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The Creation of Patriarchy

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The Woman Slave

HISTORICAL SOURCES ON THE ORIGIN of slavery are sparse, speculative and difficult to evaluate. Slavery seldom, if ever, occurs in hunting/gathering societies but appears in widely separated regions and periods with the advent of pastoralism, and later agriculture, urbanization, and state formation. Most authorities have concluded that slavery derives from war and conquest. The sources of slavery commonly cited are: capture in warfare; punishment for a crime; sale by family members; self-sale for debt and debt bondage.[1] Slavery is the first *institutionalized* form of hierarchical dominance in human history; it is connected to the establishment of a market economy, hierarchies, and the state. However oppressive and brutal it undoubtedly was for those victimized by it, it represented an essential advance in the process of economic organization, an advance upon which the development of ancient civilization rested. Thus, we can justifiably speak of "the invention of slavery" as a crucial watershed for humanity.

Slavery could only occur where certain preconditions existed: there had to be food surpluses; there had to be means of subduing recalcitrant prisoners; there had to be a distinction (visual or conceptual) between them and their enslavers.[2] In many societies in which slaveholding, in some forms, was practiced, there existed no fixed slave status, only various degrees of subordination and enforced labor. In order for slave status to become institutionalized, people had to be able to form a mental concept of the possibility that such dominance

could actually work. The "invention of slavery" consisted in the idea that one group of persons can be marked off as an out-group, branded enslaveable, forced into labor and subordination—and that this stigma of enslaveability combined with the reality of their status would make them accept it as a fact.[3] And, further, that such enslavement would not only last for the lifetime of the slave, but that slave status could be permanently affixed to a group of humans, formerly free, and to their offspring.

The crucial invention, over and above that of brutalizing another human being and forcing him or her to labor against their will, is the possibility of designating the group to be dominated as entirely different from the group exerting dominance. Naturally, such a difference is most obvious when those to be enslaved are members of a foreign tribe, literally "others." Yet in order to extend the concept and make the enslaved into *slaves*, somehow *other* than human, men must have known that such a designation would indeed work. We know that mental constructs usually derive from some model in reality and consist of a new ordering of past experience. That experience, which was available to men prior to the invention of slavery, was the subordination of women of their own group.

The oppression of women antedates slavery and makes it possible. We have seen in the earlier chapters, how men and women constructed social relations which gave rise to dominance and hierarchies. We have seen how the confluence of a number of factors leads to sexual asymmetry and to a division of labor which fell with unequal weight upon men and women. Out of it, kinship structured social relations in such a way that women were exchanged in marriage and men had certain rights in women, which women did not have in men. Women's sexuality and reproductive potential became a commodity to be exchanged or acquired for the service of families; thus women were thought of as a group with less autonomy than men. In some societies, such as in China, women remained marginal outsiders to their kin groups. While men "belonged in" a household or lineage, women "belonged to" males who had acquired rights in them.[4] In most societies women are more vulnerable to becoming marginal than are men. Once deprived of the protection of male kin, through death, separation, or by no longer being wanted as a sexual partner, women become marginal. At the very beginning of state formation and the establishment of hierarchies and classes, men must have observed this greater vulnerability in women and learned from it that differences can be used to separate and divide one group of

humans from another. These differences can be "natural" and biological, such as sex and age, or they can be man-made, such as captivity and branding.

The "invention of slavery" involves the development of techniques of permanent enslavement and of the concept, in the dominant as well as in the dominated, that permanent powerlessness on the one side and total power on the other are acceptable conditions of social interaction. As Orlando Patterson has pointed out in his exhaustive study of the sociology of slavery, the techniques of enslavement had three characteristic features: (1) slavery originated as a substitute for usually violent death and was "peculiarly, a conditional commutation"; (2) the slave experienced "natal alienation," that is, he or she was "excommunicated from all claims of birth" and from legitimate participation in his or her own right in a social order; (3) the "slave was dishonored in a generalized way."[5] Historical evidence suggests that this process of enslavement was at first developed and perfected upon female war captives; that it was reinforced by already known practices of marital exchange and concubinage. During long periods, perhaps centuries, while enemy males were being killed by their captors or severely mutilated or transported to isolated and distant areas, females and children were made captives and incorporated into the households and society of the captors. It is difficult to know what first led men to the "conditional commutation of death" for women and children. Most likely their greater physical vulnerability and weakness made them appear less of a threat in captivity than did male enemy warriors. "Natal alienation" was readily accomplished by transporting them away from their home places, which places usually were physically destroyed. Since their male kin had been slaughtered, these captives could have no hope of rescue or escape. Their isolation and hopelessness increased their captors' sense of power. The process of dishonoring could in the case of women be combined with the final act of male dominance, the rape of captive women. If a woman had been captured with her children, she would submit to whatever condition her captors imposed in order to secure the survival of her children. If she had no children, her rape or sexual use would soon tend to make her pregnant, and experience would show the captors that women would endure enslavement and adapt to it in the hope of saving their children and eventually improving their lot.

Most historians dealing with the subject of slavery have noted the fact that the majority of those first enslaved were women, but they have passed over it without giving it much significance. The article "Slavery" in the *Encyclopaedia Britannica* states:

> Warfare was the earliest source of slaves in the Ancient Near East. . . . Originally, captives seem to have been slaughtered; later women and then men were spared to serve their captors.[6]

Another historian notes:

> It may be significant that male slaves appear not only later, but also in far smaller numbers than do female ones. . . . Possibly, the means for the retention and effective employment of male captives had not yet been worked out, so that they were generally killed.[7]

As the Assyriologist I. M. Diakonoff points out, the keeping of male prisoners of war was dangerous:

> To force a detachment of captive slaves—i.e. former free warriors—to work in the field with copper hoes would demand about double the number of armed soldiers to watch them, because in an armed conflict a copper hoe was not so very different from a copper hatchet, which was the usual warriors' arms of that age. . . . Therefore all male prisoners of war were usually brained on the spot, and only female slaves were used in any number in the state economies.[8]

Even where the economic need for a large slave labor force existed there was not enough male labor power available among the captors to watch over the captives day and night and thus ensure their harmlessness. It would take different peoples different lengths of time to realize that human beings might be enslaved and controlled by other means than brute force.

Orlando Patterson described some of the means by which free persons were turned into slaves:

> Slaves were always persons who had been dishonored in a generalized way. . . . The slave could have no honor because of the origin of his status, the indignity and all-pervasiveness of his indebtedness, his absence of any independent social existence, but most of all because he was without power except through another.[9]

One aspect of this process of "dishonoring" is the severing of family ties:

> The refusal formally to recognize the social relations of the slave had profound emotional and social implications. In all slaveholding societies slave couples could be and were forcibly separated and the consensual "wives" of slaves were obliged to submit sexually to their mas-

> ters; slaves had no custodial claims or powers over their children, and children inherited no claims or obligations of their parents.[10]

With typical androcentric focus, Patterson subsumes female slaves under the generic "he," ignores the historical priority of the enslavement of women, and thereby misses the significant difference implicit in the way slavery is experienced by men and women.

The impact on the conquered of the rape of conquered women was twofold: it dishonored the women and by implication served as a symbolic castration of their men. Men in patriarchal societies who cannot protect the sexual purity of their wives, sisters, and children are truly impotent and dishonored. The practice of raping the women of a conquered group has remained a feature of warfare and conquest from the second millennium B.C. to the present. It is a social practice which, like the torture of prisoners, has been resistant to "progress," to humanitarian reforms, and to sophisticated moral and ethical considerations. I suggest this is the case because it is a practice built into and essential to the structure of patriarchal institutions and inseparable from them. It is at the beginning of the system, prior to class formation, that we can see this in its purest essence.

The very concept of honor, for men, embodies autonomy, the power to dispose of oneself and decide for oneself, and the right to have that autonomy recognized by others. But women, under patriarchal rule, do not dispose of themselves and decide for themselves. Their bodies and their sexual services are at the disposal of their kin group, their husbands, their fathers. Women do not have custodial claims and power over their children. Women do not have "honor." The concept that a woman's honor resides in her virginity and in the fidelity of her sexual services to her husband was not yet fully developed in the second millennium B.C. I am arguing that the sexual enslavement of captive women was, in reality, a step in the development and elaboration of patriarchal institutions, such as patriarchal marriage, and its sustaining ideology of placing female "honor" in chastity. The cultural invention of slavery rested as much on the elaboration of symbols of the subordination of women as it did on the actual conquest of women. By subordinating women of their own group and later captive women, men learned the symbolic power of sexual control over men and elaborated the symbolic language in which to express dominance and create a class of psychologically enslaved persons. By experimenting with the enslavement

of women and children, men learned to understand that all human beings have the potential for tolerating enslavement, and they developed the techniques and forms of enslavement which would enable them to make of their absolute dominance a social institution.

