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Greek Slavery in a Near Eastern Context: A Comparative Study of the Legal and Economic Distinctiveness of Greek Slave Systems

LEWIS, DAVID,MARTIN

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Abstract:

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The orthodox view of Greek slavery, developed by a number of scholars but particularly by M.I. Finley, regards the 'classical' civilisations of Greece and Rome as cultures in which slavery developed to a high degree, which stood in contrast to neighbouring Near Eastern societies where the institution remained undeveloped in economic terms and was not understood in the same fashion, since these societies lacked a concept of freedom.

This study provides a critical revision of this issue in two phases. The first analyses the legal nature of slave ownership in a cross-cultural perspective, and shows that the legal features of slavery are fundamentally similar in Greek and Near Eastern societies; both Greek and Near Eastern societies understood slavery in a similar fashion, and although societies of the latter kind lacked a developed cultural understanding of freedom, they understood the legal meaning of freedom and could distinguish slavery from other conditions. This undermines the Finleyan view that slavery in Greece and the Near East differed fundamentally in qualitative terms.

The second phase shows that the notion that slavery remained an undeveloped institution in the Near East is incorrect by comparing the role of slavery in Greek societies with its role in several Near Eastern societies. By analysing the role of slavery in Biblical Israel, Neo- and Persian Babylonia and in the provinces of the Persian Empire, it shows that the Finleyan model is largely misleading. Instead of a stark contrast between Greek slave societies and non-Greek societies where slavery remained undeveloped, it is shown that a great deal of similarity existed in the extent to which slave labour was utilised in the eastern Mediterranean world. This study shows that slavery cannot be identified as a feature distinguishing 'classical' civilisations from neighbouring societies of the ancient Near East.

GREEK SLAVERY IN A NEAR EASTERN CONTEXT

A COMPARATIVE STUDY OF THE LEGAL AND ECONOMIC DISTINCTIVENESS OF GREEK SLAVE SYSTEMS

David Martin Lewis

A thesis submitted to the Department of Classics and Ancient History at Durham University

For the qualification of

Doctor of Philosophy

2011

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SLAVE STATUS IN A
COMPARATIVE PERSPECTIVE

THE ECONOMICS OF SLAVERY
IN A COMPARATIVE PERSPECTIVE

Abbreviations

References to classical authors, papyrological sources and inscriptions follow the system of reference in *LSJ*[9]; other references and Near Eastern sources are abbreviated as follows:

ADD	C.H.W. Johns, *Assyrian Deeds and Documents I-II*. Cambridge 1898-1923 and *American Journal of Semitic Languages and Literatures* 42 (1925/6): 170-275.
BE	*The Babylonian Expedition of the University of Pennsylvania, series A: Cuneiform Texts*. Philadelphia 1898.
BM	*Siglum of the British Museum*
BOR 1	T.G. Pinches, 'A Fragment of a Babylonian Tithe-List' *Babylonian and Oriental Record* 1 (1886/7): 76-7.
BRL	J. Kohler & F.E. Peiser, *Aus dem babylonischen Rechtsleben*. Vols 1-4. Leipzig 1890-8.
BRM	BRM 1 = Clay (1912); BRM 2 = Clay (1913).
Camb.	J.N. Strassmeier, *Inschriften von Cambyses, könig von Babylon (529-521 v. Chr.). Babylonische Texte VIII-IX*. Leipzig 1890.
CH	Codex Hammurabi
C.Ptol.Sklav.	R. Scholl, *Corpus der ptolemaïschen Sklaventexte*. Stuttgart 1990.
CT	T.G. Pinches & I. Finkel, *Neo-Babylonian and Achaemenid Economic Texts*. London 1982
Cyr.	J.N. Strassmeier, *Inschriften von Cyrus, könig von Babylon (538-529 v. Chr.). Babylonische Texte VII*. Leipzig 1890.
Dar.	J.N. Strassmeier, *Inschriften von Darius, könig von Babylon (521-485 v. Chr.). Babylonische Texte X-XII*. Leipzig 1897.
LNB	Neo-Babylonian Laws
LTRC I	T. Kwasman & S. Parpola, *Legal Transactions of the Royal Court of Nineveh, Part I*. Helsinki 1991.
LTRC II	R. Mattila, *Legal Transactions of the Royal Court of Nineveh, Part II*. Helsinki 2002.
Mich.	E.W. Moore, *Neo-Babylonian Documents in the University of Michigan Collection*. Ann Arbor 1939.
NBK	S. H. Langdon, *Die neubabylonischen Königsinschriften*. Leipzig 1912.
Nbk	J.N. Strassmeier, *Inschriften von Nabuchodonosor, könig von Babylon (604-561 v. Chr.). Babylonische Texte V-VI*. Leipzig 1889.
Nbn	J.N. Strassmeier, *Inschriften von Nabonidus, könig von Babylon (555-538 v. Chr.). Babylonische Texte I-IV*. Leipzig 1889.
NRVU	M. San Nicolò & A. Ungnad, *Neubabylonische Rechts- und Verwaltungsurkunden übersetzt und erläutert. Band I: Rechts- und Wirtschaftsurkunden der Berliner Museen aus vorhellenistischer Zeit*. Leipzig 1929-1935.

PBS 2/1	A.T. Clay, *Business Documents of Murashu sons of Nippur Dated in the Reign of Darius II*. Philadelphia 1904.
PFa	R.T. Hallock, 'Selected Fortification Texts' *Cahiers de la Délégation Française en Iran* 8 (1978): 109-136.
PF	R. T. Hallock, *Persepolis Fortification Tablets*. Chicago 1969.
PTT	G. Cameron, *Persepolis Treasury Tablets*. Chicago 1948.
SEG	*Supplementum Epigraphicum Graecum.*
TCL 12	G. Contenau, *Contrats néo-babyloniens I: de Téglath-phalasar III à Nabonide*. Paris 1927.
TCL 13	G. Contenau, *Contrats néo-babyloniens II: achéménides et séleucides.* Paris 1929.
TMH 2/3	O. Krückmann, *Neubabylonische Rechts- und Verwaltungstexte*. Leipzig 1933.
UET 4	H.H.M. Figulla, *Business Documents of the New-Babylonian Period*. London 1949.
WDSP	D. Gropp *et.al.*, *Wadi Daliyeh II. The Samaria Papyri from Wadi Daliyeh.* Oxford 2001.
YOS	*Yale Oriental Series*
ZKM	*Zeitschrift für die Kunde des Morgenlandes*

Quotations from the Hebrew Scriptures follow the New Jerusalem translation (London 1990). All other translations are mine unless otherwise indicated.

Acknowledgements

INTRODUCTION

Greek slavery has been subjected to repeated scrutiny in the last century and-a-half[1], and as new methodological approaches are developed, they are quickly applied to resolving a number of questions which have preoccupied scholars for generations: how do we categorise the different forms of exploitative labour utilised in various Greek societies? How, why and when did they come into existence, and what role did they play in underpinning the institutions which shaped the social and political life of these communities? How distinctively 'Greek' or 'Classical' were they?

Recent years have seen the repeated application of comparative approaches to a number of these questions. In most instances, however, they have drawn upon evidence from modern or early-modern slave systems in order to illuminate the specific issue to which they are applied.[2] However, comparative approaches to ancient slavery have not dwelt in detail upon other slaveholding systems in the ancient world as a point of contrast

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[1] The most recent *Bibliographie zur antiken Sklaverei* published in 2003 by the Mainz Akademie der Wissenschaften und der Literatur catalogues 10,415 works on ancient slavery (including the ancient Near East). See Bellen & Heinen (2003), with the review of W. Scheidel in *BMCR* 2005.09.39. For the early historiography of ancient slavery, see Finley (1980): 11-66.

[2] For example, see Cartledge (1985), Hodkinson (1992), (2008), Scheidel (2002), (2008), Patterson (2008), Morris (1998). The volumes of Katsari & Dal Lago (2008a and 2008b) demonstrate the importance of this approach in modern slavery studies. The 2010 ISOS conference in Nottingham likewise utilised comparisons between the ancient and modern worlds.

and comparison with classical societies.[3] To some extent, this reflects a difference in aim. Golden points out how comparative methodologies can be used to several distinct ends: one such end is to use comparative data to rule out unfounded and overly-simple generalisations; another uses cross-cultural parallels to demonstrate that what works in one society may work in another, i.e. to validate the workability of theoretical models. A third aims to compare and contrast different sets of data to bring out the distinctive features of each, highlighting where similarities and differences occur.[4] This study falls firmly in the third of these categories.

For a long time, scholars have discussed 'classical' slavery as if it were a special category, somehow distinct from the other systems of slavery which could be found in the ancient Mediterranean and Near East. Whilst for some, this may be little more than a convenience reflecting the compartmentalisation of modern academic disciplines, others have argued that Greek and Roman slavery was in a very profound and substantive sense distinct from the forms of slavery in neighbouring areas. By far the most influential of these scholars was M.I. Finley, who pronounced in a number of publications that Greek and Roman slavery was of a different nature and practised on a different scale to the forms of slavery attested in the Near East.[5] In his own estimation, the first appearance of a 'slave society' (a society where the elite derived a significant proportion of their wealth from slave labour) occurred in archaic Attica as a result of a labour shortage following Solon's alleged

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[3] Luraghi (2009) is a noticeable exception in using ancient as well as modern comparisons to shed light on Helotage.

[4] Golden (1992): 315.

[5] See chapters 6-9 in Finley (1981), and for discussion, below pp. 31-2.

ban on debt bondage[6], forcing the elite to import barbarian slaves from abroad; this

innovation, so the argument goes, contributed to the birth of democracy as well as the

Western idea of freedom.[7] In Finley's opinion, slave labour played no role of importance in

the Near East.[8] These views were more-or-less fossilised by the 1960's, but in the intervening

years enormous strides have been accomplished in the field of Near Eastern studies;

moreover, many of Finley's views, not only on slavery, but also on the economics of ancient

Greece, have been called into question.[9] In the economic sphere particular criticism has been

levelled at Finley's stark division of Classical and Oriental civilisations, a point which has

now been accepted even by scholars who continue to support the Finleyan conception of the

economy in its essentials.[10]

Studies of Greek slavery have not caught up with these developments. Since Finley's

death, the question of the distinctiveness of Greek slavery has lain dormant, but one would

be mistaken to assume that his conception of the issue has been quietly abandoned. On the

contrary, it is alive and well. The recent *Cambridge World History of Slavery, Volume I* shows

how tenacious these notions have been. The series editors' introduction claims that 'Greece

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[6] See now Harris (2006): 249-69. Solon did not abolish debt bondage, only enslavement for debt.

[7] See Finley (1980): 85-92.

[8] Finley (1981): 114-115.

[9] For Finley's position on the economy, see Bresson (2007): 7-36. For a greatly modified view of the Athenian economy, see Harris (2002) and Davies (2007).

[10] See the comments of Davies (2001): 13-14. Cf. Morris, Saller & Scheidel (2007): 8-9, who hold a very different (essentially a Finleyan) conception of the Greek economy to Davies but agree with this particular criticism.

and Rome were the first major slave societies' (p. ix); and although the volume is introduced by a brief survey of slavery in the Near East, this chapter sidesteps the issue of the economic role of slavery in Near Eastern societies and is rather superficial in analysis.[11] In a later chapter on Hellenistic slavery, D. Thompson writes of the spread of 'Greek style chattel slavery' throughout the Near East in the wake of Alexander's invasion, as if nothing of the sort had been seen there before. Although she is aware of Dandamaev's important work on Babylonian slavery, she treats this as an aberrant exception to 'oriental forms of dependence', which seem to have been otherwise the norm.[12] Despite the fact that the question of the distinctiveness of Greek slavery has lain formally dormant for decades, the Finleyan picture retains deep roots in the outlook of most scholars of ancient slavery; although reprehensible, most scholars assume that their utilisation of slave labour marks yet another way in which Greek and Roman civilisations were different to neighbouring cultures. The general assumption that 'classical slavery' is a thing unto itself has meant that it has been studied in isolation from rather than in tandem with neighbouring forms of the institution. As we shall see in this study, a fuller survey of the evidence shows that this picture requires extensive revision.

A fresh re-examination of the issue is required so that we can better appreciate the ways in which Greek forms of slavery resembled (and differed from) neighbouring versions

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[11] Snell (2011).

[12] Thompson (2011). Cf. the comment in Hunt's chapter (p. 46): 'Finley's defence of social history against a moralistic intellectual history has stood the test of time – *as have his distinctions between societies with a spectrum and those with a dichotomy of slave statuses*' (my italics). For the problems with this bifurcation, see below, pp. 178-90.

of the institution. This study aims to revisit this question by comparing Greek forms of slavery in terms of their legal nature and economic role to several Near Eastern societies: Biblical Israel, Neo-Babylonia, and societies within the Persian Empire.

Legal Comparison

Many scholars, not only Finley, have asserted that there was a basic qualitative difference between 'Classical' forms of slavery, and 'Oriental' slavery, which prevents historians from comparing them. The lineage of this notion is discussed below in a general historiographical overview which deals with the genesis of the idea in the Classical world and its adaption by thinkers of the Enlightenment down to modern scholars of Greek slavery.

The first half of this study follows this introductory chapter; here a rigorous methodology is developed to identify slavery in a cross-cultural fashion. This involves tackling the definitional question which has divided scholars for the past three decades: do we define slavery in terms of ownership, or should it better be characterised as 'Social Death', as the sociologist Orlando Patterson has insisted? Is ownership an appropriate category which remains consistent from one society to the next, or is it, as Patterson has argued, a wildly variant concept which differs in substance depending on which legal system we take into consideration? By adopting concepts from modern Jurisprudence, and then testing them rigorously against ancient evidence, it is demonstrated that ownership is a valid concept that can be explained as a typology of 'incidents' which remain consistent from culture to culture, and that it is correct to define slavery as the ownership of human beings. 'Social Death', on the other hand, is essentially a descriptive rather than a definitional category. It is useful as a means of approaching the slave experience from the slave's perspective, and allows us to gain a more rounded impression of the relationship

than could be achieved by merely focusing upon the rights and powers of the master; but it is in many ways rather vague: it can apply to conditions which would not normally be labelled 'slavery', and when it is tested on ancient evidence it can fail to distinguish between important status differences. The bulk of the first half of this study tests out these concepts on a disparate array of evidence from a number of ancient societies: the world of Homeric epic, Classical Attica, Ptolemaic Egypt, Babylonia under the Neo-Babylonian and Persian kings, and Rome. The investigation shows that, in cross-cultural legal terms, all of these societies understood slavery in the same basic sense: that the slave was the property of his owner, despite the fact that the social position of slaves might vary considerably from one society to the next.

Three appendices deal with particularly tricky cases, and test the methodological approach adopted here. The first deals with the Helots of Sparta. There is still some disagreement among scholars on how we should categorise this population, and by extension, other analogous populations such as the Thessalian Penestai or the Mariandynians of Heraclea Pontica. Some prominent scholars have asserted that the Helots were not slaves, but state serfs; others, that they were state-owned slaves; and yet others that they were privately owned slaves.[13] The concept of ownership adopted here is applied to the classical evidence concerning the Helots to gauge their legal status. The second appendix

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[13] The 'serf' position was developed extensively by G.E.M. de Ste. Croix (e.g. de Ste. Croix 1981: 149-50; idem. 1988) and is today championed by P. Cartledge (e.g. Cartledge 1988). D. Lotze (1959) argued that Helotage was 'Kollektivsklaverei' and that the Helots belonged to the state; J. Ducat (1990: 19-29) has convincingly argued that during the Classical period, Helots were owned by individual Spartiates, a view that has been accepted by some scholars but remains controversial. For a fuller discussion see appendix I below.

deals with slavery at Gortyn. The famous law-code of this city refers to slaves by two terms: *dolos* and *woikeus*. As with Spartan Helotage, some scholars have considered the latter of these terms to refer to serfs, but others have pointed out intractable legal problems in this identification and view the two terms as synonyms. By applying our methodology to the evidence of the inscriptions it is clear that the terms are synonyms and the status they describe falls under our rubric of slavery. The third appendix deals with the distinction between slavery and temporary bondage in the laws of the Hebrew Scriptures and demonstrates that although the same Hebrew word is used for both terms, there is a clear substantive division between the two statuses drawn along ethnic lines, marking a clear difference between slavery and temporary bondage.

This analysis shows that in practice, the members of these very different societies all held fundamentally similar conceptions of slavery, and the legal status of slaves shared a set of basic similarities. This undermines the view that slavery differed considerably between 'classical' and 'oriental' societies in qualitative terms.

Part I concludes with a discussion of status distinctions. Finley and others claimed that whereas free people could be easily distinguished from slaves in Greece and Rome, Near Eastern societies never developed the concept of freedom, leaving slavery as indistinct from other 'slavish' conditions which blurred together into a spectrum. This concluding section exposes some major problems in this conception and demonstrates that Near Eastern societies were just as capable of distinguishing slaves from everybody else as the Greeks and Romans were. The major difference between 'Freedom' in Greece and the Near East lies not in incomparably different social structures, but in the Greek development of this notion as a central cultural value, particularly as a political metaphor indicating the absence of either an internal tyrant or political domination from an external power; Near Eastern societies, on the

other hand, were always under the rule of an internal or external monarch, and never

developed this value and its accompanying discourse; living always under a monarchical

system, they naturally appeared 'slavish' to their Greek neighbours. The Greek 'discovery of

freedom' was the discovery and adoption of a political metaphor; but in terms of the legal

meaning of slavery and freedom, there was no fundamental difference between Greece and

the Near East.[14]

Economic comparison

Part II of this study deals with the comparative importance of slavery in socio-economic

terms. Was Finley correct in asserting that slavery 'played no role of any consequence'[15] in

Near Eastern societies? Were the Greeks innovators in making use of slave labour to

underpin the dominant position of elites, or did the same practice occur in other societies of

the ancient Mediterranean and Near East in the same or earlier periods? In opposition to a

reductive strand in earlier scholarship which thought in terms of 'Classical' and 'Oriental'

forms of slavery, this study emphasises diversity in both Greek and Eastern societies in

terms of their utilisation of slave labour. After introducing the various approaches to the

concept of 'slave society', we proceed to analyse the importance of slavery in a variety of

Greek societies: the world of Homeric epic, Classical Attica and other commercial centres

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[14] See Raaflaub (2004): 288 n. 78. Although Raaflaub generally follows Finley, he does accept that legal

('personal') freedom existed in the Near East, and his views are not incompatible with the position

adopted in this study.

[15] Finley (1981): 114-115.

such as Chios and Aegina, and communities that followed the Helotic model with comparably static slave populations of an ethnically homogeneous nature. This Greek chapter shows that there is no monolithic 'Greek' form of slavery; different Greek societies obtained slaves in different fashions, utilised their labour in different ways, and legislated differently to control and manage their slaves. Nonetheless, the dominant elites in each of these Greek societies owed their position to slave labour and therefore these societies can be accurately labelled 'slave societies.'

The next three chapters turn to Near Eastern societies. The first deals with the importance of slavery to the elite in Biblical Israel, a topic that is not only understudied, but is also riddled with methodological difficulties related to the dating of various strata of the Biblical texts and the problems of using these texts to reconstruct social history. Nevertheless, a sensible reading of our evidence shows that wealthy individuals throughout the Hebrew Scriptures are represented as slave owners who owe much of their wealth to slave labour, not greatly different to the relationship between slavery and wealth in Greece. Neo-Babylonia presents quite a different set of sources, principally business documents, which show that the Babylonian elite owned extensive holdings of slaves on a par with (if not greater than) their Greek contemporaries. Finally, we turn to the issue of slavery under the Persian Empire. The evidence for this aspect of social life is very patchy, unsurprising given the vast geographical extent of the Empire; but it is shown that in many areas of the Empire the wealthy, including the Persian monarch and his nobles, derived a significant proportion of their wealth from slave labour. A conclusion summarises the findings of this study and outlines how it modifies our received understanding of the uniqueness of Greek slavery.

The aim of this study is not to find out which society was the first in world history to qualify for the title 'slave society.' This is not, in my view, a question which can be confidently answered. There is a straightforward reason for this: a significant body of evidence from a circumscribed period is needed for us to analyse the economic and social workings of any given society to the extent that we might discern the foundations upon which elite wealth is based. The nature of our evidence precludes any sort of even coverage for the ancient world, and undoubtedly the role of slavery remains opaque with respect to many of the societies which made up this world, even if it did in fact play a significant role in some or many of them. Even for the societies analysed in this study, the volume of evidence forbids a decisive verdict to be given in all cases. Perhaps it would be better to point out that we possess fuller and more generically varied sources with less methodological complications for some societies (e.g. classical Attica) than we do for others (e.g. Biblical Israel, some of the communities where Helotic forms of slavery prevailed), affording us greater confidence in describing the economic workings and the distribution of power in the former society than in others. At some points, the identification of a certain society as a 'slave society' must remain tentative. However, the current orthodoxy, which views slavery in the 'classical' societies of Greece and Rome as somehow unique and unparalleled in the ancient world, has outlived its day. By challenging the orthodox position, this study aims to produce a more nuanced and accurate analysis of the 'distinctiveness' of Greek slavery in relation to the cultures that surrounded it.

HISTORIOGRAPHICAL OVERVIEW

One of the basic assumptions of the orthodox view of the uniqueness of Greco-Roman slavery - of which Finley was the most vociferous and influential advocate - is that classical (i.e. Greek and Roman) civilisations differed profoundly from Oriental societies in a number of different ways, extending (to use a Marxist metaphor) from the economic base of their society (the system of land tenure, the organisation of production) to social structure as well as their general cultural outlook. This assumption did not begin and end with Finley. In fact, we can trace the roots of these views back to classical Greece. Here we shall briefly consider the genesis of these views and their survival to the modern world, particularly in terms of the alleged 'slavish' character of Oriental cultures and their economic organisation. I do not intend this as an exercise in *Begriffsgeschichte* designed to chart the path of the concept of a 'slavish East' throughout history. Rather, this section is intended as a sketch of the intellectual context in which modern scholars of Greek slavery have approached the question of the comparative nature of Greek and Near Eastern slavery. This sketch is only an outline – the subject matter is so extensive it could be expanded to fill a volume in itself – but this outline will consider the views of the most influential modern writers on Greek slavery: Henri Wallon, Eduard Meyer, W.L. Westermann, Joseph Vogt, G.E.M. de Ste. Croix, and of course, M.I. Finley. Here I show that the views of these scholars on the nature of Near Eastern society have been shaped not so much by extensive study of the Near Eastern

sources, but by number of received 'facts' or motifs about Oriental cultures which have a

long intellectual pedigree that has only begun to be challenged in the last few decades.[16]

To go back to the beginning of these views – that is, to classical Greece – is of direct

relevance to their modern successors; indeed, the views of some classical authors were

resuscitated almost intact by writers of the Enlightenment. It would be incorrect to speak of

a single 'Greek' view of the slavishness of their Asian neighbours[17], but by the fourth

century BCE a number of strands of thought were fused by several writers which can be

rightly regarded as the ancestor of later notions of the 'slavishness' of the Orient. The earliest

of these particular strands (which was not originally connected to Eastern civilisation) is the

connection between slavery and autocratic rule, which we find as early as the poetry of

Solon.

In Solon's poetry a stark contrast is drawn between *eunomia* – where the law rules all

of the community – and tyranny, where a single individual sets himself above the law and

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[16] Said (1978) is the classic exposition of the 'Oriental' motif, or rather, set of motifs. Vlassopoulos

(2007) following Said, calls for a reassessment of the alleged differences between classical and

Oriental civilisation.

[17] For example, Herodotus – who travelled extensively in the Persian Empire (though not as

extensively as he sometimes implies) and had met many Persian subjects – was less susceptible to the

crudest forms of stereotyping than later writers. He does not make the deterministic connection that

these writers would later make between the climate and racial characteristics; his writings show that

he believed the 'softness' of any given people was bound up with the harshness of their lifestyle and

the fecundity of the land they occupied, and could change in relation to both of these factors. See

Isaac (2004): 56-60.

does more or less as he pleases.[18] The latter of these can be described as slavery for the community – purely in a figurative sense, of course: thus in Fr. 9.3-4 [West] Solon speaks of the slavery caused by the rule of a monarch (μονάρχου (...) δουλοσύνην). Solon is speaking of archaic Attica, where the law was clearly not observed in his time and injustice prevailed; but the connection between slavery and the rule of a single individual persisted, and it was no great leap to connect the institution of monarchy which had existed as far back as anyone could remember in the cultures of Asia with a deeply imbued sense of slavishness.[19] A further factor which contributed to this view was that by the fifth century, many if not most of the Easterners an Athenian would meet on a day-to-day basis were slaves. A large proportion of the slave population of classical Athens consisted of Phrygians, Lydians, Carians, Syrians, Paphlagonians, and other peoples from inside the Persian Empire; that they were slaves must have reinforced the connection between Asiatic society and slavishness.[20]

When in the late fifth and early fourth centuries thoughts on race began to take a more theoretical character, these existing prejudices developed into what can be described as

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[18] For the contrast between the two forms of government and the idea of the rule of law in Solon and early Greece see Harris (2006): 3-28.

[19] See Brock (2007): 211 for the political imagery of slavery.

[20] As Hall (1989): 2 points out, the Athenian experience of slavery 'provided further stimulus for the generation of arguments which supported the belief that barbarians were generically inferior, even slavish by nature.' For Near Eastern peoples in the Attic slave population, see Miller (1997): 81-5; Lewis (2011).

the beginnings of racism.[21] Bluntly put, the philosophers of the classical period already knew (as far as they were concerned) that Asiatic peoples were slavish: what they sought was an explanation for this apparent fact. Part of the explanation could be found in the eternal institution of monarchy which existed there.[22] However, a newer element in the typology also emerged: the idea that the climate affected the physical and dispositional characteristics of whichever people populated a given area. This begins in the Hippocratic text *Airs, Waters, Places*, and is more fully developed in Aristotle's *Politics* (1327b). The former text connects the harshness of the northern climate with the bellicosity of northern races, and the heat of Asia with the weakness of its inhabitants; the latter develops this notion by locating the Greeks between the two and viewing them as possessing the best balance of characteristics.[23] From these views emerged a stereotyped view of the Orient which stressed the despotic character of its monarchs and the subservience of the general population.[24]

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[21] Most scholars have been reticent about using this term and prefer 'ethnocentrism' or 'chauvinism', e.g. Hall (1989): ix; but see Isaac (2004): 1-51, who shows that although ancient proto-racism differed in some important respects to the formal 'scientific racism' of the 19th century and thereafter, there is nonetheless a great deal of common ground, and we can speak of racism in the ancient world without being misleading if we properly qualify the term.

[22] Thus the author of *Airs, Waters, Places* can declare (16; cf. 23.4) that the feebleness of the inhabitants of Asia was partially due to its institutions, particularly monarchy.

[23] See Isaac (2004): 60-74.

[24] It should be stressed, however, that classical ideas of the 'slavishness' of Orientals are always discussed on the metaphorical plane. I know of no classical source that claims that eastern peoples did not use many slaves or that strikes any sort of contrast between the classical and oriental uses of slave labour.

These views were readily adopted by thinkers of the Enlightenment and had widespread

currency during the eighteenth and nineteenth centuries; for example, Montesquieu's views

on the effect of the climate on racial characteristics closely mirrors the environmental

theories of classical Greek writers.[25] But it would be a mistake to view this as an isolated

example. As Said has shown, much Western thought on the Orient from this period was

saturated with motifs of this kind (the 'slavishness' of the Orient; the cruelty of its monarchs;

the historical immutability of Oriental civilisation).[26] The idea that Oriental populations were

servile in character we have seen in Montesquieu is shared also by Hegel[27]; and both of these

philosophers, as well as others such as Richard Jones and John Stuart Mill believed that the

Orient possessed an historically immutable character (in essence this meant that one could

generalise about the Orient regardless of historical epoch).[28] There is no room to focus here

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[25] Compare the following passage from book 17 chapter 2 of *de l'esprit les lois* with the comments in

chapter 16 of *Airs, Waters, Places*: 'Il ne faut donc pas être étonné que la lâcheté des peuples des

climats chauds les ait presque toujours rendus esclaves, et que le courage des peuples des climats

froids les ait maintenus libres. C'est un effet qui dérive de sa cause naturelle.' 'Καὶ περὶ μὲν τῆς

φύσιος τῆς διαφορῆς καὶ τῆς μορφῆς τῶν ἐν τῇ Ἀσίῃ καὶ τῇ Εὐρώπῃ οὕτως ἔχει. περὶ δὲ τῆς

ἀθυμίης τῶν ἀνθρώπων καὶ τῆς ἀνανδρείης, ὅτι ἀπολεμώτεροί εἰσι τῶν Εὐρωπαίων οἱ Ἀσιηνοὶ

καὶ ἡμερώτεροι τὰ ἤθεα αἱ ὧραι αἴτιαι μάλιστα, οὐ μεγάλας τὰς μεταβολὰς ποιεύμεναι οὔτε ἐπὶ

τὸ θερμὸν οὔτε ἐπὶ τὸ ψυχρόν, ἀλλὰ παραπλησίως.' See also Isaac (2004): 56-8.

[26] Said (1978): 113-197.

[27] See pp. 116-222 of Friedrich's 1956 edition of Hegel's lectures on the philosophy of history for

Hegel's views on Oriental despotism.

[28] Jones (1831): 7-8 'throughout Asia, the sovereigns have ever been in the possession of an exclusive

title to the soil of their dominions (…) the people are there universally the tenants of the sovereign,

on any of these writers at length, but something does need to been said about Karl Marx, who has exerted a pervasive and more direct influence upon modern studies of classical slavery.

The culture in which Marx was writing was shaped greatly by 'Orientalist' thought; we might note that in particular Hegel and Aristotle, who were particularly influential to Marx's work, share a basic assumption that Orientals were feeble and slavish (e.g. Arist. *Pol.* 1327b25-9). It must be emphasised that Marx never produced a concrete or dogmatic vision of the evolution of human society, and was continually experimenting with new ideas, simultaneously abandoning earlier conceptions when better ones became available; in attempting to understand the rise of the bourgeois society of his own day he examined earlier forms of property and labour organisation, in Europe and elsewhere. Marx's major theory on the economics and social organisation of the Orient is conventionally known as the 'Asiatic mode of production' (henceforth, AMP). In this theory, Marx developed the common figurative expressions of Oriental slavishness into a formal category of 'general slavery' (*allgemeine Sklaverei*) which described the condition of the majority of the population. In the AMP power is concentrated in the hands of a despot who owns all of the land in his kingdom; most of the inhabitants live in villages, and their surplus production is skimmed-off by an administration and delivered to the monarch, with the result that the latter exists in opulence whereas the former are bound in an endless cycle of bare

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who is the sole proprietor.' See also Mill (1965 [1848]): 13-15. The intellectual milieu which formed the background of Marx's Asiatic Mode of Production is discussed at length in Anderson (1974): 462-549; for Jones and Mill, see pp. 469-70.

subsistence ('general slavery'), arresting social evolution and rendering the Oriental

kingdom historically immutable and inert in character.[29]

We shall return to Marx's influence shortly; but with these views sketched-in it is

now important to say a little on the history of scholarship on ancient slavery. Until the

nineteenth century scholarship on ancient slavery was largely antiquarian in character,

concerned with collecting information rather than developing any grander theories. But by

the nineteenth century two further strands had emerged which can be viewed as the

principal lineages of the major work on classical slavery of the twentieth century. The first

focused on the moral dimension of slavery, its relation to Christianity, and the effect slavery

had on perceptions of the virtuous character of Greco-Roman civilisation. The second was

essentially sociological, and concerned with issues such as the numbers of slaves in Greek

and Roman societies, the nature of their labour, and their economic importance.[30]

The major early work of the former variety was Henri Wallon's three-volume *Histoire de*

l'esclavage dans l'antiquité, published in 1847, which included a 61-page chapter devoted to

slavery in the Orient. Two important points must be noted as a preliminary. First, Wallon

was writing in a period before the decipherment of the cuneiform writing-system, and had

none of these sources available to him; he depended instead upon the Hebrew Scriptures as

well as rabbinic writings for his view of ancient 'Oriental' slavery. Second, Wallon was a

deeply religious individual; whilst he cannot be accused of deliberately misleading readers

in favour of a Christian reading of the sources, his religious preconceptions fundamentally

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[29] See Thorner (1966); Anderson (1974): 462-549. Briant (2002): 801-2 has some useful observations on

the pervasiveness of this model on the historiography of the Persian Empire.

[30] See Finley (1980): 11.

influenced his interpretation of the Biblical evidence. For Wallon, the difference between 'Oriental' and 'Classical' forms of slavery ran parallel to a deeper difference between Christian and Pagan attitudes to slavery: since the Hebrew Scriptures were, in his view, the word of God, they directly anticipated the coming of Christ and preached a moral message about the evils of slavery. In the laws of Exodus, Leviticus and Deuteronomy provisions are made for Hebrew bondsmen, who are contrasted with non-Hebrew slaves. The former had to be released after six years and could not be mistreated; but these rules did not apply to the latter, who were open to all manner of abuse (see Appendix III below). This presented a potential problem for Wallon, but he found a neat solution: since the law in Gen. 17:12-13 required all the male members of an Israelite household to be circumcised, Wallon believed that this would allow the non-Hebrew slave to become (in a manner of speaking) a fellow-Hebrew, and buy-into the special privileges of the Hebrew bondsman, resulting in a mild and humanitarian form of slavery overall, one which stood in contrast to the brutalities of Greek and Roman (pagan) equivalents.[31] The moralising approach to slavery has few adherents today, though during the second half of the twentieth century Joseph Vogt continued to analyse ancient slavery from a moral perspective and exercised considerable influence through his position as founder of the slavery research programme at Mainz. However, Vogt's interests lay solely with the Greco-Roman world and its intellectual and

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[31] Wallon (1847): 11-12: 'Une de ces restrictions transformait l'esclavage, ou, pour mieux dire, le supprimait. En effet, l'essence même de ce droit est d'être perpetuel: or il était limité pour les enfants d'Israël; et, selon quelques auteurs, l'esclave étranger, devenu israélite par la circoncision, participait aussi lui-même au bienfait de la loi.' Appendix III below shows that this is not a realistic reading of the evidence. Besides, what of the female non-Hebrew slave? She could hardly be circumcised and share in the privileges, even if Wallon's principle was correct.

philosophical achievements, and the societies of the Near East lay beyond his interests; he

has nothing to say about them in his *Sklaverei und Humanität.*

The sociological approach to slavery has proved more influential than the moral

approach, especially in English and American scholarship. Discussions of slavery of this sort

were often bound up with the debate on the nature of the economy during the nineteenth

century, typified by the diametrically opposed positions of Karl Bücher and Eduard Meyer.

The former insisted that the ancient economy was characterised by production based almost

entirely on the *oikos*, which he set out in his *Die Entstehung der Volkswirtschaft* of 1893; the

latter disagreed utterly, giving trade a more central place in his account of economic life.[32]

Inevitably, Meyer's involvement in this research led to the issue of slavery, which he dealt

with in a lecture delivered in Dresden in 1898 and later published under the title 'Die

Sklaverei im Altertum.'[33] Opposing the idea of the *Nationalökonomen* that history could be

described as a continuous progression of stages, Meyer postulated an alternate cyclical

model in which historical change did not display a purely linear progression; rather,

different historical societies resembled others from different periods in terms of socio-

economic organisation. Thus the Homeric period was analogous in terms of its economic

and social character to the European Middle Ages, whereas the heyday of antiquity ('die

Blütezeit des Altertums', i.e. Classical Greece and Late Republican/early Imperial Rome)

corresponded to modern times.[34] In Meyer's opinion, slavery followed the same contours in

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[32] See Davies (1998): 233-35; Bresson (2007): 8-10.

[33] On Meyer's work on slavery, see the important comments of Badian (1981): 52-3.

[34] Meyer (1910): 188: 'Die erste Epoche des Altertums, die homerische Zeit und ihre Parallelen, steht

mit der ersten Epoche der christlich-germanischen Völker auf derselben Linie und verdient wie diese

Homeric Greece as it did in pre-Republican Rome and monarchical Israel, being altogether

insignificant in comparison to later periods.[35] Note once more that Meyer was writing in a

period when cuneiform sources were only just beginning to shed light on Near Eastern

societies outside of Israel; with few cuneiform sources available, Meyer relied instead on his

comprehensive knowledge of the Hebrew Scriptures. And being reliant upon Biblical

material that he viewed as representative of an earlier level of society analogous to Homeric

Greece, he consequently believed that slavery played no role of importance in the Near East;

furthermore, since he viewed the Near East as historically static (as we have seen, a common

preconception in the 19th century), the conditions in one period could be applied to the

Orient generally, regardless of the historical epoch.[36] It must be emphasised that much of

this picture was developed for partisan purposes, to rail against (among others) intellectuals

of a socialist disposition whom Meyer despised; by downplaying slavery in Homeric Greece

and dating its rise to the classical period, he could blame it on the rise of democracy and the

increasing power of the lower classes.[37] For our purposes, we need only note that this picture

viewed the Near East as essentially insignificant in the history of slavery.

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als Mittelalter bezeichnet zu werden; die Blütezeit des Altertums entspricht der Neuzeit, sie ist wie

diese nach jeder Richtung eine modern Zeit, in der die Anschauungen herrschen, die wir als modern

bezeichen müssen.'

[35] For the parallels between Homeric Greece, early Italy and Israel, see Meyer (1910): 180. See pp. 190-192 for Meyer's views on the unimportance of slavery to economic life in the Orient.

[36] See Meyer (1910): 189-90; at 190 he claims 'Damaskus, Aleppo, Hamat und die Großstädte Ägyptens und Babyloniens haben im Jahre 1000 v. Chr. Nicht wesentlich anders ausgesehen, als heutzutage.' For Meyer's cyclical model of history see Davies (1998): 233-35; Bresson (2007): 8-10.

[37] See Harris (forthcoming).

Meyer's essay was admired by Vogt[38], but most enthusiastically adopted by

Westermann, who was one of Meyer's pupils. In his *Real Encyclopädie* article *'Sklaverei'*

(which would later become *Slave Systems of Greek and Roman Antiquity*) Westermann

declared at the outset that 'the basis of our contemporary understanding of slavery in Greek

and Roman history was laid by Eduard Meyer.'[39] It is hardly surprising that Westermann

developed further his own ideas of how 'Classical' and 'Oriental' forms of slavery differed,

which he expounded in *Slave Systems* in a chapter on the 'Basic Differences Between Pre-

Greek and Greek Slavery.'[40] For his part, Westermann drew attention to the ambiguities in

Semitic languages surrounding the terminology for slaves, postulating that this ambiguity

represented a substantive difference in the two forms of slavery: whereas the former made

(apparently) unambiguous distinctions between slaves and free people, the latter did not.

Slavery in the Near East was therefore indistinguishable from other 'servile' conditions, one

shade of slavishness blending into the next.[41] This idea is more fully developed in the work

of Westermann's pupil M.I. Finley, whom we shall consider shortly.

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[38] Vogt (1974): 179.

[39] Westermann (1935): 894: 'Der Grund zu unserem gegenwärtigen Wissen über die Sklaven in der

griechischen und römischen Geschichte wurde von Eduard Meyer in Seinem Vortrag, ,Die Sklaverei

im Altertum' aus dem Jahre 1898 gelegt.'

[40] Westermann (1955): 39-46.

[41] 'In sharp contrast to this clarity of differentiation between those completely free and those who

were enslaved, with a special term for "freedman" (ἀπελεύθερος) and regulations which provided

the freedman group with legal directives, stands the blurring and overlapping of these social

classifications in the Egyptian and the Semitic languages... The cuneiform signs for "slave" meant,

literally, a "man from the mountains," that is, a captive from an alien land. The same indefiniteness

First, however, it is important to return to the influence of Marx, whose ideas became particularly influential during the twentieth century. Much of the Marxist scholarship on ancient slavery of the last century was undertaken by Russian scholars, and much of the intellectual effort of Soviet scholars working on the Near East during the early to mid-twentieth century was preoccupied with arguing whether or not the AMP existed or could be used to describe the economic regimes of the ancient Near East[42]; it goes without saying that much of this debate went unnoticed in Western Europe due to a combination of political and linguistic barriers; some of the conclusions which were published in more accessible languages by Soviet scholars varied in quality and were not generally followed.[43]

Two influential and explicitly Marxist analyses of classical slavery of more recent years should be noted: Yvon Garlan's *Les esclaves en Grèce ancienne* (1982), and G.E.M. de Ste. Croix's *The Class Struggle in the Ancient Greek World* (1981). Both historians hold very different views on Marx (and ancient history in general), and this has resulted in different emphases on the nature of labour and land tenure in the ancient Near East as compared to

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prevailed in the early development of the Egyptian language in the use of the term *b'k*, to the point that the Egyptologists still disagree as to the exact status of the persons thus designated. The Hebrew word *'ebed* suffers from the same vagueness, its application ranging through "slave" or "servant of the Lord" in the phrase *'ebed Jahwe*, to the titular epithet describing a high military or civil official as *'ebed el malek*, "servant of the king."' (Westermann 1955: 42-3).

[42] See the comments of Badian (1981): 53.

[43] For a summary of Soviet research into ancient Near Eastern slavery see Dandamaev (1984): 70-75. A number of important essays are collected (in English) in Diakonoff (1981). For discussion and criticism of Russian research on ancient slavery see Finley (1980): 57-62, and pp. 70-72 for criticism of Diakonoff.

Greece. Although there are strong arguments in favour of the idea that Marx had abandoned the notion of the AMP by the end of his life, many Marxist scholars have clung on to the notion.[44] Garlan is one of them, and follows an approach which is more concerned with establishing 'what Marx thought' than with applying Marxist concepts to actual evidence. Accepting the AMP without any sign of doubt, Garlan simply ignores Near Eastern slavery since in his eyes it is something completely different from slavery in Greece.[45]

It is to de Ste. Croix's credit that he has been able to retain some of the more useful methodologies developed by Marx whilst judiciously avoiding some of his more excessive and experimental ideas, particularly the AMP. Yet de Ste. Croix does not approach the Near East without the preconception that it must have differed fundamentally in terms of land tenure and social structure to Greece. For instance, in noting a passage from Xenophon which describes the extensive slaveholdings of a Persian landowner, he asserts that the Persian landowner must have copied this system from his Greek neighbours.[46] As we shall see below, however, there is evidence for holdings of this sort from all over the Persian Empire, and the arrangements Xenophon describes cannot be explained away as the adoption of Hellenic customs by a Persian living on the fringes of the Greek world. Elsewhere, de Ste. Croix attempted to explain the labour systems of the Near East in terms of

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[44] For the abandonment of the AMP by Marx, see de Ste. Croix (1981): 155-7.

[45] Garlan (1988): 5-10. Another notable believer in the AMP was K. Hopkins : See Hopkins (1978) : 99 n. 2.

[46] de Ste. Croix (1981): 569 n. 42a.

serfdom and debt bondage, but once again – and despite his well-known disagreements with Finley, they both agreed that slave labour was not significant in the ancient Near East.[47]

Finally, we must consider the most influential writer on Greek slavery: M.I. Finley. A number of the above influences contributed to Finley's views on the unimportance of slavery in the Near East. Although he dismissed Meyer's work as being 'as close to nonsense as anything I can remember written by an historian of such eminence,'[48] Finley's views on Near Eastern slavery were remarkably similar to Meyer's. Like Meyer, Finley believed that slavery was not important in the Homeric period but rose to prominence later; but whereas Meyer could blame this on the rise of Democracy, Finley blamed it on the rise of commerce (as well as private property and the abolition of debt bondage), which suited his early Marxist leanings.[49] Finley was heavily influenced by Marx (although he would later reject class as an analytical category in favour of a Weberian notion of 'social status') and this influence shows through on other occasions.[50] Furthermore, he adapted and developed

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[47] For debt bondage in the Near East, see de Ste. Croix (1981): 170; for serfdom, see p. 172. Cf. pp. 227-8. Like Finley and Westermann, de Ste. Croix also relied upon Mendelsohn (1949): see de Ste. Croix (1981): 573 n. 76.

[48] Finley (1980): 48.

[49] See Harris (forthcoming).

[50] Take, for instance, his comment in 'Debt bondage and the Problem of Slavery' (Finley 1981: 162) that 'Despite these differences in the character of the sources, I believe we may draw one very sharp distinction: in Greece and Rome the debtor-class rebelled, whereas in the Near East they did not. Stated differently, reform, amelioration, abolition came in Greece and Rome as a direct consequence of struggle from below, at times reaching genuinely revolutionary proportions; elsewhere the initiative came from above, from the rulers, in response to grumbling and dissatisfaction, no doubt,

Westermann's ideas on the fluidity of status in the Near East, and especially on the

importance of the concept of freedom; but whilst emphasising a qualitative gulf between

classical and oriental slavery he also believed that slavery played a negligible quantitative

role in Near Eastern societies:

The pre-Greek world- the world of the Sumerians, Babylonians, Egyptians, and Assyrians; and I cannot refrain from adding the Mycenaeans- was in a very profound sense, a world without free men, in the sense in which the West has come to understand that concept. It was equally a world in which chattel slavery played no role of any consequence. That, too, was a Greek discovery. One aspect of Greek history, in short, is the advance, hand in hand, of freedom and slavery.

[Finley 1981: 114-15]

Part of his insistence – now much criticised[51] – on the fundamental economic differences

between the classical and Oriental worlds must be due in some degree to the influence of

Karl Polanyi, whose ideas Finley endorsed and who made a clear division between the

palace economies of the orient and those of the Greco-Roman world.[52] Finley took several

opportunities to state his views on the qualitative and quantitative differences between

slavery in Greece and the Near East.[53] The opinions of all of these scholars suffer from three

fundamental weaknesses:

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but on the whole with little effect, and none at long range on the social system itself.' This looks

suspiciously like Marx's notion of the AMP where revolution spurred changes in the mode of

production in Europe whereas Asia remained historically static.

[51] See note 9 above.

[52] For Karl Polanyi's views of the Near Eastern economy see Silver (1983), who is, however, overly

modernist in his approach to ancient economic history. On Polanyi's approach to the economy, see

Davies (1998): 236-7.

[53] See Finley (1981): 114-15; 120-21; 162.

i) They are all to a greater or lesser extent written in a tradition which unconsciously (though sometimes consciously) assumes that profound differences must have existed between 'classical' and 'oriental' civilisation, especially in terms of social and economic organisation.

ii) They all display a limited appreciation of Near Eastern source material. This is perhaps the least fair criticism to level; until the 1980's the only in-depth work on Near Eastern slavery was Isaac Mendelsohn's *Slavery in the Ancient Near East*, which concluded that slavery was not of great economic significance. Dandamaev has more recently shown that Mendelsohn used only a small selection of the cuneiform evidence available to him, and greatly underestimated the role of slave labour. Classical historians for most of the twentieth century had no other basic authority on Near Eastern slavery to refer to.[54]

iii) Many of the above works are of a partisan nature and were written as polemical studies directed against opposing theoretical positions. For example, Meyer was preoccupied with undermining the views of the *Nationalökonomen* that history could be described as a succession of stages; his hostility to socialism may account for the association he made between the rise of slavery and the rise of Democracy. Marxists such as Garlan who have adopted the AMP seem to presuppose utterly different forms of economic organisation in the Near East; and moralists such as Wallon were attracted towards certain readings of the ancient sources that cast Christianity in a favourable light. The partisan nature of many studies of slavery has meant that their authors have been led towards certain conclusions

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[54] For citations of Mendelsohn by classical scholars see Westermann (1955): 43; Finley (1981): 267 n. 17; de Ste. Croix (1981): 573 n, 76. For criticisms of Mendelsohn, see Dandamaev (1984): 31-2; 80.

less by a careful reading of the evidence and more by their interest in illustrating a larger theme or theory that a certain reading of the evidence might fit.

Today we are in a more favourable position. First of all, the work of Said (1978), whether or not one shares his views[55], has at least forced scholars to examine the presuppositions they hold regarding Near Eastern societies, and to revisit their evidence rather than relying upon popular motifs of the orient, especially in terms of land tenure, social structure and economic organisation. But most important is the general advance in knowledge of Near Eastern sources as well as social and economic organisation; apart from a general increase in the wealth of knowledge on Near Eastern societies since the 1970's, we may in particular single out Dandamaev (1984), which has utterly changed our picture of Babylonian slavery from that presented in Mendelsohn (1949); Dandamaev has also contributed several important studies of slavery in the Persian Empire.[56] Also worth noting is Hezser (2005) which has taken the study of Biblical slavery beyond arguments of the 'slave' laws of the Torah and raised the question of the importance of slavery to economic life. The present study takes these works as a point of departure in re-examining the whole question of the similarity of Greek and Near Eastern forms of slavery in legal and economic terms.

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[55] Said's work has attracted ongoing criticism for both the extremity of its anti-Western views and the accuracy of some of his research. See Irwin (2008).

[56] Dandamaev (1963) & (1975); Dandamaev & Lukonin (1989): 152-177.

SLAVE STATUS IN A

COMPARATIVE PERSPECTIVE

CHAPTER I

SLAVERY, OWNERSHIP AND SOCIAL DEATH: A CROSS-CULTURAL FORMULATION

OF SLAVE STATUS

The aim of this chapter is to establish a rigorous methodology by which slave status may be

identified in a cross-culturally valid fashion. Obviously, any further comparison would be

impossible if we could not establish at the outset that 'like' is being compared to 'like.'

Thirty years ago, Orlando Patterson advocated a new definition of slavery as the

'permanent, violent domination of natally alienated and generally dishonoured persons'

which was intended to replace earlier ideas of slavery based upon the concept of property.

Patterson believed that this concept varied significantly from culture to culture and was

therefore an inappropriate category for identifying slavery in a cross-cultural sense. But

what does this term 'property' (and its cognate, 'ownership') actually mean? Many false

assumptions regarding these terms have led historians – generally working with an

intuitive, layman's idea of what they constitute – to mislabel certain conditions, resulting in

a skewed picture of their legal status. To cite a simple instance, some historians have

thought of ownership as an 'absolute' right, and pointed out restrictions such as the ban on

private manumission of Helots as apparent evidence that they were not privately owned.[57] This misconstrues the nature of ownership, which is always subject to restrictions established in the public interest. In this chapter the concepts of ownership and social death are dissected so that we can fully understand their ramifications and can correctly apply them as heuristic tools.

Before we address these concepts themselves, several provisos need to be dealt with. First of all, what is the point of using abstract legal concepts to categorise ancient populations? Does it really make any difference if we characterise a certain population as serfs rather than slaves? As Hodkinson has recently pointed out, the legal categorisation of the Helots may be a worthwhile pursuit, but does it actually tell us anything about how this institution worked 'on the ground'?[58] To push this notion further than Hodkinson does, and to play Devil's Advocate, we might ask, are arguments about legal status mere pedantry which distracts us from social reality?

Any supposed disconnection between 'abstract' legal concepts and social reality may be more apparent than real. Let me offer a concrete example, returning to the Helots, of how different legal conceptions fundamentally alter our picture of how the institution operated 'on the ground.' If we think of the Helots as serfs, as some historians still insist, we necessarily must view them as 'tied to the soil', and those who categorise the Helots in this way also deny that they could be sold at all. Scholars who categorise them as slaves argue that Helots could be sold within Spartan territory, and that they were not 'bound to the soil' in any more than a tenuous sense insofar as they could not be sold outside of Lakonia and

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[57] See Cartledge (2002): 17-18; cf. idem. (2011): 78-82.

[58] Hodkinson (2008): 286-7.

Messenia. Obviously, our conception of the social conditions of the Helots differs vastly

depending upon which status we categorise them under. If they could be sold, a Spartiate

master possessed the power to break-up Helot families and scatter them across Spartan

territory; if the Helots were serfs, Spartiate masters could not exercise this power, and Helots

could enjoy certain rights to familial solidarity. So legal categorisation is crucial for our

understanding of some of the basic means by which an exploitative party exercised power

over the party he or she exploited; it also gives us the same criteria for comparing

institutions such as slavery in a diversity of cultural backgrounds (thus comparing 'like' to

'like').

On the other hand, we should not take this argument to extremes. The concept of

legal status is a very basic tool for identifying similar conditions in a cross-cultural

perspective: it cannot explain every aspect of the social reality of the person so categorised. If

we look at slavery at Athens, for example, we find a wide variety of social circumstances; the

term 'slave' can only identify the fact that certain people in Attica were held in private or

public ownership; it does not explain how some slaves ended up in the Laureion mines

whereas others ended up working as domestics in the city itself, or how others – Pasion for

example – were freed and rose to economic prosperity. The role of status as a tool for

categorising certain conditions, not explaining every aspect of them, was pointed out

decades ago by G.E.M. de Ste. Croix.[59] Definition therefore primarily serves a taxonomic

purpose. Categorisation is an important task of social history, but after correctly employing

such concepts we must move on to ask further questions about these conditions to gain a

fuller, more rounded understanding of the subject we have categorised. The categorising

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[59] de Ste. Croix (1981): 94.

tool of status cannot in itself explain how a certain social group interacted with other groups in a given society, nor can it explain historical change in general.

Second, the basic relationship between 'ownership' and 'property' needs to be explained, and the usage of these terms in this study qualified. Scholars tend to refer to the traditional definition of slavery as the 'property definition'[60], but in this study, slavery is defined as the ownership of human beings. 'Property' describes the object of the relationship of ownership, whereas 'ownership' describes the relationship itself. Property as a concept is not a free-floating, monolithic entity, but is defined in relation to the person, state or institution which exercises the rights, powers and responsibilities of ownership in relation to it. Plato (*Resp.* 9: 578d-e) shrewdly noted this fact; the powers of ownership, and hence the relationship of slavery, only had meaning in the context of law and society, so that if a wealthy man and his fifty slaves were miraculously whisked away to a desert place, the whole dynamic of their relationship would be changed; the master's powers of ownership would be rendered meaningless, since he would be unable to enforce them. This captures the correct nuance. Whilst it is not inaccurate to speak of the slave as property, it is preferable to refer to slavery in terms of a relationship, i.e. ownership, since it emphasises the relations between the two parties rather than viewing the slave in a static, immutable sense.

One final qualification: as we shall see, the concept of ownership, whilst retaining at its heart a consistent set of incidents which remain constant and present from one society to the next, is not inflexible or reductive. By showing that slavery amounts to the ownership of human beings in Greece, Rome, Babylonia and elsewhere, I do not mean to imply that

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[60] e.g. Finley (1981): 132; Patterson (1982): 21.

slavery was identical in all respects or that the legal systems of each of these societies treated

slavery in an identical fashion. So whilst slaves could be inherited in all of these societies,

this does not mean that the laws governing the rules of inheritance or the priority of

succession were identical. In the same vein, slaves could be manumitted both in Athens and

in Rome, but in the former the freed slave became a metic, whereas in the latter, provided

that the correct procedures of manumission (*vindicta*, *census*, or *testamentum*) were followed,

the freed slave became a Roman citizen.[61] Slavery is the same in all of these societies in its

basic legal outlines; but in terms of the finer detail, there was inevitably considerable

variation.

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[61] Buckland (1908): 437-701

THE MAIN APPROACHES TO DEFINING SLAVERY

Traditionally – that is, before Patterson's new definition appeared – slavery had been

defined as the ownership of human beings, and the slave was understood as essentially the

property of his owner.[62] Defining slavery as the ownership of people is not a product of

modern thought; Aristotle (*Pol.* 1253b 32) pointed out in the 4th century BCE that the

characteristic feature of slavery was that the slave was owned by his master: 'the slave' he

wrote, 'is an animate piece of property' (ὁ δοῦλος κτῆμά τι ἔμψυχον). Roman law

envisaged slavery in similar terms: Digest 1.5.4 states that 'slavery is an institution of the

common law of peoples by which a person is put into the ownership of somebody else,

contrary to nature' (*servitus est constitutio iuris gentium, qua quis dominio alieno contra naturam*

subicitur). Attempts to modify this definition, such as the Soviet conception of the slave as 'a

person deprived of the means of production and subject to extra-economic coercion... merely

a thing belonging to his master,' still contained as a definitional kernel the notion of the

slave as property, albeit with added accretions.[63] However, Patterson's alternative definition

has gained significant (although not total) support, especially among English-speaking

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[62] Thus in his influential work, H.J. Nieboer writes that 'slavery is the fact that one man is the property

or possession of another beyond the limits of the family proper' (Nieboer 1910: 30).

[63] See also the definition of slavery agreed upon by the 1926 slavery convention organised by the

League of Nations; 'the status or condition of a person over whom any or all of the powers attaching

to the right of ownership are exercised.' (quoted in Ste. Croix [1981]: 135). For the Soviet definition,

see Dandamaev (1984): 72, Diakonoff (1981): 15.

scholars.[64] In essence, Patterson believed that the concept of ownership which lay at the heart of previous definitions of slavery was entirely misleading and based upon flawed legal thinking; ownership, he contended, was an open and inconsistent category which could apply to almost anyone, rather than designating a distinct category of persons, and could therefore not form the basis of a definition. After challenging the veracity of previous approaches, Patterson advanced an alternative definition of slavery as 'the permanent,

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[64] Patterson's conception of slavery and disapproval of the 'property definition' stem from the work of Edward Westermarck; see below p. 115. For Classical scholars who employ Patterson's approach, Fisher (1993): 5-6 gives both definitions equal standing without choosing one or the other; but Patterson's definition has been accepted by Bradley (1994), and more closely endorsed by Morris (1987): 174, who follows Patterson in asserting that ownership is a society-specific term and cannot be applied cross-culturally. Zelnick-Abramovitz (2005): 25-7 follows Patterson in rejecting the traditional conception, and adopts the social death definition. Thalmann (1998a): 24 considers Patterson's approach as best for the Homeric world. Patterson himself (2008) has attempted to analyse slavery in Homeric Greece using his own definition, for which see below (pp. 110-11). Luraghi (2002): 233 rightly argues that the Helots were slaves rather than serfs, but uses Patterson's definition of slavery to reach this conclusion. Bradley (1994): 16 points out that ownership and social death are not incompatible concepts, but he believes that Patterson's approach is more relevant to Roman Italy. Hezser (2005): 26 realises that slaves were property but stresses also the utility of the social death approach. Scheidel (2002): 176 praises Patterson's 'careful definition.' Patterson's views have had less impact in continental Europe. Andreau & Descat (2006): 18-19, for example, are aware of Patterson's work, but treat it as self-evident that a slave is by definition the property of his or her owner. Schumacher (2001) treats the slave as property and does not engage whatsoever with Patterson's sociological approach. In the field of Near Eastern studies, Kleber (2011) is the only study to my knowledge which uses Patterson's formulation of slave status.

violent domination of natally alienated and generally dishonoured persons.'[65] Although this definition has been followed by a number of Classical scholars, no real effort has been made by ancient historians to examine the assumptions upon which Patterson's criticisms of the ownership principle lie, nor has anyone attempted to challenge the legitimacy of his substitute definition. In order to throw light upon this problem, we shall delve deeper into these two concepts; then we shall test their utility as heuristic tools upon five different ancient societies: Homeric Greece, Classical Attica, Ptolemaic Egypt, Neo- and Persian Babylonia, and Rome.

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[65] Patterson (1982): 13.

CONCEPTIONS AND MISCONCEPTIONS OF OWNERSHIP

As A.M. Honoré has pointed out, the institution of ownership exists in all known human societies.[66] This institution does not simply spring into existence through abstract theoretical classification; societies without written law or sophisticated jurisprudence are quite capable of utilising a workaday conception of ownership (see below). The practice of ownership precedes theories regarding its nature; so when Roman jurists, for example, began to theorise about ownership, they were theorising about an institution which was already in existence; their intellectual efforts did not call ownership into being.[67] Instead, they were attempting to identify and classify the main features of a central institution of their legal system. Just as gravity did not spring into existence when Isaac Newton began to expound his theories on how it operated, the abstract theoretical analysis of ownership must be thought of as distinct from its practical operation, which does not require any theoretical knowledge or jurisprudence whatsoever to be widely practised in any given society.

Earlier attempts by legal positivists to brand pre-literate societies as 'lawless' have been swept away by the findings of modern legal anthropology, which conceives of law in

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[66] Honoré (1961): 107: 'Ownership is one of the characteristic institutions of human society. A people to whom ownership was unknown, or who accorded it a minor place in their arrangements, who meant by *meum* and *tuum* no more than "what I (or you) presently hold" would live in a world that is not our world.'

[67] In a similar vein, economies were not created when the discipline of modern economics sprang into being; the theory developed to explain something which had long been in existence. This obvious point is, remarkably, not accepted in all quarters. See Lloyd (2002) on the use of 'actors'' and 'observers'' categories in modern approaches to the ancient economy.

terms of enforced social norms rather than mere written enactments.[68] The lack of written

law, therefore, does not preclude the possibility of the practice of private ownership (this is

an important fact to bear in mind when we approach evidence such as the Homeric epics).

Likewise, the idea (often championed by scholars writing in the Marxist tradition) that

primitive societies knew no concept of private ownership and shared out property in a

collective fashion has been demolished by the observations of anthropologists, who have

time-and-again observed private-property regimes in primitive social groups. Take, for

example, Pospisil's analysis of the Kapauku Papuans of West New Guinea:

'A house, boat, bow and arrows, field, crops, patches of second-growth forest, or even a meal shared
by a family or household is always owned by one person. Individual ownership (...) is so extensive in
the Kamu valley that we find the virgin forests divided into tracts which belong to single individuals.
Relatives, husbands and wives do not own anything in common. Even an eleven-year-old boy can
own his field and his money and play the role of debtor and creditor as well.'

