

Family Matters: The Levirate Marriage as a Nomadic Custom in Medieval Eurasia

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Family life among medieval Eurasian nomads is still largely unknown due to the scarcity of written sources and the need to rely on ethnographic information originating from disparate chronological and geographical contexts. Thanks to developments in aDNA research, these uncharted territories are being progressively explored. This allows us to re-evaluate past paradigms on ethnicity, family dynamics, and human mobility. This article attempts to reassess the social limits and cultural connotations of the levirate marriage by drawing on recent genetic findings in burial sites of the Carpathian Basin (in today's Austria and Hungary). The term »levirate« refers to a marriage between a widow and her late husband's sibling or other relative. The custom was widespread throughout space and time, although it was particularly common in patriarchal cultures that permitted polygyny and enforced bride price. The paper aims to investigate the practice and rhetoric of levirate marriage in intercultural interactions between sedentary and nomadic communities, as well as within the writers' ethnographic and literary traditions. The article will provide an analysis of ancient and medieval sources discussing levirate and marriage customs among Eurasian nomads coming from both western Eurasia (Greece, Rome, the Caucasus, the Near East, and Europe) and China. Following an examination of the biblical origin of the term levirate and an analysis of the socio-economic impact of this practice, the paper will demonstrate how the authors' varying degrees of familiarity with the custom influenced the cultural significance that they assigned to the practice and will make it possible to place the newly discovered genetic data within a more comprehensive historical perspective.

Keywords: Levirate, marriage, customs, kinship, Eurasian nomads, Scythians, Huns, Oghuz Turks, Mongols, Xiongnu, Sima Qian

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Introduction

In recent decades, the research community has witnessed the emergence of a new approach to the study of history, namely genetic history, also known as archaeogenetics, which aims to answer historical questions by analyzing ancient DNA.¹ In contrast to its beginnings, when historians were not involved in these studies, there are now several projects that connect genetics and history, among which the ERC Synergy Grant project HistoGenes plays a leading role.²

This project brings together archaeologists, anthropologists, geneticists, and historians to analyze and interpret data from burial sites dating from the 5th to the 9th century in eastern Central Europe.³ It has already yielded results from the sampling of cemeteries dating to the 7th to the 9th century at Leobersdorf and Mödling (Austria) as well as at Rákóczi, Kunpeszér, Kunszállás and Hajdúnánás (Hungary).⁴ The analysis of the individuals buried at these sites has revealed an admixture of East Asian and European ancestry.⁵ Moreover, in contrast to the 5th- and 6th-century burial sites in Pannonia, where close biological relatedness was observed in only a few cases (e.g. Hács, Fonyód and Balatonszemes),⁶ genetic sequencing has demonstrated that most individuals within each of the above-mentioned Austrian and Hungarian sites were biologically closely related to each other, allowing large pedigrees of six or more generations to be reconstructed.⁷

In addition to exploring the extent of the link between biological relatedness and social kinship, the pedigrees also provided important evidence of reproductive strategies, with the following characteristics observed: patrilineality, patrilocality, and female exogamy.⁸

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- 1 For recent assessments of the limits and potential of archaeogenetics, see Pohl, *Frühmittelalterliche Migrationen*; Geary, *Herausforderungen und Gefahren*; Geary, *Genetic history*; Feuchter, *Mittelalterliche Migrationen*.
 - 2 Other projects which connect genetics and history are, for example: *Integrating genomic data into migration history: The Langobard example* (Patrick Geary) and *Impact of Diasporas on the Making of Britain* (Joanna Story).
 - 3 For more details on the HistoGenes project, see <https://www.histogenes.org/>.
 - 4 For Leobersdorf and Mödling, see Wang, et al., *Ancient DNA*. For the Hungarian sites, see Gneccchi-Ruscione, et al., *Network of large pedigrees*.
 - 5 Wang, et al., *Ancient DNA*. Gneccchi-Ruscione, et al., *Network of large pedigrees*.
 - 6 Vyas, et al., *Fine-scale sampling*, 3956.
 - 7 From Leobersdorf, 148 samples were analyzed, and from Mödling, 489 samples were examined. For Mödling, a pedigree was created from 356 biologically related individuals, and for Leobersdorf, a six-generation pedigree was created from 111 individuals; see Wang, et al., *Ancient DNA*. 424 individuals from the Hungarian sites have been analyzed. Based on the analysis, a set of pedigrees has been reconstructed which spans 9 generations. See Gneccchi-Ruscione, et al., *Network of large pedigrees*.
 - 8 In Rákóczi, for example, a total of 22 cases were found where individuals had multiple reproductive partners. See Gneccchi-Ruscione, et al., *Network of large pedigrees*, Supplement. Within the Leobersdorf community, 14 cases, and in Mödling, 31 cases have been found. See Wang, et al., *Ancient DNA*.

Furthermore, cases have been identified where closely related men (father-son, brothers, half-brothers, uncles-nephews) had children with the same woman, which may suggest that these communities practiced what is now known as levirate marriage, i.e. a widow marrying a male relative of her deceased husband.⁹

Drawing upon the genetic findings from these Austrian and Hungarian burial sites, this article aims to provide a historical perspective to the study of the levirate custom among Eurasian nomads.¹⁰ The admixture of ancestries, long-distance and rapid migration across Eurasia in the Avar period (6th-8th c.), and strong genetic similarity between early Avar elites and the Rouran in Mongolia¹¹ – all evidence highlighting the strong connection between the eastern and western Eurasian Steppe – make it necessary to focus on historiographical accounts not only from Europe and the Mediterranean but also from China. These two different areas offer very distinct sets of evidence. As only a few individuals from the early medieval period have been found in East Asia,¹² to this day there exists only a very limited amount of genetic data from this part of the world to compare with the results from the West Eurasian sites. On the other hand, while authors from western Eurasia display a very limited knowledge of sexual practices and marriage strategies among nomads until the 13th century, the Chinese perspective, as related in the extant textual sources, provides valuable insights into the practice of levirate that help explain the genetic data in Europe.

As the steppe peoples of pre-Mongolian times left few if any written records, besides some reliefs and inscriptions, we have to bear in mind that we are dealing solely with sources that reflect an outsider's perspective. These sources reveal how writers from sedentary societies reflected on the customs of the steppe peoples, such as the levirate, according to their own worldviews, within their own literary canons, and based on their own personal biases. Thus, this article not only explores how these authors described this form of marriage, but also how they reflected on the custom, and how it served their narratives of othering.

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- 9 Three possible levirate unions were found in Leobersdorf and seven in Mödling. See Wang, et. al, Ancient DNA, Supplement Information Section 7. A total of seven cases of possible levirate unions were identified at the Hungarian sites: »three pairs of fathers-sons, two pairs of full brothers, one pair of paternal half-brothers and one pair of paternal uncle-nephew.« Gneccchi-Ruscione, et al., Network of large pedigrees, Extended Data Figs. 1 and 2. Within this research, the genome-wide data analyzed allowed the investigators to identify and distinguish with high level of certainty between 1) the two different types of first-degree relations existing (i.e. parent-child and siblings) and 2) between first and second degree relations (half-siblings, avuncular and grandparent-grandchild). Most cases of levirate unions described in Gneccchi-Ruscione, et al., Network of large pedigrees, were identified because researchers had data for all or most of the individuals involved in the levirate unions and therefore they could directly detect that first degree related males (parent-child or siblings) had children with the same female individual partner.
- 10 Some comparisons have already been made between historical and genetic data, such as Lee, Comparative Analysis.
- 11 See Gneccchi-Ruscione, *et al.*, Ancient genomes reveal.
- 12 Jeong, *et al.*, A dynamic 6,000-year genetic history, 19. By contrast, there are more genetic data from the Xiongnu era; see, for example, Jeong, *et al.*, A dynamic 6,000-year genetic history; Lee, *et al.*, Genetic population.

After discussing the origins of the term »levirate« and its characteristics within the biblical tradition, the article examines the practice of levirate, alongside related customs such as bride price and polygamy, in various societies, in particular the peoples of the Eurasian steppe. Even though our main focus is to explore the ethnographic meaning of levirate, i.e. the perceptions and narratives related to such a custom in the extant texts, the article will also consider the levirate from an anthropological perspective, that is to say as a performed custom, since in many societies the levirate was, and in some places still is, a matter of practice and not just of theory.

The article will offer a thorough examination of historiographical sources from western Eurasia and China, which describe the levirate as a widespread custom among Eurasian nomads and refer to specific cases of leviratic marriages. When working with these texts, it is important to take into consideration preceding historiographical accounts that established recognizable topoi and functioned as sources of information for our texts.

The goal is to highlight elements of continuity and rupture across different historical periods and cultural milieus, revealing how levirate marriage could serve to substantiate narratives of othering. By following an interdisciplinary and multicultural approach, the article intends to explore both the practice and discourse of levirate marriage in the intercultural communications between sedentary and nomadic societies, as well as within the ethnographic and literary traditions of our authors.

Levirate: The Biblical Tradition

Then Judah said to Onan, »Sleep with your brother's wife and fulfill your duty to her as a brother-in-law to raise up offspring for your brother.« But Onan knew that the child would not be his; so whenever he slept with his brother's wife, he spilled his semen on the ground to keep from providing offspring for his brother. What he did was wicked in the Lord's sight; so the Lord put him to death also.

Genesis 38.8-10

While focusing on the life of Judah, the Bible recounts the story of his secondborn Onan and his daughter-in-law Tamar. The latter had been married to Judah's firstborn Er, but since he was evil, God punished him with death. Onan is thus required to marry Tamar and beget a son for his deceased brother. However, Onan refuses to procreate with Tamar and practices what seems to be coitus interruptus. The unusually graphic description of Onan's act, which aims to provoke disapproval and disgust, and the severity of the punishment – Onan is swiftly put to death – indicate that Onan was guilty of a grave sin in the eyes of God.¹³

However, today, to anyone aware of the story of Onan, the episode stands almost exclusively as an admonishment against masturbation. For someone who has received a Christian education, the behavior of Onan may be considered as both morally reprehensible and harmful to his health. Onan indulged in an unclean act, which was not only a sin, but also the cause of a plethora of diseases, of which the most famous and perhaps most lasting one in the collective consciousness was blindness.

13 On this chapter, see Peterson, *Genesis*, chapter 38. On the sins committed by Onan, see Saad, *Sin of Onan*, 62-66.

However, such a moralistic and »medical« understanding of this biblical passage is the result of relatively recent moral-theological debates in Protestant, more specifically Calvinist and Puritan, circles. Compared to other sexual acts deemed as immoral, such as sodomy, adultery, and fornication, masturbation remained a peripheral theme in moral and religious writings throughout Antiquity and the Middle Ages.¹⁴ More specifically, Onan, his story, and his name became synonymous with masturbation only in the 18th century after the publication of two highly influential texts: the pamphlet *Onania: or, the heinous sin of self-pollution* (1716) and the medical treatise *Onanism* by Samuel-August Tissot (1760).¹⁵

Before Onan became the symbol of moral and physical depravation connected to masturbation, the story was interpreted as a warning against non-procreative sexual activity by Early Christian and late antique authors. Even though he makes no explicit reference to Genesis 38, Clement of Alexandria (c. 150-c. 215 CE) seems to allude to the story of Onan and Tamar when he considers any sexual intercourse, if not with a wedded wife, a waste of the seed.¹⁶ Jerome (345-420 CE) and Epiphanius of Salamis (310/20-403 CE), however, mention Onan explicitly. In the *Adversus Jovinianum*, Jerome proposes the condemnation of any non-procreative sexual activity as a Christian axiom,¹⁷ whereas Epiphanius of Salamis, in his *Panarion*, condemns a group of heretics called »Origenists« for being guilty of replicating the infamy of Onan, that is to say, the satisfaction of their sexual appetites without the purpose of procreation.¹⁸ There is therefore a moral interpretation of the story: God punished Onan because he ejaculated his sperm onto the ground instead of into Tamar's womb.¹⁹ However the tale of Onan deals primarily with a specific custom: the levirate.

