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# Attitudes toward Deviant Sex in Ancient Mesopotamia\*

VERN L. BULLOUGH

Sex should be regarded as legitimate a subject for historical study as religion or economics or medicine. If historians are to arrive at a complete picture of the history of humanity the historical evolution of sexual attitudes would seem to be a key to understanding. Such a study becomes particularly important as preliminary to understanding our own attitudes towards sex, particularly towards such variant sex practices as homosexuality. The history of sex, however, is not by itself a special branch of history. Rather it overlaps several specialized historical fields such as those of law, religion and philosophy, medicine, social and intellectual history in general. If we could draw a precise picture of sex for each period in history encompassing legislation, religious and philosophical doctrines, public opinion, literature, biographies, it might be possible to arrive at a picture of man's attitudes towards sex. Such studies must be made with care because much of the historical introductory material to works on sex by scholars as noted as Havelock Ellis, Richard von Krafft-Ebing, Albert Moll, or Magnus Hirschfeld, is superficial and unscientific in character. In order to support a psychological or endocrinological theory they simply cited some historical antecedent without taking very seriously what they were doing, and in the process often used documents which were mediocre and unevaluated. In this fashion many errors and old wives' tales, some of which are patently absurd, have been preserved and are cited by numerous studies in sex as being gospel truth simply because they were referred to in the works of men who in their day were great sexologists but were not trained to research historical documents.

## INTRODUCTION

Any study of the past is dependent upon the sources, that is the documentation and other evidence at our disposal. For the period before written records most of our information comes from tools,

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building materials, weapons, pottery, art works, and other material remains found in archeological excavation. Though a number of these artifacts of early man attest to great interest in sexual matters, their interpretation must remain entirely speculative based upon parallels between what we know about them and corresponding elements that have been found to exist among contemporary primitives. When one uses this method, however, there is always the decisive step to take, to reconstitute the unknown from the known and while "working hypotheses" may result, that is about all that can be expected on the basis of present data. From the anthropological data it seems clear mankind has encompassed a wide variety of attitudes towards sex in general and towards homosexuality in particular.

History itself, however, is based upon written records, and these began with the appearance of cities approximately 5,000 years ago. Among the earliest and most important cities were those in the river valleys of the Near East (sometimes called the Middle East) particularly in the areas known today as Egypt and Iraq. One group of cities was centered in Iraq, a region traditionally known as Mesopotamia from the Greek description of it as "the land between two rivers," the Tigris in the East and the Euphrates in the West. The earliest builders of the Mesopotamian culture were the Sumerians, a people of uncertain origin, who by the beginning of the third millennium (3000 B.C.) had built up an extraordinarily well integrated civilization. The further development of this civilization is in large part the history of immigrations of other peoples into the area.

The first substantial migration was that of the Semitic Akkadians. By 2300 B.C. they had seized the hegemony of Sumer and soon established an empire stretching westward perhaps to the Mediterranean. This brief period ended in chaos as the northern mountainous tribes known as Guti descended on the fertile plain and for a time controlled it. When the Guti were driven out there was a revival of Sumerian power under the Third Dynasty of Ur but Semitic influence remained strong. This regime fell to a fresh wave of Semitic speaking migrants, the Amorites who took over and settled many Sumerian cities and it was from this period that Hammurabi of Babylon emerges (c. 1700 B.C.). Babylon later fell to the Kassites, another group of invaders who became almost completely assimilated to the native culture. When Kassite control collapsed (c. 1150 B.C.) the center of the Mesopotamian world shifted from the south

to the north and for a time the Hurrians and the Indo-European Mitanni were dominant but soon overshadowing all was the rise of the Assyrians who had long resided in the area. The Assyrians in turn were replaced by the Neo Babylonians in the period around 600–550 and they were in turn conquered by the Persians. In spite of these various changes it is possible to speak of an ancient Mesopotamian civilization which had considerable continuity from approximately 3000 B.C. to 300 B.C. and a handful of priestly families in Babylon itself kept the old traditions alive until the first century A.D.

Certain peoples, however, tended to set the mold for the others, and the basic structure seemed to have been set by the Sumerians. Of the Semitic groups, first the Old Akkadians and then the Amorites played important parts but it is not always easy to trace just what each group contributed since they also absorbed the old Sumerian culture. The Assyrians for the most part were soldiers and though their pattern of life was different from that of the ancient Sumerian, the fixed pattern of Babylonian thought had been worked out before they arrived. Moreover, as conquerors they imposed their adopted Babylonian civilization upon other peoples, passing the more popular elements of this culture throughout the near East. The Persians left their imprint, but also incorporated much of the existing ideas and institutions.