[Pospisil 1971: 66][69]

Classical scholars have been slow in catching up with the advances in this branch of

scholarship, and many have conceived of ownership in outdated or misleading terms. There

seem to be two basic objections to the use of the term 'ownership' in relation to Greek

evidence: (i) some view the terminology of law as inappropriate when discussing societies

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[68] See in particular Pospisil (1971) *passim*.

[69] See also Benson (1989): 8: 'The emphasis on private property may seem surprising to those who

think of tribal society as some sort of socialist or communal system. On the contrary, however, private

property rights are a common characteristic of primitive societies; they constitute the most important

primary rules of conduct.' Anthropologists have long questioned the myth that tribal peoples such as

Native Americans lived under a common ownership system: see Steward (1938): 253. Of course,

nomadic peoples often lack a concept of property in land, but this is not the same as the lack of a

concept of property altogether; it simply stems from the itinerant nature of their lifestyle.

which lacked written legal systems[70]; thus Raaflaub denies that we can speak of legal

concepts in Homeric society: discussing the idea of status, he writes that as a classificatory

term, '"Legal status" seems inappropriate, since in this early period legal forms were

undeveloped and relationships based upon power and influence predominated.'[71] Likewise,

Cartledge has implied that the term 'ownership' is probably an artificial and misleading

category to use when approaching institutions such as Helotage.[72] (ii) Scholars who accept

the term 'ownership' in a Greek context may consider it to differ profoundly from modern

ideas of what ownership constitutes: thus Todd, for example, views ownership in classical

Attica as fundamentally different from ownership in our modern conception, and rules out

the use of a modern theory of ownership as an approach to property law in ancient Athens:

'ownership and possession are bundles of rights which we package together in particular

ways; the Athenians may have packed them differently.'[73]

In relation to the former point, it must be highlighted that such views stem from the

positivist tradition which views law only in terms of written enactments; but legal

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[70] Gagarin (1986) typifies the older positivist approach which views law only in terms of written

enactments. Against this approach, see Cantarella (1987), Westbrook & Wallace (1989), Burchfiel

(1994), Papakonstantinou (2008).

[71] Raaflaub (2004): 291. However, law and power are not mutually exclusive entities; law generally

formalises and regulates such power-relationships.

[72] Cartledge (2002): 17. This is anticipated in idem. (1979): 143 'it may be anachronistic to think of

ownership in juridical terms at so early a date.'

[73] Todd (1993): 243. Cf. Harrison (1968): 200-205, who also points out the undeveloped nature of a

Greek 'theory' of ownership, and the tone of MacDowell's review (1965) of Kränzlein (1963) which is

reluctant to admit a general theory of ownership in the Greek cities.

anthropology has shown that legal norms and procedures, as well as private property, exist in preliterate cultures which are much less sophisticated than classical or even archaic Greece. In relation to the latter point, we must not fall foul of the idea that property is a Roman invention and cannot be applied to earlier cultures. This fails to distinguish between the practice of ownership and the theory of ownership; the former does not require the latter in order to exist, and the latter exists to explain the former. Todd is mistaken in claiming that the Athenians packaged ownership in a different fashion to ourselves: the Athenians barely packaged it at all; in other words, they lacked a developed jurisprudence of ownership, though the practice of ownership was extremely widespread.[74]

The basic problem boils down to one crucial question: does 'ownership' in one society display the same fundamental features as ownership in all societies, or does it vary wildly? A solution can be found if we look more closely at ideas of ownership in contemporary jurisprudence, where a great deal of effort has been channelled into developing a general theory of ownership which transcends the misleading bifurcation between 'societies with laws' (i.e. written enactments) and 'lawless societies' (which lack written legislation).

When Roman jurists began to theorise about ownership they viewed it as a matrix of powers which an owner enjoyed in respect to his property. Roman legal thinking divided

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[74] There is little in the way of a Greek theory of ownership. Aristotle (*Rh*. 1.5.1361a21) observed that a key feature of ownership was the ability to alienate property by gift or sale; Plato (*Euth*. 301e302a) thought ownership meant that the owner could do what he liked with his property, including alienating it by gift or sale. Despite their lack of a developed theory of ownership, the Athenians could make a rudimentary practical distinction between ownership and possession: see Kränzlein (1963): 147-168. For an introduction to Greek property law, see Harris (2009b).

this relationship into three parts: the right to use property (*ius utendi*), the right to enjoy the fruits of property (*ius fruendi*), and the right to use up property (*ius abutendi*). This conception shared the same weakness as earlier Greek attempts to explain the relations of ownership (e.g. Plato, *Euthydemus* 301e-302a) insofar as it viewed it as essentially 'absolute' in character. P. Birks has shown that even though the Romans theorised about ownership in absolute terms, in practice ownership was subject to restrictions in many areas under Roman law.[75] Despite this, the Romans contributed to the theory of ownership by conceiving of it as a cluster of powers, hence the common metaphor of a 'bundle of sticks' which is often used to characterise this relationship.

A great advance in the modern theory of property law was achieved in A.M. Honoré's 1961 essay 'Ownership', which viewed ownership not as a mere list of rights, but as a bundle of incidents which included rights, duties and restrictions.[76] Honoré examined a wide selection of legal systems: common law systems such as Britain and the USA; civil law systems such as France and Germany which share a lineage derived from Roman law; less mainstream systems such as the Soviet civil code; and primitive social systems such as that of the Trobriand islanders of the South Pacific. What he discovered was that despite the fact that these different societies defined ownership in subtly different ways (or, in the latter case, not at all) they understood the relations of ownership in a very similar sense. The common ground shared between all of these systems could be described in terms of a

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[75] See Birks (1985). In a review of Kränzlein (1963), C. Bradford Welles (1965: 66) observes the same basic point: 'dominium, however absolute in theory, was never absolute in practise, but hemmed by precisely the same kind of restrictions and controls imposed by the state which we find in Greek law.' For state restrictions on ownership in Greek law, see Hennig (1995).

[76] Honoré (1961).

typology of incidents: (i) the right to possess; (ii) the right to use; (iii) the right to manage; (iv) the right to income; (v) the right to the capital; (vi) the right to security; (vii) transmissibility; (viii) the absence of term; (ix) the prohibition of harmful use; and (x) liability to execution. Ownership in all of the societies Honoré examined admitted all of these incidents. The areas of variation between these societies could be isolated into three areas: (i) who might own a given thing; (ii) what might be owned; and (iii) the specific liberties and restrictions governing the use of property. Essentially, this typology represents a general paradigm of ownership: any given legal system should admit these basic features in its treatment of an owner's relationship towards his property, and variation should be confined to the three areas highlighted above.[77] Obviously, this conception of ownership is a modern one which in terms of sophistication goes far beyond the rudimentary forays into property-theory by Plato and Aristotle; it is an observer's, not an actor's, category. This should not put us off; for without an analytical tool of this sort we would be unable to discuss the practice of ownership at all in any society lacking a jurisprudence of ownership. This approach is not designed to shed light on the theories of ownership in different cultures, but to highlight *the underlying similarity of practice*. In other words, the strategy pursued in the following chapters is not designed to throw light upon how individuals in various ancient societies conceptualised or theorised about property relations. Rather, it is

[77] Honoré's work forms the basis of modern discussion on the nature of ownership. Recently, J.E. Penner has tried to improve on Honoré's theory, but his objections largely fall upon marginal cases which Honoré's paradigm does not easily clarify; he admits that the practical scope of action which ownership permits is consonant with Honoré's notion of ownership; see Penner (1996): 741. Benson (2002): 773-777 considers Honoré's discussion of ownership to be the fundamental modern theory of the institution.

designed to show how property was dealt with and legislated for in daily life. It does not, therefore, depend upon the theoretical reflections on ownership by a small number of philosophers, nor does it draw wide-ranging conclusions about the nature of property from the absence of such discussions in the surviving literature of various societies. Rather, it will deal with concrete examples of actual practice attested in the laws, business documents, legal speeches and general literature of the societies in question. The observation of how property is dealt with in practice, it is contended, not in theory, provides a much better guide to social realities.

Let us look more closely at the constituent aspects of this typology in order to better comprehend its implications.

i. The right to possess.

At the heart of ownership lies the *right to possess*, which is the formal recognition by a society of a person's title to an object; 'the protection of the right to possess (...) should be sharply marked off from the protection of mere possession.'[78] Tied to the formal recognition by a society of a person's legitimate title to an object is the means to protect that right; generally 'a battery of remedies in order to obtain, keep and, if necessary, get back the thing owned.'[79] A society's recognition of this principle may be enshrined in written law, but amongst less advanced societies lacking a written legal system, the same force can be achieved by custom and general consensus.[80]

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[78] Honoré (1961): 114.

[79] Honoré (1961): 115.

[80] e.g. Pospisil (1971): 274-303; Benson (1989).

ii. The right to use.

Whilst this incident may be seen to overlap with the *right to manage* and the *right to the income*, its distinctiveness lies in the broadness of options the owner enjoys with regard to the use of an object. Ownership of an item entails the right to use it more or less as one wishes within the limits laid down by law. Whilst a contractual relationship may stipulate specific uses an object may be put to, ownership constitutes more or less an 'open list', although, as we have noted, restrictions may be made by the law. For example, if I were to hire a car, my contract would limit the use of that vehicle more than if I were to buy the car. Once I own the car, the possible uses I may make of it are greatly extended, although the law will limit the liberties of this use in a handful of areas (see *prohibition of harmful* use, below).

iii. the right to manage

One specific area of use that can be distinguished is management. This means that in any given society, the owner of an object may decide how his property may be used, and by whom; 'an owner may not merely sit in his own deck chair but may validly license others to sit in it, lend it, impose conditions on the borrower, direct how it is to be painted or cleaned, contract for it to be mended in a particular way.'[81] The practical dimension of this liberty is that the owner of an object may extend its use to others, informally, or formally in terms of a contract of hire.

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[81] Honoré (1961): 116.

iv. the right to the income

Following from the previous incident is the *right to the income*. By this it is meant that any income or benefits derived from property belongs to the owner. To extend the previous analogy made by Honoré, if I were to hire out a deck chair, I would have the right as owner to the money paid by the borrower. Alternatively, if I were to own a fig-tree, the fruit borne by that tree would belong to me, and so on.

v. the right to the capital

Honoré defines the *right to the capital* as 'the power to alienate the thing and the liberty to consume, waste or destroy the whole or part of it.'[82] Close attention must be paid to Honoré's choice of words, for the *right to the capital* may be subject to restrictions; hence the stress that the power to damage one's property may only be partial. Let me offer a couple of examples to clarify this point. If I owned a listed building in the UK my *right to the capital* would extend to selling the property, giving it as a gift, or modifying it in certain prescribed ways; I would not be able to knock the building down or alter it beyond a certain point. If I were to own a garden shed, however, my powers would be more extensive; I could give it away, sell it, or reduce it to firewood. The point that should be emphasised is that the *right to the capital* extends to alienation of property and sometimes to outright destruction, but certain limitations may restrict this. When we come to look at slave ownership, it is worth bearing in mind that some legal systems (e.g. Islamic law) outlawed the murder of a slave by his owner in much the same way as British law forbids the killing of one's pet; these restrictions in no way alter the status of slaves, pets or listed buildings as property. Another

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[82] Honoré (1961): 118.

key point is that the owner has the right to the sale price if he chooses to sell his property; if a slave-owner were to sell his slave, the owner would receive the full price paid, and the slave would have no right to any of it. We shall discuss the idea of restrictions a little later; for now, it is sufficient to note that the principle of *right to the capital* lies in the power of an owner to alienate his property.

vi. the right to security

In any society there will be certain rules which protect an owner's interest in his property. 'This is in effect an immunity from expropriation, based on rules which provide that, apart from bankruptcy and execution for debt, the transmission of ownership is consensual.'[83] The most common form of expropriation is theft, and legal systems from ancient Mesopotamia down to modern Europe all provide prohibitions and penalties against such acts; likewise, all legal systems will set out sanctions in the event of one person damaging another person's property. That is not to say that security of ownership is unlimited; in certain situations the right to security will only extend so far, and property can in certain prescribed areas be taken from the owner (see liability to execution, below).

vii. the incident of transmissibility

As Honoré has pointed out, one key facet of ownership is the duration of the interest. Duration comprises two aspects, *transmissibility* and *absence of term*. Transmissibility means that once an owner dies, the title to his property does not simply evaporate, but transmits to his successor. Once that successor dies, ownership passes to his successor, and so on. Whilst

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[83] Honoré (1961): 119.

different legal systems will have different arrangements for the priority of succession, the principle that ownership is 'passed on' to a successor of the owner is universal, hence rules in different legal traditions concerning wills and intestate succession.

viii. The incident of absence of term

The second facet of 'duration' is known as *absence of term*. This means that there is no fixed term in an owner's interest in his property; it lasts indefinitely. If I were to buy a watch from a shop, my right of ownership regarding that watch would not run out after a certain period; I would instead have an indefinite interest in my property, unless I were to give it away or sell it, thereby transferring that interest to someone else. Theoretically, 'should the holder live forever, he would, in the ordinary way, be able to continue in the enjoyment of them [sc. The interests in the property] forever.'[84]

ix. The prohibition of harmful use

It has already been noted under discussion of several previous incidents that ownership does not constitute unbridled liberty in the use of one's property. *Prohibition of harmful use* and *liability to execution* are two incidents which limit an owner's liberties of use. Prohibition of harmful use extends to all the rules a society might establish to limit the liberties of the owner in the common interest. For instance, someone may own a car, and may drive it around the country, but he may not take it onto private land, exceed the speed limit, drive it uninsured, or use it to run over his neighbour.[85]

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[84] Honoré (1961): 121-2.

[85] Honoré (1961): 123.

X. Liability to execution

Finally, ownership is limited in different societies by *liability to execution*. This means that there will inevitably be certain circumstances when an owner's title to an object is taken away, for example in the case of debt, insolvency, or when taxes are in arrears. In the UK this manifests itself in several ways, the most obvious being the condition of the defaulting debtor, whose creditors may seize certain assets. Linked to this notion that a higher power may be licensed to step in and confiscate property is the notion of taxation, although the similarity should not be drawn too closely. Ultimately, this incident recognises limits on the extent of the owner's rights to his property. A useful way to conceptualise these limits might be to look at exceptional circumstances where the will of the state overrides the interests of a private owner: we might note Haussmann's remodelling of Paris in the 19th century[86], or, more topically, the planned high-speed railway between London and Birmingham. Plenty of privately owned land exists along the planned route for this rail-link; but these landowners will be sorely disappointed if they think that their rights of ownership are absolute enough to halt the government's plans. Ownership is never an absolute right, although the means by which it may be interfered with are normally ring-fenced in a formal sense to a number of exceptional circumstances.

Let us summarise our notion of ownership so far: according to Honoré's formulation, ownership of property in modern Europe, the USA, ancient Greece, Rome, Mesopotamia, the Trobriand Islands - or anywhere else for that matter - should be expected to share certain basic features. The owner will have a recognised title to his property; he may use his

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[86] See Rice (1997): 32-82.

property in a wide number of ways; he may decide who else to let use it, and under what conditions; he may enjoy the income generated by his property, and may choose to alienate it (generally by gift or sale), and he will enjoy some form of security against illegal appropriation. If he chooses not to give away, sell or otherwise alienate his property, his interest in that property will last for the duration of his life, and after his death, the rights of ownership will pass to his successor. Nevertheless, he may not use his property in certain ways, the terms of which will be laid down by the specific legal system he lives under; and in certain cases such as insolvency a higher authority may step in and seize his property. So much for the cross-culturally consistent incidents. What about the areas in which ownership varies from one society to another?

Ownership may vary from one society to another in three specific areas: (i) who may own a certain thing; (ii) what may be permitted to be owned, and (iii) the specific liberties and restrictions governing the object of ownership. Let us look at each of these in turn. With regard to the first area, *who may own*, a familiar example may be given from Classical Attica: land ownership was restricted to citizens; metics were generally barred from this privilege, and had to lease property from citizens for residence, business premises, and so on.[87] In Rome, property could not be owned by a minor, only possessed as *peculium*[88]; legal ownership belonged to the *paterfamilias*. A son would only become *sui iuris* either when his father died or he was emancipated. In modern Britain, on the other hand, a person can own real property once he or she turns 18 years old. There is no inherent difference in the nature of ownership itself between these societies; the difference lies merely in regard to who may

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[87] See MacDowell (1978): 133; Harrison (1968): 237.

[88] See Nicholas (1962): 68-9.

exercise ownership, and different societies will extend the privilege to, or retract the privilege from different groups of people as they see fit.

In the same vein, different societies will permit or forbid the ownership of different things. For example, in classical Attica the Laureion mines were owned by the state and rented out, although surface land above the mines was capable of being privately owned.[89] To give a more contemporary example, I may not legally own class A drugs, certain explosives and firearms, or indeed another person in modern Britain, since laws have been laid down to prevent ownership of these items because they are perceived as threatening to social or moral integrity and public safety. The ownership of people, i.e. slavery, is in fact banned worldwide[90], although it continued in some countries until surprisingly recently, and was a common institution in most pre-modern societies. Likewise, certain breeds of dog may not be owned in modern Britain because they are deemed dangerous. Under the Soviet Union, certain types of property such as land, forests and natural resources were barred from private ownership, which demonstrates a combination of these two principles.[91] Yet again, this has nothing to do with the nature of ownership itself; merely with which particular things the powers of ownership can be exercised over.[92]

The third factor is the most complex: the specific liberties and restrictions any given society will impose in relation to the ownership of a specific item. The same object may be owned in multiple societies, but those societies will construct different rules regarding the

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[89] MacDowell (1978): 137-8.

[90] See Quirk (2008): 73-92.

[91] For Soviet land law, see Osakwe (1985).

[92] Harris (2009a): 194-5; Hennig (1995).

use of that object as they see fit, so that the liberty of the owner will vary in extent from system to system. An example will serve to illustrate this point. I may own a car in modern Britain, and provided I hold a valid license and have paid for insurance I may drive it around the public roads without being troubled by the police, unless I exceed the speed limit (112 kph on the motorway in the UK). Now, if I were to take my car to France, I would be able to legally drive even faster, up to 130 kph; and if I crossed the border to Germany, I would be able to drive as fast as my car could travel on large stretches of the Autobahn, which lack a speed limit. Obviously, the nature of ownership which I exercise over the car does not change as I cross International borders; I do not 'own' it any more or any less in Britain than I do in France or Germany. What changes is simply the balance of rules governing the use of my property. Or say I owned a pet dog in modern Britain; the law forbids me from starving or beating my pet, and if I do so the pet will be confiscated and fines or prison sentences may be imposed. Other countries have more relaxed rules governing the ownership of animals, and dogs may be killed and eaten in many countries, such as China, Taiwan, East Timor, Ghana and Indonesia. None of this changes the nature of ownership: the ten incidents are consistently present from system to system. What differs is the degree to which these features manifest themselves.[93]

Ownership, then, is a cross-culturally valid concept and retains from one society to the next a core of consistently present incidents. Yet it provides room for restrictions

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[93] Likewise, in reference to Roman law, Nicholas (1962): 154 writes 'the enjoyment of the modern English owner is far less absolute than that of his Roman predecessor, but this difference in the content of ownership derives from a difference not in the technical legal character of ownership but in the extent to which public law restricts the rights of the owner in the general interest.'

imposed by individual legal systems regarding the owner himself, the object owned and the extent to which he may make use of his property. This definitional approach therefore embodies the double advantage of being able to accurately identify ownership in a cross-cultural fashion whilst retaining the flexibility to admit the wide variety of variation which occurs in the three above areas. We shall now examine the concept of 'social death' before testing both approaches on the ancient evidence.

SOCIAL DEATH

In the concept of social death, slavery is defined as a typology of four attributes: (i)

permanence; (ii) violent domination; (iii) natal alienation, and (iv) dishonour. The first

attribute identifies the fact that in all societies where the institution of slavery has existed,

the condition has been a permanent one from the slave's perspective, since the slave has no

formal means of bringing the relationship to an end; the power to end the slave's bondage

always rests with the master. Secondly, the institution of slavery has always been enforced

by violence and the threat of violence, and very few societies have banned a slave's master

from being able to kill his slave. As Patterson rightly claims, 'there is no known slaveholding

society where the whip was not considered an indispensable instrument.'[94] The slave is kept

in his condition, and exploited economically, through the risk of potential violence he will

incur if he proves recalcitrant. The third element of social death, natal alienation, is often

misunderstood.[95] Natal alienation means that slaves are not able to enforce the bonds of

family or kinship which they have built up; if a master wishes to break-up a slave family

and sell its members to different masters, scattering them across a wide geographical area,

there is nothing the slave can do about it. As Patterson notes, 'natal alienation does not mean

that the slave did not have a natural community, or relatives. What it does mean, however,

is that he/she and his/her children had no legally or socially recognised status in their

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[94] Patterson (1982): 4.

[95] For example, Morris (1987): 174 claims that the Helots were not natally alienated, but this lies in a

misunderstanding between the de facto existence of family groups and the legal right to maintain

such groups. It is the absence of the latter, not the former, which marks out natal alienation. Hunt

(1998: 14) makes an identical error.

communities.'[96] Last of all is the notion of dishonour. Inherent in all slaveholding societies is the notion that the slave, as a result of his condition, inevitably incurs a loss of honour.[97] Having examined both definitions of slavery (the ownership of human beings, social death), we may proceed to test out these concepts on our five ancient societies: Homeric Greece, Classical Attica, Ptolemaic Egypt, Neo-Babylonia, and Rome. A review at the end of this chapter will consider the compatibility and usefulness of both approaches and in particular the basis of Patterson's argument that ownership cannot identify a distinct category of persons.

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[96] Patterson (2008): 35.

[97] For problems with this last attribute - if taken to extremes - see below, pp. 125-6.

SLAVE OWNERSHIP IN THE ANCIENT WORLD: FIVE TEST-CASES

I. THE HOMERIC WORLD

The process of deducing historical facts about early Greece from Homeric epic is well recognised as one fraught with hazards. Most scholars would now agree that the approach pioneered by M.I. Finley, which argues that the social institutions and practices which structure much of the action in the *Iliad* and the *Odyssey* reflect genuine early-archaic social practices even if the narrative itself consists of fantasy and supernatural elements, is a legitimate and productive historical method.[98] Since slavery is an important feature of the two epics, it is worth asking how the everyday preconceptions held by the poems' early audiences about the legal nature and socio-economic role of slavery are met by the poet's presentation of the institution, which, following this approach, we should expect to correspond to reality.[99]

Before we turn to the epics themselves, we need to rid ourselves of two erroneous assumptions. The first of these is that because the world of the *Iliad* and the *Odyssey* consists of pre-literate societies, lacking the written law and sophisticated political and legal

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[98] This is the approach pioneered in Finley (1954). See also Finley (1981): 223-4. For the issue in general, see Morris (1986), who modifies some of Finley's arguments and brings the date for 'Homeric society' forward to the eighth century; Van Wees (1992), who shows the internal coherence of the poems and presents them as an ideal abstraction of Archaic elite society. Other studies deal with specific practices: for *xenia*, see Herman (1987); for marriage, see Lacey (1966); for supplication, see Naiden (2006).

[99] Harris (forthcoming): 9.

institutions which characterised the Greek Classical period, the terminology of 'law' or 'legality' is somehow inappropriate in such a context. As we have seen, legal norms exist even in very primitive societies; and they are observable in the world of Homeric epic.[100] We need to view the idea of ownership in the same light: we are not dealing with a society that could only think in terms of mere possession, nor is communal ownership the primary means by which title to an object is assigned; Finley (quite rightly) wrote that 'the regime that we see in the poems was, above all, one of private ownership.'[101]

The second preconception we must rid ourselves of is one of terminology. The word normally translated as 'slave' in Homeric poetry and in Hesiod's *Works and Days* is δμώς. It has been argued (on little more than the flimsy grounds of differing terminology) that the legal status of the Homeric δμώς and the later *doulos* of Classical Greece must differ in substance.[102] This is simply not in accordance with the evidence; the essential characteristic of both is that they are slaves, human beings subject to ownership,[103] and we shall see this as

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[100] See Cantarella (1979), Burchfiel (1994).

[101] Finley (1981): 217.

[102] Beringer (1982): 17-20.

[103] As recognised by Fisher (1995): 49-50. Those who see a substantive difference between *dmos* and *doulos* (e.g. Garlan 1988: 37) tend to ignore the differences in literary genre between Homeric epic and predominantly legalistic classical evidence (much of it from forensic oratory). In doing so they make the slave-master relationship entirely 'patriarchal' for the Homeric period, ignoring the legal powers of the owner, and simultaneously ignore the social dimension of slavery in classical Greece, making it overtly 'legal.' But the slave-master relationship in any slave society has both legal and social aspects, and we must take into consideration the distortions which literary genres impose. See Harris (forthcoming): 15.

we test the interpretive paradigm of ownership we have adopted from the analysis of Honoré in both Homeric and Classical Greece using a wide variety of evidence. It is important, in this respect, not to be caught up in what Finley described as a 'fetishism about words'[104]; in other words, we should not presuppose substantive differences in status merely from the fact that different words may be employed to refer to a person, group or thing. Such an approach ignores the possibility of synonyms, linguistic evolution over time, local divergences in terminology and specific terms to refer to different aspects of the same status.[105] The Greek language may have had many words for slaves (e.g. Kleitarchos *apud* Athen. 6.267c), but it does not necessarily follow that it had many 'servile statuses,' something which can only be proven or disproven by looking in detail at the substantive similarities and differences regarding the conditions these words describe in the sources.

Let us look at a few examples of how the *right to possess* relates to slavery in Homeric poetry.[106] A major source of slaves in Homeric poetry is warfare; it goes without question (as in Classical Greece) that victors in warfare have total power over their captives and can exercise the powers of ownership over captured individuals.[107] One such item of booty is the slave-girl Briseis, who Achilles keeps as a concubine. When Agamemnon takes Briseis away

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[104] Finley (1981): 134. Harris (2006): 400 warns against committing the 'nominalist fallacy, that is, the mistaken assumption that every name must refer to only one separate and distinct object or class of objects.' For an application of this approach to the law of credit, see idem. pp. 163-206.

[105] For instance one may refer to the same car as an 'automobile' in the USA, a term seldom used in the UK, where 'car' is the norm; or 'motor vehicle' in formal language; or one could give the name of the specific model of car – all different terms, yet not implying any substantive difference.

[106] I owe much of what follows to Harris (forthcoming).

[107] For a selection of passages illustrating this general principle, see Garlan (1987): 8.

from Achilles, he violates Achilles' rights as owner (*Il.* 1.157-62; 1.345-8). Achilles complains that the property he has won through the labour of his spear has been unjustly taken away from him as if he were a worthless vagabond (*Il.* 16-55-9). Agamemnon later repents of this act, and returns the girl along with other gifts as compensation (*Il.* 19.192-5; 243-6). He admits that his decision to take Briseis was generally thought to be wrong among the army, and that it had been caused by Zeus, who wished to breed discord among the Greeks (*Il.* 19.85-9). Nestor had thought the very same thing; that Agamemnon's appropriation of the girl was unjust (*Il.* 1.275-6). This is revealing since it shows that the Greek force in general thought that it was wrong for the king to take another person's property arbitrarily, and that the king himself could recognise the same principle; in other words, its shows society's consciousness of an owner's *right to possess*.[108] Similarly, in the *Odyssey*, one of the reasons Odysseus gives for slaughtering the suitors is that they have slept with his slave-girls; in other words, they have violated his exclusive right to his property (*Od.* 22.35-41).[109]

This leads us on to the owner's *right to use.* Slave-owners in the *Iliad* and the *Odyssey* may use their slaves in a wide variety of ways. For example, they can sleep with their slaves if they wish (*Il.* 8.286-91; 9.128-40; 9.658-68; 24.675-6; *Od.* 1.425-33). In the *Works and Days*, Hesiod advises commanding slaves to perform their tasks; there is nothing to suggest that he might tempt them with promises of wages (*WD* 502, 597-603). In fact, owners have the power or life and death over their slaves; even the aged and faithful nurse Eurycleia is

[108] Van Wees (1992): 309-10 shows that booty, when distributed, cannot be tampered with. In other words, once it becomes someone's property, the person who gifted it loses the right to make any further decisions regarding it.

[109] This is manifested as an affront to his honour; it takes all of his self-control to not spring on the suitors as soon as he witnesses this (Van Wees 1992: 136).

threatened with death by Odysseus if she reveals his true identity (*Od.* 19.489-90). Likewise, Achilles chooses to kill twelve Trojan captives who have become part of his booty in front of Patroclus' funeral pyre (*Il.* 336-7). As such, the possibilities for mistreating a slave are exponential; the slave has no legal remedy against a brutal master.[110] Owners also have a *right to manage* their slaves, and can employ them in a wide range of tasks. The poems describe many of these, such as textile production (*Il.* 1.31, 6.324, 6.456, 6.491-2), running errands (*Il.* 6.287), carrying water (*Il.* 6.457), making beds (*Il.* 9.658-61, 24.643-8), preparing and serving food and drink (*Il.* 11.623-39; *Od.* 1.147), filling the bath (*Il.* 14.6, 22.443-4; *Od.* 19.386-8), nursing infants (*Il.* 22.502-4), washing the master's or mistress' hands (*Il.* 24.302-4), working in the countryside (*Od.* 14.40-4), building enclosures for livestock (*Od.* 14.5-15), or cleaning the dead in preparation for burial (*Il.* 24.582-8). In the *Works and Days*, Hesiod recommends using slaves for a variety of jobs around the farm: ploughing, scattering seeds, and covering over the newly-planted crop (*WD* 403-9; 441-7; 458-72); building barns (*WD* 500-3); harvesting the crop and dressing vines (*WD* 571-7); and threshing grain (*WD* 597-608). It is clear from these passages that the work assigned to the slaves is dictated by the whim of the master; there is no reason to believe that the slave has any say in the work assigned to him.

Slave owners in Homeric epic as well as Hesiod's *Works and Days* clearly have a *right to the income* generated by their slaves. There is a clear distinction made by both Homer and Hesiod between the work of a slave, which is performed because the owner commands him to do it, and the work of a hired labourer, which is performed in exchange for wages. As

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[110] As Westermann (1955): 3 rightly noted, 'From the legal standpoint, custom gave the master complete and arbitrary control over his slaves, to the power of life and death over them.'

Harris succinctly puts it, 'all the benefits of work done by slaves belong to the master; the work done by Eumaeus and his fellow slaves is all for the benefit of their masters Odysseus, Telemachus and Penelope. Nowhere in the *Iliad* or the *Odyssey* is it stated that masters pay wages to their slaves for the work they do.'[111] The normal term for a hired labourer is *thes*, and hired labour of this sort is clearly differentiated from slavery by Hesiod as well as Homer.[112]

Slave-owners in Homeric epic have a *right to the capital* over their slaves; in other words, they are free to give, sell or ransom their slaves as they see fit, without giving the slave anything. The powers of ownership then attach to the new owner, and can be passed on *ad infinitum*. There are a number of examples of slaves being given as gifts or prizes in the *Iliad* and *Odyssey*. Penelope, for example, recalls how she was given the slave Dolios as a gift by her father (*Od*. 4.735). Amongst the gifts Agamemnon offers to Achilles as compensation for taking Briseis are seven slave-women (*Il*. 19.245); and Achilles offers a number of his slave-women as prizes at the funeral games he organises in honour of Patroclus (*Il*. 23.257-61). A particularly valuable woman is won by Diomedes in the chariot race (*Il*. 23.509-13); for the wrestling, the first prize is a tripod worth twelve oxen, but the runner-up wins a slave-woman valued at four oxen (*Il*. 23.700-05). Slaves sometimes pass from one master to another through sale rather than gift. For example, Eumaeus' Phoenician nurse had been captured by Taphian pirates and sold as a slave to his father (*Od*. 15.425-9); this same nurse contrived Eumaeus' own kidnap, and he was eventually sold to Laertes (*Od*. 15.483-4).

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[111] Harris (forthcoming): 13.

[112] For the *thes* in Homer see *Il*. 21.441-455; *Od*. 18.356-64. In the *Works and Days*, Hesiod mentions hired labour (*WD* 597-608). Slaves, on the other hand, are bought rather than paid wages (*WD* 406).

Again, the principle that anyone captured in war or by pirates becomes the property of their captor holds true. Yet one of the best illustrations of a slave-owner's right to sell or ransom his slave surrounds the misfortunes of one of Priam's sons, Lycaon. We are told that Achilles had captured Lycaon in a night-raid and sold him as a slave in Lemnos, whereupon a guest-friend of Priam had ransomed him and returned him to his father (*Il.* 21.33-44; cf. 7.467-75, where slaves are bartered for Lemnian wine). In a later encounter, Achilles captures Lycaon once more, who supplicates his captor, reminding him that he had previously fetched the hefty price of a hundred oxen, and begging him to spare his life in return for a ransom which would be triple that (*Il.* 21.73-82); but filled with wrath over Patroclus' death, Achilles forgoes the potential profit and kills Lycaon (*Il.* 21.116-9). Here we see two principles at work. The first is the unwritten rule – which Xenophon would later call a 'law established among all men and for all time' (νόμος γὰρ ἐν πᾶσιν ἀνθρώποις ἀίδιός ἐστιν - Xen. *Cyr.* 7.5.73) – that a captive becomes the property of his captor. The second is the right of an owner to alienate his slave by gift or sale.

Slave-owners in the Homeric world had a *right to security* over their human property. To demonstrate this we may turn back to the episode concerning the unjust appropriation of Briseis by Agamemnon (*Il.* 1.157-62; 1.345-8; 16-55-9), for not only does this show that Homeric society recognised the exclusive right of an owner to his property (*right to possess*), but it also shows that masters held a security of ownership over their property. This means that if property is taken unjustly or even stolen from an owner, it is widely perceived as wrong and pressure is exerted to remedy this wrong. The dispute over Briseis ends with Achilles' *right to security* observed; Agamemnon admits he was wrong to take the girl, and returns her (*Il.* 19.74-144).

In Homeric poetry it is clear that a slave-owner's interest in his property is of an unlimited duration; there is an *absence of term* in the rights he holds in respect to his slave. Eurycleia is one good example of this principle; bought in her youth, she has remained the property of Laertes' house into her old age (*Od.* 1.427-38). Similarly, at the beginning of the *Iliad*, the Trojan priest of Apollo, Chryses, attempts to redeem his captured daughter. Agamemnon callously rejects his gifts, asserting his total power as owner; he tells Chryseis' father that he will not free her, but will take her back to Greece to work at the loom and serve him as a concubine well into her old age (*Il.* 1.29-31). This principle leads us on to the *incident of transmissibility*. Slaves, like any other property, pass to the owner's successor after his death. Nobody assumes that Odysseus' slaves will gain their freedom when his death is confirmed; instead, it is assumed that they will pass to his successor Telemachus, whose commands they obey in Odysseus' absence (*Od.* 16.146-53; 21.80; 21.381); likewise, Achilles assumes that his slave-holdings will belong to his son Neoptolemus after his own death (*Il.* 19.330-3). This reflects the general norm in Homeric society that property will be passed on to the heir of its owner after his death (e.g. *Od.* 7.149).

Unfortunately we have no examples from either Homer or Hesiod where a slave causes damage to another person and whereby we might observe the principle of *prohibition of harmful use*. Yet here we have a perfect example of how an absence of evidence does not equate to evidence of absence. Given the tendency of the Homeric evidence on slavery to fit very comfortably into the paradigm of ownership we are employing, one might expect this principle to have been observed in practice, but our rather meagre evidence has not furnished us with an example. Finally, we can see an embryonic form of the principle of *liability to execution* in *Iliad* 9.122-30 (cf. *Il.* 9.262-72). The compensation Agamemnon offers to Achilles for unjustly appropriating Briseis includes various valuables, but it also includes

seven slave women from Lesbos. Here we may see the early example of the principle that property may be given in compensation for a wrong inflicted.

In summary, then, we have seen that the evidence of Homer and Hesiod is consistent with the notion that slavery constitutes the ownership of human beings; and it shows a world with a developed sense of private ownership in spite of a general lack of written legislation and sophisticated legal institutions. This should not surprise us, since many modern pre-literate societies also have a developed concept of private ownership as well as methods for enforcing the rights of an owner. The volume of evidence we possess for this period is not large, but nevertheless we can still see that individuals labelled δμώς clearly constitute items of human property: they are slaves in the full legal sense, owned by their masters. They can be kept for the duration of the owner's lifetime and passed to a successor; they can be treated more-or-less as the owner wishes; they can be employed in whatever work the owner thinks fit, and receive none of the benefits of their labour, which instead accrue to the owner; they can be sold or given away to a new owner; they are recognised as belonging to their owner by society in general, and contraventions of this right are viewed as unacceptable; and finally, they can be given as compensation to a third party harmed by their owner.

SOCIAL DEATH

Whilst Homeric slavery can be understood in terms of ownership, we can also find the constituent elements of 'social death' present in the poems. We have seen that slavery was a permanent condition, and that upon the death of their owner, slaves passed to his heir. Homeric slavery was also marked by violent domination; this is sometimes hard to see since the elevated genre of epic is less prone than lower genres such as comedy to mention whipping and beating slaves.[113] But when Helen relates how Odysseus disguised himself as a slave, she notes that he marked himself with degrading blows, which reveals that slaves would normally bear the marks of corporal punishment (*Od*. 4. 244-6); when Odysseus returns to his home, he slaughters many of his unfaithful slaves: the master's rights could thus extend to killing his slaves (*Od*. 22. 440-5; 462-73). Slaves in Homeric epic are also natally alienated; the master's ability to sell or give away his slaves means that kinship between slaves cannot be enforced. A graphic illustration of the natal alienation of slaves is the reaction of Dolios, one of Odysseus' slaves, when two of his children, Melantho and Melanthius, are killed along with the suitors. We hear nothing of the feelings of Dolios or his other children; in fact, he and his sons soon afterwards fight for Odysseus against the relatives of the suitors (*Od*. 24. 496-501). Finally, slaves are dishonoured – as Eumaeus claimed, Zeus took half a man's honour away when the day of slavery befell him (*Od*. 17. 322-3). Other passages show slaves as poorly dressed (*Od*. 14. 342-3), and when Odysseus sees his father dressed in rags he assumes him to be a slave (*Od*. 24.249-50), all of which points to the slave's low social esteem.

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[113] Harris (forthcoming): 16.

II. CLASSICAL GREECE

The evidence for slavery in the fifth and fourth centuries BCE, in comparison to that for the Homeric period, is both quantitatively much greater as well as generically more varied. We shall begin by examining Classical Attica; the Helots of Sparta and the slaves of Gortyn are dealt with in appendices at the end of this chapter.

ATTICA

By the Classical period, an owner's *right to possess* was enshrined in more than the custom of the community; it had taken on a more formalised appearance that could be enforced by legal procedures embodied in written legislation. This applied to slaves as to any other form of property. Thus when the courtesan Neaera was bought in Corinth she became the property of her new owners 'according to the law of the city' (καὶ ὠνοῦνται αὐτὴν παρ' αὐτῆς νόμῳ πόλεως καθάπαξ αὐτῶν δούλην εἶναι - [Dem] 59.29). The owner's *right to possess* is easily seen alongside his *right to security* in several instances where the validity of slave status or disputed ownership of a slave is encountered. In Classical Athens the boundary between slaves and the free was vigorously enforced, and infractions of the rules were dealt with harshly. Enslavers of free people (*andrapodistai*) were liable to the death penalty ([Arist.] *Ath.Pol.* 52.1); and we hear of specific instances where the death penalty was indeed imposed for this crime (Din. 1.23). When one individual attempted to carry off his opponent's son believing him to be a slave, all it took was a word from a neighbour regarding the true status of the boy to cause the boy's release, such was the danger for those who enslaved free people ([Dem.] 47.61). On the other hand, one could not declare another

person's slave to be free, since this infringed the master's security of ownership which he held in respect to his slave. Large fines would be imposed in the event of such a claim. We hear of a fine of 500 drachmae imposed upon a certain Theocrines for falsely asserting the freedom of another person's slave, and there was a specific law which apportioned half the fine to the public treasury in the event of false assertions of freedom (Dem 58.19-21).[114] As such, society's recognition of an owner's title to his slave was backed up by weighty sanctions (cf. [Arist.] *Problems* 24.13).[115]

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[114] The sales of slaves were recorded in Athens, as was the sale of land, which was of key importance when it became necessary to prove title: see Hesychius, s.v. ἐν λεύκωμασι. That is not to say all slaves were registered; such a practice could only be feasibly carried out at the major monthly slave sale in Athens (see p. 218 below); the same need not apply for privately negotiated sales, or for home-born slaves.

[115] Vlassopoulos (2009) argues that the Athenian state lacked the institutional machinery to keep track of a person's status, and therefore people could easily assert that someone was a slave or free when they were in fact not. Yet he misses one crucial element: the slave's master. How the master might frequently lose track of his human property is not given due consideration, and many of his examples are concerned with spurious arguments by litigants which do not constitute serious evidence that status distinctions were hard to maintain. It is easy from a modern point of view to take too seriously the slanderous comments of litigants; whereas such accusations rarely appear in modern court cases (they would be dealt with individually and seriously), an Athenian litigant, constrained by the water in the *klepsydra*, had no time to deal with slanderous comments if he wanted to stick to his case: Athenian trials only lasted one day at the most. There was therefore significant scope for groundless mud-casting so long as it fell outside the specific areas mentioned in the law on *kakegoria* (MacDowell 1978: 126-9). These facts need to be taken into consideration before we believe in a permeable boundary between slaves and the free. For status distinctions in Athenian law see Hunter (2000); in a

Athenian slave owners were permitted by law to treat their slaves as they wished; in other words, they had an extensive *right to use*. In Lysias I the speaker, Euphiletus, tells the court that he had threatened to torture his slave-girl and throw her in a mill if she would not tell him the truth about his wife's affair with a man named Eratosthenes (Lys. 1.18-22); only in a society where the mistreatment of slaves was routine and socially acceptable would a man tell a panel of judges in court of such an action without being worried that it would turn their opinion against him. In [Dem.] 48.16 the speaker tells the court of how his opponent tortured one of his slaves, but his complaint is not related to this act of cruelty, but to the fact that the torture revealed pilfered money which should have been equally divided with the plaintiff but was not. In Xenophon's *Memorabilia* (2.1.16), Socrates asserts that masters keep their slaves in line through beatings and starvation, and asks Aristippus if he does the same to his recalcitrant slaves; Aristippus replies that he treats them with great severity until they submit. Again, we have a general statement about the treatment of slaves, which is much more telling for general conditions than individual instances of cruelty or kindness (cf. Pl. *Leg.* 6.777a; Theophr. *Char.* 12.12).[116] The beating and torture of slaves is a common theme in comedy. For instance, in the opening scene of the *Knights*, two slaves named Demosthenes and Nicias (thinly disguised parodies of politicians of the same names) emerge from their master's house after a savage beating (cf. *Pax.* 746-7). In the *Wasps* (1294-1299), the slave Xanthias wishes he was a tortoise, for then he would have a shell to protect

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recent essay, Fisher has shown that the Athenian state was continually concerned with maintaining and enforcing the boundaries between free and slave (Fisher 2008).

[116] The idea that the Athenians were not able to beat their slaves is based on a strained reading of [Xen.] *Ath.Pol.* 1.11-12. For Athenian rules about beating slaves, see Harris (2006): 275.

himself from beatings; one of the chorus replies with a joke that puns on the similarity for a

Greek term of address to a slave (παῖς) and the verb 'to beat' (παίειν). In Menander's *Samia*

(323), Demeas threatens to brand one of his slaves; and Pollux (3.78-9) collects a number of

terms related to instruments of punishment and torture for slaves collected from classical

Athenian literature.

Masters could also exploit their slaves sexually. If we turn again to Lysias I,

Euphiletus tells the court of an argument he had with his wife, who accused him of trying to

send her out of the room so that he could sexually molest his slave girl (Lys. 1.12); his wife

adds that he had done so before when he was drunk, and pushed the girl around (καὶ

πρότερον δὲ μεθύων εἷλκες αὐτήν). As with the threatened beating of the girl, Euphiletus

would never tell the court these details if he thought that it would damage his case by

turning the tide of sympathy away from him; clearly, the sexual enjoyment of slaves was a

widespread and socially acceptable practice. One could even laugh about it at the theatre. In

Peace 1138, the chorus sing of making sly advances upon a slave girl when their wives are

bathing (cf. *Ach.* 273; Theophr. *Char.* 4.7). Again, in *Peace* 573 the scent of a drunken slave girl

is included in a list of delightful smells; one presumes that the allusion hints that the slave

girl will be more easily molested if she is too drunk to resist. Xenophon, in the *Oeconomicus*,

has Ischomachus tell Socrates that a wife is much more attractive than a slave since she

chooses to go to bed with her husband, whereas slaves have no choice but to submit (Xen.

Oec. 10.12). Such matter-of-fact statements reveal that the sexual enjoyment of slaves was

commonplace and that the slave's consent was irrelevant.[117] It seems that owners could kill

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[117] There is no Attic evidence for masters castrating their slaves, but it did occur at Chios (Hdt. 8.105),

which was a large slaveholding polis (Thuc. 4.80.2). This practice was, however, distasteful to most

their slaves without fear of retribution, although this was thought to cause pollution (Ant. 6.4; Isoc. 12.181; cf. Pl. *Leg.* 868a). However, the pollution could be nullified by certain purificatory rituals (Ant. 6.4; cf. Pl. *Leg.* 868d); it was not the permanent form of *miasma* which occurred if someone deliberately murdered a free man without justification, which could only be placated by the murderer's exile or execution.[118] It is a remarkable demonstration of the slave's marginalised humanity, and an indication that this marginalised humanity was somehow seen as mirrored in divine law, that a slave's murder brought about a diminished form of *miasma* that could be assuaged by a simple purification.

Athenian slave owners could establish their slaves in whatever occupations they deemed appropriate, and we have extensive evidence for their employment in a wide variety of work (i.e. *right to manage*): as domestics[119]; in various forms of agricultural labour[120], in the numerous stages of the mining and smelting process[121]; in various forms of workshop-scale manufacture[122]; in the building-trade[123]; as ship crews[124]; and as dogsbodies

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Greeks, and seen as an Oriental practice. Cf. Didymos, *Demosthenes* cols. 4-6, with Str. 13.1.57 and Theopompus *FGrHist* 115 frr. 250 & 291. See Hornblower (2003) with the remarks of Braund (2008): 15-16.

[118] See Parker (1983): 112-13.

[119] e.g. Lys. 1.8; Ar. *Ach.* 273, *Thesm.* 279-294, *Pax.* 1138, *Vesp.* 828, Theophr. *Char.* 22.10.

[120] See Fisher (1993): 37-45; Garlan (1988): 60-4; Schumacher (2001): 91-5; Thompson (2003): 47-65; Isager & Skydsgaard (1992): 153-5.

[121] See Lauffer (1979); Schumacher (2001): 107-114; Thompson (2003): 131-6.

[122] Dem. 27.9 (a workshop of knife-makers with 32 or 33 slaves and a furniture workshop with 20 slaves); Lys. 12.19, Dem. 36.11 (shield manufacture); Aesch. 1.97 (manufacture of leather goods by 10-11 slaves); [Plut] *X.Orat.* 4.1 (Sophocles' father's workshop in which slaves manufactured flutes). For

when their masters were on campaign.[125] They could place their slaves in brothels or hire

them out as prostitutes[126]; or employ them in more skilled work as tutors[127] or bankers.[128] We

may distinguish this personal form of management from leasing slaves to a third party,

which is also attested. Xenophon (*Poroi* 4.1-52) described in detail the economic potential of

the mining district in southern Attica; he also described how several rich fifth-century

Athenians augmented their income by hiring out large numbers of slaves to men holding

mining contracts (4.14-16). Although the figures may be suspect, there is no reason to doubt

that these individuals did make money by hiring out slaves. The same principle is obvious

from Dem. 53.21, where we hear of a man named Arethusius who hired out slaves to gather

fruit and help with farm work, and from Theophrastus (*Char.* 30.17), who characterises the

shabby profiteer as one who borrows another man's slaves on kindness whilst letting his

own out for hire.

Slaves were a mainstay of the Classical Attic economy, but as we might expect they

had no right to their earnings; Hypereides neatly sums up the Athenian master's *right to the*

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other similar businesses (e.g. pottery, baking, lamp making, tanning, textile manufacture) that

certainly employed slave labour in a similar manner, see Davies (1981): 41-3.

[123] See *IG* I³ 475, 476, 478, with Randall (1953) and Schumacher (2001): 131-6.

[124] Dem. 33.8-10; 34.10.

[125] Theophr. *Char.* 25.4; Isoc. 19.39.

[126] [Dem] 59 *passim*; Is. 6.19; Plut. *Per.* 24.3; Hyp. 4.2-3; [Arist.] *Ath.Pol.* 50.2; Pl. *Prtg.* 347c-d; Theophr.

Char. 11.8-9, 20.10; Men. *Perikeiromene* 340; Isoc. 7.48; Aesch. 1.42, 75. The *auletris* is a common theme

in painted pottery; see Kilmer (1993).

[127] Theophr. *Char.* 27.13; Bäbler (1998): 37-43.

[128] For references see Cohen (1992): 74-7.

income when he states that 'if a slave gains any successes or brings in earnings, his owner

enjoys the benefits' (Hyp. 3.22). A slave-owner could allow his slave to possess a business or

live on his or her own, paying a rent known as *apophora*. For example, we hear of a man in

And. 1.38 who would walk down to Laureion to collect the earnings of his slave (who was

presumably employed in the mines); and in Aeschin. 1.97 we hear of a slave-workshop

operated on the same basis, where each slave brought in daily a payment of two obols

except the workshop's overseer, who brought in three obols per day. In Menander's

Epitrepontes we hear of a slave named Syriskos who lived in the countryside working as a

charcoal-burner, and walked into town to pay his master the *apophora* which was due (Men.

Epit. 380). However, there is no reason to believe that the proportion of the earnings retained

by the slave (to feed and clothe him) was held in outright 'ownership' by him; like the

Roman notion of *peculium*, the slave had no legal right to or personal ownership of what he

earned or possessed, and his placement in this arrangement was purely at the indulgence of

his owner.[129]

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[129] MacDowell (1978): 80. There has been much made of this arrangement in recent years by scholars

who wish to claim that a large number of Athenian slaves enjoyed a certain degree of social freedom

and *de facto* wealth (see particularly Cohen [2000]: 130-141), but there are historical parallels to this

arrangement where slaves were clearly exploited. For example, William Okeley, an English slave in

17th century Algeria, was put in charge of a small business but experienced a miserable existence; the

business ultimately failed. See Vitkus (2001): 156-66. Likewise, Frederick Douglass found himself in a

similar arrangement, which was hardly an improvement of his condition (see Gates 2002: 415 'I was

now getting, as I have said, one dollar and fifty cents per day. I contracted for it; I earned it; it was

paid to me; it was rightfully my own; yet upon each returning Saturday night, I was compelled to

deliver every cent of that money to master Hugh. And why? (...) solely because he had the power to

Slave owners in Classical Attica normally alienated their slaves by sale or manumission (*right to the capital*). We possess a number of slave-prices from literary and epigraphic sources which demonstrate the sale of slaves. The Attic Stelai (*IG* I³ 421-30) preserve many prices from slave sales, ranging from 72 drachmas for a Carian child (*IG* I³ 421.46) to 360 drachmas for a Carian goldsmith (*IG* I³ 422.106); similar figures can be found in literary sources: 200 drachmas in Dem. 41.8, and 125 drachmas in [Dem.] 53.1; of course, particularly valuable slaves, such as the courtesan Neaera, could fetch prices well above this range (she was sold for 3000 drachmas: [Dem.] 59.29). Xenophon (*Mem.* 2.5.2) says that the price range could run from 50 drachmas up to a talent.[130] Slaves could be sold privately, or could be put up for sale in the marketplace; Pollux (10.19) tells us that there was a specific part of the agora which was set aside for slave-selling. Alternatively, they could be given as

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compel me to give it up.'). We should therefore be very wary in assuming that 'living apart' *a priori* amounted to a pleasant existence; scholars who do so fail to notice that there was an economic incentive from the owner's point of view.

[130] For slave prices see the bibliography cited in de Ste. Croix (1981): 585 n. 1; cf. Scheidel (2005). Several scholars equate the overseer bought by Nicias for a talent in Xen. *Mem.* 2.5.2 with a Thracian named Sosias who leased slaves from Nicias for an obol a day (Xen. *Vect.* 4.14), e.g. Sargent (1922): 89; Lauffer (1979): 64; Garlan (1988): 70, Rihll (2011): 69; Braund (2011): 124, but I see no reason why we should do so. Nicias would hardly rent some of his slaves to another of his slaves, and would hardly manumit a slave worth a talent if he was still useful; for Nicias' actual financial position, see Lys. 19.47.

a gift. For example, in Menander's *Samia* (380-82) Demeas offers his estranged mistress

Chrysis several slave girls so long as she departs his household.[131]

Manumission could take place under various circumstances. In Ant. 5.20 we hear of

what was in effect a ransom agreement by which an Athenian named Herodes sailed from

Mytilene in Lesbos to Aenus in Thrace to release certain Thracian slaves of his to other

Thracians for a sum of money. One method of manumission - by declaration of a slave's

freedom in the theatre - was eventually banned since it disrupted performances (Aeschin.

3.41-2), but manumission remained a private practice which several authors recommended

as an incentive to encourage slaves to work hard (Xen. *Oec.* 9.13-14; Arist. *Pol.* 1330a26-33;

[Arist.] *Oec.* 1344a20-1344b110).[132] Manumitted slaves became metics at Athens.[133] There is no

indication in either of these practices that the slave received any money from the transaction;

the full payment naturally went to the master.

Athenian slave owners held a *right to security* in respect to their slaves. Under normal

circumstances, only the master had the right to beat his slaves; this rule upset the 'Old

Oligarch', who favoured the Spartan slave-laws which allowed any citizen to beat the slave

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[131] Cf. Terence's play *Eunuchus*, based upon an original by Menander; here a woman becomes the

lover of a slave-owner with the purpose of convincing him to give her one of his slaves whom she has

grown up with so that she can free the slave and return her to her parents (137-49).

[132] The *Phialai exeleutherikai* (*IG* II[2] 1553-78) do not deal with manumission but with trials of metics. See

Meyer (2010). Some scholars, believing these to be manumission records, have tried to estimate the

frequency of manumission in Classical Attica, but this task is effectively impossible to achieve with

any degree of accuracy due to the scantiness of our evidence.

[133] Whitehead (1977): 16-17.

of another ([Xen.] *Ath.Pol.*1.11).[134] Under some circumstances, a slave could be beaten by

someone other than his master. For example, if the slave trespassed on somebody else's

property it was permitted to beat the slave. In one of Apollodorus' speeches ([Dem.] 53.16)

he relates how his enemies dressed a young boy as a slave and sent him onto his property to

steal roses, the idea being that Apollodorus, supposing him to be a slave, would beat him;

his rivals would then be able to accuse him of beating a free person, which was illegal.

Similarly, in the *Acharnians* (271-6) Dicaeopolis dreams of catching his neighbour's slave-girl

Thratta pilfering his woodpile and raping her as a punishment.[135] The state also reserved the

right to inflict corporal punishment upon privately owned slaves in a handful of ring-fenced

circumstances.[136] These measures obviously relate to restrictions placed on the *right to*

security, not to its absence; the restrictions on this aspect of slave ownership were far more

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[134] See Ducat (1990):27-8; Harris (2006): 275 n. 7.

[135] Harris (2006): 275. Of course, it was forbidden to rape another person's slave unless the slave had

trespassed in such a fashion; we learn in Lys 1.31-2 that the penalty for raping a slave was half of the

normal fine levied if a free person was raped.

[136] In Athens the norm from Solon onwards is always a standard 50 strokes of the whip. A law of

Solon prohibited slaves from attending the palaistra (Aeschin. 1.138-9 = Ruschenbusch *SN* fr. 74e) and

set 50 stripes as the punishment for infractions; the law of Nikophon on silver coinage (Stroud 1974,

375/4 BCE) lines 30-32 stipulates that slaves who offer false coin can be given 50 stripes by a public

official. *IG* ii² 380 (320 BCE) is a law giving powers to agoranomoi including the right to inflict 50

stripes to a slave dumping rubbish and a fine for free people. In *IG* ii² 1362 states that if a slave is

caught stealing wood from a sanctuary the priest is to give him 50 lashes and report his name and

that of his master to the Basileus.

extensive in contemporary Sparta (see appendix I, below).[137] It also seems clear that a slave placed under a craftsman by his master to learn a trade could be beaten by the craftsman even though the craftsman did not own him.[138] Stealing a slave was illegal. In Dem. 47.52-3 the speaker complains about a man named Theophemus, who seized his shepherd, tried to take other slaves, and also seized a number of items of property from his house. He notes that Theophemus had not won any suit against him and was therefore unjustified in his seizure. In Corinth, we hear of an Athenian who was condemned to death for stealing another person's slave (Lys. 13.64-5). If someone killed another person's slave, the owner could bring the killer to court; this is certainly the implication of Isoc. 18.52, where the brother-in-law of a man named Cratinus accused another man, Callimachus, of killing one of his slaves, and had the case (a δίκη φόνου) brought before the Palladion; despite the fact that the claim turned out to be false, and the slave had been hidden by the plaintiff, the

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[137] I do not believe Ducat's explanation for the difference in these restrictions between Athens and Sparta to be correct. He claims (1990: 28) that one could not beat another person's slaves because Athenian slaves could *de facto* possess wealth, and this might lead to intimidation rackets where citizens threatened slaves with violence in order to obtain their money. Here he treats the Spartan system, where anyone could beat any slave, as the norm, the special conditions of Athens (with its 'wealthy slaves') prompting special rules. However, it makes more sense to see the Athenian rules as the norm; beating another person's slave was banned simply to protect the master's *right to security* over his human property, just as rules normally exist in most societies to prevent damage to any type of property whatsoever; fear of 'intimidation rackets' would have been a secondary consideration; Sparta was the exception, and there were special reasons why any citizen was allowed to beat any slave, for which see appendix I, below.

[138] Harris (2006): 275-6.

principle that one could bring the killer of one's slave to trial still remains clear.[139] The

concern over slave-owners' *right to security* also appears in the treaty mentioned in [Dem.]

17.15, which forbade the freeing of slaves for the purposes of revolution (as had occurred at

Corcyra in 427 BCE: Thuc. 3.73). The state likewise enjoyed security of ownership over its

public slaves. Xenophon (*Poroi* 4.21) suggests large-scale purchasing of slaves by the state;

they are to be branded so that nobody might steal them and sell them on, since the brand

would indicate that they were property of the *polis*.

As in Homeric society, Classical Athenian slave-owners held an indefinite interest in

their human property; slavery, in other words, embodied both the principles of *absence of*

term and *transmissibility*. There is no evidence whatsoever from Classical Attica to suggest

that there was a limited term to slave-ownership. Debt bondage, on the other hand, did

persist as a peripheral institution in Classical Attica, and in contrast to slavery, this practice

did involve a limited term, effectively the time it would take for the bondsman's labour to

amortize the debt he was burdened with. For example, in Menander's *Heros* (18-38) the

slaves Getas and Daos gossip about an attractive girl named Plangon held in debt bondage

along with her brother; the pair had inherited a debt from their father, and Plangon's

brother was working for his creditor along with her to pay it off (τὸ χρέος ἀπεργαζόμενος,

line 36).[140] Slaves, on the other hand, could not ameliorate their condition by a specific sum

of work; manumission was held out as an incentive for slaves to work hard, as several

writers recommended; but the implication of this is that it was the choice of the master to

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[139] Harrison (1968): 169-70.

[140] For the distinction between slavery and debt bondage, as well as the evidence for debt bondage in

Classical Attica, see Harris (2006): 249-69, and 256-8 for the passage from Menander's *Heros*.

manumit a slave, not an inevitable consequence of their labour (Xen. *Oec.* 9.13-14; Arist. *Pol.* 1330a26-33; [Arist.] *Oec.* 1344a20-1344b11; Lys. 5.5.).

