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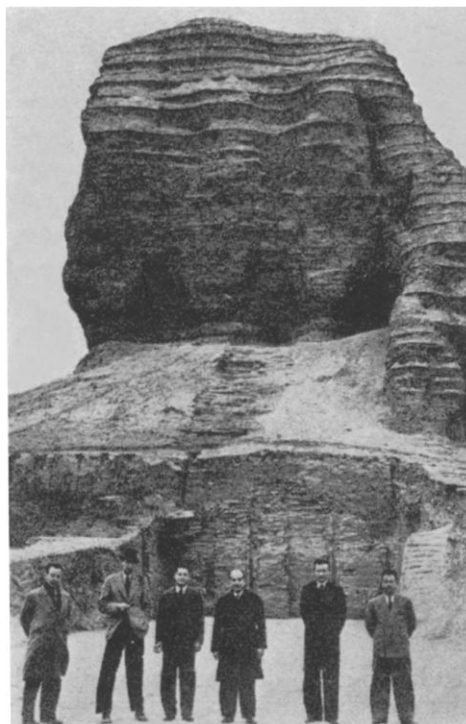


Fig. 1. Dr. John A. Wilson with members of the Iraq Department of Antiquities, in front of the ziggurat at Aqar Quf, about 20 miles west of Baghdad. The ziggurat was erected by the Kassites in the middle of the second millennium B. C. It is an artificial mud brick structure, at the top of which once stood a temple. From left to right: Selim Levy; Seton Lloyd, Adviser to the Department of Antiquities; Dr. Wilson; Najji el-Asil, Director General of the Department of Antiquities; Fuad Safar and Taha Baqir, former students at the Oriental Institute, now archaeologists of the Department of Antiquities.
(U.S.I.S. Photo)

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Editor: G. Ernest Wright, McCormick Theological Seminary, 2330 N. Halsted St., Chicago 14, Ill. (Only editorial correspondence should be sent to this address.)

Editorial Board: W. F. Albright, Johns Hopkins University; Millar Burrows, Yale University.

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THE NEAR EAST IN 1946

John A. Wilson

Oriental Institute, University of Chicago

It was my good fortune to spend three months in the Near East early in 1946. The University of Chicago sent me out to study the possibilities of successful field archaeology in the various countries of the Near East. Time did not permit visits to Turkey or Iran, but I was able to examine the political, administrative, and psychological factors in Egypt, Palestine, Transjordan, Iraq, Syria, and Lebanon.

Thanks to the facilitating interest of the Department of State, I flew out to Cairo in late December of 1945. I stayed at the Harvard Camp behind the Pyramids for work in and out of Cairo and at the Luxor Headquarters of the Oriental Institute to participate in the reopening of the Epigraphic Expedition at that place. In Baghdad the Iraqi Service of Antiquities was most cordial and cooperative, and it was a real pleasure to observe the successful work for that Service on the part of two Chicago-trained Iraqis, Taha Baqir and Fuad Safar. The highlight of a brief Damascus stay was the opportunity to discuss with Frank Brown of Yale the problems and potentialities of his Directorship of Antiquities for the Syrian Government. Beirut brought the pleasure of a revisit at the American University, which has had such a successful record of normal operations through constant political crisis.

My stay in Jerusalem happened to coincide with the sittings of the Anglo-American Committee of Inquiry, so that there was a period of truce in that unhappy land's violent history. However, the city and the country at large were bristling with barbed wire, while armored cars and tanks patrolled restlessly. The potential of violence was clearly visible even under the truce. In this situation the American School of Oriental Research and the admirable Jerusalem Museum were havens of scholarly peace. It was heart-warming to observe the regard and affection entertained for Nelson Glueck, the Director of the School, by persons of every nationality or shade of belief.

My survey was not so much directed toward the selection of specific sites for excavation, although I was able to visit some of the recent operations of government departments of antiquities. Rather I wanted to talk with qualified people about the hazards and promises involved in a return to field work.

In the past the Oriental Institute had had a dozen field operations in six Near Eastern countries. Two of these were still carried on the books as unfinished: the Megiddo Expedition in Palestine and the Epigraphic Ex-

pedition at Luxor, Egypt. Since the financial and political prospects for the future indicated that field research would be limited in scope, where might we plan to work most economically? Such a survey was of course made for a single institution, but I believe that it has interest for all who are concerned about a continuing field contact for the testing of older ideas and the providing of new materials on the ancient world.

To be sure, the Near Eastern countries are going through a period of transition so that any predictions about the future might seem futile. The process of acquiring independent national stature without losing the strength which comes from international affiliations is a concern to each Near Eastern country. Can a small nation throw off "imperialism" and concentrate on self-determination without consigning itself to the patronage of some larger power or a series of alliances with other small states? This is the problem confronting the Arab nations, Turkey, and Iran. The problem is made acute by the absolute attitudes taken on such matters as the future of Palestine or the control of the Dardenelles. Until such issues receive some consistent direction, the Near East will continue in an uneasy transition.

Any American enterprise in this part of the world is affected by a drastic shrinking of Wendell Wilkie's "reservoir of good will." Formerly the United States was considered to have no stake in the area and to entertain vague but large friendship for small and aspiring peoples. The Americans were then considered different from representatives of the other powers, since we had no advantages to gain in Near Eastern countries. Three factors have combined to diminish this esteem. As a result of the War and postwar alliances we are seen to be a world power concerned with the traditional elements of military bases and opposing alliances. Our extensive oil holdings in Saudi Arabia, Kuwait, and Iraq have emphasized the fact that we have an economic interest in the region. The interest of our government in the claims of Zionism in Palestine is taken by the Arabs to be an interference in their local affairs for the purpose of gaining votes in the United States. Therefore we are considered to have selfish interests and to be seeking domination.

It is clear that an American institution would be unwise to ask for the concession to excavate a large mound involving a heavy investment in equipment and personnel and a commitment to work at one place for several years. Apart from increased costs, the uncertainty of the future argues against such an involvement. The time demands smaller operations directed toward clearly defined and specific problems rather than the development of a long cultural sequence in one important spot. Fortunately our archaeologists have had the pause during the War to study past results and they have a series of specific problems demanding specific answers.

It will be no surprise to say that costs are much higher than in the past and will probably continue to be high for some years. The years in which one could hire unskilled labor at 25c a day or could buy picks and hoes for a few piasters are definitely over. Operational costs in the field are three to four times what they used to be, with labor perhaps five times what it used to be. Of course it is a gain that poorly paid peasant labor is receiving better financial recognition relative to the cost of living. But it

will be a limiting factor on the freedom of any outside enterprise.