To reconstruct this civilization it is necessary to examine the literatures and to judge from the available information there are approximately half a million cuneiform documents varying considerably in shape, size, and state of preservation scattered throughout museums and private collections of the world. Most of these deal with commercial matters, and less than 2% (approximately ten thousand tablets and fragments) are inscribed with belles-lettres, such as myths, epic tales, hymns, prayers, laments, and “wisdom” compositions. The great majority of these literary documents are written in Sumerian and Akkadian, the remainder in Hittite and Ugaritic (Canaanite) and only rarely in such languages as Hattic, Hurrian, Luvian, and Palaic. Except for the Sumerian documents, almost all of these literary works have been published and translated, and their significance for the history of literature and particularly for Biblical and Greek literature has been pointed out and evaluated by a number of scholars over the years (Contenau, 1954; 1938; Dawson, 1930; Saggs, 1962).

As regards the definitions of what is right and proper, morals if you will, the literature presents a problem. Ethical behavior in any age can be divided into two categories: the standards actually practiced among the mass of the population, and the ideals proclaimed by the thinkers and the prophets. The degree of divergence between these two standards differs from age to age and even within one period urban and rural customs for example, may not be uniform. In the ancient world only the written works exist and these, compiled or composed by scholars, are either direct moral exhortations or hymns containing sections devoted to such matters. More important, however, are the materials which only indirectly throw light on moral standards, and these then become almost unlimited. Particularly important are legal documents and there are several of these but comparatively little has been done to extract their sociological significance since the scholars who have studied them have been mostly philologists or legal experts. Formal Sumerian collections of laws are known from Ur-Nammu of the Third Dynasty of Ur (c. 2110 B.C.) and Lipit-Ishtar of Isin (c. 1925 B.C.). These have long prologues which are, among other things, statements of justification for the laws. Neither of these is preserved completely but that of Lipit-Ishtar can be reconstructed enough to indicate that there must have been about 100 laws. The best known of all laws, however, are those of Hammurabi. Hammurabi's code marks a great stride forward and contains about 250 laws. From Assyrian scribes we have another legal corpus of about 1100 B.C.; the largest and best preserved tablet of this collection deals with the legal position and rights and duties of women.

Several points should be kept in mind by the modern reader of these law codes. First, the laws seem to avoid stating any general prohibition such as "Thou shalt not kill," or "Thou shalt not steal." Instead they are remarkable for the very precise and fixed circumstances which they regulate. From this fact it has been argued that they were not intended as a comprehensive set of rules for society but instead they presume a fixed body of accepted norms and proceed to legislate for those cases where growth and change of society gave rise to new conditions where tradition was weak, in particular with the growingly complex commercial life. Secondly, the laws demonstrate the growth of a legal tradition. Once incorporated in a code, a given law is liable to turn up in later codes, whether or not it was vital to

the life of the community concerned. In attempting to use the laws as social documents this constant legacy should be kept in mind although to some extent old laws were brought up to date and worded more explicitly. Moreover, the incorporation of old laws led to an enforcement problem, a problem that is still with us, since the laws on the books were often ignored. It is quite certain that two contracting parties were free to disregard the requirements of the law if they so wished. Nor was there any adequate machinery for insuring that the laws were observed. In effect we can conclude that in spite of the complicated commercial life, the concept of what constituted morality remained as it had in the tribal stage where everyone knew the basic norms of social interaction and there was no need to put them in writing. All citizens, but particularly rulers, were guardians of the standards demanded and were presumed to uphold them in their respective spheres: rulers over districts and quarters of cities, and parents over children (Lambert, 1957).

#### PART I

In Babylonia, there was little or no distinction between what was morally right and ritually proper. In fact, it seems that the gods were far more angry when their subjects ate ritually impure food than when they oppressed widows and orphans. His anger would better be appeased by a ritual offering than with a reformed life. This causes complications in studying sexual life because this is where Mesopotamian standards differed most from our own. The basic cause underlying this phenomenon is the worship of the Sumerian Inanna and her Babylonian successor Ishtar. Almost all members of the Mesopotamian pantheon were personifications of parts or aspects of nature. They emphasized that all life "depends on love alone" and so not unnaturally sexual potency was personified in the goddess of love and procreation. By our standards the Sumerians had little modesty about sex and the Sumerian signs male and female were originally simplified drawings of the sexual parts; a married person was expressed by the juxtaposition of the two. The sexual act was a symbol of fertility and in the New Year festival it was performed by a priest and a priestess as a means of securing general fertility within the state. The rite was portrayed on a few cylinder seals but until recently little was known about it except for some stray allusions. Samuel Noah Kramer (1963), however, recently has edited

