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Journal Title: Ugarit-Forschungen

Volume: Bd 30 (1998) **Issue:**
Month/Year: 1998 **Pages:** 5-96

Article Author: JULIA ASSANTE

Article Title: The k a r k i d /harimtu, Prostitute or Single Woman? A Critical Review of the Evidence

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UGARIT-FORSCHUNGEN

Internationales Jahrbuch
für die
Altertumskunde Syrien-Palästinas

Herausgegeben von
Manfried Dietrich · Oswald Loretz

Band 30

1998

Ugarit-Verlag
Münster 1999

Anschriften der Herausgeber:
M. Dietrich - O. Loretz, Ugaritforschung, Schlaunstr. 2, 48143 Münster

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Manuskripte für die einzelnen Jahresbände werden jeweils
bis zum 31. 12. des vorausgehenden Jahres erbeten.

Herstellung: Weihert-Druck GmbH, Darmstadt
Printed in Germany
ISBN 3-927120-74-X

Printed on acid-free paper

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Deux cérémonies d'alliance dans Ex 24 à la lumière des Archives royales de Mari

Moshé Anbar, Tel Aviv

Le texte qui nous occupe dans la présente étude est Ex 24. Une simple lecture de ce court texte révèle son caractère hétérogène. Nous avons trouvé que la meilleure présentation, aussi bien des difficultés que de la solution, se trouve chez S.R. Driver, dans son court commentaire sur le livre d'Exode paru dans la série "Cambridge Bible" en 1911 et destiné aux "Schools and Colleges". Le grand savant anglais écrit dans son style dense et transparent:

> "The chapter is evidently not a unity. In XXIV.1 Moses is directed to 'come up' where he already is, and where he has been since XX.21: on the other hand, vv. 3-8 form a natural and excellent sequel to XX.22-XXIII.33; Moses communicates to the people the words which he has received, and they agree solemnly to abide by them. Similarly if v. 12 is the true sequel of vv. 9-11, Moses is again commanded to come up where he already is: v. 12, however, would follow v. 8 (where Moses is below, with the people) quite naturally, and vv. 9-11 are obviously the proper sequel to vv. 1-2 (comp. v. 9 with v. 1). In the latter part of the ch. 15^{b}-18^{a} are shewn by their phrascology to belong to P. It is thus evident that the narrative of E (XX.1-XXIII.33, XXIV.3-8,12-15^{a},18^{b}) has been interrupted in this chapter by the introduction of vv. 1-2,9-11 from J, and of vv. 15^{b}-18^{a} from P. For the sequel in E to v. 18^{b}, see XXXI.18^{b}." (p. 251)

Nous avons devant nous un emboîtement de trois documents: [1] J-E-J-E-P-E. L'emboîtement s'est réalisé en deux phases: D'abord l'emboîtement des documents J et E, puis celui des documents P et E. Ce dernier emboîtement est le résultat d'une interpolation au moyen de la Reprise [2].

Les deux récits, celui de J (1-2.9-11) et celui de E (3-8.12-15a.18b), contiennent chacun une cérémonie d'alliance. La première est explicite, voir v. 8: "Moïse prit le sang, en aspergea le peuple et dit: 'Voici le sang de l'alliance (cfr. Za 9,11 [3]) que YHWH a conclue avec vous, sur la base de toutes ces paroles'" tandis que la seconde se cache derrière les mots "ils mangèrent et ils burent" v. 11 [4] (cf. Gn 26,28-30; 2 S 3,20) [5]. Pour celui qui adopte l'appro-

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[1] Cfr. E. Blum, *Studien zur Komposition des Pentateuch* (BZAW 189; Berlin et New York 1990) 91-92.

[2] Blum 89.

[3] A. Dillmann, *Die Bücher Exodus und Leviticus* (KeH; Leipzig[3] 1897) 287.

[4] Cfr. B. Baentsch, *Exodus-Leviticus-Numeri* (HAT I,2; Gottingue 1903) 213,216 "Bundesmahl"; H. Holzinger, *Exodus* (KHAT 2; Tubingue 1900) 104,106 "Bundesschluss; Bundesmahl"; J.Ph. Hyatt, *Exodus* (NCBC; Londres 1971 [1983]) 253-254,257 "covenant

primitive sexual freedom allowable before the Old Testament prophets imposed their more austere mores. The notion of Mesopotamia's sexual freedom, *l'amour libre*, was anachronistically based on the 19th century version of it as an exclusively male preserve. Philologists and art historians read the unmarried women attested in cuneiform as prostitutes, sacred or secular. Any female who had anything to do with Inanna/Ishtar, the popular goddess of love, sex and war, was immediately suspected of complicity in her "orgiastic cult," an umbrella term that has yet to be defined.

This viewpoint was a product of several converging popular and academic streams. [3] Scholars of the late 19th and early 20th century shared an intellectual climate with artists and writers who depicted the "real" underbelly of their own urban life with its brothels and cabaret hookers, or the far-away exotic lands of the East with their harems and odalisques, supposedly corroborated by the accounts of travel writers. [4] In this climate, sex became the special province of the female professional or kept woman and was set apart from the domestic sphere. Aside from the avant-garde which was fast legitimating erotica as a worthwhile academic pursuit, a number of historical "authorities" unduly influenced scholars of the ancient Near East. Chief among them was Herodotus whose famous account describes the "foulest Babylonian custom" whereby every woman in the land must prostitute herself at least once in her life in service to the temple of Aphrodite (Her I 199). The deviancy of Mesopotamian sexual activity seemed confirmed by the Old Testament writers who accused idolaters of harlotry and adultery. [5] Indeed, no nation was more idolatrous, more pagan,

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[3] I discuss this topic in much greater detail in "The Production of Prostitution in the Historiography of the Ancient Near East," a paper to be delivered at the annual conference of the College Art Association in New York, February 2000.

[4] For example, the impact the letters of Lady Montague had on Ingres is discussed by H. Toussaint, *Le Bain turc d'Ingres*, Paris 1971. For further, see K. Syndram, "Der erfundene Orient in der europäischen Literatur von 18. bis zum Beginn des 20. Jahrhunderts" (324-41), Lynne Thorton, "Frauenbilder: Zur Malerei der 'Orientalisten'" (342-55), and K.-H. Kohl, "Cherchez le femme d'Orient" (356-67) all in *Europa und der Orient 800-1900*, G. Sievernich and H. Budde, eds., Gütersloh and München, 1989. Also, Wilhelm 1990:507ff.

[5] See E. Fisher's article on cultic prostitution which argues that sexual misconduct in the Old Testament was a metaphor for idolatry (Fisher 1976:234ff). The metaphor for female disobedience to male rule is ultimately rooted in patriarchal ideals cast onto a monotheistic male godhood. Activities that were not ideologically in step with systems of belief put forth by Old Testament writers were denigrated and sexualized so that apostasy was described as prostitution or adultery (see for instance, Lev 17.7, 20.5-6; Jud 8.27-33; 1 Kings 14.24; Job 36.14; Isa 23.16, 57.1-8; Jer 2.20, 3.1-5, 4.30, 5.7; Hos 4.10-15). In some cases, Yahweh himself is the husband and the unfaithful whore is Jerusalem, Judah or Israel (see for instance, Isa 1.21; Hos 2.4, 3.1-3, 4-15; especially Ezek 16.1-40; Jer 3.6-9, 31.3, 31.31). Further note that the translation of "(common) prostitute," "whore" or "harlot" for the Hebrew word *zônâh* has recently been questioned by H. Schulte, "Beobachtungen zum Begriff der Zônâ im Alten Testament," *ZAW* 104, 1992:255-62.

and consequently more whorish than the aging country to the east, the land of their captivity. [6] Together, these renditions of Mesopotamia's sexual aberrations considerably shaped the attitudes of 19th century philologists who approached the translations of Akkadian and thereby the even older non-Semitic language of Sumerian via their knowledge of biblical Hebrew. Philologists understood the biblical invectives to reflect historical realities, and translations of certain Hebrew words for women such as "whore," "harlot" or "temple prostitute" remained unchallenged until recently.

At the same time, the new discipline of anthropology began to emerge from the "myth and ritual schools" of Western Europe, initiated by the Semitist, William Robertson Smith in the 1880's and 90's and later popularized by his reknowned successor, Sir James George Frazer. [7] These early pioneers studied pre-Christian religions in the light of their ritual actions rather than their mythology. Frazer, in particular, propagated the theory of fertility rites which were to have culturally diffused from the east to the west, a theory which still

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[6] There are many examples. On Babylon: Jer 50.38: "For it is the land of images, and they go mad over idols." Also, see the Letter of Jeremiah, (King James Version and Vulgate = Baruch 6), supposedly a copy of the letter Jeremiah sent to those in exile, dated anywhere from the 4th to 1st century BCE (Henshaw 1994:227). The epistle is entirely devoted to the falseness of Babylonian gods, the idols of wood, silver and gold and of those who attend them or believe in them. Bar 6.10-11: "... Sometimes the priests secretly take gold and silver from their gods and spend it on themselves, or even give some of it to the prostitutes on the terrace," and Bar 6.42-44, which is a passage taken from Herodotus I 199: "And the women, with cords around them, sit along the passageways, burning bran for incense. When one of them is led off by one of the passers-by and is taken to bed by him, she derides the woman next to her, because she was not as attractive as herself and her cord was not broken. Whatever is done for these idols is false." Revelations 18 and 19, which borrows images from the Book of Jeremiah, is particularly vituperative, especially Rev 19.2: "... [The Lord] has judged the great whore who corrupted the earth with her fornication, and he has avenged on her the blood of his servants." On Assyria: Nahum 2-3 speaks about Nineveh (Assyria). Nah 3.4-6: "Because of the countless debaucheries of the prostitute, gracefully alluring, mistress of sorcery, who enslaves nations through her debaucheries, and peoples through her sorcery, I am against you, says the Lord of hosts, and will lift up your skirts over your face; and I will let nations look on your nakedness and kingdoms on your shame. I will throw filth at you and treat you with contempt, and make you a spectacle."

[7] The intellectual debt Frazer felt he owed Smith is clear in the preface of his first edition of the *Golden Bough* of 1890. Smith had conceptualized the importance of ritual in primitive religion in a series of lectures he gave from October 1888 to October 1891. Of these only his *The Religion of the Semites* has survived for publication. Frazer helped publish its second edition in 1894. Later, Frazer was to retract his earlier position in regard to the origin of myth from ritual in specific letters and later editions of *The Golden Bough*. Apparently Frazer was to see ritual as a more accurate topic of study because of its inherent conservatism whereas myth and the writings of myth were in constant evolution. See R. Ackerman's *The Myth and Ritual School, J.G. Frazer and the Cambridge Ritualists*, New York and London, 1991:56ff.

holds great weight today. Later philologists and art historians of the ancient Near East, influenced by Frazer's school, attempted to extract knowledge of sexual rites from many disparate sources, including erotic sacred literature which they viewed as fundamentally liturgical in nature. Bolstered by Herodotus' account, they searched the records for the female celebrants, the hierodules and sacred prostitutes who performed in the name of religion and in the service of fertility. [8] All the while, the common street harlot merely plied her trade, the oldest profession in the world.

Within the last few decades, a number of scholars have subjected the concept of Mesopotamia's ritualized sexual practice to critical review. Many have challenged the validity of Herodotus's account and traced its impact on later literature from Hebrew writers down to Frazer and beyond. They have generally dismissed his account as early Greek propaganda. [9] Others have

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[8] The women of the Bible were interpreted in a like manner. It was not until 1927, when Frazer's ideas were fully disseminated, that the *q'dēšā* appeared in English translation as the temple or cult prostitute (i.e. Chicago Bible).

[9] There have been numerous studies. See R. Henshaw's compilation with synopses in his section 4.20 p.225ff (1994). The passage on temple prostitution influenced writers and scholars of all periods, including Strabo, Lucian of Samosata and Eusebius who have in turn been used by modern writers as references. Henshaw, drawing from other scholars, isolates Herodotus' influence in ancient Hebrew works (see *supra* Bar 6). W. Baumgartner cites many Hebrew sources not mentioned by Henshaw in "Herodots Babylonische und Assyrische Nachrichten," *Zum Alten Testament und seiner Umwelt*, Leiden 1959:283-331. The general problem of Herodotus' accounts as history or fiction has also been the subject of studies. F. Delitzsch questioned Herodotus' overall reliability as early as 1915 but accepted the existence of sacred prostitution in Uruk. See "Zu Herodots babylonischen Nachrichten," *Festschrift Eduard Sachau*, G. Weil, ed., Berlin 1915:87-102. Since then, Herodotus' account of temple prostitution has been specifically critiqued. A foundational contribution is M. Arnaud's "La Prostitution sacrée en Mésopotamie, un mythe historiographic?"(1973). Fisher (1976) establishes that Herodotus was provincial and "staunchly pre-Hellenic," and therefore treated other cultures with condescension, a theme which has been widely accepted. He also notes that Herodotus's eye-witness account is anachronistic and "too lurid and almost too detailed to be convincing" (226). He presses a point made by Arnaud that if sacred prositution was religious law enjoying a central place in cult practice, the abundant laws, temple administration records and documents of temple personnel would have made it fairly explicit, which is far from the case (*ibid*). (For instance, at the temple of Inanna in Nippur, over 2000 tablets and fragments were found; over half of these (1163) were economic documents from only one period, Ur III. See R. Zettler *JCS* 39, 1987:197 n. 4. Yet this archive did not produce a single fragment documenting sacred prostitution.) Fisher puts much of the blame on biblical sources for spreading the idea that sacred prostitution was common in the ancient Near East. Henshaw (1994) provides a list of later writers influenced by Herodotus' account. R. Oden (1987) discusses many significant such writers including Strabo, Valerius Maximus, Lucian, but also the Semiticist Smith and particularly Frazer. His survey of extremely influential modern proponents of sacred prostitution as diffused throughout the ancient world (e.g. W. F. Albright, also James Mays' entry in *The Interpreter's Dictionary of the Bible* and George

scrutinized the notion of sacred or cultic prostitution, usually combing the primary sources for evidence that has so far not turned up. Among this scholarly constituency, many have made the enormous effort to canvass the sources for all the female cult personnel purported to have indulged in this archaic rite (the *entu, ugbabtu, nadītu, ištarītu, qadištu, kezertu*, etc.), [10] while others have focused on individual female categories, specific periods or places. [11] Finally, a few scholarly works have begun to redirect our thinking on Mesopotamia's sacred marriage which has not only been too narrowly interpreted as a high level fertility ritual but also overdetermined. [12]

Conversely, few attempts have been made to rescue the woman unfailingly thought to be the common prostitute, or "street harlot," the kar.kid/*ḫarimtu*, although some scholars have been suspicious of the term's interpretation. J. Westenholz rightly notes that those whom we call a prostitute in ancient

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Barton's in the widely used *Enclyopedia of Religion and Ethics*) is of special use. Wilhelm (1990) reviews not only Strabo but also 18th and 19th century thinkers such as Voltaire (mentioned by Arnaud), Hegel and Schopenhauer. In addition, he offers examples from popular travel literature and novels. He also points out that a monograph published in 1858 by G. Rawlinson, *The History of Herodotus. A New English Version*, was assisted by his brother, Sir Henry Rawlinson, one of the first great translators of cuneiform. See also the more recent work by M. Beard and J. Henderson "With this Body I Thee Worship: Sacred Prostitution in Antiquity" (*Gender and History* v. 9/3 1997:480-503) which reviews Herodotus' impact from a more theoretical angle.

[10] The topic of cultic or sacred prostitition is still much favored in the secondary literature. As M. Gruber (1986:138) remarks "Tragically, scholarship suffered from scholars being unable to imagine any cultic role for women in antiquity that did not involve sexual intercourse." Of general note: Arnaud 1973; Fisher 1976; S. Hooks, *Sacred Prostitution in Israel and the Ancient Near East*, dissertation thesis, Hebrew Union College, Cincinatti, 1985; Oden 1987; Henshaw 1994; who all extensively cite the primary sources. R. Oden presents a much needed clear-headed analysis of the current literature, taking sacred prostitution to be a politically motivated accusation rather than a reality.

[11] Others have found no evidence for sacred prostitition in more specific areas. Of the numerous works of R. Harris (in bibliography) on the *nadītu*, see namely 1975 and 1987. Exacting labors were made on behalf of the *qadištu* (= nu.gig) by M. Gruber in 1986, J. Westenholz in 1989, and A. Zgoll in 1997 on the nu.gig in terms of Inanna. The *kezertu*, who is not always considered to be a temple prostitute but certainly a prostitute of some sort, is defended piecemeal by a few scholars for specific periods: Batto 1974; Blocher 1987 (with qualifications), Spaey 1990; van Lerberghe and Voet 1991; Tanret and van Lerberghe 1993. Still others focus on personnel in general for definitive areas, as for instance, Menzel 1981 on Assyrian temple systems. Additional works are cited throughout this writing.

[12] Alster 1985 and 1993, Cooper 1993, Sweet 1994 and Westenholz 1995.

Mesopotomia are actually women whose sexuality is not regulated. [13] But, as I will argue, the kar.kid/*ḫarimtu* is more than this, she is a legal category all of her own. When a woman, sal in Sumerian (also mí or munus) or *sinništ*u in Akkadian, came of age in Mesopotamia, there were two routes she could take: she could either marry and become the "wife of a man," dam munus lú/*aššat awīli*, or remain single. If she did not marry, she either stayed at home with her father as the "daughter of a man," dumu munus lú/*mārat awīli*, or left home to become the kar.kid/*ḫarimtu*, or in modern parlance "the single woman." Until now, philologists have not recognized a word in Sumerian nor Akkadian that conveys the idea of the single woman, [14] a social phenomenon that seems to incorporate a rather large group of females in various periods of antiquity. The recurrent tendency to sexualize the single women of the ancient Near East is one reason scholars have overlooked this extraordinarily important group.

Another reason the phenomenon has hitherto escaped detection is because the patriarchal system scholars developed and imposed on the study of ancient Mesopotamia had no room for such a legal category. This construct they drew from the later and quite foreign monotheistic culture of 5th century BCE Palestine, at least as early Hebrew writers wished to present their social order. Scholars have also derived a nearly identical matrix from their understanding of the even later monotheisitic cultures of the Arab world. This version of patriarchy presumedly originated in ancient Mesopotamian, brought to the west in its purest state by Abraham of Ur. In fact, the actual patriarchy of Mesopotamia was far less monolithic and far more mutable than the scholastic rendition has allowed. For one, Mesopotamian patriarchy had to reconcile with the extremely antique and intrusive tradition of the kar.kid/*ḫarimtu* with which it struggled until the last days of Assyria and Babylonia. It also had to accommodate the powerful and perhaps the most popular deity, Inanna/Ishtar, who disturbed the primacy of the phallus in the everyday psychology of the people. Athough I recognize that the class category of the kar.kid/*ḫarimtu* was part of the prevailing patriarchal system, in this writing I will refer to the kar.kid/*ḫarimtu* as properly belonging outside the system because primary sources themselves show a growing overall perception of her class as a thorn in the side of a male-run society.

Cuneiform literary records are partly to blame for scholarship's confusion

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[13] See Westenholz 1989:262 and specifically 1995:59. Others, like Henshaw (1994:215f.) allude to the possibility that the kar.kid/ *ḫarimtu* may not have been a prostitute in exact accordance to our modern understanding of the profession. However, the term continues to be translated as "prostitute."

[14] A further problem for academia has been the lack of terminology for single women in the western languages of scholarship. In English, the ugly connotations of "spinster" can hardly apply to the likes of the *ḫarimtu*'s Shamhat or Ishtar. In other languages, the very word "woman" also means "wife," eliminating the single female as a viable route in life altogether. Diakonoff (1986), who did recognize groups of women as "not under patriarchal authority," presents however an outstandingly sexualized view of them.

of the kar.kid/*ḫarimtu* with the sex professional. In hymns and literary texts from ED III into the latest NB, she is represented as having a strong sexual nature, especially where the divine *ḫarimtu*, Inanna/Ishtar, is the protagonist. This sexual theme is absent in non-literary texts. In literary works, the kar.kid/*ḫarimtu* often becomes the idealized emblem of the sexually experienced female, a woman unrestrained by a husband or father, who freely engages in sex with partners of her own choosing, a woman who "got around" so to speak. She became the one who knew so much about sex, the task or concern of women, [15] such as the me of "the kissing of the phallus." The predominant ideology of early modern times that I have sketched above, an ideology that largely dictated scholars' assumptions, could not assimilate this literary version of the ancient single woman and instead visualized her sex life as a product of economic necessity rather than free choice. Thus, depictions of Inanna/Ishtar in hymns that lionize her sexual prowess were thought to convey an underlying reality of the mortal *ḫarimtu*'s wantonness. Thus, the famous *ḫarimtu*, Shamhat, who early on in the *Gilgamesh Epic* (henceforth *GE*) performs a single (but fabulously long!) act of copulation with Enkidu, was seen as compelling evidence that all *ḫarimtu*'s were sex professionals. Thus, judicial or economic documents which mention the kar.kid/*ḫarimtu* were wrongly interpreted to dovetail with the misconceptions of the Mesopotamian single woman. Thus, by circular reasoning, the social institution with which she was primarily associated, the tavern, was conflated with the brothel and the female tavern keeper with the brothel madam. Thus, other female categories such as that of the *kezertu* or the *qadištu* became tainted solely by their proximity to her's in lexical lists and other texts, further obscuring our view of ancient society and sustaining the erroneous idea of sacred prostitution. In the end, the greatest harm caused by confusing the legal category with a professional category is that an entire group of single women in existence for at least two millennia [16] has been lost to history. This writing is a preliminary attempt to reinterpret the kar.kid/*ḫarimtu* on the basis of primary sources.

Let us begin with a brief look at the terms and their etymology. The Sumerian ideogram "kar" has several meanings. That one of them is "quay" [17]

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[15] The idea that sexual knowledge belonged to the female domain is expressed in a number of cuneiform passages. In a Sumerian poem where Inanna describes her unwanted virginity to her brother, Utu, she says: "I am one who knows not what is womanly — copulating / I am one who knows not what is womanly — kissing" (Kramer 1985:127 137-38). In an Assyrian royal correspondence: "Old men dance, young men sing, women and maidens gladly perform the task of womanhood and enjoy intercourse" (Lambert 1957-58:192). Sex as the "task of womanhood" is also in the *Gilgamesh Epic* (I iv 13 and 19).

[16] The kar.kid is attested as early as ED III (Finkelstein 1966:364 n.32). Presumably she predates this period.

[17] Labat #376*.

has led some scholars to read the Sumerian term as "she who works the quay." [18] However, the kar.kid is not associated with the quay in any extant document of which I am aware. Another meaning for kar is "the status of a person without a family," [19] and is, quite in contrast to the first, attested again and again. Documents on the kar.kid regularly describe her as a woman not connected to a patriarchal household and who cannot therefore claim a patronymic. The term occurs in a Sumerian lexical list (OB Proto-Lu *MSL* 12:59 713), appearing after the nam.lukur, meaning *nadītu*-ship, which conveys a high status associated with priestesses. This term is followed by three types of kar.kid's whose meanings are unfortunately obscure. [20] This portion of the list seems to be concerned with types of women who are known to remain single for at least some period after their maturity rather than the usual course of immediate betrothal and marriage that the average female took. [21] The kar.kid is single by definition. Their professional designations, such as the *nadītu*, the *kezertu*, (SAL suḫ[ur-lá]), and two words for the *šugītu*, the lukur-kaskal and the SAL šu-gi$_4$, who is often described as a maiden, [22] surely indicate a lexical intention to group various occupational and clerical roles together which were typically taken by single women, usually when they are young. In fact, the Sumerian term, kar.kid, is often used in reference to that aspect of Inanna as a single woman in her prime; it is never used in songs in which the goddess plays the role of the courted maiden still living with her parents. That the goddess was portrayed in these two aspects, the bride and the kar.kid/*ḫarimtu*, suggests that she was meant to embody the two potential female roles, to marry or remain single. The mortal kar.kid was not only a tradition in literature but also in social life. Her existence was considered so essential to world order that she was numbered among the me's, the metaphorical foundation stones of civilization that the gods had given to humanity (*Enki and Inanna* II v 39).

The Akkadian term, *ḫarimtu*, is equated with the Sumerian term in a bilingual lexical list (Lú = *ša* I Excerpt II *MSL* 12:105 39) apparently based on OB

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[18] For instance, W.G. Lambert (1992:138) and before him M. Civil (1976:189f.) who proposed that the kar.kid was equivalent to the kar-ak, which is taken as a compound verb "faire le quai." It occurs in a lexical entry just after kar-kid-gi-te-t[e] (OB Proto-Lu *MSL* 12:59 713-717), and in constructions such as géme kar-ak.

[19] In Akkadian, the term often occurs with the verb "to make," as we shall see presently in adoption contracts. A girl is "made" *ḫarimūtu*, *ḫa-ri-mu-ta ip-pu-us-si*, i.e. she is made the status of the *ḫarimtu*. This might account for the Sumerian ak, "to make," in such constructions as kar-ak, "made" kar, that is made the status of a kar.kid, a person without a household. And *supra*.

[20] 714-16: kar-kid-mu-gub, kar-kid-súḫub-s[i], kar-kid-gi-te-t[e]. And see below.

[21] Normally females who were not going to take a professional path married quite young in Mesopotamia, anywhere from 15 to 19, according to M. Roth's study (1987) for NB and NA periods.

[22] See Henshaw 1994:195f. for numerous examples of šu-gi$_4$ as a ki.sikil, "maiden," or SAL.TUR, "young girl."

Proto-Lu. Again, the relationship of these terms with unmarried females is strongly emphasized; terms for maidens or young women (e.g. ki-sikil and *ardatu*; ki-sikil-tur and *batultu*) appear just above the kar.kid and *ḫarimtu* without noting occupations. [23] The Akkadian word *ḫarimtu* (plural: *ḫarimātu*) is considered to derive from the verb *ḫarāmu* meaning "to separate," according to a MB lexical list. [24] It began to appear in the OB period and is probably Amorite in origin (Lambert 1992:138). It is not too difficult to see the connection between one with a status without a family, the kar.kid, and one who is separate, the *ḫarimtu*. Both terms convey a subtext of standing outside of or separate from societal norms, that is, the patriarchally controlled household. Moreover, within this legal description, the kar.kid/*ḫarimtu* could be anything from a virgin to a prostitute.

The *ḫarmu*

There is a masculine form of *ḫarimtu*, the word *ḫarmu*, signifying an unmarried male. There is no Sumerian equivalent. It appears in a few incipits of love songs possibly from the time of Tiglath-Pileser I, in a poem of potentially MB date (Black 1983) and in a few SB texts. It has been translated as "(male) lover" but never "male prostitute" wherever it occurs. It usually refers to Dumuzi (Tammuz) as the *ḫarmu* of Ishtar. The incipits of what might have been secular ballads and the poem seem to use imagery that shares substantial similarities to that of the Sumerian Inanna-Dumuzi courtship literature. It is easy to see why Dumuzi is called Ishtar's *ḫarmu* for these works, like the earlier Sumerian hymns, concentrate on that period before the lovers marry. [25] The poets of the Sumerian hymns and the Akkadian ballads recognized this as the time of the greatest dramatic appeal — the moment of anticipation before consummation when erotic tensions are highest. In the contexts of the ritual: *attī Ištar ša ḫarmāša Dumuzi*, "You, Ishtar, whose *ḫarmu* is Dumuzi," which should be

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[23] Between ki.sikil.tur and kar.kid, the list offers ú.zuḫ = *ú-suk-ku*, which are not in the feminine (l. 38). The feminine form is *musukkatu*, which can either mean a woman in the period afer giving birth or a menstruating woman (*AHw*:678b, 1439a; *CAD* M/2:239f.), in either case, the *musukkatu* is a woman of child-bearing age.

[24] *MSL* 14:345 57. See also Lambert 1992:138; *CAD* Ḫ:89. Apparently the etymology of **ḫrm* is standard although some cognates differ on the quality of the initial *h*, either *ḫ* or *ḥ*. My thanks to Prof. Randall Garr for pointing this out to me.

[25] J. A. Black (1983:28) isolated an incipit from *KAR* 158 that begins: "O young man loving me / Come in, shepherd, Ishtar's lover (*ḫarmi Ištarma*)." This he matched with a ballad he edited: "Come in, Shepherd, Ishtar's lover (*[ḫa]-[ar-mi dišs-tár-ma*), / Spend the night here, Shepherd, Ishtar's lover (*ḫa-[ra-am dištar]*) / At your entering, my father is delighted with you..." (*ibid*:30 1-2 and 32 n. 1). In both texts it is clear that the couple is not yet wed and "lover" should probably be read as "young (single) man," especially to distinguish it from *ḫā'iru*, "lover" or "husband of the *ḫīrtu*-wife" (=preferred wife, see Hallo 1973:167).

performed in the month when "Ishtar made the people of the land wail over her *ḫarmu*, Dumuzi," [26] it is less clear why this terminology of *ḫarmu* instead of "spouse" is employed. The reason must be that the death of an unmarried man is more poignant than the death of a man who has experienced marriage and left progeny. In some versions of the laments that have survived, the dead Dumuzi is described as: "my one who will never bring [betrothal gifts]...who [will never] make [love] [to a young wife]..." (Jacobsen 1987:62). Another mention of Dumuzi as Ishtar's *ḫarmu* occurs in *GE* (VI 46-7): "for Dumuzi, the *ḫarmu* of your youth, you decreed an annual wailing." The term was also applied to Apsu, the consort of Tiamat in *Enūma eliš*. [27] Both Tiamat and Inanna/Ishtar were powerful and very ancient goddesses with strong, independent characters. Neither Ishtar nor Tiamat were portrayed as wives, unlike almost all other goddesses in the Mesopotamian pantheon, although in some minor or local traditions they could be. Both goddesses were problems in the later works of *GE* and *Enūma eliš* which had strong patriarchal agendas. In the latter, Tiamat, the female creator deity, is viewed as corroding social order; she is destroyed and supplanted by the young, victorious warrior god Marduk who by slaying her rises to the top of the pantheon. In the standard version of *GE*, Gilgamesh derides Ishtar as a persistent fornicator. In the love literature, however, the patriarchal agenda is absent and the term *ḫarmu* is not pejorative. The sexualization of the term is a by-product of its context only. The epithet is as neutral as the others used for Dumuzi: "shepherd," "king," "lord" and so on, that take on sexual casts when issued from the mouth of his beloved. The term *ḫarmu* has not been attested from non-literary documents as far as I know, so that it in no way establishes an accepted socio-legal category for men; it was not officially recognized. In literature, the male's unmarried status seems only to have been employed when he is in a relationship with an unmarried female, consummated or not. [28]

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[26] W. Farber, *Beschwörungrituale an Ištar und Dumuzi*, Wiesbaden 1977:128 140 f.

