

DPhil in Oriental Studies: Cuneiform Studies

**Slavery in Early Mesopotamia from Late Uruk until the Fall of Babylon in the
*Longue Durée***

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Abstract

This dissertation looks at slavery in early Mesopotamia (ca. 3200-1595 BC) in the *longue durée* and establishes theoretical foundations for interpreting the data preserved in the extant sources. Rather than attempting to define slavery, the forms the social institution took from proto-history into the historical era of early Mesopotamia are contextualised, while identifying the broader social changes which might explain the non-linear evolution of the practice.

After considering the difficulty of defining the term ‘slave’ in relation to early Mesopotamia in general and numerous attempts to approach the problem, this work moves beyond definition, attempting to historicise slavery. To achieve this, slavery in early Mesopotamia is considered in the high points of the record in relation to key diagnostic features. The acquisition of slaves is studied alongside the release of slaves, demonstrating the numerous ways people in early Mesopotamia could be reduced to some form of bondage or slavery, while there remained relatively few means by which a person could experience upward movement out of slavery, opportunities which were reduced further for foreign and houseborn slaves.

The following discussion of the economics of slavery seeks to place the question in an historical context of modern scholarship before assessing the motivations, benefits, and risks of owning slaves in early Mesopotamia. After this chapter which looks at slavery from the perspectives of the elite, the subsequent chapter attempts to move beyond the elite bias of the documentation to understand history from the bottom, by studying flight and the related means of coercion. By considering the ways in which runaways were pursued and the risks members of the lower stratum community were willing to take for a change in status, the discussion presents a way forward to understanding slavery in early Mesopotamia. These diagnostic features of slavery reveal a traceable non-linear evolution of slavery in early Mesopotamia.

Chapter 1

Introduction

1.1 Introduction

Sudden and significant changes, whether geographical or technological, can create new social contexts, and therefore new problems. The industrial revolution, for instance, was a paradigm shift from previous practices of labour and production. But with this example of human ingenuity came the urban slum. Although the origins of slavery stretch back to chieftaincies and nomadic groups (Snell 2011: 6-7), a technological leap in progress may have helped create the context in which the problem of slavery arose or, at the very least, grew. With the advent of systematic farming practices, the accumulation of resources, the need for storage, and the idea of land ownership came the consolidation of power in the hands of the minority. A surplus of food enabled the rise of specialised labour unrelated to food production.¹ People could devote their time to creating better weapons. Others could focus on political matters, while others still could devote their lives to the cult. All of these endeavours were aided by the increased food production. With the agricultural revolution in the ancient Near East, change was afoot. As wealth grew and with it power, new expressions of wealth became increasingly desirable. The most abiding and perhaps problematic historical example of wealth accumulation is the commoditisation of humans. Owning humans became a comparatively efficient expression of wealth and power. Rare stones are lovely to look at and outward expressions of status, but these stones do not directly protect nor produce further wealth. With the commoditisation of humans, however, the owner was able to present her or his wealth to others, protect her or his interests through increased power, and even multiply that wealth

¹ For a popular and at times opinionated account of world history, see Diamond 2005, in particular page 90 for ancient Near Eastern food production.

by breeding the slaves. Further, owning humans helped to address labour shortages which might arise.

Whenever power and/or resources accumulated in the hands of few, labour outside the family was needed. The requisite labour was secured by means of coercion (Finley 1980: 68). Such coercion took many forms from protohistory into the early historical era. The study of Late Uruk to the Fall of Babylon in early Mesopotamia, ca. 3200-1595 BC, according to the now contested Middle Chronology (see, for example, Aström 1987; Cryer 1995: 651-664; Roaf 2012), reveals a very interesting process of the commoditisation of humans and a traceable non-linear evolution.

1.2 A Brief Sketch of the History of Research

In scholarship, there have been numerous attempts to explain the major developments in the social history of early Mesopotamia and how the observable changes took place. Through seventeen articles dating back to 1920 and summarised in his 1931 monograph, Deimel proposed the temple-state theory which argues that most, if not all, of the arable land in early Mesopotamia was owned by temples during the mid-third millennium.² The requisite irrigation and erratic flooding in the region produced a significant labour need which was met by enveloping the population into a workforce who served and was subsisted by the redistributive system of the temple. The religious concept that the duties were being performed for the deities provided the rulers with derived authority, enabling such acts of mass coercion. These practices continued until the late third millennium when the decline of theocracies and the shift to a large state economy was the result of increasing secularisation. Despite the movement from temple to palace, Deimel reasoned that the economy continued under similar regulation. Deimel's thesis was the inspiration for the work of the economist Schneider, whose defence of the theory, albeit predominantly based on Deimel's work, was slightly more nuanced (Schneider 1920).

² For a full compilation of these articles, see Foster 1981: 226.

Similarly, Falkenstein (1954, 1974 revised translation) stated that temples were closely related to the early social development of Mesopotamia. As the sole or primary land holder, the temple utilised the combined labour force of the city-state, enabling irrigation, defence works, and the construction of temples. For Falkenstein, the temple states were primarily Sumerian and continued throughout the third millennium with the exception of the Old Akkadian period. The Sumerian temple-states eventually developed into the state economy of the Ur III period. Although Falkenstein updated the theory, his conclusions did not deviate much from Deimel's temple-state.

Deimel's theory, however, was challenged in the following three main areas, as summarised by Foster (1981: 227-230): 1) calculations; 2) private land ownership; 3) social evolution. Diakonoff (1952, 1959 – both in Russian cited in Foster 1981) recalculated the area and the number of dependent workers of the same temples which were important for Deimel's study and considered other temples as well. On the basis of these calculations, Diakonoff concluded that although the temple was of great importance, it was by no means the sole land holder. Gelb (1969) treated the problem differently by studying the evidence of land ownership as recorded in the so-called early *kudurru*'s. Gelb argued on the basis of sale documents that private land ownership existed and that Deimel's study was at points useful but not to be treated normative for all of Mesopotamia. Marxist scholars (Tyumenev 1956 – in Russian, cited in Foster 1981: 229: no. 11; Diakonoff 1975), on the other hand, argued that the evolution of social order in early Mesopotamia occurred quite differently than Deimel reconstructed it. Such scholars argued that the land was primarily communal, and on this land religious institutions began to be supported. As these temple officials and complexes consolidated power, the larger temple economies grew.

Jacobsen's 1943 'primitive democracy', however, explains social history of Mesopotamia differently. For him, rule was derived from the consensus of the population and even decisions such as going to war were made by the people. This 'primitive democracy' evolved into a 'primitive

monarchy’, ‘primitive empire’, and finally reached its late third millennium height in the bureaucratic state of the Ur III Dynasty.

More recently, Garfinkle (2012), using three archives from the Ur III period, argues that there was significant private economic activity taking place. He concludes that entrepreneurial enterprise was available to a ‘large segment of the urban population’ while most were dependent upon the institutions (Garfinkle 2012: 153).

The third millennium developments observable in Mesopotamia are not the only problems facing Assyriologists. The transition from the Ur III period into the Old Babylonian period has also posed numerous difficulties. Most explanations have attributed the major developments to the influx and rise in power of the Amorites.³ The evidence relating to the Amorites, however, has been studied further by Sallaberger (2007), who argues there was already a significant Amorite population in the Ur III period, causing some to reconsider the attribution of the major social historical changes to the tribal structures of the Amorites.

While many studies have readily accepted the picture offered by the textual records of the Ur III and Old Babylonian periods, Adams (2006) has advocated the position that the differences from the Ur III to the Old Babylonian period are the result of the nature and state of the documentation and attributes the near absence of private economic activity for the Ur III record to the facade

³ The broad appeal to the Amorites for explanations of the changes in social structures during the Old Babylonian period can be seen in one of Renger’s (1972: 180) potential causes behind the reduction of evidence relating to flight for the Old Babylonian period. He states that former political tensions were diffused and replaced with tribal structures when the Amorites settled the area. See further discussion below in chapter 5. A classic summary of the Amorite influence and the use of the theory to explain societal changes can be found in Lambert (1998: 60-61) when he writes of the rise of the Old Babylonian period in relation to the topic of kingship: ‘There was a movement of Amorites from the Syrian desert into Mesopotamia, and the rulers of the Third Dynasty of Ur either underestimated the scale of the threat (a wall was built to keep them out) or did not have adequate military forces to repel them. There was also treachery among the city governors. While the basic movement was presumably of nomads moving with their flocks, somehow armies with reasonable equipment and effective leadership arose, so that a serious momentum developed, assisted finally by the Elamites, who delivered the *coup de grâce*. But the Elamites promptly withdrew and so left the Amorite chieftains free to settle down, as many of them did, becoming the new rulers of the country. Thus, from the previous “Sumer and Akkad” (the Sumerians nearest the Gulf, the Semitic Akkadians further upstream) a more homogeneous Semitic civilization arose, ruled over largely by Amorites....The divinity of kings did not continue. In the Diyala valley and a few towns in Babylonia it survived a short time after the fall of the Third Dynasty of Ur, but then it finally died out. Presumably, the Amorites did not have sympathy for the concept’. For an orientation to and extensive interaction with the issues of the Amorites, see Michalowski 2011: 82-121.

created by the state administrative system and the classic archaeological interest in elite institutions.

Stone (2002: 82-83) advances Adam's position by stating:

If we accept the argument that I am making, that the contrast between the Ur III and Isin-Larsa/Old Babylonian textual records primarily reflects differences in preservation of their archaeological contexts and some changes in what was consigned to writing, then we have the possibility of arriving at a broader understanding of Mesopotamian society where the private texts from the later period can be seen not to contrast with, but to complement the Ur III record, providing a view of the private sector of society that was previously absent. We can then see the differing records as two sides of the same coin....

In conclusion, if the differences in the textual records of the Ur III and Old Babylonian periods are seen as largely the result of differing site-formation processes, it becomes possible to use the two sources to build up a picture of Mesopotamian social and economic organization which is congruent with the archaeological record. This finally allows us to begin to understand the *longue durée* of ancient Mesopotamian society, an approach long advocated by Adams, but which regrettably has not been a focus of research in recent years.

While there remains little agreement about the early Mesopotamian development of social structures, the need for a study in the *longue durée* has been expressed in several publications.⁴ A theoretical foundation for a study of slavery in early Mesopotamia in the *longue durée* has been laid above all by scholars such as Diakonoff, Gelb, and Struve (Englund 2009 §1.5). In spite of this and the extraordinary documentation about early Mesopotamia, such a study has yet to be written.⁵

1.3 The Longue Durée

Recently, D. Armitage (2012: 493) exclaimed, 'In many realms of historical writing, big is back'.

As opposed to biographical and micro-histories, the *longue durée* looks at history by tracing larger trends within a society or societies. While in other fields and areas of study, big may be back, in the field of Assyriology, it has become fashionable in scholarship to attribute the impasse reached in the

⁴ Stone 2002: 82-83. Englund 2009 §1.5. Molina (2011: 563) expresses the wish for a diachronic study of slavery.

⁵ Three works come to mind here. First, I. Mendelsohn (1949) wrote a study that deals with slavery in the ancient Near East. That study, however, is now very dated and was written prior to the major theoretical debates in Assyriology on the subject. Another study of slavery in the *longue durée* is by P. J. King. This study, however, merely treats Biblical material on the subject and that quite cursorily (King 2009: 243-249). Most recently, Snell (2011: 4-21) has discussed slavery for the entire ancient Near East. Siegel (1947) wrote a work on slavery during the Ur III period.

debates about the nature and prevalence of slavery in the ancient Near East to a misplaced focus on larger trends at the expense of data.⁶ In the subsequent years, the field has seen numerous studies dealing with narrowly defined inquiries and case studies looking at specific figures and institutions within the ancient Near Eastern record.⁷ The welcome trend of detailed focus on the sources in Assyriology, however, should not be done at the expense of theoretical rigour or discovering the larger trends.

Histories in the *longue durée* can be written in a number of ways depending on how ambitious the project is. ‘Big histories’ stretch to the beginning of the universe and attempt to draw upon multiple scientific disciplines. This investigation of the *longue durée* is not a ‘big history’. ‘Deep histories’, however, focus on humanity and attempt to bridge the protohistorical and historical record.⁸ Such an historical inquiry is precisely reflective of the goals of the present project. By tracing slavery from protohistory into the historical period of early Mesopotamia, this study attempts to explain the early transitions which took place in the institution of slavery.

Most studies in the *longue durée* are influenced by F. Braudel’s 1949 publication,⁹ *The Mediterranean and the Mediterranean World in the Age of Philip II*. This French Historian of the *Annales* school focuses on the slow and all-but-permanent progression to arrive at an historical narrative. Braudel divides his history of the Mediterranean into three parts. In the first section he investigates what he describes as ‘a history whose passage is almost imperceptible, that of man in his relationship to the environment, a history in which all change is slow, a history of constant

⁶ See, for example, Seri’s (2013: 6) recent response to the Assyriological debate about slavery, ‘Although I do not believe that the minds of scholars are tabula rasa, one obvious conclusion of this necessarily brief summary is that, in certain cases, ideological agendas and political positions seem to have taken precedence over the analysis of documents. Of course no one will question that scholars such as Diakonoff or Finley knew their sources, but perhaps because they were both interested in the big picture, certain relevant details got lost in the maze of argumentation’.

⁷ See Steinkeller 1987: 73-115. Steinkeller 1996: 232-253. Koslova 2008: 149-206. Dahl 2010: 275-305. Garfinkle 2010: 307-316. Further, in recent years the desire for event based histories has resulted in the production of two biographies of Hammurapi within a couple of years of each other. See Charpin 2003 and the later English translation Charpin 2012. See also van de Mieroop 2005.

⁸ See Armitage (2012: 494) for his succinct summary of big and deep histories.

⁹ The edition cited in this work is the 1972 revised version which was translated into English.

repetition, ever-recurring cycles' (Braudel 1972: 20). In the second major section of the book, Braudel considers what might be termed social history. In it he studies, 'economic systems, states, societies, civilizations and finally, in order to convey more clearly my own conception of history, attempting to show how all these deep-seated forces were at work in the complex arena of warfare. For war, as we know, is not an arena governed purely by individual responsibilities' (Braudel 1972: 20-21). In the final part of his book, Braudel considers more traditional history, 'not on the scale of man, but of individual men, what Paul Lacombe and François Simiand called "*l'histoire événementielle*", that is, the history of events, surface disturbances, crests of foam that the tides of history carry on their strong backs' (Braudel 1972: 21).

While numerous works have been inspired by Braudel's approach, history in the *longue durée* has been criticised in scholarship for downplaying human elements and the roles of events. In the area of the history of ideas, criticism has been particularly prominent. Skinner (1969), in a classic critique of the *longue durée*, seeks to demonstrate that taking a long view for investigations in projects about the history of ideas will always be unsuccessful. Despite such criticism, Armitage (2012: 496-507) utilises the concept of 'civil war' from his own project to argue that 'big histories' are suitable approaches for the exploration of 'histories *in* ideas'. As Armitage (2012: 500-507) demonstrates with the idea of 'civil war', slavery is a concept and social institution which is ideally suited to a study in the *longue durée*.

1.4 Slavery

While the term 'slavery' is widely used and known, the concept remains very divisive and largely elusive on the basic level of definition. As such, slavery as a concept cannot be reified and has changed dramatically even in the last hundred years as traditional notions of slavery in the Western World have been replaced with what is typically termed 'modern slavery'.

Throughout history many forms of coerced labour have existed, and numerous problems beset the task of definition, leaving scholars unable to agree on what exactly constitutes slavery (Englund 2009: §2:1). Gelb, in an important article that situates the Assyriological debate about social status in the context of the wider scholarly discussion, concludes, ‘The term “slave” can be discussed, but not defined’ (Gelb 1979: 283).

The *Oxford English Dictionary* gives a definition that is helpful as it applies to the everyday, non-theoretical usage of the term slave: ‘One who is the property of, and entirely subject to, another person, whether by capture, purchase, or birth; a servant completely divested of freedom and personal rights.’

The 1926 Geneva Convention, on the other hand, serves as an internationally accepted legal definition of slavery. It states: ‘Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised’ (Geneva Convention 1927: 174).

The Cambridge World History of Slavery defines chattel slavery as: ‘the most extreme form of unfreedom in antiquity, in which the slave was conceptualised as a commodity, akin to livestock, and was owned by a master who had full capacity to alienate his human property, by sale, gift, bequest or other means. For the slave the result was a state of social death in which all rights and sense of personhood are denied’ (Bradley and Cartledge 2011: 1). In this definition the influence of the work of Orlando Patterson is obvious, and one of the more famous definitions of slavery comes from this historical sociologist: ‘Slavery is the permanent, violent domination of natively alienated and generally dishonored persons’.¹⁰ In Patterson’s view, although slavery has taken many forms throughout the history of the world, these systems have common elements that are captured in his definition. Patterson’s approach involves considering the denationalisation of the person and the

¹⁰ Patterson 1982: 13. See also Patterson 2008: 34-35. J. Miller (2008: 72) criticises Patterson’s definition since the ‘historical significance’ of a slave, under such a definition, can only come from rebellion, preferably violent, rather than the rights and significance that slaves possessed by virtue of their humanity.

assimilation of that person in society. In doing this, Patterson adopts a similar perspective to the cultural biographical approach of the anthropologist I. Kopytoff (1986: 64-91), who looks at the commoditisation of a person in the act of sale and how that person's subsequent life can become individualised to some degree and might even head down a trajectory that most Westerners do not consider to be involved in slavery, for example adoption. Kopytoff, then, traces how the person can be individualised in the host society and yet lives with the possibility of facing commoditisation again.

Patterson's definition can be compared by contrast to the view set forth by W. L. Westermann with its specific emphasis on the legal status of slaves. Westermann (1944: 214) writes, 'The concept of slavery [...] is that of its precise legal meaning, the complete subjection by ownership of one individual human being to the will of another single human being, or to the will of several persons if the ownership is multiple'.

As a solution to the problem of terminology, some scholars use such terms as 'unfree', 'semi-free', and 'slave', reserving 'slave' for the most extreme category of 'unfree' workers (Dal Lago and Katsari 2008: 29). A less nuanced but related approach is to divide society into two broad categories: 'free' and 'unfree'. The notion of 'freedom', however, as a criterion for defining slavery has been frequently rejected in scholarship as insufficient.¹¹ The use of 'unfree' and 'free' as the two main categories lacks enough nuance to deal with overlap in status. Even terms such as 'unfree', then, are fraught with difficulties and must be defined in relation to other key but difficult to define terms like the word 'free' (Gelb 1967: 4).

One way to differentiate between various lower stratum workers is to focus on the origin of each person. Some cultural anthropologists¹² distinguish between chattel slaves, typically of foreign origin, and household slaves, involving native impoverished or insolvent people. The former are

¹¹ See Gelb 1979: 284. Westermann 1944: 213-214. Finley 1964: 247-249.

¹² See, for example, Siegel 1945: 357-392. Thurnwald 1928: 209-228.

usually considered chattel while the latter are viewed as semi-free. Similarly, other studies seek to distinguish between various forms of slavery by separating debt-slavery from the more extreme chattel slavery.¹³ These distinctions facilitate further nuanced discussion of the various types of lower stratum individuals, especially with questions about legal status, but remain incapable of solving the problem of defining slavery.

Marxist theory focuses less on the legal status of slaves, opting to devote attention to economic considerations. Such a decision impacts the method of dealing with the problem of the definition of slavery. While legal distinctions might stratify society in one way, economically the end result in every day life may not be significant. In other words, while a person who is a debt-slave may be given a different legal status than a chattel slave, the difference in the quality or manner of life may not be discernible. Finley summarises Marxist¹⁴ theory on slavery and serfdom as follows: ‘The slave was himself a privately owned commodity, denied in perpetuity ownership of a means of production, denied control over his labor or the products of his labor and over his own reproduction. This was not the case with the serf, the peon, the more or less tied peasant in Asiatic society, the Spartan helot and other varieties of bondsmen’ (Finley 1991: 496). When attempting to determine the status of an individual in a primary source, extra-economic coercion and the ownership of a means of production are among the key determining factors for Marxist scholars.

The problem of the definition of slavery only escalates with the study of the ancient Near East.¹⁵ In early Mesopotamia, nearly everyone can be said to serve someone else. Studying a society where the ‘slave’ cannot be contrasted easily with the ‘free’, as in other societies (Diakonoff

¹³ See Finley 1964: 233-249. Gelb 1976: 197. Snell 2001: 45-46. Westbrook 1995: 1639.

¹⁴ For apt summaries of Marx and Engels and Weber’s views on slavery, see Nippel 2005a: 31-49, in English and the expanded German article Nippel 2005b: 317-356.

¹⁵ See E. Sollberger (1972: 185-189) on the difficulties of studying status in the Ur III period. Sollberger’s essay highlights the limitations of the evidence and cautions against the temptation to draw sweeping conclusions from limited and accidental data. B. Studevent-Hickman (2008) revisits and builds on the thoughts of Sollberger’s article. Studevent-Hickman (2008: 141-147), focusing on the workforce at Umma, recognises the advances made in the study of the Ur III period, while reissuing Sollberger’s caution about the limitations of the data.

1987: 1), results in the blurring of lines between slaves and other lower stratum workers. The main terms which are used to denote slavery in early Mesopotamia are the Sumerian words (*arad* and *gem e 2*) and the Akkadian terms (*wardum* and *amtum*). The study of social status is further complicated by the broad semantic range of the terms related to slavery (Gelb 1973: 76). For instance, the same term (*wardum*) can be used to refer to a subordinate to a king, a worshipper of a deity, or a subjected person (see CAD AII: *ardu*).¹⁶ In some cases, the term ‘slave’ can be used to express deference or a relationship to a king or deity. In other cases, ‘slave’ may indicate a subservient person who is treated as mere chattel. One way of achieving further clarity about the status of individuals involves comparison with other societies and slave systems. Comparative method is particularly important for the study of slavery in the ancient Near East (Gelb 1967: 1-8), but the limits of comparative method must be kept in mind. Van de Mieroop rightly asks whether social status translates through time: ‘Are we to see a Mesopotamian *wardum* as the equivalent of a Roman slave, whose body belonged to his owner, or as someone similar to the medieval European serf, tied to the land he or she worked?’¹⁷ With such questions, care must be taken to avoid the imposition of (post)modern notions about slavery and freedom upon ancient society indiscriminately.¹⁸

Since such a large semantic range exists for the term *wardum* and other terms relating to slavery (Dandamaev 1984: 81-102), a number of methods have been employed to determine the status of individuals mentioned in the texts of the ancient Near East. Dandamaev, for example, seeks to determine whether a person can be sold or branded in the Neo-Babylonian Period. If such is the case, then Dandamaev considers the individual to be a slave (Dandamaev 1984: 78-79). Gelb

¹⁶ For the origin of the term *šubur/šubar = (w)ardu(m)*, see Gelb 1982 and more recently Hallo 2014. The argument is that the terminology for slave derived from a people group commonly enslaved, the Subarians.

¹⁷ van de Mieroop 1999: 88. See also Snell 2005: 103.

¹⁸ The findings of T. Rihl (2008: 127-147) could be used to argue that most of the Western world lives in a state of ‘voluntary slavery’ if ancient Greek notions about slavery and freedom were used as criteria.

argues against Dandamaev's criteria, since Gelb thinks that his own work renders Dandamaev's method insufficient (Gelb 1976: 201). Gelb states that members of the semi-free class (which he calls serfs) were marked or branded,¹⁹ while Dandamaev views such individuals as slaves on that basis. Gelb (1972: 82) explains his own approach as follows, 'Because of the difficulties in defining the terms "slavery" and "serfdom" on the basis of such criteria as freedom, salability, legal rights, my own approach to the whole question of labor classes is based not on outside form, as reflected in terminology, but on function, as reflected in the utilization of the labor.'²⁰

Snell focuses on saleability²¹ in his 1997 overview history of the ancient Near East. Although some slaves are never sold, it is the potentiality of sale that is the key feature of slavery in Snell's view (1997: 21). Snell's criterion, however, has some inherent difficulties. Though the saleability of certain individuals can clearly indicate their servile status, such a view might be deemed simplistic as it reduces children to the status of slaves, since they can be sold. However, children are in no way slaves until after a sale has taken place, and in some cases the child is adopted rather than reduced to the status of a slave.²² More recently, Snell mentions saleability as a criterion for a 'traditional' definition of slavery, after which he mentions and employs to some extent Patterson's above-mentioned definition, only to return to the question of saleability for his conclusion (Snell 2011: 4, 20-21).

In the study of the ancient Near East, legal approaches to defining the term slave have also been employed. Westbrook (1995: 1634) offers the following legal definition of a slave in the ancient Near East:

¹⁹ In one of his earlier writings, Gelb (1965: 240-241) rejects the use of the term serf on the basis of its medieval feudal connections, preferring to refer to the *g u r u š* class. Gelb, however, in his later writings continues to utilise the term. See for instance, Gelb 1976: 195-207; Gelb 1979: 283-297.

²⁰ Gelb (1972: 87) compares 'slaves' with 'serfs' using twenty 'distinctive features'. See Diakonoff's (1974: 56-63) interaction with Gelb's categories.

²¹ The more common term is 'alienability'.

²² See, for example, the discussion of the sale of dependents in chapter 3.

In law, a slave may be defined as a person who is owned by another in the manner of a chattel, subject only to special considerations that may arise from his humanity. Such considerations may affect the extent to which the rules of property law are applied and may vary from system to system, but they do not derogate from the basic status. Applying this definition to the systems of the ancient Near East, however, is complicated by two factors: 1) the ambiguity of native terminology, and 2) the plethora of servile conditions that share some of the characteristics of slavery but were nonetheless distinct in law.

Westbrook (1995: 1634) isolates some of the problems with the native terminology and the numerous hierarchical relationships, such as a king and a vassal, together with statements of deference, which are expressed by using similar terminology in the ancient Near East, as discussed above. Westbrook elaborates on overlap in servile conditions faced by many in the ancient Near East by distinguishing servility in family, serfdom, debt-slavery (distrains), and servility *ex delicto* (*kiššātum*) between the status of chattel slaves (Westbrook 1995: 1635-1638). In another article, Westbrook's position becomes even clearer. He writes:

The status of slavery has two aspects: the loss of personal freedom, as a result of which the slave must serve his master, and the quality of chattel, as a result of which ownership in the slave may be freely transferred. We tentatively suggest (in the absence of direct evidence) that servile conditions arising from *kiššātum*, *mazzazānūtum* and *nepūtum* were less than full slavery because only the first aspect applied; they had to serve the creditor but were inalienable (Westbrook 1996: 458).

In this way, Westbrook uses the issue of alienability to distinguish between different servile relationships and chattel slavery.²³

The question of alienability is certainly important but can hardly be considered the final word on the issue of slavery. The broader study of slavery has begun to investigate the relationship

²³ Westbrook (1995: 1636 no. 6) is critical of Gelb's 20 distinct features of slaves and serfs (Gelb 1972, 1979), citing Diakonoff's criticism that these distinctions are not essential (Diakonoff 1974). Westbrook (1996: 1636 no. 8) further writes, 'Diakonoff, *op. cit.* 58-59, includes in his list four "legal" features. They are not very revealing. Only, "Alienability" differs; slaves are alienable, serfs are not or seldom so. The others are "Freedom of movement" (no), Emancipation (rare), Legal rights (limited/subject to change)'.

between indigenous enslavement and incarceration.²⁴ These studies prove interesting since the historical plight faced by oppressed people has not been limited to the difficulties faced under traditional modes of slavery. In fact, in the United States the mass incarceration of African Americans after the abolition of slavery extended special control over the population and created leverage for the continued coercion of the recently liberated people. Without a change in work practices together with the stringent penalties for not working and the subsequent poverty faced, overseers exerted control over their workers which was similar to that of a master over a slave. A main difference, however, is that the overseer was able to punish and control the worker without the cost incurred from destroying personal property. This raises the possibility that inalienable people who are not owned could face harsher work conditions, since the person, no longer a commodity, ceases to be as valuable to the owner. This historical phenomenon suggests that the effects of slavery cannot be fully eradicated without labour reform or regulation and perhaps that inalienability may represent a higher legal status without necessarily being indicative of better circumstances. Further, as noted above, since dependents can be sold in early Mesopotamia (see discussion of the sale of family members in chapter 3), this suggests alienability is not necessarily the determining factor of status.²⁵ Nevertheless, trends in legal practice are very informative about

²⁴ One example can be seen in the 15th annual international conference held at ‘The Gilder Lehrman Center for the Study of Slavery, Resistance, & Abolition’, ‘Indigenous Enslavement and Incarceration in North American History’. The conference’s stated purpose reads as follows: ‘Studies of indigenous slavery have multiplied in the past decade, changing not only the ways we think about slavery, but also race, citizenship, and nation. This conference intends to bring together some of this exciting new work and to trace its effects on and within Native American communities. It does so self-consciously in its expressed focus on slavery and incarceration. Such an emphasis, we hope, connects new slavery scholarship done in early American history with contemporary investigations into incarceration and prison studies.’ <http://www.yale.edu/glc/indigenous-slavery/index.htm> (Accessed 25 September 2013).

²⁵ Westbrook recognises the problem and seeks to distinguish between familial relationships and the relationship between slave and master, since ancient Near Eastern legal material maintained a terminological difference. Westbrook (1995: 1635) writes, ‘The authority of a head of household over other members of the family gave him powers that were, in some cases, analogous to those of a property owner. He could sell his children into slavery or hire out their labor, or he could hand over his wife or children by way of pledge to secure a debt. [...] Although members of the family other than the head of household held subordinate status, it was a separate status in law with its own special rules, which only occasionally coincided with those of slavery’.

These distinctions, however, show that alienability remains a possibility outside the bounds of slavery, and therefore, not the single criterion for determining status in early Mesopotamia. Further, while chattel slavery involved alienability, it does not seem clear that the absence of the possibility of being sold precludes other forms of slavery.

slavery in early Mesopotamia (see, for example, Wilcke 2003: 158-160; Lafont and Westbrook 2003: 198-200; Westbrook 2003b: 380-385).

Other criteria for defining slavery are used as well. V. V. Struve (Struve 1969: 127-172, English version of Struve 1947) applied the question of a means of production to the *g u r u š*. While the term *g u r u š* from the Old Babylonian period onwards was equated with the Akkadian *eṭlum*, or ‘a young, able-bodied man’, the Sumerian word is unclear in its precise meaning and is applied to different types of males, particularly of the Ur III period and sporadically earlier. Struve concluded that the *g u r u š* were completely dependent upon the state for their lives, essentially living in a form of slavery.²⁶ Yet, even the question of owning a means of production is not very straightforward, since it can be difficult to determine whether the means is actually owned by the individual or simply *peculium*.²⁷

The discussion about the definition of slavery in the ancient Near East was further complicated when Diakonoff (1987: 1-3) chose to define slavery along the lines of concurrent Soviet scholarship²⁸ rather than the typical definition of the West. While Western scholars, such as Gelb, distinguish between various forms of debt-slaves, serfs, and chattel slaves, Diakonoff argues that ‘serfs’, which he terms ‘helots’ (Diakonoff 1974: 65-66),²⁹ although legally distinct, can appropriately be called slaves, since the actual difference cannot be economically established

²⁶ Contra Gelb 1967: 7. Struve’s thesis and the concept of a work day has been advanced considerably by Englund 1990 and 1991 and then by Dahl 2010.

²⁷ Diakonoff (1974: 60) is critical of Gelb on this point since it is not always clear who owns what in these documents.

²⁸ A typical Soviet definition of a slave, according to Dandamaev, can be summed up as follows: ‘a slave is a person deprived of the means of production who works under extra-economic coercion and is merely a thing belonging to his master’ (Zel’in 1969, as cited in Dandamaev 1984: 72-74, 78). Dandamaev nuances the definition of Zel’in by writing, ‘While we may accept the definition of a slave given by Zel’in (a slave is the property of another person, but not necessarily chattel and not necessarily deprived of the means of production) as indisputably true from the methodological point of view, it is necessary to make this definition somewhat more precise with regard to Babylonia of the seventh to fourth century. Since it is not always clear whether designated by this or that term are slaves or only dependent persons, or in a number of instances, servants, it is necessary to set up definite criteria’ (Dandamaev 1984: 72, 78), which are whether a person can be sold or branded.

²⁹ For a brief discussion of the terms ‘serf’ and ‘helot’, see Neumann 1987: 22 no. 13. Englund (1990: 63-90) uses the term ‘Betriebssklaven/innen’ to avoid the loaded terms of ‘serf’ and ‘helot’ and distinguish between dependent labourers and slaves.

(Diakonoff 1974: 55-56. Diakonoff 1987: 1-3). The debate about the definition of slavery in early Mesopotamia subsequently came to an impasse.³⁰ Since then the views of Diakonoff and Gelb have been frequently referenced in scholarship and numerous works have been published which make contributions to the problem by employing new methods and/or advancing earlier approaches. For instance, Dahl's (2010) recent study advances Struve's approach by pursuing economic questions, while Culbertson (2011b) applies a 'life-course' theory to slavery in relation to children of the Ur III period. With each of these studies the state of knowledge is advanced, and yet a definition remains elusive. The problem of social status in the Ur III period, much like the rest of early Mesopotamia, is complicated by the broad semantic ranges of terms relating to slavery and the overlap in station between people of various status. For this reason, some scholars have attempted to illuminate the situation by considering other terminology related to other types of workers. Studevent-Hickman (2008: 143-145) is complimentary of Steinkeller's writing on terms such as *ere n 2* to understand other problematic terminology. Steinkeller (2004: 93-94) writes of the Ur III situation:

As for the Ur III economy specifically, it is clear that under the Ur III kings all the arable land, including the holdings of temple estates, constituted the property of the king. This land was distributed by the crown among the dependents of the state in the form of substance allotments (*ŠUKU*), depending on their social position and profession in exchange for services. The principle was in force throughout the entire society, excluding here, of course, slaves and the lowest ranks of the working class – the menials. The native term that served to designate a state dependent is *éren*. Although in the extant documentation this term is usually applied to the lowest-ranking dependents of the state, it is clear that in its broad sense it means any subject of the king. Even the members of the royal family ranked as *éren* vis-à-vis the king. Because of this, one could even describe the Ur III society as an *erenage* system.

Steinkeller (2013: 350-351) develops this position further in his recent study of *corvée* labour for the Ur III period. Koslova (2008) has discussed the term *du mu - gi 7* in Umma and demonstrated that it is largely synonymous with *ere n 2*. Interestingly, these terms have been thought to be referring to people who are non-slaves (Koslova 2008: 152), the free (Steinkeller 2013: 350), or on

³⁰ See Englund's brief critique of the debate that took place. Englund (1991: 255-256) states that the paucity of tools available at the time and the subjective nature of much of the discussion hindered the results.

the basis of legal texts ‘a slave who has been freed’ for the *d u m u - g i 7* (Westbrook 2003a; Civil 2011: 254). Nevertheless, at least in certain contexts of the Ur III period, *e r e n 2* is a term which can clearly refer to people who are slaves. Heimpel (2009a: 63) writes, ‘Still the evidence of pursuit of “workers” (*éren*), most or all slaves, in the texts from Al-Šarraki fits the situation in Garšana’. On the basis of the Garšana evidence, Adams (2010: §6.1) concludes:

The Garšana project construction texts as a whole support the impression that slavery, there at least, was by no means a unified category in terms of status, treatment, or behavior. Instead it was a large and ill-defined concatenation allowing not only for numerous individual differences but also for contradictory elements affecting different groups. If this is really representative, slavery as a whole was the ill-defined lower end of a graded series of impairments of the lives of working men and women, not necessarily much harsher or readily distinguishable from what lay above its ill-defined upper boundary.

So while it may be said that alienability was the main difference between chattel slaves and the inalienable lower stratum workers of the administration in the Ur III period (Englund 2009 note 10), slavery remained ill-defined and its boundaries fluid.

To sum up, the study of slavery is beset with numerous difficulties. Despite being a common practice throughout the history of the world, slavery remains difficult to define. One determining factor for the outcome of studies on slavery depends on how the problem is approached. Legal distinctions appear able to stratify society more easily than economic distinctions, while economic factors likely give a better sense of the actual realities facing the individuals and groups of individuals under consideration. Finally, cultural biographical approaches trace the life of slaves through commoditisation without confusing their social status if individualisation and advancement take place in their lives. Cultural biography, as such, facilitates a more nuanced assessment of status when considering the tasks of individuals and compensation within a workforce.

While much has been written about the difficulties of the terminology relating specifically to slavery, other related issues can be overlooked. For instance, problems also exist with the categorisation of the workforce. Scholars sometimes divide workers along the lines of ‘skilled’ and

‘unskilled’.³¹ The division distinguishes between jobs that require relatively low skill to perform (for instance, a water carrier) and jobs that require more skill and training (a craftsman or a scribe). As far as English literature is concerned, the first known example of the use of the word ‘skilled’ to refer to types of workers is from Adam Smith.³² Smith uses the term to explain the difference in wages received between a worker of skill and one who is a more common labourer, by drawing a comparison between machinery and the skilled person, whose education and training is marked by a significant investment (Smith 1776: 148-149). The discussion of skilled and unskilled labour in the English literature, then, begins in the context of the industrial revolution, which begs the question if this terminology should be utilised to describe protohistorical and early historical workers.

Although every craftsman is typically classified as ‘skilled’, with the Ur III potters (see Dahl 2010. MVN 1, 232; MVN 21, 203; SAT 3, 1597), for example, differentiation of skill within the group of potters must be maintained. Over the common potter was a master craftsman and administrators. The responsibility for concept and the management of the workforce belonged to these sorts of individuals. Members within the group could move up to master craftsmen, but these movements were reserved for certain individuals and likely related to family. Within the group of potters, many of the actual tasks were carried out by a number of workers who did not necessarily possess very much skill at all. Further, pottery, like many crafts, was likely learned from a very early age by observing an older relative.³³ In short, while many labourers certainly possessed some degree of skill and particular knowledge of their craft, the overall nature of the work and range of production fails to warrant the use of the appellation ‘skilled worker’ to categorise the entirety of related workers. Two likely exceptions to this are the master craftsman, who needed particular knowledge and ability, and the scribe, who required plenty of training and experience in writing,

³¹ A slightly more nuanced variation of this divides the workers into unskilled, craftsmen (or ‘skilled’), agriculturalists and pastoralists.

³² Smith 1776: 149. See OED online for the use of the term in the English language.

³³ Waetzoldt (1987: 133-134 and 1988: 40) estimates that children in the Ur III period were employed at the age of five or six years.

mathematical computation, and record keeping. While the categories of ‘skilled’ and ‘unskilled’ do not appear to clarify the evidence nor necessarily reflect social status (see discussion below), the administrative records show that certain workers were compensated above other ones on the basis of a number of factors, including task, age, and sex.³⁴ Within the differing scales of compensation, particularly as they relate to supervisors, there existed ‘on the job’ rank, but this does not necessarily correspond to rank in society. Whereas a eunuch might have functional authority over free people because of delegated responsibility, that eunuch’s actual status can be entirely unfree.

Even if the terms ‘skilled’ and ‘unskilled’ are maintained, it is questionable to what extent these categories reflect social status. When a person in a text is qualified as working in a ‘skilled’ position, it can sometimes be assumed that the worker enjoys a higher status in society by virtue of her or his craft. In fact, van de Mieroop (2007: 26) writes of the Uruk period, ‘The process of social differentiation culminated in the existence of a stratified society in which professional occupation primarily determined one’s rank in the hierarchy’. While social stratification existed with urbanisation, the view that occupation determines status seems unconvincing. In the first place, the process of gaining an administrative job in Uruk did not likely reflect the Mandarin practice of taking a test in order to obtain a position. In China, tests were taken to put in place the best administrative officials possible, irrespective of familial affiliation. This practice resulted in a new class of ‘gentry-literati’.³⁵ In the periods of early Mesopotamia which have better documentation, the acquisition of positions functioned very differently than the Mandarin practice outlined here. If there is no evidence of such practices in the well-known later periods of early Mesopotamia, there seems little reason to posit a very different process and context for the lesser-known Uruk period. If

³⁴ Studying these factors has not revealed straightforward rules that can be made into a simple system of expected compensation across the Ur III system because of various exceptions. For instance, the Ur III system appears to compensate males more than females in many cases (Gelb 1965: 232). At Garšana, however, males performing tasks that are usually carried out by females are compensated and included in the total as if they are females (Heimpel 2009b: 46-47).

³⁵ For an introduction to civil examinations in China and interaction with scholarship on the subject, see Elman 2000: 1-65. For Elman’s discussion of the terms ‘gentry-literati’ and ‘literati’, see Elman 2000: xvii note 1.

a theory must be advanced about the acquisition of ‘skilled positions’, it could be said that on the basis of later evidence, particularly the Ur III period, family lineage in Uruk rather than ability was likely the determining factor for the acquisition of higher positions and work assignments.

Secondly, and on the other end of the spectrum, van de Mieroop’s statement also fails to take into account the numerous slaves throughout history who have been highly skilled, wealthy (albeit likely related to a peculium) and have even held positions of considerable influence without a change in status.³⁶ By virtue of their humanity, what prevents a slave from being a master craftsman or a brilliant administrator? Perhaps, the assumed prevention of slaves achieving ‘skill’ and success lies not in the slaves themselves but in their masters. One of the factors contributing to the thought that coerced labour cannot be put in high-skill positions relates to theories about the potential for sabotage.³⁷ However, such theories overlook the historical evidence of highly ‘skilled’ and prominent slaves.³⁸ But when slaves were able to better themselves through ability and other factors, they remained slaves and not part of a new class of ‘gentry-literati’ as in Imperial China.

The social position of ‘skilled’ or occupational workers in the administrations of the Ur III period can be seen in the Garšana evidence, where people identified as occupational workers are also classified as female and male slaves (g e m e 2 ; a r a d 2) and female slaves and male slaves of the palace (g e m e 2 a r a d 2 e 2 - a) (see discussion in Heimpel 2009a: 64). If the occupational/‘skilled’ workers in Garšana were also slaves of the palace and household slaves, it is possible the same practice occurred in Umma and Girsu.

A similar approach to status, which focuses on wealth rather than ‘skill’ for the early period,

³⁶ For evidence of slaves having positions of influence and wealth for the later period in Mesopotamia, see Dandamaev’s discussion of the slave Dayān-bēl-uşur, of whom Dandamaev (1972: 39) writes, ‘He was one of those slaves who possessed houses and were influential persons, usurers on a large scale, who lent out money and produce to freemen and to other slaves. In spite of his wealth and influence, however, Dayān-bēl-uşur was completely dependent upon the whim of his master, and in the course of 48 years he, together with his family, was six times sold or bestowed as a gift or put up as security for a debt’. For the Ur III period, see Neumann (2011: 24-26) and the Garšana evidence (Heimpel 2009a: 45-122). Further, in later periods slaves could train as apprentices (see Baker 2001: 18-26).

³⁷ See the views of Marx and Weber (*MEW* 23, 210, no. 12; Weber 1924: 85). See further discussion in Nippel (2005a: 41-42, 48).

³⁸ See, for example, Rihll 2008: 128-130; Rihll 2010: 203-220.

can be found in Steinkeller (1993: 121):

In the south, the society was essentially as [sic] an all-inclusive temple community, with all its members standing in the same subservient relationship to the chief god. Class and social distinction were comparatively insignificant, with stratification based on wealth rather than on origin. These features, together with a high level of social mobility, gave the south a distinctly egalitarian character.

In the north, by contrast, the society appears to have been more rigidly stratified. In particular, we have convincing evidence that the institutions of chattel slavery and villeinage had been known in northern Babylonia long before they appeared in the south. This conclusion can be drawn from the fact that the Sumerian words for “slave” and “client” are both Semitic loanwords. An obvious corollary is that these borrowings were necessitated by the absence of comparable institutions in early Southern society.³⁹

Steinkeller’s claims about the egalitarian state are based on his understanding of the term

A R A D₁₋₂, likely a Semitic loanword, and the occurrences of the term in the textual record.

However, other terms for ‘slaves’ in proto-cuneiform texts of southern Mesopotamia predate

Steinkeller’s ‘Semitic loanwords’.⁴⁰ Further, the later prominence of the term a r a d₂ suggests a

significant break in early cuneiform writing rather than the introduction of a new social class (see

below discussion of the Late Uruk period in chapter 3). In short, the criteria of ‘skill’ and wealth for

understanding Mesopotamian social stratification suffers from a very flat view of the problem.

Cultural biographical approaches⁴¹ to slavery have demonstrated that whereas slaves are made into commodities through sale and other objectifying measures, they can in some sense be re-individualised in the host society, where they have the opportunity, to some degree, to distinguish themselves among others by virtue of intellect, effort, and other factors. In some cases, the result can involve manumission; in other cases, the process of commoditisation can continue to take place through sales and other objectifying measures. For these reasons, ‘high-skill’ workers or those individuals enjoying more wealth should not necessarily be considered free or even semi-free

³⁹ This view is cited in Molina 2011: 563 (= ‘Sklave, Sklaverei (slave, slavery). A. Im 3. Jahrtausend. RIA 12. 7/8: 563).

⁴⁰ See discussion below about the S A L + K U R and other early terms possibly related to slavery.

⁴¹ See in particular Kopytoff 1986: 64-65.

without taking into account other evidence as well. The entire case for the status of people cannot rest on the basis of a single criterion such as freedom, saleability, skill, or amount of rations; instead, a more meaningful approach to the manifold problem is a method that takes all of these questions, and others, into account.

The above discussion reveals some of the complexity relating to the study of slavery. Any attempt at an exact definition of slavery will likely fail on a number of points, since the institution took numerous forms throughout the history of the world. The same may be said of early Mesopotamian slavery, and it is this very elusive nature of the concept of slavery which makes the present study look to the big picture in early Mesopotamia with focus placed on historicising slavery rather than reifying the concept. Thus, there will not be an attempt to define slavery in early Mesopotamia; instead, attention will be devoted to describing the various aspects related to and problems faced by members of the lower stratum communities of early Mesopotamia in search of the broader changes which took place between the protohistorical record through to the end of the Old Babylonian period.

Chapter 2

The Nature of the Evidence and Methodology

In 1789 AD, a man named Equiano wrote an account of his life as a slave and became an important figure in the movement to abolish slavery.⁴² Slaves in early Mesopotamia, however, are left without a voice. Despite the sheer quantity of evidence relating to slaves and slavery, the record has many limitations, often leaving as many questions as the answers it provides.

As with any study of slavery in antiquity (Heszer 2005: 12), the textual sources relating to slavery in early Mesopotamia are one-sided and elite-biased. This difficulty has not been helped by the general emphasis placed on excavating elite institutions in traditional archaeology (Adams 2006: 148). Further, the distribution of the textual witnesses for this period is very uneven with certain contexts enjoying more thorough documentation than others. Yet, even the evidence from the better-documented periods must be divided into a variety of textual genres, and a number of difficulties are readily noticeable when comparing these sources, since texts can be created for different purposes.

2.1 The Nature of the Evidence

Due to the limitations of this project, a number of decisions have been made, and it is necessary to define what is meant by early Mesopotamia in this context. First, the period under consideration ends with the Fall of Babylon (ca. 1595 BC). This is not to say that there is not an interconnectedness to the periods which follow, but there is arguably a division in terms of ancient Mesopotamia with the deep roots that the Old Babylonian period has in the third millennium and in the richness of documentation. Secondly, the geographic scope of this work is limited primarily to southern Mesopotamia. This leaves the very rich Mari data largely untouched for this project, a

⁴² A recent edition of this account is Equiano 1999.

decision which relates again to the nature of the evidence. With Southern Mesopotamia, there is a vast, richness of material which spans the third and second millenniums, allowing larger trends in society to be traced. By contrast, the northern Mesopotamian evidence is largely limited to the second millennium. Since this work seeks to trace larger social trends from the proto-historical period into the second millennium, the investigation is restricted to Southern Mesopotamia (see similar discussion of ‘early Mesopotamia’ in Postgate 1992: xxi-xxiii).

The early Mesopotamian textual evidence relating to slavery can be divided into six categories: Literary Texts; Inscriptions; Legal-Historical Texts; Letters; Administrative Documents; and Legal Contracts and Completed Cases.⁴³ The diversity of sources together with their sometimes-competing reflections, viewpoints, and accounts of history indicate the need for critical evaluation of the genres and evidence. For this reason, these textual genres are discussed below in order to isolate some of the ways in which the written evidence can be evaluated critically. While the following study is primarily concerned with texts, archaeology is also important for the reconstruction of social history. As such, archaeology and material culture are discussed as well as the relationship one might expect to find between these and the textual record.

2.1.1 Literary Texts

In general, there are four main approaches to literary texts employed in historical writing. First, early literature can be demythologised in search of the actual events lying underneath the stories. When the various elements which are deemed ahistorical are removed from the narrative, a ‘kernel of history’ is left (see discussion in Liverani 1993: 42-46). Second, literature may be treated as historical fiction, which, simply put, is the addition of historical events to a fictitious story (for a summary and criticism of these first two approaches, see Liverani 1993: 42-46, 51-52). Third, the

⁴³ ‘Legal-historical’, as it is used here, refers to the texts that contain ‘laws’. Legal contracts, however, are considered separately, since these contracts and judgments report on decisions and events rather than entering into hypothetical discussions.

literature can be ignored completely. This approach is sometimes employed in studies which focus on documents of practice but has been criticised for not taking into account all of the available evidence.⁴⁴ Finally, literature can be viewed as representative of the thoughts and political contexts at the time of composition rather than informative of the events or periods described (see, for example, Liverani 1993: 42-52).

In this study, literature is mostly employed to gain insight into the perspectives of some early Mesopotamians. Although the literature of early Mesopotamia is elite-biased, the texts can be informative about certain social institutions and attitudes. In chapter 5, for example, the documents of practice point to the use of prisons, and through a hymn to the prison god, it is surmised that one function of the Ur III prisons may have been for the purpose of reform (see discussion below).

Other literary texts offer insight, as well. CBS 10467, for instance, is likely a literary text which takes the form of a manumission document. The text does not contain a date and casts extreme moral aspersions against Hala-Bau, the manumitted slave.

PBS 8/1, 100 (Cited with minor variation after Roth 1983: 275)⁴⁵

One female slave named Hala-Bau, a freed slave: From Babylon and back, she has been expelled from the camp-followers, [rejected from] the troops, shunned by the people. She is a huckster, she is flighty, she is an exile(?). She is a nymphomaniac, she is quarrelsome, she is a liar, a slanderer. She is a double-dealer. She is worthless, (this) daughter of Ninurrani...

Although originally included in a volume of ‘Legal Administrative Documents from Nippur’ (*PBS* 8), Roth argues that the text should be considered either a ‘comic morality tale’ or the work of a

⁴⁴ The recent work entitled *The Lower Stratum Families in the Neo-Assyrian Period* (Galil 2007) primarily considers administrative documents. M. S. Moore (2009), in a recent review, criticises the author’s focus on administrative documents. Such criticisms, of course, are not new. Following Liverani (1990) and Yoffee (1995: 283), Moore claims that failure to consider myths and literary sources hinders the process of achieving a complete picture of the culture.

⁴⁵ PBS 8/1, 100 (Nippur; ND; CBS 10467) = JAOS 103, 275 (Roth 1983):

Obverse: l (diš) sag munus ḥa-la-^dba-u₂ mu-[ni-im] / sag ṛama ṛ-ar-gi₄-bi
gar-ṛra ṛ / ka₂-ṛdingir-ra^{ki}-ta ṛ ka₂-dingir-ra^{ki} ṛ-[še₃] / eren₂-ṛta bu-
ra-am₃ ṛ ugnim[!]-[ta x-am₃] / un-ṛta suḥ-am₃ ṛ ga-ab-šam₂-ṛdi ṛ-[dam] /
bu-bu-am₃ bu₃-bu₃-ṛam₃ ze₂[?]-ze₂[?] ṛ-am₃ / ga-ṛan-za-za-am₃ du₁₄-mu₂-mu₂-
am₃ ṛ / ka-ṛlul-la-bal-bal-am₃ ṛinim-ṛsig-ku₂-ku₂ ṛ-am₃ / bi₂-in-ṛdu₁₁ ṛ
ba-da-ṛgur ṛ / nu-mu-un-na-kal dumu-munus nin-ṛur₂-ra-ni ṛ...

clever scribe (Roth 1983: 275-282).⁴⁶ Other literary material in the form of proverbs during the Old Babylonian period also cast moral aspersions on slaves (see Snell 2003). Such texts and the views expressed in them are reminiscent of the New World slave tale of Sambo which portrayed him as lazy (see Snell 2011: 12). While some instances could be reflective of general attitudes towards slaves and certain early Mesopotamian practices, such material should be evaluated discriminately in relation to other evidence and cannot be taken to be an indication of the morality or work ethic of early Mesopotamian slaves.

2.1.2 Inscriptions

Although sometimes considered ‘historical sources’, inscriptions can also contain misleading information and political propaganda that do not match other extant textual and archaeological evidence. For instance, sometimes inscriptions contain claims about taking large numbers of prisoners of war. Among the evidence relating to the capture of vast numbers of prisoners of war in early Mesopotamia, a recent publication of a ‘prisoner plaque’ possibly from Kish is of particular interest here (Steinkeller 2013). The text, which Steinkeller dates to the Early Dynastic II period primarily on the basis of palaeography,⁴⁷ counts prisoners (s a g a = L U 2 xE Š 2) who were captives from a variety places. Although the plaque is broken, Steinkeller claims the total of 36,000 (š a r ’ u) prisoners remains intact. It is, however, unlikely that the last entry is a total, since Steinkeller misread the line Obv. i:15’, which is 5 (š a r 2) or 18,000, rather than Steinkeller’s 10x5 (50), a comparatively small number. If this revised reading is correct, the number goes well beyond 32,000, indicating that the last entry is not a total and the total figures may be much higher. It

⁴⁶ For a work on literary imagination relating to slavery in the Roman period, see Fitzgerald 2000.

⁴⁷ Steinkeller (2013: 134) writes: ‘All in all, the writing of the inscription matches best the script of the archaic texts from Ur. The latter sources belong either to the ED I (ca. 2900-2750 BC) or, more likely, to the ED II period (ca. 2750-2600 BC). In view of this fact, and in consideration of the various indicators noted earlier, the inscription may be dated to the ED II period. At the same time, an ED I date cannot entirely be excluded’.

should also be noted that the last entry has a wedge before the $\text{\textcircled{r}}_2$ and may simply be 3,600 ($\text{\textcircled{r}}_2$) rather than 36,000 ($\text{\textcircled{r}}_2$ u).

Interestingly, Steinkeller attempts to establish the historicity of this text on the basis of the diverse and seemingly random number of prisoners from each place. Steinkeller (2013: 142) writes:

The number of prisoners per toponym vary from 50 (i 15') to 6,300 (v 5'). Given the wide variation among the numbers, there is every reason to think that these are real, and not inflated, figures. Since the numbers as preserved add up to 28,970 captives, with a significant number of entries presently missing, it is likely that the figure of the total (36,000) likewise is a real one, though probably slightly rounded up. It certainly is not an ideal number.

If the figures are reliable and Steinkeller's readings correct, there are a number of problems that must be considered. If there were 36,000 captives enveloped into work projects at Kish even over a few generations, these prisoners of war must be controlled, since the text discusses work assignments and not individuals slain. This difficulty causes Steinkeller to discuss prisoners of war and the means by which they were employed and controlled in early Mesopotamia. He writes:

Since the gender of the prisoners of war listed in the plaque is not specified, it is impossible to tell what was the proportion of males to females among them. As suggested by the data cited earlier, the ones assigned to the orchards probably were men; many (if not majority) of them likely had been blinded. Assuming that there were also women in this group, they probably were assigned to weaving, cereal-processing, and other traditional tasks performed by dependent female labor. Among those tasks was harvest work, particularly the making of grainstacks (Steinkeller 2013: 144).

While there are texts which include large numbers of prisoners of war being dedicated to temples and worked from the Ur III period, for example, these figures are usually less than 200 (see discussion in chapter 3), and if all such occurrences were added together for the entire 100 year period of the Ur III Dynasty, the sum would not come anywhere near 36,000 much less the much larger figures based on the above-mentioned revised readings. Further, the total number of people employed in the extant record of the *bīt asirī* during the Old Babylonian period comes to a comparatively meagre 469 individuals (Seri 2013: 112). Other large and likely spurious claims

about the capture of prisoners of war can be found in the Old Akkadian period. For example, Rīmuš, second ruler of the Old Akkadian period, claims in his inscriptions to have taken very large numbers of prisoners of war.⁴⁸ Gelb finds these assertions difficult to substantiate, since there is no corroborating evidence. Further, the same Rīmuš seems only able to give six slaves to the temple of Enlil at Nippur, despite his boast of taking thousands of prisoners of war (Gelb 1973: 73-74). The royal inscriptions of Rīmuš dealing with prisoners of war, then, appear to be propaganda rather than accurate accounts of his military exploits. Since there is likely at least one other example of inflated numbers of prisoners of war found in the early Mesopotamian inscriptions, the possibility that the ‘prisoner plaque’ contains unreliable figures must be entertained. In short, while the prisoner plaque is very interesting, the historical reliability of the figures for reconstructing the social history of early Mesopotamia is suspect and can lead to a number of problems.

Despite these difficulties, inscriptions can provide useful information. One such royal inscription which is pertinent for this discussion comes from Gudea, ruler of the Second Dynasty of Lagaš (ca. 2200-2100 BC). On one of his well-known dedicatory statues, Gudea professes to have done some remarkable things while building a temple for Ningirsu. In the text, Gudea states that no one was whipped or hit during the construction of the temple (Gudea Statue B iv:10-12).⁴⁹ Further, Gudea maintains that he remitted debt and allowed slaves to walk beside their masters (Gudea Statue B vii: 29-33).⁵⁰ Since debt-remission occurred in early Mesopotamia,⁵¹ it would not be surprising if Gudea did forgive debts. While the actual implementation of ‘fair’ work conditions

⁴⁸ See RIME 2.1.2.1 (14,576 captives); RIME 2.1.2.2 (3,540 captives); RIME 2.1.2.3 (5,460 captives); RIME 2.1.2.5 (5,864 captives); RIME 2.1.2.6 (4,216 captives).

⁴⁹ Gudea Statue B iv:10-12 (RIME 3.1.1.7.StB Column iv: 10-12):

u s a n₃ l a - b a - s a g₃ / K U Š . a₂ - s i l a - b a - s a g₃ / a m a d u m u - n i₂ n i g₂ n u - m a - n i - r a

Translation: No one was beaten by the whip or hit by the goad, a mother did not beat her child.

⁵⁰ Gudea Statue B vii: 29-33 (RIME 3.1.1.7.StB Column vii: 29-33):

u r₅ m u - d u₈ š u - š u m u - l u ħ / u₄ - i m i n - a m₃ š e l a - b a - a r a₃ / g e m e₂ n i n - a - n i m u - d a - s a₂ - a m₃ / u r d u - d e₃ / l u g a l - n i z a₃ m u - d a - š a₄ - a m₃

Translation: I had debts remitted and ‘washed all hands’. For seven days no grain was ground. The slave woman was equal to her mistress, the slave was allowed to walk side by side with his master.

⁵¹ Postgate 1992: 195. See further discussion in chapters 3 and 5.

remains unknown, the text provides insight into labour conditions and social stratification. Gudea's claims indirectly show the social distinction commonly held between slaves and masters; the existence of debt problems; and a means by which workers were commonly coerced, even though it cannot be established with any certainty that these temporary social reforms took place. A number of factors suggest that such modest conclusions about social structures can be concluded on the basis of Gudea's Statue B. Unlike, for instance, literature which has a reception history spanning from the Old Babylonian period to the first millennium BC, Gudea's text is contemporaneous to the ruler. Gudea's Statue B also mentions problems, namely the poor treatment of workers and the division of families, which were pervasive throughout early Mesopotamia rather than specific, unique claims of achievement. Further, it seems odd that the text would mention the poor treatment of workers and the separation of families because of distress and debt if such things had never occurred.

On the basis of these examples, it may be concluded that the inscriptions of early Mesopotamia, must be scrutinised alongside the other evidence available. Beyond the elite bias and political propaganda that can be contained in inscriptions, many aspects of these texts can be very instructive for understanding life in early Mesopotamia. In reconstructing the larger social setting in which slavery took place, such texts may offer evidence about various leaders, military conquests, and sometimes provide an indication of the political reach of certain rulers. Nevertheless, the use of inscriptions to establish the geopolitical context of antiquity can also be misleading.

2.1.3 Legal-Historical Texts

Legal-historical texts are among the most commonly studied sources for simple answers about social stratification. Driver and Miles (1952-1955: Vol. 1, 222-223), for instance, make broad claims about the nature of slavery in Babylonia (and in Israel) primarily on the basis of 'law codes'. They argue slavery was not so much a 'status' in Babylonia and that it does not resemble the Roman

practice of slavery where owners had authority over their slaves' lives and deaths. This perspective of the history of slavery is representative of what can be called the 'Oriental versus Classical' view. The result of this narrow investigation and the want of much critical engagement of legal-historical data alongside other evidence resulted in these faulty conclusions. By contrast, a more informative approach to the legal-historical data takes into account the legal decisions and completed cases alongside the 'laws' of early Mesopotamia (Wilcke 2003: 158-160; Lafont and Westbrook 2003: 198-200; Westbrook 2003b: 380-385).

