

**WHAT MAKES A “PROSTITUTE” A PROSTITUTE?
MODERN DEFINITIONS AND ANCIENT MEANINGS**

JULIA ASSANTE
Münster

Christopher A. Faraone, Laura K. McClure (eds.), *Prostitutes and Courtesans of the Ancient World*. Madison: University of Wisconsin Press, 2006. Pp. 496. ISBN: 0-299-21310-2. \$24.95.

This collection of essays on commercial sex in antiquity offers high-quality samples of the directions of current research. The contributions originated as talks given in a conference entitled “Prostitution in the Ancient World” held at the University of Wisconsin in the spring of 2002.¹ As such, most of the fourteen papers represent individual areas of interest. The broader papers deal with material from ancient Mesopotamia and the Hebrew Bible, with a third contesting the existence of sacred prostitution throughout the ancient world. The remaining papers look at specific themes or texts from the classical world, often from provocative theoretical perspectives. Nearly all sources are textual. The papers are arranged in three sections. The first entitled “Prostitution and the Sacred” is somewhat misleading. Three of the four authors seek rather to disconnect the two. Furthermore, the sacred is at most tangential to the works presented here. The second, “Legal and Moral Discourses on Prostitution”, considers the construction of prostitution in the classical world from the standpoint of economics, judicial oratory, public signs of difference and morality. The final section, “Prostitution,

¹ Because of delays between the final submission of manuscripts and publication, authors were unable to take advantage of several works on ancient prostitution that appeared in the interim.

Comedy, and Public Performance”, reviews an assortment of theatrical and literary representations of prostitutes and their clients drawn from Greek and Roman comic literature. The dominance of classical studies in this volume would be less troublesome to outsiders if more background material had been provided and Greek and Latin terms uniformly translated or explained. My chief concern, however, is for readers without in-depth knowledge of the ancient Near East. The translation here of certain cuneiform words as “prostitute” is under debate. As I argue at the end of this review, Mesopotamia had no terminology for prostitution. Besides that cautionary note, this book is an informed and often fascinating read for anyone interested in the subject of prostitution in the ancient world.

Prostitution and the Sacred

Martha T. Roth, “Marriage, Divorce, and the Prostitute in Ancient Mesopotamia” (21-39), examines more than a millennium of texts to convincingly show that extramarital sex was not perceived as a moral problem in Mesopotamia but as a threat to the economic and social stability of the patriarchal household, in particular to inheritance devolution. Appended to her main thesis is a short opening section dismissing sacred prostitution. Yet Roth makes a vague exception of the *ēntu* (high priestess), who “played a role” in the sexual rite of sacred marriage between Inanna and the king. The *ēntu* has long been discounted as a viable mortal substitute for the goddess in a sexual rite with the king because she was either his daughter or a close relative. Moreover, there is no evidence for such an enacted rite. The “marriage” appears in royal hymns together with other superhuman feats to praise the king’s divine nature. Although Roth makes many fine points in her sensitive explication of legal documents, I strenuously disagree with her translations of the cuneiform terms *kar.kid* and *harimtu* as “prostitute”. (See the discussion below.)

Phyllis A. Bird’s “Prostitution in the Social World and Religious Rhetoric of Ancient Israel” (40-58) is a beautifully crafted contribution, easily readable for specialists and non-specialists alike. Bird canvasses the varied uses of the verb *zanah* (“to engage in extramarital sex”, “to

fornicate”) and its feminine participle form, *zonah*, in the Hebrew Bible. After discussing the terms as well as the flaws of English translations, Bird looks at the low social positions of the *zonah* and the closely linked adulteress. As both types of women were unfaithful to one man, biblical writers frequently employed them to personify unfaithfulness to Yahweh and his cult, especially in reference to apostate cities and Israel itself. Rather than translating *zonah* as “prostitute”, Bird uses the more accurate “fornicator-woman”, a translation that leaves open a range of possible meanings. It is therefore not clear why *zonah* invariably refers to a professional prostitute. (See the discussion below.)