Athenian owners were free to pass their slaves on to a successor after their death as was the case with any other item of property. For example, Aeschines 1.97 describes the inheritance of Timarchus, which included real estate in several demes, as well as a number of slaves. About ten or so slaves were attached to a shoemaking workshop; two other slaves, presumably working in the household, were involved in textile manufacture. In a fragment of Isaeus (fr. 16) we hear of an alleged slave claimed as part of an inheritance; and Demosthenes' suits against his guardians make clear that he had inherited over thirty slaves (e.g. Dem. 27.9-11); [Dem] 48.12 describes the division of inherited slaves, with one lot (sack-weavers) apportioned to one heir, another lot (colour-grinders) to another; but our fullest evidence for the inheritance of slaves comes from the wills of the philosophers preserved by Diogenes Laertius. At least twelve slaves are mentioned in Aristotle's will (*Diog.Laert.* 5.11-16); eight slaves are mentioned in Theophrastus' will (5.51-7); seven are mentioned in Straton's will (5.61-4), and thirteen in the will of Lykon (5.69-74).[141]

The principle of *prohibition of harmful use* as a key element of slave-ownership is most clearly visible in Hypereides' speech *Against Athenogenes*. The circumstances of the case are as follows: an Athenian man, besotted with a young boy belonging to a certain Athenogenes, was tricked and cajoled into buying the boy along with his brother and his father Midas; a debt-ridden perfume business was thrown in to seal the transaction, although the buyer was unaware of the debts at the time of sale (Hyp. 3.1-10). When the scale of the debts which

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[141] See Haake (2004) for Diogenes Laertius' use of documents in his lives of the philosophers; cf. Bruns (1880), who argues that the documents are essentially reliable.

came with the slaves became clear (five talents; Hyp. 3.9), the duped Athenian confronted

Athenogenes and eventually took him to court. The principle is quite clear; as the speaker

himself asserts by quoting one of the city's laws, 'any offences or crimes committed by a

slave shall be the responsibility of the master who owns him at the time' (Hyp. 3.22).

Evidently Midas had been entrusted with a perfume business by Athenogenes, but had run

up large debts, which Athenogenes found himself legally responsible for; by selling the

slaves to a new owner with a clause including responsibility for the debts incurred by Midas

as a condition of the sale (Hyp. 3.10-11), Athenogenes was able to pass on the financial

liabilities to the new owner; without this clause, Athenogenes would have remained

responsible for Midas' debts since they were incurred while Athenogenes was his owner.[142]

Similarly, in the complaint of Pantainetos cited by Nikoboulos in Demosthenes' speech

Against Pantainetos, it appears that Pantainetos was suing Nikoboulos for theft committed by

Nikoboulos' slave, allegedly committed on Nikoboulos' orders (Dem. 37.22). Nikoboulos

countered that he could not have given the slave these orders since he was not in Athens at

the time, and that Pantainetos should have tried to establish the slave's independent guilt

and thus sue Nikoboulos as the slave's owner (Dem. 37.51).[143] The master was therefore

responsible for the slave's actions regardless of whether he ordered the slave to perform

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[142] We cannot consider the circumstances of Is. 8.41 as an example of *prohibition of harmful use*.
Although a slave-owner is alleged in this instance to have used his slave to commit a murder and
then smuggled him out of Attica, Athenian law recognised that a person who used another as an
agent to commit murder was guilty of the same crime; see Harris (2006): 391-404. As such, the slave-
owner is guilty of murder not because he was responsible for the crimes of his slave, but because he
had been involved in plotting the crime.

[143] Harrison (1968): 173-4.

them or not. These examples clearly show that masters were held responsible for the contracts and delicts of their slaves.[144]

An abundance of evidence shows the various situations in which slaves could be pledged as security for a loan, distrained by creditors, or confiscated by the state; in other words, that slave-ownership in Athens entailed a *liability to execution*. Excellent evidence for the pledging of slaves can be found in the *horos* inscriptions, simple stone-slabs set up on a property which was wholly or partially pledged as security for a loan.[145] Although the pledged property more commonly consisted of land or buildings, a number of inscriptions show that slaves were sometimes pledged as security. In several *horoi* from the mining region of southern Attica, slaves are pledged along with their workshop (*IG* II² 2747; *IG* II² 2748; *IG* II² 2749; *SEG* 54.256). In *SEG* 51.162 from Thorikos, a workshop, garden plot (κῆπος) and slaves are pledged; and *IG* II² 2751 shows the pledge of a further garden plot and slaves. In the event of default, the security could be sold by the creditor, but he could only keep the equivalent of what was owed; any excess belonged to the debtor.[146] Literary evidence supplements the epigraphic testimonia. In Dem. 27.9 we are told of a group of twenty slaves and their workshop pledged as security against a debt of forty minas; the same slaves were later pledged for further loans (Dem. 29.37). In the speech *Against Apaturius*, the defendant relates how a loan was secured against a ship and its slave crew by

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[144] This principle is more or less identical to that found in Pl. *Leg.* 936d.

[145] For the *horos* inscriptions and real security in Classical Attica, see Harris (2006): 163-239. For a collection of the security *horoi* up to 1985 see Finley (1985); a number of security *horoi* have since been discovered, and an updated list is a desideratum.

[146] Harris (2009a) shows (*contra* Finley 1952) that real security in classical Athens was of a collateral rather than a substitutive nature.

a Byzantine merchant (Dem. 33.8). When the merchant decided to abscond without

honouring his obligation, the slaves were seized (Dem. 33.9); since this is related to a court

by the perpetrator of the seizure, one assumes the defendant's actions were deemed legal.

Likewise, in Dem. 30.27, Demosthenes informs us that he had taken a slave away from

Aphobus because the latter had not paid the damages owed to Demosthenes from an earlier

court ruling; and in Dem. 53.20, we hear of a slave being handed over as part of a settlement

for a loan when a certain Archepolis of Peireius defaulted on his repayments.[147]

The Athenian state, in some circumstances, was permitted to confiscate private

property, including slaves. The 'Attic Stelai' (*IG* I³ 421-30), inscribed records of the sale of

property confiscated from Alcibiades and others following the mutilation of the herms in

415 BCE (almost certainly auctioned by the board of *poletai*, or state sellers), demonstrate

precisely this principle.[148] Although fragmentary, forty-five slaves can be discerned from the

inscriptions: eighteen in *IG* I³ 421; ten in *IG* I³ 422; seven in *IG* I³ 426; six in *IG* I³ 427; and four

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[147] Cf. Johnson (1999): 25-6 in relation to the antebellum South: 'slaves were regularly used as a

collateral in credit transactions (...) [t]he value attached to unsold slaves was much more useful to

antebellum businessmen than that attached to land, for slaves were portable and the slave traders

promised ready cash.' He goes on to point out that 80% of the security offered in recorded mortgages

consisted of slaves. In Attica, *horoi* might be set up to record loans secured on real property, but slaves

would only be mentioned on a *horos* if they were pledged alongside land or buildings (slaves pledged

on their own could obviously not have the encumbrance placed on them advertised by a *horos*!). Do

we underestimate the proportion of loans secured on slaves in Attica because of the nature of our

evidence, which tilts towards land and buildings? Presumably an Athenian with a farm and, say, five

slaves, would be prepared to lose the latter to a creditor before the former.

[148] See Pritchett (1953), (1956).

in *IG* I³ 430. The same principle of the state overriding the rights of ownership of individuals under exceptional circumstances can be seen in the story reported in [Arist.] *Oec.* 1350a, where the citizens of Mende raised funds for a war against Olynthus by forcing the sale of all privately owned slaves with the exception of one male and one female slave per citizen.

Although the legal and social landscape underwent numerous changes between the early archaic period (as reflected in the social institutions and practices within Homeric epic) and Classical Attica, there was basic continuity in the fundamental features of slave ownership. Economic changes may have meant that slaves could be employed in a growing list of occupations; the growth of credit allowed slaves to be pledged as security for loans; and the advent of written legislation protected and regulated the institution of slavery and provided more elaborate procedures for settling disputes over or involving slaves. Yet despite the growing legal and economic sophistication surrounding slavery, the basic essence of the institution as the ownership of human beings, with its cross-culturally consistent incidents, reveals an unbroken continuity from Homeric poetry to the more varied genres of evidence from Classical Attica.

SOCIAL DEATH

Of course, it would not be misleading to describe slavery in Classical Attica as 'social death', at least from the perspective of the slave. As we have seen, slavery was a permanent condition which was only dissolved at the master's indulgence. In fact many slaves were not manumitted and continued their toil into old age. In a pamphlet on Athens' revenues, Xenophon mentions how the state might benefit from purchasing thousands of slaves to

work in the mines; many of the current workers, he notes, are old and past their prime (Xen. *Poroi*. 4.22). We have also seen that violence towards slaves was commonplace in Attica, and was socially acceptable. Athenian slaves were certainly natally alienated, since they had no legal ties to their family and kin; Plato sums up this brutal reality when he has Callicles claim that a slave is better off dead than alive, since a slave is incapable of helping himself or his loved ones when they are trampled upon (Pl. *Gorgias* 483a-b). But many Athenian slaves were alienated from their kinship structures in a double sense, since the majority of Athenian slaves were non-Greeks: Thracians, Phrygians, Carians, Syrians, and so on. As a result of war, raiding, poverty, debt and other factors they were uprooted from their native countries and sold to merchants who brought them to the shores of Attica and sold them at surprisingly low prices to Greek masters.[149] Any friendships or familial relationships built up thereafter lay under the constant threat of dissolution by sale. For instance, we simply cannot tell what happened to the 120 slaves owned by Lysias and his brother Polemarchos, who were confiscated by the thirty and either distributed amongst them or sold off (Lys. 12.19). Any bonds which existed between the slaves of Lysias' *oikos* must have been shattered by this event. Another mark of the slave's natal alienation lies in nomenclature: slaves might have their name changed by their master (Pl. *Cra*. 384d); and slaves do not bear patronymics in Athenian inscriptions (e.g. *IG* I³ 1032 *passim*). And slavery brought dishonour upon Athenian slaves; although they might achieve some level of *timē* through *de facto* wealth or influence (but this cannot have been particularly common), even better-off slaves

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[149] For the sources of Athenian slaves, see Finley (1981): 167-175; Miller (1997): 81-5. For the cheapness of slaves, see de Ste. Croix (1981): 585-7 n. 1; Scheidel (2005).

such as Pasion struggled to rid themselves of the social taint which servile status brought,

even after manumission.[150]

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[150] See Harris (1995): 20 n. 9.

III. PTOLEMAIC EGYPT

Although Alexander's peaceful conquest of 332/1 heralded a new era in Egyptian history, there was basic continuity in the status of a slave as the property of an owner which was not fundamentally affected by Ptolemaic legislation and ordinances.[151] A substantial amount of evidence for slavery in Hellenistic Egypt survives on papyri, but certain aspects of slavery (for instance, the work of slaves) are less well documented than others (for instance, runaway notices), so our evidence is somewhat patchy compared to the Athenian sources.[152]

Runaway notices survive in numbers and show the involvement of local authorities in the recovery of this 'lost property.'[153] They generally contain a description of the fleeing slave, a reward, and instructions regarding the officials which the recaptured slave could be returned to. For instance, in Bruns 159.3 (146 BCE) a description of a fifteen year-old runaway named Hermon is provided, along with a reward: two copper talents, later amended to three talents (one suspects the reward rose as time passed without a successful recapture), and instructions to inform the governor's officials. What documents such as

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[151] See Cruz-Uribe (1982): 65-7 for the legal status of slaves in Saite and Persian Egypt.

[152] Documents relating to slavery are collected in Scholl (1990); analysis and discussion of Ptolemaic slavery in Biezunska-Malowist (1974). For the legal position of slaves, Taubenschlag (1955): 66-101 is still useful.

[153] For runaway notices, see: *P.Cair.Zen.* I 59070; *P.Lond.* VII 1949; *P.Lond.* VII 1950; *P.Lond.* VII 1951; *P.Mich.Zen.* 18; *P.Cair.Zen.* 59213; *PSI* IV 348; *P.Cair.Zen.* V 59822; *PSI* VI 570; *P.Cair.Zen.* III 59335; *PSI* VI 637; *P.Ibscher* 11; *PSI* VI 667; *P.Cair.Zen.* III 59442; *P.Cair.Zen.* V 59837; *P.Cair.Zen.* III 59474; *P.Cair.Zen.* IV 59613; *P.Lond.* VII 2052; *P.Cair.Zen.* IV 59620; *P.Cair.Zen.* IV 59621; *UPZ* I 121; *P.Heid.* 212; *UPZ* I 3; *UPZ* I 4; *P.Hib.* I 54; *BGU* VIII 1774.

these demonstrate about slave-ownership is twofold. First, we can clearly see the *right to possess* in action, since the Ptolemaic authorities are complicit in the attempt to recapture the slave and return him to his rightful owner; the second is the *right to security* the owner enjoys in relation to his property. Having absented himself without his owner's permission, Hermon has in effect deprived his owner of his property; procedures for the return of this property exist to protect the owner's interest.[154]

One of the less well documented facets of slavery under the Ptolemies is the right of use the master enjoyed over his slaves. *P. Lille* 29 II 7 mentions certain situations where the state could forbid the sale or beating of slaves which, by implication, were surely common events.[155] This fits well with the runaway documents we know of, which hint at mistreatment having been rather routine. I. Biezunska-Malowist may be right in looking for a vestige of this sort of mistreatment in the *Mimes* of Herodas. In *Mime* 5, *The Jealous Lady* (*Zelotypos*), a mistress berates her slave for sexual infidelity and threatens him with a host of punishments; she has another slave tie him up, and then threatens him with two-thousand lashes. The situation obviously admits a certain degree of comic exaggeration, but like Aristophanes it caricatures real-life society, and the scene would make no sense to an audience which lived in a culture where the beating of slaves was rare or forbidden.[156]

We are scarcely better informed about the jobs allocated to slaves by their masters. The documents show that slaves were employed as wet nurses, weavers, domestics,

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[154] As Biezunska-Malowist (1974): 105 rightly notes, 'La participation des autorités à la poursuite des esclaves fugitives indique que la protetction de la propriété privé s'étendait aux esclaves comme à tous les autres biens immeubles.'

[155] Biezunska-Malowist (1974): 122-5.

[156] Biezunska-Malowist (1974): 115-6.

messengers, farmers and teachers; they were apprenticed to craftsmen, and were also

employed in the construction trade; but obviously this list is very incomplete due to the

fragmentary nature of our evidence.[157] Slaves could also be set to work 'on their own time',

paying an *apophora* to their owners, but as at Athens there is no indication that this was

anything other than an indulgence on the owner's behalf. Despite the dearth of information

on slave labour in Ptolemaic Egypt compared to our evidence from Attica, it still seems clear

that the master had a right to manage his slaves and the income from their labour accrued to

him.[158]

Slave-owners in Ptolemaic Egypt had the right to alienate their slaves by gift of sale

in very much the same way as masters from Classical Greece or those of Homeric epic. A

number of slave sale documents have been preserved. In *P.Cair.Zen.* I.59003 (= *C.Ptol.Sklav.*

37), for example, a Sidonian slave girl is sold to a new owner for fifty drachmas; witnesses

are provided to prove that the transaction was legal and consensual.[159] Evidence of the

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[157] Slaves hired out as: wet nurses- *BGU* 1153; *BGU* 1058; *BGU* 1109 = *Jur.Pap*. 41: weavers: *P.Oxy* 262;

PSI 1139; *PSI* 1154; *P.Grenf.* II.59. *C.Ptol.Sklav.* nos.202-211: domestics: *Anth.Pal*.7.444: various

apprentices: *PSI* 710; *P.Oxy* 1647; *PSI* 241: messengers: *C.Ptol.Sklav.* nos. 134-155: slaves in agriculture:

C.Ptol.Sklav. nos. 166-201: slaves in construction: *C.Ptol.Sklav.* nos. 212-220: slave teachers: *C.Ptol.Sklav.*

nos. 156-65.

[158] See Biezunska-Malowist (1966) for *apophora* in Egypt; for the labour of slaves in general, see idem.

(1974): 59-83.

[159] For other slave-sale documents, see: *P.Cair.Zen.* I. 59804; *P.Cair.Zen.* I 59015; *P.Cair.Zen.* IV 59537;

P.Cair.Zen. I 59093; *PSI* IV 406; *P.Cair.Zen.* I 59010; *P.Cair.Zen.* IV 59678; *P.Cair.Zen.* IV 59625; *P.Cornell*

1; *PSI* IV 329; *P.Cair.Zen.* I 59076; *P.Cair.Zen.* III 59355; *P.Cair.Zen.* III 59356; *P.Köln* IV.187; *PSI*

XIV.1402. For the trade in slaves to Ptolemaic Egypt, see Biezunska-Malowist (1974): 10-58.

transfer of slaves by gift can be seen in dowries (e.g. *P.Giss.* 2; *P.Mert.* II. 59) and wills.

Indeed, wills demonstrate the transmissibility of slaves; as in Classical and archaic Greece,

the slave-owner's interest lasted for life, and passed to a successor after his own death,

unless the owner chose to manumit, sell or give away the slave. A will of 126 BCE

demonstrates the planned division of property, including slaves, among the children of a

soldier named Dryton. Four slaves are to be given to Dryton's son, whilst two slaves are

apportioned to his daughters.[160] Evidently, as in Attica, slave-ownership in Ptolemaic Egypt

entailed an unlimited duration of the interest.

As in Classical Athens, where masters bore the legal responsibility for the offenses of

their slaves, slave-ownership in Ptolemaic Egypt entailed a *prohibition of harmful use*. In a law

from mid-3rd century Alexandria we see different rules in places for slaves and free men in

the event of threatening a free man with a weapon (*P.Hal.* 1. 168-92 = *Sel.Pap.* 202). If a free

man were to make such a threat, a fine of a hundred drachmae was levied if the case against

him was proved; if a slave performed the same action, he was either to receive one hundred

lashes (which represents damage to the owner's property), or in lieu of this, the owner had

to forfeit two hundred drachmas, twice the penalty for a free man.

Finally, slave-ownership in Ptolemaic Egypt entailed a *liability to execution*. In a royal

ordinance of the early second-century BCE, mention is made of slaves sold in consequence

of debts to the crown, and a tax of sixteen drachmas and five obols per mina is placed on

these sales. This demonstrates that slaves could be sold in restitution of debts owed, in a

similar manner as we have seen in Classical Athens. We know of occasions where slaves

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[160] *P.Grenf.* I. 21 = *Sel.Pap.* 83 = *C.Ptol.Sklav.* 57. For other wills, see *P.Petr.* II.S. 23; *P.Petr.*I. 2; *P.Lond.* II.

401; *P.Bad.* II. 5. Discussion in Biezunska-Malowist (1974): 118

were pledged as security for loans. In *P. Cair. Zen.* 59077, we hear of a slave pledged as

security for a debt who was not recovered when the loan was defaulted upon; and in *PSI* 529

we hear of a man named Nomos who wished to contract a loan from Zenon on the security

of one of his slaves (δανῖσαι ἐπὶ τῶι παιδαρίωι). These documents show that contracting

loans on the security of slaves was permitted, and the former document shows that the

creditor had the right to take the pledged slave in the event of default.[161] An example of how

the state could interfere with private property, of an analogous nature, is an ordinance of

Ptolemy II from 260 BCE, which mentions specific instructions to slave-owners, including

the declaration of slaves to a magistrate; failure to do so would result in the confiscation of

any undeclared slaves (*C.Ord.Ptol²*. 22).

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[161] Biezunska-Malowist (1974): 119. In Achaemenid Egypt the same situation prevailed; a defaulting

debtor could have his slaves seized by the creditor: see Dandamaev & Lukonin (1989): 126-8.

SOCIAL DEATH

Just as in Classical Attica, slavery in Ptolemaic Egypt seems to have embodied the aspects of 'social death.' We have seen that it was a permanent relationship which could only be annulled by manumission – and this lay entirely at the master's discretion. Slavery could also be violent, since the master's powers of use were extensive and allow him to beat and maim the slave. The numerous runaway notices from this period surely attest to the brutality that some masters were prepared to inflict upon their slaves. The power to give or sell a slave also means that slavery in Ptolemaic Egypt embodied 'natal alienation', since friendships and familial relationships developed by slaves enjoyed no security against the master's powers of ownership. Although there is not much to go on for the notion of dishonour, the differing penalties in the law – for example the stipulation that slaves were to be punished by beating as opposed to free men, who only suffered a fine (*P.Hal.* 1. 168-92 = *Sel.Pap.* 202. Cf. Dem. 22.55 ; Dem. 24. 167) shows that slaves were clearly subject to dishonouring treatment in a very similar fashion to Classical Athens; one notable difference is that whereas in Attica public interventions in private ownership to the effect of administering corporal punishment to slaves normally stipulates 50 strokes of the whip, it is double that in Ptolemaic Egypt – and thus more brutal than the Athenian system.[162]

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[162] See note 136 above. For the 100 stroke penalty in Egypt, see *Sel.Pap.* 2.202. In *OGIS* 2.483.167-83 – a set of regulations from Pergamum – the Athenian model of 50 strokes is stipulated.

IV. BABYLONIA (7ᵀᴴ – 4ᵀᴴ CENTURIES BCE)

So far we have been dealing with Greek legal systems; it could be objected that our ownership principle has only been tried out upon legal systems from a single lineage (although the degree of 'unity' which existed in Greek law continues to be hotly debated).[163] It is necessary, therefore, to cast our net further afield: we will now turn to Babylonia of the 7th-4th centuries BCE. The legal and political arrangements in this region differ greatly from those of the Greek *poleis*, but as will become clear, the legal features of slavery in Babylonia show underlying similarities with Greek slavery on the fundamental theoretical level, and support the general notion of slavery as the ownership of human beings.

Very little in the way of legislation *per se* exists for this period of Mesopotamian history; our fuller legal codes, such as those of Hammurabi or Lipit-Ishtar, come for the most part from an earlier epoch.[164] To a great extent these deficiencies are compensated by an abundance of business documents such as sale and loan contracts, wills, dowry agreements, and so on. We do have, however, a fragmentary set of laws from Neo-Babylonia which mention slavery, and allow us to see that the principle of the *right to possess* was clearly observed in this culture in relation to slave ownership. LNB 6 from Sippar sets out rules regarding slave sales: if someone sold a slave woman who did not belong to him, and the rightful owner made a claim to regain possession of his slave, the illegal seller had to

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[163] See Gagarin (2005); cf. Chaniotis (2004), who shows that the Greeks followed a general set of principles relating to territorial disputes. See also Papakonstantinou (2008): 12-17.

[164] See Roth (1995): 1-9; Westbrook (1995) *passim*. In what follows, laws are referenced as in Roth (1995); documents follow the system of reference found in Dandamaev (1984).

compensate the buyer for the capital amount (*qaqqadišu*) paid as set out in the sale document. This clearly shows that Babylonian law recognised the owner's legitimate title to his slave; it also shows that the rightful owner could regain his slave, which demonstrates his *right to security* (for more on which, see below). As in Greece, the Babylonian courts were able to determine the status of individuals in disputed cases. Nbn 1113 throws considerable light on such a situation. A slave named Bariki-ili lodged a complaint claiming that he was a free man; the case came to court, and Bariki-ili's owner presented documents which showed that he had been bought, pawned and then later given away as part of a dowry. The court asked Bariki-ili to produce the document which would prove he had been manumitted; he was unable to do so, and he soon confessed to having twice run away and then made a false claim to being a free man. The court then had him returned to his owner.[165] In this concrete instance we can see a similar picture to that given in LNB 6: Babylonian law protected the master's rights of ownership over his slave and put procedures in place to keep the slave under the master's control.

Slave owners in Babylonia of this era had an extensive *right to use* in respect to their slaves. It was common to brand slaves, which clearly marked them out as the property of a particular person. This seems to have been a standard practice throughout the Persian Empire, and we find it as far from the Babylonian heartland as Egypt[166]; in some cases, the slave will have been tattooed, but we know that brands were used as well since the same

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[165] Translation in Dandamaev (1984): 441-2.

[166] Driver (1957): 29-30 (a Persian satrap demanding slaves be brought to his estates and branded with his mark) Porten (1996): 199-201, B33 (a branded slave among the inheritance of a Jew at Elephantine).

word used for cattle brand (*šindu*) was used for slave brands.[167] In Camb 143 we find a slave

who had her master's name branded on her hand in both Akkadian and Elamite, which

made her easily identifiable among Elamite readers as well as Babylonians. Masters could

sleep with their slaves[168]; and they could chain their slaves up if they proved recalcitrant.

One particular solution to slaves repeatedly attempting to escape known from this period

was a type of workhouse, where slaves could be chained to their tasks. The master could be

thus freed from the concern of constant supervision – for a fee, of course.[169] Because of the

nature of our documentation, we possess little direct evidence for the beating of slaves by

their masters (there is no equivalent, for example, of Attic comedy, the generalising

literature on treatment of slaves of the kind which we find in Xenophon, or Herodas'

Mimes), but a great deal of evidence shows that many slaves ran away from their masters,

which surely indicates that mistreatment was common.[170]

As we might expect, the Babylonian owner had a full right of management over his

slave. He could decide how to employ his slave, and who he might contract the slave to

work for if he were to hire out the slave. Slaves worked in many sectors of the Babylonian

economy: in agriculture, leatherworking, shoemaking, seal engraving, weaving, sack-

making, dyeing, bakery, carpentry, building, brewing, metalworking, and as barbers. They

were also used for domestic work.[171] The master could also hire his slave out as a prostitute.

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[167] See Dandamaev (1984): 229-34; Mendelsohn (1949): 42-50.

[168] Dandamaev (1984): 133.

[169] Dandamaev (1984): 235-8.

[170] See Snell (2001) *passim*; Dandamaev (1984): 220-8; Westbrook (1995): 1670-73.

[171] Agriculture: see Dar 476, TMH 2/3 141, 174, NRVU 376, 388, 408, 470, 471, Nbn 627, TCL 12 52 with

Dandamaev (1984): 252-78; leatherworking: Dar 457; seal-engraving: Cyr 325; weaving: Cyr 64, Camb

In Nbk 409 we hear of an arrangement by which a Babylonian named Nabu-ahhe-iddin hired out his slave girl to a brothel keeper named Kalba. According to the agreement, the brothel keeper received a quarter of the slave-girl's income for his work as a pimp bringing in clients; the owner received a three-quarter share. None of the income went to the slave herself.

The *right to the income* is also a clear aspect of Babylonian slave-ownership, and can be seen quite explicitly in the documents Nbn 679 & 682, which concern a slave-woman named Amtija employed as a prostitute by her master, Itti-Marduk-balatu. In Nbn 679, the master makes an agreement by which Nur-Sin, evidently a popular client, was to pay him and him alone for the privilege of sleeping with Amtija; in Nbn 682, the client has changed (this document concerns a certain Guzanu), but the principle remains the same: Guzanu must pay Itti-Marduk-balatu three sūt of barley per day to enjoy Amtija's charms. There is no indication whatsoever that Amtija is to be paid for her services. In Babylonia there also existed an arrangement along the same lines as *apophora*-paying slaves at Athens, where slaves would 'work on their own time.' This payment was known in Akkadian as *mandattu*, and as at Athens, it was the master who ultimately owned any of the possessions accrued through the slave's work. In Dar 509 we find the master of one such slave stepping in to safeguard his financial interests and overriding any *de facto* control the slave may have had over his 'peculium.' The slave, Madanu-bel-usur, had a contractual relationship with a man

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245, Nbn 174, 242, 349, 723, 751, 789, 880; sack-making: Nbn 172; dyeing: Cyr 313; baking: Dar 212, TMH 2/3 214, Cyr 248, BOR 2: 119, BOR 1:83; carpentry: ZKM 2 pl.c; building: Petschow (1956): 112; brewing: TMH 2/3 216/BE 10 4, Camb 330, BRM 1 82: 1,6; metalworking: Dar 206; barbers: YOS 6 5, UET 4 182. In general, see Dandamaev (1984): 246-320.

named Bel-upahhir, and the latter owed him money. When Bel-upahhir refused to pay the debt, Madanu-bel-usur's master demanded that either Bel-upahhir prove that the contract was false, or pay him (i.e. the master) the full amount owed.[172]

Babylonian masters had a *right to the capital* in respect to their slaves. They could sell, give or manumit the slave as they wished, and one document in particular demonstrates that a single slave might be alienated numerous times and pass to a number of different owners in the course of his life. In Cyr 332 we hear of a slave named Mušezib-Šamaš, who was originally owned by a man (whose name is not preserved) and his wife Ajartu. He was then sold by them to a new owner, Nur- Šamaš; later, Nur- Šamaš gave Mušezib-Šamaš to his wife, Burašu, in place of half a mina of silver which was her dowry. After Nur- Šamaš died, his wife remarried, and her second husband, Tabbanea, pledged Mušezib-Šamaš as security for a loan of half a mina of silver in what appears to be an antichretic arrangement. The loan was evidently paid off, because the document tells us that the couple in turn sold Mušezib-Šamaš to a new owner for one mina and fifty shekels of silver.[173] Slaves could also be manumitted by their masters. In Nbn 697 we may see a striking parallel to the Greek practice of *paramone*, which was a conditional manumission by which the slave received his freedom but was contractually obliged to provide determined services to his ex-owner (i.e. he remained with the master, hence the term's derivation from the verb παραμένω), failure to do so resulting in re-enslavement. In our Babylonian example a man named Iqiša drew up a document bestowing freedom upon his slave Rimanni-Bel, on condition that the slave provided him with food and clothing; on receipt of the document, Rimanni-Bel fled, and did

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[172] Dandamaev (1984): 390-1.

[173] See Dandamaev (1984): 192. For taxes on the sale of slaves, see Stolper (1989).

not honour his obligations. Iqiša cancelled the deal and re-enslaved Rimanni-Bel, giving him

as a gift to a woman named Esagil-ramat. A very similar situation can be observed in Cyr

339, where a woman named Hibta manumitted her slave Bazuzu on condition that he

supply her with a certain amount of food, beer, salt and wool. Unfortunately, the

documentation surviving on manumission is not extensive enough to determine whether or

not this Babylonian equivalent of *paramone* was commonplace.[174] It is worth noting that in

certain circumstances alienation might be restricted: for example, a hire-contract might

stipulate that a slave hired out for a certain period might not be sold by his owner until the

term of the contract had expired.[175]

Slave-ownership also entailed a *right to security*. In many slave-sale documents

provision was made for a warranty clause, which protected the buyer from any undeclared

defects, problems, or liabilities a newly purchased slave might bring with him which were

not obvious to the buyer (there was in fact an analogous practice in Classical Athens and in

Rome[176]). For example, in the document Nbn 693, two slave-sellers, Ahija-likin and Hašdija,

provided guarantees when they sold their slave-girl, Nana-silim, to cover suits of false

claims, vindication suits or suits claiming the status of a royal slave or a free person.[177] A

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[174] See Dandamaev (1984): 438-55; Westbrook (1995): 1648-51.

[175] Dandamaev (1984): 113.

[176] See Hyp. 3.15, where a law is referred to which required slave-sellers to state in advance any

defects or disabilities the slave might have. Cf. Pl. *Leg*. 11.916a. & *SEG* 47.1026. In Rome, vendors

needed to be careful in stating any defects or bad habits a slave might have: see Aul. Gell. *NA* 4.2.1,

Digest 21,1.31.21.

[177] Dandamaev (1984): 192.

similar principle prevailed in Persian Egypt.[178] Runaway slaves were a constant problem for

Babylonian masters, and it was illegal to harbour a fugitive slave since this acted against the

master's security of ownership.[179]

The duration of slavery in Babylonia was permanent; it encompassed both the

incidents of *transmissibility* and the *absence of term*. Slaves were bequeathed in wills; in YOS 6

143 we hear of a division of slaves among two beneficiaries: Ištar-mukin-apli and his uncle

Nabu-mušetiq-uddi. In Camb 365, we can see the division of six slaves as well as a sum of

money among members of a wealthy Babylonian family; and BE 8 123 documents certain

items of property left by will (three silver minae and a slave woman) which were to be

divided among the beneficiaries.[180] This leads us to the incident of *absence of term*. As

property, the Babylonian slave was held indefinitely; although the owner was free to

emancipate his slave, he was under no compulsion to do so. Sale documents often indicate

that a slave shall become the property of the buyer 'in perpetuity'. In NRVU 27 we hear of

an arrangement by which a woman named Hanna gave seven slaves 'in perpetuity' to her

adopted son and his mother (i.e. they became the owners), but she retained usufruct of the

slaves for the remainder of her life.[181] In TMH 2/3 121 we hear of a slave woman named

Nana-resua pledged as security for a loan, with the proviso that in the event of default, the

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[178] Seidl (1968): 62-3.

[179] Snell (2001); Dandamaev (1984): 220-28.

[180] Dandamaev (1984): 213. See also Porten (1996): 199-201 (# B 33) for a very well-preserved document

from Persian Elephantine which documents the division of inherited slaves among siblings from a

Jewish family.

[181] Dandamaev (1984): 212.

slave would belong to the creditor 'for all time.'[182] The contemporary Aramaic slave-sale

papyri from Wadi Daliyeh also demonstrate this principle, since they stipulate that upon

sale a slave becomes property of the buyer and his sons after him in perpetuity.[183] As in

Greece, the institution of debt bondage existed alongside slavery, but this condition retained

a fixed term, the equivalent amount of time a labourer would work to meet the amount he

had borrowed plus the interest that had accrued on the loan.[184]

As in Greece, the use of slaves for purposes deemed harmful by the law was

prohibited. Im YOS 7 189 we can see this principle in action. Two slaves, named Pudija and

Ša-Nabu-taqum, physically assaulted a herdsman and stole the flock he was in charge of

(which belonged to a temple of Ištar). The owner of the slaves, a man named Kina, was

required to produce his slaves before a court, and if he failed to do so, liability lay with him

to compensate the temple for the stolen property.[185] Finally, slave ownership in Babylonia

entailed a *liability to execution*. Slaves could be pledged as security for loans, and could be

taken by the creditor in the event of default, and became the creditor's property.[186] In the

document TMH 2/3 121 (which we have just considered in relation to *absence of term*) we can

see such a situation; a woman named Ahušunu pledged her slave Nana-resua as security for

a loan of one mina and fifty-two shekels of silver, and in the event of default the contract

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[182] Dandamaev (1984): 142.

[183] See Gropp (2001) # 1 lines 1-4.

[184] See Westbrook (1995): 1636-7; Harris (2006): 249-69.

[185] Dandamaev (1984): 420-28.

[186] Petschow (1956) remains the fundamental study of the Babylonian law of pledges; for the pledging

of slaves, see Dandamaev (1984): 137-156.

stipulated that Nana-resua would belong to the creditor, Nabu-šum-ukin, for all time.[187]

Slaves could be confiscated for other reasons. In YOS 3 165: 32-4, for example, we hear of a

man who owed taxes to the state and had fled the country along with his son; the governor

of Uruk took possession of his slave and confined him to a workhouse.[188]

SOCIAL DEATH

'Social death' is not so easy to discover from cuneiform business documents, which form the

bulk of our evidence.[189] What survives from Babylonia provides nothing comparable to Attic

comedy or philosophy; however, the social features of slavery in Babylonia can be discerned

from the surviving material. As we have seen, slavery in Babylonia was a permanent

arrangement, sale documents commonly stipulating that a slave would belong to the buyer

'in perpetuity.' The violence with which slaves were treated is clear from the practice of

shackling and confinement; and numerous runaway notices make it clear that Babylonian

slavery was in all likeliness every bit as unpleasant as the Greek equivalent. The sexual

exploitation of slaves goes hand in hand with the notion of violence. We are safe in

supposing that natal alienation was uniformly present since the sale documents clearly show

the right of the master to give or sell his slave. The document Camb 365 is an unpleasant

reminder of this aspect of slavery: upon the division of property following the death of a

Babylonian man, a slave family belonging to him was broken-up and apportioned among

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[187] Dandamaev (1984): 142; see also Westbrook & Jasnow (2001) *passim*.

[188] Dandamaev (1984): 237-8.

[189] As noted by Snell (2011): 4.

his heirs.[190] Slaves were also by their very appearance the object of dishonouring treatment: not only did many of them bear tattoos or brands signifying the name of their master or the temple they belonged to, but they were required to have special haircuts which distinguished them from free people, a practice which dated to the Old Babylonian period (where, according to CH 226, a barber who removed the mark would have his hand cut off) but persisted into the Neo-Babylonian and Persian periods.[191]

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[190] Dandamaev (1984): 406.

[191] Dandamaev (1984): 233-4.

ROME

Roman law contains the most extensive provisions concerning slavery of any legal system, ancient or modern.[192] Although the Romans viewed ownership as comprising three elements (*uti, frui, abuti*; the rights to use property, to enjoy the fruits of property, and to 'use up' property), in reality their property system also admitted the restrictions noted by Honoré put in place to safeguard the common interest.[193] Roman jurists understood slavery as an institution under which a person was subjected to the ownership (*dominium*) of another (Digest 1.5.4).

The master's *right to possess* his slave is quite obvious to anyone who studies the laws surrounding slavery at Rome, and could be demonstrated extensively. If we turn to the rules surrounding runaway slaves we shall see an analogous situation to that already observed in Ptolemaic Egypt, which shows that a master's *right to possess* lay at the heart of the Roman law of slavery. Runaway slaves were always a problem, and the law required special adaption to deal with the issues it raised; particular effort was exerted to stamp out the practice of 'slave catching' which threatened the security of ownership a master held in respect to his slave. By this practice a discontented slave would make a deal with a 'slave catcher' and run away from his master; the slave catcher, well aware of the runaway's whereabouts, would approach the master and 'buy' the slave cheaply in the hope of finding him. After miraculously uncovering the slave, he would often free him, effectively defrauding the master. By the *lex Fabia*, masters were forbidden to sell slaves which had run

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[192] For slavery in Roman law see Buckland (1908); Watson (1987).

[193] See Birks (1985) for restrictions on *dominium*.

off, which may ostensibly look like a curtailment of their rights; but it served to undermine slave-catching rackets and ultimately recognised and protected the master's right of possession.[194]

Since a slave owner in Rome was also a *paterfamilias* (a slave or a *filiusfamilias* could possess but not own slaves), he could exercise a considerable right of use over his slaves through his *patria potestas*. Slaves could be beaten and tortured, sexually exploited[195] and killed; whether they were or not was determined by the individual character of the owner, and it was not until relatively late that the law set down any restrictions whatsoever upon the owner's *right to use*.[196] The qualms a Greek master may have felt about incurring *miasma* through murdering a slave were not a feature of Roman religion, and we hear of terrible abuses inflicted upon slaves by sadistic masters.[197] One of the most notorious cases involved

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[194] See Watson (1987): 64-5; Daube (1952).

[195] Watson (1987): 119 points out that out of the vast body of Roman law there is no single provision pertaining to the sexual abuse of slave children by their master; it was simply not a concern for jurists.

[196] As Nicholas (1965): 69 notes, it was not until under the early Principate that regulation of the treatment of slaves was legislated for, and 'such regulation as there was took the same form as our legislation for the protection of animals.'

[197] Theoretically, a senator might be more reluctant than a non-senator to abuse his slaves excessively, since this was viewed as immoral and could be grounds for expulsion from the senate by the censors. See Buckland (1908): 36. Cf. Watson (1987): 116, who argues that we need only see 'that censors could punish cruel masters – which no one would doubt – not that they actually did so.' Quite what might constitute excessive treatment remains undefined, and Cato the Elder (a censor himself) could be held up as an example of embodying the values of *mos maiorum* whilst recommending brutal treatment of slaves (Cato *Agr.* 2).

the equestrian Vedius Pollio, who apparently maintained a pool of lampreys which he fed

with slaves who had incurred his displeasure. Even the Emperor Augustus was appalled at

the levels of violence Pollio inflicted upon his slaves, preventing the execution of a slave

who accidentally broke a drinking vessel; but it is significant that this episode demonstrates

merely moral displeasure on the Emperor's behalf, not a legal objection to Pollio's *patria*

potestas. Pollio did not break any laws in murdering his slaves or treating them with extreme

levels of violence (Dio 52.23.2; Pliny *HN* 9.39; Sen. *Clem.* 1.18.2). Slave labour at Rome, as we

shall see, covered many forms of work, and the jobs slaves performed could range from

banal tasks such as bookkeeping and domestic work to hazardous and punishing

occupations such as fighting in the arena, working in the mines or chained to a gang on

large rural *latifundia*. In other words, the master's *right to use* was so extensive that for much

of Roman history he could inflict any treatment whatsoever upon his slave or set him any

task regardless of the risk to the slave's person.

The Roman slave-owner had the right to manage his slaves and a right to their

income[198]; he could employ them as he wished, and choose who to hire them out to. Slave

labour is well documented in many sectors of the Roman economy, and in law slaves were

divided between the country and the city – those of the *familia rustica*, and those of the *familia*

urbana, although in practice this division was based more on the character of the slave's

work than his geographical location.[199] In Columella's treatise on agriculture (*De re rustica*),

thirty-seven separate jobs are mentioned which were required on a large rural estate, and

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[198] As Gaius notes (Digest 7.7.4), the fruits that are derived from a slave consist in his services.

[199] Bradley (1994): 58.

most of them would have been performed by slaves.[200] There could be a considerable level of

the division of labour in elite urban households; in the inscribed records of the household

staff of Augustus' wife Livia there are no less than fifty specialised jobs performed by

slaves.[201] In reality, there were few areas of the economy where slaves could not be found

employed.[202] The income generated by slave labour belonged to the master, and this is quite

clear even in the case of peculium. We have already seen analogous practices in Classical

Attica and Ptolemaic Egypt (slaves paying an *apophora*) as well as in Babylon (slaves paying

mandattu). The Roman system of peculium was somewhat similar; the *paterfamilias* was

legally in charge of his household and the sole owner of its property; his son could not hold

an equivalent position until the father had died and the son had become *paterfamilias*

himself. This left sons in a rather unusual position in the sense that they could not own

property whilst their fathers were living; the way around this was peculium, a method by

which *de facto* control of property was given to the son, who could use it very much as if it

was his own. This practice could be extended to slaves, who might use their peculium to

make more money and save up to buy their freedom (see Digest 15.1.1-58). It must be

stressed that the owner of the slave could at any time end this arrangement and take the

slave's savings; the slave had no legal ability to resist the master's powers of ownership. But

in practice this did not happen very often, and allowing a slave to work "on his own time"

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[200] See Bradley (1994): 60.

[201] Bradley (1994): 62-3); Treggiari (1975).

[202] See Schumacher (2001): 95-115; 119-162; 172-238.

could be financially beneficial for the master, who recouped (or improved on) the slave's

original purchase price when the slave paid for his freedom.[203]

Owners of slaves were able to give, sell and manumit their slaves. Roman law

classified property under two categories: *res mancipi* and *res nec mancipi*; slaves fell under the

former category, and this meant that any transfer of ownership required the formal

procedure of *mancipatio*, which demanded the presence of witnesses as well as the property

itself (in other words, the slave).[204] Although *mancipatio* took the form of a sale, or at least a

fictive sale, money did not necessarily have to change hands; it was a formal conveyance of

ownership which was required whether the slave was a gift or a purchase. Manumission in

Roman law was even more elaborate, for not only were there different procedures by which

a slave might be manumitted, but there were also restrictions inherent surrounding the

practice.[205] Three basic procedures existed for manumitting a slave: *vindicta* (Digest 40.2.1-

25), *census* (Gaius, *Institutes* 1.17, 44, 138-40) and *testamentum* (Digest 40.4.1-61),[206] and limits

came to be imposed upon the number of slaves who could be manumitted by *manumissio*

testamento. By the *lex Aelia Sentia* and the *lex Fufia Canina*, Augustus limited the numbers that

could be manumitted by a sliding scale which narrowed the fraction of slaves eligible to be

freed the larger the holdings of the master were, and slaves were only eligible to be freed if

they were over thirty years old. A master with three slaves could free two of them by

manumissio testamento, but if he owned between four and ten only half could be freed;

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[203] For peculium, see Buckland (1908): 187-238; Żeber (1981); Watson (1987): 90-101.

[204] Watson (1987): 47-8.

[205] See Buckland (1908): 437-701 for the enormity of the body of law surrounding this aspect of Roman slavery.

[206] Buckland (1908): 437-78.

between eleven and thirty, only a third could be freed (Suet. *Aug.* 40, Gaius 1.42-6). This *lex* was eventually repealed under Justinian (Codex 5. Tit. 3). At any rate, the slave was a generally freely alienable commodity at Rome, and testamentary restrictions only existed to protect the purity of the citizen body.[207]

Roman law protected the *right to security* the master enjoyed in respect to his slave. Indeed, the purchaser of a slave was protected in the sale itself, since it was forbidden to sell slaves with 'latent defects' (disabilities, a predisposition to run away, and so on: Digest 21.1.31.21; 50.15.4.5) and actions could be brought against vendors who misled buyers into purchasing a defective slave.[208] Provision also existed to protect security of ownership against damage or theft. Let us look at damage first of all. The ultimate form of damage inflicted upon a slave is, of course, his murder. The *lex Aquilia* (287 BCE) categorised the killing of a slave along with the killing of an animal; the penalty was a fine (the highest price a slave or animal fetched the previous year) which was paid to the owner; as such, a slave's murder was seen in financial terms rather than in a moral or criminal sense (Digest 9.2.2.pr.). There were, of course, exceptions. If a slave ambushed someone and the victim killed the slave in self-defence, he was not liable for the killing (Digest 9.2.4); if someone found a slave committing adultery with his wife and killed him, he would likewise be held innocent (Digest 9.2.30), in a sense similar to the rules of justifiable homicide in the cases of ambush and seduction in Athenian law (cf. Dem. 23.53, Harpocration s.v. ὁδός, Lys. 1.30). It was not permitted to beat another person's slave, and the master could take legal action against someone who injured his slave, although the form of the action depended upon the damage

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[207] Watson (1987): 28-30.

[208] Watson (1987): 49-51.

inflicted. If one were to beat another person's slave only so far as to cause him pain but no lasting injury, the master had recourse to the *actio iniuriarum*; but if the slave was permanently injured and his financial value thus reduced, the master could sue by the *lex Aquilia* (Digest 9.2.27.17).[209] The theft of a slave was also subject to legal sanctions under the civil law, but complication (and the inevitable speculation of jurists) arose in the case of runaway slaves: where did liability lie if someone persuaded a slave to run away? In Digest 47.2.36 one answer to this quandary is suggested: a person who persuaded a slave to run away was only liable to a charge of theft if he connived to have the slave seized by another.[210]

As we have seen in Homeric Greece, Attica and Ptolemaic Egypt, one key facet of slavery was the duration of the owner's interest, which was to all intents and purposes permanent. This was true for Rome as well, and slave ownership entailed both *transmissibility* and *absence of term*. In Rome, slaves were commonly bequeathed by legacy to the owner's successor; wills could apportion specific slaves to specific benefactors, or could stipulate that an unspecified slave be given to a specific benefactor. In the latter case, the heir was not legally required to give the benefactor a prize-specimen of a slave, though handing over an aged slave at the end of his or her life or one with noxal liability (see below) was not permitted.[211]

Roman slave-owners were responsible for the actions of their slaves, and any wrongdoing on the slave's behalf could not be remedied by suing the slave, since the slave

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[209] Watson (1987): 57.

[210] See Buckland (1908): 31.

[211] Buckland (1908): 15-16.

was not a legal 'person' as such. In this case, two possible alternatives were open to the master. Either he could assume financial liability for the slave's actions and pay whatever fine was incurred in full, or he could surrender the person of the slave to the wronged party (noxal surrender). This in effect limited the liability of the master in certain cases. Digest 9.4.2 tells us that if a slave murdered someone through the connivance of the master, the master was liable for the full sum of the fine; but if the slave killed someone without the master's knowledge or encouragement, then the master's liability could be limited by handing over the slave to the wronged party. Whilst this deprived the master of his property, it protected him from greater financial losses via fines, since he had not initiated the harmful action.[212]

Slaves could also be pledged as security (Digest 20.27), and a pledged slave was known as a *servus pigneraticius*. Under Roman law the pledged slave was possessed by the creditor, but the debtor retained ownership, and the fruits of the pledge's labour accrued to the debtor/owner, not to the creditor. The owner retained a right to security over his slave pledge, who could not be harmed or killed by the creditor.[213] If the debtor defaulted on repaying the loan, the creditor could sell the slave.[214] In other words, slavery entailed a *liability to execution*.

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[212] Watson (1987): 67-8. Ulpian notes (Digest 9.4.3) that there was an obvious difference between neglectfully letting a slave do an ill deed and commanding him to do it.

[213] Buckland (1908): 279-85.

[214] For real security in Roman law, see Nicholas (1965): 149-53.

SOCIAL DEATH

Just as slavery can be described in terms of 'social death' in Greece and Babylonia, the same

principle can be applied to Rome. The permanence of the condition stemmed from the

master's rights of ownership which, as we have seen, gave his legal interest in the slave an

unlimited duration. The master's powers of *patria potestas* gave him almost unlimited scope

for violent treatment of his slave, or intimidation with the threat of violence. According to

Ulpian (Digest. 46.18.1.27), on one occasion a slave was so terrified of his master that he

admitted to a murder which he did not commit so that he could be briefly taken from his

master for questioning by a provincial governor. In his study of the mechanisms by which

masters controlled and exploited their slaves, Bradley has illustrated how a combination of

incentives and sanctions ('carrots' and 'sticks') had to be employed to ensure the loyalty and

hard work of a slave. A master could not simply coax his slave by the promise of

manumission or good treatment: he needed to back this up with the threat of violence. Thus

Cicero notes how severe treatment was necessary in governing subordinates such as slaves

(Cic. *Off.* 2.24: '*Sed iis, qui ui oppressos imperio coercent, sit sane adhibenda saeuitia, ut eris in*

famulos, si aliter teneri non possunt').[215] Recalcitrant slaves could and were subjected to brutal

forms of punishment; flogging was the commonest form of correction (e.g. Iuv. 6.474);

shackling and confinement in *ergastula* was recommended by Columella (*RR* 1.6.3), and

branding a more serious consequence of disobedience (Iuv. 14.15; Pliny *HN* 18.21).[216] Masters

could, of course, kill their slaves; and it was not until the *lex Petronia* in the Imperial period

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[215] Bradley (1984): 113.

[216] Bradley (1984): 119-20.

that restrictions were placed upon masters sending their slaves to the arena to face wild beasts (Digest 48.8.11.2), although it should be noted that these restrictions only applied if it could not be demonstrated that the slave deserved the punishment. Roman law, as well as custom, gave the slave owner a wide battery of ferocious punishments to inflict upon slaves who failed to be obedient.

Slaves were also natally alienated, since the master's right to give away or sell the slave meant that the ties of family or friendship which slaves established with each other could not be enforced if the master wished to transfer one of his slaves to a different owner.[217] Papyrological evidence from Roman Egypt provides the most intimate and direct instances of this fact of slavery. For example, *P.Oxy.* 95 describes the sale of a twenty-five year old woman in Oxyrhynchus who had earlier been bought from an Alexandrian, which would have made it impossible for her to maintain any links with family and friends. Greater dislocation is evident from *P.Oxy.* 3053, which describes a female slave living under Roman rule who was born in Osrhoene in Mesopotamia before being sold in Tripoli and brought to Oxyrhynchus in Egypt.[218] Business documents such as these can only hint at the trauma caused to the slave by her removal from her family.

The dishonouring treatment of slaves in Rome was also endemic, and typified by degrading clothes, shackling and poor food.[219] The situation with clothing seems to mirror that of classical Attica, where the quality of clothing a master gave his slave was

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[217] Bradley (1994): 52 'The ability to be sold was the slave's most compelling reminder of his status as a sheer commodity.'

[218] Bradley (1994): 48.

[219] Bradley (1994): 87-9 (clothing); 81-4 (food). For shackling see Thompson (2003): 219-38.

commensurate with how hard that slave worked; industrious slaves might be well clothed, but those who did not rise to their master's expectations might be given threadbare garments (e.g. Apuleius, *Met.* 9.12). Agricultural writers such as Cato give explicit instructions about food to make sure it was adequate in quantity and varied in type, but the tone of their discussion makes the food rations for slaves appear more like fodder for animals than food for human beings (Cato, *Agr.* 56-8). Extra food was only recommended for slaves who worked particularly hard (Varro *R.* 1.17.5). Masters could casually exploit their slaves sexually, and Martial refers to the offspring of slaves which were clearly fathered by the slaves' masters (*Epig.* 1.84).

Let us summarise our exploration of the nature of slavery in these different societies. On the one hand, we have seen a great diversity of social and economic backgrounds, the character of which differed greatly between Babylonia, Attica, early Greece and Imperial Rome. But on the other hand, the basic status of the slave as an item of property belonging to his owner holds true despite these social and economic differences. These societies also legislated differently in relation to slavery. For instance, the nature of a master's liability for his slave's actions was different in Rome – which possessed the concept of noxal liability – from the equivalent area of the law in Attica or Babylonia. Manumission was also the subject of different rules: limits were imposed upon the number of slaves which could be manumitted by will in Augustan Rome, whereas (as far as we are aware) no such restrictions existed in Attica. In Sparta, private manumission was banned altogether (see appendix I below). These differences all lie, however, upon a cross-culturally consistent set of incidents. These ten incidents of ownership, which we have adopted from Honoré's analysis of property law, are consistently present from one legal system to the next, from the customary system of the

Homeric epics to the extremely elaborate provisions of Roman law. This shows quite clearly how a cross-cultural notion of property law can accurately and legitimately identify slavery in a diverse selection of societies. Yet from the detailed survey above we have seen that it is possible to describe slavery in any of the aforementioned societies also in terms of social death. Does this mean that both definitions are equally valid?

THE OWNERSHIP AND SOCIAL DEATH APPROACHES: A CRITICAL REVIEW

There are two major problems with the 'social death' definition as advocated by Patterson.

The first problem is that the definition of slavery as the 'permanent, violent domination of

natally alienated and generally dishonoured persons' was formulated as a replacement for

the traditional conception of slavery as the ownership of human beings, which Patterson

believed to be completely wrongheaded. This idea was developed by Patterson from the

arguments of the Finnish philosopher and sociologist Edward Westermarck, whose work

The Origin and Development of the Moral Ideas (1906) rejected the traditional notion of the slave

as in essence the property of his owner:

Now the master's right of disposing of his slave is not necessarily exclusive; custom or law may grant the latter a certain amount of liberty, and in such a case his condition differs essentially from that of a piece of property. The chief characteristic of slavery is the compulsory nature of the slave's relation to his master. Voluntary slavery, as when a person sells himself as a slave, is only an imitation of slavery true and proper; the person who gives up his liberty confers upon another, by contract, either for a limited period or forever, the same rights over himself as a master possesses over his slave. If slavery proper could be based upon a contract between the parties concerned, I fail to see how to distinguish between a servant and a slave.

[Westermarck 1906: 670-1].[220]

As we shall see, Patterson has inherited Westermarck's inability to distinguish ownership

from contractual relationships. The second problem is Patterson's substitute definition itself.

Even if we accept ownership as a legitimate basis of a definition, we are left with Patterson's

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[220] In a preparatory essay which set out some of the concepts to be pursued in *Slavery and Social Death*,

Patterson states that if one were to choose between the legal definition and Westermarck's,

'Westermarck's view is by far the more satisfactory of the two.' See Patterson (1977): 431. In

Westermarck's vague scheme any form of compulsory labour, from serfdom to debt bondage, can be

labelled 'slavery.'

formulation of slavery as the 'permanent, violent domination of natally alienated and

generally dishonoured persons.' Is this really a viable alternative to the ownership

definition, and can it identify a 'distinct category of persons'? We will consider the former

problem first of all, before turning to Patterson's substitute definition. In formulating his

challenge to defining the slave as a property object, Patterson has written the following:

My objection to these definitions is not that I do not consider slaves to be property objects. The problem, rather, is that to define slavery *only* as the treatment of human beings as property fails as a definition, since it does not really specify any distinct category of persons. Proprietary claims and powers are made with respect to many persons who are clearly not slaves. Indeed any person, beggar or king, can be the object of a property relation. Slaves are no different in this respect.

[Patterson 1982: 21].

In Patterson's eyes, the category of property is a broad one; include human beings under this

category, and one must include not only slaves, but a broader array of humanity; 'any

person, beggar or king, can be the object of a property relation.' Exactly what is meant by

this statement will be explained below, but it is evident that in order to understand why

Patterson believed ownership and property as inappropriate terms for defining slavery, one

must understand what these terms mean to Patterson. Another quote illustrates this further.

What is ownership? Immediately we open up a Pandora's Box filled with at least two-thousand years of jurisprudential clutter. The prevailing view of ownership, which persists as a fundamental legal concept in continental civil law and is now universally employed as a social concept even in countries such as Britain and America in spite of its irrelevance to common law, is the Roman view that it is a set of absolute rights in rem- things, usually tangibles, sometimes also intangibles.

[Patterson 1982: 20]

We may draw two important conclusions with regard to Patterson's view of ownership from

this passage. First, ownership is not a straightforward matter, but a chaotic and tangled one,

a 'Pandora's Box filled with at least two-thousand years of jurisprudential clutter.' Second,

the Roman concept of absolute ownership cannot be universally applied, for although it may

be legitimately used in European civil law systems which ultimately derive from Roman law, it is 'irrelevant' in common law systems which stem from a different lineage. Even still, at this point Patterson's conception of what ownership 'is not' seems clearer that his conception of what ownership actually 'is'. And in order to comprehend this, we need to turn to his criticisms of defining slavery in terms of ownership, and more specifically, to his examples of how anyone, 'beggar or king', can be defined as property.

His first example of human 'property' lying beyond the definitional remit of slavery is the relationship of marriage in the USA. Here he makes the remarkable claim that 'an American husband is part of the property of his wife (…) in actual and sociological terms a wife has all sorts of claims, privileges and powers in the person, labour power, and earnings of her husband.'[221] This is the key point in understanding Patterson's analysis of property and ownership; claims, privileges and powers which one person holds in relation to another equate to ownership in Patterson's opinion. 'It is often contended' he claims, 'that a person does not own his or her spouse, whereas a master does own his slave. This discussion, however, is an exercise in semantics. If we do not accept the Roman and civil law conception of absolute ownership, then ownership, stripped of its social and emotional rhetoric, is simply another name for property; it can only mean claims and powers vis-à-vis other persons with respect to a given thing, person or action. This is what a master possesses with respect to his slave; it is also exactly what a person possesses with respect to his or her spouse, child, employee or land.'[222]

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[221] Patterson (1982): 22.

[222] Patterson (1982): 22.

This equation of 'claims and powers vis-à-vis other persons with respect to a given thing, person or action' with ownership is the cornerstone of Patterson's criticism of all prior attempts to define slavery along the lines of ownership. Let us look at another of his examples; the contract of an American football player. Much like European soccer stars, these players could be transferred from club to club by means of a 'sale' in which they had little or no say. 'While the terms of the transaction differ,' Patterson claims, 'there is *no substantive difference* in the sale of a football idol such as Joe Namath by his proprietors, the New York Jets, to the Los Angeles Rams, and the sale of a slave by one proprietor to another. Namath would no doubt be as amazed and distressed as the betrothed bride of Africa to learn that his sale implied anything slavelike about him.'[223]

Patterson's discussion summons a wide array of legal jargon to reinforce his point, but at the heart of his analysis lies one clear fact: that in his opinion, anything that bears the stamp of a 'proprietary aspect' such as the sale of a sports player's contract, the bridal-price in some African marriages, or the stake held by an American wife in her husband's earning power, must fall under the category of ownership. If this is true, then it makes perfect sense to reject ownership as a principal for defining slavery. Yet the validity of rejecting the traditional notion of slavery as the ownership of persons and adopting Patterson's alternate formulation all boils down to a single point: is Patterson's conception of ownership correct?

If we turn to the analysis of ownership we have reviewed from modern Jurisprudence the problems with Patterson's conception of ownership become quite clear. His idea of 'claims and powers vis-à-vis other persons with respect to a given thing, person or action' is not an adequate summary of ownership, and indeed can apply to contractual

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[223] Patterson (1982): 24. My italics.

relationships as well. Let us turn to Patterson's own examples to illustrate this point. He claims that an American husband is the property of his wife, but is this really the case? Obviously not, because he cannot be given away, sold, or pledged as security for a loan: he cannot be confiscated in restitution for unpaid debts which his wife might have run up on a credit card, or inherited by a successor. The only rights the wife possesses in respect to her husband are those stipulated in the marriage contract. A very similar situation can be seen in respect to Patterson's other main example, the American baseball star. Are American sports stars the property of their clubs? Of course they are not. They cannot be held indefinitely, only as long as the player's contract stipulates. Nor does the club have the right to the entirety of the revenue generated by the player; they are required by law to pay him the wages set out in his contract. Nor can they force him to mow the lawn, lay drains or clean the grounds; his duties are merely to train and play baseball, i.e. those set out in his contract. Clearly Patterson has confused a contractual relationship with one of ownership, in other words, not separated rights in respect to a person from rights to the person themselves. His generalising schema that 'claims and powers vis-à-vis other persons with respect to a given thing, person or action' must equate to ownership is the foundation of his criticism of defining slavery as the ownership of human beings; it is quite obviously an incorrect assumption. The difference between these contractual relationships and slavery is far more than an 'exercise in semantics'; it is a fundamental legal difference with profound social consequences.[224]

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[224] Cf. the important comments of Finley when he wrote in 1980, specifically citing the preliminary work for *Slavery and Social Death* (he was Patterson's main consultant on slavery in the Classical world – see Patterson [1982]: xii) that 'as a commodity, the slave is property. At least since Westermarck

So far we have seen that the arguments put forward by Patterson for disposing of the traditional definition of slavery as the ownership of human beings rest upon a misapprehension regarding the nature of ownership, which is certainly not the open and inconsistent category he claimed it was, and certainly does not apply to American husbands, African brides[225] or professional sports players. In light of this analysis, the traditional definition of slavery remains un-refuted. But where does this leave Patterson's own definition of slavery as the 'permanent, violent domination of natally alienated and generally dishonoured persons'? Can the two definitions co-exist? Or are there problems with Patterson's definition?

