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الزواج والطلاق

Jaana Toivari-Viitala

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MARRIAGE AND DIVORCE
الزواج والطلاق

Jaana Toivari-Viitala

Ehe und Scheidung
Mariage et divorce

Marriage formed a central social construct of ancient Egyptian culture. It provided the normative framework for producing children, who would act as one's rightful heirs. The latter were responsible for performing one's funerary cult, thereby securing one's eternal life. The economic effects of marriage were also notable. The husband, wife, and children were all perceived as having equal rights to the conjugal joint-property consisting of a 1/3 share each. In addition to this, the spouses might own private property of their own. As marriage modified many aspects of daily life such as social status, domicile, and the intricate network of interpersonal rights and obligations, it was not a relationship entered into at random. A sequence consisting of a choice of partner followed by an exchange of gifts and assets preceded the actual marrying. Once the marital status was a fact, both parties were expected to abstain from extramarital relationships. However, it was possible for men to have several wives.

شكَّل الزواج بنية اجتماعية أساسية في الثقافة المصرية القديمة ، حيث أعطي الزواج الإطار المعياري لإنجاب الأبناء اللذين يؤدون دور الورثة الشرعيون لأبائهم، وكان على الأبناء القيام بالطقوس الجنائزية الخاصة بأبائهم ليضمنوا لهم الحياة الأبدية. كما كانت الآثار الاقتصادية للزواج ملحوظة ، حيث كان لكلاً من الزوج والزوجة وأبنائهم حقوق متساوية في الممتلكات الزوجية المشتركة بنسبة ثلث الممتلكات لكل منهم. بالإضافة إلي ذلك، كان في استطاعة أحد الزوجين الاحتفاظ بممتلكات خاصة به أو بها. كما كان للزواج الأثر في تعديل جوانب عدة من الحياة اليومية، مثل الوضع الاجتماعي والمسكن، وشبكة معقدة من الحقوق والإلتزامات ما بين الأشخاص، فلم يكن الزواج علاقة يتم دخولها عشوائياً. ولكن كان يسبق الزواج سلسلة من الأحداث تبدأ باختيار الشريك، ويليها تبادل الهدايا والممتلكات والتي تسبق الزواج الفعلي ،وحين يصبح الزواج حقيقيا ، كان يتوقع من كلا الطرفين الإمتناع عن إقامة علاقات خارج إطار الزواج، وكان من الممكن للرجل أن يكون له أكثر من زوجة.

Interpersonal relationships interpreted in terms of "marriage" appear to exist in practically all cultures. However, the specific features of such relationships are quite diverse, often influenced or determined by a number of various factors to a point where one may argue that all universal definitions of marriage are in vain (Leach 1961: 105; Needham1971: 5 - 8). Thus, contextualization plays a key role when analyzing marriage and

divorce. The general conclusion that marriage is a bundle of rights (Leach 1961: 105) befits the ancient Egyptian case. Moreover, in view of textual evidence dating to the New Kingdom (1548 - 1086 BCE), marriage may be defined as a contract. Local customs and social status most likely made their mark on the specifics of any actual marriage process. The wedding of a pharaoh was different from that of a poor farmer. Marriage practices appear also to have become somewhat modified as times changed.

Methods and Problems of Analysis

There are numerous studies on ancient Egyptian marriage. Some focus on time period (e.g., Allam 1977, 1983; Fischer 2000), geographical location (e.g., Toivari 1998; Toivari-Viitala 2001: 15 - 95, 2002), or type of source material (Allam 1984; Johnson 1994; Lüddeckens 1960; Martin 1999; Pestman 1961; Whale 1989). Marriage features also in studies dealing, for example, with ancient Egyptian law (e.g., Boochs 1999; Jasnow 2003a, 2003b, 2003c; Lippert 2004; McDowell 1990; Seidl 1957; Tanner 1967), ancient Egyptian women (e.g., Lesko 1989; Robins 1993), or kinship (e.g., Whale 1989), whereby legal and gender studies as well as cultural anthropology respectively provide methodological tools for the analysis. However, trying to match the ancient source material to theoretical and methodological frameworks and rhetoric is not unproblematic. Moreover, as the evidence is limited to a relatively modest number of various types of written references and pictorial material, often with quite specific agendas and spread over some thousands of years, any analysis made is inevitably incomplete.

