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The Humanisation of Slavery in Old Testament Law¹

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The existence of slavery seems to be taken for granted in the Old Testament, as elsewhere in the ancient Near East, and Christian readers today often wonder why it is not more clearly condemned. This paper discusses several Old Testament laws relating to slavery, especially Exodus 21:20, 26-27; Leviticus 25:39-41; Deuteronomy 5:13-15; 15:12; 23:15-16; 24:7. It is shown that these laws challenge the status quo by humanising the institution, treating slaves as human beings rather than property. If these laws were followed, the result should have been a reduction in the number of people held as slaves, and improved conditions for those remaining.

Introduction

During the seventeenth and eighteenth centuries, British slave-ships transported tens of thousands of slaves from Africa to America each year. Altogether millions of ordinary Africans were captured, put in chains, and taken away – never to return home. In 1784 Peter Peckard, vice-chancellor of the University of Cambridge, preached a sermon entitled ‘Am I not a man and a brother?’, which became a motto of the abolitionist movement. He then held an essay competition with the title, ‘Who has the right to enslave someone against their will?’ The competition was won by Thomas Clarkson, who was later one of a group of twelve Christians who committed themselves to the abolition of this trade in human beings. They persuaded a young politician called William Wilberforce to become their parliamentary spokesman, and for twenty years they wrote pamphlets, organised petitions, and held debates. Eventually the slave trade was made illegal in the British Empire in 1807, just two hundred years ago.

It was a wonderful achievement. A noted nineteenth-century historian described it as one of ‘the three or four perfectly virtuous pages ... in the history of nations’ (Lecky). However, an issue arises concerning the role of the Bible in this achievement. On the one hand, opponents of Clarkson and Wilberforce argued that both Old and New Testaments approve of slavery, or at least assume its existence without criticism. On the other hand, the abolitionists believed that their campaign was based on biblical principles. The present paper examines this issue in relation to the Old Testament, especially its laws. Does Old Testament law support the continuance of slavery, or its abolition?

At first sight, it is not difficult to make a case for the former view. As elsewhere in the ancient Near East, the existence of slavery seems to be taken for granted in Israel (Gen. 15:3; 16:1; Judg. 6:27; 2Sam. 9:10) and it is never condemned categorically as an institution. War captives are routinely enslaved (Gen. 34:29; Num. 31:9; Deut. 20:10-11). Existing slaves are bought and sold, and their children become slaves too (Gen. 17:12, 13, 23, 27; Exod. 12:44; Lev. 22:11; 25:44-46).

Nevertheless, the predominant attitude towards slavery in Old Testament law is negative. One of the primary motivations for obedience in the laws on care for the poor and oppressed is the exodus, God’s liberation of his people from slavery in Egypt (Lev. 19:34, 36; 25:38, 42; Deut. 5:15; 15:15; 24:18). Unlike neighbouring countries, Israel had no social stratification, and all Israelites were considered brothers and sisters (cf. Lev. 25:39-43; Deut. 15:7-11; 17:15, 20). The Hebrew word translated ‘slave’ means literally a ‘worker’, whereas the Akkadian equivalent means ‘one who has come down’ in social position. Slavery did not fit well with the ideals of Israelite society, and laws were designed to reduce the number of people in slavery and protect slaves who were not actually freed.²

Provision for Holidays

Among all the ancient Near Eastern laws known to us, only those of Israel give workers the right to free time for worship and recreation. For example:

Six days you shall labour, and do all your work. But the seventh day is a sabbath to the LORD your God; you shall not do any work, you or your son or your daughter, or your male or female slave, or your ox or your donkey or any of your livestock, or your resident alien who is in your town, so that your male or female slave may rest as you do. Remember that you were a slave in the land of Egypt, and the Lord your God brought you out from there ... (Deut. 5:13-15; cf. Exod. 20:9-11)

It is striking that the sabbath is to be observed by the whole community, including slaves. The expression 'as you do' is significant in granting equal rights to all human beings with respect to this weekly holiday. If this point had not been emphasised, it is very likely that slaves would have been expected to continue their work while more privileged members of society enjoyed their holy days. The same point is made clear in regulations for observing festivals (Deut. 12:12, 18; 16:11, 14).