There is overwhelming historical evidence for the preponderance of the practice of killing or mutilating male prisoners and for the large-scale enslavement and rape of female prisoners. The earliest references to the treatment of enemy survivors in Mesopotamia date from 2500 B.C. On the Stele of the Vultures, Eannatum, the ruler of Lagash, recorded his victory over the city of Umma and described how the victors piled up thousands of enemy corpses in large heaps. Later, the second king of the Sargonic dynasty, Rimush, described the conquest of several Babylonian cities and the killing of several thousand men in each, as well as the taking of several thousand captives. An inscription of King Shu-Sin of the third dynasty of Ur (ca. 2043–2034 B.C.) describes how he settled the enemy "slaves," his booty from the defeated town Simanum, in a town on a distant frontier. This booty apparently consisted of captured civilian men and of enemy warriors, who were later freed. There are other references in various Babylonian texts to "booty" taken and offered to various temples. The term "booty" applied to goods, animals, and people. Enemy warriors were roped immediately after capture or put in woodblocks, a form of neck stocks or yoke.[11] In a study of all available sources on Bablonian captives I. J. Gelb states:

> It may be taken for granted that as long as POW's remained as slaves at the disposal of the crown, they were worked to death under the most inhumane conditions, or died because of sickness, or ran away whenever possible.[12]

There are some references in the texts to blinded war captives, who were set to work in the orchards. One of these texts is pre-Sargonic and deals with twelve male captives from a city in Elam, who were blinded. The other text, the records of the temple of the goddess Bau in Lagash, which has been earlier cited, also mentions "blind men" working in the orchards. In this case, Assyriologists have disagreed as to the meaning of the term "igi-du-nu," several suggesting that it may mean "unskilled," therefore metaphorically blind, or that it may refer to naturally blind men who were so employed. I. J. Gelb tends to think they were blinded captives and points to additional evidence from the Neo-Assyrian period that male pris-

oners of war were blinded.[13] The putting out of the eyes of 14,400 captives taken by the Assyrians is recorded in an inscription of Shalmaneser (ca. 1250-1200 B.C.).[14]

The Old Testament mentions a number of cases of the blinding of prisoners of war: Samson (Judges 17:21), Zedekiah (II Kings 25:7), and the story of the men of Jabesh (2 Samuel 11:2). Herodotus writes in Book IV, 2, of the Scythians blinding all prisoners of war.[15] In China, too, where slavery developed mainly out of the penal system, criminals were punished by mutilation. Mutilation generally consists of tattooing the face, amputation of nose and feet, and castration. The type of mutilation depended on the severity of the crime. It could be applied to the criminal or to members of his family. The Han law code states "the wives and children of criminals are confiscated as male and female slaves, and tattooed on the face." Persons so mutilated formed a separate class and were held to lowly tasks, living in a "slavish state."[16] Castration as a form of punishment for crimes and, later, as a means of fitting slaves for harem service, was widespread in ancient China and Mesopotamia. The practice led to the development of political eunuchism in China, Persia, ancient Rome, Byzantium, Egypt, Syria, and Africa. The practice is of interest in this discussion insofar as it illustrates the need for the visible marking and marginalization of persons in order to designate them as permanent slaves, and secondly in showing the use of sexual control in order to reinforce and perpetuate a person's enslavement.[17]

Two Mesopotamian administrative texts, written five months apart and dating from the reign of Bur-Sin (third dynasty of Ur), offer information on 197 captive women and children. In the first, rations are issued for 121 women (46 are reported dead) and for 28 children, of whom only five are reported alive. Of the 121 living women, twenty-three are denoted as sick. In the second text, 49 women and 10 children are listed as surviving and are issued rations of flour and beer. Of the 24 sick women noted in the first list, only five are listed in the second list, suggesting the possibility that these five were the only ones to survive the sickness. Since the food rations offered the prisoners were of the same standard as those for serfs, the high death and sickness rates of the prisoners indicate either that much harsher conditions prevailed at the time of the transport from the battlefield to the captive location or that there was a period of near starvation due to problems of distribution and allocation of rations.

Another of these texts describes the booty offered to the temple at Umma as consisting of 113 women and 59 children. I. J. Gelb

also reports that "captive women were utilized in building the palace of Bur-Sin. This kind of hard labor was not normally performed by native women."[18]

In the ration lists of the temple Bau at Lagash dating from ca. 2350 B.C. all the temple's laborers are listed according to their status and the tasks they performed. There is a separate list of "slave women and their children." Most of them were occupied in preparing and spinning wool; some of them ground grain; others worked in the kitchen and the brewery or tended domestic animals.[19] Since they were part of the queen's household this particular group were not harem slaves or used for sexual services. In this early period there is no record of the existence of harems in general, and in the specific case of the temple Bau, no comparable records of the king's household are available. The slave women of the temple Bau were not members of families with male household heads, since such families were listed on a separate ration list. Had these women been sexually used, one might expect to find an increase in the number of children per mother as the years went by, but such seems not to have been the case. The fairly steady ratio of mothers to children—half as many children as mothers—suggests that these women had been enslaved together with their children and were simply used as laborers.[20]

Some 500 years later, the letters of King Zimri-lim of Mari, which I have earlier cited, illustrate the taking of female prisoners of war as "booty" and their incorporation into the king's household as textile workers. But in that case his selection of the most beautiful women for special service seems to indicate the existence of a harem, or at least the practice of using such women as concubines for himself and possibly for his retainers.[21]

Dating from nearly the same period as the temple Bau records, the records of the Shamas temple at Sippar show a relatively small number of slaves to total population. Of 18,000 names listed, 300 are slave names, two-thirds of them female. This predominance of female slaves over male seems to have been typical of the actual situation in Old Babylonian times. It reflects the predominant use of female slaves in private households.[22]

The Iliad, written in the eighth century B.C., reflects a social situation existing in Greece approximately 1200 B.C.[23] In Book I of *The Iliad* the practice of enslaving captured women and distributing them to the warriors as spoils is casually mentioned a number of times. King Agamemnon's concubine, Chryseis, a highborn war captive, is claimed by her father, a priest. Fearing the wrath of the gods,

the Argonaut warriors urge their king to return the girl. Agamemnon reluctantly agrees, but demands another prize in compensation for Chryseis. It is pointed out to him that that is impossible, since the war booty has been distributed already. The war booty consists of captured women, and the practice is so much taken for granted that Homer does not need to explain it. Agamemnon then insists that he will take the concubine of Achilles, with these words:

> . . . But I shall take the fair-cheeked Briseis, your prize, I myself going to your shelter, that you may learn well how much greater I am than you, and another man may shrink back from likening himself to me and contending against me.[24]

Here Agamemnon states with exemplary clarity the meaning of the enslavement of women: it is to win status and honor among men. After Agamemnon carries out his threat and acquires Briseis by force, which causes Achilles to sulk in his tent and withdraw from the battle, the king does not touch her. He in fact did not actually want her but wanted to win a point of honor against Achilles—a fine example of the reification of women. Much later, when partially due to Achilles' withdrawal and the displeasure of the gods, the Greeks are faced with defeat, Agamemnon admits his fault in the quarrel with Achilles. In front of his assembled chiefs and men, the king proposes to give back Briseis and swears a great oath:

> that I never entered into her bed and never lay with her as is natural for human people, between men and women.[25]

Trying to induce Achilles to join the battle, he offers additional gifts of gold, and horses, and promises:

> I will give him seven women of Lesbos, the work of whose hands is blameless. . . . and who in their beauty surpassed the races of women.[26]

He further offers him the choice of one of his three daughters in marriage. After Troy's defeat, says Agamemnon:

> Let him choose for himself twenty of the Trojan women who are the loveliest of all after Helen of Argos.[27]

None of this impresses Achilles, who refuses all offers. When Achilles goes to sleep the poet tells us:

> and a woman lay besides him, one he had taken from Lesbos, Phorbas' daughter, Diomede of the fair colouring. In the other corner Patroklos went to bed; with him also was a girl, Iphis the fair-girdled, whom brilliant Achilles gave him, when he took sheer Skyros, Enyeus' citadel.[28]

There is no mention in *The Iliad* of enslaved male warriors.

The fate that awaits the defeated is also described by one of the Trojan women as:

> . . . the sorrows that come to men when their city is taken: they kill the men, and the fire leaves the city in ashes, and strangers lead the children away and the deep-girdled women. . . .[29]

And Hector of Troy, speaking to his wife Andromache on the eve of the battle, confesses that he is not so much troubled by the pain over the certain deaths of his fellow warriors and of his father and mother

> as troubles me the thought of you, when some bronze-armoured Achaian leads you off, taking away your day of liberty, in tears: and in Argos you must work at the loom of another and carry water from the spring Messeis or Hypereia, all unwilling. . . .[30]

The enslavement of female war captives and their use as concubines and war spoils continued from the time of the Homeric epic into the modern period. Speaking of the Greece of ninth and tenth centuries B.C., the historian M. I. Finley states:

> Slaves existed in number; they were property, disposable at will. More precisely, there were slave women, for wars and raids were the main source of supply, and there was little ground, economic or moral, for sparing the lives of the defeated men. The heroes as a rule killed the males and carried off the females, regardless of rank.[31]

The historian William Westermann, basing himself on a detailed study of historical and literary sources, describes the practice of the enslavement of captives throughout antiquity.[32] During the Peloponnesian war, for example, Westermann states, the Greeks killed their male enemies instead of "the established practice of exchanging prisoners and the release of captured males on payment of ransom. The captive women in such cases were customarily thrown upon the market as slaves."[33] Thucydides, in his *History of the Peloponnesian War*, cites many instances of the killing of male prisoners and the enslavement of women. A few examples can serve as illustrations: "the number of Plataeans that perished was not less than 200 . . . and the women were sold as slaves." Later: Corcyraen men

were killed "but the women who had been captured in the fort were sold into captivity." And elsewhere: "The Athenians reduced the Scionaeons by siege, slew the adult males, made slaves of the women and children."[34]

The practice was not confined to the Greeks and Romans. Speaking of Germanic tribes in the Roman Empire, approximately in the second century A.D., E. A. Thompson writes:

> Some Germanic peoples killed off their prisoners, or at any rate, their adult male prisoners after a campaign . . . Now it is an exceedingly common practice among primitive people to kill the warriors of a beaten enemy and to enslave the womenfolk and their children. But this practice is common only at the lower stages of agricultural development. At the higher stages the frequency of the custom drops sharply and is replaced by an equally sudden rise in the practice of enslaving captured warriors.[35]

Obviously, dominance first practiced on women of one's own kind was more easily transferred to captured women than it was to men.[36]

Linguistic evidence for the fact that women were enslaved prior to men is also suggestive: The Akkadian cuneiform sign for "female slave" was "woman" plus "mountain," which seems to indicate the foreign origin of female slaves. In fact, most of the slaves came from the eastern mountains, probably the area of Subarea. According to one authority, the sign for "slave woman" appears earlier than that for "male slave."[37] This would seem to speak for the fact that women, mostly foreign war captives, were enslaved before men.