Legal-historical data is somewhat limited when it comes to reconstructing social history, since theory does not always translate into practice (Hezser 2005: 20). Although the various legal texts are often called 'law codes', the nature of these documents has been the subject of much debate. Among the numerous 'law codes' of early Mesopotamia, perhaps the most studied source of data from the Old Babylonian period is the 'Code of Ḫammurapi',⁵² making this set of 'laws' worthy of consideration here. Typically, the 'law codes' are understood in two main ways: juridical and academic. Proponents of the juridical view maintain that the laws serve as actual legislation to be referenced in legal cases. If the laws are academic, however, the texts likely represent a scholarly, scribal practice, which is not binding on actual legal cases. Evidence supporting the juridical view can be found in the prologue and epilogue of the 'Code of Ḫammurapi'. 'Code of Ḫammurapi' §PI: 32-33 states that the gods Anu and Enlil appointed Ḫammurapi 'in order to make justice prevail in the land'.⁵³ The epilogue goes even further stating that anyone who is suffering injustice should come to the stela of Ḫammurapi for help.

Let any wronged man who has a lawsuit come before my statue, the king of justice, and let him read my inscribed stela,⁵⁴ let him hear my precious pronouncement and let my stelae

⁵² While the 'Code of Ḫammurapi' is typically classified as a law code, it is also possible that the stela is both a royal inscription and a 'law code'.

⁵³ 'Code of Ḫammurapi' §PI: 32-33:
mi-ša-ra-am / i-na ma-tim / a-na šu-pi2-im

⁵⁴ See in particular Charpin (2010a: 61-63, 233-238) for a discussion of literacy in Babylon.

reveal the lawsuit for him; let him examine his case, let him calm his heart ('Code of Hammurapi' Epilogue xlvi 3-19).⁵⁵

The greatest difficulty for the juridical view is the want of references being made to these 'laws' in documents of practice or legal decisions. The lack of any such data has led many to categorise the texts as academic or scholarly, suggesting that the laws do not have any recognisable bearing on actual legal practice. Further, the laws are not extensive enough to cover every situation, something typical legal codes attempt to do. The case of runaways, however, may serve to show one way in which these 'laws' could work. S. Lafont⁵⁶ has argued that although the laws do not deal with every situation, the spectrum of rules treated allow principles to be logically deduced from the subjects explicitly discussed. For example, the issues of runaways treated in §§15-20 (see more extensive discussion below in chapter 5) covers several scenarios relating to slaves. On the basis of these included laws, principles might have been extracted to determine other cases dealing with runaway slaves but with different specifics. The same can be said of §§129-130,⁵⁷ which deal with issues related to consensual and nonconsensual sex. This perspective is fitting with the Samsu-iluna rescript, quoted in chapter 5, where a specific case is sent to the king. The king, however, blankets the ruling by making the case an anonymous principle rather than a specific decision. Such evidence has led Lafont to conclude that the Babylonian law of Hammurapi could be evoked and was available if a person wished to have it applied to her or his case. At least one difficulty with this

⁵⁵ 'Code of Hammurapi' Epilogue xlvi 3-19:

a-wi-lum ḥa-ab-lum / ša a-wa-tam / i-ra-aš-šu-u₂ / a-na ma-ḥa-ar alam-ia / šar₃ mi-ša-ri-im / li-il-li-ik-ma / na.ru-i / ša-aṭ-ra-am / li-iš-ta-as₂-si-ma / a-wa-ti-ia / šu-qu₂-ra-tim / li-iš-me-ma / na.ru-i a-wa-tam / li-kal₂-lim-šu / di-in-šu li-mu-ur₂ / li-ib₂-ba-šu / li-na₂-ap-pi₂-iš-ma

⁵⁶ In the Fall of 2013, Lafont gave a seminar at All Souls, University of Oxford on this subject.

⁵⁷ 'Code of Hammurapi' §§129-130:

šum-ma aš-ša-at a-wi-lim / it₂-ti zi-ka-ri-im / ša-ni-im / i-na i-tu-lim / it-ta-aš-bat / i-ka-su₂-šu-nu-ti-ma / a-na me-e / i-na-ad-du-u₂-šu-nu-ti / šum-ma be-el aš-ša-tim / aš-ša-su₂ u₂-ba-la-aṭ / u₃ šar-ru-um / arad-su₂ u₂-ba-la-aṭ / šum-ma a-wi-lum / aš-ša-at a-wi-lim / ša zi-ka-ra-am / la i-du-u₂-ma / i-na e₂ a-bi-ša / wa-aš-ba-at / u₂-kab-bil₂-ši-ma / i-na šu-ni-ša / it-ta-ti-il-ma / iṣ-ša-ab-tu-šu / a-wi-lum šu-u₂ / id-da-ak / mi₂ ši-i / u₂-ta-aš-šar

'If a wife of a man is seized lying with another man, they shall bind them and throw them into the water. If the lord of the wife wants to cause his wife to live, then the king shall cause his servant (i.e., the other male) to live. / If a man pins down another man's wife who has not known a man (and) is still residing in her father's house, and they seize him lying with her, that man shall be killed; that woman shall be released.'

view, however, is apparent with the laws relating to release. On the basis of the Edict of Ammišaduqa, regular releases as described in the ‘Code of Ḫammurapi’ likely were not occurring (see Hallo 1995). If Babylonian law was available to be evoked according to the wishes of the individual, there does not seem to be any reason why a person would choose to stay in a state of bondage rather than evoking a release law. This evidence suggests that the ‘laws’ of Ḫammurapi may not have been available by the reign of Ammišaduqa. This together with the want of any evidence that these laws were put into practice with any consistency during the the reign of Ḫammurapi presents problems for Lafont’s view.

Whether one takes the juridical or the academic view, these ‘laws’ cannot be treated as normative, as texts have transactions and attest to practices which differ from the information included in the ‘Code of Ḫammurapi’. Since the social situation described in the code is not always reflective of social structures during the Old Babylonian period, the legal-historical material needs to be evaluated critically in light of other extant sources. For instance, the ‘Code of Ḫammurapi’ clearly stratifies the male population into three classes: *awīlum*, *muškēnum*, and *wardum*.⁵⁸ The *awīlum*, in the context of ‘Code of Ḫammurapi’, is typically taken to mean a fully free man or citizen.⁵⁹ In comparison to the *muškēnum*, the *awīlum* is of a slightly higher status with the financial means to secure more community land (Diakonoff 1971: 27). The identity of the *muškēnum* (maš.ka₁₅; maš.en:ka₁₅), literally ‘one who prostrates himself’, is the subject of much debate. It appears that the term was a personal name or perhaps a profession in Pre-Sargonic texts from Lagaš (see Steinkeller and Postgate 1992: 20). From the Old Akkadian period and the Old Babylonian period onwards, the term seems to refer to a poor person, but in the ‘Code of Ḫammurapi’, the term denotes the status of a person who is between a slave and an *awīlum* (see CAD MII: 272-276). The

⁵⁸ The slightly earlier Code of Ešnunna stratifies society in the same way. See Stol 1993-1997 (*RAL* VIII): 492-493. Yaron 1988: 132-146.

⁵⁹ Contra Kraus (1958:144-158) who judged the *awīlum* to be high officials and nobility. See in particular Diakonoff’s (1971: 24) criticisms of Kraus’s position.

article in the lexicon, *RIA*, translates the *muškēnum* as ‘Untergeordneten’ (subordinate). Although the precise meaning of the word *muškēnum* cannot be established firmly on the basis of the evidence available, Diakonoff argues that during the Old Babylonian period, the *muškēnum* were likely people who were given land by the king in exchange for fealty (Diakonoff 1971: 26-28). Postgate compares the *muškēnum* to the *g u r u š* of the Ur III period and claims, ‘the best guess at present sees them as semi-free, tied to the land by the obligations of service to the palaces, but this need not have ruled out access to private sources of income...’ (Postgate 1992: 239). If Old Babylonian society was stratified as neatly as ‘Code of Hammurapi’ indicates, one would expect the identity of the *muškēnum* to be more easily identified in documents of practice.

The term *wardum* in ‘Code of Hammurapi’ refers to male slaves. According to Westbrook (1995), there are three classes of slavery in the ancient Near East. First, there is chattel slavery. The next type of slavery is debt-slavery. These first two classes represent the predominant number of slaves in the ancient Near East. Westbrook calls the third class of slavery, ‘famine-slavery’.⁶⁰ It should be noted, however, that Westbrook’s categories of slaves, which are the result of his study of contracts and ‘laws’, do not appear to fit naturally with the social categories of the ‘Code of Hammurapi’.⁶¹ While the legal contracts suggest the existence of a group of people who willingly enter into some form of slavery but seem to have a slightly higher status than other slaves, the division of ‘Code of Hammurapi’ appears incapable of reflecting such nuance.

Further, in ‘Code of Hammurapi’ the wives and children of debtors do not appear to be reclassified as slaves. Rather, the pertinent paragraphs continue to observe the previous social status of the individual in the relevant laws (‘Code of Hammurapi’ §§117-119, cited and discussed in

⁶⁰ Westbrook 1995: 1639-1646. Westbrook’s use of the term ‘famine’ only covers a portion of these self-sale agreements and is therefore too narrow. A more appropriate category for these terms is ‘poverty’. The term ‘poverty’ is able to cover sales that are the result of climatic disaster, political problems and the person who is poor because of individual or familial problems and not necessarily the result of larger problems in society. See further discussion in chapter 3.

⁶¹ This is not as much a criticism of Westbrook as it is an attempt to show that the normal categories of slavery as perceived in scholarship are not necessarily reflective of the social stratification found in the ‘Code of Ešnunna’ and the ‘Code of Hammurapi’.

chapter 3). For instance, ‘non-slaves’ handed over because of debt are to be released after three years, whereas male and female slaves can be held longer and even sold. In the ‘Code of Hammurapi’, then, *wardum* appears to be referring only to what we might consider the most extreme form of unfree labour, chattel slavery. The other two types of people that Westbrook calls slaves fit somewhere else within the social framework of ‘Code of Hammurapi’. This suggests that one conclusion about social stratification can be drawn when considering ‘Code of Hammurapi’, while a slightly altered and more nuanced picture of slavery can be achieved through considering relevant legal contracts and the related material.

The ‘Code of Ešnunna’ likewise discusses slaves on a number of occasions, and in §40⁶² clearly treats slaves as chattel, including male and female slaves alongside oxen in a list of possible purchases. In this instance, it is altogether likely that ‘Code of Ešnunna’ §40 accurately reflects the status of slaves in the society as chattel. Treating people as commodities can be traced in Mesopotamia from the ‘people-herding texts’ of the Late Uruk period to at least the Neo-Babylonian period.⁶³

To sum up, the ‘law codes’ provide insight into the intellectual problems and at times the social realities faced in day-to-day life in early Mesopotamia. But since the laws offer such varying data that may or may not reflect actual procedure, legal-historical sources must also be compared with documents of practice when seeking to reconstruct social history.

2.1.4 Letters

A large number of private and official letters, a majority of which are Old Babylonian, come from early Mesopotamia. These letters contain many interesting details about daily life and at times provide evidence of social and political realities. For instance, in AbB 9 32 (cited below in chapter

⁶² ‘If a man buys a slave, a slave woman, an ox, or any other purchase, but cannot establish the identity of the seller, it is he who is a thief.’ Following Roth 1997: 65.

⁶³ Bauer, Englund, Krebernik 1998: 176-181. Englund 2009. Dandamaev 1984: 79. Contra Driver and Miles (1952-1955: Vol. 1, 223) who seek to draw a sharp divide between ‘Oriental and Classical Slavery’.

3), Hammurapi tells two people to pay a ransom for a captive using money from the temple of Suen. The 'Code of Hammurapi' §32 also discusses the ransom of prisoners of war. The letter provides corroborating evidence of one potential 'life-course' for captives, namely redemption and ransom. Nevertheless, numerous problems beset the study of letters for social history. First, the letters often lack context. These documents are undated and assume numerous details which are opaque to the modern reader but would have been shared knowledge between the writer and the recipient. Further, the previous and subsequent actions taken and replies to the letters are not extant. For this reason, the temptation can be to assume or reconstruct previous exchanges and subsequent replies on the basis of the evidence of a single letter. Such an approach, however, is highly speculative.

2.1.5 Administrative Documents

The documents of practice, or the administrative documents, offer details about day-to-day life in early Mesopotamian society. Typically, the administrative texts contain 'straight, cool facts of accounting' (Gelb 1973: 72). Despite the vast number of administrative texts coming from early Mesopotamia, the record is incomplete and may lead to faulty conclusions. For instance, the recent evidence from Garšana and Iri-sagrig has changed our understanding of the social history of the Ur III period on a number of points. For example, the Garšana evidence shows slave labour was an extensive portion of the workforce on that construction project. This evidence together with the texts from Iri-sagrig also challenges previous views about the clear, non-slave status of the *er en 2* (see discussion in chapter 1 of these workers in relation to the problem of categorising slave and non-slave labour in the Ur III period).

As texts continue to be published, conclusions based on administrative texts may need to be revised. Further, these documents do not always give the full picture of what is taking place in the given society. Perhaps other studies of slavery in antiquity will be illustrative of the dangers of

heavy reliance on administrative texts. Two scholars dealing with slavery in the Roman era offer warnings about the use of administrative documents and legal contracts for gauging the prevalence of slavery. First, R. S. Bagnall, when dealing with the small number of slaves mentioned in sales contracts during Late Roman Egypt, cautions against using such data to conclude that there were few slaves in Egypt during that period. Bagnall (1993: 222-226) states that this lack of evidence should not skew one's understanding of the significance of slaves in Roman Egypt and provides some mitigating circumstances that might have affected the record of data, including changes in practices of documentation. Second, with the study of Jewish slavery during the Roman Empire, Hezser exposes some of the potential dangers of the use of epigraphic and papyrological evidence in the study of slavery. Hezser attributes the lack of Jewish slaves in documents to the process of denationalisation of slaves.⁶⁴ If Hezser is correct, the changing of the names of Jewish slaves hides their national identity from the modern eye. Although there is not clear Mesopotamian evidence that slaves were renamed, it is possible that there are similar aspects to these administrative documents that hide or obscure important realities.

Other potential problems must be considered. When an administrative text claims that a certain number of workers was sent or that a certain amount of supplies was received, did the administrators create a fiction of what must occur rather than what actually took place?⁶⁵ This dilemma also relates to worker compensation. In particular, it is impossible to know if the rations received by the overseer for each worker were passed to the worker or if the overseer skimmed some off the top for himself. It seems reasonable that the overseer could also falsify records to look as if more workers were present to gain access to an increased amount of rations. In such a case, the present workers would have been pressed by the overseer to meet even higher expectations than those set by the palace. Such a practice, however, would have been very risky, since the equivalency

⁶⁴ Hezser 2005: 18-19. The denationalisation of slaves relates to the definition of slavery by the sociologist Patterson (1982: 13). See also Patterson 2008: 34-35.

⁶⁵ For a useful discussion of such questions, see Adams 2008 §§10.2-10.9.

levels applied by the administration were likely unrealistically high in the first place (see discussion of debt in chapter 3).

While some room must be left for inaccurate accounts, much of the data in these administrative texts appears to be reliable with respect to labour practices.⁶⁶ The administrative accounts are attempts at managing the organisation of redistributive aspects of the early administrative institutions. The moving around of the workforce and the distribution of rations are important to the functionality and efficiency of the system. A building project, for instance, is dependent upon a diverse set of workers who are present to carry out the tasks. If the administrations and overseers do not manage this effectively, the project will be unsuccessful. While it cannot be determined if an overseer stole rations from his workers, the documents, at the very least, reflect the amount allocated by the administrative officials to such workers for their livelihood. The checks and balances exerted over the supervisors extended to control over the average worker as well. If a worker ran away, slave catchers could be sent to track them down. Once caught, these runaways could sometimes be incarcerated and even later returned to their work crew (see discussion of runaways in chapter 5 and Dahl 2010). As such, the entire system took place in the context of checks and balances from the administrators down to the worker. The administrators were responsible for the allocation of the resources. Overseers were responsible for productivity and the resources placed under their control, living under the threat of harsh penalties for not meeting the expectations of the workforce entrusted to them.⁶⁷ This indicates the system was established on the assumption that there would be a certain degree of correlation between the expectations of the documents and the productivity on the ground.

⁶⁶ Dahl (2007: 12) affirms that ‘the basic prosopographical information such as familial relationships as expressed in the seal-inscriptions can be trusted’. Elsewhere he writes, ‘The administrative records [...represent] true reliable first-hand documentation of the daily lives of members of the Ur III society. These texts have, however, traditionally been used for the reconstruction of the Sumerian vocabulary rather than for uncovering sociological information, such as patterns of successions’ (Dahl 2003: 9).

⁶⁷ Dahl 2003: 39. See also discussion of accounts and debt in chapter 3.

2.1.6 Legal Contracts and Completed Cases

Legal contracts and completed cases provide a substantial portion of the evidence relating to slavery in early Mesopotamia. These documents range from loan documents, slave sale documents, and various judgements rendered. Much like the letters, the impetuses behind the sale of humans frequently remain unknown. For instance, as discussed in chapter 3, the causes behind the sale of humans are often unstated. For this reason, the context of the sale is sometimes assumed on the basis of theory rather than clear textual evidence. This can lead to faulty assumptions about slavery and the sale of humans. Similarly, the factors which result in high or low slave prices are also frequently unspecified, leaving many important details unknown.

Completed cases also offer a partial picture of entire cases, leaving many important aspects undocumented. Nevertheless, this textual evidence is very likely to be reflective of social realities faced by individuals, even if broader principles drawn on the basis of this evidence may be subject to greater scrutiny as many important details remain obscure.

2.1.7 Non-textual Archaeology and Material Culture

In this section, the kind of archaeological evidence which might prove helpful for understanding slavery is summarised.⁶⁸ The relationship between texts and archaeology must first be taken into consideration. Postgate argues in a recent article that the archaeological and textual record come from a single reality. If these two data sets do not line up, then there must be a lack of understanding on our part (Postgate 2010: 19-20). All archaeological evidence, however, is not the same. Just as administrative documents are not as ideologically loaded as other genres of texts, distinctions can be made between different sources of archaeology. A tomb, for instance, is more

⁶⁸ See Finley's (1985: 7-26) arguments about the role of archaeology for the study of the Greeks and Romans. In particular, he states that the archaeological evidence '*by itself*' will never reveal the legal and economic make-up that certain texts can.

ideologically laden than a household.⁶⁹ The household is an environment in which everyday life takes place, whereas burial contexts reflect the culture's ideals or relationships with a cosmological realm. Similarly, temples and palaces represent certain aspects of life in early Mesopotamia, while overlooking or hiding from sight other aspects of daily life for the rest of the population.

Although traditional archaeology has been more concerned with temples and palaces which in some instances may only lend support to the elite-biased view presented in the textual evidence of early Mesopotamia (Adams 2006: 148), an increased interest in smaller households and the periphery is producing results which may help the field move beyond the limitations of the written record to understand better the everyday lives of individuals at the bottom of society.

Another area of the archaeological record that may offer some exciting and innovative results involves studying the skeletal remains of the 'Royal Cemetery of Ur' (Woolley and Moorey 1982; Molleson and Hodgson 2003: 91-129; Molleson 2007: 5-33). In the 'Royal Cemetery of Ur', for instance, there is a large sample of skeletal remains found in a stratified setting. Presumably, some of these people were lower stratum workers. By studying wear and alterations on the skeletal remains in comparison to the remains of people who appear to be of a higher social status, new insight might be gained into labour in early Mesopotamia around 2500 BC.

A third possibility relating to slavery involves experimental archaeology and attempts to establish empathy with the ancient workers. Although it cannot be said that archaeological evidence fills the gaps in texts or vice versa, archaeological and textual evidence can inform one another. The Ur III context offers an example of this possibility. According to the text TCL 5, 5676, each worker was responsible for removing shrubs and dirt. With each task, certain expectations were given. When removing dirt, for example, a *g u r u š* was responsible for 18 square-meters per day.⁷⁰

⁶⁹ The household is being recognised as important for social archaeology. An example of one such work dealing with households in Neolithic Greece is Souvatzi 2008.

⁷⁰ For standard equivalencies, see Dahl 2003: 1-3.

Using the required amounts, experimental archaeology may provide insight into the actual work conditions. The combination of expectation, the make-up of the soil, and the types of tools used can provide some indication of how difficult each task might have been. Further, the expected level of exertion can be compared with the rations given to the worker to gain some understanding of the daily life of these individuals. Some of the data gleaned by experimental archaeology may only reflect common aspects of life in Mesopotamia in general, but it can also give insight into otherwise unfamiliar rates of expectancy, offering a glimpse into the daily lives of these workers.

A fourth possibility for understanding slavery involves the study of material culture in texts. Whenever labour is conceived of as a commodity, the study of labour enters the realm of material culture. The process of the commoditisation of labour is not a modern conception placed upon the ancient society. This is evidenced by the ‘people-herding texts’ of Late Uruk that count workers in the same way as cattle.⁷¹ In the Ur III texts, the artificial imposition of a system of value equivalency for the workday turns labour into a commodity (Englund 1991: 258). Just as the ‘social life of things’ can be traced to create a cultural biography, slaves were made into commodities with a traceable social life. The life of a slave could head down some surprising trajectories that may include the process of individualisation and further commoditisation.

While studying the archaeological record alone is likely to produce very limited insight into slavery in early Mesopotamia (Finley 1985: 7-26; Morris 2011), the field is very useful to further knowledge of slavery in early Mesopotamia.

2.1.8 Summary and Conclusion of the Nature of the Evidence

In this section, the textual evidence has been positively and negatively assessed together with potential ways in which the archaeological record and material culture may be informative for the study of slavery. While some scholars have expressed the view that one text cannot be considered to

⁷¹ See W 23999, 1 and W 20274, 2. Bauer, Englund, Krebernik 1998: 176-181; Englund 2009.

be more reliable than another,⁷² the study of social history can move beyond such uncertainty by looking at the social structures preserved in the archaeological and textual record. The best way forward for the study of slavery, then, is the critical engagement of all the evidence. The juxtaposition of different accounts of social life always proves interesting and one account may enlighten another. While certain genres of texts may be generally considered more reliable than others, there are important aspects of society learned from other types of texts and material culture that can provide insight into the overarching system in which the slave lived. Slavery, in other words, did not take place in a vacuum. The rise of slavery and its non-linear evolution are related to political and religious factors. In fact, with institutions like temples and palaces, it is conceivable that the commoditisation of labour is a natural outcome of such large institutions, where commodities must be standardised to aid in the redistributive functions of these. Further, archaeological remains can be informative for understanding how these changes might have taken place. Inscriptions can sometimes give useful information about the political climate, boundaries, and chronology of reigns, yet the claims of such texts are not above scrutiny. In short, every text, irrespective of its genre, should be critically engaged against and alongside the other evidence.

2.2 Methodology

The textual evidence from early Mesopotamia provides a vast amount of data which is useful for the reconstruction of social history, yet the limitations of the evidence, as discussed above, must be kept in mind and each text must be evaluated in light of its genre and the other available evidence.

In this study, the legal-historical data is not employed to ascertain what actually took place; instead,

⁷² Michalowski (1984: 237-238), for example, writes, ‘The study of textual sources is, by its very nature, part of the larger problematic of narrative. Thus, in a radical vein, one could very well posit that there is no such thing as history and histories but that there are only texts: ancient and modern. This point of view requires that we view the problem of historical sources in the same manner as we would approach any other text. The major corollary of this point of view is the simple fact that the question of realism cannot be invoked in order to single out certain texts as historical, and therefore, somehow “real” in opposition to those which one could, conceivably, label as “fictions.” Texts are stories, or narratives, or whatever one may wish to call them, but there is no way in which any verbal artifact can be said to be ultimately more true than any other’.

these sources are used in many instances to introduce various aspects of slavery, since these ‘laws’ often provide insight into the social problems being considered in the contemporary context of antiquity. The ‘law codes’ add to the context of social history, since these reflect various problems and attitudes of the elite. Further, these texts provide a helpful starting point for comparison between the ‘law codes’ and the documents of practice, such as legal cases and administrative documents. The more ideologically loaded texts are used in this study as insight into political and social contexts together with the ideas of the elite about slaves and slavery, while administrative documents are treated as evidence of day-to-day realities faced by slaves. Although letters offer information about a variety of issues, such as slave purchase or money paid to retrieve a runaway slave, like other forms these offer limited insight.

In these ways and others, this study attempts to utilise the evidence from a variety of texts and genres to achieve a more complete picture of the larger trends of slavery in early Mesopotamia. Only through rigorous and critical analysis will one fully exploit the evidence relating to the early evolution of slavery, one of the most prevalent social institutions in the history of the world.

In order to understand these larger trends in slavery, a few diagnostic aspects of slavery are considered. First, the sources of slavery are discussed. The sources of slavery provide information about the means by which a person might enter into slavery. Since the origin of a slave may have direct bearing on that slave’s opportunities for upward mobility out of slavery, the sources of slaves are studied together with potential means of release.

Slavery in early Mesopotamia is also assessed from an economic perspective. Historical enquiries about the institution have discussed slavery in economic terms, questioning whether slavery can be profitable. Not only are slave prices informative about the economic efficiency of the practice, trends in costs have been used to understand broader aspects of the society, such as military strength and, on the basis of price fluctuation, various aspects of the economy.

The question of the economic efficiency of slaving is focused decidedly on slavery from the perspectives of the elite, and all of these insights and glimpses of the past do not breach the elite-bias of the textual evidence. In order to study social history from the bottom up and to better understand the plight of slaves together with their attitudes toward their lot in life, instances of rebellion are studied in light of the consequences faced. Such an approach is summarised by the following quote:

To examine how runaways were pursued, however, is to seek answers to questions about the fundamental nature of slavery. It reveals as well as any other focus the continual struggle between master and slave, a struggle that goes to the heart of slavery itself, a struggle that increased in intensity as the years passed (Franklin and Schweninger, 1999: 150).

Utilising the evidence in this way is based on the assumption that slaves knew a range of stringent penalties they might face for attempting escape. As such, this study takes for granted the humanity of slaves. Unlike an ox which might have an innate desire to escape captivity but is incapable of calculating risk on the basis of threats and the consequences faced by other rebellious oxen, slaves knew the risk and were capable of feeling the danger of flight on the basis of the ordeals faced by others of similar station. The risk, then, was calculated even if only at a very basic level. Such calculated risks reveal the attitudes of slaves and indeed others of the lower stratum population. These perspectives which led to acts of rebellion and risk can be juxtaposed to the lengths to which the elite went to maintain the status quo. As such, the study of flight and consequences reveals a battle of wills that took place and was at times of violent proportions. This moves the discussion about slavery and status well beyond that of definition and terminology to one of treatment and station.

Chapter 3

The Acquisition and Release of Slaves

This chapter deals with the acquisition and release of slaves. The reasoning behind gathering together in one chapter the entrance and exit of slaves is simple. In early Mesopotamia, the original source of a slave could have direct bearing on the opportunities that person might have for eventual release. While there existed a certain degree of rigidity in status in early Mesopotamia when one attempted to move out of slavery in unapproved ways, through means such as rebellion or flight, status among the lower stratum of the population was very fluid. Although there were limited options for the upward movement out of slavery, there were numerous ways by which a person could be reduced to some form of slavery. Once a person entered into a state of coerced, bonded labour that person's original status appears to have been determinative of the person's opportunities for release, especially in the Old Babylonian period. This is most clearly seen in the edicts of the Old Babylonian period, which arguably refer to a reversion back to a former state rather than the establishment of justice in the land (see further discussion below).

3.1 The Acquisition of Slaves

Slaves were acquired through a variety of means in early Mesopotamia, and the origins or sources of these slaves can be informative for a number of questions relating to social and economic history. For example, the influx of foreign slaves as prisoners of war indicates something about the current political context and the strength of a ruler. Unlike victory stelae which may include inflated numbers related to conquests, the administrative records include details about work assignments, the well-being of the workers, and the food rations of prisoners of war, potentially providing more reliable information about the booty taken during the reigns of certain kings. Although it must be kept in mind that the limitations of the extant record can lead to faulty conclusions, such texts also provide more information than mere details about prisoners of war and may have direct affect on

slave prices in certain periods. In market driven economies, for example, the influx of these foreign slaves appears to have altered slave prices, especially when these prisoners of war hit the market in larger numbers. Further, the presence of prisoners of war from certain areas can give an indication about some aspects of the geographical reach of a ruling figure.⁷³

The origin of a slave also relates to the legal status of that slave in some instances. As slavery can exist without the exclusion of all rights and privileges, differing degrees of unfreedom may coincide within a single cultural context. The issue of debt-slaves, for instance, can be treated differently than prisoners of war or slaves born to a household. For example, debt-slaves from the native population are treated differently, at least on an ideological level, in the ‘Code of Ḫammurapi’ than slaves who are handed over to a creditor because of the debt of their master (see discussion in chapter 2). Although the ‘Code of Ḫammurapi’ stated that term limits were placed on the time a person of higher status could spend in debt-slavery, no such provisions were made for chattel slaves. Further, the source of a slave can be determinative for the chances that slave might have for a change in station. For slaves of the native population, there appears to have been several more opportunities to be set free, while the upward mobility of slaves of foreign origin or a houseborn slave in the Old Babylonian period, for example, appears to have been primarily left up to the discretion of the owner.

While such information can be very informative, determining the source of a slave in the early Mesopotamian documents is not without its problems, and this is particularly the case when

⁷³ The extent of the borders of states in early Mesopotamia is an important but somewhat elusive question. The field of inquiry becomes even more complex since borders are not always clearly defined and issues of liminality relate to the gradual depletion of the influence of states in certain areas and any overlap in power which might exist between another competing state. One example of looking at power in relation to slave sales comes from Richardson’s dissertation. Richardson (2002: 305) concludes, ‘Documents from Ḫarādum show that slaving was among the activities undertaken there, including the sale of at least one houseborn slave from Sippar. This in turn suggests that the extractive model, by which we understand the price and availability of slaves to denote an ability to compel their presence in the market, would imply the mid-Euphratean region, not Babylonia, might have been the center for slave-sales by the last few years of Ammišaduqa’s reign and into the time of Samsuditana. At the very least we can point to a definite shift in the way in which northern Babylonia procured slaves: not by direct purchase, but by the financing of expeditions. It seems to be the case that cheap and available slaves ought to be considered evidence that Babylon briefly played overlord to the Ḫana region; but that this ended after Ammišaduqa’s reign, with local establishments – probably fortresses [...] – taking up control over this vital economic activity’.

attempting to isolate whether a slave is of foreign origin or from among the native population.

Denationalisation, an important component of Patterson's definition of slavery (see chapter 1), is a procedure by which a slave can be renamed by the owner or some other person in authority over the slave (Patterson 1982: 13; 2008: 34-35). Historically, some owners replaced their slaves' names, which would have likely been more difficult to pronounce, with new names from the native population. In documents where the names of slaves are the primary means by which a slave is known, the origin of the slave cannot be determined on the basis of a native name.

Although the possibility that slaves were renamed reduces the chances that the origin of some slaves will ever be determined with any degree of certainty, other evidence is very informative about the identities and sources of slaves. In comparison to previous periods, the Late Old Babylonian slave sales include a heightened amount of information about the origin of commoditised people, since these documents sought to provide the source of a slave.⁷⁴ While it is possible that in some cases the origin of a slave could be forged for the purpose of a sale, the period of investigation which followed would likely serve as a deterrent to such measures (see further discussion of slave sales below).

Useful data for determining the origin of a slave is not restricted to the sales or legal cases which include references to sales. Since the renaming of slaves did not always occur, many administrative documents also provide information about the origin of slaves. The earliest such administrative records provide what appears to be protohistorical documents of foreign workers, perhaps utilised as slaves.

⁷⁴ Although slave sales will be treated in this chapter, the analysis of the cost of slaves is found in chapter 4, as this data relates directly to the economic question of slavery.

3.2 *People-herding in Late Uruk*

The ‘people-herding’⁷⁵ texts from Late Uruk (ca. 3200-3000 BC) appear at a time relatively close to urbanisation. These texts have been given this description since they are accounting texts dealing with people that bear striking resemblance to the texts that treat herded animals. One unique feature separates the texts about humans from those dealing with cattle. In the ‘people-herding’ texts, the names of the individuals are sometimes included. When these texts were first considered, the assumption was that the key terminology S A L + K U R should be read *g e m e 2*, as in later periods (see discussion in Englund 2009 §2.2). Through the writings of Vaiman and Englund and Damerow, the meaning of K U R has been revised. Like the sign S A L, which is probably, ultimately, a pictographic sign representing a female *pars pro toto* which, by extension, may be used to refer to female bovine and calves, it is probable that the sign K U R in the Uruk texts pictographically represents the male genitalia rather than mountains as in later texts.⁷⁶

The S A L and K U R signs in the ‘people herding texts’ are employed in ways that are not unlike the use of S A L and K U R in animal herding texts (Vaiman 1989: 121-133. Englund 2009: 6). These similarities support the view that the sign K U R in the Late Uruk texts refers to males. In the cattle-herding texts, the gender of the young animals (A M A R) is described by using either the sign S A L or K U R (Bauer, Englund, Krebernik 1998: 155-158). Thus, a young bull could be written K U R + A M A R. Likewise, a young heifer could be written S A L + A M A R (Bauer, Englund, Krebernik 1998: 158). Since S A L and K U R are gender signs in Late Uruk, the signs should be read separately as S A L and K U R rather than *g e m e 2*. The signs (S A L and K U R) appear beside each other in these texts, in order to group males and females together by summarising the number of people counted (i.e. *n* males [and] females). This view is further substantiated in the Proto-Elamite material, where the signs S A L and K U R can

⁷⁵ See W 23999, 1 and W 20274, 2. Bauer, Englund, Krebernik 1998: 176-181.

⁷⁶ Vaiman 1974: 132-148; German Translation: Vaiman 1989: 121-133; Gelb 1982: 81; Bauer, Englund, Krebernik 1998: 155-176.

appear independently (MDP 26, 205) and within the T U R sign to create gender specific complex graphemes (MDP 6, 246+332) (Dahl 2005: 11-12; Damerow and Englund 1989: 57).

To sum up, on the basis of later texts, Assyriologists originally misunderstood S A L + K U R in the Late Uruk texts and took them to be a sign for ‘slave girls’, g e m e 2, since the evidence discussed above proves that it is best to read the S A L and K U R signs separately (Damerow and Englund 1989: 56-57; Bauer, Englund, Krebernik 1998: 176-179). From the Early Dynastic Periods I-II onwards, the K U R sign no longer appears to relate to gender, rather it then became a sign which together with the gender signs NITA and SAL seem to indicate the social standing of the individual. The sign a r a d 2 (N I T A + K U R) is meant to be the male counterpart of g e m e 2 (S A L + K U R). The later example of the a r a d 2 (N I T A + K U R) reveals what is likely a significant break in the development of writing, perhaps signalling that modern scholars were not the only ones who misunderstood these early signs. With the addition of a r a d 2, the S A L + K U R became gender specific to females and should be read g e m e 2.

The exact identity of the counted humans in the ‘people-herding texts’, however, remains open to interpretation. Vaiman (1974; German translation 1989) argues that K U R and S A L are abbreviated forms for ‘slave’ and ‘female slave’, respectively. Although room must be left for the possibility that the S A L and K U R in the Late Uruk texts are some type of non-slave workers, there is evidence which may provide further information about their status. As Englund demonstrates with texts from Jemdet Nasr, workers counted as S A L and K U R were also referred to as S A G + M A ⁷⁷ (possibly head + rope; in other words a person who is led around by a noose) and E R I M a ⁷⁸ (a grapheme which bears striking resemblance to a yoke).⁷⁹

⁷⁷ ZATU Sign No. 439, 267.

⁷⁸ ZATU Sign No. 143, 199. This sign later changes shape and comes to refer to soldiers or workers, rather than the likely early reference to prisoners of war. Bauer, Englund, Krebernik 1998: 179.

⁷⁹ Bauer, Englund, Krebernik 1998: 179. See texts MSVO 1, 212-214, 217.

While knowledge and evidence about work and status in the Uruk period is limited, Englund has compiled a list of names connected to the ‘herded people’ of the Uruk texts, suggesting the foreign origin of these workers and potential slaves (Englund 2009 §§6.1-6.4). On the basis of the above textual evidence in combination with the archaeological evidence in which Uruk presents itself as a conquering culture that took captives, it is reasonable to conclude that some of these early workers described as S A L and K U R were slaves. These signs, together with the related signs of E R I M_a and S A G + M A involving graphic representations of a yoke and head + noose respectively, may refer to types of coerced and commoditised workers, the likes of which can be further traced into the historical period of early Mesopotamia.

3.3 Slave Sales

Documents recording the sales of slaves form an important indicator about the sources of slavery of early Mesopotamia. Slave sales were transactions which were legally recorded to protect the owner from any claims being made against the slave or the master’s right to ownership. If a transaction was contested or the status of a slave was ever questioned, witnessed and/or sealed tablets provided evidence that the slave was acquired legally and belonged to the purchaser. Further, the sale preserved the witnesses to the transaction. This information could be essential for settling cases, since such witnesses could be summoned to testify in the event of a dispute. In this way, sale documents may have been unlike the tablets which recorded debt. Tablets which dealt with the extension of credit were probably broken once the debt was paid or remitted (Steinkeller 2002: 113-114). Slave sale documents, however, were kept in perpetuity as evidence of abiding ownership, unless a rare case of manumission occurred or some other mitigating circumstance.

Since the slaves purchased in the sale documents were acquired through a variety of means, this is a category under which most of the other sources of slavery can fall or at the very least have some degree of overlap. This is especially true since slaves can be commoditised on more than one

occasion. For example, a person can become a commodity as a prisoner of war. If that prisoner of war is later sold, then she or he will appear in a slave sale. The prisoner of war did not necessarily become a slave through that sale; instead, the sale may be the re-commoditisation of the prisoner of war. Similarly, a person could be born into slavery and sold later. For example, Late Old Babylonian contracts sometimes mention that the slave was born into a certain household. The person was considered a commodity at birth. In the event of a sale, the houseborn slave was further commoditised through the transaction. In other instances, however, the sale itself could be the means by which the person became a slave for the first time. For instance, when a girl was sold to be a second wife of a man and a slave to the man's first wife, such a girl was commoditised and reduced to slavery in the act of the sale. Thus, the sale itself marked the point at which the girl was viewed as a slave. In these instances, the native population was the source of the slave and the act of her parents selling her reduced the girl to slavery, an event which was recorded in a sale document.

While much can be determined about slavery through these sale documents, there are other aspects about the slave market which remain unknown. For instance, during the Old Babylonian period, non-native slaves were imported into Babylonia by foreigners and native Babylonians, but it is unclear how these people were reduced to slavery within their own land. Although these details only have marginal significance for the Babylonian slave market, it is likely these slaves were acquired through a variety of means, including purchase, debt, and even kidnapping.⁸⁰ No matter how these slaves were originally acquired by the traders, slaves were imported and were available for sale in Babylonia. Apparently certain slave traders gathered a group of slaves and brought them to Babylonia to be sold (Stol 2002: 748-750; van Koppen 2004: 16). But the acquisition and import of certain types of slaves could also be commissioned. There are several texts which deal with

⁸⁰ See Snell's (2011: 12) discussion of the texts warning of the danger of getting caught by slavers in the Iranian mountains. Elsewhere Snell (2003: 17-18) considers proverbial advice about the dangers of travelling in the mountains of the east.

people financing trips for the purpose of purchasing splendid slaves from desirable regions.⁸¹ These slave trade documents often include instructions about the type of slave sought, money given, and the timeframe during which the slave was to be brought to the new owner. Such missions were likely dependent on the foreign slave trade. But as mentioned above, it is unclear whether these foreign slaves were acquired by purchase, debt, or some other means, and it is certainly possible that those sent on these missions could have kidnapped a person or persons to fulfil the order. If the commissioned slave trader kidnapped people, such an action would increase the profits significantly.⁸²

Slave sales provide a lot of what is known about the sources of slavery in early

Mesopotamia. The documentation reveals some of the diverse ways in which slaves were acquired.

⁸¹ See Stol 2002: 748-750. See also discussion in van Koppen 2004: 16.

CUSAS 8, 7 (Dūr-Abiešuh; Ammi-šaduqa Year 15, Month 9, Day 1; CUNES 51-01-005)

Obverse: [x]+5(diš) gin₂ ku₃.babbar / [a]-r na^ṛ sa₁₀ sag.arad / uru bad₃.an^{ki} nam-ri / ša i-din-^damar.utu ugula e₂^l nin.urta / a-na^den.lil₂-mu-ba-li₂-i^t nu.eš₃ / dumu ur-^dsa.dara₃.nun.na / id-di-nu / a-na iti 1(diš)-kam / 1(diš) sag.arad uru bad₃.an^{ki} nam-ra / ub-ba-lam // Bottom Edge: ṛ dam^ṛ.gar₃-su₂ in-ne-ep-pu-uš-ma // Reverse: ṛ ib₂^ṛ.tag₄ a-na ma-li-i / i-na-ap-pa-al / igi dingir-ma.an.sum dumu lu₂.^dnusku / igi qur₂-di-ištar₂ dumu dingir-ma.an.sum / igi a-li₂-ba-ni-šu dumu arad-i₃-li₂-šu / igi ip-qu₂-^den.lil₂ / Blank Space / iti gan₂.gan₂.e₃ u₄ 1(diš)-kam / mu am-mi-ša-du-qa₂ lugal.e // Top Edge: ṛ alam.a.ni^ṛ šu.silim.ma ab.di.di.e.ṛ de₃^ṛ

Translation: x+5 shekels of silver in order to purchase a splendid slave of the city of Dēr, which Iddin-Marduk, the overseer of the temple of Ninurta, gave to Enlil-muballit, the *nešakkum*, the son of Ur-Sadarnuna. By one month, he will bring a splendid slave from the city of Dēr. His merchant shall be engaged and the remainder will be paid to him in full. (Before Witnesses). The month *kislīmu* (9). Day 1. The year Ammi-šaduqa, the king, (brought into the temple Emeteursag) his statue (representing him) saying a prayer of peace (Year 15).

See also:

BAP 4 (Unclear Provenance; Ammi-šaduqa Year 10, Month 5, Day 6; BM 92547) = Stol 2002: 748-749.

3(pi) 2(ban₂) 4 2/3 sila₃ i₃.giš giš.ban₂ ^dutu / ku₃.bi 1/3 ma.na 2/3 gin₂ ku₃.babbar /a-na sa₁₀ sag.arad.meš gu-ti-i^{ki} / nam-ru-tim / ki u₂-tul₂-ištar / a-bi eren₂.meš / a-na qa₂-be₂-e lu₂-^diškur.ra / dumu i₃-li₂-u₂-sa-ti / arad-^damar.utu dumu ib-ni-^damar.utu / šu ba.an.ti / a-na iti 1(diš)-kam sag.arad.meš gu-ti-i^{ki} / nam-ru-tim / u₂-ba-lam a-[{]iti[}]-na iti 1(diš)-kam / u₂-ul u₂-ub-ba-ṛ la-am-ma^ṛ / 1/3 ma.na 2/3 gin₂ ku₃.babbar / 1(diš) lu₂-^diškur.ra dumu i₃-li₂-u₂-sa-ti / a-na na-aš ka-ni-ki-šu / i₃.la₂.e / Rule / igi dingir-šu-ib-ni dumu ^dsuen-e-ri-ba-am / igi i-ku-na dumu ip-qu₂-ša / igi be-el-šu-nu dumu dingir-šu-ba-ni / igi ip-qa₂-tum dumu ta-ri-bu-um / Rule / iti ne-ne-gar u₄ 6 (diš)-kam / mu am-mi-ša-du-qa lugal.e / sipa-zi še-ga ^dutu ^damar.utu / bi-da-ke₄ // Seal: kišib lu₂-^diškur-ra / dingir-šu-ib-[ni] ṛ dumu^ṛ ^dsuen-i-ṛ ri^ṛ-[] / arad-^dx[amar.utu?] / kišib be-el-šu-nu

Translation: 204^l 2/3 litres of oil according to the measuring vessel of Šamaš. Its silver is 20 2/3 shekels of silver (i.e. approximately one shekel of silver for every ten litres of oil) in order to purchase splendid slaves from Gutu. Warad-Marduk, the son of Ibni-Marduk received from Utul-Eštar, the *abi šabim*, under the instruction of Lu-Iškura, the son of Ili-usati. He shall bring the splendid slaves from Gutu within one month. (If) after one month he does not bring (the slaves), Lu-Iškura, the son Ili-usati, shall pay 20 2/3 shekels of silver to the holder of the sealed document. Before Ilšu-ibni, the son of Suen-Eribam. Before Ikuna, the son of Ipquša. Before Bēlšunu, the son of Ilšu-bāni. Before Ipqatum, the son of Taribum. Month *abu* (5). Day 6. The year in which Ammišaduqa the king, the true shepherd, the obedient servant of Šamaš and Marduk (10). Sealed by Lu-Iškura. Ilšu-ib[ni] the son of Suen-iri[]. Warad-[Marduk]. Sealed by Bēlšunu

⁸² See discussion of kidnapping in Westbrook 1995: 1642.

Since slaves could be commoditised on a number of occasions, slave sales cannot be reduced to a single source, as the slaves who were purchased were obtained through a variety of means.

3.4 Slavery of the Native Population: Debt-Slavery, Self-sale, and the Sale of Dependents

While a number of slaves were of foreign origin, the native population formed a significant source of coerced labour in early Mesopotamia. Debt was likely the most common means by which people from the native population were reduced to some form of slavery or bonded labour. In an influential article on debt-slavery, M. Finley asks the question: ‘Why should a rich man lend - for we must come to loans in the end - except to another rich man?’ (Finley 1981: 153). As Finley recognised, conventional answers to this question can be based on the expectation that the motivation for lending involved an anticipated profit received from the interest accrued from the time the loan was issued until it was repaid. Such an assumption, however, is likely an anachronistic imposition of modern credit and debt relationships on ancient agreements, rather than fidelity to the cultural and economic context of antiquity. The conventional expectation, however, that debt was used primarily as a means to gain interest by creditors cannot even be considered representative of the modern use of debt, since evidence of the use of debt to gain leverage over, goods from, and even ownership of a person can be found in numerous modern contexts. Steinkeller (2002: 112-113) points to debts in modern India and Southeast Asia, which are loans issued for the purpose of gaining bondage. Some such loans may even require 100% interest. These extortionate interest rates likely indicate the real intention behind these loans. Other examples of the use of a debtor and creditor relationship to gain access to bonded labour are found in certain contexts of modern slavery.⁸³ In exchange for paperwork and help with entering more developed countries, some people will enter into a debt relationship with their smugglers. Upon arrival, many of these individuals find themselves faced with ludicrous amounts of debt and an inability to pay. The entire purpose behind the agreement

⁸³ See, for example, the situation of smuggling women from Nigeria into Italy in Achebe 2004.

from the viewpoint of the smuggler is to create bondage and gain access to labour outside of the regulated norms established by the government of the country to which the person is smuggled. The debtor must work in a variety of contexts and in many instances reduced to prostitution to pay a debt that was never intended to be met in the first place. In this way, the promises of a better life and the hope of sending money home to relatives provide an opportunity for smugglers to gain access to bonded labour through false promises without any expectation that the person will be able to retire the debt or the interest. In short, loans can be issued for a variety of purposes, including the desire to create bondage or to make a profit through repayment with interest.

As loans are issued in the modern context for various purposes, the same can be said of loans in early Mesopotamia. Finley rightly questions the assumption that loans were given primarily for the purpose of earning interest in the ancient Near East and subsequently shifted scholarly perspective on the motivation of lending from the desire to accrue interest to the realisation that debt was also used to create bondage. In this way, debt became a means to gain leverage over a person or persons.

While credit can be issued for the purpose of creating bondage over others, Finley (1981: 154-155) recognises that genuine lending for the purpose of repayment with interest also existed. Although Finley's Near Eastern evidence is limited, Steinkeller furthers Finley's arguments particularly in relationship to the Ur III period. Steinkeller (2002: 124-125) argues for the evolutionary development of debt into the Old Babylonian period, where the increasingly common debt-bondage created in the Ur III period led to a heightened amount of instances of debt-slavery in the Old Babylonian period, resulting in the need for rulers to issue decrees relating to debt forgiveness.

The important question of the motivation behind lending in early Mesopotamia revolves around whether or not the early Mesopotamian creditor expected to be repaid. If it can be

demonstrated that in general these creditors did not expect the debtor to be able to repay the loan, the motivation behind the loan must be found in the penalties received by default debtors and the acquisition of securities. The following evidence suggests some motivations for lending lie outside of the expectation to receive repayment with interest.

First, many loans were given to people facing economic hardship and difficult circumstances. Under these conditions, the creditor must have known the debtor was not likely to be able to repay the loan. If the debtor was not a good candidate for repayment, the debtor must have possessed some other desirable commodity or ability to encourage the loan. In these circumstances, the loans may have been given for the purpose of gaining other possessions such as property, but creditors also issued loans to gain access to people and their labour. People handed over because of debt could be the actual debtor or some dependent of the debtor, whether a child, slave, or some other individual.

Secondly, Steinkeller (2002: 113-114) points to the large number of loan documents which have been unearthed. The survival of a loan document can be taken as evidence of an outstanding, unpaid debt, since tablets dealing with loans were returned to the debtor once the debt was paid.⁸⁴ The debtor subsequently destroyed the loan agreement as the tablet was the formal proof of the obligation placed on the debtor. With this evidence revealing that many debts were left unpaid, the possibility arises that some loans were issued for some purpose other than repayment with interest, a position furthered by examples of loans that were issued without interest but where a distraint worked for the creditor until repayment, indicating that debt was used for the acquisition of coerced labour and not just repayment.

⁸⁴ See Steinkeller's (2002: 113-114, see also note 10) helpful discussion of texts which say the tablet is to be broken once a debt has been paid.

However, as Finley and Steinkeller stress, other loans existed for the purpose of receiving payment with interest.⁸⁵ The regulations relating to loans in the ‘Codes’ of Ur-Nammu and Hammurapi reveal the multifaceted purpose of loans from the perspective of the creditor. In the first instance, interest rates were ‘regulated’. If the ‘fair practice’ included in the laws reflects the interest rates implemented in a given society, then attempts to gain wealth off of interest or to create bondage through the extension of credit must be done without exorbitant interest rates. Secondly, the limitations placed on the period of bondage one could face because of debt in ‘Code of Hammurapi’ §117 indicates there was an expectation that debt frequently resulted in an indefinite period of bondage unless some form of intervention took place. In summary, some loans were issued for the purpose of gaining from the interest accrued. Other loans were issued for the purpose of gaining access to labour, possessions, and land. As the primary concern of this chapter relates to human labour, the discussion which follows focuses on debt as it relates to workers.

In early Mesopotamia, at least three types of debt agreements are attested in the extant sources: interest-free loans, interest-bearing loans, and loans which involve a distraint working in the house of a creditor until the principle or principle plus interest was paid depending on the type of agreement. The interest-free loans only required the repayment of the principle amount. The second type of loans require the debt to be repaid with interest. According to the ‘Code of Hammurapi’ gap §t (=S i 4’-12’; t iii 35-40 in Roth 1997: 97⁸⁶), for example, interest-bearing loans generally charged 20% interest on silver and 33% on barley loans. The third type of loan involved either the debtor or a dependent of the debtor’s acting as a distraint by entering into the house of the creditor to work until the principle was repaid. However, a person could also be handed over to a creditor to act as a guaranty for repayment of the principal amount and interest. For instance, the

⁸⁵ Garfinkle (2012: 145) is rightly critical of Steinkeller’s (2002: 118) overstatement: ‘most of his lending operations were undoubtedly directed towards the acquisition of labor and land’.

⁸⁶ The ‘Code of Hammurapi’ is a composite text. In the main example housed at the Louvre, the following paragraph is not present. As it comes from another source, it is called a gap paragraph by Roth. For discussion of this method and other methods for creating the composite score of the ‘Code of Hammurapi’, see Roth 1997: 73-76.

following text involves a son being handed over as a pledge that the debtor will repay the loan with interest.

Harris, *JCS* 9: 1955: 61, No. 5⁸⁷

Bakšišum received [x] shekels of silver from Mannum-ki-ilīya. He placed his son as pledge. If Bakšišum (wishes to redeem[?]) his son, he shall pay the silver together with its interest. If (the son) dies or flees, he will take his silver from Bakšišum. (7 witnesses, including a blacksmith.)

In this text, the son of the debtor was handed over to the creditor as a surety of the loan, likely holding out the possibility of redemption for the son upon the repayment of the silver together with the interest. In the event that the son died or ran away, the loan was forfeit, and the silver was to be returned to the creditor.

While Monaco (2012)⁸⁸ has made the case that loans and the practice of charging interest can be found in the Archaic texts of the late fourth millennium, the earliest evidence related to debt-slavery in early Mesopotamia, likely stretches back to the Presargonic period. This evidence, however, only attests to the problem of native slavery in relation to debt by the claims of remission made by rulers.⁸⁹ Enmetena, for example, makes the following claim on a brick inscription:

Enmetena (RIME 1.9.5.1.26) Column 5 Lines 2-8:

⁸⁷ Harris, *JCS* 9: 1955: 61, No. 5 (Sippar; ND; Kh 1935, 120)

x gin₂ ku₃.babbar / ki ma-nu-um-ki-i₃-li₂-a / ba-ak-ši-šum / šu.ba.an.ti / a-na ma-za-za-nu-tim / ma-ra-šu / iš-ku-^run^r / šum-^rma ba-ak-^rši-šum / ma-ra-[šu] / uš-[...] // Bottom Edge: ku₃.babbar qa₂-[du-um] / ši₂-ib-ti-[šu] // Reverse: i-ša-qa₂-[al] / i-mu-^rat^r / i-ḥa-li-[iq-ma] / ki ba-[ak]-ši-šum / ku₃.babbar e-le-qe₂ / igi ga-gu-um / igi ḥu-ud-ḥu-du-um / igi bi-bi-a-a / igi ti-im-zu-na-x-x // Top Edge: igi nu-uk-ra-nu-um / u₃^den-šar-iš-mu simug // Left Edge: i₃-li₂-ma-da-nu-um

⁸⁸ Monaco (2012: 178) concludes: ‘The present analysis shows that the practice of loans (identified in the archaic tablets by the sign U R ₅) was already utilised in the 4th millennium, although probably it was only managed by the main household, probably the central administration of the city. In fact, in contrast to the common practice in the 3rd millennium, no loans between two individuals are recorded in the available archaic documentation. As a general rule, interest (sign T A R _a) was due for the loan, the most common rate being 10% although higher rates (up to 20%) are attested’.

⁸⁹ There are a number of documents involving the sale of dependents which are deliberately excluded here. As discussed below, Prentice (2010: 147) attempts to argue that a number of sales from the Presargonic period were the result of debt. Since this position is considered more extensively below, such data is excluded from this portion of the discussion.

⁹⁰ The terminology of remission and release is discussed below.

He instituted a remission⁹⁰ (of the obligations) of Lagaš. He returned the mother to the child and returned the child to the mother, and he instituted a remission of interest-bearing barley loans.⁹¹

Similarly, UruKagina states that he set prisoners free and those living in debt.

UruKagina (RIME 1.9.9.1 after Frayne 2008: 264-265) xii: 12.

He said, ‘As for the citizens of Lagaš – the one living in debt, the one who had set up (a false) *gur* measure, the one who had (fraudulently) filled up the *gur* measure with barley, the thief, the murderer – he swept the prison⁹² clear and established freedom. UruKagina made a binding oral agreement with the god Ningirsu that he would never subjugate the orphan (or) widow to the powerful.⁹³

While, as discussed in chapter 2, it cannot be established with any certainty the extent to which these early texts reflect the actual social realities of the Presargonic period or if such declarations of freedom or release were even put into practice, the inscriptions provide early evidence of debt-slavery and how families could be divided because of the problem.

By the Ur III period, debt-slavery clearly became a source of coerced labour. During this time, loans had different stipulations as the situation required, as is demonstrated by the various terms issued in the textual record. The interest rate of loans during the Ur III period is conveniently summarised by Monaco (2012: 165-166) as follows:

The interest rate commonly adopted in [the Ur III] period for the loan of barley was as high as 1:3, and is generally attested in tablets from different cities. Lower rates of interest for the loan of barley occur much less frequently. Loans of silver implied an interest rate of 1:4, or 1:5, while lower rates of interest (1:10) occur in the loans of dates.

⁹¹ Enmetena (RIME 1.9.5.1.26)

Column 5 Lines 2-8: a m a - g i 4 l a g a š^{ki} / e - g a r / a m a d u m u i 3 - n i - g i 4 / d u m u a m a i 3 - n i - g i 4 / a m a - g i 4 š e u r 5 - k a / e - g a r

⁹² For a brief discussion of prisons, see chapter 5 below.

⁹³ UruKagina: RIME 1.9.9.1

xii: 12: i 3 - d u 11 / d u m u l a g a š^{ki} / u r 5 - r a t i - l a / g u r g u b - b a / š e s i - g a / n i g 2 - z u ḥ - a / s a g g e š r a - a / e 2 - e š 2 - b i / e - l u ḥ / a m a - g i 4 - b i / e - g a r / n u - s i k i n u - m a - k u š 2 / l u 2 a 2 - t u k u / n u - n a - g a 2 - g a 2 - a / ^dn i n - g i r 2 - s u - d a / U R U - K A - g i - n a - k e 4 / i n i m - b e 2 k a e - d a - k e š 2

On the basis of the known interest rates of the period found in the documents of practice, Civil (2011: 281) reconstructs the interest rates in the ‘Code of Ur-Nammu’ to 33% on grain and 20% on silver (§§D10-11).⁹⁴ Since in everyday life the terms of the agreements were individually negotiated, the loans, although falling into basic categories, were written as each situation required. The more commonly attested practice for the Ur III period involved a dependent of the debtor being sold or handed over for a period to pay off a debt. In some instances the debtor was sold because of

⁹⁴ Code of Ur-Nammu (after Civil 2011: 251 with minor variation)

§D10: τ t u k u m τ - b i l u τ τ l u τ τ - [r a] τ 1 (d i š) ! š e τ g u r u r τ 5 - r a - š e τ 3 [i n - n a - a n - š u m τ] τ m u τ 1 (d i š) - a m τ m a š τ 2 - τ b i τ [1 (b a r i g) 4 (b a n τ 2) - a m τ 3]

Translation: If a man [gives] to another man 300 litres of barley as a loan, its yearly interest will be [100 litres].

§D11: τ t u k u m τ - b i l u τ τ l u τ τ - [r a] 1 (u) g i n τ 2 k u τ 3 - b a b b a r u r τ 5 - r a - τ š e τ 3 τ [i n - n a - š u m τ] m u 1 (d i š) - a m τ m a š τ 2 - b i [2 (d i š) g i n τ 2 - a m τ 3]

Translation: If a man [gives] to another man ten shekels of silver as a loan, its interest for one year shall be [2 shekels].

a defaulted loan. Examples clearly exist in which the individuals are sold to help retire a debt or in the case of default.⁹⁵

Numerous loans issued for the purpose of gaining access to labour have been conveniently compiled by Steinkeller (2002). Several loan documents have been found which require work to be

⁹⁵ Festschrift Owen 203-204, 2 (Unclear; Amar-Suen Year 5; BM 106470) = Festschrift Sigrist 2008: 167.

1/3(diš) ma-na 1/2(diš) gin₂ ku₃-babbar / šeš-a-ni-ir / ur-kal-la-mu / in-da-an-tuku-am₃ / ša₃-bi l(u) gin₂ ku₃-babbar-še₃ / šeš-a-ni lu₂-dingir-ra dumu-ni / ur-kal-la-mu / igi ki-ag₂-še₃ in-na-an-dab₅ / l(u) 1/2(diš) gin₂ ku₃ KU in-da-an-tuku-a / l(u) gin₂ ku₃ sa₁₀-am₃ lu₂-dingir-ra-ka i₃-me-a // Reverse: ur-kal-la-mu / nam-erim₂-e ki-ag₂-e ba-an-šum₂ / inim-ma-AN maškim nam-erim₂-bi-im / la-lu₅-mu gud₄ nam-erim₂ ku₅-ra₂-bi-im / l(diš) u₃-ma-ni / l(diš) du-du-mu / lu₂-inim-ma sag dab₅-ba-me / ur-^dli₉-si₄ di-ku₅ / l(diš) kal-la-mu dumu inim-^dšara₂ / l(diš) ur-nigar^{gar} egir-re₂ / l(diš) ur-^dba-ba₆ dumu gu-du-du / l(diš) a-kal-la dumu lugal-iti-da / l(diš) i₃-da-mu / lu₂ ki-ba gub-ba-me / mu en-unu₆-gal ^dinanna ba-ḥun

Translation: Ur-kallamu is owed twenty and one half shekels of silver by Šešani. From its middle for ten shekels of silver Šešani's son, Lu-dingira, Urkallmu seized in the presence of Ki'ag. He is owed ten and one half shekels of silver, the purchase price of Lu-dingira being ten shekels of silver. Ki'ag caused Urkallmu to take the oath. Inima-AN was the administrator of the oath. Lalumu, was the priest of the taking of the oath. Umani (and) Dudumu witnesses of the seizure of the person (slave). Ur-Lisi, the judge, Kallamu, son of Inim-Šara, Ur-Nigar, second-in-command, Ur-Baba, son of Gududu, Akalla, the son of Lugal-itida, Idamu, men who were standing in that place. The year Enunugal was installed as priest of Inanna.

