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COMPARATIVE STUDY OF ANCIENT NEAR EASTERN AND ROMAN SLAVERY

DAN YOSIPOVITCH
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Reviewed and approved* by the following:

Gonzalo Rubio
Professor of Classics and Ancient Mediterranean Studies
Thesis Supervisor

Erin Hanses
Lecturer in Classics and Ancient Mediterranean Studies
Honors Adviser

* Signatures are on file in the Schreyer Honors College.

ABSTRACT

My thesis examines the legal status of slaves in the ancient world and provides a deeper understanding into the social position and economic role these individuals had in their respective societies. The analysis delves into the different roles and functions slaves had particularly in ancient Rome and the Near East. This paper centers on the function of a slave to their master as chattel and indenture, otherwise commonly known as debt-slavery. Chattel, known as the traditional form of slavery, is when an enslaved person is the personal property of the owner and treated like a commodity, capable of being exchanged or sold. Indenture is a form of bondage where people pledge themselves to pay off a loan. These constructions are determined and supported largely by the written legal codes of these periods. This includes records, literature, transactions or disputes, which refer to slaves in these ancient societies. Although these codes are often fragmentary and often lack supporting accounts of how these practices were implemented in practice, they still provide some picture of how slaves were viewed in these respective societies. The first section touches upon the legal understanding and conception of a slave in the ancient near East during the Ur III period, followed by slavery in Babylonia during the 2nd Millennium (Old and Middle Babylonian periods), and then the well documented systems of debt-slavery at Nippur. There is no uniform practice of slavery within Near Eastern societies. Slavery is a condition that follows unique social, economic and political contexts throughout the ancient near east; therefore, it is difficult to uniformly compare civilizations. This section is followed by the legal background of slavery in ancient Rome centering upon the practice of manumission and status of a freedman in order to learn about the social position of slaves in the ancient world. In the concluding chapter I will compare the Roman practices and law codes

derived largely from the Codex of Justinian to the law codes and practices in the Ancient Near East. This will include the Laws of Hammurabi, and laws of Eshnunna, which, despite being fragmented, lay out a limited framework of an official system of judgement in their respective societies. This study is a comparative analysis of the laws associated with the status of a slave in the ancient world in the Ancient Near East and Rome.

TABLE OF CONTENTS

Chapter 1 Slavery in the 3 rd Millennium: Ancient Near East (Ur III Period).....	1
Chapter 2 Slavery in Babylonia during the 2 nd Millennium	13
Chapter 3 Indenture at Nuzi.....	26
Chapter 4 Slavery at Rome	33
Chapter 5 Conclusion.....	48
References.....	54

Chapter 1

Slavery in the 3rd Millennium: Ancient Near East (Ur III Period)

In analyzing the legal status of slaves in these civilizations and societies, it is necessary to understand the deeper context to the role slaves served and responsibilities subjected to them. It is important to understand how these slaves came into existence in these societies. Looking at what roles slaves played in these civilizations, how they were forced into slavery and what conditions were like under slavery provides a clearer understanding of the legal status of these individuals. Although there is no essential or prototypical form of “Near Eastern” slavery, analyzing the two main types of enslavement (indenture and chattel) and their effects in the economic, domestic and social conditions of Near Eastern societies can provide a more concentrated and meaningful discussion to this expansive and complex topic. In examining the systems of slavery in the 3rd Millennium, this paper will center mainly on the Ur III period.

Sources of Slaves

The earliest documents pertaining to the source of slaves come from the Early Dynastic and Sargonic periods, where institutions or private persons own slaves. Some slaves had a legal capacity of their own. A slave could witness a contract, sell another person into slavery and possibly contest his/her status. A slave could also acquire property, but it is likely that their owner would retain this acquired property. House born slaves likely attained special status during

this period. Slaves do not seem to be of foreign origin with the possible exception of *igi-nu-dus* “blind ones.”¹ Debt was the largest cause of servitude during this period.

Ur III Period

The Ur III period provides an ample amount of texts and court records documenting the position of slaves. An overwhelming majority of these documents come from central administrative archives. There is no evidence of private archival sources to investigate the role of a slave in the household.² Over half of the contracts from this period are loan documents, of which discussed the sale of houses, orchards, slaves and animals.³ In some of the texts, slaves are attested as testifying for their freedom in court. There was no legal bearing to prevent a slave from appearing in court, but there is no evidence to show that slaves appear as litigants outside of debating their own legal status.⁴ In spite of this fact, slaves could give evidence under oath outside of matters relating to their status.

It is important to note that scholars debate the economic role of the palace in this period. Steinkeller argues that since the palace owned all the farmland there was no place for private enterprise. Van Driel opposes this view saying that there was private landownership, but the sources are limited. In analyzing both these arguments, Van De Mieroop suggests that it is impossible to assess whether private enterprise existed especially in southern Babylonia.⁵ This

¹ Bertrand Lafont and Raymond Westbrook. “Neo-Sumerian Period (Ur III).” In *A History of Ancient Near Eastern Law*, Volume I, ed. R. Westbrook, pp. 183-226, Handbook of Oriental Studies, Section One, The Near and Middle East 72. Leiden: Brill. 2003

² Lorenzo Verderame, "Slavery in Third-Millennium Mesopotamia: An Overview of Sources and Studies." *Journal of Global Slavery* 3, no. 1-2 (2018): 13-40.

³ Lafont and Westbrook, “Neo-Sumerian Period (Ur III).” 198-200.

⁴ Ibid. 199-200.

⁵ Marc Van Die Mieroop. “A History of Near Eastern Debt?” In *Debt and Economic Renewal in the Ancient Near East* (Volume 3), edited by Michael Hudson and Marc Van De Mieroop. Bethesda: CDL. 1998.

leads to a problem when studying credit because it is difficult to determine whether creditors worked for themselves or on behalf of an institution. This unclear distinction emphasizes the unclear economic conception of slavery. Van De Mieroop agreed with Steinkeller's assertion that this is a regional issue. The large temple estates of southern Babylonia likely did not have much private economic activity, while Central and Northern Babylonia palace control was more limited.⁶ This presumably allowed for more trade in the private sector. The regionalization of trade practices emphasizes the complex environment and distinct factors in transactions during this period. As a result, it is important to examine the loan in its regional context.

According to Lafont and Westbrook's chapter on the Ur III period, the general term for a male slave is *arad*. The term for a female slave is *gemé* but in administrative documents *gemé* often appears to mean an able-bodied female worker instead of a slave.⁷ In sale documents, a slave of either sex identified as *sag*, ("a head"). Slaves could also have marriages and marry a free citizen, but their master had to approve it. Most scholars believe that forced servitude was more often a consequence of a weak economic status. Slaves acquired through war were uncommon and attribute as a source of slavery solely for public institutions. Most slaves were children from this period forced into slavery to pay off a debt by their parents or as a penalty for violating a contract, such as needing to replace a lost slave.⁸

For the most part, the military expeditions of Ur III kings are unknown. As a result, there is limited knowledge of the victories, spoils of wars, preparation and consequences in this period. In consequence, this limits historians' understanding of the role of prisoners of war in the slave trade. Although knowledge is limited, there are references of the practice of resettling prisoners

⁶ Ibid.

⁷ Lafont and Westbrook, "Neo-Sumerian Period (Ur III)." 198.

⁸ Ibid, 199.

of war in texts. The king Šu-Sin, in one of his inscriptions documenting his campaign against Sinanum, illustrates this practice. In the inscription, Šu-Sin destroys the town of Simanum and another town, Habura. Afterwards he deports the population of these two towns to a newly created town.⁹ In addition, some scholars suggest that the texts from Garšana and administrative documents referencing the deportation of slaves at Irišaḡrig support that some slaves were prisoners of war. These texts may support the notion that prisoners of war were not as uncommon as some early scholars assumed due to the lack of documentation.

Slaves enjoyed some property rights in the Ur III period, able to purchase and retain property, through the practice of *peculium* by the owner. *Peculium*, refers to a practice that was heavily documented in Roman society. This practice enabled slave owners to grant their slaves the ability to retain some rights and management over property.¹⁰ Although slaves did not have complete ownership rights, it allowed slaves to manage property for their own benefit. Similar to Roman practices of slavery, slaves in the Ur III period could purchase their freedom. There is only one documented case of purchasing freedom, in which a female slave purchases her freedom for twenty shekels and a cow. Even so, she was still required to serve her owner and his family until her death or her master's death.¹¹ The most commonly attested form of attaining freedom is manumission, in which the owner gives his slave freedom after service. It is likely although not always the case that a slave was required to serve his master after his/her manumission. One case expresses this exemption, when a childless owner adopts his slave, providing this individual with full citizenship.¹² In addition, slave owners often passed down

⁹ Verderame, "Slavery in Third-Millennium Mesopotamia: An Overview of Sources and Studies." 13-40.

¹⁰ W. W. Buckland, *Roman Law of Slavery: The Condition of the Slave in Private Law from Augustus to Justinian*. (Whitefish: Kessinger Publishing, 2009), 197-198.

¹¹ Lafont and Westbrook, "Neo-Sumerian Period (Ur III)." 200.

¹² *Ibid*, 200.

their slaves to one son, which represents the treatment of slaves as property, because their debt was not paid.

One case from the Ur III period documents a son of a slave who argued that the master freed his father 15 years prior. The father's current master had witnesses who attested that the father had been receiving rations from the household, meaning he is still enslaved. It is not known whether the father lived away from the master's household, had been paying fees to be a craftsman, or that the son misunderstood his father's legal status. Even so, the court was stacked against the son of the slave.¹³ Although this case attests for the free status of a slave, it is important to note manumitted slaves did not enjoy the same status as a freeborn. In legal standing manumitted slaves enjoyed the same rights, but had different titles. A freeborn citizen's title is referred to as a *lú* ("man/householder"). In contrast, a slave has the title of a *dumu-gi*¹⁷ meaning "native son," typically used in literature to refer to city dwellers or local inhabitants. In legal texts' it refers to freed slaves, and takes on a new meaning signaling "the son of a man/the city."¹⁴

Robert Adams' work on the Garshana archives provides some new insight into the role of slaves during the Ur III period. The Garshana archives illustrate an ambiguous and fluid practice of slavery and of the general workforce. According to Gelb's account slaves in private households accounted for a minimal amount of the total population. Institutional slavery was present at a larger but still unknown scale. The texts from Garshana document large numbers of slaves and free men and women in various work positions to help in construction. Adams'

¹³ Laura Culbertson, "A Life-Course Approach to Household Slaves in the Late Third Millennium." In *Slaves and Households in the Ancient Near East*. Vol. 7, ed. by L. Culbertson. Oriental Institute Seminars. Chicago: Oriental Institute, 2011. 41-42.

¹⁴ Lafont and Westbrook, "Neo-Sumerian Period (Ur III)." 197.

concludes that at least in Garshana, slaves did not all share the same status, conditions and behavior.¹⁵ Šu-Kabta, whom royal seals identify as a general, had ownership of a group of over 175 slaves. His slaves were responsible for a variety of activities such as manufacturer of goods, textiles and building construction.¹⁶ The sources indicate many differences between the privileges of slaves particularly of slaves from a royal or high officials' household such as Šu-Kabta.