A. Bakir, describing slavery in Pharaonic Egypt, points out that the verb "slave" connotes "forced labor." The noun MR(Y)T, meaning war captives and temple servants, may also mean "weaver's comb."[38] That is interesting in light of the fact that female slaves were widely used as weavers and textile workers in Egypt and throughout the ancient world.

In a study of Greek terminology of slavery, Fritz Gschnitzer shows that the Greek word *doela (doulos)* occurs in its feminine form twice in the Homeric epos but never in the masculine form. He comments that there were considerably more female slaves mentioned in that epos than male, explaining in a footnote that the Greeks tended to kill male prisoners and enslave the women. Interestingly, in reference to the subject to be discussed below, some writers assert that the word *doulē* has the dual meaning of slave and concubine. Similarly the term *amphipolos* (handmaid, waiting woman), which is

confined to females in Greek usage from Mykenaen times on, is occasionally also used to denote female slaves. Gschnitzer thinks that the term was used to denote formerly free enslaved women. This would confirm the practice of enslaving conquered females and using them as domestic servants.[39]

BIOLOGICAL AND CULTURAL FACTORS predisposed men to enslave women before they had learned how to enslave men. Physical terror and coercion, which were an essential ingredient in the process of turning free persons into slaves, took, for women, the form of rape. Women were subdued physically by rape; once impregnated, they might become psychologically attached to their masters. From this derived the institutionalization of concubinage, which became the social instrument for integrating captive women into the households of their captors, thus assuring their captors not only their loyal services but those of their offspring.

Historians writing on slavery all describe the sexual use of enslaved women. Robin Winks, summarizing existing historical knowledge on the subject, states: "Free sexual access to slaves marks them off from all other persons as much as their juridical classification as property."[40]

Speaking of Babylonian slavery, Isaac Mendelsohn writes:

> In the case of the female slave the master had a right not only to her labor, but also to her body. He or a member of the family could cohabit with her freely without assuming the slightest obligation.[41]

The Babylonian slave woman could also be hired out as a prostitute for a fixed price, sometimes to a brothel owner, sometimes to private clients, with the master collecting her pay. This practice was pervasive throughout the Near East, in Egypt, Greece, and Rome of antiquity, in fact wherever slavery existed. Describing Greek slavery in the ninth and in the tenth century B.C., M. I. Finley says: "The place of the slave women was in the household, washing, sewing, cleaning, grinding meal. . . . If they were young, however, their place was also in the master's bed."[42] Slave girls staffed the brothels and filled the harems of the ancient world.

In the modern period it occurred in Africa, Latin America, the United States, and the Caribbean. The practice is worldwide; examples could be cited for every age and every slave society.

In nineteenth-century Malaya enslaved debtors became "retainers" in the creditor's household, carrying out his wishes and serving

as his followers in military adventures. Female slaves or domestic servants, acquired either through debt enslavement or through raids on villages, were used as domestic workers and sexual objects, "given" by the creditor to his male retainers.[43]

In China, from the third century B.C. on until the twentieth century A.D. the "buying of concubines" was an established practice. The same end was reached through the adoption by the wealthy of children sold by their poor parents in times of famine. The trafficking in little girls, in the form of the *Mui Tsai* or "Little Sister" system of child adoption, survived into the twentieth century, despite the outlawing of slavery in 1909. As the phrase shows, it consisted mainly of a traffic in female children, raised to become prostitutes or sexual servants.[44]

A 1948 United Nations Report, describing contemporary conditions in several Muslim countries, states: "Most women slaves combine the functions of servant and concubine in any Arab home that can afford a slave."[45]

The practice of using slave women as servants and sex objects became the standard for the class dominance over women in all historic periods. Women of the subordinate classes (serfs, peasants, workers) were expected to serve men of the upper classes sexually, whether they consented or not. The feudal *droit du seigneur*, the right of the first night, which belongs to the master who has granted his serf the right to marry, institutionalized an already well-established practice.

The sexual use of servant girls by their masters is a literary subject in European nineteenth-century literature, including Czarist Russia and democratic Norway. The sexual use of black women by any white male was also characteristic of eighteenth- and nineteenth-century race relations in the United States, but it survived the abolition of slavery and became, well into the twentieth century, one of the features of race and class oppression.[46]

Thus, from its very inception, enslavement has meant something different for men and women. Both men and women, once enslaved, were totally subordinate to the power of another; they lost autonomy and honor. Male and female slaves had to perform unrewarded labor and often personal service for their masters. But for women, enslavement inevitably also meant having to perform sexual services for their masters or for those whom their masters might designate in their stead. There are, of course, in more highly developed slave systems many instances of male slaves being sexually used and abused by master or mistress, but these are exceptions. For women, sexual exploitation marked the very definition of enslavement, as it did *not* for men. Similarly, from the earliest period of class development to the present, sexual dominance of higher class males over lower class women has been the very mark of women's class oppression. Clearly, class oppression cannot ever be considered the same condition for men and women.

AS SUBORDINATION OF WOMEN by men provided the conceptual model for the creation of slavery as an institution, so the patriarchal family provided the structural model. In Mesopotamian society, as elsewhere, patriarchal dominance in the family took a variety of forms: a man's absolute authority over children; authority over the wife restrained by reciprocal obligations to the wife's kin; and concubinage.

The father had the power of life and death over his children.[47] He had the power to commit infanticide by exposure or abandonment. He could give his daughters in marriage in exchange for receiving a bride price even during their childhood, or he could consecrate them to a life of virginity in the temple service. He could arrange marriages for children of both sexes. A man could pledge his wife, his concubines and their children as pawns for his debt; if he failed to pay back the debt, these pledges would be turned into debt slaves. Such power derived from a concept that a person's entire kin-group was to be held responsible for any wrongdoing of its members. Early Hittite law specified:

> If ever a servant vexes his master, either they kill him or they injure his nose, his eyes or his ears; or he [the master] calls him to account and also his wife, his sons, his brother, his sister, his relatives by marriage and his family, whether it be a male servant or a female servant.[48]

In this case, which concerns slaves (servants), the punishment seems to fall quite evenly on male or female kin.

The Code of Hammurabi, which was most likely published in its present form in the fortieth year of Hammurabi's reign, namely 1752 B.C., is, according to Driver and Miles, "not a collection of existing laws with their amendments. . . . It is a series of amendments and restatements of parts of the law in force when he wrote."[49] Driver and Miles assume the existence of a common Mesopotamian law in the third millennium B.C.[50] We can therefore reason that the social

conditions reflected in these laws were generally representative of Mesopotamian society.

The Code of Hammurabi defined the treatment of debt pledges and set certain limits to their potential abuse. A man unable to satisfy a debt could pledge his wife and his children, his concubines and their children and his slaves. He could do this in two ways: either by giving his dependents as a pledge for a loan he took from a merchant in order to repay his debt or by outright sale of his debt pledge. In the first case the relative could be redeemed within a certain period of time in exchange for the money lent, but if the debtor failed to repay his debt, the pledges became ordinary slaves, liable to resale by the new owner. In the second case, the debt pledge became a slave immediately.[51] The physical abuse of debt slaves was curtailed by HC § 116, which states that if a debt pledge who was a freeman's son died from ill treatment in the creditor's house, and if such ill treatment could be proven, the creditor's son was to be killed. But if the debt pledge was a slave and not free-born, a money fine was to be levied, and the debt was to be extinguished.[52] The clear implication of this law is that any man's son was expendable for his father's crime and that children enjoyed even fewer rights than did debt pledges. The fact that no mention is made of penalties in case of the mistreatment of female debt pledges may indicate that their mistreatment was regarded with greater equanimity. On the other hand, the Code of Hammurabi (HC § 117) actually marks an improvement in the condition of debt slaves by limiting the service of the wife and children of a debtor to three years, after which they were to go free. In earlier practice they could be held for life. HC § 119 specified that a man who gave his slave-concubine, who had borne him sons, as a debt pledge even in outright sale had the right to redeem her from the new purchaser by repaying the purchase price.[53] While these provisions mark a certain improvement in the lot of female debt pledges, they actually protected the rights of husbands (debtors) against the rights of creditors. Two basic assumptions underlying these laws remained untouched: that male kin have the right of disposal over their female relatives and that a man's wife and children are part of his property to be disposed of as such.