and translated a number of Sumerian literary texts from the period 1900 to 1600 B.C. dealing with the ceremony and the description of seduction and lovemaking. There is also a Sumerian love charm preserved from this period (Falkenstein). Most of the texts dealing with lovemaking, however, are preserved in copies from about the seventh century B.C. and consist of incantations and rituals intended to cure sexual deficiencies in men.

In interpreting these references there are several problems, not the least of which is my inability to read the key sources in the original language, and even today some of the key sources remain untranslated. Probably the best source for information on sexual practices is Tablet CIV of *Summa Alua* which gives omens derived from the sexual activities of humans. Though there was a nineteenth century translation it left out the key passages because of their "realistic" descriptions, and no usable translation has ever been published. Moreover, in ancient Mesopotamia the historian of sexual customs is handicapped by the fact that there are no graffiti, even in areas where there is stone, due no doubt to the difficulty of cuneiform writing which precluded all but the professionally trained scribes from being able to read and write. It might also indicate, however, the lack of emotional need for such graffiti. At any rate this characteristic vehicle of popular expressions in matters of love and desire is mostly lacking.

We do have some pictorial representations such as clay models of female sexual parts and stone models of erect penises (which have a hole bored in them) and they probably had a connection with Ishtar for a number of them have been found in temples dedicated to her. Representations of couples having intercourse are numerous also although they are difficult to locate in modern museums. This is due to the fact that only a few have been published since most scholars, until recently, have omitted such artifacts from their publications and they are only rarely displayed in museum exhibits. A number of terra cotta model beds exist showing a couple having intercourse while other representations show a couple, the woman standing bent over drinking from a vessel through a tube, while the man has intercourse *per anum*. In some cases both persons involved in such acts are men, an indication of the existence, and at least recognition, of homosexual intercourse (Ziegler, 1962).

Even translations present some problem to the reader. This is most

evident in the use of the term *hierodules*, a Greek term with no sexual meaning, applied by translators to persons who served in certain temples in Assyria and Babylon and who in some instances are known to be prostitutes, either male or female. Some are also known to be eunuchs. The word designating priests, *shangu*, covers chanters (*kalu*), diviners (*baru*), exorcisers (*ashipu*), and numerous others, some of whom at least in certain cases, practiced homosexual prostitution. Unfortunately some scholars of sex have grasped upon any reference to temple servants or hierodules to mean homosexuality. It should be emphasized that homosexuals were not necessarily priests, and that priests were not necessarily homosexuals. Even when there is an attempt to translate somewhat more literally there is difficulty because there has been considerable reticence to use common English words by the translators. Sometimes the term eunuch is used when perhaps homosexual would be better. When all this is said, however, it seems certain that the attitude of the ancient Mesopotamians towards sexual acts had "little in common with those generally held in modern western civilization" (Biggs, 1967).

There is still another problem, and one that plagued the historian of sexual attitudes until comparatively recent times: almost all of the writing was done by men. Thus while there is considerable reference to male sexual life, that of the female is viewed only from the point of view of the male, and there is almost no reference to female homosexuality. This can be demonstrated from an astrological text of the New-Babylonian period (6th century B.C.) which probably can be traced back to early Sumerian times. This text indicates the effect of the stars on potency and love making and includes the following signs:

- 5 "love of a man for a woman: region of Libra"
- 6 "love of a woman for a man: region of Pisces"
- 7 "love of a man for a man: region of Scorpio"
- 8 "to have intercourse with a woman: region of Aries" (Biggs, 1967).

The love of a woman for a woman is somehow left out altogether. These difficulties, plus the general Judaic Christian orientation of historians and translators make the question of sexual life in ancient Mesopotamia difficult to reconstruct and fraught with uncertainties.

Some idea of the importance of sex can be gained from a collection

of documents grouped under the Sumerian term SA.ZI.GA (Biggs, 1967), literally the "rising of the heart," which is generally translated as meaning sexual potency. The incantations are ostensibly recited by a woman, often addressing a man in the second person, as a stimulation to enable him to make love. There is no evidence that these texts were intended to stimulate homosexual love although women are never addressed in the incantations. It is this fact which helps to distinguish the potency incantations from the love incantations.