Derived from the term levir, the Latin word for the husband's brother, the levirate decrees that a widow should marry a close kinsman of her deceased husband.²⁰ In the Hebrew Bible, the levirate marriage, the *yibbum* (Heb. יִבְיָם), is between a widow whose husband died childless (the *yevamah*) and the brother of the deceased (the *yavam*).²¹ Beyond Gen. 38, which offers the oldest narrative in which the practice is prescribed, the scriptural bases for the institution are Deuteronomy 25.5-10 and Ruth 4.²² In particular, Deuteronomy 25.5-10 offers the legal framework of the custom. The text specifies to whom this rule applies (brothers living together), the specific conditions that have to occur at the time of death (the deceased died without an heir), the prohibition of marrying outside the family for the widow, and the status of the first-born from the levirate union (he will carry on the name of the dead brother).

14 To find a work dedicated to this subject, one has to wait until the 15th century, when Jean Gerson (1363-1429), chancellor of the University of Paris, authored the treatise *De confessione mollitiei*; Murray, *Men's bodies*, 18-21.

15 On the sources and historical context of the *Onania*, see Stolberg, *Self-pollution*.

16 Clement of Alexandria, *Paedagogus* 2.10.91-92, ed. Marcovich, 124.

17 Jerome, *Adversus Jovinianum* 1.20, PL 23, col. 249.

18 Epiphanius of Salamis, *The Panarion, Against the Origenists*, 1.4-5, trans. Williams, 131.

19 On the verb (שָׁדַד), i.e. whether it derived from a root meaning »to waste« or another one meaning »to let flow«, see Tropper, *Was machte Onan. On the ritual meaning of Onan's act and the possible parallels in other societies*, see Grelot, *Le péché de Onan*.

20 For a definition, see Malbrancke, *Levirate*.

21 See the entry in Drori, *et al.*, *Levirate marriage and Ḥalīzah*.

22 For a thorough examination of this institution as described in the Bible and in Rabbinic Judaism, see Weisberg, *Levirate Marriage*. Describing the marriage between Ruth, a Moabite widow, and Boaz, Ruth 4 has not always been considered by Jewish exegesis as a leviratic marriage, since it involved not the brother of the deceased but a more distant relative and thus diverged from both Gen 38 and Deut 25.

While as a general rule the Hebrew Bible prohibits a man from marrying his brother's wife (Leviticus 18.16, 20.21), describing the act as both a dishonor for the brother and impure, the necessity of providing an heir to the deceased trumps such moral prescriptions, and a leviratic marriage becomes a duty.

The custom involves three contracting parties. The first is the deceased husband, to whom the practice accords the right to have an heir so that »his name will not be blotted out from Israel.« The second one is the childless widow, a vulnerable member of society, who by marrying her late husband's brother can find both economic support and the prospect of a child. Finally, there is the levir, the late husband's brother, who appears to be the one with the least to gain from the levirate. While he acquires a wife with little or no outlay, he is called to beget a child, more specifically a son for his brother, who will not be considered his own and will eventually deprive him of a share of his father's inheritance. In the event of a refusal to contract such a marriage by the levir,²³ the biblical text allows for an alternative ceremony called *Ḥalīzah* (Heb. חֲלִיצָה). The latter, to be enacted in front of the elders, involves the widow pulling a sandal off the levir's foot, spitting in his face and declaring that this shall be done to the »man who will not build up his brother's family line.« After the *Ḥalīzah*, both the levir and the widow are released from levirate duty.

While some Jewish communities, such as Beta Israel²⁴ and the Karaite Jews,²⁵ have refrained from practicing levirate marriage in the post-biblical period, Rabbinic Judaism upheld the practice but tended to adjust it in order to meet the needs of the levir, to the detriment of the claims of the late husband.²⁶ Initially considered as a special form of marriage, in which the levir acted as a surrogate of his late brother, levirate unions became »normative« marriages, with the same characteristics as every other marriage involving widows. Thus, on the wedding day, the estate of the deceased was bestowed to the levir, who also obtained the paternity of the children born in such union. These changes made the custom much more attractive to the levir, who could inherit his brother's property and acquire a wife for himself. Furthermore, in the course of time, the ceremony of the *Ḥalīzah*, which originally aimed to shame the levir, became a completely acceptable alternative and in some communities even took priority over levirate marriage.²⁷

23 On the other hand, the text does not acknowledge the possibility of the widow rejecting the levir.

24 Beta Israel refers to the Jewish community that inhabited the region of the Kingdom of Askum; see Ziv, *Levirate marriage in Beta Israel*.

25 Karaite Jews, staunch opponents of Rabbinic Judaism, based their rejection of the yibbum on the interpretation of the Hebrew word for »brother« (Heb. אָח) as signifying the more indefinite term »relative« (a translation substantiated by other biblical passages, which consider »brothers« the »co-dwellers« in the land). On this lexical ambiguity in the case of Lot, see Rickett *Separating Abram and Lot*, 158-182.

26 See Weisberg, *Levirate Marriage*, 195-205.

27 On specific Jewish communities and scholars, see Drori, *et al.*, *Levirate marriage and Ḥalīzah*, 726-727.

It is possible to recognize such a changing attitude towards the law of levirate already in the Greek translation of the Hebrew Bible, the so-called LXX.²⁸ Prepared for the Jewish community in Egypt and probably completed by 132 BCE, the text of the LXX deviates significantly from the original. Specifically, the LXX translates the Hebrew word for »son«, *ben* (Heb. בן), with the Greek term for »seed« (Gr. σπέρμα) and the Hebrew word for »firstborn«, *bekôr* (Heb. בְּכֹרֶת), with the more generic »child« (Gr. παιδίον). These changes, accepted in the *Vetus Latina* where we find the equivalent terms *semen* and *infans*,²⁹ seem to reveal an interpretation of the levirate law that restricted its application and reflected the concomitant expansion of women's property rights in Ptolemaic Egypt. By its terminological choices, the LXX implies that if the late husband had a daughter, the law of levirate does not apply, and similarly, it does not decree that only the male firstborn should be reckoned as belonging to the dead brother but any child. These changes suggest that a daughter could also inherit and perpetuate her father's name.

The LXX and the evidence drawn from rabbinic literature suggest that levirate marriages continued to be celebrated among most Jewish communities, but the scope of applicability for the levirate rule was significantly diminished. The introduction of a series of exemptions (the rule concerns only the paternal brothers and ones that were born before the death of the late husband), the spread of the ceremony of the *Ḥalīzah* and, in the case of Egypt, the acknowledgment of widows' and daughters' inheritance rights minimized the significance of the practice. Outside of Rabbinic Judaism, however, both Roman emperors and Christian bishops outlawed levirate marriage completely.³⁰ From the 4th century CE on, a number of Roman laws banned the practice and deemed as illegitimate any children born from such unions. Equally, church councils condemned the levirate marriage, prescribing excommunication as a punishment. Influenced by Roman legal categories and expressing a morality that stressed the importance of sexual restraint, Christian authors such as Tertullian, Basil of Caesarea, and Pope Siricius (334-399 CE) prohibited the custom. They deemed it an outdated institution based on obsolete rules and social norms such as the commandment to »grow and multiply« which were no longer valid in the contemporary Christian community. Furthermore, both Christian and Roman legislators condemned levirate marriages as a form of close-kin matrimony, in the same manner, for example, as unions made between a man and his niece or aunt. Finally, as evidenced by the geographer and historian al-Masudi (896-956 CE), Muslim polemicists later incorporated the rhetorical argument of equating leviratic marriages with incestuous ones, to the point of considering the custom of levirate as analogous to the Persian institution of the *xwedodah*, which ratified marital unions of father and daughter, mother and son, or brother and sister.³¹

28 See Maurais, *Characterizing Old Greek Deuteronomy*, 164-176; Verburg, *Women's property rights*, 592-595.

29 Conversely, the *Vulgata* appears much closer to the Hebrew original, containing the words *liber* and *primogenitus*, see *Biblia Sacra*, ed. Weber and Gryson, 268.

30 More details on Roman laws and canons of Christian councils are given in Monnickendam, *Biblical law*, 138-143.

31 On levirate as a theme in Jewish-Christian disputations that was readapted by al-Masudi, see Roggema, *A Kaleidoscopic View*, 112-119. On this passage from al-Masudi's *Meadows of Gold* and another reference to the levirate in the work of al-Biruni, a Khwarazmian scholar of the late Samanids and early Ghaznavids period, see Adang, *Muslim Writers*, 78-80, 93-94.

Levirate: A Ubiquitous Institution

Minimized by the rabbis, harshly criticized by Christian and Muslim polemicists, and banned by Late Roman authorities, the levirate marriage nevertheless remained a recognized institution among most Jewish communities. Today, because of the large body of written evidence produced within biblical and post-biblical discourse, and the influence of the biblical narrative on modern attitudes toward the custom, the Jewish institution is the first thing that comes to mind for anyone interested in this practice.

And yet, levirate marriage is far from being an invention of ancient Israel. The practice spans time and space, being especially popular in those patriarchal societies that both enforce bride price and allow polygyny. In anthropology, the term levirate has a broad application describing not only the marriages that involve a biological sibling of the deceased, as in the case of Onan, but also other relatives, such as a half-brother, a cousin, a nephew, or even the son of the deceased if born from another mother, namely the stepson of the widow. Moreover, the obligation to beget an heir for the deceased, the core of the biblical custom, often plays a secondary role in most societies that practice leviratic marriages, for they prescribe it for childless and deceased husbands with children alike.

Its mirror practice, the custom dictating the marriage of a widower to his sister-in-law, is called *sororate*. Although levirate and sororate tend to co-occur, the latter is rarer and could be singled out and prohibited as its own form of unlawful marriage.³² When custom decrees that only younger brothers, or younger kinsmen, may marry the widow of the deceased, we speak of *junior levirate*.³³ Regarding the age of the contracting parties, there is evidence of a certain tendency to require younger kinsmen to engage in levirate unions and conversely to prohibit older men, or rather men belonging to an older generation, such as the father of the deceased, marrying younger widows.³⁴ Finally, there are two customs that are similar to the institution of levirate marriage but that diverge from it both conceptually and legally. These are the practices of ghost marriage and widow-inheritance. Common among the Nuer and the Atuot tribes in South Sudan, in a ghost marriage the brother acts exclusively as a surrogate, and any resulting children are considered offspring of the deceased man.³⁵

32 Within the context of Christian legislation, sororate was punished at the council of Elvira (beginning of the 4th century) with a five-year excommunication, *Council of Elvira* 61, ed. Jonkers, 5-23, at 19. On this canon and its differences from the second canon of the council of Neocaesarea (314-319 CE), which condemns both levirate and sororate, see Colantuono, Note, 1-5.