As some scholars have pointed out, the two definitions tend to approach the same relationship from different perspectives.[226] Whereas the traditional definition tends to stress the legal powers of the owner, Patterson's definition concentrates on the relationship from

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writing at the beginning of the present century, some sociologists and historians have persistently tried to deny the significance of that simple fact, on the ground that the slave is also a human being or that the owner's rights over a slave are often restricted by the law. All this seems to me to be futile: that fact that a slave is a human being has no relevance to the question whether or not he is property; it merely reveals that he is a peculiar property.' (Finley [1980]: 73 with note 18). See also Cruz-Uribe (1982): 65-7, who objects to Patterson's definition of slavery, on the grounds that legal documents from Saite and Persian Egypt show slaves in a clear relation of ownership to their masters, similar to Roman law; 'the notion of slaves as property in Egypt is based both on the concept of relations between persons and a relationship between an owner and a thing.' (67).

[225] Modern anthropologists do not think of 'bride wealth' in terms of an actual sale: see Finley (1981): 233 and 236 n.23.

[226] Fisher (1993): 5, Harris (forthcoming): 10.

the perspective of the slave, and the social disadvantages which the master's powers create. I agree with this analysis, and certainly support the fact that the elements Patterson identifies (permanence, violent domination, natal alienation, dishonour) are of profound importance to our understanding of the slave experience in a more rounded and complete fashion. However, I am less inclined to support the notion that Patterson's definition constitutes a valid alternative to the traditional definition, and I believe that in employing this definition instead of the traditional legal definition we may run into serious difficulties. Patterson's definition is itself open to the accusation – which he made against the legal definition – of being unable to designate a specific category of persons.

The major problem with Patterson's typology of slavery-attributes is not that they are irrelevant to the condition slavery; of course they are relevant, as we have seen from our analysis of the five ancient societies above. It is rather that permanent, violent domination, natal alienation and dishonour are vague elements which may be united in a whole range of conditions where one individual falls under an extreme level of power from another person and which we would not describe as slavery. For instance, the death camps set up by the Nazi government during the Second World War for groups perceived as socially undesirable – Jews, Gypsies, homosexuals and so forth – imposed conditions of this sort. Very few people nowadays would deny the clear fact that the inmates of these death camps were dominated by brutal levels of violence, were unable to prevent the murder of family members or their transportation to another camp, were miserably dishonoured by the camp guards and personnel, and had no control over the duration of their condition. Yet we would obviously not speak of them as slaves or as having been enslaved except in a tenuous and figurative sense, since the domination exercised by the Nazis was not of the nature of legal ownership. In a more topical sense, the inmates of the American prison camp at

Guantanamo Bay – or for that matter those of some of the notorious British prisons in the

Middle East – are sometimes detained indefinitely, threatened with violence, dishonoured,

and have no way of returning to their families or contacting them. These prisoners satisfy

the criteria for Patterson's definition of slavery, yet we would not speak of them as slaves,

and it would no doubt be shocking to Americans in general if their government had

surreptitiously re-introduced a notorious institution like slavery which was so famously

abolished after the Civil War. To all intents and purposes, violent sexual relationships can

reach the degree where Patterson's criteria are fulfilled, yet we would not consider them to

be of the nature of a 'master-slave' relationship. Whereas the ownership-based definition

imposes reasonably clear boundaries, the vagueness of Patterson's formulation does not

allow us to distinguish a particular category of persons; all it does is identify power-

elements held by one person in respect to another; by masters in respect to their slaves, of

course; but also by individuals in many other relationships of domination.

There is a related problem in the notion of dishonour. Patterson claims that slaves

have no honour – it is parasitically appropriated by their masters: the slave 'could have no

honour because he had no power and no independent social existence, hence no public

worth.'[227] This highly schematised idea of the 'ultimate slave' finds little support in real life.

How do we characterise the dishonour, for example, of the immensely powerful eunuch

slaves of the late Roman court?[228] Similarly, in the Ottoman Empire, some of the highest

offices of the state were occupied by slaves in the full sense, property of the Sultan; these

men were not of blue-blooded stock, but were usually taken from poor Christian families via

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[227] Patterson (1982): 10.

[228] See Hopkins (1978): 172-96.

the *devşirme* system (a kind of tax on the populace whereby children were taken from their families), trained and raised at court to positions of immense power. Is it meaningful to say that a slave vizier was more dishonoured than a peasant labourer in the Balkans simply because he was a slave? Did a child taken from a poor family under the *devşirme* system and raised to wealth and influence have less honour than his miserably poor siblings left free in their own lands?[229] The fact that one person might be another person's slave does generally entail some aspect of dishonour, but to radically and entirely deprive all slaves of honour as Patterson does bears little relation to reality; dishonour is not a distinctively servile phenomenon. The Greeks were well aware of this; Euripides has one of his characters proclaim that a slave with (*de facto*) wealth earned more respect (*timē*) than a free man who was poor (Euripides fr. 142 Kannicht; cf. fr. 511).[230] Patterson's ideas on honour can only be utilised *mutatis mutandis*, if we realise that by its nature slavery brought elements of dishonour, yet without necessarily denying the capacity of the slave to achieve some form of social esteem.[231]

But the most instructive way of showing the limitations of Patterson's definition is to look at the results it produces when put into practice. In a recent essay, Patterson has analysed the social dynamics of Dark Age Greece as pictured in the poetry of Homer and Hesiod by placing them in a comparative context with other pre-industrial (mainly African) societies.[232] Although there is nothing inherently problematic with such an approach, the

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[229] See Inalcik (1973): 76-88.

[230] On the issue of slave honour in ancient Greece see Fisher (1995).

[231] This modified view of 'dishonour' is convincingly argued for by Fisher (1995).

[232] Patterson (2008).

results which Patterson puts forward are extremely strange. Once more asserting the (alleged) irrelevance of defining slavery in terms of ownership, Patterson goes on to enumerate the constituent parts of his own conception of slavery: dominance, natal alienation and dishonour.[233] In so doing, he makes a rather remarkable conflation, asserting that not only were the *dmoes* and *dmoai* of Homeric poetry slaves; so were the thetes.[234] He notes that the thetes were dominated by their masters, alienated from the kinship structure of the master's *oikos* and dishonoured (*Od.* 11.488-91), not unreasonable conclusions in themselves. Yet the unity of these features in a single group of people forces Patterson to classify them as slaves, essentially assimilating them to the *dmoes* and *dmoai*.

      This conclusion has little to recommend it, since even the modicum of information provided by Homer and Hesiod proves it to be a false unity. In a Homeric context the term *thes* clearly denotes a person who works for wages and is not owned by a master. For example, in the *Odyssey* (18.351-64) the suitor Eurymachos berates the disguised Odysseus, offering him work as a thete on his estate, repairing walls and minding his lands. Eurymachos offers him wages – in the form of food and clothes; the term he uses is θητευέμεν. In the *Iliad* (21.441-47) Poseidon reminds Apollo of the time when they worked as thetes for Laomedon the king of Troy; they laboured for a year under his direction, since they had agreed on a stated wage (445: μισθῷ ἔπι ῥητῷ). Laomedon reneged on the deal once the work was done, and chased them out of Troy threatening to bind them and sell them abroad, i.e. enslave them, if they did not remove themselves from his presence (σὺν μὲν ὅ γ᾿ ἠπείλησε πόδας καὶ χεῖρας ὕπερθε δήσειν, καὶ περάαν νήσων ἔπι τηλεδαπάων).

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[233] Patterson (2008): 64.

[234] Patterson (2008): 64.

There is a clear distinction made here between a slave and a thete: thetes are hired wage-labourers; slaves are not.[235] Whereas thetes may be induced to work by the promise of wages, slaves are ordered to carry out their tasks (Hesiod *Works and Days* 502, 597-603). The distinction is both practical and terminological, and by conflating the separate category of slaves with thetes Patterson obscures a real and significant status difference in early Greek history. Because he rejects the notion of ownership as a cross-cultural category and instead opts for a typology of rather vague attributes, the status difference is obliterated. Evidently, the definition of slavery as the ownership of human beings would highlight the difference in these statuses rather than blending them together into a false unity. But a definition that cannot clarify the differences between slavery and wage-labour is certainly one of limited utility.[236]

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[235] For the distinction see de Ste. Croix (1981): 179-204. I do not find convincing the statement of Scheidel (2002): 182 n. 1 that 'the idea that "labour" is a saleable commodity separable from the person of the labourer is of relatively recent origin.' Whilst it is true that labouring for another held servile connotations in certain Greek societies (e.g. Attica), this does not amount to a conceptual inability to distinguish between the sale of labour and the sale of the labourer. *Pace* Scheidel, the distinction between the slave and the *thes* in Homer, or between the slave and the hired labourer in the Hebrew Scriptures (see below, part V), shows that this distinction, if not formally expressed, was at least implicitly recognised from an early period.

[236] K. Bales, an historian of slavery in the modern world, has rightly objected to the practice of categorising any form of extreme exploitation under the rubric of 'slavery', calling for greater terminological precision: 'having just enough money to get by, receiving wages that barely keep you alive, may be called wage slavery, but it is not slavery. Sharecroppers have a hard life, but they are not slaves. Child labour is terrible, but it is not necessarily slavery.' See Bales (1999): 5. In a recent

So we may *describe* slavery in terms of social death, but we should not *define* it so. To define it along these lines results in ambiguity, and furthermore, it is often completely impractical. The point of a definition is that it isolates the distinctive features of a certain thing and (as the Greek term for definition, '*horos*', better conveys) sets boundaries that distinguish that thing from others; Patterson's 'definition' does not do this; it is merely descriptive, and this is why it fails as a definition. Furthermore, and in a purely practical sense, we can easily distinguish the legal facets of slavery from cuneiform documents, but

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UNESCO survey, J. Quirk has drawn attention to the increasing imprecision surrounding the term 'slavery': 'Many treatments of contemporary slavery do not reliably adhere to a common set of definitions, resulting in a landscape which is populated by a wide range of often inconsistent models. These variations have also been exacerbated by a widespread tendency to describe particular practices as 'slavery', yet not say how this status was determined (...) it can often be difficult to determine the point at which slavery begins and other forms of exploitation end. This problem is especially acute when it comes to the approach favoured by the UN Working Group, where slavery has arguably come to be little more than short hand for virtually any form of severe ill-treatment and exploitation.' (Quirk 2009: 32). Finley (1980): 69 makes an extremely important methodological observation regarding the application of the term 'slave' by modern anthropologists: 'First, a host of, let us say, African statuses and status-terms are translated as 'slaves'; second, it is observed that at essential points these so-called slaves are extremely unlike the slaves of classical antiquity or of the Americas; third, instead of reconsidering their appellation 'slaves' to their own subjects, these anthropologists angrily protest the 'ethnocentrism' of 'western' historians and sociologists and demand that the latter redefine and reclassify slaves in order to provide a place for their own pseudo-slaves.' As the quotes from Bales and Quirk (above) demonstrate, Finley's call for greater terminological precision has gone more-or-less ignored in many quarters.

how could one practically go about looking for ideas such as 'dishonour' in what are usually very dry and descriptive business documents?

However, on the other hand, we should not simply dispose of Patterson's approach altogether. Slavery certainly can be described as the 'permanent, violent domination of natally alienated and generally dishonoured persons.' If we pay attention to the main aspects of 'social death', we can draw our attention away from the legal rights of the owner and view the relationship of slavery from the perspective of the slave, and the social consequences than derive from this legal situation.[237] This means that *mutatis mutandis*, Patterson's approach can still play a valuable methodological role in allowing us to study more fully the slave experience, so long as we continue to define slavery as the ownership of human beings.

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[237] Vlassopoulos (forthcoming) argues that we should move beyond viewing slavery in terms of property and look at it as a relationship based upon domination. This is not incompatible with the view expressed here, and I do not think the thrust of Vlassopoulos' argument is concerned with definitions so much as research strategies. So long as we continue to use property as the definition of slavery, I believe there is plenty of scope for examining both the social consequences of the master's legal powers, and the strategies adopted by slaves within this framework to improve their position.

SLAVE STATUS: SOME CONCLSUIONS

If we wish to make progress in understanding slavery in a cross-cultural and diachronic fashion it is essential that we establish secure methodological foundations rather than rely upon intuitive or layman's ideas of our fundamental concepts. Patterson's definition has proved very attractive to historians over the past two decades, and its emphasis upon the social condition of slaves has offered a refreshing new direction to scholars frustrated with the narrow legal emphasis of traditional scholarship. But attractive as such theories may be, we must always be careful to examine the assumptions that underpin their methodology. In the case of Patterson's definition, we can see that an elaborate and influential methodological approach has been constructed on the foundations of a rather basic error.

However, even scholars who in general do not define slavery along the lines of 'social death' often commit similar basic errors when defining slavery, often asserting that a slave must be an outsider, must be deprived of the means of production, or must be bought and sold.[238] This entirely misses the point. A slave may or may not be an outsider, may or may not occupy the lowest rung on the economic ladder, and may or may not be bought and sold. These added accretions are often used to deny the label of slavery to populations such

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[238] Garlan (1988): 24 asserts that 'the common-sense notion of slavery, which is confused and much governed by emotion, is dominated by the idea that slaves are par excellence foreigners who are bought and sold as though they were simply objects.' Having defined slavery thus, it is no wonder that Garlan views Helotage as something entirely different in substantive terms.

as the Helots, and they seriously impede our understanding of slavery in general.[239] What is

significant is not the 'outsider' status of a slave, nor his economic position, nor his record of

sale from master to master (or lack of it), but the powers of ownership which the master

exercises over him. Even if a slave is born in his master's house, serves the same master for

fifty years and dies in the same building, he is still a slave; the point is that the master will

always retain the legal capacity to sell him, pledge him as security for money, and so on, and

it is in the very character of this relationship that the definition of slavery lies. Whilst the

economic and social differences between slave systems in Attica, Sparta, Babylonia, or the

US south are of course important to bear in mind, they are not relevant to the basic task of

categorising slave status. Furthermore, as we have seen, there is no fundamental substantive

difference between Babylonian slaves or those in Greek and Roman society; appendix III

shows that the same thing can be said with regard to slavery in Biblical Israel. We should

thus not speak of special 'Classical' and 'Oriental' forms of slavery, at least in legal terms.

      To end this chapter, we need to examine two points of common terminology which

have been omitted from this study. The first is 'chattel slavery.' This term is omitted for two

reasons. First, it is a rather unhelpful tautology. 'Chattel' is a term in modern common-law

which denotes movable property and distinguishes it from real-estate, more-or-less parallel

to the distinction in civil law systems between moveable property (*res mobiles*) and

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[239] Cf. the views of K.K. Zel'in, quoted in Dandamaev (1984): 73-4, who rightly notes that slaves were

'the property of other persons, of collectives, or even of a deity, but not necessarily an article of

commerce, not necessarily deprived of the means of production or even legal capacities, not

necessarily persons oppressed in a cruel way.' Badian (1981): 49 claims that slaves in Greece were

often outsiders, but rightly qualifies this by writing 'however, we must note that this is not an

inherent part of the institution: it is a development we can observe.'

immovable property (*res immobiles*); but as we have seen, the distinguishing feature of a slave is that he is property of his owner, so in a sense the term 'chattel slave' is as ridiculous as saying 'owned property.' But there is a more serious reason for dispensing with this term. It is generally applied (and restricted) by ancient historians to slave systems which followed the Athenian model, relying upon imports of barbarian 'outsiders' to maintain the numerical strength of the slave population. Helotage, as well as Homeric slavery, are conventionally denied the term 'chattel slavery' because they differed from the Athenian model in these respects, but in denying them this term we tacitly deny that the Helots or the *dmoes* and *dmoai* were 'owned' (i.e. chattel), which simply misrepresents the evidence. Whilst scholarship in the English language has laboured under this misleading tautology for years, scholars in France and Germany have been using far less objectionable terminology. The French equivalent 'esclavage-marchandise' and the German 'Kaufsklaverei' rightly imply that the distinguishing characteristic of the Athenian model of slavery lay in its strategy for obtaining slaves, not in any special legal aspect of their status which the Helots or the slaves of Homeric poetry lacked. If we want to make progress in understanding slavery in a comparative perspective, it seems best to leave this convention to one side.

The second term is 'debt slavery', which is a standard convention in ancient Near Eastern scholarship but which normally indicates debt bondage rather than slavery *per se*. The reason that enslavement for debt is combined under the same term as debt bondage lies in the Hebrew terminology for the two conditions, both of which are covered by the term עבד *'ebed* (see appendix III). Although the same term can apply to both conditions, the Hebrew laws mark out a clear separation between the two conditions along ethnic lines; but the unity of the Hebrew term has been echoed in the conventions of modern scholarship. This is unnecessary and misleading. By retaining this terminology, commentators have bound

themselves not only to referring to two very different conditions by the same name; they also shackle themselves to terminology which, in terms of sociological sophistication, has not advanced since Biblical times. Here, I have sought to use more appropriate terminology to describe conditions that are substantively completely different.[240]

APPENDICES TO CHAPTER I

The following appendices deal with particular problems of Greek and Near Eastern legal history which require individual consideration, since they bring to the fore methodological issues not encountered in the study of the above five societies. Each appendix demonstrates how the methodological approach advocated above, with its general theory of ownership, is flexible enough to classify slavery in a cross-cultural fashion. Beyond this, they show how the general theory of property here advocated can be applied in a wide variety of social contexts, and how this simple principle cuts across a diverse variety of social manifestations of slavery: the system of Helotic slavery which formed the bedrock of Spartan society in the fifth and fourth centuries BCE (appendix I) ; the laws of slavery from fifth century Gortyn (appendix II); and the blocks of legislation set out in the Hebrew scriptures which seek to set

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[240] The analysis of Chirichigno (1993): 30-31 suffers from the assumption that debt bondage is a form of slavery. The difference is not merely that the former is temporary and the latter permanent; debt-bondsmen cannot be sold or pledged, since they are not owned. Cardellini (1981) *passim* thus renders 'slave' in inverted commas, since he is aware that not all Biblical *'abadim* were in fact slaves. For the significant difference between slavery for debt and debt bondage, see Harris (2006): 250-55.

apart Hebrew temporary bondsmen from foreign slaves, and to establish regulations to protect those who fall under the former condition (appendix III).

These appendices also show a recurrent tendency of scholars to look for the rationale behind certain rules which could be said to place slaves in a more favourable social position in terms of humanitarian concerns. Some scholars have supposed that the Helots possessed certain rights; others have thought that the rules governing slave 'marriages' in Gortyn presuppose a right of the slave to marry and own property. Furthermore, a number of Biblical scholars have tried to account for certain rules in the Hebrew Scriptures which limit violence against bondsmen in terms of humanitarian slavery legislation. As we shall see, however, the rationale behind these laws is rarely of a benevolent nature. If slaves benefited from such rules, they did so as a side-effect of their enactment, which was generally directed towards a different end.

APPENDIX I: THE HELOTS OF CLASSICAL SPARTA

How do we categorise the Helots of classical Sparta in legal terms? Many classical writers

described the Spartan Helots, as well as comparable servile populations in other Greek

communities, using the language of slavery.[241] Many modern scholars, however, have come

to a rather different position, and for some of them the fact that Helotage and parallel

institutions are described as forms of slavery by our sources merely highlights an apparent

lack of juristic sophistication in the terminology utilised by the Greeks of the classical

period.[242] After all, nobody disputes the fact that the Helots found themselves in a rather

different position – socially, economically, and legally - to the slaves of classical Athens.

Whilst the Greeks could refer to both Athenian slaves and Spartan Helots as *douloi* and

oiketai indiscriminately, many modern scholars have drawn a distinction between the so-

called 'chattel slaves' best attested in classical Attica, and the 'serfs' of Sparta, Thessaly,

Heraclea on the Black Sea, and several other communities which incorporated this form of

bondage as a central economic institution. Most scholars use the term 'serf' in a non-

technical sense as a convenient distinction between the ethnically homogeneous and

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[241] Kritias 88B 37 D-K, Thuc. 4.118.7, 5.23.3; Xen *Hell*. 7.1.13; *Lac. Pol*. 12.4; Ephorus *FGrHist* 115 70F

117; Myron *FGrHist* 348 F1 ('douloi'); Xen. *Lac. Pol*. 6.3, 7.5, Isoc. 12.178 ('oiketai'). Beginning with

Plato and Aristotle, Greek writers sometimes compared the helots to other servile populations in the

Greek world, such as the Thessalian Penestai, the Mariandynoi of Heraclea Pontica, the perioikoi of

Crete and the Kallyrioi of Syracuse. Later writers such as Pollux (3.83) expanded the list to include

subordinate populations in Argos and Sicyon. For these 'Helotic' populations see Lotze (1959) and for

their comparison, see most recently Luraghi (2009).

[242] Cartledge (1979): 139; (1985): 16 n. 2; (2011): 78-9; Vlassopoulos (forthcoming).

agrarian form of servitude found in Sparta from the multi-ethnic, commercial form of

slavery prevalent in Attica.[243] But others have argued on formal theoretical grounds that the

Helots should be categorised as 'state serfs', i.e. a state-owned body of agricultural labourers

who were divided among private landowners, privately inalienable (and thus 'bound to the

soil'), and forced to pay a form of tribute to the Spartan to whom they were assigned. In this

view, the Helots were in legal terms state-owned slaves, but socially and practically found

themselves in a position analogous to the serfs of Medieval Europe. The most notable

advocates of this conception of Helotage are G.E.M. de Ste. Croix and P. Cartledge.[244]

A dissenting view, still in a minority but now popular among several prominent

Spartan specialists, holds that the Helots were not publicly owned 'state serfs', but privately

owned slaves subject to a level of publicly imposed restrictions unheard of in other Greek

societies. This position was most fully established by Jean Ducat, and the essentials of this

view are now accepted by S. Hodkinson, N. Luraghi and N. Kennell.[245] The present study

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[243] e.g. Morrow (1939): 19; Whitehead (1981) *passim*; Fisher (2006): 329; Davies (2007): 352-3; Hansen

(2009): 392. Van Wees (2003) supports the notion of the Helots as serfs, but as he himself notes (33

n.1), this is not done with any terminological precision. Cf. *LSJ s.v.* εἱλώτης, πενέστης and μνοΐτης,

where all of these groups are described as 'serfs.'

[244] De Ste. Croix (1981): 149 'for convenience I shall treat them as the "State serfs" they undoubtedly

were.' See also idem. (1988), Cartledge (1988).

[245]Ducat (1990): 19-29 is the fundamental modern interpretation of the Helots as privately owned

slaves of Spartiates during the classical period. He does not deal with the 'serf' question at all,

however, and is concerned with disproving Lotze (1959) who viewed Helotage as 'Kollektivsklaverei'

– a system in which the Helots were state-owned. Hodkinson (2000): 117-120 generally accepts the

conclusions of Ducat but is conservative on the issue of the sale of Helots. An important recent

falls squarely into the latter camp. A review of the methodological considerations will show why this is the case.

Much of the debate over the status of the Helots is intimately connected to the nature of our evidence, much of which is late and post-dates the social reforms of the Hellenistic Spartan kings Cleomenes III and Agis IV. Until a few decades ago, it was widely believed that during the Classical period, the Spartan property system and land-tenure practices were communal in nature; based upon the accounts of land tenure in Plutarch's lives of Lycurgus and Agis, scholars conceived of two basic possible forms which Spartan land tenure could have taken: either Spartan territory was originally split into equal allotments where a son would inherit his father's *kleros*, or it was centrally controlled with a pool of *kleroi*, one of which a Spartan male would be given by the state upon reaching adulthood, along with a number of Helots to work upon it; these would revert back to state control after the Spartiate's death, so that he never owned his land or Helots but instead held them in a kind of usufruct.[246] However, several scholars (above all S. Hodkinson) have convincingly dismantled this conception by pointing out that Classical sources show not only great disparities of wealth among Spartiates, but also that land ownership was always implicitly assumed to be private in character by Classical authors such as Thucydides, Xenophon and Aristotle; the two accounts of Plutarch are internally incompatible themselves, describe practically unworkable institutions, and cannot be reconciled with the earlier evidence. The

treatment is Luraghi (2002): 228-33, who, following Ducat, sets out some decisive arguments for viewing the Helots as slaves, and levels several important and new criticisms against the 'serfdom' picture; See also Luraghi (2009); Urbainczyk (2008): 91-9; Kennell (2010): 81-88.

[246] See Hodkinson (2000): 9-64 for ancient and modern (mis)conceptions regarding the nature of Sparta's land-tenure and property system.

mirage of communal ownership was projected backwards into the Classical and Archaic periods by later authors who fell victim to the propaganda of Agis and Cleomenes, who wished to re-structure the Spartan state and present their reforms in the garb of a restoration of the original 'Lycurgan' constitution, emphasising state ownership of the land as well as communal usage of its resources.[247]

With this dawning realisation has come a reassessment of the status of the Helots. It is worth sketching the main alternative view to the one adopted here in order that we might understand its weaknesses and why an alternative approach is required. Late sources – more precisely, Strabo and Pausanias[248] - describe the Helots as communal property, and several decades ago it was possible to take these statements at face value as evidence for the status of the Helots in the fifth and fourth centuries. Married with a picture of land tenure based upon Plutarch, G.E.M. de Ste. Croix described the Helots as 'state serfs', whereby the Helot, belonging to the state, would be assigned to an individual Spartiate. Because the Spartiate had no power to sell the Helot, the latter would find himself confined to the Spartiate's *kleros*, and thus to all intents and purposes, 'bound to the soil.' The Helot delivered a certain proportion of the products of his labour to the Spartiate, placing him in a position rather close to that of the medieval serf, who was also bound to the soil and

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[247] See Hodkinson (1986), expanded in Hodkinson (2000): 65-111.

[248] δοῦλοι τοῦ κοινοῦ (Paus. 3.20.6); δημόσιοι δοῦλοι (Str. 8.365). Strabo's characterisation of the Helots as in a certain fashion public slaves should not be attributed to Ephorus, as Morrow (1939): 19 n. 7 does; the statement of Strabo is separate from the quotation of Ephorus and in fact contradicts it. See Hodkinson (2000): 117.

compelled to render determinate services to his landlord.[249] De Ste. Croix's formulation

represented a more sophisticated employment of Marxist theory; whereas 'Vulgar' Marxists

held to the notion that Western civilisation passed through certain phases based upon

different modes of production – from the slave economy of antiquity through the feudal,

serf-based economy of the Middle Ages to the capitalist system of modern times, de Ste.

Croix believed that serfdom was not a transitional development of late antiquity, but could

be found in many areas of the earlier classical world.[250] It is worth pointing out that this

picture of Helotage is not contingent upon the idea that land was communally owned in

Sparta. Cartledge has accepted the now widespread and orthodox view that land tenure in

classical Sparta was private in character, but has retained the notion that the Helots were

public property and thus 'state serfs.'[251] In this modified view, the publicly owned Helots

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[249] There is some controversy over the nature of these payments: were they fixed sums, or were they

more like a sharecropping arrangement whereby whatever the size of the yield it would be divided in

pre-ordained (in Sparta, 50:50) proportions? Either way, the payment represented a practical means

by which absentee Spartiates could keep their Helots fed whilst maintaining their mess-contributions,

not a division of rights to the product of Helot labour. In this sense it parallels the *apophora* practices

in Attica during the same period, where the arrangement was at the indulgence of the master who

legally speaking had the right to all of the products of his slave's labour. It is misleading to claim that

the Helots had certain rights on the basis of this arrangement. Could they enforce these 'rights'? Our

sources only speak of religious, never legal, consequences for Spartiates who infracted these rules. For

this payment in Sparta, see Hodkinson (2000): 125-131.

[250] De Ste. Croix (1981): 149-150.

[251] Cartledge (1979): 144: 'the simplest explanation of Plutarch's error is to suppose that he has tried to

reconcile the fact (made unambiguous by Aristotle) of hereditary succession to a privately owned and

were assigned to Spartiates to labour on their private *kleroi*, with the institution of Helotage

taking a more-or-less identical shape to that described in de Ste. Croix's model.[252]

There are several major problems with this conception of Helotage. Just like the

evidence for land tenure, the evidence for the status of the helots is inconsistent, the late

evidence conflicting with the evidence from the classical period. Whereas Strabo and

Pausanias described the Helots as public property, classical sources, as Ducat points out[253],

seem to envisage them as privately owned. The key passage which makes it quite clear that

the Helots were privately owned in the classical period is a fragment of Ephorus (fr. 117

apud Strabo 8.5.4) which noted that the inhabitants of Helos κριθῆναι δούλους ἐπὶ τακτοῖς

τισιν ὥστε τὸν ἔχοντα μήτ' ἐλευθεροῦν ἐξεῖναι μήτε πωλεῖν ἔξω τῶν ὅρων τούτους,

'were adjudged slaves on fixed conditions. Their holder was permitted neither to manumit

them nor to sell them beyond the boundaries.' The most important statement is that the

individual holder (*ton echonta*) was not permitted to sell his Helots 'beyond the boundaries.'

Despite the ingenious contortions of some scholars[254] to explain away the conflict between

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legally alienable *kleros* with his false belief in a publicly owned and controlled system of equal and

inalienable *kleroi*.'

[252] Cartledge (1985), (1988) and (2003): 17-20.

[253] Ducat (1990): 20.

[254] Ducat rightly notes (1990: 22 n. 13), regarding MacDowell's theory that ἔξω τῶν ὅρων refers to the

boundaries of one's own *kleros*, 'mais qui signifierait une vente à l'intérieur de celle-ci? En outre, chez

Poseidonios, fgt 8, il est clairement question des frontières.' The suggestion of Jeanmaire (1939): 478

that in juxtaposition to the total ban on private manumission we should read as well a total ban on

private sale is quite unlikely. In essence, what Jeanmaire has suggested is that Ephorus, by saying that

the sale of Helots was prohibited 'outside the boundaries', really meant 'outside the boundaries, but

this statement and the communal picture of Helotage found in Strabo and Pausanias, there is only one plausible explanation for this statement: Spartiates *were* allowed to sell their helots, but not 'beyond the boundaries.'[255] If the different strata of the evidence are understood in the wider context of Spartan institutional history, it becomes clear that communal ownership

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also inside the boundaries as well.' Why would Ephorus have said this so cryptically? As Luraghi (2002): 228-9 has rightly noted, 'only preconceived ideas about helotry can explain how some scholars have been able to interpret this clause as if it meant that it was forbidden to sell helots altogether. A quick look at the text shows that, in order to convey that meaning, it would have been enough to conclude the sentence with πωλεῖν, without mentioning the borders.' Cartledge has generally avoided this passage: Cartledge (1979), (1988) and (2003) contain no discussion of it or its implications. Cartledge (2011) does take note of the passage in Ephorus, but with no alteration to his long-held view that they were 'state serfs.'

[255] Hodkinson (2000): 118-19 has doubted the ban on selling Mariandynoi beyond the national frontiers as an appropriate parallel to Ephorus' ban on sale ἔξω τῶν ὅρων, and therefore refuses to endorse the view that Helots could be sold inside Spartan territory. He believes that since Poseidonios' statement regarding the Mariandynoi is connected to a notion of a 'contract of servitude', it therefore must be late and misleading. This is not necessary: Poseidonios seems rather to be accounting for classical (at least 4th century) rules about bans on external sale by constructing a charter myth of an original 'contract of servitude.' The association of the 'contract' with the rules about external sales does not mean that we need to regard the rules as unreliable to the same degree as the contract-myth; the latter exists as an aetiological tale *to explain the former*; the parallel between the external sale-ban also can be seen in Archemachos of Euboea's account (fr. 1 *apud* Ath. 6.264 a-b) of the Penestai, which similarly uses charter myth based on the 'contract of servitude' to account for the origins of genuine rules on the bans on external sale and murder of Penestai.

was not a feature of Helotage during the classical period, but probably coincided with the constitutional reforms of the Hellenistic period.

This has been discussed by scholars in some detail[256]; for our purposes, two tasks are required. First, we need to see how the classical evidence squares with our conception of ownership and its constituent incidents. Second, we need to understand why Helotage assumed its particular shape, which was quite different from the system of slavery in Athens.

The picture of private Helot-ownership is ostensibly problematic with regard to two of our incidents of ownership: the *right to security*, and the *right to the capital*. Systems of private slave ownership always recognise the title of the owner (*right to possess*) and protect the owner's property from illegal interference or appropriation (*right to security*). Although the classical evidence for Helotage suggests that individual Helots were viewed as the property of their owners, several pieces of evidence make it clear that a wide range of measures outside the owner's control allowed external interference with a Spartiate's Helot, who could be beaten, borrowed, publicly manumitted or sometimes even killed. The Old Oligarch ([Xen.] *Ath. Pol.* 1.11) contrasts the Athenian system of slavery with the Spartan system by pointing out that in Athens it was forbidden to beat another person's slave; by implication this was possible in Sparta.[257] Myron (*FGrHist* 106 fr. 2) tells us that officials (the

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[256] See Ducat (1990): 19-29; Hodkinson (2000): 117-119; Luraghi (2002).

[257] See Ducat (1990): 27-8 on this passage; the contrast with Athenian rules on beating slaves is neatly illustrated in Harris (2006): 275 n. 7. There were certain occasions where this general rule in Athens did not apply: see below.

ephors?[258]) were bound by duty to execute any Helots who appeared too large or un-slavelike in demeanour. Moreover, a body of young and resourceful Spartans - the notorious 'Krypteia' - was allegedly sent into the countryside to dispatch any Helots who seemed too boisterous or large (Aristotle fr. 538 *apud* Plut. *Lyc.* 28); and both Xenophon and Aristotle (*Lac. Pol.* 6.3; Arist. *Pol.* 1263a) refer to the practice of borrowing another person's Helots in times of need without necessarily asking the owner's permission. Surely this does not fit with a picture where the owner's *right to security* is observed?

We need to look at this question not in absolute terms but in terms of degree (we will return to the issue of manumission shortly). Whilst Xenophon claims that a Spartiate could borrow his neighbour's Helot without asking, he does not imply that this gave the borrower any possessory rights over the Helot; clearly, the owner could ask for the Helot back, and this was a temporary arrangement.[259] What about the ability of non-owners to beat a Helot? In Athens, a number of circumstances existed whereby a non-owner could beat someone else's slave. If a slave was discovered trespassing on one's land, the landowner could beat or rape the slave in retaliation (Ar. *Ach.* 271-6; [Dem.] 53.16). In a ring-fenced set of circumstances, public officials were permitted to beat privately owned slaves for various offences.[260] It would therefore be an exaggeration to claim that the master alone was permitted to beat or harm his slave in Attica. A similar approach is evident in the imaginary

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[258] As suggested by Ducat (1990): 28.

[259] Regarding the borrowing of Helots, Ducat (1990: 21) notes that this does not imply anything more than a temporary loan.

[260] See note 136 above.

city of Plato's *Laws*.[261] In Sparta, we simply find this principle extended to a greater degree. It is not a case of the Spartan slave-owner lacking a *right to security* over his human property; it is rather that his *right to security* was much less extensive in Sparta than in Athens, and that in Sparta a greater degree of external interference was recognised. As we have seen, ownership is never an absolute set of rights; and the degree to which the owner's liberties regarding the individual incidents extend will inevitably vary from one legal system to the next. Furthermore, concrete reasons existed which explain this unusual state of affairs, which we shall come to shortly; it was not a random eccentricity of the Spartan property system.

What about the *right to the capital*, the right of an owner to alienate his property? Recently, Cartledge has made much of the inability of the Spartiate to manumit his Helot, a right that could be only exercised by the state. This fact, he claims, rules out any notion of private ownership.[262] There are several problems with this view. First of all, and as Ducat has shown, public manumission of privately owned slaves occurred in other areas of Greece, not least Athens, without the consent of the slave owner.[263] Again, we must remember that ownership is never an absolute right; as Honoré has written, 'it is, perhaps, a characteristic of ownership that the owner's claims are ultimately postponed to the claims of the public authority, even if only indirectly, in that the thing owned may, within defined limits, be taken from the owner in order to pay the expenses of running the state or to provide it with

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[261] See Morrow (1939): 57; 66-70.

[262] Cartledge (2003): 17-18. Cartledge (2011): 82 claims that central control over manumission 'is in formal conflict with the possibility of private alienation of Helots.'

[263] Ducat (1990): 26-7. One could also cite the state manumission of privately owned slaves by the Rhodians after the unsuccessful siege of Rhodes by Demetrius Poliorcetes in 305/4 (Diod. 20.100.1-4).

essential facilities.'[264] There is no 'formal conflict' between the notion of public manumission and the concept of private ownership. Yet Spartan citizens were not permitted to manumit their Helots whatsoever. We shall come to the reasons for this shortly; but for now it is worth noting that this fact in no way invalidates our concept of ownership. As we have seen, for someone to be said to own a given thing he must be able to alienate it (*right to the capital*). Spartan slave-owners were capable of selling their Helots within Spartan territory, and by extension of this principle it seems probable that they could give their Helots as gifts as well. Therefore they could alienate their slaves, but in a more restricted fashion than was common elsewhere in Greece, since they were restricted from selling them outside Spartan territory or privately manumitting them. Although it is certainly unusual in a slave system for owners to be prevented from manumitting their slaves, ability to manumit is not a necessary precondition of ownership. Cartledge is therefore incorrect in claiming that the unusual situation regarding manumission in Sparta is in formal conflict with the idea of private Helot ownership.

The legal relationship that Spartiates exercised over their Helots, therefore, is clearly one of private ownership. Yet this ownership took an unusual form, with a level of external interference and publicly-imposed restriction that was unusual elsewhere in Greece. We must account for these rules. As we shall see, very good reasons exist to explain why Helotage required these special measures.

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[264] Honoré (1961): 124. An example of the ability of the state to override the rights of the private owner may be seen in the archaic Locrian colony inscription Tod # 24, where a magistrate who fails to uphold the law can have his *kleros* and *woikiatai* confiscated. Van Wees (2003): 62 believes that the latter were a Helotic-style population. At any rate, they must have been slaves to have been seen as property alongside the land allotment.

As Thucydides noted (4.80.3), Spartan institutions or policies had always been designed with an eye to security against the Helot population (cf. Arist. *Pol.* 1269b7-10). When one notes the peculiar makeup of the Spartan social system, one is struck by the challenges the small citizen-body must have faced in managing the Helots, forcing them to work, and preventing the emergence of factors that might contribute to resistance and revolt. In a particularly illuminating exercise in comparative history, Cartledge has identified a number of factors which contribute towards resistance and rebellion in slave populations.[265] To these we may add some further observations regarding Spartan society, and establish a typology of factors which shaped Spartan rules of slavery and strategies towards controlling the Helots.

1. Unlike the polyglot Athenian slave population, the Helots were united by a common language and a possessed to some degree a shared ancestry.[266] Numerous ancient authorities noted the danger of linguistic unity among slave populations and recommended diversifying one's slaveholdings with representatives of numerous ethnic groups (Arist. *Pol.* 1330a 25-8; [Arist.] *Oec.* 1.5.6; Pl. *Lg.* 6.777 C-D; Athen. 6. 265a). In contrast to the linguistically fragmented Athenian slave population, the linguistic unity of the Helots significantly enhanced their potential for co-ordinated resistance, and their shared ethnic identity gave them a sense of common purpose in resisting their masters.[267]

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[265] Cartledge (1985).

[266] Luraghi (2008) shows that Messenian identity changed over time and was to a large degree constructed after the liberation of Messene.

[267] Cartledge (1985): 36-7.

2. Helotage was characterised by absenteeism; slave-owners in Sparta, as male citizens, were expected to live in the *polis* of Sparta itself and attend common meals each day, and as such they were unable to exercise the same level of personal supervision over their slaves as most Athenian masters. Some might own *kleroi* in the west of Messenia, but spend most of their time in the Eurotas valley. This created a problem in the maintenance of supervision and discipline of the Helots.[268]

3. Helots outnumbered Sparta's citizens by an appreciable factor (although we lack reliable figures for the exact ratio).[269] A more pronounced ratio of slave to free, combined with absenteeism of the owners, exacerbated the threat of the Helots toward their masters.[270]

4. One of the key factors Cartledge identified in the rise of rebellions was the ability of leaders to emerge from among the slave population. As we shall see, specific measures existed to prevent this from happening.[271]

5. The low level of foreign trade in Sparta meant that the supply of Helot labour was wholly dependent upon reproduction; the Spartan economy was not organised to produce the level

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[268] Cartledge (1985): 24-30.

[269] See the essays by Figueira and Scheidel in Luraghi & Alcock (2003). Cf. Thuc. 4.80.2.

[270] Cartledge (1985): 31-7.

[271] Cartledge (1985): 37-8.

of exports which would allow the Athenian-style *'esclavage-marchandise'* system, characterised by large numbers of imported slaves, to develop to any appreciable degree.

We are now in a position to explain why the institution of Helotage took such a different form from the slave system visible in classical Attica. Let us being with the battery of measures that allowed non-owners to beat a fellow Spartiate's Helot, as well as the Krypteia. These must be related to the element of absenteeism and the prevention of leaders emerging from among the Helot class. The Greeks were not naive as to the need to control and motivate slaves, and they developed quite a sophisticated discourse on the measures required to keep slaves in line.[272] Slaves can be motivated through a combination of incentives and sanctions, although the major incentive of manumission was not able to be privately exercised in Sparta for reasons which we shall come to shortly. Because the owner of a group of Helots was not always at hand to discipline them, the need existed for any Spartiate in the immediate vicinity to exercise punitive powers over the Helots of others. Without the legal capacity to permit this, it is difficult to imagine how the Spartan system of absenteeism and communal meals in the city could have survived alongside the existence of a large agrarian slave population. More specific powers lay in the hands of certain unnamed magistrates to execute with impunity any Helot who seemed too large or possessed an un-slavelike appearance; interestingly, the Helots who fell victim to the Krypteia when they

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[272] See Klees (1975): 83-92 on Greek strategies for controlling slaves. As Klees notes (at 86), 'Durch Belohnung und Bestrafung versucht Ischomachos das Verhalten seiner Sklaven zu lenken.' This mixture of incentives and penalties is to be enforced not arbitrarily but in the same manner as a legal code, which engrains behavioural boundaries in the slaves. Klees (at 91-2) compares these strategies to the 'paternalistic' rhetoric of slaveholders in the antebellum US south.

crept into the fields were those who also fell into this category. These measures clearly

served to prevent the emergence of leaders among the Helots, and their secretive nature

meant that the Helots would always labour under the fear that these officials or young

Spartans were in the area looking for victims. Similar strategies in other slave systems

demonstrate the effectiveness of creating paranoia and discouraging disloyal talk among the

slaves.[273] These measures served to prevent organisation and leadership from emerging

among the Helots.

Why could owners not sell their slaves outside of Spartan territory or privately manumit

them? These measures must be understood in the context of the strategies pursued in Sparta

towards replenishing the slave population as well as the wider Spartan economy. As Ducat

and Luraghi have pointed out, the maintenance of slave numbers in Sparta depended on

breeding, and there is little evidence to suggest that the Spartans looked outside their

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[273] Frederick Douglass relates an illuminating story. He was hired out to work on a farm of a certain

Mr. Covey. This man would creep up upon the slaves, eavesdrop upon their conversations, surprise

them, and inflict random beatings upon them; this meant that even when he was not visibly at hand,

the slaves remained paranoid lest he be close by. Measures such as this did not require constant

activity, merely occasional displays of brutality to keep levels of paranoia high. See Gates (2002): 383-

98. The Krypteia may have exercised a similar function. As Douglass notes, 'his work went on in his

absence almost as well as in his presence; and he had the faculty of making us feel that he was ever

present with us.' (Gates 2002: 385). The story told in Plut. *Lyc*. 28.5 that the Helots liberated by the

Thebans were reticent to recite the poetry of Alcman and Terpander to their liberators because their

masters forbade it is exactly what we should expect from a society with a conscious policy of

terrorising their slaves and ingraining paranoia among them.

borders to recruit new slaves as cities such as Athens did.[274] Besides, the Spartan economy

was less developed than that of classical Attica and did not produce the level of exports

required for regular engagement with the wider Aegean slave trade.[275] In these

circumstances, sale outside Spartan territory or private manumission represented possible

drains upon the numerical strength of the Helot population, and the rules mentioned by

Ephorus represent an attempt to centrally control the supply of the labour-pool upon which

Spartan society rested; they served to shore-up the economic foundations of Spartan society

and maintain the status quo.[276] This kind of measure is no oddity. In Attica, Solon enacted a

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[274] As Ducat (1990): 23 notes, 'Quant aux interdictions de la vente à l'extérieur et de l'affranchisement

privé, elles correspondent moins à d'authentiques pratiques communautaires qu'au souci de

maintenir dans son intégrité le cheptel servile: comme il n'était alimenté que par sa propre

reproduction et qu'à la différence de ce qui se passait pour les esclaves-marchandises on ne pouvait

importer des Hilotes de remplacement, il était essential d'éviter toute déperdition.' Van Wees (2003) :

70 adopts a very similar view of this ban, as does Luraghi (2002) : 229.

[275] Hansen (2009) has argued that of all Greek *poleis*, Sparta was closest in economic organisation to

the Finleyan notion of the 'consumer city.' Most other cities, of course, were considerably more

developed economically. We may, however, underestimate the level of development in the Spartan

economy. Prof. Harris points out to me the 4,000 people in the Spartan *agora* in Xen. *Hell*. 3.3.5, and

the 'iron market' there, which implies that the Spartan agora was divided into sections based upon

commodities. See also note 377 below.

[276] The fact that Helotage relied upon natural reproduction goes a long way towards explaining why

the Helots appear to have dwelt in family groups. As Harper (2008): 113 rightly notes, 'the

reproductive rates seen in North American slavery were the product of a rather simple recipe. Space,

physical independence, privacy, and opportunity, rather than deliberate breeding policies, were

behind the fertility of the American slave population.' Cf. Fogel & Engerman (1974): 126-144.

law which prohibited the export of agricultural products other than olive oil beyond the

Attic frontiers, which guaranteed sufficient foodstuffs in circulation to feed the population

(Fr. 65 Ruschenbusch = Plu. *Sol*. 24.1); the extent to which this was followed may be debated,

but there was certainly a rigidly enforced ban on the export of grain (Dem. 34.37; 35.50-1;

58.8-9); this, like the Spartan rule, was a ban on exporting certain items of property ἔξω τῶν

ὅϱων, to use Ephorus' phrase. One could view the Athenian impositions on Keos regarding

the export of ruddle to areas outside Attica in a similar light (*IG* II² 1128); these are simple

measures taken by the state to ensure economic equilibrium.[277] Taken in the context of

Sparta's social structure and institutions, the peculiar form of Spartan laws on Helotage

seems rational and necessary, not eccentric and random.

Hodkinson refers to the situation of the Helots as a 'combination of private

ownership with lack of full rights of mastery.'[278] The danger here is in straying too close to

the myth of 'absolute ownership.' In what sense might we understand the phrase 'full rights

of mastery' as normative? From the Athenian point of view, such a picture would be valid;

Athenian slave-owners enjoyed fuller liberties over their slaves than Spartan masters. But

when we take a broader comparative point of view, 'full rights of mastery' cannot be

anchored to a fixed point of reference. The extent to which a master might enjoy exclusive

rights to control and harm his slave varied from legal system to legal system, so we should

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Allowing the Helots to dwell in family groups was thus not an indulgence on behalf of the Spartans,
or a conceding of 'rights' to the Helots, but an economically necessary strategy to avoid having to
import slaves from abroad.

[277] The same practice continues to this day; one might note the measures taken by the Russian
government in August 2010 to ban the export of grain due to poor harvests.

[278] Hodkinson (2000): 116.

not postulate a 'normative' battery of 'rights of mastery' in these terms. Ownership in all legal systems manifests itself as a balance between the interests of the owner and the interests of the community. In some legal systems, and indeed in the liberal American tradition, the liberty of the owner has been strongly stressed, and restrictions in the public interest held back as far as possible in the owner's favour (compare the laxity of American firearms laws with their British equivalents). But we should not see this as the only way in which ownership can be manifested. In societies where there is a dire need to strongly control or police the ownership of certain things, the intervention of the community can be much more marked. This seems to be the case with the Helots. It is not that they were 'partly' property (which could be one interpretation of Hodkinson's statement). It is that the interests of the community made unusually intrusive forays into the relationship of ownership between the Spartan slave-owner and his Helot. Both Athenians and Spartans exercised ownership over their slaves, and we can characterise this with the same set of common incidents; but the liberties granted to the Athenian slave-owner were more extensive than those exercised by his Spartan peer. The shape of Sparta's slave laws shows a keen realisation of the problems which Spartan society faced and a rational attempt to strike a balance between the interests of the Helot owner and the needs of the state to maintain the status quo.

We must also not forget culture and ideology in relation to social practice. Spartan culture and ideology seems to have been far more amenable to the idea of borrowing and communal usage than the selfish and chrematistic attitudes to property which some Athenians held and which some philosophers lamented. The difference with the Athenian system, then, was one of degree rather than nature. The legal superstructure built around Helot-ownership, stemming from a number of exceptional variables inherent in Sparta's

social structure, meant that the Helots were unusual slaves, certainly from the Athenian

perspective. But they were slaves nonetheless.

APPENDIX II: SLAVERY AT GORTYN

The evidence for slavery at Gortyn is problematic in a different way. Until the discovery of

legal inscriptions in Gortyn by Thenon in 1857, the basic sources of information on slavery

and society in ancient Crete lay in Classical literature, especially Aristotle (*Pol.* 2.10, 1271b20-

1272b23) who compared the system of Helotage in Sparta with the labour-force of *perioikoi* in

Crete. When the inscribed laws of Gortyn came to light, great effort was expended in

marrying the social system of the inscriptions with that described in the literary sources,

even though there are many clear differences between the two.[279] Modern scholarship has

moved away from this early attempt at forcing the epigraphic and literary material together,

and is more open to the idea of diversity among the Cretan cities rather than a single

overarching social system.[280]

In the laws of Gortyn there are several terms for dependant statuses. The institution

of temporary bondage was openly regulated and legislated for; a man could fall into

temporary bondage either by defaulting on a loan which he could not pay back (in which

case he became known as a κατακείμενος) or in the case of inability to pay the fine for a

delict (in which case he became known as a νενικαμένος). The master of the bondsman was

known as the καταθέμενος.[281] In contradistinction to this are the terms used to describe

slaves and their masters. Two terms denote slave status: δõλος and ϝοικεύς; a slave-owner

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[279] e.g. Willetts (1967): 13-17.

[280] Davies (2005): 305-6; Perlman (1992) is especially important, but should be read with the

qualifications of Chaniotis (2005).

[281] Kristensen (2004).

is referred to as a πάστας. Many scholars have been confounded by the fact that a legal 'code' could employ two different terms for slave, which seems completely at odds with conventional legal thinking which would logically demand clear and unambiguous terminology. One very popular solution to this quandary was to see the terms as referring to two different statuses. The δõλος was a 'chattel slave', whereas the ϝοικεύς was a feudal-type serf, something like the Spartan Helot (by this I mean the old-fashioned view of the Helots as tied to their *kleros* and 'serf-like', bound to the soil by obligations rather than to a master by the bonds of ownership), which helped to tie the Gortyn code neatly to the picture of Cretan servitude in Aristotle's *Politics*.[282]

The unavoidable problems inherent in this view were recognised early on; Lipsius had already pointed out by 1909 that the provisions for these 'statuses' in the laws of Gortyn allowed only one possible solution: that the terms δõλος and ϝοικεύς were synonyms. M.I. Finley later reiterated this position, and it seems to have gained increasing support nowadays.[283] No single rule applies to a δõλος where a contrary one exists for a ϝοικεύς; the level of fines relating to free people and to the *dolos/woikeus* are of exactly the same degree[284],

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[282] Willetts (1955) & (1967); Lévy (1997). I do not find convincing the argument of Gagarin (2010) that *dolos* and *woikeus* refer to different statuses which were legally very similar. Such a view does not explain why the terms are used interchangeably; nowhere in the code do we find phrases such as 'if a *dolos* or *woikeus*...' which we would expect if they referred to substantively different statuses.

[283] Lipsius (1909): 397-9; Lotze (1959): 14-20; Finley (1981): 135-9, a reprint of his article of 1960; Link (2001). The view of these words as synonyms for the same status is accepted by Kristensen (2004): 73 and by Davies (2005): 315. Isager & Skydsgaard (1992): 150-152 view the two terms as relating to the same status, but conflate this status with the Helot-like Cretan *perioikoi* mentioned by Aristotle.

[284] Gagarin (2010): 17.

and the terms are constantly interchangeable;[285] odd as it may seem to us nowadays, the Gortynians did use two terms in their legal inscriptions to refer to the same status.

Several of the provisions in Gortyn's laws regarding slavery still seem unusual, even if we believe in the substantive unity of the terms δõλος and ϝοικεύς. Other provisions are very relevant to our incidents of ownership. We shall consider them here in light of our cross-cultural analysis of slave status in order to see how slave status at Gortyn compares to slavery elsewhere.

(I.) *IC* **IV 72 col. I 15-55** The first column of the 'Great Code' demonstrates clearly that the Gortynian πάστας had a recognised title to his slave (*right to possess*) and enjoyed a *right to security* over his human property. In lines 15-55 we find legislation surrounding status distinctions; what are the procedures to be followed if a person of one status is asserted to belong to another status? In lines 15-18, the situation arises in which a man is claimed to be free by one party, and claimed to be a slave by another. In this case, the party asserting the man's freedom is to prevail, which shows a concern over protecting free men from being unjustly enslaved. In lines 18-24 we find provision for the case of disputed ownership of a slave; the judge is to weigh the evidence and make a decision on oath over who is the true owner, which demonstrates the right to possess and the *right to security*. Lines 25-55 deal with the procedures for recovering a slave from a false claimant in possession of the slave, which further illustrates the master's *right to security*.

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[285] See Finley (1981): 134-5 with note 6.

(II.) *IC* **IV 72 col. II 5-45** In column II we come to provisions in the case of sexual violence, and this concerns two of our incidents: *prohibition of harmful use*, and the *right to security*. Slaves are forbidden to rape either free persons or other slaves. The fine for a slave raping a free person is double the fine levied for a free person raping a free person; a fine of five staters applies to a slave who has raped another slave. The language of the law is ambiguous concerning who actually pays the fine (which was presumably the master, for otherwise we must assume that slaves regularly possessed large amounts of money which seems rather unlikely[286]). The seduction of a free woman by a slave was also forbidden, carrying a large fine of one hundred staters if it took place in the house of the woman's male relative; but fifty staters if it took place elsewhere. These provisions all demonstrate the principle of *prohibition of harmful use*. With regard to the *right to security*, we must also take into consideration the rules about sexual violence perpetrated upon slaves. It was forbidden for a free person to rape a slave, which incurred a five drachma fine; and seducing a slave was forbidden as well, incurring a fine of two staters (once again, the inscription is not specific about who the fine was paid to, presumably the master once again[287]). It is worth noting that there are no provisions against a master raping his own slaves, which was no doubt acceptable as at Athens.

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[286] Finley (1981): 137. Remarkably, Gagarin (2010): 26 assumes that fines incurred through the crimes or delicts of slaves were paid by the slave rather than his master.

[287] This was the belief of M.I. Finley; see Finley (1981): 136-7. Presumably the lack of detail on who paid the fine is due to it being self-evident to the Gortynian reader.

(III.) *IC* **IV 72 col. III 40-44** In column III we first hear about the laws surrounding cohabitation and separation. The same verb, *opuiesthai*, is used for slave and non-slave marriages, but we should not conclude from this as Gagarin does that '*woikeis* could marry in the same way as free persons.'[288] It would be easy to view laws on slave marriages as evidence for the gentle and permissive character of Gortynian slavery, but a glance at some comparative data suggests that a different reading of the evidence is more credible. In the American south, one could refer to 'marriages' between slaves, but the fact that free and slave 'marriages' were referred to by the same word does not mean that both enjoyed an identical legal character. The southern example is highly germane to this issue; for it shows that slaves could cohabit together, that such a relationship could be referred to as a marriage and even be marked by formal ceremonies; but ultimately the master's rights of ownership meant that these relationships granted the slave no legal rights at all. Let us look at one case as an example of this: in 1849 a man named Joseph Coates attempted to separate two of his slaves who were 'married' and move them to different locations. The slave husband told his master that he had been promised when he was married to his wife that the two would never be parted, and threatened to commit suicide if the separation was carried out.[289] Whilst the couple could be said to be 'married', the only recourse the husband had to enforce the continuity of the union was the desperate threat of killing himself and thus depriving his owner of a valuable worker. He did not appeal to any rights granted by the 'marriage' he had undergone, because this procedure did not grant him any.

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[288] Gagarin (2010): 19.

[289] See Johnson (1999): 34-5.

In this case, the two slaves who were 'married' belonged to the same owner, but we know of other cases where slaves belonging to different owners might be 'married' or a slave might be allowed to marry a free person.[290] In the former scenario, any property possessed in common by the slave couple might come under conflicting legal interests from either owner, and if the couple split, the property would have to be somehow divided between the respective owners; the latter scenario poses similar legal problems. When we consider the 'marriage' laws of the Gortyn Code, we should therefore not naively assume that these were enacted to grant Cretan slaves some sort of 'family rights.' On the contrary, they are better understood as clarifying the rights and duties of individuals in complex scenarios with regard to births of children (to whom do they belong?) and jointly-possessed property that such unions might create. These unions should be regarded as a *de facto* practice permitted by the master which evidently occurred often enough to require some form of regulation

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[290] For example, we learn in the life of Mary Prince (Gates 2002: 252) that she was the child of slaves owned by different masters, her father by a Mr. Trimmingham, her mother by a Mr. Myners. Harriet Jacobs fell in love with a free man and planned to marry him, but was prevented by her infatuated master (Gates 2002: 480-90). We must bear in mind that slaves were not merely the passive instruments of their masters but attempted to carve a life for themselves within the boundaries of slavery, and this includes a romantic life. Slaves might have formed relationships with other slaves belonging to different owners or free individuals and could have been 'married' to them if their masters permitted it. For the reasons why a slave owner might do so, see below. When we read the dry and technical laws of Gortyn, we lack any knowledge of the social relations which shaped their form; in terms of slavery, a glance at comparative data can suggest probable reasons for the shape of the laws and allow us to avoid overly simplistic solutions based upon 'humanitarian' considerations.

and a clarification of the rights and duties of the respective parties, since it could involve the interaction of property (i.e. the slaves) belonging to separate owners.

One further note: we should not envisage the existence of these unions as evidence of a warm, permissive and humanitarian attitude to slaveholding on behalf of the Cretan *pastas*. Permission to 'marry' was a potent incentive to good behaviour which a slaveholder could use to motivate his slave, and any children born of such a union could be used as leverage to compel a slave to obey, since they could be abused or sold if a slave parent proved recalcitrant. There was an economic incentive too for the owner, since any children born of the union would add to his property. The practice was common in the US south[291], and Xenophon noted that when well behaved slaves were permitted to have children they normally proved more loyal (Xen. *Oec*. 9.5). The notion of the indulgent master who permits his slaves to marry is a powerful tool of coercion easily dressed up in the rhetoric of paternalism.

(IV) *IC* **IV 72 col.3.52-col.4.8** Related to this is the fate of children born to slaves; to whom do they belong? This depends on the gender and status of the parents. If a female slave bore a child after separating from her partner, the child belonged to the male slave's master; if that master did not want the child, it would then belong to the master of the female slave. If the couple remarried within a year, the child belonged to the male slave's master. A slave child could not be exposed by its mother, because it was the property of a master, and exposure without permission of the master threatened his *right to security* in regard to the slave-infant. If an unmarried female slave gave birth to a child, it belonged to her father's master, or if her

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[291] See Fogel & Engerman (1974): 126-44.

father was dead, it belonged to the masters of her brothers. These provisions clearly show a concern over the title to children born of slave mothers and amply show the slave's status as a property item. Further provisions on the children of slaves occur in *IC* IV 72 col. VI 56- col. VII 4, which deals with the strange situation of marriages between individuals of different statuses. A free person marrying a slave created a further property problem: to whom did the children belong? The code provides an answer: it depended upon who initiated the relationship. If a slave initiated the relationship, the children would be free; but if a free woman approached a slave, the children would be slaves. This further demonstrates the concern felt to explicitly regulate status and make clear rules for the bestowal of title to property (cf. Pl. *Leg.* 11.930).

(V) *IC* **IV 72 col. IV 31-43** In column IV of the Great Code, an allusion is made to what may appear to be possessory 'rights' of slaves with regard to houses and cattle. The text itself is too brief and ambiguous to provide any firm conclusions on this matter, but the allusion appears in the context of a man dying and his estate being divided among his sons; it is inconceivable that the man's slave would not be included among the inheritance, so we may safely rule out the possibility that the ostensible rights over property held by Gortynian slaves actually amounted to outright ownership.[292]

(VI) In *IC* **IV 72 col. VII 10-15** we can see that slaves in Gortyn were alienable by sale (demonstrating the *right to the capital*), since the law refers to the act of buying a slave in the agora. There is a further stipulation that the buyer of the slave shall be liable for the slave's

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[292] See Finley (1981): 137.

actions if he has owned the slave for more than sixty days without terminating the sale,

which further demonstrates the principle of *prohibition of harmful use.*

To conclude what can be gathered about slavery in Gortyn from legal inscriptions: whilst

there seem to be some areas of slave ownership where the rules differed from those in Attica

(particularly with regard to marriage relationships and possible possessory 'rights', which

we know very little about in Attica) there is no doubt that that slaves in Gortyn were the

property of their masters; there may be much we wish to know about these conditions

which remains opaque, but there is nothing to suggest that slavery at Gortyn cannot be

described under our cross-cultural category of ownership.[293] The attention lavished upon

issues of 'marriage' in the code is not evidence for a humanitarian attitude to slavery, but of

the complex entanglement of property interests which could occur in the event of slaves

cohabiting as a 'married' couple or 'marrying' a free person. The rights and duties of the

owners of slaves in such relationships required clarification, and that is why they are dealt

with in detail.