From the incantations it seems clear that self or mutual masturbation was a technique utilized to give potency. Often a man could only achieve an erection by rubbing his penis (or having it rubbed) with a special mixture of *puru*-oil. Normally *puru*-oil was a special oil for anointing the body, and was distinguished from oil used for cooking or eating by being stored in a *puru*, a stone vessel. To restore potency this special oil was mixed with pulverized magnetic iron ore and pulverized iron, probably to provide additional friction which it is assumed would be more stimulating than simple oil. Quite obviously the *puru*-oil was not intended as a lubricant. There is no evidence in the texts that the penis was ever stimulated by oral contact although it is never clear whether the performer of the ritual or the patient himself rubbed on the oil.

Though the majority of incantations are incomplete, their meaning seems to be directed towards heterosexual rather than homosexual intercourse. Occasionally there is considerable ambiguity about many of the lines such as:

"Let a horse [make love to me (?)]  
 ["Let his penis be a stick of *martu*-wood (?)]  
 [Let it strike the] anus of the woman . . .

Anal intercourse was practiced in Mesopotamia, and there is no evidence that it was considered tabu. The "entu-priestess" permitted such intercourse to avoid pregnancy, and other tablets contain such statements as "if a man has anal intercourse with his male companion." It should be emphasized, however, that

There is not the slightest evidence that any of the sexual acts described in the potency or love incantations were considered immoral, though in certain cases, such as chronic pollution, a man was considered ritually unclean.

By pollution the author of the above quotation apparently meant masturbation since there is a reference in one tablet which goes "if

a man has a woman keep taking hold of his penis (i.e. masturbating him?), he is ritually unclean.”

The Sumerians believed there were divine institutions, offices, laws, attitudes, and dogmas which governed the universe from the days of its creation and kept it operating. These were called *me*. One of the ancient Sumerian poets found it desirable to list all these governing man and his culture. He divided civilization as he knew it into over one hundred elements. Only some sixty of these elements are at present intelligible and some are only bare words which, because of the lack of context, give no hint of their real significance. Enough remains, however, to show the character and import of this first recorded attempt at culture analysis to make up a list of what are now generally termed “culture traits and complexes.” Included are several words which are sexually descriptive, some of which could mean eunuch or “effeminate” man. The design included: (1) lordship; (2) godship; (3) exalted and enduring crown; (4) the throne of kingship; (5) the exalted scepter; (6) the royal insignia; (7) the exalted shrine; (8) shepherdship; (9) kingship; (10) lasting ladyship; (11) “divine lady” (the priestly office); (12) *ishib* (the priestly office); (13) *lumah* (the priestly office); (14) *gutug* (the priestly office); (15) truth; (16) descent into the nether world; (17) ascent from the nether world; (18) *kurgarru* (the eunuch); (19) *girbadara* (the eunuch); (20) *sagursag* (the eunuch); (21) the (battle) standard; (22) the flood; (23) weapons; (24) sexual intercourse; (25) prostitution, and goes on listing law, art, music, heroship, power, falsehood, various crafts, wisdom, terror, et al. Some 68 of the hundred terms are readable and it seems clear that not only the physical universe but every aspect of human society is equally a divine prescription (Kramer, 1959).

According to mythology man was created by Marduk (Sumerian Enlil) from the blood of kingu, the husband of the goddess Tiamat from whose body was formed the earth and the heavens. In the earliest version there were six different types of individuals of which only the character of the last two types, the barren woman and the sexless or eunuch type can be deciphered (Kramer, 1961). In the original version the eunuch lacked both male and female sexual organs, but in other stories such eunuchoid characteristics are not entirely clear. This ambiguity is evident in the story of “Ishtar’s [or Inanna’s] Descent to the Nether World.” The oldest text of this has been traced back to early Babylonia history by Samuel Noah Kramer

(1958) and Ishtar of the later versions derives from Inanna in the earlier ones. The story is basically the same in that Ishtar loved Tammuz, god of the harvest, and this love had caused the death of Tammuz. Ishtar, overcome with grief, set out for the abode of the dead to find him. Though she had all the appropriate decrees to enter the netherworld, she fell victim to the jealousy of Ereskigal, her sister and queen of the underworld, who fastened upon her "the look of death." To rescue her, Ea fashioned either two sexless creatures, *kurgarru* and *kalaturru*, or in the later version the effeminate Asushunamir (also Asushu-Namir) who could successfully withstand the "great enchantment" of queen Ereskigal. He was successful since the queen, distracted by the beauty of Asushunamir, did not recover until Ishtar had been rescued. When she recovered, Ereskigal, angered by the trickery which had been played upon her cursed Asushunamir with a fate "not to be forgotten through eternity."