[27] The date of *Enūma eliš* is not yet settled. Many believe the epic to have originated as early as the 13th c. BCE.

[28] The term *ḫarmu* in reference to the goddesses Ishtar and Tiamat may refer to an early system whereby males acquired status according to the females with whom they coupled. There are other hints. For instance, Mes-Annepadda, the very early king of Kish (ca. 2600-2550 BCE), acquired power and prestige when he adopted the epithet "spouse of the nu.gig" (J. Cooper, *Sumerian and Akkadian Royal Inscriptions* vol. 1: *Presargonic Inscriptions*, AOSTS 1 1986:98 Ur 5.3). In this case, and possibly as the result of a sacred marriage ritual, he is not a *ḫarmu* but the husband, again claiming a title of favor in terms of the female's socio-legal position. Certainly the whole notion of some ancient transference of power to the male via the female is embedded in *The Lord of Aratta* and the creation story entitled *The Theogony of Dunnu*. My thanks to Prof. Sarah Winter for bringing my attention to this second myth.

2. The kar.kid / *ḫarimtu* as Not the Daughter of a Man

A chief characteristic of the kar.kid/*ḫarimtu* is that she is not "the daughter of a man." The textual material seems to point to a certain age, presumably sexual maturity, at which a girl gains *ḫarimtu* status if she is not living in a male-run household. However, we will see that *ḫarimtu* status also applies to a girl who had once dwelt in the ancestral home but then left it for reasons that are as yet obscure. From other types of documents such as adoption contracts, we may infer that there were girls who were raised to become *ḫarimtu*'s and were therefore not brought up to become good wives. In any case, there is some evidence that Mesopotamians themselves viewed any girl brought up without a father figures as woefully lacking the proper attitudes of obedience, submission and respect toward males, the very virtues required of the ideal wife in the "Counsels of Wisdom". [29] Sometimes these girls are actually characterized as noisy and brash, vitriolic [30] or loquacious. [31]

The kar.kid / *ḫarimtu* and her Adoptive Mother

Most of the documents that deal with the *ḫarimtu* in her youth are confined to adoption contracts between a woman and a girl. In these contracts, it is stated that the adoptive mother can marry off her adoptive daughter in the future or make her into a *ḫarimtu*. Scholars have universally interpreted these two choices for the adopted girl as either marriage or prostitution. Therefore, the aim of the adoption, according to previous scholarship, would be the adoptive mother's income, especially in old age, from her daughter's prostitution. A review of these adoption contracts will demonstrate that this interpretation which has everywhere been taken as fact is erroneous, while revealing some important defining features of this legal category.

An OB text tells of an adopted girl who will become a *ḫarimtu* and care for her adoptive mother: $^{f}PN_1$ kar-kid al-dù-dù (!)-*ma* $^{f}PN_2$ / ama-a-ni ninda an-ni-ib-kú-a. "PN_1 (the adopted girl) will be made a *ḫarimtu* and she will care for PN_2 her (adoptive) mother." [32] This is the first indication that a girl child not legally bound to her father can assume the status of a *ḫarimtu* and that *ḫarimtu*-ship is conferred on her at a later point in her maturity. The literal translation of the second phrase is "she will feed her (adoptive) mother bread," which suggests a kind of hands-on caring that is physical as well as financial. Only the unmarried kar.kid/*ḫarimtu* would be free to live with and support her adoptive mother in such a fashion. A married woman was normally removed from her mother's house to live in her husband's house. Also, the income of a married

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[29] Lambert 1996:102 72-80, and see below.

[30] BF 117 quoted by S. N. Kramer "Sumerian Similes," *JAOS* 89, 1969:10.

[31] See p.59 and n. 156.

[32] *BE* 6/2 4:13; *CAD* Ḫ:101a.

woman, if she had any, was kept in her husband's household and would only become available to her adoptive mother if her husband agreed. It is not clear what an adoptive mother could rightfully expect in terms of financial compensation from her daughter's husband. In the typical OB marriage of the daughter of a man, the father receives a bride price (*terḫatum*) when he transfers control of his daughter to her prospective groom (Westbrook 1988:59f). The father in turn provides a dowry. One may speculate that the adoptive mother was not often eligible to receive the said bride price either because she could not provide a dowry or because the bride price customarily went to male kin. It seems likely, then, that an adoptive mother had more to gain if she kept her daughter in *ḫarimūti* rather than marrying her off.

In a later MB text from Nippur, [33] a woman adopted the daughter (dumu-munus) of PN, from her father for five gold shekels. Her adopter was allowed two options: to give her in marriage or to make her *ḫarimtu* status (*šum-ma ḫa-ri-mu-ta ip-pu-us-si*). She was not allowed to turn her into a slave. [34] The three options open to a MB girl of poor status are outlined in this contract and they are all legal categories: wife of a man, single woman or slave. Like the OB adopted girl from the contract above, this MB female was adopted by a woman who is not described as "wife of PN," meaning the adoptive mother is likely to be living on her own. With no male blood relative as her legal guardian and no longer a resident in the male ancestral home, the girl has no status in a patriarchal system; her father literally sold it off. Significantly, the father raised no official objections to his daughter marrying or staying single but he would not allow her to enter the slave class. It is difficult to understand this proviso to mean that the father was not concerned if his daughter was forced into a lifetime of prostitution but would object if his daughter became a slave.

Adoption documents from Nuzi provide examples similar to the Nippur one above but with a slightly different twist. One (*AASOR* 16 23) relates that the adoptive mother, a woman of great wealth named Tulpunnaya, [35] may either

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[33] *BE* 14 40, quoted by Lambert 1992:134: [3][*e*]-*ṭi-ir-tum* dumu-munus [m]*nin-urta-mu-šal-lim* [4][*a*]-*na ma-ru-ti* šu-ba-an-ti [5]5 gín guškin *id-di-in* [6]*šum-ma a-na mu-tim i-nam-din-ši* [7]*šum-ma ḫa-ri-mu-ta ip-pu-us-si* [8]géme-*sa ú-ul i-ša-ka-an* [9]géme-*sa i-ša-ak-ka-an-ma* [10]*ana* é ad-da-a-ni *uṣ-ṣi*.

[34] Lambert (1992:134) used this document as an example of adopting young girls for pimping. He extends this premise to include men: "If a woman could use an adopted daughter like this, obviously men have the same rights over daughters and wives."

[35] An archive of more than thirty texts of Tulpunnaya was found in the palace room N 120 at Nuzi. For this and other reasons, she might have been of royal blood. In most texts she is named by her matronymic as the daughter of Sheltunnaya, who may have been a princess. It is only in this text cited here (*AASOR* 16 23) that she is called "daughter of Erwisharri," her father. In only two documents (*AASOR* 16 15 and 16) is she called "wife of Hashuar." This suggests that Tulpunnaya undertook contracts at various stages in her life and it is likely that at the time of this adoption contract she was single. On the other hand, her various statuses may have all been operating at once and thus those that name

marry the girl to a slave or to a *taluḫlu* [36] or make her a *ḫarimtu*.

[1]*ṭup-pí* DUMU.MÍ.MEŠ-*ti* <*ša*> [f]*Ši-dá-an-qa* DUMU.MÍ *Ḫa-bíl*-SIG$_5$
[2]*ù ra-ma-an-šu ù a-ḫa-as-sú*
[3m]*Ḫa-na-tum* DUMU *Ḫa-bíl*-SIG$_5$
[4]*a-na* DUMU.MÍ.MEŠ-*ti a-na* [f]*Túl-pu-na-a-a* DUMU.MÍ *Er-w*[*i*-LUG]AL SUM
[5]*ù* [f]*Túl-pu-na-a-a* [f]*Ši-dá-an-qa*
[6]*a-na aš-šu-ti i-na-an-din šum-ma* [f]*Túl-pu-*[*na-a-a*]
[7]*na-ḫi-iš a-na* ÌR-*di i-na-an-din ù šum-ma*
[8]*na-ḫi-iš a-na* LÚ.*ṭa-lu-uḫ-le i-na-an-din*
[9]*ù šum-ma ap-pu-na-ma* [f]*Túl-pu-na-a-a*
[10]*na-ḫi-iš ḫa-ri-mu-ta* [f]*Ši-dá-an-qa*
[11]*li-pu-uš-ma ù a-dú* [f]*Túl-pu-na-a-a bal-ṭu*$_4$ *lu-ša-ka*$_4$*-al*
[12]*šum-ma* 10 LÚ.MEŠ *mu-us-sà-šu im-tù-ut*
[13]*ù* 11 LÚ *a-na aš-šu-ti i-na-an-din*
[14]*šum-ma* [f]*Ši-dá-an-qa* KI.BAL-*kat*
[15]*ù i-na* É [f]*Túl-pu-na-a-a ú-uṣ-ṣí*
[16]2 MA.NA GUŠKIN *a-na* [f]*Túl-pu-na-a-a i-na-an-din*
[17]*ù šum-ma* [f]*Ši-dá-an-qa a-ḫa-as-sú* [m]*Ḫa-na-tum*
[18]*ina* É [f]*Túl-pu-na-a-a ú-še-eṣ-ṣí ri-ik-sà* KI.MIN
(Following witnesses and seals)

Document of daughtership of Shi-damqat, daughter of Habil-damqu: Hanatum, son of Habil-damqu, gave himself and his sister into daughtership to Tulpunnaya, daughter of Erw[i-shar]ri. Tulpunnaya will give Shi-damqat into wifehood. If Tulpunnaya is so inclined, she may give her to a slave, and if she is so inclined, she may give her to a *taluḫlu*; furthermore, if Tulpunnaya wants, she may make Shi-damqat a *ḫarimtu*. As long as Tulpunnaya is alive she shall feed her. If ten of her husbands have died, (in that case) to a eleventh she shall give her into wifehood. If Shi-damqat should break the agreement and leave the house of Tulpunnaya, she will pay two minas of gold to Tulpunnaya. And if Shi-damqat, his sister, should cause Hanatum to leave the house of Tulpunnaya — same condition.

In this contract, the adoptive mother agrees to care for her adopted daughter as long as she lives, contrary to the notion that these adoptive mothers lived off the incomes of their daughters. As in the Nippur document, there are again these two options, marriage or *ḫarimūtu*, that is, marriage or remaining single without patriarchal status. It must be stressed that neither this nor the Nippur document

her simply by her matronymic alone, as was almost always her practice, may be describing an overall independent status given to women of royal rank. If this is the case, Tulpunnaya's status sheds light on that problematic area of the lexical list *malku* = *šarru* that groups the kar.kid and *ḫarimtu* with words for queen (see p. 41).

[36] For the as yet obscure meaning see *AHw*:1312a.

defines the adoptive mother's legal right to force her daughter into prostitution. [37]

Most of the women who adopted daughters probably had no children of their own, or if they did, the children were unwilling or unable to adaquately care for them. [38] One may reasonably hypothesize that a woman — especially if living alone either as a widow or a spinster — might want to adopt a female to provide nursing, housekeeping and potentially added income. Cottage industry incomes from such domestic activities as taking in sewing or laundry, or brewing beer are barely recorded. Customs of keeping a girl at home, even one's own blood daughter, to care for others are hardly unusual. NB texts record instances of daughters taking care of their fathers in old age and inheriting on their deaths (Greenfield 1987:76). The texts do not reveal what means these daughters took to support their parents nor what marital statuses they held; presumably they were single. Nevertheless, the implication from these late texts is that they lived with their fathers and were therefore legally daughters of a man.

Just as it is clear from laws and contracts that parents usually decide when and whom their children should marry, adoption documents like those above indicate that it was the adoptive mother who determines whether a girl will marry or not. From the evidence, adoption with the potential option of becoming a *ḫarimtu* seemed only to occur between an adoptive mother and an adopted daughter. If a girl were adopted by a man, by definition she would not be a *ḫarimtu* but the daughter of a man. A few examples from Nuzi (Saporetti 1979:7), in which a female was adopted by a man bear out this claim. In one instance, the man is permitted to marry his adopted daughter to a slave, his own son or someone socially elevated; significantly there is no option of making her into a *ḫarimtu*. The same holds true for another case (*KAJ* 2) where the adoptive father promises not to mistreat or rape his adoptive daughter but to find her a husband. Here, since the girl represented herself in the adoption proceedings, one may infer that she had no male relative to represent her, and that she was fairly mature. This particular female may even have been a *ḫarimtu* before adoption. Yet, her adoption into a male household prevents her legal designation as *ḫarimtu* class. By comparing girls adopted by women and girls adopted by men, it becomes clear that the adoptive daughter can only become a *ḫarimtu* if she is adopted by a woman. That there is no mention of husbands in the contracts of adoptive mothers is almost sure to mean that these women were not under

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[37] Contrary to those who interpret the *ḫarimtu* of these adoption contracts as prostitutes, see for Nuzi, Pfeiffer and Speiser 1936:84f.; Wilhelm 1990:519f. In general see also Stol 1995:137f. For Nippur, see E. Stone and D. I. Owen *Adoption in Old Babylonian Nippur and the Archive of Mannum-mešu-liṣṣur*, Winona Lake, Indiana 1991.

[38] The Middle Assyrian Law § 4b talks about children providing for their widowed mother with "food and drink." One assumes that this was the normal occurrence and that the adoption contracts under review here were designed for the more unusual circumstance of a woman who does not have children to care for her or whose children are unwilling or unable to care for her.

patriarchal authority, for whatever reason. Some OB women who adopted girls later married and brought these girls into their husbands' households, but the status of their daughters under these new conditions is obscure. However, it seems that even then, the adoptive girl does not become the daughter of a man (Westbrook 1988:85f.); her status is in limbo. To summarize, making an adoptive daughter into a *ḫarimtu* refers to class and not to the profession of prostitution for why would only adoptive mothers give over their daughters to this trade but not adoptive fathers? This reasoning is confirmed by the three choices presented for girls in some of these contracts: marriage, slavery or *ḫarimūtu*. Set together it is obvious that they are three broad class categories that define the potential legal standing available to a mature Mesopotamian female when she no longer lives with her father.

The *ḫarimtu* and her Biological Parents

Just as an adopted daughter can live with her adoptive mother and be a *ḫarimtu*, a female can live with her biological mother and be a *ḫarimtu*. Perhaps the mother's status determines why. In the following texts, there are three instances in which a *ḫarimtu* is living with her biological mother who seems to have been either widowed or abandoned by her husband. The first is a complicated Nuzi contract among three generations of women in the same family (*HSS* 5 11): [39]

[1]*um-ma* [f]*A-ri-in-du-ri-ma*
[2]DUMU.MÍ *Pa-ak-ka$_4$-a-a* DUMU.MÍ-*a*
[3][f]*Tù-ur-pu-un-na mu-ti-ia*
[4]*a-na ia-ši a-na ḫu-ša-ka-ši-ia*
[5]*it-ta-din ù a-na-ku* [f]*Tù-ur-pu-un-na*
[6]*a-na aš-šu-ti at-ta-din* KÙ.BABBAR-*šú*
[7]*a-šar mu-ti-šu el-te-qè ù* DUMU.MÍ-*sú*
[8]*ša* [f]*Tù-ur-pu-un-na* [f]*E-lu-an-za*
[9]*a-na ḫa-ri-im-tù-ti ba-al-ṭá-at*
[10]*ù i-na-an-na* [f]*E-lu-an-za*
[11]*a-na kál-*(Rasur)*-la-ti-ia* [f]*Ma-at-ka$_4$-šar*
[12]*at-ta-din ù* [f]*Ma-at-ka$_4$-šar*
[13][f]*E-lu-an-za a-na aš-šu-ti*
[14]*a-na* 1 LÚ *i-na-an-din ù* 40 GÍN KÙ.BABBAR-*šú*
[15]*a-šar mu-ti-šu i-leq-qè ù* KÚ
[16]*um-ma* [f]*A-ri-in-du-ri-ma*
[17]1 ANŠE A.ŠÀ *a-bi-ia a-na mu-lu-gi$_5$*
[18]*a-na i<a>-ši i-din-na-aš-šu*
[19]*ù i-na-an-na a-na-ku*

[39] Speiser *AASOR* 10, 1930, no. 31, also discussed by Grosz 1981:179 and Wilhelm 1990:519. Note that *CAD* H:102b offers a very flawed translation and interpretation.

Lo. E.
[20]*a-na* f[*Ma-at-ka$_4$-šar*
[21]*at-ta-din*

Rev.
[22]*ù* [*Ma-at-ka$_4$-šar*
[23]*ša* KA-*i ṭup-pu ša-an-ni*
[24]*a-na* DUMU.MEŠ-*šu-nu i-na-an-din*
[25]*a-na* LÚ.*na-ka$_4$-ri la i-na-an-din*
[26]*um-ma* [*A-ri-in-du-ri-ma* KÙ.BABBAR
[27]*ša* [*Ka$_4$-an-zu ša al-te-qè*
[28]*ù a-ka$_4$-al ù re-eḫ-tù* <*ša*>
[29]KÙ.BABBAR *ša* [*Ka$_4$-an-zu ša a-na* [*Ma-at-ka$_4$-šar at-ta-din*
(Following witnesses and seals)

Thus says Arinduri, daughter of Pakkaya: "My daughter Turpunna my husband gave to me for my matchmaking and I gave Turpunna (away) as wife. I received her silver from her husband. The daughter of Turpunna, Eluanza, lives as a *ḫarimtu*. And now I have given Eluanza to my daughter-in-law, Matka-shar. Matka-shar shall give Eluanza to a man as wife, and the 40 shekels of silver for her (= Eluanza's bride price) from her husband she (Matka-shar) shall take and use." Thus says Arinduri: "my father gave as dowry to me one homer of land. And now to Matka-shar I have given (it). Matka-shar, according to the other tablet, shall give it to their sons. To a stranger she shall not give (it)." Thus says Arinduri: "the silver for Kanzu that I have taken, I shall use. The rest of the silver for Kanzu which belongs to Matka-shar, I have given."

From the opening, we learn that Arinduri was a type of widow who headed her own household, designated an *almattu* in other times and regions of Mesopotamia. [40] Arinduri carefully puts in writing that her daughter, Turpunna, was officially married. We are then told directly that Turpunna's daughter, Eluanza, is a *ḫarimtu* or fatherless. The sequence is about legal status of both the mother and the daughter. The phrase, "the daughter lives in *ḫarimūtu*" (*ana ḫarimtūti balṭat* [41]) used in this document, is a signal whose implications must have been clearly understood by its contemporaries. How Eluanza came to be fatherless was either well known by the courts, unimportant, or implicit in the phrase. Presumably her mother was widowed, as G. Wilhelm (1990:519) suggests. However, her mother would not be an *almattu* for she lives under the authority of her own mother, Arinduri. Arinduri transfers her granddaughter to

[40] A woman whose husband has died will be labelled an *almattu* only if she has no one in authority over her, male or female; an *almattu* is either the head of a household which can even include adult sons or she is under no one's authority because she is utterly homeless (Roth 1991-93).

[41] Nuzi texts feature certain regionalisms such as *ḫarimtūtu* for *ḫarimūtu*. In addition, as in western Akkadian, *ana* is sometimes interchangeable with *ina*.

her own son's wife, her daughter-in-law, Matka-shar. It seems that her son is dead as well. Matka-shar, who is also under Arinduri's authority, will give the *ḫarimtu* away in marriage and receive the bride price that will financially support her. This crafty measure allows the bride price to stay within Arinduri's family. If the bride price had gone instead to the *ḫarimtu*'s mother, Turpunna, her dead husband's male kin, if she had any, would no doubt have claimed it and the silver would have transferred outside Arinduri's family. [42] It is further possible that Turpunna was ineligible to receive the bride price because she was not an *almattu*-type widow but a dependent. Arinduri also transfers her own dowry, a field, to Matka-shar with the proviso that Matka-shar cannot alienate the property. It is to be inheritated by the eventual children of the granddaughter instead. This also keeps the field out of reach of the male kin of Arinduri's dead son-in-law. [43] Thus the granddaughter, the *ḫarimtu*, is firmly inserted into Arinduri's paternal line when she is given to the wife of Arinduri's own son. She is also made eligible for a good marriage with a dowry that can command a good bride price. That these maneuvers were engineered solely by women, primarily by the *ḫarimtu*'s maternal grandmother, and especially that all the bride price silver is split only among women strongly indicate that there were no men left in Arinduri's household. Overall, the contract seems to be driven by the need to keep the estate out of the hands of the *ḫarimtu*'s father's family, which leaves us wondering what security was provided for the *ḫarimtu*'s mother. The bride prices of two girls, Eluanza, the *ḫarimtu*, and a second female already married, Kanzu, are used either by the grandmother or her son's daughter or both. So all three generations of women were taken care of at once. The effort this family without men made to insure the future of its members is an example of mutual support among females.

However, this document raises questions as to what generation a family without male heads is classed *ḫarimūtu*. There is insufficient evidence at this point to determine whether the girl became a *ḫarimtu* only because her mother

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[42] The bride price normally transferred to the bride's male kin in Nuzi. It often transferred to the bride's family from the groom's family after the marriage was consummated or after the first child was born (Grosz 1981:171 and n.29).

[43] Many private documents and court cases from Mesopotamia speak of the powerful force a man's brothers become at his death, all too often at the expense of his widow. For instance, the zeal with which brothers acted to keep the estate within their family reaches a horrifying pinnacle in a will (E. Lacheman "Tablets from Arraphe and Nuzi in the Iraq Museum," *Sumer* 32:113-48 Text 2) in which a man's brothers were given the right to kill his widow if she tried to remarry. Grosz (1987b:86) postulates that if a man died with no sons, his daughters could inherit only if they were invested with the status of sons. If the father did not do so, his brothers would take over. Clearly, the *ḫarimtu* of text *HSS* 5 11 was not adopted as a son but was transferred to her maternal uncle's line instead. Because Arinduri was given the power as head of household by her husband before he died, she was legally enabled to direct the estate as she wished and thwart any claims made by the family of her dead son-in-law.

no longer lives in a male's household or because her mother is a non-*almattu* widow, if such distinctions applied to the widows of Nuzi. If Turpunna was divorced rather than widowed, it is likely her ex-husband would have contested this contract. Whatever the actual situation might have been, it is inconceivable that the grandmother would record for posterity that her granddaughter is a prostitute in the very same document that legitimates her granddaughter's marriagability.

A fragmentary and so far untranslated text from Nuzi of a court case (*JEN* 397) [44] fleetingly mentions a *ḫarimtu* daughter (whose name is not given) and her biological mother, Tabinitu. Apparently, Tabinitu has accused a man, Tampatiya, of bringing stolen meat of a suckling pig to her house. She further relates that her daughter, who she tells the judges is a *ḫarimtu*, only took the meat into her house after it was brought by Tampatiya: DUMU.MÍ-*ti ḫa-ri-ma-at ù ku-ur-ku-za-an-nu / na-ši-ma ù i-na* É.ḪI.A.MEŠ *uš-te-ri-ib*. In other words, she is defending her daughter by saying that the *ḫarimtu* had nothing to do with the theft of the pork. In the context of this cross-examination, announcing that her daughter is a prostitute would not only be gratuitous but also counterproductive as in the previous text. This document, like the former, raises questions about how a girl becomes a *ḫarimtu*. In this case, the mother was, at least at one time, married to an *aššabu* named Nashwe. This Nashwe was not present at court, which suggests that the mother was either widowed or abandoned, reinforced by the mother's statement that her daughter is a *ḫarimtu*, again a signal of some meaning to the law keepers of Nuzi. The text does state that the mother is still living in her matrimonial house, but the examiners subsequently refer to it only as her house, implying that the *ḫarimtu*'s mother is now the owner. We do not know if the daughter is living with her. Nor does it state that the mother's husband was the father of her daughter; if he was not, clearly the mature daughter is a *ḫarimtu*, unless Nashwe adopts her. There is another more remote possibility: if Nashwe was indeed her living father and she and her mother lived with him, the daughter's status may have been the result of her father's low status as an *aššabu*, meaning either "alien resident," "tenant," or "person with low status in a town" (*CAD* A/2:460b-62a). This last possibility would considerably expand the population of *ḫarimtu*'s in Mesopotamia.

Another indication that the daughter of a widow could be classed a *ḫarimtu* comes from a broken provision of the Middle Assyrian Laws (henceforth MAL) A § 49:" [...] like a brother [...]. And if the *ḫarimtu* is dead, because(?) her brothers so declare, ... they shall divide shares [with(?)] the brothers of their mother(?)." [45] This intriguing fragmentary passage raises more questions than

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[44] This text was cited by Wilhelm 1990:521 and Grosz 1987a:175f. It was also discussed in a Brandeis U. dissertation by R. Hayden, *Court Procedure at Nuzu*, Ann Harbor 1962:167. In all cases, the daughter was understood to be a prostitute.

[45] This is Roth's translation (1995:174) with the exception that I use *ḫarimtu* where she has "prostitute."

it answers. It is clear only that the father or fathers of these children was no longer alive and an estate is about to be divided up among the brothers and their uncles on their mother's side. However, it seems that such a division will occur if and when the "the *ḫarimtu* is dead," which suggests that she is a mature woman. Unfortunately, it is not clear whether the *ḫarimtu* and her brothers shared the same father. This is the only indication so far that a *ḫarimtu* could inherit by state law.

The biological father of a daughter could also turn his daughter into a *ḫarimtu* but only if he expells her from his house or lets her leave unbetrothed. The Nippur adoption contract cited above specifies that a father can give up his daughter and that in the absence of his patronymic she will become a *ḫarimtu* if she does not marry. In other words, he did not throw her out, he sold her out. Two other texts relate the conversion to *ḫarimūtu* solely on the basis of the girl leaving the patriarchal household; no other conditions are mentioned. Neither is an actual instance but both are portrayed as orchestrated by unseen forces. The first example to be addressed is a late NA Tell Halaf inscription. [46] It is a curse formula which dictates that any potential violator will be forced to burn his seven sons before the weather god and abandon his seven daughters to Ishtar and *ḫarimūtu*: 7 DUMU.MEŠ-*šú* IGI 10 *li*$_8$-*šI-ru-pu* 7 DUMU.MUNUS-*te-šú ana* ^{d}IŠTAR MUNUS *ḫa-ri-ma-tú lu-ra-mì*. The father will abandon his daughters, meaning they leave his house or he disowns them; this designates them as *ḫarimtu*'s. The reference to Ishtar might be read on more than one level. Conceivably, the girls could have been dedicated to temple prostitution, but as its existence is not attested in cuneiform, such an interpretation seems far fetched and in fact, besides the point. A simpler and less strained reading of the phrase is that the father left his daughters stranded, without a patronymic or promise of betrothal. Abandoning them specifically to Ishtar, whether figuratively or literally, would have been logical given she was the only goddess in the pantheon who was also a *ḫarimtu*. If the phrase means that his daughters are literally given to her temple, conditions for the disowned in temples could be quite harsh. [47] But the force of the curse relies wholly instead on the importance Mesopotamians placed on continuing the patrilineal line. Destroying ones sons and turning one's daughters into *ḫarimtu*'s effectively end the man's house for neither dead sons nor estranged *ḫarimtu* daughters could produce legal heirs to carry on his line. With this curse elegantly structured into two parallel

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[46] From B. Meissner "Die Keilschrifttexte auf den steinernen Orthostaten und Statuen aus dem Tell Halaf," *Aus fünf Jahrtausenden morgenländischer Kultur*, AfOB 1, 1933:73 8:5-7; Nr. 60+61+59:5. Also note that B. Menzel stresses the foreignness of this text and further assumes that it indicates a negative view toward the *ḫarimtu* in the NA period (Menzel 1981: I 28). See also, Wilhelm 1990:513f. who postulates that cultic prostitution is meant here.

[47] I.J. Gelb remarks that the donation of rejected women and children to Ur III temples was similar to the exposure of infants who were left to die ("The Arua Institution," *RA* 66, 1972:9f.).

and finite reversals of normal paternal behavior, there is one result — the future of the man's house is annihilated, leaving him and his ancestral name lost to posterity. A warning in another NA document echoes the same notion. Here, the *ḫarimtu* is again the foe to man's posterity for she interrupts or ends male lineage. In the inscription, the emblem of posterity is not a man's sons and grandsons, but his stele. The line is bitterly sarcastic: "This is the stele which the kar.kid set up for the son of Ibâ, 'the farter,' and left for posterity." [48]

In an OB omen text, a dire prediction is derived from the behavior of a sacrificial lamb; [49] the disastrous portent is again expressed as an inversion of the norm. In this case, it is the daughter of the quintessential father and patriarch, the king, who goes out of the palace *ana ḫarimūti*. The only texts that mention a daughter leaving her father *ana ḫarimūti* frame the abnormal event as the result of curses or bad omens. Certainly, the occasion of a daughter's departure from her father's house must have been prompted by less dramatic reasons, either at the request of the girl or the father. The paucity of records of girls leaving their fathers might be the result of a number of things. First, such a situation went contrary to patriarchal ideals and is likely to have been officially ignored by state law writers. Furthermore, most records of girls and their fathers concern her marriage, with occasional references to inheritance rights and her sexual activity before she is transferred to her husband's house; a *ḫarimtu* fell outside this discourse. Lastly, the *ḫarimtu*'s low status left her largely unrepresented in the judicial and economic spheres; her actions in general are rarely documented.

There is one remaining text about girls leaving their biological parents *ana ḫarimūti*. These are the children of palace servants mentioned in a royal proclamation from Nuzi (*AASOR* 16 51) that was to be read every three or four years to the slaves and domestics of the palace. These servants were reminded that they could not let their daughters leave the palace to go live in a state of impoverishment and in the state of *ḫarimūtu* (*ana ekûti u ana ḫarimūti*) without the king's permission, implying that the king carries some continued obligation towards females who had once lived under his roof. [50] *ana ekûti*, once translated as "orphan" [51] is now understood to signify a homeless, destitute

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[48] From "The Warning to Bel-eṭir," Livingstone 1989:66 K 1351 r l4.

[49] *YOS* 10 47 r. 69, also *CAD* Ḫ:102 (g).

