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Leiden  
The Netherlands

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Peled, I.; Keufler, M.; Wiesner-Hanks, M.E.

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## Sexuality in the Systems of Thought and Belief of the Ancient Near East

ILAN PELED

The association between sexuality, society, and culture is a prominent feature in one of the most famous episodes from an ancient Near Eastern literary composition: the encounter at the beginning of the 'Epic of Gilgamesh' between the prostitute Shamhat and Enkidu, the beastly man who lives in the wild. This episode has been interpreted by modern scholars from numerous angles, but its main force seems to have been the idea that the untamed and uncivilized was introduced and indoctrinated into the basics of Mesopotamian civilization by means of sexual intercourse. Indeed, Akkadian verbs such as *edû* ('to know') and *lamādu* ('to learn') had the additional meaning of knowing someone sexually. Similarly, in the Hebrew Bible, the same verb for 'to know' (*lada'at*) also meant 'to have sexual intercourse'. Even in modern English, the term 'to know' may have a sexual connotation. All this is surely not coincidental; sexuality forms a distinct knowledge in its own right, a knowledge that is often culturally specific.

The term 'ancient Near East' has several different aspects: geographical, chronological, and cultural. In terms of geography, it corresponds to the core area of the modern Middle East, mainly modern Iraq and its surrounding countries and regions. As to chronology, the history of the region begins with the invention of writing in the city of Uruk, at around 3300 BCE. The periods that predate writing supply interesting archaeological data, but since they yield no written records, they are of a lesser value for understanding ancient social concepts of human sexuality. There is no exact point in time where the history of the ancient Near East ends; one may consider the Persian conquest of Babylon (539 BCE) as the end of independent Mesopotamian political rule; or the beginning of the

Hellenistic era (c. 330 BCE) as a marker of real cultural change in the region. Whenever it ended, the documented history of the ancient Near East lasted for some three millennia.<sup>1</sup> During this long duration of time, numerous social and cultural groups lived in different parts of this vast region. This spatial, chronological, and cultural diversity must be taken into account when offering a discussion on such a broad theme as 'sexuality in the ancient Near East'.

We must also bear in mind the opposite considerations: while contextualization is vital when assessing any historical evidence, and every ancient Near Eastern source must be considered against the specific background of its time and place, continuity and cultural diffusion characterized the history of the ancient Near East. Texts from first-millennium BCE Assyria and Babylonia usually reflect traditions already millennia-old, so what was true to societies which existed in the fourth and third millennia sometimes continued to be true in other parts and periods of the ancient Near East. For these reasons, even when the sources discussed in this chapter are explicitly dated, this does not mean that the historical reality they reflect was exclusively limited to their own time.

Where does our knowledge concerning the ancient Near East come from? Our sources of information are both archaeological and historical. The non-textual sources are mainly iconographic: statues, figurines, and wall reliefs. The written evidence, however, is by far more abundant and revealing: hundreds of thousands of clay tablets, written in the complex logosyllabic script scholars call 'cuneiform' (Latin for 'wedge-shaped'). These tablets were – and still are – found by archaeologists, and reveal a fascinating ancient world. Monumental writing is also found: royal inscriptions engraved in wall reliefs, stelae, and statues. The literary genres documented in the cuneiform texts cover almost any aspect of human life: diplomatic, bureaucratic, economic, ritual, cultic, mythological, and legal. Many languages were spoken by the different peoples who inhabited the ancient Near East, but the most widespread of these was Akkadian, a Semitic language similar to modern

<sup>1</sup> The history of the ancient Near East is usually divided by modern scholars into millennia and the periods they included. This division can roughly be outlined as follows: the third millennium – Sumerian (c. 3300–2300 BCE), Old Akkadian (c. 2300–2100 BCE), and Ur III (c. 2100–2000 BCE); the second millennium – Old Babylonian/Assyrian (c. 2000–1600 BCE), Hittite (c. 1650–1200 BCE), Middle Babylonian (c. 1600–1150 BCE), and Middle Assyrian (c. 1400–950 BCE); and the first millennium – Neo-Assyrian (c. 900–612 BCE), Neo-Babylonian (627–539 BCE), and Late Babylonian (from the Persian conquest of 539 BCE on).

Hebrew, and Arabic. Less documented, but more ancient, was Sumerian, an isolated language that is still not entirely understood. Many other languages were documented in these texts, though to a lesser extent, most notably Hittite, Eblaite, Ugaritic, Hurrian, and Elamite.

One of the most significant sources of information concerning sexuality in the ancient Near East are legal documents, in which sexuality and its numerous social aspects and implications are mentioned or alluded to. The most important texts in this regard are several official law collections, which contain numerous references to sexual matters, and frequently demonstrate a one-sided perspective, clearly favouring males over females. These collections were composed in three different languages (Sumerian, Akkadian, and Hittite) and at different times and places. They obviously reflect much cultural and chronological diversity – but also millennia of continuity of legal traditions throughout the ancient Near East. It is not entirely clear to what extent these collections were enforced in everyday life, however, if they were at all. And, as with all ancient legal codes, we do not know the extent to which the concerns of legislators matched those of others, that is, whether laws codified values widely shared or were intended to re-shape behaviours to match the values of the lawmakers. In other words, they reflect assumptions, norms, and customs supported by those who wrote and collected them, but are not a depiction of everyday life.