Festschrift Owen 203-204, 2 appears to be an example where the son of a debtor is seized to retire a portion of an outstanding debt. If the son were to be sold as a slave, the value was ten shekels of silver. This amount is credited to the account of Šešani toward the retirement of the debt. The remaining amount is to be repaid subsequently.

A similar text includes the default clause that if the debtor does not repay the loan, the debtor will hand over his son to the creditor. In this instance, the debt is low enough to be retired by a single son, whereas in the above text the seizure of a son cannot quite make up half of the deficit. The obvious difference is between a loan of 20 1/2 shekels of silver and a loan of 8 shekels of silver.

ZA 53, 83, 22 (Girsu; Šulgi Year 47, Month 7; Ist L 11053):

8(diš) ṛ gin₂ ṛ [ku₃-babbar] / ki ṛ ur ṛ -[...] / nin-ki-[...] / du₁₁-ga-[...-ta] / ŠI-BU-[... šu ba-an-ti] / iti ezem-[^dšul-gi-ta] / iti ezem [še-il₂-la-še₃] / su-ṛ su ṛ -[dam] / u₄-da nu-[u₃-su] / ibila-ṛ ni ṛ // Revere: nam-arad₂-še₃ du-da / mu lugal-bi in-ṛ pa₃ ṛ / l(diš) ga-du / l(diš) a-a-ni / l(diš) ur-^dnusku / l(diš) ga-a-ga-ma / l(diš) du₁₀-ga-mu ma₂-gin₂ / l(diš) ur-^dsuen / l(diš) ur-eš₃-ku₃-ga / l(diš) ba-sa₆-ga / l(diš) a-ḥu-a / lu₂-inim-ma-bi-me / iti ezem-^dšul-gi // Left Edge: mu us₂-sa ki-maš^{ki} u₃ ḥu-ur₅-ti^{ki} ba-ḥul

Translation: 8 shekels [of silver] from Ur-[x] Ninki[...] Duga-[...] ŠI.BU-[... received]. [From] the month of the festival [of Šulgi] to the month of the festival of [the harvest], [it is] to be paid [back]. Should it not be [paid back] at the time, he swore an oath by the name of the king that his heir would go into slavery. Gadu, A'ani, Ur-Nusku, Ga'agama, Dugamu, the boat-builder, Ur-Suen, Ur-Eškuga, Basaga, Aḥu'a are witnesses. Month of the Festival of Šulgi. The year after Kimaš and Ḥurti were destroyed.

performed in lieu of interest.⁹⁶ Steinkeller has isolated one potential cause behind this approach of giving loans to gain access to labour. On the basis of high rates of pay given to workers in some texts and the issuing of credit for labour even by larger estates, Steinkeller posits that labour shortages existed, driving up the cost of labour in certain areas.

As discussed in the section dealing with slave prices, the price of slaves during the Old Babylonian period fluctuated on the basis of the availability of slaves. After successful campaigns of war, the influx of prisoners of war drove down the cost of slaves. For the Ur III period, however, this does not appear to be the case. Instead, the cost of slaves seems to have been relatively stable, since the cost of slave on the basis of the available evidence remained relatively consistent despite the occasional influx of prisoners of war. If slave prices were not driven by supply and demand in

⁹⁶ See, for example, the following evidence conveniently compiled by Steinkeller 2002.

AUCT 3, 492 (Umma; Amar-Suen Year 7; AUAM 73.2686 + AUAM 73.3160) = Steinkeller 2002: 131 note 9

Obverse: 5 (geš₂) še r₅ra gur / še gur₁₀(|ŠE.KIN|)-gur₁₀(|ŠE.KIN|)-r₁dam / 1 (geš₂) še-ke₄ 1(iku) GAN₂-ta / gur₁₀(|ŠE.KIN|)-gur₁₀(|ŠE.KIN|)-dam / še-bi di nu-ub-da-ab-be₂-a / še-bi buru₁₄ su-su-da-bi / guru₇-bi-še₃ gu₂-ru-da / tukum-bi še-bi nu-u₃-gur₁₀(|ŠE.KIN|) / a-ša₃-ba ki en-na ba-ḫul-ḫul-da-ba / še-se-ge₄-da / mu lugal-bi in-pa₃
 // Reverse: ki ensi₂ umma^{ki}-ka-ta / šar-ru-um-i₃-li₂ nu-banda₃ / dumu dab₅-ba gir₂-su^{ki}-ke₄ / šu-ba-ti / (blank space) / mu ḫu-ḫu-nu-ri^{ki} ba-ḫul / (blank space) // Seal: šar-ru-um-i₃-li₂ / nu-banda₃ dumu dab₅-ba / dumu tul₂-ta nu-banda₃

Translation: 90,000 litres of barley, a loan, harvesting barley. For every 60 litres of barley, one iku of land is to be harvested. For its barley he will not make a claim. Its barley he will repay at harvest. He will pile it up in its own grain store. If its barley is not harvested, he swore an oath by the name of the king to place the barley in its field, wherever it was destroyed. From governor of Umma, Šarrum-ili, the lieutenant of seized persons, (conscripts) of Girsu, received (the loan). The year Ḫuḫunuri was destroyed.

Seal: Šarrum-ili, lieutenant of seized persons, son of Tulta, the lieutenant.

CST 688 (Umma; Amar-Suen Year 8, Month 12; JRL 688) = Steinkeller 2002: 131 note 9.

Obverse: r₁(u) ḫe ur₅-ra gur / maš₂-bi-še₃ 2(bur₃) 2(eš₃) 2(iku) gana₂ gur₁₀-gur₁₀-dam / ki a-kal-la ensi₂ / umma^{ki}-ka-ta / ur-^dšul-pa-e₃ / nu-banda₂ a-ša-ru-um-da-gi-ke₄ / šu-ba-ti / space / [iti^d]dumu-z[im^uen] eridu^{ki} ba-ḫun

Translation: r₁3000 litres of barley, a loan, its interest is the harvesting of 50 iku of land from Akala, the governor of Umma. Ur-Šulpae, the lieutenant of Ašarum-dagi, received. [The month] r₁₂, [the year the en-priestess] of Eridu was installed (Month 12 Year Amar-Suen 8).

AAICAB 1/1, pl. 26 (Umma; Amar-Suen Year 5; Ashm 1911-193) = Steinkeller 2002: 131 note 9.

Obverse: 1(šar₂) 1(bur'u) 5(bur₃) 1(eš₃) 1(iku) / gana₂ še gur_x(ŠE.KIN.KIN) maš₂ / še ur₅-ra-ka / kišib nu-banda₃ gu₄-[1(u)] / u₃-um-tum₂ // Reverse: kišib e₂-gal-^re-[si] / zi-ri-dam // Seal: e₂-gal-e-si / dub-sar / dumu [lu₂-^dšara₂] / sa₁₂-du₅-ka // mu en unu₆-gal ba-ḫun

Translation: 1357 iku of a field harvested as interest on a loan of barley. The receipt of the lieutenant of [ten] plow-teams is presented. The receipt of Egalesi is to be broken. The year the Enunugal was installed (Amar-Suen 5). Seal: Egalesi, the scribe, the son of [Lu-Šara], the field registrar.

the Ur III period, one expects the cost of labour would likewise not be subject to such fluctuations. There are a number of factors, however, which might explain this discrepancy. First, it appears most prisoners of war during the Ur III period were kept by the palace and temples. If the influx of prisoners of war did not result in a large increase of chattel slaves, then slave prices could remain stable. Secondly, there may have been complex overlapping factors relating to the Ur III economy. From the viewpoint provided by provincial administrations, the economy of the Ur III period seems to have been a 'planned' economy. This can be established by the equivalencies which are rigorously adhered to within the Ur III accounts during times of administrative stability.⁹⁷ Although such control could be extended into private aspects of the economy, the fluctuation of worker compensation due to labour shortages suggests that bargaining and rate hikes may have occurred at certain points in relation to and on the periphery of the provincial administrations of the Ur III period (see Steinkeller 2002: 119 on price hikes for workers).

Debt not only served as a means of coercion for private households; debt was utilised as a controlling mechanism by the palace. The *d a m g a r* accounts⁹⁸ of the Ur III periods could end up with a surplus (*d i r i*) but often resulted in a deficit (*l a 2 - i a 3* and *s i - i 3 - t u m*). The likely reason behind this consistent failure on the behalf of overseers to meet the requirements established for fulfilment is that the overseers were set up to fail by largely unachievable rates of production

⁹⁷ Dahl (2003: 40), for instance, has used the strict adherence to equivalencies found in the administrative documents to argue in favour of a planned economy which was extensively controlled by the royal household and without the presence of a market in the classical sense (see also the works by Polyani 1957: 12-27 and Englund 1990: 14-18). Similarly, Steinkeller (2002: 117) has stated, 'Although I hate to belabor the obvious, this fact is clearly correlated with the absence of institutional credit and the need for bonded-labor, in the face of the virtual nonexistence of a free labor market'. Others such as Adams (2006), however, suggest that the Ur III administration was a weak facade which hid its own deficiencies and was extractive in its documentation. Adams (2006: 167), citing Steinkeller's (2004: 95) discussion of the acquisition of other goods outside the rations of the administration, concludes: 'Leaving aside the fruitless philosophical arguments as to exactly what did or did not constitute a 'market' at city gates and canal-side quays, here were major, ongoing institutions whose direct and indirect effects ramified into every family's dwellings and activities'. It seems convincing that within the sphere of the administrative control performed by the temples and royal households, particularly those issues which related directly to the concerns of these, extensive regulation and checks in balances were in place, which made this aspect of the Ur III economy more or less immune to the economic fluctuation which likely occurred outside the royal and temple households. Nevertheless, it seems equally plausible that everyday life during the Ur III period involved unregulated economic activity which enable those within and without the administrative control of the royal and temple households to acquire the requisite supplies for everyday life.

⁹⁸ The silver accounts in the Ur III period have been studied in detail by, among others, Snell (1982); Steinkeller (1996); Englund (1988; 1990); and Dahl (2003).

and expectations which the palace and provincial administrators imposed upon them. While these debts were often allowed to accumulate without any discernible consequence, at least in the preserved record, the overseer lived with the constant threat of debt repayment being required by the palace. In such instances, the overseer could be thrown into prison because of the debt. Further, there are instances in which outstanding debts were collected from the household of dead overseers (see Dahl 2003: 39). In fact, upon one's death an outstanding debt could result in family members being seized for slavery (see the similar situation of slavery *ex delicto* below.).

MVN 10, 155⁹⁹

142 litres of clarified butter, 180 litres of kašk cheese, the year, 'Simurum was destroyed for the third time'; deficit of UrKANara, the cattle herder. UrKANara died; Baba, his child, Ba'aba ..., Er-..., Agati, Zala'a, female slaves, as estate instead of the deficit, of the deliveries their deficit is removed (from his account).

The use of such threats together with a continuous debt owed to the palace was a means employed whereby the officials of the administration could be controlled.

The use of debt to coerce other individuals, which is clearly attested in the Ur III period, began to become a problem that needed to be addressed with a degree of regularity by the Old Babylonian period (see discussion in Steinkeller 2002: 124-125). Debt played a significant role in the Old Babylonian economies, and it became somewhat common for kings to remit debts at their ascension to the throne. General releases, however, have been treated in scholarship as creating more problems than they fixed. It is expected that if creditors knew of possible remissions of debt or certain times of release, loans would become inaccessible as creditors would be looking to avoid loss or minimal returns from the extension of credit to others in the population (see, for example,

⁹⁹ MVN 10, 155 (Unclear Provenance; Šulgi Year 32; BV 20) = Englund, *BBVO* 10 (1990) 42-48; Englund, *JNES* 50 (1991) 268; Waetzoldt, *NABU* 1990, 4; Maekawa, Kazuya, *ASJ* 18 (1996) 146 no. 70

Obverse: 2(barig) 2(ban₂) 2(diš) sila₃ i₃-nun / 3(barig) ga-ar₃ / mu a-ra₂ 3(diš)-kam-aš si-mu-ru-um^{ki} ba-ḫul / la₂-ia₃ ur-KA-na-ra unu₃ / ur-KA-na-ra ba-uš₂ / 1(aš) ba-ba dumu-ni // Reverse: 1(aš) ba-a-rba₇ [...] / 1(aš) r-er₂-[...] / 1(aš) a-ga-r-ti₇ / 1(aš) za-la-a / geme₂-me / e₂-du₆-la / mu la₂-ia₃-še₃ mu-ku_x(DU) / la₂-ia₃-bi ba-zi

the discussion in Hallo 1995: 90). Yet according to Postgate (1992: 195-197), certain types of debt, such as entrepreneurial liens, were exempt from these release edicts. Release and debt-slavery, however, is not only attested in the edicts of the Old Babylonian period.

The ‘Code of Ḥammurapi’ is likely the most frequently cited source of information about debt-slavery in early Mesopotamia. §§115-116 deal with two situations relating to the treatment of a distress who has been seized by a creditor. ‘Code of Ḥammurapi’ §115 forbids legal action if a distress dies of natural causes in the house of a creditor.

‘Code of Ḥammurapi’ §115 (after Roth 1997)¹⁰⁰

If a man has a claim of grain or silver against another man, distrains a member of his household, and the distrainee dies a natural death while in the house of her (or his) distrainer, that case has no basis for a claim.

‘Code of Ḥammurapi’ §116, however, considers the case where the distress died as the result of poor treatment at the hands of the creditor in which case punishment ensued.

‘Code of Ḥammurapi’ §116’ (after Roth 1997)¹⁰¹

If the distrainee should die from the effects of a beating or other physical abuse while in the house of her (or his) distrainer, the owner of the distrainee shall charge and convict his merchant and if (the distrainee is) the man’s child, they shall kill his (the distrainer’s) child; if the man’s slave, he shall weigh and deliver twenty shekels of silver; moreover, he shall forfeit whatever he originally gave as the loan.

In the event of the death of a distraint because of maltreatment at the hands of a creditor, the punishments mentioned here took two different forms, depending on the status of the distress. In the event that the distress was the son of a [high-ranking] man (*šumma mār awīlim*), the son of the creditor was to be put to death. If the distress was the servant of a [high-ranking] man (*šumma warad awīlim*), the creditor had to pay twenty shekels of silver and forfeit whatever debt was owed.

¹⁰⁰ ‘Code of Ḥammurapi’ §115:

šum-ma a-wi-lum / e-li a-wi-lim / še u₃ ku₃.babbar / i-šu-ma / ni-pu-su₂ ip-pe₂-ma / ni-pu-tum / i-na e₂ ne-pi₂-ša / i-na ši-ma-ti-ša / im-tu-ut / di-nu-um šu-u₂ / ru-gu-um-ma-am / u₂-ul i-šu

¹⁰¹ ‘Code of Ḥammurapi’ §116:

šum-ma ni-pu-tum / i-na e₂ ne-pi₂-ša / i-na ma-ḥa-ši₂-im / u₂ lu i-na uš-šu-ši-im / im-tu-ut / be-el ni-pu-tim / dam.gar₃.šu / u₂-ka-an-ma / šum-ma dumu a-wi-lim / dumu-šu i-du-uk-ku / šum-ma arad a-wi-lim / 1/3 ma.na ku₃.babbar i-ša-qal / u₃ i-na mi-im-ma šum-šu / ma-la id-di-nu / i-te-el-li

In these ways, the retributive consequences reflect the value of the person. Whereas a child of the debtor was avenged with the death of the child of the creditor. The slave, however, represents a commodity more than a person, resulting in a monetary penalty for the the death of a distraint because of ill treatment.

The ‘Code of Ḫammurapi’ §117 deals with relationships between creditors and debtors, seeking to limit the time a person could be held because of a debt.

‘Code of Ḫammurapi’ § 117 (after Roth 1997 with minor variation)¹⁰²

If an obligation is outstanding against a man and he sells his wife, his son, or his daughter or gives (them) into debt service,¹⁰³ they shall perform service in the house of their buyer or the one who holds them in debt service for three years; their release shall be secured in the fourth year.

After three years of service, the ‘Code of Ḫammurapi’ §117 called for the release of any dependent of a debtor handed over to their purchaser or creditor. As with §116 of the ‘Code of Ḫammurapi’, §§118-119 reveal various levels of unfree labour in relation to the distress of debtors.

‘Code of Ḫammurapi’ §118 (after Roth 1997)¹⁰⁴

If he should give a male or female slave into debt service, the merchant may extend the term (beyond the three years), he may sell him; there are no grounds for a claim.

‘Code of Ḫammurapi’ §119 (after Roth 1997)¹⁰⁵

If an obligation is outstanding against a man and he therefore sells his slave woman who has borne him children, the owner of the slave woman shall weigh and deliver the silver which

¹⁰² ‘Code of Ḫammurapi’ §117:

šum-ma a-wi-lam / e-ḫi-il-tum / iṣ-ba-su₂-ma / dam-su₂ dumu-šu u₃ dumu.munus-su₂ / a-na ku₃.babbar id-di-in / u₃ lu a-na ki-iš-ša-a-tim / it-ta-an-di-in / mu.3(diš).kam / e₂ ša-a-a-ma-ni-šu-nu / u₃ ka-ši-ši-šu-nu / ip-pe₂-šu i-na re-bu-tim / ša-at-tim / an-du-ra-ar-šu-nu iṣ-ša-ak-ka-an.

¹⁰³ The word, *kiššātum*, refers to the status of a person given over as a distraintee for a debt, according to CAD K, 459-460. Westbrook separates the *kiššātum* from the distraint with the former resulting *ex delicto* and the latter being servility created by a loan (1995: 1637-1638). See also Westbrook 1996.

¹⁰⁴ ‘Code of Ḫammurapi’ §118:

šum-ma arad u₃ lu geme₂ / a-na ki-iš-ša-tim / it-ta-an-di-in / dam.gar₃ u₂-še-te-eq / a-na ku₃.babbar i-na-ad-din / u₂-ul ib-ba-qar

¹⁰⁵ ‘Code of Ḫammurapi’ §119:

šum-ma a-wi-lam / e-ḫi-il-tum / iṣ-ba-su₂-ma / geme₂-su₂ ša dumu.meš ul-du-šum / a-na ku₃.babbar it-ta-din / ku₃.babbar dam.gar₃ iṣ-qu₂-lu / be-el ᵀ geme₂ ᵀ i-ša-qal-ma / geme₂-su₂ i-pa-ᵀ tar₂ ᵀ

the merchant weighed and delivered (as the loan) and he shall thereby redeem his slave woman.

A male or female slave that was given over as a distress, could be sold and not reclaimed. Whereas a family member of the man in the ‘Code of Hammurapi’ §117 was to be released after three years, the slave of the man in ‘Code of Hammurapi’ §118 could be sold because of the debt. The complexity of bonded labour in relation to a distress in ‘Code of Hammurapi’ only increases. In the event that the distress was a female slave who bore children to the man (*geme-su₂ ša dumu.meš ul-du-šum*), the owner of the female slave shall pay back the money that the merchant gave to acquire the female slave (‘Code of Hammurapi’ §119). By so doing, the debtor redeems her.

The above laws reflect the diversity and complexity of debt distresses. For instance, it becomes difficult to classify the status of the native population who become bonded for a time. During such a period of service, these otherwise free persons became unfree workers. To complicate matters even further, the slave girl who bore sons to her master appears to have enjoyed a slightly higher status than the one who had not borne children to her master, at least from the perspective preserved in the ‘Code of Hammurapi’. While there are a number of aspects which complicate the study of the status of those individuals who became unfree because of debt, the ‘Code of Hammurapi’ took into consideration the prior status of the individuals handed over because of debt with such previous states being determinative for the duration which the person could be held because of debt. Despite the very nuanced data in the ‘Code of Hammurapi’, there is no real evidence that these laws were put into practice.

With sales of members of the native population, there are a number of difficulties which must be taken into consideration. Since the reasons behind the exchanges found in the documents which record self-sale or the sale of dependents are often left unstated, such transactions are often subsumed in scholarship under debt-slavery. In other words, it is common to assume that exchanges

involving the seller's own person or family members must be the result of some outstanding debt, even if there is no internal evidence in the documents to establish a debt problem. In some cases, debt was surely a significant cause or even the main factor behind the sale of dependents. One obvious place where the relationship between debt and the sale of dependent members of a family can be found in the 'Code of Hammurapi' §117 ('If an obligation is outstanding against a man and he sells his wife, his son, or his daughter or gives (them) into debt service..' (quoted in full above)). Further, in the Old Babylonian period, the edicts of release and debt forgiveness may have within view all individuals from the native population who are reduced to slavery whether by debt or sales which occur for some other reason, since the main exception to the release highlighted in the 'Edict of Ammišaduqa' involves houseborn slaves (see discussion below). Nevertheless, the clear connection between debt and the documents detailing self-sale and the sale of dependent family members does not preclude the possibility that sales could result from other circumstances unrelated to the problem of debt. For this reason, when considering the sources of slaves in the ancient Near East, Westbrook develops a category of slavery caused by famine. Westbrook (1996: 1645) writes,

Enslavement for famine was similar to enslavement for debt, but was not always identical. The sale of a child in times of famine could always be regarded as a sale made under duress with the price being a debt. Sometimes, however, there was no price. Rather, free persons gave their children or themselves into slavery in return for being kept alive until the famine was over.

This source of slaves is not normally discussed in scholarship. The category, however, should be expanded to include sales for reasons beyond famine. The assumption that the sale of family members only exists because of a debt problem overlooks a number of other plausible impetuses for these transactions. For instance, a family might be incapable of finding a creditor willing to loan them money or goods. This possibility is frequently cited in scholarship, when the 'Code of Hammurapi' §117 is being considered together with other debt releases found in the Old Babylonian period. The possibility is raised that if debt releases were something which commonly occurred, then such a practice would discourage people from issuing credit (see one such discussion

in Hallo 1995: 90). Further, as Steinkeller (2002: 113-114) argues the number of extant loan documents may indicate that many loans were not repaid, since repayment likely resulted in the loan document being broken, as discussed above. If there were debt-releases being issued and loans were not likely to be repaid, some people faced with financial difficulty may have found themselves incapable of securing a loan. If a loan could not be obtained, the person may be left with no other option than to sell oneself or a family member.

Records of transactions which deal with the sale of children and dependents stretch back to the Presargonic period (i.e., RTC 17; VAT 4434; BIN 8, 363). Prentice (2010: 147) discusses seven texts dealing with the sale of individuals and claims: ‘Since the individuals being sold are not described as “slaves” (ir₁₁), these documents cannot be considered recording “slave sells”’. The want of a theoretical foundation or argument by Prentice to prove the assertion that slave sales must include the term a r a d₂ leaves the assertion questionable (see discussion in Chapter 5 about the inclusion and omission of indicators of social status within the cuneiform record of early Mesopotamia). Further, she describes the sales in terms of debt rather than slave sales as such.

The texts RTC 17; VAT 4434; BIN 8, 363 describe the sale of children by parents. In these exchanges, the child being sold is not to be considered a slave until after the sale. Otherwise every dependent person (children and wives included) must be classified as a slave on the basis of the potentiality of sale within a household. At the point of the sale, the child was commoditised. In all three cases, a wife of the ruler purchased the children. The children sold in each case are called ‘g a l a’, likely a lamentation singer. Since the children were purchased to become singers in the temple, these children may be considered slaves after the sale.

In RTC 16, a similar sale was recorded of a person who, rather than having a profession listed, is called a foundling (Obverse: Column I Line 2: p u₂ - t a - p a₃ - d a - a m₆; literally ‘[she] is found in the well’, Prentice 2010: 139 no. 575). There is no evidence that can establish the previous status of the foundling prior to the purchase, but the sale commoditised the child. After the

sale the child entered the household of the Sanga of Ningirsu, since his wife, Dimtur, purchased her. The foundling, then, became some type of unfree person or slave. There may not have been, however, any real status change with the foundling, since the girl was probably considered to be the property of the individual who found and later sold her to Dimtur.

Nik 1, 17 records the sale of *L u g a l - e d i n - n e 2 g a l a - g u r u š* to Baranamtarra, the wife of the ruler. The sale is by three individuals, whose relationship to each other or to the person being sold is not included in the document (Prentice 2010: 147). The last two sales of persons which require mention here involve the sale of *i g i - n u - d u 8* by gardeners to Baranamtarra, the wife of the ruler (Fö 141, 144).

Prentice (2010: 147-148) understands all of these above-mentioned sales in terms of debt. To establish this, she discusses the way in which parents take care of their children, and how children reciprocate when parents are old. The importance of children for the survival of ageing parents or widows cannot be overstated. However, casting the relationship in the light of debt seems insufficient. Modern minds do not find the idea of selling children to be very palatable, but the reality is that parents had the right to sell their children because of poverty, debt, or for gain. The same is true with the case of the foundling. While it is possible that foundlings were viewed as debtors, it is probable that the relationship between the foundling and the care-giver was seen more along the lines of ownership rather than an abstract idea of a creditor and debtor relationship. Likewise with the sales of the *i g i - n u - d u 8*, the texts do not provide any real data which might suggest the idea of a debtor and creditor relationship between the *i g i - n u - d u 8* and the gardeners who sold them. Instead, at least some of the *i g i - n u - d u 8* are at the disposal of others to be worked and sold, if so desired. This leaves only the sale of *g a l a - g u r u š*. With the other sales not reflecting a convincing debtor and creditor relationship and the lack of any mention of debt in the exchange, the relationship between the *g a l a - g u r u š* and the sellers should likely be seen as ownership. While classifying these sales into a debtor and creditor relationship makes the

exchanges more palatable, these sales likely reflect a much harsher reality of ownership and commoditisation.

MVN 3, 102 (cited below), in which a girl is purchased from her father and brother, demonstrates that dependents and children can be sold by family members during the Old Akkadian period. As discussed below, the sale is likely the result of a financial penalty levied against the father and brother because of some ‘crime’ committed within the family. The exchange, although very similar to sales because of debt, is not precisely the same since the payment owed is retributive and not the result of a loan. The category of slavery *ex delicto* is considered more fully below.

Sales of dependents and family members also occurred during the Ur III period. YOS 4, 6, for example,¹⁰⁶ deals with a son who is sold by his father.

YOS 4, 6¹⁰⁷

Šeš-kala sold Lu-Iškur, his son. He swore an oath by the name of the king that he will seize (him) for Ur-Duku in the month Sig (3) before the governor. Ur-Gu, Giri-ni, E-kibi, Lu-inimabime. The month Še-sagku (Month 1), the year Ibbi-Suen was king.

This sale does not specify the amount paid or the reason(s) behind the transaction. Given the variety of factors which could be the impetus(es) for the sale of dependents or oneself and the omission of such factors in the actual documents, the possibility is raised that some of the sales which were normally assumed in scholarship to be the result of debt may have other causes behind them. For instance, texts which are referenced by Neumann (2011: 24 no.24) as sales of debtors, merely record self-sale or the sale of children without any actual indication of the reason(s) behind the

¹⁰⁶ See other related sale agreements cited above.

¹⁰⁷ YOS 4, 6 (Nippur?, Ibbi-Suen Year 1, Month 1, YBC 1107)

Obverse: š e š - k a l - l a / l u ₂ - d i š k u r / d u m u - n i b a - r a - s a ₁₀ / u r - d u ₆ - k u ₃ - r a i t i s i g ₄
/ i g i e n s i ₂ - k a - š e ₃ / i n - n a - d a b - b e ₂ - a // Reverse: m u l u g a l - b i i n - p a ₃ / l (d i š) u r -
g u / l (d i š) g i r i ₃ - n i / l (d i š) e ₂ - k i - b i / l u ₂ - i n i m - m a - b i - m e / i t i š e - s a g ₁₁ -
k u ₅ / m u ^d i - b i ₂ - ^d s u e n l u g a l - a m ₃

sales.¹⁰⁸ It remains a possibility that such transactions were the direct result of debt, but other factors must also be taken into consideration. While debt-slavery certainly occurred during the Ur III period and at least some loans were issued for the purpose of gaining access to labour, the evidence of sales because of debt may not be as widespread as previously assumed. In fact, one such Ur III self-sale document seems to exclude the possibility that debt was the cause behind the

¹⁰⁸ See *Sale Documents* Texts: 20, 82, 108, 127. These are self-sale documents. Neumann cites the page where these texts are quoted and his own footnote (Neumann 1989: 223 no. 19) in Neumann 2011: 24 no.24. Similarly, the documents (*Sale Documents* Texts: 42, 45, 46, 49, 81, 97, 115) which involve the sale of children or other family members do not include any internal indication of the motivation behind the sales. While it is conceivable these sales are the direct result of debt, such an interpretation cannot be accepted with any degree of certainty without further evidence. Here are some of the examples:

OIP 104, 303 (Nippur; ND; YBC 9827) = *Sale Documents* 45

Obverse: l (diš) sag-munus a-la-NE / mu-ne ba-sa[?] / ku₃ nig₂-sa₁₀[!]-ma-ni / 5 (diš) gin₂ ku₃-babbār / ip-qu₂-ša / u₃ šu-^dnin-mug šeš-bi₂ / un-da-ga in-ne-ši-sa₃ / tukum-bi / ga₂-la in-dag[!] / ne-me arad₂ ha-me / lu₂ lu₂ nu-ki-ki-de₃ // Reverse: mu lugal-bi in-pa₃ / igi ur-me-me-še₃ / igi engar-du₁₀-ga-še₃ / igi maš-gu-la-še₃ / igi ad-da-kal-la-še₃ / igi lu₂-dingir-ra-še₃ / igi šu-^dnin-sun₂-še₃ ga-ab-gi-bi / blank space / iti gan-gan-ne₂ / mu si-mu-ur[!]-ru-um ba-ḥul

Translation: One female person (slave) named Ala-NE. The silver of her purchase price is five shekels from Ipqūša and Šu-Ninmug, her brothers, Undaga purchased. If she becomes lax, they (her brothers) will become slaves (in her stead). By the name of the king they swore not to contest one man to another. Before Ur-Meme, before Engar-duga, before Maš-gula, before Adda-kala; before Lu-dingira, before Šu-Ninsun, the guarantor. The month GAN-GAN-ne₂ (month 9), the year Simurrum was destroyed (Ibbi-Suen 3).

In this text, there is no real indication that the sale was the result of a debt. The cause behind the sale remains unstated and therefore cannot be known without other texts. The clause which states if she becomes lax is taken by Steinkeller to mean if she runs away. This suggestion is reasonable, since the force of the agreement probably relates less to laziness and more to the slave actually submitting to her situation and continuing to remain in it. Further, other statements relating to sales include clauses about consequences in the event of flight (see *Festschrift Sigrist* 130, 3 discussed in chapter 5).

BIN 5, 346 (Umma; Šu-Suen Year 9, Month 1; YBC 4759) = *Sale Documents* 97, n.b. Steinkeller has YBC 4759 listed as NBC 4759

l (diš) da-a-ga munus / l (diš) ur-me-me / dumu-ni / l (diš) igi-ni-da-a nita / nig₂-sa₁₀-ma-ne-ne / l/3 (diš) ma-na ku₃-babbār-še₃ / ur-^dsuen dumu da-a-ga i₃-ra₂-ra₂-ra / ur-sa₆-ga dumu dingir-kal-la dam-gar₃-ke₄ / in-ši-sa₁₀ / lu₂ lu₂ nu-u₃-gi₄-gi₄-da / mu lugal-bi in-pa₃-eš // Reverse: l (diš) lugal-a₂-zi-da / dumu dingir-kal-la dam-gar₃ / l (diš) ur-nigar^{gar} sukkal^d nin-mug / l (diš) ur-^dnu-umuš^{muš}-da / dumu ur-^{eš}gigir / l (diš) dingir-mi-di₃ / dumu šu-i₃-li₂ / l (diš) ur-du₆-ku₃ / l (diš) engar dumu ur-li gala / lu₂-inim-ma-bi-me-eš₂ / iti še-sag₁₁-ku₅ / mu us₂-sa^d šu-^dsuen lugal uri₂^{ki}-ma-ke₄ ma₂-gur₈-maḥ^d en-lil₂ ^dnin-lil₂-ra mu-ne-dim₂

Translation: Da'aga, a female, Ur-Meme, her son, Iginida'a, a male, their purchase price is twenty shekels of silver. From Ur-Suen, son of Da'aga, the perfumer, Ur-Saga, son of Dingir-kalla, the merchant, purchased. That they will not contest it one man to another man, they swore by the name of the king. Lugal-Azida, son of Dingir-Kalla, the merchant, Ur-Nigar, the secretary of Nin-mug, Ur-Numuša, son of Ur-Gigir, Ili-Midi, son of Šu-ilī, Ur-Duku, Engar, son of Urli, the gala priest, they are the witnesses. Month: Še-sag-ku (1), Year after the year Šu-Suen, the king of Ur, made a magnificent boat for Enlil and Ninlil (Šu-Suen 9).

Again the cause behind the transaction remains unstated and cannot be determined with certainty.

sale, since the agreement includes an oath in which one of the guarantors swears, ‘If the slave woman has claims (on her) I will become a slave woman (in her stead).’¹⁰⁹

OIP 104, 193 370 (= *Sale Documents* 127)

One female person, Ennī-Mami is her name, the silver of her purchase price is two and one third shekels of silver. To Nūḫi-ilum she sold herself. Šat-Irra and Aḫuni, her son, are the guarantors. By the life of the king Šat-Irra swore: ‘If the slave woman has claims (on her), I will become a slave woman (in her place).’ Before Ana’a, the mayor, before Šu-Ninšubur, before Paluḫ-Ea, before Šu-lē’ûm, before Šu-Ninšubur, the scribe, before them she (Ennī-Mami) swore by the name of the king that she will not contest. The year the great walls of Nippur and Ur were built (Ibbi-Suen 6?).

If the woman selling herself had a debt, then there would have been an obligation against her. On this basis, it may be established that the cause behind this sale was not debt but some other factor or difficulty.

Other factors might also encourage the sale of a family member without famine or debt. For example, during the Old Babylonian period, a woman who enters into marriage came with a dowry from her father and a bride price was given by the husband (for Old Babylonian dowries, see in particular Dalley 1980). However, if the father did not possess the means to secure such an arrangement for his daughter, one option before him was to sell his daughter to another.

CT 8, 22¹¹⁰ is one text which involves the sale of a girl by her father.

Šamaš-nūrī, daughter of Ibbi-Šaḫan, from Ibbi-Šaḫan her father, Bunene-abī and Bēlessunu purchased her. To Bunene-abī, she is a wife. To Bēlessunu, she is a slave girl. On the day, Šamaš-nūrī says to Bēlessunu, her mistress, you are not my mistress, he shall shave her, and

¹⁰⁹ OIP 104, 193 370 (Unclear Provenance; Ibbi-Suen 6?; Yondorf A) = *Sale Documents* 127:

1 sag-munus / en-ni-ma-mi / mu.ni.im / ku₃.babbar sa₁₀.ma.ni 2(diš) gin₂ igi-3(diš)-gal₂ / a-na nu-ḫi dingir / qa₂-qa₂-sa₃ ḫa-na sa₁₀ i-ti-in / ša-at-ir₃-ra / u₃ a-ḫu-ni dumu.ni / mu-gi-bu / um-ma ša-at-ir₃-ra / ni-iš lugal it-ma // Reverse: šu-ma geme₂ a-ru-gi-ma / -ni ir-da-ši-i₃ / a-na-ku-u₃ lu geme₂ / igi a-na-a ḫa-za-num₂ / igi šu-^dnin-šubur / igi ba-luḫ-e₂-a / igi šu-ḫi-^rli-^r[um] / igi šu-^dnin-šubur [dub].sar / igi.ne.ḫe.še₃ / mu lugal.bi in.pa₃ / nu.ub.gi₄.gi₄.da / mu bad₃.gal nibru^{ki} / uri^{ki}.ma ba.du₃.a

¹¹⁰ CT 8, 22 (Sippar; Samsu-iluna Year 19, Month 2; Day 3; Bu 1891-05-09, 374):

Obverse: 1(diš) ^dutu-nu-ri dumu.munus i-bi-ša-ḫa'-an / ki i-bi-^dša-ḫa'-an a-bi-ša / 1(diš) ^dbu-ne₂-ne₂-a-bi' / u₃ be-le-su-nu i-ša-mu-ši / a-na ^dbu-ne₂-ne₂-a-bi a-ša-at / a-na be-le-su-nu a-ma-at / u₄-um ^dutu-nu-ri a-na be-le-su-ḫi / be-el-ti-ša u₂-ul be-el-ti at-ti / iq-ta-bu u-ga-la-ab-ši / a-na ku₃.babbar i-na-ad-di-ḫi i-š-ši / ḫa-na til-la.bi.še₃ 5(diš) gin₂ ku₃.babbar / [in].na.an.la₂ giš.gan.na / [ib₂.ta].bal inim.bi al.til / [ša₃.ga.ni] al.du₁₀ // Bottom Edge: [u₄-kur₂-še₃] lu₂ lu₂.ra / [inim nu].ga₂.ga₂.a // Reverse: [mu ^dutu ^da-a ^damar.ḫi-ḫi / [u₃ ḫa]-ḫi am-ḫi-mu-ra-pi₂ in.pa₃.de₃^{meš} / igi ma-zi-a-am-i₃-li₂ [dumu] im-gur-3(u) / igi im-gur-rum dumu i-din-3(u) / igi i-za-ma-nu-um dumu ^dutu ḫi-ḫi-KI? / igi 3(u)-i-š-me-an-ni dumu ḫa-ia-ḫi-nu-um / igi 3(u)-i-din-nam dumu šil₂-li₂-eš-tar / igi ^dutu-ba-ni dumu ^dadad-ra-bi / igi anum-ra-bi dumu ib-ni-^dmar.tu / space / iti a-ia-ru-um u₄.3(diš).kam / mu ^{giš}gu-za ^dšar-pa-ni-tum

she shall sell her for silver. For her full purchase price he/she paid five shekels of silver. She was caused to cross the pestle. The case is completed. [His heart] is content. [In the future], neither will complain against the other. By the name of Šamaš, Aya, Marduk, and Ḥammurapi they swore. Before Maziam-ilī, the son of Imgur-Sin. Before Imgurum, the son of Iddin-Sin. Before Izamnum, the son of Šamaš-x x KI?. Before Sin-Išmeanni, the son of Haianum. Before Sin-Iddinam, the son of Šilli-Eštar. Before Šamaš-bani, the son of Adad-rabi. Before Anum-rabi, the son of Ibni-Ammurru. Month Ayyarum (2). Day 3. Year of the throne of Šarpanitum.

A few aspects of this agreement set it apart from the more common texts which arrange marriages. Unlike other texts which involve a dowry and a ‘brideprice’, the father does not give anything other than his daughter to the purchaser. The statement of crossing the pestle (*bukānu*) is usually used to complete sale documents particularly relating to slaves or real estate (see *CAD B*: 308-309; van Koppen 2004: 10). Further, the text states that the girl is to be the ‘slave girl’ (*amat*) of the first wife. Finally, the clause of delinquency for the girl in CT 8, 22 mentions shaving and resell rather than the more extreme clauses found in marriage agreements which state that the bride is to be tied up and thrown into the river, should she deny her marriage to her husband (see Dalley 1980). For these reasons, the agreement in CT 8, 22¹¹¹ should be viewed as a simple sale, and there is no indication that the arrangement was sought because of a debt.

While it is unclear whether many early Mesopotamian sales were because of debt, financial hardship, or simply the result of a person seeking to come under the protection and care of another household, this evidence suggests numerous factors caused free members of the native population to be sold into some form of bondage or slavery. Further, the omission of details which explain the cause(s) behind a sale indicates that there does not appear to be any need to provide the mitigating circumstances or stipulate a termination of the agreement. This suggests the sale of family members was an accepted practice in early Mesopotamia. Although there exists a degree of affinity between the sale of family members and sales originating out of debt, the two categories should not be confused. For instance, debt-slavery appears to have been something which could be terminated by

¹¹¹ Harris (1977: 48 nos. 6, 16) considers Šamaš-nūrī to be a former slave who was adopted and subsequently sold by her adopting father. This view, however, cannot be substantiated without further evidence.

settling the debt or because of intervention by the crown, whereas the actual sale documents may have been more permanent.¹¹²

Members of the native population could be sold or serve as a distraint until a debt was repaid. While most sales of dependents or self-sale agreements have been classified as resulting from some form of outstanding debt, other factors could be behind several of these transactions. Poverty, financial distress, famine, or the desire for increased resources could result in the sale of members of one's family or oneself. The problem of debt-slavery which is evident during the Ur III period seems to become more pervasive during the Old Babylonian period with the result that numerous debt releases were issued to control the affects of the problem. These releases are considered more fully below.

3.5 Slavery *ex delicto*

In early Mesopotamia, offences ('crimes' by modern legal standards) were handled in a variety of ways. Physical punishment could be meted out; financial penalties could be levied; and offenders could be held under guard (see chapter 5). When an offence required payment, whether by silver or in kind, the responsible party became a debtor to the victim. The Sumerian and Akkadian terms related to such financial consequences on the basis of crimes are *z i z 2 . d a / kiššātum*. Westbrook (1996: 450) concludes, 'ziz2.da therefore designated a penalty for a crime, typically theft, and took the form (where specified) of a payment in silver or kind'. Similarly, Westbrook (1995: 1638) writes of *kiššātum*, 'Like distraint, this Old Babylonian term refers to a non-consensual form of servitude, but in this case it arose *ex delicto*. It appears to have been the penalty for certain minor offenses, such as petty theft'. An unpaid debt under these circumstances could result in the guilty party or dependents entering into a servile state. As such, slavery which arose because of crimes or penalties because of failure to meet requirements is often conceptualised as related to debt-slavery with

¹¹² See discussion of debt-slavery in Westbrook 1995: 1643-1645. For more information on debt-remission and a discussion of 'Hammurapi's Code' and the edicts of subsequent kings, see Hallo 1995.

enslavement for crimes not being restricted only to the offender but able to be extended to family members and other dependents.

An early example of the *kiššātum* is found in the following Old Akkadian text:

MVN 3, 102 (cited after Steinkeller *RA* 74, 179 = Steinkeller 1980)¹¹³
 10 1/3 shekels of silver, as the purchase price of Meme, Iwarum, her father, and Warassuni, her brother, received. Mumu guaranteed to U-KA-KA. Šukulla, the son of Dudu of Ukullâ, Pūšu-ṭāb, the *muškēnum*, son of Lugatum, Warad-Tutu, the *muškēnum*, son of Ḫuruštum, Ma-za-ir-ra, the *muškēnum* of ʾKulʾlaʾum, the mat-maker, ʾEštar ʾ-nūrī, Ilum-mēnī, [son] ʾofʾ Admar, the total of six witnesses of the *kiššātum*.

To settle the financial penalty owed by her father and brother, likely because of some ‘crime’ on the basis of the inclusion of the term *kiššātum*, Meme was sold into slavery.¹¹⁴

In the Ur III period, family members of offenders could be seized and handed over to the families of victims. The seizure of close relations because of ‘crimes’ committed by family members reflects the seizure of family members by the Ur III administrations in the event of flight (see discussion in chapter 5). Such practices reveal a couple of perspectives about families during this period. First, the entire family could be held accountable for the actions of members within that family. This concept places the burden on families to control the behaviour of its members. Secondly, the seizure of family members and their being handed over to the family of victims is reflective of the seizure of property. Since people are treated as commodities which can be bought and sold, and therefore representative of wealth, family members, along with property, can be given as compensation to victims and their families in the same way that the wealth of a person can be seized when an individual commits an offence.

¹¹³ MVN 3, 102 (Ešnunna; ND; FLP 103) = Steinkeller *RA* 74, 179.

Obverse: 1(u) gin₂ 1(aš) ma.na ku₃.babbar / a-na sa₁₀ 1(aš) me-me / i-wa-ru-um / a-bu₃-sa? / u₃ arad₂-su-ni šeš-sa / ʾim ʾḫu-ra / 1(aš) mu-mu / 1(aš) u₂-KA-KA / u-ki₂-ib / 1(aš) šu-kul-la dumu du-du / ši u₃-kul₂-la / 1(aš) pu₃-su-du₁₀ / maš-en-kak // Reverse: dumu ši lu-ka₃-tim / 1(aš) arad₂-tu-tu / maš-en-kak / dumu ši ḫu-ru-uš-tim / 1(aš) ma-za-ir-za? / maš-en-ʾkak ʾ / [ši] ʾkul ʾ-la-im / ʾad ʾʾ-kup₄? / [eš₄]-ʾdar ʾʾ-nu-ri₂ / [1 (aš)] ʾi₃ ʾʾ-lum-me-ni / [dumu?] x ad-mar / blank space / |ŠU+LAGAB| 6(aš) abba₂-bu-ut / kiš-ša₁₀-tim

¹¹⁴ For commentary on this text, see in particular: Steinkeller (1980: 179); Westbrook (1996: 457); and Neumann (2011: 23).

Such a debtor relationship can be seen during the Ur III period, by considering the following

text:

MVN 3, 219¹¹⁵ (See also Steinkeller, *Sale Documents* 330-332)

Bukānum, the merchant, purchased from Ilī-bītī and Iddin-ilum three sheep, their price was one and one half shekels and fifteen barley corns of silver. Našu-BALA was its guarantor. The sheep were declared to be stolen. Bukānum and Naḥṣu-BALA were declared to be the thieves. Seven shekels of silver were weighed out as penalty (z i z 2 - d a).¹¹⁶ One and one half shekels and fifteen barley corns of silver were weighed out as the price of the sheep. Ilī-bītī and Iddin-ilum guaranteed to Naḥṣu-BALA to return (the money). By the name of the king they swore. Nanna-lula, the chief administrator, Ari'a, the cattle-fattener, Utu-andul, the merchant, Lu-girizal, the brewer, Lu-kala, the goldsmith, Danzibu, the miller, are the witnesses. Month: Še-Sag-ku (12), the year Amar-Suen was king. Seal: Ilī-bītī, son of Kur(u)b-ilak and Iddin-ilum, son of Lulu.

The text deals with an instance of theft and the remuneration which was required after three sheep were determined to have been stolen. The cost of the sheep (one and one half shekels and fifteen barley corns of silver) together with a further seven shekels of silver which was required as a penalty for the offence. If the offenders were unable to pay the sum and the penalty, they were likely liable to the offended party, being forced to either sell themselves or others to pay off the debt, as seen in the broken text, ITT 3, 5664, in which the wife, daughter, and slave of a thief are taken into slavery. Despite this text, it is not always clear that a financial penalty is in view and offences can range beyond instances of theft. One example comes from a text which deals with the

¹¹⁵ MVN 3, 219 (Nippur; Amar-Suen Year 1, Month 12; FLP 512)

Obverse: 3 (diš) udu nig₂-sa₁₀-bi l (diš) 1/2 (diš) <gin₂> 1(u) 5 (diš) še ku₃-babbar / bu-ga-num₂ dam-gar₃ / dingir-e₂ u₃ i-di₃-lum-ra in-ne-ši-sa₁₀ / na-aḥ-šu-bala gab₂-gi-bi-im / udu-bi udu zuḥ-a ba-an-ku_x (KWU636) / bu-ga-num₂ u₃ na-aḥ-šu-bala / ni₂-zu ba-an-ku_x (KWU636)-re-eš₂ / 7 (diš) gin₂ ku₃-babbar ziz₂-da udu-še₃ ba-la₂ / l (diš) 1/2 (diš) gin₂ 1(u) 5 (diš) še nig₂-sa₁₀ udu-še₃ ba-la₂ / dingir-e₂ u₃ i-di₃-lum su-su-de₃ / na-aḥ-šu-bala-ra ba-an-ši-ku_x (KWU636)-re-eš₂ // Reverse: mu lugal-bi in-pa₃-de₃-eš₂ / l (diš) nanna-lu₅-la šabra / l (diš) a-ri-a kurušda / l (diš) ^dutu-an-dul₃ dam-gar₃ / l (diš) lu₂-giri₁₇-zal lunga / l (diš) lu₂-kal-la ku₃-dim₂ / l (diš) da-an-zi-bu ar₃-ar₃ / lu₂-inim-ma-bi-me-eš₂ / iti še-sag₁₁-ku₅ / mu ^damar-^dsuen lugal // Seal: dingir-e₂ / dumu kur-bi-la-ak / i-di₃-lum / dumu lu-lu

See editions in Westbrook and Wilcke, AfO 25, 1974-1977, 114-115; Steinkeller, *Sale Documents* 330-332, *Rendre la justice* text 27.

¹¹⁶ See Westbrook's (1996: 450 no. 6) discussion. Steinkeller (1989: 330-331) rendered the word z i z 2 - d a in this instance as 'indemnity', whereas Steinkeller (1989: 85) offers the translation 'penalty' for the same text on a different page.

wife and daughters of a murderer who have been seized, together with his property, because of his crimes.

ITT 2, 2789¹¹⁷

[Completed case:] It was established before the grand official that [Kuli, the child of] Ur-eanna, killed [Baba]mu, the musician. Since Kuli was killed (or was executed), his estate, wife, and his children were given to the children of Babamu. Lu-Girsu was its administrator. For five years, the wife and children of Kuli ran away from the children of Babamu. The children of Babamu seized them. Before the judges they challenged their status as female slaves. Lu-Girsu, the administrator of the Sukkalmah, straightened his command and said, ‘The wife and children of Kuli are confirmed as female slaves for [the children] of Babamu’. [PN] the administrator. [Lu-Šara], ‘Lu-Eb’gal, [Ur-Ištaran] (and) ‘Lu-Dingira’ [are the judges].

The text refers back to the original decision given by Lu-Girsu. Since Kuli killed Babamu and was dead (executed),¹¹⁸ his estate, wife, and children go to the children of Babamu, the musician. These females were handed over to the family of the victim. They subsequently ran away and were later seized. Although the slaves contest their new status, Lu-Girsu confirms the slave status of the seized individuals, reiterating that since Kuli killed Babamu, the children of Babamu were given ownership of Kuli’s wife and children.

These are not the only Ur III examples in which relatives are held responsible for the actions of their relatives. Family members were also sometimes seized by the administration because a husband or brother ran away from their work assignments (see chapter 5).

¹¹⁷ See discussion of this text in Neumann 2011: 23.

ITT 2, 2789 (Girsu; ND; Ist L 2789) = Lafont & Yildiz, TCTI 2, 2789; NG 2, 41; Lafont (2000) no. 26:

Obverse: [di til-la / ku-li dumu] r u r 7 - e 2 - a n - r n a - k e 4 7 / [ba-ba]-mu nar in - r u g 7 - a - a š / [igi] r s u k k a l 7 - m a ḥ - š e 3 b a - g i - i n / r m u 7 k u - l i b a - g a z - <š e 3 > / e g i r - a - n i u 3 d a m d u m u - n i / d u m u b a - b a - m u - k e 4 - n e / b a - n e - š u m 2 - m a / l u 2 - g i r 2 - s u ^{ki} m a š k i m - b i - i m / m u 5 (d i š) - k a m - k a / d a m d u m u k u - l i / d u m u b a - b a - m u - k e 4 - n e b a - a n - d a - z a ḥ 3 - z a ḥ 3 - e š 2 // Reverse: d u m u b a - b a - m u - k e 4 - n e m u - d a b 5 - d a b 5 - b e 2 - e š / i g i d i - k u 5 - n e - š e 3 / n a m - g e m e 2 - d a b a - d a - k u r 2 - e š 2 / l u 2 - g i r 2 - s u ^{ki} m a š k i m s u k k a l - m a ḥ - k e 4 / d u 11 - g a - n i s i b i 2 - s a 2 / d a m d u m u k u - l i / r n a m 7 - g e m e 2 - š e 3 / [dumu] b a - b a - m u - k e 4 - n e / [ba]-r n e 7 - g i - i n / [...] x - x m a š k i m / [l u 2 - ^dš a r a 2 l u 2 - e b] - g a l / [u r - ^di š t a r a n l u 2 - d i n g i r] - r a / [d i - k u 5 - b i - m e]

¹¹⁸ The Sumerian verbal form b a - g a z - <š e 3 > can be understood as dead or killed. Lafont (2000: 65) understands the form to mean that Kuli was executed (exécuté). Falkenstein (1956: Vol. 2: 68) renders the verb more neutrally as ‘killed’ (getötet worden ist). Neumann (2011: 23) points out that Kuli died under unclear circumstances but could have been executed according the Code of Ur-Nammu §1, ‘If a man commits murder, the man shall be killed’ (t u k u m - b i l u 2 - u 3 s a g g i š b i 2 - i n - r a l u 2 - b i i 3 - g a z - e).

In summary, certain offences could result in the enslavement of a person or that person's family members. Enslavement *ex delicto* is similar to debt-slavery, since some offences could result in a financial penalty. These penalties were levied as part of the retribution system for offences, which Westbrook (1995: 1638) describes as follows:

The basic system of retribution for offenses that would be regarded as crimes in modern legal system was a dual right that accrued to the victim (or his family): 1) revenge against the culprit (or his family), or 2) the acceptance of a payment by way of ransom in lieu of revenge.

3.6 Houseborn Slaves

As discussed below in chapter 4, the topic of slave reproduction is important for the study of the economic viability and sustainability of slavery. Slavery systems that do not pay attention to breeding and to male to female ratios among slaves are more dependent on a steady influx of slaves from other sources than those who are able to replenish the slave population through sexual reproduction.

The numerous slave sales from early Mesopotamia which involved the sale of a slave woman and her children demonstrate that the offspring of a slave is normally viewed as property which can be sold. Just as the offspring of cattle belongs to the owner, so also when a female slave reproduces, the offspring is considered the property of the slave woman's owner. The issue, however, becomes more complicated when people of differing status have a child together. This can be seen in 'legal' discussions dealing with matter related to marriage across status and their offspring.

3.6.1 Children of Slaves in the 'Law Codes' of Early Mesopotamia

For the Ur III period, many slave women ended up having children. While the sources do not always make it clear who fathered the child, court cases in which slaves contest their status indicate that in many instances the owner fathered the child (Culbertson 2011b: 40). The 'Code of Ur-

Nammu' treats the issue of marriages between slaves and marriages which occur across social status and the related issues with two different paragraphs.

'Code of Ur-Nammu' (after Civil 2011 with minor variation)

§4: If a slave marries a slave woman of his choosing, (and) this slave is set free, (the slave woman) will not leave the household.¹¹⁹

§5: If a male slave marries a freed woman, and presents his master with one heir, the son who is to be presented to his master [will share] one-half of the goods of his father's house (and) his father's building. No son of a freed woman will become a slave without the acquiescence of the master.¹²⁰

The first of these paragraphs seeks to ensure that the female slave belongs to her master, and her status is not bound to that of her husband's. In other words, the transfer of authority which happens when a girl leaves the household of her parents and joins another household does not take place when a slave woman marries another slave. Instead, she remains the property of her owner. More specifically, if the husband becomes a freedman, the slave woman's status does not change. While the first part seems straight-forward, the summary statement of the 'Code of Ur-Nammu' §5 is more open to interpretation. It is possible that §5 deals with the owner's right to have one offspring supplied from the marriage of his slave to a freed woman. In which case, the summary statement served to restrict the rights of the owner to just one offspring and none others from the marriage. This seems to be the way Roth has understood this paragraph.¹²¹ Following Civil's translation, however, the paragraph may be dealing with the practice of supplying a child from the marriage to replace the male slave. The child can be taken to share in the inheritance of the master, but on the

¹¹⁹ 'Code of Ur-Nammu' §4 - tukum-bi arad₂-de₃ geme₂ a₂-aš₂-a-ni in-tuku arad₂-bi ama-ar-gi₄-ni i₃-ga₂-ga₂ e₂-ta nu-ub-ta-e₃

¹²⁰ 'Code of Ur-Nammu' §5 - tukum-bi arad₂-de₃ dumu-gi₇ in-tuku ibila l(diš)-am₃ lugal-a-ni-ir in-na-gub-bu dumu lugal-a-ni-ir in-na-ab[?]-gub-bu-da nig₂-gur₁₁ e₂ ad-da-na [...] 1/2-bi e₂-gar₈ e₂ ad-da-na [i₃-ba-e] dumu dumu-gi₇ lugal-da nu-me-a nam-arad₂-r da₇-[ni-še₃] la-ba-an-ku₄-re

¹²¹ Roth 1997: 17 - 'If a male slave marries a native woman, he/she shall place one male child in the service of his master; the child who is placed in the service of his master, his paternal estate, ... the wall, the house, [...] (any other) child of the native woman will not be owned by the master, nor will he be pressed into slavery.'

basis of the summary statement at the end of the paragraph, the master must agree to accept the child. In other words, the exchange is not automatic and left at the discretion of the master.

Irrespective of how one views these two paragraphs, the complexity of marriage across boundaries of status gave rise to some complex social issues, since matters of rights and ownership had to be addressed.

The ‘Code of Lipit-Ištar’ goes further in its discussion of the relationship between a man and his slave woman, also taking into consideration the children produced from such affairs.

‘Code of Lipit-Ištar’ (cited after Roth 1997 with minor variation)

§25 - If a man marries a wife, and she bears him a child and the child lives and a slave woman also bears a child to her master, the father shall free the slave woman and her children; the children of the slave woman will not divide the estate with the children of the master.¹²²

§26 - If his first-ranking wife dies and after his wife’s death he marries the slave woman (who had borne him children), the child of his first-ranking wife shall be his heir; the child whom the slave woman bore to her master is considered equal to a native freeborn (or: the child of a freedman) and they shall make good his (share of the) estate.¹²³

According to §25 of the ‘Code of Lipit-Ištar’, the slave woman and her child are to be set free, but the child will not be able to share in the inheritance. The ‘law’ in one sense recognises the child which enables the child and her/his mother to go free, but the child does not have the rights given to the offspring belonging to the man’s first wife. §26, however, deals with a situation that legitimises the child’s status even further. If the first wife dies, and the master marries his slave woman, the child shall share in the inheritance of the father but shall not be the primary heir.

¹²² ‘Code of Lipit-Ištar’ §25:

t u k u m - b i l u ₂ - u ₃ d a m i n - d u ₁₂ d u m u i n - š i - i n - t u - u d d u m u - b i i ₃ - t i u ₃
g e m e ₂ l u g a l - a - n i - i r d u m u i n - š i - i n - t u - u d a d - d a - a g e m e ₂ u ₃ d u m u - n e - n e
a m a - a r - g i ₄ - b i i n - g a r d u m u g e m e ₂ - k e ₄ d u m u l u g a l - a - n a - r a e ₂ n u - u n - d a -
b a - e

¹²³ ‘Code of Lipit-Ištar’ §26:

ṛ t u k u m ṛ - b i [d a m] - n i t a d a m - a - n i [b a] - u g ₇ ṛ e g i r ṛ d a m - a - n a - t a [g e m e ₂] -
n i n a m - d a m - š e ₃ [b a] - ṛ a n ṛ - d u ₁₂ - d u ₁₂ [d u m u] d a m - ṛ n i t a d a m ṛ - [a - n a]
ṛ i b i l a ṛ - [a - n i i ₃ - m e - e n] d u m u g e m e ₂ l u g a l - a - n i - [i r] i n - š i - i n - t u - u d
d u m u d u m u - g i ₇ - g i n ₇ - n a m e ₂ - a - n i i b ₂ - d u g ₃ - ṛ g e ṛ

The ‘Code of Ešnunna’ focuses on different issues relating to the offspring of slaves.

‘Code of Ešnunna’ (cited after Roth 1997 with minor variation)

§33: If a female slave deceives and gives her child to a daughter of a man (*awīlim*), when he has matured, his lord shall find him. He shall seize him. He shall lead him away.¹²⁴

§34: If a female slave of the palace should give her son or her daughter to a *muškēnum* for upbringing, the palace shall take away the son or daughter whom she gave.¹²⁵

§35: But the foster parent who takes the child of a female slave of the palace shall restore to the palace his equivalent.¹²⁶

The ‘Code of Ešnunna’ §§33-35 deal with appropriate and inappropriate ways to remove a child from slavery. From the outset, the basic assumption is that the owner of the slave is the owner of the offspring the slave produces. Any attempt to pass the child off as someone else’s or to give the child away does not negate the owner’s right to the slave child. Instead, the child is liable to seizure by the owner in such instances. The legitimate way to change the status of a child slave of the palace is for the child to be taken into adoption and the value of the child paid to the palace (see further discussion in chapter 5).

Matters only get more nuanced and indeed complicated in the ‘Code of Ḥammurapi’ where the status of the children born to a master and his slave woman was largely based upon the recognition of the father.