The absolute authority of the father over his children provided men with a conceptual model of temporary dominance and dependency, due to the helplessness of youth. But such a model was unsuitable for conceptualizing permanent dominance of one human being over others. The dependency state of youth was self-terminating; youths, in their turn, would reach the age of dominance. Moreover,

youths were expected to fulfill reciprocal obligations toward their aging elders. Therefore parental authority had to operate under the restraint both of the life cycle and of the future power potential of the young. The boy, observing how his father treated the grandfather, would learn for himself how to treat the father, once it was his turn. Thus, the first model of social interaction with an equal who was not quite free was provided by the social relation between husband and wife. The wife, whose sexuality had already been reified as a species of property in the marriage exchange, still had certain legal and property rights and could enforce, through the protection of her kin, certain obligations to which she was entitled. It is concubinage, evolving out of the patriarchal privileges of dominant males in the family, which represents the transitional form between dependency in marriage and unfreedom.

There is not enough historical evidence available to determine with certainty whether concubinage preceded slavery or grew out of it. While we know of many instances where men took first and secondary wives, sometimes marrying two sisters, sometimes acquiring the secondary wife later, the institutionalization of concubinage involving slave women seems to have occurred prior to the promulgation of the Code of Hammurabi. We find in this code a number of regulations pertaining to slave concubines and their rights as wives and mothers and in regard to the inheritance rights of their children. Whether the ready availability of captive women for domestic service or the increasing impoverization of formerly independent agriculturists, which tended to make more debt slaves available, contributed to the spread of concubinage cannot be established firmly on the basis of the available evidence. It seems likely that both factors were important.

Obviously, the increasing importance of keeping private property within the family spurred the development of concubinage as an institution for the preservation of patriarchal property relations. A couple's childlessness, with its implications of loss of property in the male line, could be remedied by bringing a concubine into the household. A Babylonian sales contract reads as follows:

> In the 12th year of Hammurabi, Bunene-abi and his wife Belessunu bought Shamash-nuri from her father for the price of five shekels of silver. . . . To Bunene-abi she is a wife and to Belessunu she is a slave.[54]

What is of particular interest here is that the concubine serves a dual function: she performs sexual services for the master, with the

knowledge and consent of the wife, and she is a servant to the wife. This differs greatly from the relations between first and succeeding wives in many polygamous societies, in which the status of second and third wives is co-equal with that of the first wife. Each wife and her children are entitled to certain rights, to a separate dwelling place, to economic and sexual obligations the husband must fulfill in such a way as not to violate the rights of any wife. Thus, the nexus between sexual servitude to the master and economic service to the wife seems to be a distinguishing feature of concubinage under patriarchy.

The Biblical narratives of Genesis, composed between 1200 and 500 B.C., reflect a social reality similar to that described in the Babylonian sales contract (ca. 1700 B.C.).

The childless, aging Sarai urges Abram to have intercourse with her maidservant Hagar:

> And Sarai said unto Abram: "Behold now, the Lord hath restrained me from bearing; go in, I pray thee, unto my handmaid; it may be that I shall be builded up through her." And Abram harkened to the voice of Sarai.[55]

Similarly, Rachel urges her husband Jacob:

> Behold my maid Bilhah, go in unto her; that she may bear upon my knees, and I also may be builded up through her.[56]

There are several underlying assumptions implicit in these accounts: a slave woman owes sexual services to her mistress's husband, and the offspring of such intercourse counts as though it were the offspring of the mistress. All women owe sexual services to the men in whose household they live and are obliged, in exchange for "protection," to produce offspring. If they cannot do so, their female slave property may substitute for them, in the same way that a man may pay a debt by pledging the labor of his slave to the creditor. The dependent status of the "free" wife is implicit in Sarai's pathetic statement "it may be that I shall be builded up through her." The barren woman is considered faulty and worthless; only the act of bearing children will redeem her. Rachel, before offering Jacob her handmaiden, exclaims, "give me children, or else I die."[57] When at last "God harkened to her, and opened her womb," she said, "God hath taken away my reproach."[58] No clearer statement of the reification of women and of the instrumental use of wives can be made.

The Code of Hammurabi specifies an arrangement similar to the Biblical practice in the case of men married to a *naditum*, a priestess who is not allowed to bear children. The *naditum* either gives her husband her slave girl to bear her children, or, if she does not, the husband is entitled to a secondary wife, a *sugetum*, an inferior priestess or kind of "lay sister" for the purpose of his begetting sons of her.[59] If the sons are those of a slave girl they are regarded as the sons of the chief wife, as in the case of Rachel. HC § 146 deals with the case of a slave girl given by a priestess to her husband and who has borne sons and thereafter "goes about making herself equal to her mistress because she has borne sons." In that case her mistress may not sell her, but she may "count her with the slave girls." If she has not borne sons, her mistress may sell her.[60]

We see in these cases, as in the case of Shamash-nuri, the ambiguity in the concubine's position. HC § 171 specifies that a father may legitimate his sons by a slave concubine, by accepting them publicly during his lifetime. If he does not so legitimate the sons of his slave concubine, she and her sons become free after the father's death but have no inheritance rights. Clearly, the slave woman advanced her and her sons' positions by concubinage; yet she never ceased being the slave of the first wife and had publicly to acknowledge that ambiguous role.[61]

The pattern of freeing concubines who had borne sons became incorporated in Islamic law and spread throughout the world with the diffusion of Islam. It is thus one of the most common features of world slavery. Similarly, in nineteenth-century Malaya a female slave concubine was entitled to her freedom after she had borne the master's children.[62]

The Chinese case is somewhat special, in that concubines could attain the highest positions in society. During the Han dynasty, kings and high officials often married their concubines, some of whom became empresses and the mothers of kings. For this reason aristocratic families vied with one another for the privilege of offering their daughters to the court as concubines. Still, in later periods, a child born of one free and one slave parent always was considered a slave.[63]

Concubinage as a means of upward mobility for women also occurs in a somewhat different form in the pre-Colombian Inca empire (ca. 1438-1532 A.D.). As the Inca empire expanded, the conquest hierarchy consolidated its power by controlling reproduction among the conquered provinces. This took the form of the institution of

accla—whereby virgins from the conquered areas, the *accla*, were enlisted in the service of the state, removed from their villages, set to spinning and weaving and the preparation of ritual foods. Usually selected from among the highest ranking local families, these virgins were either destined for service to the sun-god or as secondary wives of the Inca. They could also be distributed by the state to men of the nobility. They were respected and influential, and for that reason many local families took it as a great honor to contribute their daughters to such service.[64] The ambiguity of concubinage is as evident here as in the other examples cited.

The anthropologist Sherry Ortner has suggested that the development of hypergamy (upwardly mobile marriages of lower-class women to upper-class males) or vertical alliances is an important element of social control in stratified societies. Hypergamy depends on the enforced chastity of lower-class girls prior to marriage. The purity of a daughter or sister might make her eligible to become the wife or concubine of a nobleman or to be selected for temple service. Thus, female purity becomes a family asset, jealously guarded by the men in the family. Ortner suggests that this explanation makes the woman's cooperation in her own subordination plausible.[65] In the context of my argument it also illustrates the permeable boundaries between the status of wife, concubine, and slave.

There is also some linguistic evidence which would seem to show the essential connection between concubinage and female enslavement.

The Chinese word for female slave in use in the third century and second century B.C., was "pi," which also meant "humble." It was used also to describe an inferior concubine or a wife of humble origin. Summarizing the position of slaves in China of that period, the historian E. G. Pulleyblank states:: "A slave was an inferior member of his master's household and subject to the same obligations . . . as a child or a concubine."[66]

A later word for slave, in use after the second century B.C. is "nu," the sign for which is "hand" and "woman." Pulleyblank notes:

> There is another word identical in pronunciation with "nu," "slave," but written differently, which appears in early texts with the meaning "child" or collectively "wife and children."

He cites a number of instances of this use of the word and concludes:

> There can, I think, be little doubt that the two words are identical and that the meaning "slave" is a later derivation from the original meaning child and wife and children.[67]

This makes sense as a reference to the practice of enslaving the wives and children of criminals, which is specified in the code of Shang Yang (ca. 350 B.C.).

C. Martin Wilbur notes: "The terms 'female slave' and 'concubine' sometimes appear together as though there were no great distinction between the two."[68]

Similarly, the Assyrian term "asirtu," or "esirtu," deriving from the root "esēru," to bind, is variously translated as "captive woman" and "concubine."[69]

S. I. Feigin concludes:

> The captive woman did not have the same position in all places. But nowhere was she free, and everywhere she served as a concubine. In general, the captive woman had more of an opportunity to elevate herself than did the *asiru*, the captive man.[70]

Whether one wishes to view "concubinage" as an opportunity for upward mobility or as an added form of dominance and exploitation, the institution was not only structurally significant but crucial in helping men and women define their concept of freedom and unfreedom.