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[293] Finley (1981): 135-9 reaches similar conclusions.

APPENDIX III: SLAVERY AND TEMPORARY BONDAGE IN HEBREW LAW[294]

We have seen that in Babylonian law of the seventh to fourth centuries BCE the conception

of the slave as property was in an underlying sense the same as that of the other societies we

have examined. The laws of Babylonia's western neighbours, the small states of Israel and

Judah, display similarly tricky problems for the legal historian as Gortynian slavery, but it

should be emphasised that for legal purposes we may treat the two states as a single cultural

entity ('Biblical Israel', as scholars normally term it).[295] Laws relating to slavery and

temporary bondage are manifested in three distinct blocks of legislation in the Hebrew

[294] I have tried here to be as terminologically precise - and consistent - as possible. The reason why the

term 'temporary bondage' is used here instead of debt bondage is because the Hebrew laws envisage

passage into this condition not merely through defaulting on a loan, but principally through falling

into poverty and selling a fixed term of labour to a wealthier member of the community who may

have had no earlier contractual tie to the bondsman at all; perhaps the money from this sale could pay

off other creditors – or perhaps the passage into this condition provided some measure of protection

for the junior partner in the relationship who was otherwise destitute. In all other respects 'temporary

bondage' and 'debt bondage' amount to the same condition. I follow the terminology of the laws in

using the terms 'Hebrew' and 'Israelite' (the former is an earlier ethnic term) rather than opting for

one term over the other, but to all intents and purposes the terms may be regarded as synonyms (for

the meaning of 'Hebrew' see note 297). The 'master' of the bondsman is contrasted with the owner of

a slave.

[295] Israel and Judah together comprised the larger state governed by Saul, David and Solomon; this

state split in two during the early tenth-century. See Kuhrt (1995): 417-72 for a brief political history of

Biblical Israel. For the treatment of both states as a cultural unity, see King & Stager (2001).

Bible: in the 'Covenant Code' of Exodus, the 'Deuteronomic Code' of Deuteronomy, and the later 'Holiness Code' of Leviticus.[296] Since the chronological relationship between these three collections is much debated, we will not try to posit an evolutionary development from one to the other. It is more important to show how all three share a common conception of the distinction between temporary bondage and outright slavery. The biggest difficulty lies in untangling the rules relating to both statuses since the same basic term, *'ebed*, may refer to either condition (*amah* is the term for a female slave or bondswoman). Sometimes (e.g. Ex. 21:2, Lev. 25:44-5) the texts are more specific: the more common *'ebed 'ibri* refers to a Hebrew bondsman[297]; whereas *'ebed canaani* (only found in Leviticus, but the idea that there existed non-Hebrew slaves is implicit in the earlier laws[298]) refers to a foreign slave. The condition of

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[296] The Laws on slavery and temporary bondage in the Hebrew Bible are: Ex. 20:10; 21:2-11, 20-21, 26-27, 32; Deut. 5:14, 12:12, 18; 15:12-18, 16: 11, 21:10-14, 23:15-16; Lev. 25:39-46, 47-55. For the three 'codes' see Westbrook & Wells (2009): 9-13.

[297] This is the traditional view: some scholars have believed the term to reflect the *hapiru* of cuneiform texts of the late Bronze Age, who were nomads or vagabonds. But this argument has little to support it other than linguistic similarity. A modification of the traditional picture, which considers the term *hapiru* as an etymological ancestor of the term 'Hebrew' but views the latter as an ethnic term by the time of the Covenant Code seems preferable. See Kaneen (2010), following Na'aman (1986).

[298] This is obvious since in Exodus and Deuteronomy the term *'ebed* is qualified by the term 'Hebrew.' If these were general provisions for all *'abadim*, they would not require the qualifying adjective. Some scholars (especially Chirichigno 1993) think that the term 'Hebrew' refers to a subordinate class in the Israelite population or to a class of 'debt slaves', but this is unlikely. It is more probable that the term is an ethnic qualifier for Israelites in general; it should come as no surprise that the lower echelons of society would be the ones to fall into debt and poverty, and thus into bondage. These scholars have

the former is always that of a temporary-bondsman who owes a specific term of service (although a procedure existed by which the Hebrew bondsman could become the permanent slave of his master), whereas that of the latter fits our criteria of the slave, i.e. a human being held in ownership.[299] But often, the texts fail to specify which of these conditions is meant and simply use the term *'ebed* without an ethnic qualification, forcing us to guess as to which condition is meant.

The reason why these laws stipulate that a Hebrew could only fall into temporary bondage whereas foreigners could be treated as slaves proper is not difficult to discern. The Israelites as a people became increasingly unified in the early first millennium BCE and developed a shared cultural identity; and when it came to drafting legislation they took special pains to protect their own ethnic group from the worst excesses of exploitation, especially slavery. This was particularly resonant for the Israelites since they believed that they had served as slaves in Egypt in the distant past (e.g. Deut. 15:15), and this charter-

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observed that the lower classes seem to be the only ones falling into bondage and erroneously interpreted these laws as if they applied only a lower class and not to all Israelites.

[299] The misleading term 'debt slave' is commonplace in English and American scholarship, e.g. Chirichigno (1993), Wright (1997) and idem. (2001). Lemche (1975) calls the Hebrew bondsman a slave (cf. Lipiński 1976); and Lemche (1976) refers to the release of the Hebrew bondsman as 'manumission', as do Dandamaev (1996) and Levinson (2005). By contrast, German scholars, perhaps from a stricter application of the concepts of Roman law, have been reluctant to use the language of slavery in reference to the Hebrew bondsman. For example, Mielziner (1859) refers to the Hebrew temporary bondsman as a 'hebräische Knecht' in contrast to 'nichthebräischen Sklaven.' Cardellini (1981) refers to the 'Sklaven' Gesetze in inverted commas; one suspects this is because the laws do not refer to slaves proper.

story served as a key element of their religious and cultural identity.[300] Of course, the same concerns did not apply to outsiders, who could be exploited in numerous ways, not least through enslavement. Thus interest could not be charged on a loan to a fellow Israelite, but it could to a foreigner (Deut. 23:20-21); likewise, Deut. 15.3 states 'A foreigner you may exploit, but you must remit whatever claim you have on your brother' (cf. Lev. 25:44-46). These laws were therefore designed to protect the weaker members of the community from exploitation by the wealthy and powerful (e.g. Deut. 15: 7-11), but their impact in practice is questionable; when Nehemiah returned from exile in Babylonia, he found many Israelites holding their fellow countrymen as slaves (Ne. 5:1-5); a similar situation is evidenced in Jeremiah 34:8-22, where it is clear that many people simply did not observe the law; temporary bondage, in times when the administration of justice was weak, could easily turn into outright enslavement. For legal purposes, however, we must look at the distinctions made between the two conditions since they show a conceptual separation, even if the laws were not always applied 'on the ground'.

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[300] See Kaneen (2010). The Hebrew laws therefore show a similar response as Solon's law ban on enslavement for debt; it seems clear that Athenians could, however, fall into debt bondage. As Harris points out, 'debt bondage provided the Athenians with a crude way of reconciling the rights of creditors and debtors. The law granted creditors the right to seize borrowers who failed to repay their loans and hold them until they were able to work off their debts. Yet at the same time, the law protected the freedom of debtors by denying creditors the ability to sell them into slavery.' (Harris 2006: 269). The Hebrew laws on temporary bondage served a similar purpose, as a social justice measure. See also Fensham (1962), Epsztein (1986).

Exodus 21:1-11

These laws deal with a male Hebrew *'ebed*, i.e. a temporary bondsman.[301] Verse 2 explicitly

states that the Hebrew *'ebed* will only serve for six years, and must be released in the seventh

without having to pay for his release. The fact that there is a term to his service shows that

the Hebrew *'ebed* is not owned and therefore not a slave. Verses 3-4 negotiate between the

rights of the Hebrew *'ebed* and his master; if the *'ebed* is married when he enters his period of

service, he may remain married throughout that period; the master does not have the power

to alter this relationship. If the master marries a Hebrew *'ebed* to one of his slave women, the

woman and her children will belong to the master after the *'ebed*'s period of service has

expired. This law strikes a balance between the interests of the unfortunate Hebrew who

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[301] The fact that Ex. 21:2 (and also Deut. 15:12 and Lev. 25: 39) uses the language of sale ('when you

buy a male Hebrew *'ebed*...') does not prove that we are dealing with slavery rather than temporary

bondage. This is generic language for the descent of an individual into temporary bondage and has

parallels in earlier Near Eastern legislation. Cf. LH # 117 which uses the terminology of sale into

kiššatum, debt service with a three-year term. This language is intelligible only in the following two

senses: (i) if a person could not repay his creditor, he 'sold' the right to a limited term of labour to

match the obligation – either his own labour, or that of someone under his control; or (ii) an

impoverished person with no particular debt to a wealthier person could nonetheless 'sell' this person

a fixed term of labour. This is easily muddled up in the language of the Hebrew laws which lack

modern legal precision and might appear *prima facie* to refer to the sale of the Hebrew male himself.

But in a strict sense it refers only to the sale of a term of labour, not to a person *per se*; as Westbrook

(1995): 1636 notes, 'the relationship between debtor and creditor remained one of contract, not

property.'

falls into temporary bondage, and the property rights of the master which he enjoys over his slave women.[302] The question is in essence: who has the greater claim on the woman and her offspring – her husband, who is a Hebrew (albeit held in temporary bondage) and thus a member of the same community as his master, or her owner? The law falls on the side of the latter, protecting the rights he holds over his property. Verse 5 deals with a further scenario in which a Hebrew *'ebed* is married to one of the master's slave women; if he wishes to remain with the woman after his period of service has ended, he must become the slave of the master. A ceremony symbolises this in which the *'ebed* has his ear pierced with an awl; after this, the *'ebed* permanently belongs to the master and is thus transformed from a bondsman into a slave.

Verses 7-11 outline the conditions for a female *amah* who is obviously a member of the Hebrew community as well. As with the male Hebrew *'ebed* the language of sale ('If a man sells his daughter...') does not prove that she is a slave; it indicates that she has descended into temporary bondage.[303] As a member of the community she holds certain rights and is

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[302] This law shows the same concerns as *IC* IV 72 col.3.52-col.4.8 in the Gortyn 'Great Code.' In the Hebrew law, the scenario deals with the question of to whom the children of a mixed marriage between a slave woman and a Hebrew bondsman belong. The Gortynian law deals with similar questions: in a cohabiting relationship between two slaves belonging to different masters, to whom do the resulting children belong? Or in the case of *IC* IV 72 col. VI 56- col. VII 4, where a relationship exists between a slave and a free person, to whom do the children belong? These laws all negotiate between the property rights of the slave owner and the rights of the free parent. See Appendix II above.

[303] See note 301 above.

protected from abuse. The laws mentioned in verses 7-11 reflect the premium which society placed upon the virginity of free girls; if she is enjoyed sexually she cannot be casually cast aside, nor can she be sold to foreigners (verse 8) – if she does not please her master, she must be redeemed. She can be given to the master's son, but must be treated with respect (verse 9). If the creditor takes a wife, the female bondswoman is to enjoy similar rights as the wife. If she does not receive these privileges, she is to be released from service without paying compensation. These verses negotiate a middle-position between the rights of a free Hebrew woman given into temporary bondage, and those of the master who takes her into his household.[304]

Exodus 21:20-21, 26-27 & 31-32

In verses 20-21 we find a different scenario: the beating of an *'ebed*. Does this refer to a Hebrew *'ebed*, i.e. a temporary-bondsman, or a foreign slave? No ethnic marker is provided to give a simple answer to this question. But the law itself and the context it is found in suggests the former. Note that the preceding laws on *'abadim* deal only with the Hebrew bondsman, not with the foreign slave. The law itself states that if the master beats his *'ebed* and the *'ebed* recovers, the master is not liable; but if he dies, the master must pay a penalty. This only makes sense in terms of the temporary-bondsman, who as a fellow-Hebrew has

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[304] This kind of relationship seems to be attested in the tomb inscription of a royal steward: 'This is [the sepulchre of ...]yahu who is over the house. There is no silver and no gold here I but [his bones] and the bones of his slave wife with him. Cursed be the man I who will open this!' See Avigad (1953), and for a colour photograph of the inscription, King & Stager (2001): 371.

certain rights.[305] Note again how this law negotiates a middle-ground between the rights of

the Hebrew bondsman and the interests of his master. Because the Hebrew temporary

bondage relationship is based upon a fixed term rather than an amount of labour assessed in

terms of the original obligation, the 'value' the master might get from his bondsman

depends entirely on how hard the bondsman works. Consider the relationship from the

perspective of the master: his Hebrew *'ebed* owes him six years of service, and naturally, the

master would prefer six years of hard work. The law thus recognises a potent motivational

tool from the master's point of view: the right to inflict corporal punishment on a lazy

bondsman. This enables the master to enforce the work he has set his bondsman who might

otherwise choose to sit-out his period of bondage in relative indolence. But as a fellow

Hebrew, the extent to which this corporal punishment extends is not unrestricted: firstly, the

master is not allowed to kill the bondsman; secondly, verses 26-27 display a further

qualification: if the master maims his *'ebed* (the examples concern knocking out an eye or a

tooth) the *'ebed* is to go free. This should be seen as a further qualification relating to the

Hebrew bondsman: the master's right to inflict corporal punishment can only extend to light

beatings; permanent injury is forbidden. This interpretation is greatly preferable to that of

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[305] Chirichigno (1993): 148-82 has argued that these verses refer to slaves proper, not Hebrew

bondsmen, and that the 'slave laws' of Exodus are humanitarian in scope. His arguments are not

convincing. He stretches the Hebrew in verse 21 to read 'If, however, within a day or two he survives,

he is not to be punished; for he is his property.' The Hebrew literally states 'he is his money', which is

very different. A debt-bondsman could easily be viewed in terms of the financial obligation his labour

represented ('he is his money'), and I do not see how Chirichigno's arguments regarding this phrase

(at 176) prove anything about the status of the *'ebed* in this law. For strong arguments in favour of

viewing this law in terms of the Hebrew bondsman alone see Cardellini (1981): 265-8.

believing in a 'mild' form of slavery where even foreign slaves would be protected from savage beatings by their owner. Convenient as the latter argument may be for those who would like to see in the legislation a 'humanitarian' attitude, it runs up against the cumulative comparative evidence for the way slaves are generally managed in slaveholding cultures; it is ill-fitting with the rather harsh nature of surrounding laws in the text; and it distorts a more natural reading of the law.[306] A more credible interpretation is that foreign slaves are simply left out of the legislation because their owners were allowed to do more-or-less as they wished with them. This fits well into the context of later comments to the effect that foreigners were 'fair-game' for exploitative behaviour, so long as fellow-countrymen were not exploited (Deut. 15.3; 23:20-21; Lev. 25:44-46).[307] These comments are simply a more explicit statement of a prejudice which is already implicit in the laws of *Exodus.*

Verse 32 perhaps relates to the Hebrew bondsman as well: if the *'ebed* is gored by an ox, the owner of the ox must compensate the master with thirty shekels. This compensates the master for loss of his worker; but it could refer to a slave proper (there is in fact a very similar provision in CH # 252 which may have influenced this law – it concerns a *wardum*, i.e. a slave). Even if this is the case, the 'slave' laws of Exodus barely relate to slavery at all.

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[306] e.g. Chirichigno (1993): 176-7. This view is little better than the humanitarian attitude advocated by Wallon (1847): 11-12. Cf. Sulzberger (1923): 9. Sulzberger (1923): 6-11 fails to make a distinction between Hebrew temporary bondsmen and foreign slaves. His 'humanitarian' conception of the institution is particularly extreme; he supports the view (at p. 8) of Benzinger that 'in the cultural state of the times, Hebrew slavery was a blessing for both master and servant.'

[307] Cf. Jackson (1988): 95 'The provision makes much more sense if we regard it as applicable to debt slavery' (sc. temporary bondage, in the terminology of this study).

There is no protection stipulated for the foreign slave, only for the Hebrew bondsman; and most of the rules negotiate a middle position which enables the master to recover the value he either has lost from his bondsman on account of a debt or the amount paid for the bondsman's service, through a fixed term of work. The law grants him the power to motivate his bondsman through the threat of corporal punishment which, however, is restricted because the bondsman is a fellow Hebrew; and it grants either release for the bondsman or imposes a penalty for the master if these limits on corporal punishment are overstepped.

Deuteronomy 15:12-18

The corresponding laws of Deuteronomy very closely parallel and slightly modify the laws in Exodus. Verse 12 stipulates the same service-period of six years for a Hebrew *'ebed*. Verses 13-14 differ slightly from Ex. 21:2; instead of saying that the master should not charge his Hebrew bondsman for release after the service period has expired, it takes this for granted and exhorts the master to give his newly released bondsman a present of food and wine. Verses 16-17 closely mirror Ex. 21:5-6 by naming the procedure by which a Hebrew bondsman may become the permanent slave of his master: having his ear pierced with an awl. It does not frame this in the scenario of the Hebrew bondsman being married to one of the master's slaves, but couches it in the vaguer, more euphemistic language of the bondsman loving his master and finding his situation agreeable.[308]

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[308] Deut. 23:16 states that an *'ebed* who has run away from his master should not be returned to him. Mendelsohn (1949): 63, assuming *'ebed* to indicate 'slave' was puzzled by this 'most extraordinary law... its application in life would have spelled the end of slavery in Palestine.' But this law makes

Leviticus 25:39-46

The laws of the 'Holiness Code' on slavery and temporary bondage differ somewhat from

the two aforementioned collections. The chief difference is that whilst they do admit a fixed

term to the service of an Israelite bondsman, this term is not the six-year period found in

Exodus and *Deuteronomy* which commences with the Hebrew falling into bondage and

terminates once the six years are complete, but a rigid fifty-year cycle known as the Jubilee

which apparently ran on the same timescale for the entire country, when debts were to be

remitted and bondsmen released. Scholars have wrestled for years with the practical

implications of these laws and achieved some ingenious intellectual contortions in

attempting to explain how the Jubilee laws worked. But as Westbrook has convincingly

argued, they could never have been used in practice. Rather, they represent an idealistic

form of legislation created by a late writer, probably around the time of the exile to Babylon

in 587 BCE or a little earlier. They should be viewed in the light of *mišarum* legislation and

similar edicts from elsewhere in the ancient Near East; these were cancellations of debts that

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perfect sense if the *'ebed* is not a slave, but a Hebrew bondsman. In this scenario, the law demands

that a Hebrew bondsman who has been compelled to flight through the misery of his mistreatment

should not be returned to his master, which is consonant with the general tone of the rest of the

Biblical legislation on Hebrew bondsmen, which urges fair treatment. Van der Ploeg (1972): 83, like

Mendelsohn, had trouble in explaining away the meaning of this law because he viewed it as

referring to slaves; cf. de Vaux (1961): 87 'This provision has no parallel in ancient law and is difficult

to interpret'; Snell (2011): 18 'if consistently applied, such a prohibition would have eroded the entire

institution of slavery.' Magdalene & Wunsch (2011): 118 suffer from the same error. Dandamaev

(1984): 228 n. 204 rightly notes 'it is possible that this pertains only to slaves (sic.) of Hebrew descent.'

often occurred at the accession of a monarch or shortly after the beginning of his reign.[309]

Because Mesopotamian kings viewed one aspect of their royal duty as protecting the weak

from the more powerful members of society (e.g. LH i 27-49; LL i 20-37) they occasionally

cancelled obligations when the lower classes found themselves particularly exploited. The

Jubilee legislation was therefore an attempt to systematically impose debt-relief of this sort

in a fifty-year cycle, but for obvious reasons was not practical.[310] At any rate, the laws

concerning slavery and temporary bondage in Leviticus do make a clear distinction between

the two conditions.

Lev. 25: 39-42

Verse 39 describes the descent into temporary bondage in the same fashion as Ex. 21:2 and

Deut. 15:12, with the added detail that this might occur because of poverty. Verse 40 urges

the master to treat those who fall into this condition as hired hands, not as slaves; and as

verse 42 makes clear, these rules refer to Israelites ('For they are my servants, whom I

brought out of the land of Egypt'). The main difference between these bondsmen and the

ones of Exodus and Deuteronomy lies in the fact that they are to be released in the Jubilee

year (verse 40).

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[309] See Lemche (1979). Discussion of Leviticus in Westbrook (1991).

[310] See Westbrook (1991): 36-57.

Lev. 25: 44-46 contrasts these temporary-bondsmen with foreign slaves. The text is worth

quoting in full:

[44] 'The male and female slaves you have will come from the nations round you; from these you may purchase male and female slaves. [45] As slaves, you may also purchase the children of aliens resident among you, and also members of their families living with you who have been born on your soil; and they will become your property, [46] **and you may leave them as a legacy to your sons after you as their perpetual possession**. These you may have for slaves; but you will not oppress your brother Israelites.'

These 'brother Israelites', as Lev. 25:42 makes clear, cannot be bought and sold. Unusual and

impractical as the Jubilee laws are, they do at least make a clear distinction between Israelite

temporary bondage, which forbids the sale of the bondsman and retention of him beyond

his fixed-term, and the non-Israelite slave who can be sold (*right to the capital*) and kept

permanently and bequeathed (*absence of term, transmissibility*). This distinction between

slavery and temporary bondage is in its essentials the same as we find in Greece; the main

difference is that whereas in Greece the debt-bondsman's obligation seems to have been

worked off until the labour performed was judged to match the value of the obligation

(hence 'τὸ χρέος ἀπεργαζόμενος' in Men. *Her.* 36), the law codes of the Hebrew Bible set a

fixed term of service, and thus had to admit the right of the master to administer corporal

punishment in order to motivate the bondsman to work hard.[311] Taken as a whole, however,

the 'slave' laws of *Exodus*, *Deuteronomy* and *Leviticus* have very little to say about slavery at

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[311] Although the cuneiform law codes invariably set a fixed term as well (e.g. LH #117), this does not

mark out Greek debt bondage from Near Eastern forms of the institution. Variants of the institution

were possible. For instance, one Babylonian document from 558 BCE shows that a debt-bondsman

convinced a court that he had paid off his debt plus interest by ten years of service as well as a final

payment of corn; in this case the debt was gradually paid off rather than a fixed term of service being

stipulated, quite different from the fixed terms of service in the law codes. See Scheil (1915).

all. They all contain elements of idealism, and the extent to which they were used in practice seems impossible to ascertain. Their significance chiefly lies in the clear conceptual division between slavery and temporary bondage which further shows that Near Eastern peoples were not hampered, as Finley believed, by a conceptual inability to distinguish exploitative statuses from one another.

Finally, it may be worth noting several passages which show that slavery in Biblical Israel was not 'humanitarian', at least in the ideology of the Hebrew Scriptures. Slaves found themselves at the bottom of Israelite society's hierarchy of honour; this, at least, is suggested by the picture of inverted social norms in Eccl. 10:7, where slaves ride upon horses whilst princes get by on foot. The two positions, slave and prince, are given as examples of the polar opposite ends of society (cf. Prov. 30:22-3). Several proverbs reveal that slaves found themselves in a far from comfortable position: Prov. 19:10 states that a slave should know his place and not think himself above his low station. Prov. 29:19 points out that slaves cannot be taught by words; the implication is that it is only beatings which compel them to obey; and Prov. 29:21 warns against pampering a slave. According to Malachi (1:6), the slave should stand in awe of his master. These passages paint a very different picture of slavery in Israel from the humanitarian picture which emerges if we erroneously conflate slavery with the special form of temporary bondage which was confined to Israelites.

PART II

STATUS DISTINCTIONS IN GREECE AND THE NEAR EAST AND THE CONCEPT OF

FREEDOM

There was no fundamental legal difference in the conception of the slave in Greek or Near

Eastern societies; both were treated as the property of their owner(s). However, Finley has

argued that a lack of a vocabulary equivalent to the Greek and Roman terms for 'free' and

'freedom' meant that Near Eastern societies could not make a sharp distinction between

slavery and other exploitative statuses – these blended together into a spectrum, marking a

major substantive difference between classical forms of slavery and those found in the Near

East. This conception has attracted few supporters, and has received some important

(although brief) criticisms.[312] This short chapter will look at the theories and the evidence

surrounding this problem. It shall highlight the major flaws in this bifurcation between

classical and oriental social structures, and then proceed to analyse the real difference

between notions of freedom in Greece and the Near East. We shall see that although Greek

societies held completely different cultural understandings of the term 'freedom' from their

Near Eastern neighbours, this remained on the metaphorical level; it had no effect at all on

the practical distinction of one legal status from another, which to all intents and purposes

was similar in Greek and Near Eastern societies.

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[312] See de Ste. Croix (1981): 91-6.

THE DISTINCTION BETWEEN THE TECHNICAL AND METAPHORICAL MEANINGS

OF SLAVERY AND FREEDOM

One of the major problems in analysing the difference between slavery and freedom in

Greece and the Near East is the common failure to consistently distinguish between the

technical legal meanings of these terms and the looser, figurative senses in which they are

frequently employed. We have seen that in its legal sense, slavery amounts to the ownership

of human beings; this is a sociological fact which cuts across the Greco-Near Eastern cultural

divide and sums up the legal meaning of slavery in both regions. In its technical sense,

freedom refers to all conditions outside this category; everyone who is not a slave is, legally

speaking, free. As A.E. Samuel writes in relation to Greek manumission:

'Legal freedom in Greece is essentially a concept of property. The sole meaning of freedom is that a man has jurisdiction over his property and family, and the concept of manumission is the concept of change in property; a man no longer is property, but has it. A man's activities can be limited by restrictions, and he can be subject to burdensome obligation, and these matters do not affect his freedom. If a man can own property, he is free, and if he is free, he can own property.'

[Samuel 1965: 295]

In this sense alone can we divide humanity into free and slave.[313] This sense of slavery and

freedom was understood by the Greeks who explicitly dealt in such categories; Near Eastern

societies implicitly recognised this distinction; in practice they could easily distinguish

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[313] There is no room here to discuss the formula 'between slavery and freedom' (*metaxu eleutheron kai doulon*) that was loosely applied by Pollux (3.83) to the Helots and similar populations. This formula is vague, does not take slavery and freedom in their legal senses as its poles, and should not be regarded as a serious sociological category. For the formula itself, see Ducat (1990): 45-51; idem. (1994): 79-86, who shows that it is essentially a metaphor rather than a legal designation.

slaves from other social groups, but they do not seem to have thought in terms of a dichotomy between 'slave' and 'free'. Thus we may describe Near Eastern society in terms of slaves and free men, but this is an observer's, not an actor's category. We shall return later to the question of whether this meant Near Eastern societies differed in terms of actual social structure to Greek societies in a fundamental sense.

Freedom, however, is rarely used in its technical sense. Far commoner is its use as a metaphor – frequently as a political metaphor. In a metaphorical sense, freedom is used either in terms of the absence of an oppressive force ('freedom from') or the capacity to act in a certain fashion ('freedom to'). Yet it must be emphasised that this metaphor is particularly fluid and can be construed in a bewildering variety of ways, and often used to justify particular political policies. For example, the Spartans claimed that they fought the Peloponnesian war to free the Greeks from the tyranny of Athens (e.g. Thuc. 4.84) – a fairly vague metaphor for the planned removal of Athenian hegemony from the Aegean. Decades later, in 378 BCE when the Athenians moved to set up a second naval league, the bad memories of the fifth-century Athenian Empire forced them to more explicitly state what exactly they meant by the slogan 'free and autonomous' which was intended to describe the condition of member states: the allies were to have their own constitutions and govern themselves as they wished; they were to be free from Athenian garrisons; they did not have to pay tribute; and land held by Athenians would be restored, and could not pass into Athenian possession in the future (*IG* II^2 43.19-44). In the Delphic manumission inscriptions, we find a quite different typology of freedom-attributes: freedom of manumitted slaves is regarded in terms of freedom of movement, free status, and protection from seizure and

detention.[314] We should not boil any single manifestation down to a 'Greek concept of freedom': that would do violence to the rich variety of meanings which this term can represent, and the forms in which it can be cast to suit the particular thrust of different types of propaganda. Different cultures inevitably appreciate these terms in different fashions, and some more so than others; moreover, any single society can construe the term 'freedom' in a number of different ways, tailoring its use for particular situations.

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[314] See Westermann (1955): 35, idem. (1943).

THE FINLEYAN METAPHOR OF A 'SPECTRUM' OF STATUSES

I do not wish to contend that Greek and Near Eastern societies had a shared cultural understanding of slavery and freedom; clearly, this was not the case (see below). What should be contended is the notion that the gulf between these cultures in terms of the metaphorical appreciation of slavery and freedom was somehow reflected at the level of social structure. This necessitates a hard look at Finley's idea that the social structure of Near Eastern societies was marked by a fluidity of status unlike classical Greece and Rome; hence, we shall have to examine the rationale behind his metaphor of a 'spectrum' of statuses. Let us begin with a quote from one of Finley's essays which most explicitly states his views on Near Eastern status terms:

If one examines the various law codes of the ancient Near East, stretching back into the third millennium B.C., whether Babylonian or Assyrian or Hittite, the central fact is the existence of a hierarchy of statuses from the king at the top to the chattel slaves at the bottom, with rules- in the penal law, for example- differentiated among them. Translators often enough employ the term 'a free man', but I believe this to be invariably a mistranslation in the strict sense, the imposition of an anachronistic concept on texts in which that concept is not present. It is enough to read the commentaries appended to the translations to appreciate the error: each such rendition required the most complex contortions in the commentary if the various clauses of the codes are not to founder in crass inner contradictions once 'free man' has been inserted. What the codes actually employ are technical status-terms, which we are unable to render precisely because in our tradition the hierarchy and differentiation of statuses has been different. Hence, for example, careful Hittologists resort to such conventional renditions as 'man of the tool', which may not be very lucid but has the great advantage of not being downright misleading. The English word 'slave' is a reasonable translation of one such status-term, but it is then necessary to emphasise the fact that slaves were never very significant and never indispensable in the ancient Near-East, unlike Greece and Rome.

[Finley 1981: 120-1]

The contrast Finley is trying to bring out here (and elsewhere) is that whereas Greek and Roman writers tend to think in terms of free and slave only, Near Eastern legal codes display a range of status terms which are not organised along the lines of slave and non-slave (i.e. free) categories. This is not an entirely misleading description, but some of the

conclusions Finley has developed out of this observation are rather misleading. In his 1960 essay 'The Servile Statuses of Ancient Greece' Finley developed a new method of viewing ancient social structures: they could be seen as a spectrum of statuses arrayed between the poles of slavery at one end, and freedom at the other. According to Finley, this spectrum of servile statuses could be used to describe all Near Eastern societies, as well as pre-classical Greek societies and early Roman society – the invention of the concept of freedom meant that the later Greeks and Romans organised and viewed their society in a different fashion. As far as I am aware this notion has not been adopted by many scholars; others have levelled forceful criticisms against it.[315] The criticism I wish to direct at this notion is one of methodology. We have seen above that the terms 'slavery' and 'freedom' can be framed in technical or figurative senses. The major flaw of Finley's spectrum idea is that it mixes these senses together indiscriminately when they are essentially immiscible. Finley in fact realised that he might be criticised for this, since he noted that 'it may be objected that I am now confusing political and social categories with proper juristic ones'[316]; but he ploughed ahead with his argument without properly answering his own criticism. The spectrum he constructs views status in basically Weberian terms, as a matrix of legal/political privileges and social advantages: someone who has greater privileges and advantages than someone else can be seen to have a higher social status than another person, and therefore is located further towards the freedom end of the spectrum than the other person. This is not the same

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[315] See de Ste. Croix (1981): 91-6. However, see the comments of Hunt (2011): 46; cf. Braund (2008): 3. Neither of these scholars regard the spectrum idea as problematic; like some of Finley's other ideas of Near Eastern slavery, the spectrum metaphor, having never been fully refuted, is still adhered to by some scholars today.

[316] Finley (1981): 147.

as legal status, which is not construed in relation to the balance of privileges a certain status may hold in relation to other status groups. Legal status (the juristic categories Finley is speaking of) is formulated to identify the distinctive attributes of a given group; thus the distinctive attribute of a slave is that he is owned; the distinctive attribute of a metic is that he pays the metic tax, and so on. Finley's spectrum tries to locate legal, juristic status groups on a sliding scale based upon social advantage. The two approaches simply cannot mix. In order to turn these juristic categories into categories based upon social advantage, we would have to boil each one down to a paradigm, a ratio of advantage vs. disadvantage. Slavery would thus have to be placed below citizenship because it would paradigmatically display fewer advantages and greater disabilities than the latter.

The problem with this is that in social terms, any legal status category will inevitably run the gamut of a broad range of social manifestations. Take Athenian slavery, for example: this legal category encapsulates a variety of circumstances – at the one end, relatively advantaged individuals who might have indulgent masters (one thinks of Pasion or Phormion who rose to freedom and earned their fortunes) to horrifically mistreated labourers who might have sadistic masters. Plato sums up this variety when he notes that some masters treated their slaves like animals and whipped them into submission, whereas others did precisely the opposite (*Leg.* 6.777a). How can we boil such a range of social circumstances down to a single paradigm or ratio which we can locate on a spectrum and contrast with other groups similarly reduced to a ratio of advantage to disadvantage? Finley's spectrum can be used to locate the social status of individuals, but it cannot perform the same function for juridical groups. Not only is such an approach practically impossible; it tells us very little about ancient society.

A related problem is Finley's overly sharp bifurcation between societies that allegedly thought in free/slave terms, and those which contained a variety of legal statuses. The truth is, a society might fall into both of these categories simultaneously. If we turn to the Great Code of Gortyn, it would be just as easy to characterise gradations of status in the same fashion as Finley does in the above quote on Near Eastern codes. In the Gortyn code we find a number of status terms: there is the *eleutheros*, the male with full citizen rights; the *apetairos*, a male with lesser rights; the *patrouchos*, or heiress; the *dolos/woikeus*, who (as appendix II demonstrates) was a slave; the *katakeimenos* or debt-bondsman; the *nenikamenos*, or temporary-bondsman who serves on account of a delict; the *katathemenos*, or master of the *katakeimenos/nenikamenos*; and the *pastas*, master of the *dolos/woikeus*. In a technical (modern) sense, only the *dolos/woikeus* should be categorised as a slave; the rest of these statuses are 'free', although the term 'free' (*eleutheros*) is employed for a specific status group by the Gortynians. But if we wished to characterise these statuses in a looser sense we could, theoretically, characterise them in terms of a status spectrum running from the advantaged to the disadvantaged. Obviously, viewing these statuses in terms of a spectrum has little practical value. It also means we have to create an artificial paradigm of 'advantage' or 'social status' for each legal status in order to locate it on such a spectrum, however little resemblance this bears to reality.

It could be argued that this is an archaic example and the free/slave polarity was more distinct by the classical period; Finley did in fact restrict his free-slave dichotomy to classical Greece and Rome. But even in classical Athens we may distinguish a host of status gradations: the citizen (*polites/astos*), the disenfranchised citizen (*atimos*), the resident-alien (*metoikos*), the slave (*doulos*), the debt-bondsman (*thete/pelates*); and amongst the women of Attica we may distinguish wives (*gunaikes*), heiresses (*epikleroi*), concubines (*pallakai*),

courtesans (*hetairai*) and prostitutes (*pornai*) as separate groups. If we employ the same criteria to the statuses of classical Athens as Finley does to the cuneiform codes or the Gortynian laws it seems that any of these societies can be described in terms of a 'spectrum' of statuses. But if we take the strict poles of slavery (the ownership of human beings) and freedom (all those who fall outside this condition) there is no real difference between Greece and the Near East. Finley's bifurcation of 'Oriental' and 'Classical' societies bears no resemblance to reality however we might wish to describe it.

What we are left with is the observation that in classical Athens, people could conceptually speak in terms of slave and 'free', i.e. non-slave, whereas in other places they did not, even though all of these societies were made up of a range of status groups. Does this amount to the entire social structure of these latter societies being fluid and blending together – and does it imply that the free-slave dichotomy is the only conceptual method of distinguishing one status from another? Such and interpretation is not at all likely. Much of this idea is derived, in my view, from a single misunderstood comment of Mendelsohn's in reference to Near Eastern slavery:

The transition from freedom to slavery and vice-versa was fluid. A man could be sold into slavery one day and freed the next day, and, once freed, all ties with his former master were cut off.'

[Mendelsohn 1949: 122]

Legally speaking, this observation is correct, and legally speaking the same observation may be made of Greek and Roman slavery. But in terms of actual social practice this comment is highly misleading, and as Dandamaev has pointed out, it bears no resemblance to the reality evidenced in the cuneiform sources, where Babylonian slaves do not change status on a

frequent basis any more than Greek or Roman slaves.[317] The major difference between Greek and Near Eastern slavery did not lie in everyday practice but in the cultural meaning of servile metaphors.

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[317] See the important comments of Dandamaev (1984): 80.

CULTURAL DIFFERENCES IN THE APPRECIATION OF SLAVERY AND FREEDOM

Finley was not correct in claiming that there were no words for freedom in the ancient Near East; the edicts of several Mesopotamian kings proclaim relief from burdens and grant privileges which are often translated as 'freedom' by Near Eastern scholars.[318] The major difference between Greece and the Near East lies in the cultural construction of the terms for slavery and freedom, and the metaphorical uses these were put to, especially in terms of political ideology. In Greek, more specifically Athenian, culture, slavery is almost always used in a negative metaphorical sense. In terms of a person's character, the contrast is struck between the person who possesses *sophrosyne*, i.e. who is the master of his appetites and is self-controlled, and the person who is a slave to one or more appetites or compulsions. Thus a person might be a slave to wine, or to lust or food.[319] In a related sense, a truly free person possessed his own financial resources and did not work for wages; to do so could be seen in terms of 'enslaving' oneself to an employer.[320] When Socrates asks a destitute acquaintance of his why he does not take up employment as a steward in another person's estate, the man replies that he does not want to lose his freedom (Xen. *Mem.* 2.8.3-4). This obviously does

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[318] See Snell (2001): 19-26. Finley's views on the lack of a concept of freedom in non-Western societies have been followed by Patterson (1991). This is not the place to engage in a detailed critique of Patterson's work on this cultural value. McCord (1992): 178 levels several important criticisms of the overly stark bifurcation between Western societies (which value freedom) and non-Western societies (which, according to Finley and Patterson, do not) by pointing out several Asian and African examples of this value which Patterson does not notice.

[319] Xen. *Mem.* 1.3.11; 1.6.8; 2.6.1; 4.5.3; *Ap.* 16.

[320] For the slavishness of craftsmen, see Arist. *Pol.* 1277b33-1278a13, Xen. *Mem.* 4.2.22.

not refer to literal enslavement, but the figurative enslavement that occurred when one took orders from another person in return for wages. Slave metaphors are rarely used in a positive sense in Greek culture.[321]

The contrast with Near Eastern cultures could not be more striking. When they utilised metaphors for slavery, they usually drew upon such imagery to provide a positive picture, drawing from the slave-master relationship not any sense of subjection, but rather a sense of loyalty and obedient service. This is no surprise in an area of the ancient world where monarchy was the one and only form of government practised. In Persian royal ideology, the king often refers to his subordinates as his slaves. In the Behistun inscription all three linguistic variants refer to Darius' generals as slaves: the Old Persian version calls them 'badaka', the Elamite version 'li-ba-ru-ri' and the Akkadian 'qallu.' All of these words mean 'slave.' In his letter to Gadatas (preserved in Greek), Darius refers to him as *doulos* (*SIG* 22 = *GHI* 12).[322] The Hebrew Bible is replete with examples of individuals referring to themselves as 'your slave' in front of socially more elevated persons; invariably, those who converse with God employ this kind of language as well.[323] This seems to have been a general feature of Near Eastern culture and stands in stark contrast to the generally negative associations of slavery in Greek thought; no Greek would ever abase himself to a fellow in this manner, and it is not surprising that the Greeks viewed these customs as symptomatic of the slavish character of Orientals. The only time a free Athenian would refer to someone

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[321] But see Pl. *Leg.* 3.699c-e, which views being a slave to the law as a positive position.

[322] See Tuplin (2009).

[323] For the language of slavery as a form of social politeness in the Hebrew Bible see the excellent discussion of Van der Ploeg (1971): 84-5.

as 'master' (*despotes*) would be when he was addressing a god.[324] Related is the use of the whip, which under the Persians was a common punishment for free people; for free Athenians, by contrast, only a slave would answer for his offences by the whip (Dem. 22.55).[325]

It seems clear now that from an Athenian perspective the culture of the Persian Empire, from its monarchy down to its everyday manners, appeared servile in character. This has no bearing at all on social structure or law; it simply illustrates the cultural gulf between Persia and Athens. It is from this inherent prejudice that later ideas of the 'slavishness' of the Orient are ultimately derived.

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[324] Ar. *Ach.* 247, *Nub.* 264, *Thesm.* 988, *Wasps* 389, 821, 875; Menander *Samia* 448. See Harris (2006): 278-9.

[325] See Hunter (1994): 176.

THE ECONOMICS OF SLAVERY

IN A COMPARATIVE PERSPECTIVE

WHAT IS A SLAVE SOCIETY?

Historians and sociologists studying slavery in recent years have, for taxonomic purposes,

frequently employed the term 'slave society' in describing certain social systems. It is worth

noting that there are several competing theories as to what exactly this category constitutes

(or should constitute); furthermore, it is important to realise that this concept is no more

than a (relatively) recent heuristic tool, the value of which lies in its ability to demonstrate

certain common features in terms of the importance of slavery to a variety of societies. It is

not an analytical category from the ancient world, nor is it a concept which has widespread

currency prior to modern times (in the manner that ownership *has*). In short, it is a useful

tool, but a tool which must be defined; and the merits of whichever definition we do

establish can only be understood in terms of the light it sheds on the common ground

shared by different societies regarding their use of slave labour.

Finley made a rudimentary distinction between what he called 'slaveholding

societies' and 'slave societies.'[326] By this he meant to distinguish between societies which

merely permitted the existence of slavery, but in which it played no role of importance, and

societies which employed slave labour to such an extent that it became a structurally

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[326] Finley (1980): 79.

necessary institution. In the latter sort, the abolition of the institution could not take place

without fundamentally altering the society's structure. Two questions emerge from this

distinction: (i) by what specific criteria should we identify a 'slave society', and (ii) how did

a 'slaveholding society' transform into a 'slave society' and vice-versa? Important though it

is, the latter question is not of immediate relevance to the purpose of this study; the former,

however, is of the utmost import. Three variant proposals of what constitutes a slave society

need to be discussed. The first model sets a simple proportional limit; the second assesses

the location of slavery in the social structure; and the third adapts the second whilst lending

scope to the conspicuousness of slavery in general within a given society.

The proportional model is the least useful method of classifying the importance of

slavery to a given society. Essentially, this approach seeks to set a proportional figure on a

society's population which must be composed of slaves to qualify it for the rubric 'slave

society.' Keith Hopkins, for instance, settled on a figure of 20%.[327] The limitations of this

approach are obvious. First, we lack accurate demographic information for the ancient

world, so that only a society which significantly surpasses the qualifying figure (to the

extent that this is obvious despite the shortcomings of our statistical data) can be confidently

assigned the title 'slave society.' This is therefore partially a problem of utility, since the

concept cannot be meaningfully employed in analysing societies for which we lack reliable

demographic data, whether slaves made up more than 20% of the population or not. Second,

it sets an arbitrary limit; why choose 20%? Why not 25% or 30%? What does this figure in

particular tell us about the nature of a particular society? Third, even if (for the sake of

argument) we could confidently work out a meaningful percentage, and had infallible

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[327] See Hopkins (1978): 99-102.

demographic data, the proportional model lacks the flexibility to make the term 'slave society' an informative and useful category. For example, if the limit was set at 20%, a society 19% of which was composed of slaves would be labelled a 'slaveholding society' whereas one where 21% of the population were composed of slaves would be labelled a 'slave society.' The rigid nature of the proportional model severely limits its use as a heuristic tool. One need only look at Hopkins' demographic models to grasp the limits of this approach. In a table comparing slave societies in Athens, Rome, and the Americas, Hopkins cites R. Sargent's figures relating to slaves in the Attic population in the fourth century (a total population of 200,000, of which 60,000 or 30% were slaves) as if this figure were uncontroversial. But modern estimates (and one must always emphasise that these are merely educated guesses) range from 150,000 slaves (Isager & Hansen) to A. Moreno's (rather low) 32,000 c. 394 BCE, growing to 65,000 by the late fourth century[328], with various options running the gamut in between: e.g. 100,000 (P.J. Rhodes, P. Cartledge, N. Fisher); 60-80,000 (M.I. Finley).[329] We simply lack the requisite data to produce an ultimately compelling figure, and with such divergent opinions the problems of the proportional approach are further compounded. Depending on a proportional definition of slave society, Athens might fall within or outside of this category depending on which historian's statistical guesses we rely upon.

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[328] Moreno (2007): 30. Moreno's figures are convenient for his argument that Attica could not feed itself from its own soil by playing down the role of intensive agriculture. Strangely, he believes (p. 32 n. 184) that all slaves in Attica existed on half-rations based upon an extrapolation of Ath. 6.272b-c. This is highly unlikely: for the importance of adequate rations to the productivity of slave labour, see Fogel & Engerman (1974): 109-117; cf. Xen. *Oec.* 13.9; [Arist.] *Oec.* 1344a.

[329]Isager & Hansen (1975): 17; Rhodes (2006): 57; Finley (1981): 102; Cartledge (1993): 150.

A much better method of identifying a 'slave society' is, as Finley pointed out, to look at the location of slavery within the social structure.[330] This approach focuses upon two areas:

(i) The distribution of slaves. Were slaves owned in similar proportions by all classes of society, or were they concentrated among the wealthier classes? If so, in what proportions?

(ii) What was the economic role of slavery? Finley's approach to defining a 'slave society', which in many ways continues Marx's notion of a 'slave economy', is that any society can be so labelled if its elite (be it economic or political) derived a significant proportion of their surplus wealth from slave labour. This formulation has certain vague elements (how do we characterise an 'elite'?[331] and what constitutes a 'significant proportion' of their wealth?), but is probably more useful for this very reason, since this admits a degree of flexibility; we have seen how a rigid definition such as the proportional model has limited utility. This approach really does tell us something about the nature of a given society: how do its wealthiest members, among whom the majority of the society's wealth and power is concentrated, create and maintain this position? Furthermore, it is an approach which can be utilised even if we lack reliable demographic data. Methodologically speaking, it requires identifying the normative range of slave ownership among the elite, the elite's sources of wealth, the uses they put that wealth to in maintaining their dominance, and gauging (roughly) whether or not slave labour is a key ingredient in producing this wealth.

One final approach is the broader concept of slave society developed by Orlando Patterson, who more commonly uses the term 'large-scale slave system'. This essentially

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[330] See Finley (1980): 79; idem. (1982).

[331] For the complexity of this term and the various ramifications it may have, see Mills (1959).

accepts Finley's model at its core, but opts to extend the term 'slave society' to societies where slaves might not necessarily form a key element of the elite's wealth, but nevertheless have an important and conspicuous role in social life, and form a structurally essential element of the society as a whole. One problem with this conception of slave society, or 'large-scale slave system', is that it is perhaps too vague, allowing in too many variables, and as a result meaning that its utility as a category of comparison (and after all, this is the whole point of the category 'slave society') is diminished, since it cannot focus on one shared attribute in the manner that Finley's concept of slave society can. On the other hand, the value of Patterson's work on this topic cannot be overemphasised. It has been customary to claim that only five true slave societies existed in world history: classical Athens, Rome, Brazil, the antebellum US South, and the Early-Modern Caribbean.[332] Patterson has boldly challenged this dogma: his list of large-scale slave systems includes dozens of discrete societies in which slavery was judged to have played a structurally essential role. As the study of slavery is advanced and refined this list will have to be modified, but it illustrates how misleading and restrictive the traditional view of five 'true slave societies' is.[333] Furthermore, it is highly unlikely that those scholars who believed that only five slave societies have existed ever went to the trouble that Patterson has in examining the importance of slavery to every society in G.P. Murdock's list of 186 separate human

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[332] Such is the opening statement of Finley's major book on slavery: see Finley (1980): 9.

[333] In a recent essay Patterson (2008: 33 n. 5) rightly points out that 'Keith Hopkins' dogmatic assertion that there were only five large-scale slave societies in world history is too absurd to be taken seriously (...) in pre-colonial and nineteenth-century West Africa and the Sudan alone there were more than a dozen large-scale slave societies.' Hammer (2002) argues that early Medieval Bavaria should be added to Patterson's list.

societies. Patterson's work has paved the way for further comparison, and this is a major contribution.

In choosing one between each of these concepts of slave society we should not ask which is right and which is wrong; we should rather ask this: which is most useful and provides the best comparative insights? In this study, the Finleyan notion of slave society is emphasised above the other two (for the reasons discussed above); it forms the chief analytical tool of the following chapters, where special attention is given to the role of slavery in creating the wealth of the upper classes. But in certain cases it will be useful to look both at the probable numerical proportions of slave to free (although this does rely to a large extent on guesswork) and at the broader impact which slavery has on the given social system under consideration. All three approaches provide useful yardsticks for the cross-cultural comparativist, and although this study will predominantly employ that approach which is most useful and tells us the most in a comparative perspective, I would not wish to cast aside other approaches altogether. We must always bear in mind the fact that 'slave society' is not a fact of nature, but a modern construct designed to give the comparativist a rough tool for judging the relative importance of slavery in different societies.

We must also bear in mind that, useful as this tool is, it is also rather crude, and perhaps more useful to the casual inquirer who desires a rough-and-ready assessment of the significance of slavery over a wide range of cultures, than to the serious scholar who is prepared to look in depth at the nature of slavery in several societies side-by-side. The function of the concept 'slave society' is essentially to give a rough measure of comparison between two or more societies in their use of slave labour. Whilst this tool is essential, we must bear in mind that it can only provide a yes/no identification which may obscure in too blunt a manner the similarities between different systems of slavery. Even Finley's concept

of slave society – subtle though it is – is to an extent subject to the criticisms already levelled at Hopkins' proportional model. The danger with any manifestation of this category is that it serves to sort societies into two categories, namely, those where slavery was important, and those where it was not, obscuring the rich variety of cases between these poles. Whilst utilising this tool, therefore, this study does not view it as a substitute for a detailed assessment of how slavery manifests itself in the different societies discussed.

GREEK SLAVE SOCIETIES

The Greeks were a politically fragmented people whose *poleis*, numbering (at least, in a recent count) well over 1,000, were scattered throughout the Mediterranean and Black Sea.[334] Whilst various cultural elements, such as language, certain religious features, and a common conception of certain legal norms unified the Greeks as a people, in the social and economic sphere the Greek settlements represent something of a mosaic. It would be reductive and over-schematic to speak of 'Ancient Greece' as a 'slave society.' Some *poleis* certainly do qualify for this description; for others this may be suspected but unproven due to a lack of evidence. For many more we are completely in the dark. We should therefore speak of 'slave societies' in the plural rather than reducing the varied manifestations to a single paradigm. That said, slave societies in the Greek world were not wildly different; for the most part, they followed one of two basic sets of contours. On the one hand, various cities such as Athens, Corinth, Aegina, Chios, and others obtained and used slaves in a similar fashion which we may loosely group under the rubric *'esclavage marchandise'* (for want of a better term in English and to avoid neologisms). On the other hand, a number of communities did not obtain slaves primarily through commercial dealings, but ruled over ethnically homogeneous slave populations, resorting to quite different strategies to maintain the size and subservience of their members; we may speak loosely of such systems as following the 'Helotic'[335] model, although this should not be understood as a rigid definition with the

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[334] See Hansen & Nielsen (2004).

[335] I have adopted the term from Luraghi (2002), which anglicises Ducat's 'esclavage de type hilotique.'

Spartan system identically or even closely reproduced elsewhere. These basic contours were clear by the classical period, but 'slave society' proper had existed in an earlier epoch. In this chapter, the diversity of Greek slave societies is emphasised. We begin by looking at Homeric epic, where a very different social dynamic to the classical communities is evident (part I). Nevertheless, if we examine the evidence carefully for the importance of slavery to the wealthiest members of Homeric society, we see that slavery was in fact an indispensible element of the social system. The bulk of this chapter (part II) shows how slavery underpinned the dominance of the Athenian propertied class during the classical period; and tentative remarks are made in relation to other communities which followed the *esclavage marchandise* model. Then we shall turn to the communities where slavery of the Helotic variety predominated, and Sparta in particular (part III).

What this chapter demonstrates is that different Greek communities utilised slave labour in various different ways, and utilised the wealth which slaves produced for different purposes. All of the communities discussed in this chapter can nevertheless be termed 'slave societies', but we should not boil this patchwork down to a single 'Greek' archetype of what a slave society constitutes. This emphasis on variation will help break down the misleading and procrustean traditional categories of 'Classical' and 'Oriental' slavery when we look at the importance of slave labour in several Near Eastern societies. We shall also look at the subject of continuity and change between the slave society of Homeric epic and later slave societies of the classical period, and put to the test the common notion that they were unrelated and fundamentally different.

I. SLAVERY IN THE HOMERIC ECONOMY

The methodological problems of analysing Homeric society are well known.[336] Nevertheless,

most scholars realise that the social institutions depicted in Homeric poetry must have

closely corresponded to those of the early archaic age; in assessing the role of slavery in

Homeric society we therefore need to look at the basic assumptions regarding the sources

and uses of wealth which would have seemed natural for the audiences of the epics and

which would have been mirrored in real life. In *The World of Odysseus*, M.I. Finley included a

chapter on 'wealth and labour' which purports to describe the labour relations as found in

the poems, and which accords slavery a role of marginal importance.[337] It also emphasises a

gender-imbalance, most Homeric slaves being (allegedly) female:

Slaves existed in number; they were property, disposable at will. Mostly, to be precise, there were
slave women, for war and raids were the main source of supply: there was little ground, economic or
moral, for sparing and enslaving the defeated men. The heroes as a rule killed (or sometimes
ransomed) the males and carried off the females, regardless of rank.

[Finley 1954: 49]

Finley has little more to say on the economic role of slaves (and he has little to say on

production in general; the chapter focuses mainly upon gift-exchange, with a digression on

the use of metals and itinerant craftsmen). Many scholars have followed Finley in believing

Homeric slavery to have been both economically unimportant and marked by a pronounced

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[336] See note 98 above.

[337] Note the small numbers of male slaves postulated in Finley (1954): 50; the unimportance of slavery

before Solon's time is a necessary precondition for Finley's theory of the rise of slavery in the sixth

century; see Finley (1980): 86-88.

gender imbalance,[338] but a better reading of the evidence shows that slavery is in fact indispensible to the wealthy *basileis* who dominate Homeric society. Let us begin by looking at the landholdings of the Homeric elite. We might take the estate of Odysseus as an example. What forms of extra-familial labour were available to work the larger plots of land and look after the larger herds which formed a key source of wealth for these individuals? There are two possibilities: hired labour (*thetes*) and slaves (*dmoes, dmoai*). We should note that nothing in the epics attests to land-leasing, so little can be said regarding tenant-farming; nor is any form of serfdom[339], sharecropping, debt bondage or the like visible in the poems; we are left with the two above options alone. If any of these other forms of labour existed, they were not significant enough to merit mention.[340]

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[338] Garlan (1988): 30-7 tentatively questions some of the tenets of Finley's analysis, but ultimately reaches similar conclusions ('it is impossible to assimilate the Homeric slaves to the Athenian slaves of the classical period' at 35). Rihll (1996): 89; Homeric slavery is 'a small-scale, unstructured and unregulated institution'; Cartledge (2002): 162-3; Fisher (1993): 14-21; Raaflaub (2004): 49 accepts Finley's picture of the rise of slavery in the sixth century. Patterson (2008) builds an elaborate but ultimately flawed comparative picture of slavery upon the alleged female-heavy gender imbalance in Homer.

[339] That is, unless one were to believe Ian Morris's claim (1987): 175 that these labourers are serfs. However, his view is simply asserted, not demonstrated. For the legal status of Homeric labourers see above pp. 61-70.

[340] Cf. Wickert-Micknat (1983): 154, who points out that in Odysseus' house, only two forms of dependent labour exist, namely hired workers and permanently 'unfree' individuals such as Eurycleia, Eumaeus, and so on.

A thorough examination of the evidence shows that slaves are by far the most important form of extra-familial labour in the Homeric epics. Odysseus, of course, is the best attested slave-owner; but when the fortunes of his peers are described, slaves are viewed as a key component of their property. His fifty slave women (*Od.* 22.431-22) are paralleled by an equivalent number in the household of Alkinoos (*Od.* 7.103; 6.69-70). When Achilles laments the death of Patroclus, one of his regrets is that his friend will never be able to find Achilles' son Neoptolemos and bring him home to Phthia to see his large house and numerous slaves (*Il.* 19.330-3). The Trojan lords Hector, Priam and Paris are described as slave-owners, as is Agamemnon (*Il.* 6.369-389; 6.286-8; 6.321-4; 9.128-40). And when Odysseus himself (incognito) spins one of his tales he boasts of being a Cretan lord who owned countless (*myrioi*) slaves (*Od.* 17.420). Most modern assessments of the importance of slavery to Homeric society, however, have focused upon the estate of Odysseus, and it is to this that we shall now turn.

The alleged gender-imbalance in Odysseus' slaveholdings asserted by Finley is more likely, as Garlan has noted, to be an optical illusion due to the focus of the action upon Odysseus' household rather than upon the countryside surrounding it.[341] Harris takes this

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[341] Garlan (1988): 33, although he does not pursue this observation as far as he might have. Lencman (1966): 256, 258-9 misses this, and with misplaced confidence draws wide-ranging conclusions regarding gender ratios in Homeric slavery by treating the evidence as straightforward statistics. Ducrey (2007): 10 follows Lencman uncritically on this point. Wicket-Micknat (1983): 166 does, however, attribute the apparent gender imbalance to literary factors. Noting that much of the narrative revolves around the female sphere of the household, she notes that 'die Dmoes haben in diesem Zusammenhang kaum einen Platz. Geht man indessen davon aus, daβ zu ihnen auch die nicht selten agierenden Hirten der verschiedenen Sparten rechnen, dann stellt sich die Vermutung

further: if we take the group of five male slaves (headed by Eumaeus) which look after a herd of swine as typical and extrapolate this to cover the rest of the livestock owned by Odysseus, namely twelve herds of cattle, twelve flocks of sheep, twelve of pigs and twelve of goats (*Od*. 14.100-104), we arrive at a figure of over two hundred male slaves in addition to the fifty female slaves working in the household itself, swinging the alleged gender imbalance in the opposite direction.[342] It would be unsafe to take such numbers as positive evidence for the scale of slaveholdings in the early archaic period or to make too much of the male-oriented gender imbalance. What we can confidently conclude, however, is that slave labour is by far the most significant form of extra-familial labour on the estates of the wealthy in Homeric poetry. Hired labour could be used to supplement that of slaves on the family estate, but hired labour seems to have been of secondary importance, and if we compare Hesiod's *Works and Days*, it appears as if it was only drawn upon at certain times of the agricultural year, following the rhythms of the agricultural cycle and its inherent fluctuations in labour demand. Slaves form the economic bedrock of the Homeric elite *oikos*. As William Thalmann puts it:

Slaves in the *Odyssey* represent the labour on which the more leisured aristocratic style of living is based. It is their work and its products that support the way of life and the activities of the families at the head of the various *oikoi*: the feasts and sacrifices, the hospitality, and the (primarily horizontal) redistribution of goods in the form of gifts that is the basic mechanism in the functioning of elite society.

[Thalmann 1998b: 50]

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ein, daß im Tatsächlichen der Anteil von männlichen und weiblichen Bediensteten sich einigermaßen entspricht.'

[342] Harris (forthcoming). Cf. Van Wees (1992): 49 with note 86, who provides a slightly different count but comes to the same conclusion that male slaves are not outnumbered by females and dominate the agricultural force of the Homeric elite *oikos*.

Yet it would be a mistake to claim that the entirety of the Homeric elite's wealth was derived

from slave labour, since several other sources of wealth can be readily discerned. One

alternative is booty accrued through warfare and raiding, which is an important activity for

the Homeric *basileus*. It should be noted, however, that the spoils of war were divided

equally among the combatants, with the leaders earning a double-share or choice portion

(*geras*)[343]; this must have operated as a limit on the amount of wealth which Homeric *basilees*

could expect to gain from raiding and warfare. In order to carry out these activities, the

Homeric *basileus* would have to acquire and maintain a galley – a significant expense[344] –

and we should see in the practise of seaborne raiding more than just an economic incentive;

raids such as these reinforced the ties between a *basileus* and his *hetairoi*. Private raiding of

this sort could maintain and reproduce these social bonds on a regular basis in a way that

out-and-out warfare between whole communities, more sporadic in occurrence, could not.