One difficulty which archaeologists must face is in the adjustment of their basic psychology with relation to Near Eastern countries. Whatever may be our practice, we inherit a feeling of superiority about our knowledge of and concern for antiquity. We have inherited from the nineteenth century the notion that materials and information from the past were given more considerate treatment by western institutions than by the administrations in Near Eastern countries. Such an attitude is now resented by the sovereign states in the Near East. They will not consent to "exploitation" of any kind. Western scholars must be scrupulous in maintaining the dignity of oriental administrators and scholars by equalitarian attitude and treatment. They must be scrupulous about conforming to local laws and the legal right of nations to control their own interests. If one of us expresses an attitude of superiority or violates a provision of the antiquities laws, he does damage to all of us.

Archaeologists have already survived similar experiences in Europe and Latin America. They have found that it is possible to do scholarly work and gain information while respecting the integrity of local governments and cooperating with local scholars on an equal basis. In fact the times demand cooperation, not only between western and oriental scholars but also among western scholars of different institutions and different countries. It is difficult to see how archaeology can progress unless we abandon competition and pool our resources for common advantage.

It has always been the American philosophy that science will move forward as it is given the freedom of decentralization and the individual initiative of institutions and of scholars. The philosophy of scholarly freedom we must maintain and reassert. But the conditions of our world make random action and competition between individual institutions a threat to the success of all archaeologists. It is clear that any one institution can do less now because of high costs, both in the United States and in the Near East. It is equally clear that the scientific needs require more consultation and common action in order to achieve common goals. Some general framework to facilitate relations among American institutions and between American institutions and agencies in the Near East will help all of us. The American Schools of Oriental Research happily provide a pattern of successful cooperation over a stretch of years. We need to discuss how American orientalists and archaeologists can extend this pattern for wider scholarly use.

One of the pleasures of my trip was to see how government officials were accepting a deeper concern for cultural matters, particularly archaeological. In Palestine, Transjordan, Syria, and Iraq these officials know that archaeology will advance as foreign enterprise is encouraged to return. This is a slightly different matter from the pervasive hostility to exploitation. It is the attitude of a wise administrator for the cultivation of his assigned area of administration. If we show the proper equalitarian attitude toward these governments we may hope for their support in archaeological enterprise.

Further, it was a real pleasure to find a newly expressed concern about cultural matters on the part of the officers of our Department of State.

Diplomatic officers whose concerns have always been political and economic are now taking an increased interest in such cultural matters as missions, education, and archaeology. Cultural attaches at such posts as Cairo, Beirut, Ankara, and Teheran give the promise of added assistance to the archaeologist in his relations with local officers and scholars. The willingness to cooperate and the machinery for cooperation are present.

After six months it does not seem useful for me to detail a travelog of my survey. The essentials of travel in the Near East are the same as before the War with the one added factor of that extraordinary possibility of jumping by air from New York to Cairo in two days. To be sure,

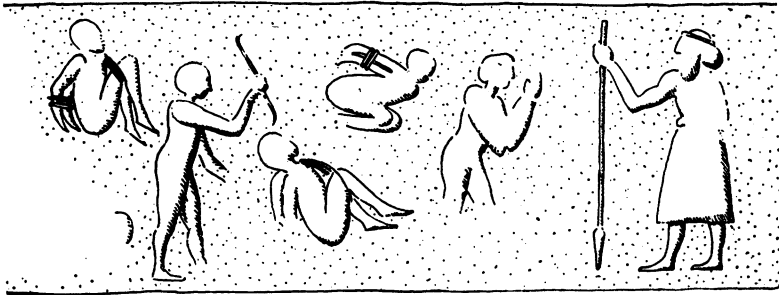


Fig. 2. The earliest representation of war captives. A drawing made from the impression of a cylinder seal found at Uruk in Babylonia; the seal dates from the second half of the fourth millennium B. C. (From A. Noeldeke, *Fuenfter . . . Bericht ueber die . . . in Uruk . . . Ausgrabungen*, Taf. 23,a)

there is also a fine paved road from Transjordan to Baghdad following the pipe line. It was an extraordinary experience to cross this desert by motor car and to realize the terrible nature of hostile land lying between the Jordan and the Euphrates. One's appreciation of the Fertile Crescent is enlarged as one travels this awful wasteland lying between two cultures.

I would summarize my general impressions by saying that there is a high potential of xenophobia in the Near Eastern countries which is an instrument of national policy and may threaten the success of any western enterprise. Over against this is an increased understanding of international integration and of the mutual advantages of international cooperation. In personal terms there is still a very great friendliness, which will provide the points of contact for inter-relations to advance archaeological enterprise.



SLAVERY IN THE ANCIENT NEAR EAST *

I. Mendelsohn

Columbia University

I. SOURCES OF SLAVERY

1. Prisoners of War

The earliest Sumerian terms for male and female slaves are the composite signs *nita + kur* "male of a foreign country," and *nunus + kur* "female of a foreign country," indicating that the first humans to be enslaved in Ancient Babylonia were captive foreigners. That prisoners of war, spared on the battle field, were reduced to slavery is amply attested in the annals of the long history of the Ancient Near East. The Hammurabi Code took this universal practice of the enslavement of war captives for granted and decreed that (1) a captive state official should be ransomed, in case he had no resources of his own, by his city temple or by the state, and (2) that a woman whose husband was taken prisoner may re-marry in case she had no means to support herself and her children.¹ The Late Assyrian annals repeatedly mention large numbers of war captives "from the four corners of the world" who were dragged to Assyria and were compelled to perform forced labor. The small city-states of Syria in the middle of the second millennium B. C. employed the same procedure with regard to their war prisoners. In a war between the cities of Carchemish and Ugarit in which the former was victorious, many prisoners were taken. The king of Ugarit then requested the king of Carchemish to free one of the captives, offering him one hundred shekels as ransom. In answer to this request the king of Carchemish pointed out that he had already sold many prisoners for forty shekels a piece and that he could not be expected to free a high ranking captive for the small sum offered.² The Tell el-Amarna letters (14th century B. C.) tell us of war captives being sent as "gifts" by Syrian and Palestinian princes to their Egyptian overlords.³ The Old Testament tells us that in their conquest of Palestine the Israelites enslaved many of their Canaanite enemies.⁴

2. Sale of Minors

No sooner was this practice of enslaving foreigners established than it was carried over and applied to natives themselves. Man became a commodity and the total exploitation of his physical strength served as a new source of profit. Although captives of war and imported foreign slaves

*The following abbreviations have been used in this article:

AASOR Annual of the American Schools of Oriental Research.

