4-2018

Codifying Discrimination: The Status of Women, Slaves and Freedmen in the Ancient Near East

Graham Dunbar
St. Norbert College

Follow this and additional works at: <https://digitalcommons.georgiasouthern.edu/aujh>

Part of the [History Commons](#)

Recommended Citation

Dunbar, Graham (2018) "Codifying Discrimination: The Status of Women, Slaves and Freedmen in the Ancient Near East," *Armstrong Undergraduate Journal of History*: Vol. 8 : Iss. 1 , Article 7.

DOI: 10.20429/aujh.2018.080107

Available at: <https://digitalcommons.georgiasouthern.edu/aujh/vol8/iss1/7>

This essay is brought to you for free and open access by the Journals at Digital Commons@Georgia Southern. It has been accepted for inclusion in Armstrong Undergraduate Journal of History by an authorized administrator of Digital Commons@Georgia Southern. For more information, please contact digitalcommons@georgiasouthern.edu.

Codifying Discrimination:

The Status of Women, Slaves and Freedmen in the Ancient Near East

Graham Dunbar

St. Norbert College

(De Pere, Wisconsin)

Writings from several thousand years ago in the Ancient Near East have the potential to give us fascinating insight into humanity's baser instincts and values, allowing us to track the progress of "Western Civilization" from its source. Countless law codes stress the idea of proportional retribution, especially in the case of violent crimes. It is evident in these documents, particularly the ancient Babylonian *Code of Hammurabi*, that this retribution was primarily reserved for free-born adult men and that penalties for crimes against women, while not negligible, were considerably more lenient. It is also evident in these documents that slavery in Ancient Near Eastern civilizations was not only remarkably common, but that there was a noticeable difference in the way slaves were treated depending solely on their gender. In addition, punishments regarding transgressions against a slave typically included reparations to the owner of the slave rather than the slave him/herself, which emphasizes the relative value of life associated with them. In essence, Ancient Near Eastern writings reveal an extremely stratified social hierarchy which, at its most basic, prioritized free-born men above women, women above slaves, and male slaves above female slaves.

It is clear in the *Instruction of the Ptah-Hotep*, a type of etiquette guide in ancient Egypt, that men in the Egyptian Old Kingdom dominated as head of household and the purveyor of knowledge to younger generations. Overt examples of these ideas occur in the quotes, "If the son

of a man accepts what his father says, no plan of his will fail..." and, "A son who hears is a follower of Horus: there is good for him who listens. When he reaches old age and attains honor, he tells the like to his children, renewing the teaching of his father."¹ It is evident in these statements that men were seen as leaders and were expected to pass their wisdom on to their sons. This passage of wisdom from generation to generation established a patrilineal disbursement of knowledge. The section regarding marriage in this document also establishes the concept of men as head of household, explicitly referring to a woman's husband as her "lord" and encouraging men to provide for and take care of their wives by "fill[ing] her belly and cloth[ing] her back."²

The favoritism afforded to men in Ancient Near Eastern civilizations is taken to an even greater extreme in the ancient Babylonian law code, *The Code of Hammurabi*. For example, punishments are more severe for crimes committed against a man, particularly if the perpetrator is a woman. One example of this favoritism occurs in relation to divorce, a topic that directly pits the genders against each other. Laws 142 and 143 in *The Code of Hammurabi* state that if a woman wishes to leave her husband, she must present good reason.³ If it is decided that she is "guiltless" and has a legitimate reason to leave her husband, then she may leave with the money she brought into the marriage and go back to her father's house.⁴ In this version of events, there is no net loss on either side. If, however, it is decided that the woman does not have good reason, but leaves her husband regardless and "ruins her house, neglecting her husband," then she is to be "cast into the water."⁵ These laws overtly display significant favoritism to the

¹ Ptah-Hotep, "The Instruction of Ptah-Hotep," trans. F.L. Griffith, quoted in Jonathan S. Perry, Sara E. Chapman, and Derek Hastings, eds., *Documents in Western Civilization* (New Jersey: Prentice Hall, 2004), 20.

² Ibid.

³ Hammurabi, "The Code of Hammurabi," trans. L.W. King, quoted in "The Code of Hammurabi," Lillian Goldman Law Library, accessed September 20, 2017, <http://avalon.law.yale.edu/ancient/hamframe.asp>.

⁴ Ibid.

⁵ Ibid.

male's side, punishing the female with death if she is guilty, but exacting no real penalty on the male if he is.