[50] Pfeiffer and Speiser 1936:37 and 103; Roth 1995:195f.; *CAD* Ḫ:102. Pfeiffer and Speiser, Wilhelm (1990:520) and finally Roth have all read the phrase *ana ekûti u ana ḫarimūti* as in a state of destitution *or* prostitution, rather than in a state of destitution *and* *ḫarimūtu*. Besides the obvious difference in the two readings there is a subtle one at work. Although it is possible that *u* can mean "or," as they have it, rather than "and," as I have it, it seems more likely that the two expressions are parallel like states rather than alternative states. In addition "or" is normally rendered *lū ... lū*, at least in legal texts, as Ben Foster has kindly reminded me.

[51] Pfeiffer and Speiser 1936:103.

girl. [52] In some sense, it is very similar to *ḫarimtu*, with which it is paired. This proclamation suggests that the daughter of a servant or slave, like the king's daughter above, becomes a *ḫarimtu* once she leaves the palace household if some prior arrangement has not been made, such as a proper home to go to or a man to marry. This defining act helps to gauge the girl's age when *ḫarimtu* status is acquired: she must be old enough to leave the palace on her own.

By comparing what little we have on *ḫarimtu*'s and their biological parents a few features come into focus. First, a female living with her mother can still be a *ḫarimtu* while one living with her father cannot. It seems that in all cases where a *ḫarimtu*'s mother is mentioned, the mother's husband is either absent or she is not referred to as the wife of a ^{m}PN; either can indicate that she does not live with her husband. This is true for the adoptive mother as well. However, whether this alone is enough to assign her daughter to *ḫarimūtu* or if there are other factors in the mother's status at work that effect her daughter's is still not clear. What circumstances caused a mother's status to drop and what the nature of her lowered status might be are stubbornly opaque and understudied topics in themselves. Certainly widowhood status is variable. If a widow had no sons, she frequently ran the risk of being evicted by her husband's male kin (Roth 1991-93); her daughters are therefore likely to become *ḫarimtu*'s. Was *ḫarimtu* status mediated by the absence of brothers or half-brothers of the same biological father? We have seen one Nuzi text (*HSS* 5 11) in which the mother of a *ḫarimtu* was probably a widow of the non-*almattu* sort, suggesting that a non-*almattu* widow at least would have a *ḫarimtu* daughter. But was the mature daughter of a widow who was head of her own house also a *ḫarimtu*? In the case of the OB divorced mother, normally her daughters (and sons) remain in the custody of her husband if their divorce was the result of her culpability (Westbrook 1988:85), in which case the girl will never become a *ḫarimtu*. But if the woman is divorced for no blame on her part and takes her children with her when she leaves her husband, what is the status of her girl child at maturity? We cannot now determine whether a daughter grows up to be a *ḫarimtu* if her biological parents are not officially wed, nor whether Mesopotamians recognized common-law marriage in all places and periods. Likewise, the status of a child whom the mother brings into a marriage resists category and instead, questions abound: would such a child remain the daughter of her biological father or does her mother's husband adopt her or is she considered a foster-child? [53] When a woman marries and brings an adopted daughter into her husband's house, the act of adoption had already voided any legal claim of the biological father, at least in a few OB private documents. What the girl's status becomes when she moves into the house of her stepfather is hard to say for she is not named as his daughter. Even so, should her adoptive mother divorce, she remains with the ex-husband. Conversely, should the husband divorce the adoptive mother, "she will

[52] See Wilhelm 1990:520 n. 78.

[53] See Westbrook 1988:85f. for cases of children's status in OB.

take the hand of" the adoptive daughter and leave.

In general, one thing is certain, a girl who is no longer living within the male ancestral home will become a *ḫarimtu* at a certain age if she remains single. However, even this rule should be applied with caution for its various components are not always consistent. For instance, the definition of the male ancestral home could be negotiated as it was by the widows and mature orphaned daughters of Emar and Ekalte. When these women took on the double titles of "father and mother of the house," their domiciles took on the official status of the male ancestral home; their daughters or sisters presumably forego *ḫarimtu* status. [54] Even if a systematic picture of how a *ḫarimtu* comes to be should one day be constructed, it would not necessarily apply to all periods and places. The silence in the Mesopotamian records with regard to *ḫarimtu*'s and their fathers presumes no legal connection between the two. In general, it seems fair to say that Mesopotamian writers of law and literature denied the shamefully unspeakable instances in which a daughter left her father or, for that matter, a wife her husband, largely by ignoring them.

3. The kar.kid / *ḫarimtu* as Not the Wife of a Man

Nothing distinguishes the adult kar.kid/*ḫarimtu* more from other women than her unmarried status. Laws, lexical lists, economic documents, court procedures, popular sayings and hymnal works describe her as the single woman in contrast to "the wife of a man." We have already reviewed adoption contracts where a free female child was visualized as having two potential futures: to become a wife or to become a *ḫarimtu*. In the ideal world of literature, the distinctions are also well maintained. The kar.kid/*ḫarimtu* could and did marry, but when she did, she automatically lost her *ḫarimtu* status and gained the status of a wife of a man. The two legal categories are mutually exclusive. Maintaining the distinction between them preoccupied laws and judicial documents, though these texts are rarely as straightforward as the adoption contracts that project only a theoretical future. The legal material, with which I begin this discussion, apparently attempts to prevent the slippage that can occur between these two categories. It belongs mostly to later periods, especially from the Nuzi archives and the Middle Assyrian Laws (MAL), when the *ḫarimtu* is legally better documented and more emphatically distinguished from women with status

[54] Similar provisions occurred at Nuzi. Women were thus enabled to conduct business and preserve important patriarchal rights. Orphaned daughters who were legally made into sons (*ana māri epēšu*) would not only avoid *ḫarimtu* status but also establish their inheritance rights. For Emar and Ekalte see Th. Kämmerer, "Zur sozialen Stellung der Frau in Emar und Ekalte als Witwe und Waise," *UF* 26 1994:169-208 where some of these documents are discussed. For Nuzi and Emar, see Grosz 1987b. For Nuzi, on female guardians and females adopted as males see Grosz 1987a and "On Some Aspects of the Adoption of Women at Nuzi," *SCCNH* 2 1987:131-52.

connected to a male household.

The first surviving state record in which the adult kar.kid appears specifically aims to keep the kar.kid distinct from the wife in potentially ambiguous conditions. It comes from the Laws of Lipit-Ishtar (ca. 1930 BCE; henceforth LI): § 30:

> If a married man has entered into a relationship with a kar.kid from the street (tilla-a), [55] and the judges order him not to go back to the kar.kid, (and if) afterwards he divorces his first-ranking wife (dam-nitadam) and gives the silver of her divorce settlement to her, (still) he will not marry the kar.kid. [56]

This law attempts to preserve the status of the legal wife at all costs and is a rare example of society discouraging a married man from having extra-marital relations with an unmarried woman. [57] Certainly, a man having an affair with the wife of another man or the daughter of a man would present a far more complex legal situation. In the former instance, he might well lose his life. LI § 30 is the only legal injunction I am aware of against marrying a kar.kid and it was made to protect the infertile wife. It does not imply that marriage to a kar.kid was third rate. [58] From the same LI collection comes § 27:

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[55] The term "from the street," is legalistic jargon for "not living in a (male's) household" and will treated in full later; it is only rarely meant literally. J. Westenholz, working with Akkadian texts, remarks on this meaning of the street in reference to the *qadištu*: "The street where she is located is a legal definition of her status of not belonging to an organized household" (Westenholz 1989:251). See *CAD* S:400f. for Sumerian variations: sila, the most common rendering for street but, also e.sir and $tilla_4$.

[56] Roth 1995:32. Roth uses "prostitute" for kar.kid. The phrase I have translated as "has entered into a relationship" was taken by Roth to mean "had sexual relations." The actual verb du_{12} is the verb "to marry" but not in its usual reduplicated form. Certainly a sexual relationship is indicated. (B xix 20'-29', F iii 21-iv 5, J iii 21'-iv 8, L ii 3'-4', K iii 1'-5') tukum-bi guruš dam-du_{12} kar-kid-dè tilla-a in-du_{12}-àm kar-kid-bi-ir nu-un-ši-gur-ru-da di-kud-e-ne in-na-an-eš egir-bi-ta dam-nitadam dam-a-ni ba-an-tag_4 kù dam-tag_4-a-ni ù-na-an-sum kar-kid-bi nu-un-du_{12}-du_{12}.

[57] Another is from the Laws of Eshnunna (LE) less than two centuries later. LE § 59 allows a man to divorce a first wife who bore him children and marry a second but he must forfeit all his property to the first wife. This is a strong prohibition against the wandering emotional attention of husbands. The second woman is not legally defined a *ḫarimtu* or as a "daughter of a man" in this case, but only as someone whom the man loves; presumably she could come from any social sector. In addition, there is no indication that the man and his beloved had premarital sex. See Westbrook 1988:72ff. for commentary.

[58] M. Stol (1995:138), who took the kar.kid for a prostitute as have all others who have reviewed this provision, commented: "the position of the pertinent law in the collection of laws of Lipit-Ishtar shows that this was considered a third-rate marriage. Leaving one's wife for such a lady and marrying her was considered immoral." First, there is no indication whatsoever that a single man's marriage to a kar.kid in this period was third-

> If a man's wife does not bear him a child but a kar.kid from the street does bear him a child, he shall provide grain, oil, and clothing rations for the kar.kid, and the child whom the kar.kid bore him shall be his heir; as long as his wife is alive, the kar.kid will not reside in the house with his first-ranking wife. [59]

In this passage, the slippage between the wife's status and the kar.kid's is more obvious. With the appearance of a child, the only factor that clearly distinguishes the two is residence. The kar.kid is forbidden to enter the male household as long as the first-ranking wife is alive. The wife is not penalized for her sterility and her status as well as residence stay intact. It is difficult to believe that the kar.kid in this text is a prostitute, in spite of the agreement among all scholars who have cited this law. [60] The paternity of a child of a prostitute would be hard to establish for one thing. But in this particular law, the child is not only accepted but made heir to his father's estate, a very serious undertaking in ancient Mesopotamia and one that would not have been legally mandated if the man's legitimate wife had provided heirs.

In both of these early laws the legal wife (dam) is referred to as the dam-nitadam, "first-ranking wife," [61] after the kar.kid problem is introduced. Even though the kar.kid's status does not legally change to the wife of a man in these two laws, the terms suggest that at least in these early periods her extra-marital relationship, should she have one, was viewed as derivative of marriage, below the first-ranking wife, but not in opposition to marriage as the modern construct of "wife and mistress" sets it.

Like the above provisions, other laws and juridical documents also witness the tenuousness of women's legal status. Most of these texts take care to legally define those periods in which a woman's status is changing and in which she is consequently the most vulnerable. Laws and private documents of marriage or

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rate. What has been overlooked here is the issue of the infertility of the man's first-ranking wife whom the law seeks to protect. In most later periods, divorcing her was a fairly simple matter, or the man could take a second wife. In short, infertile women were not well protected in later periods. Second, the law specifies kar.kid because a man having an affair with a married women would be in a legally indefensible position of abetting adultery. Similarly, law makers would not frame a legal situation whereby a married man conducts a long term affair with a man's daughter. No doubt, a good patriarchal father would throw his daughter out for trafficking with a married man. She would then become a *ḫarimtu*.

[59] This translation is from Roth (1995:31 F ii 7-25, G xix 13-17, M iii 2'-8') with the exception that Roth translates kar.kid as "prostitute."

[60] For instance, F. R. Steele, "The Code of Lipit Ishtar," *AJA* 52, 1948:422 n. 16; S. N. Kramer *ANET*:60; *AHw*:325b; *CAD* Ḫ:102; Astour 1966:187; Roth 1995:31, etc.

[61] Or it could mean "preferred wife" (Hallo 1973:167f), a woman in this case who clearly is preferred by law not by her husband.

inchoate marriage, [62] of divorce or widowhood abound. Each of these transitions involves shifts in legal status, finance and usually residence. Other areas of great legal concern are the abandoned wife and the adulteress. The status of the adulterous wife depends on her husband's reaction. He can divorce her, abandon her, corporally punish her (but keep her as a wife) or have her killed. In each of the above-mentioned transitions, a female is most vulnerable to losing her status in regard to a male and his household. [63] I would like to propose that should she lose this status she becomes a kar.kid/*ḫarimtu*.

Some of the early Laws of Eshnunna (henceforth LE; ca. 1770), exemplify the precariousness of female status in relation to the status of the wife of a man. In LE § 27 and 28 the code sets out two transitory conditions: from bride to wife and from wife to adulteress, of which only the first concerns us here. LE § 27:

> If a man marries the daughter of another man without the consent of her father and mother, and moreover does not conclude the nuptial feast and the contract for(?) her father and mother, should she reside in his house for even one full year, she is not a wife. [64]

If she is not a wife, then what is she? We have a reiteration of LE § 27 in the Laws of Hammurabi (henceforth LH) from further south in § 128, but it omits the condition that a daughter must have the consent of her parents: "If a man marries a wife but does not draw up a formal contract for her, she is not a wife" (Roth 1995:105). [65] In Mesopotamian law it is only the woman's status that is threatened here; the man's legal status is always assured by virtue of his natural patriarchal right. Clearly the legal definition of the female in the above two laws has shifted from daughter of a man to some ambiguous status not spelled out in the texts. The only term that fits such a description is the *ḫarimtu*.

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[62] The period to which I refer is that interval between the betrothal and the consummation of marriage. There are no technical terms for the female in an inchoate marriage as there are in Hebrew and Hittite (Westbrook 1990:570 and n.104), which forces such clumsy descriptions as this one in Akkadian from LH § 130: "... the wife of a man who is a virgin and is living in her father's house ...."

[63] In some cases, where the father or husband or both is dead, the female can be represented by her brother/s. See for instance, LI § 23 and MAL § 25 as two disparate examples among many.

[64] Roth 1995:63 A ii 31-34. A similar invalidation (*NG* 15:2-14) occurs in the earlier Ur III period where a would-be bride divorced without receiving divorce money. The marriage was not recognized because the boy's parents did not consent to it. Presumably the boy was too young to legally represent himself. See Greengus 1969:526f. and n. 113. The girl would not be a kar.kid, however, because nothing states that she ever left her father's house.

[65] This law seems to require a written contract, but Greengus argues against such an interpretation of *riksātum*. In his 1969 article on OB marriage contracts he claimed that it need not denote a written document.

It is not until the Nuzi archives (ca. 15th century BCE) when women in this nebulous category are actually named *ḫarimtu*'s. In two instances, the men orally deny the status of wife for women with whom they cohabit by calling them *ḫarimtu*'s. In *JEN* 671, a difficult and broken tablet of a court procedure, the man states: "She is not a wife; she is a *ḫarimtu*. I did not marry her." [66] The lines are too obscure to determine the circumstances that prompted the man to make this declaration, but in a second Nuzi text (*JEN* 666), the motivation is less obscure. A man, Mushteya, tries to win a court case establishing his legitimacy as the son of a certain deceased man named Tarmiya. Tarmiya's brother comes forth and states that his brother never married Mushteya's mother, but that she was a *ḫarimtu*. Moreover, the brother was able to produce witnesses of the declaration made by the alleged husband when he was alive: "She is not a wife, she is a *ḫarimtu*," [67] stating in this simple phrase that there was no formal marriage agreement between them. The alleged husband disclaimed his legal connection to Mushteya's mother and therefore any legal obligation to the son. In this case, the son was unwilling to go through the "divine ordeal" to establish the truth of his claim that his mother was legally married. The deceased man's brother won the case. Although the document does not address the deceased man's estate, whatever he had at the time of his death would now go to his brothers who, as we have seen, were particularly fierce in regard to claiming the estates of their deceased brothers. [68]

Theoretically, if an alleged husband could not prove his disclaimer, he would be charged with slandering his wife and penalized. [69] If a woman could not prove her husband was slandering her and the marriage is disclaimed, she and consequently her children could lose their property and inheritance rights. This is a far cry from the laws of Lipit-Ishtar of 500 years before when the kar.kid's children are accepted as heirs. Furthermore, if her marriage were not legally recognized in the end, she would not be entitled to a settlement for the dissolution of her relationship with the alleged husband. It is not difficult to imagine how alarming such slander could be to a Mesopotamian woman.

The dread of slander is illustrated in an OB text (*TIM* 9 6) from the literary sector, a bilingual extract from a dialogue between two women:

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[66] l. 25-26: [ˈPN] [*l*]*a*ˈ DA[M]-*sú* / [*ḫa*]-*ri-in-tum* D[A]M *la i-pu-uš*. These lines are followed by two difficult Hurrian expressions in the negative with the possible meaning of "she has not born me a child." See also Wilhelm 1990:521 who, as all others who worked with this text, translates *ḫarimtu* as "prostitute," after a collation by H. Lewy, *Or* 10, 1941:218 n.3. Also note that the *CAD* Ḫ quotation on p. 101b is incorrect. K. Grosz (1987a:175) also commented on this difficult text.

[67] l. 14: *la aš-ša-at-mi ḫa-r*[*i*]-*in-tum*. See Grosz 1987a:175 and Wilhelm 1990:520 where the text is discussed. *ḫarimtu* is always translated as "prostitute," as in *CAD* Ḫ:101b.

[68] See p. 21 and n. 43.

[69] There are probably many such cases that have so far gone unrecognized. Cf. those in Hallo 1964.

[9]a-na-aš-e dumu mu-lú tab-ba-zu-ke$_4$
[10]in mu-un-zé kar-kid ba-an-dug$_4$
[11]dam mu-un-tag$_4$

[26]*am-mi-ni a-na ma-ar-ti a-wi-li-im tap-pá-a-ti-k[i]*
[27]*pi-iš-tam [t]u-up-pi-iš ḫa-ri-im-ti ta-aq-bi-i*
[28]*mu-tam tu-še-zi-bi-iš*

Why did you insult the daughter of a man, your equal,
And call her a kar.kid
So that you caused (her) husband to divorce her?

W. G. Lambert assumed in his translation that the alleged kar.kid is a prostitute and that the insult therefore refers to her profession. [70] However, the first line's insistence on legal terminology where "the daughter of a man" is reinforced by "your equal" (referring to the slandering woman of the same class), makes clear that it is not the woman's sexual behavior that is being denigrated but her socio-legal status. Furthermore, the specific identification of the maligned woman as a "daughter of a man" indicates that the slander was about her orignal status before marriage. It seems quite obvious that the woman was accused of being a kar.kid/*ḫarimtu* and having lied about or misrepresented her status to her husband prior to their marriage, for which he divorced her. Compare for instance the Ur-Namma provision § 14 where a wife is clearly slandered on sexual charges: "If a man has accused the wife of a young man of promiscuity, and the River Ordeal clears her, the man who accused her shall weigh and deliver 20 shekels of silver;" [71] or MAL A § 17 "If a man should say to another man, 'Everyone has sex with your wife' (*aššatka ittinikkū*), but there are no witnesses, they shall draw up a binding agreement, they shall undergo the divine River Ordeal" (Roth 1995:159). Sexual slander is specific and clear. In both cases, the slandered woman's social status is not in doubt, only her alleged promiscuity, so that the term *ḫarimtu* does not apply. [72] However, this is not to say that accusing a wife of hiding her former kar.kid status has no sexual referents. A man might divorce a wife so accused because he feared he was not the first to have sex with her.

All the above instances demonstrate how permeable the boundary was between women with married status and those without it. The Nuzi documents tell us that a woman who was not formally married but lived with a man was still considered a *ḫarimtu*, although common-law marriage must have been recognized in some local customs. The Middle Assyrian Laws go much further than any other type of document to keep these legal boundaries by physically

[70] Lambert 1992:132, also Glassner 1987:79 and others.

[71] Roth 1995:18, see also Finkelstein 1966:369f.

[72] A subsequent law sets the penalties for the slanderer should he not be able to prove his charge. It is almost identical to the penalties put on a slanderer who says to a man, "Everyone sodomizes you" (MAL A § 19, Roth 1995:159).

marking unmarried women from wives and daughters of a man in public space, in the so-called "veiling laws," MAL A § 40 (v 42-106): [73]

> Wives of a man, or [widows], or any [...] women who go out into the main thoroughfare [shall not have] their heads [bare]. Daughters of a man [...with] either a ...-cloth or garments or [...] shall be veiled. [...] their heads [...(gap of ca. 6 lines)...] When they go about [...] in the main thoroughfare during the daytime, they shall be veiled. A concubine who goes about in the main thoroughfare with her mistress is to be veiled. A married *qadiltu*-woman is to be veiled (when she goes about) in the main thoroughfare, but an unmarried one is to leave her head bare in the main thoroughfare, she shall not be veiled. A *ḫarimtu* shall not be veiled, her head shall be bare. Whoever sees a veiled *ḫarimtu* shall seize her, secure witnesses, and bring her to the palace entrance. They shall not take away her jewelry, but he who has seized her takes her clothing; they shall strike her 50 blows with rods; they shall pour hot pitch over her head. And if a man should see a veiled *ḫarimtu* and release her, and does not bring her to the palace entrance, they shall strike that man 50 blows with rods; the one who informs against him shall take his clothing; they shall pierce his ears, thread them on a cord, tie it at his back; he shall perform the king's service for one full month. Slave women shall not be veiled, and he who should see a veiled slave woman shall seize her and bring her to the palace entrance; they shall cut off her ears; he who seizes her shall take her clothing. If a man should see a veiled slave woman but release her and not seize her, and does not bring her to the palace entrance, and they then prove the charges against him and find him guilty, they shall strike him 50 blows with rods; they shall pierce his ears, thread them on a cord, tie it at his back; the one who informs against him shall take his garments; he shall perform the king's service for one full month. [74]

In this lengthy paragraph, three categories of women are physically distinguished in public by their bare heads: the unmarried *qadiltu* (=*qadištu*), the *ḫarimtu* who is unmarried by definition, and the slave-girl. The law does not state whether the slave girl is married or not. As far as I know, there are no records of a slave marrying an *awīlu* and remaining a slave; she would become the wife of a man. In a document contemporary to MAL, just such a situation was recorded: "he cleared her from her status as slave girl and gave (her) the

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[73] Because veiling for women is so poorly attested, it is assumed that Mesopotamian women generally went bare-headed except for this period, if these laws do in fact reflect an actuality (see below). See J.-M. Durand "La Mission matrimoniale," *ARM* 26 1988:103f. for a few additional texts that connect veiling to married women.

[74] This translation is almost wholly Roth's (1995:167-69). I have substituted the word "*ḫarimtu*" for her usage of "prostitute" and dropped her reconstruction of "[Assyrian]" in the break just after "[widows]" at the beginning of the text.

status of being his wife." [75]

The most obvious common characteristic linking these three categories of women, then, is their unmarried status. This is further evidenced by the concubine (*esertu*) in this MAL provision who held an ambivalent status — not a wife of a man, but if in public with the wife of the man they shared, she borrowed, as it were, the wife's status and went veiled. The text further implies that if she went alone, her head would be left bare indicating that she had no legal *awīlu* status of her own. The subsequent veiling law in fact spells this out (MAL § A 41). Here a man must follow a specific procedure to legalize his relationship with his concubine, symbolized by the action of veiling itself. If he does intend to veil her, he must veil her in the presence of witnesses and declare to them that she is his "*aššutu*-wife." If he does not do so, she remains a concubine (Roth 1995:169), probably in the same socio-legal category as the *ḫarimtu*. Although one cannot deduce from this law alone the extent to which the unmarried *qadiltu*, the concubine and the slave girl were regarded as *ḫarimtu* class, a few things can be learned. As we have already seen, the status of *ḫarimtu* was mediated not just by marital status but by affiliation with one's male ancestral home, normally of the father. For now, it can be said that the *qadiltu*, at least in early periods, sometimes maintained her *awīlu* status as daughter of a man (see LI § 22), so that *ḫarimtu* status is not automatically implied by this professional title when the woman is single. Similarly, the status of the concubine seems to be quasi-official (like the OB *šugītu*). This is sufficiently different from a mistress and seems to confer some sort of recognized status with regard to the male household.

The only two female types remaining from this law are the *ḫarimtu* and the slave who are sure not to have *awīlu* status, and it is only these two who are severely punished for taking on the veil in public. Both classes might have swelled as a result of warfare. War may have killed off more men, leaving daughters without fathers or prospective husbands. Foreign captives would have added to the female slave stock. The considerable amount of coercion needed to maintain the ideal patriarchal order suggests a real social need. The severe punishment doled out to men who did not report unmarried veiled women indicates that the law was hard to enforce (if it was enforced), perhaps because it was new. It seems that married women and daughters of *awīlu*'s could chose whether they went in public veiled or not, for there is no stated penalty if they went unveiled. Apparently, misrepresenting one's class downwardly was not an offense. What was an offense was claiming membership in the *awīlu* class, and it was the *awīlu* men themselves, not their women, who were bound by law to keep its precepts. With regard to male control over females in general, MAL is

[75] *KAJ* 7:9.

a harsh document, certainly harsher than any previous code. [76] However, judging MA attitudes towards women from MAL is risky because it is not certain if MAL actually reflected a state position or was the product of scribal fantasy. [77] According to the scholars who have discussed the veiling laws, it is the female's sexual activity that determines her rank in these laws, not her class. [78] The prevalent idea that unveiled women were "fair game" for any man does not account for the wording of the law which suggests that a man's wife or concubine could go about unveiled, thus inviting sexual overtures, according to the current reasoning. [79]

So far, we have looked at texts that try to keep careful boundaries between the legal status of the wife from that of the *ḫarimtu*. One would like to know far more about how Mesopotamians distinguished *ḫarimtu*'s from widows, divorcées, abandoned wives or women who left their husbands without divorcing them. The great amount of law that has been applied to these legal conditions suggests that the status of each was carefully negotiated. Laws for widow-

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[76] In other paragraphs, the husband had the right to punish his wife by any number of brutal activities (e.g. MAL § 59); beating the woman, cutting off her nose and ears or plucking out her hair are allowed by law. A wife can be killed for such small offenses as stealing from her husband while he is ill and giving what she has stolen to someone else (MAL § 3).

[77] Most of MAL seems to have come from one source (Roth 1995:154). Until recently it was assumed to have been written around the time of Tiglath-Pileser I (1114-1076 BCE) and thought to have come from his libraries (*ibid*). However, H. Freydank (1991:68; 225f.) has proposed that the main tablet (MAL A = KAV 1) dates to about 60 years earlier, during the reign of Ninurta-apil-Ekur (1191-1179 BCE), an ancestor of Tiglath-Pileser. Ninurta-apil-Ekur had come up from Babylon and removed an earlier dynastic branch, replacing it with his own. He was responsible for a full third of the Middle Assyrian Palace Decrees. It is possible that MAL was an academic scribal experiment commissioned by a king who wanted to recreate Assyria and institute state laws in the style of Hammurabi. Their entire purpose seems to be the legal protection of the *awīlu* to the exclusion of all other social classes. This is surprising considering the heterogeneity of the Assyrian population at that time for it included among the Assyrians large numbers of foreigners who were deported from their conquered territories and non-Assyrians from the south. Unlike the southern laws of Hammurabi, the Assyrian laws disregard these classes and do not have a terminology for the commoner class (*muškēnu*-class), as though commoners and foreigners were beneath the state's recognition. This legal denial, in my view, was a tactic to assert the supremacy of the Assyrian male of the *awīlu* class in the face of threat from encroaching foreigners and other classes of people.

[78] Finkelstein 1966:362; Saporetti 1979:9; Lerner 1986:247, 252; Lambert 1992:141, among others.

[79] In Hebrew sources only married women go about unveiled. See Prov 7.10 and Gen 24.65.

hood [80] and divorce [81] are fewer in number than those for marriage and adultery. As we have seen, widowhood status is complex, mediated by the widow's position in a household (Roth 1991-93). Women initiating divorce was a difficult and rarely attested problematic procedure. [82] Significantly, the divorcée is not always protected by state law, suggesting that she, like the *ḫarimtu*, was considered an aberration of the patriarchal norm and therefore unfit for state recognition. However, according to LH (§§ 141-145, Roth 1995:107-8), a woman who divorces without guilt returns to her father, thereby preserving her patriarchal status. But a woman who is guilty of some transgression was either: 1. divorced *and* thrown out; 2. made into a slave of a second wife; or 3. cast into the water. Only in the first condition — divorced and evicted — is her legal status unclear, and I would argue in this case it is *ḫarimūtu*. The LE, LH and MAL, in addition, treat the category of the abandoned wife. In MAL, the qualifications are so elaborate that the problem of maintaining patriarchal status must have reached a critical stage. [83]

A women could abandon her marriage and declare herself *ana ḫarimūti*. Such a situation was conceivable only as a reversal of the norm. In an OB omen text: "The man's wife will leave (the house) to (go into) the state of the *ḫarimtu*." [84] This text which presents a woman's departure from her husband as the

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[80] Greengus (1969:521 n.77) cites a case (Ur Nammu Law 5) where a man leaves a woman who was a widow and with whom he had been living without a marriage contract. Normally, the husband would have to pay a divorce fee if the woman had proper legal status. In this case, he did not have to pay. See also and in particular MAL §§ 25 through 35, and 46. In most of these laws, the state takes care to specify that the widow is living in her father's house. § 34 says "If a man should marry a widow without a formal binding agreement and she resides in his house for two years, she is a wife; she shall not leave" (Roth 1995:162-64). In this case, the widow is of undefinable status for those two years before the law recognizes her as a wife. The numerous and explicit widowhood laws of MAL may be due in part to a high mortality rate of men in war. See Roth's 1991-93 study on NB widows for individual negotiations, most of which involve residence, and for the difference between the *almattu* and other types of widows.

[81] Divorce seems to have been far easier for men than for women. The pronouncing of the divorce formula: *ul aššatī attī*, "you are not my wife," was the central component.

[82] Westbrook 1988:69ff.; Stol 1995:130f.; Beaulieu 1993:10, et. al. For some interesting cases of divorce in favor of the woman see Hallo 1964 and K. R. Veenhof, "The Dissolution of an Old Babylonian Marriage," *RA* 70 1976:153-64.

[83] See MAL §§ 36 and 45 (Roth 1995:165-6, 170-1) which establish different conditions of abandonment on the husband's part, such as being on the king's business, which would cover war service or being taken prisoner. In § 45 the wife is awarded a tablet if her husband does not return that gives her the legal status of a widow if she wishes to remarry. The LE laws §§ 29-30 (*ibid*:63) are not as developed as those of LH (§§ 137-145) and MAL.