AT J. A. Knudtzon, Die El-Amarna-Tafeln.

BASOR Bulletin of the American Schools of Oriental Research.

JAOS Journal of the American Oriental Society.

Nuzi American Schools of Oriental Research. Publications of the Baghdad School. Joint Expedition with the Iraq Museum at Nuzi.

1. Paragraphs 133-135.

2. Albright, "Two Letters from Ugarit," BASOR 82 (1941), p. 43 ff.

3. AT nos. 120, 173, 268, 287, 288.

4. Cf. Dt. 20:10 ff., 21:10 ff.; Judg. 5:30; I Sam. 4:9, 30:3; see also II Chron. 28:8.



Fig. 3. Monumental stone of Naram-Sin, king of Sumer and Akkad about 2300 B. C. It was found at Susa, whither it had been carried as a part of the war booty by one of the Elamite kings. The king is represented in his military dress ascending a mountain. He is followed by his armed soldiers. The bodies of the dead enemies slide down the slopes of a mountain. Some of the war-captives are begging for mercy. (Paris, Louvre Museum)

made up a substantial part of the slave population of the Ancient Near East, the bulk of the Babylonian, Assyrian, Canaanite, and Hebrew slaves originally came from the ranks of the free-born native population. The native-born slaves were recruited from the following three sources: sale of minors by their parents, voluntary self-sale by adults, and enslavement of defaulting debtors.

Poor parents who were either unable to support their children or were in need of money sold their offspring in the market. These sales were transacted in two ways: (1) unconditional sale; that is, the parent (s) handed the child over to the buyer and in return received the purchase price "in full," and (2) conditional sale or sale-adoption; that is, the parent(s) received the price and the sold minor was adopted by the purchaser. We have documentary evidence showing that the practice of the sale of minors was in use throughout the history of Babylonia and Assyria. Our evidence from Syria and Palestine, however, is very inadequate. Still, there are enough references to prove that this practice was also prevalent there. The Tell el-Amarna letters tell us that some people were forced to sell their children in order to procure food.⁵ From the Old Testament we learn that parents sold their daughters into conditional slavery (Ex. 21:7-11); that creditors seized the children of their deceased debtors (II Kings 4:1); and that debt-ridden farmers were forced to hand over their sons and daughters as slaves (Nehemiah 5:5).

The evidence of the existence of the second method of sale, namely, the sale of young girls into conditional slavery, comes from Nuzi and Palestine. Nuzian and Hebrew parents often sold their daughters with the condition that the purchaser give them into marriage when the girls will have reached puberty. In Nuzi this type of sale was drawn up in the form of a fictitious adoption. The general scheme of a Nuzian sale-adoption contract runs as follows: (1) Preamble: Contract of daughtership and daughter-in-lawship. A has given his daughter B "into daughtership and daughter-in-lawship" to C. (2) Conditions: After having reached puberty C shall give B into marriage either to a free-born man or to a slave. (The free-born man may be the purchaser himself, one of his sons, or a stranger "in the gate." In case the girl is given into marriage to one of her purchaser's slaves, she must remain in her owner's house as long as she lives.) (3) Price: The sum paid by the purchaser to the girl's father. The condition that the girl be married was fundamental. Fathers took the precaution to safeguard for their daughters a continuous marital status by inserting in the sale document a special clause (in case the condition was that the girl be married to a slave) to the effect that should her first slave-husband die, her master would give her into marriage to another one of his slaves. In some documents provisions are made for four husbands and in one for as many as eleven: "If ten of her husbands have died, in that case to an eleventh into wife-hood she shall be given."⁶

This Nuzian practice had its parallel in Palestine.⁷ A section of the earliest Old Testament slave legislation, that of Exodus 21:7-11 reads:

If a man sells his daughter to be an *amah* ("handmaid, female slave"), she shall not leave as the slaves do (i. e., in the seventh year). If her master dislikes her, although he had appointed her (as wife) for himself, then shall he let her be redeemed; to sell her (as a wife) to a stranger

he shall have no power for he has dealt deceitfully with her. .But if he has appointed her for his son, he shall treat her in the manner of daughters. If he takes to himself another (wife), he shall not diminish her food, her clothing, and her conjugal rights. If he does not do these three (things) to her, then she shall go out free without compensation.

In view of the Nuzian practice, this Biblical law represents a fragment of a series of enactments which originally dealt with all cases of conditional sales of young girls. The section before us deals, to use the Nuzian ter-

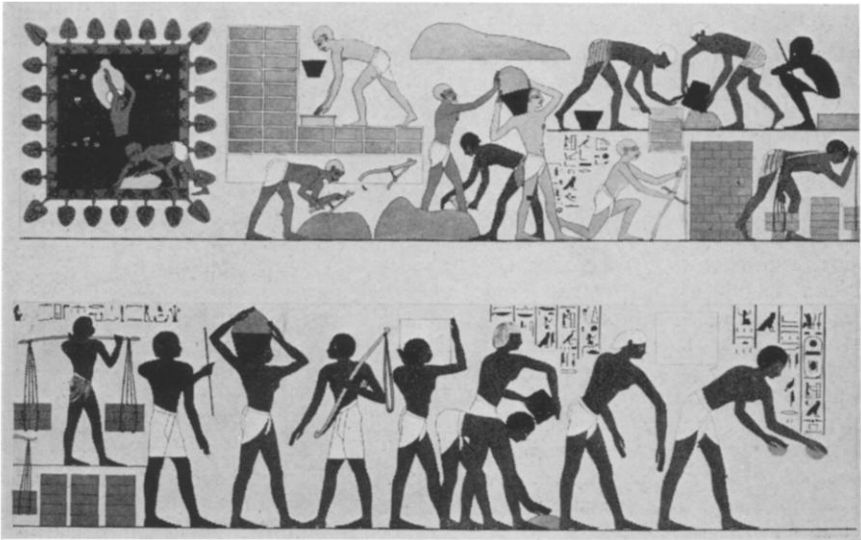


Fig. 4. Captives making bricks in Egypt; a tomb painting of the 15th century B. C. **Upper register:** Drawing water from a pool, carrying containers of clay from mounds at the side, fitting the clay mixture into wooden boxes for drying, and carrying the dried bricks away to be used for building. ...**Lower register:** Overseer with whip supervising the brick-making and building activities. (Lepsius, *Denkmaeler*, Pt. 3, Pl. 40)

minology, with a “daughtership and daughter-in-lawship” sale. The conditions as set forth in this case are: (1) that the master himself marry the girl (hence the prohibition of treating her like a slave woman or selling her into marriage to a stranger); (2) in case he refuses, after she had reached puberty, to abide by the stipulation in the contract on the ground that the girl now does not find favor in his eyes, he may take recourse to one of the following alternatives: (a) he may let her be redeemed, (b) he may give her as wife to one of his sons, or (c) he may retain her as his concubine. Should he refuse, however, to comply with any of these alternatives open to him; then, as a penalty for breach of contract, “she shall go out free