In ancient civilizations, as later in history, various forms of dependency and unfreedom coexisted. Undoubtedly, patriarchal family relations, concubinage, and the enslavement of foreigners coexisted in Babylonia, China, Egypt, and elsewhere. But it is logical that the concept of hierarchy and imposed unfreedom and finally the idea of *perpetual unfreedom* as represented by the status of a permanent slave took some time to develop and evolve. In later periods of history it would take several centuries for the concept of *freedom* as an inalienable right of all human beings to evolve. In the archaic state and in the city-states of antiquity, a slave was regarded as a species of property, yet at the same time as a dependent member of a household, entitled to a degree of protection. Gradually, as slavery became the dominant system, slave status marked an inferior order of humans, who passed the permanent stigma of their status on to future generations. If that kind of slave is seen as the end product of a gradual developmental process of stratification, and if the wife under patriarchal dominance/protection is seen as the starting form of this

process, then the concubine is somewhere in between these two forms.

In the period of approximately a thousand years the idea of "slavery" became actualized and institutionalized in such a way as to reflect upon the very definition of "woman." Female persons, whose sexual and reproductive services had been reified in earlier marriage exchanges, were toward the end of the period under discussion seen as persons essentially different from males in their relationship to public and private realms. As men's class positions became consolidated and defined by their relationship to property and the means of production, the class position of women became defined by their sexual relationships.

The distinction between a free married woman and a slave was expressed within degrees of unfreedom. The class difference between a wife living under the patriarchal dominance/protection of her husband and a slave living under the dominance/protection of the master was mainly that the wife could own a slave, male or female, and other property. The slave could not even own herself. The wife Belessunu, for example, could own the slave Shamash-nuri, whose work relieved her of certain arduous tasks. But Belessunu, unless she divorced her husband, could not escape entirely the domestic responsibilities and the sexual services expected of her. Shamash-nuri, on the other hand, at all times had to carry the dual oppression of slave labor and sexual slavery.[71]

Hierarchy among men rested upon property relations and was reinforced by military might. For women, their place in the hierarchy was mediated through the status of the men on whom they depended. At the bottom stood the slave woman, whose sexuality was disposed of by powerful men as though it were a marketable commodity; in the middle the slave-concubine, whose sexual performance might result in her upward mobility, the bestowal of some privileges and the winning of inheritance rights for her children; at the top the wife, whose sexual services to one man entitled her to property and legal rights. Somewhere beyond the wife ranked the exceptional women who, by virtue of their virginity and religious service, enjoyed rights otherwise reserved for men.

Let us finally, once again, turn to literature for a metaphoric elucidation of the meaning of this historical development.

The manner in which competition among men finds expression in the possession and reification of women has been illustrated in the tale of Achilles, Agamemnon, and the slave woman Briseis. The complexities of male-female relations in a patriarchal setting of unbridled male power is well illustrated in another Homeric epic, *The Odyssey*. In Odysseus' absence the suitors have been besieging his wife, Penelope. She has defended her virtue by a ruse: telling the suitors she would accede to one of them when she had finished her weaving, Penelope wove assiduously all day, but spent each night unraveling what she had woven. The endlessly weaving wife protects her virtue and domesticity with the product of her labor, performing her dual economic and sexual role to perfection. Meanwhile, roaming Odysseus engages in a variety of sexual and martial adventures. On his return, Odysseus, rightfully angered at the threat to his interests brought on by the suitors, accuses them:

> Ye wasted my house, and lay with the maidservants by force, and traitorously wooed my wife while I was yet alive. . . .[72]

In fierce contest, he slays all the suitors in the yard of his house and then sends for the slave woman Eurycleia. Earlier, we have been told that Eurycleia had been bought "on time" by Laertes, Odysseus' father, for the "worth of twenty oxen":

> And he honored her even as he honored his dear wife in the halls, but he never lay with her, for he shunned the wrath of his lady.[73]

Eurycleia, herself a servant, has been in charge of the fifty maidservants owned by Odysseus. He commands her: "Tell me the tale of the women in my halls, which of them dishonor me, and which be guiltless."[74]

Eurycleia says:

> Thou hast fifty women-servants in thy halls that we have taught the ways of housewifery, how to card wool and to bear bondage. Of these twelve in all have gone the way of shame. . . .[75]

The boy, Telemachus, who was too young to protect his mother and obviously unable to protect his maidservants, has been observing his father's slaughter of the suitors. But now Odysseus orders him to bring in the guilty slave women, make them carry out the dead, then scrub the halls. Then Telemachus is to kill them "with your long blades." But Telemachus, suddenly initiated into manhood, refuses "to take these women's lives by a clean death, these that have poured dishonor on my head and on my mother, and have lain with the wooers." Rather, he strangles the women by tying nooses about

their necks and drawing them up on a stout rope. The poet tells us: "They writhed with their feet for a little space, but for no long while."[76]

The virtuous slave women then rush in

> and fell about Odysseus, and embraced him and kissed him and clasped his head and shoulders and his hands lovingly . . . and a sweet longing came on him to weep and moan, for he remembered them every one.[77]

Slave women, raped by the suitors, are killed for the dishonor they have conferred upon the master's house. The youth, not strong enough to protect them, is strong enough to kill and kill them most brutally. But first, they must perform their housekeeping functions—their death is delayed until they have removed the dead and scrubbed the hall, setting the scene for the idyll of domestic bliss, which will follow once the dishonor to the household has been fittingly avenged by their own deaths.

It is somewhat startling to find the stereotype of American slavery—the joyous pickaninnies and delighted slaves hugging and kissing the returning master on the plantation—in this classical emblem. The virtuous slave women, no doubt delighted at being alive, "lovingly" kiss their master, and he in turn is moved to tears and sweet longing (presumably with sexual connotations) "for he remembered them every one."

Penelope, by craft and unceasing toil, was capable of defending her own honor, but she neither tried to nor could she have prevented the slaughter of her slave women. Class barriers unite Penelope with her husband and son. The victims of rape are guilty; they are dishonored by being dishonorable. The offense committed upon them does not count as an assault or a sexual crime but as a crime of property against the master who owns them. Finally the subordinate women, all slaves, are divided: the slave Eurycleia merely an instrument of her master's will and acting entirely in his interest; the "good" slave women divided from the "bad." No linkage of sisterhood can form under such conditions. As for the master, his love takes the form of violence and possessiveness. Killing and sweet longing are for him not incompatible. And the son of the master becomes a man in partaking in the assult on slave women.

Here the poet has offered us a domestic scene metaphoric of relations between the sexes under patriarchy. It has been reenacted in Imperial China, in Greek and Turkish peasant communities from

ancient times up to the twentieth century and in the contemporary victimization of the illegitimate children of Vietnamese and Korean women and American soldiers. It was reenacted also in the wholesale casting out by their families of Bangladesh women raped by invading Pakistani soldiers.

This, in its most extreme form is the end product of a long historical process of development.

It began way back in prehistoric times, when the initial sexual division of labor imposed by biological evolutionary necessity demonstrated to men and women that distinctions could be made among people based on visible characteristics. Persons could be ascribed to one group solely by virtue of their sex. It is this psychological social potential on which the later establishment of dominance depends. Under conditions of complementarity—mutual interdependence—people would readily accept that sex-based groups would have segregate activities, privileges, and duties. Most likely, the subordination of women-as-group to men-as-group, which must have taken centuries to become firmly established, took place within a context of deference within each kinship group, the deference of the young toward the old. This form of deference which is perceived as cyclical, therefore just—each person taking their turn at subordination and dominance—formed an acceptable model for group deference. By the time women discovered that the new kind of deference exacted from them was not of the same order, it must have been so firmly established as to seem irrevocable.

As Meillassoux has pointed out, once male dominance is established, women are seen in a new way. They may, even earlier have been seen as being closer to "nature" than to "culture" and thus inferior, although not devoid of power. Once exchanged, women are no longer seen as equal human beings; rather, they become instruments for the designs of men, likened to a commodity. "Women become reified because they are conquered and protected, while men become the reifiers because they conquer and protect."[78] The stigma of belonging to a group which can be dominated reinforces the initial distinction. Before long women come to be perceived as an inferior group.

The precedent of seeing women as an inferior group allows the transference of such a stigma onto any other group which is enslaveable. The domestic subordination of women provided the model out of which slavery developed as a social institution.

Once a group has been designated as enslaved, it gathers on itself

the stigma of having been enslaved and, worse, the stigma of belonging to a group which is enslaveable.[79] This stigma becomes a reinforcing factor which excuses and justifies the practice of enslavement in the minds of the dominant group and in the minds of the enslaved. If this stigma is fully internalized by the enslaved—a process which takes many generations and demands the intellectual isolation of the enslaved group—enslavement then becomes to be perceived as "natural" and therefore acceptable.

By the time slavery had become widespread, the subordination of women was a historical fact. If, by then, it was thought about at all, it must have gathered onto it some of the stigma of slavery: slaves, were, like women, inferior people, whom it was possible to enslave. Women, always available for subordination, were now seen as inferior by being like slaves.[80] The linkage between the two conditions consisted in that all women had to accept as a given the control of their sexuality and their reproductive processes by men or male-dominated institutions. For slave women, economic exploitation and sexual exploitation were historically linked. The freedom of other women, which was never the freedom of men, was contingent upon the enslavement of some women, and it was always limited by restraints upon their mobility and their access to knowledge and skills. Conversely, for men, power was conceptually related to violence and sexual dominance. Male power is as contingent upon the availability of the sexual and economic services of women in the domestic realm as it is upon the availability and smooth performance of military manpower.