‘Code of Ḥammurapi’ §170 (after Roth 1997)¹²⁷

If a man’s first-ranking wife bears him children and his slave woman bears him children, and the father during his lifetime then declares to (or: concerning) the children whom the

¹²⁴ ‘Code of Ešnunna’ §33:

šumma amtu um usarrirma mārāša ana mārāt awīlim ittadin inūma irtabū bēlšu immaršu iṣabbassūma itarrūšu

¹²⁵ ‘Code of Ešnunna’ §34:

šumma amat ekallim mārāša lu mārassa ana muškēnim ana tarbītim ittadin māram lu mārtaṣa ša iddinu ekallum itabbal

¹²⁶ ‘Code of Ešnunna’ §35:

u lēqū ša mār amat ekallim ilqū meheršu ana ekallim iriab

¹²⁷ ‘Code of Ḥammurapi’ §170:

šum-ma a-wi-lum / ḥi-ir-ta-šu / dumu.meš u₂-li-sum₂ / u₃ geme₂-su₂ / dumu.meš u₂-li-sum₂ / a-bu-um / i-na bu-ul-ti₂-šu / a-na dumu.meš ša geme₂ ul-du-šum / dumu.meš-u₂-a iq-ta-bi / it-ti dumu.meš ḥi-ir-tim / im-ta-nu-šu-nu-ti / wa-ar-ka a-bu-um / a-na ši-im-tim / it-ta-al-ku / i-na nig₂.ga e₂ a.ba / dumu.meš ḥi-ir-tim / u₃ dumu.meš geme₂ / mi-it-ḥa-ri-iš / i-zu-uz-zu / ibila dumu ḥi-ir-tim / i-na zi-it-tim / i-na-sa₃-aq-ma / i-le-qe₂

slave woman bore to him, ‘My children’, and he reckons them with the children of the first-ranking wife, after the father goes to his fate, the children of the first-ranking wife and the children of the slave woman shall equally divide the property of the paternal estate; the preferred heir is a son of the first-ranking wife, he shall select and take a share first.

‘Code of Hammurapi’ §171 (after Roth 1997)¹²⁸

But if the father during his lifetime should not declare to (or: concerning) the children whom the slave woman bore to him, ‘My children’, after the father goes to his fate, the children of the slave woman will not divide the property of the paternal estate with the children of the first-ranking wife. The release of the slave woman and of her children shall be secured; the children of the first-ranking wife will not make claims of slavery against the children of the slave woman. The first-ranking wife shall take her dowry and the marriage settlement which her husband awarded to her in writing, and she shall continue to reside in her husband’s dwelling; as long as she is alive she shall enjoy the use of it, but she may not sell it; her own estate shall belong (as inheritance) only to her own children.

There are a number of aspects about these two paragraphs which provide insight into the nature of slavery during the Old Babylonian period, at least from the viewpoint of the ‘law codes’. First, the ‘Code of Hammurapi’ assumes that a male master will have sexual rights to his female slave. The master is then faced with the decision of recognising the child as an heir (§170) or the child can remain illegitimate and unable to share in the inheritance of the father. In this case, ‘Code of Hammurapi’ §171 applies where the child and the slave woman are set free when the master dies but are not able to share in the inheritance of the father/owner’s estate.

The children of married couples, which consist of a male slave and a free woman, however, are treated differently in the ‘Code of Hammurapi’.

¹²⁸ ‘Code of Hammurapi’ §171:

u₃ šum-ma a-bu-um / i-na bu-ul-ṭi₃-šu / a-na dumu.meš ša geme₂ ul-du-šum / dumu-u₂-a la iq-ta-bi / wa-ar-ka a-bu-um / a-na ši-im-tim / it-ta-al-ku / i-na ni_g₂.ga e₂ a.ba / dumu.meš geme₂ / it-ti dumu.meš ḫi-ir-tim / u₂-ul i-zu-uz-zu / an-du-ra-ar / geme₂ u₃ dumu.meš-ša / iš-ša¹-ak-ka-an / dumu.meš ḫi-ir-tim / a-na dumu.meš geme₂ / a-na wa-ar-du-tim / u₂-ul i-ra-ag-gu-mu / ḫi-ir-tum / še-ri-ik-ta-ša / u₃ nu-du-na-am / ša mu-sa₃ / id-di-nu-ši-im / i-na ṭup-pi₂-im / iš-ṭu₂-ru-ši-im / i-le-qe₂-ma / i-na šu-ba-at / mu-ti-ša uš-ša-ab / a-di ba-al-ta-at i-ik-ka-al / a-na ku₃.babbar / u₂-ul i-na-ad-di-in / wa-ar-ka-sa₃ / ša dumu.meš-ša-ma

‘Code of Hammurapi’ §175¹²⁹

If a slave of the palace or a slave of a *muškēnim* marries a daughter of a man (*awīlim*) and she then bears children, the owner of the slave will have no claims of slavery against the children of the daughter of the man (*awīlim*).

The owner of the male slave does not have rights over the child, since the child is with the free mother. In this way, ownership of the child is passed through the mother of the child rather than the father. If the mother is free, so is the child. If the mother is a slave, so is the child.

As shown by the above discussion about the early Mesopotamian ‘law codes’, the issue of children born to female slaves and their owners was complex. Not every child born to a slave woman, however, was the child of the master or at least recognised as such. In these cases, the child was likely treated as any other slave and automatically considered the property of the owner of the child’s mother.

3.6.2 The Children of Slaves – Beyond the Legal-Historical Evidence

Old Babylonian slave sales from the reign Abi-ešuḫ and after can be divided into two simple categories of origin: 1. houseborn slaves; 2. slaves of foreign origin (van Koppen 2004: 12). This has led to the theory that around the reign of Samsu-iluna or his successor Abi-ešuḫ, measures were implemented to prevent the sale of native Babylonians (van Koppen 2004: 11). This meant that toward the end of the Old Babylonian period the only group of people from Babylonia who were able to be sold into slavery was the offspring of slaves born in the land. A number of Late Old Babylonian slave sales which focus on the origin of the slave deal with the purchase of houseborn slaves, such as the following example.

¹²⁹ ‘Code of Hammurapi’ §175:

šum-ma lu arad e₂.gal / u₃ lu arad / maš.en.gag / dumu.mi₂ a-wi-lim / i-ḫu-uz-ma / dumu.meš / it-ta-la-ad / be-el arad / a-na dumu.meš / dumu.mi₂ a-wi-lim / a-na wa-ar-du-tim / u₂-ul i-ra-ag-gu-um

One young slave, his name is Šamaš-tappî-ilīya, a houseborn slave of Nippur. The slave of Lu-Ninurta, the son of Enlil-nīšu. From Lu-Ninurta, the son of Enlil-nīšu, his master, Šalli-lūmur, the son of Ninurta-ēreš purchased him. For his full purchase price, he paid twenty shekels of silver and 1/3 of a shekel of silver he placed as a SI.BI payment. Three days (for) investigation, one month (for) epilepsy. He is responsible for claims on him in accordance with the regulation of the king. Before Ninurta-muballit, the judge. Before Gimililīšu, the brewer of Enlil. Before Ilšu-ibnīšu, the son of the overseer of the merchants. Before Ubaya, the blacksmith. Before Ilšu-bāni, the scribe. [Month] Arašsamna (8) Day 21. [Year] Ammiditana, 𐎠 the king 𐎠 naked protective deities

The children born to female slaves were excluded from general releases that extended primarily to the native population of debtors, as is seen in ‘The Edict of Ammišaduqa’.¹³¹

If a son of Numḥia, a son of Emut-balum, a son of Ida-maraz, a son of Uruk, a son of Isin, a son of Kisura, a son of Malgum, has assumed a debt obligation, and [has sold] for silver himself, his wife, [or his children] into debt service [or as a] pledge — [because the king] has established justice [for the land], he is released, his freedom is restored. If a houseborn male or female slave [a child of] Numḥia, a son of Emut-balum, a son of Ida-maraz, a son of Uruk, a son of Isin, a son of Kisura, a son of Malgum [...] has been sold [for] silver (and) has either been delivered in debt service or left as a pledge his freedom shall not be established.

The edict clearly distinguishes between people who were born in certain cites as natives and houseborn slaves. As such, irrespective of their place of birth, houseborn slaves did not enjoy the same rights as the native population. The *wilid bītim* have been identified by Kraus as a distinctive group of slaves who could not gain freedom except at the discretion of the master. While native

¹³⁰ CUSAS 8, 1 (Dūr-Abiešuḥ; Ammiditana Year 29, Month 8, Day 21; CUNES 51-1-25):

1(diš) sag.arad tur.ra 𐎠utu-tap-pi₂-i₃-li₂-ia mu.ni / wi-li-id e₂ 𐎠en.lil₂^{ki} / sag.arad lu₂-𐎠nin.urta 𐎠dumu 𐎠en.𐎠.𐎠.𐎠.𐎠.𐎠 / ki lu₂-𐎠nin.urta 𐎠dumu 𐎠en.𐎠.𐎠.𐎠.𐎠.𐎠 / be-li-šu / 1(diš) ša-al-li-lu-mu-ur / dumu 𐎠nin.urta-apin / in.šī.in.sa₁₀ / sa₁₀ til-la-bi-še₃ / 1/3 ma.na ku₃.babbar / in.na.an.la₂ // Left Edge: u₃ 1/3 gin₂ ku₃.babbar / SI.BI iš-ku-un // Reverse: 3(diš) u₄-mi te-eb-ḥi-tum / iti 1(diš)-kam be-en-nu / a-na ba-aq-ri-šu / ki-ma ši-im-da-at lugal / iz-za-az / igi 𐎠nin.urta-mu-ba-li₂-i₇ di.ku₅ / igi gi-mil-i₃-li₂-šu lu₂.lunga 𐎠en.lil₂.la₂ / igi dingir-šu-ib-ni-šu dumu 𐎠ugula 𐎠dam.gar₃ / igi u₂-ba-a simug / igi dingir-šu-ba-ni dub.sar / [iti] 𐎠apin.𐎠.du₈.a u₄ 2(u) 1(diš)-kam / [mu am]-mi-di-ta-na 𐎠lugal.e 𐎠 / 𐎠dingir.𐎠.lama dingir.lama bar.su₃.ga.ke₄

¹³¹ After Kraus 1984: 180: V 25. [šum-ma] 𐎠dumu 𐎠 nu-um-ḥi-a dumu e-mu-ut-ba-𐎠 lum^{𐎠[ki]} / [dumu i-da]-ma-ra-az^{ki} dumu unu^{ki} / [dumu i₃.si]. 𐎠in.𐎠.na^{ki} dumu ki.sur.ra^{ki} / [dumu murgu]^{𐎠ki} i-il-tum i-il-šu-ma / [pa-ga]-𐎠ar^𐎠-šu aš-ša-as-su₂ / [u₂-lu x x] x a-na ku₃.babbar a-na 𐎠ki^𐎠-[iš]-𐎠ša^𐎠-tim / [u₂-lu a-na ma-an[?]]-𐎠za^𐎠-za-ni / [x x aš-šum šar-rum] 𐎠mi^𐎠-ša-ra-am / [a-na ma-tim iš]-𐎠ku^𐎠-nu / [uš-šu]-ur an-𐎠du^𐎠-[ra]-𐎠ar^𐎠-šu / [ša]-ki-𐎠in^𐎠 / [šum-ma] geme arad wi-li-id e₂ / [dumu nu]-𐎠um^𐎠-ḥi dumu e-mu-ut-ba-lum^{𐎠ki} / [dumu i]-𐎠da^𐎠-ma-ra-az^{ki} dumu unu^{ki} / [dumu i₃].si.in.na^{ki} dumu ki.sur.ra^{ki} // VI. dumu murgu^{𐎠ki} [...] / ša ši-im x [...] / [a-na] 𐎠ku₃ 𐎠. 𐎠babbar 𐎠in-𐎠na^𐎠-[di-in] / u₂-lu a-𐎠na^𐎠 𐎠ki^𐎠-iš-ša-tim / 𐎠ik^𐎠-𐎠ka^𐎠-ši-iš / [u₂]-𐎠lu^𐎠 a-na 𐎠ma^𐎠-[an[?]]-za-za-ni / 𐎠in^𐎠-ne-𐎠zi^𐎠-ib / [an]-du-ra-ar-𐎠šu^𐎠 / [u₂]-ul iš-ša-𐎠ak-ka^𐎠-an

citizens had a variety of avenues by which to regain freedom, the *wilid b̄itim* are specifically excluded from royal edicts which secured the release of the citizens from among the native population (Kraus 1984: 280-284).¹³²

3.6.3 Summary - Houseborn Slaves

The early Mesopotamian ‘laws’ touch on issues related to ownership; attempts to remove children from slavery; and the status of children when a master has a child with a slave. These ‘laws’, together with slave sales and the edicts of release, provide what is likely reliable evidence of a widespread practice related to slavery. While it may be assumed that the owners of slave women had sexual rights to their slaves, a practice well-known in other periods, these ‘laws’ give clear indication that such sexual encounters are expected between a master and his slaves. This aspect of early Mesopotamian slavery brings out the vulnerability of these female slaves and the likely scenario that many entered into non-consensual sexual relationships with their masters. While it is possible to view these alleged opportunities for freedom in a positive light, there is also in such measures implicit leverage for coercing the cooperation of slave girls with their masters. If the ‘Code of Hammurapi’ §§170-171 are taken into consideration, the master could use the possibility of having a child with his slave and the potential freedom and opportunity to share in his estate as in §170 to secure full cooperation from his slave girl. However, the master could renege and not recognise the child during his lifetime. In such cases where the child is not recognised by the master/father, §171 applies, offering freedom to the slave and her child upon the death of the master but without a share in the inheritance. While there would not have been a singular way in which these relationships were carried out, the vulnerability of the female slave is highlighted in the legal complexity surrounding slave women and their children, especially when the master fathered the

¹³² See the useful summary provided by Hallo (1995: 88-89), who also adds lexical evidence to the discussion in Kraus (1984).

child. The peril facing female slaves can also be seen in the comparative leniency for seducing a slave girl versus the consequences for the same act with a woman of different status in the ‘Code of Ur-Nammu’, with the former resulting in a five shekel penalty, and the latter resulting a death sentence for the culprit.¹³³ While these laws may not be taken as normative, they indicate the sexual vulnerability of female slaves in early Mesopotamia.

The children born to slaves in early Mesopotamia were another commodity which could be bought and sold. The sales of these children indicate that mothers could be sold together with their children or separated from them by purchase, suggesting that such outcomes were based on the whim of the master. As for the children themselves, irrespective of their place of birth, these children of slaves were left with fewer opportunities to secure freedom than the native population during the Old Babylonian period, and by the end of this period, the children of slaves and foreigners were the two remaining sources of slaves as reflected in the documents relating to sales. Whereas the native population could move in and out of forms of slavery because of debt or other factors, the houseborn slave was excluded from edicts which required the release of the native population.

3.7 Prisoners of War

The definitive work on the subject of prisoners of war in early Mesopotamia was written by Gelb (1973). Prisoners of war were an important yet unstable source of slavery in early Mesopotamia.

When a defeated group of people entered another society as prisoners of war, these individuals were not necessarily slaves, at least not in the strictest legal sense. Instead, these prisoners of war were

¹³³ ‘Code of Ur-Nammu’ (Cited after Civil 2011):

§6: tukum-bi dam guruš-a e₂ nu-gi₄-a nig₂-a₂-gar-še₃ lu₂ in-ak e₂ bi₂-in-gi₄ ni₃-bi i₃-gaz-e

Translation: If a man seduces with guile a betrothed woman not yet married and takes her into (his) household, this man will be killed.

§8: tukum-bi geme₂ lu₂ e₂ nu-gi₄-a nig₂-a₂-gar-še₃ lu₂ i₃-ak e₂ bi₂-gi₄ lu₂-bi 5(diš) gin₂ ku₃ i₃-la₂-e

Translation: If a man seduces with guile an unmarried (literally: not included in a household) slave and takes her into (his) household, this man will pay five shekels of silver.

people who were vulnerable to a variety of fates and whose final status remained at the discretion of their captors. For this reason, it is useful to trace the potential life-courses of captives of war in early Mesopotamia.

3.7.1 Prisoners of War in Theory

Some philosophers viewed the rise of slavery, although objectionable, part of and/or necessary to social progress and directly related to the problem of prisoners of war.¹³⁴ Along these lines it is thought that slavery arose as people forsook the right to kill conquered nations. If the defeated nation was not slain, then the population must be utilised in some way. Perhaps ability is a more plausible, or at least connected, explanation of the rise of people groups enslaving their enemies. Controlling a foreign and hostile group of people within a community requires a certain degree of strength and planning. For small and undeveloped tribes, asserting power over any foreign people group within their midst would be difficult if not dangerous. Decisions, however, were not always made between killings, displacement, and enslavement. In some cases there was a combination of postwar killing of fighting males together with the capture of women and children to be assimilated into the victorious community. The expectation was that assimilating warriors provided more opportunity for rebellion in the future, whereas women and children could become part of the spoils of war as wives and slaves for the warriors, temple, and the palace of the victorious tribe or city. Despite the risk, small or even large numbers of warriors were also taken as captives, and a variety of measures were employed to ensure their obedience. One such possibility relates to the blinding of males to limit their faculties and abilities, a practice considered below.

3.7.2 Prisoners of War: Evidence Prior to the Ur III Period

Gelb (1973: 71) assumes that most male prisoners of war were killed and piled up, as seen in the

¹³⁴ See Nippel's discussion of Engels, Locke, Grotius, Comte, Schmoller, and Böckh (Nippel 2005a: 38).

‘Stele of Vultures’, and yet such a relief is open to interpretation. Postgate (1992: 254-255) writes, ‘True in the third millennium official propaganda commemorates the piling of enemy corpses into heaps and their burial under tumulus of dirt, but we cannot be sure if they were killed in the heat of the battle or executed, and some prisoners were certainly taken as slaves’.

The Sumerian term *nam-ra-ak*, ‘booty’ (literally: the beaten ones), appears in a number of texts from early Mesopotamia denoting animals, goods, precious items, and people taken in battles or raids. The human *nam-ra-ak* can be dedicated (*aru-a*) to a deity; human captives counted in the record; or captives employed and receiving rations. The Gudea Statue B, for instance, from Lagaš states that Gudea conquered the cities of Anšan and Elam and dedicated the booty to Ningirsu.

Gudea Statue B Column vi: 64-69¹³⁵

He smote the cities of Anšan and Elam with weapons, and he brought the spoils from them to Ningirsu into the Eninnu

While it is possible that human prisoners were included among the spoils, what constitutes this booty remains unstated. The equivalent Akkadian term *šallatum*, which is used from the Old Akkadian period onwards, primarily deals with captives but may also refer to general items of plunder (*CAD* Š1: 252).

The Third Millennium evidence prior to the Ur III period relating to prisoners of war includes claims about large numbers of captives being taken by rulers. One such example is found in a recent publication by Steinkeller (2013). The artefact is a broken, Presargonic plaque¹³⁶ which Steinkeller states has a total of 36,000 prisoners of war (*Š A G A = L U 2 x E Š 2*) taken from various regions (see interpretation and different readings in chapter 2). The inscription also has two men holding

¹³⁵ Gudea Statue B Column vi: 64-69 (RIME 3/1.1.7, Column vi: 64-69, Statue B Composite):

195. *g e š t u k u l i r i a n - š a - a n e l a m k i / m u - s a g 3 / n a m - r a - a k - b i / d n i n - g i r 2 - s u - r a / e 2 - n i n n u - a / m u - n a - n i - k u x*

¹³⁶ Steinkeller (2013: 132-134) states that the text likely dates to Early Dynastic II Period on the basis of palaeography. While a number of the signs resemble the Proto-cuneiform of Late Uruk, other signs are clearly later.

bows and some other unknown items (Steinkeller 2013: 131). Unfortunately, there is no corroborating evidence to prove the claims being made in the plaque, and, as discussed in chapter 2, the reliability of the figures on this plaque is questionable. This is not the only example of rulers claiming to take a large number of prisoners of war. For example, the second ruler of the Old Akkadian Dynasty, Rīmuš, as discussed above, makes fantastic claims about the amount of captives (š a g a or l u 2 . k a r 2) he took in war.¹³⁷ Some of the inscriptions contain further language describing Rīmuš as driving *n* men from the city and killing them (i.e. RIME 2.1.2.2 Lines 29-35: *u₃ in iri^{ki}-su₂-ni 3,600 guruš.guruš u-su₂-š_i2-am-ma ana ka₃-ra-si₂-im is₂-kun₃* — ‘Further, he expelled 3,600 men from their cities and annihilated them.’). While the numbers relating to postwar killings and capture cannot be confirmed, the practice of taking prisoners of war is clearly attested in early Mesopotamia, as seen in the documents of practice.

Some of the prisoners of war taken during the Presargonic period are likely found in the record as blind individuals (i g i - n u - d u 8) who were worked and commoditised through sale. The status and identification of the i g i - n u - d u 8 has been the subject of much debate with little agreement among scholars, except that these individuals are generally considered to have been of low status (Prentice 2010: 28).¹³⁸ The i g i - n u - d u 8 are likely made up of people who were blind due to natural causes; those who were blinded to be used as singers; and prisoners of war who were blinded for the purpose of decreasing mobility. Blind people despite their limited faculties remained capable of contributing to the overall work production of the community and were utilised primarily in orchards, gardens, and mills in early Mesopotamia.

¹³⁷ See RIME 2.1.2.1 (14,576 captives); RIME 2.1.2.2 (3,540 captives); RIME 2.1.2.3 (5,460 captives); RIME 2.1.2.5 (5,864 captives); RIME 2.1.2.6 (4,216 captives).

¹³⁸ The term i g i - n u - d u 8 likely refers to a ‘blind’ person, translated literally ‘eyes do not see’. Gelb offers the following evidence that the term means ‘blind’ on the basis of similar terminology applied to animals. ‘Pre-Sargonic texts (VAS 14 66 and 195; Bab. 4 p. 247b), which list bulls and equids (ANŠE.BAR. AN) with two good eyes (igi silim), one good eye (igi 1), and completely blind (igi 2-na-bi nu-du8)’ (Gelb 1973: 87). Recently, Heimpel (2009b: 43-44) summarised the debate, concluding that the i g i - n u - d u 8 must refer to blind rather than ‘unskilled worker’.

3.7.3 Prisoners of War in the Ur III Period

During the Ur III period, there are a number of attestations which relate to the influx of prisoners of war. While it is not always clear how these individuals were relocated and assimilated into the workforce, certain texts provide helpful clues.

Dahl (2003: 59-61) has used the texts MVN 14, 569; SAT 2, 1163; and Nik 2, 329 to reconstruct how these prisoners of war entered into the administrations of the Ur III period.

MVN 14, 569¹³⁹

90 litres of normal beer. 90 litres of bread. One litre of garlic. One litre of oil. Šu-Eštar, the messenger of the king. 150 litres of normal beer. 90 litres of bread. Two litres of oil. One litre of alkali. Lugal-Šunire the cupbearer. 150 litres of normal beer. 150 litres of bread. One litre of garlic. One litre of oil. Šu-Ninšubur. 42 litres of normal beer. 42 litres of bread. One half of a litre of garlic. 26 (gin₂) of alkali. Ninmar, the cupbearer. Having gone with the slaves (lit. heads) taken as booty to the temple to Šara. One normal sweet beer fifteen litres. Ten semolina. One litre of oil. Šu-Enlil, the messenger, travelling to Arḥa for bricks. Total: 432 litres of normal beer. Total: fifteen litres of normal sweet beer. Total: 442 litres of bread and flour.

Month: Šu-numuna (6). Year after the boat of Enki was caulked (Šu-Suen 3).

The fourth entry of MVN 14, 569 deals with the rations received by Ninmar, the cupbearer, who was traveling with prisoners of war. This is the process by which the conquered people were brought from the eastern province for the purpose of utilising their labour in the administrative context (see Dahl 2003: 59-61). Once the prisoners of war arrived, they could be received by an administration, as seen in the following text.

¹³⁹ MVN 14, 569 (Umma; Šu-Suen Year 3 Month 6; Ist Um 569):

Obverse: 1(barig) 3(ban₂) kaš du 1(barig) 3(ban₂) ninda 1(diš) sila₃ šum₂
1(diš) sila₃ i₃-geš / šu-eš₁₈-dar lu₂ kin-gi₄-a lugal / 2(barig) 3(ban₂)
kaš du / 2(barig) 3(ban₂) ninda / 2(diš) sila₃ i₃-geš / 1(diš) sila₃
naga / lugal-šu-nir-re sagi / 2(barig) 3(ban₂) kaš du / 2(barig)
3(ban₂) ninda / 1(diš) sila₃ šum₂ / 1(diš) sila₃ i₃-geš / šu-^dnin-
šubur / 4(ban₂) 2(diš) sila₃ kaš du // Reverse: 4(ban₂) 2(diš) sila₃ ninda /
1/2(diš) sila₃ šum₂ / 1/3(diš) sila₃ 6(diš) gin₂ naga / ^dnin-mar^{ki} sagi /
e₂ ^dšara₂-še₃ sag nam-ra-ak-da gen-na / 1(diš) kaš dida du 1(ban₂)
5(diš) sila₃ / 1(ban₂) dabin 1(diš) sila₃ i₃-geš / šu-^den-lil₂ lu₂ kin-
gi₄-a sig₄ ar-ḥa-še₃ gen-na / |ŠU+LAGAB| 1(aš) 2(barig) 1(ban₂)
2(diš) sila₃ kaš du / |ŠU+LAGAB| 1(ban₂) 5(diš) sila₃ kaš dida du / |
ŠU+LAGAB| 1(aš) 2(barig) 2(ban₂) 2(diš) sila₃ ninda u₃ zi₃ gur / iti
šu-numun-na / mu us₂-sa ma₂ ^den-ki ba-ab-du₈

SAT 2, 1163¹⁴⁰

113 female slaves ‘head of the tablet’. 31 female children at one gur. 13 male children 15 female children Total: 172 ‘various’ slaves. Booty dedicated to Šara, (of the) city of Šariphumma. Ur-Lisi, governor of Umma, took administrative control of them. Month Šuešša (8). Year: “the En-priest of Nanna was installed” (Amar-Suen 9).

Finally, as the texts cited below dealing with the rations received by the prisoners of war indicates, these captives were employed within the administrative contexts.

Three important texts relating to the question of prisoners of war during the Ur III Dynasty (TCL 5, 6039; SAT 2, 884; Nik 2, 329) come from the fifth year of the reign of Amar-Suen. Gelb (1973: 74-76) in his seminal article on prisoners of war offers a prosopography of these texts.

TCL 5, 6039 is a well-preserved text involving barley distributions to captured people (š e - b a n a m - r a - a k ; Reverse Column iv. line 10). The text lists 186 individuals¹⁴¹ and is divided by 6 minor totals (Š U + L A G A B : Obv. i: 24-26; ii: 11-12; ii:31-33; iv: 12-14; iv: 28-29; Š U + L A G A B : Rev. ii: 26-iii: 1); two further groups of dead people (Rev. iii: 2-26); and a final grand total of those receiving rations (Š U . N I G I N : Rev. iv) followed by the date.

¹⁴⁰ SAT 2, 1163 (Puzriš-Dagan; Amar-Suen Year 9, Month 8; YBC 128):

Obverse: 1 (g e š₂) 5 (u) 3 (d i š) g e m e₂ s a g - d u b / 3 (u) 1 (d i š) d u m u - m u n u s
1 (a š) g u r / 1 (u) 3 (d i š) d u m u - n i t a₂ / 1 (u) 5 (d i š) d u m u - m u n u s / | Š U
+ L A G A B | 2 (g e š₂) 5 (u) 2 (d i š) s a g - d u b // Reverse: n a m - r a - a k [a - r u - a]
^d[š a r a₂ - š e₃] / i r i š a - r i₂ - i b_? - ħ u - u m - m a^{k_i} / u r - ^dl i₉ - s i₄ e n s i₂ u m m a^{k_i} i₃ -
d a b₅ / i t i š u - e š - š a 1 (d i š) / m u e n ^dn a n n a b a - ħ u n

¹⁴¹ Gelb (1973: 74-76) made an error in calculation for the text TCL 5, 6039, inflating his overall tally (from 186 to 197). The error appears to come when counting the number of dead. Gelb counted the dead children, using the inclusion of the phrases, child of PN or her child, following the mention of a dead person. All individuals without the inclusion of this information are counted as adults. However, in the third column of the reverse lines 13-26, there are twelve dead people listed with only the final entry containing the phrase immediately after it d u m u P A - m e , with the plural ending suggesting the d u m u P A - m e applies to entire list of 12. Gelb appears, then to have counted incorrectly the eleven dead individuals (lines 14-24) as adults and then included them with the children without subtracting these eleven from the total of dead adults, thus inflating the number of dead adults by eleven and subsequently the overall total from 186 to 197.

While adult males are clearly missing from the list, the tablet includes female adults and children¹⁴² prisoners of war many of whom have names that are not Akkadian or Sumerian.

Although it cannot be determined what happened to these husbands and fathers, it is possible that they were killed during or after the battle. The males also could have been separated from their families and introduced into the workforce in some other way, a possibility considered further below. Among the 186 individuals listed, 58 are clearly marked as dead (u š₂),¹⁴³ almost 1/3 (31.18%) of the total. The dead are not included in any totals but are listed with their respective crews. Of the remaining 128 survivors, 24 are sick (t u),¹⁴⁴ but the sick individuals do not receive reduced rations.

The first five totals deal with crews of around twelve people (Š U + L A G A B) :

1. Obv. i: 24-26: Twelve female (slaves) at 40 litres, one male child at fifteen litres
2. Obv. ii: 11-12: Twelve female (slaves) at 40 litres
3. Obv. ii: 31-33: Twelve female (slaves) at 40 litres, one female (slave) at twenty litres

¹⁴² Distinguishing between children and adults in this text is not without its difficulties. The assumed pattern of dead individuals being denoted as children by the inclusion of the phrase d u m u and the omission of the terminology for adults may not be accurate. First, the inclusion of patronymics does not necessarily mean that the person is a child. Instead, the inclusion of patronymics could be for specificity or identification. Secondly, the tablet does not always include patronymics for children when their names are initially listed but includes the term d u m u in the total (For example, one worker receives 2 (b a n₂) and the other receives 1 (b a n₂) (obv. iv: 5, 20) but each are qualified in the total as d u m u 2 (b a n₂). Further, a person counted as a g e m e₂ in the total and receiving the full rations of 4 (b a n₂) is listed with the term d u m u - n i (a - d a - m e - n a d u m u - n i, Rev. i: 12). These factors cast a certain degree of doubt on whether the maturity of these individuals can be determined.

¹⁴³ One further individual should be included among the dead from the damaged bottom lefthand corner of the tablet, since only one of the two individuals is included in the subtotal (12) and grand total. It is unclear which individual actually died, the mother [x] - m a - a - a or the child [x] - g a. It is possible that the dead individual was the child, since the person counted in the total is described as a g e m e₂ receiving 40 litres [4 (b a n₂)]. However, this is not necessarily the case. While the person who is included in the total received rations of 40 litres [4 (b a n₂)], another person marked as d u m u - n i (a - d a - m e - n a, Rev. i: 12) received rations of 40 litres [4 (b a n₂)] and is counted among the g e m e₂ receiving that amount in the larger and grand totals. This indicates that the inclusion of familial ties, such as d u m u - n i or d u m u PN, does not preclude the possibility that the individual is of a mature enough age to earn a full wage.

¹⁴⁴ It is possible that there were only 23 sick individuals. It depends on whether t u is included in part of the name 4 (b a n₂) t u - m i - n a - a - u₂ or as in indication of health 4 (b a n₂) t u m i - n a - a - u₂ (Rev. ii: 11). The sign t u, for sick, can appear before (obv. iii: 3-4) or after (obv. i: 1) the rations in this text. There is also 1 additional sick person not shown on the handcopy. The final line of obv. iii begins with the sign š e on the handcopy. However, š e is the first part of the t u sign. In this instance, it is a copyist error, as determined by collation. Another copyist error of this text can be found at Rev. vi, line 7, which has 4 (b a n₂) instead 3 (b a n₂) * š a - š i - i t - r u m i₃ - d u₈, computing with the final total which includes one person at 30 litres.

4. Obv. iv: 12-14: Eleven female (slaves) at 40 litres, one female (slave) at twenty litres

5. Obv. iv: 28-29: Twelve female (slaves) at 40 litres

There was also a pool of replacement workers from which to draw. The first crew had one sick member and seven deaths. Apparently the crew consisted of thirteen members and one child. Seven members of the crew died, six of whom had to be replaced. The replacements (d a ḫ - ḫ u - m e) are all listed as old (l i b i r - a m ₃ or l i b i r - m e). Crew Two had three old replacement members after three deaths. Crew Three lists only ten regular workers, two of whom died. Five old replacement workers were utilised with one worker receiving reduced rations of only twenty litres [2 (b a n ₂)]. Crew Four does not list any deaths, having a crew of eleven and one old person with the inclusion of the phrase d a ḫ - ḫ u (replacement). Crew Five, made up of twelve individuals, did not have any deaths, sickness, or replacement members. The next section of the tablet breaks the previous structure of crews consisting of approximately twelve people. Instead, in this section 66 women and children are listed together with 25 deceased individuals.¹⁴⁵

TCL 5, 6039 is an important text for a number of reasons. The combination of numerous non-Sumerian and non-Akkadian names together with other individuals having names common to the geographic region of Southern Mesopotamia in the same group of n a m - r a - a k could indicate that some captured individuals were renamed, or denationalised. Such a practice is very common in the history of slavery. Further, there appears to have been a group of replacements (d a ḫ - ḫ u - m e) available for work as needs arose. Since the names of the old people available as replacements are similar in kind to the other names found in the text, it is possible these groups of n a m - r a - a k formed a portion of a displaced and captured community brought into the

¹⁴⁵ Among these individuals are some who are listed as people (or slaves) brought from the palace (s a g - e ₂ - g a l - t a g e n - n a - m e) into various temples. Following the total of this section, there are two lists of dead people divided by one blank line. The first consists of ten dead individuals under the supervision of an Ur-Nintu. After the blank line there is another list of twelve individuals under the heading, high quality labourers (s a g - d u b - m e). Following the 12 dead individuals is the term d u m u P A - m e (perhaps children of the overseers). Gelb clearly took the s a g - d u b - m e to belong with the previous list of dead individuals. However, the wide blank line between the previous list and the term s a g - d u b - m e appears to warrant the view that the s a g - d u b - m e are the individuals in the immediately following list, all of whom are considered d u m u P A - m e .

region of Umma to live and work. The number of tasks within the administration may not have been equal to the number of individuals within the community, leaving the able-bodied with trying to provide for the elderly and very young who were not as able to work. When someone died, an older female replaced the deceased and received rations for the work performed.

Within three months of TCL 5, 6039, all but five of the 24 sick individuals in the previous text have fallen out of the record. Given the high mortality rate recorded in the text, it is possible that many of the sick individuals did not recover and subsequently died, but the simplest explanation is that their presence is not recorded due to random preservation or these individuals were moved to different crews. Such displaced communities might be representative of Steinkeller's claims about settlements of prisoners of war.¹⁴⁶

SAT 2, 884, dated to Amar-Suen Year 5 Month 5, lists 49 workers, ten of whom are children, receiving flour and beer as rations and categorised like TCL 5, 6039 as *š e - b a n a m - r a - a k*. Of these 49 workers, at least 27 of them appear to be found in the previous text, TCS 5, 6039. SAT 2, 884 does not list any individuals as dead or sick. References to replacements and age are also not found in the text. The almost identical text, Nik 2, 329 dates to Amar-Suen Year 5 Month 7. None of names included in SAT 2, 884 are missing from the second text and the rate of compensation is consistent with each. The main difference is that Nik 2, 329 refers to the provisions for the female booty (*š a 3 - g a l g e m e 2 n a m - r a - a k*).

The combination of these texts may provide some hints to the context in which they were created. The earlier text deals with a very large number of people, a high mortality rate, and a number of sick individuals. There was also a replacement pool from which the administration was able to draw. Within three months, 27 of these individuals reappeared in the administrative record

¹⁴⁶ Steinkeller (2013: 354, 357) writes: 'The land was situated in the rural settlement of Lullubu(na) (in the province of Girsu/Lagaš), which, as its name indicates, must have been settled with the prisoners-of-war from Lullubum. [...] While a majority of these individuals seem to have come from Northern Babylonia, a very significant number of them were foreigners, quite often prisoners-of-war. Such undoubtedly was the background of the settlements of Lullubu(na), Ebih, Eduru-Elamene, and Šimurum, all in the province of Girsu/Lagaš.'

and continued to work for at least two more months. It is possible that many in the first text were broken up into other crews and later moved elsewhere to work. However, the high-mortality rate in TCL 5, 6039 could have continued in the ensuing months, thereby diminishing the numbers rapidly. It is possible that the trials of war, relocation, and captivity depleted the number of the captives soon after their arrival. Those who survived the initial ordeal and the initial months were strong enough to continue working for the administration three and five months after the date of the initial text, perhaps explaining the want of any mention of death and sickness in the latter two texts, but it cannot be known with certainty. Their disappearance from the record could also be a matter of chance.

The influx of captives into the Ur III society can be traced further to the eighth month of the ninth year of the reign of Amar-Suen. Several almost exact texts recount the dedication of 172 captives, booty from Sariphum (SAT 2, 1163; YOS 4, 67; Prima del'alfabeto 33 etc).¹⁴⁷ The texts record the dedication of 113 quality female workers (slaves) or 'female workers (slaves) head of the tablet' (g e m e 2 s a g - d u b); 31 female children (d u m u m u n u s) at full capacity; thirteen male children (d u m u n i t a ḫ); fifteen female children (d u m u m u n u s) to the temple of Šara. Again mature male prisoners of war are absent from this list.¹⁴⁸ Such male prisoners of war, however, are not missing entirely from the record. *TCL 2, 5502+TCL 2, 5503* mentions male booty (l u 2 n a m - r a - a k) (Lafont 2009), and an Old Babylonian copy of an inscription attributed to Šu-Suen may help explain the paucity of evidence relating to male prisoners of war and the absence of men in these long lists of females and children described as booty. This inscription attributed to

¹⁴⁷ These tablets are listed among cast texts in Pomponio 2012: 647-648. However, some minor details, such as s a g - d u b (SAT 2, 1163) as opposed to s a g - ḫ i - a in the other texts, and line placement suggest all of these could not have been made from a cast. It is possible that these texts were rather school texts.

¹⁴⁸ See also other texts during the reign of Amar-Suen, which count small numbers of g e m e 2 n a m - r a - a k . TUT 159 from Girsu and dated to Amar-Suen year 1 month 5, Column 5:5-27 and perhaps further, lists female workers and their children who have been dedicated, and some of whom have died. MVN 21, 202 from Amar-Suen year 6 in Umma begins with a large previous deficit (s i - i 3 - t u m) followed by 360 female (slaves) for one day from Ur-Suen (6 (g e š 2) g e m e 2 u 4 l (d i š) - š e 3 k i u r - d s u e n - t a) the wages of the booty (a 2 n a m - r a - a k). Another text (STA 2) also beginning with a deficit includes the fodder heaped up for the booty (š a 3 - g a l n a m - r a - a k d u 8 - a).

Šu-Suen (RIME 3/2.1.4.3 iv 15-31) tells of the separation of the male and female survivors of war. Following Cooper it reads: ‘He blinded the working men of the cities he had conquered and put them in service in the gardens of Enlil and Ninlil, and in the gardens of the major gods. He presented the working women of the cities he had conquered as oblates to the textile mills of Enlil and Ninlil, and to the temples of the major gods.’¹⁴⁹ The males were blinded and put to work in the vineyards of Enlil and Ninlil. Despite the want of blind workers called the *i g i - n u - d u 8* in the workforce of the Ur III period, Heimpel posits the reading ‘blind’ for *S I G 7* and *S I G 7 - a* workers (Heimpel 2009b: 43-48). The workers described as *S I G 7* were typically employed in gardens and carrying water, evidence which comports with the use of blind people in gardens and orchards in Girsu during the Early Dynastic period. Cooper finds further support for Heimpel’s theory that the *S I G 7* are ‘blind workers’ since in the above text attributed to Šu-Suen says that he blinded captives of war and placed them in gardens (Cooper 2010. RIME 3/2.1.4.3), and he also offers palaeographic support of Heimpel’s theory, stating that the sign *S I G 7* (*i g i - g u n û*) may be written to convey the meaning eye barred or cancelled.¹⁵⁰ The blinding of the male captives hinders their mobility, reduces threats to the native population, breaks up families, and limits the usefulness of the males for the workforces. Blinded people, although capable of running away,¹⁵¹ were less likely to escape. Further, the likelihood of insurgency from the relocated males was significantly reduced once they had been blinded. If the female and children survivors were to be

¹⁴⁹ RIME 3.2.1.4.3

Column iv 15-31: *nam-guruš iri^{ki} iri^{ki}-‘ba’ / sa₂ ba-ni-in-du₁₁-ga-‘a’ / igi-‘bi im’-[ma]-an-du₈-du₈ / ^{gēš}kiri₆ den-‘lil₂’ / ^dnin-lil₂-‘la₂’ / u₃ / ^{gēš}kiri₆ dingir [gal]-‘gal’-e-ne-[ka] / ‘giri₃’-še₃ im-mi-in-se₃ / u₃ nam-‘geme₂’ / iri^{ki} iri^{ki}-[ba] / sa₂ ba-ni-in-du₁₁-‘ga’-[a’] / e₂-uš-‘bar’ / den-lil₂ / ^dnin-lil₂-la₂ / u₃ / e₂ dingir gal-gal-e-ne-ka / sag-še₃ im-mi-[in]-‘rig₇’. Cooper 2010. For the meaning ‘to blind’, Cooper writes, ‘The translation of *igi-du₈*, lit. “to open the eyes,” as a euphemism for “to blind,” can hardly be doubted, and is supported by OB Lu B iv 48 (MSL 12 183; now DCCT Lu₂-azlag₂ B-C Seg. 2, 103) lu₂ igi-du₃-du₃ = *ša i-na-šu na-as₂-ha*, “whose eyes are torn out,” and the first millennium lexical equations *igi-du₈-du₈* = *inān nashātu* “torn out eyes” (CAD s.v. *nasāhu*, pointed out by G. Rubio) and *du₈* = *napālu ša₂ IGI, nasāhu ša₂ IGI* “to gouge/tear out, of the eye” (CAD s.v. *napālu* A).’*

¹⁵⁰ Owen reads *S I G 7 - a* as *si₁₂ - a*. See his discussion of blind agriculture workers at Iri-Sagrig in Owen (2013) vol. 1: 109.

¹⁵¹ See AnOr 7, 286, Obv. Line 5, lists a runaway worker and describes the individual as *S I G 7 - a*. Other texts with runaway *S I G 7 - a* are PDT 2, 1301; TCTI 1, 736: Obverse Column III, Line 15; and CT 10, pl. 24: Obverse Line 19.

exploited by the victorious community, the host society would not wish for strong, healthy husbands and mature brothers causing problems. The process of blinding reduces the usefulness of the male worker by limiting his faculties, but these could remain productive members of society. Among those employed in early Mesopotamia in the orchards, vineyards, or as singers, there were also blind males employed as millers. This is surprising since females typically performed the job of a miller. However, the broken text MVN 13, 242 records over 140 male Amorites working as millers during the second year of the reign of Amar-Suen. These individuals were probably blinded prisoners of war employed in Girsu as millers,¹⁵² since it seems unlikely that handicapped foreigners would be able to find employment unless the state was involved in bringing them for the purpose of utilising their labour. The utilisation of prisoners of war in the workforce of the Ur III period is beyond question, yet the importance of this source of slaves has been the subject of debate. Dahl (2003: 58) has used the above texts and similar ones dealing with prisoners of war to conclude:

There is no reason to believe that a major component of the *guruš* workforce consisted of prisoners of war. The female counterpart of the *guruš* was the *geme₂*. A few texts explicitly refer to female captives (*geme₂ nam-ra-ak*) brought to work in the great institutions of southern Mesopotamia. Coupled with the numerous examples of female workers with non-Mesopotamian names, it makes sense to suggest that female prisoners of war did enter and represented an important contribution to the Mesopotamian work-force.

While at times this appears to have been the case, the evidence does not seem to support the broader conclusion related to the *geme₂*. It is more likely that at points prisoners of war formed a significant contribution to the Mesopotamian workforce but at other times such booty was not readily available (see Lafont 2008 and 2009). While at certain times in the record, it is clear that there were significant influxes of prisoners of war during the Ur III period, slavery does not appear to have been sustained by a steady influx of prisoners of war, since such military campaigns and

¹⁵² See Heimpel 2009b: 45. Heimpel also includes the text HSS 4, 8 as another example of blind males employed as millers.

references to the influx of prisoners of war in the textual records are in decline after the early part of Amar-Suen's reign.¹⁵³

3.7.4 Prisoners of War in the Old Babylonian Period

Prisoners of war also formed a source of slaves during the Old Babylonian period. The influx of prisoners of war during the Old Babylonian period stimulated fluctuation in the cost of slaves (see discussions in chapters 2 and 4). Several slaves are described as being part of the spoils (*kišittum*) of certain places. Two such examples are the following texts.

CUSAS 8, 2: Lines 1-3:

One female person (slave), her name is Ina-libbi-eršet, of the spoils of Kagala, the city of Sukkal.¹⁵⁴

CUSAS 8, 6: Lines 1-2:

One male slave, his name is Šamaš-tappî-ilīya, of the spoils of Kagala.¹⁵⁵

While these mere individual prisoners of war appear in slave sales, the *bīt asīrī* ('house of prisoners') became a place where numerous prisoners of war were held, together with 'criminals' and slaves of the palace. While the *bīt asīrī* is commonly translated 'the house of prisoners', Seri (2013: 20, 139-140) argues that it was likely not a place of detention but functioned more like an administrative group during the reign of Rīm-Anum of Uruk, who rebelled against Babylon around 1742 BC during the reign of Samsu-iluna. This view, however, requires further consideration. While Seri is convincing that the *bīt asīrī* functioned as an administrative unit, this evidence does not preclude that the *bīt asīrī* was also a place of detention of sorts, since prisoners can be detained and worked through the same administrative body. This view is strengthened by the tablets cited below

¹⁵³ See in particular Adams 2010 §2.5. See also Lafont (2008) and (2009).

¹⁵⁴ CUSAS 8, 2 (Dūr-Abiešuḫ; No Date; CUNES 51-01-021) Lines 1-3:
1(diš) sag.geme₂ i-na-li-ib-bi-er-ši-et mu.ni / ša₃ ki-ši-it-ti ka.kal.a^{ki} / uru ša sukka^{ki}

¹⁵⁵ CUSAS 8, 6 (Dūr-Abiešuḫ; No Date; CUNES 51-01-026) Lines 1-2:
1(diš) sag arad⁴utu-tap-^rpi₂-i₃ ʾ-li₂-ia mu.ni / ša₃ ki-ši-it-ti ka.ga.la

(Nisaba 4 II, 28; Nisaba 4 II, 66) which deal with runaways being sent to the overseer of prisoners (ugula *asīrī*).

When prisoners of war were taken into captivity, these individuals were vulnerable but not necessarily chattel slaves from the outset.¹⁵⁶ Some female prisoners of war were assimilated into the conquering society, perhaps through marriage. Other prisoners of war could be held for ransom as seen in a letter from Ḫammurapi.

AbB 9, 32¹⁵⁷

Speak to Luštamar-Zababa and Bēlānum. Thus (says) Ḫammurapi, Concerning Suen-ana-Damrum-lippalis, son of Maninum, whom the enemy took, give the merchant ten shekels of silver from the temple of Suen. Redeem him.

Apparently valuable and important people could be redeemed, and in this instance the cost to redeem the prisoner of war referenced here was less than twenty shekels, the average price of a slave during the reign of Ḫammurapi (see discussion of Old Babylonian slave prices in Farber 1978: 13-14). The practice of ransoming prisoners of war is further attested in the ‘Code of Ḫammurapi’.

‘Code of Ḫammurapi’ §32 (after Roth 1997 with minor variation)

If there is either a soldier or a fisherman who is taken captive while on a royal campaign, a merchant redeems him and helps him to get back to his city—if there are sufficient means in his own house for the redeeming, he himself shall redeem himself; if there are not sufficient means in his house to redeem him, he shall be redeemed by the house of the god of his city; if there are not sufficient means in the house of the god of his city to redeem him, the palace shall redeem him; but his field, orchard, or house will not be given for his redemption.¹⁵⁸

¹⁵⁶ Westbrook (1995: 1641) writes, ‘[Prisoners of war] were not automatically slaves, but they were without rights and therefore potential slaves’.

¹⁵⁷ AbB 9, 32 (Babylon; ND; YBC 4521) = Harris *JCS* 14, 129; *MAOG* 16, 20-21; *OECT* 3, 43-44; Oppenheim, *Letters*, 93 (no. 29); SD 3, 7; YOS 2, 27-28.

Obverse: *a-na lu-uš-ta-mar-^dza.ba₄.r ba₄ / u₃ be-la-nu-um / qi₂-bi₂-ma / um-ma ḫa-am-mu-ra-pi₂-[ma] / 1(diš) ^den.zu-a-na-du₁₀-gar^{ki}-li-ip-p[a-li-is] / dumu ma-ni-nu-um / ša na-ak-rum il-qu₂-u₂ / 1(u) gin₂ ku₃.babbar i-na e₂ ^den.zu / a-na dam.gar₃-šu id-na-a-ma / pu-uṭ-ra-šu*

¹⁵⁸ ‘Code of Ḫammurapi’ §32: *r šum r-ma lu aga.uš / u₃ lu šu.ḫa / ša i-na ḫar-ra-an / šar-ri-im / tu-ur₂-ru / dam.gar₃ ip-ṭu₂-ra-aš-šu-ma / iri-šu uš-ta-ak-ši-da-aš-šu / šum-ma i-na bi-ti-šu / ša pa-ṭa-ri-im / i-ba-aš-ši / šu-ma ra-ma-an-šu / i-pa-aṭ-ṭa-ar / šum-ma i-na bi-ti-šu / ša pa-ṭa-ri-šu / la i-ba-aš-ši / i-na e₂ dingir iri-šu / ip-pa-aṭ-ṭar₂ / šum-ma i-na e₂ dingir iri-šu / ša pa-ṭa-ri-šu / la i-ba-aš-ši / e₂.gal i-pa-aṭ-ṭa-ar^l-šu / a.ša₃-šu ^{giš}kiri₆-šu / u₃ e₂-su / a-na ip-ṭe₄-ri-šu / u₂-ul in-na-ad-di-in*

The above letter (AbB 9, 32) together with §32 of the ‘Code of Ḫammurapi’ suggest that Ḫammurapi had the right to command temples to make payments to redeem prisoners of war. Since the temple also likely served as charitable institution within the city (Postgate 1992: 135-136), the temple was to intervene when an official could not afford to be redeemed from his own estate. If the city temple was too poor to redeem the prisoner, the palace was responsible for the act of redemption. However, ‘Code of Ḫammurapi’ §32 forbids the field, orchard, or house of the man being handed over for his redemption. Such a concern likely relates to the ownership of a means of production, indicating such economic questions are not merely the imposition of modern concerns to ancient data.

Not all prisoners of war, however, were redeemed. Those who remained captive could be placed on work assignments in administrative units like the *bīt asīrī*. The workers in the administration served different functions and could be moved from one group to another (see Seri 2013: 122-123). For instance, Seri recounts such movement with an individual by the name of Warad-Ištar, who was initially working with the retinue of Etel-pī-Šamaš. Later, he was moved to be utilised in the house of the weavers. Then Warad-Ištar was given as a gift to Ibanni-ilum, the shepherd (*UF* 10, 39) (Seri 2013: 124).

With cases like Warad-Ištar’s, studies incorporating the social life of things approach to slavery and life-course analyses can be particularly helpful. The evidence suggests that when a person entered a victorious community as a prisoner of war that person’s life could head down a number of trajectories. Some individuals could be held for a ransom and subsequently redeemed. For a brief period, such individuals became commodities but were later individualised again through the act of redemption. Theoretically, other prisoners of war could be assimilated into the victorious community through marriage. Since it is known that slaves became sexual partners for their masters and that females could be purchased to be a wife (see above discussion), it is

reasonable to conclude that some prisoner of war were purchased or given for these purposes.

Defining such arrangements, however, is very difficult. Those women were treated as commodities or objects which made up a portion of the spoils of war, and some were forced to enter into sexual relationships. During the process, some of these captives may have been individualised with their lives moving down a trajectory which reflected slavery less and less. Nevertheless, it is difficult to overlook that these women were slaves in many ways, being treated as denationalised commodities who did not own the rights to their bodies, reproduction, or labour.

For other prisoners of war during the Old Babylonian period, life was somewhat different. Prisoners of war could be utilised in a more official capacity by the palace or a temple. This is what likely happened to most prisoners of war. These individuals could be allocated to work assignments controlled by the king and administrative officials. Once the prisoners of war entered into these labour forces, they could be moved around to different work assignments as needed. The relocation of prisoners of war for the purpose of utilising their labour allowed some families or least some members of families to stay together. Seri (2013: 111) observes that most of the familial ties found in the *bīt asīrī* are maternal with only a few examples of familial relationships being recorded paternally. This, however, does not preclude the reality that families were also broken up at the whim of the overseers, since such workers were moved around and could even be given as gifts to people. The instability and vulnerability of prisoners of war is further shown when they appear on the slave market. This together with the practice of gifting a prisoner of war to a subject shows that while many prisoners of war were likely owned by the ruling officials, private citizens and likely military personnel came to possess these foreign captives through a variety of means. This view is further substantiated when the market fluctuation in slave prices during the Old Babylonian period, which occurred when prisoners of war become more or less available, is taken into consideration.

3.7.5 Summary of Prisoners of War in Early Mesopotamia

There is ample evidence from early Mesopotamia that prisoners of war were utilised as labour and formed one of the sources of slaves. While it was often assumed that prisoners of war made up a significant amount of the slave labour, it has now been shown that captives only made up a portion of the slave population and that forms of native slavery were more significant than previously assumed (see in particular discussions in Westbrook 1995: 1640-1642 and Adams 2010 §2.5).

Prisoners of war in early Mesopotamia faced numerous trials, and their lives could head down a variety of trajectories. When a war was won, the surviving males may have been slaughtered, while others were blinded and forced to perform routine jobs. Some of the *igi-nu-du₈* of the Presargonic period were likely blinded prisoners of war. During this period, it is also known that the *igi-nu-du₈* could be bought and sold (see discussion above). While there is no extant evidence of the *igi-nu-du₈* in the Ur III record, blinded male prisoners of war were likely called *SIG₇-a*. The *SIG₇-a* are found working in similar contexts as the *igi-nu-du₈* of the Presargonic period. Although a blinded worker is of limited use for labour production, blinded warriors performing menial tasks could have been viewed as trophies of sorts, as they may have been desirable symbols of strength and status for the palace or an owner.

While the evidence of male prisoners of war is comparatively limited for the third millennium, on the basis of Seri's (2013: 111-112) figures almost half of the people (223 of the 469 people or 47.54%) used in the *bīt asīrī* were adult males. Although the primary documents of the *bīt asīrī* do not typically differentiate between slaves of the palace, criminals, and prisoners of war, the evidence suggests that male prisoners of war might have been more readily taken during the Old Babylonian period than in previous times. However, the difference could be explained by random findings and other factors which distort the evidence.

While it is not likely that the Ur III workforce benefitted from a steady influx of human plunder, there is ample evidence of females and their children being captured and relocated to serve in the temple or palace. Although these prisoners of war regularly appear in units together, it is likely that over time they were assimilated into other groups of workers, and thus no longer being recognisable as prisoners of war, except where foreign names were retained. In this way, these prisoners of war were commoditised and moved around for the utilisation of their labour. The lives of these individuals could follow a number of trajectories, including individualisation and assimilation into groups of workers which included members of the native population.

The study of the situation of prisoners of war during the Old Babylonian period benefits from evidence relating to administrative work units that utilised the labour of prisoners of war and the Late Old Babylonian slave sale documents which include details about the origin of slaves. Although prisoners of war were not legally slaves upon capture, by using the potential life courses reflected in the evidence, the situation of prisoners of war was particularly vulnerable. As such prisoners of war could be ransomed, taken as spoil for non-consensual sexual relationships, utilised in work forces, moved around at will, and sold on the slave market.

3.8 Manumission and Release in Early Mesopotamia

Manumission and release are important topics for any discussion of slavery, since these issues touch on whether slavery was a permanent status or a temporary state of unfreedom which can be faced for a period of time until some change occurred. The topic of manumission in the ancient Near East has been of interest in scholarship for a variety of reasons. First, the release laws of the ‘Code of Hammurapi’ have similarities to the release laws found in the Old Testament. Most studies of slavery in ancient Israel have largely focused on the laws of the Old Testament, since there remains very little other data dealing with the institution of slavery. For these reasons, studies which wish to provide context and fill out the details of slavery in ancient Israel utilise the broader ancient Near

Eastern context of slavery including the evidence from early Mesopotamia (see in particular: Cardellini 1981; Chirichigno 1993). Secondly, the topic of release in the ‘Code of Ḫammurapi’ has been referenced when comparing the ‘oriental versus classical’ view of slavery, which attempts to draw a sharp distinction between slavery in the ancient orient and classical forms of slavery (see Driver and Miles 1952-1955: Vol. 1, 222-223).

The study of manumission in early Mesopotamia reveals there were divergent principles at work for unfree people of different origins. When it came to debt slaves, release was mentioned in a number of contexts. Release from slavery for the indebted population is found in texts like the ‘Code of Ḫammurapi’, the Edict of Ammisaduqa, and likely in the earlier texts of Enmetena, UruKagina, and Gudea. The Edict of Ammisaduqa, for example, distinguished between members of the native population who entered into some state of unfreedom and the people born in Babylonia as slaves. While the extent to which these documents mentioning release can be treated as reliable is unclear, evidence of the practice of manumission in early Mesopotamia can also be seen in court documents where slaves contest their status. Yet as will be discussed below, while the crown at times intervened in cases relating to debt and the native population, overall manumission was left at the discretion of the owner.

3.8.1 Manumission and Release in Theory

If manumission from slavery was primarily at the discretion of the owner, why would an owner ever set someone free? While there is no definitive answer to this question which is able to establish the motivation behind each instance of manumission, several possibilities must be taken into consideration. First, a master may wish to release a slave out of love or appreciation for that slave. If a slave shows particular diligence and faithfulness to the master, the master may wish to reward such fidelity by freeing the slave at some point.

Secondly, manumission may be employed as a means of coercion to increase faithfulness and loyalty among slaves. If a slave knew of other slaves being set free and the consequences a recalcitrant slave might face for disobedience, that slave could be coerced into rendering a more faithful service for self-preservation and in the hopes of being granted freedom in the future. It is also likely that this coercive aspect of manumission may lie behind the royal edicts which forgave debts and set debt-slaves free. The removal of native bondage turned a king's ascension to the throne into a time of celebration for the downtrodden. Further, such edicts likely garnered favour with the larger population. If as the inscription claims, UruKagina set free the citizens of Lagaš and criminals living in prison, then it is thought that this act was done to gain support for his reign during an ongoing battle with a rival city-state (see Snell 2001: 64). Further, on the heels of this declaration of freedom comes the oath to the god Ningirsu that UruKagina would not 'subjugate the orphan (or) widow to the powerful' (RIME 1.9.9.1 Lines 23-28). Such a declaration likely added support to the political motivation behind a debt release, since in early Mesopotamia the perceived favour of the gods for establishing one's reign was more important than the support of the masses. And while any debt forgiveness was likely viewed favourably by the oppressed, it must be kept in mind that such acts were likely be viewed unfavourably by those who acted as creditors in the land, because these lost access to their coerced labour pool from the native population. Since the popularity of such measures was likely split among the population, the concept that establishing justice and protecting the weak, important aspects to early Mesopotamian rulership, likely stemmed from the religious motivation to seek the favour and support of the gods and not just to garner support among the native population. Further, if the release related less to personal freedom and more to the issue of protecting households and their possessions, then there was a concomitant result. When the wealth in the form of human commodities was redistributed back to previous households and owners once an edict was issued, the king's ability to reign was protected to some

extent, since the king was effectively preventing potential rival households from consolidating too much power and posing a threat to the throne.

Finally, much like the motivation behind the edict discussed above, manumission could be viewed as pious act (Culbertson 2011a: 13). It is possible that masters released slaves as acts done before their deities and their peers for reasons of piety or at least the appearance of it. While there are other possibilities which might cause a master to set a slave free or rulers to release debtors from bondage, these primary motivations should be kept in mind when considering manumission in early Mesopotamia.

3.8.2 The Terminology of Early Mesopotamian Release

The Sumerian terminology typically related with the concept of manumission is *a m a - a r - g i 4 - n i i n - g a r*, ‘he set his release’.¹⁵⁹ According to Steinkeller (*COS* 3: 134A, note 2), the term literally means, ‘he established his freedom’, but it may also be a reference to returning to the mother (i.e. ‘returning to one’s original state (of freedom)’). The related Akkadian term is *andurāru* (see overview in Stol 2004: 865-867). It is not certain, however, that these terms deal with liberation or the concept of freedom. Instead, the Sumerian terminology *a m a - a r - g i 4 - n i i n - g a r* and the related Akkadian word, *andurāru*, involve the idea of reversion to a previous state.¹⁶⁰ This perspective may help to illuminate what is going on in the edicts relating to manumission (see Hallo 1995: 89). For example, when a member of the native population was handed over because of a debt and a release was issued, that person was able to return to her or his previous state. Thus, if the person handed over because of the debt was a houseborn slave, then the release only secures the slave’s reversion to the slave’s previous owner, rather than ensuring freedom as such. If this interpretation is correct, the motivation behind the release may not be about

¹⁵⁹ Falkenstein (1956 Vol. 1: 93) renders it as follows: ‘er hat seine Freilassung gesetzt’.