Another important source are literary compositions, texts that we may dub ‘tales’, ‘myths’, or ‘legends’. These frequently contain episodes that refer to sexual matters, but the morals such texts convey are often indirect and insinuated, so they require the modern scholar to resort to speculation and conjecture as to their actual meaning. Additional important sources of information derive from the realm of cult: religious ceremonies and magical rituals. The former texts reflect how organized religion influenced people’s sexuality, and, in return, was influenced by it, while the latter ones usually demonstrate how people dealt with difficulties in their sex lives.

When we read these ancient texts and try to understand notions that concern human sexuality as reflected in them, we must bear in mind that the majority of ancient Near Eastern populations could not read or write. Texts were produced by expert scribes, mostly for the sake of the circles of royalty, nobility, and the social elite. It is therefore questionable whether certain texts reflect the everyday life of society at large. Even royalty and nobility lived and emerged within their larger societies, however, and one should not assume that no connection existed between the upper and lower social echelons.

As to the topics discussed in this chapter, a selection had to be made when covering the infinite subject of 'sexuality in the ancient Near East'. Indeed, as in Oscar Wilde's immortal words, 'to define is to limit', and choosing several topics of discussion inevitably entailed leaving others out. The presentation of each theme in this chapter begins with an overview and general explanations ('What are we looking at?'), continues with a presentation of the pertinent sources of information ('How do we know it?'), and then moves on to the discussion of the theme ('What do we know?'). The discussion is organized by sources and textual genres rather than historical periods, because not all periods are necessarily represented by the sources pertaining to each theme. More importantly, because of the cultural continuity that characterized ancient Near Eastern history, sources from one period were usually relevant to many others, and thus chronological sub-divisions might be anachronistic and misleading. Not all types of sources are equally relevant to all topics, and therefore some types were used more than others.

### Sex and Reproduction

Sexual relations were very often associated with reproduction, though they also had other meanings and functions. Our knowledge of the association between sex and reproduction in the Ancient Near East derives from numerous sources, including artistic and iconographic representations, and, most significantly, legal, literary, and ritual texts.

Iconographic sources from the ancient Near East occasionally allude to sexual intercourse, and at times explicitly portray it. Naturally, not all depictions of sexual encounters were necessarily related to reproduction: one may associate sex with desire, eroticism, or prostitution, none of which has anything to do with procreation. But when no alternative interpretation is readily available, modern scholars of the ancient Near East tend to assume that portrayals of sexual intercourse in objects found in the public domain reflected aspired fertility.

A few cases in point may be mentioned. A group of Old Babylonian and Middle Assyrian clay and lead plaques depict couples engaged in sexual intercourse, frequently *a tergo*, at times while the woman drinks beer from a straw. Such objects were found in both private and palatial contexts, and their meaning and purpose are unclear. One of the best-known examples is a group of several lead pieces from the palace of the Assyrian king Tukulti-Ninurta I (c. 1240–1200 BCE), where men and women were depicted having intercourse in various sexual positions. Another example was found on an

Old Hittite (c. 1500 BCE) vase from the site of Inandik, which was covered by decorations of people engaging in preparations for a ceremony, preparing food, dancing, and playing musical instruments. As part of all these depictions, we can see a couple engaged in sexual intercourse. While both are clothed, the genitalia of the man, who stands behind the bending woman, are clearly visible.<sup>2</sup>

From a legal perspective, the importance of descendants is apparent in rules of inheritance. Since children formed the lineage continuation, they were the natural heirs of their parents, and many official laws were decreed in order to establish this situation as a legal fact. Other official means, such as transactions and contracts, were utilized for the same purpose, establishing descendants as heirs to their parents.<sup>3</sup>

The importance of reproduction, that is, men and women's desire to have children, is evident in several ancient Near Eastern literary compositions. One of the famous examples in this regard is found in a passage from the composition 'Gilgamesh, Enkidu and the Netherworld', where the two heroes, Gilgamesh and Enkidu, meet after the latter has died. Gilgamesh asks his friend about the different people he met in the realm of the dead, and Enkidu replies by describing each of them. Thus, a man with only one child is described as complaining, a man with two children is described more positively, and the pattern continues until the man who had seven children; the more offspring a dead man had, the better his fate in the Netherworld. But then the dialogue turns to people who had no descendants at all. None of them was portrayed in a particularly flattering manner: a man who had no heir was as nourishing as bread as hard as a brick; a eunuch was uselessly propped aside; and a woman who did not give birth was ignored by all, and no man was interested in her.<sup>4</sup>

A different relevant example is found in the Hittite literary composition 'Appu and His Two Sons'. This tale portrays the protagonist – a man named Appu – as a rich person who is miserable because he has no children. Appu's misery at not having children is explicitly associated with his inability to properly conduct sexual intercourse with his wife, who even publicly insults him for it: 'Appu's wife started asking the servants: "He has never had

2 F. A. M. Wiggermann, 'Sexualität (Sexuality). A. In Mesopotamien', in *Reallexikon der Assyriologie und Vorderasiatischen Archäologie*, Vol. 12, ed. M. P. Streck G. Frantz-Szabó, M. Krebernik, D. Morandi Bonacossi et al. (Berlin: De Gruyter, 2010), 410–26.