Distinctions of class and race, both first manifested in the institutionalization of slavery, rest upon the inextricable linkage of sexual dominance and economic exploitation manifested in the patriarchal family and the archaic state.

31. William Hallo, "The Women of Sumer," in Schmandt-Besserat, *Legacy of Sumer*, p. 29.

32. *Ibid.* Also: William Hallo and J. J. A. van Dijk (trans.), *The Exaltation of Inanna* (New Haven, 1968).

33. Hallo, "Women of Sumer," in Schmandt-Besserat, *Legacy of Sumer*, p. 30.

34. *Ibid.*, p. 31.

35. For an interesting study of medieval princesses fulfilling these roles see Elise Boulding, *The Underside of History: A View of Women Through Time* (Boulder, Colo., 1976), pp. 429–39.

36. Hallo, "Women of Sumer," in Schmandt-Besserat, *Legacy of Sumer*, p. 30.

37. *Ibid.*, p. 34.

38. Batto, *Women at Mari*, pp. 5, 137–38.

39. *Ibid.*, p. 137.

40. *Ibid.*, pp. 24–25.

41. *Ibid.* For references to this practice in the Bible see 2 Samuel 16:20–23 and Genesis 49:3–4. For the suggestions that a similar fate befell the wives and daughters of Zimri-Lim after his defeat, see Jack M. Sasson, "The Thoughts of Zimri-Lim," *Biblical Archaeologist*, vol. 47, no. 2 (June 1984), p. 115.

42. Batto, *Women at Mari*, pp. 51–2.

43. *Ibid.*, p. 20.

44. *Ibid.*, p. 16.

45. *Ibid.*, p. 27. *Ugbabatum* were the highest ranking priestesses at Mari, although elsewhere they were outranked by other ranks of priestesses. Batto thinks the term "status document" refers to a tablet on which captives were assigned their roles. Waralilisu may have been a more important official than merely a harem guard. Batto suggests, from other evidence, he may have been a controller, which was an important bureaucratic office.

The term "Subarean veil" is not explained by Batto and other interpreters of this passage. In investigating the matter myself, I found no reference to this phrase, but I found that Subartu was an area in the north of Babylon, from which slaves were frequently acquired. One might be justified in considering a "Subarean veil" as designating a veil appropriate to a Subarean slave woman. For this, see J. J. Finkelstein, "Subartu and Subarians in Babylonian Sources," *Journal of Cuneiform Studies*, vol. 9 (1955), 1–7.

Jack Sasson translates this passage "Teach them Subarean dancing." (Personal communication to Gerda Lerner.) It seems to me that the veiling of these women should be viewed in light of the well-established practice of veiling women as part of the marriage ceremony or veiling a concubine to make her a wife. While this practice is confirmed for Babylon and Sumer, it is quite possible that it was also practiced in Mari. In that case, the reference to the "Subarean veil" might have the symbolic significance of incorporating these women to their proper place in the harem.

46. The text cited here is from W. H. Roemer, *Frauenbriefe über Religion, Politik und Privatleben in Mari*. Untersuchungen zu G. Dossin, Archives Royales de Mari X, Paris, 1967 (Neukirchen-Venyn, 1971). (Trans. Gerda Lerner).

Batto (P. 84) translates this passage as follows: "There is (other) booty here before me; I myself will select girls for the veil from among the booty which is here and I will send (them to you)."

47. Jack Sasson suggests that Kirum was the secondary wife, and Shibatum the first, and that the former remained childless while Shibatum bore twins. Professor Sasson reads the name 'Shimatum."

48. Batto, *Studies*, pp. 42–28; citation, p. 43.

49. The end of Kirum's first letter and the second letter are cited in full in Jack M. Sasson, "Biographical Notices on Some Royal Ladies from Mari," *Journal of Cuneiform Studies*, vol. 25, no. 2 (Jan. 1973), 59–104; citation, pp. 68–69.

50. Reference and citation, Sasson, *ibid.*

51. Batto, *Studies*, pp. 48–51; citation, pp. 48–49.

52. *Ibid.*, p. 39. The same incident is treated in Sasson, *Royal Ladies*, pp. 61–66.

53. Batto, *Studies*, chap. 5; citation, p. 96.

54. *Ibid.*, p. 99. I am indebted to Professor Jack Sasson for a somewhat different translation of this passage: "I am the daughter of a king! You are a queen! Since even soldiers treat well whom they acquire as booty, should you not *me* also, when you and your husband have entered me into a cloister?"

55. Batto, p. 100.

56. *Ibid.*, p. 106 fn. 44.

57. *Ibid.*, pp. 100–101.

58. *Ibid.*, pp. 67–73. For the suggestion that she may have been a relative of the king, I am indebted to Professor Sasson (personal correspondence).

59. Norman Yoffee, *The Economic Role of the Crown in the Old Babylonian Period* (Malibu, 1977), p. 148.

CHAPTER FOUR. THE WOMAN SLAVE

1. *The New Encyclopaedia Britannica*, 15th ed. (Chicago, 1979), vol. 16, "Slavery, Serfdom and Forced Labour," pp. 855, 857.

2. My generalizations on slavery are mainly based on the following sources: David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca, N.Y., 1966); David Brion Davis, *The Problem of Slavery in the Age of Revolution: 1770-1823* (Ithaca, N.Y., 1975); Carl Degler, *Neither Black Nor White; Slavery and Race Relations in Brazil and the United States* (New York, 1971); Moses I. Finley, "Slavery," *Encyclopedia of the Social Sciences* (New York, 1968), vol. 14, 307–12; Moses I. Finley, *Slavery in Classical Antiquity* (Cambridge, Eng., 1960); Eugene D. Genovese, *Roll Jordan Roll: The World the Slaves Made* (New York, 1974); Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550–1812* (Chapel Hill, 1968); Herbert S. Klein, *Slavery in the Americas: A Comparative Study of Virginia and Cuba* (Chicago, 1967); Gunnar Myrdal, *American Dilemma: The Negro Problem and Modern Democracy* (New York, 1944); Suzanne Miers and Igor Kopytoff (eds.), *Slavery in Africa: Historical and Anthropological Perspectives* (Madison, 1977); Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, Mass., 1982).

3. Other authors have approached the subject similarly: "The slave is an outsider: that alone permits not only his uprooting but also his reduction from a person to a thing which can be owned." Robin Winks (ed.), *Slavery: A Comparative Perspective* (New York, 1972), pp. 5–6.

Also: Patterson, *Slavery and Social Death*, pp. 5, 7; Finley, "Slavery," pp. 307–12; *Encyclopedia of the Social Sciences*, pp. 308–9.

"Slaves [in Africa] have one thing in common: all are strangers in a new setting." Miers and Kopytoff, *Slavery in Africa*, p. 15.

4. James L. Watson, "Transactions in People: The Chinese Market in Slaves, Servants and Heirs," in James L. Watson (ed.), *Asian and African Systems of Slavery* (Berkeley, 1980), pp. 231–2.

5. Patterson, *Slavery and Social Death*, pp. 5, 6, 10.

6. *The New Encyclopaedia Britannica*, vol. 16, p. 855.

7. Robert McC. Adams, *The Evolution of Urban Society* (Chicago, 1966), pp. 96–97.

8. Igor M. Diakonoff, "Socio-economic Classes in Babylonia and the Babylonian Concept of Social Stratification," which is published as a component of D. O. Edzard, "Gesellschaftsklassen im alten Zweistromland und in den angrenzenden Gebieten—XVIII Rencontre assyriologique internationale, Muenchen, 29. Juni bis 3. Juli 1970" (München, Bayerische Akademie der Wissenschaften, Phil.-Hist. Klasse, Abhandlungen, Neue Folge, Heft 75 (1972), p. 45.

9. Patterson, *Slavery and Social Death*, p. 10.

10. *Ibid.*, p. 6.

11. I. J. Gelb, "Prisoners of War in Early Mesopotamia," *Journal of Near Eastern Studies*, vol. 32 (1973), 74–77.

12. *Ibid.*, p. 94.

In surveying the historiography on the question whether the majority of the prisoners of war in Mesopotamia were enslaved, Orlando Patterson shows that until a decade ago the affirmative view was held, but that recent scholarship, both Russian and Western, seems in agreement that prisoners of war were kept as prisoners for a short time and then released and resettled. This view is held by I. I. Semenov and by I. J. Gelb. Patterson himself thinks that while this is true for the majority of prisoners of war, "at all times some prisoners of war were used as slaves . . . and by the neo-Babylonian period there is reason to believe that the majority were being enslaved." Patterson, *Slavery and Social Death*, pp. 109–10.

13. Gelb, "Prisoners of War," p. 91.

On the "igi-du-nu," see V. V. Struve, "'The Problem of the Genesis, Development and Disintegration of the Slave Societies of the Ancient Orient," in I. M. Diakonoff (ed.), *Ancient Mesopotamia: Socio-economic History: A Collection of Studies by Soviet Scholars* (Moscow, 1969), pp. 23–24. For a different interpretation, see A. I. Tyumenev, in Diakonoff, *ibid.*, p. 99, fn. 36.