Catherine Keesling, “Heavenly Bodies: Monuments to Prostitutes in Greek Sanctuaries” (59-76), analyzes the dedicatory monuments of *hetairai*, primarily Rhodopis and Phryne, in order to show how they deviated from, or conformed to, the norms of size, placement, expense and even type. What the norms were for married women of equal wealth, however, is not stated clearly enough to aid readers in following comparisons. What was the social meaning of women’s votive monuments? The density of detail and lack of introductory overviews or background information on the people (not all courtesans) and places discussed do not serve to sharpen Keesling’s arguments. Although most of what is known of these monuments comes from literary descriptions, probable reconstructions, especially of *obeloi*, would also have been helpful.

Stephanie L. Budin, “Sacred Prostitution in the First Person” (77-92), following others, looks at sacred prostitution as myth set in motion by ancient “historians”, such as Herodotus and Strabo, who wrote imaginative and often purposefully degrading accounts of distant times or places. Modern scholarship’s uncritical acceptance of such accounts, mistranslations and circular reasoning have further perpetuated the myth. Budin first clears the board by reviewing mistranslated cuneiform and Hebrew terms, which have led to locating the origins of sacred prostitution in the ancient Near East. This brief section omits many references. The second section considers the classical world. No society of the ancient world has left firsthand testimony to the practice of sacred

prostitution within its borders. This chapter is a prelude to Budin's much-awaited forthcoming book.

Legal and Moral Discourses on Prostitution

Edward E. Cohen, "Free and Unfree Sexual Work: An Economic Analysis of Athenian Prostitution" (95-124), begins with a welcome discussion on scholarly interpretations of Greek terms for commercial sex. Cohen looks at the *pornê/hetaira* dualism as rooted in antithetical, socio-economic attitudes of fourth-century Athens. He places *pornai* on the slave side of the social scale. As supervised workers for pay, they define the working conditions Athenians most scorned. In contrast to the "servile confinement in a brothel" and "compulsory sexual submission" of *pornai*, *hetairai* are free, work by contract and exclusively for themselves, ideal circumstances for any Athenian. Although the business view is novel and provocative, the antithetical formula tends to be too rigid. The author suggests, for instance, that *hetairai* were originally brothel slaves who accumulated enough money to buy their freedom. Alternatives are not discussed nor are possible economic arrangements between brothel slave and owner.

Allison Glazenbrook, "The Bad Girls of Athens: The Image and Function of *Hetairai* in Judicial Oratory" (125-138), investigates several cases in which speakers vilify women associated with their opponents as *hetairai* in order to undermine the opponent's respectability or inheritance rights. Orators pejoratively construct the *hetaira* as licentious, manipulative, and morally and financially ruinous to noble Athenian men and their households. What makes the strategy possible is the equally spurious stereotype of the ideal Athenian wife, whose faithfulness, obedience, piousness and industry are pitted against the women so targeted. This paper underscores the difficulty in perceiving the fluid dividing lines between *hetairai* and women accused of adultery, cohabiting with men or with atypical marital status. The information on Athenian marriage at the end of the essay would have been more useful if given in the beginning.

Susan Lape, “The Psychology of Prostitution in Aeschines’ Speech” (139-160), shows how Aeschines manipulates legal and moral issues to argue for Timarchus’ conviction. His portrayal of Timarchus as prostituted, dissolute in body and soul, enslaved to disgraceful pleasures and incapable of self-restraint is rhetorically construed as antidemocratic. Lape’s astute examination of Aeschines’ speech exposes the new socio-political agenda the orator wishes to set. However, the complexities of the speech as well as her argument would be easier to follow if the author had provided the historical background of the prosecution and its overall framework of personal enmity and ulterior motives earlier.

Thomas McGinn’s “Zoning Shame in the Roman City” (161-176) has, since the time of its writing, been expanded into a book, *The Economy of Prostitution in the Roman World* (2004). The article uses zoning or, rather, lack of zoning for the practice of prostitution in Pompeii to illustrate that the sale of sex was an integrated fact of life without moral stigma in the Roman world. By contrast, Christians of the Late Empire sequestered prostitution in the conviction that it is morally and physically impure. The paper aims to demonstrate a moral shift based on urban topographies of commercial sex. McGinn’s argument for freer attitudes in pre-Christian Rome would be more convincing if the profile of Pompeii where brothels were dispersed throughout the city was compared to that of other Roman cities, particularly well-excavated Ostia where brothels have not yet been identified. Although McGinn is certainly right that modern day brothels, even when legalized, are still hidden from view, if an urban center like Manhattan were suddenly preserved in volcanic ash, archaeologist would uncover evidence for all types of sex for pay in every area of the city.