¹⁶⁰ See summary of this position in Hallo 1995: 89.

protecting individual freedom at all. Instead, the motivations are more likely related to protecting households and their possessions, wealth redistribution, and/or piety before deities.

In essence, slaves of the native population seem to have been provided with more opportunities for a change in status than those who were of foreign origin. While with slaves in general, the right of manumission appears to have been at the discretion of the owner, there were instances where the crown intervened and instituted a change of status. Although there is some information related to manumission preserved in court cases, most of what can be known about manumission derives from the early Mesopotamian ‘law codes’ and royal decrees, as considered below.

3.8.3 Manumission in the ‘Law Codes’ of Early Mesopotamia

Evidence relating to release has been discussed above in the sections dealing with debt-slavery and houseborn slaves. From the perspective of the law codes and royal decrees, people from among the native population had more opportunities for manumission than slaves of foreign origin. Whether it was the term limits on debt-slavery in the ‘Code of Ḥammurapi’ §117 or the debt-forgiveness issued by royal decree, the people from the native population who ended up commoditised because of debt had the possibility to revert back to their former status. Hallo (1995) has convincingly argued that the debt releases issued by the rulers of the Old Babylonian period suggest that the normal debt release as outlined in ‘Code of Ḥammurapi’ §117 did not apply. So while the debt releases served to remit debt on occasion, implicitly debt was not remitted at other times with regularity. Some of these debt release decrees, however, did not extend to children of slaves (*wilid bītim*) even those who were born within a city of Babylonia. The subject of children born to slaves frequents the ‘law codes’ of early Mesopotamia. The relevant paragraphs consider the issues of ownership and even deal with the status of children of a slave woman when the child was fathered by a master. As discussed above, in the ‘Code of Ḥammurapi’, if the child was not recognised by the father, the

child did not share in the inheritance of the father, but both the mother and the child were to be set free upon the death of the father ('Code of Hammurapi' §171). However, if the child was recognised by the father, the child was able to share in the inheritance of the father ('Code of Hammurapi' §170).

The earlier 'Code of Lipit-Ištar' §24 mentions a seemingly unique possibility that a slave could contest his slave status and receive freedom in the event that the slave could demonstrate that the master received twice as much for his slavery.

'Code of Lipit-Ištar' (after Roth 1997).

§24: If a man's slave contests his slave status against his master, and it is proven that his master been compensated for his slavery two-fold, that slave shall be freed.¹⁶¹

It seems likely that a twofold payment for the slave to the master is in view, since it would be difficult to establish a twofold compensation for a slave on the basis of rental to others or some other scenario that would allow the master to regain and double the capital invested in the slave. There is not known to me, however, any evidence which would demonstrate that slaves could receive freedom by showing that a master received twofold compensation, though some slaves could purchase freedom or a family member could purchase it for them (see below).

Other 'laws' deal with the issue of slaves receiving freedom due to certain circumstances.

For instance, the 'Code of Hammurapi' §§280-281 deal with slaves purchased abroad but native to Babylonia and those slaves who need to be redeemed by their master.

'Code of Hammurapi' (after Roth 1997)

§280: If a man should purchase another man's slave or slave woman in a foreign country, and while he is traveling about within the (his own) country the owner of the slave or

¹⁶¹ 'Code of Lipit-Ištar' §14:

t u k u m - b i a r a d - l u ₂ - k e ₄ l u g a l - a - n i - i r n a m - a r a d - d a - n i b a - a n - d a - g u r
l u g a l - a - n i - i r n a m - a r a d - d a - n i a - r a ₂ 2 (d i š) - a m ₃ u n - g e - e n a r a d - b i a l -
b u r ₂ - e

slave woman identifies his slave or slave woman—if they, the slave and slave woman, are natives of the country, their release shall be secured without any payment.¹⁶²

§281: If they are natives of another country, the buyer shall declare before the god the amount of silver that he paid, and the owner of the slave or slave woman shall give to the merchant the amount of silver that he paid, and thus he shall redeem his slave or slave woman.¹⁶³

According to Yoffee, ‘Code of Hammurapi’ §280 refers to native Babylonians who have been sold abroad. When such a person returns to Babylonia, that slave was to be released.¹⁶⁴ Perhaps §281, however, applies to slaves who were of foreign origin. These slaves somehow ended up in another country and were later brought back to Babylonia by a merchant. In order to redeem the slave from the merchant, the owner must compensate the merchant with the amount paid for the slave. The correct payment was established by the buyer swearing before a god. This aspect of the paragraph adds an element of religious coercion to the process, a form of coercion which can be seen in other agreements, including sale documents which include oaths before gods and the king (see above discussion of CT 8, 22).

In summary, while there appears to have been several opportunities for a bonded person from among the native population to have a change in status from the perspective of the ‘law codes’ and royal edicts, chattel slaves did not have such opportunities. However, the ‘Code of Lipit-Ištar’ §24 may represent the possibility that a slave could purchase her or his freedom.

¹⁶² ‘Code of Hammurapi’ §280:

šum-ma a-wi-lum / i-na ma-at / nu-ku-ur2-tim / arad geme2 ša a-wi-lim / iš-ta-am / i-nu-ma / i-na li-ib-bu kalam / it-ta-al-kam-ma / be-el arad u3 lu geme2 / lu arad-su2 u3 lu geme2-su2 / u2-te-ed-di / šum-ma arad u3 geme2 šu-nu / dumu.meš ma-tim / ba-lum ku3.babbar-ma / an-du-ra-ar-šu-nu / iš-ša-ak-ka-an

¹⁶³ ‘Code of Hammurapi’ §281:

šum-ma dumu.meš ma-tim ša-ni-tim / ša-a-a-ma-nu-um' / i-na ma-ḥar i-lim / ku3.babbar iš-qu2'-lu / i-qa2'-ab-bi-ma / be-el arad u3 lu geme2 / ku3.babbar iš-qu2'-lu a-na dam.gar3 / i-na-ad-di-in-ma / lu arad-su2 lu geme2-su2 i-pa-ṭar2'

¹⁶⁴ Yoffee (1977: 58-59) writes: ‘...according to paragraph 280, a native Babylonian slave sold in a foreign country would be freed upon return’.

3.8.4 Other Evidence of Manumission in Early Mesopotamia

Individual examples of manumission are not as well-attested in early Mesopotamia. If manumission was largely left to the discretion of the owner, this may explain why most instances of release were not recorded in legal or administrative documents and can only be seen in texts where a slave contested her or his status in court. The examples of manumission from early Mesopotamia preserved in legal cases can be at times a little more vague than the discussions of release in the ‘law codes’. In CT 6, pl. 29¹⁶⁵ from the first year of Ammi-ditana, Warad-Bunene appears to be a case where a slave despite being sold, appears to have become free because of the death of his master (see discussion in Yoffee 1977: 59). However, the situation can only be assumed, since the text does not state that the owner of Warad-Bunene died, and this possibility can only be inferred from the other aspects of the text.

For the Ur III period, Falkenstein (1956: Vol. 1: 92-95) has compiled a number of court cases which mention manumission. During the Ur III period, it is clear that slaves could contest their status on the basis of the texts cited above in relation to the enslavement of family members because of crimes and other completed cases. However, it remains questionable whether these proceedings should be viewed as opportunities for manumission or whether these court cases more accurately reflect the possibility that if one was wrongfully enslaved, the individual may be released on the basis of the ruling of the court. Since these proceedings appear to deal with cases which seek to establish if there was a rightful or wrongful enslavement of someone, there does not appear to be any clear principle of manumission which would remove the authority related to ownership from the master to a legal precedent or some other ruling body. Nevertheless, Steinkeller takes the following text to indicate that there was an unrecorded rule that debt-slaves who were the only heir were set free once the head of the household died (*COS* 3: 134-A).

¹⁶⁵ See discussion of price in chapter 3 and fuller citation in chapter 5.

NATN 920¹⁶⁶

[...] of Ninurta, Atu, his father, released Umanigar, the slave of [PN], because he was an heir. Luginzal (and) Lu-dingira, brothers of Atu, swore by the name of the king that they will not contest. Before Lugal-azida, the overseer of the city of Nippur; Ur-Ababa, the chief herald; Undaga, the herald of the shekel, Lugal-engar, Šeškala, Lugal-magure, Lu-melam, Lala, Amar-Šuba, SAG-xla [...] The year Amar-Suen, the king, destroyed Šašru (Year 6).

This view, however, is very difficult to substantiate or uphold, since a number of things must be assumed that are not stated in the text to arrive at this position. In which case, unless a person could convince a judge that she or he had been wrongfully enslaved or previously set free by the master, the rights of the owner do not appear to be encroached upon by officials.

It is also possible for freedom or release to be purchased as is shown in the following text:

CST 541¹⁶⁷

Gudaga, their mother, released Šara-kam, Ur-gu-nu'a, the two of them, for twenty shekels of silver, to Manšume. Manšume swore by the name of the king that he will not return to the silver. Before: Lugale-bansa, before: Lugal-e, before: Dingir-saga, before: Ur-gepar, son of Su-tur, before: Nigar-kidu, son of Dagu, before: Lu-uršaga; month: '8', year: 'En-unugal-ana of Inanna was installed'.

In this instance, the mother of the two slaves purchased their release for the price of twenty shekels of silver. It is possible that this example of bondage and release related to a debt because of the language of Manšume swearing that he will not return to the silver. Whether slaves were dependent

¹⁶⁶ NATN 920 (Nippur; Amar-Suen Year 6; UM 55-21-213) = Steinkeller, *COS* 3. 134-A

Obverse: [...] ^dnin-urta-^rka⁷-[ka] / u₄-ma-ni-gar arad₂ x [x] / a-tu ad-da-ni / nam-i₃-gi₄-la-še₃ / ama-ar-gi₄-ni i₃-gar / lu₂-giri₁₇-zal / lu₂-dingir-ra šeš a-tu-me / nu-u₃-ub-gi₄-gi₄-de₃-ša / mu lugal-bi in-pa₃ / igi lugal-a₂-zi-da ugula-iri nibru^{ki}-ka-še₃ / ur-^da-ba-ba nimgir-ma^h / un-da-ga nimgir gin₂ / lugal-engar / šeš-kal-la / lugal-ma₂-gur₈-re // Reverse: lu₂-me-lam₂ / la-la / amar-šuba₂ / ^rsag⁷ [...] -la / x [...] x [...] // Left Edge: mu ^damar-^dsuen lugal-e ša-aš-ru^{ki} ^rba⁷-^hul-a

¹⁶⁷ CST 541 (Umma; Amar-Suen Year 5, Month 8; JRL 541) = Steinkeller *COS* 3.134-B

Obverse: ^dšara₂-kam / ur-gu₄-nu₂-a / min-na-ne-ne / 1/3(diš) ma-na ku₃-babbār-še₃ / gu-da-ga / ama-ne-ne / ma-an-šum₂-e-še₃ / in-ši-du₈ / ma-an-šum₂-e // Reverse: ku₃-ba nu-ub-gi₄-gi₄-da / mu ^rlugal⁷-bi in-pa₃ / igi lugal-e-ba-an-sa₆-še₃ / igi lugal-e₂-še₃ / igi dingir-saga-še₃ / igi ur-ge₆-par₄ dumu su-tur-še₃ / igi nigar^{gar}-ki-du₁₀ dumu da-gu / igi lu₂-ur₄-ša₃-ga-še₃ / iti e₂.iti-6(diš) / mu en-unu₆-gal-an-na ^dinanna ba-^hun

on the kindness of their masters or the ability of family members or their own persons to find the disposable income to secure their release, the opportunities for manumission were limited.

3.8.5 Summary and Conclusion of Manumission and Release in Early Mesopotamia

The source of a slave appears to be the primary determining factor for isolating the opportunities an unfree or bonded person might have for a change in status. As such, the stratification found in the 'Code of Hammurapi'; the differentiation between the native population and houseborn slaves in the Edict of Ammisaduqa; and other texts which mention release in relation to people from the native population reduced to a form of slavery, whether by debt or some other mitigating circumstances, strongly suggests that chattel slaves were of a different status than the debt-slaves from among the native population during at least the Old Babylonian period and perhaps in early Mesopotamia more broadly.

Chattel slaves, however, were not without chances for manumission, but such opportunities were likely at the discretion of the owner or through payment. While the kindness of a master toward a slave could be the cause behind instances of manumission or the slave being the heir to the master, coercion could also serve as a motivation to manumit slaves. Since the opportunity for manumission encouraged a greater loyalty from one's slaves, a master could use the possibility of manumission to increase fidelity among slaves. Further, if the 'Code of Hammurapi' reflects the practice of releasing slaves who bear children to their masters, such a possibility encouraged already vulnerable female slaves to submit sexually to their master in the hopes of a better life. The broader, more official releases by kings, however, could be pious acts or attempts to prevent certain household from gaining too much wealth and resources, which could pose a threat to a king who recently ascended to the throne.

While edicts were issued which enabled those reduced to a form of slavery to be set free from their debts and therefore their bondage, for the slave of foreign origin, there does not appear to

be much opportunity or hope for manumission. For these individuals escape, despite the related consequences, presented the most likely opportunity for getting out of slavery (see further discussion of flight and the related consequences in chapter 5).

3.9 Conclusion

The early Mesopotamian sources of slaves provide insight into a number of questions relating to social history. One of the more important aspects to the discussion relates to the debate about the foreignness of slaves in early Mesopotamia. On the basis of the palaeographic features of the two predominant signs typically associated with slavery ‘woman plus mountain’ (S A L + K U R = g e m e 2) and ‘man plus mountain’ (N I T A + K U R = a r a d 2), it was assumed that slavery in Mesopotamia originated from foreign sources. While knowledge of early Mesopotamian slavery has grown considerably, scholars have often disagreed about the significance of the number of foreign slaves in comparison to the slaves or bonded people from the native population. Since this question is important to understanding early Mesopotamian slavery, this conclusion on the topic of the acquisition and release of slaves is divided between slaves of foreign origin and those commoditised people who come from the native population. While dividing the observations along these lines is not without its difficulties and a number of choices must be made,¹⁶⁸ presenting the conclusions in this manner may prove to be helpful.

3.9.1 Foreign Slaves

Determining the foreignness of slaves is a notoriously difficult problem since slaves could be stripped of their identity and assimilated into the controlling society. However, renaming did not

¹⁶⁸ For instance, children born to slaves are considered here to be a domestic source of slavery for a number of reasons. First, when slaves were relocated, they were stripped of national identity in many instances. In which case, the slave’s child was no longer a foreign person but a slave in the host society. Secondly, slaves often bred with people from the native population. This is shown by the laws dealing with this issue in the ‘Code of Hammurapi’ and the completed cases which contest the status of slaves during the Ur III period. Finally, a child born to a slave does not have to be imported. However, as discussed above, a child born to a slave (*wilid bītim*) during the Old Babylonian period did not enjoy the same privileges as commoditised people who were from the native population. These factors complicate the organisation of the sources of slave by origin, since the children born to slaves do not really fit into either category neatly.

always take place and a number of other factors reveal that slaves were acquired from foreign sources. The two primary means by which foreign slaves were acquired are import through the slave trade and the more prominent source of prisoners of war. It is likely that the earliest attestations of slaves acquired from a foreign source as prisoners of war can be found in the Proto-cuneiform record of Late Uruk/Jemdet Nasr. The signs *g e m e 2* and *a r a d 2*, usually translated as ‘slave girl’ and ‘slave’ respectively, appear together for the first time during Early Dynastic period (Englund 2009: §2.2 note 13). Both of these include the sign KUR, which unlike its function to denote gender in the Proto-cuneiform, came to refer to the mountains or any foreign land. Another important sign combination possibly relating to slaves is the *i g i - n u - d u 8*. Although there has been little agreement about who these people were, it seems likely that some of these were blinded prisoners of war. By the Old Akkadian period, prisoners of war were certainly utilised, but the claims of military success and prowess during the reign of Rīmuš have not been substantiated, and most of the slave names of this period are not of foreign origin.

Documentation of the acquisition of prisoners of war for the utilisation of their labour also comes from the Ur III period, where the escort, transfer, and assimilation of prisoners of war into the administrative machine (Dahl 2003: 59-61). The practice of blinding prisoners of war for demobilisation and control likely continued in the Ur III period, as evidenced by the inscription attributed to Šu-Suen and the presence of workers called *S I G 7 - a*. While there does not appear to have been a steady influx of prisoners of war during the Ur III period (Lafont 2009), the documentation of some significant accounts of prisoners of war remain extant in the record. Although it is likely that some prisoners of war became slaves in private households, increases in the availability of prisoners of war did not seem to alter prices in private slave sales as in other periods. While the economy of the Ur III period, as a largely planned economy, was not as subject to fluctuation as the economies of the Old Babylonian period, there is evidence of price fluctuation for the acquisition of labour in times of greater demand. Since the utilisation of prisoners of war

primarily related to the interests of the administrations and since there is the lack of clear price fluctuation in the prices of slaves during the Ur III period, the evidence suggests most of these prisoners of war were employed by the palace and temples. While it may be assumed that some of these prisoners of war could eventually end up as household slaves, the impact on the slave market would be reduced if the prisoners of war were incorporated *en masse* by the administration and only gradually disseminated into the private households. Further, if Steinkeller (2013: 354, 357) is correct about settlements of prisoners of war, then perhaps many of these were resettled and worked but not sold. On the basis of the reconstructed process of how prisoners of war were transported and gathered into the administrative work force of the Ur III period, this is one possible explanation.

The practice of gathering prisoners of war during the Old Babylonian period continued, making an apparent and significant impact on the local slave prices. This suggests that the cost of slaves was driven by supply and demand principles and that prisoners of war were more readily available in the private sector upon their importation. While prisoners of war were not legally slaves upon entrance into the conquering society, these people were commoditised and very vulnerable. Among the life courses which the life of a prisoners of war could take, many would have ended up as slaves in some capacity. Some were effectively owned by the crown. Others appear on the slave market being sold by individuals.

During the Old Babylonian period, the slave market also consisted of slaves who were imported by Babylonian and foreign traders, and there is clear evidence of trips being financed to purchase slaves from certain regions. How these people became slaves in the first place is beyond the record, but there are a few possible ways which seem reasonable on the basis of the attested practices of enslavement in the ancient Near East. It is probable that these imported slaves came from a variety of sources and could have been prisoners of war; slaves purchased from previous

owners; and individuals who were kidnapped for the purpose of import and sale. Further, families could sell dependents of the household if there was a desire or need for some income of sorts.

All this suggests, that slaves of foreign origin and in particular prisoners of war were an important source of slavery in early Mesopotamia, and yet a source that was very unstable and liable to fluctuation on the basis of the strength and ambition of a given ruler. When the stock of slaves of foreign origin was depleted and the need for labour outside the family continued, other sources must provide the workforce from among those already living in the land, and there are a variety of means by which the requisite labour was secured.

3.9.2 Native Population

When considering the commoditisation of the native population, there are a number of determining factors. For instance, the lack of slaves of foreign origin did not only affect private households with their needs of labour and their desire to show and protect wealth. The labour needs of the crown and temples continued irrespective of the availability of prisoners of war or the lack thereof. When such sources of labour for these institutions were not available or the labour demands exceeded the available chattel slaves, the native population was utilised to meet the work demands of the temples and the crown. The use of such labour in early Mesopotamia is conveniently translated as ‘*corvée* labour’. The forms ‘*corvée*’ service took could be work performed or military service (see Steinkeller 2013: 348). While there is little evidence about ‘*corvée* labour’ for the Ur III period, Steinkeller has written on the subject with particular emphasis on duties performed for the crown in exchange for plots of land and projects worked in service to the palace or temples (see Steinkeller 2013 in particular). In the Ur III period, conscription was one way by which the requisite labour and military demands of the crown were met. The twentieth year of Šulgi commemorates the conscription of the men of Ur as bowmen.

Šulgi 20:

The year sons of Ur were conscripted as ‘bowmen’.¹⁶⁹

The consequences of failing to meet the requirements of the conscription were not lenient. For example, flight from conscription as a Bowman could also result in imprisonment (see discussion in chapter 5 and Englund 1990: 160-162). Determining the extent to which these conscripted individuals may be classified as state slaves is very difficult, since some historical examples of the practice of the coercive seizure of individuals to perform state tasks can be considered normal military practice, while other work programmes sourced through conscription took more heinous forms.¹⁷⁰ During this same period, slaves already in the land could be utilised by the administrations to perform the required tasks. This is clearly seen in the Garšana evidence where people listed as slaves and slaves of the palace were housed in warehouses that could be locked (Heimpel 2009a: 63).

The Old Babylonian administrations also utilised labour of the native population through the *ilku* and *tupšikkum* (for other terminology relating to ‘corvée’ during the Old Babylonian period, see Stol 1995). This service was also performed in exchange for fields and houses. Stol (1995: 299) has established that the normal period of service for *tupšikkum* work was one month. In the event that a person failed to perform the requisite functions, the penalty involved the loss of the related benefits. For this period, it is clear that there were a number of ways a person could have someone else

¹⁶⁹ m u d u m u u r i ₂ ^k i - m a l u ₂ g e š - g i d ₂ - d a k a b a - a b - k e š ₂

¹⁷⁰ Two examples might be worthy of consideration here to show the complexity of the question. On one end of the spectrum of historical examples relating to forced duties to be performed by native population are some World War II conscription programmes. In response to the threat of Hitler, the British government conscripted 1.5 million men by the end of 1939. Those conscripted were not permitted to leave their assignment or forego their duties without the possibility of severe consequences. Such measures are commonly taken by countries to establish military strength. The situation of the kulaks in Stalinist Russia, however, may be viewed quite differently. Stalin pursued a programme of ‘dekulakisation’ which sought to seize the farms of wealthy peasants and force them to work on collective farms. Kulaks could also be sent to labour camps where they were required to work on the collective farms with unrealistic requirements for grain production by the overseers. This attempt by Stalin to wipe out a ‘class’ from the population represents the other end of the spectrum whereby a state takes control over people and forces them to perform duties for the country. Where the forced service of early Mesopotamia fits within this spectrum is difficult to establish, and these practices likely fit in different places at different times in early Mesopotamia.

perform their service duties, such as hiring someone, supplying a slave, or a family member (Stol 1995: 298-300).

Coerced labour from the native population was also secured by means of debt. While debt and the resultant division of families because of loans existed prior to it, beginning at least as early as the Ur III period and continuing through the Old Babylonian period, it is clear that the dependents of a debtor or the debtor's own person could be handed over as a distraint to serve as interest for the acquisition of a loan. While credit was extended for the purpose of repayment in some instances, the desire to gain access to coerced labour is likely one of the main reasons loans were offered to poor people who had little realistic chance of repayment. While debt caused a number of individuals to sell themselves or dependents into slavery, as discussed above, poverty and other factors also resulted in the sale of people from among the native population. Although the motivation behind some of these sales could have been for the purpose of financial gain, such as when a child was sold by a parent, it was also possible that children were sold by poor parents in hopes of securing a better future for the child. The parent, for instance, may have been unable to care for the child, and the act of sale was deemed preferable, since the purchaser might be able to provide a more secure future for the child.

One way to circumvent the problem of labour shortages and to produce further wealth was breeding slaves together and/or breeding with slaves. The children of slaves are treated in a variety of ways in the 'law codes' of early Mesopotamia. While the prescribed judgments rendered for these situations are not reflected in any documents of legal practice known to me, these 'laws' offer insight into the complex nature of children born to parents of differing status and the sexual vulnerability faced by female slaves. For the most part, it seems that the children of slaves were treated as any other commodity and that these children did not enjoy any of the privileges belonging to the members of the native population. By the Late Old Babylonian Period, it appears that slaves

were available for purchase from two large categories: houseborn slaves and slaves from the foreign population.

Slavery, as discussed above, was not just for the purpose of securing labour or the presentation of wealth. Members of the native population could also end up as slaves because of offences committed in early Mesopotamia. The enslavement of an offender or members of the offender's family as punishment can be viewed as a debt owed to the victim, but it may simply be a retributive act. Either way, slavery *ex delicto* was another means by which members of the native population could be reduced to involuntary labour and even slavery.

Shifting from the acquisition of slaves from the viewpoints of private households, temples, and palaces to the perspectives of the vulnerable population, people in early Mesopotamia were faced with the harsh reality that there were numerous ways by which a person could end up a slave of sorts. Upheaval caused by war, famine, a bad crop, or a crime committed within the family could land a person in slavery either in that person's own land or in some other hostile territory. While there were numerous ways by which a person could be enslaved, precious few opportunities for release or manumission appear to have existed. Those opportunities appear to have a direct correlation to the source and origin of the slave. While debt slaves could be returned to their former status at general releases, the upward mobility of non-native slaves and the children who were born to slaves was largely left to the discretion of the owner. While the 'law codes' offer some other possibilities for manumission on the basis of slaves bearing children with their masters or the right to purchase freedom, the documents of practice provide precious few examples of manumission and do not offer sufficient evidence to extract an underlying principle or some unstated rule for the manumission of foreign and houseborn slaves in early Mesopotamia.

Chapter 4

The Economics of Slavery in Early Mesopotamia

4:1 Introduction: The Economics of Slavery in Theory

When considering the profitability of slavery in early Mesopotamia, it must be remembered that there is no tangible evidence to show that most of the population viewed slavery in such terms. Instead, slavery was practiced so widely and for such a long period of time that it was likely something which was merely done rather than a calculated decision of risk, profit, and loss. Nevertheless, an Old Babylonian letter, AbB 1, 139 (cited below), shows at least one slave seller and his purchaser taking into consideration the resale value of slaves on the basis of appearance, indicating that the question of the profitability of slaving is not entirely an imposition of modern concerns, and there are other reasons why the economics of slavery should be considered in a study of early Mesopotamian slavery. The economics of slavery have become very important to modern discussions about the history of slavery. To understand the role economic theory has played in our understanding of slavery, the debate about slavery in the modern Western world must be considered.

The issue of slavery divided the Western world on legal, ethical, religious, and economic grounds. For insight into the religious debate, *The Talking Book*, by A. D. Callahan (2006), is particularly instructive. Callahan demonstrates the role of the Bible among slave owners and slaves together with abolitionists and the divergence of opinion reached on the basis of hermeneutical approaches to key passages. Many American slaves readily identified with the people of Israel and the exodus, expressing their cries for freedom using Biblical language and imagery in folk songs such as 'Go Down, Moses'. As such, many slaves came to view the United States as Egypt and themselves as Israel in search of a new exodus. Slave owners, however, reached very different conclusions. For these, the United States was the new Israel, which provided them with a divine right to enslave others, or so the argument went. The battle over slavery in the United States,

however, was not simply a question of Biblical interpretation. Another key document was important for the discussion. The Declaration of Independence with its language of equality formed a legal battleground for the debate. If the country was founded on the principle that all humans were created equal, what implications does this view of humanity have for the debate about the ethics of slavery from a legal perspective? Despite these religious, legal, and ethical debates, accord was not being achieved. Whether one's conclusions were reached by religious conviction or one's viewpoint of ethics, these debates could be set aside in order to utilise other tactics to achieve political ends. One such issue which was employed by people on both sides of the debate was the question of the economic viability of slavery. Proponents of slavery attempted to stave off efforts to abolish slavery by claiming the abolition of slavery would collapse the economy. The argument was that slavery had become so integral to the economy that ending the institution would have dire consequences for the nation and a negative impact on the everyday lives of the free citizens. Such proponents of slavery, however, were met with equal vehemence from abolitionists on the question of economics. The other side of the economic argument was that slavery was more costly than utilising the labour of free workers and that slavery limited jobs available for the lower class citizens of the nation.

The American debate, however, was not the only one which had a lasting impact on the study of slavery. In Britain, the discussion about slavery was slightly different than in the United States. Without any legal statements about the natural equality of man, the British debate focused mostly on questions of the economy, parliamentary process, religion, and ethics. Among these various discussions in the British context, the economic question is of interest here. Although arguments were advanced about the negative impact ending the slave trade would have on Britain and in particular port towns such as Liverpool, eighteenth century Scottish philosophers, Hume, Millar, and Smith, questioned the economic viability of slavery as opposed to the utilisation of labour by free individuals (see discussion in Nippel 2005a: 33).

The political climates of the West during the 18th and 19th centuries are the contexts in which the views of Marx and Weber about ancient slavery should be understood (on this point, see the insightful discussion of Marx and Weber in Nippel 2005a: 34-35). While the discussion about the economic viability of the institutions of slavery throughout the history of the world cannot be solely attributed to the political tension created by the debate between modern abolitionists and proponents of slavery, such concerns arguably provided these questions a position of prominence in subsequent studies about the history of slavery. Although the economic question of slavery in early Mesopotamia may be at points an imposition of modern concerns to ancient data, slavery in relation to the economy of early Mesopotamia has produced numerous interesting results. Investigations into the economics of slavery from the perspectives of profitability and sustainability have revolved around two main questions: 1. Is the utilisation of slave labour more or less cost effective than the utilisation of hired labour? 2. Can a slave society reproduce itself without the continual influx of the slave trade?

The first question relates to the cost of slaves and their maintenance versus the cost of hiring a day labourer for a wage. The initial cost of a slave to the owner is higher upfront. The slave, as a commodity, comes into the possession of the owner, and the master must provide basic care for the slave year round whether the slave's labour is required or not. For a farmer, for instance, periods of irrigation, harvest, and planting require more labour than other times of the year. Further, days when weather and other mitigating circumstances prevent the maximum utilisation of the labour of the slave, the owner must still provide basic care to the slave. To maximise the return from the investment in a slave, a slave during slower times could be hired out or forced to work in areas beyond the scope of the slave's training and competence. With slaves, the owner must also give some effort to coercion during the day and night. Coercion to perform the tasks of the day must be attended to by the owner. At night, measures must be taken to prevent the escape of slaves. Slaves must be fed, clothed, provided shelter, and coerced to work. The cost of the slave can accrue in

other ways. Slaves might be tempted to be lazy with their work, since there is limited incentive to be overly productive. Further, disgruntled slaves may have opportunities to sabotage valuable equipment or goods in order to rebel against their owners in discreet ways. Cairnes, a 19th Century Irish professor of political economy, wrote: ‘[The economic defects of slave labour] may be summed up under the following three heads:—it is given reluctantly; it is unskillful; it is wanting in versatility’ (Cairnes 1862: 44). Cairnes, basing his assessment of slavery on the reports of Olmsted’s published accounts of travels to the Southern States of America,¹⁷¹ argues slave labour cannot be profitable in comparison to free labour. Either from the accounts of Olmsted or from the work of Cairnes, Marx appears to develop his theory of sabotage.¹⁷² Proponents of the theory of sabotage hold that slaves cannot be trusted with valuable tools or animals since it provides the slave with the opportunity to sabotage the profits of the owner. This potential for sabotage relates also to any temptation the slave might have to injure or even kill oneself to inflict some form of harm on the owner.

The coercion of a day worker is different from that of a slave. The day worker is coerced by compensation to return to work. The compensation must be at a level high enough for the worker to return and produce but in some instances calculated at a level for minimal subsistence. Unlike slaves, day workers can be viewed as expendable. A slave injured or killed on a job must be replaced at further cost. An injured or dead worker, however, can be replaced, potentially without financial consequence to the overseer or boss, at least in comparison to the cost incurred because of injury or the death of a slave. Further, day workers do not have to be provided for when their labour is not required.

¹⁷¹ Olmsted (1856 and 1861) published numerous impressions of the Southern States in the New York Times and two books.

¹⁷² MEW 23:210 n.117. See also Nippel 2005a:41. Nippel (2005a:42) goes on to say: ‘This sabotage theory was to play an important role in later Marxist writings on antiquity; it should, however, be stressed that Marx did not say that it applied also to antiquity’. Weber (1924: 85), for instance, applied the theory of sabotage to antiquity.

These possible costly aspects of slavery might have been mitigated in the minds of owners by the benefits of having a steady workforce of slaves that was not dependent on the reliability of the wage earner and because of the possibility of reproduction among slaves, which leads to the second key question of the economics of slavery. Can a slave society reproduce itself?

Marx and Weber, among others, held the view that slave societies are dependent upon a steady influx of new slaves to replenish the losses created by minimal subsistence, abuse, and the exploitation of the labour of slaves. This prevalent belief held by abolitionists resulted in attempts to end slavery in Britain and the United States by abolishing the trade of slaves, while allowing slavery to persist. The thought of abolitionists was that without the slave trade, slavery itself would die out over time. This view proved to be false as can be seen from the statistics on slaves in the United States before and after it became illegal to import slaves in 1808. As Nippel points out, ‘The number of slaves in the USA had grown from seven-hundred thousand in 1790 to one million and two hundred thousand in 1810, and four millions in 1860, despite of the progressive abolition of slavery in northern states. This was due to the fact that southern slaveholders had paid attention to an equal ratio of sexes and fostered family unions’ (Nippel 2005a: 47). The ability to reproduce a slave society without a steady influx of slaves, then, remains an historical possibility.

4.2 Early Mesopotamian Economies

There exists little agreement about the nature of early Mesopotamian economies, and while the topic deserves further investigation, this discussion will only survey some introductory aspects, before focusing more specifically on the economics of slavery and the implications which can be derived from the related data.

In general, as summarised by Postgate, there are three basic types of exchange: reciprocal, redistributive, and commercial (Postgate 1992: 191). Reciprocal exchange involves goods and services which once provided or given create a relationship that results in the expectation of a

reciprocal action. So if a family slaughtered a cow, other members of the community could be invited to share in the meal with the expectation that when a guest of that meal slaughters an animal of their own, the original family would be invited to share in the food provided. These reciprocal exchanges can involve many different services and goods and can consist of informal expectations or more formal agreements which create dependency (Postgate 1992: 191).

Redistribution involves the gathering of resources to the temples or palaces for the purpose of redistributing to the community through employment. The process of redistribution allowed for specialisation in areas outside of food production, but other economic approaches could have resulted in similar specialisation and subsequent urbanisation (Postgate 1992: 191). It is, however, incorrect to view the gathering of resources by the temple and palace as merely for the purpose of employing people, since the strength of the palace can provide protection to the community and the temple can serve charitable functions for families in need.

Commercial exchange involves transactions between people where prices can fluctuate on the basis of market principles. While the documentation might suggest that one mode of exchange was the most prominent for a given period, Postgate (1992: 191) concludes, '[...] one of the complexities of early Mesopotamian society is precisely the coexistence of these three modes and their variations'.

A number of other issues complicate the investigation of the economies in early Mesopotamia. The most prominent difficulty, perhaps, relates to the nature of the documentation of these early economies and the bias of the sources. When it comes to the extant sources of the Third Millennium, these documents are largely focused on palaces and temples. A lot of the private economic activity which might have occurred, however, is not documented, although there are a number of private slave sales. Such paucity of evidence relating to private economic activity in general can lead to an overemphasis on palace and temple economic activity without sufficient attention being paid to the private sphere. Further, the earliest periods, in particular, do not have

nearly the level of preservation of the Ur III period, which has led to some discussions assuming that the Ur III evidence is largely representative of the other economies of the Third Millennium (see Steinkeller 2004: 91).¹⁷³ Yet even with the vast amount of evidence from the Ur III period, scholars have been unable to agree on the nature of the economy. For some, the economy of the Ur III period was planned. The rigorous adherence to the standardised equivalency system applied in Ur III period is among the evidence employed to argue in favour of viewing the Ur III economy as a planned economy (Dahl 2003: 40). Others suggest some private activity existed alongside the state economy of the Ur III period (Steinkeller 2004: 91-93). Although this economy appears to have been largely dominated by fixed principles within the administrations, at least from the perspective of the preserved record, on the periphery and in contexts outside of the management of the administration, price fluctuation appears to have occurred (see discussion in chapter 3). Further, the rations received by workers in the administration did not provide all of the necessary goods requisite for every day life. These rations in many cases exceeded the amount of barley requisite for the daily life of a single individual, although it must be kept in mind that it is not clear how many people in a family were supported by these rations. While most of the rations were for consumption, a portion was likely used to diversify the diet and provide other basic necessities, such as clothing and shelter (see Steinkeller 2004: 96). These other basic necessities and perhaps the occasional luxury were likely secured by trade. While it is possible that the palace regulated even the smallest transactions by fixing prices, it is more likely that individuals were able to barter and negotiate with one another on the basis of the availability of certain items and other principles, even if a physical market did not actually exist (Postgate 1992: 191).

¹⁷³ For a discussion of early economics which does not take the Ur III data as representative or normative, see Prentice's (2010) work on Presargonic Lagaš for a discussion of this early economy.

In many ways, labour during the Ur III period can be viewed as a commodity.¹⁷⁴ One area in which the principle of supply and demand can be seen in the Ur III period is in relation to the acquisition of labour during times of harvest. While the rations received within the administrations show little fluctuation, the high rates of compensation discussed in chapter 3 in relation to debt-slavery suggest that supply and demand may have been an operable principle in the Ur III period, outside of or on the periphery of the administration (see Steinkeller 2002: 119).

By the Old Babylonian period, the nature of the documentation changes to some extent with a larger body of evidence relating to the private sphere. While the shift in documentation may again distort the results, it is generally agreed that increased private activity played a significant role in the Old Babylonian economies. It is in this period, where market principles in relation to slave prices have been informative for larger trends in the Old Babylonian society.

4.3 Slave Prices

During the Presargonic and Old Akkadian periods a slave cost approximately fifteen shekels of silver. By the Ur III period, slave prices dropped to five or six shekels of silver for females and on average ten shekels of silver for males (Steinkeller 1989: 138), before rising again during the Old Babylonian period, during which, slave prices were subject to fluctuation on the basis of supply and demand. In the early part of the Old Babylonian period, a slave cost between 10-20 shekels of silver (Stol 2004: 913) but generally averaged between 15-30 shekels of silver throughout the period (see Steinkeller 1989: 138).

Since numerous slave sale documents remain extant and since these transactions are the result of a variety of scenarios, the data contained therein is not only restricted to questions relating

¹⁷⁴ Englund (2012: 132) writes about the free sale of labour during the Ur III period: 'Inwiefern die Gleichsetzung von Silber und Arbeitszeit in der Haushaltsbuchführung der altakkadischen und der Ur-III-Zeit zu verallgemeinern war, muss mangels weiterreichender Textbelege offen bleiben. Abrechnungen wie Princeton 396 (Umma, Šulgi 40) mit Vs. 1-4: 2 (geš' u) 3 (geš₂) 3 (u) 5 (diš) guruš u₄ 1 (diš)-še₃ / erin₂ diri / 2 (geš' u) 5 (geš₂) 3 (u) 3 (diš) guruš u₄ 1 (diš)-še₃ / ku₃-ta sa₁₀-a, ³1415 Arbeitstage, 'Zusatztrupps', 1533 Arbeitstage, mit Silber eingehandelt', scheinen in der zweiten Hälfte der Šulgi-Regierungszeit immerhin die freie Käuflichkeit von Arbeitskraft gegen Silber zu bezeugen'. The text further demonstrates labour can be rightly considered a commodity during the Ur III period.

to slaves but can also be used to make a number of observations about the society in general. As such, fluctuation in the cost of slaves can be indicative of larger trends in society. In cultures that capture and utilise the labour produced by successful war campaigns, the influx of large numbers of prisoners of war into the slave market can cause a drop in prices. In times of peace, the cost of slaves can rise and stabilise because fewer external factors were affecting the market. Farber (1978: 14) used these principles to explain a sudden drop in the prices of slaves toward the end of the reign of Ḫammurapi. If Farber's interpretation of the evidence is reflective of the Old Babylonian slave labour market, during the reigns of strong, aggressive rulers, there was a reduction in the cost of slaves, assuming these rulers utilised the prisoners of war as workers and slaves. Conversely, the reigns of weak, passive rulers was marked by an increase in slave prices due to the reduction of prisoners of war available for sale. The same principle is informative for Richardson's study of the end of the Old Babylonian period. Richardson concludes about the cost of slaves:

we see a marked decrease in the price of slaves in the early years of Ammišaduqa's reign (Aš 02-04, almost all of whom, it seems were women). Prices under 10 gín kù.babbar [10 shekels of silver], unattested in the reign of Ammiditana, were available as late as Aš 15 – and then the sources rapidly dry up thereafter. These prices were even cheaper than those that prevailed in the time of Hammurabi – slaves were even cheaper in Ammišaduqa's reign than cows – and one may posit that the cause was similar to the MOB [Middle Old Babylonian Period]: a rise in the number of persons enslaved as prisoners of war, and a consequent drop in availability after Aš 15 (Richardson 2002: 303-304).

This, however, is only the case if the labour economy is driven by the basic market principles. In an economy that does not fluctuate on the basis of supply and demand, the increases in the availability of slave labour will not alter the cost of slaves with significance.

While seeking to determine norms and medians of prices for purchasing slaves in a given society, numerous factors must be taken into consideration. In fact, one Old Babylonian letter preserves advice about desirable qualities in slaves and aspects which relate to the overall value of a slave and especially potentiality for resale.

AbB 1, 139¹⁷⁵

As long as the lad is not splendid, do not purchase (him).¹⁷⁶ And the slave-girl...as long as she is not splendid and is small, do not purchase (her) [. . .] We bought two slave girls for 23 shekels. Since they were lean, Šuma-ilum did not take them (i.e. did not buy them). I have arranged that they now appear well, and I shall sell them. Do not pay attention to the low cost and do not buy (lit: do not buy a wrong). As long as a slave or a slave girl is not splendid, do not purchase....

Certain slaves were sold at extremely high prices. According CT 6, pl. 29,¹⁷⁷ Warad-Bunene was sold for the steep price of 90 shekels of silver. Several factors could have resulted in someone wishing to pay such a sum for the slave. The age, sex, health, and training of a slave combined to determine the perceived value of a slave. Small children and older people did not cost as much as a young adult slave. Males typically fetched a higher price than females, likely because of the ways in which their labour was expected to be utilised by the purchaser. Health was a very important factor in determining the cost of a slave with sellers attempting to hide deficiencies in the wellbeing of a slave. This can be clearly established on the basis of the epilepsy clauses included in the Late Old Babylonian slave sale documents. A shift in Old Babylonian slave sale contracts by the Late Old Babylonian period reveal an effort to prevent deceptive measures by including a time of inquiry to determine if the slave had epilepsy or other matters which would render the sale void. ‘Skill’ was a factor that could also drive up the cost of slaves. If a slave had some sort of desirable trade, the owner could benefit from the labour of the slave directly; the slave could be hired out to other individuals to produce income for the owner; or a slave could be used for both of these. Such prospects increased the value of the slave and therefore the price. While it cannot be verified with

¹⁷⁵ AbB 1, 139 (Unclear Provenance; ND; BM 80197) = CT 44, 63 (partial translation in Snell 2011: 10):

Obverse: ... 12'. ku₃.babbar x ga al a-di še₂-eḫ-ru la na-am-ru / i-na u₂-ba-ne la ta-la-pa-at u₃ sag.geme₂ / i-nu'-ma x x x ma a-di la na-am-ra-at / u₃ še₂-eḫ-re-ma i-na u₂-ba-ne la ta-la-pa-at / a-ṛ na-ṛ še₂-eḫ-ri-im na-am-ri-ma ku₃.babbar-um / [...] ṛ x ṛ ta a i-na 1(u) ši-mi-im / [...] ṛ ši-ṛ-mi-im ku₃.babbar / [...] ṛ x ṛ x ra-am // Reverse: ṛ x x ṛ šu [...] / ar-ḫi-iš lu-ša-bi-la-ṛ am ṛ (or ṛ kum ṛ) / 2(diš) sag.geme₂ ša 1/3 ma.na 3(diš) gin₂ ku₃.babbar ni-ša-am¹ / aš-šum ši-ru-ši-na ma-tu₂-u₂ šu-ma-dingir / u₂-ul el-qi₂-ši-na-ti pa-ni-ši-na u₂-na-wi-ir-ma / a-na-di-ši-na-ti a-na¹ ku₃.babbar ma-ṫi₃-im / i-in-ka la ta-na-ši-ma ḫa-ṫi₃-im / la ta-ša-am a-di sag.arad u₃ sag.geme₂ / la na-am-ru i-na u₂-ba-ni la ta-la-pa-at / ...

¹⁷⁶ This phrase literally means ‘do not touch (him) with a finger’. See note a to AbB 1: 139 for the sense of ‘do not buy (him)’.

¹⁷⁷ See chapter 5 for data and comments related to this text.

any certainty, training and ability were likely the reasons for the high cost of Warad-Bunene (CT 6, pl. 29). The other factors such as age, sex, and health could explain small increases in the cost of a slave but can hardly be sufficient to explain a transaction of 90 shekels of silver for a single person. While Warad-Bunene was likely a healthy male and perhaps a young adult since the *abi šābim*¹⁷⁸ attempted to enlist him in the military five years after his purchase, the one factor which forms the most plausible cause behind the steep purchase price is ‘skill’. However, it also seems possible that access to slaves during this period may have been limited, which could have also driven up the purchase price. While the price for Warad-Bunene was high, the cost was not so extreme to render it impossible on the basis of other slave sales from the Old Babylonian period (see for example the compilation of slave prices from Sippar in Harris 1975: 342-343 for comparable data).

Despite the fluctuation of slave prices on the basis of the qualities specific to the individual slave, slave prices can still be used to discover larger trends in early Mesopotamia. In general, it can be concluded that a slave cost around twenty shekels of silver during the reign of Ḫammurapi,

¹⁷⁸ According to CAD A/1: 51-52, the *abi šābim* refers to an official in charge of personnel. Yoffee (1977: 53-76) discusses the term and various interpretive options. He concludes: ‘We have tried to show in this chapter that the *abi šābim* was not a police officer, a leader of troops, or a specialist for the investigation of certain wrongs. He was rather, a crown official whose basic duties lay in the area of agricultural administration—the procurement and storage of resources, and then the utilization of these resources in profit-making financial activities. These duties naturally involved certain relations with those elements of the populace not directly dependent on the crown, especially when those duties took on larger public significance. Thus, the legal authority of the *abi šābim* was recognized in cases when “community” members owed service to the state—for example, military service. The *abi šābim* not only supplied provisions to the military, but also enforced decisions made by the community about whether certain of its members were obliged to serve. The *abi šābim* would not be expected, however, to preside in cases that were properly the jurisdiction of local authorities’ (Yoffee 1977: 76).

which is reflective of the ‘Code of Ḫammurapi’ §§116, 213-214, 251-252.¹⁷⁹ The individual characteristics of the slave which affect cost are not always clear in the extant sources, so a norm for the price of slaves must be sought to determine if there are fluctuations of cost in slaves because of external factors and trends in society rather than the occasional costly slave or fluctuations on the basis of the above individual factors.

Slaves sales during the Old Babylonian period, to some extent, reflect the political context in which the transactions were made. The slave contract during the Old Babylonian period, as mentioned above, underwent significant changes from the reign of Abiešuh and continuing throughout the rest of the period (see van Koppen 2004: 10-11 for a summary). The earlier contracts include a number of statements which are omitted in the later material. Similarly additions are made to the Late Old Babylonian contracts which are not found in the previous documents. For instance, many of the early slave contracts include the mention of the slave crossing the pestle (*bukānum*),

¹⁷⁹ Farber (1978: 14) makes this point when he observes that male slaves during the reign of Ḫammurapi cost around 24 shekels of silver, while the price of female slaves tended to be lower at thirteen shekels of silver.

Following Roth 1997:

‘Code of Ḫammurapi’ §116 (after Roth 1997):

šum-ma ni-pu-tum / i-na e₂ ne-pi₂-ša / i-na ma-ḫa-ši₂-im / u₃ lu i-na uš-šu-ši-im / im-tu-ut / be-el ni-pu-tim / dam.gar₃-šu / u₂-ka-an-ma / šum-ma dumu a-wi-lim / dumu-šu i-du-uk-ku / šum-ma arad a-wi-lim / 1/3 ma.na ku₃.babbar / i-ša-qal / u₃ i-na mi-im-ma šum-šu / ma-la id-di-nu / i-te-el-li

If the distrainee should die from the effects of a beating or other physical abuse while in the house of her (or his) distrainer, the owner of the distrainee shall charge and convict his merchant and if (the distrainee is) the man’s child, they shall kill his (the distrainer’s) child; if the man’s slave, he shall weigh and deliver twenty shekels of silver; moreover, he shall forfeit whatever he originally gave as the loan.

‘Code of Ḫammurapi’ §§213-214 (after Roth 1997 with minor variation):

šum-ma geme₂ a-wi-lim / im-ḫa-aš-ma / ša li-ib-bi-ša / uš-ta-ad-di-ši / 2(diš) gin₂ ku₃.babbar / i-ša-qal / šum-ma geme₂ ši-i / im-tu-ut / 1/3 ma.na ku₃.babbar / i-ša-qal

If he strikes a man’s slave woman and causes her to miscarry her child, he shall weigh and deliver two shekels of silver. If that slave woman should die, he shall weigh and deliver twenty shekels of silver.

‘Code of Ḫammurapi’ §§251-252 (after Roth 1997 with minor variation):

šum-ḫ ma ḫ gu₄ a-wi-lim / na-ak-ḫ ka-pi₂-ma ḫ / ki-ma na-ak-ḫ ka ḫ-pu-u₂ / ba-ab-ta-šu / u₂-še-di-šum-ma / qar-ni-šu / la u₂-šar-ḫ ri ḫ-im / gu₄-šu ḫ la ḫ u₂-sa-an-ni-iq-ma / gu₄ šu-u₂ / dumu ḫ a ḫ-wi-lim / ḫ ik-ki ḫ-ip-ma / ḫ uš ḫ-[ta]-mi-it / 1/2 [ma].na ku₃.babbar / i^o-[na]-ad-di-in / [šum]-ḫ ma ḫ arad a-wi-lim / 1/3[?] ma.na ku₃.babbar / ^oi-na-ad-di-in

If a man’s ox is a known gorer, and the authorities of his city quarter notify him that it is a known gorer, but he does not blunt(?) its horns or control his ox, and that ox gores to death a son of a man, he (the owner) shall give 30 shekels of silver. If it is a man’s slave (who is fatally gored), he shall give twenty shekels of silver.

These laws, in comparison with ‘Code of Ḫammurapi’ §114 below, it can be established that ‘Code of Ḫammurapi’ gives a basic value of twenty shekels of silver for a servile person without taking into consideration the usual factors of sex, age, health, and skill. Individuals of a higher status are valued at 30 shekels of silver (‘Code of Ḫammurapi’ §251).

‘Code of Ḫammurapi’ §114 (after Roth 1997):

šum-ma a-wi-lim / e-li a-wi-lim / še u₃ ku₃.babbar / la i-šu-ma / ni-pu-su₂ it-te-pe₂ / a-na ni-pu-tim / iš-ti-a-at / 1/3 ma.na ku₃.babbar / i-ša-qal

If a man does not have a claim of grain or silver against another man but distrains a member of his household, he shall weigh and deliver twenty shekels of silver for each distraint.

which is also found in contracts dealing with the sale of land. This is followed by a statement that the heart of the seller is content, and the transaction is complete. Finally, the oath is taken in the names of gods and the king that a claim will not be made challenging the agreement. In general, the later contracts omit these elements and add other standard clauses and material relating to the sale. In the Late Old Babylonian slave sale documents, the price of the slave was stated and an additional payment (SI.BI) was included. There is also mention of a *teb'itum* or 'investigation' (Stol 1993: 134-135, *CAD* T: 305) as it is usually understood. The slave must not have epilepsy or some other condition, thereby rendering the slave unfit for normal service. The assumption is that if the slave had a prior condition of epilepsy at the time of the sale, this will become evident in one month's time. The seller was further held responsible for any claims which might be made against the slave.

Slaves in the Ur III period were sold for a variety of prices. While there are lots of slave sales for the Ur III period which involve the purchase of slaves with silver, other commodities could be used to acquire humans. Humans could be bought during the Ur III period with cows. For instance, in BSOA 6, 1366 a male slave is purchased for one cow.

BSOA 6, 1366¹⁸⁰

One cow price of Lugal-amu, the slave of Lugal-emaḥ, from Ušmu, Ur-Gigir received. Year: the en-priestess of Eridu was installed.

Similarly, three slaves were purchased for one cow and two oxen during the same year.

BSOA 6, 1378¹⁸¹

One cow, two plow oxen, the price of Ur-dumuzida, Lu-Utu, and Lugal-Urraniše, slaves of Ur-Utu, from Ušmu, Lugal-emaḥ received. Year: the en-priestess of Eridu was installed.

¹⁸⁰ BSOA 6, 1366 (Umma, Amar-Suen Year 8; NBC 939)

Obverse: 1 (diš) ab₂ maḥ₂ / sa₁₀ lugal-a₂-mu / ARAD₂ lugal-e₂-maḥ-e / ki uš-mu-ta / ur-^{gēš}gigir i₃-dab₅ // Reverse: mu en eridu^{ki} ba-ḥun

¹⁸¹ BSOA 6, 1378 (Umma, Amar-Suen Year 8; NBC 955)

Obverse: 1 (diš) ab₂ maḥ₂ / 2 (diš) gu₄ geš / sa₁₀ ur-^ddumu-zi-da lu₂-^dutu / u₃ lugal-ur₂-ra-ni-še₃ / arad₂ ur-^dutu-me // Reverse: ki uš-mu-ta / lugal-e₂-maḥ-e i₃-dab₅ / mu en eridu^{ki} ba-ḥun

Equivalencies of humans in comparison to other commodities can be seen when a deficit is to be paid by an estate. In the previously cited text, MVN 10, 155 a deficit of clarified butter and kašk cheese is paid with five females.

MVN 10, 155 (see transliteration above p.69 no. 99)
142 litres of clarified butter, 180 litres of kašk cheese, the year, ‘Simurum was destroyed for the third time’; deficit of UrKANara, the cattle herder. UrKANara died; Baba, his child, Ba’aba ..., Er-..., Agati, Zala’a, female slaves, as estate instead of the deficit, of the deliveries their deficit is removed (from his account).

This text involves the forfeiture of five humans to settle a debt of clarified butter and kašk cheese owed by a cattle herder. These texts, together with other sale documents, demonstrate the ways in which human slaves were devalued and treated as exchangeable commodities for silver, animals, or debts of clarified butter and kašk cheese.

When it comes to the actual slave prices for the Ur III period, most of the documentation of Ur III slave prices relate to the latter years of Šulgi’s reign through the reign of Ibbi-Suen. The average cost of an adult male slave during this period was ten shekels of silver. Female slaves on average cost between five and six shekels of silver (see Steinkeller 1989: 138 for slave prices during the Ur III period). Although the data is somewhat limited and random in preservation, there does not appear to be any clear market fluctuation on the basis of the strength of rulers as described for the Old Babylonian period, since variation in prices likely relate to the age and quality of the slave rather than reflective of the availability of slaves and the strength of rulers. If the cost of slaves was subject to such fluctuation, one would expect a hike in the prices of slaves sometime during or after Amar-Suen, since it is thought the latter rulers were incapable of providing a steady supply of prisoners of war (see discussion of prisoners of war in Adams 2010, Lafont 2009, and chapter 3).

When considering the economic question in early Mesopotamia and in particular the practice of slaving was economically viable, a number of issues must be taken into consideration. First, owning slaves provided access to a steady workforce, offering at least some immunity to the

wage inflation discussed in chapter 3 in relation to debt-slavery. Secondly, slaves could be hired out; could be used as collateral to gain access to credit; and could serve within the household. Thirdly, in times of financial difficulty, these slaves could be resold. But slaves had to be cared for around the year and any illness, death, or flight among slaves resulted in financial loss for the owner, whereas such costs were not incurred when dealing with hired workers.

It is difficult to judge all of these issues relating to the viability of owning slaves and, like any investment, each situation was different, depending on whether the slave remained healthy and numerous other factors which could be planned with any certainty. Hiring out the slave for a period of time was one way an owner could recoup the cost of a slave and even make a profit. For instance, in the following text a slave was purchased at the price of fourteen shekels of silver and was hired for three years for the price of eighteen shekels of silver.

ITT 3, 5276 + 6570¹⁸²

Completed case: Burmama, [slave of L]an[ga], [from Langa Ur-Enki] purchased. The slave from Ur-Enki was returned to the hand of Langa. For this reason, fourteen shekels was the purchase price of the slave. Eighteen shekels were the wages of the slave for three years from Langa. For Ur-Enki it was confirmed....

Even if the owner was responsible for the general care of the slave for the duration of the period for which the slave was hired, the cost was recuperated in three or at the most four years. Once the slave was paid for, the owner had access to the slave for any personal labour needs; could hire the slave out again to start making a profit; or sell the slave in the future. In ITT 3, 6509, a similar wage is recorded for a person of unknown status for four years of work at three shekels a year.

¹⁸² ITT 3, 5276 + 6570 (Girsu; Šu-Suen Year 5; Ist L 5276 + 6570) Englund 2012: 136:

Obverse: Column 1: di til-ṛlaṛ / l(diš) bur-ma-ṛmaṛ [arad₂ la]-ṛanṛ-[ga] / [ki la-an-ga-ta] / [ur]-^d[en-ki-ke₄] ṛinṛ-sa₁₀ / arad₂ ki ur-^den-ki-ta / la-an-ga šu-na ba-an-gi₄ / mu-bi-še₃ / l(u) 4(diš) gin₂ sa₁₀ arad₂ / l(u) 8(diš) gin₂ a₂ arad₂ mu 3(diš)-kam / ki la-an-ga-ta / ur-^den-ki-ra / ba-na-gi-in...

ITT 3, 6509¹⁸³

[... the wages] for Ur-kalam for four years, at three shekels per year. Its silver: twelve shekels shall be weighed. Andaga was established for Ninana. [...] the official [...]

While other wages were paid, a reasonable rate of compensation for hiring out a male worker could be between three to six shekels of silver. These wages were likely low in comparison to the compensation paid to individuals who possessed some special trade or ability. If a male slave cost on average ten shekels of silver during the Ur III period, then it is a reasonable expectation that the cost of a slave could be recuperated in two to three years. However, this is based on the assumption that there was enough demand for labour to secure such an agreement to hire out the slave.

While the private demand for access to labour cannot be determined with great certainty due to the nature of the documentation, owners also had the possibility of hiring their slaves to the palace and temples or perhaps provide them for ‘corvée’ labour. In fact, most of the workers in Garšana are referred to as slaves, which as mentioned in chapter 3, raises the possibility that other workers in the administrations of the Ur III period were slaves as well. While giving a slave to the administration for a period of time may not have provided any income for the owner, the practice could provided other benefits such as covering the maintenance cost of the slave for a period through the rations distributed by the officials in charge of the construction project or not having to perform the work oneself.

Another broken text reveals the possibility of a similar investment recuperation by hiring out a female slave. The average cost of a female slave is five to six shekels of silver. In ITT 5, 6727, a wage was paid for hiring a female slave at twelve shekels of silver.

¹⁸³ ITT 3, 6509 (Girsu; Date Broken; Ist L 6509) = NG 2, 66; Englund, Robert K., *CDOG* 4 (2012): 126, 140:
Obverse: beginning broken / [a₂] ṛ u r - k a l a m ṛ - k a / m u 4 (d i š) - k a m m u - a 3 (d i š)
g i n₂ - t a / k u₃ - b i 1 (u) 2 (d i š) g i n₂ l a₂ - e - d e₃ // Reverse: a n - d a - g a / n i n - a - n a -
r a / b a - n a - g i - i n / [. . .] ṛ m a š k i m ṛ / rest broken

ITT 5, 6727¹⁸⁴

8'. and the wages of the female slave [for four? years] is twelve shekels of silver....

Although the period during which the female slave was hired is broken, it is reasonable to conclude that the period of hire was between three or four years. However, the period may have been as high as six years, since as Englund (2012: 126) has shown, in CT 10, pl. 48 (BM 21429) female millers were working at the rate of six months for one shekel (or two shekels per annum). If the slave was acquired for five shekels of silver, the owner recuperated the purchase price in approximately two to three years. It is, however, entirely possible that the slave woman cost even more and that the period of rental for three or four years generated enough income to offset the cost of the original acquisition of the female slave. This is reasonable on the basis of the more complete and possibly comparable situation found in ITT 3, 5276 + 6570 above.

Kienast and Volk (1995: 152) state that a slave often cost less than 30 shekels of silver and could be hired out at four to ten shekels of silver per annum during the Old Babylonian period. At this rate it would take three to eight years to recuperate the cost of the slave, but it is known that slaves could cost even less at points during the Old Babylonian period. Given the fluctuation of slave prices for this period, it is difficult to reconstruct an expectation of return for the investment, and it is likely that the principles of supply and demand which increased and lowered slave prices would have had the same affect on rates for the hire of slaves. While an exact economic plan of investment to recuperation and profit cannot be securely reconstructed, there were multiple incentives for a person to purchase and own slaves. During the Old Babylonian period, slaves could be utilised by their owners; sent to perform 'corvée'; handed over as distraints; and hired out. Further, slaves could be purchased and resold for a profit, as seen in AbB 1, 139.