3 Ilan Peled, *Law and Gender in the Ancient Near East and the Hebrew Bible* (London: Routledge, 2020), 77–80.

4 Alhena Gadotti, 'Gilgamesh, Enkidu, and the Netherworld' and the Sumerian Gilgamesh Cycle (Berlin: De Gruyter, 2014), 159.

intercourse. Did he have intercourse now?!” She went, the woman, and lay down to sleep with Appu clothed. Appu awoke from sleep, and his wife started asking him: “You have never had intercourse. Did you have intercourse now?”<sup>5</sup> Later on, Appu indeed manages to sire two sons, thanks to the help of the gods.

A major aspect of cultic life in the ancient Near East was the performance of numerous magical rituals. These were meant to ward off perceived metaphysical evil, heal illnesses, and treat different types of problems. Some magical rituals pertained to sexuality and reproduction, mainly in treating impotence and infertility. The most prominent group of rituals that were supposed to treat impotence were called *ša-zi-ga*, Sumerian for ‘rising of the heart’, insinuating sexual desire and potency. These rituals included the uttering of incantations and pleas for the gods, and the use of various substances in an attempt to restore a man’s potency.<sup>6</sup>

Several Hittite magical rituals addressed a variety of issues relating to human sexuality and reproduction. ‘Tunnawi’s ritual’ was meant to treat reoccurring miscarriages and male and female infertility; ‘Anniwiyani’s Ritual’ was probably aimed at a man who was engaged in passive homosexual intercourse, aspiring to instil in him active penetrative sexual inclinations; and ‘Paskuwatti’s Ritual’ was performed in order to restore a man’s sexual potency.<sup>7</sup>

## Sex and the Body

The human body is obviously a major aspect of sexuality. This section evaluates representations of nudity, the question of castration, and the employment of eunuchs in the ancient Near East, for which the most pertinent sources of information are legal texts. As before, we begin this section with non-written sources: figurines, seal impressions, and wall reliefs that display the naked human body.

One of the most significant aspects of the relation between sexuality and the human body is the presentation of nudity. Depictions of naked people in visual media are usually highly suggestive of sexual

5 All translations are by the author unless otherwise indicated.

6 Robert D. Biggs, *ŠA.ZI.GA: Ancient Mesopotamian Potency Incantations* (New York: J. J. Augustin, 1967).

7 I. Peled, ‘The Use of Pleasure, Constraints of Desire: Anniwiyani’s Ritual and Sexuality in Hittite Magical Ceremonies’, in *Acts of the VIth International Congress of Hittitology, Çorum, August 25–31 2008*, ed. A. Süel (Ankara: T. C. Çorum Valiliği, 2010), 627–34.

intercourse, whether actual intercourse is shown or not. Therefore, when it comes to sex and the body in the ancient Near East, the role of iconography and artistic representations is no less important than that of written sources. Even though ancient Near Eastern iconography does not abundantly portray nakedness and exposed genitalia, we still have quite a few relevant examples.

Figurines of naked females with exaggerated hips and pronounced breasts and vulva, which begin in prehistoric times, have been interpreted by scholars as representations of 'mother goddesses' or 'fertility goddesses'. (For more on these figurines, see the Chapter 19 by Y. Yvon Wang in Volume I of this work.) This so-called 'Naked Goddess' motif reoccurs in different media throughout the history of the ancient Near East, on seals and their impressions, figurines, plaques, and images. Many seals produced throughout the entire history of the ancient Near East contained iconographic representations of naked female deities, usually Inanna/Ishtar, the goddess of war and sexuality. Such depictions are taken by modern scholars as markers of divine feminine fertility, or divine feminine patronage of eroticism and sexuality.

Male bodies were also displayed, though differently. A group of clay figurines and plaques from the Ur III and Old Babylonian periods depict nude male figures, which were interpreted by scholars to have been persons engaged in cultic worship. At times these persons are clearly portrayed as non-human, since they wear a horned cup, a prominent ancient Near Eastern iconographic emblem of divinity. Ancient Near Eastern rulers sometimes commissioned the production of wall reliefs and other artistic works to commemorate their military triumphs. Such triumphant portrayals included at times images of naked male enemies and war prisoners, as a display of subordination and humiliation.<sup>8</sup>

We may gain a different perspective on the association between sexuality and the human body in the ancient Near East by considering the issue of eunuchs and castration. Most of the relevant sources in this regard derive from the legal sphere. The matter of castration and employment of eunuchs in ancient Near Eastern courts is a debated one. Most scholars agree that at least in certain times and places, castrated men were indeed used as high-ranking palace officials, and sometimes even as military leaders.