14. *Ibid.*, p. 23. (Struve).

15. Gelb, "Prisoners of War," p. 91.

16. E. G. Pulleyblank, "The Origins and Nature of Chattel Slavery in China," *Journal of Economic and Social History of the Orient*, vol. 1, pt. 2 (1958), 190. The quotation from the Han law code is cited in C. Martin Wilbur, "Slavery in China during the Former Han Dynasty; 206 B.C.–A.D. 25," Anthropological Series, *Publications of Field Museum of Natural History*, Vol. 34 (Jan. 15, 1943), p. 84. Other instances of slave mutilation are cited, *ibid.*, p. 286.

17. C. W. W. Greenidge, *Slavery* (London, 1958), p. 29.

18. Gelb uses the name Bur-Sin. This name is now being transcribed 'Amar-Su'en. "Prisoners of War," p. 89.

19. P. Anton Deimel, *Sumerische Tempelwirtschaft zur Zeit Urukaginas und seiner Vorgaenger* (Rome, 1931), pp. 88–89.

For a detailed discussion of the Temple BaU ration lists, see essays by V. V. Struve and A. I. Tyumenev, in Diakonoff (ed.), *Ancient Mesopotamia . . .* , pp. 17–69 and 88–126.

20. *List of Female Slaves and Their Children*
(based on A. I. Tyumenev in Diakonoff, p. 116)

	Women	Children
Year I of Urukagina	93	42
II	143	89
III	141	65
IV	128	57
V	128	60
VI	173	48

Since the list does not tell us how many of the women were childless we cannot determine the number of children per woman. But the fact that the total number of children does not greatly increase in five years seems to indicate that these women were not sexually used. If one considers the generally high rate of infant mortality, the number of children actually seems to decline as the number of women increases. This might have been due to the death or sale of the children. Figures from four other temples in Lagash during year V of Urukagina show 104 slave women and 51 children of the goddess Nanse; 10 slave women and 3 children of the god Nindar; 16 slave women and 7 children of the god Dumuzi and 14 slave women and 7 children of the goddess Ninmar. Diakonoff, p. 123. These figures consistently show the same ratio as the figures above: less than half the number of children than the number of women.

21. Bernard Frank Batto, *Studies on Women at Mari* (Baltimore, 1974), p. 27, Doc. 126.

22. Rivkah Harris, *Ancient Sippar: A Demographic Study of an Old-Babylonian City (1894–1595 B.C.)*, (Nederlands Historisch-Archelogisch Institute te Istanbul, 1975), p. 333.

23. For the dating of *The Iliad* see Moses I. Finley, *The World of Odysseus* (London, 1964), p. 26.

24. Richmond Lattimore, trans., *The Iliad of Homer* (Chicago, 1937), I, pp. 184–88.

25. *Ibid.*, IX, 132–34.

26. *Ibid.*, IX, 128–29.

27. *Ibid.*, IX, 139–40.

28. *Ibid.*, IX, 664–68.

29. *Ibid.*, IX, 593; see also: XVI, 830–32.

30. *Ibid.*, 450–59.

31. Moses I. Finley, *The World of Odysseus* (Meridian paperback edition; New York, 1959), p. 56.

32. William L. Westermann, *The Slave Systems of Greek and Roman Antiquity* (Philadelphia, 1955), pp. 26, 28, 63.

33. *Ibid.*, p. 7.

34. Thucydides, *History of the Peloponnesian War* (Cambridge, Mass., 1920), III,68, 2; IV, 48, 4; V, 32, 1.

See also O. Patterson, *Slavery and Social Death*, "The primitive practice of massacring the men and enslaving only the women and children was clearly attested in numerous instances" (p. 121).

35. E. A. Thompson, "Slavery in Early Germany," in Moses I. Finley, *Slavery in Classical Antiquity*, pp. 195–96.

36. In his worldwide survey of slavery O. Patterson finds "What determined sexual

bias in the taking of captives was not the level of development of the society or the degree of structural dependence on slavery, but the use to which slaves were to be put . . . purely military considerations and the problem of security in the captor's society. It is obvious that women and children were easier to take than men; they were also easier to keep and to absorb in the community. In addition, in most pre-modern societies women were highly productive laborers . . ." Patterson, *Slavery and Social Death*, pp. 120–21.

In surveying 186 slave societies which he selected from the Murdock sample, Patterson found that "female slaves outnumber males in 54 percent of all slaveholding societies . . . ; they are equal in number to men in 17 percent; and number less than males in only 29 percent of the sampled societies" (p. 199). This conclusion lends support to my thesis that women were more easily and readily enslaved than men in most slaveholding societies.

37. Adams, *Urban Society*, p. 96.

38. Abd el-Mohsen Bakir, *Slavery in Pharaonic Egypt* (Cairo, 1952), p. 25.

39. Fritz Gschnitzer, *Studien zur griechischen Terminologie der Sklaverei:* "Untersuchungen zur aelteren, insbesondere Homerischen Sklaventerminologie" (Wiesbaden, 1976), pp. 8, 10, fns. 25, 114–15. The fact that both *doulos* and *amphipolos* applied to males appear only centuries later, corroborates the linguistic evidence I have cited from other cultures to show that women were enslaved considerably earlier than men.

40. Winks, *Slavery*, p. 6.

41. Isaac Mendelsohn, *Legal Aspects of Slavery in Babylonia, Assyria and Palestine: A Comparative Study; 3000–500* B.C. (Williamsport, Pa., 1932), p. 47.

42. Finley, *Odysseus*, p. 57 (Meridian edition).

43. John M. Gullick, "Debt Bondage in Malaya," in Winks, *Slavery*, pp. 55–57.

44. Greenidge, *Slavery*, p. 47. See also Watson, "Transactions in People," in Watson, *Slavery*, 225, 231–33, 244.

45. Greenidge, *Slavery*, p. 30.

46. There is a large literature on the subject of rape and sexual exploitation of women. See: Susan Brownmiller, *Against Our Will: Men, Women and Rape* (New York, 1975). On rape and marital violence, Wini Breines and Linda Gordon, "The New Scholarship on Family Violence" *SIGNS*, vol. 8, no. 3 (Spring 1983), 490–531; Jane R. Chapman and Margaret Gates (eds.), *Victimization of Women* (Beverly Hills, 1978); Murray Straus, Richard Gelles, and Suzanne Steinmetz, *Behind Closed Doors: Violence in the American Family* (Garden City, N.Y., 1980); Miriam F. Hirsch, *Women and Violence* (New York, 1981).

On sexual relations of servants and masters see: Lawrence Stone, *The Family, Sex and Marriage in England, 1500–1800*, (New York, 1977); Edward Shorter, *Making of the Modern Family* (New York, 1975); Joan Scott and Louise Tilly, "Women's Work and the Family in Nineteenth Century Europe," *Comparative Studies in Society and History*, vol. 17 (1975), 36–64; Joan Scott, Louise Tilly, and Miriam Cohen, "Women's Work and European Fertility Patterns," *Journal of Interdisciplinary History*, vol. 6, no. 3 (1976), 447–76; John R. Gillis, "Servants, Sexual Relations and the Risks of Illegitimacy in London, 1801–1900," *Feminist Studies*, vol. 5, no. 1 (Spring 1979), 142–73.

My remarks on the sexual use of slave women by white men are based on extensive readings in slave narratives and primary sources on U.S. slavery. See Gerda Lerner, "Black Women in the United States," in Lerner, *The Majority Finds Its Past: Placing Women in History* (New York, 1979), pp. 63–83 and 191, fns. 15 and 16.

47. Patterson noted that societies with more female slaves than male tended to be the ones in which household production prevailed. "In such societies the master, as *patria potestas*, usually had the power to discipline to the point of death all members of the household, not only slaves but wives, children, junior kinsmen, and retainers. . . . [the female slave] may have been killed with impunity, for she belonged 'in blood and bone,' but under the master's potestas this happened no more frequently than it did to 'free' persons." O. Patterson, *Slavery and Social Death*, p. 199.

48. Cited in Jacquetta Hawkes and Sir Leonard Woolley, *History of Mankind*, Vol. I, "Prehistory and the Beginnings of Civilization" (New York, 1963), p. 475.

49. G. R. Driver and John C. Miles, *The Babylonian Laws, edited with Translation and Commentary*, 2 vols. (Oxford, 1952, 1955), vol. I, p. 36, and "Chronological Table" for a discussion of the dating of the Code of Hammurabi. The reign of Hammurabi is dated by Driver and Miles 1711–1669 B.C.; 1801–1759 B.C. by Ungnad, and 1704–1662 B.C. by Boehl.

Quotation in Driver-Miles, *BL*, I: 45.

50. *Ibid.*, I: 11.

51. *Ibid.*, I: 212–13.

52. HC § 116, *ibid.*, II: 47. Commentary on the law I: 215–19.

53. HC § 117–§ 119, *ibid.*, II, p. 49. Commentary, I:217–20.

54. M. Schorr, *Urkunden des altbabylonischen Zivil-und Processrechts* (Leipzig, 1913), No. 77, p. 121, as cited in Isaac Mendelsohn, *Legal Aspects of Slavery*, p. 23.