There are documents that support the idea of sex-based discrimination of duties during the Ur III period. In an analysis of the role of women and society during this period, Agnes Garcia-Ventura asserts that there likely was a specialization of labor based on gender in some remote instances. The cases identified in the Ur III period deal specifically with the forced labor of females to textile production. Although, Garcia-Ventura does not argue gender-based labor discrimination was so clear cut, it helps to better understand how society interpreted the duties/skills of male and female slaves. The split of roles pertaining to gender does not seem to indicate a difference in their legal or social status nor provide significant evidence that this was common. Garcia-Ventura comes to the conclusion that although there are some indications of gender-based discrimination, for the most part, the system of slavery in the Ur III period reflected a slave system based on intersectionality.¹⁷ The differentiation of labor based on gender has the potential to influence what occupation a slave could hold, thereby indirectly affecting their treatment and status during this period. Therefore, the gender based differentiation of labor is an important consideration when analyzing the various conditions of these systems.

¹⁵ Robert Adams. "Slavery and Freedom in the Third Dynasty of Ur: Implications of the Garshana Archives." *Cuneiform Digital Library Journal*. Vol. 2, 2010.

¹⁶ *Ibid*, 3-4.

¹⁷ Garcia-Ventura, Agnès. "The Sex Based Division of Work versus Intersectionality: Some strategies for engendering the Ur III textile work force." In *The Role of Women in Work and Society in the Ancient Near East*, ed. by B. Lion and C. Michel. Vol. 13: Berlin; Boston: De Gruyter, 2016. 174-192.

A *di-til-la*, a Sumerian term meaning a “completed court case,”¹⁸ from the Ur III period explains a situation in which a man named Manšumuna claims ownership of a runaway slave who is now under the property of Ur-Guedena. A man, Nanatum, explains that he once returned Manšumuna’s slave, but the slave fled again. Nanatum once more retained the slave’s services after he retrieved the slave. As a result, Nanatum financially compensated Manšumuna for the slave and presumably for the documents relating to ownership. When Nanatum received the documents, he discovered that the slave was officially under the ownership of Ur-Guedena.¹⁹ This court record provides evidence that there was a documented system of property rights for ownership over a slave. In addition, a judge could preside over the case in order to settle a dispute relating to a slave. A substantial amount of court records from the Ur III period address conflicts relating to slave ownership, signifying that slaves were important enough economic assets for their owners to pursue judicial action.

In analyzing the loan payments in the Ur III period, the format includes a statement, otherwise known as an operative section, which identifies the lender and capital as a loan with or without interest. Following the statement is a sworn promise to return the loan at a specific date, typically after the harvest. In the Third Millennium the institution of personal pledge, a *šu-duš / dú-a* “a hostage, captive” appeared in some documents.²⁰ In addition, there is evidence from the Pre-Sargonic and Sargonic periods of this practice occurring. According to Steinkeller’s account of the third Millennium, most of these pledges were used for the purposes of protecting the

¹⁸ Åke Sjöberg. *The Pennsylvania Sumerian dictionary*. D. Philadelphia: University of Pennsylvania Museum of Archaeology and Anthropology. 1998.

¹⁹ Manuel Molina, “New Ur III Court Records Concerning Slavery”, in *On the Third Dynasty of Ur*. Journal of Cuneiform Studies. Supplemental Series 1, P. Michalowski, ed. Boston 2008, 127-128.

²⁰ Piotr Steinkeller, “Money-Lending Practices in Ur III Babylonia: The Issue of Economic Motivation.” In M. Hudson and M. van de Mieroop, eds., *Debt and Economic Renewal in the Ancient Near East*. Bethesda: CDL Press. 2001. 50-51.

appearance of the obligor. Most cases involving šu-du₈ / dú-a might have been due to unpaid debts or loans, but there is no evidence pledges were secured because of a loan agreement.²¹

One case emphasizes the unique nature of the seller and buyer relationship of the slave (BM85441). The text is an oath of Lu-Inanna, which promises that he will return the slave woman in the case that she escapes. Lu-Inanna probably is the seller, thus is responsible for her escape, and presumably a family member of the slave. The slave, likely sold as a pledge to pay off a debt/loan, is not fully under the responsibility of the new owner. Presumably, if the family forced the girl into forced labor, it could be customary that the family member responsible for paying off a loan retains some property rights over the pledged relative.²²

A distinction between the loans/pledges of the Ur III period in contrast to Roman law is that in the Ur III period the compensation for a loan is not a remedy or repayment of a debt to the creditor. The purpose of a loan in the Ur III period provides a lender with an investment. The debtor has to compensate the creditor in a higher amount than that what was initially loaned. This practice is similar to the loaning practices of a modern mortgage. In addition, many pledge property contracts included both land and individuals as security for a loan. While pledge property provided a lender with a benefit of protection, he did not expect to gain a profit. The pledge, for the most part, was to complete a promise or obligation set forth by the obligor.²³

A loan transaction documenting the pledging of individuals is documented in a tablet from the Ur III period stating an individual named Šuna received seven shekels of silver as a loan, which was being paid back by the labor of a slave named Uba'a to his creditor Šeš-dada. This contract includes a clause in which Šuna would be required to pay a daily wage of 5 liters of

²¹ Ibid, 50.

²² Molina. *New Ur III Court Records Concerning Slavery*. 130-131.

²³ Steinkeller, "Money-Lending Practices in Ur III Babylonia: The Issue of Economic Motivation." 48.

barley if Uba'a would refuse to work. This provides an example of the nature of loan transactions dealing with slaves. This text emphasizes some of the common contractual obligations of the debtor to his creditor in these loan transactions. One major clause that appears in many texts in slave loan transactions is the compensation of when a slave is unwilling or unable to do work.²⁴

Slavery had various distinctions throughout time in the Ancient Near East, which were often determined by the source of their slavery. Raymond Westbrook outlines the various conditions of slavery that significantly differed from the traditional conception of chattel slavery in the Ancient Near East. The first condition of slavery Westbrook lists is family. The family unit was under full control by the master of the household. Members of the family excluding the head of the household held a subordinate social and legal status. In some aspects, the unique rules and aspects of the legal status of family members shared some parallels with slavery. The head of the household, most likely the husband of the family, had the right to sell his children into servitude, or trade his wife or children as security for a debt. The wives and children were never referred to as slaves of the master. In addition they had certain rights to property such as dowry (for the wife) or a son could be entitled to his father's property.²⁵

Serfdom, the following condition listed by Westbrook, pertains to the classes of workers connected to an institution such as a palace or temple. Although economically they may have had similar status as slaves, serfs likely did not share the same legal status. Pledges, the third condition listed, force a debtor to pledge himself, a slave or family member to pay off his

²⁴ Piotr Steinkeller, "The Ur III Period." In *Security for Debt in Ancient Near Eastern Law*, ed. by R. Westbrook, and R. L. Jasnow. Brill, 2001, 57.

²⁵ Raymond Westbrook, "Slave and Master in Ancient Near Eastern Law (Volume 70: 1631)." *Chicago-Kent Law Review*. 1994, 5.

creditor. The pledge in consequence lost his/her freedom and was subjected to forced labor, but did not lose his possessions. In addition, pledges for the most part were released after the creditor was recompensed for his debt. This is often known as debt-slavery or indentured servitude. Similar to the practice of pledges, distraint occurs when a debtor defaults on his payments, allowing the creditor to seize a debtor's property.²⁶ The final condition of slavery listed by Westbrook is *kiššātum*. This term from Old Babylonia indicates a non-consensual form of servitude, which penalizes an individual or his family for committing a petty crime or for not paying a debt.

The practice of *kiššātum*, is defined as both a status of a person given as a security for a debt and a replacement for a distrainted person.²⁷ In other texts, such as Marten Stol's book on Women in the Ancient Near East, *kiššātum* is referred to as servitude. One Sumerian text which this system is mentioned is a letter to a man from woman whom refers to herself as 'the girl' and is inferred to be his sister. In this letter, the woman states that this man abandoned her and likely sold her into servitude (*kiššātum*) in order to pay off a debt. The woman pleads her supposed brother to provide her with compensation to pay off his debt to return to the household.²⁸ This text provides a small glimpse into the struggle of a woman forced into servitude. Although it is impossible to identify what this woman or other pledges were forced to do, it does illustrate the opposition to this condition of slavery and ability of these individuals to advocate their family for release.

²⁶ Ibid, 6.

²⁷ Leo Oppenheim, et. al, ed., *The Assyrian Dictionary of the Oriental Institute of the University of Chicago*. Volume 8: K. Chicago: Cushing-Malloy, 1956.

²⁸ Marten Stol, *Women in the Ancient Near East*, trans. H. and M. Richardson Berlin; Boston: De Gruyter, 2016. 321-322.

In conclusion, all these unique conditions of slavery contrast with the traditional understanding of slavery as chattel. An important note is that legal documents often contained various laws that promoted social justice by relieving debtors. This applied to individuals forced into slavery by pledge and distraint, etc. but also indicated the redemption of individuals sold into slavery due to debt. This distinction is important when analyzing the differences in legal statuses of individuals in indentured servitude and chattel slavery. In particular, the two different systems of forced labor faced significantly different consequences especially with the practice of manumission.

One significant aspect of slavery in the Ancient Near East is that most civilizations made a conscious effort to support individuals subjected to slavery in their respective societies. Debt relief through administrative decrees like *mīšarum* from Babylonia and *niĝ₂-si-sa₂* in Ur are significant attempts to protect and redeem the status of individuals forced into slavery due to financial hardship. In contrast, the legal systems of these respective societies did nothing to defend foreign slaves, who often were acquired by means of capture or by purchase from outside sources. Enslavement was the main distinction between native and foreign slaves. Native slaves were entitled to freedom by ethnicity or by birth, if they were not committed to slavery by the head of their household. A foreigner could be enslaved by a variety of methods such as kidnapping, capture in war or by force without opposition from a local ruler, even so protection from a local ruler was likely limited.²⁹

The transactions and documents from the Ur III period likely did not bother to categorize or define slavery because, to them, it was impossible to do so. The relatively large amount of legal texts dealing with this subject compared to other ones could express some special interest

²⁹ Lafont and Westbrook, “Neo-Sumerian Period (Ur III).” 190-210.

in the subject of slavery rather than evidence of an expansive system of slavery during this period. As mentioned previously, the practice of slavery accounted for a minimal part of the workforce and therefore did not play a major role in the social or economic life during this period. While slaves existed at this time, there was not a complete legal framework or known documentation of a uniform system of accepted practices on how to classify or treat them. As a result, this led to a varied system of treatment, statuses and roles of a slave in this period. A slave was distinguished by his previously freeborn status (likely limited to debt-slavery) under enslavement, but once manumitted, there is no indication that a chattel slave did not enjoy the same full citizenship rights.