8 U. Seidl, 'Nacktheit. B. In der Bildkunst', in *Reallexikon der Assyriologie und Vorderasiatischen Archäologie*, Vol. 9, ed. D. O. Edzard, M. Krebernik, J. N. Postgate, W. Röllig et al. (Berlin: De Gruyter, 1998), 66–68; and Christoph Uehlinger, 'Nackte Göttin. B. In der Bildkunst', in *Reallexikon*, 53–64.



Neo-Assyrian artistic representations of beardless men are almost unanimously taken by scholars as portrayals of eunuchs.

Textual evidence is usually implicit, but it is sufficient in order to convince even the most sceptical scholars that in the Neo-Assyrian courts the officials who bore the Akkadian title *sha-reshi* (Sumerian *lú.sag*) were eunuchs. Compelling evidence suggests that the same was true in the Middle Assyrian period as well. In addition, the Middle Assyrian Laws decree castration as a corporal punishment for adultery with a married woman:

MAL A §15:<sup>9</sup> If a man seizes a man upon his wife . . . They shall kill both of them. If the woman's husband kills his wife, then he shall kill the lover; if he cuts off the nose of his wife, he shall turn the lover into a eunuch, and they shall mutilate his entire face; and if he releases his wife, he shall release the man.

They also decree castration as a punishment for same-sex relations:

MAL A §20: If a man penetrates anally his fellow, and they prove him guilty and convict him: they shall penetrate him anally and turn him into a eunuch.

Needless to say, castration as a corporal punishment is a different matter altogether from the practice of employing castrated men as palace officials. While the former was an extreme sanction aimed at one's masculinity, the latter constituted a privilege, allowing certain men access to some of the highest positions in the state bureaucracy.

Many scholars also assume that eunuchs existed in Hittite courts, but the evidence in this respect is less unequivocal. It might be suggested, therefore, that the practice of employing castrated males as palace officials was local to Assyria and its neighbouring Hittite kingdom, but perhaps did not exist in Babylonia. Our view of the situation in Babylonia in this respect, however, must be made with caution, because it is based simply on a lack of evidence.<sup>10</sup>

9 The following abbreviations are used in this chapter for designating statutes from ancient Near Eastern law collections: LUN (Laws of Ur-Namma, c. 2050 BCE), LLI (Laws of Lipit-Ishtar, c. 1930 BCE), LE (Laws of Eshnunna, c. 1770 BCE), LH (Laws of Hammurabi, c. 1750 BCE), HL (Hittite Laws, c. 1650 BCE), and MAL (Middle Assyrian Laws, c. 1350 BCE).

10 On eunuchs and castration in the ancient Near East, see Ilan Peled, *Masculinities and Third Gender: The Origins and Nature of an Institutionalized Gender Otherness in the Ancient Near East* (Münster: Ugarit-Verlag, 2016), 203–37.

## Gender Norms and Inequality

Sexuality cannot be discussed entirely separately from gender. While the term 'sex' usually refers to the physical and biological aspects of intercourse, reproduction, and genitalia, 'gender' usually refers to matters of psychological and social constructs attached to it, such as behaviour, identity, relationships, and human dynamics. This section supplies a brief overview of the intersection between sex and gender in the ancient Near East, focusing on matters of inequality between men and women in terms of norms, rights, privileges, and obligations. Since such issues were embedded in official records, the most relevant sources of information in this regard are legal, economic, and administrative documents, while additional evidence is found in literary compositions.

As the dominant gender in society, men enjoyed many advantages and privileges that were denied to women. Women were not legally independent, and their lives were governed by a male figure; depending on marital status, this male governing figure could have been their father or husband. Gender inequality was especially visible when it concerned extra-marital sex. Women were prohibited from having sexual intercourse with a man to whom they were not married. Hence, pre-marital sex was forbidden for women, and female virginity was extremely important; an unmarried girl lived under the auspices of her father and was obliged to remain a virgin until her marriage. Breaching these rules could lead to harsh sanctions. For example, an adulterous woman would face execution according to official law. These restrictions were never applied to men. A man who had sex with a woman married to another would suffer a punishment, but only because his act infringed on the rights of another man. Otherwise, a man who had sex with a woman other than his wife would face no official consequences.<sup>11</sup>

Women were expected to function primarily as wives and mothers – both roles that were the obvious result of sexuality attached to gender. Because of laws restricting women's economic independence and mobility, men did more of the work outside of the home, as merchants or artisans, occupations that necessitated one to be engaged with the public domain, while women worked more often within the domestic sphere, at tasks such as spinning and weaving. And men were the only ones who held the highest posts in the palace and military organizations.

<sup>11</sup> Peled, *Law and Gender*, 26–30.