Main Sources: An Overview

The earliest text references to marriage originate from Old Kingdom (2670 - 2168 BCE) tomb inscriptions, various types of tomb equipment, and other monuments. The owner of these was usually a male official belonging to the elite of the society. Monuments owned by women are few. In

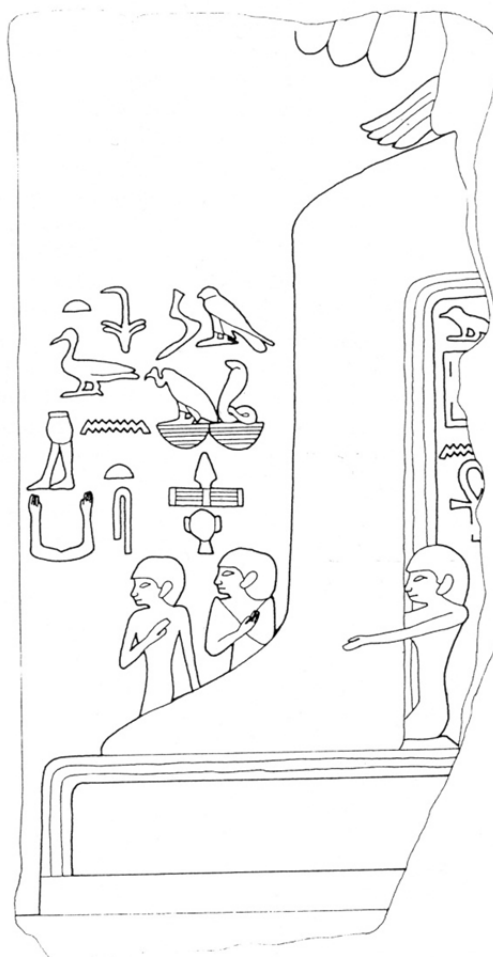cases where a tomb was shared by the spouses (fig. 1), a phenomenon becoming more

Figure 1. A fragment of a scene from a shrine from the temple of Ra at Heliopolis with the first depiction of the royal family: Djoser with his wife, daughter, and possibly his mother.

common during Dynasties 4 - 5 (2600 - 2350 BCE), the woman was usually given a secondary place (Fischer 2000: 3 - 4; Grajetzki 2007: 18, 2009: 157; Roth 1999). Exceptions to this general tendency do exist however (fig. 2; e.g., Kanawati 2005: 61 - 62, 73 - 75; Vasiljević 2007).

Evidence of marriage obtained from the Old Kingdom source material consists mainly of titles indicating the marital state (often associated with depictions of the spouses), the word used for wife being *ḥmt* and that for

Figure 2. Husband and wife could be depicted on the same scale both in two-dimensional and three-dimensional art. Limestone statue. Old Kingdom.

Figure 3. Despite the fact that children played a central part in the lives of ancient Egyptians, pregnant women are seldom depicted. One of the few examples depicts queen Ahmose in the Deir el-Bahri divine birth sequence.

husband *ḥ3y*. Monuments with this kind of data continue to constitute a notable source of information through Pharaonic history. References to wives outnumber those to husbands. This is to be expected as persons mentioned in tombs were identified through their relationship to the tomb owner, who in most cases was a man. Marking the marital state does not appear to overshadow other titles designating high social rank and functions. References to actual marriages or marrying dating to the Old Kingdom are few (Jasnow 2003a: 119).

Various types of written source material multiply from the Middle Kingdom (2040 - 1640 BCE) onward as literacy and access to written culture increase, yet references with specific information on the marriage process and divorce remain sparse (Jasnow 2003b: 274 - 275). Didactic literature, situated in the circle of the elite, contains some references to male ideals of marriage and family (Johnson 2003: 149 - 151; Lesko 1998: 163 - 171; Toivari-Viitala 2001: 51 - 55). In the *Teaching of*

Ptahhotep (Žába 1956: 41 - 43 [maxim nos. 325 - 338]) one is advised to found a household when one prospers. The wife is to be loved, respected, and provided for while at the same time kept under control. She should not be divorced on light grounds (Junge 2003: 178; Lesko 1998: 166 - 167; Parkinson: 1997: 257, 268 - 269, note 29). Similar ideals, with the additional mention of procreating male children, are articulated also in the *Instruction of Djedefhor* (Helck 1984), the *Teaching of Ani*, which additionally advises not to control an efficient wife but to treat her well (Quack 1994), and the *Teaching of Onchsheshonqy* (Glanville 1955).