The food of the city's *gutters* shall be thy food,  
 The *sewers* of the city shall be thy drink,  
 The shadow of the wall shall be thy station,  
 The threshold shall be thy habitation,  
 The besotted and the thirsty shall smite thy cheek.

There is no evidence that this curse was applied to all "effeminate" men but its impact over the centuries is impossible to measure.

The two greatest masterpieces of Sumerian literature, put down in their final form probably during the twelfth and eleventh centuries are the *Enuma Elish*, the story of *creation*, parts of which have already been examined, and the second, the epic of Gilgamesh which devotes itself to the question of why man must suffer and die. The story of Gilgamesh which was first recovered in 1862 caused a sensation at that time because it contained a version of the deluge myth which showed marked resemblance to the flood story in the Book of *Genesis*. The flood story, however, is but a small part of the Gilgamesh Cycle which consists of twelve songs of Gilgamesh. The ensuing story contains many references which some writers have interpreted as implying homosexuality. Here we run into a real problem since the dreams recorded in ancient Near Eastern literature in spite of psychoanalytic attempts to do so, cannot be expected to reflect the psychological status of the dreamer, his aspiration, or his individual conflicts. This is because the personality of the dreaming person remains wholly beyond the reach of the investigation and this de-

prives us of that essential information which the background of the individual or his utterances in other contexts impart to the psychoanalyst. Moreover the existence of literarily acceptable dream types has channeled the imaginations of poets into certain pre-established patterns, and the poet feels free to use dream experiences to build and to embellish the dream story (Oppenheim, 1956).

With this clarification in mind, the Gilgamesh epic still seems to impart an erotic connotation to the friendship of the two heroes of the epic. In the first dream Gilgamesh is warned of the impending arrival of a strange being, Enkidu, whom he will embrace "like a wife." In the second dream a strange looking axe is placed at his side

As soon as I saw it, I rejoiced.  
I loved it, and as though to a woman,  
I was drawn to it  
I took it and placed it  
At my side.

Gilgamesh and Enkidu met in a fight, and though Enkidu was victorious Gilgamesh's fury abated as soon as his knee touched the ground. The two men became friends and went off on a series of adventures. Gilgamesh continued to dream but his friend Enkidu is now his confidant. He awakened in the middle of the night and asked:

My friend, did you not call me?  
Why did I wake up?  
Did you not touch me?  
Why am I anxious?  
Has a god not passed by?  
Why is my body without strength?  
Oh Enkidu, my friend, I have seen in a dream . . ."

The two adventurers meet the Goddess Ishtar who offered her hand in marriage to Gilgamesh. Ishtar, the Babylonian goddess of pleasure promised Gilgamesh a chariot of lapis and gold, a house with the fragrance of cedars, goats that give birth to triplets, and sheep to twins, and numerous other gifts if he would only marry her. Gilgamesh, however, rejected her advances in a very misogynist way:

[Thou art but a brazier which goes out] in the cold;  
A back door [which does not] keep out blast and windstorm;  
A palace which crushes the valiant . . .

A turban whose cover . . .  
 Pitch which [soils] its bearers;  
 A waterskin which [soaks through] its bearer;  
 Limestone which [springs] the stone rampart;  
 Jasper [which, . . .] enemy land;  
 A shoe which [pinches the foot] of its owner  
 Which lover dust thou love forever?  
 Which of they shepherds pleased [thee for all time]?  
 Come, and I will na[me for thee] thy lovers:

Ishtar was so angered at Gilgamesh's action that she asks her father to create a celestial bull which could overcome the hero, but Gilgamesh and Enkidu kill the bull. Ishtar curse Gilgamesh but Enkidu throws the animal's organs in her face. The gods decide that such conduct deserved punishment and in assembly they ruled that it was Enkidu who must bear the violence of their wrath, and his loss is the punishment which Gilgamesh would have to pay. Enkidu soon sickened and died, and Gilgamesh went off on his vain quest to find the herb of immortality. Much later, when Gilgamesh approached death himself, he requested that the gods let his friend Enkidu come up from the underworld and reveal to him what death was like. The gods granted the request but Enkidu refused to tell him the law of the underworld since Gilgamesh would only weep. Gilgamesh persisted in his entreaty and Enkidu then confided

That which you cherished, that which you caressed, and which brought happiness to your heart, like an old garment is now devoured by the worms.  
 That which you cherished, that which you caressed and which made your heart glad, is today covered in dust.  
 It is all plunged into dust, it is all plunged into dust.