33 On the junior levirate in 19th- and early 20th-century India, see Chattopadhyay, *Levirate and kinship in India*. For a recent and detailed analysis of widow remarriage and *niyoga* (the brother's appointed task to beget an heir to his deceased childless brother by marrying his widow) under Hindu law, see Brick, *Widows under Hindu Law*, 15-101.

34 At the end of the 19th century, this particular marriage was prohibited among Kirgiz people, who, however, frequently practiced levirate marriages, Grodekov, *Kirgizy i karakirgizy*, 29. The research by Lawrence Krader on Mongol-Turkic pastoral nomads confirmed the predominance of junior levirate over senior levirate, the latter sometimes being explicitly forbidden; see Krader, *Social Organization*, 56 (among Ordos Mongols), 108-111 (among Buryats); 185 (among Kazakhs). Senior levirate was instead practiced by the Mongours, who inhabit the Chinese provinces of Qinghai and Gansu; see Krader, *Social Organization*, 299, 308, 358.

35 See the entry in Malbrancke, *Ghost marriage*.

Observed among the Yoruba in West Africa, widow-inheritance considers the widow part of the inheritance of the groom, and she is therefore handed over to another man who belongs to the groom's family in the same manner as movable and immovable property. Furthermore, such marriages are fully-fledged new unions, with the children recognized as the offspring of the new partner and not as the progeny of the deceased.³⁶

The levirate affects both the marriage strategies and the mechanisms of heirship. In turn, the frequency of levirate unions is influenced by religious beliefs, social conditions and the economic status of women, especially their property rights. Thus, societies that prescribe monogamy, contemplate adoption to guarantee succession and place a strong emphasis on chastity, to the point of frowning upon the remarriage of widows, are incompatible with the law of levirate. On the other hand, the same society can experience radical changes in terms of marriage arrangements over time and different marriage strategies and inheritance systems can coexist side by side, be more or less widespread, and even be legal or punishable, depending on the social status and economic conditions of the contracting parties. In China and northern India, for example, leviratic marriages were rare, seen as incestuous, and often explicitly forbidden among members of the upper class, whereas they could be practiced more often among lower social strata, even though they were still frowned upon. Similarly, in ancient Rome, levirate unions were rare even during the royal period (753-509 BCE), given the prescriptive monogamy, but were completely abandoned once adoption became the favorite institution for ensuring succession.³⁷

Levirate and Marriage Customs among Eurasian Nomads: Socio-economic Conditions and Kinship Structures

Practiced in a wide variety of societies, the levirate played a significant role in those communities that shared a very specific set of kinship structures. These are patrilineality (the organization of descent and inheritance through the male line), patrilocality (the social system in which a married couple lives with or near the husband's natal household) and bride price (the practice of providing the bride's family with a sum of money or goods). When the latter is enforced, the widow lacks the economic means that the dowry or the Islamic *mahr*, a »bride price« given directly to the bride, would ensure after the husband's death.³⁸ Moreover, especially when both sexes are expected to marry young, the fact that polygyny is permitted favors the application of the law of levirate. In addition to these forms of kinship, levirate marriages are suitable for societies characterized by specific legal and socio-economic conditions. These are the limited property rights of women and daughters, shared labor or communal economy between paternal relatives, and the small size of the household, which entails joint production.³⁹

36 On the widow-inheritance among the Yoruba people of West Africa and the differences between this custom and the biblical tradition, see Ademiluka, Isupo; Olanisebe and Oladosu, *Levirate marriage*.

37 As an introduction to marriage strategies and mechanisms of heirship across cultures and historical periods, see Goody, *The Oriental, the Ancient and the Primitive*; particularly useful is the chart on p. 470.

38 Although substantially different, in Central Asia the customary bride price (*galym*) and the *mahr* can be treated in the sources as equivalent. As an example, see a document on marital dispute from the 19th-century Khanate of Khiva: Sartori and Abdurasulov, *Seeking Justice*, 83-85.

39 Compare with the observations in Khazanov, *Sotsialnaia istoriia skifov*, 79-82.

Although with some variations depending on the historical period and specific ethnic group, these characteristics can be found among Eurasian pastoralist societies. Persuaded by the idea that the nuclear family emerged with capitalism, Marxist scholars tended to envisage the large patriarchal family at the basis of any nomadic society.⁴⁰ However, today, since the influential work of Anatoly Khazanov, most scholars reject the idea of a clear evolutionary framework for analyzing the history of family structures among Eurasian nomads and consider the nuclear family, and not the extended one, to be the most common elementary taxonomic unit of nomadic communities.⁴¹ The nomadic family was traditionally small, including no more than two generations of adults, and it sought continuation by expecting one of the married sons, usually the youngest, to stay in the paternal house and inherit what remained of the estate after the rest was distributed among all the other brothers. The small size of the family required women to take an active role, and not only in domestic work and children's education. Nomad women are described as milking animals, being responsible for the processing of dairy products, sewing cloths, and even pasturing smaller herd animals, such as sheep and goats.⁴² Since they were involved in such a variety of labor-intensive activities, nomad women busy »doing all the work«, while the men remained chronically idle, became a recurrent theme in ethnographic descriptions written by 19th-century Russian and American observers.⁴³ In an environment characterized by a limited workforce, the prospect of losing the widow's hard labor amounted to grave economic damage. This, combined with the lack of extensive use of unfree labor, another feature of pastoralist societies, made the levirate an attractive solution to safeguard the family's workforce.⁴⁴

When it comes to marriage strategies, there is substantial evidence, from both historical and ethnographic sources, that in Eurasian nomadic societies polygyny was practiced extensively by the élites in the past. As Priscus reported, Attila had innumerable wives, as was the custom among his people;⁴⁵ Baian, khagan of the Avars, had many consorts;⁴⁶ it was the habit of the king of the Khazars to have twenty-five wives;⁴⁷ and, according to 13th-century European travelers, Mongols took as many wives as they could maintain, up to hundreds.⁴⁸

40 For an overview of these interpretations and their shortcomings, see Tishin, A study.

41 See the reflections on family, household, and community in Khazanov, *Nomads and the Outside World*, 126-138; *idem*, Characteristic features, 123.

42 Klyashtorny, *Istoriia Tsentralnoi Azii*, 482-483.

43 Sabol, *Touch of Civilization*, 49-50. The involvement in productive activities outside the house may be one of the reasons why covering and seclusion were not prevalent among nomad women; see the reference in Commercio, Don't become a lost specimen!, 345.

44 The need to ensure the necessary labor force in the household is considered the main cause of levirate marriages in the 19th-century Kazakh society by Shtusser, *Perezhitki rodovogo byta*.

45 Jordanes transmits the passage in Latin: *innumerabiles uxores, ut mos erat gentis illius*. See the edition, Priscus, *Excerpta*, 23, ed. Carolla, 62; trans. Van Nuffelen and Van Hoof, 339. On family size among Huns and the role of the women in the marriage system, see Gmyrya, *Strana gunnov u kaspiiskikh vorot*, 212-216.

46 One of his wives had an affair with the shaman Bookolabras, who fearing for his life, had to flee to the Romans, Theophylact Simocatta 1.8.1-7, ed. de Boor, 53-54. On this scandal and its political ramifications, see Pohl, *The Avars*, 94-96. A particularly vivid image of the polygyny of the Avars can also be found in the tale of the blockade of Anchialus, a Roman city on the Black Sea, which occurred in the fall of 584. While raiding the countryside, the wives of the Avar khagan, one of Baian's sons, cleansed themselves in the local hot water baths: Theophylact Simocatta, 1.4.5, ed. de Boor, 47. For the political and military context of this event, see Pohl, *The Avars*, 89-94.

47 Ibn Fadlan, *Mission to Volga* 92, ed. and trans. Montgomery, 256-257.

48 Giovanni da Pian del Carpine, *Ystoria Mangolorum* 2, ed. Beazley, 45; Marco Polo, *Il Milione* LVII, ed. Ciccuto, 109.

Although the evidence is scanty, the ruler's wives possibly had their own dwellings, houses and yurts, thus maintaining, in a certain way, their own household.⁴⁹ Among the numerous wives of the nomad rulers, there was a recognized, albeit not unchallenged, hierarchy, which was reflected in the status of the offspring. Such a large number of children was a potential source of turmoil at any time, and the lack of an established succession principle made any adult male of the ruling dynasty potentially eligible for the throne.⁵⁰ However, the sons of the senior wife were usually expected to be the major heirs and next in line at the time of the ruler's death, as, for example, the successions of Attila and Genghis Khan indicate.⁵¹

In addition to polygyny, a practice that emphasizes male inequality,⁵² in a Eurasian pastoralist society, the pool of available brides for the rest of the male population was further limited by the custom of high bride price. The latter, historically known in Central Asia under variations of the term *qalym* (e.g. Kaz. қалыңмал, Rus. калым) transferred a woman from her birth family to the husband and his family, making her a concern and asset for her in-laws alone. The *qalym* could amount to an exceptionally high sum of money or movable property. For the 10th-century Muslim traveler Ibn Fadlan, among the Ghuzz/Oghurs, the bride price could include garments, camels, or horses.⁵³

According to a late 19th-century ethnographic account written by the Russian governor-general of Turkestan (1883-1893),⁵⁴ a *manap*,⁵⁵ a member of the wealthy and noble class of Kirghiz society, was previously expected to provide as *qalym* 100 horses and, at the time the governor was writing, 30-40 heads of cattle. Among commoners, the number of animals decreased to 15-17 or even 9-10, but still represented a considerable expenditure.⁵⁶ This financial burden made hypergamy for men essentially impossible. Besides, this type of marriage was explicitly banned by customs. Members of the aristocracy, the »white bone« (Rus. белая кость) of the society, could marry among themselves and noble men could wed non-aristocratic women. On the other hand, non-noble men, the »black bone« (Rus. черная кость), were prohibited from »marrying up«.⁵⁷ Since the *qalym* was so expensive, the levirate served to prevent the loss of substantial investment by the late husband's family, and at the same time, it offered an affordable wedding to a younger brother of the deceased, since it did not dictate a second bride price. In spite of such economic advantages, poor families might be unable to provide the widow with the necessary financial support and even decide to sell her to an outsider if all the eligible levirs were married and had thus already paid a bride price.⁵⁸

49 Priscus on the yurts of Kreka; see Carolla, *Universal narrative of humanity*, 227.

50 On this subject in the context of the Early Türk empires, see Drompp, *Infrastructures of legitimacy*.

51 Attila was succeeded by the sons of his senior wife Kreka, Ellac, Dengizich, and Ernak. Genghis Khan was succeeded by the sons of his senior wife Börte, Jochi, Chagatai, Ögedei and Tolui.

52 On the socio-economic dimension of polygyny and prescriptive monogamy in antiquity, see Scheidel, *Monogamy and polygyny*.

53 »The man (the future husband) is not granted access to his future wife until he has paid the full dowry that he has agreed with her guardian. Once paid, he shows up unabashedly, enters her dwelling, and takes possession of her right there and then, in the presence of her father, mother, and brothers. No one stops him.« Ibn Fadlan, *Mission to Volga* 21, ed. and trans. Montgomery, 202-203.