Chapter 2

Slavery in Babylonia during the 2nd Millennium

In the Old Babylonian period, a variety of sources account for the documentation pertaining to slaves. Private legal documents, administrative orders, edicts, and law codes all contribute to the current understanding of the slave's position during this period. Slaves in the ancient Near East were sometimes acquired as prisoners of war. During this point, it is only mentioned that prisoners of war were used as a source of slavery for public institutions, not private households. A slave could attain citizenship, but only after the repayment of his debt. This is important because in theory no native slave could be enslaved against his will or against the will of his father. Therefore, unless there were special conditions, or unknown circumstances, no native-born slave was subjected to chattel slavery.³⁰ As a result, it is likely that many of the privileges given to slaves were intended only for native (indentured) slaves rather than chattel slaves, who were most likely to be foreigners or prisoners of war throughout the course of the 2nd Millennium.

One significant difference between the sources of evidence between the Ur III period and the Old Babylonian period is the shift to more household and private sources.³¹ This change is partially the result of the shifting Babylonian economy. The central institutions had a privatization of many of their services. Private individuals acted as intermediaries between the institutions and the people. These intermediaries were responsible for collecting dues, issuing payments and collecting/distributing resources. In addition, the introduction of formal law codes

³⁰ Raymond Westbrook, "Old Babylonian Period." In *A History of Ancient Near Eastern Law, Volume I*, ed. R. Westbrook, Handbook of Oriental Studies, Section Two, The Near and Middle East 72. Leiden: Brill. 2003.

³¹ Jonathan Tenney, *Life at the Bottom of Babylonian Society: Servile Laborers at Nippur in the 14th and 13th Centuries, B.C.* Leiden; Boston: Brill, 2011. 7-10.

specifically defined the position and rights secured by a slave in this period. Unlike the documentation in the Ur III and Nuzi periods, there is no record of slaves as litigants or witnesses except for when the issue was of a slave's own status. There is one documented case that pertained to a slave's business transactions, but was litigated by the slave's mistress.³²

A few centuries later, one finds three ambiguous pieces of evidence from rosters that indicate slaves as *hubbutānu*, an Akkadian term most likely meaning "captives." The two rosters from the Middle Babylonian period that refer to these captive slaves list the place of origin of these individuals from Hanigalbat, Elam, Ulipi and Assyria among other places. There are plethora of texts that reference the transfer of slaves from foreign lands. This may signal that these individuals were captives from military expeditions of kings; however, this should not be interpreted as such. The best-preserved Kassite text on this matter is important to note because, Kassite texts and royal inscriptions make no mention of military activities. As a result, due to the lack of evidence and mention of military actions by the Kassites it makes it more likely that the captive origin of these slaves was omitted.³³

In the Middle Babylonian period sources shift from a varied and plentiful collection of private and public works, to a majority of official and administrative texts which are mainly comprised of worker rosters. The rosters are divided by two types, one that just lists workers and another that lists the workers and their rations.³⁴ In order to identify a better background, it is important to examine the rosters of workers, purchases of personnel and administrative documents of the ancient Near East. A roster in the Middle Babylonian period included

³² Westbrook, "Old Babylonian Period." 370.

³³ Tenney, *Life at the Bottom of Babylonian Society: Servile Laborers at Nippur in the 14th and 13th Centuries, B.C.* 124-125

³⁴ *Ibid*, 9.

descriptive categories, including: personal names, sex-age designations, physical condition designations, family relationships, occupations, name of supervisor(s), subgroups, last place of known residence, geographic origin of workers and the function of the document.³⁵ These categories and their following designations provide historians with a substantial amount of evidence to account for the sources of slavery in Babylonian society. It is important to note that not all of these individuals accounted for were slaves, however, a few of these rosters attest to the servile status of an individual. A majority of the roster's purpose was for inspection, transfers, and summaries, although there are a number of rosters whose purposes are miscellaneous or too fragmented to decipher.

A couple of these Middle Babylonian rosters recorded the sale of a group of individuals. These records often recorded the information typically provided in the descriptive categories of the roster as well as indicated the names of the seller and buyer, witnesses, prices, method of payment and the date.³⁶ The rosters provide a written agreement of the economic function of a slave as property. These records attest to the function of a slave as chattel, capable of being sold and written down as an acknowledgement of transaction. The rosters sometimes refer to the sale of a sole individual.

At Nippur, Ur and Imlihiye (in the Diyala region) in the Middle Babylonian period, purchases of single individuals often account for the sale a young child, and provide the same descriptive categories attested in most rosters as well as the rosters of a group of individuals. The roster from Nippur specifically mentions status of this sold young child by using the term

³⁵ Ibid, 20-36.

³⁶ Tenney, *Life at the Bottom of Babylonian Society: Servile Laborers at Nippur in the 14th and 13th Centuries*. 31-33.

amīlūtu meaning “slave” in these texts.³⁷ A letter from the Middle Babylonian period is an example of the rations of food, specifically barley given to nine slaves under the authority of a local brewer. Another letter is interpreted either as a reminder of the *amīlūtu* status of some local administrators or as a statement of the names of certain slaves of administrators.³⁸ The first interpretation would significantly change an understanding of the role of slaves in the ancient Babylonian society, especially when considering administrative positions. However, these interpretations cannot be fully proven either way due to the fragmentary nature of the text as well as the lack of historical evidence.

Concerning the Old Babylonian period, Andrea Seri’s work on the house of prisoners during the reign of Rīm-Anum provides meaningful insight on the nature of slavery in the Old Babylonian period. Seri’s analysis documents the unprecedented evidence of sources of slavery, in this situation, prisoners of war. This institution, known as *bīt asīrī*, has limited evidence to support it with the exceptions of Sippar and Larsa. Even so, references to the *bīt asīrī* and the role of overseer of the prisoners is minimal in the evidence at Sippar. This “house of prisoners” is assumed to parallel the biblical *bêt hā sîrîm*, where Samson was held hostage according to the Old Testament. Although these two institutions bore etymological similarities, they most likely they did not serve the same function.³⁹

The evidence at Sippar is an important representation of the practices of slavery in the Old Babylonian period. Sippar, located in northern Babylonia, is among one of the most highly documented systems of slavery near the city of Babylon. Nippur, in contrast, was a largely

³⁷ Ibid. 32.

³⁸ Ibid. 33.

³⁹ Andrea Seri. *The House of Prisoners: Slavery and State in Uruk during the Revolt Against Samsu-Iluna*. Vol. 2. Boston: De Gruyter, 2013. 110-141.

Hurrian city, with significant influence and language distinctions from the northern Babylonian civilizations. The close proximity and cultural similarities of the civilization at Sippar to the city of Babylon enlightens some perspective on the systems of slavery at Babylon which is almost completely unknown due to the lack of evidence.

Slavery at Sippar was limited because of a non-existent industrial economy. Of the 18,000 names listed in the rosters only 300 are registered as slaves. Around two-thirds of the slaves listed are women which likely indicates that slaves were needed in small households instead of physical laborers. A slave at Sippar was distinguished by a hairstyle, most probably lock of hair, known as an *abbuttu*. Once a slave was freed he would shave off his *abbuttu*. In addition, a free person who rejected his adoptive parents would have his/her head shaved and left with this lock of hair and would share the same status as a slave. It seems that society had two distinct social classes. One as a free person and the other as a slave. According to Rivkah Harris, no slave wore a *maškannu* or *kannu* other indicators of a slave status as indicated in the laws of Eshnunna.⁴⁰

Slaves were both locally sourced from the population as well as imported from foreign lands. The importation of foreign slaves likely did not occur until the reign of king Abi-ešuh of Babylon. The Sipparians like the Babylonians preferred Subarian slaves over most foreign slaves, similar to their counterparts in Babylon. Scholars have noted that Subarians had particular geographical indicators in their records, typically indicating a “northerner” or “uplander.”⁴¹ Although the number of slaves compared to laborers was small at Sippar, slaves represented a significant amount of the laborers during the harvest season. In the existing documents slaves are

⁴⁰ Westbrook, “Old Babylonian Period.” 382-383.

⁴¹ Rivkah Harris. *Ancient Sippar a Demographic Study of an Old-Babylonian City (1894-1595 B.C.)*. Istanbul: Nederlands Instituut Voor Het Nabije Oosten, 1975.

likely only hired out by a *naditu* and never hired by them. The slaves hired for harvest were usually hired for a year period. During this time the female slaves received rations equaling around 300 silas of barley for a month or 10 silas per day. Most likely if a slave was a freeborn-native he/she received better compensation and pay for their work than the other slaves. Some men, listed as slaves, appear in rosters of hired workers. It is theorized that these men were either conscripted or that some individuals on the roster were in fact slaves, just are not listed as such.⁴²

The temple, the cloister or private individuals are the only entities known to have owned slaves at Sippar. Most of the sources regarding slaves come from private households at Sippar. Two texts discuss the ownership of slaves by the temple, which record the gift of slaves by the *nadītu* of Šamaš to Šamaš and his companion and of a slavegirl. The Šamaš temple may have been given these slaves by the king as a gift or by other worshippers.⁴³

One tablet from the Sîn-kāšid palace records an important exchange of a person received by Mār-Bābilum. Mār-Bābilum is heavily attested as a man who received the workers at the house of an official known as the *aġrig*. This evidence along with many other similar texts from the *bīt asīrī* provides some indication of a formal procedure/institution responsible for these transfers. These records along with evidence of prosopography, according to Seri, may suggest that the unattested origin of some of these letters may have been sent out by the palace. A majority of these tablets from the archive of the *bīt asīrī* were found in the antiquities market. This leads to a limited understanding of the texts because these texts were scattered in different collections and pieced together by Assyriologists.⁴⁴

⁴² Harris. *Ancient Sippar: a Demographic Study of an Old-Babylonian City (1894-1595 B.C.)*. 344.

⁴³ *Ibid*, 154-160

⁴⁴ Seri. *The House of Prisoners: Slavery and State in Uruk during the Revolt Against Samsu-Iluna*. 110-141.

The administrative texts dealing with the *bīt asīrī* provide features of the people under this institution. Similar to the style of rosters discussed above, slaves were defined by name, sex, age group, family ties, geographic origin, means that they were sourced, profession and social status. For the most part there was no mention of an age group, but when indicated it was used to see if the individual was fit for productivity.⁴⁵ The lack of mention of an age group likely indicated that these women and men were fit for work. In addition to identifying prisoners by the descriptions listed above, slaves were identified by relating them to individuals whose authority they were under. Seri finds it difficult to determine whether the meaning of the first phrase to indicate this possession, *sa₃* indicates, “belonging to”, “in custody of,” or “property of.” This distinction is important to distinguish because it may indicate some form of temporary service rather than full on ownership of the slave. Seri notes that there is a distinction between the different notations of ownership; *sa₃ rēdūt* typically only represents ownership over one or two slaves, while *PN₁ ša, PN₂* (*PN* = Personal Name) often represents an authority figure’s ownership of up to thirteen slaves. The first type of ownership is more commonly attested in the evidence.