Sexuality and gender asymmetry are alluded to in several ancient Near Eastern literary compositions. For example, in the Hittite/Ugaritic tale 'Elkunirsha and Ashertu', Ashertu, wife of the god Elkunirsha, attempts to seduce the god Baal. Rejecting her, Baal reports it to her husband, and the two male gods agree that she should be humiliated by Baal, who kills her children. Following this, the humiliated Ashertu seeks to take revenge on Baal. Somewhat similarly, in the 'Epic of Gilgamesh', the goddess Ishtar tries to seduce the heroic Gilgamesh, who rejects her approaches. The rejected and enraged goddess tries to take revenge on Gilgamesh by sending the heavenly bull to kill him.

In both episodes we encounter a female deity who behaves in a manner that did not fit with the gender expectations of women in ancient Near Eastern societies: adulterous (Ashertu) or seductive (Ishtar). In both cases, the male figure (Baal and Gilgamesh) is portrayed as morally superior because he rejected the inappropriate sexual approaches.<sup>12</sup>

### Sex and Marriage

In the ancient Near East, the institution of marriage supplied the primary socially and legally permitted frame for sexual intercourse. Sex outside of marriage could meet with harsh consequences, including public denunciation and severe legal sanctions, though these restrictions did not always apply to men. For example, under certain circumstances, married men could have officially sanctioned sex with their female slaves, and prostitutes did not serve only unmarried male customers.

Marriage was, by and large, an economic institution. Men and women were not usually free to choose their partners; instead they were chosen by the parents of both sides. In this sense, marriage was used to strengthen ties between families and to secure the economic future of the bride, groom, and their children. Therefore, marriage was established as a financial agreement, accompanied by legal documents and witnesses. For these reasons, the most significant sources of information at our disposal concerning the different implications of marriage in the ancient Near East are legal ones.

A wife's adultery undermined the essence of marriage, which related to sexual exclusivity: the moral and legal right of an individual man to be

12 I. Peled, 'Contempt and Similar Emotions in Akkadian and Hittite Literary Texts', in *Handbook of Emotions in the Ancient Near East*, ed. K. Sonik and U. Steinert (London: Routledge, 2022), 608–9. Outside of legal texts, references to human females who violated gender expectations through adultery or attempted seduction are rare.

granted exclusive access to his wife's sexuality. For a woman, to be married meant to be obliged to her husband and forbidden from having sex with any other man. Married men who had extra-marital intercourse would suffer no consequences, as long as their female partners were not married themselves – for example, prostitutes, enslaved women, divorcées, or widows. But, as noted earlier, married women who had extra-marital intercourse were regarded as adulteresses, and could suffer severe legal sanctions, even execution, as could their lovers. Young women were expected to remain virgins until they married.

Rape was considered a serious crime, not necessarily because of the harm it caused to the female victim, but because of the damage it caused to her male guardian – either her father or her husband. Attitudes to rape were strongly associated with attitudes to female chastity, virginity, and adultery. According to several law collections, a distinction was made between cases of rape or abduction involving married women and those involving unmarried women. Further distinction existed between cases of consent or the lack of it.

As discussed earlier, consensual sexual intercourse between a married woman and a man other than her husband was regarded as adultery, for which both paramours were punished, possibly executed. Consensual intercourse with an unmarried woman would have been problematic had she been a prepubescent girl, in which case the man who slept with her was considered a seducer, and had to pay a fine to her father and marry her. The lack of consent would change the nature of the crime from pre-/extra-marital sex to rape, in which only the male perpetrator would have been held responsible for performing a criminal act. Here again the law distinguished between a married and an unmarried rape victim. If she was married, she bore no legal liability, and her rapist was punished. But if she was an unmarried prepubescent girl, her rapist was required to pay her father a heavy fine, and her father was to decide whether the rapist and the girl were to be married or not.

The law was not always clear as to how the difference between rape and consensual intercourse was established. Women were expected to resist any illicit sexual intercourse. If such intercourse occurred in an inhabited place, it was assumed that the woman's shouting would suffice for deterring a rapist, so rape could be assumed had the intercourse occurred in an isolated place. Had the intercourse occurred in an inhabited place, it could have been assumed to be consensual. These assumptions, however, are only made explicit in HL §197 (similar to biblical law), and we are therefore ignorant

as to whether similar assumptions governed the distinction between rape, seduction, and consent in other parts of the ancient Near East.

Lastly, we should also consider polygyny. While monogamy was the general rule, polygyny was legally permitted, but probably rarely practised. Polyandry – having more than one husband – is unattested in ancient Near Eastern texts. Legal sources allow for a man to marry a second wife in case his first wife became ill, acted immorally (by squandering his property or disrespecting him), or could not have children. Levirate marriage – in which a man married his brother's widow and any children that she had were regarded as her dead husband's – was also permitted under certain circumstances.<sup>13</sup>

### Sex and Slavery

Since slaves were considered to be their owners' property, most of our information about the status and handling of slaves derives from legal texts – first and foremost, the different law collections. As property of their owners, enslaved people enjoyed very few legal rights. And although several law collections decreed certain legal provisions that protected slaves from abuse by their masters, most of the legislation that concerned slaves was meant to standardize their handling as human commodities, as people owned by someone else.