5. See note 3.

6. Pfeiffer and Speiser, *One Hundred New Selected Nuzi Texts*, no. 23 (AASOR XVI).

7. Cf. Mendelsohn, “The Conditional Sale into Slavery of Free-Born Daughters in Nuzi

without compensation." While Ex. 21:7-11 deals with a case where the girl was sold with the condition that the master or his son marry her, the law of vv.2-6 of the same chapter deals with a girl who was sold with the condition that she be married to one of her master's slaves. This law deals with the Hebrew debtor-slave. If he came single, he was to leave single, if he came with his wife, she was to leave with him. However, "If his master give him a woman (*ishshali*) and she bear him sons or daughters, the woman and her children remain the property of her master, and he goes out free." We have cited cases in the Nuzian practice where girls were sold with the stipulation that they be married consecutively to four or even to eleven slaves. We have in this Biblical law a similar case. The girl is given to the debtor-slave and lives with him until he is freed in the seventh year. After that she is given as wife to another slave for she, unlike those who were sold with the condition that they be married to a free-born man, remains in the house of her master as long as she lives, and her children are the property of her owner.

3. Self-Sale

Poverty or debt drove people to sell their children first and then themselves into slavery. In the absence of any state or community help for those driven from the soil by war, famine, or economic misfortune, a man or woman had only one recourse to save himself from starvation, and that was self-sale into slavery. Voluntary self-sale was a common phenomenon especially among strangers. From Nuzi we possess a number of documents relating to self-enslavement. These documents concern themselves mostly with the Habiru, who not being able to find employment entered "of their own free will," singly or with their families, into the state of servitude. The term "servitude" is here used advisedly in preference to "slavery," because legally most of the Habiru self-sale cases in Nuzi differ fundamentally from the self-sale documents of Babylonia. In Babylonia the person who sold himself received his purchase price and as a result he became a slave, the property of another man. But in Nuzi no purchase price is paid to those who "sell themselves." The Habiru enter voluntarily into the state of servitude in exchange for food, clothing, and shelter. As one document succinctly expresses it: "As long as T (the master) lives, A (the Habiru) shall serve him and T shall give him food and clothing."⁸ Furthermore, the person who "enters" the house of a master must remain there as long as the latter lives and in case of desertion he is threatened with the most severe punishments. These Habiru then, retain some kind of legal personality for in some documents it is expressly stated that only after desertion will they "be sold for a price," that is, be reduced to slavery.⁹

Of all the ancient law codes, the Old Testament alone mentions the case of self-sale or voluntary slavery. Ex. 21:2-6 and Deut. 15:16-17 deal with the case of a Hebrew debtor-slave who refuses "to go out" after his six year term of service has been completed because he loves his master, his wife, and his children. The law provides that such a man (who prefers slavery with economic security to freedom with economic insecurity) shall

8. Nuzi V no 456:13-15.

9. Nuzi V nos. 449, 452, 457.

have his ear bored through and shall remain a slave "forever." Leviticus 25:39-54 deals with a free Hebrew who, because of poverty, is forced to sell himself. In this case, the law provides that such a man, regardless of the fact that he had sold himself for ever, shall be freed in the year of the jubilee.

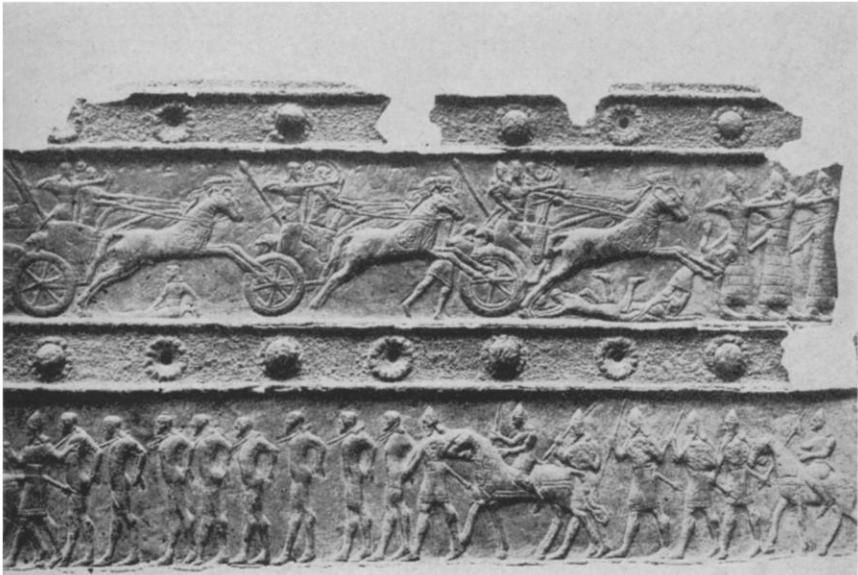


Fig. 5. Engraved bronze band from a gate to a palace of Shalmaneser III (c. 859-824 B. C.), depicting his campaign in Syria against the city of Hamath. The upper register shows the Assyrian king leading his chariot division in the attack. The lower register pictures captives leaving the city under military escort. (From King, *Bronze Reliefs from the Gates of Shalmaneser*, British Museum, 1915)

4. Defaulting Debtors

Although slaves were recruited from various indigenous and foreign sources, the basic source of supply for the ever mounting number of slaves in the Ancient Near East was the native defaulting debtor. Insolvency could be the result of many causes, such as drought, war, etc., against which the individual was powerless to act, but one of the chief factors leading to the foreclosure of property and man was unquestionably the exorbitant interest rate charged on loans. The average rate of interest in Ancient Babylonia was 20-25% on silver and 33 1/3% on grain. Assyria had no fixed or average rate. In Late Assyria the usurer had a free hand in determining the rate of interest. Interest on money varied from 20% to as high as 80% per annum.¹⁰ In addition to this general type there were two other kinds of loans current in Babylonia and Assyria. These were loans granted without interest by the temples and the landlords to their tenant-farmer and loans on which interest was charged only after the date of maturity. In the latter case the interest was enormous. In Babylonia the double of the principal, that is, 100% was charged; in Neo-Babylonia we find 40% and