The above survey of evidence suggests that owning slaves could be economically advantageous, since one could recuperate the cost of a slave in less than five years' time in some

¹⁸⁴ ITT 5, 6727 (Girsu; Date Broken; Ist L 6727) = NG 2, 70; Englund, Robert K., *CDOG* 4 (2012): 126, 141: Obverse: *n* lines broken / ... // Reverse: 8'. u₃ a₂ g e m e₂ [m u₄ (d i š)[?] - k a m] 1 (u) 2 (d i š) g i n₂ k u₃ - [b a b b a r - a m₃] ...

instances. Further, slaves could be used for a variety of purposes such as labour; presentation and protection of wealth; reproduction; distraints for loans; as moveable commodities; sexual partners; and as a portion of dowries, among other things.

4.4 Summary and Conclusion

A number of factors were involved in determining the cost of slaves in early Mesopotamia, such as health, age, sex, and training. These aspects, which cannot always be known from the record, complicate any study of slave prices with a resultant potentiality for error based on limited information that can affect the outcome of prices. Other issues, however, can cause price change. For the Old Babylonian period, it is generally thought that price fluctuation occurred on the basic principles of supply and demand. When a large number of prisoners of war became available for purchase, the price of slaves subsequently dropped. Conversely, periods which did not have a steady influx of slaves the prices increased. During the Third Millennium BC, however, slave prices appear to have been relatively stable at fifteen shekels of silver until the Ur III period when the prices of slaves dropped to approximately five to six shekels of silver for female slaves and on average ten shekels of silver for male slaves. In general, the prices for slaves rose in the Old Babylonian period, only to dip to considerable lows in tandem with the power and abilities of kings. Despite the inherent difficulties, the study of the economics of slavery in early Mesopotamia has produced a number of insights such as these.

The following two questions were presented above as being central to debates about the economic efficiency of slavery: 1. Is the utilisation of slave labour more or less cost effective than the utilisation of hired labour? 2. Can a slave society reproduce itself without the continual influx of the slave trade? While the evidence of early Mesopotamia can hardly be expected to answer such questions definitively, the above discussion suggests that owning slaves, despite the risks involved,

could be a profitable means of furthering and protecting wealth in early Mesopotamia. There are many ways in which an owner might benefit from owning slaves. A master could hire out slaves to someone else; use slaves to gain access to further wealth; resell slaves; and breed them. Slaves could be used as part of a dowry, or they could be used to secure or settle a debt. Further, by owning slaves, the individual was less vulnerable to labour shortages which appear to have occurred at times in early Mesopotamia. Slaves could also be used as substitutes for ‘corvée’ labour.¹⁸⁵ Owning slaves was also a sign of wealth and power. As such, slave possession was about status and protection. Although the economics of slavery is very interesting for a number of questions relating to slavery, the economy, and even the strength and geographic reach of certain rulers, slavery in early Mesopotamia should not be reduced to a simple question of cost versus financial benefit, since there are a number of other complex factors involved. While the practice of slaving has been presented here as a potentially profitable venture in early Mesopotamia, there were a number of risks involved, such as mortality rates, sickness, and various forms of rebellion. These risks are perhaps most clearly seen in the individual rebellion of slaves and the problem of runaways.

¹⁸⁵ For the Old Babylonian period, see discussion of the practice of using substitutes for ‘corvée’ projects in Stol (1995: 298-300). Similarly, Steinkeller (2013: 367) states that the same practice would have likely occurred in the Ur III period: ‘Accordingly, we have to assume that, at least in the case of the higher-ranking people, the corvée work they were liable for was done by their substitutes. Such substitutes may have been junior kinsmen of the individuals in question, or their servants or chattel slaves, or perhaps hired menials. Unfortunately, our sources (as far as I know) shed no light on this matter.’ *Festschrift Sigris* 131, 4 (cited below) appears to be an example of an Ur III text which records an owner using a slave to replace him in military conscription.

Chapter 5

Flight in Early Mesopotamia

5.1 Introduction

The study of flight in early Mesopotamia is of particular importance for the study of slavery for a variety of reasons. The Ur III period, for example, is well-documented with thousands of extant texts, which touch on numerous aspects of society. The mass of evidence, however, remains elite-biased, which can lead to faulty conclusions and mask certain important aspects of the Ur III society because of the nature of sources. Traditional archaeology with its primary focus on palaces and temples has only fuelled the top-down impressions given by the documents of the Ur III period (Adams 2006: 148). Increasingly, studies continue to appear which attempt to look for innovative ways to marshall the extant evidence to arrive at more nuanced views of the Ur III society, but there remains a number of obstacles. First, literacy was not as widespread as one might wish. Whereas the palace and temples were able to document life from their perspectives and ideals, lower stratum workers and households are left without a voice, except that voice which is provided for them by the elite. Secondly, the centralised focus of the early administrative documents do not likely adequately account for the periphery and the households which have overlap with the Ur III palace but also function outside of its oversight in some aspects. While it is not the position of the author that the Ur III rule functioned as a top-down, all-encompassing machinery that controlled every aspect of the economy and lives of the population, it is likely that once a person entered into slavery or began working for the Ur III administrations, in particular, that individual was placed in a vulnerable position where certain instances of rebellion and flight could result in serious consequences at the behest of the people in authority over the runaway.

The study of runaways in early Mesopotamia offers primary evidence to consider slavery and the struggle for freedom through the lenses of the risks taken by the non-elite to change their

station in life and the lengths to which the elite would go to maintain the status quo. As such, it is the hypothesis of this chapter that the examination of runaways offers insight into slavery and work practices from the perspectives of members of the non-elite community.

5.2 Flight: Native Terminology from Early Mesopotamia Denoting Flight

Every person mentioned in a text but not bearing the term ‘slave’ is not necessarily ‘free’. Flight among slaves and other workers posed a common threat in the history of early Mesopotamia.¹⁸⁶

Flight is typically recorded in early Mesopotamia by using one of the following Sumerian terms

ḫ a l , k a r , z a ḫ₂ , z a ḫ₃ or written in Akkadian with a term such as these: *ḫalāqu*,¹⁸⁷ *abātu*, and

munabtu.¹⁸⁸ The purpose for recording the flight of individuals is not always clear. In some cases,

runaways are mentioned in the documents for the purpose of pursuit. In other instances, the reason

for recording the people who fled might have been for the sole purpose of adjusting the

administrative record. In the Old Babylonian period, for example, texts include fled workers, but it

is unclear whether pursuit and capture were motivations behind these records.¹⁸⁹ While the purpose

of recording the flight of workers in the administrations of early Mesopotamia is not always clear,

evidence suggests that in all periods the reason for recording flight among slaves was for pursuit

and capture.

¹⁸⁶ For an overview of the problem of flight in the ancient Near East, see Snell 2001. See also Westbrook’s (1995: 1670-1673) section on flight in the ancient Near East from a legal perspective. More specifically, see Heimpel 2009a: 60-63 for flight during the Ur III period. Dahl (2010) refers to the flight of a potter during the Ur III period. For the Old Babylonian period, see Renger 1972: 167-182. For the Middle Babylonian evidence, see Tenney 2011: 93-133. For flight in the Neo-Babylonian period, see Dandamaev 1984. Dandamaev’s substantial work does not target the problem of flight specifically, so references to flight are interspersed throughout.

¹⁸⁷ *CAD* gives the following semantic range for *ḫalāqu*, ‘to disappear, vanish, to become missing or lost, to perish’ and ‘to escape, flee’. *CAD* 6: 36-40. See Tenney (2011: 106) for his interaction with *CAD*. Tenney concludes: ‘All of the twenty-five of the quoted, non-figurative, instances of the first translation in the G-stem refer to inanimate objects (property, sealed documents, dye-marks, boats, jewelry, etc.), organs or illnesses, domestic animals (pigs, sheep), or locations (road, towns, etc.). For the second meaning, ‘to escape, flee,’ all instances refer to slaves who are absent without permission, soldiers or monarchs running from battle or invasion, employees who abscond with livestock or are gone for very long periods, and people who disappear from prison or are deceased. Therefore, the use of the verb, when referring to the actions of human beings, tends to deal with activities that are illegal (theft), cowardly (fleeing from battle), or done without permission (flight of slaves or breaking out of prison).’ Snell (2001: 31, 37-38) attempts to connect practices and ratios of ‘absenteeism’ of modern history with the flight phenomenon in the ancient Near East, referring to the Sumerian *z a ḫ₃ - ḫ a* as ‘fled’ but offering the translation ‘missing’ for the Akkadian term *ḫalāqu*.

¹⁸⁸ For other terms relating to flight in the ancient Near East, see ‘Flüchtling’ in RIA 3.

¹⁸⁹ Renger (1972: 167-182) argues that by the Old Babylonian period, non-slave workers were able to leave their position without pursuit. This view is considered more extensively below.

The problem of flight raises another interpretive issue. If ‘non-slave’ workers are *unable to leave* their position *without the threat of pursuit and capture*, what does this say about the status of those workers in the administration? This very difficult question of status enters into some of the more complex debates about the history of the ancient Near East. Cuneiform tablets are not always clear indicators of social hierarchy. Further, when attempting to reconstruct social history on the basis of cuneiform tablets, the evidence can only be used to draw tentative conclusions that may require revision as the command of the original sources increases and new texts are published, and the omission of references to status in some texts, information which may have been taken for granted in the context in which these documents were created, complicates the discussion of status in relation to flight. For instance, in some cases, the identification of a fugitive might be sufficiently included in a document without making reference to social status or profession.¹⁹⁰ From the Old Akkadian period, CUSAS 13, 12 (Adab; ND; CUNES 48-09-028) mentions various individuals who are purchased as slaves. The scribe identifies the individuals using name and profession. Among these slaves, there is a shepherd, a plowman, and a leather-worker. It is conceivable that the leatherworker, for example, could run away and be identified in another text recording flight as ‘PN leatherworker’. The hypothetical tablet could include but does not have to include referents which indicate social status. Failure, however, to include a term related to slavery does not necessarily mean the individual in question was free. Omission of such referents to status in some primary documents complicates the investigation but should not detract from the significant amount of data that contributes to the reconstruction of social history of early Mesopotamia.

¹⁹⁰ See below the texts MC 4, 45 and BIN 8, 243 for texts which illustrate the flexibility of documentation within cuneiform texts when referring to the same person. In the first text, E-ḫalub is also mentioned with his profession, carpenter but not in BIN 8, 243.

MC 4, 45 (cited in full below)

5. n u¹ u r - d n i n - a - z u

Not (present) Ur-Ninazu

6. d u m u e₂ - ḫ a - l u - u b₂ n a g a r
the son of E-ḫalub, the carpenter.

BIN 8, 243 (cited in full below)

6[?]. n u u r - d n i n - a - z u

Not (present) Ur-Ninazu.

7[?]. d u m u e₂ - ḫ a - l u - u b₂
the son of E-ḫalub.

5.3 Legal Historical Approaches to the Problem of Flight

Flight among slaves is a significant historical problem, which has resulted in a variety of ‘laws’ ancient and modern. By the mid 19th Century AD, large numbers of slaves in the United States were successfully escaping each year to the North. With time a compromise in the US led to the enactment of the ‘Fugitive Slave Act of 1850’. The act not only empowered officials to capture and return fugitive slaves to their owners, it also threatened the officials with a \$1,000 fine for failure to do so. Further, people caught aiding fugitive slaves were also liable to a \$1,000 fine. Within this racially motivated system of slavery, the fear and likely result was that free people were vulnerable to kidnapping. In fact, in 1851 posters were put up around Boston warning ‘colored people’ not to speak with the watchmen and police officers of Boston, since they had the power to act as ‘kidnappers and slave catchers’. The act of 1850 was a measure intended to empower and enforce Clause 3 of Section 2 of ‘The Constitution of the United States’, which required the return of runaway slaves.

The issue of runaways and how to control them must be considered in every true slave system. As such the legal issue of fugitive slaves is not a modern phenomenon and can be traced back into some of the earliest legal-historical texts. In AD 1901-2, a little more than 50 years after the ‘Fugitive Slave Act of 1850’ and 36 years after the ‘Thirteenth Amendment’, which abolished involuntary slavery in the United States, French archaeologists discovered the ‘Code of Hammurapi’, one of the most frequently cited texts about slavery in early Mesopotamia. As the ‘Code of Hammurapi’ is but one compilation of ‘laws’ which consider the issue of runaway slaves, this text must be considered in the context of other early Mesopotamian legal-historical material.

5.3.1 Flight Prevention in the ‘Law Codes’

The ‘laws’ of early Mesopotamia treat slaves as commodities (‘Code of Hammurapi’ §§7, 16; ‘Code of Ešnunna’ §50). The commoditisation of these humans is the organising principle by which

the ‘laws’ of early Mesopotamia dealing with runaways can be understood. These ‘laws’, without delving into the punishment slaves might face for attempting to change their status, focus on prevention through identification (such as a slave mark) and restraint. Since preventive measures will not always ensure slaves do not runaway, three basic means of coercion are utilised to prevent people harbouring and/or aiding in the escape of slaves. The two negative means of coercion relate to physical punishment and payment. The final means relates to positive incentives to return slaves.

If slaves are easily identified, escape becomes more difficult. During the Old Babylonian period, slaves apparently wore a distinctive hairstyle (*abbutum*) which marked them out from the rest of the population (‘Code of Hammurapi’ §§226-227). As ‘Code of Hammurapi’ §§226-227¹⁹¹ suggest, the process of manumission involved the removal of the slave mark by a barber. During the same historical period, slave marks, shackles, and fetters were to be worn by slaves while in Ešnunna with such individuals being prohibited from leaving the city (‘Code of Ešnunna’ §§51-52¹⁹²). As owners of commodities, masters were responsible to take the appropriate measures to ensure a slave could be identified and prevented from escaping. Such preventive measures and indeed others are mentioned in documents of practice and letters which will be considered more fully below in the pertinent section.

5.3.2 Physical Punishment in the ‘Law Codes’

As mentioned previously, the focus of these ‘laws’ are not on punishing the slave who ran away.

The physical punishment considered here relates to people abetting in the escape of slaves. For assisting the escape of or capturing someone else’s slave, the two means of physical punishment

¹⁹¹ See text below.

¹⁹² ‘Code of Ešnunna’ (after Roth 1997 with minor variation):

§51 *wardum u amtum ša ešnunna^{ki} ša kannam maškanam u abbutam šaknu abul ešnunna^{ki} balum bēlīšu ul ušši* §52: *wardam u amtum ša itti mār šiprim našrūma abul ešnunna^{ki} īterbam kannam maškanam u abbutam iššakkanma ana bēlīšu našir*

Translation: §51: A male slave or female slave of Ešnunna who wears fetters, shackles, or a slave-lock shall not go out through the city gate of Ešnunna without his owner. §52: A male slave or female slave who has come in through the main city-gate of Ešnunna in the safe-keeping of only a foreign envoy shall be made to wear fetters, shackles, or a slave-lock. He is kept safe for his owner.

were mutilation and the death penalty. Since the slave mark (*abbuttum*) was the means by which humans were identified as slaves in the Old Babylonian period, the illegal removal of the slave mark was deemed a punishable offence. In the case of ‘Code of Hammurapi’ §226,¹⁹³ the barber who removed the mark without authority to do so was to have his hand cut off. If, however, someone forces the barber to remove the mark against the barber’s will, the barber was to take the oath, but the individual who forced the barber to remove the mark was to be put to death (‘Code of Hammurapi’ §227¹⁹⁴). This is not the only place in ‘Code of Hammurapi’ where the death penalty was prescribed when dealing with runaways. ‘Code of Hammurapi’ §§15-20 discuss various scenarios dealing with runaway slaves, prescribing the death penalty as punishment for the most egregious offences.¹⁹⁵ ‘Code of Hammurapi’ §15¹⁹⁶ is concerned with attempts to aid the escape of slaves¹⁹⁷ or perhaps attempts to kidnap slaves. The intention behind the paragraph could relate to either §14, which gives the death penalty for kidnapping a child of an *awīlum*, or the subsequent paragraph §16, which deals with harbouring runaways. ‘Code of Hammurapi’ §15, however, likely

¹⁹³ ‘Code of Hammurapi’ §226 (after Roth 1997):

šum-ma šu.i / ba-lum be-el arad / ab-bu-ti / arad la še-e-em / u₂-gal-li-ib / kišib.la₂ šu.i šu-a-ti / i-na-ak-ki-su₂

Translation: If without the permission of the owner of the slave a barber shaves the slave-lock of a slave not belonging to him, they shall cut off the hand of that barber.

¹⁹⁴ ‘Code of Hammurapi’ §227 (after Roth 1997):

šum-ma a-wi-lum / r šu.i i-da-aš-ṛ-ma / ab-bu-ti / arad la še-e-em / ug-da-al-li-ib / a-wi-lam šu-a-ti / i-du-uk-ku-šu-ma / i-na ka₂-šu / i-ḫa-al-la-lu-šu / šu.i i-na i-du-u₂ / la u₂-gal-li-bu / i-tam-ma-ma / u₂-ta-aš-šar

Translation: If a man tricks a barber into shaving the slave-lock of a slave not belonging to him, they shall put that man to death. They shall hang him in his gate. The barber shall swear, ‘In knowledge I did not shave it. (i.e., I did not knowingly shave it)’ He shall be released.

¹⁹⁵ See the methodological section about the role of ‘law’ in determining social history. Irrespective of the perspective one takes on the roles of these documents in early Mesopotamia, the critical engagement of evidence from different genres can offer insight into social life in early Mesopotamia.

¹⁹⁶ ‘Code of Hammurapi’ §15:

šum-ma a-wi-lum / lu arad e₂.gal / lu geme₂ e₂.gal / lu arad maš.en.gag / lu geme maš.en.gag / ka₂.gal uš-te-ši₂ / id-da-ak

Translation: If a man should cause a slave of the palace or a female slave of the palace or a slave of a *muškēnu* or the female slave of a *muškēnu* to leave through the gate, he shall be killed.

¹⁹⁷ See Driver and Miles (1952-1955, Vol. 1: 106) and Snell (2001: 79) for this interpretation.

incorporates both ideas without requiring specificity. In which case, the intention relates to any unauthorised attempt to take slaves through the city gate irrespective of motive or purpose.¹⁹⁸

‘Code of Hammurapi’ §16¹⁹⁹ considers attempts to provide refuge for fugitive (*halqam*) slaves and after the cry of the city herald gives the death penalty as the consequence. Perhaps, the mention of the city herald was intended to establish the illegal absence of a slave, thereby proving the individual was complicit in the act of harbouring rather than ignorant of the legal status of the slave. This remains a possibility for at least two reasons. First, the punishment for the one who gives refuge to the slave is meted out after the public proclamation of the herald. Secondly, the ‘Code of Hammurapi’ deals separately with the possibilities of a person receiving stolen goods unwittingly and knowingly (compare ‘Code of Hammurapi’ §§9-10²⁰⁰) with the former not being

¹⁹⁸ The same root *wašûm* used in §15 appears in §16 in reference to bringing the runaway out at the cry of the herald and appears in the ‘Code of Ešnunna’ §51, which sought to prevent slaves ‘leaving’ through the city gates without permission.

¹⁹⁹ ‘Code of Hammurapi’ §16:

šum-ma a-wi-lum / lu arad lu geme₂ / hal-qa₂-am / ša e₂.gal / u₃ lu maš.en.gag / i-na bi-ti-šu / ir-ta-qi₂-ma / a-na ši-si-it / na-gi-ri-im / la uš-te-ši₂-am / be-el e₂ šu-u₂ / id-da-ak

Translation: If a man should give refuge to a runaway slave or female slave of the palace or a *muškēnu* in his house and does not bring him out at the cry of the herald, that lord of the house shall be killed.

²⁰⁰ ‘Code of Hammurapi’ §9 (after Roth 1997):

šum-ma a-wi-lum / ša mi-im-mu-šu hal-qu₂ / mi-im-ma-šu / hal-qa₂-am / i-na qa₂-ti a-wi-lim / iš-ša-ba-at / a-wi-lum ša hu-ul-qum / i-na qa₂-ti-šu / ša-ab-tu / na-di-na-nu-um-mi id-di-nam / ma-ḥar ši-bi-mi / a-ša-am / iq-ta-bi / u₃ be-el hu-ul-qi₂-im / ši-bi mu-de / hu-ul-qi₂-ia-mi / lu-ub-lam / iq-ta-bi / ša-a-a-ma-nu-um / na-di-in / id-di-nu-šum / u₃ ši-bi / ša i-na maḥ-ri-šu-nu / i-ša-mu it-ba-lam / u₃ be-el hu-ul-qi₂-im / ši-bi mu-de hu-ul-qi₂-šu / it-ba-lam / da-a-a-nu / a-wa-a-ti-šu-nu / i-im-ma-ru-ma / ši-bu ša maḥ-ri-šu-nu / ši-mu-um / iš-ša-mu / u₃ ši-bu mu-de / hu-ul-qi₂-im / mu-du-su₂-nu / ma-ḥar i-lim / i-qa₂-ab-bu-ma / na-di-na-nu-um / šar-ra-aq id-da-ak / be-el hu-ul-qi₂-im / hu-lu-uq-šu i-le-qe₂ / ša-a-a-ma-nu-um / i-na bi-it / na-di-na-nim / ku₃.babbar iš-qu₂-lu / i-le-qe₂

Translation: If a man who claims to have lost property then discovers his lost property in another man’s possession, but the man in whose possession the lost property was discovered declares, ‘A seller sold it to me, I purchased it in the presence of witnesses’, and the owner of the lost property declares, ‘I can bring witnesses who can identify my lost property’, (and then if) the buyer produces the seller who sold it to him and the witnesses in whose presence he purchased it, and also the owner of the lost property produces the witnesses who can identify his lost property—the judges shall examine their cases, and the witnesses in whose presence the purchase was made and the witnesses who can identify the lost property shall state the facts known to them before the god, then it is the seller who is the thief, he shall be killed; the owner of the lost property shall take his lost property, and the buyer shall take from the seller's estate the amount of silver that he weighed and delivered.

‘Code of Hammurapi’ §10 (after Roth 1997):

šum-ma ša-a-a-ma-nu-um / na-di-in id-di-nu-šum / u₃ ši-bi ša i-na maḥ-ri-šu-nu / i-ša-mu / la it-ba-lam / be-el hu-ul-qi₂-im-ma / ši-bi mu-de / hu-ul-qi₂-šu it-ba-lam / ša-a-a-ma-nu-um / šar-ra-aq id-da-ak / be-el hu-ul-qi₂-im / hu-lu-uq-šu / i-le-qe₂

Translation: If the buyer could not produce the seller who sold (the lost property) to him or the witnesses before whom he made the purchase, but the owner of the lost property could produce witnesses who can identify his lost property, then it is the buyer who is the thief, he shall be killed; the owner of the lost property shall take his lost property.

punished for theft but the latter facing the death penalty. ‘Code of Hammurapi’ §19²⁰¹ also called for the death penalty for detaining slaves.

In terms of severity, the prescription of the death penalty in ‘Code of Hammurapi’ for assisting or harbouring runaway slaves goes beyond the other laws of early Mesopotamia. The extreme and final consequence of death must be understood in the context of the commoditisation of humans as slaves. Slaves in the ‘Code of Hammurapi’, like other early Mesopotamian ‘laws’, are treated as any other property of owners. Every attempt, therefore, to help a slave escape or take possession of someone else’s slave was an act of theft and punishable as such. This, therefore, only leaves the severity of punishment in ‘Code of Hammurapi’ for such offences puzzling until the general attitude of the ‘Code of Hammurapi’ toward theft is taken into consideration (see the paragraphs in the ‘Code of Hammurapi’ related to theft which give the death penalty, i.e. ‘Code of Hammurapi’ §§6-10, 21-22). The severity, then, was not necessarily severity against slaves, as it might be viewed. Rather, the death penalty for harbouring and assisting slaves in escape reflected the attitude toward theft in ‘Code of Hammurapi’. An argument which might be advanced against this perspective is the prescription of the death penalty for kidnapping the child of an *awīlum* in ‘Code of Hammurapi’ §14 which immediately precedes the discussion of harbouring runaway slaves in §§15-20. However, the general attitude in Mesopotamia to dependent members of households is one of ownership. This can be demonstrated by numerous means, not the least of

²⁰¹ ‘Code of Hammurapi’ §19:

šum-ma arad šu-a-ti / i-na bi-ti-šu / ik-ta-la-šu / wa-ar-ka arad / i-na qa₂-ti-šu / it-ta-aš-ba-at / a-wi-lum šu-u₂ / id-da-ak

Translation: If he should detain that slave in his house, after the slave is found in his possession, that man shall be killed. ‘Code of Hammurapi’ §19 likely continues with the scenario of capturing a runaway slave in the steppe (‘Code of Hammurapi’ §§17-18), since the paragraph otherwise lacks context, and ‘Code of Hammurapi’ §16 already establishes the penalty for the detainment of runaway slaves in the city. Further, the reference to ‘that slave’ (*arad šu-a-ti*) indicates that §16 is a continuation of the previous paragraph.

which include the sale of children by other family members.²⁰² In this sense, the kidnapping of a child, much like the harbouring of a slave, was an act of theft and as such punishable by death.

5.3.3 Monetary and Payment in Kind in the ‘Law Codes’

As discussed above, the ‘Code of Hammurapi’ treats the abetting of runaway slaves as an act of theft but surpasses previous ‘legal’ concepts in the extant record by calling for the death penalty in certain instances. The slightly earlier ‘Code of Ešnunna’ also treats slaves as commodities but handles the problem of runaway slaves differently. Rather than issuing a death sentence, the ‘Code of Ešnunna’ requires payment in kind. ‘Code of Ešnunna’ §49²⁰³ deals with slaves who have actually been stolen before stating that a harbinger of a fugitive must be treated as a thief (‘Code of Ešnunna’ §50²⁰⁴). Again the Codes of Ešnunna and Hammurapi focus on the people’s responsibilities for controlling runaway slaves without considering the actual fugitive other than attempting to prevent escape and secure the return of runaways as any other stolen piece of property. While the current state of documentation does not say much about the post-capture treatment of slaves, the topic is considered more extensively in subsequent sections.

²⁰² See for example CT 8, 22 (See full citation and discussion in chapter 3):

Obverse: 1(diš) ^dutu-nu-ri dumu.munus i-bi-ša-ḫa'-an / ki i-bi-^dša-ḫa'-an a-bi-ša / 1(diš) ^dbu-ne₂-ne₂-a-bi' / u₃ be-le-su-nu i-ša-mu-ši / a-na ^dbu-ne₂-ne₂-a-bi a-ša-at / a-na be-le-su-nu a-ma-at ...

Translation: ‘Šamaš-nūrī, daughter of Ibbi-Šaḫan, from Ibbi-Šaḫan her father, Bunene-abī and Bēlessunu purchased her. To Bunene-abī, she is a wife. To Bēlessunu, she is a slave girl....’

²⁰³ ‘Code of Ešnunna’ (after Roth 1997):

§49: *šumma awīlum ina wardim šarqim amtum šariqtim ittašbat wardum wardam amtum amtam iredde*

Translation: If a man be seized with a stolen slave or a stolen female slave, slave shall lead slave. Female slave shall lead female slave. The sentence, *wardum wardam amtum amtam iredde*, is interpreted by Roth as follows: ‘The probable meaning of *iredde*, “he shall lead, bring along,” in this context is that the party in whose possession the slave is found shall return the slave and in addition provide another of equal value.’ Roth (1997): 70 no. 26.

²⁰⁴ ‘Code of Ešnunna’ §50 (after Roth 1997 with minor variation):

šumma šakkanakkum šāpir nārim bēl tērtim mala ibaššū wardam ḫalqam amtam ḫaliqtam alpam ḫalqam imēram ḫalqam ša ekallim u muškēnim išbatma ana ešnunna^{ki} la irdiamma ina bītīšu iktala ūmī eli warḫim ištēn ušētiqma ekallum šurqam ittīšu ūtawwu

Translation: If a governor, controller of the canal, [or] any lord of authority seizes a runaway slave, a runaway female slave, a lost ox, or lost donkey of the palace or a *muškēnum* but does not lead it to Ešnunna, detains it in his house and allows more than one month to pass, the palace shall bring a charge of theft with him.

The flight of slaves is not the only concern in the legal-historical documents. The ‘Code of Ešnunna’ §§33-35²⁰⁵ considers children born to slaves (as discussed in chapter 3). The ‘Code of Ešnunna’ §§33-34 required the seizure and return of a child of a slave, whereas the adoption of the children of slaves could also occur. However, the adoption of a slave required a payment of equivalent value (‘Code of Ešnunna’ §35). These ‘laws’ concern slaves who were seeking to remove their children from the life of slavery, which could only be achieved through payment (likely in kind) and adoption.

The ‘Code of Lipit-Ištar’, attributed to the fifth ruler of the Isin Dynasty after the fall of the Ur III Dynasty, similarly treats harbouring a runaway slave as theft. The ‘Code of Lipit-Ištar’ states that anyone harbouring a runaway slave for a month shall give slave for slave. If the person does not have a slave, fifteen shekels of silver shall be paid (‘Code of Lipit-Ištar’ §§12-13²⁰⁶). The price of a slave in the Code of Hammurapi (§§116, 214, 252) was twenty shekels of silver.²⁰⁷ The price of fifteen shekels of silver in the Code of Lipit-Ištar perhaps reflects the average price of a slave during the reign of Lipit-Ištar and rightly fits between the cost of slaves during the Ur III period and the reign of Hammurapi (for more discussion of slave prices in early Mesopotamia, see chapter 4).

²⁰⁵ ‘Code of Ešnunna’ §§33-35 (full citation above):

§33: If a female slave deceives and gives her child to a daughter of a man (*awīlim*), when he has matured, his lord shall find him. He shall seize him. He shall lead him away. §34: If a female slave of the palace should give her son or her daughter to a *muškēnum* for upbringing, the palace shall take away the son or daughter whom she gave. §35: But the foster parent who takes the child of a female slave of the palace shall restore to the palace his equivalent.

²⁰⁶ ‘Code of Lipit-Ištar’ §12 (after Roth 1997 with minor variation):

t u k u m - b i g e m e 2 a r a d l u 2 - u 3 š a 3 u r u - k a b a - z a ḥ 2 e 2 l u 2 - k a l (d i š) i t i - a m 3
i 3 - t u š - a b a - a n - g e - e n s a g s a g - g i n 7 b a - a b - s u m - m u

Translation: ‘If a female slave or a male slave of a man flees in the city, and it is established that [the slave] dwelled in the house of a man for one month, he shall give slave for slave.’

‘Code of Lipit-Ištar’ §13:

t u k u m - b i s a g n u - t u k u 1 (u) 5 (d i š) g i n 2 k u 3 - b a b b a r i 3 - l a 2 - e

Translation: ‘If he does not have a slave, he shall weigh out fifteen shekels of silver to pay’. Interestingly, a slave is worth five shekels of silver less than a tree in an orchard (‘Code of Lipit-Ištar’ §10).

²⁰⁷ Farber (1978: 14) concludes the following: ‘It is interesting to note that the calculated mean of a slave sale price for the reign of Hammurapi of twenty-four shekels for males and thirteen shekels for females is about the same as that found in the Hammurapi Code, which reckons a slave’s value at twenty shekels’.

As discussed before, the commoditisation of humans is the unifying principle by which the ‘laws’ relating to runaway slaves can be understood. On this basis, any such attempt to harbour or assist runaway slaves is an act of theft and therefore punishable as such. For this reason, the ‘laws’ of early Mesopotamia do not appear to entertain the idea that someone for humanitarian reasons might wish to harbour a slave for the purpose of helping the slave change status. The personhood of the slave is in no way considered when it comes to flight. Just as setting an animal free from an owner’s pen is an act of theft irrespective of the motive behind the act of removal, so also any attempt to aid or protect a runaway slave was considered an act of theft since it removed a commodity from the possession of an owner.

5.3.4 Reward in the ‘Law Codes’

Negative consequences are the not the only means by which the ‘laws’ attempt to prevent the escape of slaves. The ‘Code of Ur-Nammu’ focuses on reward as a positive incentive for returning runaway slaves without issuing any threats in the preserved text for the failure to return slaves who go outside the borders of the city (‘Code of Ur-Nammu’ §16 Civil = §17 Roth²⁰⁸). The want of negative incentives in the ‘Code of Ur-Nammu’ when considering runaways is unique in the extant corpus from Mesopotamia. However, evidence from documents of practice suggests there were indeed consequences for aiding runaway slaves, demonstrating that these ‘laws’ cannot be considered exhaustive and perhaps that the ‘laws’ were not normative.²⁰⁹

²⁰⁸ After Civil (2011) with minor variations:

ʽt u k u m ʽ - [b i] ʽ x ʽ [...] - ʽ a ʽ ? g e m e 2 b a - ʽ z a h 3 ʽ k i - s u r - r a ʽ u r u ʽ - n a - k a
i b 2 - t e - b a l l u 2 ʽ i m ʽ - m i - g u r ʽ l u g a l ʽ s a g - g a 2 - k e 4 l u 2 i m - m i - i n - g u r - r a
2 (d i š) g i n 2 k u 3 - b a b b a r i 3 - (ʽ n a ʽ) - l a 2 - e .

Translation: ‘If ... a female slave flees and goes beyond the borders of the city and a man brings her back, the slave’s master shall pay two shekels of silver to the man who brought her back.’

²⁰⁹ See the section below dealing with family members who were seized to replace runaways and for example: ASJ 9, 315, 4, which deals with the punishment of a person who helped someone escape prison.

ASJ 9, 315, 4 (Umma; Amar-Suen Year 4 Month 6; Hirose *n*)

Obverse: 1 (d i š) ʽ š a r a 2 - i 3 - s a 6 / d u m u m e : t e - a - n i g e m e 2 k i k k e n / k i u r - e 1 1 - e
g a l a - t a / l u 2 - ʽ š a r a 2 g u - z a - l a 2 / e n - n u n - t a b a - a n - d a - z a h 3 / m u - b i - š e 3 //
Reverse: l u 2 - ʽ š a r a 2 g u - z a - l a 2 / a 2 u g 3 - I L 2 - š e 3 / l u 2 - g i r i 1 7 - z a l i 3 - d a b 5 / (1 L i n e
Blank) / i t i š u - n u m u n - t a x / m u e n - m a h - g a l - a n - n a e n ʽ n a n n a b a - h u n

Translation: Šara-isa, son of Meteani, the miller-girl. From the place of Ur-Ee, the eunuch, Lu-Šara, throne-bearer, helped him flee from prison. Because of it, Lu-Šara, throne-bearer, for corvée labour, was taken by Lu-girizal. From the month of ‘seeding’ to ... Year when Enmahgal-anna, the En-priestess of Nanna, was installed.

The inclusion of a positive incentive in the ‘Code of Ur-Nammu’, however, is not unique. The ‘Code of Hammurapi’, when dealing with slaves who escape to the steppe (§17), mentions a reward for the return of runaway slaves. The ‘Code of Hammurapi’ §17²¹⁰ gives a positive incentive of two shekels of silver for the return of the runaway slave. Should the slave refuse to give the identity of the owner, the captor could take the slave to the palace for the owner to be identified and secure the return of the slave to the owner (‘Code of Hammurapi’ §18²¹¹). The reason for a reward with a slave captured in the steppe and the want of any such mention for the city likely involves the effort and expense it would have taken to transport a slave from the steppe.

5.3.5 Summary

The legal-historical approaches to runaways in early Mesopotamia have some points of continuity and discontinuity. In Codes of Hammurapi, Ešnunna, and Lipit Ištar, runaways are treated as commodities to be returned to the owner. Thus, these ‘laws’ consider any attempt to assist or detain the runaway slave as theft. The ‘Code of Hammurapi’ lists a reward for the return of slaves from the steppe, which is similar to the reward for the return of a slave in the ‘Code of Ur-Nammu’. The ‘Code of Hammurapi’, however, is extreme in its treatment of theft and therefore treats with severity anyone aiding runaways, calling for the death penalty for some offences. As argued above, the severity of the penalties for dealing with people who assist runaway slaves relates to the severity with which theft is dealt with in ‘Code of Hammurapi’ and not necessarily a more extreme view of slaves.

²¹⁰ ‘Code of Hammurapi’ §17:

šum-ma a-wi-lum / lu arad lu geme₂ / ḫal-qa₂-am / i-na še-ri-im / iṣ-ba-at-ma / a-na be-li₂-šu / ir-te-de-a-aš-šu / 2(diš) gin₂ ku₃.babbar / be-el arad / i-na-ad-dī-iš-šum

Translation: If a man seizes a runaway slave or a female slave in the steppe and leads him back to his owner, the owner of the slave shall give him two shekels of silver.

²¹¹ ‘Code of Hammurapi’ §18:

šum-ma arad šu-u₂ be-el-šu / la iz-za-kar / a-na e₂.gal / i-re-ed-de-šu / wa-ar-ka-su₂ / ip-pa-ar-ra-as₂-ma / a-na be-li₂-šu / u₂-ta-ar-ru-šu

Translation: If that slave does not identify his owner (Literally: If a slave does not state (or name) his lord...), he shall lead him to the palace. His situation shall be examined. They shall return him to his owner.

To date, there is no clear evidence that the legal repercussions included in these documents were applied to actual cases involving runaways. Further, the legal perspectives on flight in these texts only take into account the concern of the owners and not the slaves. With all of these legal discussions of runaways and their return, nothing is said about the treatment or punishment runaways might face. Conceptually, this should be of no surprise. If these slaves were personal property, it was not the role of these ‘laws’ to determine the punishment of slaves who runaway any more than it would be appropriate for the ‘laws’ to discuss the repercussions a runaway animal might face. The reason for this is simple, any physical punishment or detainment causes further damage to the owner’s property, and by extension causes damage to the owner. The exception to this principle is when the animate property of owners break other ‘laws’, such as an ox which gores. In these instances, ‘laws’ make sense but none such ‘laws’ dealing with slaves can be found in the extant record.

Despite the dearth of information about the treatment of runaways in the legal-historical data from early Mesopotamia, there is a significant amount of information relating to the subject from other sources. To understand better the repercussions of flight and the risk some were willing to take for a different station in life, this investigation moves beyond the legal-historical texts to documents of practice.

5.4 Flight in Administrative Documents

The treatment of workers in the administrations of early Mesopotamia varied through the periods. These changes, however, did not develop linearly, as different approaches to gathering resources by larger institutions were being tried out. Arguably, these progressions can be seen most clearly in the treatment of runaways and how these were pursued, subsequently punished, or in some instances even allowed to leave. The data considered in this section focuses primarily on individuals who are identified within the record as having ran away, particularly those who were working in the

administrations of early Mesopotamia. Those who have been subsequently caught are discussed in the sections dealing with pursuit, capture, and the consequences.

5.4.1 Flight in Administrative Documents of the Presargonic Periods

Some graphic depictions of what appears to be commoditised humans from the Late Uruk period can be explained as representations of restraints used on humans, suggesting the possibility that measures were already in place during this period to prevent the escape of slaves (see discussion of S A G x M A - head and noose - and E R I M - yoke in chapter 3). Little is known, however, about the problem of flight in the earliest periods. Most of the published texts about the flight of workers lack immediate context, which leaves obscure the cause(s) precipitating the various examples of flight and in many cases the end result.

One of the interesting aspects about the documents detailing flight in the Presargonic period is the somewhat surprisingly large numbers included. For instance, TSS 554²¹² from Fara during the ED IIIa²¹³ period includes a total of 108 workers who fled. TSS 780 similarly has large numbers of

²¹² TSS 554 (Fara; ND; Ist Š 554) = EDATS p. 3 (17); BS 203:

Obverse: 5 (u) 3 (a š) g u r u š / š a₃ e₂-g a l / 5 (u) 5 (a š) g u r u š / š a₃ i r i // Reverse: š u - n i g i n₂ / l (g e š₂) 5 (u) l a₂ 2 (a š) / l u₂ z a ḥ₃

Translation: 53 male workers of the palace. 55 male workers of the city. Total 108 runaways.

The tablet deals with a total of 108 l u₂-z a ḥ₃ (runaways). The sum consists of two categories of workers. The g u r u š of the palace make up the smaller category (53). The larger number of runaways (55) consists of g u r u š from the city. The division of workers according to the palace and the city can be found in another text from Fara during the ED IIIa period, as seen by the contents of TSS 780.

²¹³ Separating these Presargonic tablets into ED IIIa and ED IIIb texts is notoriously difficult. The inclusion of the dates for these texts are conventional and cannot be used to make further conclusions.

runaways (89 runaways of the palace, 104 runaways of the city).²¹⁴ The period over which these workers fled is not stated, thereby diminishing any hopes of determining if this was a large and consequential flight or a gradual depletion of numbers over an extended period of time. In TSS 554 and TSS 780, there is a distinction placed between runaways of the city and those from the palace. The reason for the distinction remains unclear. The division could be for identification purposes or to isolate the responsible parties for or owners of the workers. Runaways can be identified simply according to origin (from the palace or the city) or as various types of workers who are summarised as *g u r u š*.²¹⁵ From the EDIIIb period, there are two texts (ITT 5, 9202, 9207) that identify a runaway woman and her children. Since both texts are damaged, only the portions of each text which make direct reference to the woman and her children are included here.

ITT 5, 9202	ITT 5, 9207
(Unclear Provenance; ND; Ist L 9202)	(Unclear Provenance; ND; Ist L 9207)
Reverse	Obverse
Column 2	Column 1
1. <i>ṛ l u 2 ṛ z a ḥ 3</i>	1. <i>l u 2 - z a ḥ 3</i>
2. <i>a m a d u m u - d u m u</i>	2. <i>ṛ a m a d u m u ṛ - d u m u</i>
3. <i>ḏ n i n - m a r^{ki} a m a m u</i>	3. <i>ḏ n i n - m a r a m a m u</i>
4. <i>ṛ u r ṛ - ḏ ḥ a - i a 3</i>	4. <i>u r - ḏ ḥ a - i a 3</i>
5. <i>[u r] - ṛ n i n ṛ - m e s</i>	5. <i>u r - ḏ n i n - m e s</i>

²¹⁴ TSS 780 (Fara; ND; Ist Š 780) = EDATS p. 3 (17); BS 204:

Obverse: *ṛ l (g e š 2) ṛ [3 (u) l a 2 1 (a š)] ṛ l u 2 ṛ - [z a ḥ 3] / š a 3 e 2 - g a l / 1 (g e š 2) 4 (u) 4 (a š) š a i r i l u 2 z a ḥ 3 / [1 (g e š 2)] 2 (u) 8 (a š) ṛ U N ṛ - T A R K I - R A - A Š / š a 3 e 2 - g a l / 1 (g e š 2) 1 (u) U N - T A R š a 3 - i r i // Reverse: g u 2 - a n - š e 3 (A N Š E 3 G U 2) 3 (g e š 2) l a 2 3 (a š) š a 3 e 2 - g a l / 2 (g e š 2) l a 2 3 (a š) š a 3 i r i*

Translation: 89 runaways of the palace. 104 runaways of the city. 88 cut-off from the palace. 70 cut-off from the city. Sum of goods: 177 of the temple. 117 of the city.

The final line of the reverse of TSS 780 serves as a sum of the two other entries dealing with the *i r i*, since *g u 2 - a n - š e 3* in the first line of the reverse means ‘sum of goods’. Interestingly, the numbers do not compute. If line 3 of column 1 and line 3 of column 2 of the obverse are added together, the total is 174 (104+70). The total of those from the *i r i* on the reverse side of the tablet is 117. On the basis of the total of those from the temple/palace of 177 the broken lines (lines 1 of columns 1 and 2) can be reconstructed as above on the assumption that the addition is correct. The meaning of *U N - T A R K I - R A - A Š* is unclear. They appear to be people ‘cut off’ or ‘dispersed’ for some unstated reason. In any case, the *U N - T A R* are counted together with the runaways, suggesting they are no longer available to work.

²¹⁵ See the damaged text WF 99*. The text counts various types of individuals summarising the lot on the reverse.

Reverse: *g u 2 - a n - š e 3 2 (u) l a 2 1 (a š) g u r u s / l u 2 z a ḥ 3*

Runaways, mother and children. The name of the mother is Nin-Mar. Ur-Ḫaia, Ur-Ninmes (are the names of the children).

The runaways are identified by their names. These texts (ITT 5, 9202, 9207) serve as an example of a female who ran away with her children. In general, historical instances of male runaways are higher.²¹⁶ While the fewer instances of fleeing females is typically attributed to the loyalty and responsibility felt by mothers to their children, it appears that in this instance, the mother chose to runaway with her children, instead of abandoning the children in her attempt to escape.

With the limited data related to flight and the obscure context of the extant texts, little can be known about flight in the Presargonic periods. Even with the texts which include large numbers of runaways (TSS 554, 780), it possible these texts could have been exercise tablets for computation and not actual records of flight, a possibility strengthened by the inaccurate calculation in TSS 780.²¹⁷

5.4.2 Flight in Administrative Documents of the Old Akkadian Period

The administrative data related to runaways and the movement of workers in general in early Mesopotamia gets more sophisticated by the Old Akkadian period and increasingly so in the subsequent periods. Administrations from this point on kept track of workers including information about sick, dead, absent, and runaway workers, as well as the rations and employment of the present workers.

²¹⁶ See Tenney 2011:108-111. Tenney points out that 91% of the runaways he studied with identifiable sex are males, which is comparable to the ratios in Pre-Civil War Virginia and North Carolina.

²¹⁷ See above note on this text.

During the Old Akkadian period, most of the texts do not designate runaway individuals as ‘slaves’. The Girsu text, ITT 1, 1256,²¹⁸ for example, records the flight of twelve potters. Other texts simply record the name,²¹⁹ profession, and/or patronymics of the individuals. The typical method for recording the absence of someone in the Old Akkadian Period involves the signs *z a ḥ 3* (‘fled’), *ḥ a l* (‘lost’, ‘fled’),²²⁰ or *n u*²²¹ (‘not [present]’). Many of these texts are lists of individuals or types of individuals who were missing from their responsibilities because of death, flight, absence, or health.²²²

MC 4, 45, for example, uses the *n u* sign for people not present. These individuals (sixteen listed as *n u*) are computed together with the individuals marked with the sign *a š*²²³ (four marked with the sign *a š*) to arrive at the total number of twenty people who are summarised as being

²¹⁸ ITT 1, 1256 (Girsu; ND; Ist L 1256)

Obverse: *n* lines broken / *l(aš) [...]* / *l(as) šeš-ku-[x]* / *l(aš) di-ne* / *l(aš) den-lil₂-gal-zu* / *l(aš) lugal-iti-da* / *l(aš) ig-bur* / *l(aš) ur-nigar* // Reverse: *l(aš) ur-diš-taran* / *l(aš) maš-da₃* / *l(aš) ur-e₂-maḥ* / *l(aš) ur-dpirig-tur* / 1 line blank / |Š U + L A G A B| *l(u) 2(aš) bahar₂ zaḥ₃* / *in ṛ la ga š ṛ^[kⁱ]* / *u-ša-[bu²]* / *n* lines missing

Summary Translation: ‘12 PN, Total 12 runaway potters who [are dwelling] in Lagaš.’

The reconstruction, *u-ša-[bu²]*, here is based on the singular form in the text TMH 5, 50, cited below.

²¹⁹ MAD 5, 19 lists the individuals by name and then gives a total listing them as *guruš*.

MAD 5, 19 (Kish; ND; Ashm 1930-170b)

Obverse: *l(aš) mu-tu-tu* / *l(aš) sa₂-lim-a-ḥu* / *l(aš) ki-bu-tum* / *l(aš) ga-la-ab-e₂-a* / *l(aš) iš-ma₂-^dsuen* / *l(aš) i-šim-e₂-a* / blank space / *šu-nigin₂ 6(aš) guruš zaḥ₃* / *ugula mu-tu-tu* // Reverse: blank

Summary Translation: 6 PN. Total 6 runaway workers. Overseer Mututu.

See also CT 50, 105 (Girsu; ND; BM 86306)

Obverse: *2(aš) guruš* / *ugula nam-uru-na* / *l(aš) lugal-e* / *2(aš) ur-[x]* / *2(aš) da-ṛ da ṛ* / *l(aš) lu₂-[x-x]* / *2(aš) lu₂-^d[x]* // Reverse: *l(aš) nig₂-du₇* / *2(aš) lu₂-nir-x* / 1 line blank / |Š U + L A G A B| *l(u) 3(aš) guruš* / *lu₂-zaḥ₃-me*

Translation: Two workers. Overseer Namuruna. One (aš) Lugal-e. Two (aš) Ur-[x]. Two (aš) Dada. One (aš) Lu-[x]. Two (aš) Lu-^d[x], One (aš) Nig-du, Two (aš) Lu-nir-x. Total thirteen workers. They are runaways.’

²²⁰ See MAD 5, 45 (Kish; ND; Ashm 1930-406). This text lists individuals who have either died (*2(u) 7(aš) guruš u š₂*) or fled (*ṛ 7(aš) ṛ guruš ḥ a l*).

²²¹ See the discussion of MC 4, 45 below.

²²² One such example comes from the responsibility of the *ensi*.

Adab 900 (Adab; ND; A 900):

Obverse: *pisan dub* / *ni-is-ku ba-zaḥ₃* / *ni-is-ku ba-uš₂* / *n* lines broken // Reverse: *n* lines broken / *ṛ ensi₂ ṛ* / *adab^{ki}*

Translation: Archive, *nisku* fled. *nisku* dead [...] governor of Adab.

This damaged tablet lists *nisku* under the responsibility of the governor of Adab who have either fled or dead. *Nisku* were a class of people or type of worker in the Sargonic period. See MAD 1, 278. *CAD* 11:2, 272.

²²³ The meaning of the sign *a š* here is obscure. See Steinkeller and Postgate (1992): 82.

absent or having fled (z a ḥ₃). The text also lists two people who are ill (t u), eight people who are dead (u š₂), and seven people who are sent out (e₃). The total of the text only sums up the fled (z a ḥ₃), dead (u š₂), and the sent out (e₃) without giving a sum for the ill (t u). There appears to be some flexibility with the categorisation of these workers, as demonstrated by MC 4, 45 and BIN 8, 243 cited below. The individuals listed in lines 10-29 of the obverse and 1-11 of the reverse of MC 4, 45 appear in the same order in BIN 8, 243. In the less specific text BIN 8, 243, almost all of the individuals are listed as ‘not (present)’ (n u), whereas MC 4, 45 distinguishes between the absent, sick, sent out, and dead.

MC 4, 45 (Sagub; ND; IM 10628)

Obverse

1. u š₂ e₂ - ḥ a - l u - u b₂

Dead E-ḥalub

2. l (a š) L u g a l - r a₂

1(aš worker) Lugal-ra

3. n a g a r - m e

They are carpenters.

4. u š₂ t a g - s u m u ḥ a l d i m

Dead Tagsu, the cook.

5. m a₂ p u₃ - z u - z u m a₂ - l a ḥ₅

Boat (assigned to) Puzuzu, the boatman.

6. u š₂ k a₅ - a a d - k u p₄

Dead Kaya, the basket weaver.

7. u š₂ p u₃ - k u₃ š u - k u₆

Dead Puku, the fisherman.

8. n u n a - p a₂ - l u₅ š i m

Not (present) Napalu, the brewer.

9. t u i₃ - l i₂ - d a n

ill Ilī-dan.

10. n u l u g a l - e š₂

Not (present) Lugal-eš.

11. n u l u g a l - k a

Not (present) Lugal-ka.

12. u š₂ e₂ - g i₄ - a g e m e₂

Dead E-gia, the female slave

13. u g u l a g a l a

of the overseer of the singers.

14. š e u r - l u₂ - ʾ x ʾ

Barley (assigned) Urлу ʾ x ʾ.

15. n u a n - n a

Not (present) Anna.

BIN 8, 243 (Sagub[?]; ND; NBC 6843)

Obverse

1. n u l u g a l - ʾ e š₂ ʾ

Not (present) Lugal-ʾ eš ʾ.

2. n u l u g a l - k a

Not (present) Lugal-ka

3. u š₂ e₂ - g i₄ - a g e m e₂

Dead E-gia, the female slave

4. u g u l a g a l a

of the overseer of the singers.

5. n u u r - l u₂

Not (present) Ur-lu.

6. n u a n - n a

Not (present) Anna.

16. u š₂ g a l a
Dead singer.
17. u g u l a d a - d a
overseer Dada.
18. t u d a - d a
Ill Dada.
19. n u l u g a l - i t i - d a
Not (present) Lugal-itida
20. d u m u a z
the son of Az.
21. u g u l a e₂-^de n - l i l₂- e
Overseer E-enlile.
22. n u i - l u₅- l u₅ e n g a r
not (present) Ilulu, the farmer
23. n u g a l a
Not (present) singer.
24. u š₂ e d i n - b i - š e₃ d u m u m e - l u
Dead Edinbiše, the son of Melu.
25. n u i - l u₅- l u₅
Not (present) Ilulu.
26. n u[!] d a - d a
Not (present) Dada.
27. u g u l a g e š - š a₃
Overseer Geš-ša
28. n u[!] a z[!]
Not (present) Az.
29. [. . .]

Reverse:

1. n u [z a b a l a m₆]
Not (present) [Zabalam]
2. d u m u l u g a l - [e - a₂] - a[!] n a[!]
the son of Lugal Ea.
3. n u u r - ^db i l₃ d u m u g e m e₂- ^du t u
Not (present) Ur-Bil the son of Geme-Utu.
4. u š₂ g a b a d a - d a t u g₂[!]- d u₈
Dead semi-weaned child Dada, the felter,
5. n u[!] u r - ^dn i n - a - z u
Not (present) Ur-Ninazu
6. d u m u e₂- ḫ a - l u - u b₂ n a g a r
the son of E-ḫalub, the carpenter.
7. e₃ m a š d u m u d a - d a
Sent out Maš, the son of Dada.
8. a m a e₂- k u₃
Mother: E-ku
9. l (a š) m e - ḫ a
l(aš worker) Meḫa
10. l (a š) g e m e₂- t a r l (a š) g a b a[!]

7. n u g a l a
Not (present) singer.
8. u g u l a d a - d a
Overseer Dada.
9. n u d a - a[!] d a[!]
Not present Da.
10. n u l u g a l - i t i - a[!] d a[!]
Not (present) Lugal-iti.
11. d u m u a z[!]
son of Az.
- n* lines destroyed

Reverse: *n* lines destroyed

- 1'. n u l u₂- [. . .]
Not (present) Lu.
- 2'. n u a[!] z a b a l a m₆- [. . .]
Not (present) Zabalam.
- 3'. d u m u l u g a l - [e - a₂- n a]
the son of Lugal-Eana.
- 4'. n u u r - ^da[!] g i l g a m e š₃-[!]
Not (present) Ur-Gilgameš.
- 5'. d u m u g e m e₂- ^du t u
Child of Geme-Utu.
- 6'. n u u r - ^dn i n - a - z u
Not (present) Ur-Ninazu.
- 7'. d u m u e₂- ḫ a - l u - u b₂
the son of E-ḫalub.
- 8'. n u m a š d u m u d a - d a
Not (present) Maš, the son of Dada,
- 9'. n u e₂- k u₃
Not (present) E-ku.
- 10'. n u m e - ḫ a
Not (present) Meḫa.
- 11'. n u g e m e₂- t a r

1(aš worker) Geme-tar with one semi-weaned child. Not (present) Geme-tar.

11. n u n i n - m e - n a 12'. n u n i n - m e - n a
 Not (present) Nin-mena. Not (present) Nin-mena.

13. 1 (a š) g e m e 2 - d u t u 1 (a š) g a b a
 1(aš worker) Geme-Utu with 1 semi-weaned child.

14. n u n i n - u g 3 - g a 2
 Not (present) Nin-ugga.

15. n u n i n - š e š - š e š d u m u g e m e 2 - T A R
 Not (present) Nin-šeššeš, the daughter of Geme-TAR.

blank space

16. | Š U + L A G A B | 2 (u) l u 2 z a ḥ 3 - m e
 Total: 20 runaways

17. | Š U + L A G A B | 8 (a š) l u 2 u š 2 - a - m e
 Total: 8 dead

18. | Š U + L A G A B | 7 (a š) l u 2 e 3 - m e
 Total: 7 sent out

19. š e ? n i n - m e ḫ š u ? - k u 6 ? ḫ
 Barley? assigned to Nin-meḫ the fisherman, ḫ

20. u g u l a u r - s i p a - d a
 Overseer Ur-sipad

21. i 3 - d u 8 n i n - e n - n u
 Doorkeeper of Nin-ennu

22. g u 4 l u g a l - e š 3 u g u l a e 2 - d e n - l i l 2 - < e >
 Oxen of Lugal-eš, the overseer of the house of Enlil

23. g u 4 b u 3 - b u 3 u g u l a g a l a
 Oxen of Bubu, the overseer of the singers.

CT 50, 107²²⁴ from Girsu lists a *guruš* as having fled (z a ḫ₃) but counts the individual with the dead (u š₂) in the colophon. It is possible that the individual ran away and died in the process or was captured and later known as a runaway for identification purposes.²²⁵ Other than *guruš* the text also counts individuals described as *geme₂*, *dumu munus*, and *gaba*²²⁶ who died (u g₇). Other texts similarly record children who have died. For instance, TCBI 1, 206²²⁷ lists

²²⁴ CT 50, 107 (Girsu; ND; BM 86278):

Obverse: 2(aš_{tenū}) *guruš uš₂* 1(aš_{tenū}) *geme₂ [uš₂]* / 1(aš_{tenū}) *dumu munus* / *al-u₂ sanga* / 1(aš_{tenū}) *geme₂ ur-me šu-ku₆* / 1(aš_{tenū}) *guruš šeš-šeš ugula* / 1(aš_{tenū}) *geme₂ ur-diškur gala* / 1(aš_{tenū}) *gaba lugal-an-ne₂* / 1(aš_{tenū}) *gaba za₃-mu* / 1(aš_{tenū}) *guruš ama-ṛbara₂ṛ* / 1(aš_{tenū}) *guruš zaḫ₃ gala-maḫ* / 1(aš_{tenū}) *geme₂ da-da* / 1(aš_{tenū}) *geme₂ za₃-mu dam-gar₃* / 1(aš_{tenū}) *geme₂ lugal-ḫi-li* / 1(aš_{tenū}) *guruš eren-da* / 1(aš_{tenū}) *geme₂ en-tu-de₃* // Reverse: 1(aš_{tenū}) *geme₂* 1(aš_{tenū}) *gaba* / *lugal-nig₂-ga₂-ni* / 1(aš_{tenū}) *gaba nigir-eš₃ gudu₄* / 1(aš_{tenū}) *dumu munus nigir-eš₃ šabra* / 1(aš_{tenū}) *gaba ur-dna-ru₂-a sag apin* / 1 line blank / |ŠU+LAGAB| 6(aš_{tenū}) *guruš uš₂* / |ŠU+LAGAB| 8(aš_{tenū}) *geme₂ uš₂* / |ŠU+LAGAB| 2(aš_{tenū}) *dumu munus uš₂* / |ŠU+LAGAB| 5(aš_{tenū}) *gaba uš₂* / 1 line blank / *sag ba-ug₇* / *ambar^{ki}*

Translation: Two dead male workers, one [dead] female worker, one dead female child (of/for) Alu, temple official. One female worker (of/for) Ur-me, fisherman. One male worker (of/for) Šeš-šeš, overseer. One female worker (of/for) Ur-Iškur, the singer. One semi-weaned child (of/for) Lugal-anne, one semi-weaned (of/for) Za-mu, one male worker (of/for) Ama-bara, one runaway male worker, a chief lament singer, one female worker (of/for) Dada, one female worker (of/for) Zamu, the merchant, one female worker (of/for) Lugal-ḫili, one male worker (of/for) Eren-da, one female worker (of/for) Entune. One female worker (and) one semi-weaned child (of/for) Lugal-niggani, one semi-weaned (of/for) Nigir-eš, the priest, one female child (of/for) Nigir-eš, the temple administrator, one semi-weaned child (of/for) Ur-Narua, plowman. Total: six dead male workers. Total: eight dead female workers (slaves?). Total: two dead female children. Total: five dead semi-weaned children. People who died at Ambar (or the marshes).

²²⁵ See the similar discussion in Tenney 2011:107.

²²⁶ The Sumerian word *gaba* ('chest' or 'breast') likely refers to a 'suckling' or 'semi-weaned child' in this instance. The term (*dumu*-)*gaba* is often considered 'suckling infant' (see Steinkeller 1995: 55; Brinkman 1982: 2-4; Tenney 2011: 13). I have not found any examples of *dumu-gaba* in the Old Akkadian period, which does not necessarily preclude a connection since the term can be written either '*dumu-gaba*' or '*gaba*'. On the meaning of *gaba* in relation to sheep and goats See Steinkeller (1995): 54-55. Steinkeller, following Landsberger (MSL 8:1, 55-56), argues *gaba* and *gub* have the same meaning (contra Heimpel 1995: 122, 125) and should be understood as 'semi-weaned', since the terms are not used together but appear in the same context. Further, the *gaba* are older than the *gub* 'suckling' but not fully grown. Finally, Steinkeller (1995: 55) states concerning the term in relation to animals: 'those classified as *gaba* and *gub* are never qualified as *nigā*, "barley-fed", or *u₂*, "grass-fed", which suggests that milk was still the primary source of their nutrition'. Another term associated with nursing infants is *dumu-ga* ('child of milk').