Other literary texts also contain references to marriage, such as the *Story of Sinuhe* (Koch 1990) and the *Tale of the Doomed Prince* (Gardiner 1932: 1 - 9). In both tales, the main character is given a foreign woman as a wife. He also receives ample gifts by his father-in-law. In the story of Naneferkaptah in the *Setna* sequel (Spiegelberg 1908: pls. XLIV - XLVII),

a royal sister-brother marriage, for which the sister moves to live with her brother, takes place. The *Setna* sequel also presents the wickedness of a woman (Tabubu) desiring marriage. Wicked wives feature also in the *Tale of Two Brothers* (Gardiner 1932: 9 - 30).

The role of the wife as a child bearer (fig. 3) is highlighted in the *Dialogue Between a Man and His Ba* (Faulkner 1956), where the loss of potential unborn children is presented as more tragic than the death of the wife herself (Parkinson 1997: 157, 2008: 126). Whether such views were common in real life cannot be substantiated, but marriage is unequivocally presented as the appropriate setting for sexual interaction. In literary texts, extramarital liaisons were punishable by death (Eyre 1984: 97; Johnson 2003: 150 - 151). In non-literary texts from Deir el-Medina dating to the New Kingdom, erring individuals of both sexes face less dramatic repercussions (Toivari-Viitala 2001: 153 - 157; see also Galpaz-Feller 2004; Lorton 1977: 14 - 15, 38 - 39). Other sexual offences besides infidelity are mentioned, for example, in threat-formulae and comprise cases of a third party (man or ass) violating or raping a man's wife/"concubine" (Morschauser 1991: 111, nos. 1 - 7, 124, no. 1, 125, no. 1), assaulting both husband and wife (Morschauser 1991: 111, nos. 8 - 9), or alternatively have one of the spouses assault their offspring (Morschauser 1991: 124, no. 2, 125, nos. 2 - 5).

Descriptions of the ideal marriage process in the didactic literature agree partly with references to marrying found in other types of written sources from the Old Kingdom onward. The increase in the number of non-literary texts corresponds with a greater amount of more specific references to various aspects of marital life. The New Kingdom Deir el-Medina source material (Demarée et al. 2007) constitutes, for example, one notable corpus where such data are found (fig. 4). The abundant material from the Late Period (664 - 332 BCE) onward that, in addition to all sorts of informal texts, also comprises standardized deeds such as marriage contracts (fig. 5) offer
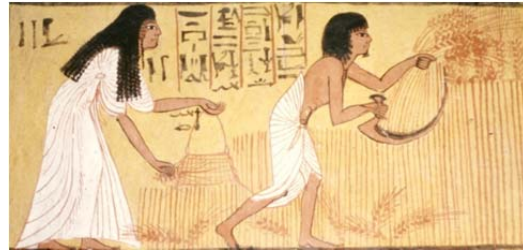

Figure 4. The married couple were expected to continue their conjugal life also in the hereafter. Detail of a wall painting in the tomb of Sennedjem (TT 1).
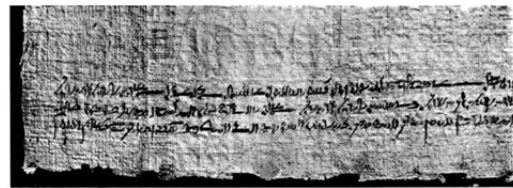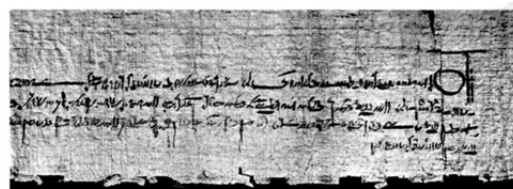

Figure 5. Papyrus Libbey contains a marriage contract dating to the fourth century BCE.

even more in-depth insights into marriage and divorce practices (Johnson 1994; Lüddeckens 1960; Pestman 1961).

Terminology

Marriage in ancient Egypt was predominantly rendered as a male engineered process expressed by the phrase *rdj* X Y *m ḥmt*, "to give X to Y as wife," used from the Old Kingdom onward (Jasnow 2003a: 119; Pestman 1961: 9). The main actor was the father of the woman, as seen, for example, in the 5th Dynasty inscription of the High Priest of Ptah Ptahshepses (fig. 6; Dorman 2002): [*r*]*dj n=f ḥm=f s3t wrt nswt M3ˁt-ḫˁ m ḥmt=f*, "His Majesty gave to him the King's eldest daughter Maatkha as his wife" (Sethe 1933: 52,2). Such a practice is mentioned also in literary texts dating from the Middle and New Kingdom into the Late Period (The Doomed Prince 5,5 - 5,6, 6,1 - 6,2, 7,4, see Gardiner 1932: 3,7 - 9,

Figure 6. Part of the inscription from the mastaba of Ptahshepses.