10. Kohler and Ungnad, *Assyrische Rechtsurkunden*, p. 459 f.

also 100%; and in Late Assyria 100% and even 141% was charged.¹¹ In Nuzi the average interest rate seems to have been 50% "till after the harvest."¹² There is no information in the Old Testament as to the rate of interest charged in Palestine. From the injunction against the taking of interest from a fellow Hebrew¹³ we may infer that a higher interest rate was charged and that Palestine was no exception to the rule.¹⁴

The fate of the defaulting debtor was slavery. The creditor had the right to seize him and sell him into slavery. It was at this unlimited power of the creditor, which tended to reduce large numbers of free-born people into slavery, that the laws of paragraphs 117-119 of the Hammurabi Code were aimed. These laws demand that the defaulting debtor or his free-born pledge shall be released after three years of compulsory service. The right of seizure of the defaulting debtor by his creditor was in like manner exercised in Palestine. In II Kings 4:1-2 the creditor seized the children of a deceased debtor and the widow appealed to Elisha for help: "The creditor has come to take unto him my children as slaves." This practice of seizure and the subsequent sale into slavery of the unsolvent debtor is reflected in the prophetic literature: "Because they have sold the righteous for a pair of sandals" (Amos 2:6), and "Which of my creditors is it to whom I have sold you?" (Isaiah 50:1). Nehemiah 5:1 ff. shows that creditors foreclosed the land of their defaulting debtors and reduced pledged children to slavery. Like the Hammurabi Code, the Old Testament codes (Ex. 21:2-3 and Dt. 15:12-18) sought to arrest the power of the creditor by demanding that the Hebrew defaulting debtor should be released after six years of compulsory labor.

II. LEGAL STATUS

I. Branding

Legally the slave was considered a chattel. He was a commodity that could be sold, bought, leased, or exchanged. In sharp contrast to the free man, his father's name was almost never mentioned; he had no genealogy, being a man without a name. In the earliest sale-documents his name is preceded by the determinative *sag* in Sumerian and *reshu* in Accadian, both meaning "head." Family ties were disregarded in the disposal of slaves. Husbands were separated from their wives, wives were sold without their husbands, and even young children were not spared. The only exception made was in the case of infants "at the breast" who were sold with their mothers.

Babylonia had a class legislation but it was not a caste state. The inequality and discrimination before the law, displayed in the Hammurabi Code in regard to the three main classes which constituted Babylonian society, were based not on race or birth but primarily on wealth. To be sold or to sell oneself into slavery, because of poverty or indebtedness, was a misfortune that could befall any man. This new status, however, was not

11. *Ibid.*, no. 271.

12. *Harvard Semitic Series* IX, no. 95.

13. Ex. 22:24; Dt. 23:20; Lev. 25:35-37.

14. Cf. Ez. 18:8-17; 22:12; Ps. 15:5; Prov. 28:8; Neh. 5:4 ff. and particularly Jer. 15:10; "I have neither lent on usury nor have men lent to me on usury."

15. *Harvard Semitic Series* V nos. 35, 73.

irrevocable. The fact that the slave could, theoretically at least, be freed, made him a member of a low, dependent class, but not a member of a caste. However, as long as he remained a slave, he was subject to the wearing of a visible property mark. The slave mark is called in Sumerian *gar* and in Accadian *abbuttum*. What the character of the Old Babylonian *abbuttum* was is as yet not clear. It may have been an incised mark upon the forehead, a tattooed sign upon some visible part of the body, or a small tablet of clay or metal hung on a chain around the neck, wrist, or ankle. In the Neo-

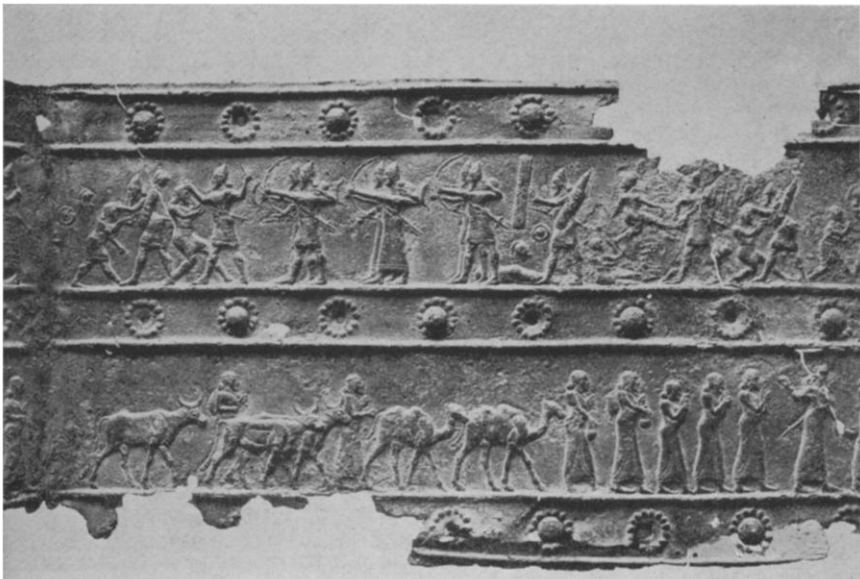


Fig. 6. Another engraved bronze band from a gate to a palace of Shalmaneser III, depicting his Armenian campaign. The upper register shows a battle in progress; the lower pictures the tribute being presented to the king. (From King, *Bronze Reliefs . . .*)

Babylonian period the prevailing custom of marking slaves was to tattoo the name of the owner (and in case of a temple slave the symbol of the god) on the wrist of the slave. There is no evidence that the Assyrian slave was marked. In Nuzi some slaves seemed to have been marked. The *abbuttu* is mentioned in some documents.¹⁵

The Biblical law prescribes that he who voluntarily submits to perpetual slavery shall have his ear pierced with an awl (Ex. 21:6; Dt. 15:17). It is difficult to see what the purpose of this piercing was. Surely, it was not a mark in the same sense that the Babylonian *abbuttum* or the tattooing of the owner's name was, for the hole was necessarily small and invisible. It may perhaps be suggested that the hole was made in order to push through it a ring or cord on which was fastened a tag made of clay or metal. This does not exclude the possibility of the existence also of a tattooing mark. Cain's mark (Gen. 4:15), the tattooing of Yahweh's name on the hand (Isaiah 44:5, 49:16), and the *tau* mark upon the forehead (Ezekiel 9:4) clearly show that tattoo marks were used to signify posses-

sion. We may, therefore, conclude that just as in Babylonia, the Palestinian slaves were marked with a property sign either in the form of a suspended tag attached to the ear, or with a tattoo mark bearing the owner's name on the wrist.