There is a tablet that deals with the nature of the palace control of the slave relationship. In this case, it states that “Warad-Ištar of the retinue of Etel-pi-Šamaš and Ninurta-abi who was taken from the house of the weavers is (now) a gift of the king for the shepherd Ibanni-ilum.” This emphasizes the power of the king to have complete autonomy over the possession of a slave. The state had the ability to redistribute laborers because it concluded that the weavers needed it. As a result, the slave, Warad-Ištar was selected to be transferred as a royal gift.⁴⁶

⁴⁵ Ibid, 111-112.

⁴⁶ Ibid, 124.

The Legal Codes

The earliest law code, the code of Lipit-Ishtar, from the kingdom of Isin in ancient Sumer, specifically lays out statutes, which govern the rights and role of a slave. The code addresses the consequences for the various issues accompanied with the process of servitude. In the law code, it mentions a procedure of manumitting a slave, through a verified compensation of freedom. In addition, the code of Lipit Ishtar, mentions the property rights of a slave. In a situation in which a slave has a child with their master and the master already has heirs with his wife, the slave's offspring are entitled to none of the master's estate. The following law refers to a similar situation, but instead the master has no offspring besides the slave's offspring. The last fragment of this law is destroyed giving an uncertain decision of the property rights of a slave. This outcome provides some conception to the status of the slave under the king Lipit Ishtar of Isin. The code discusses the consequence of harboring of a slave for more than one month. The "punishment" is the replacement for that slave to their master. If that is impossible then the perpetrator must compensate the master with money.⁴⁷ This distinction heavily contrasts with the law codes that emerged after it, such as the code of Hammurabi, which issued punitive and brutal acts against the perpetrator.

The laws of Eshnunna, were a code of laws which governed the kingdom of Eshnunna, just after the fall of the Ur III dynasty in the early 2nd millennium B.C. Similar to the code of Lipit Ishtar, violations involving a slave were always were compensated through the payment of money or exchange of other slaves.⁴⁸ The sole exception is if an individual caught harboring a slave for more than 7 days, the court would prosecute him for theft. The laws of Eshnunna focus

⁴⁷ Albrecht Goetze trans., "The Laws of Eshnunna." In *Ancient Near Eastern Texts: Relating to the Old Testament* ed. by James Pritchard. 3d with suppl. ed. Princeton, N.J: Princeton University Press, 1969. 159-161.

⁴⁸ *Ibid*, 161-163.

more heavily on the property rights of and over a slave. One law alludes to the fact that there must have been an expansive system of recording ownership over a slave. The law states that if an owner that cannot legally establish the seller, he is a thief.⁴⁹ This decree implies that at Eshnunna the courts recorded and kept these transactions as a system of reference. This possibly shares some similarities to the system of rosters in Babylonia.

Certain decrees reference the rights of slave-girls over their children. These laws allow the palace to take a slave-girl's child back if a *muškēnum* took a child or allows a lord to take a child given by subterfuge.⁵⁰ Another decree references the status of a citizen taken captive and presumably enslaved for a long time. According to the law, if this man returns and his wife is with another man, the man held captive is entitled to get his wife back.⁵¹ This law indicates that some men in this civilization were first held captive then enslaved. A *muškēnum* was a free individual that could be wealthy or poor and owed public service to the state. An *awīlum*, had the same characteristics as a *muškēnum*, but represented a higher status. The *awīlu* were the ruling class, often kings themselves or their peers. Later on the significance of these terms disintegrated in the Old Babylonian period, with *awīlum* specifying someone in authority and *muškēnum* meaning a "subject."⁵²

The enslavement did not null their legal status and in a way "recompensed" these enslaved individuals for their struggle. This might suggest that there was no significant harm to their legal and social status after enslavement. Slaves could not be given mortgages or leave the city without permission of their master. There is a law enforcing a small payment of silver for

⁴⁹ Ibid, 162.

⁵⁰ Ibid, 161-163.

⁵¹ Ibid, 161-163.

⁵² Eva von Dassow, "Awīlum and Muškēnum in the Age of Hammurabi." *La famille dans le Proche-Orient ancien: réalités, symbolisms, et images* (ed. Lionel, Marti). Paris, 2014.

taking the virginity of a slave-girl. This law is significant because it outlines some form of punitive action towards mistreatment by a master. Although the penalty was small and most likely was not enforced it may signify some form of general etiquette of treating a slave.⁵³

The most comprehensive and infamous law code in the ancient near east is the code of Hammurabi. This collection of laws outlines harsh punishments for committed crimes. According to the laws of Hammurabi, slaves are treated significantly worse than freemen due to their low position in society. Hammurabi includes laws that include financial compensation for slave related crimes. This inclusion is related to situations in which someone should be compensated for a good deed rather than a committed offence on behalf of a slave or their owner. Laws 7 and 16 in the code draw upon similar decrees in the law of Eshnunna, dealing with the lack of evidence of property and harboring a slave.⁵⁴ However, unlike the law of Eshnunna the consequences of committing these crimes result in death.

It is imperative to note that these “law codes” did not reflect the true nature of legal decisions of these civilizations. All of the “codes” of the Ancient Near East merely frame the societal values and determinations of the elite classes. They likely had limited standing in practice. The “codes” served as scholarly and scholastic texts which defined slaves solely as chattel, far from the true nature of the complex systems of forced labor in these respective societies. Benno Landsberger points out that none of the judgements ever explicitly refer to the code of Hammurabi as an authoritative source.⁵⁵ The “codes” also fail to mention that these determinations must be enforced by the courts. The most recent determination of these so called

⁵³ Goetze, “The Laws of Eshnunna.” 161-163.

⁵⁴ Theophile Meek trans., “The Code of Hammurabi.” In *Ancient Near Eastern Texts: Relating to the Old Testament*. ed. by James Pritchard. 3d with suppl. ed. Princeton, N.J: Princeton University Press, 1969. 163-180.

⁵⁵ Gonzalo Rubio. “From Sumer to Babylonia: Topics in the history of Southern Mesopotamia,” In *Current issues in the history of the Ancient Near East* ed. M.W. Chavalas. PAAH 8. Claremont: Regina Books, 2007, pp. 32-33.

“legal codes” is by Raymond Westbrook. He supports the idea that these respective “codes” are treatises intended mainly for the training of scribes and scholars likely for the purpose of becoming judges and legal experts.⁵⁶ The legal practice was likely largely influenced by royal decrees issued by the king, known as *šimdat šarrim* or *awat šarrim*. These decrees, are distinct from the *mišarum* (“equity”) decrees to abolish all debts. The royal decrees concerned matters dealing with foreseeable conflicts and breaches of contract, therefore likely having a more direct impact on the legal affairs of society than the legal collections. In the Old Babylonian period these decrees are referred to periodically in texts with the expression, *kīma šimdat šarrim*.

A variety of sources, most notably slave sale contracts give some indication of the evolving system of slavery in the Old Babylonian period. By the end of the Old Babylonian period, slave contracts differed in many respects. The removal the *bukānum* clause, and the inclusion of an additional fee which is mentioned in the sale of almost any object are distinct changes in these sale contracts. Late Babylonian contracts tend to give a specific description of the sale of the object as well as containing a special warranty clause as well. The warranty clause contains three parts. The first two parts protect the buyer with establishing a warranty against any hidden defects of the slave by the buyer. These defects deal directly with the slaves’ health and status. The third section identifies the liability of the seller to answer claims about the slave.⁵⁷

The laws of Hammurabi can account for some of the conditions stipulated in the majority of the slave contracts in the late Babylonian period. The laws of Hammurabi guarantee a warranty in contracts which tends to be standard in the sale of movable property. Guarantees against epilepsy were also clauses that appear in both slave contracts and may likely have been

⁵⁶ Ibid, 46.

⁵⁷ Westbrook, “Old Babylonian Period.” 400-410.

legitimized by the laws of Hammurabi and various other sources. A legal innovation may have occurred with the implementation of an “investigation,” which first appears in texts during the reign of Abiešuh. An “investigation,” known as a *teb ʾitum* is some form of examination, where likely a local administrator would approve the seller’s statements about the slave’s status. If the “investigation” was not approved, it could nullify the terms of the sale.⁵⁸ This may indicate that slaves of freeborn status were not allowed.

A termination of the slave contract was granted by three methods in the Old Babylonian period: by manumission, redemption or debt-release. The term designated for this freedom was *anduārum*, which means “restoration.” Manumission required a process completed by the owner, to anoint the slave with oil on his head while facing the sunrise. Another act that was often used in conjunction with this process, was “breaking the pot (of slavery).” Manumission was not bestowed upon a slave unless there was substantial reason. In many cases, even after manumission a slave was still required to serve his former master, up until their death.⁵⁹ Adoption was often used as another method of manumitting a slave. This required a slave to still have a duty to support his owner both in the concept of the slave contract and to the obligations of a son to his father. This also allowed the manumitted slave to receive an inheritance share of his adoptive father.⁶⁰

The slave in the Old Babylonian period was likely the first to have a full legal code to somewhat define what role slaves had in society. For the most part, these codes only dealt with specific violations that a slave could commit. Although these law codes provided a better picture

⁵⁸ Frans van Koppen, “The Geography of the Slave Trade and Northern Mesopotamia in the Late Old Babylonian Period.” In *Mesopotamian Dark Age Revisited: (Proceedings of An International Conference of SCIEM 2000)*. Vienna: Verlag der Osterreichischen Akademie der Wissenschaften. 2004.

⁵⁹ Westbrook, “Old Babylonian Period.” 390-392.

⁶⁰ *Ibid*, 392.

of how a slave was viewed in society, particularly to the scholarly elite classes who read these texts, it does not provide a truly accurate formation of how a slave was viewed and treated in actuality during this period. The limited understanding and use of these law codes in practice likely led to a similarly undefined legal understanding and definition of a slave exhibited at Nuzi and during the Ur III period.

The Old and Middle Babylonian periods differ substantially in regards to the variety of texts and rosters that uncover the expanding use of slaves as a labor force. Similar to the practice of indentured servitude at Nuzi and in contrast to the limited system of slavery during the Ur III period, Babylonia in the 2nd Millennium was a point of growth of the utilization of slaves, thereby increasing their importance in the economic and social structures. As the importance of the role of a slave increased in society, the legal structures needed to compensate, by codifying specific laws as figurative deterrents for some of the most commonplace crimes that jeopardize a slave's status and society as a whole. However, this in turn led to a more restrictive understanding of a freedman as well, who once manumitted was still expected to serve their owner up until the owner dies. The increasing level of regulation of the system of slavery limited the ability of a foreign slave to gain citizenship, while outlining the ability for native-born individuals to gain citizenship. Although gaining citizenship for native slaves was implied as easier than foreign slaves in Nuzi and the Ur III period, the documents from the Old and Middle Babylonian periods formally establish this form of discrimination.