Whether the story is simply that of a powerful friendship between two men or whether it should be read in a much more sexual way is now impossible to ascertain. The only direct references to sex in dreams in Mesopotamia comes from the omen texts and none of these apparently deal with homosexuality *per se* although they do deal with nocturnal emissions and even with incest (Oppenheim, 1956).

The story of Gilgamesh and Enkidu would seem to reflect that intimate relationships between men were not unusual. This would seem natural in a society in which women were neither to be seen nor heard, and were not counted as intimate friends. Monogamy was the normal way of life but if a wife did not present her husband with children, he could take a concubine. Rich men often took more than

one wife. Divorce was allowed by law although it was much more difficult for a woman to obtain a divorce than for a man. In the case of divorce a man had to provide for the support of his children, or if he severed his relations with a concubine, he also had to provide for her children. In married life there was a dual set of standards involved, one for the wife and a different one for the husband. The wife's activities were rigidly circumscribed and adultery was a serious crime for which the punishment could be death. The husband on the other hand was in no way expected to limit his sexual life to his own bedroom and, provided he kept clear of other men's wives, he was quite free to do as he liked. In cases where a woman's husband was taken captive and he had not left enough for her to eat, she could live with another man as his wife. When and if her husband returned she was to go back to him; if she had any children by her temporary husband, they remained with their true father. From this reference it seems clear that it was difficult for a woman to earn a living by herself and yet, at the same time, that a wife represented a valuable economic asset for which the man had made a financial investment. The Hammurabic code attempted to stipulate the economic worth of the unmarried woman. An unmarried daughter, for example, could be given either a dowry, a share of her father's property, or the usufruct, the right to the profits from the land. She was free to dispose of her dowry as she would but in the other two cases, all rights usually reverted to her brothers on her death except under special conditions. Prostitution was accepted and widely practiced. References to homosexuality in the code of Hammurabi are nonexistent although some writers have claimed to detect such references from paragraph 187 of the code which refers to hierodules and adopted sons. This, as indicated earlier, is a dubious reference but we do know that male prostitutes were serving Ishtar at the temple at Erech and other places. These were called men "whose manhood Ishtar has changed into womanhood" (Lambert, 1957; Westermarck, 1908).

## PART II

Later Babylonian law codes, however, have explicit references to homosexual conduct, particularly the *Middle Assyrian Law Tablets* which date from the time of Tilglath-pileser I in the 12th century B.C. The laws themselves are probably copies or extensions of earlier ones which go back at least to the fifteenth century. In these laws un-

proved allegations of homosexual conduct were regarded as libelous, similar to unproven allegations about an individual's wife, as is evident from the following two statutes:

18: If a seignior said to his neighbor either in private or in a brawl, "People have lain repeatedly with your wife; I will prosecute (her) myself," since he is not able to prosecute (her and) did not prosecute (her), they shall flog that seignior forty (times) with staves (and) he shall do the work of the king for one full month; they shall castrate him and he shall pay one talent of lead.

Similarly, the same treatment is given out for alleging sexual misconduct, whether homosexual or heterosexual is unclear.

19: If a seignior started a rumor against his neighbor in private, saying "People have lain repeatedly with him," or he said to him in a brawl in the presence of (other) people, "People have lain repeatedly with you; I will prosecute you," since he is not able to prosecute (him) (and) did not prosecute (him), they shall flog that seignior fifty (times) with staves (and) he shall do the work of the king for one full month; they shall castrate him and he shall also pay one talent of lead (Pritchard, 1958).

Whether such a statute represents a change of attitudes towards homosexuality from the earlier Babylonian collections is at least a matter of debate. We know that the Hebrew attitude changed in the post-exilic period from the pre-exilic one, and this might be a similar case. On the other hand it might be that homosexual conduct was only regarded as criminal and taken into consideration by the law when the victim stood in a specially close relationship to the offender, and was not punishable in other cases (Driver, 1935). It seems clear, however, that some kinds of homosexual activity could lead to castration:

20: If a seignior lay with his neighbor, when they have prosecuted him (and) convicted him, they shall lie with him (and) turn him into a eunuch.

The only other reference directly or indirectly made to homosexual conduct per se deals with incest.