Protection from Abuse

There are two laws about slave abuse. The first concerns beating, and its essence is as follows:

When a man beats his male or female slave with a stick, and the slave dies from the beating, he shall certainly be avenged. (Exod. 21:20)³

Beating with a stick or rod was a common method of discipline, especially for children (Prov. 10:13; 13:24; 22:15; 23:13-14). The law assumes slaves will be disciplined in this way, while insisting that masters are sensitive to the physical condition of their slaves and administer punishment accordingly. If they misjudge the situation and a slave dies, they are to be punished. The term 'avenged' probably implies the death penalty, which means that a master who kills his slave is treated as a murderer, and receives the same punishment as for killing a free person. Thus the law provides some protection for slaves from cruel treatment by their masters, and recognises the life of a slave to be of equal value to that of any other human being.

A second law deals with the case of a slave who suffers permanent bodily injury at the hands of his or her master:

When a man strikes the eye of his male or female slave and destroys it, he shall let the slave go free as compensation for the eye. And if he knocks out the tooth of his male or female slave, he shall let the slave go free as compensation for the tooth. (Exod. 21:26-27)

This ruling compares very favourably with the Babylonian Laws of Hammurabi (§199), where masters are compensated for injury to their slaves by third parties but nothing is said about compensation for the slaves themselves. In Israel the master himself is punished for abuse of his slave, by being made to forfeit a valuable worker. What is more, the slave is to be freed, even for a relatively minor injury like loss of a tooth.

This pair of laws is unique in the ancient Near East because slave abuse is considered in terms of human rights rather than property rights. Elsewhere slaves were treated as chattels, and abuse laws were designed to compensate the master for loss or damage to his property. Old Testament law, however, emphasises that slaves are to be treated as human beings and ownership of slaves does not permit a master to kill or injure them.

Asylum for Fugitives

A major problem faced by slave-owners was how to stop slaves running away. To make this as difficult as possible, slaves in the ancient Near East were often restrained with fetters or shackles. Many were distinguished by a distinctive hairstyle, or a mark which was branded, incised, or tattooed on their flesh. Inevitably some slaves still escaped, and rewards were offered to anyone who returned a runaway slave. The Laws of Hammurabi demanded capital punishment for anyone who enabled a slave to escape or harboured a fugitive.

When we turn to the Bible we find something completely different:

You shall not give up a slave to his master, who comes to you for protection from his master. Let him stay with you, in your midst, in the place he chooses in one of your towns, wherever suits him best; you shall not oppress him. (Deut. 23:15-16)

Deuteronomy provides one of the most striking contrasts between Old Testament law and other ancient Near Eastern laws by prohibiting what was elsewhere a fundamental obligation (v. 15). Members of the covenant community are not to return fugitive slaves to their masters, but must

provide them with hospitality and a safe refuge (v. 16a). What in Babylon is a capital offence, in Jerusalem is to be an opportunity for kindness and generosity. Like other marginal people, fugitive slaves could very easily be oppressed, but this is forbidden to the people of God (v. 16b).

This law is not only unique in the ancient Near East; it deliberately contradicts the common view that it was a serious offence to help a runaway slave. The principle elsewhere was to maintain the status quo, defending the rights of slave owners to keep their property. In contrast, biblical law focuses on the slave as a human being, emphasising compassion for someone in distress. This echoes Old Testament traditions about Israel's escape from slavery in Egypt, which should make them sympathetic to others in a similar position. As God showed his mercy to them, so they must be merciful to others.

Prohibition of Kidnapping

No-one has the right to deprive another member of the covenant community of their freedom:

When a person is caught kidnapping a brother, one of the people of Israel, and treats him as a slave or sells him, that kidnapper shall die, and so you will purge the evil from your midst. (Deut. 24:7; cf. Exod. 21:16)

Old Testament law prohibits kidnapping, the main purpose of which would be to enslave free citizens or sell them as chattel slaves to others. In practice, in the tightly-knit society of ancient Israel, a kidnapper would be unlikely to keep someone in their possession for long, or try to sell them to another Israelite. Probably they would sell them abroad as soon as possible (cf. Gen. 37:25-28), thus also depriving them of the benefits of living in the covenant community. Forcible enslaving of a free person like this is considered such a serious offence that it carries the death penalty.

Voluntary Slavery and Bonded Labour

The prohibition of forcible enslaving does not rule out the possibility of voluntary slavery. Occasionally serious financial difficulty could result in an Israelite becoming a slave, to pay a debt or provide for their family. The law insists that even voluntary slavery is only to be for a limited period:

When your Hebrew brother or sister is sold [or 'sells him/herself'] to you, and serves you six years, in the seventh year you shall let them go free from you. (Deut. 15:12; cf. Exod. 21:2)

At the end of that period, they are to be provided with capital to enable a successful return to an independent life (vv. 13-15). This may be seen as an attempt to break the cycle of poverty that would otherwise quickly result in the freed person becoming a slave again. Such temporary slaves are also given the option of becoming permanent members of the household at the end of their six years' service, implying that slaves would be looked after so well that they might prefer to continue in that status rather than claim their freedom (vv. 16-17).