Chapter 3

Indenture at Nuzi

The complicated nature of the private and official slave workforce discussed in Van Die Mieroop's and Adam's work on the Garshana archives are further emphasized with two special civilizations, Nuzi and Ugarit. Nuzi, a provincial and capital city in the kingdom of Arraphe, is the site of numerous scattered documents pertaining to the practice of indenture. At Nuzi private documents of military officers detail information about the unique slave practices of this civilization. No codes or law collections have been found at Nuzi, but there are mentions of edicts, proclamations and orders that are referenced in the private texts. Although the system of debt-slavery at Nuzi is complex one, there is an extensive collection of transactions, which provide a rich understanding of the various circumstances that an individual was forced under in this civilization.

Slaves at Nuzi had the full capacity to represent and initiate proceedings in front of judges during litigation. In addition, chattel slaves existed in this society. However, servitude for debts was widely documented in society at Nuzi. There is limited evidence that individuals were forced to slavery as a consequence of being war booty. Only one document records that some Assyrians were taken in presumably as household slaves after a defeat. Most chattel slaves were linked with the burgeoning private trade markets particularly in foreign markets. These persons were employed in private households and the central and provincial palace administration.

One of the most important legal institutions identified at Nuzi is *tidennūtu*, a type of anti-cretic loan transaction, which involved the sale of people.⁶¹ According to Eichler's conception of

⁶¹ Eichler, Barry L. *Indenture at Nuzi: The Personal Tidennūtu Contract and its Mesopotamian Analogues*. Vol. 5;5.:. New Haven: Yale University Press, 1973. 12.

this *tidennūtu* transaction there are two types, one that involves real estate the other that focuses on personal transactions dealing with the transfer of persons.⁶² For the sake of this study, just focusing on the personal *tidennūtu* transaction will be sufficient in order to examine the practice of indentured servitude in ancient Mesopotamia.

In analyzing this collection of *tidennūtu* contracts, there is no uniform set of clauses to regulate the transaction. This leaves a question to why, in certain cases, officials chose to omit or include specific clauses. Scholars like H. Liebesny, believe this is due to a lack of emphasis on a written contract in the legal process.⁶³ The primary and most relied upon source of evidence at Nuzi were witnesses. In a lawsuit, witnesses hold the responsibility to report the details of the transaction. Personal *tidennūtu* contracts use the same basic format in which the two parties exchange property. A subject receives commodities in exchange for a person or persons. When the subject returns the commodity, the original owner retains the person exchanged.⁶⁴

In Eichler's analysis of personal *tidennūtu* contracts, there are typically four parties involved. Eichler defines the creditor as party C. In all *tidennūtu* transactions a single individual is tasked with providing party D, typically also a single person, with certain commodities up to the point the contract is ended. Parties A and B are supposedly parties that are already in debt to party C, and therefore likely provide services to the needs of the individual in party D. Text 49 of the collection at Nuzi documents this exchange in which parties A and B are referenced and are required to provide certain commodities to party D.

⁶² Ibid, 12-15.

⁶³ Concerning Liebesny's approach, see Carlo Zaccagini, "Nuzi." In *Security for Debt in Ancient Near Eastern Law*, ed. R. Jasnow and R. Westbrook, 223-235.

⁶⁴ Ibid, 223-235.

In all fifty-two of the personal *tidennūtu* contracts party D gives a person. In most of these cases (twenty-five) the debtor pledges himself as security for the loan and eighteen cases involve the son of party C. In addition, 73% of the completely preserved contracts stipulate the services of the pledged party. Even so only six of the collection specifically state that the pledge was under the control of party C. Although the majority of these contracts deal with the exchange of commodities often for pledges, there are nine that specifically discuss the exchange of slaves between parties C to D. This leads some scholars to assume that the practices did not change depending on the nature of the objects in a *tidennūtu* contract.⁶⁵ As a result, this indicates that the role of the slave was not that much different than a commodity in legal practice at Nuzi.

Examining the contracts provide a better picture to the nature of the debtor-creditor relationship. In particular the various clauses included in these agreements specified the duration of the agreement and included delinquency clauses in the case that a pledge violates the agreement. These clauses tend to characterize the nature and severity of the loan largely depending on the length of the agreement and the value of each transaction. Often the delinquency clauses would result in a monetary penalty, often one mina of copper. There is no known consequence of a violation if the delinquency clause was not included in the contract. In all *tidennūtu* contracts in the case of a flight, disappearance or death of a pledge in possession of the creditor, party D is required to make a full compensatory payment (typically a replacement) for the lost property.

Slave owners, were permitted to punish their indentured servants, with the inclusion of a delinquency clause. The clause was indicated by the following terms: *ina šipri rēqu* meaning “to distance oneself from work;” or *šipra ezēbu* “to leave or neglect the work,” among other terms

⁶⁵ Eichler. *Indenture at Nuzi: The Personal Tidennūtu Contract and its Mesopotamian Analogues*. 14-20.

which express similar infractions. The semantic similarities between all these terms likely indicates that they all represent the same type of violation by the slave. What is unknown is the circumstances of the absence of the slave from work, either due to illness or injury, or as a refusal to perform the assigned work. Since the language does not indicate any concern besides the physical absence of the person, it likely did not exclude any special circumstances such as illness or accident. The ambiguousness of this clause likely implies that ability of party C to be compensated could partially depend on the authority either party has over the pledge. If party C does have the authority to discipline the pledge then party D most likely is not responsible for the slave's refusal and therefore should not be held responsible.⁶⁶

If party C is in the same situation, the creditor (party D) is only required to make a compensatory payment. This distinction is important because these transactions treat slaves in regard to their economic worth, just like the ownership of a commodity or good would be. This devaluation of an individual's life is central to the idea of slaves being considered as property regardless of their indentured status. The fact that they are free once the debt is paid off, has no bearing on their status during their enslavement.

There are many interpretations of the *tidennūtu* transaction. One of the interpretations is that *tidennūtu* is a form of secured loan, with the contract securing a rental, conditional slave or mortgage. This interpretation is put into question once considering the agreement to exchange services of an individual. One scholar, Lewy, promotes that these nine cases strongly support the idea that *tidennūtu* is a mutual exchange, in contrast to an interest-bearing loan. In this exchange

⁶⁶ Ibid, 22.

of slaves, almost always party C exchanges a slave in their possession, while party D with the exception of one case, is often a relative or the debtor himself.⁶⁷

Despite this interpretation as a mutual exchange there is a clear understanding that these transactions were in fact largely unbalanced. Due to the nature of the creditor (party C) and debtor relationship (party D), the inequality between these individuals is apparent throughout personal *tidennūtu* contracts. Most of the penalty clauses and restrictions are placed upon the shoulders of party D, opposing the idea of a mutually equal transaction. The only way for party D to end the contract is to return the individuals received and gain back ownership of the individual they pledged for the loan.⁶⁸

When examining the studies of case law of these ancient societies, historians indicate that the slave or pledge was not security for a loan, but a payment to replace payment of borrowed capital. The debtor had no responsibility to return the capital but was required to redeem a pledge for his creditor. Thus, the debtor ended his personal liability once his creditor received a pledge. In consequence, this system is seemingly similar to the conception of the liability of personal debts, but still maintains some aspects of an older contractual form of substitute payment by means of providing pledges.⁶⁹

In regard to the treatment of slaves at Nuzi, not much is known. Nuzi texts do not provide significant evidence of the treatment of slaves. The only distinction between treatment of indenture and chattel slaves is that chattel slaves were allowed to be transferred and sold. There is only one case of the well-known practice of *abbuttu*, a form of marking a slave in the Nuzi archives. In regards to individuals committed to *tidennūtu* contracts (indenture), the creditor is

⁶⁷ Ibid, 33.

⁶⁸ Zaccagini, "Nuzi." 223-235.

⁶⁹ Eichler. *Indenture at Nuzi: The Personal Tidennūtu Contract and its Mesopotamian Analogues*. 41-43.

not allowed to sell or transfer their slave to a third party. This signifies some limitation on the conception of indentured slave as being viewed as property. The contractual agreement in the *tidennūtu* contract limited the control of the creditor over the debtor. The difference of property rights over indentured slaves signifies a difference in the nature of the relationship and role of indentured servitude in this society.

If a pledge failed to work for their creditor the slave would be fined one mina of copper or *sūtu* of barley, the typical payment for an indentured servant's day of labor. A small amount of contracts include clauses that mandate that if they leave their masters house and declare freedom they would be blinded by gouging out their eyes and will be sold.⁷⁰ The use of the infinite delinquency versus definite duration clause, according to Mendelsohn makes the assumption that the nature of the transaction could be differentiated by the basis of definite and indefinite duration clauses. Mendelsohn argues that the indefinite duration clause represents that the pledge given by party D was held as collateral security.

In contrast, the definite duration clause represented instances where the services performed by the slave were the essential aspect of the transaction. In addition, the value of the commodities exchanged by party D reinforce this difference, but do not differentiate it in type.⁷¹ Eichler disproves this notion by stating that there is no significant information to prove that the nature of these transactions differed on the basis of the value of the commodities given by party C. This is represented in the records of four transactions, involving more than one person, which were given 3.6, 30, 39, and 60 shekels. In most cases, even of the quantity of the commodities is the highest, only one person is given to Party C.

⁷⁰ Carlo Zaccagini, "Nuzi." In *A History of Ancient Near Eastern Law Volume I*, ed. R. Westbrook, Handbook of Oriental Studies, Section Two, The Near and Middle East 72. Leiden: Brill. 2003. 584-587.

⁷¹ Eichler. *Indenture at Nuzi: The Personal Tidennūtu Contract and its Mesopotamian Analogues*. 41-43.

The practice of indenture at Nuzi and the nature of the *tidennūtu* contribute to a complex understanding of slavery in this period and civilization. The unique nature of the *tidennūtu* as a mutual contract helps to conceptualize the undefined and broad role slavery played in the nature of legal and social life at Nuzi. The documents provide some understanding of the status of a slave as something slightly more defined than just property. It was something that could be used to balance a transaction or repay a debt. The undefined nature and various roles that this contract could be used for indicates some broad and undefined understanding of property as a whole. The inability to distinguish between properties of objects and property likely was due to the lack of a comprehensive legal system.

Chapter 4

Slavery at Rome

This section is a comprehensive examination of the laws associated with the practice of slavery and manumission in Ancient Rome. In analyzing the practice of manumission, it is imperative to understand the motivations, methods and laws behind this process. This paper centers on the legal framework of manumission and slavery as referenced in Book 7 of the Codex of Justinian as well as the Augustan reforms that outlined and limited the process of manumission at the start of Roman Empire. In addition, various firsthand accounts and literature detailing the stipulations and characteristics of this practice in Rome provide a more comprehensive perspective of this practice and its role in Roman society.

A detailed overview of the various formal procedures for gaining freedom such as testamentary manumission, are essential for understanding the significance and the scale in Roman society. Rome's system of slavery is complex due to the varied nature of the roles enslaved people had. As a result, learning about the changes, continuities and developments associated with manumission in the legal and social contexts, provides a clearer picture of the harsh realities and opportunities that a slave faced in order to obtain freedom in ancient Roman society.