2. Treatment

While, legally, the slave was a mere chattle, classed with movable property, both law and society were forced to take into consideration the constantly self-asserting humanity of the slave. We thus have the highly contradictory situation in which on the one hand, the slave was considered as possessing the qualities of a human being while on the other hand, he was recognized as being void of the same and regarded as a mere "thing." The slave's status as a chattle, deprived of any human rights, was clearly and unmistakably emphasized in his relation to a third party. If injured, maimed, or killed by a third party, his owner was compensated for the loss, not the slave.¹⁶ The Biblical legislation mentions only the case of a slave who was killed by a goring ox and provides that the owner shall be compensated for his loss (Ex. 21:32).

In the relation between the slave and his master almost everything depended upon the character of the latter. The slave's fate was in fact in his master's hand. Beatings and maltreatment of slaves seem to have been so common that the great reformer Gudea, *ensi* of Lagash, prided himself in the fact that during his reign a slave who was guilty of misconduct was not hit on his head by his master, and that a maid who had done a great wrong was not struck on her face by her mistress.¹⁷ The Biblical legislation does not prohibit the maltreatment of a Hebrew slave by his master "for he is his money." It is only when the slave dies immediately (within three days) as a result of the beating that the master becomes liable to punishment (Ex. 21:20-21). In Ancient Babylonia a runaway slave was put in chains and had the words "A runaway, seize!" incised upon his face.¹⁸ The Hammurabi Code decrees the death penalty for those who entice a slave to flee from his master and also for those who harbor a fugitive slave. Furthermore, a reward of two shekels is promised to anyone who captures a fugitive slave and brings him back to his master.¹⁹

The Old Testament slave legislations (Ex. 21, Dt. 15, Lev. 25) do not mention the case of the fugitive slave although the tendency to run away was prevalent in Palestine as it was in the adjacent countries. When David sent his messengers to procure food from the rich but churlish farmer Nabal, the latter very defiantly inquired: "Who is David and who is the son of Jesse? There be many slaves nowadays that break away every man from his master" (I Sam. 25:10). Fugitive slaves were extradited when they fled into foreign countries (I Kings 2:39 f.). In view of these facts how should the Deuteronomic ordinance (chap. 23:16) "You shall not deliver a slave unto his master who escapes to you from his master" be interpreted? It is a most extraordinary law for its application

16. Hammurabi Code, paragraphs 116, 199, 213, 214, 219, 220, 231, 252.

17. F. Thureau-Dangin, *Die sumerischen und akkadischen koenigsinschriften*, p. 102-3, 13:6-9.

18. B. Landsberger, *Materialien zum sumerischen Lexikon*. Band. 1: *Die Serie ana ittishu*. Tafel 2, col. IV 10-14.

19. Paragraphs 15-20.

in life would have spelled the end of slavery in Palestine. Perhaps this ordinance should be explained from a national-economic point of view. It was most probably drawn up in favor of Hebrew slaves who had fled from foreign countries. If this interpretation be correct, then the Deuteronomic law would have its parallel in paragraphs 280-281 of the Hammurabi Code according to which a native Babylonian slave who had been sold into a foreign country and fled from there was set free by the state. The second half of the Deuteronomic law: "He shall dwell with you, in the place which he shall choose within one of your gates, where he likes it best, you shall not oppress him" suggest that the fugitive slave settled as a client under the protection of a free man.

3. Manumission

The slave enjoyed certain privileges which neither law nor society could deny him. According to the Hammurabi Code a slave could marry a free-born woman and a female slave could become her master's concubine. In both cases the children born of such unions were free.²⁰ The slave could

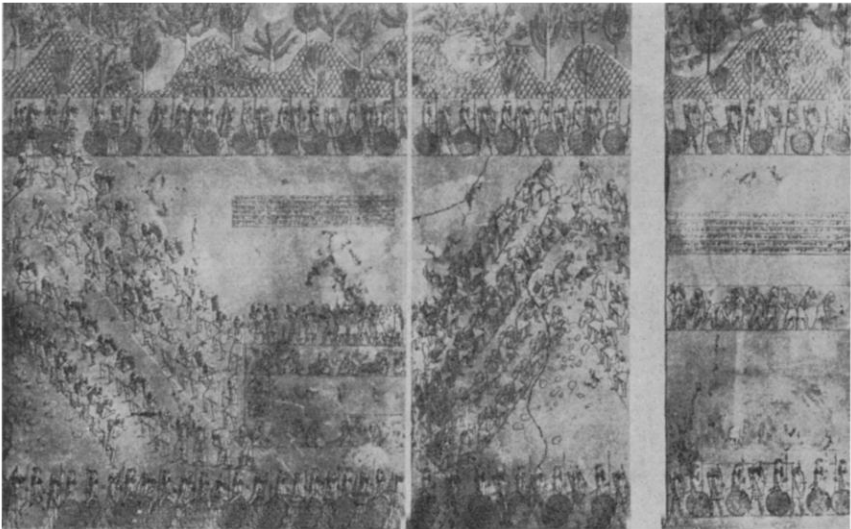


Fig. 7. A relief from Nineveh depicting the building of a mound for the palace of Sennacherib (705-681 B. C.). In the center square are the brick-makers. Many of the workman are probably slaves, as they are in fetters. (From Paterson, *The Palace of Sennacherib*)

amass a peculium and enjoy it during his life-time, though legally it belonged to his master. And finally the slave could be manumitted. The Hammurabi Code recognizes four legal ways by which a slave received his freedom ipso facto: (1) wives and children sold, or handed over as pledges, are to be freed after three years of service (parag. 117); (2) a slave concubine and her children become free after the death of the master (parag. 171); (3) children born of a marriage between a slave and a free woman are

20. Paragraphs 175, 171.

free (parag. 175); and (4) a native Babylonian slave bought in a foreign country and brought back to Babylonia is unconditionally freed (parag. 280). In addition to these laws which applied only to certain classes and to specific cases of slaves, there were two other ways of manumission: release by adoption and by purchase. Release by adoption was, like that by purchase, a business transaction, a *quid pro quo* proposition. The manumitted slave entered into a sonship (or daughtership) relation to his former master and took upon himself the obligation to support him as long as he lived. After the death of the manumitter, the fictitious relationship and the very real material support were terminated and the "son" became completely free. If the adopted slave failed to live up to his promise of support, that is, repudiated his "parents" by saying "you are not my father" or/and "you are not my mother," the adoption was annulled and the "son" reverted to his former slave status. The difference between release by adoption with the condition to support the manumitter (or release with the condition of support without adoption) and that of release by purchase is that in the former case the released slave still remains in a state of dependency to his former master and becomes completely free only after the death of his former master, while in the second case, the slave severs all connections with his master and becomes immediately and irrevocably free.