[84] *YOS* 10 47 r. 65: *aššat awīlim ana ḫarimūtim uṣṣi*. The sense of this phrase has been taken to mean that a woman can leave her husband to engage in prostitution. However, if this omen did not refer to her legally changing her status, as I interpret it here, the wife

result of unseen negative forces should remind us of those texts in which bad magic causes a father to abandon his daughter or a daughter to leave her father's house. It is tempting to think that some women might have chosen to become *ḫarimtu*'s in order to preserve certain freedoms or avoid unwanted marriages, if they were willing to risk financial loss. [85] No laws prevented her from taking whatever lover or lovers she chose. Although in Sumerian literary works, the *ḫarimtu* usually revels in her freedom, laws and economic documents almost never describe female experience. Instead, juridical documents usually voice the concerns of men and inhibit or deny women's choice, thereby protecting men's rights over women. When a woman leaves the patriarchal household, her sexuality, her finances and her offspring are no longer directly under male control. On the other hand, she has little legal representation. No laws, for instance, specifically shield her from rape nor are legal obligations imposed on her sexual partner for her upkeep, with the sole exception of LI § 27 cited earlier. From a man's point of view, sex with a *ḫarimtu* was relatively safe and she may well have become the target of assault as a result, whereas if a man sexually engaged with another man's wife, he was usually subject to the same punishment for adultery doled out to the wife.

When a *ḫarimtu* marries, the procedure differs from that of the daughter of a man. An NA example describes a *ḫarimtu* who is taken in from the street, rather than from her father's house, and married. It comes from *ana ittīšu* (*MSL* 1:96f. 23-28), a collection of legal material possibly from the OB period that was later set in a series:

[23]nam-kar-kid-da-a-ni tilla-ta ba-an-da-íl-la
[*ḫa-ar-mu-us-sa iš-tu re-bi-ti*] [*it-ta-ši-ši*]
[24]nam-kar-kid-da-a-ni ba-ni-in-du$_{12}$
ḫ[*a*]-*ar-mu-us-sa i-*[*ḫu-us-si*]
[25]éš-dam-a-ni šu mi-ni-in-gur
áš-t[*a-am-ma-ša*] *ú-*[*ti-ra-aš-ši*]

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of the man would be liable to adultery charges, risking her own life. An omen which often relies on reversals of the norm for dramatic impact does not necessarily imply an active choice on the woman's part. All that can be said is that a woman leaving her husband is a bad omen for the husband. Why she leaves is not pertinent. But when she leaves, her status changes.

[85] Although so far I cannot prove it, I would like to suggest that some married women who were in love with men to whom they were not married might leave their husbands' houses and declare themselves *ḫarimtu*-status before having intercourse with the men of their choice. Such a procedure would preserve them from the expected severe penalties for adultery and would probably involve divorce eventually. But if the woman made no claim against her husband for a divorce settlement, it would not be recorded. MAL A § 24 (Roth 1995:161f.) allows a man to punish a run-away wife by mutilating her. The provision does not include the charge of adultery, however. Yet, it quite clearly states he need not take her back. Maybe some women, then, got away with leaving unwanted husbands.

[26]é-a-na-aš mi-ni-in-ku$_4$
a-na bi[ti-šu ú-še-rib-ši]
[27][K]A-kéš-da-a-ni in-[gar]
[riksatīša iškun]
[28]níg-mí-ús-sá-a-ni [in-íl]
[terḫassa izbil']

[23]He brought her in from the street in her status as kar.kid.
[24]He married her in her status as kar.kid.
[25]He gave her back her tavern.

[26]He had her enter his house.
[27]He arranged her marriage contract.
[28]He carried in her marriage gift.

We learn from the third line that she brought her *own* property into the marriage rather than a dowry and that she is allowed to keep it after her marriage. [86] This is rare documentation that a single woman of financial independence and property could lose her personal assets when she weds unless a formal agreement protects her. This text also gives us some sense of the dangers a kar.kid might face when she enters the patriarchal system. To avert this threat required some ingenuity. The final line of the first section establishes the husband as the proper legal owner of the tavern, thus preserving his right ("on tablet" so to speak) under patriarchal law while officializing the transfer of what is now his property back to her. Such a gesture surely represents an act of true love, for it was popularly believed that a wife having her own private income or property endangered the husband's welfare (Stol 1995:133).

The second section which in the manner of *ana ittīšu* builds upon the first, relates the exact course taken to legalize their marriage. The marriage contract would be of great importance to a woman who was upgrading her status and written evidence, as we have seen, could save a wife or her children from ruin. Presumably the *ḫarimtu* represents herself in the marriage contract, whereas the daughter of a man is represented by her father or male guardian. A *ḫarimtu* enters the man's house directly when she marries, whereas a daughter of a man receives her groom at her father's house. [87]

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[86] This interpretation is quite different from that offered in *CAD* Ḫ:102, which reads: "as a prostitute (i.e. without changing her status) he took her in from the street (and) supported her, as a prostitute (i.e. she remained legally a *ḫarimtu*, even after marriage) he married her but gave her back (as separate property) her tavern." In my opinion, the lines are quite clear in that they establish her exact legal status before marriage. There is nothing but inference to indicate she remained a *ḫarimtu* after marriage. W. Röllig (1970:54) translated "he took the prostitute from the street" to mean he took her from the area of the city wall: "In ihrem Zustand als Prostituierte nimmt er sie aus dem Gebiet außerhalb der Stadtmauer auf."

[87] For discussion of the bride's agency in her own marriage in Ur III and OB see Greengus 1969 in which the author also compares literary and legal versions of courtship procedure. In the former, the groom goes to the bride's house. See also, Greengus 1966.

The kar.kid / *ḫarimtu* and Other Single Women

Many texts associate the kar.kid/*ḫarimtu* with females who carry specific occupational, clerical or descriptive titles. Scholars have previously interpreted any association with the *ḫarimtu* as an indication that these titled women were also sexual professionals. But, as we shall see in this section, the association relies instead on a set of common characteristics related to unmarried status. To what extent Mesopotamians regarded professional or ecclesiastical women as belonging to the kar.kid/*ḫarimtu*'s legal category simply because they too were adult single women living away from home is not always easy to assess. Part of the difficulty occurs because documents, especially laws and lexical lists, often mention class categories together with professional or occupational titles without distinguishing between the two groups. For instance, the MA "veiling laws" just cited include several class categories: the wife of a man, the daughter of a man, the *ḫarimtu* and the slave girl along with a professional/ecclesiastical category, the *qadiltu* (= *qadištu*). Even more importantly, we are almost never told the legal class of a specific professional, so that combinations such as, "the wife of a man, the *sabîtu* (tavern keeper)...," or "the *ḫarimtu*, the *sabîtu*..." do not explicitly occur, which significantly compounds the problem. This suggests that the marriage status of professionals and priestesses were largely assumed by their contemporaries, although that status could change in the course of a professional woman's lifetime (e.g., a *sabîtu* or *nadîtu* might marry). It might also have been assumed that most women who were in occupations while they were single left them when they married and had children. This speculation finds marginal support in the lexical occurrences of professional terms and terms for the kar.kid/*ḫarimtu* found together with terms for young girls cited earlier; for most, single status was probably temporary and customarily confined to their younger years. Furthermore, the social meaning of any given class or profession differed markedly from period to period and from place to place. If legal status is indicated, it is usually in conjunction with a personal name such as "fPN, the *ḫarimtu*," or "fPN, the *sabîtu*, wife of PN."

The *nadîtu*

In one Sumerian list, OB Proto-Lu (*MSL* 12:59 712-717), the legal class of the kar.kid followed by specific kar.kid professions [88] were entered just after the nam-lukur, or "*nadîtu*-ship," a professional category of a highly-ranked cultic functionary in Ur III whose status began to drop in OB. [89] In the early periods, the *nadîtu* was often the daughter of a royal father or high official. She usually lived independently from her family in the *gagû*, [90] or residential area of the temple, as did the *ugbabtu*

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[88] Lines 714 through 717 offer many nuanced versions of the kar.kid: kar-kid-mu-gub; kar-kid-súḫub-s[i]; kar-kid-gi-te-t[e], whose meanings are still not known.

[89] Stone 1982:68f. There is a great deal written about the *nadîtu*. See especially the works of R. Harris in the bibliography, Stone 1982 and Jeyes 1983.

[90] I have avoided the usual translation of cloister for *gagû* because of its loaded connotations. It cannot be proved that the inhabitants of the *gagû* were chaste, and in Sippar, male *gagû* administrators owned houses that adjoined those of the unmarried

(LH § 110), another female of cultic rank. There are three known types of OB *nadītu*'s: the *nadītu*'s of Shamash (Sippar); of Marduk (Babylon); and of Ninurta (Nippur). The *nadītu*, like most of the female categories discussed in this section, was once thought to be a sacred prostitute. [91] In OB, the Shamash and Ninurta *nadītu*'s did not normally marry and were not allowed to bear children; many scholars now consider them to have been virgins, although the children of a few unmarried *nadītu*'s are recorded. [92] Only the Marduk *nadītu* who seems to be of lower status (Jeyes 1983:263) married. The majority of *nadītu*'s clearly shared two major characteristics with the kar.kid: they were unmarried and lived outside the male ancestral home. These facts are more than enough reason for the lukur/*nadītu* to share a lexical ambiance with the kar.kid. [93] But because the *nadītu*'s status was variable, i.e., she could marry, she could be a daughter of a man or even potentially a daughter-in-law of a god (Harris 1964:113; Jeyes 1983:265f.), no absolute equation of all *nadītu*'s with kar.kid's or later *ḫarimtu*'s were made.

The *šamḫatu* and *kezertu*

Two other terms for Mesopotamian females commonly associated with the *ḫarimtu* are the *kezertu* and the *šamḫatu*. It is still not clear whether these categories are legal, professional or descriptive. All three are lumped together in first millennium texts. The first is the *Erra Epic* (iv 52-53) when Marduk speaks to Erra of the destruction Erra brought on Uruk, Ishtar's town:

šá uruk^{ki} *šubat* ^{d}*a-nim u* ^{d}*iš-tar al ke-ez-re-e-*[*ti*] *šam-ḫa-tú u ḫa-ri-ma-*[*ti*]
šá ^{d}*iš-tar mu-ta i-ṭe-ru ši-na-ti-ma im-nu-u qa-tuš-k*[*a*]

As for Uruk, the dwelling of Anu and Ishtar, the city of *kezertu*'s, *šamḫatu*'s and *ḫarimtu*'s,

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nadītu's within the compound (Westbrook 1988:113). Nor can it be proved that *nadītu*'s were cloistered (Jeyes 1983:270). The term seems to have come from Sumerian gá.gi$_4$ "locked house" (Harris 1964:108), suggesting that the *gagû* was well protected.

[91] See H. Ringgren's *Religions of the Ancient Near East*, Phila. 1973:81, in which the author asserts that "the cultic staff of Ishtar" included "female prostitutes:" the *nadītu*, the *qadištu*, the *kulmašītu*, the *šamḫatu*, the *ištarītu* and the *ḫarimtu*, among others. Also Bottéro 1992:189. The *nadītu*'s lexical association with the *šamḫatu* (*šá-muk-tum*) (Kilmer 1963:427 131) has led some to believe she is a common prostitute (e.g. Lambert 1992:137f.).

[92] Stone 1982:55f, n. 15 on Nin-kuzu, a Nippur *nadītu* who had sons and J.J. Finkelstein "*šilip rēmin* and Related Matters," *Kramer Anniversary Volume*, AOAT 25 1976:187ff. on two Shamash *nadītu*'s who bore children, apparently without marrying. As Finkelstein (1970:246f. n. 14) noted, there is a vast difference between prohibiting childbirth and prohibiting sexual activity. Any number of contraceptive measures might have been taken to meet the conditions placed on *nadītu*'s; chastity is only one of them. However, chastity may have been the expected ideal for the *nadītu* if it was not indeed the common practice.

[93] I prefer to think of such lists as setting up word ambiances as Henshaw (1994:4) suggests.

whom Ishtar deprived of husbands and reckoned as her own. [94]

From this text, it is clear these Uruk women are unmarried, which is why they are grouped together. [95] In another late literary text, the SB version of *GE* (vi 165), the trio reappears, again in association with Ishtar and the city of Uruk. The *ḫarimtu* goddess is in alliance with the mortal *kezertu*'s, *šamḫatu*'s and *ḫarimtu*'s when at the death of the Bull of Heaven which Ishtar herself sent against Gilgamesh, she calls them to unite with her in mourning. In the secondary literature, the *kezertu*'s and *šamḫatu*'s have been understood as prostitutes almost exclusively because of their association with *ḫarimtu*'s, or as sacred prostitutes because they are under the aegis of Ishtar. [96]

A third document, a NA lexical list (*malku* = *šarru*) found on a tablet in king Assurbanipal's library, equates these three terms and their phonetic variants with the Sumerian kar.kid:

[82]*ša-am-ka-tum* = kar.kid
[83]*ša-mu-uk-tum* = MIN
[84]*ḫa-ar-ma-tum* = MIN
[85]*ḫa-ri-im-tum* = MIN
[86]*ka-az-ra-tum* = MIN
[87]*ke-ez-re-tum* = MIN
(Kilmer 1963:434)

In following entries, a heavily reconstructed word for woman (*a-šu*[*b-ba-tu*])

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[94] The translation of the second line is problematic. This one follows Foster's (1993:797 iv 53). L. Cagni translates "left to their own authority," in *The Poem of Erra*. SANE 1/3 1977:52 iv 53.

[95] I would like to venture that Ishtar's depriving women of husbands might indicate that women prayed to her for husbands. Those women who were deprived of husbands then, are those whose petitions were not answered.

[96] For instance, Lambert (1992:136) surmises that probably "such ladies" were on the staff of the temple of Ishtar and provided income for it. He concedes that not all prostitutes were temple servants which would imply a legal sanction against private enterprise that could not be enforced. Based on the NB texts and the modern interpretations of *šamḫatu* and *ḫarimtu*, most scholars have assumed that the OB *kezertu* was also a prostitute of some sort (e.g. Diakonoff 1986:236f.; Lambert 1992:132). There has been conjecture that her curly hair was either a marker for her profession as a prostitute (as in, for instance, Kraus *Or*(NS) 16, 1947:182 n.2; *CAD* K:316; *AHw*:468b; Bottéro 1992:189) or was the reason she was especially suitable for cult prostitution (as in for instance Birot *BiOr* 31, 1974:272; Dossin *ARM* 10, 1967:279 #140). The *kezertu* is often included in modern studies on sacred or cult prostitution, largely because she was occasionally named with Ishtar (as in Renger 1967:188; Wilcke 1976-80:85f.; Fauth 1988:28, etc.). The term, especially as it appears in the *Erra Epic* cited above, has also been understood to mean "courtesan" (Birot *ARM* 7:239; Durand *MARI* 4 1984:412; Foster 1993:797; Roth 1983:278; etc.) rather than prostitute.

and two terms for queen, [97] are also added to this list which is particularly prone to looser associations (Henshaw 1994:198). Although the original rationale for grouping the references to "queen" with this set is no longer understood, it would be hard to construe "queen" for "prostitute."

The textual evidence for the *šamḫatu* is hardly extensive. The word *šamḫatu* is derived from the verb *šamāḫu*, meaning "to grow thickly, abundantly," "to flourish" or "prosper," "to attain extraordinary beauty or stature" or "to bring about any of these states of abundance or beauty" (*CAD* Š/1:288). The verb and its adjectival form are used in reference to plants as well as males and females. [98] From an etiological standpoint, a *šamḫatu* is likely to be a descriptive category, as suggested by R. Harris (1965:107), of one who exhibits a strong physical appeal or voluptuousness, which in females necessarily refers to sexuality. In *GE*, the *šamḫatu*'s of the festival city of Uruk are characterized as full of charm and joy. [99] Occasionally the word appears as a personal name (*CAD* Š/1:311b) as it did with the decidedly sexy Shamhat of *GE*. However, its use as a personal name undermines the possibility of it signifying prostitute. In general, neither Akkadian nor Sumerian names denoted professions and women's names were usually descriptive. [100] In the NA *malku* = *šarru*, variants of the term *šamḫatu* (*šá-muk-tum* and *šá-mu-uḫ-tum*) were also equated with the *nadītu* and the *qadištu*, respectively (Kilmer 1963:427 131-133).

The term *kezertu* may also be purely descriptive, referring to curly hair, or it may signify a professional such as the "hairdresser" as J.J. Finkelstein sug-

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[97] SAL.LUGA[L x] and *ma-al-*[*ka-tu*]. This list is a synonym list. The left column usually contains terms that are rare, dialectical or West Semitic.

[98] *AHw*:1156; *CAD* Š/1:311b and 312 *šamḫu*. There is a surprising and disappointing double standard at work. For instance, the assumption that the *šamḫatu* is a prostitute rather than a voluptuous or beautiful woman has led to remarks such as: "...the word *šamḫatu* seems to allude to a certain luxury in the dress of ladies that was somewhat flashy or sluttish" (Bottéro 1992:189). Whereas in reference to males, the term is considered to mean "robust" or "sensuous," with no whorish undertones as in describing the god Muati who is *šamḫu*, "robust" or "sensuous," in Lambert's "Divine Love Lyrics from the Reign of Abi-ešuh," *MIO* 12 1966:41-51.

[99] *GE* I v 10-12: the lines have been variously translated: *ù* [*šam*]-*ḫa-a-ti* [*šu*?]-*su-ma bi-nu-tú* / *kuzba zu-'u-na ma-la ri-šá-ti* / *i-na ma-a-al mu-ši ú-še-ṣú-ú ra-bu-tum*. Dalley (1991:57) reads: "And girls (?) [show off] (their) figures, Adorned with joy and full of happiness, In bed at night great men[ ]." Foster's reads: "And [har]lots [fair?] of form, With charm are adorned, full of pleasures. They drive the Great Ones from their beds!" Foster explains that the Great Ones are driven from their beds because the noise of the *šamḫatu*'s merry-making shattered their sleep (Foster 1987a:29). The Nineveh transliteration is given in Foster 1987a.

[100] R. Harris, in van de Mieroop 1987:69. If the term did mean prostitute and *ḫarimtu* means prostitute, one is in the difficult position of accepting for "Shamhat, the *ḫarimtu*," "Prostitute, the prostitute."

gested. [101] The term *kezertu* first appeared in OB Proto Lu which listed her Sumerian form, MÍ.SUḪUR.LÁ a few entries before nam-lukur (*naditu*) and kar.kid (*MSL* 12:58f. 708d-716), already mentioned. The SUḪUR.LÁ occurs in the bilingual lexical series Lú = *ša* (Excerpt II, *MSL* 12:105 35) just above words for "young girl," signifying a female in an unmarried state, a configuration that includes the *ḫarimtu*, *nadītu* and others. She also appears in another long list of nar's as coming before the nar-singer (OB Proto-Lu, *MSL* 12:56 646). In this instance, the SUḪUR.LÁ is named together with her male equivalent, the LÚ.SUḪUR.LÁ. The Akkadian verb, *kezēru*, has also been applied to a male nominal form; the *kezru* appears twice in OB Lu A (*MSL* 12:169 389-90) and twice again in OB Lu C_5 (*MSL* 12:195 20-21). The DUMU.MEŠ MÍ.SUḪUR.LÁ.MEŠ, usually translated as the "sons of *kezertu*'s," are mentioned in a number of texts and indicate that the *keztertu* had children while she was single as did the *ḫarimtu*. [102] Sometimes the word is used as a personal name (*CAD* K:314). Following the above argument for the personal name, *šamḫatu*, it is not likely that *kezertu* signified a prostitute of some sort. The term appears in male and female forms as a type of rite and a type of silver dept connected to a temple at Kish. [103]

The *kezertu* has been studied by many. So far, no evidence of prostitution nor descriptions of her sexual activity have come to light. [104] From OB sources we know that some *kezertu*'s married and some did not (Finkelstein

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[101] In a paper given to the American Oriental Society cited in *AOAT* 22, 1973:215 n. 27.

[102] See Menzel 1981 II T8-11 14 and r 28 for sons of *kezertu*'s in relation to Assyrian temples. Also J.N. Postgate *Neo-Assyrian Royal Grants and Decrees*, StP(SM) 1, 1969:101ff. Postgate remarks that the DUMU MÍ.SUḪUR.LÁ, like the DUMU GEMÉ É.GAL, "sons of the palace servant girls" probably had "no social links with their fathers" (*Taxation and Conscription in the Assyrian Empire*, StP(SM) 3 1974:251).

[103] The Kish texts speak of a dept called *kezērum-* or *kezertum* silver, presumably paid for *kezērum/kezertum* rites. These debts had to be paid by certain women, married and unmarried, including a midwife and a female tavern keeper, that is, women with independent incomes (Spaey 1990:2). Spaey, who reedited the Kish texts, wrote of the *kezertu*: "we find however no reason for an identification of this occupation with prostitution or similar activities as often suggested" (*ibid*:4). The claim made by M. Gallery (1980) that *kezertu*'s performed rites of prostitution was based on the *ḫarimūtu* rites attested at Sippar, although *kezertu*'s were not mentioned in regard to these rites. Tanret and van Lerberghe studied the *ḫarimūtu* rites of Sippar and found that not only were they performed by men but the texts contained "not the slightest evidence pointing to a sexual nature of these rites" (1993:441). We still do not know what these rites entailed. See also van Lerberghe and Voet 1991:91-96 and plates 39 and 40.

[104] See for instance, Finkelstein 1972:10; Batto 1974:116; Blocher 1987:230f.; Henshaw 1994:197-200 and *supra*.

1972:10). Other sources reveal that some *kezertu*'s lived away from home [105] or worked. [106] An unprovenienced text of possibly early date characterizes the *kezertu* as childlike and happy, [107] much like the *šamḫatu*'s of Uruk. Besides the late lexical lists and the first millennium *GE* and *Erra Epic*, already cited, the *kezertu* appears in some MA [108] and NA texts that add little to our knowledge. [109]

In sum, there are no records of the sexual lives of *kezertu*'s and *šamḫatu*'s. One can infer that they were often single, although some married *kezertu*'s are documented. Whether the *kezertu* and the *šamḫatu* were associated with the *ḫarimtu* solely because of their single status is uncertain. While it is true that Ishtar gave these three categories of women special attention in the *Erra Epic* and in *GE*, this hardly signifies prostitution. As the deity herself was sometimes a *ḫarimtu* — a rare, if not singular occurrence in the Mesopotamian pantheon — identifying her with mortal single women in the popular or literary imagination is quite understandable. Finally, it must be remembered that the two mentions refer only to the women of Uruk, no other city. Ishtar as the city deity is the official protector of any citizen of Uruk in need, in particular of women without the protection of fathers and husbands. Since poets idealized Uruk as a city of festivals, its streets full of singing and dancing, one imagines that part of its allure included its famed female population of beautiful and voluptuous women, women with luxuriantly curly hair and available single women in general.

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[105] Hammurabi had a *kezertu* put on a barge and sent to Babylon; see *AbB* 2:34. In addition, Zimri-Lim, the king of Mari, promises a certain woman that he will send her a beautiful *kezertu* from among his war captives to be among her retinue (*ARM* 10:140 16ff., see Batto 1974:115; Henshaw 1994:199).

[106] She appears in a list of palace servants along with scribes and singers: *ARM* 7:206, see Batto 1974:115; Henshaw 1994:199 and *supra*. In Kish, groups of *kezertu*'s were sometimes organized under a man called the UGULA MÍ.SUḪUR.LÁ.MEŠ/*wākil kezrēti* who may have controlled their revenue (Finkelstein 1972:10).

[107] This text describes the daughter of a man as acting like a *kezertu*, that is, she "sang sweet songs and played games" (Roth 1983:277 I24-25).

[108] In one MA text copied in NA, the *kezertu* and her sons (DUMU.MEŠ.MÍ.SUḪUR.LÁ.MEŠ) are mentioned in relation to offerings made to state and temple officials (Menzel 1981 II T8-11 14 and r 28).

[109] An NA popular saying (Lambert 1996:218 iv): ^{6}*ka-*$^{\lceil}$*az*$^{\rceil}$*-ra-tu pit-qu-u*[*t*]*-tu muṭ-ṭap-pi-la-at šar-rap-ti* ^{7}*ina qí-bit* ^{d}*ištar*(išdar) *šum-*$^{\lceil}$*su-kàt*$^{\rceil}$ *al-ti kab-ti* : ^{6}"The prudent *kezertu* can slander the she-demon, ^{7}But only at Ishtar's command can the noble's wife be defamed." Another NA text is a penalty clause where the defaulter must give 7 LÚ.SUḪUR.LÁ.MEŠ (*kezru*) and 7 MÍ.SUḪUR.LÁ.MEŠ (*kezrātu*) to Ishtar of Arbela (*CTN* 2 No. 17 31-32).

The *qadištu*

We have already met the *qadištu* (MA = *qadiltu*), who appeared alongside the *ḫarimtu* in the MAL "veiling laws." Many scholars believe her to be the quintessential sacred prostitute. Such a claim, bolstered by the *qadištu*'s lexical equations with the *ḫarimtu* who, in one OB list, seems to be also a *qadištu*, [110] and with the *šamḫatu* (*malku* = *šarru*, Kilmer 1963:427 133), has been amply refuted by M. Gruber in 1986 and J. Westenholz in 1989, among others, and need not be discussed here. The Sumerian form, nu.gig, appeared as early as the mid-third millennium, when it was a title of high rank. [111] It was an epithet or title used mostly by Inanna/Ishtar but also by the goddesses Nanâ, Ninmah and Nin-isina. It can refer to both the *qadištu* and the *ištarītu*.

From the Old Akkadian period on, the *qadištu* is associated with temples and midwifery, sometimes in association with Inanna or Nin-isina (Westenholz 1989:259). In MA texts, she is included among cult personnel, often in service to the god Adad (*KAR* 154, Gruber 1986:139f.). Her cultic role continues to be attested as late as NA (*ibid*:143f.), but in a number of texts she appears as a midwife and wet-nurse, professions that seem to derive their income from the secular sector. [112] These texts do not specify if her milk production was the result of a pregnancy in or out of wedlock. All in all, documents in which the *qadištu* is mentioned point to her physical and financial independence. At Sippar, at least one *qadištu* lived in a *gagû* during OB (Renger 1967:181) and OB Atra-ḫasis (I 290) refers to the house of the *qadištu* [113] where midwifery was practiced. Some *qadištu*'s did indeed marry, remaining *qadištu*'s, so that the term cannot refer to a legal category but must be professional or clerical. Early provisions on the inheritance rights of a daughter at the death of her father (LI § 22 and LH § 181), assume a likelihood that the daughter — the *qadištu* or *nadītu* (or additionally in LI the *ugbabtu* and in LH the *kulmašītu*) — will

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[110] OB Proto-Lu (*MSL* 12:59 714) enters the Sumerian term: kar-kid-mu-gub where if mu-gub=mu-gib$_x$, it is Emesal for nu-gig, the Sumerian term for *qadištu*.

[111] The evidence is abundant. See Zgoll 1997, also Westenholz (1989:257f.) and Henshaw (1994:207). As examples of her Neo-Sumerian social status there is from Ur a seal impression of her scribe which reads: Nin-kinda^{da} nu-gig-gal úri^{ki}-ma Lugal-ḫa-ma-ti dub-sar arad-zu, "Nin-kinda, the chief nu-gig of Ur, Lugal-hamati the scribe, your servant." In this inscription, she is related to the city but not to a deity. Also, as already mentioned (n. 28), Mes-Annepadda, the king of Kish, entitled himself "spouse of the nu-gig."

[112] As LE § 32 suggests: "If a man gives his child for suckling and for rearing but does not give the food, oil, and clothing rations (to the caregiver) for 3 years, he shall weigh and deliver 10 shekels of silver for the rest of the rearing of the child, and he shall take away his child" (Roth 1995:64).

[113] *ša-[ab]-sú-tum i-na bi-it qá-di-iš-ti li-iḫ-du* : "Let the midwife rejoice in the *qadištu*'s house," translated as "the prostitute's house" in *Atra-ḫasis, The Babylonian Story of the Flood*, W.G. Lambert and A.R. Millard 1969:63 290. Lambert (1992:143) appealingly suggests that the *qadištu*'s house was a small maternity ward.

remain unwed. [114] And according to MAL, the unmarried *qadištu* was apparently a common figure in MA Assur. That the *qadištu* is frequently unwed and no longer living in her father's house are reasons enough to establish her connection to *ḫarimūtu*.

4. The Single Woman and Issues of Place, Residence and the Street

The *ḫarimtu*'s residence was an outstanding determinant of her socio-legal definition. The physical residence of all women seems to have been a matter of great legal significance and maintaining legal residence, like legal status, was a problem for women, [115] causing us to suspect that when residence boundaries blurred, social boundaries blurred. The laws of LI placed emphasis on residence or organization to which a female — the *nadītu, qadištu, ugbabtu, miqtu* (female palace dependent) or *ḫarimtu* — might belong, be it temple, palace or "street." The laws of Hammurabi (LH § 110) furthermore, distinguish between the *nadītu* and *ugbabtu* who do not live within the *gagû* from those who do. But the writers of MAL were fanatically attentive to the loci of women, married or not and official or not. [116] No other but a father's or husband's household was

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[114] Other LH laws (§§ 178-180, 182) similarly cover the inheritance rights of the *sekretu* and *ugbabtu* and further the *nadītu*.

[115] See, for instance, Roth's study of NB widows (1991-93) which describes many individual cases of widows struggling with eviction from their matrimonial homes or being forced into temples or *bīt mār banî* for shelter. Only those who lived in the temples were identified as *almattu*, or independent widows.

[116] Elaborate laws from MAL indicate state effort to keep women in male households. MAL A § 36 asks that a woman whose husband has gone wait in his house for two years for his return. If he does not come back during that period, she can take another husband (Roth 1995:165f.), that is she moves from one man's house to another. In MAL A § 45, if her husband was taken prisoner (of war) and she has no other male to support her, she must stay in his house for two years. But if she is destitute, the local *awīlu* governing body of noblemen will feed her. They will also give her a house to live in for two years, in which case her residency under this unusual condition is made official by recording it on a tablet. If her husband does not come back, "she may go to reside with the husband of her own choice. They shall write a tablet for her as if for a widow" (*ibid*: 170f.), thus preserving her legal status in regard to the *awīlu* male. The extreme sensitivity to female locales evidenced in almost all the MAL clauses pertaining to women imply that female residence was a recognized problem at this time. Other MAL provisions indicate a policing of women's movements. See for instance, MAL A § 24 "If a man's wife should withdraw herself from her husband and enter into the house of another Assryian, either in that city or in any of the nearby towns, to a house which he assigns to her, residing with the mistress of the household, staying over night three or four nights, and the householder is not aware that it is the wife of a man who is residing in his house, and later that woman is seized, the householder whose wife withdrew herself from him shall [mutilate] his wife and [not] take her back. As for the man's wife with whom his wife resided, they shall cut off her ears; if he pleases, her husband shall give

recognized by law. [117] In general, residence seems to have been a chief factor in determining identity for all women. During MA at least, its importance was such that the female's identity in relationship to a male's household was marked in public, non-residential areas. Identity and residence were so intertwined that in OB (Nippur), the streets were named for those patriarchs who lived on them or had the right of way (Stone 1987:6).