Marsha McCoy’s “The Politics of Prostitution: Clodia, Cicero, and Social Order in the Late Roman Republic” (177-185) recalls previous contributions in which accusations of prostitution are used as judicial ploys. In his defense of Caelius, Cicero audaciously accuses the elite Roman woman Clodia of being a prostitute. McCoy shows how this defense was built on Cicero’s prosecution of fourteen years before. Cicero’s greater project is the reformation of social behavior to which end he exploits legal procedure. Although McCoy maneuvers through

the intricate substrata of Cicero's arguments, she occasionally appears to confuse calculated charges of prostitution with fact.

Kelly Olson, "*Matrona and Whore: Clothing and Definition in Roman Antiquity*" (186-204), explores how clothing was used in ancient Rome to distinguish social difference, with special emphasis on dress codes for Roman wives and prostitutes. As Olson demonstrates, the ideology of dress as it is known from legal and literary texts either does not correspond to what is known from the visual record or is contradicted in other texts. Olson postulates that the omission of sartorial signs of rank, such as the mantle of citizen wives or the toga of prostitutes and adulteresses, was relatively common. Her careful examination of costume reveals an unexpected blurring of social identities, while exposing the Roman tendency to conflate adulteresses with prostitutes. Olson's research could stimulate investigation of so-far unstudied similar discrepancies in the ancient Near East.

Prostitution, Comedy, and Public Performance

Christopher A. Faraone, "Priestess and Courtesan: The Ambivalence of Female Leadership in Aristophanes' *Lysistrata*" (207-223), looks at how Aristophanes dichotomizes representations of women. On the one hand are two sets of women: young wives with little but sex and drinking on their minds and older women who exhibit wisdom, courage and piety. On the other hand is *Lysistrata* whose leadership combines intelligence, determination and far-sightedness, but also an ability to stage-manage sexual desire. She is at once priestess, wise woman, brothel madam and courtesan. Unfortunately, Faraone only lightly touches on male characters who are likened to Johns. As this play is about how women manipulated male arousal to bring about the salvation of Athens, some discussion of the play as a parody of the way the state operates would have rounded out this chapter.

Sharon L. James, "A Courtesan's Choreography: Female Liberty and Male Anxiety at the Roman Dinner Party" (224-251), mines works from Plautus and Ovid to unearth the anxiety-ridden dynamics between courtesans and their clients. Elite Roman men are portrayed as absurdly

obsessed with controlling the bodies, hearts and minds of their courtesans, an apparently unachievable goal. James rightly sees the cause of male trepidation as stemming from the courtesan's independence, inadvertently commenting on marriage as a means by which men gain control over women. With the free courtesan, Roman men lose their accustomed "standing of mastery" and suffer a "temporary identity crisis", which they keep trying to rectify. James commendably deduces from these texts the dangers and strains that riddled the lives of successful courtesans, making them come to life without losing sight of the comic nature of her sources.

Anne Duncan, "Infamous Performers: Comic Actors and Female Prostitutes in Rome" (252-273), discusses the links made in Roman law and literature between actors and prostitutes who were both branded as *infames*. Their low status serves in the construction of an idealized Roman elite. Laws meant to keep the two ranks apart indicate that actors and prostitutes in fact exerted a sexual pull that compromised the upper classes. Duncan claims that unlike other "low-others", such as foreigners, slaves and gladiators, actors and prostitutes were regarded as innately dishonest. According to Duncan, the insincerity of actors and prostitutes is the root of their sexual desirability for an elite expected to embody the opposite. Unfortunately, the reliance on alterity theory for explanation in this paper renders Duncan's arguments less satisfying.

Kate Gilhuly, "The Phallic Lesbian: Philosophy, Comedy, and Social Inversion in Lucian's *Dialogues of the Courtesans*" (274-291), explores the eroticized subversion of Greek comedy, philosophy and elite male dialogue form in Lucian's fifth dialogue, a subversion that only an outsider could make. A *hetaira* presses her colleague Leaina for details about sex with the wealthy lesbian Megilla to learn only that Megilla styles herself as manly and has a substitute penis. Gilhuly nicely summarizes the extensive symbology of the phallus, meaning that is inverted when put in a female context. Gilhuly's assessment of what motivated Lucian to write this dialogue is not particularly convincing. The possibility that Lucian's contemporaries might have had a lurid interest in, and ignorance of, the mysteries of female sexual experience is not considered, nor is sex between women as a male fantasy. However,

she correctly points out that Lucian's lesbianism is modeled along the well-known penetrator-penetrated dualism of the ancient world, a distinctly male view. Beyond that, how women "really do it" and women's sexual experience in general seem to lie outside the boundaries of the male imagination for it is never revealed.

