

in which the wife remained in her father's house and merely received visits from her husband. This marriage form, with freer position of the wife, goes back to a marriage without bride price, in which originally neither the wife nor the children was subject to the power of the husband. It exhibits, however, the tendency to approach the patriarchal marriage by purchase. Traces of a peculiar family organization, in which instead of the father the oldest brother presided over the family, are to be found in the second millennium in Armenia, Arrapha and Elam. This "fratriarchal" family is connected with the family community which expects centralized leadership by the most experienced; that is, the oldest. In this case on the death of the head of the family this leadership passes not to his sons but to the younger brother and so on. In part, for example in Elam, the "fratriarchy" can be explained on the basis of an original matriarchal family, in which the brother replaces the father, who remains outside the family (avunculate). At the time of the sources the fratriarchal family is everywhere in the process of being transformed into the patriarchal.

Inheritance was patriarchal also. According to Sumerian law only the son was an heir, since he alone was able to continue the family. The first born son is given preference in south Babylonian law of the Old Babylonian period as well as in Middle Assyrian and Subaraean law. If the estate of a childless testator was handed over to relatives, it was an acquisition of the estate but not an inheritance. Likewise the daughter was excluded from the line of inheritance, and if she did inherit--because of the absence of sons--she was not called the heir, in such a case circumlocutions were employed; as, for example, "successor to the estate", ridit wan^ukatim in Old Babylonian law. In neo-Babylonian law the line of inheritance was materialized into a mere acquisition of property; the person "obtaining the estate" was the heir. Under such circumstances the will was of no importance. What is found in the way of testaments belongs under the heading of family law, the testator without a son being able to adopt a son as his heir while still alive or at the time of his death (by