Legally, place is of great concern because place is the "scene of the crime;" and where a crime occurs often influences the degree of guilt and therefore the penality for the crime. For instance, if a crime takes place in someone's house, the owner of the house is partly liable (e.g. MAL A § 24). More importantly, the identity of the participants and the awareness of that identity are crucial elements in determining fault and punishment. In the absence of proof of residence, establishing one's name and social status is not so easy, [118] especially for the vast classes of people who did not own or carry indentifying seals. Place is particularly important in laws dealing with aberrant sexual acts such as adultery and rape. If they occur in public, they occur under no one's authority and with no one's permission; the father or husband of the female is not responsible unless it were proved (Finkelstein 1966:365). In addition, a male who rapes a woman or fornicates with her in a public place can claim that he was not aware she was some man's daughter or wife (e.g. MAL A§ 14). If the assaulter could prove he was not aware of the female's identity, he is not held accountable. [119] Scholars have interpreted this to mean that a man might legitimately claim he mistook the female for a prostitute because she was in a public place. [120] This gross assumption once again operates on the presupposition that Mesopotamians themselves routinely viewed the woman on the street

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12,600 shekels (3 1/2 talents) of lead as her value, and, if he pleases, he shall take back his wife. (iii 61) However, if the householder knows that it is a man's wife who is residing in his house with his wife, he shall give 'triple.' And if he should deny (that he knew of her status), he shall declare, 'I did not know,' they shall undergo the divine River Ordeal. (iii 68) And if the man in whose house the wife of a man resided should refuse to undergo the divine River Ordeal, he shall give 'triple;' if it is the man whose wife withdrew herself from him who should refuse to undergo the divine River Ordeal, he (in whose house she resided) is clear; he shall bear the expenses of the divine River Ordeal. However, if the man whose wife withdrew herself from him does not mutilate his wife, he shall take back his wife; no sanctions are imposed" (Roth 1995:161f.).

[117] A MA text cited by Roth (1991-93:3) tells us that a widow could be the head of a household. Presumably she headed the house once owned by her husband. Nevertheless, this text again warns us that MAL might be more ideology than actuality.

[118] See, for instance two little understood Sumerian laws found on an exercise tablet, *YOS* 1 28 (=SLEx § § 7'- 8,' in Roth 1995:44) and the following note.

[119] LH 129; MAL A §§ 13-14, 16 and 24. In addition see Finkelstein's comments on *YOS* 1 28, (= SLEx § 8,' Roth 1995:44) (Finkelstein 1966:365).

[120] E.g. Finkelstein 1966:364-5, 370 and 1970:246.

as a soliciting sexual professional. In the case of the text *YOS* I 28, [121] that concerns the daughter of a man "deflowered" on the streets, Landsberger goes so far as to suggest that her parents sent her out to seduce someone (Landsberger 1968:64). The issue is not whether the female was or was not out soliciting sex, but whether she was or was not within the patriarchal system. Only those in that system were protected by law. State punishment was meted out for sexual crimes committed against the wives of a man, daughters of a man and slaves of a man (i.e. his property) in descending order of severity. Rape of any unmarried daughter is treated relatively mildly in comparison to rape of a wife, so, again, identity determines the severity of the punishment. And as Finkelstein himself noted, cases against men who have raped unmarried, unbetrothed daughters are rare indeed; the great body of LH does not even put forth such a possibility. [122] Of course, this denial suggests that such incidences were customarily hushed up to facilitate the daughter's eventual marriage. All unmarried women mentioned by state codes for whatever sexual misconduct are daughters of a man (see LH §§ 155-156 and MAL A §§ 55-56). By omission it seems that rape of a *ḫarimtu* or foreign women — if foreign women were not themselves often *ḫarimtu*'s — did not warrant state recrimination. The only way a man could unquestionably be accountable for distinguishing between a wife, a daughter of a man or a *ḫarimtu* would be by knowing her residence, or, at MA Assur, by veiling.

The street

The *ḫarimtu*'s residence was marginalized or denied outright in law and various other types of texts by the legal terminology of "the street," meaning "no place of *awīlu* status." Significantly, it also refers to a person who does not have the status of a family. A.D. Kilmer reviews the use of this terminology in a number of documents from Ugarit in relation to sons who break the conditions of their father's will and are therefore put out "in the street," that is, no longer members of their family, and in others in relation to the children of a second wife who are not considered part of the family. The term applied to a person can also mean that someone is disenfranchised from the family holdings rather than violently thrown out of the ancestral home or refused family status (Kilmer 1974:181f.). Predictably, the epithetical use of kar.kid sila/tilla-a or *ḫarimtu ša sūqi*, "*ḫarimtu* of the street," has been conflated by modern scholars with notions of common street harlotry. This legal epithet of the *ḫarimtu* ranges in use from the time of the first dynasty of Isin (LI § 27) to NA, exhibiting an outstanding consistency. The handy NA *ana ittīšu* case cited earlier (p. 36) in which a *ḫarimtu* is taken in from the street and married is a case in point. Certainly, this female proprietor

[121] See previous notes.

[122] LH §§ 155 and 156 speak of men in sexual relations with their daughters-in-law, which, as Finkelstein (1966:366f.) notes, belongs properly to the category of incest.

did not literally live in the streets. Normally, a man marrying a daughter of a man goes to her father's house, as I mentioned elsewhere. But in this case, the *ḫarimtu* enters her husband's house directly; he does not go to her house because, as it has no legal status, entering it would not be an offical act. A parallel excerpt from the same tablet speaks of a divorced man who brings in a nu.gig/*qadištu* from the street (sila-ta/*ina su-qí-im*) and marries her. [123] The *qadištu* from this text was already a wetnurse before marriage, therefore, like the *ḫarimtu*, earned her own income. However, the text also implies that she had already been pregnant before marriage which would have been extremely atypical behavior for a daughter of a man. The husband even allowed her to take in an orphan "from the street" whom she suckled. Thus, at least this particular *qadištu* meets the two requirements of *ḫarimtu* status, she was single and living apart from her father. The setting of this excerpt so close to the *ḫarimtu* excerpt in *ana ittīšu* and their obvious parallelism reinforce the likelihood that some *qadištu*'s were *ḫarimtu*'s. Both excerpts celebrate unusual acts of love and leniancy on the part of the NA men who married them though they were not daughters of a man and their sexual histories were probably not all that spotless. They also shared their wives' attention with something or someone else: on the one hand with a business, on the other with a newly adopted orphan. This, as we shall presently see, went contrary to the "Counsels of Wisdom" that advises men to marry women who will devote themselves solely to their husbands.

The historiographical over-sexualization of the street also requires deconstruction because it permeates the descriptive category of the (*w*)*aṣītum*, meaning "she who goes out (of the house)" (Finkelstein 1966:362), often applied to women, married or not, in ancient texts. Scholars have repeatedly confused "she who goes out" with the prostitute or the adulterous wife [124] (or even

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[123] *MSL* 1:99f. [7]egir-bi-ta-àm nu-gig-àm / *ar-ka-nu qá-di-iš-tum* [8]sila-ta ba-an-da-íl-la / *ina su-qí-im it-ta-ši* [9]šà-ki-ág-a-ni-ta nam-nu-gig-a-ni / *ina ra-me-šu* [10]in-ne-in-tuk-tuk / *qá-aš-du-us-su i-ḫu-us-su* [11]nu-gig-ga-bi dumu-sila-àm / *qá-di-iš-t*[*a ši-i*] *ma-ru* [12]mi-ni-in-ri / *s*[*u-qí iš-ši*]-*ma* [13]ubur-ga-na[m-lú-u$_x$-lu] / [*tulâ ši-zib amēlūti*] [14]in-n[i-..] / .....[.....]

"Afterward he took a *qadištu* in from the street./ Because of his love for her, he married her (even though) she was a *qadištu*-woman./ This *qadištu*-woman took in a child from the street./ At the breast with human milk, [*she nursed him*]."

[124] Biblical sources (e.g. Prov 7; Joshua 2.15) that employ images of seductive women in the streets of ancient Palestine have no doubt influenced many philologists (e.g. Bottéro 1992:190). Finkelstein (1966:362), in his discussion of sex offenses, particularly overconnects the notion of going out with fornication and adultery. In the OB omen (*YOS* 10 47:13) he cites that reads: *šumma immeru šinnīšu ikaṣṣaṣ aššat awīlim innīak-ma i*[*na*] *bītim uṣṣi.* "If the (sacrificial) sheep grinds its teeth, the wife of the man will fornicate (lit. be fornicated upon); she will go out of [the] house," the sequence of the events are clear. First, the bad omen appears which means that the woman will commit adultery; the passive verb form implies that it will happen to her through no fault of her own, as part of the bad omen. Then she leaves the house, that is, her husband; she can either no longer stay or is thrown out. The sequence is significant. She leaves after someone has sexually taken her, not before, indicating that the term for going out is often

virginal daughter!) who goes out to solicit non-marital sex. [125] The (*w*)*aṣītu* identification was attached to the *ḫarimtu* in an OB lexical fragment (2 NT 26 8-10) and it is possible that here the lexical intention was more to characterize the *ḫarimtu* as one who left her ancestral home rather than one who goes out in public. [126] In an Assyrian lexical list (*malku* = *šarru*, Kilmer 1963:427), the (*w*)*aṣītu* was closely associated with a number of priestesses — *nadītu, ugbabtu, entu, uppuštu*? and the *qadištu* as well as the *šamḫatu* (*šamuḫtu*) and especially related to the foreign woman (*aḫītum*), whose ancestral home by definition must have been abroad, and the nurse (*murabbītum*), who was either

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meant in the sense of leaving the male household permanently. Finkelstein also interprets LH § 141 where a woman goes "out of doors" to mean that she goes out to fornicate ("implied but not proved infidelity"). This hypothetical woman also accumulated money on the side, squandered household possessions and disparaged her husband. Her going out, which she could have done for a variety of reasons, was but one of her offenses and could not therefore mean she went out to commit adultery which would have been singled out as a grave offense. LH § 143 is an abbreviated version of the same. The point according to law was that she kept her own money apart from her husband while squandering his, for which he could divorce her or turn her into a slave. The reference to the female's going out, *waṣiat* which Roth translates as "wayward" (1995:107-9), also applied to the husband of LH § 142.

[125] See the following note and Leick 1994:164.

[126] What Finkelstein extrapolated from the Proto-diri vacabulary text 2NT 26 (1966:362): "[KAR.KID] = [*wa*]-*ṣi-tum* "tramp"/[KAR.KID] = [*na*]-*a-a-ak-tum* "whore,"/[KAR.KID] = [*ḫa*]-*ri-im-tum* "prostitute," is hard to justify. The first entry establishes that the kar.kid is one who goes or went out of the house, most probably meaning someone who has left the male household permanently. It hardly adds up to "tramp." When the verb *waṣû* is used to indicate sexual intention, that intention is usually explicitly stated. For instance, in the SB text *BRM* 4 12:18 (Finkelstein 1966:362 and *CAD* N/1:198): "the wife of a man went (out of the house) to fornicate," or MAL A § 13 "If the wife of a man should go out of her own house, and go to another man where he resides, and should he fornicate with her knowing that she is the wife of a man, they shall kill the man and the wife" (Roth 1995:158). It is quite clear that the kar.kid = *ḫarimtu* does not mean "prostitute." The remaining problem is the word [*na*]-*a-a-ak-tum*. First, this word is reconstructed, which, if correct, is a feminine form stemming from the verb *nâku*, "to fornicate," "to have intercourse." So the term then means "female who has intercourse." (see also *najjaktu AHw*:717a and *najāktu CAD* N/1:152a). The verb is often used in contexts of non-marital sex, which is thought to mean "illicit sex" by philologists. All of these nuances fit the kar.kid. That any sexual activity she might indulge in is extra-marital is self-evident and would demand the use of the verb *nâku*. This, however, does not mean she is a "whore" as Finkelstein sees it or a "persistent female fornicator" as Lambert reads it (Lambert 1992:155). Finkelstein (1966:362) concludes from such passages: "It is quite clear that in the Mesopotamian view, Babylonian as well as Assyrian, the proper place for women was in the home; for a woman to be out-of-doors, except on the most necessary business, or in the company of her husband, was to give occasion for suspicion and temptation."

single or whose profession took her out of the house. [127] If it cannot be said that all of these independent women no longer lived in their fathers' houses, at least it can be said that they had a high public profile in their comings and goings. From OB, we know that *nadītu*'s and *ugbabtu*'s moved about for private reasons in public places (LH § 110). Other OB documents describe the travels of certain *kezertu*'s, as we have already seen. In regard to the MA *qadištu*, her intinerary from place to place in performance of certain rites is recorded (*KAR* 154, Gruber 1986:139f.). While in the Middle Assyrian Palace Decrees (henceforth MAPD), her movements and the movements of the midwife (*šabsūtu*) to and from the palace are regulated. [128] From all the above, it is clear that single and professional women often "went out," either meaning that they characteristically moved about in public places or left their ancestral homes. In addition, it is also clear that "going out of the house" can mean leaving one's husband permanently especially in view of its opposite legal terminology "entering the house of PN," which is used in some contracts to signify a legally made marriage. [129] Such a reading amply elucidates the OB omen cited earlier in which "The man's wife will leave (the house) to (go into) *ḫarimūtu*," that tells us succintly that when a woman abandons her husband's household her status changes. [130]

Different genres of texts look at different aspects of the street. Since it is the nature of legal documents to focus on crimes and misdemeanors, the street becomes a locus of criminal action and in incantation texts designed to ward off the dangers of sorcery, the street becomes a place of supernatural danger. [131] Yet in hymns and songs where the female is the main protagonist, the street becomes rather a place of freedom associated with courtship and the maiden or the kar.kid/*ḫarimtu*. In both cases, the street is strongly marked by Inanna/Ishtar's presence.

In many literary hymns and *chansons*, the street is a place where young love blooms and maidens sing and dance, such as the streets of Uruk — a safe, happy

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[127] Of *ahītum*, "foreign woman," Lambert writes: "Presumably foreign women were conspicuous among prostitutes." (Lambert 1992:139), for reasons that can only have to do with her lexical association to the *šamḫatu* who was in turn connected to the *ḫarimtu*.

[128] MAPD § 1, which is a decree of Assur-uballit I (1363-1328). Damage prohibits a closer reading. See Roth 1995:197 for transliteration and translation.

[129] See for instance, *BE* 6/1 59 (Westbrook 1988:85 and 112f.).

[130] See p.35f and n. 84 where I originally discuss this text.

[131] For instance the text translated by Foster (1993:882 1-9): "The sorceress, she who walks the streets. / Who intrudes in houses, / Who prowls in alleys, / Who lurks in the square, / She keeps turning in front and behind, / She stands in the street and turns foot(ways) around, / She has blocked passage on the square, / She has robbed the young man of his vigor, / She took away the allure of the fine young woman."

place where the young pass the day. [132] The association of the street with the young maiden was so strong, in fact, that it became part of a lexical series. [133] In another text, an incantation for a male to secure the sexual attentions of a young girl, the street, the maiden and the kar.kid form a constellation:

> The beautiful maid (ki.sikil), who stands in the street,
> The maid, the kar.kid, daughter of Inanna,
> The maid, daughter of Inanna, who frequents the tavern,
> (She is) like rich cream, rich butter(?)
> A cow, the Great Woman of Inanna's
> The storehouse of Enki.
> (Falkenstein 1964:113f.)

This passage is unusual in that the ki.sikil, which literally means "pure place" and therefore has been taken to mean "virgin," is here also a kar.kid who hangs out, as it were, in the tavern and the streets. Either the kar.kid in this instance is a virgin or the ki.sikil does not mean virginal maiden. [134] Whatever the case, the one interpretation that cannot be applied is that this kar.kid is a prostitute, for it would be illogical for a man to resort to incantations in order to sleep with a prostitute when he could simply pay her. [135] Further, this incantation relates that women on the street or in the tavern are not thought, in

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[132] See for instance: "My [Inanna's] girlfriend was dancing with me in the square / She ran around with me, playing the tambourine and the recorder / Her chants being sweet, she sang for me / In rejoicing, sweetness, I passed the day there with her" (Sefati 1998:187).

[133] In the *ardat lili* text, Sm 49+752 r i 5ff (Finkelstein 1966:363)

ki-sikil	*ar-da-tú*
ki ki-sikil-e-ne	*šá it-ti ar-da-a-ti*
sila e-sír-ra	*su-qa u su-la-a*
nu-mu-un-dib-ba	*la-a i-ba-'-u*

Finkelstein also quotes "The maid (*ardat lili*), who does not promenade along the roads and streets together with the (normal) maidens." He remarks that "it was expected for young girls to parade in public with or without their parents' approval." Some have maintained that in the charming story of *Enlil and Sud*, Enlil, who was out on the streets of Nippur hunting for a wife, mistook the young goddess Sud for a prostitute because she was standing in the street. This interpretation stood in spite of the fact that Enlil immediately asks for her hand and promises her "the cape of ladyship," not the sort of behavior a man would be expected to show toward a street prostitute. The text is edited by M. Civil 1983.

[134] Falkenstein (1964:117f.) argues that the word means simply a young girl, not virgin. Line 31 of this text seems to support this: ki-sikil-e $^{gi^6}$ig-gál-tag$_4$-a nam-mu-un-kéš-dè: "the ki.sikil will not lock her open door." The open door is a metaphor for the opened vagina.

[135] Besides Falkenstein, many others interpreted the ki.sikil standing in the street as a prostitute, i.e. Finkelstein 1966:362; Edzard 1967:19; Civil 1983:61; Leick 1994:196ff.

fact, to be immediately accessible to men sexually, contrary to many scholars' beliefs.

In other literary genres, the street is represented as the bawdy domain of the sexually mature divine *ḫarimtu*, Inanna/Ishtar. Furthermore, copulating in the streets was popularly perceived as a right, normal and joyful event, indeed even the hallmark of the ideal urban city. Thus, when Ishtar descended to the Netherworld, the normal day-to-day habits of intercourse between beasts or humans abruptly and disastrously ceased and "No young man impregnated a girl in the street" (Dalley 1991:158). Moreover, the goddess is described in one hymn as "Inanna (who) in the streets of Kullab make (people) copulate" (Benito 1969 l. 369). She, herself, indulges in herculean street sex, taking on as many as "sixty times sixty" men, in one Nippur manuscript that calls street sex a foundational component of urban pleasure. [136] Meeting a future wife or husband in the streets (e.g. *Enlil and Sud*) and copulating in the streets seem to be poetic images deliberately set against the more staid normal course of events of the arranged marriage.

Lifting the historiographic oppression of the street as a shadowy zone ruled by low-lifers and prostitutes where decent women fear to tread allows us to see that Mesopotamians had no single concept of the street. As a legal term in reference to the *ḫarimtu*, it referred to a place of residence unrecognized by the *awīlu* class, an *awīlu* no-man's land, not to prostitution or extreme poverty. In examples to come, we will see that homelessness and wandering in the streets were standard parts of curses, in fact heading the list of doom-sayings. Homelessness connoted not only the robbery of *awīlu* status, resulting in anonymity, but social, moral and financial destitution as well. From literature, even in *GE*, the street was rarely the horrifying substitute for the ancestral homestead nor a place of criminal or psychic danger. It was, instead, a fanciful setting for dancing, singing, and lovers' trysts. From other sources, we know that the urban street was the locus of major festivals where gods (embodied by statues), kings, dancers, singers and other performers processed. On a daily basis, urban streets were filled with the bustle of people visiting markets, taverns and and cookshops. [137] It seems that many sorts of women went about in the streets of Mesopotamia with relative freedom, especially the young, the single and the elderly. [138] In my opinion, MA Assyria is an anomaly rather than a

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[136] Although the dating of this text was once thought to be OB (Foster 1993:590; von Soden 1961:643), S. Lieberman read a paper at the 1983 meeting of the American Oriental Society, in which he claimed that the hymn is not OB, but a "Neo-Babylonian imposture." The text recounts Ishtar taking "sixty times sixty men" in the shade of the city wall, a somewhat denigrating but comic rendition of Ishtar's outsized sexual appetites. If the poem is NB, it might reflect the growing devaluation of women in general and the *ḫarimtu* in particular.

[137] Cookshops are attested for OB Sippar (Goetze 1965:214f.).

[138] Rivkah Harris kindly informs me that old women also typically strolled the streets of Mesopotamia.

norm in that veiling laws forced a public display of women's socio-legal classes; however, even in the case of these rather harsh laws, there were no restrictions mentioned for women on the streets other than veiling. If we believe both law and literature, sex seems to have occurred in every conceivable non-residential locale. Besides the street, Mesopotamians found the main thoroughfare, the city square, the inn, the granary, the sheep hut, the storehouse, the canebrake, the city wall and the garden convenient places to copulate outside the home.

5. Fear of the Single Woman

Occasionally, social intolerance of single women is expressed in cuneiform, the "veiling laws" being outstanding examples. Professional and ecclesiastical independent women begin to disappear from the record after OB in general (see below), leaving us to assume radical social shifts in attitudes towards independent women. In the first millennium magical series, *Maqlû*, for instance, the *nadītu* and the *qadištu* appear among others as women who practice witchcraft (Rollins 1983). Independent women were not easy to control and they tended to confederate. Although this is not the place to explore the economic base of fear or even the deep social unrest that single women sometimes inspired, it is worth noting that whatever the cause, when it came to the *ḫarimtu*, fear of her was projected onto her body and sexualized. Her psychological and physical independence is sometimes characterized by an almost masculine predilection for multiple sexual partners. Her independent nature is seen as the antithesis of the controllable, obedient wife in "The Counsels of Wisdom," a work of possibly MB origin but in LB script (Lambert 1996:97), which succinctly lists the "do's and don't's" to safeguard a good life and speak solely for a male point of view. Thus, the *ḫarimtu*'s sexual predatoriness is not idealized as it is in the more female-oriented literature of erotic temple hymns. Here is an excerpt from "The Counsels of Wisdom:" [139]

[72]*e ta-ḫu-uz ḫa-rim-tu š[á] šá-a-ri mu-tu-šá*
[73]*iš-ta-ri-tu šá a-na ili zak-*[*rat*]
[74]*kul-ma-ši-tu šá qé-reb-šá ma-'-d[a]*
[75]*ina ma-ru-uš-ti-ka-ma ul i-na-áš-ši-ka*
[76]*ina ṣal-ti-ka-ma e-li-ka šá-an-ṣa-at*
[77]*pa-la-ḫu u ka-na-šá ul i-ba-áš-ši it-ti-šá*
[78]*lu-u bīta kaš-šat-ma ú-ru-ši ina lib-bi*
[79]*a-na kib-si a-ḫe-e ú-zu-un-šá tur-rat*
[80]*šá-niš:*
a-na bīt ir-ru-bu isappuḫ(BIR-*uḫ*) *ul i-bar a-ḫi-is-s[a]*

[139] This transliteration is from Lambert 1996:102 72-80.

[72]Do not marry a *ḫarimtu* [140] whose husbands are legion (lit. 3,600),
[73]An *ištarītu* [141] who is dedicated to a god,
[74]A *kulmašītu* whose close ones (f.) are numerous, [142]
[75]In your troubles, she will not support you,
[76]In your fights, she will sneer at you;
[77]She does not know respect and submission.
[78]Should she dominate your house, get rid of her,
[79]For she has directed her attention (lit. her ears) to another's footfall.
[80]Variant:
She will disrupt the house she enters, (and) he who married her will not be stable.

Here the *ḫarimtu* has a reputation for multiple sexual partners, the quintessential sign of her unmarried state, and her full attention will not go to her husband, nor can she be counted on to be faithful. The *ištarītu* is also independent from her husband but because she is dedicated to a god, and the *kulmašītu* is dedicated to the betterment of her own family members not to her husband. [143] What these women have in common in this text that makes them undesirable as wives is their shared emotional, not physical, infidelity. In the end, emotional independence is equated with an unsupportive, irreverent and even

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[140] All translations but this one use "prostitute" for *ḫarimtu*, also favored in *CAD* (Š/1:370b: *šanapṣu*: "to sneer, to scoff, to turn up one's nose".): "Do not marry a prostitute...she will sneer at you when you are involved in a dispute" (Lambert 1996:102).

[141] For *ištarītu*, many have seen the temple prostitute (e.g. Foster 1993:329; Bottéro 1992:189). Lambert (1996:102) chose simply "harlot." The *ištarītu* and the *qadištu* are both nu.gig in Sumerian. In an OB letter, an *ištarītu* traveled with a *kezertu* to Babylon under Hammurabi's orders. There is no mention of her sexual activity in any surviving texts. See Henshaw 1994:213.

[142] For *kulmašītu*, Lambert reads "courtesan" (1996:102) as did Foster (1993:329). von Soden reads cult prostitute (*AHw*:504b). The sense of the line is somewhat obscure. Lambert translates: "The courtesan whose favors are many," while von Soden's translation stays closer to the more literal meaning of *qerbu* as "interior." Foster translates: "Nor a courtesan, whose intimates are numerous." Bottéro (1992:195) tentatively puts forth "nor a *kulmašītu* with numerous hearts(?)," previously listing her among prostitutes and courtesans (*ibid*:189); Henshaw (1994:202) has "a *kulmašītu* who often draws near somone," which he interprets to indicate a sexual purpose. Astour (1966: 189f) reads "a *kulmašītu* whose womb is 'many,'" which he interprets to mean that she had sex with a lot of men! Foster (personal communication) rightly reasons that the first three lines are parallel constructions whereby the *ḫarimtu* is set with husbands, the *išarītu* is set with a god and the *kulmašītu* is set with *qerbu*'s; whoever the *ša qerbīša*'s are, they are female as the stative *ma'dā* shows. Little is known about the *kulmašītu* (nu-bar). The OB *kulmašītu* was closely associated with the *nadītu*, who was a kind of living votive offering dedicated to a god in order to pray for the well being of her family. With this in view, I have taken the line to mean that the *kulmašītu* was devoted to many, especially family members (i.e. "close ones"), for whom she prayed.

[143] See previous note.

dominant personality, gross prejudices that may indicate a late date for this text.

This excerpt follows an injunction against allowing a slave girl (*amtu*) to rule the bedroom or the house, for if she does, she will break it up (Foster 1993: 328 66-71). It seems to have been modelled on a similar one from the older Sumerian "Instructions of Shuruppak." [144] But in the older version, Shuruppak warns against having sex with, or even buying, a slave girl for reasons he clearly states: they are too independent and disobedient. A man who enters in a relationship with a local slave — and Shuruppak later specifies that the worst of the slaves is the géme kar-ak, or slave without the status of a household, in other words, a "loose cannon" — cannot expect to be the center of her attention. The earliest version of Shuruppak is from 2500 BCE, therefore one of the oldest poems known anywhere. [145] Unlike the "Counsels of Wisdom," this earlier and more thorough series of admonitions does not warn against taking the *ḫarimtu* to wife; the omission might imply that the *ḫarimtu* was not regarded in a derogatory light in earlier periods. [146]

Whether the "Counsels of Wisdom" reflects a Mesopotamian male view that all women became wild and promiscuous when their sexuality is unpoliced by husbands or fathers is hard to determine. Certainly, such a fearful vision of female sexuality emerges in a startling way in the first millennium standard version of *GE*. The free sexuality of the *ḫarimtu* goddess Ishtar is more than an obedience problem; it is dangerous, leading to castration or even death for the lover. When Gilgamesh castigates the goddess it is already after the audience knows she sexually covets him and has invited him to marry her: [147] "You can

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[144] Alster's 1974 edition: p.12: 6 A = 54e "Do not have sexual intercourse with your slave girl, she will call you: Traitor!(?)" and (60 F) "When you go to the slave girl, she will throw it back to you." Shuruppak himself advised that a man should buy only foreign captives for slaves because they are emotionally and physically dependent on their owners, having no home to go to and no one else to care for (*ibid*:39 160 B).

[145] There is also an OB version and a fragment from as late as 1100 BCE (Alster 1974:7).

[146] From Ugarit and Emar, Akkadian texts of this genre also advise against marrying a *ḫarimtu* during festival times (see M. Dietrich, *UF* 23, 1991:33-68). The idea must be that the glow of the festival impairs judgement. When it has worn off, the groom will then realize her unsuitability as a wife. Similarly, "The Instructions of Shube-Awīlim which has: "Do not choose a girl to marry on a h[oliday]" (Foster 1993:335 10'), and Shuruppak's: "Do not marry a wife during a festival" (l/ 223) advise against marrying *anyone* during a festival when judgement is poor.

[147] The dating of this segment of *GE* is problematic. Some of its incipient themes, the struggle between the Sumerian Inanna and the king, Gilgamesh, were already in place in the Sumerian story of *Gilgamesh and the Bull of Heaven*. However, the source of the goddess's anger is not known from the Sumerian text for the tablet is damaged at this point. Most scholars surmise that in the Sumerian version, she did not propose marriage to the king. Certainly, Inanna's sexuality was not under attack. These acts only occur in the Akkadian version. Tigay suggest that the problem might have been literary hostility as a result of cultic or political struggle in Uruk and its Eanna Temple (Tigay 1982:69f.). The only passages that exist are from the NA and NB periods (see also Abush 1993:13).

be my husband, and I can be your wife." [148] She further promises him wealth and power when he enters *her* house, again reversing the normal pattern of courtship. It is difficult to ignore the similarities with the sacred marriage in which a goddess and a king ritually unite in the house of the goddess and for which he receives many great boons for himself and his land. However, Ishtar's institution of sacred marriage becomes, under this poet's stylus at least, a proposal to death. According to R. Harris, Gilgamesh rejects her because "[s]he has behaved like a man in proposing marriage and in offering him gifts. She is in an active, aggressive posture, unacceptable for a female" (Harris 1990:227). His response is scathing. It begins with a string of abusive similes, nearly half of which present Ishtar as a zone of permeability, a threshold or opening through which ominous elements flow, such as "a flimsy door which does not keep out the wind nor blast." [149] She is the weak point that undermines the ideal solid construction of a man-made civilization.