Another possibility for paying off debt was bonded labour, also for a limited term. In this connection, it is emphasised that the labourer is not to be treated as a slave:

When your brother becomes poor beside you and 'sells' himself to you, you shall not make him serve as a slave. He shall be with you as a hired worker or temporary resident; until the year of jubilee he shall serve with you. Then he shall go from you, together with his children; and he shall return to his own clan, and go back to his ancestral property. (Lev. 25:39-41)

The rules for bonded labour imply that they were intended for a family-head who made the agreement together with his whole family, where as temporary slavery generally applied to individuals.

Limited-term slavery and bonded labour was made realistic by the Old Testament policy of interest-free loans (Exod. 22:25; Lev. 25:35-38). Elsewhere high interest rates would often mean that such arrangements merely covered interest payments and resulted in lifelong bondage for unfortunate debtors.

Conclusion

The Old Testament portrays Israel as a people who experienced famine in their own land, followed by marginalisation and slavery in a foreign country, and eventually liberation. Those whom God had freed were not to be enslaved again, and were to be compassionate to marginal people in their own country. As a result, slavery was discouraged in the covenant community, though never abolished completely.

Elsewhere in the ancient Near East slavery was accepted without question, and slaves were subject to property law, which focused on the rights of slave owners over their property. Against this background, Old Testament law challenged the

status quo by humanising the institution. In Israel slaves themselves had rights and were not considered property but human beings. For example, as we have seen, slaves were entitled to holidays and masters were not allowed to abuse their slaves. Fugitive slaves were to be given asylum instead of being returned to their masters. Forcible enslaving was strictly forbidden, and voluntary slavery was limited in term and ended with generous provision for the freed slave. If these laws were followed, the result should have been a reduction in the number of people held as slaves, and improved conditions for those remaining.

At the beginning of the twenty-first century, we have celebrated the bicentenary of the abolition of the slave trade, and yet there are more slaves in the world today than at any other time in history.⁴ Perhaps we should not be too quick to criticise the Old Testament for failing to eliminate slavery! It is arguable that Old Testament law was simply being realistic. Rather than outlawing slavery completely, it established principles for care of the poor and needy, emphasising the individual worth of every human being and treating slaves as persons rather than property. If these humanising principles had been practised consistently, slavery might well have disappeared long before Wilberforce.

End Notes

1. This paper is based on material in my forthcoming book, *Tight Fists or Open Hands? Wealth and Poverty in Old Testament Law*. For a detailed study of the laws on slavery, in their ancient Near Eastern context, see chapters 5 and 6 of this book. I have made my own translation from Hebrew of the laws quoted here.
2. Only one law permits chattel slavery (Lev. 25:44-46a), and even this does not encourage it, but limits it to those outside the covenant community: residents of other countries and foreign residents in Israel. The law permits buying slaves, not kidnapping; so it concerns acquisition of those who are already slaves, or are offered by sale by their families, not forcible enslaving of free people. In fact, it is part of a longer law, the main point of which is to prohibit slavery for Israelites (vv. 39, 42-43, 46b).
3. The following verse is difficult to interpret, and is discussed in detail in my book.
4. Bales (1999) estimates that there were 27 million slaves at the end of the 20th century. ILO (2005) gives a lower figure of 12.3 million, noting that this is a minimum estimate. According to UNODC (2006), human trafficking takes place all over the world today, with 127 countries of origin (mainly developing countries), 137 destination countries (mainly in the industrialized world), and 98 transit countries.

For further reading

- Anti-Slavery International web-site: www.antislavery.org
- Baker, David L., *Tight Fists or Open Hands? Wealth and Poverty in Old Testament Law* (Eerdmans, forthcoming, 2008): chapters 5 and 6.
- Bales, Kevin, *Disposable People: New Slavery in the Global Economy* (University of California Press, 1999).
- Barclay, John M. G., "'Am I not a Man and a Brother?'" The Bible and the British Anti-Slavery Campaign', *Expository Times* 119 (2007): 3-14.
- Chirichigno, Gregory C., *Debt-Slavery in Israel and the Ancient Near East* (JSOT Supplement Series, 141; 1993).
- ILO, *A Global Alliance against Forced Labour* (International Labour Office, 2005).
- UNODC, *Trafficking in Persons: Global Patterns* (United Nations Office on Drugs and Crime, 2006).

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