²²⁷ TCBI 1, 206 (Adab; ND; Bdi 2, 50)

Obverse: 3(aš) *geme₂ ba-ug₇* / 2(aš) *dumu-ga-nita ug₇* / 2(aš) ṛ*dumu*ṛ-*munus-ga ug₇* / ṛ |ŠU+NIGIN₂| 7(aš)ṛ *sag* ṛ*x*ṛ / *a-ga-de₂^{ki}-a* / *ba-ug₇* // Reverse: Blank

Translation: Three female workers died. Two male sucklings died. Two female sucklings died. Total: seven people (slaves?) x. They died at Agade.

two suckling males as dead (u g 7), two suckling females as dead (u g 7), and, like CT 50, 107, identifies the location in which the people died (b a - u g 7).²²⁸

From the evidence surveyed above, it is likely that the administration during the Old Akkadian period kept track of people under its control from the youngest (d u m u - g a and g a b a) to the adult workers (g u r u š and g e m e 2). In some cases, the term z a ḥ 3 might be used to mark people as absent (MC 4.45). In other cases, as will be seen below, z a ḥ 3 was clearly used because of the desire for pursuit indicated by the texts relating to runaway slaves.²²⁹

While the evidence from the Old Akkadian Period does not reveal much by way of the consequences of flight, perhaps some further observations about flight in the administration during the Old Akkadian period can be made. First, in the text CT 50, 107, as discussed above, a g u r u š is listed as having fled (z a ḥ 3). The same individual is included later among the g u r u š who have died (u š 2). If the g u r u š walked off the job and this was not a problem from the perspective of the administration, then it seems odd that the individual should continue to be included in the administrative record or that he should be listed as a runaway after return. This suggests that the flight was considered a violation of sorts. Secondly, the administration took interest in the life and death of young children. There are some possible reasons behind this practice. There could have been an adjustment to the rations received by the families based on dependents. However, in the above texts dealing with the death of young children, there is no mention of the names or families of these children, so it does not seem likely that recording their

²²⁸ Jagersma concludes, “Thus, b a - ú š can mean both “it/he/she died” (change of state) and “it/he/she was killed” (passive of causative). Only the context can make clear which one of the two possible interpretations applies” (Jagersma 2010: 496). Sallaberger (1993-1994: 53) considers a text which provides sufficient context to establish a firmer meaning of b a - u g 7. Sallaberger using a Drehem text from the reign of Šulgi demonstrates the possible understanding of b a - u g 7 to be ‘were slaughtered’ or ‘were killed’ (Sallaberger translates b a - u g 7 - u g 7 as ‘geschlachtet’ (‘slaughtered’). See also, BIN 5, 73; OIP 115, 51, 52, 59; etc. AfO 40-41 (1993-1994): 52. The use of b a - u š 2 or b a - u g 7 to refer to animals slaughtered is clear in certain texts since it does not seem reasonable for dead animals to be carried into the palace (e 2 - g a l - l a b a - a n - k u 4 [sometimes written k u x]), unless they were killed for the use of the palace. However, the context of the texts considered here does not allow the interpreter to move beyond a reading ‘have died’ to ‘slaughtered’. Returning to the Old Akkadian texts in consideration here, the meaning of b a - u š 2 and b a - u g 7 should remain open, though it is likely that in most cases, the verb simply means ‘die’.

²²⁹ See section below dealing with pursuit and consequences for this discussion.

death related to the quantity of ration of the parents. It is possible that children worked from a very early age, an attested practice in other periods.²³⁰ If the children were already working in the administration, this is only a partial answer to the problem, since nursing infants or semi-weaned children cannot be considered productive members of society. In many ways the treatment of workers by the administrations of the Old Akkadian period may not be dissimilar to the treatment of workers in the administration of the Ur III period, but this cannot be established with any degree of certainty at present.

5.4.3 Flight in Administrative Documents of the Ur III Period

The Ur III administration paid meticulous attention to its workers, resulting in the largest extant body of documents mentioning flight from early Mesopotamia. Numerous accounts from the period detail at least one or a combination of the following: name, amount of rations, occupation, status, sex, and physical condition. As with earlier periods, a variety of types of people were recorded in Ur III texts as having ran away from their work. As such, runaways can be referred to by their craft (b a ḫ a r 3 ‘potter’; g e m e 2 u š - b a r ‘weaver’),²³¹ as categories of workers (e r e n 2²³² and g u r u š²³³), by name and family,²³⁴ as chattel slaves (a r a d 2, *wardum*),²³⁵ as slaves of the palace (a r a d 2 e 2 - g a l),²³⁶ or as a female worker/slave (g e m e 2).²³⁷ The variation employed in the texts dealing with runaways suggests identification was the primary goal, which could result in the inclusion or omission of status, work assignment, and familial relations depending on need. When

²³⁰ During the Ur III period, it is thought that children would have been employed at full capacity from the ages 5 or 6. See Waetzoldt 1988: 40. Studevent-Hickman (2006: 137, 161ff) states that slave children and other children worked side by side in Umma.

²³¹ SAT 3, 1502: Reverse Line 2; MVN 20, 81: Reverse Line 6.

²³² Several texts from Nisaba 15 (Texts 34: 5; Text 39: 26; Text 40: 16; etc).

²³³ For example: ASJ 9, 331 7: Obverse Lines 4, 11, 22, Reverse 2, 6; CT 50, 107 Obverse Line 10; CUSAS 3, 7 Reverse Line 13’.

²³⁴ CUSAS 11, 103; ITT 5: 9202; ITT 5: 9207.

²³⁵ For example: NRVN I: 1; TMH 5, 50; ‘Code of Ḥammurapi’ §§16-17.

²³⁶ For example: Nisaba 15, 41: 20; Nisaba 15, 62: 10.

²³⁷ AAICAB 1/2, pl. 153, Ashm. 1971-391: Obverse Line 10.

a person ran away, the rations of the runaway could be included in the text (see for example, ASJ 3, 172 166, Obverse Lines 3, 5, 9, etc) or the runaways may have the Sumerian term *z a ḫ 3* instead of an amount of rations beside their names (see AAICAB 1/1, pl. 45, Ashm 1911-480; Obverse Column 2 Line 3).

What is perhaps suggested in the Old Akkadian corpus, namely that flight was not permitted and supervisors were responsible for the workers under their care, becomes explicit in the Ur III period. Evidence of ‘fugitive catchers’ during the Ur III period,²³⁸ the subsequent imprisonment/captivity,²³⁹ mutilation,²⁴⁰ or binding²⁴¹ runaways might face as future deterrents demonstrate that flight among slaves and lower stratum workers in the administration was a punishable act. But this evolution of administrative practices in early Mesopotamia was non-linear as things clearly change by the Old Babylonian period.

5.4.4 Flight in Administrative Documents of the Old Babylonian Period

As in previous times, administrations during the Old Babylonian period recorded flight. The main Akkadian words in the Old Babylonian period used for runaways are *ḫalāqum*, *abātu*, *duppuru*, and *munabtu*. In administrative documents concerning workers, subtotals were used to give the sum of the present individuals. Those who ran away or died could be separated from the other list followed by a total which included the individuals present, runaways, and those who had died (see VS 13, 104; TEBA 64). The undated tablet, TEBA 64, for example, has a total that reads as follows: 16 workers, runaways, and those killed by enemies (1 [u] 6[diš] eren₂ zaḫ₂ u₃ uš₂ lu₂.kur₂ [Reverse Line 20]). The thirteen present individuals were counted using the diš sign followed by personal

²³⁸ See for example: UTI 6, 3723. This text deals with the rations given to Šu-Adad, messenger of the king, to capture runaways on his journey. Similarly, see the undated text (Sigrist, *Messenger* 41:2) that provides rations for another messenger to seize a runaway. See further discussion below.

²³⁹ SAT 3, 1502. This text discusses the rations given to a runaway potter during the Ur III period. See Dahl 2010. See other evidence discussed below.

²⁴⁰ NRVN I, 1 (Lafont, RJM, pp. 58 f., no. 19; Molina and Such-Gutiérrez 2004: 8). See other evidence discussed below.

²⁴¹ See the Ur III letters (TCS 1, 48; TCS 1, 158; Pettinato, *Oriens Antiquus* 7, p. 169, no. 1) discussed in Molina and Such-Gutiérrez 2004: 9 as referring to the practice of attaching a rope to the nose (e š₂ g i r i 1 7) of a worker or slave.

names. The final three individuals in the list have the sal sign following the diš and before the personal names, indicating these three were females. After the females there is a summary: three females [3(diš) sal]. The subtotal reads: thirteen males and females in Babylon (1[u] 3[diš] nita sal *i-na* ka₂-dingir-ra^{ki}). In place of the diš, a runaway is marked by the sign combination zaḥ₂ followed by the personal name. Similarly, the two dead individuals were listed as uš₂ lu₂.kur₂ followed by their personal names (killed by an enemy PN). While the practice of recording flight in the administrative documents has some points of similarity to the previous periods, flight in the administrative contexts of the Old Babylonian period does not appear to have been treated with the same degree of severity reflected in the Ur III corpus. Other than the occasional occurrence in the administrative documents of the Old Babylonian period, flight is not mentioned with much regularity. Nevertheless, the following text is a clear example of a runaway administrative worker being captured and likely imprisoned.

Nisaba 4 II, 28²⁴²

Abdi-Ištar, a man of Šubartum, of thirteen weavers of the storehouse of Larsa, who fled from Larsa. In Ningal-muttarrû, Apil-Adad, the captain, man of Nasarum, brought them back. [He gave him?] to Ninurta-iddinam, the temple administrator...Nagar....Issued goods to Suen-šemi, the overseer of the prisoners. Month Šabātu (11), Day 28, The Year Rīm-Anum was king.

Seal: Wussum-ḥamāšu, son of... slave of

Thirteen weavers ran away from their work assignments among the weavers of Larsa and were brought back. Abdi-Ištar was given into the custody of the overseer of the prisoners, Suen-šemi. Since Abdi-Ištar was from Šubartum and since his flight resulted in his being handed over to an overseer of prisoners, it is likely that he was on a work assignment in Larsa as a prisoner of war. This explains why an administrative worker was discovered and held captive during a period when

²⁴² Nisaba 4 II: 28 (Uruk; Rīm-Anum Year 1, Month 11, Day 28; BM 23165), see collation of first line in Seri (2013): 139 no.73

Obverse: 1(diš) *ab-di-iš₈-tar₂* lu₂ su-bir₂ / ša₃ 1(u) 3(diš) lu₂ us₂-bar-meš / *na-ka-tum larsa^{ki} / ša iš-tu larsa^{ki} / in-na-bitu₃-nim-ma¹ / i-na* [d]nin-gal-DU.DU^{ki} / 1(diš) *a-pi¹-il^d-adad* PA.PA / lu₂ *na-sa-rum^{ki} u₂-te-ra-aš-šu-nu-ti / a-na* r^dnin-urta-i-r *din-nam* ᵀ sanga [...] / *na-gar*-[...] / [...] // Reverse: zi-[ga] / ni₃-šu^d *suen-še-mi* ugula *a-si-ri* / blank space / iti ziz₂-a u₄ 2(u) 8(diš)-kam / r mu *ri^ᵀ-im^d-a-nu-um* lugal-r e ᵀ // Seal: *wu-su₂-r um-ḥa-ma-šu* ᵀ / *dumu i-din/nu-a*-[x] / arad^d[x]-an-na

most runaway workers do not appear to face the consequences that the same type of workers faced in the Ur III period.

The heightened control of workers reflected in the administrative records of the Ur III period is not as well-attested and likely not as extensive in the Old Babylonian period. The most significant commentary on flight in the Old Babylonian period is by Renger (1972). Since Snell (2001) conveniently summarises Renger's explanations and offers some comments of his own, references will be made to the more recent summary.

In these works, various attempts are made to explain the changes which took place from the Ur III problem to flight and the later approach in the Old Babylonian period. The initial reason for the reduction of flight in the Old Babylonian period offered by Renger and summarised by Snell is as follows: 'Agricultural stability endured from the Pre-Sargonic period before 2334 B.C.E. into the first millennium' (Snell 2001: 56-57). If agricultural stability did not prevent flight in the immediate periods before and after the Old Babylonian period, then this same agricultural stability throughout these periods cannot be a significant cause for the prevention of flight during the Old Babylonian period. Instead, one expects a change in the agricultural stability to be a sufficient cause behind a change in worker behaviour and a resultant reduction in flight.

A similar criticism can be made against the two following possible causes behind the reduction of flight: 'The sources may avoid speaking of flight, feeling that discussion would only encourage it; Ideology may militate against it, though Renger finds this hard to judge. The idea that peasants were serving divinely installed rulers was certainly one the rulers pushed, but did anyone else buy it?' (Snell 2001: 56-57). Most of the evidence relating to flight is found in written sources. Literacy and writing were elite privileges. It is unlikely that those behind the administrative documents, legal documents, and letters were afraid to discuss flight because of the concern that word might get out that people were running away, as this was clearly not the case with masters and runaway slaves. The 'Code of Hammurapi' mentions a town crier announcing the flight of a slave.

Slave owners also circulated news about runaways using letters. With the administration, flight was listed and such records were likely not publicly known. In fact, the dissemination of the knowledge of occurrences of flight would have occurred more rapidly by word of mouth and witnesses, rather than the recording of said flight in a document. Further, this supposed fear that mentioning flight might encourage others to runaway does not seem to have affected the sources in other periods. It might be argued that reporting and announcing incidents of flight could be a good deterrent of flight, since potential runaways knew that word of their escape would inevitably get out. If instances of flight, pursuit, and return were known, this was more likely to reduce flight rather than encourage it. Finally, the Old Babylonian 'codices' do not shy away from discussing the problem of flight. If these 'codices' were put on display and read aloud publicly, as they likely were, it seems very implausible that flight would be mentioned with such regularity in the codices if there was a fear that the mention of flight would only lead to an increase in the occurrence of it.

The thought that ideology and the religious coercion of working for divinely appointed rulers likely worked for some and not for others. Again in earlier periods, religious coercion did not prevent significant numbers of people fleeing. Even during the reigns of deified kings like Šulgi and Šu-Suen, flight continued. Unless the workers of the Old Babylonian period were somehow more pious than those of the Ur III period, it is unexpected that religious coercion was strong enough to diminish significantly the rate of flight.

The immigration of the Amorites is also credited with being a cause for the changes that took place, as follows: 'New immigrants into Mesopotamia changed conditions and made old tensions seem obsolete, as when the Amorites arrived and replaced some of the inter-city tensions with inter-tribal and regional territories' (Snell 2001: 56-57). The problem of flight in the previous periods, however, does not appear to be a response to tensions or inter-city relations as much as it seems to be responses to personal circumstances and conditions, but this can only be assumed based on work practices, the rate of deaths among workers, and the risk workers were willing to take for a

change in station. In the Third Millennium documents, there is no clear evidence that the regularity of flight was due to political tensions. As such, the change in political climate cannot be considered a sufficient answer for perceived shifts in the rate of flight among workers in the Old Babylonian period, unless the change in political climate resulted in a difference in worker compensation, treatment, or administrative practices and expectations. Of the reasons offered by Renger, the following two are likely the most significant: ‘The success of state controls, partly through guarantees of family members that service would be done; Edicts and other social measures, though corvées were perhaps reduced in the Old Babylonian period under Lipit-Ištar, thus diminishing the number of persons who might be tempted to flee’ (Snell 2001: 56-57). These changes, however, require further consideration in the broader context of early Mesopotamia.

5.4.5 Summary of Flight in the Administrative Documents

While little can be said about flight in relation to the administrative practices of the Presargonic periods, a number of observations can be made about the subsequent approaches to the problem of flight. In particular, there appears to have been a shift in the ways in which the issue of runaway workers was handled during the Old Babylonian period as opposed to the administrations of previous periods. Although a number of factors have been discussed to account for this shift in practice, a long view of flight in early Mesopotamia may help isolate what took place. Flight appears to have been a significant problem both before and after but not during the Old Babylonian period. The question to ask, therefore, is what unique factors can be given to account for the differences relating to the Old Babylonian period. As discussed above, in previous scholarship various reasons have been offered for the reduction of occurrences of flight, the most prominent of which, perhaps, relates to the theory that a demographic shift took place with the influx of the Amorites, leading to important changes in social structures. According to the theory, this population change resulted in numerous differences from the preceding periods, including fewer instances of flight. While using this theory to explain changes in the Old Babylonian period is prominent in

numerous Assyriological studies, it is not without its difficulties. The Amorites, for instance, were present in large numbers already by the Ur III period. Further, the identification of a West-Semitic component of Amorites is complicated, making it questionable whether it can be determined with any certainty that the introduction of Amorites into Southern Mesopotamia is capable of accounting for the changes which took place,²⁴³ and even if the Amorite theory is maintained, the actual changes in overall practice remain unexplained. Rather, the shifts in practice likely relate more specifically to the controls, expectations, and increased privatisation of the economy in the Old Babylonian period.

As discussed in chapter 1, once wealth and power were consolidated into the hands of the minority, labour outside the family was required (Finley 1980: 68), a need which increased as administrations consolidated power. During the Old Akkadian and Ur III periods, the administrations appear to gather labour in a way that was different from the practices reflected in the Old Babylonian documents.²⁴⁴ It is this approach to gaining access to labour which perhaps explains the overall decline of flight in the records of the administrative context during the Old Babylonian period.

During the Old Akkadian and Ur III periods, administrations gathered workers and exerted extensive control over them. By entering the administrative work context, some of these workers, although not necessarily chattel slaves, were treated as property of the administration.²⁴⁵ As the

²⁴³ As Sallaberger (2007: 446) writes: ‘Therefore one has to distinguish between the Mardu/Amorite country proper and the term Mardu/Amorite in the wide sense, since both entities existed at the same time. The Amorite country proper is the land to the West, especially around Jebel Bishri. The meaning “west” of the term Mardu is surely related to precisely this location. The term Mardu/Amorite in the wide sense refers to people living or identifying themselves along the tradition of the Amorite nomads of the West’.

²⁴⁴ It should be noted that the changes and developments within periods and from one to the next did not happen overnight. The gradual shifts in practice are not as readily available and so discussion must be restricted to the aspects which appear to dominate a period.

²⁴⁵ There seems to have been limitations related to the authority of the administrations, since the workers do not appear to be alienable. I am not aware of any documents where the administration sells a worker. However, when prisoners of war were taken into the administrative context, these could be dedicated to the temple and given as gifts to overseers by officials and the king. For the practice of dedicating prisoners of war in Ur III period, see for example TCS 5, 6039, discussed in chapter 3. For the dedication of prisoners of war in the Old Babylonian period, see Seri (2013: 119). For prisoners of war being given as gifts during the Old Babylonian period, see Seri (2013: 124). Although the dedication of workers to the temple is not strictly a sale, the dedication transfers the person from one authority structure to another authority structure with all the rights which accompany such relationships.

head of a household had extensive control over the dependent members of the family, the administration acted as the head of its workers with thorough control over them. In many instances, this control extended to encompass larger family units including very young children, and the overseers were responsible for those given into their care, old and young alike. In this way, a semi-weaned child (d u m u - g a b a) together with the child's familial unit could belong to the administration. It is natural that the volitional defiance or the removal of one's person from the administrative context without permission would be a violation of the rights of the administration. For this reason, death, flight, sickness, and other such issues must be accounted for by the overseer. Although the context is restrictive in many ways, the people under the care of the administration can be given certain freedoms for every day life. Further, not everyone who entered the administrative work context did so with their families, which is clear seen by the seizure of runaway family members during the Ur III period (see below discussion). While all work performed for the administration did not result in such a relationship between the administration and the workers, it was true for some.

In the Old Babylonian period, the picture becomes more fragmentary. An increasing private sector and economy resulted in different groups competing for access to wealth and workers. Although these groups were able to operate with a certain degree of independence, they were all subject to the reigning king, as shown by the following rescript, which deals with two groups, one private and the other a temple household, competing over wealth and labour.

Rescript of Samsu-iluna (ca. 1749-1712 BC), following Charpin (2010b: 73-74) with minor variation:

Say to Suen-našir, Nuratum, Suen-Iddinam, the guild of merchants (*kārum*) of Sippar, the judges of Sippar-Amnānum, Awil-Nabium, Suen-iddinam, the priests-*šangum*, the judges, the temple officials, the officials for the *nadītum*, and the guards at the gate of the cloister of Sippar-Yahurum: thus Samsu-iluna (says)... They told me this, moreover: 'The judge Awil-Suen has a claim of money owed by Mar-Šamaš, a man from Sippar, saying: "If you keep your property and I receive nothing, I will seize the slave of your daughter the *nadītum* of Šamaš, who lives in the cloister." That is what he said.' That is what they told me. A *nadītum* of Šamaš whose fathers and brothers have provided her support for her to live and

for whom they wrote a tablet, and who lives in the cloister, is not responsible for the debts of the *ilkum*-service of the house of her father and brothers, that man is an enemy of Šamaš.

The rescript involves an attempt for a man to seize the slave of a *nadītum* because of an outstanding debt owed by the *nadītum*'s father. The king, Samsu-iluna, rules that the slave of the *nadītum* is not to be taken since a *nadītum* is not responsible for the debts of her father or brothers. When a woman was married, her dowry did not belong to her father or brothers any more; instead, it transferred to her husband. The daughter, no longer a member of the household of her father or brothers, cannot be seized or have her dowry seized because of the debt of her father or brothers. Likewise, when a woman left the household and joined the cloister, the cloister gained authority over the woman, a right her family no longer possessed. While the rescript shows the royal interest in regulating the competition between various groups, the crown's relationship to wealth and labour was not restricted to arbitration.

A need for labour for royal purposes continued into the Old Babylonian period, but the gathering of workers appears to have functioned in a very different way. Rather than enveloping workers and their families under the authority of the administration, labour was accessed through services performed for the right to obtain fields, orchards, or houses;²⁴⁶ the extension of credit;²⁴⁷ conscription;²⁴⁸ and the utilisation of private households, a practice attested in the Ur III period, but more extensive in the Old Babylonian period. If one did not wish to perform such service for the crown, then someone else took that person's place and received the benefits. With conscription,

²⁴⁶ See the two relevant paragraphs of the 'Code of Hammurapi' §§30-31, after Roth: '30: If either a soldier or a fisherman abandons his field, orchard, or house because of the service obligation and then absents himself, another person takes possession of his field, orchard, or house to succeed to his holdings and performs the service obligation for three years-if he then returns and claims his field, orchard, or house, it will not be given to him; he who has taken possession of it and has performed his service obligation shall be the one to continue to perform the obligation. 31: If he should absent himself for only one year and then return, his field, orchard, and house shall be given to him, and he himself shall perform his service obligation.'

While the extent to which these 'laws' reflect actual practice is debatable, these paragraphs indicate the expectation that if one person does not wish to fulfil the requirements for gaining access to a field, orchard, or house, someone else will be willing to perform the service and reap such rewards instead.

²⁴⁷ See discussion of labour secured from debt in chapter 3.

²⁴⁸ See discussion of CT 6, pl. 29 (Bu 1891-5-9, 419) below.

people could be seized to perform temporary service and duties for the crown, however, it does not appear that entire families were conscripted for this purpose. In many cases, it is expected that the service to the crown was not performed by the head of the household. Instead, a slave or some other dependent of the household performed the work. If that slave or dependent ran away, then the crown applied pressure on the family. The family in turn sought to return the runaway to his or her station, thus making the problem of flight a private matter and only indirectly related to the administration. The *bīt asīrī* was an Old Babylonian institution, however, which appears to reflect the previous administrative approaches of gathering familial units in a restrictive administrative context, where prisoners, slaves, and prisoners of war with their entire families were taken into this administrative body and moved around at the will of the overseers (for more discussion of the *bīt asīrī*, see chapter 3).²⁴⁹ This is likewise true more broadly of the treatment of prisoners of war being used in official work details, as is seen in the above example Nisaba 4 II, 28, which deals with a runaway from among the weavers of the storehouse of Larsa.

None of the early Mesopotamian administrative texts, however, provide much information about the result or consequences, if any, for running away. With the study of pursuit and capture, the problem of flight in early Mesopotamia begins to come into focus.

5.5 Pursuit/Capture in Early Mesopotamia

In the Presargonic period, the pursuit of runaways might be something which occurred but does not appear in the extant record due to random findings or perhaps the act of pursuit was not recorded for some unknown reason. Clear textual evidence of the pursuit of runaways, however, begins with the Old Akkadian period and continues into the Old Babylonian period, and numerous means were employed to secure the return of fugitive slaves in early Mesopotamia.

²⁴⁹ Seri is convincing that the *bīt asīrī* is an administrative body (2013: 139-140), but it seems that contrary to her position, it also functioned as a place of detention where prisoners were held and worked.

5.5.1 Locating Fugitives

The codes from early Mesopotamia give the impression that the problem of runaway slaves was a concern for the larger community. If a person discovered a runaway slave, it was expected the individual would report the matter and take the appropriate steps to ensure the successful return of the slave to her or his owner. In the extant sources, numerous slaves on the run were found in cities, since there was perhaps a desire to blend in or find work in areas more heavily populated. Town criers were used to announce that a slave was on the run and apparently other measures could be employed to discover fugitives. There is evidence that a check system during the Old Babylonian period was put in place at Ešnunna to prevent fugitives from being able to move about freely. The following letter sealed by Ibalpiel, the king of Ešnunna, discusses a pass system where mounted messengers who were unable to produce a document with the seal of the king could not stay in their villages. The system was meant to prevent fugitives from residing in the villages under the control of Ešnunna (see Goetze 1958: no. 5, 23-24; Snell 2001: 55-56).

Goetze 1958: no 5²⁵⁰

Say to War⁷um-magir, thus (says) your lord: Among the mounted messengers, fugitives have established themselves. I took consultation as follows, this is what I thought: ‘Indeed, fugitives have established themselves. (And yet) a mounted messenger who goes to his village –he must not go, unless he obtains a document with my seal.’ This is (the counsel) I took, and I wrote you accordingly. From now on a mounted messenger who can show you a document with my seal may stay in his village and may enjoy his house and field. As long as he stays, the house is settled on him. Before his leaving let ⁷PN⁷ lead him to the palace and let him bring here the tablet with my seal for his identification. To him who does not have a tablet with my seal and comes to you, you must not grant him permission to stay (in his village)! Have him brought to me.

Envelope: Ibalpiel, the mighty king, favourite of Tišpak, king of Ešnunna, son of Daduša.

²⁵⁰ Goetze 1958: no 5 (Ibalpiel n, Discovered in Šaduppum, Composed in Ešnunna, IM 51251)

Obverse: *a-na warum-ma-gir / qi₂-bi₂-ma / um-ma be-el-ka-a-ma / i-na li-ib-bu ra₂.gaba mu-un-na ab-tu / i-mi-du-u₂-ma / ši-tu-lam ki-a-am aš-ba-at / um-ma a-na ku-u₂-ma an-na mu-un-na-ab-tu im-ti-du / ra₂.gaba ša a-na-ka ap-ri-šu i-la-ku / a-di ka-ni-ki la na-šu-u₂ la i-la-ak / an-ni-tam aš-ba-at ma-ak ki-a-am aš-pu-ra-kum / iš-tu i-na-an-na ra₂.gaba^{mes} / ša ka-ni-ki u₂-ka-la-mu-ka / i-na ka-ap-ri-šu li-ši-ib-ma / e₂-su u₃ e₂qel-šu li-mu-ur // Reverse: u₃ a-di wa-^{x}-aš-bu bi-⁷i⁷-tum / lu-ši-ta-ku-na-⁷at⁷ / i-na pa-ni at-lu-ki-šu / 1(diš) e-x-x a-na e₂.gal-lim / li-ir-de-šu-ma u₃ ka-ni-ki / a-na i-di-šu li-ib-lam / ša ka-ni-ki la na-šu-u₂-ma / it-ta-al-ka-ak-kum / a-na wa-ša-bi-im la ta-na-ad-di-šum / a-na še-ri-ia šu-ri-a-aš-šu // Envelope: i-ba-al-pi-el / lugal dannum / na-ra-am ^dtišpak / lugal eš₃-nun-na^{ki} / dumu da-du-ša*

It is only natural that instances of flight led to attempts to gain information about fugitives and their whereabouts. When slaves ran away, other members of the slave community could be questioned to determine the location of the escaped runaway. The Old Akkadian text TMH 5, 50²⁵¹ recounts a female slave (g e m e 2) disclosing the location of a runaway slave to assist in his capture. According to the text, the slave fled to another city and at least one person in the slave community knew and was willing to reveal the runaway's whereabouts.²⁵²

Whether the slave was identified by an individual or officials of a city, once a fugitive slave was located, letters could be written to retrieve that slave. From the Old Akkadian period at least one such letter has been found.

Adab 868 (Adab; ND; A 868)²⁵³

Thus Mezi says, 'Speak to Lugal-nigzu, Ama-lal, a female slave in the house of the leatherworker, is my slave. She fled to the city of Du. Have him give her to you.'

This letter was written as an attempt to retrieve a runaway slave whose labour was being utilised by the house of the leatherworker.²⁵⁴

²⁵¹ TMH 5, 50 (Nippur; ND; HS 800)

Obverse: [l (a š)] ṽlu g a l - a 2 ṽ - z i - d a / a r a d 2 l u g a l - k i - g a l - l a / e n s i 2 - d a / i n - d a - z a ḥ 3 / k i z a ḥ 3 - a - n a / g e m e 2 u r - n i g a r / b a - d u 11 / ṽ i n ṽ m a š - ṽ g a - n i ṽ k i - ṽ š a b r a ṽ // Reverse: u - ṽ š a ṽ - a b / ṽ l i ṽ - [r u] - u 3 - ṽ n i m ṽ / x - x - ṽ l e ṽ / [...]-x

Translation: Lugal-a-zida the slave of Lugal-kigala, ran away from the e n s i . Ur-nigin's slave girl stated his hiding place: 'He dwells in Mašgani-šabra; let them bring him here...'

²⁵² Since the last line of the text is broken, the function of the tablet cannot be known. Snell (2001: 46-47) suggests the tablet could have been used for a court case, while it seems equally plausible the text could have been written for the purpose of recording flight and the act of pursuit. The possibility should also be left open that the text could be a form of early literature.

²⁵³ Adab 868 (Adab; ND; A 868), see Michalowski (1993): 29.

Obverse: ṽ m e - z i ṽ / n a - b e 2 - a / l u g a l - n i g 2 - z u / u 3 - n a - d u 11 / l (d i š) a m a - l a l 3 / g e m e 2 e 2 - ṽ a š g a b ṽ ? // Reverse: ṽ a r a d 2 - g a 2 ṽ / d u 6 k i - š e 3 b a - z a ḥ 3 / ḥ a - m u - r a - š u m 2 - m u

Mezi, the owner, has been identified by Michalowski (1993: 28) as a high-ranking official or important businessman on the basis of four letters from or to him.

²⁵⁴ It is possible that the leatherworker was hiring Ama-lal from Mezi for a period during which she fled. The hiring of slaves is known from this and other periods. See CT 50, 70 = Westhuizen (1990): 263-264 = Kienast and Volk (1995): 151 Si 1. Also referenced in Westenholz (1999): 69 nos. 315-316.

Although a number of letters mentioning runaway slaves have been found from early Mesopotamia, little can be ascertained from them about the pursuit and capture of fugitives. In fact, such extant letters are often written after a slave has already been captured. For instance, in an Old Babylonian letter (Veldhuis RA 102 11 [HMA 9-01834]),²⁵⁵ the owner of a captured fugitive slave mentions sending one shekel of silver as compensation for the return of the runaway slave. It is often unclear whether the individual sent in pursuit was some trusted person known to the slave owner or if the owner was commissioning someone who was employed in the capacity of a fugitive catcher. But what can be established from the evidence is that at least in the Ur III and Old Babylonian periods, people who captured runaways could be given some compensation.

²⁵⁵ Veldhuis RA 102 11 (Nippur?; ND; HMA 9-01834) cited after Veldhuis:

Obverse:...Reverse:... Line 8: *u₃ a-nu-um-ma arad ḏanna.igi.du / ša a-ša-mu-šu iš-tu a-li-im / ša wa-aš-ba-ku in-na-bi-ta-am-ma / i-na u₄.unu^{ki} iṣ-ba-tu-šu-u₂-ma ‘u-um a-nu-um-ma 1 (diš) i₃-li₂-ma / 1 (diš) gin₂ ku₃.babbar a-na ni₂-ba-ḥi-im na-ši / arad a-na še-ri^ṽ-i-ka li-ir-du-ni-ku-um-ma / ta-ki-il-ka ša it-ti^ṽ ma-ri ši-ip^ṽ-ri-ia [...]* / *ku₃.babbar ša aš-pu-ra-kum [ub]-lam arad li-ir-di-a-[am] / ap-pu-tum ki-i-ma un-ṽ ne^ṽ-[du]-uk-ki ta^ṽ-am-ma-ru ta-ki-il-ka / [it]-ṽ ti^ṽ ma-ri ši-ip-ri-ia / [arad] an-ni-a-am i-ḥa-mu-uṣ ub-ba-lam-ma / [...]* *x-ti ta-pa-ṽ-ar [...]-ia a-na a-li-ia // Left Edge: [...]-ṽ x^ṽ-ar-ra / [...]-ṽ x^ṽ ki-i-ma ul-lu-ṽ ti-im^ṽ / [...]-ṽ x^ṽ la-a te-le-qi₂*

... And now the slave of Nanna-igidu whom I bought fled from the city where I live and they seized him in Larsa. He is mine! Now Ilima carries one shekel of silver as payment. Let them bring the slave to you. Your trusted man who (came) with my messenger he brought the silver that I sent to you. Let him bring the slave to me. It is urgent! When you see my letter, your trusted man together with my messenger should quickly bring that [slave] here. ... you will release. ... to my city ...like those ... do not take!

5.5.2 Bounty Hunters

Evidence of pursuit during the Old Babylonian period is limited other than the information found in the law codes and letters, but slaves were certainly pursued and captured during this period.²⁵⁶ As discussed above, the ‘Code of Hammurapi’ §17 calls for a reward of two shekels of silver to be given to a person who returns a slave from the steppe. Richardson (2002) identifies a text which might include a payment as a bounty for the captures of a fugitive (*ana ʔaridum*, ‘for return, capture’, Richardson Text 7.75).²⁵⁷ As mentioned above, these texts suggest there was money to be gained from the capture of slaves, indicating that in the Old Babylonian period, some people received money for capturing and returning slaves.

²⁵⁶ A number of letters were written to secure the return and to make known the whereabouts of runaway slaves, such as the following:

AbB 2, 71 (Discovered Sippar²; Composed in Babylon; Abi-ešuh n; BM 27248) = VAB 6 69

Obverse: [a]-r na ʔ d^r suen ʔ- [i-di₂-nam] / kar u₄.kib.nun^{ki} u₃ di.ku₅.[meš u₄.kib.nun^{ki}] / q₁₂-bi₂-ma / um-ma a-bi-e-šuh-ʔ ma ʔ / lu₂ qa₂-ab-ba-u₂-ʔ um ʔ / ki-a-am iš-pu-ra-[am] / um-ma šu-ʔ ma ʔ / sag.geme₂.arad ha-al-ʔ qu₂ ʔ-[um] / ʔ ša ʔ la-ma-sa₂-ni lukur d^r utu ʔ / i-na u₄.kib.nun^{ki}-am-ʔ na-nim ʔ / i-ba-aš₂-ʔ šⁱ ʔ / ki-a-am iš-pu-ra-[am] / ra₂.gab / u₃ lu₂ qa₂-ab-ba-ʔ am ʔ / aṭ-ʔar₃-dam // Reverse: ʔ ki ʔ-ma is-sa₂-an-qu₂-ni-ʔ ik-ku ʔ-nu-ʔ šⁱ ʔ-[im] / sag.geme₂.arad ša lu₂ qa₂-ab-ba-u₂ / u₂-ʔ ka ʔ-al-la-mu / a-na ra₂.gab ša aṭ-ru-dam pi₂-ʔ iq ʔ-[da-ma] / a-na ka₂.dingir.ra^{ki} / li-ir-di-a-am-ma / ʔ ki ʔ [...] li [...] x ʔ ma ʔ n lines broken

Translation: Speak to Suen-[iddinam], of the chamber of commerce of Sippar and the judges [of Sippar], thus Abi-ešuh, the spokesman, thus he wrote to me, thus he (says), ‘The (group of) runaway slaves of Lamassāni, *nadītu*-priestess of Šamaš, is in Sippar-Amnanum’. Thus he wrote to me, ‘I sent a rider and a spokesman. When they draw near to you, entrust the (group of) slaves, about whom the spokesman will instruct, to the rider whom I sent to you, let him bring it to Babylon to me’ [...]

The sag.geme₂.arad (=aštapīru) is treated as a group and can be understood as ‘the domestic staff’. Since the group of slaves as a whole is under consideration, the adjective describing them as runaways is singular, as well as the verb describing their whereabouts.

²⁵⁷ In the textual body (p. 304), Richardson understands *šibtum* as payment for the seizure of the runaway slave. However, in the text edition (Text 7.75), Richardson refers to *šibtum* as ‘interest’ and then states it is a payment given to the individual for the acquisition of the fugitive (Richardson 2002).

Richardson 2002 Text 7.75 (Provenance Unclear; Ammi-ditana Year 1, Month 9, Day 22; BM 80421)

Obverse: [xx] gin₂ ku₃.babbar na₄ d^r utu / [...] šⁱ-ib-tum / [...] ʔ ša₃ ʔ sa₁₀ sag.arad / i-na qa₂-ti il₃-šⁱ-ba-ni / iz-zi-iz / a-na iti 2(diš).kam / ʔ 1(u) ʔ gin₂ ku₃.babbar na₄ d^r utu ʔ / 1(diš) il₃-šⁱ-ba-ni / a-na ʔa-ri-du-um / i-na-ad-di-in / [n lines broken] // Reverse: [...] / [...] -rum dumu a-pil-ʔ ku-bi ʔ / [...] ʔ umbin ʔ-šⁱ-bu-la / [...] ʔ ra ʔ -bi-a-nu-um / iti gan.gan.e₂ u₄ ʔ 2(u) 2(diš) ʔ².kam / mu am-mi-di[!]-ta-na lugal / ad.gi.a.gu.la / d^r utu d^r amar.utu.be[!].da.ke₄ // Seal: dumu-[...] / d^r im-šar-[...] / arad a-bi-[...] // Seal: ʔ x d^r mar ʔ [...] / dumu d^r en.[...] / kur² dam-šⁱ [...] // Left Edge: kišib il₃-šⁱ-ba-[ni]

Translation: [n] shekels of silver according to the weight of Šamaš [...] *šibtum* payment [...] was available for the purchase of the slave by the hand of Ilšⁱ-bani. For two months, 10 shekels of silver according to the weight of Šamaš, Ilšⁱ-bani was given for the capture. [...] [Witnesses] ʔ PN^ʔ, the son of ʔ Apilkubi^ʔ [...], [...] Šupur-šubula, [...]. Rabi^ʔ anum. The month Kislimu (Month 9). Day ʔ 22^ʔ. The year Ammi-ditana, the king, on the great advice of Šamaš and Marduk (established justice in the land) (Ammi-ditana 1). DUMU-[...] Adad-šar-[x], the slave of Abi-[x]. ʔ X^ʔ Mar-[x], the son of Suen-[x] KUR^ʔ his wife [x]. Sealed by Ilšⁱ-bani.

Richardson (2002: Volume II p. 148) read the final line of the reverse as follows: d^r utu d^r la₃[!] (amar.utu).be[!].da.ke₄. He further comments, ‘If LĀL appears in date formula which are supposed to be written AMAR.UTU, doesn't this show that LĀL is merely an orthographic variant for AMAR.UTU.’ While collating this text and on the basis of orthographic practices from the same period, the writing has been established as amar.utu and not la₃.

The practice of hunting down fugitives is well attested during the Ur III period. Individuals were sent on missions by the state to capture runaways.²⁵⁸ The texts involving the fugitive catchers include phrases such as, *l u₂ z a ḥ₃ d a b₅-d e₃ g e n - n a*, ‘travelling to capture a runaway’ (Rochester 152: Obverse Line 2; UTI 6, 3723: Reverse Line 1; Festschrift Sigrist 28, no. 6: Obverse Line 3; MVN 22, 5: Lines 3, 7), *l u₂ z a ḥ₃ - š e₃ g e n - n a*, ‘travelling after runaways’ (*TCTI* 2, 4032: Line 3, 4081: Line 6), or *l u₂ z a ḥ₃ g e n - n a*, ‘travelling (after) runaways’ (BM Messenger 176: Reverse Line 1). In DAS 199: Reverse Line 2 Abuni appears to be pursuing multiple runaways (*a - b u - n i l u₂ z a ḥ₃ d a b₅-d a b₅-d e₃ g e n - n a*) (*ḥ a m ṭ u* plural with object).²⁵⁹ These texts specify that the ration was being paid for the specific purpose of aiding the individual in capturing the runaway(s). The task of these fugitive catchers resembles that of a marshal or bounty hunter in modern and (post)-modern United States, but with a few noticeable differences. The individuals sent on these missions did not work only as fugitive catchers, although some might have functioned in this capacity on numerous occasions (See, for example, texts with the name Abuni, DAS 199 [Reverse Line 2], *TCTI* 2, 4161. It is unclear whether this is the same individual in every instance, though it remains a possibility.). In the letter,

²⁵⁸ See for example: Festschrift Sigrist 28, no. 6 (Girsu; Year *n*, Month 12, Day 25; KM 89045)

Obverse: *2(diš) sila₃ kaš 2(diš) sila₃ ninda / 2(diš) gin₂ i₃ / a-bu-ni lu₂ za ḥ₃ dab₅-de₃ gen-na / 2(diš) sila₃ kaš 2(diš) sila₃ ninda / 2(diš) gin₂ i₃ 2(diš) gin₂ i₃-ṛ udu ṽ* // Reverse: *i-di₃-zu lu₂ ^{g e^s}tukul gu-la / 2(diš) sila₃ kaš 2(diš) sila₃ <ninda> / 2(diš) gin₂ i₃ / šu-er₃-ra / zi-ga u₄ 2(u) 5(diš) / iti še-il₂-la*

Translation: Two litres of beer, two litres of bread, two shekels of oil Abuni travelling to capture runaways. Two litres of beer, two litres of bread, two shekels of oil, two shekels of sheep fat. Idizu superior armed man. Two litres of beer, two litres <of bread>, two shekels of oil Šu-Erra. Expenditure for 25 days. month: ‘hand-raising’.

²⁵⁹ See Heimpel 2009a: 61. Steinkeller 1979: 62-66.

Festschrift Sigrist 127-128, 1,²⁶⁰ a man named Nanatum pursues and captures a slave who ran away on more than one occasion. Nanatum apparently captured a runaway slave returning him to his owner, but the slave ran away again. Nanatum found the slave a second time who was at that time the slave of another individual. Nanatum purchased the slave from the prior owner to sell the slave to the person who had possession of the slave after the second instance of flight. In this instance, Nanatum was utilised on more than one occasion to capture a slave. Whether Nanatum was a fugitive catcher or merely a trusted individual known to the slave owner is unclear.

Fugitive catchers hold a variety of positions: *n u - b a n d a*₃ (lieutenant), *l u² k i n - g i*₄ - *a l u g a l* (messenger of the king), *l u² k a s*₄ (runner), and *l u² g i š t u k u l l u g a l - k a* (royal constable). This does not mean that the pursuit of runaways was always among their responsibilities. Instead, on the basis of their titles, these representatives of the state could serve in a variety of capacities between the state and the people, thereby enabling them to function as fugitive catchers in instances such as these.

Unlike traditional bounty hunters, payment does not appear to be contingent on the successful capture of the pursued. As with other compensation for services rendered during this period, the individuals were provided with rations as they travel on their mission. However, it is

²⁶⁰ Festschrift Sigrist 127-128, 1 (Umma; Amar-Suen Year 5, Month 12; BM 106527) after Molina:

Obverse: *n a - n a - t u m - e / m a - a n - š u m₂ - m u - n a - r a / a r a d₂ z a ḥ₃ - a - z u / ṛ g a ṽ - m u - r a - a n - t u m¹ / i n - n a - a n - d u₁₁ / m u - u n - n a - d e₆ / a - r a₂ 2 (d i š) - k a m b a - a n - d a - z a ḥ₃ / a r a d₂ - r a i g i m u - n i - ṛ T U[?] - a m₃ ṽ / a r a d₂ u₂ - z a - a r - d š u l - g i - r a^{k i} i₃ - t u š / š u - d u₈ - a i m - m i - d a b₅ / ṛ i n ṽ - n a - a n - d u₁₁ / [...] x [a] - ṛ k a l - l a ṽ m u₁₀ - u s₂[?] - s a g a - n i - i r // Reverse: *d u b š u m₂ - m u - n a - a b i n - n a - a n - d u₁₁ / a - k a l - l a d u b m a - a n - š u m₂ - m u - n a m u - d e₆ / a r a d₂ m u - s a₁₀ b a - r a - a n - n e - z u ḥ / k u₃ a r a d₂ - d a D U - u m b i₂ - d u₁₁ / u r - g u₂ - d e₃ - n a - k e₄ b a - a n - š i - s a₁₀ / a - k a l - l a k u₃ b a - a n - d e₆ / k i š i b₃ m a[!] - a n - š u m₂ - m u - n a i n - n a - a n - r a / t e š₂ - b i m u l u g a l i b₂ - p a₃ / a - k a l - l a k u₃ - š e₃ g i - n e₂ - d a / i t i - t a u₄ 6 (d i š) - a m₃ b a - r a - < z a l > // Left Edge Column: *s a g[!] u₄ - s a k a r - š e₃ d u - d a i b₂ - d u₁₁ / i t i^d d u m u - z i - š e₃ u r - n i g a r^{g a r} / m a š k i m a - b a - d e n - l i l₂ - g i n₇ / Column ii. m u [e n] - ṛ u n u₆ ṽ - [g a l^d] ṛ i n a n n a ṽ***

Translation: Nanatum spoke to Manšumuna, 'I will bring for you the slave who ran away.' He brought (the slave) for him. (The slave) ran away a second time. He spoke to him, 'I discovered the slave; the slave is in dwelling in Ušar-Šulgi. I seized him there.' He spoke to him, 'I will let Akala, (my) son-in-law,... Give him the tablet.' He declared, 'Akala brought the tablet of Manšumuna; he purchased the slave. He did not steal (the slave) for them; the silver for the slave was sufficient.' Ur-Guedena purchased (the slave) from him; Akala brought the silver. The seal of Manšumuna, was rolled for him (Ur-Guedena). By the name of the king they have sworn (not to contest the agreement). They stated that Akala will confirm he (paid) with silver. The sixth day of the month. He will be brought before the month of Dumuzi (Month 12). Ur-Nigar was the administrator of Aba-Enlilgin. The year Enunugal (was installed as en-priest of) Inanna (in Uruk) (Amar-Suen Year 5).

possible that rewards were given for successful missions but were excluded from the record. One text from Umma indicates that reward could be given in the event of the successful capture of a slave.²⁶¹ The text states a slave who ran away from a military service after the death of his owner was discovered in the town of Anšan (modern Tall-i Malyan in the Fars province). A man by the name of Gudea was able to identify the slave and take an oath as confirmation. The son of the deceased owner of the slave paid Gudea ten shekels of silver and returned the slave to his military service. The return price was steep, especially in comparison to the average cost of slaves (see discussion in chapter 3) in the Ur III period and in comparison to the two shekels mentioned as a return price in ‘Code of Ur-Nammu’ §16, though the compensation recorded in Festschrift Sigrist 131, 4 likely related to the distance to Anšan. Such a reward was very similar to bounties paid for the successful identification and capture of fugitives.

Moving from the hunter to the hunted, the types of individuals pursued typically remains unstated in the fugitive catcher texts, except in the examples from Irisagrig (Nisaba 15, 34: 5; Nisaba 15, 39: 26; Nisaba 15, 40: 16; etc), which refer to the pursuit of *e r e n 2* (a type of worker), most of whom are also called *a r a d 2 e 2 - g a l* (slaves of the palace). Other evidence demonstrates that the pursuit for runaways within the system could take place for people with a variety of descriptors (workers, slaves, and craftsmen).²⁶² This evidence in particular relates to those

²⁶¹ Festschrift Sigrist 131, 4 (Umma; ND; BM 110379) after Molina:

Obverse: [l (d i š)] n i g a r ^{g a r} - k i - d u ₁₀ d u m u u r - d l i ₉ - s i ₄ - n a - k a - k e ₄ / l (d i š) d i n g i r - g a ₂ - b i ₂ - d u ₁₁ a r a d ₂ u r - d l i ₉ - s i ₄ - n a - k a i ₃ - m e - a - a š / i n - g e - e n ₆ / l (d i š) ḥ a - ḥ a - š a / l (d i š) u r - d i š t a r a n / l (d i š) i ₃ - d a / l u ₂ - i n i m - m a - m e / ḥ a - ḥ a - š a n a m - e r i m ₂ - b i i n - k u ₅ / ^{d e r} ₃ - r a - n u - i b l u ₂ k i n - g i ₄ - a l u g a l m a š k i m - b i - i m / blank space // Reverse: ^l (d i š) l u g a l ^{ur} - u r ₂ - r a - n i u ₃ u r - ^{d n u n} - g a l / ^{d u m u} l u ₂ - ^{d n a n n a} a r a d ₂ u ₂ - d a - k a - m e / ^u ₂ - d a g e š - g i d ₂ - d a b a - a n - x - d u ₃ m a - a r - g i ₄ i n - g a ₂ - a r / [u ₂] - ^{d a} b a - u š ₂ a r a d ₂ b a - z a ḥ ₃ / ^{a r a d} ₂ ^{ki} z a ḥ ₃ - a - n a a n - š a - a n ^{ki} b a - u š ₂ / ^{g u} ₃ - d e ₂ - a d u m u g u - d u - d u - ^{ka} i g i i n - n i - d u ₈ - a m ₃ / n a m - e r i m ₂ - b i g u ₃ - d e ₂ - a i n - k u ₅ / l a - l u ₅ d u m u u ₂ - d a - k a / l (u) g i n ₂ k u ₃ - b a b b a r b a - a n - n a - l a ₂ / g e š - g i d ₂ - d a - a š b a - a n - n a - d u ₃ / blank space

Translation: Nigarkidu, son of Ur-Lisi, confirmed that Dingirga-bidu is the slave of Ur-Lisi. Ḥaḥaša, Ur-Ištaran, Ida are the witnesses. Ḥaḥaša took the oath. Erra-nuIB, messenger of the king, was the administrator of it. Lugal-urani and Ur-Nungal (are) sons of Lu-Nanna, slave of Uda. Uda appointed (Lu-Nanna) for service as ‘bowmen’, but released (his sons). Uda died. The slave escaped. The slave [was thought to have] died in Anšan where he fled. Gudea, son of Gududu, saw him. Gudea took the oath. Lulu, son of Uda, paid (Gudea) ten shekels of silver. (Lulu) appointed (the slave) to his bowman service.

²⁶² See discussion above under the heading, ‘Flight: Native Terminology from Early Mesopotamia Denoting Flight’.

individuals who have been subsequently caught or deemed as potential flight risks and can be seen more clearly in the following discussion about the consequences for flight.

5.5.3 Summary

The pursuit of runaways is attested in the record as early at the Old Akkadian period, and a number of means were utilised to secure the return of slaves. In the Old Akkadian period, little is known about the pursuit of fugitives other than a couple of sources. By the Ur III period, people were commissioned as fugitive catchers to seize runaways. These fugitives could be workers in the administration or slaves, and this evidence of pursuit from the Ur III period represents a high point in the textual record of early Mesopotamia. Money could also be earned by capturing runaways slaves during the Old Babylonian period, although this appears to be restricted to slaves and perhaps to prisoners of war, but not to other workers in the administration for this period. It is also during this same period, for example, that a check system appears to have been in place to prevent fugitives from being able to reside within the villages of Ešnunna.

This evidence, however, leaves unstated the consequences faced by captured runaways. Although the legal-historical record does not discuss any punishments slaves might face, a number of observations can be made from the documents of practice from the Ur III and Old Babylonian periods.

5.6 Consequences: Physical Punishment and the Seizure of Family Members

The tension between the ‘theatre of horror’,²⁶³ which uses public abuse and execution to create aversion to criminal acts, and the idea of caging for the purpose of reform can be seen in the consequences of flight during the Ur III period, which gives rise to the interesting topic of the history of prisons. Until the 1970’s very little thought had been given to the topic in scholarship

²⁶³ ‘Theatre of horror’ is a common term in studies of crime and punishment (See, for example, *Theatre of Horror: Crime and Punishment in Early Modern Germany* (van Dülmen 1990). Such studies look at public punishments used as deterrents of crime.

from an historical perspective.²⁶⁴ The distinction between prisons and jails adopted by the editors of the *Oxford History of Prisons* is as follows: ‘Oversimplifying, jails hold mainly those awaiting trial and awaiting punishment; prisons hold convicted offenders as punishment.’²⁶⁵ Following this approach and in light of the development of the concept of reform through caging, the distinction between the ‘theatre of horror’ and the function of prisons will be utilised in what follows.

5.6.1 Physical Punishment

During the Ur III period, flight could be handled in a variety of ways. Mutilation and the death penalty are among the physical punishments mentioned as consequences for flight. Both of these punishments were permanent and irreversible. Mutilation could take place by cutting the nose of the offender.²⁶⁶ The mutilation of the nose permanently marked out the individual from the rest of the population, removing any possibility of hiding the consequences of flight. This practice hindered the runaway’s ability to escape and blend in with the rest of society, thereby dramatically reducing the chances of success if flight was attempted in the future. Further, the permanent, violent consequence of cutting the nose discourages other individuals from taking the risk of running away.

²⁶⁴ See Morris and Rothman 1998: vii. Many intellectuals discussed the benefits and problems of prison systems, but the actual discussion of prisons as an historical phenomenon is relatively recent.

²⁶⁵ Concerning the origin of prisons, the editors of the *Oxford History of Prisons* offer this suggestion: ‘If the cage exists, and if we do not know what else to do with a convicted criminal who does not need to be killed or whipped or exiled yet who cannot be allowed to escape adverse consequences for his crime, why not continue caging? So, we are suggesting, the original justification for the prison may well have been incapacitation. Whatever else, incarceration serves to remove a potential offender from the community’ (Morris and Rothman 1998: ix). On the basis of the history of prisons from the Classical world until the present, this answer appears reasonable. If, however, a type of prison existed in early Mesopotamia, then the Mesopotamian evidence is important for understanding the ‘original justification’ for the prison system and may suggest a different line of reasoning, although this is not to suggest that a relationship between Mesopotamian prisons and modern examples can be established.

²⁶⁶ JNES 63, 3 (Umma; Amar-Suen Year 2; BM 107955), for interpretation see discussion in Molina and Such-Gutiérrez (2004):

Obverse: 1 (diš) im-ti-e₂ / arad₂ e₂-gal / mu 3 (diš)-am₃ / i₃-zaḥ₃-am₃ / ni-nagar-e / pa-ag₂ i₃-ze₂-e // Reverse: a₂-zi-da / ba-an-tum₂-mu / igi ensi₂-ka-še₃ ba-ge-en₈ / mu^d amar-^d suen lu gal-e ur-bi₂-lum^{ki} mu-ḥul

Translation: 1 (full time worker) Imti-e₂?, slave of the palace, fled for three years. Ninagar shall cut the nostrils. To Azida he shall bring him. Before the *ensi* it has been declared. Year: ‘Amar-Suen, the king, destroyed Urbilum.’

The death penalty went a step further.²⁶⁷ Rather than setting the individual apart from society through mutilation, the death penalty permanently removed the offender from society all together. Again the execution of the offender served as a warning to those who might contemplate flight in the future.

During the Old Babylonian period, physical punishment could also occur when an individual ran away and was captured. A Mari letter published by S. Lafont (1997) discusses a Ḫananean named Ḫardum who escaped with two slave girls (g e m e 2) to Šubartum. Ḫardum caught up with the runaways and in his anger gouged out the eyes of the young fugitive. Ḫardum sought permission to the kill the man and place him on a pole to make an example of the runaway.

²⁶⁷ NRVN 1, 1 (Nippur; Amar-Suen Year 1; Ist Ni -):

Obverse: 1 (diš) gu-u₂-gu / arad₂ ur-^dNUN-GAL[!]-ka / ba-an-da-zaḫ₃ / mu-dab₅ / igi-ni in-gar / mu-lugal u₄-ara₂ 2(diš)[!]-ka / i₃-zaḫ₃-de₃-na / ga-ḫul bi₂-in-du₁₁ / 1(diš) lugal-a₂-zi-[da] // Reverse: 1(diš) a-ba-^den-[lil₂]-[gin₇] / 1(diš) i-ti / di-ku₅-bi-me / dumu nibru^{ki} / mu ^damar-^dsuen lugal

Translation: Gu'ugu, slave of Ur-Nungal, fled. He was captured. He was examined. [By] the name of the king he swore, 'On the day I flee a second time, may I be destroyed'. Lugal-azida, Aba-Enlil-gin, Iti, are the judges. Son(s) of Nippur. Year: Amar-Suen was king.

For the number of times Gu'ugu ran away the text has the 'a' sign. It is unclear whether scribe intended to write 3(diš) or 2(diš). Lafont (2000: 58).

The expression ga-ḫul is here taken to mean, 'let me be destroyed'. Molina and Such-Gutiérrez (2004: 8), and Woods (2008: 272) understand ḫul in this text to mean 'mutilate'. Snell (2001: 157), on the other hand, translates ḫul in this text as 'destroy'. ḫul = *ubbuttu*, *abātu*, *šulputu*, *lapātu*. For ḫul, see FAOS 8: 136-137 ('zerstören'). The meaning of ḫul 'to destroy' is also used frequently in year names during the Ur III period.

For another possible text dealing with the death penalty for flight, see also BE 3/1, 1 (Nippur; Šu-Suen Year 5 Month 13 Day 20; CBS 11176)

Obverse: 1(diš) bu-ka / arad₂ a₂-la-la-kam / a₂-la-la igi-ni i₃-ši-gar / mu lugal u₄ ba-zaḫ₃-de₃-na-ga₂ / še_{r7}-da ḫe₂-a / bi₂-in-du₁₁ / za-an-ME-NI ama-ni / u₃ geme₂-^den-lil₂ dam-na-ni / šu-du₂ nu-zaḫ₃-da // Reverse: ba-an-de₆-eš₂ / 1(diš) lugal-gur₄ / 1(diš) nam-ḫa-ni / 1(diš) ur-ga₂-gi₄-a / 1(diš) šeš-kal-la / 1(diš) ur₃-e-ba-du₇ / 1(diš) us₂-a-ni / 1(diš) i₃-li₂-mu / lu₂-inim-ma-bi-me / iti še-sag₁₁-ku₅ 2(u) / mu us₂-sa bad₃ mar-tu ba-du₃

Translation: Buka, the slave of Alala, Alala examined him. In the name of the king, 'On the day, I flee let it be a (capital?) crime', he swore. Zan-MENI, his mother, and Geme-Enlil, his wife, as guarantors that he will not flee they were bound. Lugal-gur, Namḫani, Ur-Gagia, Šeš-kala, Ur-Ebadu, Usani, Ilimu, they are the witnesses. Month: Harvest, [day] 20. Year after: The amuru wall was built.

Civil uses this text and others (Gudea A xii 24ff; NATN 366: Line 3ff; JCS 12, 106; etc) to argue for the meaning 'capital crime' for še_{r7}-da (1993: 76-78). Attinger (2003: 27), without rejecting the possibility that še_{r7}-da means 'capital crime', argues the texts given by Civil do not require the meaning 'capital crime' and that Civil's position leaves unexplained other uses of the terminology.

Lafont *RA* 91 (1997: 110), see also Snell 2001: 57²⁶⁸

Say to my lord, thus (says) Ibâl-pî-El, your servant. A young man of Ḥardûm, the Ḥananean, accompanied by two female slaves, friends of his, fled to Šubartu. He (Ḥardûm) overtook him in Šubartu. He seized him. In his anger,²⁶⁹ he blinded his young boy. He came to me, thus he said, ‘I want to kill this man, and he should be placed on a pole that everyone may learn from his example.’ This is what he said to me, and I responded thus, ‘You cannot do anything without my lord. Let me send to my lord, Whatever my lord says, I will do’. This is what I replied to him. Let my lord write to me this or that.

Since the Ḥananean ran away with two others, this could explain the physical severity of the punishment. If taken to be reflective of the society, the letter does indicate that physical punishment was acceptable in certain cases depending on the specifics of the case, but that the death penalty could not be meted out without consent from the ruling authorities.