The remainder of Gilgamesh's tirade is explicitly sexual, relating the fate of Ishtar's various *amours*, beginning with the death of Tammuz, the lover of her youth. He insults the goddess by portraying her as fornicating with animals (a bird, a lion and a horse) and a shepherd, all of whom are emasculated as a result. [150] The gardner is turned into a toad in his own garden. [151] His refusal of her sexual advances compares Ishtar unfavorably to his own mother who fed him on *good* food. By contrast, the food he will eat in the aftermath of his

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[148] *GE* VI i, Dalley 1991:77. S. Dalley notes (129 n.51) that this line is identical to Ereshkigal's proposal to Nergal in *Nergal and Ereshkigal*. The queen of the Underworld is Ishtar's sister.

[149] Foster's translation of Nineveh VI 34ff. (1987a) with his following lines: "A palace which crushes the hero[']s son]?" (l. 35)...."Waterskin which l[eaks on] its bearer. Limestone which [undermines] a stone wall. Battering ram which [destroys the wall(?) against (?)] an enemy land" (ll. 38-40). Later, this permeability theme is even more pronounced when Ishtar threatens the god Anu if he will not send the Bull of Heaven against Gilgamesh. She says she will knock down the Gates of the Netherworld, smash the door posts, leave the doors flat, so that the dead will go up to eat the living and outnumber them (*GE* VI iii; Kovacs 1989:54 90-96).

[150] The bird cries in the forest with a broken wing; the manly lion is trapped in the lion's pit; the warrior stallion is reduced to a work horse. The shepherd is turned into a wolf, chased by his fellow shepherds and snapped at by his own dogs.

[151] This last is clearly a perversion of the Sumerian tale *Inanna and Šukaletuda* (see the volume by that name by K. Volk, SANTAG Arbeiten und Untersuchungen zur Keilschriftkunde 3, Wiesbaden 1995) in which the gardener sexually penetrates Inanna while she is sleeping. She eventually kills him for violating her. W. Hallo demonstrates the connection between the gardener in the Sumerian story and the figure in *GE*, contrary to Gadd (Hallo 1980:94), and postulates that the name may mean "covered with warts." Perhaps the meaning of the name gave rise to his later counterpart becoming a toad. The distortion of some of the goddess's traditional stories such as this one, Tammuz (with whom she is not married in *GE*), and the sacred marriage indicates that the author of the poem was attempting to discredit her traditions in general.

liason with Ishtar will be "the breads of obscenities and curses" (Foster 1987a:35 73). He will lead a scorned life, homeless, with nothing but reeds to shield him from the cold. He will become the picture of the living dead, just as Tammuz is the emblem of physical death. Significantly, in the entire catalogue of sexual villification, Gilgamesh does not accuse Ishtar of prostitution.

The mortal *ḫarimtu*, Shamhat, is treated quite differently. Her sexuality is downplayed in the epic. The intercourse she performs with Enkidu for seven days and seven nights initiates a series of events that eventually leads to his death. Enkidu attempts to blame Shamhat for his impending doom, as Ishtar was blamed for the ruin of her lovers, and curses her accordingly. But the god Shamash, Ishtar's brother, steps in to defend her (*GE* VII iii). He lists her virtues but never so much as hints at her sexual nature:

> Enkidu, why are you cursing the *ḫarimtu*, Shamhat,
> She who fed you bread fit for a god,
> She who gave you wine fit for a king,
> She who dressed you in grand garments,
> And she who allowed you to make beautiful Gilgamesh your comrade.
> (Kovacs 1989:63 VII 124ff.)

This first-millennium *ḫarimtu* of the standard version, unlike her earlier sisters and Ishtar in the same work, is actually shown to be a docile, nurturing caretaker of men. In fact, Shamash erases the *ḫarimtu*'s sexuality for which his own sister, Ishtar, was infamous, by domesticating the mortal *ḫarimtu*.

The writers of this text tread very lightly on Shamhat's prostitution. Her motivation to have sex with Enkidu is unclear for, unlike Ishtar, the poets represent her as completely devoid of sexual desire or agency. We are not told if she was paid for her services and, inversely, it is actually she who feeds and clothes Enkidu. Equally significantly, Enkidu is her only lover throughout the epic as far as we know. [152] In one OB version, it is Gilgamesh who orders her to seek out and seduce Enkidu but in the standard version, it is the trapper's father who sends for her. In either case, her compliance is a response to destiny. Conceivably, Shamhat was chosen not because she was a prostitute but because she was the most beautiful single woman available and would not fail to arouse him. As I have outlined, the culture could not accommodate the complex implications of a narrative in which a man's wife or daughter was mandated. Even if Shamhat were a sex professional of some sort, she still need not stand for all *ḫarimtu*'s.

Actually, the only point where reference to her prostitution is overt occurs

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[152] There is even a hint in the curse that the two married. Foster (1987a:38 31) reconstructs line 31 at the end of Enkidu's curse: "Because you [killed me] after marrying [me]." Foster proposes that the intent of the line was that "the harlot had denied him the chance for a normal marriage" (*ibid*:39). However, this line may be alluding instead to Ishtar's marriage with Tammuz, after which he, like Enkidu, dies.

in the blessing Enkidu confers on her after he is chastized by Shamash. But the blessing cannot be understood without the curse (*GE* VII iii), a passage well cited in the secondary literature [153] that has come to be called "The Harlot's Curse." Most of the images the poet chose for the curse describe a life similar to that foreseen for the gardener in the same story: the cursed person wanders the street, rejected, anonymous and impoverished. This formula is common to many curses and parts of "Shamhat's Curse" parallel the curse of Asushunamir in *Ishtar's Descent* (Tigay 1982:70f). In fact, the very two lines that scholars have hitherto isolated as proof that Shamhat was delivered into the debauched life of the street prostitute: "The shadow of the wall shall be your station" and "The [besot]ted and thirsty shall smite your cheek," are reiterated in *Ishtar's Descent*. [154] Many ancient curses carried sexual overtones whose exaggerated imagery could apply to anyone. A curse is therefore unreliable as proof of Shamhat's profession. [155] Its ultimate purpose is to rob Shamhat of everything that could be conceived as right and good for a woman: a home, a child, girlfriends, clean clothes, precious objects. An impoverished outcast in the hostile streets, even her womb is cursed. When finally at the urging of Shamash, Enkidu blesses her, he cannot bestow on her those things his tongue already took away "for ever and ever" (Foster 1987a:38 7). She is thus condemned to remain unwed, the fate of the childless, and in its stead Enkidu gives her the admiration of many men, for he did not take away her desirability, and by implication a

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[153] See for instance, Gadd 1966; Landsberger *RA* 62, 1968:123 ff.; Tigay 1982; Lerner 1986; Bottéro 1992:194; Foster 1987a; Harris 1990; Lambert 1992; Leick 1994:165ff. In all editions of the epic, Shamhat is assumed to be a prostitute.

[154] *GE* VII iii 20 and 22, *Ishtar's Descent* N. r 26 and r 28. The following line in *GE* is broken. Lambert (1992:129) reconstructs it to read "may they frequent your bordello," although there is no trace of the Akkadian word tavern (*altammaki* as Leick quoted Lambert, *supra*) a word wrongly conflated with bordello or brothel (see below). The line does mention something about a city street. See transliterations for l. 22 from 7 sources published by Foster (1987a:38). Whether the writers of *GE* took these lines from *Ishtar's Descent* or vice versa cannot be settled. Both occur in earlier versions: for *GE* in MB; for *Ishtar's Descent* only the first line appears in a MA recension, whereas both appear in the Nineveh version (Tigay 1982:70ff). For reasons that elude me, Tigay himself thought that the lines in *GE* were somehow different in meaning from Ereshkigal's in *Ishtar's Descent*. He cites Oppenheim who believed that the *GE* curse was etiological in that it explained the low social position of this type of prostitute (*ibid* and 70 n. 30). Others consider Asushunamir, the *assinnu*, a male prostitute largely because of a lexical connection with the *sinnišānu* (*MSL* 12:226 133) and his close association with Ishtar cults. There is no evidence to support this assumption; the *assinnu* is cult personnel. See the primary sources on the *assinnu* cited in Henshaw 1994:284-89, and B. Menzel 1981:262 n. 3540-3548 for Assyrian cults. See also Maul 1992b, where the author explores the *assinnu*'s magical liminality.

[155] In spite of the curse's formulaic quality and wild exaggeration, some scholars took it as a reality lived by the average prostitute. e.g. Lerner 1986; Bottéro 1992:194f; Lambert 1992 and *supra*.

dependency on men and their gifts for survival. Ironically, it is not the curse of Shamhat that describes her as prostituting herself, but the blessing.

Like the castigation of Ishtar's sexual behavior, the cursing of Shamhat demonstrates a later male fear of the *ḫarimtu* and the unpredictability of her sexuality. In early Sumerian works, women's unrestrained desire is idealized, celebrated as unbounded and carefree. Comparing the treatment of Ishtar and Shamhat in this late text, however, leaves one wondering if women who actively sought sex to fulfill their own needs were thought to be more fearsome than those who performed intercourse by decree or out of economic necessity. In *GE*, the mortal *ḫarimtu*'s sexual agency is replaced by her objectification. Her once reknowned independence is inverted to a maternal nurturance toward men. The poet situates the *ḫarimtu* within an ideological viewpoint that is powerfully homosocial and androcentric. This suppressive ideology is so unyielding that even descriptions of beauty address only men (Harris 1990:228 n. 50), while the independent *ugbabtu*'s, *qadištu*'s and *kulmašītu*'s of old are now Gilgamesh's devotees (III iv 19-20). In these tablets, the *ḫarimtu*, still at the margins, becomes a less frightening and more conforming object by prostituting her; she remains ultimately in the service of men.

6. The kar.kid / *ḫarimtu* and her Socio-economic Status

Most of the records we have on the kar.kid/*ḫarimtu* indicate that she belonged to a low socio-economic bracket. Some *ḫarimtu*'s could even be slaves. In a tablet from far away Ras Shamra, a female slave who is *ina* SAL.KID.KAR, is emancipated (*Syria* 18, 1937:248 6). The second example is more colorful and comes from an admonition in the "Instructions of Shuruppak:"

> [kar].ke$_4$ na-an-šàm-šàm-an KA u$_4$ sar-ra-kam
> Do not buy a kar.kid; (her) talking steals away the time(?). [156]

The capacity for confusion arising out of the notion of *ḫarimtu* slaves is enormous as two class categories seem to be operating at once. However, the

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[156] The transliteration is from Alster 1974:42. Another version of this line in Shuruppak is: géme kar-ak na-šám KA ù-SAR-kam$_4$. Both are line 159 that Alster translates (p.43): "Do not buy a prostitute; it is horrible(?)." But the second half of the line seems fairly clear in my mind that what is being referred to here is KA = "mouth" = inim = "words," "chatter," "talk." SAR can mean "to steal," "to drive or chase away" with -ta-. I have chosen its more common meaning, "to steal," but driving away the time would make equal sense except that the ablative is missing. It also fits with the theme of the disobedient female and is consistent with many portrayals of women as talkative: *ana pi-pi-i ša a-mil-ti la tallak*: "do not act according to the babbling of the woman" (*CAD* A/2: 48), or raised incorrectly: "A chattering girl is silenced by her mother. A chattering boy is not silenced by her mother" (Alster 1997:37 185).

inherent problems issue from the porous nature of the slave class and the flexibility of slave terminology, rather than *ḫarimûtu*. [157] The issue is vast and complex and only a few points can be touched on here. For instance, slaves were drawn from the local populace or extracted from foreign captives, as the "Instructions of Shuruppak" tell us. As a foreigner, a female slave could come from any sector of her own nation, even royalty, and be of any age or marital status. The terms for slaves, the géme/*amtu* and the male equivalents, árad (or guruš)/*ardu* range widely in meaning from "slave" to "servant," "serf," "helot," etc., and the sense of the terms must have varied significantly from one epoch or region to another. Certainly some slaves married, and we have seen an adopted girl from Nuzi who could grow up to marry a slave without becoming one herself (*AASOR* 16 23). Slave categories often stress residence or ownership, e.g. *amat ekalli*, "female slave of the palace" or *amat-šarrūtu*, "status of a royal slave." According to the royal proclamation from Nuzi, daughters of palace slaves and servants become *ḫarimtu*'s only when they leave the palace household. All texts mentioning the *ḫarimtu* slave suggest that the females, like the girls of Nuzi, were old enough to be living independently. It is further possible that specifying *ḫarimtu*-ship is a way of recording that a woman was free at the time of her sale so that no parent or husband is implicated in selling her. It is assumed that the offspring of slave women belong to the mother's owner. Clearly there were exceptions. Documents of judicial disputes over the legal status of the NB temple slave, the *zakītu* and her children (Beaulieu 1993:12) warn against setting narrow parameters for the slave status of single women and their children. Given all this variability, to what degree ownership or residence precludes an unmarried and mature female slave or her mature daughters from *ḫarimtu*-class cannot as yet be resolved.

The *ḫarimtu* was occasionally used as a security pledge, as almost anyone could be, from the debtor to his wife and children. [158] A sealed Nuzi tablet (*SMN* 1670) records the release of a *ḫarimtu* as security pledge. Because this document has also been seen as proof of temple prostitution, [159] it is worth

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[157] For studies of slavery and slave status in the ancient Near East see M.A. Dandamaev *Slavery in Babylonia from Nabopolassar to Alexander the Great (626-331 BC)*, De Kalb, Illinois, 1984; I.M. Diakonoff, "Slaves, Helots, and Serfs in Early Antiquity," *Acta Antiqua Academiae Scientiarium Hungericae* 22, 1974:58-63 and I.J. Gelb, "From Freedom to Slavery," *Gesellschaftsklassen im Alten Zweistromland und in den angrenzenden Gebieten*, D.O. Edzard, ed., CRAI 18, München 1972:81-92.

[158] See H. Waetzoldt and M. Sigrist, "Haftung mit Privatvermögen bei Nicht-Erfüllung von Dienstverpflichtungen," *The Tablet and the Scroll. Near Eastern Studies in Honor of William W. Hallo*, Bethesda 1993:273b; also S. Bayram and K.R. Veenhof, "Unpublished Kültepe Texts on Real Estate," *JEOL* 32, 1991-1992:89f.

[159] According to G. Wilhelm (1990:516, 523), "Das Fragment zeigt damit unzweifelhalft die Existenz von Prostitution im Rahmen der Tempel Organisation an," and is, according to Henshaw (1994:216), the first time "something positive can be said for Her[odotus] I, 199."

reviewing here in full. The tablet is damaged and its first two lines are broken:

obv. [1] [0]*Ú-tu-bá-al-[ti*
[2] *ki-i-ma na-pu-[ti]*
[3] *a-na ḫa-ri-mu-ti* [...] [160]
[4] [a]*-na* [d]U *ú-še-e[l-li]*
[5] [*ú*] [a]*-na bi-ri-a-an-[n.]*
[6] *[um-t]e-[eš]-ši-i[r]-šu[...]*
rev. [7] [N]A_4 [m] *Šúk-ri-te-šup*

[3]Utubalti
[4]as a pledge
[5]in *ḫarimūtu* ...
[6]to the goddess Ishtar/Shaushka, I/he dedicated her.
[7]For the *biriannu*
[8]I/he set her free. [161]
[9]Seal of Shukri-teshup

This is one of the few instances where a scholar connects a *ḫarimtu* to sacred rather than secular prostitution. The document says a woman, Utubalti, who was *ana ḫarimūti*, i.e., single, was either released as a pledge or, in an alternate reading, sent to the temple as a personal maid to work off the debtor's debt. As I said, anyone in Mesopotamia could be pledged against a debt, often wives and daughters of the debtor. [162] Line 5 tells us that Utubalti is neither the debtor's wife nor his daughter. Part of this particular pledge involved the temple of the goddess Ishtar Shaushka, the Hurrian Ishtar. Most likely, the debtor owed the temple money and sent the *ḫarimtu* as collateral or to work it off. Women who were sent to work off debts are sometimes recorded as doing menial jobs such as grinding flour, [163] and we should assume nothing very different for the *ḫarimtu* without concrete evidence. It is even conceivable that the *ḫarimtu* earned money from debtors for her time. Another text, a broken letter from Ashipu, the diviner, from the NA period, also notes the release of *ḫarimtu*'s (SAL *ḫa-ri-ma-te*), [164] probably for reasons similar to that in Nuzi.

The slavery and security pledge release documents suggest that the *ḫarimtu* is mostly associated with the lowest social strata. Occasionally, one sees this

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[160] Perhaps the line would read *a-na ḫa-ri-mu-ti baltat* on the basis of parallel constructions, see for example *HSS* 5 11 9 on p.19.

[161] See commentary by Wilhelm 1990:522, notes for ll. 7-8.

[162] Ben Foster has kindly alerted me that the "Reforms of Urukagina" prohibit sexual exploitation of women distrained for debt.

[163] H. Waetzoldt and M. Sigrist, "Haftung mit Privatvermögen bei Nicht-Erfüllung von Dienstverpflichtungen," *The Tablet and the Scroll. Near Eastern Studies in Honor of William W. Hallo*, Bethesda 1993:273b.

[164] *ABL* 509 11, Henshaw 1994:216; *CAD* Ḫ:101b.

view reflected in the popular imagination, such as in the treaty curse of Assurnerari V: [165]

col. v [9]..... [m]KI.MIN *lu* MI.*ḫa-rim-tú* LÚ ERIM.[MEŠ-*šú*] *lu* MI.MEŠ
[10]GIM MI.*ḫa-rim-tú ina re-bit* URU-*šú-n*[*u nid*']-*n*]*u lim-ḫu-ru*
[11]KUR *ana* KUR *lid-ḫu-šú-nu* TI' *ša* [m]KI.[MIN *lu šá*'] ANŠE.GIR.NUN

[9]May Mati'-ilu become a *ḫarimtu*, (his) soldiers become women, [166]
[10]May they receive hand-outs in the squares of their city as a *ḫarimtu* (does).
[11]May one country push them to the next; may Mati'-ilu's (sex) life be that of a mule ...

The threat acquires its fullest force not just by turning warriors into women but by turning warriors into women of no status in terms of men, and impoverished ones at that. The warrior is feminized and made anonymous and homeless, the three conditions common to curses. Clearly, the urban Mesopotamian dreaded homelessness, which is here doubly threatened as the men will not only be expelled from their houses but from their countries as well. The *ḫarimtu*, anonymous and effectively homeless in patriarchal terms, evokes sexual vulnerability, dependency on strangers and poverty. [167] It is tempting to assume all *ḫarimtu*'s were poor, but the type of texts recovered must be weighed carefully against such an assumption. Adoption documents, for instance, usually concern children whose parents cannot afford them. Curses will only tell the worst story.

The *ḫarimtu*, rather than living in the streets in dire poverty, could own her own house and support her own children, contrary to this dismal depiction (see below). A *ḫarimtu* could work at any occupation or combination of occupations to support herself, a child, or a parent and ration lists attest that she was sometimes part of a work force. [168] The early Sumerian lexical list (OB Proto-Lu *MSL* 12:58f.) of professions and titles gives three kar.kid titles, one of which is the kar-kid-mu-gub which seems to be an Emesal variant for a kar-kid-nu-gig (see p. 44 and n. 110), that is a single woman who performs the various services known for the *qadištu*, probably midwifery. The remaining two terms cannot, unfortunately, be rescued from current oblivion: the kar-kid-súḫub-s[i] and the

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[165] The transliteration and most of the translation are from S. Parpola and K. Watanabe *Neo-Assyrian Treaties and Loyalty Oaths*, SAA 2 1988:12 9-11.

[166] This common formulation for cursing soldiers by turning them into women surfaces even in biblical sources (see for instance, Jer 50.37 and Nah 3.13) and tells us something about ancient gender dualisms of the strong versus the weak operating in military milieus.

[167] In a broken bilingual proverb (Alster 1997:289 N3395 4 3) the *ḫarimtu* of the streets and the fallen man are again paired.

[168] For Sumerian ration lists see Pomponio 1986. See for Nuzi, G. Wilhelm *Das Archiv des Šilwa-teššup* 3, Wiesbaden 1985:184 Nr. 168 10 in which no particulars were given.

kar-kid-gi-te-t[e]. This list presents an extremely rare instance where a legal class is combined with what must be a professional category given the nature of the text from which it comes.

In OB Sippar, 11 kar.kid's appear under the *kalamāḫu*, the head *kalû* of Shamash (Harris 1975:332). Alhough it was the *kalû* priest who sang laments in Emesal, the literary language that often signified the female voice, it was also used for Inanna's voice in other hymns which these Sippar *ḫarimtu*'s might have sung. [169] The tavern-owning *ḫarimtu* we have already met and from distant Hattusha comes another self-supporting *ḫarimtu*, a visionary (Wilhelm 1990:515 n. 58), possibly a soothsayer or dream interpreter. A later bilingual NA list of professions (Lu = *ša* Excerpt II: *MSL* 12:105) puts the kar.kid/*ḫarimtu* and the *kezertu* together with various terms for young girl (ki-sikil = *ardatu, batultu*, etc.) and both operate within the same lexical ambiance as male and female entertainers and exclusively feminine professionals: the midwife, nurse, sorceress and wet nurse.

But by this time, the female tavern keepers, doctors, scribes, cooks, barbers, bakers, wig makers, weavers and laborers of earlier periods [170] all but disappear along with ecclesiastical women from laws, lexical lists and private documents. And astonishingly, "...not a single woman appears among the thousands of scribes, scholars, diviners, astronomers, and members of the literate professions mentioned by name in Neo- and Late Babylonian documents" (Beaulieu 1993:13). These later limitations on women's occupations must have severely narrowed the sphere of women's life choices in later periods and forced marriage to the fore. Concurrently, social intolerance of independent women and of *ḫarimtu*'s in particular seems to increase over time. It is no wonder that *ḫarimtu*'s are so closely associated with young girls in NA, for many of them probably headed into marriage at a later point in their lives. Poverty was no doubt the likely alternative. Prostitution and dependence on men married to other women may have risen under such conditions. Certainly some *ḫarimtu*'s took these routes. Inevitably, prostitutes would normally have come from their ranks.

To summarize, the *ḫarimtu*'s exact means of earning a living is poorly attested, not because she lacked occupations but because they were usually of a type that went unrecorded. The peculiarities of address in the languages of the ancient Near East further complicate matters since job descriptions or professional titles almost always stand alone without reference to the subject's legal status.

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[169] The opinion of who sang the Emesal parts of a female protagonist, such as Inanna in the Inanna-Dumuzi cycle is still divided. Some scholars believe that all Emesal was sung by men. Female singers are, however, well attested in art and text. Alster (1993) convincingly argues that Sumerian bridal songs were probably sung at the average wedding by the participants.

[170] This list has been compiled from a number of sources, some of which have already been noted. For the tavern keeper see the discussion in the following section. For female barbers, bakers and wig makers see *AHw*:274/5 and *CAD* G:16 (*gallābu/gallabtum*) and *AHw*:230/1 and *CAD* E:248 (*ēpû/epītu*). For weavers see below.

Either class or profession is named but not together. Occasionally, private documents will name a specific professional female and if she is married, "wife of "PN" is added (see above). But otherwise, we cannot say on the basis of laws or lexical lists whether the majority of working women of OB and earlier, the doctors, scribes, barbers, cooks and tavern keepers, singers and entertainers, servants, the wetnurses and midwives, household brewers, weavers, etc., were usually married or not.

Some economic and legal documents offer glimpses of the *ḫarimtu*'s financial status apart from the the useful NA *ana ittīšu* excerpt (*MSL* 1:96f. 23-28) in which a *ḫarimtu* owns a tavern. But most of these documents deal with her children, such as LI § 27 wherein a man is obligated to provide grain, oil, and clothing rations for the kar.kid and the child she bore him. A LB arrangement between a woman in *ḫarimūtu* (*ḫaria'utu*) and her brother tells us that her child is to live with his *ḫarimtu* mother, who will support him until she marries a free citizen (*mār banê*). [171] At that time, the uncle will assume custody of the child who will eventually be made to serve the king and the "Lady of Uruk," Ishtar, together with the uncle's own son. [172] From this text we learn that the *ḫarimtu* certainly had enough personal assets to support herself and her child, and that she could hope to marry a socially distinguished citizen. As the future husband is not expected to take in a bastard child, the child still remains connected to a male household via his uncle. Similarly, a NA legal document recording the birth of a child to a woman in *ḫa-rim-[u]-ti-šá* ("in her *ḫarimtu*-ship") states that the child was given to a deity, in this case Ninurta. [173] It becomes increasingly clear that children, like women without patrimony and *almattu* widows (Roth 1991-93:24f), are protected to some degree by temples, figuratively and literally. In addition, a parent might expect to avoid the usual incumbent financial obligations when a child marries by dedicating the child instead to a temple.

This said, the status of the *ḫarimtu*'s offspring remains unclear. There is no specific term for bastard in Sumerian or Akkadian to my knowledge and perhaps it sufficed to call her children the sons or daughters of a ^{f}PN of which there are

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[171] Kuhrt 1987:235f. from *AnOr* 8:14 10. This text is discussed by M. San Nicolò ("Parerga Babyloniaca XV-XVI" *ArOr* 1935:16-28). Kuhrt notes there are other possible readings for this text and the pronouns are unspecific (235 n.9). See also J. Greenfield (1987:77), where he refers to the woman as a temple prostitute. Beaulieu (1993:12) understood this to describe a case where a free woman, probably widowed, decides to become a prostitute and draws up this contract to ensure her son's future. Like Greenfield, Beaulieu thought it likely that she is a sacred prostitute.

[172] The academic double standard is again evident here. No one has suggested that these sons who are to serve Ishtar do so by prostitution.

[173] L. Kataja and R. Whiting, *Grants, Decrees and Gifts of the Neo-Assyrian Period*, SAA 12 1995:No. 92; Astour 1966:187; Henshaw 1994:216.

a great many accounts from OB on. [174] At least one of these records (*UET* 5 475) lists a man specifically as a son of a *ḫarimtu* among its payees. These sons who go only by their matronymics in payrolls, in witness lists and so on, attested at least at OB Ur and later at Nuzi, must have enjoyed a status not significantly different from other citizens. Presumably, the daughter of a *ḫarimtu* automatically becomes a *ḫarimtu* when she reaches marriageable age. Finally, in MAL A § 52, we have a provision for the *ḫarimtu*'s fetus: "If a man strikes a *ḫarimtu* causing her to abort her fetus, they shall assess him blow for blow, he shall make full payment of a life" (Roth 1995:174). [175] This and the LI provision are the only state laws that specifically protect the *ḫarimtu*'s progeny.

7. The Tavern *ḫarimtu* and the Tavern

Before concluding this prelimary analysis of the *ḫarimtu*, the favored literary topos of the tavern *ḫarimtu* and her locale must be addressed. The tavern prostitute is another scholastic invention as we shall see. Sex for pay was simply not a topic Mesopotamians wished to record. However, the strong sexual ambiance of the ideal Mesopotamian tavern of literature indicates that sexual activity must have occurred there, at least in a casual, unorganized and indirect way. It is important to note that a sexually charged atmosphere is common in

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[174] See Diakonoff 1986. Apparently the men of Nuzi also frequently used matronymics and were still of high enough status to perform as witnesses (Grosz 1987b:84f.).

[175] There are two similar penalty clauses for abortion forced on a wife of a man, pointing out once again that these two categories, wife of a man and *ḫarimtu*, are broad categories of class. The nuances of these laws are quite interesting. In the first, MAL A § 50 [If a man] strikes [*another man's wife* (?) thereby causing her to abort her fetus, ...] a man's wife [...] and they shall treat him as he treated her; he shall make full payment of a life for her fetus. And if that woman dies, they shall kill that man; he shall make full payment of a life for her fetus. And if there is no son of that woman's husband, and his wife whom he struck aborted her fetus, they shall kill the assailant for her fetus. If her fetus was a female, he shall make full payment of a life only." Roth (1995:173-4, italics and question mark, mine) reconstructed this clause to refer to a man who strikes another man's wife. But this reading does not bear out given the subsequent clause: MAL A § 51 "If a man strikes another man's wife who does not raise her child, causing her to abort her fetus, it is a punishable offense; he shall give 7,200 shekels (3 talents) of lead" (*ibid*: 174). In the second, the assailant is clearly not the husband and he pays only money as punishment. In the first, the assailant, in spite of Roth's reading, seems to be the legal husband and father of the child. His punishment is the forfeit of his own life, as in the clause for the *ḫarimtu*. Thus, the abortion laws cover three categories of women: a woman living with her husband, a woman married but with another man and finally the unmarried *ḫarimtu*. It seems that the foetus of an adulteress is worth even less than the *ḫarimtu*'s. A final abortion clause is directed at the pregnant woman herself who will be impaled if she tries to abort her own child (*ibid*). The law does not care if this woman is married or a *ḫarimtu*.

almost all literature in which there is drinking; the close connection between sex and beer is manifest in the OB terracotta plaques and in an abundance of literary similes in which honey-sweet beer is likened to a woman's sexual excretions. [176] These are just topoi, yet scholarship has been so sure of tavern prostitution that the tavern, the éš-dam, *bīt aštammi* [177] or *bīt sabîm/sabîtum*, has all too often been facilely translated as bordello or brothel. [178] Within this schema, the *sabîtu(m)*, the female tavern keeper especially prominent in OB, becomes synonymous with the brothel madam. [179] Ancient literary works in which Inanna/Ishtar is the tavern-goer in search of sexual companionship are partly at fault for scholarship's misunderstanding. Even so, this common and spirited literary motif never once includes payment and it would be odd indeed if this powerful goddess of sex and love were financed by her favors. Furthermore, to base the brothel hypothesis on such texts ignores other versions of the tavern in which Inanna appears as a young bride [180] or virginal sister. [181] Modern scholarship's vision of the ale-house as a brothel frequented only by men in which women act solely to fulfill their needs by serving up either beer or their bodies [182] does not correspond to the cuneiform evidence. According to ration lists, women as well as men drank beer on a daily basis, and one scholar estimates that the average intake was somewhere between 4 to 5 liters a day (Edzard 1967:17). This should stimulate a view that not all of it was drunk in the privacy of the home. Specific textual references to females drinking are largely confined to literary works but female drinkers are also common in art (e.g. "banquet scenes"). Females of all social strata drank beer. In literature, a female deity, Ninmah (*Enki and Ninmah*), drank to excess in one myth, while

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[176] For discussion, see my forthcoming study of the erotic clay and lead plaques of Mesopotamia.

[177] William Hallo has kindly pointed out to me that the Akkadian word derives from the Sumerian.