In commenting on this document, Driver and Miles interpret its background as follows: "a wife Belizumu seems to be a *naditum* [priestess; G. L.], as she had no children and has bought a concubine for her husband." Driver-Miles, *BL*, I: 333, fn. 1.

55. *The Holy Scriptures According to the Masoretic Text* (Philadelphia, 1958), Genesis 16:2.

56. Genesis 30:3

57. *Ibid.*, 30:7

58. *Ibid.*, 30:23

59. HC § 144 and § 145, Driver-Miles, *BL*, II: 57. Commentary, *BL*, I: 304–5.

60. HC § 146, *BL*, II:: 57. Commentary, *BL*, I: 305–6. Driver and Miles comment on the Biblical parallels (I: 333, fn. 8). See also below Chapter 5, fns. 32–33.

61. HC § 171, *BL*, II: 67. Commentary, *BL*, I: 324–34.

62. Patterson, *Slavery and Social Death*, pp. 144–45. The information on Malaysian concubinage is from Gullick, in Winks, *Slavery*, pp. 55–57.

63. Wilbur, "Slavery in China," pp. 133, 163, 183. Also, Patterson, *Slavery and Social Death*, pp. 141–42.

64. Irene Silverblatt, "Andean Women in the Inca Empire," *Feminist Studies*, vol. 4, no. 3 (Oct. 1978), 48–50.

65. Sherry B. Ortner, "The Virgin and the State," *Feminist Studies*, vol. 4, no. 3 (Oct. 1978), pages 19–36.

66. Pulleyblank (note 16, above), pp. 203–4, 218.

67. *Ibid.*, pp. 194–95.

68. Wilbur, "Slavery in China," p. 162.

69. Jastrow, Luckenbill, and Geers translate the term as "captive women," Ebeling and Schorr as "concubine." Ehelohlf translates the term as "an enclosed one" and remarks: "Obviously a term for a category of women who stand in the middle between free mistresses and unfree slave women." All of the above are cited in Samuel I. Feigin,

"The Captives in Cuneiform Inscriptions," *American Journal of Semitic Languages and Literatures*, vol. 50, no. 4 (July 1934), 229–30.

70. *Ibid.*, 243.

71. If it is the case, as Driver and Miles interpreted, that Belizumu was a *naditum* priestess, she would not be permitted to bear children, but presumably had sexual intercourse with her husband, using contraceptive methods. The principle of the wife having to submit to sexual regulation imposed by her husband and by society remains the same in either case.

72. S. H. Butcher (trans.), *The Odyssey of Homer* (London, 1917), 23: 38–39.

73. *Ibid.*, 1: 430.

74. *Ibid.*, 22: 418–20.

75. *Ibid.*, 23: 420–24.

76. *Ibid.*, 23: 445–72.

77. *Ibid.*, 23: 498–501.

78. Peter Aaby, "Engels and Women," *Critique of Anthropology: Women's Issue*, vol. 3, nos. 9 and 10 (1977), 39, paraphrasing Meillassoux.

79. For a detailed discussion on how the fact of once having been enslaved leads to the loss of social prestige and to the contempt for and marginalization of formerly enslaved persons, see Patterson, *Slavery and Social Death*, pp. 249–50.

80. Aristotle, *Politics*, Vol. I, 2–7.

CHAPTER FIVE. THE WIFE AND THE CONCUBINE

1. I have read the Codex Hammurabi in the following editions:: G. R. Driver and John C. Miles, *The Babylonian Laws*, 2 vols. (Oxford, Vol. I, 1952; Vol. II, 1955), hereafter referred to as Driver-Miles, *BL*. "The Code of Hammurabi," Theophile J. Meek (trans.), in James B. Pritchard (ed.), *Ancient Near Eastern Texts Relating to the Old Testament* (2nd edition, Princeton, 1955). Also consulted: David H. Müller, *Die Gesetze Hammurabis und ihr Verhältnis zur mosaischen Gesetzgebung* (Wien, 1903); J. Kohler and F. E. Peiser, *Hammurabi's Gesetz* (Leipzig, 1904), vol. I. All textual quotes are from Driver-Miles.

"The Middle Assyrian Laws" (Theophile J. Meek, trans.), in Pritchard; "The Assyrian Code," Daniel D. Luckenbill and F. W. Geers (trans.), in J. M. Powis Smith, *The Origin and History of Hebrew Law* (Chicago, 1931); G. R. Driver and John C. Miles, *The Assyrian Laws* (Oxford, 1935); all textual quotes from Driver-Miles, *AL*.

"The Hittite Laws" (Albrecht Goetze, trans.), in Pritchard; all quotes from that text. Also, "The Hittite Code" (Arnold Walther, trans.), in Smith.

Johann Friedrich, *Die Hethitischen Gesetze* (Leiden, 1959). I will cite in full in the footnotes the text of those laws I consider important for my argument and give number references for the others.

2. C. J. Gadd, *CAH*, vol. 2, pt. 1, chap. 5. Gadd cites the letter of an emissary of King Zimri-lim of Mari to semi-nomadic tribes on the Euphrates, who addressed some local chieftains as follows: "There is no King who is mighty by himself. Ten or fifteen Kings follow Hammurabi, the man of Babylon, a like number Rim-Sin of Larsa, a like number Ibalpiel of Eshnunna, a like number Amutpiel of Qatana, and twenty follow Yarimlim of Yamkhad"(pp. 181–82). Nevertheless, it was Hammurabi who defeated Rim-Sin of Larsa and a coalition of Elam, Gutium, Assyria, and Eshnunna, although he could never defeat Assyria herself. Later he also defeated King Zimri-Lim of Mari.

3. My generalizations are based on Smith, *Origin*, pp. 15–17, and Driver-Miles, *BL*, I, pp. 9, 41–45.

4. Smith, *Origin*, p. 3.

5. W. B. Lambert, "Morals in Ancient Mesopotamia," *Vooraziatisch Egypt Genootschap "Ex Oriente Lux" Jaarbericht*, no. 15 (1957–58), 187; Driver-Miles, *AL*, pp. 52–53. See also: J. J. Finkelstein, "Sex Offenses in Babylonian Laws," *Journal of the American Oriental Society*, vol. 86 (1966).

6. A. Leo Oppenheim, *Ancient Mesopotamia* (Chicago, 1964), p. 158.

7. Lambert, "Morals in Ancient Mesopotamia," p. 187.

8. A. S. Diamond argues that the *lex talionis* represents an advance over the earlier legal concept of pecuniary penalties to next of kin for damages done. He cites, for example, the laws of Ur-Nammu (ca. 300 years earlier than Hammurabic law), in which all sanctions for personal injury are pecuniary. Corporal law, according to his view, becomes established with the advent of strong states, which remove the authority of settling disputes, mostly by the payment of damages, from contending kin groups to the authority of the state. Thus offenses become criminalized, and in the absence of jails, death or mutilation becomes the appropriate punishment. He explains the prevalence of pecuniary punishment in the Assyrian and Hittite law codes as due to their "simpler culture" and "more backward stage" of development. A. S. Diamond, "An Eye for an Eye," *Iraq*, vol. 19, pt. 2 (Autumn 1957), 155, 153.

9. Oppenheim, *Ancient Mesopotamia*, p. 87.

10. Driver-Miles, *BL*, I, pp. 174–76. CH Law § 50 specifies 33½ percent interest on the loan of grain and 20 percent interest on the loan of money. Driver and Miles consider this to be fairly representative and point out that Assyrian interest rates were also fixed at 25–33½ percent. (This reference is on p. 176.)

11. CH § 117 "If a man has become liable to arrest under a bond and has sold his wife his son or his daughter or gives (them) into servitude for 3 years they shall do work in the house of him who has bought them or taken them in servitude; in the fourth year their release shall be granted." Driver-Miles, *BL*, II, pp. 47–49. See also, below, Chapter Six, for a discussion of this topic.

12. I have used *The Holy Scriptures According to the Masoretic Text* (Philadelphia, 1917) as my source for Biblical citations. (Exod. 21:2–11, Deut. 15:12–15, 18). For comment see Driver-Miles, *BL*, I, p. 221. The Nuzi records confirm the frequent use of slaves as concubines or as the wives of slaves of their masters. In Nuzi record V 437, for example, a man disposes of his sister to a man who will give her as a wife to his slave. The contract provides that if her slave husband dies, she shall be married to another slave husband, if he dies to yet another, and so on to the fourth. This record comes from a society in which elite women held great delegated power and propertied women could engage in business and sales transactions, which frequently involved slave sales and the sales of children. Cyrus H. Gordon, "The Status of Women Reflected in the Nuzi Tablets," *Zeitschrift für Assyriologie*, Neue Folge, Band IX (1936), 152, 160, 168.

13. Smith, *Origin*, p. 20.

14. CH § 195—"If a son strikes his father, they shall cut off his forehand." Driver-Miles, *BL*, II, p. 77.

CH §§ 192–193 "If the (adopted) son of a chamberlain or the (adopted) son of an epicene states to the father who has brought him up or the mother who has brought him up 'Thou are not my father' (or) 'Thou art not my mother,' they shall cut out his tongue." Driver-Miles, *BL*, II, pp. 75–77. Note: The word "epicene" (votary) designates