Discussion

The study of prostitution in antiquity, a quintessentially "sexy" topic, is still in its infancy. Those of us who engage in it have the dual obligation to uncover original meaning as it is specifically understood from source to source, while critically evaluating the historiography of prostitution, modern and ancient. As Laura McClure discusses in her introduction to this volume, the vocabulary of prostitution is a subject of on-going debate, particularly among Hellenists. Most contributions included here show a laudable appreciation of the social and legal ambiguities embedded in the terminology. The more theoretical essays explore not what words like *zonah*, *hetaira*, *pornê*, *meretrix*, *scortum*, and so on, "really" mean, but how they were *used* in antiquity, how they were manipulated or conflated by ancient authors to meet certain aims. When read together, the change from context to context of the meaning of terms translated today as "prostitute" or, less often, "courtesan" become obvious. Despite the newness of this subfield, it has already progressed far enough to reevaluate and correct its own production.² In this volume corrective research appears namely to refute the existence of sacred prostitution (i.e. Budin, Roth and Bird). In addition, Martha Roth gives specific examples in which cuneiform documents have wrongly been interpreted in the light of prostitution. Elsewhere, the reevaluation of the

² See, J. Assante, *The kar.kid/harimtu*, Prostitute or Single Woman? A Critical Review of the Evidence, *Ugarit-Forschungen* 30 (1998): 5-96. For secular and sacred prostitution, see: J. Assante, *The Erotic Reliefs of Ancient Mesopotamia*, Ph.D diss., Columbia University 2000, pp. 19-73 and J. Assante, *From Whores to Hierodules: The Historiographic Invention of Mesopotamian Female Sex Professionals*, in A.A. Donohue-M.D. Fullerton (eds.), *Ancient Art and Its Historiography*, Cambridge 2003, pp. 13-47.

visual record, which is even more prone than text to modern interpolations of commercial sex, has begun to appear.³

The literature unfortunately also includes a host of essentializations. The “boys-will-be-boys” assumption that prostitution arose in response to men’s innate urge for sex with more than one woman is still common. Using the modern words “prostitute” or “prostitution” in translations of ancient nuanced terms or as rubrics for discussions that include a diversity of women’s extra-marital sexual relationships works to obscure differences of time, place and genre. How can prostitution in societies without currency, such as ancient Mesopotamia and pre-Achaemenid Syro-Palestine, mean the same as prostitution in the coin economy of the classical world? When the same modern terminology is applied to both, it reinforces the notion of “the oldest profession”, a singular phenomenon of trans-historical sameness.

A third significant assumption is the fundamentally unchanging nature of patriarchy itself. Ancient Near Eastern material composed of some million primary sources (administrative, economic and literary) shows instead that the societies of Mesopotamia became increasingly patriarchal in the face of growing militarism and class breakdowns caused by massive infusions of new ethnicities. Examining archaeological evidence against Hebrew scripture leads to a similar conclusion. Mesopotamian sources indicate that females not under male control were more and more marginalized and that their sexuality was used increasingly as a point of attack. Women’s professions and clerical positions rapidly disappear after the Old Babylonian period (roughly from the nineteenth to the seventeenth century BCE), forcing a dependence on men that reached alarming proportions by the first half of the first millennium BCE. Despite such significant social shifts, ancient

³ See for instance: J. Assante, *The Erotic Reliefs of Ancient Mesopotamia*, Ph.D diss., Columbia University 2000; J. Assante, Sex, Magic and the Liminal Body in the Erotic Art and Texts of the Old Babylonian Period, in S. Parpola–R.M. Whiting (eds.), *Sex and Gender in the Ancient Near East, Actes de la XLVII^e Rencontre Assyriologique Internationale (Helsinki 2-6 July 2001)*, Helsinki 2002, pp. 27-51; J. Assante, The Lead Inlays of Tukulti-Ninurta I: Pornography as Imperial Strategy, in J. Cheng–M.H. Feldman (eds.), *Ancient Near Eastern Art in Context, Studies in Honor of Irene J. Winter*, Leiden–Boston 2007, pp. 369-407. U. Kreilinger, To Be or Not to Be a Hetaira: Female Nudity in Classical Athens, in S. Schroer (ed.), *Images and Gender: Contributions to the Hermeneutics of Reading Ancient Art*, Fribourg 2006, pp. 229-37.

civilizations have supposedly restricted women to the same few, definable classes, prostitutes at the bottom, which bear too much similarity over vast stretches of time –more than three millennia– and place –from the Euphrates to the Tiber– to be credible.