4,8 - 9, 6,8 - 9; Sinuhe B 78 - 79, see Koch 1990: 40,9; Setna I: 3,5, see Spiegelberg 1908: pl. XLVI; see also Pestman 1961: 8 - 9). In the *Story of Sinuhe*, the verb *mnj*, "to moor," is used instead of the verb for "to give" however (Sinuhe B 78, see Koch 1990: 40,9).

Another frequently used phrase for marrying *jrj m ḥmt*, "to make as a wife," presents the husband as the agent in the marrying process (Allam 1977: 1168; Pestman 1961: 9; Toivari-Viitala 2001: 70 - 72). In the New Kingdom Papyrus Chester Beatty V (verso 2,6), the wording is juxtaposed with the phrase used for bringing up children, "Make for you a wife when you are a youngster and teach her to be a human/woman" (Gardiner 1935: pl. 27,6). Thus, the man is said to make a woman his wife and additionally educate her into socially recognized adulthood (Toivari-Viitala 2001: 70 - 71). Marriage constituted a change of status whereby women became wives, men husbands. Additionally, marriage could apparently also function as a mark of adulthood for a woman, whose status of "she being a married woman" (*jw=s m ḥmt*) or "having been a married woman" (*wn m ḥmt*) is often mentioned in the written documentation (Toivari-Viitala 2001: 72 - 74).

Men are seldom labeled as husbands (Fischer 2000: 3, 56, note 22; Toivari-Viitala 2001: 73 - 74), and only in the Late Period does one find occasional references where a woman is the active party "making a husband" (*jrj hy*; Allam 1977: 1168 - 1169; Pestman 1961: 9).

Other titles that could be used as designations for married women were *nbt pr*, "lady of the house," *st ḥmt*, "woman," *ḥmt ṯзy*, "man's woman," *snt*, "sister," *jryt n ḥms/n wnm*, "living/eating companion," *rmṯ*, "female person," *ḥbswt*, "wife(?)/concubine(?)," *ꜥnḫ(t) n njwt*, "citizeness" (Toivari-Viitala 2001: 15 - 48). The alternative designation used for husband was *ṯзy* (Pestman 1961: 10, note 5).

In addition to status, spatial aspects of marriage were focused on in the terminology employed. Identifying such designations is, however, problematic as independent segments of society with specific sets of specialized terminology did not exist. Thus the phrase "to found a household" (*grg pr*) appears to have been used to signify both marriage and endowment (Pestman 1961: 10; Toivari-Viitala 2001: 68 - 69, 75 - 76). To "enter a house" (*ꜥḳ r pr*) might designate

marrying. It might also refer to literally stepping into a house, cohabiting or having (illicit) sexual intercourse (Pestman 1961: 10; Toivari-Viitala 2001: 74 - 75). Other phrases that are challenging to interpret correctly are "to sit/live together" (*ḥmsj jrm/m-dj*), "(to be) together with" (*m-dj*), and "to eat together with" (*wnm m-dj*; Pestman 1961: 10; Toivari-Viitala 2001: 76 - 83).

Partner Choice

References to marriage in various literary texts seem to advocate unions between social equals. However, in the story of *The Doomed Prince* the main character, disguised as a chariot warrior's son, manages to be given another prince's daughter as wife before his true noble birth is revealed (The Doomed Prince 6,16 - 7,5, see Gardiner 1932: 6,1 - 10). In this case, the young man is said to have personal qualities that make up for the lack of the right social background. In real life, personal social upward mobility through marriage did occur both among the elite and common people. Occasionally even slaves could be freed and adopted and subsequently married into their previous owners' families (Pestman 1961: 8). That a spouse was of foreign origin was not entirely unheard of either (Allam 1983: 118; Jasnow 2003c: 324). The Egyptian royal families used marriage alliances as part of their international diplomatic strategies (Meier 2000; Schulman 1979).