189: If a man violates his own mother, it is a capital crime. If a man violates his daughter, it is a capital crime. If a man violates his son, it is capital crime.

Incestuous pederasty here is not treated any different than other incest crimes, and nowhere else are there prohibitions against sleeping with a boy. In a polygamous society, incest becomes somewhat complicated as indicated by the legal treatment of the stepmother:

190: . . . If a man violates his stepmother, there shall be no punishment (but) if his father is living, it is a capital crime.

The silence of the law over various other forms of homosexual conduct is undoubtedly deliberate since other sexual crimes such as bestiality are mentioned, and in a series of laws dealing with cattle, sheep, and pigs, the statements are more or less the same:

187: If a man does evil with a head of cattle, it is a capital crime and he shall be killed. They bring him to the king's court. Whether the king orders him killed or whether the king spare his life, he must not appeal to the king.

The purpose of marriage was procreation and not companionship. The mother's first duty was to raise her children, and a sterile marriage was grounds for divorce. With such emphasis on progeny, anything that tended to emasculate a person was regarded with severe sanctions, and castration was equated with capital crimes:

8: If a woman has crushed a seignior's testicle in a brawl, they shall cut off one finger of hers, and if the other testicle has become affected along with it by catching the infection even though a physician has bound (it) up, or she has crushed the other testicle in the brawl, they shall tear out both her eyes.

The reason why only women are singled out for the punishment is unclear. Somewhat less severe punishments are meted out for causing a miscarriage.

The Assyrians spread their ideas through conquest, but even more influential in influencing ideas and attitudes in the Mesopotamian area were the Persians who under their leader Cyrus took over most of the Middle East. Key to Persian thinking was the religion of Zoroastrianism based upon the teachings of the prophet Zoroaster (Zarathustra) who is believed to have lived at the beginning of the first millenium B.C. Zoroaster emphasized the conflict of good with evil and claimed that all beings were involved in the battle. Allegiance to good was manifested by good thoughts, good words, and good deeds. To those who fought on the side of Ahura Mazda and the good, there was promised a share in the glorious future when the final victory over evil would be won. The central emphasis of Zoroastrianism was on practical moral living and the good life was that dedicated to the realization of a good society in a world finally freed from evil. Inevitably with this sort of attitude it would seem that some forms of sexual conduct would be labeled as bad, and in fact this is what happened.

According to the *Venidad* (Westermarck, 1908), the priestly code found in the *Avesta*, homosexuality is treated with great severity and there is no atonement for it.

Thereupon came Angra Mainyu, who is all death, and he counter-created a sin for which there is no atonement, the unnatural sin.

This unnatural sin led the souls of the victims to become daevas, (demons) excluded from heaven:

The man that lies with mankind as man lies with womankind, or as woman lies mankind, is the man that is a Daeva; this one is the man that is a worshipper of the Daevas, that is a male paramour of the Daevas, that is a female paramour of the Daevas, that is a she-Daeva; this is the man that is in his inmost self a Daeva, that is in his whole being a Daeva; this is the man that is a Daeva before he dies, and becomes one of the unseen Daevas after death; so is he, whether he has lain with mankind as mankind, or as womankind.

The person guilty of such an act could be killed by any one and in fact the sodomite was classed with the highwayman, the criminal caught in the act, and the person who burned Nasa (dead matter). The reasons for this Persian attitude are not entirely clear, but it might have had something to do with the value of semen. The *Venidad*, for example, provides a punishment of 800 lashes for the man who "involuntarily" emits his seed, although whether this was in a so-called "wet" dream or through force (as Westermarck argued) is not clear. The man who voluntarily emitted his seed (through masturbation perhaps?) had performed an act for which there was no atonement, although if such a person was innocent of the law against such actions he could be absolved if he confessed and repented. In a list of thirty heinous sins, there is an attempt to find which is the more heinous:

The spirit of wisdom answered thus: "Of the sin which people commit, unnatural intercourse is the more heinous. The second is he who has suffered or performed intercourse with men. The third, who slays a righteous man. The fourth, who breaks of a next-of-king marriage. The fifth, who destroys the arrangement of an adopted son. The sixth, who smites the fire of Varahram. The seventh, who kills a waterbeaver. . . . (Sad Dar, 1885).