Early cuneiform philologists, drawing on their training in classics and biblical studies rather than material from contemporary Egypt, mistook the Sumerian *kar.kid* and its Akkadian equivalent, the *harimtu*, for prostitutes. The word *harimtu* comes from the verb *harāmu*, meaning “to separate”. Unlike the biblical *zonah*, these cuneiform terms have no inherent sexual meaning. The word *harimtu* is often followed by the phrase “of the street”, which designates the no-man’s land outside a legitimate household. It is used in law texts to cover an array of situations, such as sons alienated by their fathers. The verb form and the common legal phraseology indicate that the *harimtu* is a single woman without patriarchal status, either because she grew up without it or because she left, or was coerced to leave, her father’s house. This socio-legal definition is supported in text after text.

For brevity’s sake adoption contracts of girls will serve as examples. Comparing agreements made by adoptive mothers, none have named patriarchal status, with those made by adoptive fathers or couples shows clearly the class meaning of these words. An adoptive mother agrees with the biological parent/s to either marry the girl off when she comes of age or make her a *harimtu*. If the daughter marries, she enters the patriarchal system as “the wife of a man”. If not, she becomes a *harimtu* in adulthood. A Middle Babylonian contract specifies that the adoptive mother expects her *harimtu* daughter to care for her (“feed her mother bread”), a known obligation of biological offspring. Holding a daughter back from marriage so that she stays at home to attend to an aging mother is far from uncommon cross-culturally. Yet scholars have consistently read these contracts to mean that the adoptive mother can either marry her daughter or make her into a prostitute. The scenario of the pimp-mother living off her daughter’s income is still applied when the adoptive mother is known to have been extremely wealthy. In another Middle Babylonian agreement, the biological father raises no objection to his daughter getting married or becoming a *harimtu* but will not agree to the adoptive mother selling her into slavery. Are we to believe that this father who would not tolerate his daughter becoming a

slave would nevertheless allow her to be forced into a lifetime of prostitution? Quite tellingly, in contracts made with an adoptive father, the *harimtu* option is absent, a disparity previously ignored. Does this mean that a father cannot turn his daughter into a prostitute whereas a mother can? It is obvious, at least to me, that the *harimtu* alternative is not viable because when a man adopts a girl, he automatically confers on her patriarchal status. These adoption contracts set the parameters of the adopted daughter’s legal status when she reaches adulthood, not her profession.

When a man has sex with a “daughter of a man” or “wife of a man”, including betrothed women, the father or husband is considered the injured party and punishment can be extremely harsh. By contrast, as sex with a *harimtu* injures no man, it incurs no penalties for either the *harimtu* or her lover. For this reason, some prostitutes must have come from the *harimtu* class. On the other hand, slaves and foreign deportees are more obvious candidates, especially for organized prostitution. One of the earliest pieces of wisdom literature, the “Instructions of Shuruppak” (c. 2500 BCE), includes a warning not to have sex with indigenous slave girls because of their disobedient natures. It further counsels buying only foreign captives for slavery as they will be emotionally and physically dependent on their owners. We know that female captives were used as “dancers” in the palaces of their captors and Middle Assyrian royal pornography represents both foreign men and women performing in live sex shows. Yet scholars have not yet begun to explore these avenues. Instead the entire burden of prostitution has been hoisted onto the shoulders of the *kar.kid/harimtu*.

Two law provisions offered in Roth’s paper attempt to maintain distinctions between the *kar.kid* in a relationship with a married man and the man’s wife. In both, the *kar.kid* is defined by inference as a “second wife”, that is by her status with regard to men. The first comes from the Sumerian Lipit-Ishtar law codes (LL§30): “If a young married man has sexual relations with a *kar.kid* of/from the street, and the judges order him not to go back to the *kar.kid* (and if) afterwards he divorces his first-ranking wife and gives the silver of her divorce settlement to her (still) he shall not marry the *kar.kid*”. Roth interprets this passage as denying prostitutes marriage with men of their choice, whereas others have seen it as a law preventing men from marrying prostitutes. Neither is the case.