The treatment of slaves as property is alluded to in LUN §8, a very early law from 2050 BCE: 'If a man seduces by deception an unmarried slave-woman and takes her into (his) household: that man shall pay five shekels of silver.' Because the enslaved woman did not belong to her seducer, he was required to compensate her owner for the financial damages caused to him and pay him her full value. The sum – five shekels of silver – was indeed the price of an enslaved woman, as is evident from the court decision NSGU 45, dated to a few decades after the LUN. The crime committed was thus the infringement of the owner's property rights.

A development in the attitude to such a felony can be seen in LE §31, a statute issued three centuries later: 'If a man deflowers a(nother) man's slave-woman: he shall pay twenty shekels of silver, and the slave-woman (shall remain) of her master.' We can see, therefore, that in later legislation, the seducer was required to return the enslaved woman to her rightful

<sup>13</sup> Peled, *Law and Gender*, 82–3, 94–7.

owner, and in addition to pay a fine four times greater than the payment specified in LUN §8.

The association between sexuality and slavery in the ancient Near East mainly concerns the relationships between female slaves and their male masters. Laws covered what happened if a married man had sex with an enslaved woman who belonged to him, and more importantly, what happened if she gave birth to his children. This was a legal matter that mostly concerned financial issues: property law, debt-slavery, and the inheritance rights of children born to such relationships.

For example, LLI §25 from *c.* 1930 BCE states: 'If a man marries a wife, she bears him a child, the child lives, and a slave-woman also bears a child to her master: the father shall free the slave-woman and her children; the children of the slave-woman shall not divide the household with the children of the master.' According to this statute, an enslaved woman and the children she bore to her master were to obtain their freedom, but the children were not entitled to their father's inheritance.

The legal implications of interclass marriages in the ancient Near East were especially significant in cases of marriage between a male slave and a free woman. Because of the androcentric nature of ancient Near Eastern societies, marriages between free men and female slaves were hardly considered problematic: men were the dominant gender in society, so marrying women of an inferior social class was easily tolerated. But for a man of an inferior rank to marry a woman of a superior rank was, in effect, a reversal of social standards; it created a situation where male gender superiority was threatened by the fact that the man was seen as inferior to his female spouse.

Official legislation addressed such potentially imbalanced situations several times, and did not always tolerate them. A case in point is found in LUN §E6, according to which an enslaved man who married his female owner was to be executed. Another statute from the same collection – LUN §5 – did permit marriages between slave and free, as long as the enslaved man married a free woman who was not his owner. According to HL §32, from *c.* 1650 BCE, in case such marriage reached a divorce, the couple would divide their joint property equally, but most of their children will remain with the free mother, the enslaved husband being entitled to take only one child with him. In contrast, the allocation of children between the parents was reversed if the father was free and his wife was enslaved (HL §31). Questions arise, however, concerning the legal status of children born from marriages in which the father was enslaved. The aforementioned LUN §5, as well as the much-later LH §175, determined that such children would be free and have

inheritance rights to the wealth of their parents, and the owner of their father had no legal right to enslave them. In these cases, the higher social status of the free mother took precedence over the higher gender status of the male father in establishing the legal status of their children.<sup>14</sup> Marriage between slaves was legally permitted, but they remained the property of their owner, and so were their children, who inherited their enslaved status from their parents.

Whether such interclass marriages indeed took place cannot be inferred from the law collections alone. A few contract documents portray a wife giving her husband one of her female slaves in marriage, so the latter could bear him children. This situation changed the slave's status from slavery into concubinage, but she remained a secondary wife, with lesser privileges than those of the primary wife.<sup>15</sup>

### Sex and Politics

Sexuality played a role even in the political domain. To begin, ruling dynasties across the ancient Near East were mostly hereditary. The heir to the throne would normally have been the eldest son of the ruling monarch. When there was no clear heir, internal political strife could break out between the competing fractions. For example, it is possible that the end of the Hittite Empire came about as a result of internal struggles between several opposing branches of the royal family. Throughout the history of the ancient Near East, civil wars occasionally broke out between brothers who each had claims to the throne. Some of the most famous cases occurred in the final decades of the Neo-Assyrian Empire, when King Sennacherib appointed his son Esarhaddon as his heir even though the latter was younger than his brothers, and later on, Esarhaddon himself repeated this action by appointing his younger son Ashurbanipal as crown-prince. On both occasions, the appointed heir had to survive attempted coups and civil wars in order to establish his rule.

Another aspect of the role of sexuality in politics was diplomatic marriages. Royal courts occasionally strengthened their bonds by marrying a princess of one side with a prince of the other side, or even with the king, who could marry more than one wife. Examples of this practice abound, especially from

<sup>14</sup> Peled, *Law and Gender*, 61–2.

<sup>15</sup> R. Westbrook, 'The Female Slave', in *Gender and Law in the Hebrew Bible and the Ancient Near East*, ed. Victor H. Matthews, Bernard M. Levinson, and Tikva Frymer-Kensky (Sheffield: Sheffield Academic Press, 1998), 214–38.

the second part of the second millennium BCE, when several geopolitical superpowers ruled the region: Egypt, Hatti, Assyria, and Babylonia. The courts of these kingdoms occasionally established joint ties based on such marriages. In addition, empires strengthened their influence over smaller kingdoms using such marriages, by inserting their own people into the ruling elites of these vassal states.