According to the Biblical law there were five ways by which a Hebrew slave obtained his freedom. These were: (1) a debtor-slave is freed after six years of service (Ex. 21:2, Dt. 15:12); (2) he who sold himself into slavery is to be freed in the year of the jubilee (Lev. 25); (3) a free-born girl who was sold by her father with the condition that her master or his son marry her, is to be freed if the master refuses to abide by the conditions of the sale (Ex. 21:7-11); (4) by injury (Ex. 21:26-27); and (5) by purchase (Lev. 25:47 ff.). The six-years service limit of the defaulting debtor has its parallel in the Hammurabi Code (parag. 117) which demands the release of a debtor-slave in the fourth year. We have no evidence to prove that the Hammurabi law was ever enforced in Ancient Babylonia. We have hundreds of documents showing that this law was not enforced in Neo-Babylonia. Debtors were foreclosed and sold into slavery if the loans were not paid on the date of maturity. In view of the fact that we have no private documents from the Biblical period we cannot say whether the law of release of the debtor-slave was enforced in Palestine. Jeremiah (chap. 34:8-16) and Nehemiah (chap. 5:2-8, 12) eloquently prove that this law was, at least in their times, not enforced. The law of the release of the Hebrew slave in the year of the jubilee is part of a great land reform utopia according to which all land, whether sold or given as security, must revert to its original owners in the year of the jubilee. It would have been highly inconsistent with its own ideal if the law had demanded the return of the ancestral land while leaving its rightful owners in servitude. Hence the land and its former possessors were to be freed at the same time. Was the law of the jubilee ever enforced in life? The sages of the Talmud were very much in doubt about it.²¹ The law of release by injury presents considerable difficulties. The meaning of the law is, of course, quite clear. The loss of limb, as a result of beatings administered by the master, is considered

21. Cf. *Encyclopaedia Judaica*, vol. 9, p. 496 ff.

sufficient ground for meriting release. The difficulty arises, however, when we ask who the beneficiary of this law is. Unlike the law of vv. 2-4 of the same chapter which employs the adjective "Hebrew" (*ebed ibri* "Hebrew slave"), the law of vv. 26-27 uses only the absolute "slave" (*ebed*). This distinction between "Hebrew slave" and "slave" is interpreted in the Talmud to mean that the law applied to Canaanite slaves only.²² This interpretation is hardly logical. The subject of the Biblical slave legislation is

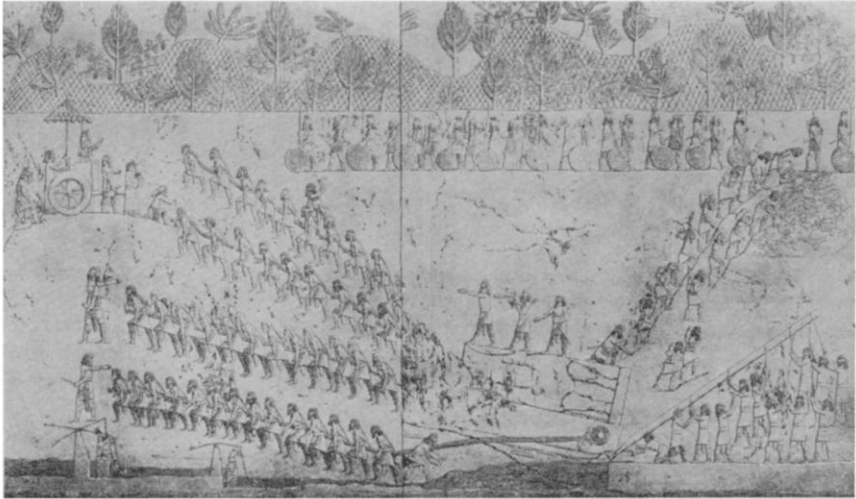


Fig. 8. Relief from the palace of Sennacherib at Nineveh, showing the drawing of a winged bull to the top of an artificial mound. Most of the workmen are probably slaves. (From Paterson, *The Palace of Sennacherib*)

always the Hebrew slave and not the Canaanite slave who is considered as a mere chattel. Furthermore, if the law of vv. 26-27 be applicable to non-Hebrew slaves only, it would mean that when an owner deliberately maims his Hebrew slave the deed goes unpunished, while when the same act is perpetrated upon a Canaanite slave, the latter is to be granted his freedom as a compensation for his loss of limb. It seems, then, that the only plausible interpretation of this contradiction in the laws would be to assume that the law of vv. 26-27 forms a continuation of the law of vv. 2-4 and that it applies to the Hebrew defaulting debtor.²³ From the point of view of the law, the Hebrew defaulting debtor is not a slave at all but merely a debtor temporarily in the service of his creditor. When such a debtor is permanently injured by his creditor, the loss of limb is considered to be the equivalent of the amount of the debt and hence he is to be released.

22. Cf. *Mekhilta de-Rabbi Yishmael*, ed. M. Friedmann, fol. 85.

23. Cf. J. Morgenstern, "The Book of the Covenant," part II, p. 51 f., *Hebrew Union College Annual* VII (1930).

III. THE ECONOMIC ROLE OF SLAVERY

1. State Slaves

There were three main classes of slaves in the Ancient Near East, viz., state slaves, temple slaves, and privately owned slaves. Of these, the first group, recruited from war prisoners, was economically the most important. In Babylonia and Assyria the state slaves, with the assistance of corvée gangs and hired laborers, constructed roads, dug canals, erected fortresses, built temples, tilled the crown lands, and worked in the royal factories connected with the palace. The small city-states of Syria and Palestine also had their state slaves. In the El-Amarna period (c. 1400 B. C.) Syrian and Palestinian "kings" sent large numbers of slaves and war captives (*asiru*) as gifts to their Egyptian overlords. Amenophis of Egypt asked Rewashsha, prince of Taanach, to send to Megiddo a number of war captives to perform some public or military task.²⁴ The existence of state slavery in Palestine was brilliantly demonstrated in the recent explorations by Glueck in the Arabah. The mining industries of this rich metalurgical region were manned by slaves.²⁵ That this institution existed in Palestine from the days of David down to the period of Nehemiah and Ezra is attested by the numerous references to the state slaves in the Old Testament.²⁶ Since this class of slaves (recruited from war captives and from the tribute paying Canaanites) was officially created by Solomon, they were appropriately called *abde Shelomo* ("Solomon's slaves").²⁷ Once formed, this class of state slaves remained in existence until the end of the Judaean kingdom. Under the new ecclesiastical order established by Nehemiah and Ezra, the *bene abde Shelomo* ("the descendants of Solomon's slaves"), were merged with the *netinim*, the temple slaves. The end of independent statehood marked also the end of the institution of slavery.