As monuments of various types belong mostly to the royal family and the elite, persons mentioned on these are more or less of equal social background (excluding occasionally featured servants). Middle Kingdom inscriptions convey that some marriages were contracted between elite families from neighboring areas rather than between families from one and the same location. Thus, a marriage union could be used as a means to form alliances and networks on various levels of society, in a similar way the royal family tied marital bonds in order to reach political and diplomatic ends (Grajetzki 2009: 161-168; Wilfong 2003: 343).

The source material pertaining to the New Kingdom royal tomb-builders' community at Deir el-Medina indicates that marriages in the village were contracted mainly between locals, although there are some cases where a spouse is attested as coming from elsewhere. Many of the couples in the village shared a background of equal social rank. Moreover, existing kinship ties can be attested between a few of the spouses. It is mostly first cousins who were married to each other, but there might also be a couple of cases where a paternal uncle married his niece and a case where a man might have been married to his maternal aunt (Toivari-Viitala 2001: 56 - 60). One of the couples at Deir el-Medina appears to have been brother and sister (Frandsen 2009: 38). The references are, however, too few to substantiate statistical estimates regarding partner choice at Deir el-Medina.

Marriage between close kin was no taboo in ancient Egypt, but the evidence for such couplings outside the royal family is meager (Frandsen 2009). A possible, and as it would seem, the earliest attested case of a brother-sister marriage (dating to the 6th Dynasty, 2350 - 2200 BCE) is found in the tomb of Hem-Ra/Isi I at Deir el-Gabrawi (Kanawati 2005: 39). From Middle Kingdom sources at least two certain and another three possible marriages between half-siblings have been attested (Černý 1954: 25 - 27; Fischer 1957: 231, note 47; Frandsen 2009: 38). There are also some attested New Kingdom and Late Period sibling marriages in addition to the above mentioned Deir el-Medina case (Černý 1954: 23 - 24, 27 - 29; Frandsen 2009: 38 - 39), but the practice does not seem to have been specifically common until the Ptolemaic and Roman Periods (332 BCE - 394 CE; Černý 1954: 23 - 24; Frandsen 2009: 39, 48 - 50; Shaw 1992; Wilfong 2001: 344).

Unions between fathers and daughters are occasionally mentioned within the royal family, but they appear not to have occurred among commoners. As sexual intercourse between parent and child is presented as a deterrent in the threat-formulae (Morschauser 1991: 124, no. 2, 125, nos. 2 - 5), such unions

were probably considered inappropriate, at least among non-royal persons (Frandsen 2009: 39 - 40, 43 - 44).

Men could choose for themselves more than one wife, as there exists some evidence that polygamy was practiced from the Old Kingdom onward (if not even before) also outside the royal family, where pharaoh as a rule had a great number of spouses (Allam 1977: 1166 - 1167; Fischer 2000: 4, 57, notes 30 and 31; Kanawati 1976, 2005: 60 - 78; Morschauser 1991: 80, nos. 5, 6, 8; Simpson 1974; Toivari-Viitala 2001: 87 - 89). However, it is not always possible to ascertain with certainty whether one is faced with evidence of polygamy or serial monogamy, where a second wife is taken only after a first one has died. On the whole, it seems that polygamy was not a very common practice outside the royal family. Cases where wives would have several husbands, i.e., polyandry, are unattested.

In the 5th Dynasty biography of Ptahshepses, pharaoh chooses Ptahshepses as the husband for his daughter "because His Majesty desired that she be with him more than with any other" (Sethe 1933: 52,3). Although a number of marriages appear to have been arranged, emotional attachment could have played a part in the choice of partner (Grajetzki 2009: 161 - 168). Many epithets featuring in inscriptions contain some form of the verb "to love," indicating that a person is beloved of, for example, a god, the king, or an official. That is, mostly of someone of higher rank (Doxey 1998: 131 - 137). Bestowing love on one's inferiors was considered a good deed. As the most common designation for a married woman mentioned in various monuments was "his beloved wife," marriage was most likely perceived as encompassing love, albeit between two spouses who possibly were not of an entirely equal status. The love and longing articulated in love songs composed during the New Kingdom, on the other hand, are male constructs (Mathieu 1996: 158, 172 - 173) with little focus on marriage (Toivari-Viitala 2001: 56 - 57).

The material is somewhat vague regarding when one should enter into matrimony (for the first time). The ideal age for the bridegroom was probably when he had established himself in a profession. The bride might have been in her early or late teens. Such age groups feature in texts referring to marriages dating to Late and Ptolemaic and Roman Periods (Allam 1977: 1163 - 1164).

