits of some inhabitants to both Romanisation and Christianisation<sup>42</sup>—which, interestingly, stands in contrast to Egypt where, Hopkins suggests, "brother-sister marriage, or at least evidence for it, stopped under the double impact of Roman law and Christianity"<sup>43</sup>—points to the existence of powerful forces of some sort maintaining the practice.

One possibility is continuing cross-cultural influence from Persia,

<sup>39</sup> F. Cumont, "Les unions entre proches à Doura et chez les Perses," *CRAI* (1924) 53–62. Further examples of the same practice are presented in J. Johnston, *Dura Studies* (Philadelphia 1932) 31.

<sup>40</sup> Debate about the origins of the practice in Zoroastrianism has been inconclusive. See Boyce (*supra* n.13) 75f.

<sup>41</sup> Hopkins (*supra* n.2) 327.

<sup>42</sup> Cf. the remarks of W. Liebeschuetz concerning the Christianisation of the adjacent region of Syria: "Problems Arising from the Conversion of Syria," *Studies in Church History* 16 (1979) 17–24.

<sup>43</sup> Hopkins (*supra* n.2) 354.

for cultural interchange between the two empires undoubtedly happened on a considerable scale during late antiquity.<sup>44</sup> Yet it is difficult to see how this alone can account for something so fundamental as marriage patterns. The presence of brother-sister marriage in nearby Persia must certainly have helped to keep this pre-Roman tradition alive in Mesopotamia and Osroene as a credible alternative to the Roman pattern of marriage, but it does not explain why some inhabitants opted for that alternative. Other considerations must have determined this choice. If, as Justinian's law says, the majority of those practising close-kin marriage were peasants, then an obvious consideration for them will have been a concern to prevent the dispersal of land. In the absence of any knowledge about patterns of land-holding in these provinces, however, this suggestion must remain highly speculative. In the end one must acknowledge that the available evidence is insufficient to allow firm conclusions about the origins of the practice or reasons for its persistence. Another speculative conclusion does, however, seem reasonable. Justin's law offers no strategy for prevention other than the denunciation and penalties which the very issuing of his own law shows not to have worked for Justinian. There is therefore no reason for assuming that the history of close-kin marriage in the region reached its final chapter during Justin's reign.<sup>45</sup>

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<sup>44</sup> Cf. P. Brown, "The Diffusion of Manichaeism in the Roman Empire," *JRS* 59 (1969) 92-103, and F. Millar, "Paul of Samosata, Zenobia and Aurelian: The Church, Local Culture and Political Allegiance in Third-century Syria," *JRS* 61 (1971) 1-17, in both of which further references will be found.

<sup>45</sup> I am very grateful for comments, criticism, and encouragement above all to Professor Keith Hopkins, to Professors Robert Browning and Averil Cameron, and to Drs Peter Laslett, Sheilagh Ogilvie, and Jonathon Shepard. They are not, however, responsible for any errors, nor should this be taken to imply their endorsement of the conclusions presented in this paper.