[178] See G.R. Driver and J.C. Miles, *The Assyrian Laws* 1935:index; Jacobsen and Kramer 1953:184 n.68; Goetze 1965; Röllig 1970:56; Trümpelman 1981:41-2, Fauth 1988:27; Abusch 1993:9; Beaulieu 1993:13 among many others cited in this section.

[179] Among others see: Jacobsen and Kramer 1953:184, Beaulieu 1993:13 and more discussed in the following pages. The subject of sex or women seems to induce curious gaps in thinking even in the most logical philologists, for instance, Michalowski 1994:38: "In the third and early second millennium the brewer's art, as well as the selling of beer, were closely connected with women, as has often been observed — hence, the goddess Ninkasi is the patron goddess of brewing — and therefore the tavern keepers doubled as madams."

[180] *Myth of Inanna and Bilulu*, Jacobsen and Kramer 1953:17 106.

[181] In a sìr-nam-šub of the god Utu, Inanna in her role as Utu's sister enters a tavern to visit him; she complains to her brother that she is a virgin (Kramer 1985:124-25).

[182] For instance, Jacobsen and Kramer 1953:184; Bottéro *RlA* 3, 1957-71:306; Salonen 1970:199; Röllig 1970:53; Trümpelman 1981:41f.; Michalowski 1994:38; Abusch 1993:9, etc.

Inanna drank Enki "under the table" in another (*Enki and Inanna*). Wives did go to the tavern, either alone or with their husbands. MAL § 14: "If a man should fornicate with another man's wife either in an inn or in the main thoroughfare, knowing that she is the wife of a man, they shall treat that fornicator as the man declares his wife to be treated....," [183] tells us that women recognizably married frequented taverns. Also note the omen: "if a man urinates in a tavern in the presence/area of his wife, he will not prosper." [184] An OB personal name, nin-éš-dam-(me)-ki-ága, meaning "Lady who loves the tavern," [185] is either a name for a woman with a common but not well attested female habit or a theophoric epithet standing for goddesses like Inanna/Ishtar and Ninkasi who hold special claims to taverns. A bilingual Assyrian proverb speaks of the *qerītu* feast which takes places in the *aštammu* (Lambert 1996:256); it is unlikely that only men attended.

At the very least we can say no law survives prohibiting women, or, for that matter, children, from this venue. The only law to forbid any person from the tavern (*bīt sabîm*) is in Codex Hammurabi § 110: "If a *nadītu* or *ugbabtu*, who does not reside within the *gagû*, should open (the door of) a tavern or enter a tavern for some beer, they shall burn that woman." [186] Scholars have understood LH § 110 as an attempt to prevent the *nadītu* and *ugbabtu* from mixing with the tavern's low life, especially prostitutes, or from committing sexual offenses there. [187] But that certain *nadītu*'s and *ugbabtu*'s are singled out also implies that other women drank there. Burning was unusual punishment in OB law. [188] As S. Maul (1992a:395) has shown, such a powerful prohibition from the tavern rests on issues of ritual purity not moral purity. These women were vulnerable of becoming impure on contact with the magically empowered elements of the tavern, such as its threshold or its fermenting vats, and thereby insulting the deities they served. In actual fact, some OB *nadītu*'s

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[183] It continues: "If he should fornicate with her without knowing that she is the wife of a man, the fornicator is clear; the man shall prove the charges against his wife and he shall treat her as he wishes." As I already discussed, this is a case where identity is a condition of place and awareness of identity sets the penalty.

[184] *CT* 39 45:22 SB *Alu*; *CAD* A/2:473: *šumma amēlu* KI DAM-*šú ina* É.ÈŠ.DAM *šīnātēšu izzi* NU SI.SÁ.

[185] *HSS* 4 quoted by Falkenstein *ZA* 56, 1964:119.

[186] I am following Roth's (1995:110) translation with the exception that she used "cloister" for *gagûm*. In addition, I have added the paranthetical "(the door of)" to Roth's translation to avoid confusion with the idea that *nadītu*'s and *ugbabtu*'s were not allowed to open taverns for business. They were.

[187] For instance, Astour 1966:193; Finkelstein 1970:253; Röllig 1970:53; Harris 1990:225 n. 29; Henshaw 1994:194 and so on.

[188] It was meted out for incest between mother and son (LH § 157) and, according to an OB liver-model, to *entu*-priestesses who repeatedly stole temple property (Astour 1966:193).

even owned taverns or were at least part owners. [189]

At the simplest level, the éš-dam was a "place of relaxation, (for) the joy of drinking," a place that makes "the heart happy again" (Civil 1964:70 63). Jacobsen and Kramer (1953:184 n. 68) likened the éš-dam to a modern coffee-house or village inn, a social center where people came to relax after work. One rare passage in a bilingual Nergal hymn captures a mundane moment of tavern life where the tavern is a quiet haven for regulars, even safe enough for the aged: "Lord (Nergal), enter not the alehouse, smite not the old woman who sits beside the beer (to serve it), [190] Lord, enter not the *aštammu*, smite not its old man wise in lore(?)" (Jacobsen and Kramer 1953:184 n. 68). The tavern as a place of comfort and safety — that not even a god should disturb — is realized again in a sìr-nam-šub where Inanna describes Utu's role of tavern keeper as mother and father to the lonely, the traveler, the orphan and the widow, a feminine role of caretaking and nurturing. [191] Only one law attests the rowdier side of tavern life (LH § 109), also mentioned in a Mari letter written by Shamshi-Adad to his son in reference to a band of deserters and in a NB tablet (Hartman and Oppenheim 1950:41).

Non-literary sources document the high level of involvement the tavern had with its local community. For instance, in finance, the tavern keeper's loan making and credit transactions (Stol 1995:137) show us the tavern as functioning somewhat like a local bank. The community's magico-medical practices further involved the tavern and its owner with the life of the neighborhood. The innkeeper's beer and condiments were often components in magical potions and pharmaceuticals for the community were produced there. Locals used its magical properties and its convivial society to avert foretold dangers (Maul 1992a). Dust from the threshold and floors of taverns was used in magic rituals to make good magic for those not as ritually delicate as the *nadītu*'s and the *ugbabtu*'s. [192] Its stands and vats were touched in *namburbi* rituals while the participant recited a formulaic request to his deities. In one attested instance, the tavern oven was used to bake magical clay figurines, and these same ovens might also have served as a neighborhood bakery. The tavern, quite unlike the modern brothel, was the nexus of its community because it furnished many of life's essentials: food, drink, pharmaceuticals, local banking and companionship, platonic or sexual. The tavern was the only place that met these community needs and where public and private so easily interfaced.

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[189] There are two documents. See Scheil 1902:98-102, 119-20 and Harris 1975:20-21.

[190] Interestingly, the Akkadian version of this line: *pur-šum-tam ša ašar ši-ka-ri [aš]-bat la ta-da-ak*, does not indicate that the woman is there to serve beer, only that she is one who "is sitting beside strong beer."

[191] In the eighth kirugu, Kramer 1985:127; Bruschweiler 1988:59.

[192] For instance, dust from the tavern floor was used to make a salve for quieting crying babies (Farber 1986:448). And see the studies made by Maul (1992a) and Caplice (1974). Also *CAD* A/2:473; S:8f., and below.

The tavern in OB and earlier was closely associated with females. Throughout the historical periods, it was linked to the temples of Inanna/Ishtar, [193] which is no doubt one reason it was considered so magically potent. The connection of the *aštammu* with the temple persisted into NA times. [194] The feminine element in the beer industry is further evidenced by the goddess Ninkasi, the patron deity of beer crafts, whose popularity seems to have been wide and enduring. [195] ^{d}Siraš (also Zeraš), the numen of beer, with whom Ninkasi is sometimes identified, [196] is also female.

Although female brewers (*sirāšītu*) are attested (Salonen 1970:192; *CAD* S:306), it is the female retailer, the tavern keeper who is pertinent to this discussion, not just because she is often said to be a brothel madam or even a prostitute, but because she was probably often a *ḫarimtu*. The first famous female tavern keeper, Kubaba, appeared as a king of Kish in the Sumerian King List. She is said to have laid the foundation of Kish, that is, laid the political and economic grounds for the city during her hundred-year reign. [197] The best attested period of this trade is OB, but the OB female tavern keeper, the *sabîtu* (SAL.kaš.tin.na) seems to have nearly disappeared along with her male counterpart, the *sabû* (also *sabbi'u, sibû*; LÚ.kaš.tin.na) by the end of Hammurabi's dynasty. One isolated text from the NB period mentions Iskhunnatu, a female slave, whose wealthy owners provided her with the capital and moveable goods on which she paid interest to open a tavern in Hursagkalamma. She also rented the necessary tools and real estate. [198] Because there is no mention that she was married, she was no doubt a *ḫarimtu* slave. Another singular text, the NA *ana ittīšu* fragment of a *ḫarimtu* who owned a tavern, is not necessarily from NA but might be a copy of OB material. These two documents are the only known instances where the once great institution of the *sabîtu* seems to have survived beyond OB. Her importance was

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[193] An éš-dam-kù in Girsu might have been Inanna's sanctuary (Römer 1969:110); Hallo and van Dijk (1968:74) postulated that the term originally referred to her temple. For more see *CAD* A/2:473. Landsberger and Balkan (1950:240 n. 31) note that the temple of Ishtar at Assur held a sanctuary called the *bīt hurše* that was known in folk language of the MA period as the *bīt altamme* (=*aštammi*), probably a place for drink and food but also for lodging.

[194] "Hymn to the City of Arbela" where the shrine of this "city of festivals" is called a lofty tavern or hostel: *e-a-ak* ^{uru}*arba-il* $^{[aš]}$*-ta-mu ṣi-i-r[u]*. Livingstone 1989:20 6.

[195] She is the only female deity in the Mesopotamian pantheon to continuously provide divine protection and social sanction for a craft. She appears in the early Sumerian *Epic of Lugalbanda* and its later Akkadian version (Röllig 1970:90 n. 250). In *Lugalbanda and the Thunderbird* (Jacobsen 1987:322), her very presence brings cheer and conversation.

[196] Landsberger and Balkan 1950:244 n. 48.

[197] See T. Jacobsen *The Sumerian King List*, AS 11, 1939:105 and 160. Apparently, she began a dynasty; her son, Puzur-Sin, became the first ruler of Kish IV. See also Röllig 1970:59 and Hallo 1976:28.

[198] Stol 1990:179; Beaulieu 1993:13.

such that L. Hartman and A. L. Oppenheim (1950:12) believe her disappearance signaled "a change in the social structure of the country." It also marks another loss for economically independent females as brewing and inn-keeping are thereafter largely male crafts. The *bīt sabītim* functioned differently from the *bīt aštammi* which, unlike the former, also offered lodging. It is probably the *bīt aštammi* then and not the tavern of the *sabītu* that furnished rooms and beds in which sex might have taken place.

The most famous of all female innkeepers appears in *GE*, and a comparison of her OB portrayal with the first millennium standard version's demonstrates very different perspectives. The OB female tavern keeper has no personal name, she is called simply by her generic type, *sabītu*, well-known in the OB period. Unfortunately, this word has almost universally been translated as "alewife," despite the fact that OB law attests her as the manager if not the owner of the business. By the first millennium, this businesswoman was no longer a recognizable or meaningful social type which made it necessary to give the *sabītu* in the late *GE* a personal name, ^{d}Siduri.[199] Her later deification removes her from of the flesh-and-blood *sabītu*'s of OB. As a deity, she is otherworldly and exceptional; the mortal woman of independent means is not only erased but no longer available to other women as a model. In the OB version, the *sabītu* is given an important set speech often referred to as the "*carpe diem* speech." She counsels Gilgamesh:

[2]The life you pursue you shall not find.
[3]When the gods created mankind,
[4]Death for mankind they set aside,
[5]Life in their own hands retaining.
[6]As for you, Gilgamesh, let your belly be full,
[7]Make merry day and night.
[8]Of each day make a feast of rejoicing,
[9]Day and night dance and play!
[10]Let your garments be sparkling fresh,
[11]Your head be washed; bathe in water.
[12]Pay heed to a little one that holds on to your hand.
[13]Let a *mar-ḫi-tum* (lover?) [200] delight in your bosom,

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[199] The Hittite version is Ziduri. For a discussion on the name Siduri see Gadd 1966:116 ff. There is a mention of Shiduri in *Šurpu* II:173 in reference to the OB episode in which she was known for her "wise sayings" (*nēmequ*).

[200] The term *marḫītum* usually translated as "wife" as did Tigay, is problematic because of its rarity. Etana is with a *marḫītu*, again assumed to be his wife. In his translation of *GE*, Röllig accepted Schott and von Soden's "goddess" (1970:150). Abusch's (1993:9 n. 38) suggestion that "prostitute" or "harlot" is more fitting is based on conjecture. Perhaps the term should simply be read as "lover." Abusch also makes the claim that Gilgamesh and Siduri were lovers on the basis of the line Gilgamesh says to her when meeting her: "Now, *sabītum*, that I have seen your face" (*GE* X ii 12), Abusch (1993:6) interprets to mean she unveiled and had sex with him. However, Gilgamesh delivers the same line

[14]This is the task [*of mankind*]. [201]
(Tigay 1982:168 from Gilg Me. iii)

In this speech, the *sabîtu* stresses the goodness of daily life: food, merriment, dancing, clean clothing and personal cleanliness which were the opposite conditions of mourning (Abusch 1993:7 n. 30), relationships with children and, above all, sexual relationships with mates. Not only are these the cornerstones to the good civilized life but, as R. Harris points out (1990:225), they all lie within the feminine domain. Moreover, they express the pleasures shared by both male and female. No doubt the tavern keeper's speech reflects another social role of the *sabîtu* performed in everyday OB life, that of the wise advisor, the upholder of a tried-and-true formula for a good life, in short, the local psychologist. Nothing of this speech survives in the late versions. Siduri's dialogue centers entirely on the king (*GE* X ii).

From non-literary works, the OB *sabîtu* is best known from the Laws of Hammurabi and from their near contemporaries, the Laws of Eshnunna in the Diyala region and the Babylonian Edicts of Ammisaduqa (henceforth, EA). However, the extensive Middle Assyrian laws make no mention of her. The OB *sabîtu* was expected to be law abiding. A Sippar text tells us that they had to be properly registered and licensed, and pay a tax (*nēmettum*) in silver to the palace of the district in which they operated (Goetze 1965). In Eshnunna, the *sabîtu* (like any merchant) was not allowed to trade with slaves (LE § 14); she was also obliged to buy beer at the current market rate from sellers such as foreigners who were outside municipal protection (LE § 41). The provincial *sabîtu* was protected from payment of tax arrears if a king had instituted the *mīšarum*, [202] however, she or her city counterparts could not collect loans owed to them at that time either (EA §§ 16 and 17). Under the Hammurabi laws her financial transactions of buying beer or making loans of beer were restricted to returns in grain rather than silver (LH §§ 108 and 111), and in this way she came to broker the exchange rate between beer and grain, both items which ration lists show were common currency. Should she transact in dishonest weights, like any other merchant, she could be punished by death (EA § 18). Again on pain of death, she was expected to turn in criminals to the palace authorities if they congregated at her inn (LH § 109). Considering how few places criminals could publicly congregate, the *sabîtu* was handed a tall order in keeping local security.

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when he greets the male boatman: "Now, Sursanabu, that I have seen your face" (Tigay 1982:97 OB *GE* X iv 12), so the line applied to Siduri is not, in fact, a demonstration of her sexual availability.

[201] This translation is almost wholly Tigay's although I have reconstructed [of mankind] where he prefers *sinništi* [of woman] based on the late version of *GE* I iv, 13, 19 (Tigay 1982:168 n. 17). Dalley has [of a wife] (1991:153 n. 27). But "of mankind" would make more sense here since the pleasures cross gender boundaries.

[202] The *mīšarum* was the remission of debts and obligations issued by a king at the beginning of his reign.

All in all, the collected laws and edicts describe the *sabītu* as having to conduct business within closely monitored legal restraints. Her financial dealings were particularly scrutinized. If she were trading in sex either as a prostitute or as a madam, that income must have been beyond legal regulation for it remains undocumented. [203]

The Tavern *ḫarimtu*, Mortal or Divine

The sources for the mortal tavern *ḫarimtu* are surprisingly few. She appears on only three occasions. The first is a line from the *Curse of Akkade* whose oldest fragments date to Ur III: kar-kid-zu ká-éš-dam-ma-na-ka ní ḫa-ba-ni-ib-lá-e: [204] "May your (of the city of Akkad) kar.kid hang [205] herself at the door of the éšdam." This line tells us that the *ḫarimtu* was a relatively common figure at the tavern, but because it is just one of many in a long curse on the city, it must be understood as part of a systematic reversal of the city's everyday prosperity and not an actuality. In fact, it is more likely that the opposite is true

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[203] Some have taken a late text (ca. 716) as proof of prostitition in the tavern. But this interpretation relies highly on personal translation choices. Compare the two translations given. The first comes from Lambert (1996:218-19), the second from *CAD* S:286.

[3]*sin-niš-a-nu ina bīt áš-tam-me ki-i e-re-bu*

[4]*ni-iš qa-ti ki-i iš-šu-ú um-ma ig-ri šá an-za-ni-nu*

[5]*at-ti lu miš-ru-um-ma ana-ku lu meš-lu*

1. "When a male prostitute entered the brothel, As he raised his hands in prayer, he said, "My hire goes to the promoter. You (Ishtar) are wealth (*mešrû*), I am half (*mešlu*)."

2. "When the *s.* entered the tavern and lifted his hand (in prayer?), he said: Let us, you (fem.) and I, (divide) half and half the wages of the matchmaker."

The second version does not insert Ishtar, nor substitute brothel for tavern. According to *CAD*, the *sinnišānu* (lit. "woman-like") is cult personnel. He was named together with the *assinnu* in a late lexical list (*MSL* 12:226 133). Neither term refers to prostitution (see Henshaw 1994:284ff and 300). The rare term *anzanīnu*, also attested in the feminine (*anzaliltu*), is in lexical lists associated with the *susapinnu* (Malul 1989:243ff.) who is in turn closely related to brides and marriage. The *anzalilitu* is seen in relation to midwifery (Lú = ša III iii, *MSL* 12:126). Hence, *CAD*'s interpretation that these lines are about a matchmaker's income is far from unreasonable. Surviving instances where there seems to have been a pimp or a madam did not take place in a tavern. In one, the mayor of Nuzi is accused of adultery (*AASOR* 16 4). A woman took him to a place, the *bīt ḫurizāti*, to fornicate with a woman who was not his wife. The *bīt ḫurizāti* was owned by a woman. This Hurrian word has been translated as brothel. But it derives from *ḫurisu*, "palace" or "villa" (*AHw*:359a) or "cattle shed" (*CAD* Ḫ:251b-252a). The second is MAL A § 23 that involves a private tryst between a man and another man's wife arranged by a married woman, not a *ḫarimtu*. It took place in the female procurer's home.

[204] Transliteration from Falkenstein 1964:119 243.

[205] The verb lá has been interpreted as "aufhängen" by Falkenstein, and accepted by Jacobsen, Volk and others. Cooper offered both "hang" and "raise" in his translation of the *Curse of Agade*, Baltimore and London, 1983.

and the kar.kid was usually a merry fixture at the tavern. The remaining two examples of the human tavern *ḫarimtu* have already been cited: the NA excerpt from *ana ittīšu* of the tavern-owning *ḫarimtu*, and the love incantation (Falkenstein 1964:113f), in which the ki.sikil is also a kar.kid. Although some kar.kid/*ḫarimtu*'s may have professionally sported with men at the tavern, especially in view of its looser bibulous environment, it is even more likely that a single woman who lived alone, perhaps without children, used the tavern as an extension of her home. The tavern, especially for the OB *ḫarimtu* when it was often run by a woman, would have been an acceptable and safe congregation point and one where the *ḫarimtu* could even find a husband. For a woman living alone, the tavern would be a vital locale of community interchange, business contacts and news; a place where perhaps badly needed companionship could be had on common ground. In turn, the *ḫarimtu* was good for business.

The Role of the Divine *ḫarimtu*, Inanna/Ishtar, at the Tavern

Although Inanna/Ishtar as the divine tavern *ḫarimtu* is an important literary topos, it is far less common than Inanna as the bride. In *The Epic of Lugalbanda*, [206] one of the earliest known literary pieces (Jacobsen 1987:320), we already find reference to Inanna as the kar-kid éš-dam-šè è-da ki-ná du_{10}-du_{10}-ge-da, "the kar.kid, setting out toward the éšdam, who makes the bed sweet," i.e., the ideal tavern *ḫarimtu*. In others, her claim to the tavern as her personal domain is expressed: é-éš-dam-kù ma-ra-gál, "the pure house, the éšdam exists for you (i.e., Inanna)" (Falkenstein 1964:119), reflecting the temple éšdam's of old. But more than this, the tavern as the goddess's domain originates in its ambiance of exquisite intoxication, the heady combination of drink and sexual arousal. It is the presence of the goddess of sex, a great drinker herself, that transforms the tavern into a place where love blossoms and sex takes place. A late bilingual text [207] at first glance seems to speak of the goddess's well known gender mutability:

[37][é] kaš.a.ka $tuš^{tu}$.a.mu.[dè]
[38][nu.nun] uz.mèn šul KA.zal me.e ši.in.ga.mèn
[39]*a-ḫi ši-ka-ri ina a-ša-bi-ia*
[40]*si-in-ní-ša-ku eṭ-lum mu-tál-lum ana-k*[*u-ma*]

When I sit in the beerhouse,
though I am a woman, I am also a noble young man.

These lines are really about her ability to cause arousal and stir love in a

[206] Wilcke 1969:68 I 170; Volk 1989:219f.

[207] *SBH*:56 37-40; Falkenstein 1964:119 n. 38; Röllig 1970:66.

man when she is a woman, or in a woman when she is a noble young man. [208] This hypothesis is bolstered by a second text, a hymn to Inanna/-Ishtar, that enlists her in various personifications: [209]

[49][ká-é]š-dam-ma-ka [tuš-a-mu]u-[dè] a-ka e-eš-da
[50] *ina ba-ab aš-tam-mi* [ ] *ina a-šá-bi-ia*
[51][kar-]kid mu-lu mu-zu m[e-e-ši-i]n-ga-mèn [ ]
[52] *šar-ra-qí-tum* [210]
[53] [ ] *ḫa-ri-im-tum ra-im-tum ana-k[u-ma]*
[54][ ]x-ni?[ ] nu-x[ ] ga[-mèn?]
[55] [ ] *x-ir/sa?* [ ] *x x ul x*[ ]
[56][sa-]atur$_{tu}$-ra [ ]
[57] *še-tú ša/er?-ra-a-at?* [ ] *x* [ ]
[58][li-b]i-ir-si me-ri kin-a [ ] a-[mèn]
[59] *su-s[a-pi-i]n-nu šá ina su-nu šak-nu a[na-ku-ma]*

[49-50]When I sit at the door of the alehouse,
[51-53](Sum:) I am a kar.kid who knows the man, (Akk:) I am a loving *ḫarimtu*. [211]
[54-55][When I.....?
[56-57][I am] a net (destined for??) the young ones(??)
[58-59]I am a paranymph with a sharp sword carried in the lap.

In its subsequent lines, images of Inanna's magic making continue. The tavern *ḫarimtu*, which this time the text takes care to specify is an experienced woman, the net, the paranymph and later, Inanna as the evening star filling the night sky with her radiance, are all poetic personifications that bring about

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[208] The word *muttallu* "noble" connotes "hero" and high social status but is often used in the context of noble speech (see *AHw*:690a *s.v. mu(t)tellum*; *CAD* M/2:307).

[209] *SBH*:155. Because the text is so damaged, I am using the translation published by M. Malul (1989:249). Other aspects are mentioned previous to these lines: the war goddess, goddess of thunderstorms and rain, and so on. M. Cohen has a complete edition of the Uru Amirabi in his *The Canonical Lamentations of Ancient Mesopotamia*, 2 vols., Potomac 1988:581ff. and more recently, Volk 1989.

[210] As Malul points out (1989:249 n. 39) a gloss on line 52 reads ka-ar ní-zu = *šarrāk/qītum* which is interpreted by *AHw*:1187b as "die Schenkfreudige," which is understood to come from the verb *šarāku* "to grant, give presents." But *CAD* Š/2:70 remarks that the Emesal mu.lu.mu.zu of line 51 is lú.giš.zu in Emegir, "one who knows the penis," rendered here euphemistically as ní-zu and because lú.ní.zu = *šarrāqu*, "thief," ní-zu is translated as *šarrāqītu*. If *šarrāqītu* is preferred over *Ahw*'s *ša(r)rakītu*, the meaning of the *ḫarimtu* in line 53 is qualified by the primary meaning of "thief," rather than von Soden's version of prostitute, which the *CAD* does not recognize. The phrase "I am like a loving *ḫarimtu*," with the gloss carries an overtone of stealth, similar to the sense in English "she comes like a thief in the night" to do her magic in the tavern, taking people unawares.

[211] See note *supra*.

psycho-sexual transformation. The moment of Inanna/Ishtar's transformation occurs at the door of the tavern, a place of liminal magical potential, like the bodies of Shamhat and Ishtar in *GE*, and as the many doorway metaphors in cuneiform show, the door often has strong sexual overtones. In this hymn, the goddess's transformative abilities work for good, not evil. As the experienced kar.kid/*ḫarimtu*, she becomes a numen of sex. As the net (*šitû*/*šetû*), she spreads her aura over the young ones, casting her spell and binding them captive. [212] As the paranymph (nimgir-si/*susapinnu*), whose sexual prowess is heralded by the sharp sword in his lap, she changes genders and introduces the theme of marriage. The *susapinnu* is intimately connected to courtship and preparation for nuptial consummation, especially assisting the bride (Malul 1989). The young ones have gone from being caught in love's spell towards marriage. From what remains of the text, the goddess is in turn a woman, an object and a man, all of them instruments of transformation. Embedded in the threshold, the body of the *ḫarimtu*, the net, the *susapinnu* and the sharp sword are messages of sex and initiation and even death.

In the "Hymn to Inanna-Ninegalla" [213] the goddess sets out for the alehouse (earlier called her residence), to look for sex. In this hymn of praise (lines 114-120), Inanna as the tavern kar.kid and her paranymph are in close physical contact:

[114]iš máš.anše du_8-du_8-a-ba
[115]gud udu tùr amaš-e gi_4-a-ba
[116]nin-mu mu-nu-tuku-gim tú dili im-me-mu_4

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[212] The net is an ancient device for capturing and holding people, birds, animals and, metaphorically, loved ones. In love incantations, being bound captive is not an uncommon theme. This binding, from the verb *kasû*, is terminology used in love charm formulae. There is a word play at work here as well. *šitû* is also a variety of the *kasû* plant (*CAD* 3:143), a substance that I show elsewhere is an aphrodisiac put in beer. The net is also the penis that rises, as a net does when birds are caught in it, in one charming but somewhat confusing poem "The Fowler and His Wife," for which see Michalowski 1994:40 and another reading in Alster 1992:195.

[213] *BE* 21 no. 12, 10-20 + dupl. 3N-T339 iii + *SEM* no. 87 obv. 2 to rev. 4. For various translations see Jacobsen 1976:140, and Alster 1974:83-4 from which this transliteration is drawn. Jacobsen includes earlier lines: "O harlot, you set out for the alehouse/ O Inanna, you are bent on going into your (usual) window (namely, to solicit) for a lover..." which involve a lot of overinterpretation. For one, nothing is said of Inanna soliciting. For another, the imagery Jacobsen used of the harlot in the window is an anachronism and as Arnaud (1973:112) points out, is inconsistent with Mesopotamian texts. Its appearance in the art of the ancient Near East did not occur until the Nimrud ivory pieces that share stylistic characteristics with western not eastern art. Also, the interpretation of the Nimrud ivory motif is probably in error. M. Silver speculates that "the woman in the window" theme is a goddess of commercial oath-taking who is invoked through or in front of windows rather than a prostitute (*Economic Structures in Antiquity*, Contributions in Economics and Economic History 159, Westport CT 1995:15).

[117]nunuz kar.ke$_4$ gú-za i-im-dù
[118]éš.dam-ta lú mu-dab$_5$-me-en
[119]úr-nita-dam-zu ^{d}dumu.zi-da-ka U.PIRIG tag-tag-ge-zu-dè
[120]inanna nimgir.si imin-zu ki.ná mu-e-da-ak-e

[114]When the cattle has been set loose on the hills,
[115]When the cows and sheep are returned to the pen and fold,
[116]My lady, you dress yourself like one not married, [214] in a single garment,
[117]You put on your neck the bead necklace of the kar.kid. [215]
[118]From the tavern you catch men.
[119]When you run (lit. crawl) to the lap of Dumuzi, your bridegroom, [216]
[120]Inanna, you lie with your seven(=all) paranymphs! [217]

There are potentially two levels of reading. First and more obvious is that Inanna is acting like a mortal *ḫarimtu* looking for sexual companionship. However, this level of reading does not accommodate the strange sequence of events in which the goddess is somehow in sexual contact with her bridegroom

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[214] mu-nu-tuku-gim in Akkadian is *kima munutukû* "like (one) without children," but the Sumerian is not exactly equivalent but more "not married" (nu + tuku) than childless. Alster (1974:84) has: "like an unknown person" and Jacobson (1976:140): "like one of no repute."

[215] These lines indicate that the kar.kid wore clothing and jewelry to mark her from married women when she was in search of sex in public places. However, it is just as likely that these lines describe a woman "dressed to kill," as Ben Foster suggested. Perhaps the "necklace of the kar.kid" distinguishes this jewelry from a dowry piece or a marriage gift and is therefore jewelry not given to her in connection to marriage but something she bought for herself.

[216] The last two lines are problematic. Jacobsen translates: "It is you, tripping along *into* the embrace of your bridegroom Dumuzi! Inanna, your seven bridal attendants are bedding you!" (1976:140, my italics). Alster chose quite a different sense for the second-to-last line but follows Jacobsen's in the concluding line: "You sneak *away from* the lap of Dumuzi, your husband! Inanna, you make love with your seven paranymphs!" (Alster 1974:84). But one would expect ^{d}dumu.zi-da-ka-ta, the "ta" ablative instrumental "away from" instead of "a" locative "to" in reference to Dumuzi's lap. So we must agree with Jacobsen that Inanna runs or more literally "crawls into" his lap/loins. úr-nita-dam-zu can mean either "spouse" or "bridegroom." I agree with Jacobsen choosing "bridegroom" largely on the basis of the paranymphs in the following line who were strongly connected to the courtship process. In the Inanna-Dumuzi cycle, bridegroom applies to Dumuzi even before he marries Inanna.