Unlike the complex and limited documentation of the systems of slavery in the Ancient Near East, Rome has an abundance of sources documenting the vast and massive practice. A variety of sources, including official and legal documents, correspondence, literary works and firsthand accounts provide a comprehensive, but not complete understanding of this institution.

It is important to pay attention to the various roles these slaves had and both their legal and social position during and post enslavement in Roman society.

Background

The Roman system of slavery was the largest and most extensive system of slavery in ancient history. Although the institution of slavery existed in many forms long before the existence of the Roman Empire, as discussed in the previous sections, the Romans created the first full scale system which affected millions of individuals over half a millennium. This practice of slavery extended much farther than any previous civilization, reaching the edges of the Roman Empire, from Britannica to Eurasia. In both Greece and Rome slaves had a legal position that differentiated them from other free members of society. Although slaves were secured certain rights according to Roman law, they still were traditionally considered as property, subject to complete control by their master.⁷²

Slaves could be traded, sold or gifted by their owners. According to Roman jurists in the Digest 1, 5: and as stated before the status of all slaves are the same, but free men were split up into free-born (*ingenui*) and freedmen (*libertini*). According to Marcianus' account on the status of persons slaves could be subjected to servitude either by civil or common law. In civil law, otherwise known as *ius gentium*, anyone over the age of twenty could sell himself to gain a share of the purchase price and common law in which an individual could be captured in war or as children of slave women. Free-born individuals are only those whose mother was free at the time of their birth. The child of a slave woman also could remain free if the woman was born as a free woman.⁷³ This system of slavery allows for a unique formal legal treatment and distinction

⁷² Buckland, *Roman Law of Slavery: The Condition of the Slave in Private Law from Augustus to Justinian*, 1-10.

⁷³ *Ibid*, 1-10.

between native free-born slaves and both non-free born and foreign slaves. Although the status of slaves may have not distinguished them, the source of their servitude likely affected what roles they may have had in practice.

Slaves still maintained their status even if they did not have a master. In some cases slaves could be repossessed by a process called *usucapio*, in which a free man could take ownership over an abandoned slave. Also, slaves who were manumitted by one master without the approval of freemen who had a right over them, also maintained this slave status. Some convicts known as *servi poenae* maintained a slave status in Rome up until the introduction of Justinian's reforms. There are a few more exceptions, but the maintenance of this status represented a unique feature of the Roman practice of slavery.⁷⁴

Slaves in the Roman Empire served a variety of roles and could virtually hold any position as a normal free man could, excluding official positions. A slave had no power within political life at Rome. They could not sit in the public assembly, hold office or serve in the legions, which was a capital offence for a slave to self-enroll. There are specific instances in which slaves were enrolled in legions, particularly in times of war or external pressure, although this unique practice was always indicated. This typically led to a slave's freedom after his service. Despite the inability to serve in official roles, slaves were enrolled in mainly clerical and manual work, including some occupations of a higher level. Slaves also served in households and in the public. They could work as craftsmen or traders, which typically required the slave to provide most if not all of his profits to his master. In addition, slaves who had been taken captive after war often were subjected to serve as gladiators, a brutally gruesome and unfavorable position for a slave in the Roman Empire.

⁷⁴ Ibid, 2-4.

The most impactful aspect of the legal rights of slaves is reflected in the practice of *peculium*. The *peculium* allowed slaves to retain some form of ownership and control over their property. Although the by the law the *peculium* was technically owned by the master, the slave, in most cases, had a *de facto* ownership. The *peculium* could include a variety of objects of property, including other slaves (known as a *vicarii*) and their own *peculia* among many other items and features. The property of slaves could reach a substantially high amount, especially when considering slaves that had the property of other slaves. This practice enabled slaves to have some form of autonomy in their servitude. Even though some transactions required the approval of the master, it enabled slaves to conduct their own business dealings to enrich themselves and their master. This practice also accounted for not only property, but also the obligations the slave may have agreed to.⁷⁵

This distinct practice in ancient Rome allowed certain slaves to have a significantly higher position than possible in previous societies. Their opportunity to interact and conduct their own business dealings with the supervision of their masters enabled some slaves to have some form of mobility. The ability to accumulate property, allowed them to more easily gain freedom and interact directly with freemen. This is in contrast to the subjected roles slaves had in prior ancient civilizations and even in modern practices of slavery. It is important to note however, that this practice was only permitted through the permission of the master and likely did not include non-native slaves, who were typically treated solely as chattel.⁷⁶

Although slaves did have autonomy and could gain status in practice, legally, slaves were identified as *res* (“a thing”). This conception provides a limited determination of the true nature

⁷⁵ Ibid, 197-200.

⁷⁶ Ibid, 10-13.

of a slave's position in ancient Rome. A large number of texts refer to slaves as persons, and while slaves are referred to as things, slaves in most legal texts are not denied their personhood. Roman lawyers refer to slaves as people, which represents that for these individuals "*persona*" meant human being. There are two texts that deny a slave their *persona* by Theophilus. In these texts, Theophilus asserts that since a slave only has the secondary power to contract or to be instituted heir due to the fact he has no *persona*. In Rome, slavery did not always implicate an individual from having some form of racial or language difference. A slave could in some cases be indistinguishable from freemen, except until later enactments restricted their dress.⁷⁷

Legal Background and Process of Manumission:

Book 7 of the Enactments of Justinian is one of the only surviving primary sources concerning manumission in a legal context in ancient Rome. This text provides a basis of the judgements and laws that influenced the practice of freeing slaves in ancient Rome. Dionysus of Halicarnassus first credited Servius Tullius, the 6th Etruscan King of Rome, with the establishment of the practice of manumission; however, records show that the practice existed before his reign.⁷⁸ Not much is known about the establishment of manumission at Rome prior to this attribution. A code of laws that likely influenced this practice is the law of the twelve tables, but there are no known records of the contents of this code only historical reference to it.⁷⁹ In book 7 of Justinian's code, there are a number of laws and decrees pertaining to testamentary manumission. These decrees deal with a variety of conditions and stipulations that may have

⁷⁷ Ibid, 5.

⁷⁸ Ibid, 439.

⁷⁹ Keith Bradley, "The Early Development of Slavery at Rome." 1-8, (*Historical Reflections / Réflexions Historiques* 12, no. 1. 1985)

influenced this practice in Rome. In particular, many decrees touch upon who and how to give manumission through wills and trusts.⁸⁰

According to Buckland's text on the Roman Law of Slavery, there were three formally recognized practices for establishing the freedom of a slave. These three practices included the census, testamentary manumission, and *vindicatio*.⁸¹ Manumission by census was used more commonly before the establishment of the empire. This process likely became extinct by the early period of the empire. To free a slave through the census it was necessary to do these three steps. First, a slave presents and claims himself as a citizen. Second, the approval of the slave owner is shown, and finally the censor inscribes the slaves' name on a list of *cives* (citizens) on the census. This process of creating a census is an extremely long process and as a result, the status of a freed slave often was not formally established until the end of the term of the censor. It is unclear whether a slave was given freedom at the time of enrollment in the census or until the formal census was taken into effect.⁸²

Vindicatio is a process in which an individual has a claim for freedom of a slave. For example, an individual (*adsertor libertatis*) may argue for manumission for an individual that is wrongfully enslaved. A claimant would need to testify a slave's freedom before a magistrate in order to settle this case. In this fictitious trial, the *adsertor libertatis* would grant freedom to the slave by touching him with a wand and the defendant made no defense. The freed slave would occasionally make an oath to provide certain favors, which was not binding, but could subject them to punishments for ingratitude.⁸³

⁸⁰ Fred Blume, *The Codex of Justinian*. (New York: Cambridge University Press, 2016)

⁸¹ Buckland, *Roman Law of Slavery: The Condition of the Slave in Private Law from Augustus to Justinian*. 451-474.

⁸² *Ibid*, 453-455.

⁸³ Henrik Mouritsen, *The Freedman in the Roman World*. (Cambridge, UK; New York;: Cambridge University Press, 2011) 56

The most common and important form of freeing slaves in the Roman Empire was through testaments. Testamentary manumission required slave owners to grant freedom to their slaves in their dying wills. The slaveholder was permitted to free a slave that was in his possession up until his death. Even after wills established a slave's freedom, slaves often were still conditionally required to repay their masters' debts.⁸⁴ In addition, a will had to be valid and express a clear grant of freedom in order for manumission to occur. In some cases, in which the intent to free was clear, it was often doubtful whether the gift of the slave was granted direct freedom or to the *fideicommissum*. The *fideicommissum* was an institution, set up by Augustus, which oversaw the transmission of property and estates to the heirs. The institution introduced a new set of rules, specifically requiring a peremptory declaration of the gifts of an estate instead of allowing the transmission of implied gifts.⁸⁵

Outside of the officially recognized methods of granting manumission, granting freedom to slaves through a letter of enfranchisement was common especially later in the empire. In the early law, these letters were void, but by the mid to late empire, the praetor provided these individuals with *de facto* freedom.⁸⁶ Under the law, individuals granted freedom were still considered as slaves, but they enjoyed some of the various liberties of a free man. A major distinction between these practices is that the children of these manumitted slaves would remain in slavery unlike in the census or through wills.

As stated previously, unlike most other chattel slave societies, a slave could retain and collect property, a practice known as *peculium* in ancient Rome. Roman slaveholders likely freed their skilled slaves by accepting their slave's earnings. Masters enjoyed this practice because

⁸⁴ Mouritsen, *The Freedman in the Roman World*. 51-55.

⁸⁵ Buckland, *Roman Law of Slavery: The Condition of the Slave in Private Law from Augustus to Justinian*. 460-465

⁸⁶ *Ibid*, 468-470.

they could capitalize on the slave's value and have the opportunity to replace this slave with a younger more able-bodied one. In addition, the possibility of retaining earnings to gain freedom incentivized a slave to work diligently and effectively. Although, the purchase of freedom did commonly occur in Rome, level of frequency of this practice is unknown due to the circumstantial evidence mentioned in literature and legal records.⁸⁷

Manumitting slaves was an increasingly common practice in the start of the empire. It became such a huge issue that the emperor Augustus implemented the *Lex Aelia Sentia* and the *Lex Fufia Canina*. These two reforms limited the practice of manumitting slaves in the Roman Empire. In particular, the *Lex Aelia Sentia*, restricted the ages for allowing manumission for both slave and master, subjected certain freedmen to a lower status and allowed lower class freedmen to achieve full citizenship if they married and had a child with a free Roman woman.⁸⁸ The *Lex Fufia Caninia* set a limit on the number of slaves that masters could manumit.⁸⁹ These two Augustan reforms provide some insight into the problematic consequences of manumission of a slave in Roman society. According to Suetonius, Augustus implemented these laws to keep the Roman citizens away from "foreign and servile blood."⁹⁰ These reforms remained until their abolishment by the Emperor Justinian.⁹¹

In order to understand the practice of manumitting slaves, it is essential to understand the scale of manumission and underlying motivations of the master and slave. Manumission was extremely common practice in ancient Roman society up until the Augustan reforms, which

⁸⁷ Mouritsen, *The Freedman in the Roman World*.