2. Temple Slavery

Already at the dawn of history the Babylonian temple with its vast wealth constituted the richest agricultural, industrial, and commercial single unit within the community. It was a well organized and efficiently run corporation controlling extensive tracts of land, enormous quantities of raw material, large flocks of cattle and sheep, sizeable amounts of precious metal, and a large number of slaves. This was also true, though to a lesser degree, of the Assyrian, Syrian, and Palestinian temples. This great wealth in land, raw materials, and slaves concentrated in the hands of the priests, enabled the temple to play a decisive role in the economic field.

Temple slaves were recruited from two sources: prisoners of war who were presented to the temples by victorious kings, and dedications of slaves by private individuals. The sanctuaries in Palestine recruited their slaves from the same sources. After the successful campaign against the

24. Albright, "A Prince of Taanach in the Fifteenth Century B. C.," BASOR 94 (1944), p. 23 f.

25. BASOR 79 (1940), p. 4.

26. Cf. Mendelsohn, "State Slavery in Ancient Palestine," BASOR 85 (1942), pp. 14-17.

27. I Kings 9:27; II Chron. 8:18.

Midianites, Moses is reported to have taken one of every five hundred, or one of every fifty, prisoners, and presented them as a gift to Yahweh (Num. 31:25ff.). Joshua made the Gibeonites "hewers of wood and drawers of water in the sanctuary" (chap. 9:21ff.). Among the *netinim* who returned from the Babylonian exile were the descendants of the temple slaves whom David and the princes had given to the Levites (Ezra 8:20), and the offspring of the state slaves of Solomon (Ezra 2:58). We have no evidence to prove that privately owned slaves were dedicated to temples in Palestine. The case of young Samuel who was dedicated to the sanctuary of Shiloh, however, shows that this practice was known in Palestine. While the number of state and temple slaves was very large, their economic role must not be overestimated. The state, as already pointed out above, employed them in non-competitive enterprises and the temple used them primarily for menial work. In its two main branches of activity, agriculture and industry, the temple employed mostly free-born people and not slaves. The land was cultivated by free-born tenant-farmers, and free-born artisans worked in the shops.

3. Slaves in Agriculture

Unlike Egypt, where the land belonged to the crown, private ownership of land was the rule in the Sumero-Semitic countries. The case of the Israelite farmer Naboth who chose death in preference to selling his ancestral plot to king Ahab was characteristic of the attitude of all peasantry in the Ancient Near East. With the exception of the large holdings of the crown and the temples, the land was owned by two classes of people: small farmers and large landowners. Since the land property of the average farmer was small and his family large there was no great need for outside help either in the form of hired laborers or of slaves. The labor situation was, of course, different in the second group. These large estates had to be worked with hired help. This help, however, was only to a very small degree drawn from the ranks of hired laborers and slaves. It was drawn primarily and overwhelmingly from the ranks of the dispossessed peasantry croppers, known under the various names of *mushkenu* in Ancient Babylonia, *ikkarati* in Neo-Babylonia, Assyria, and Nuzi, *hupshu* and *mshkbm* in Syria, and *ikkarim* and *toshabim* in Palestine, that was the mainstay and foundation of Near Eastern agriculture. Instead of buying, maintaining, and guarding considerable numbers of unwilling slaves, the large landowners (and to a degree even the kings and the temples) preferred to lease parcels of their land to free-born tenant-farmers. This does not mean that there were no slaves on the farms. Like the upper class in the cities, well-to-do farmers owned slaves and employed them on the land, but slave labor was not a decisive factor in the agricultural life of the Ancient Near East.²⁸

4. Slaves in Industry

The counterpart of the free-born tenant-farmer in agriculture was the

²⁸. Cf. Mendelsohn, "The Canaanite Term for 'Free Proletarian,'" BASOR 83 (1941), pp. 36-39.

free-born "hired laborer" in industry. There was, of course, great competition between free laborers and slaves in the field of unskilled labor, but the skilled fields were dominated by the free artisans. The reasons for this phenomenon, that is, the small number of slave artisans in the Ancient Near East, were: (1) the apprenticeship period lasted from two to six years, a period during which the slave not only did not bring in any profit, but the owner had to spend money for his upkeep; (2) the number of slaves in well-to-do families averaged from one to three and therefore only a few of them could be spared to be used as an investment with a view to future returns; and finally (3) the general unwillingness of the employer to hire slaves because they could not be trusted to operate with expensive tools even when they possessed the skill to handle them. We thus come to the conclusion that the role played by slaves in the skilled industries was very insignificant indeed. Ancient Near Eastern craftsmanship was the product of free labor.²⁹

THE ATTITUDE OF RELIGION TOWARD SLAVERY

We have seen that economically the Ancient Near Eastern civilization was not based on slave labor. We have also seen that society was unable to maintain consistently the legal fiction that the slave was a mere chattle, and hence some freedom was accorded to him. There remains one more aspect to be considered and that is the attitude of religion toward slavery, the ownership of man by man. Nowhere in the vast religious literature of the Sumero-Accadian world is a protest raised against the institution of slavery, nor is there anywhere an expression of sympathy for the victims of this system. The Old Testament justifies perpetual slavery of the Canaanites, but demands the release of the Hebrew defaulting debtor in the seventh year and of those who sold themselves in the year of the jubilee. The first case — the release of the debtor-slave after a limited term of service—has a parallel in the earlier Hammurabi Code which also demands the release of the defaulting debtor. But in the second case where the release is demanded of even those who had sold themselves voluntarily into slavery, we have for the first time an open denial of the right of man to own man in perpetuity. This denial of the right of possession of man by man is as yet restricted to Hebrews only (cf. Nehemiah 5:8), but it is a step which no other religion had taken before. The first man in the Ancient Near East who raised his voice in a sweeping condemnation of slavery as a cruel and inhuman institution, irrespective of nationality and race, was the philosopher Job. His was a condemnation based on the moral concept of the inherent brotherhood of man, for

"Did not He that made me in the womb make him (the slave) also?
And did not One fashion us in the womb?" (31:15)

²⁹ Cf. Mendelsohn, "Free Artisans and Slaves in Mesopotamia," *BASOR* 89 (1943), pp. 25-29.