54 On the figure of N. I. Grodekov, Kirpichenko and Naryzhnaya, *Nikolai Ivanovich Grodekov*.

55 On the *manaps* and their role under Russian imperial rule, see Akiyama, *Why was Russian direct rule?*

56 Grodekov, *Kirgizy i karakirgizy*, 83.

57 Grodekov, *Kirgizy i karakirgizy*, 30.

58 Holmgren, *Observations*, 156-157.

At the other end of the spectrum, wealthy widows might enjoy enough leeway to resist the imposition of a levirate marriage, retain their own household and manage it independently of the late husband's family.⁵⁹ This is so much the case that widows of rulers not only stayed unmarried but also became political leaders with substantial political, economic, and even military power.⁶⁰

In spite of the scarceness of the sources at our disposal and the consequent necessity of relying on a body of historical and ethnographic evidence coming from disparate chronological and spatial contexts, it is attested that Eurasian pastoralist societies consistently possessed both the socio-economic conditions and kinship structures that enabled the introduction and conservation of the custom of levirate.

Levirate and Marriage Customs among Eurasian Nomads: Interpretations from Western Eurasia

Before the 13th century, when a string of richly detailed accounts from ambassadors, pilgrims, merchants and other fortune hunters opened the world of the nomads to European intellectuals, writers from western Eurasia could hardly rely on direct information and thus repeated a much-stereotyped image of this *other* world they found in older texts. The names, narratives and images of the nomads served to make sense of the ever-changing landscape while confirming existing literary traditions and conventional attitudes towards »barbarians«. By repeating, slightly adapting, or embellishing information drawn from such outdated but highly authoritative sources, most ancient and medieval authors could offer descriptions of the newcomers arriving from the Pontic-Caspian steppe that resonated with their audience and could be integrated into tested political and ethnic taxonomies.⁶¹

Regarding the custom of levirate, we find extremely scanty evidence in any Greek, Roman, or Early Medieval source written in Europe. The first unequivocal, albeit laconic, description of this practice comes from a somewhat peripheral area, at least from a European perspective: the Caucasus. To find the oldest detailed description of the enactment of a leviratic marriage, one has to wait until the 13th century. The depiction comes from the account from the Franciscan Giovanni da Pian del Carpine, who led a diplomatic mission to the Mongols in 1245-1247. If one takes into consideration this sparse evidence up until, and including, the mission led by the Franciscan friar in the 13th century, it is possible to recognize three main ethnographic schemes used for depicting the otherness of nomads' sexual practices and marriage strategies. These are the overturning of gender roles due to the feminine nature of their men, their paganism, and their cruelty towards their subjects.

59 Birge, *Levirate marriage and the revival*, 115.

60 E.g. in 522 CE, a certain Boareks, widow of King Balach, a Sabir, allied with the Byzantines and defeated two different Hunnic leaders; see references in Kim, *The Huns*, 139. For further examples from the Mongol period and a detailed overview of the political role of women, see Broadbridge, *Women*.

61 For an example of the reuse of an ancient stereotype attributed to Eurasian nomads, viz. anthropophagy, see Liccardo, *Storie di cannibalismo*.

The first, and predominant, argument can already be found in the work of Herodotus (c. 485-c. 424 BCE), the author that influenced the later ethnographic discourse on Eurasian nomads the most. In his *Histories*, and in particular in Book IV, Herodotus offered a comprehensive description of the peoples living at the northeastern periphery of the world, from the mouth of the Danube to the desolated steppes north and east of the Caspian Sea, known by the Greeks under the name Scythia (Gr. Σκυθία). While Herodotus' use of his sources and the nature of the information he gathered remain subjects of scholarly debate,⁶² his text represented the go-to source for most authors that ever engaged with the subject, as the repetition, at times verbatim, of his descriptions found in the work of later writers indicates.

On the general subject of marriage customs among nomads, Herodotus portrays the people of the steppe as a negative mirror of the Greeks. The history of the Amazons, which Herodotus recounts while describing the origins of the Sauromatians (Gr. Σαυρομάτες) with the intention of explaining the extraordinary customs of this population, can be interpreted in this sense.⁶³

The Amazons, the story goes, were imprisoned by the Greeks after the battle at the River Thermodon. Once put on ships, they killed their captors but, incapable of steering the vessels, were at the mercy of the sea, until they reached the shores of the Maeotian Swamps. There, after stealing a herd of horses, the Amazons started looting the Scythians' properties. Once the latter realized that the Amazons were women, they decided not to kill them but to mate with them. Thus, some young Scythians were dispatched to follow the women warriors, making sure to show no hostile intentions towards them. After a while, this group of young Scythians, who were living the same lifestyle as the Amazons, won the trust of the women warriors, and both groups began to live in the same camp. Although the men could not manage to learn the language of the Amazons, they wanted to marry them and invited them to reunite with the rest of the Scythians, with a promise of a better life and a pledge to seek no other consorts. However, the Amazons refused the proposal, claiming that it would be impossible for them to get along with the Scythian women. In contrast to these women, who were dedicated to »feminine works« (Gr. ἔργα γυναικεία), the Amazons knew only war and hunting and were thus unwilling to integrate into the Scythian society. They instead convinced the young male Scythians to ask for their part of the estate from their fathers and come back. Once the men returned with their share of the inheritance, the Amazons persuaded them to move across the Tanais (the Don river), away from their families, so as to avoid the possible anger of their fathers. Relocated in a further isolated region, this group of Amazons and young Scythians started a new community, which for Herodotus corresponds to the Sauromatians of his time.

The whole story must have appeared like a farce to most readers of Herodotus, but from the perspective of marriage customs, it was rather alarming. The tale turns Greek traditions and sanctioned gender roles upside down. The Amazons and their Sarmatian descendants behave like men not only when it comes to war or non-domestic activities, but also in their homes.

62 In particular, historians have discussed Herodotus' relationship with the semi-legendary poet Aristeas: Corcella *et al.*, *Erodoto*, X-XX. On this author, see Dan, Aristeas of Proconnesus.

63 Hdt. 4.110-116. See the observations and bibliography in Corcella, *et al.*, *Erodoto*, 319-321. For this understanding of the myth, see Brown and Tyrrell, *A reading of Herodotus' Amazons*.

By asking the Scythian men to request their share from the fathers, the Amazons demand a sort of dowry from their men, de facto reversing the dowry system to which Herodotus' audience was accustomed. Moreover, by convincing the men to move away from their fathers, the Amazons force them to break away from the patrilineality of the kinship system, which was another central characteristic of the Greek world. Consequently, by failing to tame their women, the men end up taking on the social role of the women.

The depiction of nomad women as men goes hand in hand with the emasculation of nomad men. This type of representation follows three different but overlapping principles, which can affect only a restricted group of Scythians, their upper class, or their entire population. These are environmental determinism, ethnographic discourse, and etiological mythology. Herodotus offers the narrative, which explains the effeminate nature of a small group of Scythians, as the consequence of a sacrilegious act.⁶⁴

During their invasion of the Near East, a group of Scythians pillaged the sanctuary of Aphrodite Urania in the city of Ashkelon. Because of that, both the perpetrators and their descendants were condemned to suffer a female sickness (Gr. θήλεα νοῦσος), which made them literally men-women (ἀνδρόγυνοι). When Herodotus was writing, these Scythians were represented by a distinctive group of soothsayers known as Enarei (ἐνάρειες), who dressed like women and whose very name stands for »not masculine« (from Iranian a-narya:h).⁶⁵ The group is later referenced in the Hippocratic treatise *On Airs, Waters and Places* (c. 400 BCE), which adds to this religious reason a more practical one, inferable from the observation of Scythian customs. According to this text, while the natives blame a god, it is the incessant horse riding that made the Scythians, especially the most powerful and noble among them, effeminate.⁶⁶ Finally, the same author adds an environmental factor to explain the emasculation nature of the Scythians in general. It is the cold of Scythia that weakens the constitution of the men and makes their women sterile.⁶⁷

Outside the myth of the Amazons and beyond remarks on the lack of masculinity among the Scythians, Herodotus makes specific references to deviant marriage strategies on another two occasions. First, while describing the people of the Massagetae (Gr. Μασσαγέται)⁶⁸ and a second time in his depiction of the Agathyrsi (Gr. Ἀγάθυρσοι).⁶⁹ The Massagetae are said to have only one wife but to sleep with every woman indiscriminately. While the general opinion among Greeks attributes this custom to the Scythians, for Herodotus only the Massagetae engage in such a practice.⁷⁰

64 Hdt. 1.105.4, 4.67.2.

65 For a short discussion on this term and bibliography, see Bremmer, *Shamanism*, 60-61. In *Airs, Waters, Places*, a Hippocratic treatise, one finds a version of the name that appears to be closer to the original (Gr. ἀναρτεῖς); Pseudo-Hippocrates, *On airs*, ed. Jouanna. See also, Ivantchik, *Scythians. On the similarities of Herodotus' tale to stories of the Nart sagas* (a cycle of myths from the North Caucasus), see Dumézil, *Les « énarées »*. A short reference to the hereditary softness of the Royal Scythians is found in Arist. *Eth. Nic.* 7.7, ed. Brown, 130-131.

66 Pseudo-Hippocrates, *On Airs* 22, ed. Jouanna, 238-241.

67 Pseudo-Hippocrates, *On Airs* 21, ed. Jouanna, 237-238. More details in Ballabriga, *Les eunuques Scythes*.

68 Hdt. 1.216.1. As an introduction to this people, see Schmitt, *Massagetae*.

69 On the archeological debates and their frequent presentism regarding the origins of this ethnic group, see Ghenghea *Ethnic construction of early Iron Age burials*, esp. 79-87.

70 In another passage, Herodotus states that the Massagetae are considered by some to be a Scythian group (Gr. Σκυθικόν ἔθνος), Hdt. 1.201.

Any man in this group can have sex with any woman without fear of repercussions,⁷¹ since sexual intercourse is regulated by an established and approved procedure. Whoever desires to sleep with a certain woman can simply hang his quiver on the chariot, the typical home of the nomads, and no one will disturb them.⁷²

In the second instance, Herodotus reiterates the effeminate nature of those barbarians who are not monogamous, but he also hints at a socio-economic dimension to the practice. According to the historian of Halicarnassus, the Agathyrsi, defined as the most delicate among men and the ones that love gold the most,⁷³ have promiscuous intercourse with their women. However, we do not read anything specific about their marriage arrangements. Herodotus does not state whether the Agythyrsi are polygamous or, like the Massagetae, monogamous but with a system of well-regulated sexual promiscuity. And yet, Herodotus offers a further detail that is missing in the passages on Sauromatians, Scythians, and Massagetae. The women are in common so that all may be brothers to one another, and since all the Agathyrsi are related to each other, no one harbors envy or hate against another. The sharing of women among the Agathyrsi translates into the creation of such thick and tight kinship relations that everybody belongs to the same house (Gr. οἰκίηιοι) and no one covets the woman or, the text seems to imply, the property of someone else.⁷⁴

Finally, although the reference relates to a specific case and is not, at least explicitly, defined as a customary law, Herodotus is the first author to testify to a case of levirate or, perhaps more specifically, of widow-inheritance among Eurasian nomads. In the tale of the life of Skyles, king of the Scythians in the middle of the 5th century BCE, Herodotus states that when his father Ariapeithes died, Skyles inherited from him both his kingdom (Gr. βασιλεία) and his wife (Gr. γυνή). The latter, called Opoie, was thus Skyles' stepmother and had already borne Ariapeithes another son, called Orikos.⁷⁵ After taking Opoie as his wife together with the rest of his father's estate, Skyles, who was the son of a Greek woman from Istros (a Greek colony near the mouth of the Danube), showed a marked preference for the Greek lifestyle and chose Olbia, another Greek town on the Black Sea, as his royal residence. Within the walls of the city, Skyles not only married a Greek woman, like his father, but also dressed, prayed and lived like a Greek. This proclivity for the Greek way of life eventually cost Skyles both the kingdom and his life. When the Scythians saw him being initiated into the mysteries of Dionysos, they rebelled against him, and another son of Ariapeithes, Octamasades, ordered his beheading.⁷⁶

71 The *Histories* reports the adverb »fearless«, perhaps here to be translated as »with impunity« (Gr. ἀδεῶς), while later sources that follow Herodotus' text very closely, or even mention Herodotus by name, emphasize the public nature of these sexual activities as something »there for all to see«: Strabo 11.8.6, which has »not in secret« (Gr. οὐκ ἀφανῶς); Ael. *Natura Animalium* 6.60, which says »in a manifest way« (Gr. ἐμφανῶς). The description of the Massagetae, singled out for their alimentary customs, sexual behaviour and primitive lifestyle, serves to define and locate cultural boundaries between Greeks and barbarians, Xydopoulos, *Defining identities. On sexual promiscuity as a specific trait of non-Greek societies in Herodotus' Histories*, see Wenghofer, *Sexual promiscuity*.