Again:

The ninth subject is this, that it is necessary to practice abstinence from committing or permitting unnatural intercourse. For this is the chief of all sins in the religion: there is no worse sin than this in the good religion, and it is

proper to call those who commit it worthy of death in reality. If any one comes forth to them, and shall see them in the act, and is working with an axe, it is requisite for him to cut off the heads or to rip up the bellies of both, and it is no sin for him. But it is not proper to kill any persons without the authority of high-priests and kings except on account of committing or permitting unnatural intercourse. . . . And when they commit the sin with women, it just the same as that with men.

The Zoroastrian prohibitions, however, were not designed to ensure male chastity, and there was no concern with this as such. Prudence, however, dictated that a man should be careful:

Commit no lustfulness, so that harm and regret may not reach thee from thine own actions.

Marriage, nonetheless, was almost essential:

. . . the man who has a wife is far above him who begets no sons; he who keeps a house is far above him who has none; he who has children is far above the childless man; he who has riches is far above him who has none.

OR

He who has no child, the bridge (of paradise) shall be barred to him. The first question the angels there will ask him is, whether he has left in this world a substitute for himself; if he answers, No, they will pass by and he will stay at the head of the bridge, full of grief and sorrow (Venidad, 1880).

Ashi Vaguhi, a feminine impersonification of piety, and the source of all the goods and riches connected with piety, rejects the offerings of barren people: old men, courtesans, and children. In fact the worst deed that men and tyrants can commit is to prevent maids from marrying and bringing forth children. Premarital female chastity was important, female adultery was punished (Sad Dar), as was prostitution (Venidad), and during certain periods of her life (menses, childbirth), a woman was regarded as unclean. Generally, the Zoroastrians, as their predecessors in Iraq, seem to have restricted female sexual activities more than male (Ashi Yast, 1883).

#### SUMMARY

In conclusion it seems that the whole question of sexual life in ancient Mesopotamia is difficult to reconstruct and fraught with many uncertainties. Nevertheless, it seems certain that the ancient Mesopotamians had fewer prohibitions against sex than our own civilization, and regarded as acceptable many practices which later

societies condemned. Homosexuality existed in the Sumerian period and became institutionalized through some forms of religious prostitution. In the Assyrian phase, however, it seems that public homosexual activities between adult free men were becoming less socially acceptable. Homosexuality, however, continued to exist and be practiced. In the Persian period severe penalties were attached to homosexual activities, at least in the next world.

If we can utilize the literary works as a source it seems that there were few close relationships between men and women in ancient Mesopotamia, but there was close comradery between men. We know from a number of letters written at the court in the last period of the Assyrian kingdom that the influence of the king's spouse and his mother was politically important but the only woman who broke through into history was Semiramis, the ninth century B.C. widow of Samsi-Adad V and probably a Babylonian princess, who seemed to have ruled the country during the minority of her son, and perhaps beyond. A number of stories by Greek authors dealing with her are preserved. Generally, however, the royal wife or wives and the royal concubines lived in a harem guarded by eunuchs, and increasingly the court assumed the forms more familiar to us from the *Tales of the Arabian Nights*. It was during the last period of the Assyrian Empire that the transvestite Sardanapalus allegedly ruled. According to the tradition given by Ctesias and preserved in Diodorus Siculus (1933), Sardanapalus spent his time in his palace, unseen by any of his subjects, dressed in women's apparel, and surrounded by concubines. At length some of his satraps rebelled at such conduct, and attempted to overthrow him. The prince then threw off his luxurious habitat and appeared as an undaunted warrior. He twice defeated the rebels but eventually was forced to retire to Nineveh where for two years he held off a siege. Finally, unable to hold out longer, he collected his treasurers, wives and concubines and placing them on an immense pile which he had constructed set everything on fire, destroying himself and them. Modern writers have shown that the whole narrative of Ctesias is mythical although parallels somewhat the life of King Asurbanipal who was defeated by the Medes, Chaldeans, and others in the seventh century, and was killed in the destruction of Nineveh. The transvestite aspect of the account must be labeled as not proven.

The Babylonian system was at pains to strengthen the individual

family, to protect the interest of the issue, and to strike a balance in sex life between liberty and obligation. Later groups, particularly the Hebrews, portrayed the Babylonians as immoral and attributed actions to them for which we have no evidence. In general they seem to have been tolerant at least from the male point of view. What sex laws they had were designed to protect the innocent and helpless, to encourage procreation and to prevent libelous accusations, but apparently other than this they saw no need nor reason to regulate human sexual conduct. The Persians, however, are a different matter and with them codes of sexual conduct came to be equated with salvation and the good life. The reasons why the Persians responded as they did are by no means clear, but the correlation of sexual morality with religious salvation came to have great influence in the west.

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