An interesting example for the implications of sexuality in the realm of politics is found in a passage from a vassal diplomatic treaty signed between the Hittite king Suppiluliuma I (c. 1350–1320 BCE) and Huqqana, ruler of the small kingdom of Hayasa (probably located somewhere in the highlands of today's northeast Turkey). This treaty solidified the relationships between the two kingdoms, and was accompanied by the diplomatic marriage of the sister of Suppiluliuma to Huqqana. Because the Hittite woman was to be sent to live in a foreign land, her brother cautioned his subordinate king to guard her, because, according to the Hittite king, the people of Hayasa had unacceptable social norms concerning sexuality:

In Hatti an important rule is followed: a brother does not take [sexually] his sister or his [female-]cousin. It is not right! However, he who does it – such a thing – he will not live in Hatti, [but] will be killed here! Because your land is barbaric, it is in disarray: one regularly takes his sister or his [female-] cousin. But in Hatti it is not right! . . . When you go to the land of Hayasa, you take [sexually] the wives of your brother, that is, your sisters. In Hatti it is not right!<sup>16</sup>

The Hittite king views his people as culturally superior because they hold higher moral standards concerning sexual behaviour than the immoral people of Hayasa, whose sexual immorality derives from their basic cultural inferiority, and, in turn, heightens this inferiority. This passage supplies valuable information to the modern historian. It shows us how sex played a role in the construction of a collective political identity, as here the Hittite king defines his own people as superior to the Hayasa because of their sexual practices.

<sup>16</sup> *Hittite Diplomatic Texts*, trans. Gary M. Beckman (Atlanta, GA: Scholars, 1996), 27–8. See also I. Peled, 'Gender and Sex Crimes in the Ancient Near East: Law and Custom', in *Structures of Power: Law and Gender across the Ancient Near East and Beyond* (Chicago: Oriental Institute of the University of Chicago, 2017), 31.



## Sex and Religious and Cultic Practices

Different aspects of sexuality were quite prominent in matters of religion and cultic practices across the ancient Near East. Our main sources of information concerning these issues are legal and cultic texts that shed light on ancient Near Eastern institutionalized religion. Many of these issues are controversial, however, and a matter of ongoing debates between scholars.

One aspect of the role of sexuality in religious practices is related to the requirement that temple attendants were to remain pure and refrain from any defilement while performing their tasks in the temple. Sexual intercourse was sometimes associated with impurity, mainly because bodily fluids such as semen, sexual secretions, and menstrual blood were perceived as unclean and defiling. For example, the Middle Assyrian Palace Decree no. 7 (c. 1240–1200 BCE) obliged menstruating women to keep away from the king before he made sacrifices for the gods. Even more explicit are several passages from a set of Hittite instructions stipulated for temple personnel in which these persons were obliged to wash themselves after having sexual intercourse, before returning to the temple. Anyone ignoring these instructions would have faced possible execution.<sup>17</sup>

One of the more controversial associations between sexuality and religion in the ancient Near East involves the cult of Inanna/Ishtar, the goddess of sexuality, eroticism, and war. Because this goddess was the patron of human sexuality, it has been assumed by many scholars that her cult also involved the performance of sexual intercourse. The evidence in this regard, however, is mostly inconclusive. For example, a large group of male personnel acted as temple attendants of this goddess, but whether they engaged in same-sex intercourse as part of their service to the temple is not clear; actual evidence in this respect is almost non-existent.<sup>18</sup>

Another aspect of this debate concerns the interrelated issues of 'sacred prostitution' and 'sacred marriage'. While these are sometimes confused by scholars, they should be discussed separately. 'Sacred prostitution' is a custom reported by the fifth-century BCE Greek historian Herodotus (in *Histories* I.199): every Babylonian woman was required once in her life to have sex outside of the temple of Mylitta (a variation of the name Mulissu, a manifestation of Ishtar), and the coin she received for her sexual favours was dedicated to the goddess. Nowadays most scholars reject these

<sup>17</sup> Peled, *Law and Gender*, 56–7.

<sup>18</sup> For alleged male 'sacred prostitution' in the ancient Near East, see Peled, *Masculinities and Third Gender*, 157–8 and nn. 647–8, with previous literature.

descriptions of Herodotus as distorted accounts triggered by the biased views of the Greeks, who considered themselves culturally and morally superior to the decadent civilizations of the Near East.