Parties Involved in the Marriage Process

Evidence regarding parties involved in the marriage process is sparse. In references where a woman is said to be given as a wife, the key agent is the woman's father. One may, however, suggest that the whole household took part in the event, as probably did the family of the groom also. There are occasional references in non-literary texts dating to the New Kingdom where one finds, for example, one groom interacting with a maternal uncle of the bride, another with his bride's adoptive mother (Toivari-Viitala 2001: 60 - 61). One might also turn to goddesses, such as Hathor (fig. 7), and ask for help in getting a wife (Sadek 1984: 78).

Figure 7. People could turn to the goddess Hathor at Deir el-Bahri and ask her to provide a wife.

The role of the family in the marriage process becomes more visible in the Late Period (Pestman 1961). Moreover, a change of practice occurs from the 26th Dynasty onward, when some marriage contracts register the phrase "I have taken you as a wife" whereby emphasis shifts from the father of the bride to the groom, who now addresses his bride directly (Allam 1983: 120; Pestman 1961: 12 - 13). Non-literary texts do not portray the bride as an active part in the process before the Late Period, but from then on statements such as "you have taken me as your wife" are occasionally recorded (Pestman 1961: 9). However, already in earlier periods, in literary texts such as *The Doomed Prince* (The Doomed Prince 6,15 - 6,16, see Gardiner 1932: 5,14 - 15) and the story of Naneferkaptah in the *Setna* sequel (Setna I: 3,5, see Spiegelberg 1908: pl. XLVI), the girls are active in order to get their ways regarding partner choice.

Marriage embodied legal, economic, and social rights and obligations, which affected social networks in a community. Thus, also a larger group of friends and neighbors must have taken some interest and involved themselves on some level in marriage arrangements (Toivari-Viitala 2001: 60 - 61). Regarding the royal family, several officials were probably needed for the practical arrangements (Setna I: 3,5, see Spiegelberg 1908: pl. XLVI).

Formalities Associated with the Marriage Process

Bringing a marriage about firstly requires choice of partner, which involves negotiations and agreements. In most cultures exchanges of various goods and assets generally referred to as bridewealth and dowry then follow (Goody and Tambiah 1973). The term *grg pr*, "to found a house(hold)," was used as a label for gifts given by parents when their children got married (Toivari-Viitala 2001: 68 - 69). The phrase *fȝy gȝyt*, "carrying of a bundle," found in a few texts from the New Kingdom, a time period when the culture was still predominantly oral (Haring 2003), designates goods and services provided by the groom to the bride's family (Toivari-Viitala 2001: 61 - 67, 2002: 615 - 616). After carrying the bundle, the "making of a wife" is said to have taken place. A local court case documented at Deir el-Medina (Černý 1986: pls. 16/a - 17/a) deals with a third party's sexual involvement with a married woman. This is reported as a crime since the two above mentioned actions had been duly performed. Thus, a violation against a socially acknowledged binding agreement (or contract) could be reported to the local court, a more formal environment than that of direct interpersonal problem solving (Allam 1973; McDowell 1990; Toivari 1997).

Formal measures to safeguard a daughter's position in the marriage regarding property rights, divorce, and ill treatment could also be undertaken. The husband might be made to swear oaths, such as the ones recorded in Ostracon Bodleian Library 253 and Ostracon Varille 30 (Černý and Gardiner 1957: pls. LXIV:2, XLIX:4), which contained notable penalty clauses if the given promises were broken (Lorton 1977: 42; Toivari-Viitala 2001: 86, 94, 114). Also so-called *jmt-pr* documents relating to property disposition could be drawn up. In the Late Period, the types of documents made in association with marriage multiply and become more standardized (Lüddeckens 1960; Pestman 1961). The most common of these are the Demotic *sẖ n sꜥnẖ* annuity contracts made by the husband to his wife and *sẖw n ḥmt* documents guaranteeing the wife's right to the marital property (Wilfong 2001: 342).

Divorce

A marriage came to its end with the demise of one of the spouses or due to reasons such as infertility, other physical defects, unfaithfulness, or lack of love. Although social norms appear to have encouraged married couples to stay together, divorces and re-marriages were quite common.