[217] The last line has been analyzed by many: Römer 1965:142 187 and comments p. 193; Falkenstein *ZA* 45:170 n. 3; Landsberger 1968:81 n. 2c; Alster 1974:128 n. 37; Malul 1989:246; Henshaw 1994:319; Lambert 1996:339. The verb ki.ná...ak literally means "to lie," and only implies the sexual connotation imbedded in "to lie with" as used in the Iddin-Dagan hymn where the king in his divine persona as Ama-ushumgalanna (a name for Dumuzi) beds the goddess.

either before, during or after lying with her seven paranymphs. [218] It is doubtful that this hymn conveys narrative action any more than the previous two works did. Rather, this text is set in a magical frame, a liminal frame, of evenfall at the tavern, where sequence collapses and time expands, holding disparate activities and identities (the kar.kid and the bride) in one grand moment. The magical *ḫarimtu* catches men as she caught the young ones in the former example in a net, but men only, for in this text she remains female. In short, she is not a flesh-and-blood woman in intercourse with all these men, but an enchanting essence of sexual arousal that touches the male clientele. Similarly, in previous texts we have seen that it is "she" or her sexual presence which causes people to copulate in the streets. These texts do not describe a human form but a personification or emotional ambiance that does not substantially differ in function from the goddess's role as the warrior. So far, no one has insisted that we visualize Inanna physically at war on the battlefield demolishing whole armies by herself. The deliberate inclusion of the generic bridegroom and the paranymphs in the above text cautions against a literal reading of promiscuous acts and promotes instead an interpretation of Ishtar's ability to infuse a psycho-sexual state in tavern-goers that could lead to marriage.

When the Mesopotamian tavern-goer felt the miraculous and intoxicating affects of sexual arousal and alcohol, he or she assumed that the *ḫarimtu* goddess was at work, or at least described the affects as a by-product of her magic. Tavern keepers themselves, of course, recognized that such an atmosphere is good for business. In Akkadian *namburbi* rituals, the tavern keeper literally calls on Ishtar's presence to enter his tavern in order to secure "brisk trade." The text in question, "Text 14," is divided into three parts that progress from the general to the specific; each is a spell that describes ritual actions to be performed in combination with incantations for "brisk trade." [219] The third spell for the quay-side inn is largely borrowed from the first and will not be offered here. The Colophon states that Text 14 was written according to an original from Babylon.

The first part (ll. 1- 20) is designed for a number of professions, but tavern keeping is priveleged. To secure brisk trade, the participant collects dust from many places and applies it in a mixture to "the door of the man's house," that is, the door of the afflicted person. Most of the places from which the dust is collected are liminal zones, such as thresholds, bridges and ditches or zones of

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[218] The dangers of sexual intimacy between the paranymph (nimgir-si/*susapinnu*) and the bride because of their closeness in the courtship process became the subject of another warning Shuruppak makes to his son (Alster 1974:83 37 Adab version).

[219] Such texts are mostly from Nineveh and Assur but probably derive from earlier Babylonian sources. They are related to omen texts and the so-called ritual "potency incantations," the ŠÀ.ZI.GA. This one is unusual in that it is not apotropaic (Caplice 1974:7ff.). Two tablets have been identified as the tavern incantation; their line numbers vary. The Assur tablet has holes which led Maul (1992a:395) to propose that this tablet was hung up like an amulet on the door post of the tavern so that its magical properties were continuously in effect.

supernatural transformative energies, such as the temple or a god's dais or shrine. [220] Mixed in is the dust from the doors of those engaged in non-elite trades, the weaver, gardener, carpenter, etc., presumably in the same social stratum as the tavern personnel; the dust from the doors of the *naditu* and the *ḫarimtu* is also included. After a series of purification actions and the setting up of a reed altar or temporary shrine to Ishtar, one is enjoined to attract her by setting out various sweets, breads and burning juniper, all things highly pleasing to the goddess. One takes the afflicted person, which the text explicitly tells us can be either male or female, up to the roof. The man or woman invokes Ishtar's help and relates his or her troubles to the goddess. The result of all this is the tavern's future prosperity.

The incantation that follows (ll. 21-37) flatters and praises Ishtar, especially recognizing that she is the "giver of the scepter, the throne (and) the royal staff to all kings." This imagery sets up an analogue between the tavern owner and the king of the land and may allude to the powers of the sacred marriage rite enacted by copulation. The speaker then says:

[30]GAŠAN *šur-bu-tum al-si-ki [ana iá-a-ši ru-ṣi]*
[31]*lim-ḫur-ki* NÍG.NA $^{\check{s}im}$LI *el-lu du-uš-[šu-ú]*
[32]*lim-ḫur-ki bit sa-bi-í na-ra-a[m-ki]*
[33d]*Iš-tar a-na a-ma-ti-ia i-ziz-zi-im-[ma]*
[34]*si-bu-tum an-ni-tum si-bu-ut-ki*
[35d]*Iš-tar um-me-di* ŠU-*ki ina* $^{gi\check{s}}$*kan-ni u nam-zi-[ti]*
[36]*mi-ḫi-ir-tum lil-li-kam-ma a-a ip-pár-[ku]*
[37]*pi-ḫa-ti an-ni-ti na-šá-ti at-ti* TU_6-ÉN

[30]Exalted lady, I call upon you: help me!
[31]May the censer welcome you with an abundance of pure juniper! [221]
[32]May the house of the tavern keeper welcome you with your beloved! [222]
[33]Ishtar, stand to my affairs [and]
[34]This brewing is your brewing!
[35]Ishtar, lay your hand on the potstand and the brewing vat!

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[220] Even a casual look at the archaeological record reveals the power and danger thought inherent in such zones. Figurines were buried at palace thresholds to work good magic or ward off evil and winged genies and apotropaic heads of Huwawa/Humbaba were put at entryways to palaces and shrines.

[221] Ebeling (1955:181 19) reads: "Es werde dir angenehm das Räucherbecken (mit) heilige(r) Zypresse (Pinie), das üppig beladene, es werde dir angenehm das Haus des Bierverkäufers, dein Bordell!"

[222] The term *narāmu* is often used in conjunction with a deity, especially in relation between gods and kings, such as *narām ištar*, an epithet for Sargon of Akkad (*CAD*:N/1:344b). Ishtar's beloved or favorite in this line is most probably the tavern keeper himself furthering the analogue just previously introduced of himself as the beloved king.

[36]May profit come to me, and never cease!
[37](Now) you carry the responsibility for this.
End-formula of the incantation.

Ishtar is asked to enter the tavern directly, to touch and thereby purify and empower its magical tools of potstands and vats. [223]

The second spell is far more sexualized. It was previously thought to be the words and actions of a woman who enhanced her tavern income with prostitution. [224] But, in the beginning title line (l. 38), "the house of the tavern keeper," *bit* [lú]*sa-bi-i*, clearly indicates a male tavern owner. Thus, it is usually a male tavern keeper not a female — *sabîtu*, tavern madam, prostitute or otherwise — who usually performs this ritual and its incantation. The *sabîtu* is at best inferred from the early line in the previous spell which tells us that the afflicted person could be either male or female. Note that the addition of the beer libations particularizes this ritual for tavern owners.

[38]INIM-INIM-MA *šum*$_4$*-ma mi-ḫi-ir-tum*$_4$ *ina bit* [lú]*sa-bi-i pár-sat*
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[39]KÌD.KÌD.BI NÍG.NA [šim]LI *ana* IGI [d]*Iš-tar* GAR-*an*
[40][K]AŠ *sa-bi-i* BAL-*qí la tu-gam-mar* RA-*aḫ-ma*
[41]*tuš-ke-en u* KAŠ BAL-*qí-ma iš-di-ḫu bit sa-bi-i*
[42]*i-sad-di-ra ana* EGIR *u*$_4$*-me* SIG$_5$-*iq*
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[38]Incantation: if profit is cut off from the house of a tavern keeper.
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[39]Its ritual: you place a censer of juniper before Ishtar,
[40]libate the tavern keeper's beer but not totally. You ..... and
[41]you prostrate yourself and libate the beer (that remains). Then profit for the tavern
[42]will always be good in the future.

Lines 43-59 contain the incantation to Ishtar for tavern trade.

[43]ÉN [d]*Iš-tar* KUR.KUR *ga-rit-tum i-la-tum*
[44]*an-nu-ú gi-pa-ra-ki ḫu-de-e u re-ši*
[45]*al-ki it-ru-bi a-na* É-*ni*
[46]*it-ti-ki li-ru-ba ṣa-lil-ki ṭa-a-bu*
[47]*ḫ*[*ab*]*-bu-bu-ki u ku-lu-*'*-ú-ki*
[48][*š*]*ap-ta-a-a lu-ú lal-la-*[*ru*]
[49]*qa-ta-a-a lu-ú ku-uz-bu*

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[223] Maul (1992a:395) understands this to mean that Ishtar's touch removes the impurities in the tavern that have obstructed business.

[224] This texts or portions thereof were also translated by Zimmern (1918-19), Ebeling (1955), Caplice (1974:23f.), Farber (1986-91:277-81 TUAT 2/1), and Foster (1993:898).

[50]*ša-pat ki-pat-ti-ia lu-ú ša-pat* LÀL
kur-kura

[43]Incantation: Ishtar of the lands, most heroic of goddesses,
[44]This is your priestly residence: exult and rejoice!
[45]Come, enter our house!
[46]With you may your sweet bedfellow enter,
[47]Your lover and your cult-actor! [225]
[48]May my words (lit. lips) be honey, [226]
[49]My ritual gestures (lit. hands) be charm! [227]
[50]May the rim (lit. lip of my circumference) of my *kurkuratu* vessel be honey sweet! [228]

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[225] The *kulu'u* (*AHw*:505a; *CAD* K:529), like the *ḫarimtu*, is a liminal figure both socially and sexually, and he, like the *ḫarimtu*, is at the margins. See Henshaw 1994:299f. Röllig (1970:56) and others believe the *kulu'u* here to be a male prostitute, for which there is no evidence. He is not the typical *awīlu* male. He has no wife, no children and no household. As an actor or performer, he is professionally involved with illusion. Also part of the success of his trade might be physical appeal for which he may have earned a reputation as a "lover-boy." This, his association with Ishtar, and his availability as a unmarried person in literature are traits similar to those of the *ḫarimtu*. The two are paired in another magical text, her words or the words of the *kulu'u* are buried along with spittle to ward off evil. (*KAR* 43:3 and duplicate 63:3, edited by Ebeling *ZDMG* 69, 1915:92f. and *MAOG* 5/3, 1931:16f.) One text that supposedly casts doubt on his masculinity, at least in MB, is a letter in which he is described as someone who is "not a man" (E.F. Weidner, *AfO* 10, 1935-6:3 21) Ebeling translates *kulu'u* as "Kinäde" (1955:183 3).

[226] The literal reading of *šaptāya lū lallāru* is "may my lips be white honey." It directly follows the invitation to Ishtar to enter the tavern and may be a stock phrase. *šaptu* "lips" is also attested as meaning "word/s" (*CAD* Š/1:484f.). *šaptu*, "words" or "command" as "white honey" is further attested in the line *zikir š[aptīšu] kīma lallāri eli abrāti lišaṭib*: "may he (Marduk) make his command (lit. his lip/s) sweet as white honey (lit. like white honey) for mankind" (*ibid*), which clearly has no sexual reference.

[227] The importance of hand gestures when supplicating a deity is widely affirmed in text and art. Hands filled with charm or *kuzbu* will make the performance of the *namburbi* ritual all the more potent. M. Gruber (*Aspects of Nonverbal Communication in the Ancient Near East*, StP 12/I 1980:346) interprets these two lines as actions involving the ritual kiss and embrace.

[228] The term *ki-pat-ti-ia* is usually tentatively translated as vulva or labia. *kipattu* means circle or circumference and *ša-pat* is in the singular: "the lip of my circle/circumference," in other words, a rim of some sort. The misinterpretation on Caplice's part was inherited from Zimmern (1918-19:174f. 50), who translated: "Meine Scham(?)lippe sei eine Honiglippe!" Ebeling (1955:182 4) read: *šap-ta-a-a lu lal-la-ru qa-ta-a-a lu ku-uz-bu ša-pat-ti kur-mat-ti-ia lu-ú šá-pat dišpi*. Ebeling's *kurmatu* "Kost," is a variant of *kurummatu*, "food," "food allotment," "food portion," (*CAD* K:573ff.) or a type of cake (Labat: #469). The mix up of this line would probably not have occured if the gloss *kurkura*, an abbreviation for the *kurkuratu*, had been considered. This gloss survives in the copy made of N 3554, line 3 (= Zimmern line 50), made by A. Boissier *PSBA* 23, 1901. The

With these lines, the suppliant calls on Ishtar to enter his tavern in spirit. Her supernatural presence is further sexualized by the invocation of her male entourage with whom she is most intimate. Together, they produce the intoxicating, lustful atmosphere of the literary works, intimately bound to the expansive effects of alcohol. The suppliant also asks that the goddess find his spoken incantation, the performed rite of libation and the beer offering itself highly pleasing. [229] The request is redolent with risqué innuendoes embedded in the constellation of honey, *kuzbu* and body parts so that in the subtest, the suppliant conveys his hopes that Ishtar also find him sexually irresistible. [230] The remainder of this portion continues to use similar imagery. The tavern keeper compares himself to a much fought over snake (!) emerging from a hole, and describes a disgruntled clientele that — like a disgruntled lover — finally comes back to make up:

[51]GIM MUŠ *šá iš-tu ḫur-ri uṣ-ṣa-am-ma* MUŠEN.ḪÁ *ina muḫ-ḫi-šú i-ḫab-bu-*[*bu*]
[52]*ina muḫ-ḫi-ia* UN.MEŠ *ši-na lim-taḫ-ṣa*
[53]*ina gi-pa-ri šá* [d]*Iš-tar ina ḫa-re-e šá* [d]*Nin-líl*
[54]*ina mar-ši-ti šá* [d]*Nin-giz-zi-da*
[55]*ṣab-ta-niš-šú bi-la-niš-šú mi-it-gu-ra-niš-šu*
[56]*ru-qu li-is-saḫ-ra ze-nu-ú li-tu-ra*
[57]GIM GUŠKIN *lib-ba-šu li-tu-ra ia-a-ši*
[58]GIM AN-*ú ir-ḫu-ú er-ṣe-ti im-i-du šam-mu*
[59]*lim-id ku-ru-up ia-a-ši* TU_6-ÉN

[51]As the birds twitter over a snake which comes out of its hole, [231]

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kurkuratu was sometimes used for honey (*AHw*:511) but also refers to a vessel filled with beer. Beer laced with date honey was not uncommon; it was considered to be of exceptional quality and therefore pleasing to the gods. *kurkur* alone means "filled with fine beer" in magical texts, according to its *CAD* entry. This image of Ishtar finding the rim of some vessel filled with beer as sweet as honey is reminiscent of the OB terracotta plaques in which a woman in *coitus a tergo* simultaneously drinks beer from a vessel on the floor. The long, thick straw she sucks from is an obvious visual pun for fellatio. The line is sufficiently loose to incorporate metaphors for both male and female genitalia. For further discussion, see my forthcoming study on the erotic plaques of Mesopotamia.

[229] That ritual actions and objects are emphasized as they were in the previous example conforms to R. Caplice's observation (1974:9) that *namburbi* rituals focus more on deed than words. In fact, prayers should be viewed as "oral rites which invoke power and specify the manual rites performed" (*ibid*:12).

[230] Honey-sweet is an adjective frequently used in Sumerian love literature. It can refer to a male, a female, an object or an action, such as a body part or the sex act itself. *kuzbu* (hili) can also refer to a male, a female or an object.

[231] Besides the obvious phallic imagery of this line, the verb *ḫabābu*, which translates either as "to twitter," "chirp," or "murmur," also means "to caress," (also said of a snake), or even "to kiss." Athough *CAD* Ḫ:2f. distinguishes two verbs, we must accept the *double entendre* meant that the snake/phallus is fought over/kissed (fellatio) or caressed.

[52]May these people fight over me!
[53]From the *gipāru* of Ishtar, from the *harú* of Ninlil,
[54]From the property of Ningizzida,
[55]Seize him for me; bring him to me; be friendly to him for me!
[56]May the distant one return to me, may the angry one come back to me!
[57]May his heart come back to me as (if I were) gold!
[58]As (when) heaven discharged (into) the earth (and) the plants became plentiful,
[59]So may the malt basket become plentiful for me! [232]
End-formula of the incantation.

The honey sweet, *kuzbu*-filled powers of attraction are expected traits of the tavern keeper that make it possible for him to maintain the ordinary aspects of good business. They are consistent with the Mesopotamian concept of *kuzbu*, a broad term that incorporates the qualities of charisma and mesmerizing sexual charm indispensable to success in life, as the text itself implies. [233]

8. Conclusion

This essay on the kar.kid/*ḫarimtu* has attempted to rescue the Mesopotamian single woman from persistent 19th century notions that have set her exclusively within the discourse of prostitution. Although many questions remain unanswered, a number of proposals can be made but few with absolute certainty. Definately, the kar.kid/*ḫarimtu* was a legal classification *not* a professional category. It is now equally certain that there were two main determinants in her legal status: she was not the daughter of a man when she came of age for legal status, nor the wife of a man. The social meaning inherent in *ḫarimūtu* varied from region to region and from one period to another, generally diminishing in value over time.

There was some consistency in the way a female became a *ḫarimtu*. As the daughter of a man she could become a *ḫarimtu* by leaving her father's or her male ancestor's house before marriage. Furthermore, an unmarried female could be designated *ḫarimtu* status when she came of age if she was fatherless, either

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[232] In this section full of jokes and word plays, Farber (1986:449) notes that the *kuruppu* is phonetically similar to the root **krb* "to bless." He further remarks, "The comparison with the fertilizing rain may, by the way, constitute another hidden hint at that part of the tavern-keeper's business which is not related solely to drinking." Blessings, abundance and fructification of the land are images common to the Sumerian love literature and sacred marriage texts of Inanna and Dumuzi or the king, which might indicate another allusion to this rite in this ritual. Furthermore, for incantations to reach their maximum effect, they sometimes refer back to the most empowered moment known, the orignal moment of creation. See further examples and discussion provided by M. Dietrich in his "*ina ūmī ullûti* 'An jenen (fernen) Tagen,'" *AOAT* 240, 1995:57-72.

[233] It is also consistent with a depiction of a *sabîtu* named Il-ummiya from a royal love song of Ur III in which her *kuzbu* is a point of focus (Jacobsen 1987:96).

because her father was dead, unknown or had given her up for adoption to a woman who in turn did not live in a male-run household. We have seen that a daughter could live with her biological mother and still be a *ḫarimtu*; her status depended on her mother's. The daughter might become a *ḫarimtu* when she came of age because her mother belonged to that class. On the other hand, the mother might well have had former legal status as a wife but later, for reasons of abandonment, divorce or widowhood, and in the absence of a male authority, her daughter could become a *ḫarimtu* when she reached marriageable age. In one Nuzi contract cited involving three generations of females living outside male authority, the *ḫarimtu*'s maternal grandmother transferred her granddaughter and her own dowry to the only extant male line of the family. This procedure was taken to prepare the *ḫarimtu* for a marriageable status akin to, if not identical with, that of a daughter of a man, as well as to keep the property within the family.

It is probable that some women, at least in earlier periods, elected *ḫarimūtu* rather than marriage because they preferred to work or were attracted to the sexual freedom *ḫarimtu*-ship seemed to promise. A woman might also have refused the suitor her parents picked as her spouse, choosing to enter *ḫarimūtu* until she could marry the man of her heart. If a woman lived with a man without a formal marital agreement, she was considered a *ḫarimtu*, at least at Nuzi. Of course, when she did make her union official, either by verbal contract or because the couple cohabitated for a legally prescribed length of time, she would lose her former status. As we have seen, the *ḫarimtu* represented herself in marriage agreements and brought her own property to which her husband could lay claim. Although the laws protecting dowries in the event that a marriage dissolved are fairly clear for the typical marriage of a daughter of a man, there is too little material to determine the fate of the average *ḫarimtu*'s property in the same circumstances. It is likely that most financial agreements including the fate of her personal assets were made on an individual basis between herself and her husband at the time of their marriage, especially since the *ḫarimtu* had no male guardian and no state law to protect her.

For women who had been married, the criteria for becoming a *ḫarimtu* are far more obscure, if not irrecoverable. It is fairly certain that women who were widowed, divorced or abandoned were not routinely given *ḫarimtu* status. However, it is entirely possible that a once-married woman could become a *ḫarimtu* under special conditions. If, for example, she was widowed, no longer lived in the matrimonial household and could not move into the house of her male in-laws, remarry or return to the house of her male kin or live with an adult son, she might have been designated *ana ḫarimūti*. As Roth (1991-93) has shown for NB, some of these widows were destitute and lived in an institution, the *bīt mār banî*, that gave them temporary social, legal and economic protection while others, identified specifically as *almattu*'s, removed themselves and their children to the harsher shelters of temples. Those who lived in none of the above were probably *ḫarimtu*'s. A woman who was divorced for reasons of her culpability and whose father did not afterwards accept her back was likely to become a

ḫarimtu. Similarly, a woman found guilty of adultery and whose husband disowned her rather than pressing the death penalty, might have been designated a *ḫarimtu* if her father refused to take her back. Certainly, a woman became a *ḫarimtu* if she abandoned her husband's house but what recourses she had to avoid *ḫarimūtu* remain unclear. From the sources we have on divorce, it is unlikely that she could win a divorce case or be found free of guilt after walking out on her husband. Perhaps some returned to the house of their fathers (or brothers) and regained patriarchal status.

The *ḫarimtu*'s children or her unborn foetus were only rarely protected by law. As a single mother, she seemed to have taken a number of tactics to provide for her offspring. That many men went by their mattronymics alone suggests that some were brought up by *ḫarimtu* mothers. According to one early state law (LI), a biological father was under some obligation to provide for the children he begat with a *ḫarimtu* if he had no children with his legal wife.In another instance from LB, the *ḫarimtu* raised her own child but her brother was to adopt him should she marry. That child, when grown, was to be dedicated to a temple. There is a NA record of another child of a *ḫarimtu* who was dedicated to a Ninurta temple. Significantly, the temples to which *ḫarimtu* children — either male or female — were "sent up" were not always those of Ishtar, nor was it always a female who was sent to an Ishtar temple. If a *ḫarimtu* mother brought her child into a marriage, what status that child held seems to have depended on whether his stepfather was willing to adopt him.

Although the Sumerian lexical list that names several types of obscure kar.kid occupations, the many lexical lists that associate the kar.kid/*ḫarimtu* with other women of independent means, and ration lists all indicate a woman who worked for a living, exactly how the *ḫarimtu* supported herself is not well recorded. It is extremely important to recognize why. Writers of lexical lists and laws in which women's occupations and clerical titles often appear could not afford to make fixed and absolute equations between professions and specific legal categories. The marital status of all working women and many in clerical positions could change so that scribes did not relate their titles and occupations exclusively to single women or, for that matter, to married women. Furthermore, no specific female occupation, profession or clerical title was invariably of the *ḫarimtu* class, that is, both single and not the daughter of a man. But any one of these professional categories might have tended to be in that sector, a tendency many lexical lists tried to capture. It is only in personal documents where such important notations of occupation and marital status appear together, usually in the context of wife of PN, but they occur only too rarely. Also, the many working women of the lower ranks — bakers, tavern keepers, wig makers, barbers, servants, wetnurses, midwives, brewers, doctors, laundresses, weavers, cooks, etc., — were largely unvoiced in the primary sources, as was, in fact, the prostitute herself! It is highly likely that many women mentioned by their occupational titles alone were also *ḫarimtu*'s, at least at some point in their lives.

In many cases, we have seen independent women confederating and arranging among themselves the means to assure their own survival and that of

their children, if they had them. Adoptions between females are among these as are unmarried women who organized in groups, well attested in OB. [234] In some instances, independent women lived together, such as those already mentioned in the *gagû*'s or *giparu*'s. Foreign captives and working women probably lived together in work compounds set up for specific trades, such as weaving. Even *ḫarimtu*'s are known to have organized in a group in OB (Harris 1975:173). The existence of such women, if nothing more, was noted and made official in the written record. For later periods, these acknowledged categories of independent women are rarely attested, if at all, nor are the *gagû*'s or *giparu*'s of old. [235] On a secular level, many women's occupations also disappeared from the written record after OB, nor is there much information about the organization or even the survival of women's labor groups. [236] From the already meager remains of occupational titles in later periods, we should not expect to find much about *ḫarimtu*'s. Futhermore, because fewer and fewer independent women are attested in the course of Mesopotamia's history we should sense a growing social intolerance of them, an intolerance that priveleged marriage and male control over women's bodies, their offspring and their finances. Probably the number of women who stayed in *ḫarimūtu* throughout their lives lessened over time and were regarded more and more as anomalies.

The sexy *ḫarimtu* of literature is not real but an artistic convention that should not be mistaken for fact. As a single woman with no sexual restraints placed on her by law, husband or father, she stood out from other women in the minds of Mesopotamians. In literary works her unique position led poets to re-invent her as the icon of the sexually experienced female. Specifically, the idealized tavern *ḫarimtu* represented life at its fullest, one without cares and responsibilities, in which sex and drink, the hallmarks of the good life, could be had for the asking. In some respects, even the goddess of sex herself, Inanna/Ishtar, was construed to fit this social paradigm. In most texts in which her lustful exploits are featured, she was safely announced as a single woman

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[234] We hear, for instance, of *nadītu*'s buying up land adjacent to each other (Harris 1962:8; 1975:214ff) or bequeathing their estates to adopted daughters which sometimes resulted in bitter court battles between the adopted daughter and the *nadītu*'s male relatives who attempted to regain control over the *nadītu*'s holdings (Harris 1969:138ff.).

[235] The *nadītu* office was momentarily resurrected in NB (Beaulieu 1993:12), but whether she continued to live in the *gagû* or not is unclear, and there seems to be a *giparu* for Ningal in NA Ḫarrān (*VAB* 7:288 10).

[236] The labor groups of women workers, in particular weavers (often under female supervision at Girsu), attested from very early periods in art and later from ration lists (ED through Ur III), seem to present us with a mixed population of women including foreign captives, who brought their children and infants with them to work. However, it is not clear whether many of these women were married or where they lived (van de Mieroop 1987:63ff), although it seems safe to assume that their marital statuses were mixed. By NB, even the extremely antique tradition of female weavers is now a male occupation (Beaulieu 1993:12).

and so conformed to type. The prostitute is alluded to or mentioned in only two literary passages: the imagery of Enkidu's blessing on Shamhat in *GE* and two lines from a Sumerian balbale hymn that there is reason to believe are later interpolations. In the latter, the female is the goddess Nanà; significantly, the term kar.kid nowhere appears. [237] No other documentation has yet come to light. Why Mesopotamians were so tight-lipped about prostitution yet so open about sex (in early periods at least) is a subject for another study. Perhaps, Mesopotamians did not view the prostitute as exotic or set apart as moderns do, but as consonant with cultural practice. Such a notion would be compatible with the early literary evidence found in hymn after hymn, e.g. in the bridal songs of Inanna and Dumuzi, the sacred marriage texts of goddess and king, in which gifts are awarded for pleasurable sex. Whatever the case, prostitution was greatly understated. Finally, in answer to Brooks' findings of 1941, there are no specific words for prostitution or prostitute in the languages of ancient Mesopotamia. [238]

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[237] This poem, CBS 8530, was edited by Å. Sjöberg (1977). It is nearly identical with ROM 721 edited in the same writing, but the second hymn omits the two pertinent lines (19-20), suggesting that the payment passage is an insert. Sjöberg includes a third similar hymn (UM 29-15-560), but the text breaks off at this crucial point. The first nine lines of CBS 8530 are missing.

Obv. i [10]nin$_9$-NIN$_9$-[mu ZÌ.IŠ]-bi ku$_7$-ku$_7$-dam [11]LI-dur-za ḪA NE ga-ba-ŠI.IB/ŠI.IB [12]na-na-a a a a ga GUL?-àm [13]túm-ma-da nin$_9$-mu túm-ma-da [14]ka-pa-paḫ-a-ta túm-ma-da [15]inim lú-da bal-a-zu munus-àm [16]igi lú-ra bar-re-zu munus-àm [17]zà é-gar$_8$-da gub-bu šà-[sù]-[zu] / ì-sa$_6$ [18]gam-e-dè íb-íb ì-sa$_6$-sa$_6$ [19]é-gar$_8$-da gub-bu-mu diš sila$_4$-àm [20]gam-e-mu 1½ gín-àm [21]i$_7$ nam-ba-al-en i$_7$-zu ḫé-/me-en [22]a-šà na-an-ur$_5$ (uru$_{11}$)-ru-dè-en a-šà-zu ḫé-/me-en [23]mu-gàr ki-duru$_5$ na-an-kin-kin x x x (erasures) ki-duru$_5$-zu ḫé-me-en

He: [10]"My royal sister, its flour is the sweetest, [11]On your navel let me ....., [12]Nanà ..... [13]Being brought out, my sister, being brought out, [14]Being brought out of the entrance of the bedroom/cella* [15]When you converse with a man it is womanly, [16]When you look at a man it is womanly, [17]When you are standing by the wall, your full heart** is lovely, [18]When bowing down (your) hips are lovely." She: [19]"When I am standing by the wall, it is one lamb, [20]When I am bowing down, it is one and a half shekels. [21]Do not dig a canal, let me be your canal! [22]Do not plough a field, let me be your field! [23]Farmer, do not search for a wet place, let me be your wet place!"

Lines 19 and 20 add a touch of comic cynicism incongruous to a poem that is largely composed of the steamy love talk standard for Sumerian love lyrics and thereby parody that genre and potentially the whole notion of love and sexual attraction. * l. 14: Sjöberg translates the word pa-paḫ as cella (1977:21 14); but Alster (1993:15 n. 2) notes that it can also mean any bedroom. ** l. 17: Sjöberg (1977:24) translates "your remote heart is gracious." Alster (1993:15 and n. 3 19-20) chose to interpret šà-[sù] as "naked heart" or "nakedness." But see the most recent Sefati 1998 for examples of sù in use within a love context (in DI A 54, DI P iii 23, ŠS A 13, 14) where sù bears the meaning of "full" or "to be full." In view of the subsequent line, the male is probably alluding to what he can best see when she stands up, most likely her breasts.

[238] Similarly, there are no words for prostitute or prostitution in the languages of ancient Egypt, as Dr. Jochem Kahl has kindly informed me.

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