The provision includes a precedent in which a judge has already ruled against a married man's relation to a specific single woman. That ruling is to stand even if the man properly divorces his legal wife. Outside this provision, there is nothing to indicate that a divorced man is forbidden to marry a kar.kid. The second provision from Codex Hammurabi belongs to a list of regulations between a man and his first wife, second wife, slave or slave wife. In spite of all the categories describing legal status, scholars again understand the final category in which the kar.kid appears as professional. (LH§27) "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 to 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". As Roth takes the kar.kid for a prostitute, she notes: "curiously the husband's paternity is assumed (33)". This clause makes clear that the woman will remain a kar.kid. How could a law decree that a man support a woman seemingly for life even though she continues to earn an income as a prostitute? When the kar.kid refers to legal status, however, the clause becomes logical. She cannot, therefore, gain patriarchal status. She remains a kar.kid because her lover is forbidden to bring her into his household.

Roth uses the following excerpt from the collection of legal material called *ana itīšu* to show that men did indeed marry prostitutes. My own translation of this bilingual text replaces Roth's "As a prostitute" with "In her status as a kar.kid/*harimtu*", (literally *harimtu*-ship).

In her status as a kar.kid/*harimtu*, he brought her in from the street.

In her status as a kar.kid/*harimtu*, he married her.

He gave her back her tavern.

He had her enter his house.

He arranged her marriage contract.

He carried in her marriage gift.

In this passage, which probably came from an Old Babylonian marriage contract, the kar.kid/*harimtu*'s profession is clearly spelled out –she owns a tavern. Upon marriage the tavern automatically reverts to her husband, but line three specifically states that he gave it back to her. The following lines demonstrate the correct legal procedures he follows for

bringing the *kar.kid/harimtu* into the patriarchal fold. Note the *kar.kid/harimtu* has no father to handle her marriage contract. Yet scholars, absorbing these lines into their circular reasoning, have used them to demonstrate that taverns run by women were actually “bordellos”. In this clause then, the *kar.kid/harimtu* has supposedly risen to the ranks of the brothel madam. Her husband, we are to believe, fully abets his bride’s sex traffic by giving her back her brothel. Assyriologists have routinely taken cuneiform words for “tavern”, “ale house” or “brewery” and substituted “brothel” or “bordello” in their translations. Yet tavern keeping was a common and respectable female occupation until later periods in Mesopotamia, when it was taken over by men. Old Babylonian laws imposed a host of restrictions and regulations on tavern owners, none of which involved sex. As Mesopotamians drank an estimated 4 to 5 liters of beer daily, beer stalls, home breweries and taverns must have been ubiquitous features of the urban landscape. Female tavern keepers included such grand figures as Kubaba, who became ruler of Kish, as well as Siduri, the paragon of wisdom in the earlier Old Babylonian version of the *Gilgamesh Epic*.

Just as there are no terms for brothels or bordellos in cuneiform, there are no terms for prostitutes and prostitution. In fact, as I have previously noted elsewhere, the only unambiguous evidence for prostitution are two interpolated lines in a Sumerian hymn to the goddess Nanâ.⁴ Significantly, there is no mention of a *kar.kid* in this text. Why Mesopotamians were so tight-lipped about prostitution is too complex to be discussed here. Suffice to say, in the pre-coinage societies of Mesopotamia and Egypt, a country also lacking a vocabulary for prostitution, individual bartering for sexual favors might have been culturally too normative to be regarded as an official profession. The exchange of sex for financial security was basic to arranged marital alliances. Even in the Inanna-Dumuzi literature, which describes marriage based on love, the negotiation of gifts during courtship is a common theme. Prostitution among slaves and captives, organized or casual, may have been accepted as part of the natural social order, hardly warranting mention. However, the absence of words for prostitution does not explain the near absence of descriptions. Had the professional

⁴ Assante 1998: 86 (see n. 2), and Roth: 24-5 in the volume under review.

prostitute been as commonplace and as visible in Mesopotamia as today's writers claim, by now the plethora of economic, legal and administrative documents would have yielded clear and precise evidence for it, as it has for countless other mundane occupations.