The husband was often the instigator of a divorce. Most of the women did not have a professional career, so their economically and socially weaker position probably encouraged

them to try to keep a marriage together at some length. The phrase designating divorce *ḫꜣꜥ (r bnr)*, "to throw (out)," was used by men. It reflects the living arrangements by the termination of a marriage. The woman had to leave the conjugal home. There are some indications that she additionally also had to leave the children with the husband. When a woman is said to end a marriage, the word *šm*, "to go (away)," was used (Toivari-Viitala 2001: 90 - 93).

In New Kingdom sources, one finds cases where divorce is referred to with the verb *ꜥrḳ*, "to swear." The location for this event was the local court. A text listing divorces, Ostracon A. Gardiner 19 (Kitchen 1989: 253), and some other documents recording property settlements made in connection with divorces indicate that ending a marriage indeed required some formal proceedings (Jasnow 2003c: 235; Toivari-Viitala 2001: 93 - 95).

Moreover, there is a general rule regarding property rights recorded on an ostracon, Ostracon DeM 764 (Grandet 2000: 48, 166), where the wife is said to have a right to 1/3 of the property while 1/3 was for the husband and 1/3 for the children. As the children stayed with the father, he was left in charge of the children's portion also (Eyre 2007: 230; Toivari-Viitala 2003). It would appear that the term *sfr*, previously interpreted as dowry (Černý and Peet 1927: 32, 35, note 18), could be used for the aforementioned 1/3 of conjugal joint-property allotted to the woman (Allam 1968: 151 - 152; Pestman 1961: 153).

A divorced woman lost her status as wife. She became an "ex-wife" (*ḥmt ḥꜣty*), yet she retained her status as mother of her children (fig. 8). She might seek lodgings at her parent's or brother's place. Other relatives or her in-laws (e.g., Ostracon Petrie 61; Černý and Gardiner 1957: pl. XXII:4) might also provide her with shelter. In this respect, the situation of a divorced woman could resemble that of a widow with little property (e.g., Willems 1991). There seems to have been a strong tendency for both men and women to remarry. A second marriage was not always

free of complications for the women, however. In the Late Period temple oaths, ex-husbands are made to swear that they will leave their ex-wives in peace (Kaplony-Heckel 1963). Thus, cases where jealous ex-husbands harassed their former wives probably existed.
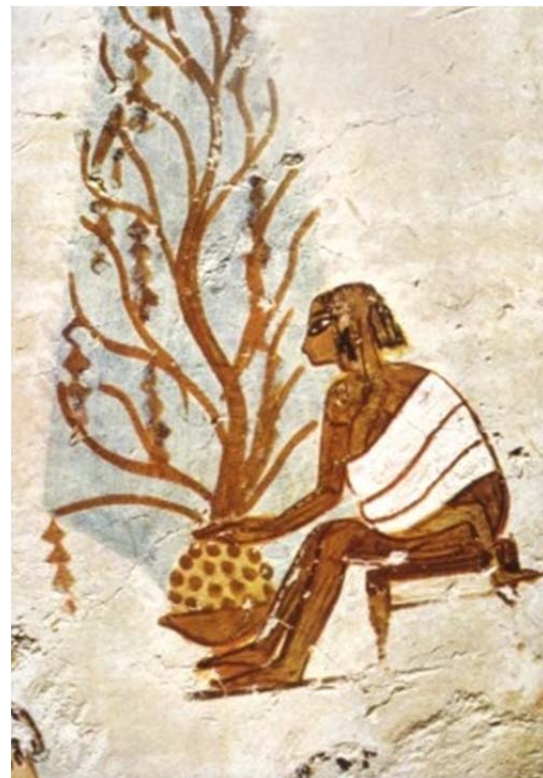

Figure 8. Even if the father was granted custody of the children when a couple divorced, the woman kept her status of mother of the children. Detail of a wall painting from the tomb of Menna (TT 69).

Social, Economic, and Legal Implications of Marriage and Divorce

Marriage functioned as the prescribed social construct for the procreation of offspring (Eyre 2007). The children secured one's eternal life by sustaining one's funerary cult (fig. 9). They were one's rightful heirs, who continued the family line on earth. Thus, marriage could be described as cohabitation with intent to reproduce (Wilfong 2001: 341). Ideally the cohabitation came about by the spouses setting up a home of their own. They

Figure 9. Children were expected to uphold the funerary cult of their parents. Detail of a wall painting from the tomb of Anherkhawy (TT 359).