Gift-giving is an important function of the Homeric economy, but it should not be

characterised primarily as a method of increasing one's wealth since the receipt of a gift was

generally matched by the giving of a corresponding gift. The nature of these gifts would

vary, from clothing and horses (which we might expect to have been produced by the *oikos*

itself) to more complex items of metalwork that more probably had to be acquired or

commissioned from specialist craftsmen outside the *oikos* proper, and paid for with its

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[343] See Donlan (1999): 19 with the qualifications of Van Wees (1992): 299-310.

[344] For Homeric galleys see Casson (1971): 43-8. These were privately owned; publicly owned fleets

did not become commonplace until the fifth century: see Gabrielsen (2001); Van Wees (1992): 52-3.

products (generated largely, as we have seen, by slave labour).[345] Rather than a supplement

to slave labour in enhancing the wealth of a *basileus*, gift-giving to an extent relied on the

former.[346]

Another source of wealth for the Homeric *basileus* lies in the provision of justice.

Although laws in Homeric society have not obtained the form of elaborate inscribed 'codes',

rudimentary legal norms do exist, as do formal bodies and procedures for enforcing them.

In a legal dispute the two parties meet in the agora in front of the community and the elders;

they both lay down gifts, 'court fees' as Van Wees has it; and the elder who gives the

straightest judgement receives the gifts as a reward for his justice. Whilst the provision of

justice and the bestowal of gifts for legal decisions is an extremely important subject for the

understanding of early Greek law, it can hardly be characterised as a major source of income

for every Homeric *basileus*.[347]

We may identify one further source of wealth for the Homeric elite. In return for

protection and the maintenance of justice and peace, it appears that the lower classes would

frequently contribute gifts to the local *basileus*. Five examples of this are attested in Homeric

epic.[348] In *Iliad* 9.149-56 (= 291-7) Agamemnon offers Achilles control over seven towns, the

inhabitants of which will honour him with gifts. As Harris notes, 'Agamemnon is not

offering Achilles ownership of these towns'; instead, 'Achilles will become entitled to the

gifts their inhabitants normally hand over to the lord who protects them and maintains

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[345] Van Wees (1992): 52 shows that even the large Homeric estates are far from self-sufficient,

requiring goods and services from outside the *oikos* proper.

[346] Although see Donlan (1999): 267-82 for unequal gift exchange.

[347] See Van Wees (1992): 34-5.

[348] See Van Wees (1992): 32-3; 35-6; 47-8; Harris (1997): 108-9.

order in their territory.'[349] Elsewhere in the *Iliad*, Hector claims that he is wearing down the

populace with gifts and eating (17.225-6); and in 17.250 Menelaus mentions the goods

provided by the populace which are devoured by the leaders of the Argives. More detail is

provided in *Od*. 13.13-15. Odysseus, preparing to leave the Phaeacians, is offered a tripod

and *lebes* by each of the leaders of the community at the request of Alcinoos, who instructs

them to recoup this expense from the populace. In *Od*. 19.194-8 Odysseus, pretending to be a

Cretan lord fallen upon hard times, spins a yarn about a great feast he once held, the

provisions for which were collected from the populace. Confirmation of the historicity of

this practice can be found in Hesiod *Works and Days* 38-9, where the poet grumbles about the

gift-devouring lords (*basileis*) who render crooked judgements in legal disputes.

These gifts must have provided another source of wealth for the Homeric elite;

however, we must see this practice in its larger context. Gifts are rendered to the elite in

return for protection, leadership in war and the maintenance of internal order. Such

objectives could only be achieved by an individual who was already wealthy and powerful,

i.e. one with an existing power-base grounded in the kind of labour system we have already

observed (large estates and herds managed by slaves, supplemented by hired labour). Gifts

of the community accrued to individuals who already possessed power and fortune; they

were a consequence of such a position, not a route to it.

In toto, the society depicted in the Homeric epics is one in which the elite who

dominate much of the narrative depend economically upon slave labour. They may have

other sources of income, but the predominance of slave labour means that we can label this

society a slave society, following Finley's definition. The nature of our evidence precludes a

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[349] Harris (1997): 108.

similar identification by Hopkins' proportional criteria. The details may remain obscure, but

the basic picture of these labour relations probably corresponds to the historical conditions

of the early archaic period. This undermines any theory of the rise of slavery in ancient

Greece which dates the advent of 'slave society' to the sixth century and connects it with the

path to democracy; on the contrary, slave society was already established by the time Solon

became archon in 594/3 BCE.[350]

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[350] For modifications of Finley's model of the rise of slavery see Rihll (1996); Descat (2006). Harris

(forthcoming) advocates root-and-branch change to Finley's picture.

CONTINUITY AND CHANGE BETWEEN HOMERIC AND CLASSICAL FORMS OF

SLAVERY

Theopompus of Chios, writing in the fourth century BCE, drew a basic distinction between

what is called here *esclavage marchandise* and Helotic slavery; the latter depended upon

enslaved sedentary populations (mainly Greek) whereas the former relied upon imported

barbarians. The Chians, Theopompus noted, were the first to import foreign slaves in this

fashion (fr. 122 *apud* Ath. 6.265B-CS). Fifth century writers such as Herodotus could imagine

a time when slavery did not exist among the Greeks, a sentiment also taken up by the comic

poet Pherekrates (Hdt. 6.137.3 ; Pherekrates fr. 10.1 K-A). Modern historians often date the

advent of *esclavage marchandise* to the sixth century, supposing dissimilarity between its

classical manifestation and the form of slavery depicted in the Homeric epics. This results in

a picture of discontinuity which misrepresents the sources.[351]

  One important index of continuity and change which is not often looked at is the

slave supply. There were a number of sources of slaves in classical Attica. If an Athenian

wanted a new slave, he had two basic means of acquiring one: either he bought a new slave;

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[351] Superficially, Homeric slavery *looks* very different to that attested in our classical Attic sources. We

should not accept this superficial picture without taking into account the distortions of literary genre.

The depiction of slaves in Homer is shaped in a particular way and is crafted from an elite

perspective: see Thalmann (1998b): 49-107. As a higher genre, epic also avoids the bawdy jokes of Old

Comedy and tends to depict slavery in a more 'paternalistic' light, i.e. how slave-holders would

ideally envisage the operation of the institution ; see Harris (forthcoming). In terms of legal status and

economic significance, however, there is a basic similarity between the Homeric and the classical

picture of slavery which should be emphasised as much as the differences between the two.

or he allowed his slaves to reproduce (e.g. Xen. *Oec.* 9.5; [Arist.] *Oec.* 1344b). The sources for the former which contributed to the body of slaves in commercial circulation included warfare, private raiding (*leisteia*), trade with barbarians, enslavement for debt and enslavement by judicial process. If we look carefully at the *Iliad* and *Odyssey* we can see that nearly all of these slave sources existed in the Homeric world. For example, barbarian slaves were not unknown in this period: in the house of Odysseus' father Laertes there was a Sicilian woman (*Od*. 24.389); Phoenician slaves were not rare (*Od*. 15.417), and Paris was noted to have bought a number from Sidon (*Il.* 6.289-92); Thracian peoples such as the Kikonians were enslaved in raids (*Od*. 9.39-43). Natural reproduction was also a slave source: the slave Dolios, for instance, cohabited with Laertes' Sicilian woman and had a number of children, also slaves (*Od*. 24.387-90); and Eurycleia must also have given birth if she had served as a wet-nurse.[352] Warfare and raiding are, of course, the most prominent means of acquiring slaves in the epics, although there inevitably must be some distortion due to the attention these activities receive as subjects of the narrative.

What had changed by the classical period were not the basic strategies for acquiring slaves but the relative importance of these strategies in relation to one another: the proportions of the sources had simply changed. Trade for barbarian slaves seems to have eclipsed warfare and raiding as the primary means by which slaves were acquired at Athens. Therefore the relationship between Homeric slavery and Athenian slavery of the fifth and fourth centuries BCE is not one of incomparable difference, but one of underlying similarity whereby the former seems to have slowly transformed into the latter due to a number of social, economic and political changes in the Greek world, not by a single sudden

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[352] Harris (forthcoming).

political event such as the reforms of Solon. The Helotic model of slavery, however, is

unknown to Homeric epic and must have followed different contours of development. We

shall deal with this form of slavery after examining the institution as it existed in fifth and

fourth century Attica.

II. SLAVERY IN CLASSICAL ATTICA

We are fortunate that the evidence for the elite's use of slave labour in classical Attica is (by comparison to Homer) extensive and generically varied, which means that we can not only describe this society as a slave society, but can also discern its workings more fully than any other Greek society. The Athenian economy was considerably more developed than that visible in the Homeric epics, or classical Sparta for that matter. Attica's economy displays a combination of agriculture with a high incidence of manufacture, a thriving domestic retail market, and extensive involvement in foreign trade.[353] The sources of wealth for the Athenian elite were thus considerably more complex and varied than those we have seen in the more rudimentary Homeric economy. As a preliminary, and for purely practical purposes, I propose to equate the term 'elite' with the liturgical class in Attica – for in this society the elite could be more easily identified as a group than is the case in most cultures (this class played a formally differentiated role in the state from the rest of the citizen body in its liturgical function). It was this class that dominated political life and used its wealth to secure influence and prestige through liturgical largesse.

We shall begin with agriculture. Not all of the wealthy in Attica were necessarily landowners (one thinks of Demosthenes, for example); but a majority of the older families were, and agriculture seems an appropriate starting point in a discussion of wealth and slave labour. We need not engage with the debate on the extent to which slave labour was utilised by those below the elite (so-called 'peasant' agriculture) since we are dealing with

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[353] For an overview of the Attic economy, see Isager & Hansen (1975); Harris (2002).

the liturgical class alone.[354] The landholdings of this class were not large *latifundia*, but more commonly parcels of land often in different locations around Attica. We must add to this equation the ownership of land outside of Attica.[355] The Attic stelai provide good evidence for this form of landholding: for instance, Axiochos son of Alcibiades owned fields in one deme let out for rent; some agricultural land abroad; and another farm elsewhere in Attica (*IG* I³ 422; 424; 426; 427; 430). Adeimantos son of Leukophides owned land in Thasos as well as Attica, and the auction of his Thasian property included perhaps 590 amphorae of wine; this farm was obviously involved in viticulture for the export market (*IG* I³ 426.44-51; 106-7; 430.1-4).[356] Farmland was generally given over to mixed agriculture – diversified production including the production of cereal crops, legumes, bee-keeping, viticulture and arboriculture. Agriculture on this kind of scale was geared towards producing far more than

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[354] The debate ranges between those who believe slaves to have been significant in peasant agriculture (e.g. Jameson 1977) and those who seek to absolve the average citizen farmer of slaveholding altogether (see the extreme views of Wood 1983 and 1988). For a summary of the debate, see Fisher (1993): 37-47. Jameson offers a much superior reading of the evidence; the sources (particularly Aristophanes and Menander) seem to suggest that a modest farm would include two or three slaves who would help out as required. For the flexibility of function of these slaves, see for example Ar. *Pax*. 1146. Cf. Genovese (1972): 8 on the US south: 'Farms of ten slaves or less did not develop an extensive division of labour.' For good criticisms of Wood see Foxhall (2007): 74-5. Isager & Skydsgaard (1992): 154 believe that the debate is ultimately insoluble, but this is too pessimistic.

[355] Despite the assurances in the charter of the second Athenian league that land owned abroad by Athenians would be handed back (R&O # 22 lines 25-45), many wealthy Athenians owned foreign properties during the fourth century. This is discussed in detail by Moreno (2007): 89-115.

[356] See Foxhall (2007): 40-1; 56-8.

domestic requirements; it aimed at producing a surplus which could be sold at market. Our prime concern here is determining the legal status(es) of the workforce which produced this surplus.

Wealthy Athenians might have toyed with the idea of being farmers, but few were *autourgoi*, men who (like Hesiod and many of the more modest farmers in classical Attica) worked alongside the field-labourers on a day-to-day basis (Xen. *Oec.* 16-19). These labourers, as Xenophon's *Oeconomicus* takes for granted, were predominantly slaves. This is consonant with the picture of the workforce described by Pseudo-Aristotle (*Oec.* 1.5.1), who claims that the most useful thing for *oikos*-management is the human being, i.e. the slave (τῶν δὲ κτημάτων πρῶτον μὲν καὶ ἀναγκαιότατον τὸ βέλτιστον καὶ οἰκονομικώτατον· τοῦτο δὲ ἦν ἄνθρωπος. διὸ δεῖ πρῶτον δούλους παρασκευάζεσθαι σπουδαίους), and divides these slaves into workers and overseers. In section 13 of the *Oeconomicus*, Xenophon's Ischomachos concentrates on the training of overseers and the motivation of his workforce, which is clearly made up of slaves. He recommends manipulating them through a balance of incentives and sanctions, such as differentiating the clothing and food rations of his slaves in relation to their individual performance. As in the picture of agriculture presented in Hesiod and Homer, at certain peak times of the agricultural year (particularly sowing and harvesting), this workforce could be supplemented by hired labour (free Athenians – sometimes neighbours; metics, or someone else's slaves). The association between hired labour in agriculture and these peak-times of the agricultural year has been

noted by Osborne; in other words, hired labour was not the basic and regular form of

agricultural labour.[357]

However, we should not overestimate the agricultural sector; manufacture was also

an extremely important sector of production in the Athenian economy. The typical picture

which emerges from the speeches of the Attic orators is of the privately owned *ergasterion*

(workshop) which specialised in the manufacture of a specific product or set of similar

products, and was staffed by slaves.[358] Several sources record the numbers of slaves

involved in individual workshops[359]: at the high end of the scale are the 120 slaves co-owned

by Lysias and Polemarchos, most of whom were engaged in manufacturing shields (Lys.

12.19); Demosthenes' father possessed a workshop with 32 or 33 slave knife-makers, and

held in an antichretic fashion as security on a loan another workshop of 20 slaves engaged in

manufacturing furniture (Dem. 27.9). Timarchus owned 10 or 11 slaves engaged in making

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[357] Osborne (1995): 41 n. 36 'note that it is hired bands of harvesters who dominate the ancient

evidence for hired agricultural labour' citing Xen. *Hiero* 6.10, Demosthenes 18.51 and Euripides' satyr

play *The Reapers*. Dem 53.21 shows a man hiring out slaves during harvest time.

[358] This was not production-line manufacture; there was probably very little vertical specialisation

within these workshops, i.e. the division of labour was rudimentary, and only the more complex

products may have required different people engaged in different stages of the manufacturing

process; see Harris (2002): 70-71. On a smaller-scale, products could be produced by slaves working

together in the household itself, a kind of cottage-industry; e.g. [Dem.] 48.12-14 (sack-weavers and

colour-grinders). For the remains of *ergasteria*, see Bettalli (1985).

[359] See Davies (1981): 41-5; Osborne (1995): 28-9. For these individuals see APF ## C9 (Lysias); 3597 xiii

(Demosthenes); 8157 iv (Timarchus); 11672 vi-vii (Pasion); 8674 (Cleon); 7716 (Theodorus); 1324

(Anthemion); 8443 (Nausikydes).

leather goods (Aeschin. 1.97), and the income of Pasion's shield factory, reported by

Demosthenes at a talent a year, indicates a slave-staff of perhaps 60-70 (Dem. 36.11).[360]

More common are reports of individuals who made fortunes out of slave-staffed

workshops where the number of slaves engaged within is not recorded.[361] Sophocles' father

apparently owned a number of slave bronze-smiths or carpenters (*Vit. Soph.* 1); Isocrates'

father Theodoros owned a workshop of slaves engaged in manufacturing flutes (Dion. Hal.

Isokr. 1. P. 534; [Plut.] *Mor.* 836e); Lysikles owned slaves employed as cobblers (Plut. *Per.*

24.6; schol. Ar. *Eq.* 739 & 40); Anthemion of Euonymon and his son Anytos, like Cleon and

his father, were successive owners of a tannery (Xen. *Apol.* 29); Kephalos of Kollytos owned

a pottery business (schol. Ar. *Ekkl.* 253); Nausikydes of Cholargos, a mill (Xen. *Mem.* 2.7.6);

Aeschines of Sphettos, an ungent workshop (Lys. Fr. 1 Thal); Kyrebos a bakery (Xen. *Mem.*

2.7.6); Demeas of Kollytos and Menon, cloak-making businesses (Xen. *Mem.* 2.7.6) and

Leokrates, a workshop (?[362]) of bronze-smiths (Lyc. *Leocr.* 58).

The ubiquity of this type of business and its key role in creating elite wealth is nicely

brought out in two anecdotes from Xenophon's *Memorabilia*. In *Mem.* 2.7.1-12, Socrates

converses with a down-and-out Athenian named Aristarchos who blames the civil war for

his poverty: his farm is in the hands of his opponents; his rental properties in town are

deserted, no buyers can be found for his material goods, and loans are impossible to raise;

moreover, a brood of female relatives is eating him out of house and home. Socrates,

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[360] Sargent (1922): 97-8; Davies (1971): 433-4.

[361] Davies (1981): 41-5.

[362] This is the suggestion of Davies (1981): 43; the Greek text simply states that Leokrates made his

money buying bronze smiths, but this probably implies he had a foundry.

naturally, solves his problem. Noting the wealth of individuals such as Keramon, Nausikydes, Kyrebos, Demeas and Menon – all of whom have made a great deal of money from their *ergasteria* staffed with barbarian slaves – he advises Aristarchos to mobilise his idle female dependants into a productive force by working wool; Aristarchos follows the advice and turns around the fortunes of his household. In another anecdote (*Mem.* 3.11), Socrates notes the comfortable surroundings of the courtesan Theodote, and asks her where she gets her money from: perhaps a farm or property in town which she can rent, or a workshop of slaves involved in a craft? She euphemistically hints that she has none of these, but depends on the generosity of her 'friends.' Both anecdotes bring to the fore the importance of slave-staffed *ergasteria* as one of the main ways a well-to-do Athenian might make money (cf. Aeschin. 1.105).

Interests – including *ergasteria*- in the mining district of southern Attica must also be mentioned. Money could be made in mining in several ways: one way was to specialise in buying slaves and renting them out to the lessees of mines, a business which Xenophon tells us Nikias, Hipponikos and Philemonides were heavily involved, owning 1,000, 600, and 300 slaves respectively (Xen. *Vect.* 4.14). Lysias (19.47-8) notes that the alleged fortunes of these fifth-century notables were wildly inflated, so we should be cautious with these figures. However, there is no reason to doubt the practice itself. Another route to wealth would be to lease a mine and work it directly with one's own slaves (or leased slaves, or a combination of the two). In Dem. 37.4 we hear of Pantainetos' mine, which employed 30 slaves; in Aeschin. 1.97 we hear of Timarchus' father who owned two workshops in the mining district; and several *horoi* from this area record the pledge of workshops and slaves as security for loans (*IG* II² 2747, 2749, *SEG* 51.162, 54.256). The mines themselves were not large, but the slave workforce would be spread over tasks ranging from extraction to

processing and refinement. Epigraphic evidence attests to some 148 men involved in mining

interests during the fourth century, all of whom will have employed slave labour to some

degree.[363]

Yet slave labour was not the only source of wealth for rich Athenians. As the two

anecdotes from Xenophon's *Memorabilia* (above) show, renting property was also a common

source of income for the wealthy. In Athenian society, non-citizens were barred from the

ownership of land, so the metic population – some 10,000 by the end of the fourth century –

rented their houses and business premises from citizens.[364] Income from rents must be

weighed against our evidence for businesses utilising slave labour so that we may achieve a

more balanced view of the sources of wealth for the upper classes. Land as well as houses

could be rented, but tenant farming does not seem to have been particularly extensive in

Attica. To this we also must add money lent out on interest bearing loans as well as the

probably less significant factor of war booty and 'political monies' (gifts given to politicians).

Although there were sources of wealth aside from slave labour, they appear to be

supplementary rather than primary. The norm seems to have been the ownership of

farmland worked by slaves, along with slave-staffed *ergasteria*, perhaps supplemented by

rental properties and several other investments.[365] It is inconceivable that the Athenian elite

as a whole could support their lifestyle from rented property, loans, and speculation on

bottomry loans alone. The centrality of slave labour to elite wealth means that classical

[363] Davies (1981): 48; Osborne (1985): 111-26.

[364] Whitehead (1977): 100.

[365] In Is. 5.23-4 Dikaiogenes' wealth is derived from a number of areas: farmland, buildings, and a bath

house. For the bath-house (*balaneion*) see Ginouvès (1962): 183-224. For the diversity of investments

see Foxhall (2007): 42-5.

Attica qualifies as a slave society as Finley conceives the term. To the extent that we might also dabble in statistics, the best estimates also set classical Attica within Hopkins' category of slave society.[366]

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[366] Historians seldom agree upon figures; Finley (1981): 102 opts for a modest estimate (60-80,000 at its peak); Cartledge (1993): 150 believes the figure to be closer to 100,000, whilst Isager & Hansen (1975): 17 believe the figure to be closer to 150,000. Good brief accounts of the debate can be found in Fisher (1993): 34-6 and in Isager & Hansen (1975): 11-19. These estimates fluctuate between 20 and 40% of the overall population. The fullest treatment of the issue is Sargent (1922).

ESCLAVAGE MARCHANDISE OUTSIDE ATTICA

The Athenian system of slavery, which depended upon barbarian imports to maintain the size of the slave population, was mirrored widely across the Greek world. Several communities were noted for possessing particularly large slave populations which were certainly recruited through commercial channels: Chios, Corinth, Aegina and Naxos.[367] Chios is particularly notable. Thucydides (8.40.2) tells us that it possessed the largest slave population after Sparta[368]; although unlike the latter, the Chians depended upon barbarian imports rather than home-grown Helots (Theopompus *FGrHist*. 115 F122; a late fifth century

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[367] Obviously the figures for the slave populations of the middle two of these communities related in Athenaios 6.272b-d cannot be trusted, but they do suggest that they were well known for having large populations of slaves at any given time. In the same vein, Herodotus noted that in the early fifth century Naxos was the most prosperous of the Aegean islands (5.28) and was rich in property and slaves (5.31). The fact that none of these communities find their way into the lists of Helotic forms of slavery known from Plato onwards shows that they must have recruited new slaves commercially rather than depending upon breeding as their main strategy for numerical increase. Corcyra possessed a slave population large enough to make it troublesome during civic strife (Thuc. 3.69-85, particularly 3.73).

[368] οἱ γὰρ οἰκέται τοῖς Χίοις πολλοὶ ὄντες καὶ μιᾷ γε πόλει πλὴν Λακεδαιμονίων πλεῖστοι γενόμενοι, 'for the slaves at Chios are numerous, there being even more than in any other single polis except Sparta'. Cartledge (1985): 35 believes this to refer to population density rather than absolute numbers; cf. idem. (1993): 150. Perhaps the extent of slave ownership among the wealthy at Chios was greater than in Athens – enough to create an impression of a high number of slaves in proportion to the free populace.

list of slaves from Chios is almost exclusively filled by individuals from Asia Minor[369]).

Cartledge seems right to connect this slave population with the island's booming viticulture, which greatly eclipsed local demand and was clearly aimed at the export market.[370] As he notes, viticulture of this sort is best suited to large estates, and Chios should certainly be regarded as a slave society during the classical period, although the exact distribution pattern of its slave population remains elusive.

Even less can be said with regard to Corinth, Aegina and Naxos; but as communities which lacked extensive territory and which were involved in overseas commerce it seems likely that many of the slaves in these communities were involved in manufacture geared towards export, under similar conditions to those we have observed in Attica. Little more can be said regarding these *poleis*, although their fame in possessing large numbers of slaves means that we should include them in our list of Greek slave societies, albeit tentatively since the exact roles and distribution of slaves in these communities cannot be positively ascertained.[371]

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[369] See Robert (1938): 118-26.

[370] Cartledge (2002): 162.

[371] Salmon (1984): 168 attempts to downplay the number of slaves at Corinth to one for every citizen, but on no good evidence. The exaggeration of slave numbers in Athenaios 6.272b-d at least hints at a larger population than the one Salmon guesses, and involvement in manufacture for export could explain this in part. For the ability of cities without large agricultural territories to become wealthy and powerful through commerce see the suggestive analysis of Bresson (2000): 101-8. The economic power of Aegina must be viewed in a very similar light.

III. HELOTIC SLAVERY

What is distinctive about Helotic slavery which marks it off as something different to the 'esclavage marchandise' form of slavery practised in Attica and elsewhere? Historians have put forward various suggestions, many of them relating to the status of Helots and similar populations, which are often characterised as 'serfs.' As we have seen in the case of Sparta, this is simply not the case; the Helots were privately owned slaves, but their condition differed somewhat from that of Athenian slaves.[372] Besides, the Greeks referred to them all as *douloi* and *oiketai* indiscriminately, so we must look elsewhere than legal status to ascertain this difference – a difference the Greeks of the fourth century and onwards recognised. The main characteristic which distinguishes Helotic slavery from the normal kind found in the Greek world is the ethnic homogeneity of these populations; it was this factor above all which marked the contrast, and the reason why Plato and Aristotle compared the Helots to the Penestai, Mariandynoi, and certain Cretan forms of slavery.[373]

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[372] See appendix I (above). The evidence for other Helotic populations is less extensive than our (admittedly meagre) evidence for Helotage. Like the evidence for Helotage, much of it is late, and the later evidence is likewise marked by a penchant for origin-myths and far-fetched etymologies. See Ducat (1994): 13-43. The classical evidence for these institutions, however, provides no grounds for treating these labour systems as anything other than forms of slavery. The laws regulating and governing these slave-systems sometimes resembled those of Sparta (for example, the bans on external sale in Thessaly and Heraclea: Poseidonios fr. 60 Kidd *apud* Athenaios 6.263c-d; Archemachos of Euboea *apud* Athenaios 6.264a-b) and sometimes did not (laws ruled against the killing of Penestai, and private manumission seems to have marked this system too: see Ducat 1994: 72-3).

[373] Luraghi (2009): 266.

We shall deal first of all with classical Sparta before turning to those other 'Helotic' forms of slavery which were found in Thessaly, Heraclea, Crete and elsewhere.

SPARTA

The most striking aspect of the Spartan system of slavery is the relationship of absolute dependence between the Spartan citizen body and the Helot class. In Attica, many citizens may well have lacked a single slave (Lys. 24.6; Arist. *Pol*. 1252b12). Such a scenario was impossible in Spartan society, since a Spartiate only qualified as a citizen if he could produce – on a habitual basis and without fail – a fixed level of dues to his common mess. Since he did not partake in production himself, the Spartiate needed to have enough Helots to produce an agricultural yield which fed his family and slaves whilst leaving a sufficient surplus to comfortably meet his mess obligations. In Athens, as we have seen, there were numerous avenues to wealth, not all of them involving slave labour, although that factor did always remain paramount. These multiple avenues were not open to the average Spartiate, who depended almost entirely upon the productive capacity of his Helots.[374] In Sparta we can see the purest and most extreme version of slave society: the Spartan citizen body *as a whole* relied more-or-less exclusively upon slave labour. We should, of course, highlight the discrepancies of wealth within the citizen body, for whilst all of the citizens must have possessed enough Helots to meet their mess dues, some of the citizens were considerably richer than others. Writers such as Aristotle describe these discrepancies in terms of

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[374] Hodkinson (2000): 177 neatly contrasts the multiple avenues to wealth in Athens with the more simple and agrarian-based economy of Sparta.

landholdings and material wealth (e.g. *Pol*. 1270a15-b6), but there must certainly have

existed discrepancies in the size of Helot holdings as well.[375] This discrepancy in the size of

Helot holdings could have been facilitated by the ability of Spartiates to privately sell Helots

within Spartan territory, although we should perhaps (with Ducat and Hodkinson[376]) err on

the side of caution and not extend this practice to the degree of postulating 'Helot markets'

in classical Sparta.[377] In describing wealthy Spartiate estates in Messenia, Ps-Plato (*Alcibiades*

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[375] Cartledge (1985): 43.

[376] Cartledge (2003): 17 criticises Ducat, Hodkinson and Luraghi for the implications of their picture of private Helot ownership, which includes the idea of a 'market for Helots.' However, Ducat (1990): 22 specifically notes that we should not believe in Helot markets; Hodkinson (2000): 119 follows this view. Luraghi has not, to my knowledge, endorsed a picture of 'Helot markets.'

[377] Even in Athens the major slave market was not permanent, but held once a month: see schol. Ar. *Eq*. 43 with Lambertz (1907): 65. This has no bearing on the significance of buying and selling slaves; even in the twenty-first century, cattle markets are held periodically rather than permanently despite the importance of buying and selling cattle to modern agriculture. Moreover, the existence of this periodic slave market does not preclude the existence of a lower-level of day-to-day slave trading in Athens. Hodkinson does not commit to the notion that Helots could be privately sold (2000: 119) and Ducat (1990): 22, who does, claims that the alienation of Helots would normally take place in the context of the sale of land. I would push this a little further. Although the economy of classical Sparta was considerably less developed than that of Athens, buying and selling was a normal activity. As Hodkinson himself points out (2000: 180), 'Thucydides' statement (5.34) regarding the men who surrendered on Sphakteria – that the Spartans "made them *atimoi*; their deprivation (*atimia*) meant that they could neither hold office nor have the authority to buy or sell anything" – indicates that the right to buy and sell was an integral part of Spartan citizenship.' Helots could probably be sold through the private negotiation of individuals, falling short of the kind of slave markets known from

I 122d) claims that no Attic estate could compare to them in size and quality, in holdings of slaves, or in horses or livestock. This certainly points to a situation where the elite among whom the larger estates were concentrated were able to work their lands productively with higher numbers of helots than the average Spartiate. However, we need not dwell on the contribution of helot labour to the Spartan elite because it was not only fundamental to the maintenance of their position but to that of all Spartan citizens.[378]

It is ironic that whereas we can be confident about the economic importance of the Helot class, we have little idea of the normative size of slaveholdings among Spartan citizens or the upper-end of the scale (whereas this is possible for Attica) since we completely lack figures for Helot numbers.[379] If Ps-Plato is correct in claiming that the number of slaves on a large Messenian estate was of a higher order of magnitude than the Attic equivalent we may be looking in the region of two or three dozen, but this is no more than a guess. Hodkinson has estimated that the average Spartiate estate would have been of the order of perhaps 18 ha, somewhat larger than the average size of landholdings estimated for other *poleis*, putting the holdings of Spartan citizens 'comfortably into the upper bracket of estate sizes attested across different times and places in the Mediterranean region.'[380] As in Attica, mixed agriculture was practised. On the arable side, a variety of crops were grown: the evidence

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Attica; to connect their alienation with the alienation of land is too reminiscent of serfs being 'tied to the soil.'

[378] For the use of wealth by elite Spartans and its impact upon political power see Hodkinson (2000): 335-68.

[379] This has not stopped scholars from estimating Helot numbers. See Figueira (2003) and Scheidel (2003). For problems with cliometric approaches to Greek history see Cohen (1992): 26-36.

[380] Hodkinson (2000): 123.

for foodstuffs contributed to the common messes indicates that an average farm would produce barley, wine, cheese and figs (Dikaiarkhos, *FGrHist* 2.242 F23 = Athen. 141c). The estates of the elite would often produce wheat since Xenophon tells us (*Lac. Pol.* 5.3) that in their largesse they contributed wheaten bread to their messes. On the pastoral side, stockbreeding seems to have been common, even in the fertile plains of Messenia; and dogs as well as horses were kept for hunting.[381] All of this activity will have been to a large extent managed by Helot labour. We may confidently, then, assign the label 'slave society' to classical Sparta; the fact that this is not often done owes more to disagreement over the legal categorisation of Helotage as a form of slavery than to the importance of Helotage to the economic position of the citizen class, which is not in dispute.

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[381] Hodkinson (2000): 131-5.

THESSALY

The Penestai of Thessaly were often compared to the Helots by classical writers such as Plato and Aristotle (Pl. *Leg.* 776cd; Arist. Fr. 586 Rose; *Pol.* 1264a35; *Pol.* 1269a37). Like the Helots, they too formed an ethnically homogeneous population of tribute-paying agricultural labourers who possessed a reputation for rebelling against their masters (Pl. *Leg.* 776cd; Arist. *Pol.* 1264a32-6; cf. Xen. *Hell.* 2.3.36). Like the Helots too, a ban on sale outside the frontiers effectively limited the area in which they could be scattered by their masters (Archemachos of Euboea *apud* Athenaios 6.264ab). Here the similarities begin to run out. For one thing, a law forbade the killing of Penestai – somewhat different from the Spartan situation but attested in other slaveholding societies[382] – and owners seem to have retained the right to privately manumit them[383]; the possibility of importing slaves to supplement the

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[382] The ban on killing slaves is simply another restriction placed on property ownership and can be found in a number of legal systems, not least Islamic law (which also forbade excessively harsh treatment – see Lewis 1990: 7-8) and the laws of certain antebellum US states. Whether or not this law was strictly observed in Thessaly, and how an owner of Penestai might be brought to justice for breaking this rule is, of course, another matter. As Frederick Douglass observed, law and social practice do not always dovetail together neatly. He notes how a certain Mr. Thomas Lanman killed – illegally – two of his slaves, but was never tried for this crime and often boasted of it. See Gates (2002): 357. The noted tendency of the Penestai to revolt lies ill at ease with any notion that this ban existed for humanitarian purposes; for the contempt shown towards Penestai, see Ducat (1994): 99-102. For the murder of slaves in a comparative perspective, see Patterson (1981): 190-93, although there are some errors here, notably in regard to Athenian and Hebrew law.

[383] See Ducat (1994): 72-3.

native force of Penestai was a more realistic possibility in Thessaly than in Sparta[384]; but most importantly, the socio-political structure of Thessaly differed greatly from Sparta. To understand the economic role of the Penestai we need to understand Thessalian society on its own terms rather than assuming that they exploited their slave population in precisely the same fashion as the Spartans exploited the Helots.[385]

For one thing, a greater disparity of wealth existed between the rich and poor citizens of the Thessalian cities during the classical period than in Sparta; rich landed families dominated Thessalian political and military life and used their considerable resources to vie for power and in particular the military offices of the Thessalian *koinon*.[386] Although we have little positive evidence of the slaveholdings of these wealthy lords, they seem to have been on a scale greater than those of the wealthier citizens in Athens or Sparta. One tantalising figure is given in Dem. 23.199, where the speaker relates that a certain Menon of Pharsalos (who was obviously exceptionally wealthy) had given twelve talents for the war against Eion, and had accompanied this gift with a mounted force of 300 of his own Penestai. Elsewhere, Xenophon (*Hell.* 6.1.11) refers to the large numbers of Penestai in Thessaly, and it makes sense to connect the power of these wealthy dynasties with extensive

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[384] This would seem to be a possible implication of Aristophanes, *Wealth* 521-22 and Hermippos fr. 63 K-A; for discussion, see Ducat (1994): 87. How these additions might have affected the identity and cohesion of the Penestai is impossible to ascertain.

[385] Helly (1995) is the most recent major study of the political structure of Thessaly, but it contains some rather eccentric opinions on (*inter alia*) the *Tagoi* and military organisation which have not won widespread support.

[386] Westlake (1935): 29-31.

slaveholdings.[387] Whilst our sources do not provide enough information on alternative

sources of wealth for the elite families of Thessaly, it seems highly likely that the agricultural

surplus derived from the labour of privately owned holdings of Penestai provided the

cornerstone of their economic power (Thessaly is certainly not renowned for manufacturing

or maritime commerce). We should thus, provisionally, set Thessaly inside our category of

'slave society.'

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[387] Ducat (1994): 88 'dans les grandes propriétés, ces importantes concentrations d'esclaves ruraux

devaient donner naissance à de veritable "villages" serviles, où vivaient de petites communautés

pénestiques, et leur nombre même, ainsi que l'étendue des domains, favorisaient nécessairement une

certain independence de leur mode de vie.'

OTHER HELOTIC POPULATIONS

The *polis* of Heraclea on the Black Sea dominated a local barbarian population known as the Mariandynoi until the 360's BCE, when the latter were liberated during a *coup d'état*. Like the Helots and Penestai, there was a ban on selling them beyond the national frontiers; and like the helots, they were drafted into military service (particularly in the navy: Arist. *Pol.* 1327b12-15). But the exact character of their exploitation remains unknown to us. The same may be said for the systems of slavery in classical Crete; Aristotle compares Cretan systems of servitude to Helotage (Arist. Fr. 586 Rose); but this is because these systems shared the common trait of ethnic homogeneity. When Plato claims that the Spartan system of Helotage is one of the most controversial institutions of the Greek world, more so than the Mariandynoi or the Penestai (*Leg.* 6.776c-d) he is not comparing the economic character of their exploitation; rather, he is emphasising the contemporary view that one should not own large numbers of slaves of the same race who speak the same language; his discussion specifically focuses upon the problem of controlling slaves. When Cretan forms of slavery are cited in comparison, ethnic solidarity is the criterion for this comparison, not the economic character of their exploitation, which rarely engaged the interest of ancient writers.[388] The same qualifications apply to other Helotic systems, such as the Bithynoi surrounding Byzantium, the Kallikyrioi of Syracuse, and the Prospelatai of the Ardaioi in

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[388] Van Wees (2003): 58 conflates the servile conditions in the Gortyn code with the Helotic population mentioned by Aristotle, but this creates many problems. For the diversity of Cretan institutions, see Perlman (1992) with the qualifications of Chaniotis (2005).

Illyria.[389] We have no information on the means by which these populations were exploited, the normative numbers of such slaves an average citizen might own, or any idea of the contribution of these populations to the wealth and power of the citizen elites in their respective societies. Whilst we should not dismiss these institutions as insignificant (they may well have formed the economic bedrock of elite wealth) we lack the requisite data to confidently label them as 'slave societies.' Such an identification cannot be more than tentative.

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[389] Lotze (1959): 55 concludes that the Gymnetai of Argos and the Korynephoroi of Sicyon were not slaves but subordinate social groups, although Pollux (3.83) groups them with the other Helotic populations.

SUMMARY

The picture presented above demonstrates the diverse manifestations of 'slave societies' within the Greek world. It also shows that we should not focus solely upon those societies for which an abundance of evidence survives relating to slavery. The volume of evidence is not an index of the importance of slavery to a given society: each society must be analysed on its own terms and with a sensitive eye to the limitations and distortions of genre which characterise the evidence in question. The volume of evidence does, however, have an impact upon the confidence with which we can label any given society a 'slave society.' Where a great deal of evidence survives – most obviously for classical Attica – we can study in detail the various sources of elite wealth and gauge with some degree of accuracy the contribution of slave labour to it; but for other societies, such as Chios, Corinth and Aegina – or for that matter Thessaly or Heraclea Pontica – our more slender body of evidence permits only a rather tentative identification. When we come to analyse the significance of slavery in Israel or the Persian Empire, we should bear in mind this point: what we should not do is sideline these societies because the evidence for slavery preserved for them is of a different order to that for Athens or Rome, or survives in smaller amounts. Each case must be considered on its own terms.

By now it should be clear that the term 'classical slavery' is not a particularly meaningful category; Greek slavery cannot be reduced to a homogeneous archetype, let alone 'classical' (i.e. Greek and Roman) slavery. We shall reserve comparison with Roman slavery to the conclusion of this study; first, we shall consider the role of slavery in several Near Eastern societies before returning to the question of these traditional categories ('Oriental' and 'Classical' slavery) in a comparative perspective.

SLAVERY IN BIBLICAL ISRAEL (c.1000-587 BCE)

A number of factors combine to make slavery in Biblical Israel a very different (and sometimes more challenging) area to study than slavery in Greece or Rome. The first is the volume of evidence: classical scholars may deplore the lack of attention paid to slavery as an institution by Greek and Roman writers, but the disinterest is even more pronounced in the literature of ancient Israel. The Hebrew Bible is an anthology of ancient Israel's literature, which encompasses a number of genres: law, historical narrative, poetry, prophecy, myth, ritual regulations, genealogies, inventories, proverbs and songs; but it is only in the legal texts of Exodus, Deuteronomy and Leviticus that slavery comes to the fore.[390] Elsewhere, the institution is only mentioned in passing. The subject matter of the Hebrew Bible is greatly determined by the information the constituent texts provide on the relationship between the Israelites and God. Thus our Hebrew sources are of a rather different kind to those we posses for Attic slavery; material dealing with subjects other than the relationship between God and Israel has not survived, and relevance to this theme has been a determining factor in the inclusion of these texts in the Scriptures.[391] But we must realise that this has no bearing

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[390] And as appendix III (above) shows, the focus of these texts is upon the Israelite bondsman, not foreign slaves, who require little legislation, so even these texts are not primarily concerned with slavery strictly speaking.

[391] The literature of ancient Israel was originally far more extensive than what we have today. Several books of the Hebrew Bible refer to extra-Biblical texts which have not survived; see Num. 21:14; Josh. 10:13; II Sam. 1:18.

on the significance of slavery to Israelite economic and social life; all it reveals is the irrelevance of slavery to the story of Israel and its God, as envisaged by those who composed, redacted and collected the sacred writings of ancient Israel.

Second, the texts of the Hebrew Scriptures which have come down to us pose numerous problems of interpretation: although they describe events dating from creation to the mythical wanderings of the patriarchs sometime during the late Bronze Age, moderate scholars are generally in agreement that the texts of the Hebrew Bible were written and subjected to a process of editing and redaction between the monarchical period and the period following the exile in Babylon under Persian rule. Dating the texts is a subject of endless scholarly controversy; the 'documentary hypothesis', for example, which seeks to isolate different strata in the Torah and ascribe them to different authors (a scholarly approach with much in common with 19th century efforts to dismantle Homeric epic and isolate 'early' and 'late' strata) stills enjoys widespread currency.[392] For the study of slavery, problems with pinning certain passages to a concrete historical context limit the use we can make of these texts as historical evidence.[393]

Further problems exist. In the opening discussion of his *Ancient Slavery and Modern Ideology*, M.I. Finley noted that the rapid pace of research into American slavery in the second half of the twentieth century grew in tandem with contemporary debates over race discrimination; but this 'cannot explain why ancient slavery is being subjected to a similarly massive and not much less heated inquiry. No one today need feel ashamed of his Greek or Roman slave ancestors, nor are there any current social or political ills that can be blamed on ancient

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[392] For criticism of the documentary hypothesis, see Whybray (1987).

[393] For methodological approaches to Israelite social history, see McNutt (1999).

slavery, no matter how distantly.'[394] In other words, there was little modern ideological

investment in the study of Greek or Roman slavery compared to the study of slavery in the

antebellum US when Finley was writing. But in the sphere of Biblical slavery studies, heavy

ideological investment still permeates the subject. On the legal side, whether or not the Bible

promotes a 'humanitarian' attitude to slavery still matters a great deal for many people[395]; on

the economic side, the role which slave labour played in Biblical Israel has the potential to

exert equal controversy. This is only part of a larger methodological schism in

historiography on Biblical Israel; on one extreme are fundamentalist scholars with an

ideological investment in proving as much of the Bible to be historical fact as possible and

relegating difficulties to the background; on the other extreme are scholars who reject the

textual evidence altogether and rely almost exclusively upon archaeological evidence which

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[394] Finley (1980): 11.

[395] Mielziner (1859): 7 states in the opening chapter of his work that 'Keine Religion und keine

Gesetzgebung des Alterthums konnte ihrem innern Geiste nach so entscheiden gegen die Sklaverei

sein als die mosaische, und kein Volk konnte im Hinblick auf seine eigene Entstehung sich mehr zur

Abstellung der Sklaverei berufen fühlen als das israelitische Volk.' This humanitarian view was

shared by other 19th century scholars such as Richard Grünfeld and David Farbstein; see Hezser

(2005): 3-5. The French historian Henri Wallon held similar views (see Wallon 1847: 11-17), as did M.

Sulzberger (1923): 6-11. This humanitarian argument proved particularly attractive to Jewish and

Christian scholars who wished to view their respective faiths in the best light. Today, the argument

rages online and extends far beyond academic circles, as many practising Christians close-ranks and

marshal Biblical evidence to either refute any notion that the Bible permits the institution of slavery,

or to perpetuate the idea that it presents a humanitarian form of it (see, for example, K. Butt's article

at http://apologeticspress.org/article/1587 [accessed 02/03/2011]).

they interpret using anthropological models, assiduously avoiding the Biblical tradition, which they deem an ideological invention of the post-exilic period, the purpose of which was to construct an historical identity for the returnees stretching back to the creation of the world.[396]

A moderate position exists between these poles, and scholars of this persuasion are prepared to make critical use of the textual and archaeological evidence without a religious or anti-religious agenda in mind. This approach is the most realistic way forward in critically integrating the textual record with the material culture and epigraphy of Israel. Furthermore, the subject of slavery in the Hebrew Bible has generally received only superficial treatment, apart from the legal texts which have attracted far more attention. Until recently, scholars have avoided developing approaches which might make something of the rather slender body of evidence.[397] Most scholars who have ventured opinions on the significance of slavery in Biblical Israel have not thought it to be greatly important.[398] But

[396] For incisive criticisms of both approaches (but particularly the latter), see Halpern (1999). Cf. the frustrated invective of Dever (2009) against the postmodernist agenda in revisionist works.

[397] Glass (2000) & (2010) represents important forays into this subject. For the views of this scholar, see below (pp. 253-6). Most recent studies focus upon slavery in the Hellenistic and Roman periods; see Hezser (2005): 5-8. For the focus on the legal nature of Israelite slavery and a neglect of its economic role, the brief survey of King (2009) is quite typical (cf. Snell 2011: 17-18).

[398] Writing on slavery in the book of proverbs, Whybray (1990: 42) claims that 'it is noteworthy that it never occurs in the plural: there is no reference to multiple slave ownership on a grand scale.' I do not think this fact tells us anything about the importance or scale of slavery. First, proverbs tend to deal with individual relationships, so we need not expect references to larger holdings; second, large slaveholdings are never mentioned in, e.g. Theophrastus' *Characters* or Plato's *Protagoras*, but we

one of the major reasons why scholars have held this view is that they do not find the same

sort of evidence for slavery in the Hebrew Bible as we do in some of our Greco-Roman texts.

Because texts describing large chain-gangs or the like simply do not exist for Israel's history,

these scholars assume that slavery must have played a minor role in economic life. Instead

of asking how and why our sources differ, and whether this necessarily implies substantive

difference, historians have generally treated the smaller amount of evidence for slavery in

the Scriptures as a straightforward index of the unimportance of slavery in the economy of

Biblical Israel.[399]

In this chapter, we shall attempt to assess the importance of slavery to the elite of

Biblical Israel during the monarchical period (c. 1000-587 BCE). We begin by examining the

components of the *beyit 'ab*, the household (roughly correlate with the Greek *oikos*), both

family and dependents. We then turn to the evidence, both textual and archaeological, for

know from other sources they were common in Attica. The absence of large-scale slavery from the

Book of Proverbs thus tells us nothing about the scale of slavery in general.

[399] Thus Wright (2001: 83) claims that '[w]hereas the world in which the biblical slavery laws

developed was apparently not highly dependent on slaves for its economic well being, the

Mediterranean world of the Hellenistic-Roman period was.' Near Eastern scholars often hold as

erroneous views on slavery in the Greco-Roman world as classical scholars do on the Oriental world.

For instance, de Vaux (1961: 80) writes that 'in Israel and the neighbouring countries, there never

existed those enormous gangs of slaves which in Greece and Rome continually threatened the balance

of social order.' De Vaux seems to see Greek and Roman slavery as essentially similar, but there were

significant differences in scale between most Greek forms of slavery and those of Republican and

Imperial Rome. As the next chapter on Babylonian slavery shows, some very large slaveholdings in

the ancient Near East did exist, on a par with Greek and sometimes even Roman holdings.

class division during the monarchical period, which most modern scholars agree displays a picture of wide discrepancies of wealth and the existence of a powerful elite. This elite drew its wealth primarily from agriculture; and the existence of a wealthy elite with an economic base in agriculture implies the availability of extra-familial labour, for how else could this wealth be generated? We then scour the texts of the Hebrew Scriptures for the forms this extra-familial labour might have taken. Whilst archaeology may provide invaluable evidence for the agricultural sector of the economy of Biblical Israel, it can tell us nothing about the legal status of the workforce, for which textual evidence is invaluable. Sociological models are of very limited use in answering this question, since we run the risk of importing 'proxy data' from other societies to fill in the gaps in our picture, which is not a legitimate historical method. Although the interpretation of our texts is fraught with methodological problems, the texts can still tell us a great deal. This chapter shows that despite these problems, slavery appears as the standard form of extra-familial labour utilised by the elite throughout the Hebrew Scriptures, from texts dating to a variety of periods between the earlier periods of the monarchy and the Persian period, and thus forms part of the economic background to Israelite society. What is presented here is a slimmed-down model which depends upon as few questionable variables as possible. Whilst the resulting picture is somewhat simplistic and generalising, it does allow us to describe Biblical Israel tentatively as a slave society.

I. THE *BEYIT 'AB* AND ISRAELITE SOCIAL STRUCTURE

The social structure of ancient Israel displays many parallels with Greek society. Contrary to Marxist ideas of an 'Asiatic Mode of Production' where the land of a kingdom was owned by the monarch, modern scholars support the now orthodox view that land tenure was fundamentally private in character throughout Biblical Israel (e.g. Jer. 34:8-22; I Kings 21: 1-16).[400] Social attitudes aimed at the continuity of households, and property was passed from one generation to the next through a system of partible inheritance[401]; the Biblical Levirate, too, displays many parallels with the Athenian system of adoption. In religious life, the purity laws in *Leviticus* closely parallel Greek religious regulations concerned with *miasma*; sacrificial procedures contained common elements (compare Lev. 7: 28-34 to Hom. *Od*. 3.430-473); and contrary to popular belief, Biblical Israel was not monotheistic; indeed the Hebrew writings are constantly preoccupied with the tendency of Israelites (from peasants to kings) to worship a host of other gods.[402] Moreover, the ecology of Israel has far more in common with Greece than the flat river valleys of Mesopotamia. In short, Greece and Israel

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[400] See Ellickson & Thorland (1995).

[401] Male offspring inherited equal shares, apart from the firstborn who inherited a double-portion. See Westbrook & Wells (2009): 93-104. For inheritance in Attica, see MacDowell (1978): 92-108; Rubinstein (1993). For the practice in Sparta, which was different, see Hodkinson (1985).

[402] See Miller (2000); Smith (2002).

had a great deal in common, the latter being as much a 'Mediterranean' society as a Near

Eastern one; although these parallels have scarcely been investigated.[403]

The basic structure of the household (*beyit 'ab*, 'house of the father') was not

dissimilar to the Greek *oikos*. Aristotle (*Politics* 1253b) breaks the household down into its

basic human constituent parts: master and slave, husband and wife, father and children. The

Decalogue of Exodus 20: 2-17 reveals a similar household structure. On the Sabbath day, the

law reads, one must not work, nor must one's son or daughter, nor one's male or female

slaves, nor one's animals nor any resident aliens (*gerîm*) staying in the household (Ex. 20:10).

A further commandment soon afterwards exhorts one not to covet a fellow countryman's

house, spouse, male or female slaves, animals, or other possessions (Ex. 20:17). Like the

Greek *oikos*, the Israelite household might comprise more than one generation; paternal

authority is held by the father in the Israelite household much as by the *kyrios* in Greece.

Thus we may take the following to be the basic structure of the household throughout

Biblical Israel (even after the monarchy divided) during the monarchical period: at the head

of the household is the father. His spouse and (often grown-up) children will live with him,

as will their spouses if they are married. The males and females of this household represent

the basic units of labour, which is supplemented by male and female slaves, and resident

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[403] Hagedorn (2004) represents a pioneering study in this respect, which helps fill part of this gap by

studying early Greek law in comparison to the laws of Deuteronomy. Cf. idem. (2003) for a

comparative study of elements of Hebrew and Greek poetry.

foreigners or wage-labourers. Once the father dies, his property is divided among his male

children, starting new households.[404]

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[404] For a helpful reconstruction of a typical household, see King & Stager (2001): 12-19. For the

physical house itself, see idem. pp. 28-35; household archaeology is discussed in Stager (1985).

Westbrook & Wells (2009): 93-104 provide a useful overview of inheritance.

II. DISCREPANCIES OF WEALTH AND THE ISRAELITE ELITE

Like any complex society, there existed discrepancies of wealth in Israel. There is no dispute over the existence of an economic elite in Biblical Israel, and frequent references in the Hebrew texts to the wealthy and the poor confirm this. Scholars are also in agreement upon the economic basis of elite wealth, which lay in agriculture. The land of Israel displays a patchwork of ecological zones, each of which is suitable for certain types of agricultural exploitation; but in a general sense, farmers seem to have practised mixed agriculture on similar lines to that practised in Greece, i.e. predominantly arable farming with some stockbreeding, as well as viticulture and arboriculture, with emphasis upon diversifying the forms of exploitation: the specific balance of these elements in any given locale depended upon the quality and location of the land and the availability of water for irrigation. As in Greece, crop rotation prevented the desiccation of the soil, and diversified agricultural practices spread risk in what was and still is a semi-arid environment.

Elite households must have derived their wealth from owning larger tracts of land (or more numerous parcels of land – the same fragmented pattern of landholdings seems to have prevailed in Israel as we have observed in Attica).[405] Some scholars refer to the increasing levels of concentration of land in the hands of the elite as 'latifundization', although this may draw too simple a parallel with Roman Italy.[406] There is ample evidence from the monarchical period that surpluses of wine and oil in particular were being produced and exported abroad, i.e. that the wealthier elements of Israelite society were regularly

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[405] For agricultural practices in Iron Age Israel, see Hopkins (1983), idem. (1985); for animal husbandry, see Sasson (2010); for viticulture, see Walsh (2000).

[406] For the process of concentration of land in the hands of the wealthy, see Pastor (1997): 13-20.

producing cash crops.[407] In sum, then, we must envisage a society with a strong degree of economic stratification.

The co-existence of rich and poor was not always harmonious. The Hebrew Scriptures are constantly concerned with social justice and the protection of the poor from exploitation by the rich; this seems to have been a constant problem which was never adequately resolved. The reasons for this may be seen in the political and legal organisation of Israel and Judah. Both states were monarchies; and in both states the justice system operated on several levels. The first level was that of a local court of elders; then there were regional courts. Finally, there was the King.[408] Ultimately, it was the duty of the king to guarantee justice in his lands and to make sure that the laws were enforced. Under strong kings, the provision of justice could be guaranteed; but under weaker kings who were less concerned with enforcing the law, abuses were a constant concern, and laws could lapse into disuse. A quick glance at the books of 1 and 2 Chronicles shows that many Kings were deemed failures in these respects by later writers. The book of Habakkuk, written shortly before the fall of Judah to the Babylonians, sums the latter situation up neatly. The prophet addresses God (Hab. 1:2-4):

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[407] See Barstad (2003), who surveys some of the archaeological evidence for cash-crop production in Biblical Israel. At one site alone – Tell Miqne – estimates suggest that olive oil production could have produced annually as much as a fifth of Israel's *present day* totals. As Barstad notes (at 12), with such figures 'we can appreciate the *enormous* economic significance of wine and olive oil production in ancient Palestine and in the Mediterranean countries' (his italics).

[408] For the courts in Israel, see Westbrook & Wells (2009): 35-42. For the administration of Justice, see Boecker (1980).

³ Why do you make me see wrong-doing,
why do you countenance oppression?
Plundering and violence confront me,
Contention and discord flourish.
⁴ And so the law loses its grip
and justice never emerges,
since the wicked outwits the upright
and so justice comes out perverted.

Numerous passages, especially from the prophetic books, complain about judges rendering crooked judgements just as Hesiod laments the injustice of the Lords of Boeotia (*Works and Days* 38-9). Both societies lacked strong legal institutions which could guarantee that cases would be treated fairly and wrongdoers brought to justice. The problem was never dealt with through major reforms. The legal collections of Exodus, Deuteronomy and Leviticus, for example, were framed to protect Israelites from the full horrors of slavery by restricting their period of bondage to a fixed term, and either granting them certain rights or exhorting their masters to treat them as hired labourers rather than slaves. But these laws were only effective if the institutions of the legal system enforced them, which they seem often to have failed at. The *dreror* of Zedekiah mentioned in Jer. 34:8-22 was only a one-off release for Israelites held in bondage rather than an extensive overhaul of the weaknesses of the legal system.[409]

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[409] See pp. 252-3 below.

III. AVAILABLE FORMS OF EXTRA FAMILIAL AND SUBORDINATE LABOUR

Archaeology can reveal a great deal about the economy and material culture of Israelite society, but it can tell us barely anything about the legal status of labour. For this, we need to closely analyse the textual evidence. The Hebrew Bible provides information on a number of forms of subordinate labour: slaves, temporary bondsmen, hired labour, resident aliens, and forced labour (the *corvée*).

SLAVES AND BONDSMEN

Legally speaking, an Israelite could only become a slave if he chose to stay with his master beyond the normal six-year term. This was symbolically marked by having his ear pierced by an awl (Ex. 21:6; Deut. 15:16-17). We cannot be sure how rigidly these rules were observed, but when they were, a basic distinction was maintained between a non-Israelite slave (who held no rights and was the property of his master) and the Israelite bondsman (who enjoyed a number of rights and served a fixed term, but held a lower social status than the normal free Israelite; see Appendix III above). However, as we have observed above, either condition can be referred to by the term *'ebed*, and an ethnic qualifier is usually required to distinguish slave from bondsman. This might present a methodological problem, since when we find generic references to *'abadim* in our texts, how can we tell which condition is meant? A passage in Leviticus (25: 39-46), however, shows that the normative meaning of *'ebed* was slave, and that by describing temporary bondsmen with this terminology one was using it more loosely.[410]

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[410] For the language of sale in v. 39, see above note 301.

³⁹ If any who are dependent on you become so impoverished that they sell themselves to you, you shall not make them serve as slaves. ⁴⁰ They shall remain with you as hired or bound labourers.

⁴⁴ The male and female slaves you have will come from the nations round you; from these you may purchase male and female slaves. ⁴⁵ As slaves, you may also purchase the children of aliens resident among you, and also members of their families living with you who have been born on your soil; and they will become your property, ⁴⁶ and you may leave them as a legacy to your sons after you as their perpetual possession. These you may have for slaves; but you will not oppress your brother-Israelites.

The language here is more explicit than that of Exodus 21: 2-6 or Deut. 15: 12-18.[411] It shows that the normative meaning of *'ebed* is slave true and proper. Although the word could apply to Israelite bondsmen, the law stresses that their condition is, in substantive terms, more like that of a wage-labourer. When Hebrew bondsmen are described, the term *'ebed* is usually qualified by an ethnic adjective. When we find allusions to *'abadim* in our texts, we should not suppose that these are Israelite bondsmen; they are more likely to be slaves.

RESIDENT FOREIGNERS (*GERÎM*) AND WAGE LABOURERS

Gerîm, or resident foreigners, occupied a similar legal position to the metic of classical Athens, the major difference being that the metic obtained his status by living in a *polis* for a certain time as a *xenos* (foreigner), after which he became a metic and was liable to the metic tax.[412] The laws of Israel theoretically protected the *ger* from exploitation. The *gerîm* appear in the Biblical sources chiefly as wage-labourers, so we may treat them alongside Israelite

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[411] This is because Exodus 21: 2-6 and Deut. 15: 12-18 only deal with the Hebrew *'ebed*. By contrast, the passage from Leviticus makes explicit mention of foreign *'abadim* and is therefore forced to clarify its terminology. Deut. 15:18, however, compares the work of the Hebrew *'ebed* to a hired labourer.

[412] See Whitehead (1977). For resident aliens in Israel, see de Vaux (1961): 746. Max Weber compared the *ger* to the Athenian metic, but drew too close a comparison in presupposing that the *ger* could not own land. See Weber (1952): 32-6 with Van Houten (1991): 38-41.

wage-labourers in general. Neither group were landowners, and both found themselves in the precarious and uncertain position of having to hire out their labour. Hebrew texts group resident aliens with orphans and widows as those most susceptible to exploitation (e.g. Malachi 3:5); several texts urge landowners to allow them to glean their fields for fallen fruit and left-over crops (Deut. 24: 19-21; Lev. 19: 9-10). Like the *thes* in Homeric poetry, the hired labourer depended upon the good faith of his employer; an unscrupulous employer could refuse to pay the agreed upon wages, and the labourer (as a non-landowner, he or she could feasibly be some distance from kin) might have had little ability to remedy the wrong (compare Hom. *Il.* 21.441-7 with Jer. 22:13). Such labourers were generally available and might be used in particular during peak periods in the agricultural year.

CORVÉE LABOUR (*MAS, MAS 'ÔBĒD*)

Many Near Eastern societies imposed labour services on its population, and in this respect Biblical Israel was no different. According to I Sam. 8:11-18, when the people of Israel demanded a monarch they were warned of the oppression such a system of government would inevitably cause. According to this passage, monarchs would demand military service, seize fields and property, and force the population to work for them. This passage refers to generic abuses of power, but other evidence shows that a state organised corvée did exist. It is ambiguous whether the people subject to state-organised forced labour were all free Israelites or the non-Israelite population of the land.[413] We may, however, lay this form of labour to one side in our discussion, since the benefits of forced labour accrued directly to

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[413] For Forced labour in Israel, see Rainey (1970) and (2003).

the monarch, and not to the wealthy upper strata of society, meaning that it was not one of the possible options for extra-familial labour to which the elite could turn.