Physical abuse as a consequence for flight in early Mesopotamia is best attested in the Ur III period. However, it is not likely that much can be concluded on this basis, since it is expected that any punishment runaways slaves might face upon capture and return would not be recorded in the extant record, as such punishment was often a private matter. These above examples can be considered similar to the ‘theatre of horror’ approach to deterring crime, and this view of using punishment as a public deterrent is clearly expressed in the request of the Ḥananean in the text cited above, Lafont *RA* 91 (1997: 110), ‘He came to me, thus he said, ‘I want to kill this man, and he should be placed on a pole that everyone may learn from his example’. Although runaways were certainly physically abused for flight in early Mesopotamia, other measures could be taken to prevent or punish acts of flight.

²⁶⁸ Lafont *RA* 91 (1997: 110)

Obverse: *a-na be-li₂-ia qi₂-bi₂-r ma^᠗ / um-ma i-ba-al-pi₂-r a n^᠗ / arad-ka-a-ma / 1(diš) lu₂-tur ḥa-ar-di-im ḥa-ni-im / 2(diš) geme₂ ša-wi-ti-šu it-ru-ma / a-na šu-bar-tim in-na-<bi>-it / u₂-ka-aš-ši-is-su₂-ma / i-na šu-bar-tim iš-ba-ta-aš-šu / i-na ap-pi₂-šu / in-ni lu₂-tur-šu / u₂-ga-al-li-il // Reverse: *a-na še-ri-ia / r il-li^᠗-kam-ma / ki-a-am iq-be₂-e-em / um-ma-a-mi lu₂ ša-r a-tu^᠗ / lu-du-uk-ma i-na^{giš}ga-ši-ši-im / li-iš-ša-ki-in-ma / wa-ar-ku-um i-na qa-ti-šu / li-mu-ur an-ni-tam iq-be₂-e-em-ma / a-na-ku ki-a-am a-pu-ul-šu / um-ma a-na-ku-ma / r ba^᠗-lum be-li₂-ia mi-im-ma / [u₂]-ul te-ep-pe₂-eš / a-na be-li₂-ia lu-uš₂-pu-r ur^᠗-ma // Left Edge: *ma-li be-li₂ i-qa-r ab^᠗-be₂-e-em / lu-pu-uš₂ an-r ni-tam^᠗ a-pu-ul-šu / an[!]-ni-tam la an-ni-[tam] r be^᠗-li₂ li-iš-pu-/[ra]-am***

²⁶⁹ Literally, ‘in his nose’. See discussion in Lafont 1997: 11 note b, where Lafont points to Durand’s suggestion that the term should be understood as anger based on similar usage in biblical terminology. See *The Hebrew and Aramaic Lexicon of the Old Testament (HALOT)*, 78.

5.6.2 Restraint

Physical restraint could be employed in at least one of two ways, flight prevention and punishment for flight. When people were restrained for the purpose of flight prevention, it is unclear whether the individual in question was a known flight risk or if the restraint was a preventive measure taken by a paranoid or cautious owner or overseer. One such example deals with the attachment of a nose rope to slaves. The attachment of an *e š 2 - g i r i 1 7* (nose-rope)²⁷⁰ to an individual, if taken literally, appears to be somewhere on the spectrum between the practice of mutilation and the prison texts. Attestations to the practice are found in letters issued as prohibitions, and there is the question of whether the term *e š 2 - g i r i 1 7* refers to the actual attaching of a rope and nose ring to the person, or whether it means ‘detainment’ as in *e š 2 - g i r i 1 7 n a - b a - d u 3*, ‘do not detain them’.²⁷¹ A certain degree of ambiguity due to the writing of the auxiliary verb leaves it unclear whether these texts indicate the possibility that individuals were bound by some means to prevent their flight. The practice of attaching nose-ropes to prisoners of war is known from the Old Akkadian period (AO 5683) and mentioned in an Old Babylonian inscription attributed to Naram-Suen.²⁷² These images do not typically relate to slaves directly but are depicted as attached to

²⁷⁰ TCS 1, 158 (Unclear Provenance; ND; MAH 16644)

Obverse: *n a - b a - s a 6 / u 3 - n a - a - d u 1 1 / g e m e 2 l u 2 - d d u m u - z i - k e 4 i n - t u k u - a / [e š 2] - g i r i 1 7 - š e 3* // Reverse: *n a - b a - d u 3 / g e m e 2 d u 1 1 - g a - n i - z i - k a m*

Translation: To Nabasa speak: ‘To the slave girl Lu-dumu-zi married, a nose rope he shall not attach. She is the slave girl of Duganizi.’

TCS 1, 48 (Unclear Provenance; ND; MAH 16368) is another example of this practice.

Obverse: *b a - z i / u 3 - n a - a - d u 1 1 / u r - d n a n š e d u m u - d a b 5 l u 2 - d n a - r u 2 - a - k a - r a* // Reverse: *e š 2 - g i r i 1 7 - š e 3 / n a - b a - d u 3*

Translation: To Bazi speak: ‘To Ur-Nanše, the DAB₅-worker of Lu-Naru’a he shall not attach the nose rope.’

²⁷¹ Molina and Such-Gutiérrez 2004: 9.

²⁷² RIME 2.1.4.3 Lines iv: 33-v:4: (Cited after Frayne 1993: 97):

iv: 33: *n a - r a - a m - d s u e n / d a - n u m 2 / i n s i 2 - i p - r i / d i n a n n a / i 3 - n u / d e n . l i l 2 / d i . k u 5 - s u 2 / i - d i 3 - n u - m a / u 3* // v.1: *š e 2 - r a - a t / n i . s i 1 1 / q a 2 - t i - i s 2 - s u / i - d i 3 - n u - m a*

Translation: Naram-Suen, the mighty, on a mission for Ištar, when Enlil gave this judgement for him and entrusted the nose-rope of the people into his hands...

It should be kept in mind that this Old Babylonian copy which refers to the right to rule as Naram-Suen receiving the nose-rope of the people. It should be kept in mind, however, that as discussed in chapter 1, this later text may be a literary invention of a later period. The use of the term nose-rope in later inscriptions attributed to earlier rulers could be the result of Old Babylonian scribes seeing the imagery in the artwork from the Old Akkadian period and using that imagery as inspiration for a literary invention describe Naram-Suen’s divine right to rule.

prisoners of war.²⁷³ Such evidence lends plausibility to the view that servile people could have been restrained by the use of a literal nose-rope in early Mesopotamia but does not really provide any further clarity to the practice during the Ur III period, if such a practice existed in that period.

Physical restraint was not simply employed for the purpose of immediate prevention of flight. Runaways, upon capture, could be held under guard as punishment. The process of being held under guard (e n n u g , which can be written e n - n u - g a 2 , e n - n u g x , e n - n u - u g 3 , e n - n u - u g 5 , e n u - u g 3 - g a 2) during the Ur III period reflects the function of prisons if the above-mentioned distinction between prisons and jails is adopted. In other words, the process of being held under guard does not appear to be for the purpose of holding individuals until a punishment was decided. Instead, the process of being held under guard was seen as the consequence of flight. The e n n u g was used during the Ur III period as a place of detention as is evidenced by the mention of the terms ‘under guard’ and the texts dealing with individuals living in prison because of flight.²⁷⁴

At least one reason behind detainment may relate to concepts and expectations of reform. This is suggested by a hymn to the prison god and the reinstatement of offenders to the workforce after living in prison.

²⁷³ For other discussions relating to the nose-rope in ancient art, see Hansen 2002 and for the Assyrian evidence, see Ornan 2007.

²⁷⁴ AnOr 7, 286 (Umma; Šu-Suen Year 6, Month 8, Day 21; MM 225), see Dahl 2007: 47-48 on Nigar-kidu and chief of the *galla*, or ‘police chief’:

Obverse: l (diš) šeš-kal-la / l (diš) ur-gešgigir? dumu gešguzza-ni-me / l (diš) lu₂-dšara₂ dumu lugal-iti-da dumu i₃-x-šari₂ / l (diš) gešguzza-ni dumu ^dnin-ur₄-da SIG₇-a / 1 line erased / l (diš) lu₂-d^dalamuš bar-^rra^r gu b - ^rba^r / 1 line erased //

Reverse: Seal impression / lu₂ za_h₃ dab₅-ba / en-nu-ga₂ ^rti-la^r / iti iti-6 (diš) [...] u₄ 2 (u) l (diš)-am₃ [ba-ra]-^rzal^r / mu ^dšu-d[^suen lugal]-e na-ru₂-a - ^rma^h^r in-du₃ // Seal: a-tu dub-sar / dumu nigar^gar-ki-du₁₀ / gal₅-la₂-[ga l]

Translation: One (full-time worker) Šeškala, One (full-time worker) Ur-Gigir, son(s) of Guzzani, One (full-time worker) Lu-Šara, son of Lugal-itida, son of I-x-Šari, One (full-time worker) Guzzani, son of Nin-Urda, the blind worker. One (full-time worker) Lu-Alamuš, x x. Seized runaways, living in the prison. The 21st day of month, ‘e-iti-6’ has passed. Year: when Šu-Suen, the king, erected the lofty stela.

Seal

Atu, the scribe, Son of Nigar-kidu, the police chief.

See also the list conveniently compiled by Steinkeller (1991: 230 no. 15) which includes the texts YOS 4, 183, 192; MVN 14, 330, 362, 475, 482.

AfO 24 (1973): 19-46

‘When someone has been brought into the palace of the king and this man is of a capital offence, my chief prosecutor, Nindimgul, stretches out his arm in accusation. He sentences that person to death, but he will not be killed; he snatches the man from the jaws of destruction and brings him into my house of life (Nungal’s temple, the prison) and keeps him under guard. ... My house gives birth to a just person, but exterminates a false one ... when it has polished him clean like silver of good quality...when it has cleansed him of dirt, like silver of best quality..., he will be entrusted again into the propitious hands of his god. Then may the god of this man praise me appropriately forever!’²⁷⁵

In the Hymn to Nun-Gal, the idea of the text is the prison gives birth to the captured individual; refining the character like silver; and preserving life by delivering the offender from the death penalty.

With this new lease on life, the offender was ready to re-enter society as can be seen in a group of texts dealing with the life of a runaway potter. Following Dahl, the reconstruction of the station of potters in Umma during the Ur III period benefits, in particular, from the ability to trace the situation of a work crew for two consecutive years and presumably see the same crew existed for twenty years.²⁷⁶ Among the groups of potters, one individual is particularly important. Lugal-nig-lagare is mentioned in texts MVN 21, 203 and likely the same person in SAT 3, 1502 as Nig-lagare.²⁷⁷ In SAT 3, 1502, Nig-lagare is receiving rations in prison (e n n u x) for being a runaway potter (b a ḫ a r 3 z a ḫ 3) in the year Šu-Suen 4. In the text SAT 3, 1597 from the year Šu-Suen 5, Lugal-niglagare is mentioned in the crew again, indicating that potters could be imprisoned for running away and later reintroduced into the crew after serving prison time. During this period of detention, the rations that were given to the runaway potter may indicate that the state had a vested

²⁷⁵ See the editions Civil 1993 and Attinger 2003 of the text AfO 24 (1973): 19-46 (Nippur; ND; N 940 + N 941).

²⁷⁶ Dahl 2010: 286. Texts MVN 1, 231; MVN 1, 232; MVN 21, 203; SAT 3, 1597.

²⁷⁷ See Dahl 2010: 286 no. 34. The identification of individuals in texts is notoriously difficult. Even when more than one text includes the same name, it is possible that more than one person is in view. Despite this and the abbreviated name in SAT 3, 1502, it seems likely the same person is in view on the basis of the name, profession, contexts, and dates included in these texts. Abbreviated names, it should be noted, are not problematic. Andersson (2012: 62) writes, ‘Personal names in bureaucratic contexts, could easily be abbreviated since they were secondary to the bottom line: the number of units at disposal, disbursed, dispatched, rented, borrowed, received, or missing. But even when looking at sources where one could expect more precision, and the writing out of otherwise normally abbreviated names, e.g. commemorative inscriptions on objects presented to gods, serving to remind the divinities of their subjects’ piety, one can not detect any distinct differences in the way the names were written...After a close look at the Sumerian onomastic corpus it is clear that any element in phrase and clause names could be discarded’.

interest in and ownership of him. The case of the potters demonstrates that even some ‘skilled’²⁷⁸ workers belong to a lower stratum being unable to leave their work assignments without repercussions. These are not the only examples of runaways facing imprisonment or reassignment upon return.²⁷⁹

A somewhat similar situation in the Old Babylonian period is perhaps reflected in a couple of texts relating to the overseer of the *asīrī* and appears to relate to slaves and prisoners of war. As discussed above, Nisaba 4, II, 28 deals with a man from Šubartum, who fled his work assignment among the weavers; was captured; and later issued to the overseer of the prisoners. Another text dealing with fugitives has a similar outcome and yet this time deals with slaves.

²⁷⁸ See the discussion about skilled workers and the use of the designation in relation to social status in chapter 1.

²⁷⁹ See also Syracuse 259.

Englund has discussed a runaway who left *geš-gid-da* service. The runaway was later seized. He and his father have been identified in another text where they are living in prison the following year.

Iraq 6, 185 (Umma; Šu-Suen Year 4, Month 11; BM 105346), cited after Englund (1990: 160-162):

Obverse: 4(aš) 1(barig) 3(ban₂) ku₆-še₆ gur / ku₆ muš-bi-an-na / a-da-ga ba-an-na-šum₂ / ka-tar nu-banda₃-gu₄ / u₃ ur-^dma-mi šu-ku₆-e / ib₂-gi-in / mu ku₆-bi e₂-gal-še₃ nu-mu-un-de₆-a-še₃ / 1(geš₂) ku₆-še₆ gur / a-da-ga su-su-de₃ / ensi₂-ke₄ ba-an-šum₂ / me-PI-zu dumu ur-^dsuen unu₃ / geš-gid₂-da-ta ba-zaḥ₃ / mu 4(diš)-am₃ i₃-zaḥ₃-a / ki a-da-ga-ta / im-ma-dab₅ / a₂-ni_{2/3}(diš) ma-na ku₃-babbar / a-da-ga su-su-dam / iti pa₄-u₂-e / mu us₂-sa ^dšu-^dsuen lugal uri₂^{ki}-ma-ke₄ bad₃ mar-tu muriq-ti-id-ni-im mu-du₃

Translation: 1290 litres of smoked fish, fish (of the field) Mušbiana, they gave to Adaga. Qatar, the overseer of the cattle, and Ur-Mami, the fishermen, have confirmed it. Since he has not delivered the fish to the palace to pay 60 Cor smoked fish Adaga the replacement, has been required by governor. MePIzu, the son of Ur-Suen, the cattleman, fled bowman conscription. It has been four years since he fled. He was seized in Adaga. His wages are: 40 shekels of silver. Adaga is to be replaced. Month ... (11 months, Umma calendar) year after Šu-Suen, the king of Ur, built the Amorites' wall muriq-tidnim (Šu-Suen 4).

MVN 18, 557 (Umma; Šu-Suen Year 5, Month 10; MM 758) = AuOrS 11 557:

Obverse: 4(ban₂) 5(diš) sila₃ x x [...] / ur-nigar^{r gar} [dumu | PU₃. ŠA | ?]-iš-e₂-[a[?] ...] / 4(ban₂) 5(diš) sila₃ a-du-^rdu / [...] sila₃] lu₂-^dnanše / [...] ^rsila₃ me-PI-zu / [...] sila₃] ^rur^r-^dsuen unu₃ // Reverse: ša₃ en-nu-me / ki ka-guru₇-ta / kišib₃ ur-^dnun-gal // Seal Impression: iti ezem-^d[šul-gi] / mu us₂-sa [^dšu-^d] ^rsuen^r lugal-e [bad₃ mar]-tu ^rmu^r-[du₃] // Seal: ur-^dnun-gal / dub-sar / dumu ur-^dšara₂ / ša₁₃-dub-ba-ka

Translation: 45 litres x x. Ur-Nigar, [son of PU.ŠA]-iš-ea. 45 litres Adudu. [n litres] Lu-Nanše. [n litres] MePIzu, [n litres] Ur-Suen, the cattleman, who are under guard from the granary supervisor. Received by Ur Nungal. The Month of the Festival of [Šulgi] (Month 10), the Year after [Šu]-Suen, the king, built the Amorite [wall] (Šu-Suen 5). Ur-Nungal, the scribe, the son of Ur-Šara, the field appraiser. (See Sallaberger 1993: 170 for the reading of ša₁₃-dub-ba as ‘Feld-Schätzer’.).

Nisaba 4 II, 66²⁸⁰

GAZ-Suen, Ali-waqrum: two male runaway slaves of Šamaš-mušīzib(?), the overseer of the barbers of Larsa. Issued goods to Suen-Šemi, the overseer of the prisoners. Conveyer: Suennî, the official. Month: Kislīmu (9), Day 9, the year Rīm-Anum, the king, (reorganised the scattered population of) Uruk and its countryside.

The text deals with two slaves who ran away and were subsequently caught, but it is unclear why these personal slaves were sent to be worked under the overseer of the prisoners. Perhaps, this is one of the ways in which rebellious slaves were treated during the Old Babylonian period.

Physical restraint for the purpose of flight prevention and punishment is attested in the Ur III and Old Babylonian records. Despite this, numerous people attempted escape, and not every runaway was captured. The failure to capture fugitives presents another problem for overseers. For this reason, flight prevention through the punishment of family members and other responsible parties is attested during the Ur III and Old Babylonian periods.

5.6.3 Flight Prevention by Punishment Related to Families and Other Responsible Parties

A variety of means of coercion can be employed to control people with varying degrees of effectiveness. Arguably, one of the more successful approaches for imposing rule over someone relates to the threat of inflicting penalties not only on the person in question but also on one's family members.

Such an approach was clearly taken with certain instances of flight during the Ur III period,

²⁸⁰ Nisaba 4 II:66 (Uruk; Rīm-Anum Year bb, Month 9, Day 9; BM 23260):

Obverse: 1(diš) GAZ-^dsuen / 1(diš)a-li₂-wa-aq-rum / 2(diš) sag-arad mu-un-na-ab-tu / ša ^dutu-mu-^r ši² ṛ-zi-ib / ugula šu-i larsa^{ki} / ṛ zi ṛ.ga¹ / [ni₃]-šu ^dsuen-še-mi // Reverse: ugula a-^r si ṛ-rum / ṛ giri₃ ṛ ^dsuen-ni-i gu-za-la₂ / blanks space / iti gan-gan-e₃ u₄-9(diš)-kam / mu ri-im-^da-[nu]-um lugal / unu^{ki} u₃ a₂-[dam]-^r bi ṛ

when family members could be held responsible for the flight of relatives.²⁸¹ Apparently, the family of a runaway worker could be forced to fulfil obligations in the event of flight (see also CT 10, pl. 24 and BE 3/1, 1). These are not the only instances in early Mesopotamia in which family members could be seized and change status because of the actions of their relations (see discussion of slavery *ex delicto* in chapter 3). In one sense, the seizure of family members of fugitive workers can be considered the consequences of an outstanding debt left by the flown worker to the administration. Such a practice demonstrates the extent of the power of the administration to coerce and keep its workers irrespective of working conditions.

This coercion, however, was not restricted to family members as sellers could be held

²⁸¹ HLC 374 Plate 141 (Girsu; Šulgi Year 48 Month 5 Day 15; A 32029) = Maekawa, Kazuya, *ASJ* 20 (1998) 86:

Reverse Column 1, Lines 4-16: 1(aš) 3(ban₂) geme₂-^dnun-gal / mu lu₂-^dnin-šubur
dam-ni ba-zaḥ₃-še₃ / 1(aš) 3(ban₂) ^dba-ba₆-nin-am₃ / mu nig₂-^dba-ba₆
šeš-a-ni ba-zaḥ₃-še₃ / 1(aš) 3(ban₂) nin-inim-gi-na mu lu₂-ga dam-ni
ba-zaḥ₃-še₃ / 1(aš) 3(ban₂) geme₂-da-zi-mu₂ / mu ur-e₂-babbar₂ dam-
ni ba-zaḥ₃-še₃ / 1(aš) 3(ban₂) geme₂-eš₃-ku₃-ga / mu e-la-ak-šu-qir
dam-ni ba-zaḥ₃-še₃ / a₂ im-ta / 1 line blank / dam erin₂ zaḥ₃-me / uš-bar-še₃ /
blank space / Column 2: 6. [...]u₃ geme₂ guruš geš-e da b₅-ba-me

Translation: Geme-Nungal, full output (worker receiving) 30 litres instead of Lu-Nin-Šubur, her husband, who ran away. Baba-Nin-am, full output (worker receiving) 30 litres instead of Nig-Baba, her brother, who ran away. Nin-inim-gina, full output (worker receiving) 30 litres instead of Lu-ga, her husband, who ran away. Geme-dazi-mu, full output (worker receiving) 30 litres instead of Ur-e-babbar, her husband, who ran away. Geme-eškuga, full output (worker receiving) 30 litres instead of Elak-šuir, her husband, who ran away. Work taken from the tablet(?) Wives of runaway workers (er in₂). To the millers. Reverse Column 2, Line 6: [x x] and males and females who have been seized [with weapons].

a₂ im-ta appears to be a *hapax legomenon* for the published Ur III record.

Maekawa (1998: 86) proposes the reconstruction of ḥe₂-da b₅, which he interprets to mean new comers. This reconstruction and interpretation is reasonable since the tablet deals with people entering the workforce and those who have been seized because of their familial relationship to runaways.

A similar text with a similar context (CT 10, pl. 24) suggests we can emend the text here from u₃ geme₂ guruš geš-e da b₅-ba-me ('and males and females who have been seized') to u₃ geme₂ guruš geš-tu kal-e da b₅-ba-me ('and males and females who have been seized with weapons'). In other words, people with weapons seized these family members.

responsible for the flight of a slave they sold to another person.²⁸² This is evidenced by the oaths taken in some contracts in which the seller took the oath to make the slave return in the event of flight. In some cases, it is possible the seller must take the place of the slave (see discussion of OIP 104, 303 in chapter 3). In other instances, the purchase price must be returned if the slave runs away before a period of time which is unspecified in the record.²⁸³ The practice of holding a seller responsible for the behaviour of the slave may be considered similar to hiding a health deficiency in the slave. Presumably, a seller knew the condition and character of the slave in question. For this reason, the seller was held responsible for the behaviour of the slave, since the owner should know if the slave had a tendency to run away.

²⁸² Festschrift Sigrüst 130, 3 (Umma; Šulgi Year 48, Month 6; BM 85441) after Molina:

Obverse: l(diš) sag munus nin-mu-ušur_x(|LAL₂.TUG₂|-mu mu-ni-im / a-ba-zaḥ₃ da-ri-še₃ / im-mi-gu₂-ru-a / lu₂-^dinanna nu-^geskiri₆ nin₉-tur-tur-ra-ke₄ / mu lugal-bi in-pa₃ / igi lu₂-dingir-ra lu₂-i₃-gara₂-še₃ / igi ur-^dšul-pa-e₃ ku₃-dim₂-še₃ // Reverse: igi me-pa-e₃ nu-^geskiri₆ ^dlamma-mu-še₃ / igi a-ab-ba-ni ku₃-dim₂-še₃ / igi lugal-ma₂-gur₈-re dumu andagu₄-du-še₃ / igi a-li₂ šu-i₂-še₃ / igi zalag-ga-ni gudu₄-še₃ / igi ba-zi-ge gudu₄-še₃ / igi ša-ar-ša-bi₂-ib šu-i₂-še₃ / igi a-du-du ku₃-dim₂-še₃ / lu₂-ki inim-ma-me / iti šu-numun / mu us₂-sa ki-maš^{ki} mu us₂-sa-a-bi

Translation: One female by the name of Ninmu-ušurgu. If she flees, Lu-Inanna, gardener of Ninturtura, swore by the name of the king that he will cause her to return forever. Before Lu-dingira, the dairy farmer, before Ur-Šulpa'e, the goldsmith, before Mepa'e, the gardener of Lammamu, before A'abbani, the goldsmith, before Lugal-magure, son of Andagudu, before Ani, the barber, before Zalagani, guda-priest, before Bazige, guda-priest, before Šaršabib, barber; before Adudu, goldsmith: these are the witnesses. Month Šunumun (6), The second year after Kimaš (was destroyed) (Šulgi 48).

See also SNAT 125 (Umma?; Šu-Suen Year 1; BM 16156) = *Sale Documents* Text S.3

Obverse: l(diš) sag munus / 2(diš) 2/3(diš) gin₂ ku₃-babbar / sa₁₀-am₃-ma-ni / ur-^dnin-tu-ke₄ / ur-^dsuen u₃ / nin-dub-sar dam-ni-še₃ / in-ne-ši-sa₁₀ // Reverse: mu geme₂ ba-zaḥ₃-še₃ / geme₂ du-da nin-dub-sar / mu lugal-bi in-pa₃ / iti ezem-^dšul-gi-ta u₄ l(u) 5(diš)-am₃ / ba-ra-zal ba-zaḥ₃ / ṛigi^ṛ ma₂-gur₈-re_x(ḪU) nu-^geskiri₆-še₃ / ṛigi^ṛ e₂-saḥar-ta-še₃ / ṛigi^ṛ lugal-nig₂-lagar-e-še₃ / [igi] ṛur^ṛ-e₂-maḥ-še₃ // Left Edge: mu ^dšu-^dsuen lugal

Translation: One female slave, her purchase price is two and two thirds shekels of silver, Ur-Nintu bought from Ur-Suen and Nin-dubsar, his wife. Since the slave woman ran away, Nin-dubsar swore by the name of the king to provide (another) slave. She ran away on the 15th day of the month the festival of Šulgi. Before Magure, the gardener, ṛbefore^ṛ E-saḥarta, ṛbefore^ṛ Lugal-niglagare. [Before] ṛUr^ṛ-emaḥ. The year Šu-Suen was king.

²⁸³ Festschrift Sigrüst 129, 2 (Umma; Amar-Suen Year 2, Month 13; BM 106550) after Molina:

Obverse: l(diš) geme₂-^da-šar₂ / 5(diš) gin₂ ku₃-babbar-še₃ / amar-su₄ u₃ lu₂-^den-lil₂-la₂-še₃ / ur-^dba-ba₆ in-ši-sa₁₀ / lu₂-igi-sa₆-sa₆ lu₂ šutum₂-ma / geme₂ u₄ gub-ba nu-til ba-zaḥ₃ / amar-su₄ u₃ lu₂-^den-lil₂-la₂-ke₄ / su-su-dam / igi ensi₂-ka-še₃ // Reverse: igi lu₂-^dnanna-še₃ / igi lugal-ku₃-zu-še₃ / igi ur-nigar^{gar}-še₃ / igi lu₂-^dšara₂-še₃ / di-bi ba-til / dumu umma^{ki} / iti diri / mu ^damar-^dsuen lugal-e ur-bi₂-lum^{ki} mu-ḥu₁ / blank space

Translation: Geme-Ašar for five shekels of silver purchased Ur-Baba from Amarsu and Lu-Enlila. Lu-igisasa is the guarantor. Without completing the fixed period, the slave woman escaped. Amarsu and Lu-Enlila must repay (the purchase price). Before the governor. Before Lu-Nanna. Before Lugalkuzu, before Ur-Nigar, before Lu-Šara. The case is complete. The sons of Umma. Month: Diri (13). The year Amar-Suen, the king, destroyed Urbilum (2)

The Ur III State worked hard to keep order among the lower stratum community. Like many exertions of power by elite over commoditised people, everything was fine, so long as one came around to their point of view. Still for many individuals, submission did not come easily. As demonstrated above, for such individuals and their families the consequences could be severe.

While there is no evidence from the Old Babylonian period, which might reveal a standard practice, a number of observations can be made about the punishment of runaways. One of the important consequences for runaways relates to monetary penalties. Individuals could be commoditised through a number of means and for a variety of purposes. People could be sold as permanent workers to be slaves for their new owners. Girls could be sold for a price to be a bride to a man and a slave (*amtum*) to the man's wife.²⁸⁴ Others could be purchased for the purpose of adoption to share in the inheritance of the new owner. Some of these adopted individuals might be further commoditised by another sale. For example, it appears that Warad-Bunene²⁸⁵ was adopted and subsequently sold to Pirḫi-ilīšu in Ešnunna.²⁸⁶ After five years of service,²⁸⁷ Warad-Bunene fled

²⁸⁴ See for example CT 8, 22, discussed in chapter 1. In this text, a girl was sold by her parents to be a wife to a married man and a slave (*amtum*) to his first wife. See further the discussion of the sale of family members in chapter 3.

²⁸⁵ CT 6, pl. 29 (Sippar?; Ammi-ditana Year 1, Month 4, Day 25; Bu 1891-5-9, 419)

Obverse: 1(diš) arad-bu-ne-ne / ša pir-ḫi-ilī-šu be-el-šu / a-na aš₂-nun-na a-na 1 1/2 ma.na ku₃.babbar / id-di-nu-šu / mu 5(diš)-kam i-na li-ib-bi aš₂-nun-na^{ki} / be-lu-tam il-li-ik-ma a-na ka₂-dingir-ra^{ki} it-ta-bi-tam 1(diš) suen-mu-ša-lim u₃ amar.utu-la-ma-sa₂-šu a-bi eren₂^{meš} / iš-<ba>-su-u₂-ma / ki-a-am iq-bu-šum / um-ma šu-nu-ma / el-le-ta ab-bu-ut-ta-ka / gu-ul-lu-ba-at ta-al-la-ak i-na aga-uš^{meš} / 1(diš) arad-^dbu-ne-ne šu-u₂ / ki-a-am i-pu-ul / um-<ma>-šu-u₂-ma / i-na aga-uš^{meš} u₂-ul a-al-la-ak // Reverse: il-ka ša e₂ a-bi-ia / a-al-la-ak / 1(diš) li-pi₂-it-dim dim-lu-ze-rum / u₃ ib-ni-utu aḫ-ḫu-ša / mu^damar.utu u₃ am-mi-di-ta-na lugal-e / in-pa₃-de₃-e-meš / a-na arad-bu-ne-ne a-ḫi-šu-nu / a-na ri-šu-tim la-ra-ga-mi / 1(diš) arad-bu-ne-ne a-di ba-al-tu₂ / it-ti aḫ-ḫi-šu / i-lik e₂ a-bi-šu-nu / i-il-la-ak / igi a-wi-il-^dim ugula mar.tu / igi AN-pi₄-ša dumu suen-i-din-nam / iti šu-numun-a u₄ 2(u) 5(diš)-kam / mu am-mi-di-ta-na lugal-e / ad-gi₄-a gu-la^dutu^damar.utu-bi-da

Warad-bunene whom Pirḫi-ilīšu, his lord, sold him to Ešnunna for 90 shekels of silver. For five years he served in Ešnunna, then he fled to Babylon. Suen-mušallim and Marduk-Lamassašu, the *abi-šabim*, seized him. Thus they said to him, 'You are clean. Your slave mark is shaved off. You shall go into military service. Warad-Bunene, he thus replied, 'I will not go into the military service. I will perform (lit. go in) the *ilku*-service of the house of my father. Lipit-Iškur, Iškur-Luzerum, and Ibni-Šamaš, his brothers, by the name of Marduk and Ammi-ditana, the king, they swore, 'Against Warad-Bunene, their brother, there is no slave claim.' As long as Warad-Bunene lives, with his brothers, he will perform the *ilku*-service of the house of their father. Before Awil-Iškur, the overseer of the Amorites. Before AN-piša, son of Suen-iddinam. Month: *Du'ūzu* (4), day 25. The year Ammi-ditana the king on the great advice of Šamaš and Marduk (established justice in the land). (Ammi-ditana 1).

²⁸⁶ It is unclear why Warad-Bunene is so valuable, causing him to be sold for the steep price of 90 shekels of silver. His price is discussed further in chapter 4.

²⁸⁷ Whether Warad-bunene's master died or not is unstated, though Yoffee takes this to be the case, based on 'Code of Ḫammurapi' §280 (After Roth [1997: 132], 'If a man should purchase another man's slave or slave woman in a foreign country, and while he is traveling about within the (i.e., his own) country the owner of the slave or slave woman identifies his slave or slave woman—if they, the slave and slave woman, are natives of the country, their release shall be secured without payment'). See Yoffee 1977: 59. See discussion of 'Code of Ḫammurapi' §280 in Chapter 4.

to Babylon from Ešnunna. Three men, the *abi šabim*, seized Warad-Bunene and attempted to conscript him for the military,²⁸⁸ since he was clean and his slave mark was removed. Warad-Bunene, however, insisted he should go into the service of the house of his father. The reason for the desire to work in the *ilku* service of his father related to Warad-Bunene's right to share in the inheritance of his father.

Another text, AoF 24, p. 152,²⁸⁹ tells how one Ibni-Marduk was adopted but ran away because of a famine in the city. The penalty for running away was the rejection of Ibni-Marduk from sharing in his former station as an heir of Marduk-našir or receiving any compensation from that former adopted state. In this instance, being disowned was the consequence for abandoning the adopted family during a time of distress.

²⁸⁸ It appears that people of unclear status might escape their current lot only to be seized and conscripted for military service. See also, for example, the slave of a *nadītu* who was detained, and a letter was written to retrieve the slave for the *nadītu*.

CT 44, 53 (Discovered in Sippar²; Samsu-iluna *n*; BM 93018 + BM 93018a) = AbB 1, 129

Envelope: *a-na ša-pi₂-in i₇* // Seal: *ra-pa-aš-mi-li₂-e₂-a* / ugula lukur ^dutu / dumu šul-^dnin-šubur / arad *sa-am-su-i-_r lu-na_r*

// Obverse: *a-na ša-pi₂-in na-ri-im / qi₂-bi₂-ma / um-ma ra-pa-aš-mi-li₂-e₂-a-ma* / ^dutu *u₃ amar.utu / li-ba-al-li-tu₂-ka* / 1(diš) *li-wi-ra-a-na-dingir / arad lukur^dutu a-na mi-nim / ta-ak-la* / Edge *u₂-ul dumu uru ša₃.gu⁴ki / šu-u₂ / u₂-ul dumu a-wi-lim* // Reverse: arad lukur ^dutu / *wu-uš-še-er* / lukur ^dutu *šar-ra-am / la i-ma-ḥa-ar / a-na ri-iš-^dutu u₂-ul wa-li-id / um-ma-šu* geme₂ lukur ^dutu / *a-na mi-nim a-_{<na>} re-du-tim / ta-ša-ṭa₃-ar-šu / ga-gu-um a-na ma-ša-i-im / ša-ki-in*

Translation: Envelope: To the controller of the canal.

Seal: Rapaš-šilli-Ea, overseer of the *nadītu*-priestess of Šamaš, son of Šul-Nin-Šubur, slave of Samsu-iluna.

Speak to the controller of the canal, thus (says) Rapaš-šilli-Ea. May Šamaš and Marduk give to you health. Why has Liwira-ana-ilim, the slave of a *nadītu*-priestess of Šamaš, been detained? He is not a child of the city of Kullizu. He is not the son of an *awīlim*. He is a slave of a *nadītu*-priestess of Šamaš. Release him. The *nadītu*-priestess of Šamaš shall not appeal to the king. He was not born to Riš-Šamaš; his mother was a slave of the *nadītu*-priestess of Šamaš. Why do you write him down to the military service? Is the cloister placed in order to be robbed?

²⁸⁹ AoF 24, p. 152. (Discovered in Sippar-Amnanum; Abi-ešuh e, Month 9, Day 12; Di 1851)

Obverse: 1 (diš) *ib-ni-^damar.utu [MU.NI] / ša^damar.utu-na-ši-ir ki a-wi-li-ia a-ḥi-^ršu^r / a-na ma-ru-tim^r i-na^r mu^r x^r [x x (x)] il-qu₂-u₂-šu / i-na su-un-qi₂-im i-na da-an-^rna^r-[tim] / ša a-al-šu u₂-ma-li-^ru₂^r / wa-ar-ka i-ta-a-ši₂-^ra-am^r / i-nu-ma ka₂.gal ma-tim ip-pe₂-^rtu^r-[u₂] / 1(diš) ib-ni-^damar.utu šu-u₂ / id-di-ma iḥ-ta-li-iq u₂-ul in-na-me-er u₄-um i-il-li-a-am / a-na dumu.meš^damar.utu-na-ši-ir is-qi₂-im te-er-tim / bu-ši-im u₂ ba-ši-tim u₂-ul i-ra-ag-gu-um / i-na ma-ru-ut^damar.utu-na-ši-ir na-si-iḥ / igi an.ka-da-a sanga^dutu / igi^damar.utu-mu-ša-lim sanga^da-a / igi na-ra-am-i₃-li₂-šu /^rgudu₄^r.zu.ab igi ta-ri-bu-um gudu₄.zu.ab / igi^dsuen-iš-me-a-ni gudu₄.zu.ab igi ib-na-^{x}tum gudu₄.zu.ab / igi^dsuen-ma-gir e-ri-ib^r e₂^r / igi dumu.u₄.2(u).kam e-ri-ib e₂ / igi an.ka-[3(u)] sanga eš₁₈-tar₂ / igi^dsuen-i-di₂-nam dub.sar/iti gan.gan.e₃ u₄ x+2(diš).kam mu a-bi-e-šu-uḥ lugal.^re^r /^rgiš^raš.te.^rbara₂.za₃^r.us₂.sa.ke₄.ne i₃.maḥ.eš.a*

Translation: Ibni-Marduk whom Marduk-našir adopted from Awīliya, his brother, in the year [...]. After he went out on account of the heavy famine which filled his city. When the great gate of the land was opened, Ibni-Marduk, he has deserted. He has run away. He has not reappeared. On the day he arrives, from the children of Marduk-našir he will not be permitted to make a claim against his income (nor) the office, the property nor the possessions from the sons of Marduk-našir. He has been removed from his status of adopted son of Marduk-našir. Before (List of Witnesses). Month *Kislīmu* (9), Day 12(?) of the year Abi-ešuh the king, made a magnificent raised chair (Abi-ešuh year 'ea').

Debt-slaves were considered flight risks. Individuals could also be handed over to act as a distraint or a guaranty for the repayment of debt. As discussed in chapter 3, these individuals, who could be slaves, the debtor, or some other dependent person, entered into the household of the creditor to work until the debt was paid. Handing over such individuals was an important part of the agreement, since the creditor benefited from the work performed by the distraint or guaranty (see for example, Harris, *JCS* 9: 1955: 61, Texts 2, 3, 5 pages 60-61). For this reason, clauses were added to the agreements which stipulated penalties in the event of the death, flight, or even sickness of the distraint. Sometimes the penalty could be in the form of a daily sum. The compensation was most likely meant to enable the creditor to hire someone else to work in the stead of the missing individual. Other clauses dealing with eventual death, flight, or sickness declares that the debtor had defaulted and required the amount to be repaid. These clauses place the responsibility of controlling the flight of the distraint on the debtor and not the creditor. If the debtor handed over a dependent person who in turn ran away, it is natural that pursuit and an attempt at capture would occur. In this way, flight prevention was attempted through financial penalty. Any consequences, however, which might be felt by a dependent distraint for running away is not preserved.

Whether through financial penalties or the seizure of others, attempts to prevent instances of flight extended to families and other responsible parties. Such measures were intended to exert further control over commoditised people by increasing pressure directly on the individual. In these circumstances, any person contemplating flight knew that gaining one's freedom meant the loss of freedom for someone else. Even if this was not a significant deterrent, families and other parties being held liable for the whereabouts of the individuals readily applied pressure on the worker or slave to prevent flight and may even provide help in the event of pursuit.

5.6.4 Summary of the Consequences of Flight

For the Old Babylonian period, there is limited evidence about the consequences of flight with even less material from the periods prior to the Ur III period. The Ur III period, however, provides the

high point of information on the consequences of flight in early Mesopotamia. Physical punishment of runaway slaves, which may be assumed in all periods, is secure in the Ur III and Old Babylonian periods with consequences possibly ranging from mutilation to the death penalty. During the Ur III period, slaves could be restrained, perhaps by using a nose-rope, for the purpose of preventing flight. Further, workers in the administration who ran away could be captured and placed in prison for a period of time as punishment. Once this period of detainment was complete, these workers could be returned to their work assignments. At times during the Old Babylonian period, a similar practice of detainment may have occurred with slaves and prisoners of war who ran away by sending them to work under the direction of the overseer of prisoners.

Not all slaves were captured and some pressure to control the problem of flight did not relate to the person of the worker or slave. In the Ur III and Old Babylonian periods, family members could be seized and financial penalties could be levied against responsible parties in the event of flight.

5.7 Flight in Early Mesopotamia: Summary and Conclusion

Numerous examples of flight and the related means of coercion can be found in the sources of early Mesopotamia. The earliest evidence of this struggle begins with terminology where graphical correspondents may reflect very real representations of the commoditisation of workers in Late Uruk by depicting them with a yoke (E R I M) and as a head with a noose (S A G x M A). Beyond the Proto-cuneiform record of Uruk, numerous administrative documents, legal texts, letters, and 'laws' dealing with flight, pursuit, and capture reveal ongoing struggles between the people in authority and their workers, between slaves and their masters, and between household dependents and those in authority over them.

Administrative control over workers was at times extensive and can be traced from at least the Old Akkadian period, reaching its height in the Ur III period. During these periods overseers

were responsible for the whereabouts and care of certain workers from the youngest to the oldest. In these instances, such practices tend to hide the marks of slavery, due in part to preconceived notions about what constitutes slavery (see the theoretical discussion about the definition of slavery in chapter 1). While slavery can be considered to be the ultimate and final repression of human beings, historically this is not always the case, as modern slavery in the Americas reveals. In general on the sugar plantations of Central and South America, family planning was not taken into consideration and slaves were often worked to death. Apparently, the profit, at least in the mind of the owners, exceeded the cost incurred for replacing slaves who were worked to death. The plantations of the Southern States of America, however, paid attention to male and female ratios. Some slaves were provided with a small garden and were maybe even able to have a pig or chickens. While the conditions were different, the ones receiving better treatment were no less slaves than those being worked to death. The same may be said of many workers in the administrations of the Old Akkadian and especially the Ur III periods. The treatment they received and the conditions under which they worked suggest these workers were effectively state slaves, although there does not appear to be any evidence these individuals were sold by the administration. They were given freedoms to have a family, to work, and to live. Perhaps, they could take limited amounts of time off, but they were not able to choose the work they performed, and they were not permitted to quit. The children were born into the care of the administration and there, as far as can be judged, they remained.

The administrative control over its workers appears to have decreased by the Old Babylonian period. While Renger (1972) offered several reasons for the paucity of flight, as discussed above, the two most plausible causes for flight reduction relate to the expectations of the administration and pressure placed on families to prevent flight. Such familial pressure is not unique to the Old Babylonian period, as it is clearly attested in the Ur III period. However, the Ur III administrations had significant authority over its workers, resulting in numerous responses to

flight including pursuit. By contrast, the ways in which the Old Babylonian administrations gathered labour privatised the problem of flight, making the issue of pursuit only indirectly related to the administration. In the Old Babylonian period, the pass system by the king of Ešnunna and the general cry of the herald at the flight of slaves in ‘Code of Hammurapi’, however, show that flight was not merely a private matter in the Old Babylonian period and that rulers and officials were involved. But these examples likely relate more to chattel slaves and not commoditised workers in the administrations of the Old Babylonian period.

Chattel slaves were pursued throughout the record of early Mesopotamia. These slaves were owned in the fullest sense. They could be sold and resold. Others dictated what they did and where they went, but again these individuals could have families along with certain privileges. There were, however, only a few ways out of slavery and the related forms of servitude.²⁹⁰ Slaves could be manumitted, escape, or die, while debt slaves could be redeemed or released through debt release. Manumission was at the discretion of the owner, or on the basis of certain agreements some slaves could be released upon the death of the owner, a process which is disputed on a number of occasions in the record.²⁹¹ Debt-slaves could regain freedom upon the debt being paid or remission of debt from the king.²⁹² People could exit slavery by death, but death is not always a desirable alternative to slavery. For the slave without hopes of manumission and who wished to live, escape was the only viable option. Escape attempts could come at a heavy cost to one’s person or family members. Despite this, many tried to run away, encouraging harsh penalties for those who were subsequently caught. Theoretically, examples of extreme punishment such as the death penalty for people of unclear or debatable status might cause one to assume the person in view cannot be a

²⁹⁰ Yoffee (1977: 58-59) summarises the issue in the ‘Code of Hammurapi’ as follows: ‘According to the “Code,” slaves could be freed in four ways: according to paragraph 117, the wife and children of a debtor would be freed after three years of service to his creditor; according to paragraph 171, a slave woman who bore a free man children would be set free after his death; according to paragraph 175, the children of a marriage between a free woman and a slave would be automatically free; and finally, according to paragraph 280, a native Babylonian slave sold in a foreign country would be freed upon return’. For further discussion about manumission, see chapter 3.

²⁹¹ See discussion in Westbrook (1995: 1648-1651).

²⁹² See discussion of debt-slavery and manumission in chapter 3.

slave, since killing a slave would cause further damage to the owner through the loss of property. Such a line of reasoning, however, overlooks the possibility that some people might be willing to kill obstinate slaves out of anger or the belief that the slave has become more trouble than she or he is worth. Further, if a bounty must be paid and other resources must be used each time a slave ran away, then the slave could be more costly alive than dead. Since slaves belonged to a larger community of commoditised people, severe punishment was also a tool to prevent unruly and obstinate behaviour among other slaves. In such cases, the loss of a single slave might be judged to be worth the message it sends to other slaves about the consequences of rebelling. While it cannot be determined the extent to which these measures affected instances of flight, numerous individuals were willing to risk the consequences in the hopes of escaping.

Examples of flight in the Ur III and Old Babylonian periods produced opportunities for people to profit from capturing runaways. These ‘bounty hunters’ could receive payment for securing and delivering runaways back to their owners or overseers. It is often thought that the marshes were a place where people would have hid to escape. This is certainly a possibility as some of the messenger texts dealing with runaway catchers have them traveling in the direction of the marshes. However, other texts clearly deal with runaways who have fled to cities. While the strategy differed from individual to individual, the examples of flight provide some potential insight into the lives of commoditised and dependent labour from the perspectives of the lower stratum community. Despite the knowledge that flight could result in pursuit, capture, and punishment for the individual and in some cases their family members, many considered the risk worth taking to escape their current lot in life.

Chapter 6

Conclusions

From Late Uruk until the Fall of Babylon, numerous changes took place in the practice of slavery. While the earliest records seem to give evidence of workers (likely slaves) of foreign origin and possible prisoners of war, there were numerous ways a person could be reduced to some form of slavery in early Mesopotamia (see chapter 3). Over time, the reduction of status among the native population occurred with such frequency that intervention by the crown took place with a certain degree of regularity, and toward the end of the Old Babylonian period, slaves appear to have been derived only from people of foreign origin and houseborn slaves, as seen in the Late Old Babylonian slave sale contracts (see chapter 3). Although the native population could become temporarily bonded because of debt and perhaps other means, there were several ways they could return to their former stations in life (see chapter 3). These developments in the practices of slavery in early Mesopotamia, however, are not simple, and a linear evolution cannot be ascertained from the evidence. Instead, the changes which took place appear to have progressed non-linearly as different rulers tried out different means and reacted to different situations and problems in their attempts to secure the requisite labour and show the extent of their wealth through their human commodities.

The study of slavery, of course, is not without its difficulties. Despite the prevalent non-theoretical use of the words 'slave' and 'slavery' in everyday speech, in many ways these terms resist definition, since slavery is a term which cannot be reified. Although it has been a somewhat prominent institution throughout the history of the world, slavery has taken numerous forms (see chapter 1).

Other problems with the study of slavery in early Mesopotamia also persist. Some of the difficulty stems directly from the broad semantic ranges of the native terminology relating to slavery in early Mesopotamia, while other issues are derived from the fluidity of the boundaries of

status among all members of the lower stratum population. In one sense, it may be rightly said that anyone in early Mesopotamia could be called a slave in relation to those of higher status. The term slave was applicable to members of nearly every stratum in society. A person of high status could be referred to as a slave of his king, while the term slave may refer to a person being sold as any other commodity. Similarly, nearly every ancient Mesopotamian also stood in danger of becoming a slave through status reduction. Whether through war, crime, debt, or the simple act of sale, most of the population faced the real possibility of entering into some form of bondage or slavery (see discussions in chapters 1 and 3). Given the difficulty of defining slavery and the fluidity of boundaries between slaves and other lower stratum individuals, this study is an attempt to historicise slavery in early Mesopotamia rather than define it.

The sections of this work which move beyond the introductory discussions of terminology, evidence, and method found in chapters 1 and 2, revolve around three main topics relating to early Mesopotamian slavery: acquisition and release; the economics of slavery; and flight or rebellion. By studying these topics, the present work aims to understand slavery from the top-down and from the bottom-up.

The sources of slavery, as discussed in chapter 3, indicate the prospects people might have for acquiring slaves but are also representative of the ways in which a person might be reduced to slavery or a related form of bondage. The origin of a slave is studied in tandem with release and manumission, since by the end of the Old Babylonian period, there appears to have been a direct correlation between the source of a slave and the opportunities that person might have for a change in station. While the manumission of slaves was left at the discretion of owners, there are some ways in which the crown intervened, offering release for members of the native population to the exclusion of houseborn slaves, irrespective of their places of birth.

The economic question, as it is applied in chapter 4, focuses primarily on the costs and economic sustainability of the practice of slavery in connection with theories of sabotage and the

'benefits' of owning slaves. This modern question about slavery asks if owning slaves was a profitable enterprise in early Mesopotamia. While the modern investigation is construed to question if the practice of owning slaves was financially beneficial in comparison to free labour, early Mesopotamians likely looked at the economics of slavery in a slightly different manner. Rather than questioning whether owning slaves was profitable or not, slavery was simply practised. Yet that is not to say that early Mesopotamians failed to engage in slavery for profit, as the ancient question of the economics of slavery, at least for some, also focused on maximising profit through purchase and resell. While it can be ascertained that owning slaves could be a sound financial investment for some, there were numerous other incentives for owning humans; including using them as signs of status; to secure debt; to perform work for the palace; and to have access to them as sexual partners.

As discussed in chapters 2 and 5, the evidence relating to slavery in early Mesopotamia is noticeably elite-biased. In order to understand better the viewpoint of slaves, instances of rebellion through flight are taken into consideration. The study of flight in early Mesopotamia reveals a battle of wills between slaves and masters, between workers and overseers. The risks taken by those who attempted to have a change in station by running away are viewed most clearly in the lengths to which the elite went to control and punish such instances of rebellion. Since members of the lower stratum community readily knew the potential consequences to their own person and their relations, flight was a calculated risk.

The conclusions gleaned from these topics will be used here to construct an historical narrative which attempts to form a composite whole of the changes which took place in the practices of slavery against the backdrop of the near permanent features. In other words, early Mesopotamian slavery took place in a geographical context and was limited and expanded by the technologies of the period.

6.1 Broader Contexts of Early Mesopotamian Slavery

Mesopotamia was a fertile land but could also be treacherous. The tendency of the region toward drought meant there was a need for irrigation. At other times crops could be destroyed by flooding, resulting in a need for drainage. So while the land could produce a yield capable of supporting a large group of people, some of whom were devoted to food production and others who were not, there was a concomitant need for organised labour. While life in early Mesopotamia was presented with challenges from this sometimes inhospitable land, the humans living in it presented danger as well. To be sure, years with poor yields or years marked by other calamitous events could leave many families vulnerable to poverty and slavery, but early Mesopotamia also saw numerous wars, and humans wilfully took advantage of those left vulnerable in the wake of disaster, whether created by humans or otherwise. The Tigris and Euphrates provided many advantages for mobility and water supply, yet control over waterways also became a source of contention in early Mesopotamia, as groups living upstream could attempt to cut-off water supplies or flood those living downstream. The surest way to control the water flow, at least from this human aspect, was by taking over other settlements further upstream.

Other factors contributed to the development of slavery. With the concept of land ownership and growing wealth differentiation in early Mesopotamia, power was consolidated in the hands of the minority. As the strength of individuals or small groups of individuals increased, they were presented with further opportunities to accumulate wealth. This gathering of resources could be performed within a small geographic region but became more expansionist by the Old Akkadian period and during the periods that followed. The technologies of war and the ability to conquer other people groups led to the need to control larger territories. Rulers needed to communicate with outer regions to impose their will, and the food supply also had to be able to support the standing armies which seem to have appeared around the time of the Old Akkadian period.

Once battles were won and a surplus of booty was acquired, attention had to be given to administrative aspects of moving around and utilising the commodities. When the booty which was taken also consisted of humans, the rulers had to consider the ways in which the human commodities could be utilised and controlled, means which were limited and advanced by their technology. While many prisoners of war were likely killed in some instances, early iconography, graphic signs, and texts attest to the practice of binding prisoners of war for the purpose of restriction. This step, however, is only one aspect of control exerted over prisoners of war, as steps were also taken to ensure these prisoners of war were coerced and contained by other means. More permanent measures could be taken such as blinding prisoners. These blinded individuals performed certain limited tasks but had to be looked after and fed (see discussion of blinded prisoners of war in chapter 3). Among other methods, the overseers at the Ur III Garšana project kept the workers in locked barracks at night (Heimpel 2009a: 63). By whatever means these slaves were acquired, they and many lower stratum workers had to be looked after and coerced to work.

The improvement and expansion of writing practices which went beyond basic administrative functions to writing that clearly communicated language also developed in early Mesopotamia. The use of writing and the sending of messengers to convey information in this way assisted in extending the reach of a ruler's influence through increased communication. Official letters could be written to form political alliances or to secure the redemption of prisoners of war. The dissemination of knowledge through these advances also enabled private households to acquire and control their human commodities. If a slave ran away, letters could be written to secure the location of the slave and her or his return. Messengers also performed duties for the Ur III administrations which involved individuals being sent out for the purpose of capturing runaways (see chapter 5).

While the temples and palaces served some charitable functions in early Mesopotamia, these institutions also gathered human commodities in order to utilise their labour and further accumulate

wealth. Nevertheless, slavery was not restricted to larger institutions as Mesopotamia increasingly saw the rise of ‘private’ households who similarly gathered human resources to themselves as time progressed. The accumulation of wealth in excess of the needs of a private individual or even households also facilitated the extension of credit for a variety of purposes including but not limited to gaining access to bonded labourers (see chapter 3). These developments of slavery may be traced as a thread through the following summaries of the evidence as attested in the high points of documentation of early Mesopotamia.

6.2 Early Mesopotamian Slavery

Potentially, the earliest textual evidence of slavery in early Mesopotamia comes from the Late Uruk period, where humans (S A L and K U R) are listed in a fashion similar to cattle. Some of these workers are also classified using the signs S A G x M A (head and rope) and E R I M (yoke). The names attributed to these individuals appear to be of foreign origin (Englund 2009), indicating that these workers may have been prisoners of war, a view strengthened by the culture’s own depiction of themselves as a conquering people in iconography (see chapter 3).

By the Presargonic Period, the record of slavery becomes slightly clearer. Most of the evidence, however, relates to the elite institutions of the period. In these documents, certain redistributive functions in the economy can be seen in the record (see Prentice 2010), while the status of the workers in the administrations remains unclear. Despite this, prisoners of war were a source of slavery during the period. In fact, a text published in Steinkeller (2013), possibly from Kish, records claims about working large numbers of prisoners (š a g a) from various places. Despite the diverse numbers and places included in the text, the historicity of the account has been called into question in this work (see chapter 2).

There are a variety of slave sales from this period which remain extant in the record. Among those commoditised workers, some are categorised as i g i - n u - d u 8 . While there has been a

divergence in opinion as to the meaning of the term, it seems likely that the *i g i - n u - d u 8* were blind workers, some of whom may have been prisoners of war. It is also possible that debt was another source of slavery during the Presargonic periods, since the texts Enmetena (RIME 1.9.5.1.26: Column 5 Lines 2-8) and UruKAgina (RIME 1.9.9.1: xii) mention releases in relation to debt. During this period, there are also known examples of flight and rebellion among slaves with some texts recording large numbers of people as runaways.

The Old Akkadian period has a number of documents which attest to the practice of slavery. The royal consolidation of power during this time required access to labour. Although these administrations were significantly smaller than those of the Ur III period (Foster 1993), at least as far as the record is concerned, a number of similarities remain. For instance, the administration of the Old Akkadian period took oversight of entire families, assigning professions even to very young children. The overseers appear responsible for the whereabouts of their workers, as there are a number of texts which record the sickness, death, and flight of workers. The status of these workers, however, remains unclear. During this period, the average cost of a slave was approximately fifteen shekels of silver. While these slave sale documents do not typically record the sources of slaves, other documents provide indications about the acquisition of slaves for the Old Akkadian period. The text, MVN 3, 102, involves the sale of a girl because of a financial penalty (*kiššātum*) owed by a family member because of a crime, and although the number of prisoners of war which Rīmuš claimed to have captured cannot be established, captives certainly formed another source of slavery for the Old Akkadian period (see chapters 2 and 3).

While there is little known about the intermittent periods, the Ur III dynasty left a substantial record relating to slavery. The administrative machine during this period gathered workers and even entire families under its authority, and meticulous records were kept about the presence, compensation, and general condition of workers. The administrations were in many cases very restrictive of the movement of their workers. In fact, the issue of alienability appears to be the main

difference between chattel slaves and those who worked full time for the state. While chattel slaves could be sold, there is not any evidence that this was the case with the workers of the administration. Nevertheless, the workers could be moved around at will to work different jobs, being essentially a moveable resource. When people attempted to leave the administrative work context in unapproved ways, these runaways could be pursued and, if caught, held in captivity and even later reassigned. For those who were not captured, their family members could be seized and forced to work in the stead of fled brothers and husbands. For the runaway chattel slave, the consequences for flight could be even more stringent with punishments ranging from mutilation to even death.

Slaves were acquired through a variety of means including slavery *ex delicto*, debt-slavery, and war campaigns. Debt became a means of coercion used by officials and private individuals. Many overseers continuously faced unrealistic rates of production. The debt could be required by the palace officials from the overseers or their families upon the death of the overseer. If the family was unable to pay the debt, the household including the members of the family could be reduced to slavery. Members of families could also be sold or handed over as distrains for debt, and there are some sales of dependent family members and self-sales which were likely caused by problems other than debt (see discussion in chapter 3).

The period also provides documentation which permits the reconstruction of the process by which prisoners of war were relocated and assimilated into the administrative work contexts (see Dahl 2003: 59-61 and above discussion in chapter 3). While there were times when prisoners of war were readily available, Lafont (2009) has shown that during the reign of Amar-Suen successful campaigns which produced booty are less attested.

Slaves could be purchased by silver or even in exchange for cattle. Slave prices during this period appear to have been relatively stable with females costing five to six shekels of silver and males on average around ten shekels of silver (Steinkeller 1989: 138). While these ranges in price

can be explained as part of broader economic fluctuation, a discernible pattern has not been established, since the simplest explanation for these price differences is that they are based on the qualities and abilities of the slaves rather supply and demand (see chapter 4).

Despite the substantial amount of data documenting the Ur III period, there was likely other economic activity which took place on the periphery of the administrative contexts. These somewhat latent aspects of life in the Ur III period, which can only largely be inferred from the extant data, began to become more prominent after the collapse of the Ur III dynasty.

The Old Babylonian period was marked by increased private economic activity, and clear market principles were at work which led to fluctuations in slave prices. During the reigns of powerful and aggressive kings, slave prices dropped. In times of peace or during the reigns of kings who were not as successful militarily, prices increased and stabilised (see chapter 4). During this period, slave traders imported humans to sell and missions were also financed to acquire slaves from various desirable regions.

Slave sale documents went through a number of changes during the reign of Abi-esuh requiring the inclusion of the source of the slave, an additional SI.BI payment, and a period of investigation (see chapter 4). By the end of the Old Babylonian period, slaves appear to have been available only from foreign sources or from houseborn slaves. This, however, did not mean the native population was safe from a reduction to some form of bondage. Instead, debt-slavery became particularly prevalent during this period as entities and private households were competing for wealth. In fact, debt-slavery was such a problem that periodic releases were contemplated in §117 of the 'Code of Hammurapi', and it became common for rulers to forgive debts around the time of their ascension to the throne with some issuing releases more frequently. The Edict of Ammišaduqa is one such release, and yet it clearly excludes houseborn slaves irrespective of their places of birth. These releases, although sometimes viewed as acts of kindness, may have also been among the measures taken to prevent wealthy private families from accumulating too many resources and

posing a threat to the throne. Nevertheless, these releases were also likely pious acts performed before deities (see chapter 3).

By and large it seems that runaway workers in the administrations of the Old Babylonian period were not treated as severely as those who attempted escape during the Ur III period, while slaves in every period of early Mesopotamia were pursued. Despite this, the *bīt asīrī* is one of the administrative contexts in the Old Babylonian period which seems to reflect the previous practices of pursuit and detainment or reassignment of workers found in the Ur III period (see chapter 5).

While there were a variety of approaches to gathering human resources tried out in early Mesopotamia, at least one thing remained constant. Life in early Mesopotamia was lived with the very real threat of being reduced to some form of slavery or bondage.

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