⁸⁸ Kyle Harper, *Slavery in the Late Roman World, AD 275-425*. (Cambridge, UK: Cambridge University Press, 2011) 466

⁸⁹ Mouritsen, *The Freedman in the Roman World*. 189-192.

⁹⁰ Peter Hunt, *Ancient Greek and Roman Slavery*. (Hoboken, NJ; Chichester, West Sussex;: John Wiley & Sons, Inc, 2018) 53.

⁹¹ Blume, *The Codex of Justinian*.

slowed down the rate. There is a radical theory by a German historian, Alföldy, who theorizes that the practice of manumission in big cities was virtually always expected after the deaths of their masters.⁹² Although most scholars have fundamental disagreements with this theory, it provides an interesting explanation on why this practice was so controversial and commonplace in the early stages of the empire.

Some evidence of the frequent rate of manumission comes from Cicero's *Philippicae* where he states that captured soldiers are expected to achieve freedom if they worked hard and showed dedication after 6 years.⁹³ Although manumission was frequent, it did not indicate that the decision to free a slave was treated lightly. In other correspondence, Cicero treats the promised and long expected manumission of his slave Tiro, as a significant event. In many other of his correspondences, Cicero refers to the freedom of his friends' slaves, such as Quintus' slave Statius, as an important and a contentious decision.⁹⁴ Although these slaves' freedom was likely well deserved, the impact and considerations of their freedom were not treated lightly. This likely implies that even for the best slaves, manumission was not guaranteed.

Some of the reasons for freeing a slave included personal affection, marriage, young slaves (in some cases, their own children), as a last consolation, or to avoid payment for treating an old and sickly slave. In addition, slaves could also be freed through their own purchase or by the purchase of another individual, however these reasons were not independent of the social conventions and behaviors of the time period. In many earlier scholarly works about Roman slavery, scholars emphasized the humane aspects as a justification for the rate of manumission.⁹⁵

⁹² Mouritsen, *The Freedman in the Roman World*. 122

⁹³ Thomas Wiedemann, *Greek and Roman Slavery*. (New York: Routledge, 2015) 46.

⁹⁴ Mouritsen, *The Freedman in the Roman World*. 46.

⁹⁵ Thomas Wiedemann, "The Regularity of Manumission at Rome." 162-175 (*The Classical Quarterly* 35, no. 1 1985)

Rome's system of slavery was more moderate than most other known systems of slavery, but the fondness of a slave was not solely unique to Roman slaveholders. As a result, this explanation of manumitting slaves does not provide a proper justification or explanation of the significantly higher rate of manumission that occurred in Rome.

In analyzing the economic perspectives, an economist, Stefano Fenoaltea, theorizes that manumission was decided based on a system of transaction costs. In this model, slaves are split up into two different categories, one care intensive, and the other effort intensive. Fenoaltea argues that in order for this model to work each of these fields' required different types of strong motivators and incentives. In particular, he argues that slaves who have care intensive or skilled roles could not be coerced effectively to fulfill their roles, while the use of force could be viable for certain effort intensive jobs.⁹⁶ According to this model, Rome needed incentives, like the possibility of manumission to maintain the effectiveness and motivation of their slaves. This provides an explanation of the low rate of manumission of slaves in rural areas, because enslaved people in these areas often served "effort intensive" roles such as field work.⁹⁷

The Social Aspects of Manumission and the Status of Freedmen

The practice of manumission was commonplace in Roman society, however, it was a controversial practice to many in the Roman elite. Roman freedmen could never have the same social status as the average Roman citizen. The *gradus dignitatis*- the scale of honor, formally defined the hierarchy of these social classes and outlined who had power over whom. According to this scale, the freedman was at the bottom of the social order. Although their social status was at the bottom, the freedman still had a status that in principle was equal to any Roman citizen.

⁹⁶ Mouritsen, *The Freedman in the Roman World*. 125-130

⁹⁷ *Ibid.* 127-133

While freedmen were equal citizens in principle, they were denied many roles such as serving in the army, having the opportunity to be a part of the *equites* social class and serving on juries among other limitations.⁹⁸

A law that finally solidified and recognized the status of freed slaves was the *Lex Junia Norbana*. This enactment classified slaves into two parts: slaves that were Roman citizens after manumission and slaves that were not. The non-citizen informally and formally manumitted freedmen at Rome were categorized as Junian Latins. This category removed the testamentary rights for a slave, placing the possession of his/her property after death, at the hands of their patron. This law also retained the social status of some freed slaves as *dediticii* (war captives) initiated by the *Lex Alia Sentia*.⁹⁹ This status was a rank lower than of a Latin, and usually represents a freedman who suffered physical punishment and degradation. A manumitted Latin typically was young and informally manumitted.¹⁰⁰

After manumission, freed slaves were still fully obligated to serve their masters. The process of manumission did not expel the responsibilities to their master, it just redefined the relationship between the two. The concept of *obsequium*, meaning dutiful respect to his patron, formally outlined the duty of the freedman to his master.¹⁰¹ In the legal context, provisions in the *Lex Fufia Caninia* and the *Lex Alia Sentia*, laws passed by the assembly under Augustus limiting the scale of manumission and privileges associated with manumission, outline this relationship between master and freedman. For example, freedmen were not allowed to sue, verbally abuse or attack their patron in any way. Slaves and patrons were both obligated to support each other,

⁹⁸ Harper, *Slavery in the Late Roman World, AD 275-425*. 463-470.

⁹⁹ Keith Bradley, *Slavery and Society at Rome*. (Cambridge: Cambridge University Press, 1994) 154-160.

¹⁰⁰ Hunt, *Ancient Greek and Roman Slavery*. 54

¹⁰¹ Buckland, *Roman Law of Slavery: The Condition of the Slave in Private Law from Augustus to Justinian*. 450

especially in the case of illness. The patron's responsibilities to his freedman were similar to a parent-child relationship, however, the freedman had far less rights and privileges than his former master. In the case that the responsibilities of *obsequium* were not respected, a patron could label his freedman as a *liberati ingrati*, "ungrateful freedman", a title that was formally outlined as a legal accusation in Augustus' *Lex Alia Sentia*. This label could accompany severe punishments, including re-enslavement, depending on the severity of the offence.¹⁰²

Roman society's concern of the status of freedmen continued after the introduction of the Augustan reforms and shifted its concerns to the emperor's own freedmen. The Roman emperor supposedly had hundreds or thousands of freedmen. A majority of these freedmen did not hold high positions or power; however, the closer the slave or freedman was to the emperor, the more influence they had. The issue with freeing slaves in the Roman world is the implementation of a perceived lower class of people in society. After the Augustan reforms, the public discourse continued to frame manumission as a problematic social phenomenon.¹⁰³ To the public, there was a concerning informal aspect to their position which allowed them to have a close relationship to people who held power.

According to Suetonius, the emperor Augustus was known and respected for his treatment of his freedmen, due to his strictness and maintenance of the natural order. Augustus had a healthy connection with freedmen, appointing his freedmen to administrative positions in the empire. Emperor Claudius was notorious for his relationship with freedmen. His close relationship to freedmen can partially be attributed to his personal background and his opposition to the senatorial class. The close bond between a patron and his slave, responsibilities of

¹⁰² Mark Kleijwegt, *Faces of Freedom : The Manumission and Emancipation of Slaves in Old World and New World Slavery*. Boston: Brill Academic Publishers, 2005. 180.

¹⁰³ Mouritsen, *The Freedman in the Roman World*. 93-109

obsequium, and inability to have political ambitions made them ideal for securing trust of the emperor. Claudius' inclusions and relationships to his freedmen undermined the role of the senate and aristocratic classes at Rome. The emperor's freedmen achieved their peak influence and success under his reign.¹⁰⁴ A few of them attained massive amounts of wealth during this period, which deeply infuriated the Roman elite. This advanced a negative perception of Claudius to the public as well and caused Nero, his successor, to promise to reform the use of freedmen, although he largely kept the same system.¹⁰⁵ The position of the emperor's freedmen significantly weakened under the Flavian dynasty, but they still retained some positions of influence. The wealth and social prominence these freedmen gained continued to be a sensitive issue throughout the course of the empire, which later emperors heavily considered.¹⁰⁶ This controversy in the empire provides some more background into the complicated position and negative social perception of slaves during this period.

Cicero's correspondence with Tiro provides a firsthand account into a relationship between a master and slave. His correspondence illustrates a moral aspect of Roman slave-owners' slavery. Cicero's tone and style is similar to the letters he writes to his friends such as Atticus.¹⁰⁷ This provides a firsthand account of the close bond that slaves often shared with their masters. Slaves that were skilled, educated, and more distinguished than other slaves in the master's household typically had a positive relationship with their masters even after being manumitted. For skilled, hardworking slaves, their situation was often more similar to a long-

¹⁰⁴ Mouritsen, *The Freedman in the Roman World*. 97-109

¹⁰⁵ Wiedemann, *Greek and Roman Slavery*. 46.

¹⁰⁶ Mouritsen, *The Freedman in the Roman World*. 97-109

¹⁰⁷ Marcus Tullius Cicero. *Epistulae Ad Atticum* edited by Shackleton Bailey D. R. Cambridge, UK: Cambridge University Press, 1991. 161-162, 183-203.

term indentured contract because of the increased likelihood of obtaining freedom unlike of the concept of chattel typically associated with slavery.

The status of a freedman is better understood through a lens of both literary works and epistolary correspondence. In Roman literature the relationship between the patron and the freedman is often discussed. These works provide a deeper understanding of the expectations and nature of the relationships that accompanied manumission. In Epictetus' Discourses he discusses the nature of his relationship and the desire for freedom. Even though he is a freedman he is occupied with the concept of freedom, because he is required to still serve the needs of his patron.¹⁰⁸

An important figure who touches upon the topic of slavery in the Roman world is the playwright Plautus. Plautus was a playwright in the old Latin period, during the mid to late 3rd Century B.C. Many of Plautus' plays center on a thought-provoking examination of the process of manumission and the relationship between a master and slave. In his plays, Plautus provides absurd scenes to give the impression slaves cannot exert freedom, which the master views as an indication of the position of the slave.¹⁰⁹ This farce, in turn undermines a slaves' freedom as a generous gift that is earned or deserved. From the slaves' perspective, Plautus examines the hardships of surviving slavery and the contrasts the strategies a slave employed in slavery to the strategies for life as a freedman. Although Plautus wrote his plays long before the start of the empire, they provide some clue to the social constructions of this process in the public discourse.