TENANCY

In his *Slavery in the Ancient Near East*, Isaac Mendelsohn has written the following:

The Ancient Near Eastern peasants were a hard-working and thrifty people. The whole family worked on the land, which was the sole provider for its material existence. Since the landed property of the average farmer was small and his family large, there was no great need for outside help in the form of hired labourers or slaves; the peasant household was self-sufficient. While this was the case of the average small-scale farmer, the situation in regard to outside help of the wealthy landowner and the aristocracy was, of course, radically different. Their large estates had to be worked and supervised, if not also managed, by hired help. This help, however, was only to a very small degree drawn from the ranks of hired agricultural labourers and slaves. It came primarily and overwhelmingly from the ranks of the dispossessed peasantry in the form of agricultural tenancy.

[Mendelsohn 1949: 109]

Mendelsohn, here, was generalising the picture he believed was true for Mesopotamia and extrapolating it to Palestine. Because he found no references to a large population of agricultural slaves, he believed that tenant farming in Israel was the predominant form of agricultural exploitation utilised by the elite.[414] There are major problems in this formulation, not least the obfuscation or lack of awareness of references to elite use of slave labour (see below). The most glaring problem, however, is the total lack of data on agricultural tenancy in the Hebrew Scriptures. As a recent study has noted, 'The Hebrew Bible makes little or no mention of leaseholds.'[415] Whilst we should not cast aside the possibility that tenant farming existed in Biblical Israel (or indeed other arrangements such as sharecropping), we should not posit its general frequency on no evidence whatsoever.

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[414] Mendelsohn (1949): 111.

[415] Ellickson & Thorland (1995): 372.

IV. SLAVE LABOUR AND THE ELITE

As we have seen, large discrepancies in wealth existed in Biblical Israel throughout the monarchical period. There are a finite number of possibilities as to the form or forms of extra-familial labour used to create the wealth of the elite; as we have seen, they can be reduced to slave labour, the labour of temporary bondsmen, and hired wage-labour (we may entertain the possibility as well of tenant farming and sharecropping). Now we may turn to the pictures of wealth described throughout the Hebrew Scriptures. Do different texts present different pictures, a mosaic in which wealthy individuals might create and maintain their position by exploiting a wide variety of labour forms, or does a generally consistent picture emerge in which slave labour plays a key role in the economic underpinnings of the elite? If the former is the case, we cannot describe Biblical Israel as a slave society; if the evidence is too varied it may point to discontinuity and regional variation. But if a consistent picture emerges, we may at least tentatively grasp the importance of slave labour to the elite and outline some broadly valid generalizations.

Let us start with the patriarchs, whose stories are related in the book of Genesis. As Catherine Hezser has recently noted, the patriarchs (Abraham, Isaac and Jacob, as well as their contemporaries) are presented as wealthy slave owners.[416] Abraham is depicted as a wealthy nomad with a large household, including numerous slaves (Gen. 16:1-15; 17: 12-13; 17:23; 18:7; 24:1). When he moves to Egypt, he has gifts lavished upon him by the Pharaoh: flocks, oxen, donkeys, camels, and male and female slaves (Gen. 12:16). These items seem to be standard articles of wealth, since Abraham receives similar gifts from another foreign

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[416] Hezser (2005): 286-288.

ruler, Abimelech king of Gerar: sheep, cattle, male and female slaves (Gen. 20:14).

Abraham's son Isaac is depicted as possessing wealth in a similar fashion; according to Gen.

26:12, he settles to plant crops and raise animals, acquiring riches and a 'large household',

which as Hezser points out, must mean a significant number of slaves, many probably

inherited from his father.[417] Elsewhere, his wives are depicted as receiving slave-girls from

their father upon their marriage to him, showing that in these stories slaves are represented

as a conspicuous but commonplace form of wealth and an article of exchange (Gen. 29: 24-9).

Like his father and grandfather, Jacob is also presented as a wealthy slave-owner. After

tricking his brother Esau out of his patrimony, Jacob increases his fortune and prospers,

becoming extremely rich and owning large flocks, male and female slaves, camels and

donkeys (Gen. 30:43). When he attempts reconciliation with his elder brother, he dispatches

a messenger to tell Esau that he is staying with his father-in-law Laban, and owns oxen,

draft animals, flocks, and slaves (Gen. 32:6). Esau himself is represented as having acquired

a large household, presumably on the same model as his brother and forefathers (Gen. 36:6).

Now, these stories are set in the mythical past, and one might rightly ask what

historical information can be derived from unhistorical tales such as these. But as Bendor

points out, these stories were composed in the monarchical period and reflect the basic

household structure of that time.[418] In other words, we are dealing with a phenomenon

something akin to extracting historical information from Homeric poetry; although the

Homeric poems describe events in the mythical Bronze Age, they depict the basic

institutions of life as they existed at the time of composition in the eighth or seventh

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[417] Hezser (2005): 286-7.

[418] Bendor (1996): 46.

centuries BCE. I do not wish to push this argument further than pointing out that at the time when Genesis was composed, the connection between wealth and the possession of large numbers of animals and slaves to look after them and to work agricultural land was an obvious one. The consistent picture of wealth and its foundations in Genesis is unlikely to have been dreamt up by composers or editors; it is far more likely that this connection reflects a basic economic reality of life in the composer's time.

We are still in the realms of prehistory during the period of the Judges, but the same arguments apply to the story of Gideon who takes ten of his slaves to demolish a sanctuary of Baal (Judges 6:27). For the story to have appeared plausible, the number of slaves Gideon took with him must have lain within the realms of plausibility to the audience of this work. Likewise, Boaz, the wealthy farmer of the book of Ruth appears as a slave-owner (Ruth 2:1; 2:5-6; 2:9).

We begin to pass from the mythic to the historical when the monarchy is established in Israel, although there is a heavy dose of the former in the stories of Saul, David and Solomon. According to I Sam. 9:3, Saul's father Kish owned many slaves; and the wealthy Nabal with whom David becomes embroiled is likewise represented as a slave owner (I Sam. 25:1-43). When he met David and his men, he accused them of being runaway slaves (I Sam. 25:10-11). We may garner more specific information from the story of Ziba, a steward of Saul who had fifteen sons and owned twenty slaves (II Sam. 9:2; cf. 19:18). As an official in the king's service, this number of slaves may lie towards the upper-end of the scale, although we have no accurate means of determining how normative slaveholdings of this scale were.

The Book of Job, composed in the post-exilic period, is not an historical work, but it still reveals a great deal about the sort of economic base a wealthy man might be expected to have. Job is described as being exceptionally wealthy: he had seven sons, three daughters, and owned seven thousand sheep, three thousand camels, five hundred yoke of oxen and five hundred she-donkeys, as well as many slaves (Job 1:1-3). Disaster befell him, however, and his livestock were carried off by raiders and his slaves butchered (Job 1:14-18). Reduced to dire straits, his slaves no longer feared or obeyed him (Job 19:13-21). By the end of the book, however, his fortunes are restored to double that of their original extent (Job 42: 10-16). Although this book is fictional and legendary with strong didactic elements, it is consistent with the evidence set out above insofar as it displays the same conventional picture of a wealthy man, who owns large herds and many slaves to look after them.

The general assumption that a wealthy person will own numbers of slaves is implicit elsewhere in the Hebrew Bible. Proverbs 31:10-31 paints a caricature of the ideal housewife in an elite household. Her admirable actions include rising early before the dawn and assigning duties to her slave girls (Pr. 31:15). She makes sure that her slaves are provisioned with clothing (Pr. 31:21); but the clothing produced in the household is not merely intended for the household alone. Verse 24 reveals that the housewife and her slave girls are involved in textile production for the market ('she weaves materials and sells them, she supplies the merchant with sashes' cf. 31:19, 22). This section is the closest parallel we have from Israel to the picture of the shrewd manageress-housewife in Xenophon's *Oeconomicus* (7-8) , and it reveals that a wealthy household would contain a number of female slaves, indeed enough to produce more than enough textiles for the family and dependents, i.e. products for the

market to bring in additional income. Male slaves are not mentioned, but presumably their labour was directed by the male head of the family, who is not the subject of this passage.

The book of Ecclesiastes (Qoheleth) dates to the period following the conquest of Jerusalem by Nebuchadnezzar in 587 BCE, but it shares the same fundamental assumptions regarding the standard sources of wealth that we have already observed in Genesis. Like the book of Genesis, it is set in an earlier period (the eponymous author claims to be no less than Solomon). The writer, in a search for meaning to his life, recounts experiments he made in ways of living. One such experiment is living a life of wealth and hedonistic luxury (Eccl. 2:1-12). He plants gardens and vineyards, builds palaces, and acquires estates with male and female slaves (including home-born slaves) to work them (Eccl. 2:4-7). Again, the basic assumption is that large estates will be worked and maintained by slaves.

Most of the evidence we have considered is generic rather than specific. However, two historical instances show members of the elite ignoring the laws of the Torah and literally enslaving fellow Israelites. Jeremiah 34: 8-22 describes a general release (*dreror*) for Israelites being held as slaves during the reign of Zedekiah (597-587 BCE) shortly before the exile to Babylon. This seems to have been similar to the mišarum edicts of Near Eastern monarchs which cancelled debts and released debt-bondsmen. However, the masters of these slaves subsequently re-enslaved them contrary to the edict (Jer. 34:11). Jeremiah claims that God had given laws that a fellow-Hebrew could only serve as an *'ebed* for six years, but that this law had been generally disobeyed (Jer. 34: 13-14).[419] This suggests that if the law on

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[419] Note how this refers to the six-year term which is found in the laws of Exodus (21:2) and Deuteronomy (15:12). It is significant that there is no mention of the unusual Jubilee system of release known from Leviticus (25:40). Clearly, even by the end of the monarchical period, the six-year term

temporary bondsmen was not enforced, the wealthy could hold fellow Israelites as slaves in the strict sense. A similar picture emerges in Nehemiah 5: 1-5. Ezra and Nehemiah had been sent by the Persian king to organise Judah following the end of the exile in Babylon (to where, realistically speaking, only the elite and not the general populace had been deported).[420] Upon the return of the exiles, many injustices were observed, including the charging of interest on loans and the enslavement of fellow Judeans for debt. Nehemiah lamented these injustices and convinced their perpetrators to cancel the debts (Neh. 5:6-13). Both of these passages reveal a practice that we have already observed as possible: in places or at times when the administration of justice was weak, the laws on temporary bondage we know from the Torah were commonly ignored, and creditors seized fellow countrymen and either used them as slaves or sold them.

In two recent studies, Zipporah Glass has used a similar methodology but arrived at slightly different conclusions. It is worth pointing out where her analysis agrees with that presented here, and where it departs from it. In terms of agreement, she too (i) charts the existence of a wealthy elite whose power is based upon the regular production of an agricultural surplus, and (ii) notes that the production of such a surplus in an agrarian economy is contingent upon securing a source of extra-familial labour. In terms of difference, she believes that (i) the status of this labour force was a mixture of Israelite 'debt-slaves' and free hired labourers, and (ii) the inherent profitability of either of these labour forms depended upon the rhythms of the market for the products of their labour, so that in

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was viewed as the standard law on temporary bondage. For the unusual and irregular nature of the Jubilee law, see Appendix III (above).

[420] See Barstad (2003).

difficult times when demand was low, the labour of 'debt slaves' would be unprofitable. She believes that the cost of maintaining this form of labour would exceed the returns of their work, and thus interprets the debt-release laws of Deuteronomy as a way of siphoning-off 'debt-slave' labour when it became an economic drain on the landowner.

The problems with this picture are numerous. First of all, she fails to make a distinction between slavery and temporary bondage in the legal texts of the Torah, and thus she cuts foreign slaves entirely out of the picture. Because Hebrew 'debt slavery' (as the conventional but misleading terminology of the discipline has it) dominates these legal texts, she seems to assume that it was the basic form of slavery in Biblical Israel (and thus references to *'abadim* in the Hebrew Bible must refer to Hebrew debt slaves). This is not likely to be correct. The reason why Hebrew temporary bondage occupies such a large part of the legal material in the Torah is because these laws sought to protect Israelites from the full horrors of slavery by extensively legislating on the topic (see Appendix III above).[421] Her interpretation fails to account for the reasons why Israelite debt service lasted six years (if the sole purpose of the service-term was to allow landlords to get rid of 'debt slaves' when they became unprofitable, why is this term a rigid set-period? Surely a more flexible system

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[421] The amount of attention devoted to Hebrew temporary bondage as opposed to slavery proper in these laws has no bearing whatsoever on the numerical ratio of one form of exploitation to the other in real life. In fact, we have no idea how frequently these laws were enforced, and several texts describe wealthy people holding fellow Israelites as slaves, not as bondsmen. One cannot argue therefore that references to *'abadim* in the scriptures must be to 'Hebrew debt slaves.' A passage in Leviticus (25: 39-40) shows that the normal meaning of the term *'ebed* was slave true and proper, and that by referring to Hebrew bondsmen in this language one was using it rather loosely.

would be better?), or for the laws which protected Israelites in debt service from the abuses a slave might suffer (the laws restricting corporal punishment, governing marriage, protecting runaway bondsmen, and so on) which must be understood in terms of social justice extended to members of the Israelite ethnic group. Although the laws of the Torah do contain an element of economic rationale (see Appendix III above), they are clearly formulated to protect Israelites from the worst excesses of abuse. Glass' interpretation of the Deuteronomic laws fails to explain the texts as they stand, and in fact she does not engage in a detailed critique of their individual provisions.

Second, her analysis of the profitability of slave labour compared to hired labour is not convincing. She argues that under certain conditions, the labour of a hired hand would be more profitable than that of a 'debt slave.' She argues that masters would have to feed and clothe their 'debt slaves', and these costs might at times outstrip the income derived from their labour. In these conditions, it would be more economically rational to switch to hired labour. But is free hired labour really more profitable in such circumstances? Presumably, the cost of wages for the hired hand must have considerably exceeded the bare-minimum costs related to feeding and clothing a 'debt slave.' In terms of day-to-day outgoings alone, slave labour will generally outperform wage-labour since slavery permits the exploiting-party to squeeze the exploited party more drastically than any other form of legal exploitation. The profitability of slave versus free labour in any society needs to be explained in relation to the initial outlay of cost for the slave compared to the level of wages of a free worker, not in terms of day-to-day upkeep of free versus slave labour. Glass does not engage in this argument, and her assertion that wage labour would at times be more

profitable than the labour of 'debt slaves', although cited with *ex cathedra* confidence, is not convincing.

Third, her methodology veers towards the construction of theoretical models at the neglect of the written sources. The danger in this is that it allows one to construct arguments merely on the grounds of logic, regardless of whether they can be corroborated by evidence. Essentially, if the model is rational, it is accepted. But the further one strays from the written sources, the further one's picture is essentially speculative and ultimately impossible to prove. A better methodology would be to look for general conditions observable in a wide range of texts from different periods, and to ground one's analysis upon a small number of clear demonstrable factors rather than a large number of hypothetical variables. Nevertheless, Glass' work does represent an important step in the right direction, asks important questions about the production of elite surplus, and does not shy away from the possibility that slave labour played a large role in the creation of their wealth.

CONCLUSION

The evidence of the Hebrew Scriptures is very different from that we have observed in Greece, and quite different from that of neighbouring Mesopotamia, which for the most part consists of thousands of clay business documents. The material survives because of its relevance to the interests of the Jewish religious community, that is, its preoccupation with God. Even so, generic information regarding the socio-economic aspects of society in Biblical Israel occasionally finds its way into the texts, even though it is treated incidentally. The sources of wealth are not a major preoccupation of any of the books of the Hebrew Bible. However, we may trace a consistent picture of these sources of wealth when they appear, regardless of the date of the text or possible locality in which it was composed. Whenever the legal status of the workforce which the elite depended upon is mentioned, it is invariably slave labour. This is highly significant: it shows that during the Greek Dark Ages and Archaic period, slave labour already played a significant role in Israel. Although our evidence is in general not inspiring and, moreover, riddled with methodological difficulties, a balanced reading of the evidence as a whole means that we should tentatively describe Biblical Israel as a slave society by Finley's (and Patterson's) criteria, with at least the same level of confidence with which we might describe Homeric Greece as a slave society. Hopkins' proportional approach is obviously not workable with the kind of evidence we possess for this society.

SLAVERY IN BABYLONIA (7ᵀᴴ-4ᵀᴴ CENTURIES BCE)

Some of our most extensive evidence for the ownership of slaves and the use of slave labour outside the Greek world comes from Mesopotamia during the first millennium BCE. This period is somewhat later than that which produced the famous law collections of Mesopotamian kings;[422] however, the workings of the legal system and the economy can be discerned from a wide selection of thousands of business documents and records. The major difficulty in analysing the importance of slavery to the economy of Neo- and Persian Babylonia is precisely the opposite to that encountered when analysing slavery in Biblical Israel. As we have seen, the Hebrew material contains very little in the way of specific data, but does contain some useful generalizations which point toward larger trends. Our Babylonian evidence contains nothing in the way of generalizations, but is a vast mine of documents relating to economic and legal life: individual transactions, contracts, wills, court documents, and so on – in other words, many individual pieces of data. The challenge for the historian is thus to analyse a large volume of evidence and to attempt to discern general conditions.

This evidence is, unfortunately, very unevenly distributed, and there is a bias in the evidence towards urban and temple communities and a relative lack of information on conditions in the countryside, reflecting in part the preferences of excavators and translators, in part the concentration of written records in urban centres, and in part the record-keeping

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[422] We do, however, possess a fragmentary collection of laws from Sippar c. 700 BCE (LNB). For Mesopotamian laws see Roth (1995).

habits of some elements of the population and the lack of records for others.[423] Most of our

information is derived from private and temple archives; royal records, unfortunately, are

an area where we are poorly informed. The uneven distribution of the evidence and the total

lack of generalizations means therefore that it is very difficult to speak in general terms.[424]

The nature of the discipline must also be taken into account. Some 200,000 cuneiform

documents are now published[425], but the number of specialists working upon this material is

reasonably small; it is a field less well trod than Greek history, and the study of the role of

slavery in the Babylonian economy is still in its relative infancy.[426]

However, our knowledge of Babylonian slavery has been advanced greatly by

Dandamaev (1984), a work that is only now beginning to be read by Greek historians,[427] and

the implications of which mean that the traditional view of the so-called 'insignificance' of

slavery in the Near East must be extensively revised. This chapter aims to survey the current

state of knowledge on Babylonian slavery between the 7th and 4th centuries BCE, and to

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[423] See Richardson (2007).

[424] Wunsch (1999): 391. As more private archives are studied and the finances of individual elite

families understood, the ability to make valid generalisations will be enhanced. For smaller private

archives, see for instance Stolper (1990), Beaulieu (2000), Wunsch (1993), (2005), Jursa (2005).

[425] See Renger (2007): 187.

[426] Dandamaev (1984): 2.

[427] The insightful review of Dandamaev (1984) by R. Van der Spek (1990) anticipates much revision of

the traditional Finleyan view of 'oriental' slavery, but revisionist works of the kind predicted by Van

der Spek have not appeared in the last twenty years. Dandamaev (1984) has appeared in the

bibliographies of several recent studies of Greek history, e.g. Harris (2006), Vlassopoulos (2007),

Bradley & Cartledge (2011).

compare this to the role of slavery in Greek societies. We begin by taking stock of the

growing role of slavery in late Assyria, as an introductory case-study showing (i) the

surprising amount of evidence relating to slavery during this specific period, and (ii) its

relative neglect by modern scholarship (it is almost completely unknown to classical

scholars, as far as I am aware). We then move on to the main subject of this chapter:

Babylonia under the Neo-Babylonian and Persian kings. First, we shall look at the

distribution of slaves in Babylonian society and the size of slaveholdings, particularly

among the wealthier classes. Then we shall turn to the private archives of several families of

entrepreneurial businessmen and consider the role of slaves in their various ventures. We

then turn to the temples, which were major slave-owning institutions during this period. A

conclusion summarizes this chapter, drawing together the separate arguments and

contextualising them in terms of methodological challenges and the role of slave labour in

comparison to Greek societies.

LATE ASSYRIA

A number of late Assyrian sale documents attest to private landowners with slaves working as agricultural labourers upon their plots.[428] This evidence provides an excellent example of how little work has been done on what is a rather large body of documents, and the potential that further studies will have for shedding light upon the role of slave labour in Near Eastern societies. The average size of holdings sold with slaves alongside the land and buildings lies between five and ten slaves; but some estates are larger, one having 27 slaves (ADD 59), another 30 slaves (ADD 424), and another 31 slaves (ADD 428).[429] Agricultural operations with this many slaves are difficult to find in Greek societies, and concentrations of such numbers of slaves generally occur in manufacturing operations of the classical period, viz. *ergasteria* (e.g. Dem. 27.9, 37.4; Lys. 12.19). Slaveholdings of this size are not, however, likely to represent the largest in existence in late Assyria, as a large number of other slave sale documents exist pointing to potentially larger holdings.

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[428] Mendelsohn (1947): 110-111 was correct to challenge the statement of Kohler & Ungnad (1913): 452 that 'Die landwirtschaftlichen Sklaven sind wohl meist Hörige.' As Mendelsohn points out, whilst these slaves are sold with the land they work upon, this need not imply serfdom; furthermore, the sale documents contain the same warranties for slaves we find in other Near Eastern slave sale documents. A glance at LTRC I & II shows many sale documents for slaves (see notes 429 and 430 below) and many for land; a few record both at once (LTRC I nos. 50, 90, 91, 112, 129, 153, 169, 269, 332, 340; LTRC II nos. 1 (= ADD 472), 2 (= ADD 627), 36 (= ADD 446), 168 (= ADD 435), 198 (= ADD 426), 207 (= ADD 417), 254, 263, 265 (= ADD 458), 345, 355, 401; see also ADD nos. 59, 399, 420, 422, 424, 428, 429, 430, 431, 443, 447, 448, 471, 472, 473). These are obviously not serfs; rather, both commodities are sold together in single agglomerated lots.

[429] Brief discussion can be found in Mendelsohn (1949): 110-111.

Most of these sale documents deal with individual persons, but some record transactions in which numerous people were sold in a single lot: for example, LTRC II 186 (six slaves); LTRC II 146 (ten slaves); and LTRC II 424 (twelve slaves). Two striking features emerge from these documents. The first is the volume of the transactions. It is difficult to imagine individuals in Greece acquiring large numbers of slaves on a single occasion; the Assyrian records show, however, precisely that. These are not the largest of the transactions; two documents record the sale of twenty people at once (LTRC I 57 & 86); one records the sale of twenty-seven people and a plot of land (LTRC I 91), and another document records the sale of thirty slaves in a single transaction (LTRC I 341). It must be stressed that these do not represent the total holdings of the buyer, but merely single agglomerated lots of slaves bought at a single point in time in a single transaction.

The second striking feature is the number of slave sale documents surviving, particularly once this is placed alongside other forms of sale documents. Of the various sales recorded in LTRC I, which collects the documents from the Nineveh archives for the period 744-669 BCE, over half (120 documents) concern slaves[430]; in LTRC II (covering the years 668-612

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[430] The collection LTRC I (covering the period 744-669 BCE) contains 120 slave sale documents, about a third of all of the legal documents, which otherwise consist for the most part of loans, leases, sales of land, court decisions and witness lists. Slave sales make up over half of the sale documents. The documents are: nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 34, 38, 39, 40, 41, 45, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 65, 82, 85, 86, 87, 88, 89, 90, 91, 92, 96, 98, 103, 106, 109, 110, 111, 112, 116, 118, 122, 127, 128, 129, 132, 134, 135, 138, 140, 144, 145, 148, 151, 152, 153, 156, 166, 169, 172, 174, 177, 179, 185, 192, 193, 195, 196, 197, 198, 199, 203, 219, 227, 228, 229, 239, 244, 246, 250, 255, 256, 257, 261, 266, 267, 269, 274, 284, 286, 289, 290, 294, 297, 298, 300, 305, 306, 309, 310, 312, 313, 315, 316, 319, 332, 340, 341, 342, 343, 344, 345, 346, 347, 348.

BCE), a third (88 documents) concern slaves, making slaves one of the major 'big-ticket' items of private property, alongside land and buildings.[431]

Taken as a whole, this evidence suggests that slavery was highly developed during the later years of the Assyrian empire. The scale of slaveholdings owned by various members of the Assyrian elite connected to the palace and royal circles makes late Assyria a likely candidate for the appellation 'slave society' or at the very least 'large-scale slave system.' Despite this wealth of evidence, slavery in Assyria remains poorly studied, and a full study of late Assyrian slavery remains a major desideratum.[432] Although we lack such a study, the documents make it clear that slavery played an important role in northern Iraq in the century prior to the archonship of Solon.

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[431] The collection LTRC II (covering the period 668-612 BCE) contains 88 slave sale documents, making up roughly a fifth of all the legal documents. Slave sales make up approximately one third of all sale documents. The documents are: nos. 1, 2, 3, 4, 5, 6, 8, 9, 10, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 24, 29, 34, 36, 37, 38, 39, 48, 49, 50, 56, 64, 65, 67, 78, 85, 91, 105, 115, 128, 129, 146, 147, 150, 153, 154, 161, 162, 165, 174, 179, 186, 189, 195, 196, 198, 207, 212, 213, 240, 241, 242, 243, 246, 247, 254, 263, 264, 265, 300, 301, 326, 337, 345, 347, 355, 362, 364, 401, 402, 414, 424, 435, 442, 443, 469, 472, 475.

[432] Discussion of these documents can be found in Radner (1997).

THE SHAPE OF THE BAYLONIAN ECONOMY

The Neo-Babylonian kingdom was established by Nabopolassar amid the downfall of the

Assyrian Empire at the end of the seventh century.[433] It is necessary to briefly discuss the

basic shape of the Babylonian economy during the Neo-Babylonian and Achaemenid

periods so that we can see how it differed from Greek economies of the same era. As in

Greece, land ownership was essentially private in character, although the monarch and the

numerous temples were major landowners.[434] Whereas in classical Athens, even the largest

landowners possessed relatively modest estates, the royal and temple lands in Babylonia

were more extensive, and there is much more evidence for leasing than in Greece.[435] Many

farmers were sharecropping tenants working upon land belonging to the temples and the

wealthy; the major juridical groups of the population consisted of citizens of the cities, who

were generally landowners and held the right to attend local assemblies; landless free

people who lacked these rights and often worked as tenant farmers; and slaves.[436] We must

bear these factors in mind when comparing the role of slavery in Babylonia to (for example)

Athens; the socio-economic structure of these societies differed in several significant ways

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[433] See Kuhrt (1995): 540-46; 589-90.

[434] See Ellickson & Thorland (1995) and the essays in Hudson & Levine (1999), esp. p. 386.

[435] For example, the Eanna temple in Uruk owned 12,923 *kur* of land (approximately 16,000 hectares)

during this period. See Dandamaev (1999): 365.

[436] For an up-to-date overview of the Babylonian economy in the first millennium BCE, see Jursa

(2007). The survey in Dandamaev (1984): 42-66 is still useful. For social groups within the Babylonian

population, see Dandamaev (2005).

(especially the royal and temple institutions), so any comparison must take these variables into consideration.

PATTERNS OF SLAVE-OWNERSHIP AND THE DISTRIBUTION OF SLAVES IN

BABYLONIAN SOCIETY

Before turning to the function of slave-labour it is necessary to look at the numbers of slaves

individuals of different levels of Babylonian society might own. Mendelsohn thought that

during our period a reasonably wealthy Babylonian family might own two or three slaves,

i.e. fewer slaves than were owned by wealthy families in the Greco-Roman world.[437]

Although Dandamaev's study (1984) was conducted in far greater depth, he came to the

similar conclusion that the number of slaves owned by Babylonian families was on a smaller

scale than in the classical world.[438]

In fact, Dandamaev's conclusion is based upon a misapprehension of the extent of

slaveholding in Greece and a tendency among scholars studying the Near East to treat

Greek and Roman society as economically identical. In Rome, it was possible for the

wealthiest members of society to own hundreds and on some occasions over a thousand

slaves.[439] Xenophon believed that Nicias owned 1,000 slaves whom he hired out to

contractors in the mining district of southern Attica; and that several of his contemporaries

owned hundreds of slaves.[440] As we have seen[441], these figures are exaggerated. The actual

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[437] Mendelsohn (1949): 119-20.

[438] Dandamaev (1984): 218.

[439] See Bradley (1994): 10-12.

[440] Dandamaev (1984): 218-219 n. 185 cites some Greco-Roman evidence to show that slaves made up a
proportionally larger part of the population than they did in Babylonia. But in citing Finley's
assertion that there were 60,000-80,000 slaves in classical Athens and an equivalent number of
citizens, Dandamaev does not take into consideration the families of citizens (i.e. women and

figures we find in the Attic orators point to lower numbers of slaves on average: as Plato

points out in the *Republic,* a very wealthy man might own fifty slaves (Pl. *Resp.* 9.578d-e);

and we find the same figure in Menander's *Kolax* (line 38 [Sandbach]) as the number of

slaves a very rich man might have. Whilst this may be a generic figure, it reflects the

normative upper limits of actual slaveholdings we know from forensic speeches (e.g. Dem.

27.9; 37.4; Lys. 12.19). The wealthiest Romans therefore might own twenty times the number

of slaves owned by the wealthiest Athenians of the classical period. This hardly looks like a

uniform and undifferentiated 'classical' form of slavery.

The numbers of slaves owned by the wealthy in Neo-Babylonian society is

comparable to the Athenian situation in the fourth century. Documents detailing dowry

agreements and wills are good evidence for the numbers of slaves owned by people of

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children) or the metic population. Dandamaev is therefore misled if he thinks this points to a 50:50

ratio of slave to free. He also notes that in Rome in the second and first centuries BCE 'there was a

considerable number of people who owned hundreds and thousands of slaves', but he does not notice

the large discrepancy in scale between Greek and Roman systems of slavery, and thus in a certain

sense conflates the two under the misleading rubric of 'classical slavery.' A closer look at the

Athenian evidence shows that there is a far smaller gap in terms of the scale of slaveholdings between

classical Athens and contemporary Babylonia than Dandamaev realises. This conflation may in part

derive from Finley's work; Badian, reviewing Finley (1980), perceptively writes (1981: 49) 'It is easy to

amalgamate the varied Greek and Roman world into "antiquity" – an error that Finley constantly

warns against, but, in this book, has perhaps not always successfully avoided.'

[441] See p. 216 above.

different levels of wealth in Babylonia. Let us deal with dowries first of all.[442] Nbn 243 relates

the dowry of Ina-Esagil-banat, daughter of Šum-ukin: one mina of silver, three female

slaves, and household utensils – i.e. money, trousseau and female attendants. The document

Camb 193 mentions a dowry with four slave women; the document Camb 215 mentions a

dowry with three slaves; TCL 12 32 mentions a slave woman and her family as well as two

other slaves who are all given as part of a dowry; and NRVU 4 mentions (*inter alia*) nine

slaves among the dowries of two sisters. From these documents, Dandamaev concluded that

'the daughters of wealthy Babylonians received three to five slaves as part of their dowry

along with household utensils, sums of money, fields and other items.'[443] Wills provide

further information.[444] From a close analysis of the documents, Dandamaev concluded that

'it was not uncommon for persons of moderate means to own three to five slaves'[445] and

'persons of lesser affluence owned one or two slaves.'[446]

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[442] For a study of the dowries of the Egibi family, see Roth (1991). For the legal aspects of dowries, see

Wunsch (2003).

[443] See Dandamaev (1984): 207-210. Several wills from the Šangû-Ninurta archive, only recently

published, show similar numbers of slaves and strengthen Dandamaev's conclusions. See Wunsch

(2005): 372-4.

[444] See Dandamaev (1984): 210-14. NRVU 19 records 1 slave; TCL 12 36 records 2 slaves; YOS 6 143

records 5 slaves; Camb 365 records 6 slaves; NRVU 27 records 7 slaves, as does YOS 17 348; BRL IV:19

BM 82-7-14, 143 records 11 slaves.

[445] Dandamaev (1984): 216. At least four slaves are known among the property of the family of Itti-

Šamaš-balātu, which did not belong to the wealthy prebend-holding urban elite. See Beaulieu (2000):

45.

[446] Dandamaev (1984): 217.

At the upper-end of the scale of slave ownership we may mention the hundred-or-so slaves divided among the heirs of Itti-Marduk-balatu of the Egibi business dynasty in 508 BCE (Dar 379), the one-hundred-and-eighteen slaves of another wealthy family divided upon the death of its head in TCL 13 223, and the thirty slaves of another wealthy family whose division is mentioned in the document TCL 12 43. The documents Dar 429 and Cyr 161 mention families with twenty-five and twenty-seven slaves respectively.[447]

As noted above, we know rather little about the property of the Babylonian monarchs since the archival material relates more often to temples and private families. However, the document NBK 284 is suggestive of the probably large numbers of slaves the king would have owned. It relates that Nabonidus gave 2850 slaves (war captives) as a gift to the temples of Bel, Nabu and Nergal. Only an individual with many thousands of slaves could afford to make such an offer without denting his overall holdings.[448] We know from a number of sources that the Babylonian kings of this era, upon defeating an enemy, would sometimes exercise the right of ownership over their enemies, turning them into slaves[449]; on other occasions, they might transplant a population without enslaving it *per se*, as happened to many of the inhabitants of Judah.[450] The monarch, however, possessed a far broader set of

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[447] Dandamaev (1984): 212-213; 215-216.

[448] Dandamaev (1984): 472.

[449] One document records how Nabonidus enslaved 2850 Cilicians in a campaign and forced them to work on constructions in Babylonia. See Dandamaev (1984): 563.

[450] Cf. Dandamaev (1984): 563, who notes one occasion where Nebuchadnezzar II brought people from abroad to construct temples but let them go home when the work was completed. Magdalene & Wunsch (2011): 126-7 rightly note that the Judeans in exile were not slaves of the Babylonians but a transplanted population.

options in accruing wealth than the wealthier classes of the cities, including the corvée labour of conscripted subjects[451] as well as the taxes of his territories. There seems to have been no clear demarcation between the property of the state and the property of the king.[452] In terms of royal income then, it is not likely that slave labour would have been the decisive factor, although as an individual, his personal slaveholdings are likely to have significantly eclipsed those of his contemporaries.

On the other hand, we need to bear in mind the extent to which slave ownership extended beyond the wealthier classes and into the lower economic strata of the populace. In slave-owning societies, the distribution pattern of slaves across the spectrum between rich and poor is heavily influenced by the standard price range for slaves in relation to the basic range of wages an average person might earn; another pertinent factor is access to liquid capital, since only a person with access to a significant amount of money is able to consider buying a slave.[453] In Athens, the price of slaves was comparatively low in relation to wages, and therefore it was a realistic option for a significant proportion of the citizen and metic population to buy a slave. In the antebellum US South, the price of slaves was far above the means of the average person, meaning that the distribution of slaves was concentrated towards the top-end of the wealth spectrum. Babylonia resembles the antebellum south more than Athens of the same period; in Athens, a slave might cost 200-500dr in the fourth

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[451] For corvée labour imposed by the king, see Beaulieu (2005). Here the king imposes corvée duties on the temples; this practice continued into the Achaemenid period, and the royal economy of Achaemenid Iran was supplemented by Babylonian labour conscripted from temple slaveholdings (see the next chapter).

[452] Dandamaev (1984): 558-60. For royal slaves in general, see idem. pp. 558-584.

[453] See Harper (2010).

century depending upon (*inter alia*) the age and skills of the slave, i.e. not much more than a year to a year-and-a-half's wages for the average craftsman; In Rome during the second century CE, a slave would normally cost over three year's average wages.[454] In the Neo-Babylonian period, by comparison, the standard price range for slaves amounts to around five years of wages at the average rate.[455]

Mendelsohn claimed that the relatively high price of slaves in Babylonia made slave-ownership less economical than hiring wage-labourers.[456] This is a questionable assumption: as in the antebellum US[457], slave ownership would have been highly profitable, since more-or-less all of the income brought in by the slave beyond his or her purchase price was pure

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[454] Scheidel (2005): 5.

[455] That is, taking the standard price range for slaves at between 50 and 60 shekels (Dandamaev 1984: 204) and the average wage for a labourer at 12 shekels (Dandamaev 1999: 377). There were of course exceptions. Children would inevitably be cheaper, and we find for instance a child sold at around 10 shekels in UET 4 4,28,30,190 (Dandamaev 1984: 200). The study of slave prices is, however, a very inexact science. See the important study of Harper (2010) on the economic aspects of slave prices. The large amount of quantitative data on this topic from Mesopotamia makes a study such as Scheidel (2005) but directed towards the Near Eastern evidence a desideratum.

[456] Mendelsohn (1949): 118-119.

[457] Fogel & Engerman (1974): 72-5 discuss the price of slaves in relation to wages in the antebellum south. Between 1830 and 1835 the average price for a slave was $948, whereas average wages were at $127; similar proportions can be found in later decades fluctuating between 10.3 and 18.5% annual return. In other words, the price of a slave in this period amounted to over seven years wages. This explains to a large degree the upward concentration of slaves in the society of the US South. Nevertheless, slave labour was highly profitable (Fogel & Engerman 1974 *passim*).

profit (minus living costs). The major economic difference between Babylonia and Attica lies in the fact that the option of buying a slave would not have extended as far down the socio-economic scale in Babylonia, since it would take an individual with an above-average level of income to invest in buying a slave, and such an investment would not bring in clear profit for five or six years. We should not suppose, therefore, that slavery in Babylonia was unprofitable, merely that it was impeded from developing as far downwards in the socio-economic spectrum as in Attica during the same period. In other words, slave ownership was not a viable option for a greater proportion of the free population in Babylonia than in Attica.[458]

To sum up: many Babylonians will not have been able to afford a single slave, but a family of means could have owned several. Very wealthy elite families are attested as owning over thirty and sometimes over one hundred slaves. This is comparable to Athens of the same period, where many individuals did not own a single slave, but only the very wealthiest, such as the father of Lysias and Polemarchus, could have owned over a hundred (Lys. 12.19). The monarch appears to have owned slaves on a much grander scale. On the other hand, a comparison of the level of wages and the standard price range of slaves shows that slaves were more affordable in classical Athens than in Babylonia of the same period, and the concentration of large numbers of slaves among elite families is no doubt due to their more formidable wealth.

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[458] Cf. Dandamaev (1984): 246-8.

ELITE FAMILIES

As we have noted, the bulk of our documentation pertains to private households and temple institutions. By comparison, little is known about royal property or the property of the lower classes. Many of the private archives relate to the financial dealings and property transactions of the urban upper classes, and the economic activities of two households in particular are known in great detail: the Egibi and Murašû dynasties. For both of these families we possess extensive archives. Private archives of a number of other families have been discovered and several recent studies have analysed their contents.[459] These archives provide excellent documentation for the economic activities of the urban upper classes and the various sources of their income, but their limitations must be taken into consideration when assessing their various ventures.

The major limitation of these archives is their selective presentation of business activities. As Stolper notes, the reason why these archives were created was to preserve records of legal obligations in case a record was required in the future – for example, for the purposes of accounting or security against possible future litigation.[460] Many facets of the business ventures of the family whose archive we possess therefore are simply invisible to us. An example will help to illustrate this problem: when a pledged object was redeemed and obligations regarding loans discharged, the clay record would normally be destroyed.

[459] See Stolper (1985), Wunsch (1993), (2005), Beaulieu (2000), Jursa (2005).

[460] Stolper (1985): 28 'the Murašû archive does not supply a complete record of the growth and demise of these enterprises. Only those documents were retained on file which the last active members of the firm considered useful to the maintenance of the business. Reasons for the preservation of individual texts are not always clear.' See also the important comments of Abraham (2004): 11.

This leaves us with a skewed picture of loan agreements and makes it impossible to judge how frequently default occurred compared to fulfilled obligations.[461] A similar problem exists regarding the occupation of slaves, since normally the slave would be assigned his or her duty without the creation of any lasting record of their job. This amounts to a major obstacle in assessing the exact role of slavery in Babylonian economic life. As we have seen above, a family such as the Egibi might own over a hundred slaves, but we know of this from an inheritance document, which was preserved to record the division of property among male heirs, not to record the occupations of the firm's slaves. Unless the slave was hired out to a third party (thus creating a contract and hence a permanent record) or acted as an agent of his owner (see below) there is normally no reason for an attestation of the slave's function to appear in the family archive. Presumably, the contribution of these hundred-or-so slaves to the business activities of the Egibi must have been significant, or else their owners will not have invested so much money in acquiring them, but their precise roles are difficult to determine. We shall consider this further shortly.

First, it is necessary to sketch the normal business activities of the urban upper classes. Modern historians often make a distinction between 'prebendary' families, and 'entrepreneurial' families, but there is considerable overlap in their means of acquiring wealth.[462] Here, therefore, they will be treated alongside one another, although I should not wish to conflate them fully since there was a degree of variation in the importance of certain sources of income to their overall wealth. The basic distinction is that the prebendary families were in receipt of lucrative temple prebends which contributed a significant amount

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[461] Stolper (1985): 106.

[462] Jursa (2007): 229-232.

of their income, whereas entrepreneurial families often were not in receipt of these prebends and instead drew more upon a diverse set of investments and ventures such as the provision of credit, tax farming and mercantile activities. Prebends were essentially lucrative positions whereby the holder would perform a determinate service for a given temple such as providing certain commodities in return for payment (usually in kind), which formed a secure source of income.[463] Wealthy prebendary families in the cities derived the bulk of their income from a combination of their prebends and land ownership, which often meant leasing land out to sharecropping tenants.[464] The overlap lies to an extent in the fact that 'entrepreneurial' families not in receipt of prebends also commonly derived a significant amount of income from land leasing. However, we must bear in mind that our two largest archives – those of the Egibi and Murašu houses – concern an enterprising merchant family on the one hand, and a family of moneylenders on the other; these occupations required extensive record-keeping and may not be representative of wider conditions, especially in the countryside. Only when the sources of wealth of the upper classes are more widely understood will it be possible to outline broadly valid generalisations.

The archives of the Egibi family record various business transactions over the span of a century, from the time of Nebuchadnezzar II to the reign of Xerxes, and are a good example of an entrepreneurial mercantile family. They engaged in a number of activities, but above all mercantile transactions, engaging less in production and more in the purchase and subsequent sale of foodstuffs such as barley, dates and onions, as well as wool. Large profits were to be made in this line of business due to the expanding non-agricultural sector, which

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[463] Jursa (2007): 229-30. For a case study of a family with multiple prebends, see Capitanio (2005).

[464] Jursa (2007): 230.

had to rely upon purchase for the acquisition of the necessities of life.[465] As noted above, the

Egibi were also large slave-owners.[466] When Itti-Marduk-balātu, who took over the family

business during the reign of Nabonidus, died, his sons took over and jointly managed the

family firm; in the fourteenth year of this arrangement, it became necessary to divide the

property among the heirs. The document Dar 379 is a fascinating catalogue of the family's

assets: among them are over a hundred slaves.[467]

The archives of the Murašu family provide an important point of comparison with

the Egibi family. Whereas the Egibi were heavily involved in trade, the Murašu looked

elsewhere to increase their wealth. This family made money primarily from entrepreneurial

land-leasing: they rented land from major landowners as well as the holders of 'bow-fiefs'[468],

paid the state taxes for these lands in silver, and sub-let the land to tenant farmers. Unlike

modern banks, they did not use the funds of their customers to invest in commercial

ventures, but operated on their own resources; Dandamaev describes them as 'mainly an

institution of agricultural credit.'[469] Like the Egibi, this family also owned considerable

numbers of slaves.

As noted above, the work of these slaves is only visible when a reason exists for

information of this sort to be preserved in the family archive. Such a scenario might be the

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[465] Wunsch (2007): 238. For an in-depth study of one generation of this family, see Abraham (2004).

[466] For the slaves of the Egibi, see Abraham (2004): 162.

[467] Not all of the names are preserved; some of the documents are fragmentary, so we are dealing here with minimum numbers.

[468] These were lands granted by the king, the holders of which were meant to provide military service in return. See Stolper (1985): 24-27.

[469] Dandamaev (1984): 62. For a study of the Murašu firm, see Stolper (1985).

apprenticeship of a slave to learn a trade[470], or the hire of a slave to a third party, or the involvement of slaves in the family's transactions as agents, where they might be responsible for creating contracts, thereby leaving a trace in the written record.[471]

Something needs to be said now about slaves acting as business agents for their owners. Like Greek and Roman law, Babylonian law did not recognise the principle of free agency.[472] This meant that a third party could not create contracts between employer and another party which would be legally binding. The institution of slavery represented a way around this problem, since the contracts of a slave were the responsibility of the slave's owner, meaning that slaves could play the role of business agent for their master.[473] Itti-Marduk-balatu, the head of the Egibi family, used slaves in many of his business ventures, for establishing contracts, keeping accounts (Nbn 776), collecting debts and rents (Camb 253; Camb 351; Dar 313; Dar 362; Dar 461; Dar 542), and acting as general dogsbodies in the businesses of their owners (for example, collecting purchases: Dar 392).[474]

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[470] Dandamaev (1984): 279-90 discusses the twelve surviving documents which relate to apprenticeship contracts for slaves.

[471] For the various attested occupations of slaves, see Dandamaev (1984): 249-307. Among the Egibi archives we find some information on slaves in the family brewery, but most of the documents relate to apprenticeship, slaves being hired out, and slaves acting as agents: see Abraham (2004): 162 n. 632.

[472] For the role of slaves as agents in Greece, see Harris (2002): 83.

[473] For examples of slaves acting as agents of their owners in Babylonia, see Dandamaev (1984): 308-319.

[474] Dandamaev (1984): 308-14. One slave owned by the Egibi family stands out: Madanu-bel-usur. He seems to have been allowed to possess a peculium and privately run his own business ventures, including money-lending and mercantile activities. Enterprising slaves such as this individual were

The Murašu family also employed slaves in a similar capacity. For example, the document PBS 2/I 201 describes the receipt of rent on a field collected by Murašu slaves, who in addition arranged for a receipt of the deal and signed it with the seal of their own signet rings.[475] Other documents from the Murašu archive show that their lucrative business in paying state taxes in silver for third parties in return for payment in kind was facilitated through the agency of slaves. For example, TMH 2/3 189 a slave of the Murašu family, Ellil-supe-muhur, arranged the payment of state taxes for seven bow-fiefs. Slaves are also known to have engaged in activities such as encumbering property of their owners as security for loans, foreclosing on the security of defaulting debtors on behalf of their owners, and contracting apprenticeships for fellow slaves on their masters' instructions (TMH 2/3 204; BE 9 25; PBS 2/I 137; ZKM 2 pl.c)[476]

One problematic area for the student of Babylonian slavery lies in the employment of slaves in agricultural production. Wealthy Babylonian families often owned large amounts of land in a number of different locations. The Egibi family, for example, owned various portions of land which they attempted to exchange for plots adjacent to one another; partible inheritance tended to break these larger agglomerations down, and we possess documents with field-plans showing the division of land upon the death of the head of a family.[477] Most of the documentation which survives relates to tenancy agreements, whereby the tenants agreed to cultivate the land and pay the lessor a proportion of the crop, i.e.

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valuable assets for their owners. See Dandamaev (1984): 345-64. See also Abraham (2004): 128, 137, 178-9 for slaves acting as agents.

[475] See Dandamaev (1984): 315; for the seals of slaves, see pp. 401-4.

[476] Dandamaev (1984): 319.

[477] See the diagrams in Wunsch (2007): 242-3 and discussion on pp. 241-44.

sharecropping.[478] We do possess some evidence for the employment of slaves in agriculture, but this largely relates to slaves 'working on their own time' and acting as tenant farmers in a similar fashion to free individuals (e.g. Dar 476; TMH 2/3 174; NRVU 470 & 471; Nbn 627; NRVU 408).[479] Dandamaev has argued that this picture (i.e. one based primarily upon tenancy) is generally valid across Babylonia during our period; however, we must bear in mind the nature of our evidence. If a man were to employ several slaves on his agricultural land, it seems unlikely that any written record of this would survive, since it would not be normal to produce a contract for this sort of arrangement; the master would simply order his slaves to work, leaving little or no trace in the cuneiform record. What survives, instead, are the records of contracts relating to farming, which may skew our picture of the labour relations in Babylonian agriculture towards contractual arrangements.[480] The exact contribution of slave labour to agriculture is thus rendered opaque by the tyranny of the evidence; because we lack sources describing Babylonian economic life beyond the prosaic records of contracts, transactions and so on, it is not possible to fully account for the occupations of slaves.

The main area where the significance of slave labour is fully visible lies in business. When we consider the various business ventures of the urban elite in Babylonia during our

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[478] Dandamaev (1984): 252-78 addresses the topic of slavery in agriculture in detail.

[479] For an overview of these and other documents relating to slaves leasing agricultural land, see Dandamaev (1984): 252-69.

[480] Dandamaev (1984): 271-2 rejects this argument because of the lack of positive evidence in its favour. However, a picture where slavery played a greater role in agriculture than our written records suggests is not unlikely, and modifies rather than upsets the picture we possess of extensive tenant farming.

period, we should recognise that these activities were greatly facilitated by the possibility of utilising slaves to conclude a variety of business deals and provide the manpower to organise the transactions and activities of the family firm. Without the contribution of slavery, it would not have been possible for the 'entrepreneurial' families to have branched into as many areas of business, since their ventures were multifarious and their contracts numerous, requiring a staff of agents. In essence, the possibility of utilising slaves as agents significantly enlarged the scope of entrepreneurial Babylonians with regard to commercial activities.

It is difficult to say how typical these 'entrepreneurial' families were among the elite, although continuing work on the archival material suggests that their approach to making money was quite common.[481] Certainly, there was some variation in the size and scale of activities among the wealthy urban elite; whereas the richest were the beneficiaries of (often multiple) lucrative temple prebends, others were sometimes not and enjoyed more modest incomes derived from other sources. The archive of the family of Itti-Šamaš-balātu, which was not as wealthy as major players such as the Egibi or Murašu families, shows a similar set of activities: leasing land from the major institutions, sub-leasing it to agricultural workers and profiting from the proceeds; providing credit secured against land to soldiers and workmen who required liquid capital; tax farming, and using some of their own

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[481] As Wunsch (2007): 238 notes, 'numerous smaller private archives, as well as information about other entrepreneurs in the Egibi documents demonstrate that a great number of urban, upper-middle class people were engaged in similar activities.'

workers to cultivate their land. This diversification of investments is described by Beaulieu as having 'a finger in every pie.'[482]

Let us summarise. The wealthier strata of the urban communities of Babylonia during our period derived their income from a diversity of ventures, especially from rents and temple prebends, but also from mercantile ventures, money-lending, tax-farming, and so on. It is difficult to say whether they were involved in the organisation of basic production to the same degree as their Athenian contemporaries. Although many of them owned or leased significant amounts of land, the nature of our evidence tends to show only the lease of land to sharecroppers and obscures any role slaves might have played in cultivation.

Thus we are left with an incomplete picture of the contribution of slave labour to elite wealth in Babylonia. On the one hand, we know that many elite families owned large numbers of slaves. Unless one wishes to believe that these slaves were bought merely for conspicuous display – and this seems rather unlikely – they must have been involved in gainful occupations and contributed to the wealth of their owners; indeed, a number of these occupations are attested when reason exists for a written record to mention the jobs of slaves. On the other hand, the vast majority of the archival material concerns legal documentation relating to the family's business ventures, and this sort of evidence is not generally concerned with recording the contribution of slave labour. The mono-dimensional nature of the evidence prevents approaching the institution of slavery from a variety of different angles as is possible in relation to classical Attica.

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[482] Beaulieu (2000): 43.

TEMPLE SLAVERY

The numerous temples of Babylonia owned large amounts of property including real estate; they also owned large concentrations of slaves.[483] We are well informed about two temples in particular: the Eanna temple in Uruk, and the Ebabbar temple in nearby Sippar; both institutions have left extensive archives relating to our period.[484] The economic power of the temples represents a major difference in socio-economic structure between Greece and Babylonia. Although Greek temples possessed complex economies of their own, the scale of property-ownership among the Babylonian temples is quite remarkable. Although our general comparative approach to examining slavery in various ancient societies has been to focus upon the elite, it would be a major omission to discuss Babylonian slavery without referring to the temples, which were intimately connected to the business activities of the urban upper classes, and at any rate deserve some degree of independent consideration.[485] Babylonian temples were commonly gifted slaves from the monarch as well as private individuals;[486] slaves owned by the temples were known as širku.[487] The scale of slave

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[483] Kleber (2011) adopts Patterson's approach to defining slavery, and therefore sees major differences between temple slaves and 'chattel slaves.' Her analysis lacks a clear notion of ownership (for example, she confuses ownership and possession at p. 106) and fails to notice the limitations with Patterson's approach. This results in a confusing situation where differences in the social condition of slaves are equated with differences in legal status. For a better study of the status of temple slaves, see Dandamaev (1984): 547-57.

[484] The best major study of a temple of this era is Bongenaar (1997), dealing with Sippar's Ebabbar temple.

[485] See the essays in Bongenaar (ed.) (2000).

[486] For the sources of temple slaves, see Dandamaev (1984): 472-87.

ownership in some of the temples was so great that there existed a considerable hierarchy among the slaves and a complex administrative structure. In terms of the size of temple slaveholdings, for example, we know from documents relating to corvée duties imposed upon the temples that large gangs of slaves belonging to these institutions might be conscripted for public works. The document NRVU 805 details the conscription of three hundred slaves to work on the royal estate for an unspecified length of time. Other documents listing the rations of temple slaves describe large groups: YOS 17 318 describes the provisioning of a group of fifty slaves in the Eanna temple; CT 56 756 describes the rations disbursed to sixty-six slaves of the Ebbabar temple.[488] These groups do not represent the total numbers of slaves owned by the temples, but sub-divisions of the temple's overall holdings, which might be as high as several thousand.[489] These groups were organised under overseers.[490]

Temple slaves were put to use in a variety of ways. They played a more obvious role in agriculture than the slaves of private individuals, unsurprisingly given the extensive landholdings of the temples. Some temple slaves were put to work directly in the fields, cultivating grain, planting trees and gardens, maintaining canals and draining marshes (e.g. YOS 6 26; YOS 6 171; Cyr 126VS 20 42). Others worked more-or-less 'on their own time', renting temple lands, cultivating them, and paying a certain proportion of their produce to the institution (e.g. YOS 7 47). However, not all of the temple lands were cultivated by

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[487] The classic study of these slaves in Dougherty (1923); more up-to-date discussion can be found in Dandamaev (1984): 469-557; Bongenaar (1997) *passim*.

[488] Dandamaev (1984): 502.

[489] Jursa (2007): 228-9.

[490] Dandamaev (1984): 506-8.

slaves; the land which was not was rented out to private individuals, often using local

upper-class entrepreneurs as intermediaries.[491] Temple slaves are also known to have

worked in various crafts.[492] Slave labour therefore was an important form of income for the

temples, and the administration of the temples' financial interests and investments, just as

was the case for many private wealthy families, lay to some degree in the hands of temple

slaves.[493]

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[491] See Dandamaev (1984): 590-615 for other forms of temple labour.

[492] Dandamaev (1984): 512-15.

[493] See Dandamaev (1984): 525-30.

CONCLUSIONS

Slavery was a highly developed institution in Babylonia during the period of the Neo-Babylonian and Persian kings. Slave-holdings seem to be on a par with and sometimes exceeding those of Greek societies during the classical period in terms of numerical size. However, the question of the contribution of slave labour to elite wealth is fraught with difficulties, not merely in making valid generalisations in the absence of the sort of generalising comments we find in, for instance, Attic literature, but also in determining the occupations of slaves. The selective nature of the Babylonian documents means that it is important to keep one eye on the evidence itself and another on the limitations inherent in it.

In Attica, slave labour played a key role in production, both in agriculture and in manufacturing, areas from which the liturgical class drew significant proportions of their revenue. These Athenians did, of course, also engage in renting property, speculation on bottomry loans, other forms of lending, and so on.

In Babylonia during the same period, the upper classes drew their wealth from a rather different set of sources, which were often one step removed from primary production. Although they often owned large numbers of slaves, the private archives which survive detail mainly (i) renting land to sharecroppers, sometimes land that they had leased from the larger institutions and subleased to these producers; (ii) holding temple prebends; (iii) engaging in the supply-side of the economy, buying products from producers and arranging transport and supply to consumers; and (iv) providing credit and liquid capital secured against land, slaves, and so on to those in need of it. Like the evidence of the Hebrew Bible, the evidence for slavery in Babylonia is very different to that which survives for the Greek

societies we have examined above, and this means that a subtle approach is required in comparing the role of slavery in these respective societies.

One final problem in comparing slavery in Babylonia to Greece lies in the fact that one must take into consideration the role of the temples and their scale as economic institutions. This marks a major structural difference between the economies of Greece and those of Mesopotamia; Near Eastern temples as economic entities far exceed the size of such institutions in Greece. Slave labour was an important resource for the temples, and the larger temples might own thousands of slaves. This needs to be borne in mind in assessing the overall impact of slavery to the economy of Babylonia during our period.

Was Babylonia a slave society? The identification of Babylonia as a slave society using Finley's criteria is controversial and perhaps not possible to prove; elite wealth was derived from a number of sources, often removed from primary production, and may not have been founded wholly or mostly upon slave labour, although as we have seen elites made extensive use of slaves to facilitate business activities and owned large numbers of slaves. The fact that the contribution of slave labour was not always directed at primary production makes its impact very difficult to quantify. We can at least, however, confidently describe Babylonia as a large-scale slave system, and it could be argued that slavery formed a structurally important role in Babylonian society during our period. This is a far cry from Finley's notion of the region as one where slavery played 'no role of any consequence.'[494] To the extent that we may dabble in statistics, Dandamaev's estimate that slaves may have

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[494] Finley (1981): 114-115.

made up somewhere in the region of a quarter to a third of the population[495] would place

Babylonia comfortably inside the category 'slave society' using Hopkins' criteria.

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[495] Dandamaev (1984): 218.

SLAVERY IN THE PERSIAN EMPIRE

When studying slavery in classical Attica, we find ourselves in the fortunate position of possessing extensive documentation from numerous genres for a (geographically speaking) discrete area. The study of slavery within the Persian Empire is made more challenging because, first of all, the Empire covered a vast swathe of Asia as well as extending as into parts of Africa and Europe, and second, it incorporated many distinct societies within a single overarching governmental system.[496] Hand-in-hand with the former problem is the patchiness of our sources, which describe the economic workings of some regions in a welcome degree of detail; but for other regions vast and yawning gaps exist in our knowledge. The second problem raises a question of method. For a distinct and abundantly documented society such as classical Attica, the question of 'was it a slave society?' may be answered with a reasonable degree of confidence. In Attica we can identify the economic elite and the role it played in political life; and we can document its sources of income and the uses it made of its wealth. But for a vast agglomerate such as the Persian Empire we need to distinguish several levels of hierarchy and discuss the distribution and sources of power accordingly.

We should begin with local elites. I will treat these as the indigenous upper-classes of the various distinct societies which made up the Persian Empire (although Persian

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[496] Davies (1998): 251 therefore insists that the Achaemenid Empire 'has to be seen economically as a partially interlocking set of separate local-regional economies, overladen by the two mildly unifying factors of a tax system and of estate holdings in provincial/satrapal areas on the part of Persian grandees.'

infiltration into the wealthier classes of native communities must inevitably have occurred to varying degrees and is attested in several regions[497]). Superimposed upon these societies were the governmental structures that bound the constituent cultural components of the Persian Empire together into a single system, from the monarch, down to the members of the royal family and the Persian nobility who were largely responsible for the running of satrapal governments and the administration of the Empire. Our patchy sources document the intensive use of slave labour at both levels. What we cannot achieve is a comprehensive and even knowledge of the use of slave labour throughout the Empire: the state of our sources does not permit this. What we can achieve, however, is a determination of whether the use of slave labour by wealthier elements of society in different areas and at different times was quite different from the situation in Athens and other Greek societies, or whether a greater degree of similarity can be discerned than has hitherto been recognised. What follows is a survey of the evidence from various areas of the Empire; whilst patchy, it is clear that where the sources of elite wealth can be documented, slavery is often found.

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[497] See Briant (2002): 472-514.

ASIA MINOR

Persian presence in Asia Minor was more concentrated in some areas than others. Some

regions, such as Paphlagonia and Cilicia, were nominally part of the Empire but to all

intents and purposes were ruled by local dynasts. The presence of Persians 'on the ground'

in these areas seems to have been reasonably thin, and occasionally their rulers might rebel

from the central authority, such as when Agesilaos convinced the Paphlagonian king Otys to

secede from the Persian fold (Xen. *Hell*. 4.1.3). Other regions were yet less tractable: Mysia

and Pisidia were noted for their recalcitrant attitude to Persian rule and their innumerable

petty wars against the Great King (Xen. *Hell*. 3.1.13; *Anab*. 2.5.13; 3.2.23; *Mem*. 3.5.26;

Hell.Oxy. 21.1). In other regions, however, surprisingly large numbers of Persians were

present, particularly in those areas near the Aegean coast such as Lydia, Caria and Ionia.