There is evidence to suggest that women in ancient Babylon were seen valued only for childbirth. Notably, the section dealing with the killing of pregnant women is the only part of *The Code of Hammurabi* that directly addresses violence against women. *The Code of Hammurabi* states, "If a man strikes a free-born woman so that she loses her unborn child, he shall pay ten shekels for her loss" and, "If the woman dies, his daughter shall be put to death."⁶ The execution of a man's daughter if he kills a pregnant woman displays an eye-for-an-eye mentality that is otherwise absent regarding violence against women. Since the only reference to violence against women in this document exists with regard to violence that results in the loss of a child and the penalty for this is the loss of the offender's own child (specifically, his daughter), it appears that women in ancient Babylon were viewed mainly as being a vehicle for children and, by proxy, a way to strengthen one's legacy.

The difference in treatment between men and women even extended in some cultures, such as the ancient Hebrews, to their slaves. This is evident in Exodus 21, where it is stated, "If a man sells his daughter as a servant, she is not to go free as menservants do."⁷ This statement seems to suggest that, whereas a son sold into slavery would be let free after a certain amount of time, a daughter sold into slavery would not, meaning that a female slave's status would be even lower than a male slave's.

There may be no topic in the ancient Near East that more perfectly displays a heavily stratified social hierarchy than the presence and treatment of slaves. Slaves in the Ancient Near East were primarily used as farming tools and were seen strictly as property. Due to this

⁶ Ibid.

⁷ Exod. 21:7 (New International Version).

thinking, the punishment for killing someone else's slave was typically giving that person another slave rather than any form of corporal punishment. In a section of the *Code of Hammurabi*, this dichotomy is addressed explicitly when discussing the punishment for shoddily building a house so that it collapses and kills someone inside. If the house falls and kills the owner of a house, the builder dies.⁸ If the house falls and kills the son of the owner, the builder's son is executed.⁹ If the house falls and kills the owner's slave, however, the punishment is considerably less severe, and the builder must only "pay slave to slave to the owner of the house."¹⁰ Fascinatingly, this punishment is strikingly reminiscent of another law, which states that if the house's collapse "ruins goods, [the builder] shall make compensation for all that has been ruined,"¹¹ driving home the idea that legally, slaves were treated as property rather than people.

In Babylonian society, the discrimination experienced by slaves did not cease after they were freed. This discrimination is evident in the two ways that non-slaves are referred to in *The Code of Hammurabi* and the difference in laws between them. Laws 207 and 208 in *The Code of Hammurabi* deal with the punishment for accidentally killing a man in a fight. Law 207 states that if a "free-born man," that is somebody who was never a slave, is killed, then his killer would be required to pay a penalty of half a mina.¹² If, however, the man who was killed was a "freed-man," that is a slave who had been released from his servitude, then the penalty would be less, at one-third mina.¹³

⁸ Hammurabi, "The Code of Hammurabi."

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

It is worthwhile to note that not all Ancient Near Eastern societies treated slaves the same, and that ancient Hebrew laws were lenient with regard to length of servitude and the topic of runaway slaves as long as those slaves were Hebrew. Exodus 21, for instance, explicitly states, “If you buy a Hebrew servant, he is to serve you for six years. But in the seventh year he is free to go.”¹⁴ Interestingly, the only discussion regarding length of servitude in *The Code of Hammurabi* relates to servitude to settle a debt, in which case the servant will go free after three years.¹⁵ On the topic of runaway slaves, the Hebrews were also more lenient, preaching hospitality¹⁶ where the Babylonians preached that one should turn the slave back over to its master or else face execution.¹⁷

It is intriguing to see that stereotypical gender roles and hierarchies which people seek to overcome in the world today have existed for thousands of years. They are even being codified by societies that the West has been so heavily influenced by. It is also quite interesting to observe the fact that slavery, while not only present in Ancient Near Eastern societies, was fundamental enough to the established order that numerous laws deal explicitly with the topic. Given the overt and unabashed segregation that occurred in some of the oldest civilizations that are known to exist, it is apparent that the tendency to divide people into groups, and to treat some groups more negatively than others is a primal urge. Furthermore, since slavery present less than 200 hundred years ago in America, it seems that this tendency has not mellowed as time has progressed, a fact that should not be easily forgotten..

¹⁴ Exod. 21:14 (New International Version).

¹⁵ Hammurabi, "The Code of Hammurabi."

¹⁶ Deut. 23:15-16 (Revised Standard Edition).

¹⁷ Hammurabi, "The Code of Hammurabi."

About the author

Graham Dunbar is a sophomore at St. Norbert College in De Pere, Wisconsin. As a history major, he is particularly interested in the history of the US foreign policy. He is currently a writing tutor at St Norbert's Writing Center and hopes to pursue postgraduate education.

Recommended citation

Dunbar, Graham. "Codifying Discrimination: The Status of Women, Slaves and Freedmen in the Ancient Near East." *Armstrong Undergraduate Journal of History* 8, no. 1 (April 2018).