72 Hdt. 1.216.1.

73 These are stereotypical characteristics attributed by Greco-Roman authors to barbarians from the East, seen as debauched and venal.

74 Hdt. 4.104.

75 Hdt. 4.78.2. See the commentary in Corcella, *et al.*, *Erodoto*, 296-297.

76 On the tragic coloring of the story, see Braund, *Historiography and theatre. On the tragic significance of the tales of Skyles and Anacharsis and their role within Herodotus' ethnic discourse*, see Agnolon, *Cosmopolitanism and contingency. On the city of Olbia in the account of Herodotus*, see West, *Herodotus and Olbia. Octamasades was the son of the daughter of Teres I, king of the Odrysian kingdom of Thrace. On Skyles within the framework of relations between Scythians and Thracians*, see Braund, *Thracians and Scythians*, 359-362.

The first explicit reference to the levirate custom among Eurasian nomads in the early Middle Ages places the practice in a completely different context. The mention of marriage customs is included in the so-called *History of the Caucasian Albanians*, a historiographical source written in Armenian and attributed to a certain Movses Kałankatuatsi or Daskhurantsi.⁷⁷ Composed between the 7th and 10th centuries, this *History* contains source material as old as the 6th century.⁷⁸ The passage appears in the account of a Christian mission led by Bishop Israyel among the Huns (Arm. Honk', Honastank') living north of the Caucasus, which is included in book II of the text and perhaps belongs to an early 8th-century *History of Albania*.⁷⁹ Occurring between 681 and 682, the mission was commanded by Prince Varaz-Trdat, the Christian ruler of Albania, who hoped to create an alliance with his neighbors.⁸⁰ After a journey lasting for six weeks, Bishop Israyel reached the town of Varač'an, the capital of the Huns, on 9 February 682.⁸¹ These Huns were politically dependent on the Khazar Khaganate, which had been established a few years before (c. 670) and at the time extended from the lower Volga and Don in the north up to the slopes of the Caucasus in the south. The subordinate status of this group of Huns is reflected in the name of their ruler, who is not considered a king, but a great prince, in the local language, an Ałp İlut'uêr (more correctly, Alp Elteber).⁸²

Once arrived in Varač'an, Bishop Israyel committed all his energies to convincing the locals to abandon their traditional beliefs and convert to Christianity.⁸³ The Huns of the Caucasus are said to be tree-worshippers, who viewed anything struck by lightening as a sacrifice to the god K'uar (a sun god in the Iranian pantheon).⁸⁴ They were devoted to a gigantic savage monster named T'angri Xan (the sky god of the Turco-Mongol peoples); practiced animal sacrifice, specifically of horses;⁸⁵ and indulged in a variety of heathen funerary customs and orgiastic activities.⁸⁶

77 On the authorship, see Svazyan, *Sources of Movses* (in Armenian).

78 For an introduction to this complex text, the number and nature of its recognizable sources and the scholarly debate on its significance, see Dum-Tragut and Gippert, *Caucasian Albania*.

79 Movsês Dasxurançi, *History* 2.39-40, trans. Dowsett, 153-159. On the possible source containing the account, see Zuckerman, *Khazars and Byzantium*, 409-410.

80 The same group of Huns had very recently invaded Albania, but the relations were improved by a first embassy led by another ecclesiastic, the Albanian Catholicos Eliazar (in charge in 681-687), Movsês Dasxurançi, *History* 2.36, trans. Dowsett, 149-150. On the political and military circumstances of this event, see Shahinyan, *Armiansko-albanskaia tserkovnaia missiia*.

81 On this town and toponym, see Golden, *Khazar Studies*, 244-246.

82 The text presents this title as the personal name of the ruler. On this term, common among Turkic polities, see Golden, *Khazar Studies*, 147-150.

83 More detailed analyses of the religion of the Huns as described in this source and possible identifications of the listed deities are given in Golden, *Turks and Iranians*, 18-20; *idem*, *Khazar Studies*, 90-93.

84 On the interpretation of this name, see Shapira, *Armenian and Georgian sources*, 346.

85 Already Strabo had attributed the sacrifice of horses to Eurasian nomads, specifically to the Massagetae: Strabo 11.8.6. The coexistence of horse and human bones in the same burial recurs in numerous necropolises ascribed to Eurasian nomadic cultures. For example, they are already present in the Pazyryk burials (4th-3rd c. BCE), Lepetz *et al.*, *To accompany and honour*. On horse sacrifice among the Mongols, see Boyle, *A form of horse sacrifice*.

86 Among other practices, the Armenian author describes dances around the body or animal struck by lightning. On this tradition and its traces among the peoples of the western Caucasus, see Chirikba, *Between Christianity and Islam*, 186-188; Tuite, *Lightning*, 145-152.

The picture reflects a mixture of Turkic and Irano-Alanic religious elements. After describing practices that should inspire fear and disgust in the audience, the author adds a commentary on the sexual behavior of the Huns. The text goes:

They were also incontinent sexually and in accordance with their heathen, barbarous customs they married their father's wife, shared one wife between two brothers, and married several women. They had many irreligious laws and unlawful rites and they could not comprehend or conceive the sun of righteousness.⁸⁷

Movses seems to describe polygyny, fraternal polyandry, and levirate marriage. While it is possible that the bishop misinterpreted practices that were alien to him by repeating what he considered traditionally pagan and unlawful customs, the degree of detail and chronological proximity to the event enhance the historical accuracy of the report. Regarding the levirate, the passage refers to the union involving a son of the deceased and his stepmother. The reference to fraternal polyandry, a practice much more infrequent than polygyny, echoes evidence from Chinese sources on the marriage customs of the Hepthalithes.⁸⁸ Finally, polygyny is a practice commonly attributed to nomad societies. Hence, the source reiterates themes from the Greco-Roman ethnographic discourse, which highlighted sexual incontinence in nomads as a trait associated with their effeminate nature, but it offers a rather different interpretative framework. According to the *History of the Caucasian Albanians*, religious impiety is mostly to blame for these aberrant behaviors. The peculiar marriage customs of the Huns are counted among their irreligious laws and unlawful rites. The religious dimension of the author's narrative is ultimately emphasized by the final allusion to the »sun of righteousness«, a reference to Malachi 4.2,⁸⁹ which serves as a true counterpoint to the false solar deity of the Huns.

After this Armenian piece of evidence, a circumstantial report on levirate among Turkic nomads comes from another embassy. On 21 June 921, the Abbasid caliph al-Muqtadir sent a delegation to the king of the Volga Bulgars. Authored by the otherwise unknown Ibn Fadlan, the account of this diplomatic mission contains a wealth of information on 10th-century populations inhabiting Central Asia.⁹⁰ Upon coming to the Ghuzziyyah (also known as the Oghuz, or Ghuzz in Arabic), a group of Turkic transhumant nomads, Ibn Fadlan provides a thorough account of their social customs, political system and religious beliefs. Among the first things mentioned, we find an account of their marriage customs. Ibn Fadlan mentions the qalym and refers to the levirate.⁹¹ Like Movses before him, Ibn Fadlan cites specifically the union of the son of the deceased with his stepmother. Contrary to the *History of the Caucasian Albanians*, the text states explicitly that the leviratic marriage can be performed only if the widow is not the birth mother of the future husband. In the course of the 12th century, levirate marriages are attested among the ranks of another Turkic group, namely the members of the ruling family of the Seljuk Empire.⁹²

87 Movsês Dasxurançi, *History* 2.40, trans. Dowsett, 156.

88 See below p. 211.

89 The passage from the Book of Malachi deals with the renewal of the covenant and is therefore apt in a narrative of conversion. The sun of justice announces the Judgment Day in the interpretation of Augustine, *De Civitate Dei* XVIII.35.2. What in the Latin Vulgate is Mal. 4:1-6, in the Hebrew Bible is numbered Mal. 3:19-24.

90 On this source and its ethnographic content, see Shepard and Treadwell (eds.), *Muslims on the Volga*.

91 Ibn-Fadlan, *Mission to Volga* 21-22, ed. and trans. Montgomery, 202-205.

92 Husein-Zade, *Beliefs, customs, and rites*, 101.

Finally, the evidence produced during the embassy led by Giovanni da Pian del Carpine to the Mongol Empire shows that the levirate custom was not always seen as an expression of nomads' sexual incontinence, effeminate nature, or religious impiety. Extraordinarily rich in detail and original reflections, the text from Giovanni da Pian del Carpine provides further information on this practice and in a specific instance portrays the levirate marriage not so much as an example of religious deviancy as an instrument of political submission.⁹³

The description of marriage customs among the Tartars⁹⁴ comes quite early in the text. It appears after the prologue, in which the author specifies the context of his mission – he traveled on behalf of the Apostolic See – and the validity of his account – he reports either what he saw (*vidimus oculis nostris*) or what Christian captives told him (*audiuimus a Christianis qui sunt inter eos captiui*) – and preliminary information on the physical landscape. According to Giovanni da Pian del Carpine, the Mongols have as many wives as they can support and they can even marry relatives, except for their own mothers, daughters, and sisters on the mother's side. They can, however, wed their sisters on the father's side and, once the father is dead, his wife as well. Beyond this form of levirate, already attested to by Ibn Fadlan, the text states: *Vxorem etiam fratris alter frater iunior post mortem vel alius de parentela iunior ducere tenetur*.⁹⁵ This line represents the first unequivocal reference in sources from western Eurasia to the levirate marriage among nomads intended as a duty among brothers, a concept otherwise explicitly stated only in the biblical tradition. Although the friar's knowledge of the custom once practiced in ancient Israel might have influenced his description of the Mongol custom,⁹⁶ the text defines it as obligatory only for the younger brothers (junior levirate), a detail that is absent in the Bible, since although Onan is the younger brother of Er, the duty is attributed to brothers in general by Genesis 38.8, and specifically to »brothers living together« in Deuteronomy 25.5-10.