The districts of Hellespontine Phrygia and Greater Phrygia fell well within the Persian fold,

and satrapal courts in Sardis and Dascylium served as a focus for Persian presence.[498] The

Persians in these regions belonged to various elements of Persian society: some were regular

soldiers, whilst others were derived from much wealthier backgrounds (especially the men

who served as Satraps, who were fabulously rich, e.g. Xen. *Hell*. 4.1.15-16). Land seems to

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[498] Sekunda's (1985), (1988) and (1991) studies assemble a great deal of material and provide a

convincing model of the military hierarchy within the Persian population of Anatolia. For further

studies of Achaemenid presence in the lands of Asia Minor, see Maffre (2007) for Hellespontine

Phrygia; Summerer & Von Kienlin (2010) for Paphlagonia. For Cilicia, see Shaw (1990): 207-217. For

an overview of Persian Anatolia, see Briant (2002): 697-713.

have been granted to many Persians in these regions and held as a kind of fief by their

owner, who was burdened with military obligations toward the Great King.[499]

By far the best evidence for slaveholding by Persians in Asia Minor is a story told by

Xenophon (*Anabasis* 7.8.7-22) which describes in detail the estate of a wealthy Persian in

Mysia, on the plain of the Caicus around the year 400 BCE. Xenophon, with some of the

mercenaries who had returned with him after Cyrus' failed coup in Babylonia, were

received by a woman named Hellas, who advised them to raid the estate of a wealthy local

Persian, Asidates. They made the expedition at night; at the centre of his estate was a

strongly-built tower (*tyrsis*), eight bricks thick, manned with soldiers. Surrounding this were

his lands, full of cattle and slaves. As it happened, the raid was a botched job, and the Greek

mercenaries were lucky to make it out alive; they captured (*inter alia*) about 200 slaves, and it

is clear that these slaves constituted only a portion of Asidates' overall holdings.[500]

Several classical historians have tried to explain away the significance and

implications of this passage. Sekunda has argued that the *andrapoda* mentioned by Xenophon

were not 'chattel slaves' as the Greeks knew them, but some mysterious form of Oriental

bondage which Xenophon did not properly comprehend.[501] But we must ask ourselves, why

should we suppose this to be the case? This assumption is simply derived from deeply

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[499] See Sekunda (1985).

[500] See Dandamaev (1963): 148; Briant (2002): 500-501. Xen. *Anab*. 7.8.12 makes it clear that most of the *andrapoda* escaped, so that the ones captured by Xenophon's force represented a fraction of the total number.

[501] Sekunda (1985): 13, 'it may be that the agricultural families under Asidates were of serf rather than slave status.'

engrained attitudes that the socio-economic character of the 'Orient' must inevitably have been quite different from that of the classical world. To support this argument, Sekunda has argued that the term *'andrapoda'* in this passage means more-or-less 'potential slaves', i.e. free individuals who were about to become enslaved by the Greek force, and were thus described in an anticipatory sense as *andrapoda*.[502] Rosivach claims that 'when our sources speak of ἀνδράποδα captured in such raids it is usually impossible to tell whether these were already slaves or free persons now reduced to slavery.'[503] But Rosivach's point is only valid with regard to references to *andrapoda* after the instance of capture. A close reading of the text shows that in this particular circumstance, the workers on Asidates' estate are referred to as *andrapoda* prior to capture. As well as suffering from the weaknesses of the former argument (assuming as a matter of course that 'Orientals' could not own large numbers of slaves because that is what classical, not oriental, peoples did), Sekunda's argument suffers from the added weakness of being inherently implausible. What is to be gained by referring to people who are not slaves but will become slaves as slaves in an anticipatory sense other than confusing the reader?[504]

A more sensible approach has been advocated by de Ste. Croix, but this suffers the same prior assumption as the first argument. De Ste. Croix did not doubt that Asidates

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[502] Sekunda (1985): 13.

[503] Rosivach (1999): 137.

[504] Like the implications of Ephorus (*FGrHist* 70 F117) for the Helots, this example shows too how those who believe in widespread serfdom in the classical world are prepared to accept a contorted reading of certain key passages rather than accepting the more natural conclusion that slavery is implied therein.

owned over 200 slaves[505]; he simply put this down to Asidates' position on the fringes of the Aegean world. In other words, Asidates was a Persian who had become 'Hellenised' to the extent that he copied his Greek neighbours in manning his estates with slave labour; or as de Ste. Croix baldly puts it, 'Barbarian grandees were often only too ready to adopt Greek practices.'[506] As we shall see, the prevalence of slavery in other areas deeper within the Empire makes this assertion unnecessary.

The notion that Asidates' estate was atypical fails to take notice of the information furnished by Plut. *Eum.* 8.5. According to this account, Eumenes of Cardia managed to pay his troops by capturing a number of castles (*tetrapyrgia*) in Phrygia which were full of slaves and flocks. Herodotus (7.27-8) preserves similar information for an earlier period: Atys, the richest man in Asia besides the Great King, was prepared to give Xerxes all of his wealth to finance his invasion of Greece; he would retain his farms, where he would continue to dwell, living off the revenue of his slaves and flocks. Not only do these examples parallel the situation of Asidates, but they make it clear that in western Asia Minor such establishments were nothing out of the ordinary. We know that Asidates was not the most prominent Persian in the immediate vicinity, but he may rank among the wealthiest in the Satrapy.[507] In this case, we should expect the slaveholdings of Satrapal families to be much larger than

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[505] De Ste. Croix (1981): 507-8 'they must surely have been slaves in the Greek sense, rather than dependent peasants.'

[506] De Ste. Croix (1981): 569 n. 42a.

[507] There is some ambiguity whether Asidates' lands lay within the satrapy of Hellespontine Phrygia or that of Lydia at this time. See Sekunda (1988): 181.

those of the wealthy in Athens or Sparta, but perhaps comparable to the holdings of some of the wealthiest grandees of Thessaly.

This is even less surprising when we consider the availability of slaves in Asia Minor. We know for certain that Asia Minor (and Phrygia in particular) furnished slaves in great numbers to the Aegean world constantly throughout the classical period.[508] The supply of slaves from Phrygia dates at least as far back as the early sixth-century[509], and a document from Cyzicus from the end of this century attests to slaves being brought to Cyzicus for sale by an individual who is probably a Phrygian merchant.[510] As several scholars have noted,

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[508] Miller (1997): 81-5; for more detail on this process, see Lewis (2011): 99-110.

[509] According to Ezekiel 27:13 (*fl.* early 6th c) the Phoenicians bought slaves from Javan (Greece), Tubal (Cappadocia) and Meshech (Phrygia).

[510] *SIG*³ # 4. The inscription records a grant of *ateleia* from Cyzicus to a certain Manes, and stipulates several exceptions to the grant including the tax on horse and slave sales. Von Gaertringen (followed by *LGPN* V a) thought that Manes was a citizen of Cyzicus whose father had died fighting for the city, hence the bestowal of honours on his son and descendants. This interpretation should be rejected for several reasons. First, Manes is a Phrygian name, and whilst it would not be impossible for a Cyzicene to bear such a name, the balance of probability means that it is more likely he is a foreigner. Second, if he was a native of Cyzicus, the form of the honours would be highly unusual; *ateleia* is generally granted to foreign merchants. Third, why make the very specific exceptions to the honour? These point to something more specific than a generic honouring. A better interpretation would have Manes as a foreign, probably Phrygian, merchant, whose activities were extensive enough to merit public recognition in Cyzicus, where he sold his wares – especially horses and slaves. The public revenue generated by the influx of these big-ticket purchases merited their exception to his otherwise comprehensive tax-exemptions.

barbarian slaves were sold in Attica for a comparatively low price during the fifth and fourth centuries.[511] It stands to reason therefore that in areas closer to their point of origin, these slaves will have been not only cheaper, but also abundantly available.[512] Slave labour was therefore an attractive option for the wealthy landed elite of Persian Asia Minor. These individuals did not have to rely upon a mysterious and shady form of Oriental bondage, but could tap the same reservoir of cheap slave labour as their Greek contemporaries, and tap it closer to its source.

It would be overly simplistic, however, to regard slave labour as the only source of income for those wealthy Persians dwelling in Anatolia. For one thing, our sources are fairly limited, so other avenues of wealth should at least be given consideration. One source of wealth noted in classical literature is certain revenues from specific communities granted by the Great King as a favour. One might note the grant of Magnesia, Lampsacus, Myus, Percote and Skepsis to Themistocles for his bread, wine, meat, fish, and other items (Thuc. 1.138.5; Plu. *Them.* 29). Clearly, the King did not grant Themistocles ownership of these communities; rather, he granted him the right to certain revenues from each.[513] Other

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[511] Jones (1956): 194; de Ste. Croix (1981): 227; 585-6; Scheidel (2005): 11-12.

[512] De Ste. Croix (1981): 508 writes that 'I see no reason to doubt that Greeks who settled in new areas of Asia or Syria and became landowners would immediately buy slaves to work their farms, as in their homelands. Nothing prevented them from doing this, and since many slaves had been brought to Greece itself from districts in Asia Minor (especially perhaps Caria, Lydia and Phrygia) and Syria, slaves would probably not be exceptionally dear there.' *Mutatis mutandis*, the same principal can be extended to non-Greek landowners in Asia Minor.

[513] See Dandamaev & Lukonin (1989): 138-9.

examples of this kind of gift are known; we might mention, for example, the villages near

Aleppo which furnished various revenues to the Persian queen and were known as 'the

queen's girdle' (Pl. *Alc*. 123b-c).[514]

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[514] See Briant (2002): 460-463.

SLAVERY IN THE LEVANT

19th century scholarship often imagined that the exile of the people of Judah to Babylon emptied their native land of its population, but this notion has been widely refuted; archaeological evidence seems to back-up the notion that the vast majority of the population of Judah remained where they were, with only the elite suffering deportation to Babylonia.[515] When the Persian king Cyrus II granted permission for the exiled elite of Judah to return to their homeland, the exiled community had been living in Babylonia for fifty years. The books of Ezra and Nehemiah describe the numbers of the returnees in detail:

Ezra 2:64-5   **Free people**: 42,360

                           Slaves: 7,337 plus 200 singers

Nehemiah 7:66-8   **Free people**: 42,360

                           Slaves: 7,337 plus 245 singers

Some scholars have thought that the ratio of slave to free (roughly one slave to every five free persons) among the returnees can be used as a general gauge for the number of slaves that a wealthy Jew might own.[516] Clearly, this is not the case. First of all, these individuals (or

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[515] See Barstad (2003).

[516] e.g. de Vaux (1961): 84 'the census of the community on its return from the Exile (...) records 7,337 slaves of both sexes as compared with 42,360 free persons. The situation is therefore utterly different from that in Greece and Rome, but has its parallel in Mesopotamia, where a family of substance had one or two slaves in the earliest periods, and from two to five in the Neo-Babylonian era.' De Vaux treats these figures as indicative of general conditions during the monarchical period. Dandamaev

more accurately, their forbears) had been stripped of their property and exiled to Babylonia; what property they subsequently accumulated relates to their life in exile and cannot be used as an index of their living standards in other places or at other times.[517] Second, Ezra-Nehemiah only gives us absolute figures. It is impossible to say from this how these slaves were distributed across the free population. Some may have owned a number of slaves, and others none. Still, it is remarkable that a group of destitute exiles were able to acquire so large a number of slaves in such a brief period.

When they returned to their homeland they found that many of the traditions of the Israelites had lapsed into disuse, among them the laws of temporary bondage. Many landowners were keeping fellow Israelites as slaves, and it seems that the abuses which were rife during the reign of Zedekiah (597-587 BCE; see Jer. 34:11), i.e. before the exile took place, had continued after the elite had been deported. Nehemiah (5:6-13) reports that he convinced those holding their fellow countrymen as slaves to release them. This suggests that the wealthier classes in the non-deported element of Judah's population had been employing slave labour upon their estates for some time. Nothing is said about foreign

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(1984): 218 notes that the figures relate to the exiles in Babylonia only, and is reluctant to extrapolate the figures for the native Babylonian population. He (rightly) does not consider extrapolating them for the pre-exilic population of Judah.

[517] In an important recent study, Magdalene & Wunsch (2011) discuss cuneiform documents which attest to Judeans in Babylonia during the exile as slaveholders.

slaves, but given the nature of the Biblical attitude to foreign slaves and the tone of this passage, we would not expect any mention to be made.[518]

Other texts point to a continuity with what came before, and a return to traditional economic practices. The picture of slavery we have noted from the book of Job is to be situated in our period, as is that in Qoheleth (Ecclesiastes). Both of these works reflect the same basic picture of slave labour that is to be found in earlier literature. The Hellenistic book of Tobit, like the aforementioned books, is set in an earlier era; one of its characters, the wealthy Raguel, is presented as a slave owner (3:7-9; 8:9; 8:12; 8:18; 9:2-5). In 10:10 Raguel gives Tobit half his wealth as a dowry for his daughter: male and female slaves, oxen and sheep, donkeys and camels, clothes, money and household goods.[519] Catherine Hezser has shown that slavery in Palestine from the Hellenistic period onwards existed on a wider scale than has traditionally been thought[520], and that slave ownership was widespread, especially among the wealthy. Our overview points to a high degree of continuity of practice with earlier socio-economic conditions rather than a sea-change during the Hellenistic period.

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[518] Given Nehemiah's alleged horror at his peers in Judah holding their fellow countrymen as slaves (Neh. 5:1-13) it can be safely assumed that the slaves mentioned in the census information (above) were foreign in origin.

[519] Hezser (2005): 293.

[520] Hezser (2005): 293-298.

THE SAMARIA PAPYRI

We are fortunate to possess some extra-Biblical documents relating to slave ownership in this region from the fourth century BCE. These consist of 18 papyrus documents (and nearly 150 further fragments), of which at least half are slave sale contracts made between members of the elite in Samaria.[521] Most were written during the reign of Artaxerxes III (358-337 BCE), and were discovered in the Abu Shinjeh cave in 1962.[522]

Table 1 sets out the principal information from the documents

WDSP no.	Date (BCE)	Seller(s)	Buyer(s)	Slave name(s)
1	335	Hananiah bar Beyadʾel	Yehonur bar Laneri	Yehohannan bar Šeʾilah
2	352/1	Qawsnahar	ʾAbiʿadin	2 unnamed slaves
3	?	Yaqim	2 men: Yehopadaini bar Delaiah, ʾAri bar Delaiah	Yehoʿanani bar ʿEzra
4	?	2 unnamed sellers	Yehonur bar Laneri	Nehamiah
5	?	2 sellers, Delahʾel and Hanni	Netiraʾ bar Yehopadani	3 slaves: ʿAnaniah; 2 others unknown names
6	?	Name unknown	Name unknown	2 slaves: ʾAbiluhai; other name unknown
7	354	4 sellers, 2 unknown, Hananiah, Nathan, Yehobagah (all very fragmentary)	Yehotob	Gropp (2001): 84 suggests 4 slaves
8	?	2 unnamed sellers	Netiraʾ bar Yehopadani	2 slaves: Mikayahu, Hanan
9	?	2 unnamed sellers	2 men: Yehopadani,	7 male slaves: Qasdakar;

[521] For the administration of this region see Hoglund (1992).

[522] For an overview of the documents see Gropp (2001): 3-32; for discussion, see Dušek (2007).

			Netira bar Yehopadani	others illegible
18	?	Name unknown	Yehobanah bar Yehopadani	1 female slave, name unknown

From what we know about slave nomenclature elsewhere, we should be cautious in inferring that the Hebrew proper names of the slaves amount to the same ethnicity. Greek slave owners certainly named many (if not most) of their slaves with Greek names, regardless of ethnicity.[523] However, it is the number of slaves sold by these wealthy Samaritans which is striking, coupled with the volume of the transactions. *WDSP* 2, 6 & 8 all record transactions where two slaves are sold in the same lot; in *WDSP* 5, three slaves are sold (and perhaps four are sold in *WDSP* 7); most notable is *WDSP* 9, where seven male slaves are sold. Joint ownership appears in several documents (WDSP 3 & 9 [buyers], 4, 5, 7, 8 & 9 [sellers]) and could perhaps concern men related to each other. As Gropp points out, the documents show that one individual, Netira bar Yehopadani, can be seen to acquire title to at least twelve slaves.[524] Now, it should be noted that these documents, even in aggregate, are extremely fragmentary and can only amount to a fraction of the overall volume of original documentation. A comparison of the situation in Samaria to that of Athens in the same period may be fruitful: an individual acquiring title to some twelve slaves should, from our knowledge of the patterns of slave ownership there, be placed in the liturgical class. Fragmentary as our documentation for Samaria is, it points at a situation where the local elite were slave owners on no small scale. Unfortunately, we have no information

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[523] Vlassopoulos (2010) shows that most Athenian slaves bore Greek names; this, of course, says nothing about their ethnicity.

[524] Gropp (2001): 95.

about the Persian elite in these regions, but we should remember that slaves were widely

available thereabouts, and that Syria is consistently represented as a key source of slaves in

classical Athenian literature.[525] There was certainly the opportunity to buy slaves in this

region at this time, and at a low price.[526]

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[525] In general, see Timocles fr. 7 K-A; Antiphanes fr. 166 K-A; For slaves named Syros: [Dem.] 45.86;

DL 5.4.9; Eriphos fr. 6 [Kock]; Hegesippus fr. 1 K-A; Men. *Dyskolos* 959 [Arnott]; *Dis Exapaton* 58

[Sandbach]; *Phasma* 71 [Sandbach]; *Georgos* 39 [Sandbach]; *IG* I³ 421.37, 47; *IG* I³ 1032.120, 256, 399, 449,

469, 475; *IG* II² 2937.12; Syriskos: Anaxippos fr. 8 K-A; Men. *Epitrepontes* 294-352 [Sandbach]; Syra: Ar.

Pax. 1146; Philemon fr. 117 K-A; Men. *Misoumenos* apud. *P.Oxy.* 4408; Assyrios: *IG* I³ 1032.109.

[526] Gropp (2001): 7 notes some variation in the prices of slaves, which we would expect (see Harper

2010). Gropp notes (at 59) that the 10 shekels paid for a slave in *WDSP* 3 is extremely cheap.

BABYLONIA

The advent of Persian rule in Babylonia from 539 BCE onwards did not affect the importance of slavery, which we have surveyed in the previous chapter. In that sense, the institution continued in Babylonia much as before. We know from the records of the Egibi family that the advent of Persian rule in Babylonia did not greatly affect the social and economic structures of society: it was, in many ways, business as usual. However, several changes did occur in the ownership of land during the reign of Darius I. Large tracts of land in Babylonia were given as gifts to Persian nobles by this king, and slave labour was utilised upon them.[527]

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[527] Dandamaev (1963): 150.

EGYPT

A number of documents make it clear that slavery was quite common in Achaemenid Egypt,

and economically significant for those wealthy Persians dwelling there. The most important

documents are the letters of Aršhama, Satrap during the latter years of the fifth century.[528]

Of the thirteen letters we possess, five deal with issues relating to slaves.[529] Aršhama

evidently owned extensive estates in Egypt, and we know from other sources that he was a

substantial landowner in Syria and Babylonia[530]; his correspondence reveals that the

workforce on his lands was substantially composed of slave labour. The following extract is

from a letter from Aršhama to his subordinate Nehtihur.

From Aršhama to Nehtihur: And now: - previously, when the Egyptians revolted, then Psamšek the former officer took strict care of our domestic staff and property which were in Egypt, so that my estate suffered no sort of loss; from elsewhere too he sought out enough staff of craftsmen of various kinds and other property and appropriated them to my estate; and here now I hear that the officers who are [in] Lower Egypt are showing themselves active in (the circumstances of) the disturbances (?) (and) are taking strict care of their lord's staff and property and are also seeking out others from elsewhere and adding them to their lord's estate, while you are not doing so. Now also I have previously sent (word) to you concerning this matter. Do you show yourselves active (and) take such strict care of my domestic staff and property, that my estate may suffer no sort of loss; from elsewhere too seek out enough staff of craftsmen of various kinds and bring them into my court and mark them with my brand and attach them to my estate, just as the former officers used to do.

[tr. G.R. Driver (1957 # 7)]

It is clear from this passage that the workers on Aršhama's estate are slaves, since they are

brought into his court and branded with his mark. The chief reasons for branding are (i)

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[528] For the date of the documents, see Driver (1957): 8-9.

[529] Namely, letters 3, 5, 6, 7 and 12 in Driver's collection.

[530] Dandamaev (1963): 148.

punishment or (ii) marking property; it is obvious that the latter is the case here.[531] Cilicia

seems to be the chief source of these slaves; letter 6 mentions Cilician slaves assigned to

Nehtihur for a journey to Egypt, in letter 12 Aršhama's steward Warfiš complains to

Nehtihur that five Cilicians promised to him had not been delivered, and in letter 5

Aršhama writes of thirteen Cilician slaves who were his slaves in Egypt and had run away.

That Cilicians seem to be the only ethnic group mentioned is of interest; two of them

actually bear Luwian names that suggest that the identification with Cilicia is correct,

although it is possible that the some of the 'Cilician' slaves reaching Egypt at the end of the

fifth century were picked-up in Cilicia though belonging to a different ethnic group.[532] Letter

7 shows that the men placed in charge of Aršhama's lands had mismanaged them in his

absence. At the end of the letter he threatens retribution if the condition of his property is

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[531] For branding and tattooing see Jones (1987). He notes a third reason, i.e. body decoration, but that

is obviously not relevant in this case. Marking slaves in such a manner as mentioned in the letter was

not a Persian innovation; it had a long history in Pharaonic Egypt. See Bakir (1952): 31, 110.

[532] See Driver (1957): 52-3. The Luwian names are Piya-tarʿunazi and Muwasarma. Ezekiel (27:13)

refers to Greek, Phrygian and Cappadocian slaves imported to the Phoenician cities in the early sixth

century. Earlier documents suggest that Syrians were fairly common in New Kingdom Egypt: See

Bakir (1952): 70-71. *P. Bologna* 1086 describes a Syrian slave put to work in the temple of Thoth who

had been shipped to Egypt by a merchant named Kel, alongside an unspecified number of other

slaves (for this document, see Menu 2004: 192-3). A Syrian slave is sold in *Cat. Ryl. Dem. Pap.* 46,

dating to the reign of Darius I. Cruz-Uribe (1982) counts 16 documents in demotic and abnormal

hieratic from the Saite and Persian periods relating to slavery; 8 of them are sale contracts (with

similar warranty formulae to contemporary Babylonian slave sale contracts); 6 relate to self-sale into

slavery; and 2 are letters from slaves to their owners.

not improved. It is important to note that Aršhama in this letter is complaining not without due cause. As he notes, the stewards of other powerful men have not failed to acquire workers (obviously slaves), whereas his subordinates have not managed or bothered to. This is highly significant. The clear implication is that other powerful landowners ('lords') were employing foreign slave labour upon their estates, and that the labour conditions on the estate of Aršhama were not aberrant or exceptional, but paralleled elsewhere in Egypt. This should come as no surprise; the Eastern Mediterranean was well supplied by a thriving trade in slaves exported from Anatolia, and just like his Greek contemporaries, Aršhama could tap into this supply as a source of cheap labour.[533]

That slaves were available further down the social-scale is evident from several documents of the Achaemenid period from the Jewish colony at Elephantine in Upper Egypt. One document, dated to 410 BCE[534], relates the division of property among two heirs, Jedaniah and Mahseiah, after the death of their mother. Jedaniah inherited a slave named Petosiri (a common Egyptian name), and Mahseiah inherited a slave named Besa; both slaves were the children of the same mother, Tabi; and both slaves were branded with a mark noting that they belonged to the testator, Mibtahiah. The document contains various guarantees expressing the will of the heirs to consent to the division and not to bring legal challenges relating to the ownership of the slaves against each other in the future. Other documents show the pledging of slaves as security for loans; they show that not only wealthy magnates such as Aršhama would own slaves in Achaemenid Egypt; people of

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[533] See Lewis (2011): 234-6.

[534] Porten (1996): 199-201 (# B 33).

more modest means could do so as well (and brand their slaves, into the bargain).[535] But whereas the Jews in this document own only one slave apiece, magnates such as Aršhama must have owned much larger numbers; the fact that in the letter cited above, the Satrap expresses the desire to acquire slaves for his estates, and not some other form of labour, highlights how slave labour must have been of key importance. We have no idea of the numbers of slaves Aršhama might have owned, but his property must have far outstripped that of his contemporary Asidates, whose estate in Asia Minor we have already considered.[536]

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[535] For the Jewish colony at Elephantine, see Porten (2003). It is quite possible that these 'brands' were in fact tattoos: see Jones (1987). Hezser (2005): 289-291 discusses the slaves of Jews in Elephantine and comes to the conclusion (p. 290) that 'it is most likely that they owned a few slaves each who worked within the household economy.' Even so, this would put their slaveholdings at the same size as those of the average middling farmer in Attica of the same period.

[536] It is possible that the royal dockyards and workshops of Egypt employed slave labour; their organisation seems to have been structured along similar lines to the royal economy (see below). See Briant (2002): 450-1.

IRAN

The most voluminous and (simultaneously) problematic evidence for slave-labour in the

Persian Empire relates to Iran, and more specifically, to the so-called 'royal economy'

attested in the Persepolis Treasury Tablets (PTT), the Persepolis Fortification Tablets (PF;

PFa) and several Greek sources. The PTT and PF are those administrative documents written

in Elamite which were discovered in the excavations at Persepolis in 1933-34 and 1936-38.

They provide a highly detailed snapshot of the internal workings of the Persian 'royal

economy' for limited periods: the Fortification Tablets document dispersals of rations to

work-gangs during the years for the years 509-494 BCE; and the Treasury Tablets provide

documentation for similar ration payments during the years 492-458 BCE. The term 'royal

economy' refers to the massive building operations surrounding Persepolis coupled with

those agricultural and craft undertakings in Iran organised under the same aegis and

utilising the same basic workforce. Two preliminary points need to be made before

considering the contents of these documents.

(i) As noted, they provide a highly detailed snapshot of the administrative workings of the

royal economy. However, it is crucial to note that (a) they only do so for limited periods; and

(b) even for these periods, they do not represent the complete original sum of information

on the administrative business of the royal economy, but only a fraction of it. We must

therefore reconcile ourselves to the fact that these documents present a patchy rather than

complete record of administrative transactions during our period, and we must not base

arguments upon the erroneous assumption that we possess a complete record for our periods.[537]

(ii) The bulk of the documentation records the distribution of rations to the kurtaš, the workers in the royal economy. The status of the kurtaš has aroused some controversy among historians: were they slaves, conscripts, transplanted free populations, or a mixture of two or more of the aforementioned?

After the discovery and publication of these texts, a number of historians advanced different explanations as to the status of the kurtaš. Cameron, for instance, thought that the kurtaš of the Treasury Texts consisted for the most part of low-status Persian craftsmen; but reviews of his work by Hinz[538] and Falkenstein[539] considered it more likely that they comprised enslaved war captives. Diakonoff believed they were slaves[540]; and in a thorough study, Dandamaev showed that at least a large number of the kurtaš must have been

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[537] Briant (2002): 423 points out that much of the documentation would have been recorded on perishable materials. Cf. the Babylonian scribes who write on parchment noted in PF 1807-8, 1810 & 1947. As Henkelman & Kleber (2007): 169 note, 'one of the most distorting characteristics of the Persepolis Fortification texts is the fact that the texts come from a very limited time span (...) and as much as 46% of the dated texts are from two years (...) this makes it very hard to establish medium- and long-term patterns in the administration of the Achaemenid heartland economy.'

[538] Hinz (1949).

[539] Falkenstein (1952).

[540] See Dandamaev (1963): 150.

slaves.[541] Briant has followed Dandamaev on this point[542]; yet Dandamaev also demonstrated

that some proportion of the kurtaš were conscripts, i.e. corvée labour, a common feature of

Near Eastern monarchies.[543] Henkelmann has recently focused much of his work on corvée

labour in the royal economy, drawing connections between Babylonians attested in the

royal economy and Babylonian documents recording corvée duties levied upon temples.[544]

Let us briefly survey the evidence as to the character of exploitation in the royal economy.

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[541] Dandamaev (1975). This builds upon Dandamaev (1963), which considered only the PTT, and

modifies some of his earlier conclusions. For a general overview, see Dandamaev & Lukonin (1989):

152-77. This interpretation is followed by Zaccagnini (1983): 262-4. Aperghis (2000) considers the

kurtaš to have largely consisted of enslaved war-captives, although he does not use any of the

evidence from outside the PT texts to reach this conclusion.

[542] Briant (2002): 433-9, who considers the kurtaš (at 439) to be 'much closer to slavery than the "helot"

type of rural dependency' (which he sets alongside the *laoi* of Hellenistic inscriptions).

[543] Dandamaev (1975): 77-8; Dandamaev & Lukonin (1989): 173.

[544] See Henkelman & Kleber (2007); Henkelman (2009). Henkelman (2009): 282 and note 33 cites the

main conclusions on the status question of previous scholars.

THE KURTAŠ[545]

Large numbers of foreigners can be observed in the work gangs of both the Treasury texts and the Fortification texts. From the former, we know of Egyptians (PTT 1, 9, 15), Syrians (PTT 12, 15, 22), Greeks (PTT 15[546]) and Carians (PTT 37). The latter are more extensive: we know of Lycians, Thracians, Sogdians, Bactrians, Cappadocians, Greeks, Indians and Babylonians.[547] Moreover, these foreign workers were sometimes agglomerated in large work-gangs; note, for example, the three-hundred-and-three Lycians in PF 1368; one-hundred-and-fifty Thracians in PF 1363, 2055 & PFa 18; five-hundred-and-forty-seven Egyptians in PF 1557, and the nine-hundred-and-eighty Cappadocians in PFa 30. Other documents record mixed teams, such as the Lycians and Bactrians of PF 1947.59, 64 or the Lycians and Thracians of PF 1006 & 1823, but gangs of mixed origins seem to be rather rare.[548] Now, the presence of such large numbers of people from far-flung parts of the Empire raises one question in particular: why are they in Persia?

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[545] The Elamite term *kurtaš* and the Aramaic *garda* are different transcriptions of the Old Persian word *grda, 'household slave' (Dandamaev 1975: 76). The Aramaic *garda* is used of the branded slaves of Aršama's estate, but it seems to me adventurous to assume that the term kurtaš must hold the exact same meaning ('this seems to be conclusive evidence that also the kurtaš in Persia and Elam were slaves' [*ibid.*]). For the more neutral translation, 'worker', see Briant (2002): 429; cf. idem. at 458 '*garda* is more a label than a technical term whose judicial status can immediately be defined.'

[546] Cf. the proper name 'Yauna' ('Greek' or 'Ionian') in PTT 21.

[547] Not to mention workers from Harrinu, a place which remains unidentified. For foreigners in the work-gangs, see Uchitel (1991) *passim*, Dandamaev & Lukonin (1989): 159-160; Henkelman (2009).

[548] Henkelman (2009): 278-9.

We may rule out the idea that they were wage-labourers who had migrated from their native countries in order to make a living. Whilst the documents may prove overly opaque in some respects, one area abundantly attested is the rations dispersed to the kurtaš. There is a clear development from the state of rations dispersed in the earlier Fortification texts (which are in kind) to those of the later Treasury texts (in un-coined silver and in kind); there is also a gradation in the levels of rations: more skilled workers receive larger rations, whilst less skilled workers receive more paltry sums. The average monthly rations from the time of the Fortification texts are 30 *qa* of barley for men, 20-30 *qa* for women and 5-25 *qa* for children. As Dandamaev points out, these rations are a mere sixth of the amount normally paid in kind to a labourer in Babylonia during the same period.[549] They later rose to more favourable levels, as the Treasury texts indicate. But from the earlier amounts, it is difficult to disagree with Dandamaev's conclusion: 'It is clear that the Babylonians, Egyptians and representatives of some other peoples mentioned in the Fortification texts were not in Iran of their own free will to earn money, but were led off there by force and exploited by direct coercion, regardless of whether they were there only temporarily or for their entire lives.'[550]

We shall come to the evidence for temporary conscripts presently. First, it is necessary to consider the evidence for enslavement of foreign peoples by the Persians.[551] Our sources, both Greek and Near Eastern, make it clear that the captives of the wars waged by

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[549] Dandamaev (1975): 74; more detail in Dandamaev & Lukonin (1989): 161-74. Aperghis (2000): 131-135 provides the most sophisticated discussion on this topic, showing that these were essentially starvation rations.

[550] Dandamaev & Lukonin (1989): 174.

[551] For war-captives as a source of slave labour in Persia, see Aperghis (2000).

the Persian king would often be enslaved and sent to work in Iran. Herodotus notes several

instances of mass-enslavement. According to Hdt. 1.156, Cyrus II sold into slavery certain

people who had attacked Sardis; and Darius I apparently enslaved the inhabitants of Barca

(Hdt. 4.203-4) and transplanted them to a village in Bactria. During his Thracian campaign,

Darius captured several Paeonian tribes and sent the captives to Asia (Hdt. 5.15, 17),

although it would appear that some of these captives were simply relocated to villages in

Phrygia rather than enslaved and transported to Iran (Hdt. 5.98). That, however, was the fate

of a number of Milesians, who were enslaved and sent to Susa (Hdt. 6.20). We do not know

the ultimate fate of the inhabitants of Eretria, although they were reduced to slavery by a

Persian army (Hdt. 6.101).

Other classical authors corroborate this practice. According to Diodorus, Cambyses

drove 6,000 Egyptians into Asia in order to construct palaces (Diod. 1.46.4); and when

Xenophon passed through Babylonia at the end of the fifth century, he observed a number

of villages belonging to the King's mother Parysatis, full of slaves (Xen. *Anab*. 2.4.27, cf.

2.3.17).[552] Near Eastern sources paint a similar picture: in 345 BCE, certain rebels from Sidon

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[552] Briant (2002): 459 mistranslates this passage to make the status of the villagers parallel the *laoi*

basilikoi of Hellenistic Seleucid inscriptions. The sentence reads: ταύτας Τισσαφέρνης Κύρῳ

ἐπεγγελῶν διαρπάσαι τοῖς Ἕλλησιν ἐπέτρεψε πλὴν ἀνδραπόδων. Briant translates this as

'Tissaphernes, by way of insulting Cyrus, gave over these villages – except that it was forbidden to

enslave the inhabitants.' But the passage says that he turned the villages over to the Greeks *apart from*

the slaves (i.e. dwelling there). This is very different. By contrast, the Hellenistic *laoi* could be sold with

the land they dwelt upon but could not be sold as slaves separately; sale documents guarantee that

their sale away from their lands cannot take place. See Thompson (2011): 195-200. The comparison

may be apposite, but it is not certain, and is not proven by the passage as Briant translates it.

were enslaved and sent to Susa.[553] The most explicit evidence for the enslavement of war captives relates to several episodes which occurred upon Alexander's arrival in Persia, related by Diodorus (and to some extent corroborated in Curtius and Justin). According to Diodorus (17.27.28), Alexander met a Lycian in Persia who told him that he had been captured in war and enslaved, sent to Persia and forced to work as a shepherd. But more significant is Diod. 17.69.2-9 (cf. Curtius 5.5.5-24; Justin 11.14.11-12), which records an intriguing episode which occurred as Alexander advanced towards Persepolis:

At this point in his advance the king was confronted by a strange and dreadful sight, one to provoke indignation against the perpetrators and sympathetic pity for the unfortunate victims. [3] He was met by Greeks bearing branches of supplication. They had been carried away from their homes by previous kings of Persia and were about eight hundred in number, most of them elderly. All had been mutilated, some lacking hands, some feet, and some ears and noses. [4] They were persons who had acquired skills or crafts and had made good progress in their instruction; then their other extremities had been amputated and they were left only those which were vital to their profession. All the soldiers, seeing their venerable years and the losses which their bodies had suffered, pitied the lot of the wretches. Alexander most of all was affected by them and unable to restrain his tears.

[tr. C.H. Oldfather]

Briant notes that the aforementioned shepherd as well as the Greek craftsmen must be kurtaš labouring in the royal economy.[554] Dandamaev asserts that 'it is obvious that these Greeks comprised part of the kurtaš.'[555] We could dismiss the story as a poisonous characterisation of the Persians as barbarous and cruel did we not possess the extensive records of the Fortification and Treasury texts which attest to large numbers of Greeks,

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[553] Grayson (1975): 114. Donald Murray points out to me that in the royal inscription DSf from Darius' palace at Susa, the Elamite text describes the Ionian and Lydian stoneworkers as 'mar-ri-ip', 'captives.'

[554] Briant (2002): 434.

[555] Dandamaev & Lukonin (1989): 171.

Lycians and so on working as craftsmen in the environs of Persepolis. And although it is

dangerous to generalise about the royal economy because of both its extensive scale and its

lengthy existence, it would appear from this passage that any notion of an improvement in

treatment we might suspect from the changes in rations from the time of the Fortification

texts to that of the Treasury texts and thereafter must be tempered by the knowledge that at

least some of these workers were cruelly exploited. The Greek sources show for certain that

many of these work-gangs must have been made up of enslaved captives.

One further aspect strengthens the plausibility of this analysis. Any large scale

system of forced labour which exists for a long period (well over 150 years for the Persian

royal economy) must secure an adequate source of workers, be they captives, the children of

captives, or some other source of manpower. Sparta, as we have seen, guaranteed her Helot-

labour supply by the twin strategies of (i) allowing the Helots to dwell in families (the

arrangement most conducive to guaranteeing a self-reproducing population) and (ii)

shutting-down the potential drains on her labour force, namely privately arranged

manumission and sale outside Spartan territory. Athens, commercially connected to

plentiful sources of cheap imported barbarian slaves, could easily buy the requisite numbers

of slaves. But to depend upon captives alone is a very uncertain method of supplying a

steady labour force.[556] In this light, one aspect of some of the Fortification texts makes good

sense: it is clear that women among the kurtaš would be given extra rations if they fell

pregnant.[557] This looks very much like a positive incentive towards breeding. It makes no

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[556] See Garlan (1987), who decisively demonstrates how a steady slave supply is not possible from

warfare alone (unless wars are specifically conducted with an eye to netting captives).

[557] See Dandamaev & Lukonin (1989): 164; Briant (2002): 435-9.

sense as a humanitarian policy, since we have seen that the ration levels for the kurtaš are very low, perhaps not far above starvation rations. Such a system of positive incentives would allow the workforce to be replenished to some extent by the natural reproduction of its members. In Plutarch's version of the meeting of Alexander with the Lycian dwelling in Persia, the man's father had been Lycian and his mother Persian (Plut. *Alex*. 37.1). This story could reflect the realities of what was a partly self-replacing population.[558]

Slavery, however, cannot account for the status of all of the kurtaš. Some proportion were clearly free people conscripted for corvée service: several Babylonian documents attest to individuals burdened with the obligation to provide compulsory labour service in Iran; for example, Mich. 26 mentions a man who had to provide a year's worth of labour service in Elam; and PTT 22 records a command to disburse money to a group of Syrian kurtaš 'who were conscripted and now released.'[559] YOS 7 187 records forty agricultural labourers drafted from the Eanna temple in Uruk for labour in Iran.[560] Yet the composition of the workforce is difficult to study over time due to the incomplete nature of our documentation: some PF documents record ration disbursements for 10-12 months (which we may regard as the longest period of conscripted service); others point to groups employed over longer periods.[561] It is impossible, therefore, to determine the ratio of conscripts in the kurtaš to the

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[558] Briant (2002): 435 views the 'bonus' rations allotted to pregnant women as a reward, and notes that 'these documents (...) show that some of the *kurtaš* of Fars were quite simply the result of natural population growth, since doubtless the status of mothers was passed on to their children.' Cf. Dandamaev (1975): 77; Aperghis (2000): 136.

[559] See Dandamaev & Lukonin (1989): 173-4 for references and discussion.

[560] See Henkelman & Kleber (2007).

[561] Dandamaev (1975): 73-4.

permanent population of slaves because we cannot clearly trace many of the work gangs over time, a problem partially related to the fact that they seem to have been intermittently moved from place to place.[562] All we can say is that it would appear that the core of the kurtaš consisted of slaves (captives and their descendants) augmented by conscripted labour. But this multi-faceted picture of the workforce is what one would expect from a large[563] and international body of workers, and we should expect that over time their composition and organisation fluctuated considerably.[564]

Finally, mention should be made of kurtaš owned by or assigned to individuals of the royal family, especially royal women. A number of the PF texts describe the estates of these members of the royal family. Artystone, Darius I's wife, owned at least three estates in Persia, and although we do not know the numbers of kurtaš working on these lands, the quantities of foodstuffs assigned to them are rather large and point to a labour-force of

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[562] Henkelman (2009): 279-80.

[563] The published PF and PTT texts record 15,376 workers – and this, we must remember, is a figure derived from incomplete records for short periods of time – distributed over 108 settlements in Persia and Elam (Dandamaev 1975: 71). For current work on the unpublished texts, see the comments of Henkelman (2009): 272. Aperghis (2000): 139 estimates that there was 'a total *kurtaš* population of 10-15,000 adults and children around 500 B.C.'

[564] It is difficult to overestimate how elaborate this 'royal economy' must have been. The construction of Sultan Moulay Ismail's enormous palace complex in Morocco during the 18th century CE (which was built mostly by captive slave labour) can serve as a point of reference as to the complexity and organisational challenges of recruiting, guarding and corralling a large and polyglot slave workforce; see Milton (2004) *passim*.

significant size.[565] We possess more information on the kurtaš of Irdabama, a high ranking

Persian noblewoman (not known in classical sources); she seems to have controlled a work-

force of over 400 kurtaš.[566] The PF texts preserve information showing that a number of other

royal women enjoyed large incomes that must have been used to support similar

workforces.[567] It is not possible to determine, however, whether these noble Persians actually

'owned' the workforce, or if it was simply assigned to them[568], nor is it possible to determine

whether these workers were mainly slaves or conscripts.

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[565] Brosius (1996): 125-6.

[566] See Brosius (1996): 129-144.

[567] Brosius (1996): 144-146.

[568] Aperghis (2000): 137.

CONCLUSION

From the survey of the above evidence, it should be clear that it is very difficult to approach the evidence for slavery in the Persian Empire in the same fashion as we have done for classical Attica. We must bear in mind that the unevenness of our evidence precludes any sort of comprehensive coverage; it is not possible to apply the same methodology that we have used for classical Attica to the evidence discussed above, namely, an anatomy of the sources of elite income. Furthermore, it is hardly possible to ask if the Persian Empire was a 'slave society' because, for one thing, it cannot be characterised as a society itself, but rather an agglomerate of many distinct social and cultural units bound into a single governmental structure. Whilst the Persian king evidently made extensive use of slave labour, the treasury was also in receipt of the colossal tribute payments of the Empire's constituent satrapies, which must, in terms of overall income, have been more significant. However, whilst this may hold true for the monarch, it does not apply to the nobility, who could not count on this source of income, and for whom slavery represents a potentially more important source of wealth.

On the other hand, the evidence does bring to the fore several striking variables. Although we are only occasionally afforded a glimpse of the sources of wealth for elites in the Persian Empire, when this is the case, slave labour is often to be found. The utilisation of slave labour by elites is not confined to the Greek world; on the contrary, it can be found in Asia Minor, the Levant, Egypt, Babylonia and the Persian heartland. There is little sign of 'oriental forms of dependence' – dependent groups do exist in Babylonia[569], but the normal form of exploitative labour we find is slavery. In other words, the supposed gulf between

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[569] See Dandamaev (1984): 585-646.

the use of slaves by Greeks and the use of slaves by 'Orientals' is not merely mistaken, but grossly misleading.

As a brief epilogue to our survey of slavery in the Near East during the Greek Archaic and Classical periods, we shall dwell upon one further example, which should point to a view of slavery and slave society in the ancient world which moves beyond the stark orthodox dichotomy of 'classical' and 'oriental' slavery. It is included as a prime example of how classical historians have overlooked the possibility of large scale slave systems outside of Greece and Rome, and hints at where our conception of slave systems in the ancient Mediterranean and Near East should be directed.

APPENDIX: SLAVERY AT CARTHAGE

Although renowned for its merchant marine, Carthage possessed a diverse economy which included large estates owned by the political and economic elite.[570] Indeed, one of the most famous agronomic writers of antiquity was the Carthaginian Mago, whose treatise on agriculture was translated from the Punic into Greek by Cassius Dionysus (Varro, *RR* 1.1.10). Varro mentions some of the advice mentioned in Cassius' translation of Mago's work regarding slave labour in agriculture; for heavy lifting jobs on the farm, slaves ideally should be over twenty-two years old and attentive to their tasks (Varro, *RR* 1.17.3). Was this Mago's advice, and does it point to widespread utilisation of slave labour in Carthaginian agriculture? One might suppose this to be Greek *contaminatio* introduced by Cassius Dionysus; after all, Varro made it clear that Cassius' translation incorporated some added information from the numerous Greek agronomic works in circulation (Varro, *RR* 1.1.10). But other sources make it clear that slave labour was widely employed on the estates of

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[570] For an overview of the Carthaginian economy, see Tsirkin (1987).

Carthaginians. Appian (*Pun.* 9.59) enumerates many of the strengths of the Carthaginians, and makes special note of their large numbers of slaves; and in *Pun.* 3.15, he notes how Scipio and Masinissa invaded Carthaginian territory and freed many of the enslaved Romans who had been forced to work in the fields. Diodorus (13.58) mentions a similar episode which took place at the end of the fifth century BCE; the Sicilian city of Selinus was overcome by Carthaginian troops and sacked, and over 5,000 of its inhabitants were enslaved and brought to North Africa to serve their conquerors. According to Justin (21.4.6) a powerful Carthaginian aristocrat named Hanno planned a *coup d'état*, arming some 20,000 slaves, but was caught, tortured and executed. The reference does not treat this as the entire slave population, but merely a portion of it. Other references indicate that Carthaginian merchants were involved in slave-trading in the Western Mediterranean, and particularly with the Balearic islands. According to the Pseudo-Aristotelian *de mirabilibus auscultatibus* (88), the inhabitants of these islands were exceedingly fond of women and would trade five male slaves to (probably Carthaginian) merchants for a single woman. Diodorus (5.17.3) tells a similar tale; if any of their women were captured by pirates, the Balearic islanders would commonly ransom the women in exchange for three or sometimes four males.[571]

The picture which these references indicate is tantalizingly suggestive. We are poorly informed about the Carthaginian economy in general, but these passages hint at the quite extensive employment of large numbers of slaves in the estates of the Carthaginian *chora*. They also point to several slave-sources, including war captives, victims of piracy, and slaves acquired through trade with foreigners. Was Carthage a slave society? Our sources cannot allow us to answer this question with any confidence. But they do permit us to raise

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[571] Carthaginian slavery is briefly discussed in Westermann (1955): 58.

the question without dismissing it out of hand as implausible. Here is another instance of why we must rethink our picture of slavery in the ancient Mediterranean world as starkly divided between the slave societies of Greece and Rome and rest of the neighbouring societies which barely used slaves at all. Much depends on the nature and volume of our evidence.

CONCLUSIONS

Let us conclude. This study suggests that modifications to our understanding of slavery in the classical world must be made in several areas.

A. Methodology

1. When studying the status of individuals in different societies, it is important to observe similarities and differences in substantive terms. In other words, we need to study how certain legal-statuses were dealt with in practice, by analysing documents from as wide a selection of genres as possible. What we must not do is concentrate upon the rather ephemeral issues of language or philosophy and extrapolate wide-ranging conclusions from the apparent differences in outlook between various societies. By taking the latter approach, for example, we might note that the value of 'freedom' is highly developed in classical Greece, but given short shrift in the literature of Near Eastern societies. By extrapolating possible implications of this cultural difference, some historians have supposed that slavery and freedom were, in substantive terms, very different in Greek and Near Eastern societies.[572]

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[572] In some respects I am advocating precisely the opposite of the methodological approach advocated in Raaflaub (2004): 1-9. Raaflaub proposes that the social structures of societies which developed a free-slave antinomy must have been very different from those which did not; and this is argued not from a detailed analysis of substantive similarities and differences that can be found 'on the ground', but from the mere presence or absence of certain concepts. In my view, the approach utilised in this

However, if we use a more all-embracing methodology, we need not base our entire picture of slavery upon conclusions extrapolated from several rather ephemeral cultural traits. The approach adopted in this study to the comparative status of slaves in Greece and the Near East compares the basic meaning of slavery by looking at how the institution actually operated, and this means studying the substantive meaning of slavery through a thorough analysis of large numbers of documents. If we take the former approach, we may be struck by the lack of importance accorded by Near Eastern societies to the concept of freedom and conclude that members of these societies lacked the conceptual apparatus to tell free people apart from slaves. But if we go beyond superficialities such as these and study (for example) the legal documents of Babylonia, we find a very different situation. For instance, when the slave Bariki-ili claimed that he had been manumitted whereas his owner claimed that he was still a slave, a court was able to judge his actual status (Nbn 1113). And when a debt-bondsman claimed that his labour had met the obligation, a Babylonian court was able to calculate the products of his labour against the debt plus interest in order to determine whether his debt-service should be formally brought to an end.[573] In practice, Babylonians were obviously just as capable as Athenians of distinguishing status differences, despite the very different cultural appreciation of the term 'freedom' between the two societies. Since we have seen from a detailed comparison of the evidence that there is a basic similarity in slave status in all of the cultures studied, and that in one way or another, they were each capable of distinguishing slaves from non-slaves, the idea of a qualitative gulf between 'classical' and 'oriental' slavery should no longer be upheld.

study, which deals with large volumes of evidence rather than individual cultural traits, is a far safer guide to social realities than the approach of Raaflaub.

[573] See Scheil (1915).

2. The second methodological point relates to the concept of ownership. Scholars have often

assumed that the content of ownership must inevitably vary significantly between societies

that have a developed jurisprudence of ownership, i.e. an abstract theory of property, and

those which do not. However, this idea is not borne out by a comparative study of property

law. Taking slave ownership as a case study, we can see that in substantive terms, slave

ownership admits the same basic incidents in a variety of societies regardless of whether

they possess formal written law or abstract theories of property. Societies such as Athens

and Babylonia had evidently conceived a working conception of the rights and duties that

go hand-in-hand with the ownership of property, even if they failed to formulate these

rights and duties into an elaborate abstract theory. Patterson's notion that ownership varies

wildly in content from one society to the next places too much emphasis upon abstract

notions of ownership and ignores substantive similarities which can be observed in relation

to ownership from one society to the next, meaning that he fails to appreciate the underlying

similarity of practice and diachronic continuity. The approach advocated here utilises a

typology of incidents which allows us to identify ownership in a cross-cultural fashion,

therefore allowing us to identify slavery and distinguish it from other exploitative

conditions. Although this approach stresses the common ground between different societies,

it is not overly rigid or reductive, since it admits variation in relation to the variables of (i)

who may exercise ownership, (ii) what the powers of ownership might be exercised over,

and (iii) the extent to which these individual rights and duties extend. This approach, it is

contended, represents the best way towards identifying slavery in a cross-cultural

perspective. It is also more sophisticated that the layman's notion of ownership which

underlies the approaches of many scholars. For example, it can be used to show that the fact

that Helots were unable to be privately manumitted but could be manumitted by the public authority is not in formal conflict with the notion of private ownership.

3. A third methodological point. It is perhaps too easy to look at the prominence of slavery in classical literature and to assume that any society that does not document slavery in the same fashion cannot have utilised slave labour to the same degree. However, if we look with a more sensitive eye, rather than simply using the volume of surviving data as a crude index of the importance of slavery to the various societies of the ancient world, a picture emerges of slavery in the ancient Mediterranean and Near East which is not so black-and-white; rather, it is varied in texture. Any account which aims to consider the comparative importance of slavery in a host of ancient cultures must take stock of the vast differences in the nature of the evidence, both in terms of quantity and in terms of genre. We shall return to the model of comparative importance of slavery advocated in this study shortly.

B. Intellectual traditions

4. To a significant extent, the question of the comparative importance of slavery between classical and oriental civilisations has been plagued by misapprehension on both sides of the academic divide. We need not rehearse the shortcomings of classical historians to take stock of the full implications of the Near Eastern material, since this has already been dwelt upon at length. It is worth pointing out, however, that many scholars of the Near East assume that large chain-gangs of slaves existed in classical Greece, and that the wealthy might own huge droves of slaves. There is a certain tendency among the views of these scholars to conflate Greek and Roman forms of slavery in as reductive a fashion as their classical colleagues sometimes do with regard to Near Eastern forms of the institution. Especially noticeable is a lack of awareness of the huge discrepancies in scale between Greek and Roman slavery. A

wealthy Athenian of the fifth or fourth century BCE might own ten to twenty slaves, and fifty seems to be a realistic ceiling on the normative range of slave ownership. A Roman senator of the first century CE, however, would often own far more; and the ceiling on slaveholdings lies in the hundreds and perhaps even thousands. In this sense, the gulf between Greek and Roman slavery is vast. A better understanding of the more modest numbers of slaves owned in classical Greece might perhaps have led to a less stark division between classical and oriental slavery in Near Eastern scholarship. If we dispense with the old-fashioned 'oriental' and 'classical' archetypes, we can see that in terms of the scale of slaveholdings, there is far more in common between Neo-Babylonia and classical Athens than between Athens and Rome.

5. Approaches to slavery in the ancient Near East have not caught up with every methodological development of the more extensive literature on slavery Greek and Roman societies. One key area in which this is true is the notion of slave contribution to overall production. The arguments of Starr in the 1950's, who asserted that slavery was not particularly important in Greek and Roman society since it did not dominate overall production, were refuted by Degler, who showed that it is more important to study the location of slavery in any given society, especially its contribution to the wealth of the upper classes.[574] Yet Dandamaev (1984) came to an unfavourable comparison between Babylonian and 'classical' slavery on the grounds of the former's small share in overall production.[575] There has been relatively little effort in Near Eastern studies to look at the contribution of slave labour to the elite in assessing its economic and structural impact. As a result of this,

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[574] Starr (1958). Cf. Degler (1959) with de Ste. Croix (1981): 54.

[575] Dandamaev (1984): 218-19; cf. p. 245.

the question of the comparative importance of slavery in Greek and Near Eastern societies has not been approached using the same methodological principles; and in order to compare them fruitfully, the same basic approach must be pursued.

6. One influential model which has distracted classical historians from looking at the importance of slavery in a wider geographical scope is the connection Finley made between the rise of slavery and the advent of democracy.[576] His picture of the in-tandem growth of slavery and democracy presupposes a causal link between the two in the case of Greece which could be seen in a deterministic light (although Finley did not frame it in this way, nor did he suggest that all slave-societies must uphold democratic governments). Non-democratic societies therefore are supported by different labour regimes. This causal link in its deterministic manifestation is not explicitly made, but one wonders how far it has been implicitly accepted by classical scholars. Finley's world of Odysseus, therefore, was not underpinned by slave labour, nor was Finley's Sparta; in the pre-Roman world, only democratic Athens fell into this category. It would seem that societies with different political systems or ones which followed a different trajectory in terms of historical development might be assumed to have utilised different forms of labour.

As our analysis of the evidence shows, however, the relationship between slavery and democracy is essentially coincidental. Slave labour had been underpinning the wealth and power of the upper-classes long before the term 'democracy' was coined, and at the same time as it underpinned the economic vitality of Athens' liturgical class, it served as the bedrock for the citizen-wealth of the non-democratic society at Sparta. We should therefore

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[576] Finley (1980): 67-92. As Osborne (1995): 39 observes, 'both democracy and oligarchy might be dependent on slaves.'

be more open to the idea that slave labour can support elite activity in a whole range of political systems, including the monarchical systems of the Near East. And whereas classical Athens has often been put forward as the preeminent 'slave society' of the Greek world, this study suggests that in terms of reliance upon slave labour, classical Sparta displays a more extreme level of dependence. No society considered in this study (or any other, to the author's knowledge) displays such a pronounced dependence on slave labour. Sparta is the slave society *par excellence* of the ancient world.

C. A revised picture

The stark picture of classical 'slave societies' as distinct from non-classical 'slaveholding societies' in the ancient world must be re-thought. The conclusions of the second half of this study imply that the ancient Mediterranean and Near Eastern world was not divided into these two categories in a black-and-white sense. The revised model advocated here points to a mosaic, where in certain places during certain periods, elites were supported by the labour of slaves to a significant degree; many of these elites belonged to 'non-classical' cultures.

Let us survey the Greek world and the Near East during the fifth and fourth centuries BCE to gain a fuller impression of this mosaic. In mainland Greece and the Aegean archipelago, we can confidently locate several societies where the wealth of the upper classes was derived to a considerable extent from slave labour. Athens and Sparta are the most obvious, but we should certainly include Chios in our list, probably Corinth, Aegina, Naxos and Corcyra as well; and certainly be open to the idea that the upper classes in many other Greek *poleis* were supported by the labour of slaves. The magnates of Thessaly seem to have employed slave labour to an appreciable degree, and the same may be true for several other 'Helotic' systems.

Let us turn now to Asia Minor. At least some of the upper-class Persians in Anatolia utilised slave labour to support their positions of dominance; we have seen the example of Asidates in northern Lydia, and similar estates are known to have existed in Phrygia towards the end of the fourth century. In the Levant, the Samaritan elite were clearly slave-owners on a notable scale, although the precise contribution of slave labour to their wealth is not possible to determine. In nearby post-exilic Judah, slaves were used on the estates of the wealthy, and slave labour continued to be regarded as the basic form of labour utilised by the elite. There is a considerable degree of continuity in the slaveholding practices of the landed elite in this region from the pre-exilic to the post-exilic period, where complaints are levelled at landowners enslaving fellow countrymen.

In Egypt, slave labour seems to be a key factor in the labour-force of the Satrap Aršama and those of other notable landowners, and the supply of slaves to Egypt was linked to the same system of trade which supplied Anatolian slaves to Greece. Turning to Babylonia, we can observe a very large population of slaves, with larger holdings concentrated among the urban elites of Babylonian cities; some wealthy families in this region owned in excess of one hundred slaves. Finally, the royal economy of Achaemenid Iran seems to have utilised slave labour to an appreciable degree, and of the many thousands of labourers who toiled in the building works, workshops and agricultural lands of the royal economy in Persia and Elam, no small number were captives or the descendants of captives, subject to brutal levels of exploitation.

It must be pointed out that this survey includes only that which we can observe from our evidence. It is likely that if we possessed better documentation for other areas of the Persian Empire and the Greek world, we would find further examples of the intensive use of

slave labour there as well. As such, we should remain aware that even this fuller survey does not provide a comprehensive picture. The example of Carthage demonstrates that a number of other societies in the ancient Mediterranean may have been highly developed large-scale slave systems, but the volume of evidence precludes a decisive verdict.

What, then, should we make of the traditional categories of 'classical' and 'oriental' slavery? The findings of this study demonstrate that as heuristic tools they are likely to do more harm than good. There are few grounds for arguing that Greek societies practised a form of slavery that was either highly distinctive compared to the forms practised in surrounding cultures, or structurally identical to the form of slavery practised in Roman Italy.

Let me offer a couple of examples to illustrate this. The forms of slavery practised in Athens and Sparta were quite different in several respects; for example, if we consider the strategies by which the Athenians acquired their slaves, we might find greater similarities between Athens and Achaemenid Egypt or Babylonia than between Athens and Sparta. Sparta replenished its slaves through strategies which find closer parallels with the antebellum US following the abolition of the slave trade in 1808 CE than with Athens. In terms of the use of captives as agricultural slaves, parallels could be drawn between the royal economy of Achaemenid Iran and some of the larger *latifundia* of Republican Italy. In terms of the practice of slaves 'living apart' from their owners and working on their own time, we might draw parallels between Athens and the antebellum US, Rome or Babylonia, whereas parallels between Athens and Sparta in this respect are difficult to find. Or to use the criteria of the 'commercialisation' of slavery, i.e. the frequency with which a slave might be sold, Athens compares more favourably to any of the aforementioned 'oriental' societies

than it does to Sparta or Thessaly. It is difficult to find any specific criteria by which we might distinguish a special 'classical' form of slavery in the ancient world.

Many facets of Greek civilisation distinguished it from the surrounding cultures of the ancient Mediterranean and the Near East. Its art, literature and philosophy all display remarkable levels of innovation which differentiate it from the equivalent areas of culture in contemporary Near Eastern societies, and historians have long sought after the factors which produced the 'Greek miracle' and the flourishing of Greek culture which has exerted such a profound influence upon Western culture. Some have looked for the origins of this wellspring of ingenuity and creativity in the leisure provided to Greek citizens, politicians and intellectuals by the extensive use they made of slave labour, and have simultaneously denied the same economic underpinnings to the upper-classes of 'non-classical' cultures. However, whilst it can scarcely be doubted that slave labour greatly assisted many of the cultural achievements of Greek civilisation, serious reservations must be cast upon the idea that the Greek utilisation of slavery amounts to yet another factor distinguishing the Greeks from her barbarian neighbours. Neither the legal meaning nor the economic importance of slavery in Greece was fundamentally different from that in other cultures of the Mediterranean and the Near East. Many practices of the Greeks set them apart from their contemporaries, but slavery was not one of them.

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