More historically grounded was the ceremony of 'sacred marriage', which may have formed the vague historical background against which the fictional 'sacred prostitution' can be understood. 'Sacred marriage' was a rite during which the king and a female companion (the high priestess or the queen) had sexual intercourse, symbolizing the union between Inanna/Ishtar and her spouse Dumuzi/Tammuz. This ceremony was conducted at the beginning of the new year and symbolized the renewal of the king's legitimacy to rule over the land. Such ceremonies are documented several times, with the most complete of these descriptions the so-called 'Iddin-Dagan A' or 'The Hymn of Iddin-Dagan', after the name of the king who features in it (c. 1900 BCE).<sup>19</sup>

A unique phenomenon, only documented from the Old Babylonian period, was that of a specific class of priestesses called *nadītus*. These priestesses were dedicated to the Sun-god Shamash, and lived in secluded cloisters. Because of their dedication to the deity, they were not allowed to bear children. They thus accumulated significant wealth, but had no biological children who could inherit it, so they developed an interesting system of adoption. By adopting people as 'sons', the inheritance was not lost, but these 'sons' could have been adults, and at times even other *nadītu*-priestesses, rather than children. Our knowledge concerning the *nadītus* derives from different types of sources: private letters, administrative documents, transactions, adoption-contracts, and much more.<sup>20</sup>

## Sex and Criminal Law

Law collections are primarily concerned with sexual issues related to marriage and inheritance, but a few of them also mention other sexual matters, generally to prohibit them. Somewhat surprisingly, incest is not frequently mentioned in ancient Near Eastern texts, and the law collections rarely

19 The scholarly literature over the themes of 'sacred prostitution' and 'sacred marriage' in the ancient Near East is vast; see Stephanie L. Budin, *The Myth of Sacred Prostitution in Antiquity* (Cambridge: Cambridge University Press, 2008). For the role of Iddin-Dagan A in this discussion, see I. Peled, 'Religious Practice in the Ancient Near East and Biblical Interpretation', in *Handbook of Historical Exegesis: The Use of Background Data in Biblical Interpretation*, ed. S. E. Porter and D. J. Fuller (Cambridge: Cambridge University Press, forthcoming).

20 On the *nadītus*, see Rivkah Harris, 'The Organization and Administration of the Cloister in Ancient Babylonia', *Journal of the Economic and Social History of the Orient* 6, no. 2 (1963): 121–57.

addressed it. One statute in the Laws of Ur-Namma (LUN §E5) decreed execution for a man who married the widow of his deceased older brother, while five clauses in the Laws of Hammurabi banned a man from having sex with his daughter (LH §154), daughter-in-law (LH §§155, 156), mother (LH §157), and stepmother (LH §158). The punishments varied: banishment, financial fines, disinheritance, and execution. The Hittite Laws stand out as the sole collection to have contained a detailed list of forbidden incestuous unions, both within the nuclear family and in the extended one. This collection forbade a man from conducting sexual relations with his biological mother, daughter, and son (HL §189), stepmother (while the father is alive; after the death of the father these relations were licit; HL §190), free sisters and their mother at the same time (HL §191), brother's wife while the brother is alive, stepdaughter, mother-in-law, and sister-in-law (HL §195). The sanction for all these illicit acts was probably execution.

Same-sex relations are almost never mentioned in the law collections. The sole exception is found in two consecutive clauses in the Middle Assyrian Laws:

(MAL A §19): If a man has spread rumours in secret over his fellow thus, 'They are (all) penetrating him anally!', or in a quarrel before the public says to him thus, 'They are (all) penetrating you anally!' (and further) thus, 'I shall prove you!', (but) he is unable to prove, (and) does not prove: they shall strike that man 50 (times) with rods; he shall perform the king's service for one full month; they shall cut him off; and he shall give 1 talent (=3,600 shekels) of lead.<sup>21</sup>

MAL A §20: If a man penetrates anally his fellow, they prove him (guilty), they convict him: they shall penetrate him anally, they shall turn him into a eunuch.

Both sources suggest real animosity towards same-sex relations among men. In contrast, same-sex relations among women are never mentioned in the extant sources.

References to bestiality are very rare: only the Hittite Laws address this issue. Several different animals are specified as prohibited for human copulation (cow, sheep, pig, and dog), and when a sanction is specified, it is the death penalty. Bestiality was considered in these laws as defiling, because the perpetrator was also forbidden from approaching the king, lest his sinful acts defile the king.

<sup>21</sup> The phrase 'cut him off' probably refers to the man's hair or beard.

As a rule, the male partner was regarded by the law as the initiator of any illicit sexual act. The wording of the laws almost always opened with the formulaic conditional phrase 'If a man . . .', viewing him as the superior party and responsible for the consequences of the act.<sup>22</sup>

## Conclusion

This chapter surveys several themes relating to sexuality in the different societies of the ancient Near East. We saw that legal documents – especially official law collections – were supposed to regulate people's sexual behaviour, while literary compositions reflected existing social values, and cultic rituals and ceremonies offered the means for handling sexuality in public and private domains. We saw that sexuality was gendered, and men enjoyed more privileges – but also bore more responsibilities – than women. The regulation of sex also established hierarchical relations within society, including between social ranks, and outside of it, between cultures. As in any part of human history, sexuality was one of the most fundamental aspects of human life in the ancient Near East. It therefore attracted much attention, and its numerous aspects are documented in a myriad of sources deriving from the entire history of the ancient Near East, covering a time-span of some 3,000 years.

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