Because the *harimtu* was not defined by her sexual activity, she was not associated with adulteresses. This is quite a contrast to the repeated links made later between the *zonah* and the adulteress in the Hebrew Bible as well as the deliberate conflation of prostitutes and adulteress in classical sources. In the Hebrew Bible, the *zonah*, which Phyllis Bird in this volume translates refreshingly as "fornicator-woman", refers to an unmarried woman. In Joshua 2 and 1 Kings 3, the *zonah* lives alone or with other women. A wife who behaves like a prostitute even to the point of receiving payment is nevertheless almost never called a *zonah* but an adulteress, suggesting that legal status somewhat mediated the terminology. It is unclear to me why the *zonah* refers exclusively to a sex professional. What happens to Israelite girls born outside of orthodox wedlock? As far as we know, there was no formal adoption to confer legitimacy on such children. Furthermore, bastard children (along with ten generations of their descendents!) were forbidden to participate in the cult of Yahweh (Deut 23:2). From the stringent biblical view, such outcasts would be unfit for marriage with pious Israelites. Virginity in both ancient Israel and Mesopotamia was required only for legitimate daughters preparatory to marriage. A Hebrew woman was stoned to death for disgracing her father's house if her husband could prove she was not a virgin when he married her (Deut. 22:20). In the case of raped unbetrothed daughters, the restoration of male honor by acts of vengeance serves in keeping her from being regarded as a *zonah* (Gen. 34). If an unbetrothed daughter is raped but her family does not avenge her defilement and abandons her, is she then a *zonah*? There is no evidence that women whose bodies were not owned by father, husband and, in some instances, brothers were expected to remain virgins. Would not speakers for the fiercely patriarchal cult of Yahweh stigmatize such socially and religiously aberrant women by categorically calling them fornicators, whether they were prostitutes or not? Leviticus 21 spells out what sort of woman a priest can and cannot marry. In short, a priest "shall marry a virgin of his own kin". Divorced and widowed women are forbidden to him because they are not virgins. But when it comes to the

zonah, the proscription against marrying her is puzzling: he may not marry “a woman [who is] a *zonah* and defiled”. Bird’s explanation that the *zonah* is defiled by prostitution (44) seems extraneous. Whether the line is simply an example of overkill or it hints at the possibility of an undefiled, that is, virginal *zonah* can never be answered given the nature of our sources.

As *Prostitutes and Courtesans of the Ancient World* shows, the people of antiquity often defined women involved in unorthodox sex against an imaginary respectable wife, whose virtues are reflected in her solid marital status. From the texts given here and elsewhere, however, the notion of lawful marriage as a reliable and fixed constant against which other relations can be measured seems to have been a fiction. Marital status for women was often highly vulnerable, especially in the absence of witnesses, and for many, unachievable. Clearly the terms of legitimacy were altered by time, place, ethnicity, tribe, custom, class and religion. A woman married according to one set of criteria may be considered a prostitute or courtesan according to another. The many thousands of personal documents, such as those written on clay in the cities and villages of Mesopotamia and the papyri of towns like Oxyrhynchus, allow individual voices to be heard. From them we learn of a range of legal or quasi-legal unions between men and women that is so vast compared to modern day it seems chaotic. The variety of wives – first wife, second wife, “harem” wife, slave wife, alien wife, wife by state law, wife by tribal law, wife by religious law, common-law wife, the adulteress and the runaway wife, the betrothed, the separated, the divorced, the deserted, the widowed– and mistresses –concubine or second wife, courtesan, long or short-term “palimony” partner, civil partner and lovers from alien, *harimtu*, captive, slave and other social groups– that arise from reading marriage contracts, civil partnership agreements, divorce settlements or claims, inheritance disputes, prosecutions, slander suits and so on, demonstrate that women’s status with regard to men was infinitely negotiable and fragile. The line between legitimate and illegitimate status was unstable and often crossed itself, which many contributions in this volume illustrate. Accusations of prostitution could enter through any loophole, often with devastating consequences, from loss of property or inheritance to exile and death. At the same time, the weak points were also the sites where various kinds of

prostitution formed. The more accurately we recover the shifting conditions of legitimacy, the more accurately we can identify and describe the types of commercial sex that resulted from them.