Figure 10. The parents of the spouses could play an important role in the life of the married couple also in the hereafter. Detail of a wall painting from the tomb of Pashed (TT 3).

might alternatively move in with the parents of either party (Allam 1977: 1167; Toivari-Viitala 2001: 86 - 87). In addition to being a spatially visible construct and marking social status, marriage also caused notable rearrangements in wider and intricate social networks entailing interpersonal rights and obligations (e.g., fig. 10).

One great concern, often apparently requiring written documentation from the Old Kingdom onward, was title to property (Eyre 2007). In addition to references where husbands and wives pass on property to their offspring (Eyre 1992; Goedicke 1970: 17 - 18, 31 - 43, 108 - 112, 144 - 148), husbands sometimes bequeathed property (or right to income) to their wives (Goedicke 1970: 21 - 30, 122 - 130, 131 - 143, 186 - 189; Johnson 1999: 169 - 172). These texts do not specify rights to the matrimonial joint property, as is done in the guideline recorded in O. DeM 764, mentioned previously. The latter document highlights the children's importance, irrespective of gender, as additional holders of rights to the conjugal joint property alongside their parents. Although joint property was part of the marriage construct, the spouses could own

private property also. This is seen clearly in documents dating from the Late Period onward (Allam 1989). In addition to existing family ties, providing for a deceased's funeral could provide the right to inherit such property (Janssen and Pestman 1968).

Material dating to the Late Period also contains more specific information on intra-familial dynamics in relation to various types of rights and obligations (Allam 1983: 120 - 123; Pestman 1961). One concept featuring in these sources is, for example, the "right to a wife" (*ḥp n ḥmt*), which may refer to the man's

exclusive sexual right to his wife (Allam 1977: 1169). The term is not attested from earlier periods.

On the whole it seems safe to assume that the families as well as the community at large during all periods of Pharaonic history probably exercised some control in order to have expectations associated with marital life followed. It is, moreover, possible that there were diverse types of normatively accepted liaisons or "marriages" embedded in the intricate social texture (Seidl 1957: 56; Toivari-Viitala 2001: 84 - 85).

Bibliographic Notes

Erich Lüddeckens's publication of a corpus of Late Period marriage contracts (Lüddeckens 1960) followed by Pieter Pestman's in-depth analysis of the aforementioned documents (Pestman 1961) still provide the basic cornerstones of our knowledge on marriage in ancient Egypt. In recent years, studies focused on other Egyptological sub-fields keep contributing to our understanding of marriage and divorce in ancient Egypt.

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Figure 1.   A fragment of a scene from a shrine from the temple of Ra at Heliopolis with the first depiction of the royal family: Djoser with his wife, daughter, and possibly his mother. (Roth 1999: 54, fig. 11.)

Figure 2.   Husband and wife could be depicted on the same scale both in two-dimensional and three-dimensional art. Limestone statue. Old Kingdom. The Louvre, Paris. Photograph by the author.

Figure 3.   Despite the fact that children played a central part in the lives of ancient Egyptians, pregnant women are seldom depicted. One of the few examples depicts queen Ahmose in the Deir el-Bahri divine birth sequence. Photograph by the author.

Figure 4.   The married couple were expected to continue their conjugal life also in the hereafter. Detail of a wall painting in the tomb of Sennedjem (TT 1). Courtesy of the Finnish Egyptological Society Archive, Rostislav Holthoer collection.

Figure 5.   Papyrus Libbey contains a marriage contract dating to the fourth century BCE. (Spiegelberg 1907: 27, pl. I. 10.)

Figure 6.   Part of the inscription from the mastaba of Ptahshepses. (Mariette 1885: 112 C.1.)

Figure 7.   People could turn to the goddess Hathor at Deir el-Bahri and ask her to provide a wife. Photograph by the author.

Figure 8.   Even if the father was granted custody of the children when a couple divorced, the woman kept her status of mother of the children. Detail of a wall painting from the tomb of Menna (TT 69). Courtesy of the Finnish Egyptological Society Archive, Rostislav Holthoer collection.

Figure 9. Children were expected to uphold the funerary cult of their parents. Detail of a wall painting from the tomb of Anherkhawy (TT 359). Courtesy of the Finnish Egyptological Society Archive, Rostislav Holthoer collection.

Figure 10. The parents of the spouses could play an important role in the life of the married couple also in the hereafter. Detail of a wall painting from the tomb of Pashed (TT 3). Courtesy of the Finnish Egyptological Society Archive, Rostislav Holthoer collection.