The text continues with a reference to the bride price – the wives of the Mongols are bought from their parents in return for a hefty fee (*emunt eas valde pretiose a parentibus suis*) – and a remark on the limited chances that widows had to remarry.⁹⁷ For Giovanni da Pian del Carpine, widows tend not to remarry, unless one of their stepsons decides to marry them.⁹⁸ The statement is somewhat contradictory to the previous reference to the custom of junior levirate and might allude to the poor implementation of the brotherly obligation to leviratic marriage.

93 For a comparison of the accounts provided by Giovanni da Pian del Carpine and William Rubruck, another Franciscan friar who visited the Mongols a few years later (1253-1255), see Muldoon, *European family law*, 259-260.

94 The ethnonym *Tartari* was predominant in contemporary European sources referring to the Mongols. On the origins and diffusion of this ethnic name, see Pow, *Nationes que se Tartaros appellant*.

95 »Another younger brother, or another younger relative, is obligated to marry the wife of his brother after his death«, Giovanni da Pian del Carpine, *Ystoria Mangolorum* 2, ed. Beazley, 45.

96 On how Giovanni da Pian del Carpine filtered the information gathered among Mongols through his own Christian, monastic and Western worldview, see Montalbano, *Misunderstanding the Mongols*, 593-597.

97 Giovanni da Pian del Carpine, *Ystoria Mangolorum* 2, ed. Beazley, 46.

98 Giovanni da Pian del Carpine: *Post mortem maritorum de facili ad secunda coniugia non migrant, nisi quis velit suam nouercam ducere in vxorem*. *Ystoria Mangolorum* 2, ed. Beazley, 46.

Giovanni da Pian del Carpine deals again with levirate in the following chapter, devoted to religious matters. This passage describes the Mongols as believers in one God, but also worshippers of idols made in the likeness of humans. The reference to the levirate custom recurs in the account of an episode at the court of Batu during the stay of the papal legate. The incident involved a certain Andrej of Chernigov, a prince subject to Mongol authority, who had been accused of rustling Tatar horses.⁹⁹ Although the charges were not proven, Andrej was condemned to death. Upon learning that the execution had taken place, Andrej's younger brother came to the court, together with the wife of his late brother, to plead with Batu not to confiscate their lands. To the request, the Mongol ruler responded in the following manner:

He (Batu) said that it was right for Andrej's brother to take as wife the spouse of the aforementioned carnal brother and ordered the woman to take him (her brother-in-law) as husband according to the custom of the Tartars. He (Andrej's brother) replied that he would rather be killed than do anything against the law. But he (Batu) nevertheless assigned her to him, although she refused as much as she could. And, they took them both to bed and put the young man on the woman, who was crying and shouting, and forced them to have sex with an order that was not conditional, but absolute.¹⁰⁰

Inserted in the chapter nominally devoted to religion, the episode has a clear legal dimension and a distinct political meaning. Batu imposes his practice, a *consuetudo Tartarorum*, on Andrej's younger brother, who refuses to abide by the custom, appealing to his respect for his own law. Occurring when Giovanni da Pian del Carpine was in the land of the Mongols (*Accidit tamen dum adhuc nuper essemus in terra*),¹⁰¹ the episode exemplifies the conflict between two different legal systems and attests to Batu's violent, coercive imposition of his law, and will, over his subjects.¹⁰² There are a few details of this episode that merit attention. First, the brother and the widow of Andrej of Chernigov came to Batu with the precise intention of preserving the familial estate. The matter presented to Batu therefore concerned the law of succession among a community of vassals. Second, to this request Batu responds by imposing a leviratic marriage, which must be consummated in front of everyone. By forcing the brother and the widow to engage in a sexual act for all to see, Batu is making the marriage a *fait accompli*, which is confirmed by several eyewitnesses and cannot be easily repudiated.

99 On the possible identification of this prince, see Dimnik, *The Dynasty*, 381-382. Albeit with significantly fewer details, the episode is also recounted in the Tartar Relation composed by a certain C. de Bridia, another Franciscan monk probably a member of the same embassy C. de Bridia, *Hystoria Tartarorum* 42, ed. Önnersfors, 28.

100 *Qui dixit par esse, quod vxorem fratris carnalis praedicti duceret in vxorē: & mulieri praecepit ducere illum in virum secundum consuetudinem Tartarorum. Qui respondit, quod prius vellet occidi, quam faceret contra legem. At ille nihilominus tradidit eam illi, quamuis renuerat quantum posset: & duxerunt ambo in lecto, & posuerunt puerum super illam plorantem & clamantem, & cogerunt eos commisceri coactione non conditionali, sed absoluta.* Giovanni da Pian del Carpine, *Ystoria Mangolorum* 3, ed. Beazley, 48.

101 Giovanni da Pian del Carpine does not describe the fact as something that he heard from someone else – as he does, for example, while referring to the cannibalism of the people of Burithabet (*Ystoria Mangolorum* 5, ed. Beazley, 56-57) – nor as something he saw with his own eyes – as he does describing maidens and married women carrying bows and quivers (*Ystoria Mangolorum* 4, ed. Beazley, 53). It is therefore unclear whether he was an eyewitness or is relying on Rus' informants.

102 On this episode, see the observations of Maiorov, *Diplomacy*, 57-58; *idem*, *Zhenshchina*, 161-162.

Third, contrary to previous accounts of levirate among nomads, the incident is described by Giovanni da Pian del Carpine as having no religious significance, at least from Batu's perspective. It is a question of political subjugation, which has to be performed as a form of respect for Mongol traditions. Loyalty to the Mongols is calculated by the degree of compliance with Mongol laws and customs, and it can be assumed that the public nature of the sadistic imposition of Batu's law and will served to make it an example for the other subjects of the empire. The political meaning of this episode, as well as the author's opinion of the primacy of politics among the Mongols over any religious concern, is shown by the specific place that it occupies in the general account. The tale of the unfortunate destiny of Andrej's brother and widow comes before the description of the justice system of the Mongols, said to be entirely based on traditions rather than written laws,¹⁰³ and after the story of Mikhail Vsevolodovich, another prince of Chernigov, who was condemned to death by Batu.¹⁰⁴ In the narrative of Giovanni da Pian del Carpine, this second episode confirms the hierarchy between religious sentiments and political rationale at the court of Batu. According to the Franciscan friar, while the Mongols did not force anyone to repudiate their beliefs or laws, they condemned Mikhail to death because he refused to bow in front of the statue of Genghis Khan. In other words, it is not God nor morality that justifies the punishments issued by Batu. Instead, the execution of Mikhail and the forced sexual intercourse between Andrej's brother and widow are dictated by the respect that every vassal of the Mongols had to show towards the first Mongol emperor and the Mongol institution of levirate marriage.

Levirate and Marriage Customs among Eurasian Nomads: Reports in Chinese Historiography

Similar to western Eurasia, the Chinese were confronted with various peoples of the Eurasian steppe. In addition to reporting on their encounters with these peoples, whether diplomatic or military, Chinese writers also elaborated on the origins of the steppe peoples and their different ways of life, and by describing them in their historiographical works, later known as dynastic histories, they demonstrated their knowledge of these peoples' customs.¹⁰⁵ These ethnographic accounts include, amongst other things, information on the forms of marriage practiced by the steppe peoples, such as levirate marriage. While the information they provide was embedded in their conceptions of the *Other*, these sources nevertheless reveal significant details that demonstrate the varied motivations behind the practice of levirate marriage among the steppe peoples.

103 On this, see Publici, Giovanni di Plano Carpini, 44.

104 On this episode, see Maiorov, Prince Mikhail.

105 For each dynasty there is a dynastic history, also known as the standard history or orthodox history. Usually, dynastic histories cover one dynasty, with the exception of the *Shiji*, which reports on the period from the mythological figure of the Yellow Emperor to the early Han dynasty and thus covers around 3000 years. For more information on the dynastic histories, see Wilkinson, *Chinese History*, 501-515.

The earliest and most detailed description of the practice of levirate marriage is found in the *Shiji* written by Sima Qian at the beginning of the first century BC. Far from being an official historiographer of the Western Han dynasty (206 BCE-24 CE), the Chinese imperial court official nevertheless had a major influence on the writing of Chinese historiography. Although frequently criticized, the *Shiji* served as a model for the later dynastic histories of China, and therefore Sima Qian is considered the »father of history«, much like Herodotus.¹⁰⁶

Among the novelties introduced by Sima Qian in the *Shiji* were ethnographic accounts of various peoples. For example, the entirety of chapter 110 is devoted to the description of the Xiongnu, a steppe people who lived in the north and northwest of the Chinese Empire. By the end of the third century BCE, they formed a powerful confederation under their leader Maodun by integrating various other peoples and were thus a major threat to the Qin dynasty (221-207 BCE) and its successor dynasty, the Han (206 BCE-220 CE).¹⁰⁷ The ethnographic report at the beginning of this chapter provides us with information about the practice of levirate marriage. The text goes:

On the death of his father, a son will marry his stepmother, and when brothers die, the remaining brothers will take the widows for their own wives.¹⁰⁸

As stated earlier, levirate marriage involved not only the brother of the deceased but also other male relatives such as his son;¹⁰⁹ according to Sima Qian, this was also the case with the Xiongnu. The use of the specific term *houmu* 後母, which translates to stepmother, in this passage emphasizes that a levirate union between blood relatives was prohibited. According to Jennifer Holmgren, among steppe peoples, marriage within the paternal line was only permitted after a certain number of generations, ranging from five to nine, and therefore these people and their marriage customs are considered by modern scholars to be exogamous rather than endogamous.¹¹⁰

106 Di Cosmo, *Ancient China*, 10; Stuurman, *Herodotus and Sima Qian*, 4. For a biography of Sima Qian, see Stuurman, *Herodotus and Sima Qian*, 7. For more detail on the *Shiji* and its influence on Chinese historiography, see: Gardiner, *Standard histories*; van Ess, *Politik und Geschichtsschreibung*, Teil 1, 6-9.

107 For more information on the relationship between China and the Xiongnu, see, for example, Di Cosmo, *Ancient China*; Miller, *Xiongnu*.

108 »父死,妻其後母;兄弟死,皆取其妻妻之.« Sima Qian, *Shiji* 110:3483-3484. For the English translation, see Watson, *Records*, 130.

109 See above p. 198

110 Holmgren, *Imperial marriage*, 77. Erhan Taşbaş specifies seven generations for the Turkish kinship system and refers to it as the »principle of seven ancestors«, which also regulated the taboos of sex and incest. Taşbaş, *Turkic Kinship System*, 251. These observations are largely based on knowledge of later Mongol and Turkic societies and are used to understand and try to reconstruct the cultural practices of steppe peoples of earlier periods who left almost no written records other than inscriptions and reliefs; hence most of the information derives from accounts by authors with an outside perspective. These accounts do not mention any rules about intergenerational marriage, but what we do find are indications that exogamy was practiced. An interesting example is the *Hou Hanshu's* account of the Xianbei: »[...] 以季春月大會於饒樂水上,飲讌畢,然後配合。/ In the final month of spring they [the Xianbei] have a great meeting at Raoleshui; after they finished feasting and drinking, they will find themselves a partner.« Fan Ye, *Hou Hanshu* 90:2985. This large annual gathering of different kin groups provided a useful opportunity for the seekers to avoid marrying blood relatives. The *Zhoushu* describes a similar custom among the Göktürks of looking for partners during a meeting of different kin groups at a certain time. Linghu Defen, *Zhoushu* 50:910.