The practice of manumission during the Roman Empire, was a complex social process that enabled slaves to have an opportunity for Roman citizenship. Despite the rights of freedmen

¹⁰⁸ Epictetus. *Dissertationes Ab Arriano Digestae*, edited by Heinrich Schenkl. Union Theological Seminary, 1916. XXVI-XXXIII

¹⁰⁹ Roberta Stewart, *Plautus and Roman Slavery*, West Sussex: John Wiley & Sons, Inc., 2012, 13-16.

being equal in principle, the various social and eventual legal restrictions suppressed the role a manumitted slave could have in Roman society. This paper provides an analysis of the legal context, social background and the firsthand accounts of Roman citizens and slaves. In examining this process, controversial status and the responsibilities placed on a freedman placed them in a marginally better position than they had as a slave. In this paper, the various accounts in the literary and epistolary works of ancient Romans provide a unique look into the process of gaining freedom and consequences associated with it. The legal decrees, such as the Augustan reforms, which included the *Lex Fufia Caninia* and *Lex Alia Sentia*, significantly influenced the system of manumission, the role of freedmen in society and the rate of manumission. This analysis on the legal works, personal accounts and social consequences associated with manumission gives a better perspective on the process of this controversial practice, the outcomes of its recipients and the difficult position freed slaves had in Roman society.

Understanding the role of manumission and the status of freedmen provides a better conception of what a position of a slave was at Rome. The relatively good mobility and stratification of slaves at Rome show that slavery was viewed as something that was commonplace in society, and in regards to debt-slavery it did not completely alienate these individuals from the common man. The major distinctions occurred with chattel slaves, who were designated with lower social statuses and rights. However, regardless of the form of servitude, a freedman, still held a status that was below a free Roman citizen.

Chapter 5

Conclusion

According to the commonly accepted conception of slavery, a slave is a person with no rights. However, this representation is not an accurate indicator of how slavery was practiced in most of the ancient world. Although there are many examples of traditional chattel slavery in these respective societies, the true nature of their systems of slavery reflected types of servitude that are extremely distinct from the functions, rights and roles chattel slaves typically are associated with. Unlike the traditional understanding of chattel slavery, through the lens of the transatlantic slave trade, slaves in the Ancient Near East and Rome represented a multitude of diverse individuals forced under substantially different social and economic conditions.

The unique and diverse statuses, positions and systems of slavery that were implemented in the Ancient Near East and Rome contribute to a revision in the modern conception of slavery. Defining the various types of servitude is imperative to categorize and compare the systems of slavery in the Near East and Rome. The first form of slavery that plays a major role in the position of individuals in the ancient world is the practice of debt-slavery. Debt-slavery occurs when an individual, typically of a lower class requests a loan from a creditor which requires compensation in return. In the Ancient Near East and Rome, this type of servitude was likely the most common for natives in the bottom echelon of these respective ancient societies. The practice at Rome was much more expansive, developed and established than in the Ancient Near East, but the diverse nature of the roles and positions of slaves were quite similar. This difference in legal practices is evident by exploring both the legal institutions, documents, scales and

processes such as manumission in Ancient Rome. The unique situation of slaves at Rome provide an engaging point of comparison for the comparatively limited documentation and understanding of slaves throughout the Ancient Near East.

As discussed previously indentured slaves in both the Ur III period and at Rome were entitled to having their own property, through the practice of *peculium*. Although there is no evidence *peculium* was practiced at Nuzi or in the Old Babylonian period, indentured slaves enjoyed a far greater position in society than the slaves that were designated as property. Regardless of the variety of the positions/benefits chattel slaves could enjoy during their enslavement, as a whole the treatment of chattel slaves never came close to that of those subjected to indentured servitude. This is likely attributed to the native freeborn status of the indentured slaves. For the most part, throughout the slave systems in these civilizations and periods, indentured slaves enjoyed a far better status, treatment and occupational freedom than slaves designated as chattel. There are numerous significant differences between these two forms of servitude. This is a direct contradiction of the narrow traditional understanding of slavery as just property in the ancient world.

The system of slavery at Rome was the full legal and social realization of the elevated status of debt-slaves compared to chattel slaves. The scale and common practice of manumission in Rome, especially the manumission of slaves exhibits some collegial and if not positive relationships with their masters. This similarly is reflected in some official responses to economic problems. For example, *mišarum* edicts, which abolished all outstanding debts and therefore manumitting all debt-slaves, are a prime example of the favor given to native-born individuals. These edicts indicate some form of economic imbalance in these Ancient Near Eastern civilizations, and most likely this problem was so widespread to the lower classes of

these societies for the ruler to express concern for the natives of the civilization who shared the same language, race and culture. It can be assumed if this had not affected social position of these lower classes of these societies, officials would never issue these edicts and keep these individuals subjected to enslavement. At Rome the frequent rate of manumission implies that the master often had a good relationship with their slave. The various legally protected opportunities and influence slaves could have in Roman society, contributes to the idea that slaves were viewed as something more than just a piece of property. Although there are legal texts at Rome that define slaves as nothing more than property, the plethora of literature and correspondence recorded by or about slaves imply that the slave's relationship to society and his master was much deeper than just an owner interacting with his property.

In contrast, the texts from the Ancient Near Eastern periods and their respective civilizations fail to provide a comprehensive understanding of slave practices. While there may have been established systems which distinguished between these slaves and their respective rights, the transactions that document slave contracts do not seem to adhere to any specific code with absolute certainty, such as with Rome. There are various clauses specifically dealing with the compensation of a slave who refuses to work, which may indicate some form of accepted practices regarding the slave contract.

In regards to civilizations during the Old Babylonian period, Middle Babylonian period and at Nuzi, the slave transitioned to having a more important economic and social role. The documentation of slavery in private and public sources, along with the development of codes like the Laws of Hammurabi and Eshnunna in the Old Babylonian provided some evidence on how slaves were viewed in these respective societies and time periods. Although the position of slave was more defined and discussed during these periods comparatively to the Ur III period, there is

no comparison to the defined role and legal position of a slave at Rome. At Rome slaves, specifically those who were viewed to be at the upper echelon of the academic and social circles, had the opportunity to have influence and power over the aristocrats. Their ability to develop their own identity in spite of the limits placed upon them is a unique aspect of the system of slavery at Rome. This was not the case in the Ancient Near East. While slaves did serve various positions in some important institutions, such as for the king or at temples, there seems to be no indication or support that a slave could have had any political influence or strong relationships with powerful individuals.

At Rome, slaves particularly slaves of native or Greek origin had the opportunity to have a close relationship with their masters. Roman slaves could occupy positions as educators, advisors and could express themselves as shown by the works of Epictetus and others. Although their freedom was limited in the sense of labor, they had some ability to express some form of identity that is not apparent from either the documents or legal texts concerning Ancient Near Eastern societies. This is likely explained due to the lack of literary texts about slavery in the Ancient Near East, however the lack of a comprehensive understanding of what slavery is in these periods and civilizations further strengthens the distinct practices of servitude in these societies. Contracts like *tidennūtu* and transactions pertaining to the sale of slaves provide some clue to the varied nature of these transactions and roles of slaves at Nuzi and during the Ur III and Old Babylonian periods.

One of the most important processes relating to slavery in all these civilizations throughout these periods is manumission. In the Ancient Near East, there is no indication that manumission was so commonplace especially when pertaining to chattel slaves. While most

indentured servants were guaranteed their freedom after their service had been completed/debt been compensated, chattel slaves had no such promise, or expectation.

The distinctions between Rome and the Ancient Near East, is that a slave's role was more completely developed and regulated at Rome. Therefore, this enhanced definition and codified position of the types of slaves provided a slave with more rights than in the Ancient Near East, through the various occupations they held or practices like *peculium*, but limited their status by designating them to a low social strata as a freedman. While slaves had some practices and positions that enabled some autonomy in the Ancient Near East, these practices often were neither uniformly implemented, outlined nor secured due to a fluctuating legal system that likely had no substantive code of law to ensure the rights of the slave.

To quote Ignace Gelb, "the term 'slave' can be discussed, but not defined."¹¹⁰ This comparative research supports this assertion, due to the complex and varied roles slaves could have all throughout the ancient world. A slave was subjected to the worst form of deprivation, a deprivation of freedom; however, some individuals suffered limitations on their freedoms much more than others. This difference is attributed to distinct and varied features ranging from the role of the slave to cultural, racial and linguistic backgrounds. If a slave was native-born, forced into debt-slavery or had homogenous characteristics with the native population, he would have a much easier path to accessing freedom in all these respective civilizations and time periods.

This comparative analysis of the systems of slavery at Rome and in the Ancient Near East contributes to the notion of that slavery is a condition that substantially differs from the idea of slavery solely as property. When examining the specific cases and individuals in slavery it is

¹¹⁰ Ignace Gelb. "Definition and Discussion of Slavery and Serfdom." *Ugarit-Forschungen 11*: 1980. 283.

imperative to look at what features define these civilizations' systems of slavery. The different rules, requirements and characteristics that accompanied servitude, support the idea that a slave's status is defined largely by the relationship between his identity and the society that he/she inhabits. Native individuals forced into slavery because of debts, or slaves with significant cultural connections to the society they inhabit tended to achieve a better position than their foreign counterparts. Throughout the Ancient Near East and Rome, slaves who connected with their society had a better opportunity to gain freedom and respect from their communities. In contrast the foreign slaves, did not have many opportunities to succeed and often remained in their positions, unable to escape the clutches that slavery imposed on them.

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ACADEMIC VITA

Dan Yosipovitch

Email: danyosipovitch@gmail.com

Phone: 305-613-5449

EDUCATION

Pennsylvania State University at University Park
Schreyer Honors College

August 2015- May 2019

Major: Bachelor of Arts in Classics and Ancient Mediterranean Studies

Minors: Business in the Liberal Arts and Hebrew

Thesis Title: Comparative Study of Ancient Near Eastern and Roman Slavery

Thesis Supervisor: Dr. Gonzalo Rubio

Paterno Fellow, Deans List for 7 Semesters

PROFESSIONAL EXPERIENCE

Legal Services of Greater Miami, Inc.

May 2018- August 2018

Neighborhood Entrepreneur Project Intern

- Analyzed cases, developed surveys and examined client information in order to address areas of need, improvement and services performed for clients
- Assisted and shadowed supervising attorney in consultations with clients about their legal needs and documents

The Jerusalem Foundation, Jerusalem, Israel

June 2016- August 2016

Assistant to Chief of Staff

- Composed and edited event and speaker bios for the Jerusalem Foundation's 50th Anniversary conference website and program
- Edited and updated important daily schedules for the conference program to use for the Conference

The Food Trust, Philadelphia, PA

April 2015- June 2015

National Campaign Intern

- Investigated voting records and interests of key policymakers in the state of PA

COMMUNITY INVOLVEMENT

Israeli-American Council: Mishelanu

January 2015-April 2019

Founder

- Helped initiate the first Israeli-American culture club at Penn State in 2015
- Represented university chapter at two national conferences in DC

SKILLS

- Proficient in Hebrew. Studied 4 years of Latin in high school
- International Experience: Lived in 3 countries, studied abroad in Prague (Spring 2018)
- Interests: Basketball, Sailing, Tennis, Cooking and Photography