At the same time, by mentioning the son first as a possible partner for the widow, the passage could suggest that it was not uncommon to have a stepson. Moreover, this could be seen as an indication of the practice of polygyny, which, as mentioned above, was widespread among the peoples of the Eurasian steppe, with a few exceptions.¹¹¹ The form of marriage practiced by the Hephthalites was one such exception as, according to Chinese sources they practiced polyandry instead of polygyny.¹¹² The *Liangshu*, written in the sixth century, offers the following interesting explanation: »There are few women, and older and younger brothers marry together one wife.«¹¹³ Among the Chinese sources reporting on the customs of the Hephthalites, this remark is exclusively found in the *Liangshu*. We can only speculate as to the reason for this, but it may be that the author was thinking of a plausible explanation for why the Hephthalites practiced polyandry.

Returning to our passage from the *Shiji* on levirate marriage, we cannot find much in the way of a negative judgement, but rather it presents the information in a neutral tone. Sima Qian not only describes the practice of levirate, but tries to understand and explain it to his readers through a conversation between a Chinese envoy and Zhonghang Yue, who had accompanied a Chinese princess to the Xiongnu court as part of a peace treaty and, as a member of her entourage, therefore had to remain there. The passage reads as follows:

»But among the Xiongnu,« the envoy continued, »fathers and sons sleep together in the same tent. And when a father dies, the sons marry their own stepmothers, and when brothers die, their remaining brothers marry their widows! These people know nothing of the elegance of hats and girdles, nor of the rituals of the court!« »According to Xiongnu custom,« replied Zhonghang Yue, »the people eat the flesh of their domestic animals, drink their milk, and wear their hides, while the animals graze from place to place, searching for pasture and water. Therefore, in wartime the men practise riding and shooting, while in times of peace they enjoy themselves and have nothing to do. Their laws are simple and easy to carry out; the relation between ruler and subject is relaxed and intimate, so that the governing of the whole nation is no more complicated than the governing of one person. The reason that sons marry their stepmothers and brothers marry their widowed sisters-in-law is simply that they hate to see the clan die out. Therefore, although the Xiongnu encounter times of turmoil, the ruling families always manage to stand firm. In China, on the other hand, though a man would never dream of marrying his stepmother or his brother's widow, yet the members of the same family drift so far apart that they end up murdering each other! This is precisely why so many changes of dynasty have come about in China!«¹¹⁴

111 Holmgren, Imperial marriage, 77.

112 Yao Silian, *Liangshu* 54:812; Linghu Defen, *Zhoushu* 50.918; Wei Zheng, *Suishu* 83.1853.

113 »少女子,兄弟共妻。« Yao Silian, *Liangshu* 54.812.

114 »漢使曰:「匈奴父子乃同穹廬而臥。父死,妻其後母;兄弟死,盡取其妻妻之。無冠帶之飾,闕庭之禮。」中行 曰:「匈奴之俗,人食畜肉,飲其汁,衣其皮;畜食草飲水,隨時轉移。故其急則人習騎射,則人樂無事,其約束輕,易行也。君臣簡易,一國之政猶一身也。父子兄弟死,取其妻妻之,惡種姓之失也。故匈奴雖亂,必立宗種。今中國雖詳不取其父兄之妻,親屬益疏則相殺,至乃易姓,皆從此類。[...]« Sima Qian, *Shiji* 110:3505; For the English translation, see Watson, *Records*, 144. A detailed analysis of this passage from the *Shiji* is given in Stuurman, Herodotus and Sima Qian, 30-34.

Compared to the Chinese Empire, the Xiongnu and their way of life are portrayed in a positive light; there is even a sense of admiration when describing their style of governance or the high value they place on family cohesion, with levirate marriage playing an important role in ensuring this.¹¹⁵ Although the Chinese view, represented here by the Chinese envoy, is that levirate marriage is a barbaric and uncivilized custom, Sima Qian shows it to be a reasonable measure for the Xiongnu's way of life.¹¹⁶ Although Sima Qian mentions their arrogance and lack of righteousness in his chapter, he nevertheless wanted to understand their various customs, and Nicola Di Cosmo points out the possibility that Sima Qian »might have been regarded as a 'barbarophile' by his contemporaries«¹¹⁷. Rather than portraying the Xiongnu as a negative mirror of the Chinese Empire, Sima Qian showed a genuine interest in them and enacted, according to Siep Stuurman, a so-called »anthropological turn«,¹¹⁸ i.e. Sima informs his reader on the customs of the steppe peoples and he tries »to understand those others 'from within,' examining the functioning of their culture, instead of merely compiling a list of weird and outlandish customs«¹¹⁹.

In addition, this passage emphatically expresses Sima Qian's critique of the Chinese Empire, especially the imperial court, for which he was criticized by subsequent historians such as Ban Gu, the main author of the *Hanshu*.¹²⁰ Although he accused Sima Qian of defaming the Chinese imperial court in the *Shiji*, Ban Gu not only used the *Shiji* as a model for the first-century *Hanshu*, but also copied entire passages from Sima Qian's work; for example, the chapter on the Xiongnu in the *Hanshu* is almost identical to that in the *Shiji*, including Zhonghang Yue's speech with its underlying criticism.¹²¹

115 According to Stuurman, Sima Qian's »ethnography of the nomads wavers between his disapproval of their 'un-Chinese' ways and an objective appraisal, at times bordering on a grudging admiration, of their military skills and efficient style of governance«, Stuurman, Herodotus and Sima Qian, 28.

116 Stuurman, Herodotus and Sima Qian, 33.

117 Sima Qian, *Shiji*, 110:3483; Di Cosmo, *Ancient China*, 271.

118 Stuurman, Herodotus and Sima Qian, 2. For more information on the negative mirror, see Liccardo, *Old Names, New Peoples*, 7; 19, FN 71.

119 Stuurman, Herodotus and Sima Qian, 2.

120 Di Cosmo makes the following observation: »In Ssu-ma's description of Hsiung-nu customs we can therefore distinguish two types of information. The first type, direct, is information that Ssu-ma Ch'ien provided himself, whereas the second, indirect, is information reported by him as other people's opinion. In the latter case, it is possible that Ssu-ma Ch'ien was expressing his own thoughts using other people's names to avoid blame or to add greater weight to the opinions expressed. Nevertheless, both contribute to give us a fairly accurate picture of Hsiung-nu customs.« Di Cosmo, *Ancient China*, 272. The criticism of the *Shiji* by later historians was mainly based on the fact that Sima Qian was punished and sentenced to castration by emperor Wu for defending General Li Ling, who defected to the Xiongnu after a great defeat. They therefore accused him of having written his work as revenge for his punishment: van Ess, *Politik und Geschichtsschreibung, Teil 1*, 5; Stuurman, Herodotus and Sima Qian, 7.

121 Ban Gu, *Hanshu* 94a:3760-3761; van Ess, *Politik und Geschichtsschreibung, Teil 1*, 18; 320.

However, Ban Gu also added information to his account of the Xiongnu that casts a more negative light on the practice of levirate marriage, emphasizing the act as an uncivilized custom: »Who can be compared to the person of Maodun chanyu who killed his father, succeeded him and married his stepmother? He behaved like birds and beasts!«¹²² This contradicts an earlier passage which tells us that Maodun, the founder and leader of the Xiongnu confederation, executed his stepmother.¹²³ However, we should not assume that he had only one stepmother, since polygyny was a common practice, and therefore it is possible that Maodun executed one of his stepmothers, who was the mother of his younger brother, the original successor of their father, and married the remaining stepmother or stepmothers.

Writing in accordance with his time, when a stricter Confucian orthodoxy was being established, Ban Gu used levirate marriage to highlight the barbarian nature of the Xiongnu and their leader.¹²⁴ However, his texts also hint, consciously or not, at another function of levirate marriage: apart from ensuring family cohesion, levirate served to provide political legitimation.¹²⁵ Another passage from the *Hanshu*, which reports on the Wusun, a nomadic people of ancient Dzungaria and the surrounding area, shows this function of the levirate marriage even more clearly:¹²⁶

The Kunmo [of the Wusun] was advancing in years, and he asked his grandson Cenzou to marry the princess. The princess refused and sent a letter to the Han court to explain the situation. The Son of Heaven replied: »Comply with the custom of their state. I intend to join with the Wusun to destroy the Hu [Xiongnu].«¹²⁷

The Chinese princess was originally sent to the Wusun court to establish a marriage alliance through a union with the Kunmo (which was the title of the leader of the Wusun).¹²⁸ As he grew older, he arranged a union between his grandson Cenzou and his Chinese wife, which could be considered a levirate marriage after his death and clearly had the function of legitimizing the succession of his grandson. Furthermore, keeping the princess at the Wusun court would maintain the marriage alliance with the Chinese Empire, which was also in the Chinese emperor's interest, as he had plans for an offensive against the Xiongnu with the help of the Wusun.

122 »孰與冒頓單于身殺其父代立,常妻後母,禽獸行也!« Ban Gu, *Hanshu* 94a:3780.

123 The *Shiji* remains silent on whether Maodun married his stepmother(s) or not.

124 In addition to the emerging stricter Confucian orthodoxy, we must also take into account the different historical contexts in which our authors lived. In Sima Qian's time, there were major military confrontations between the Xiongnu and the Han, whereas in Ban Gu's time, the Xiongnu posed less of a threat, and China was more confident in its own power. According to Di Cosmo, »Pan Ku's aim was to explain, and perhaps intervene in, the internal political debate on foreign policy, rather than to investigate the nature of the Hsiung-nu[.]« Ancient China, 271. For more information on the emergence of a stricter Confucianism and its influence on literature, see, for example, Schmidt-Glintzer, *Geschichte der chinesischen Literatur*, 103-111.

125 Holmgren discusses the political function of levirate marriage in the pre-Yuan era, where levirate marriage was used as a means of legitimising succession. Holmgren, *Observations*, 157-167. As this passage shows, levirate marriage was also used as a political tool by steppe peoples much earlier.

126 Beckwith, *Empires*, 33, FN 20.

127 »昆莫年老,欲使其孫岑陁尚公主。公主不聽,上書言,天子報曰:「從其國俗,欲與烏孫共滅胡。」« Ban Gu, *Hanshu* 96b:3904.

128 Beckwith, *Empires*, 376.

However, the fact that the princess initially refused to go along with the arrangement shows that this marriage custom was not a common practice among the Chinese and was therefore used by the author as a strategy for distinguishing between steppe peoples, in this case the Wusun, and the Chinese.¹²⁹ The *Hou Hanshu*, written by Fan Ye in the fifth century CE, mentions a similar case: Zhaojun, a member of the Chinese court was sent to become the wife of the leader of the Southern Xiongnu, Huhanye, as part of a marriage alliance. After his death, Huhanye's son wanted to marry her to legitimize his succession. Although Zhaojun initially refused, she was instructed by the Chinese emperor to abide by the custom for the sake of peace.¹³⁰ Another very good example of the use of levirate marriage as a political tool is the marriages of the Sui princess Yicheng (d. 630). After the death of Princess Anyi of Sui in 599 CE, Qimin (Kirmin), khagan of the Eastern Turkic Khaganate requested another wife from the Sui (581-618), and the court sent Yicheng to marry him.¹³¹ After Qimin's death in 609, Yicheng was the wife of three consecutive khagans, all Qimin's sons, who married her in accordance with the custom of their people.¹³²

Subsequent Chinese writers mention levirate as a marriage form practiced by the steppe peoples in the ethnographic excursuses of their respective dynastic histories. However, unlike Sima Qian, they did not attempt to explain these customs, but instead compiled what Stuurman called «a list of weird and outlandish customs».¹³³ An example of a detailed description of the levirate custom without any explanation can be found in the *Zhoushu* when reporting on the Göktürks. The text reads:

After the death of the father or the father's brother, the son, younger brother or the nephew marry the stepmother, the aunt or sister-in-law, but men of older generations are not allowed to consort with younger generations.¹³⁴

The last sentence of this passage from the *Zhoushu* points to the practice of junior levirate among them.¹³⁵ In addition to the son and the brother, the nephew is also mentioned among the widow's possible partners, an inclusion that expanded the widow's opportunities to marry a younger man. However, we have to keep in mind that these terms of kinship are in Chinese and thus do not necessarily reflect the familial relationships as understood by the Göktürks themselves.

129 Hinsch, *Women*, 4; Feng, *Chinese Kinship System*, 51-52; Holmgren, *Observations*, 127.

130 Fan Ye, *Hou Hanshu* 89:2941.

131 Wei Zheng, *Suishu* 84:1873.

132 Yang, *Early Tang China*, 7-8. For example, the *Suishu* reports that Shibi, the son and successor of Qimin khagan, expressed the wish to marry Yicheng, because it was the custom of his people. Wei Zheng, *Suishu* 84:1876.

133 Stuurman, *Herodotus and Sima Qian*, 2.

134 «父〔兄〕伯叔死者,子弟及姪等妻其後母、世叔母及嫂,唯尊者不得下淫。» Linghu Defen, *Zhoushu* 50:910. A similar description of the practice of levirate among the Tujue is found in the *Suishu*: «父兄死,子弟妻其群母及嫂。» »When a father or elder brother dies, the son or younger brother marry the group of mothers or the wife of the older brother.« Wei Zheng, *Suishu* 84:1864. Considering the passage in the *Zhoushu*, the term *qunmu* 群母 can be interpreted as meaning stepmother(s).

135 On junior levirate, see above, p. 198.

Primarily based on the 8th-century Orkhon inscriptions, Sharon Baştuğ observes that the Göktürkcic system equated and merged several kinship terms: a relevant example here is the term *ati* which was used for nephews as well as grandsons.¹³⁶ Therefore it is possible that other younger male relatives of the deceased within the patrilineal line could also marry the widow.

Interestingly, there seems to be no explicitly stated prohibition within levirate marriage customs against older women marrying younger men. In contrast to the biblical tradition, the begetting of a son, thus providing an heir for the deceased in the event he had died childless, seems not to have been the primary purpose of levirate marriage. This underlines the aforementioned function of this custom, namely, to keep the widow in the family, which not only served to keep the family together but also had economic significance by providing another family member with a wife without having to pay another bride price.¹³⁷ The *Zhoushu* offers no explanation for this practice, especially the generation rule, but it does emphasize the otherness of the steppe peoples, in this case the Göktürks.

Unlike the father of Chinese historiography, subsequent Chinese authors emphasized the *Other* by mentioning levirate marriage and, writing in accordance with Confucian ideals, underlined the barbarian and uncivilized character of these peoples, even comparing them to pigs and dogs.¹³⁸ Despite this agenda, the Chinese sources reveal the following about the custom: levirate marriage did not only involve the brother of the deceased; other male relatives of the deceased could also marry the widow, the only restriction being that they had to be non-blood relatives. Special forms of levirate are also mentioned, such as the junior levirate practiced by the Göktürks, which not only prohibited marriage between blood relatives but also prevented older men marrying younger women. Through these Chinese historiographical sources, we can uncover significant motivations behind the practice of levirate marriage: ensuring family cohesion; providing economic benefits; and furnishing the elites with political legitimization.

136 Baştuğ, *Kök Türik kinship terminology*, 9-10; Taşbaş, *The Turkic kinship system*, 247. Both scholars conclude that the kinship system of the Göktürks corresponds to the Omaha model, and Baştuğ points out that the merging of specific kin types is in accordance with the Omaha model; see Baştuğ, *Kök Türik kinship terminology*, 4; 8; Taşbaş, *The Turkic kinship system*, 256.

137 See the above section on the socio-economic factors of the levirate. In addition to not having to pay another bride price, Holmgren points out that this custom had the following functions within Mongol society: it ensured that the wealth inherited by the widow on her husband's death remained in the family, and if her share of the inheritance was small, the widow and her children were made financially secure through the new husband, who was responsible for them. This factor was particularly important for the youngest son, who remained with his parents and received his inheritance after the death of both parents, unlike his older brothers, who received their inheritance after they married and set up their own households. For more information on this topic, see Holmgren, *Observations*; especially pp. 146-154. In contrast, Chinese historiographical sources provide us only with little information about economic factors (inheritance, etc.) linked to marriage or levirate marriage among steppe peoples of earlier periods. The *Hou Hanshu*, for example, indicates the practices of the Wuhuan and the Xianbei: first, the groom's family sent gifts to the bride's family, after which the groom served the bride's family for a period of time, i.e. bride price and bride service, which often occurred together. We can assume that levirate marriage saved the man from having to pay another bride price or from having to offer his services to another family. After these transactions, the Wuhuan and the Xianbei men set up their own households, but unlike the Mongol practice, the gifts given to the married couple by the bride's family served as the basis for their life together. Fan Ye, *Hou Hanshu* 90.2979.

138 Holmgren, *Observation*, 127.

Conclusions

The levirate, which can still be found today within various ethnic communities and spread over different geographical areas, was enacted in response to a range of socio-economic factors, often enforced by religious or cultural rules. It also served as a tool for creating or strengthening political alliances. While describing or just alluding to the levirate marriage, the selected sources from western Eurasia and China offer a plethora of interpretations and reflections which, although generally negative, signal different attitudes toward the less- or unknown. Considered overall as a symptom of a barbarian society, the levirate could also be clearly condemned as morally reprehensible or even religiously deviant.

Since the analyzed sources were drafted, read and transmitted in two cultural areas whose direct interaction was very tenuous, to say the least, they offer representations and reflections on the *Other* that did not influence each other. In other words, they are not literary references to be understood by an audience sharing similar values and formal education.¹³⁹ Furthermore, by focusing on a single custom and thus circumscribing the matter of comparison to a specific form of otherness, we aimed to carry out a qualitative examination of representations of a social phenomenon across cultures and geographical areas.¹⁴⁰ The general conclusions that can be drawn from such comparison are the following.

First, there is a clear disproportion in terms of actual familiarity with the practice between Western and Chinese authors. Until the 13th century, Greek, Latin, Armenian, and even Arab sources betray a rather superficial knowledge of the levirate. In contrast, Chinese authors, starting with Sima Qian, recount specific examples of leviratic marriages, showing a certain familiarity with this institution, which was derived from prolonged interactions with the steppe peoples, such as marriage alliances. In the first ethnographic account of the steppe peoples in Chinese historiography, Sima Qian did not merely list the customs of the *Other* but also tried to understand these alien cultures, unlike later Chinese writers, who informed their readers about the practice of levirate marriage among these peoples only in order to distinguish themselves and, in accordance with Confucianism, to show the superiority of Chinese customs and way of life.

Second, this distinction had clear repercussions on the wider meanings that the levirate could assume in authors' narratives. While Chinese authors could either have direct knowledge of specific leviratic marriages or access to reliable sources attesting to this practice and its characteristics, intellectuals further apart from Eurasian nomads could more easily re-elaborate vaguely remembered reports and hearsay evidence. This spatial and cultural distance allowed them to transform the institution of levirate marriage into a topos, a symbol of gender anarchy, reversal of family laws or irreligious behaviors. The frequent cases of marriages between members of the Chinese court and leaders of various groups of steppe peoples provided Chinese authors with information about this marriage form, and despite their intention to emphasize the uncivilized, even animal-like character of the steppe peoples, the sources reveal the underlying reasons for the practice of levirate marriage, which was mostly a matter of defending property, inheritance law, and political alliances.

139 On the comparative approach to Latin, Greek and Chinese historiographical sources, see Ford, *Rome, China, and the Barbarians*, 13-27; Stuurman, Herodotus and Sima Qian, 2.

140 See the reflections on transcultural comparisons of kinship structures in Gingrich and Lutter, Kinship and gender relations.

Authors with scanty knowledge of the marriage system among nomads could fill the void by making the levirate a component of their »negative mirror imaging«, i.e. their creation of both antithetical and imagined ideas of the *Other* and the *Self*. It is therefore not surprising that the most detailed source from western Eurasia containing first-hand information, the account of Giovanni da Pian del Carpine, is also the one reflecting an image of the practice closest to the Chinese narratives. For the friar, the levirate is first and foremost an institution that regulates the dynamics of inheritance and is used as an instrument in the hands of political rulers.

Third, and finally, this analysis enables us to insert the new genetic data in a larger historical framework and to appreciate them in light of long-durée reflections. Drawing upon sources reflecting a variety of perspectives, the comparison widens our understanding of family life among Eurasian pastoralist societies. While genetic findings can only attest to patterns of reproduction and thus, per se, do not prove cultural institutions, combined with textual analysis, comparative history and anthropology, they can unveil family structures and marriage strategies of nomadic societies.

Nowadays, levirate marriages are uncommon in most societies. Curtailed by political movements, such as the Communist Party in Central Asia,¹⁴¹ or religious authorities, like the Christian missionaries in Africa,¹⁴² and made economically less attractive by the expansion of women's property rights and access to wealth, the levirate is in decline overall, even in the very communities that practiced it regularly in the past. However, if such new economic conditions fail to materialize, that is to say, when women continue to have only limited property rights and no financial aid from the state, as is the case in Sub-Saharan Africa, the disappearance of this custom can negatively affect the welfare of the widow, who is left without the social protection and economic support that was made possible by a leviratic marriage.¹⁴³ Finally, if the levirate seems to be disappearing in most places, one has to remember that customary practices are not dying out everywhere at the same time, but in some cases the trend is even reversing. More specifically, in both Central Asia and Tibet, the rediscovery of traditional values, the repopularization of religious practices, or the economic hardships caused by the fall or the drastic transformation of communist economic systems have facilitated a renewed acceptance of traditional marriage customs, which coexist and even facilitate levirate and sororate unions, such as polygyny and polyandry.¹⁴⁴

141 On the abolishment of a series of Muslim and customary institutions in Central Asia by the Soviet authorities, including the levirate, see Brusina, *Sharia and civil law*, 56-63. On the preservation of such practices during Russian imperial rule, see Shadmanova, *Legal status of Muslim women*.

142 By targeting polygyny, a widespread custom across the continent, Christian missionaries restricted the applicability of the law of levirate. See the reflections on Christianity and African polygyny in Baloyi, *Critical reflections on polygamy*.

143 See Kudo, *Does criminalizing?*.

144 On polygyny in contemporary Kyrgyzstan, see Commercio, *Don't become a lost specimen!*; on the revival of polyandry in rural Tibet, see Fjeld, *Return of Polyandry*.

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Abbreviations

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- Arist. *Eth. Nic.* = Aristotle, *Ethica Nicomachea*, ed. Lesley Brown, *The Nicomachean Ethics* (Oxford, 2009).
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