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The Hebrew Slave: A Study in Early Israelite Society

by H. L. Ellison

In the later part of 1971 Mr. Ellison spent some weeks as guest lecturer in Union Biblical Seminary, Yeotmal, South India. During his time there he read the following paper to the Seminary Faculty.

THE Hebrew slave—we should not be misled by the rendering “servant” in earlier English versions—is mentioned only in Exod. 21 : 2-6; Deut. 15 : 12-18 and Jer. 34 : 8-22. The normal interpretation, conservative and liberal alike, is that we are dealing purely with any Israelite who might have happened to become the slave of an Israelite master, whatever the cause and the circumstances. The differences between these two passages in the Law and the legislation in Lev. 25 : 39-43 are generally ignored or explained away.

While the New Peake's Commentary indicates the background “Hebrew Slave” briefly, it has no comment on Lev. 25. Though *NBD* indicates the differences, it does not explain their true cause. In *NBC* the comment on Exod. and Deut. is superficial, while on Leviticus O.T. Allis gives the popular but impossible explanation, that the slave was freed “at the Jubilee, should this come before the termination of his six years of service”. On the liberal side the approach seems to be equally superficial. S. R. Driver in *Deuteronomy* (ICC) concludes that Leviticus “is a provision for the mitigation of the servitude of Israelites designed without reference to” Exodus and Deuteronomy. *Interpreter's Bible* considers that “the differences in the laws can only be explained by the differences in time and locality, where they were supposed to be in force”. While *Interpreter's Dictionary* recognizes the differences, it regards Leviticus as suspending Exodus and Deuteronomy by invoking the Jubilee.

For the type of position represented by Dr. Allis it is sufficient to say that it makes the wording of both Leviticus and Deuteronomy incredibly loose, each being incomprehensible without the other. We are not, however, intended to treat the Bible as a kind of jig-saw puzzle. The typical liberal position held water until the pressure of evidence forced scholars to move the Code of Holiness into the period of the monarchy and before Deut., at least in its main provisions.

What are the differences involved? In Deut. 15 : 12 the Hebrew slave, man or woman, is sold, in Lev. 25 : 39 he sells himself. In the latter the term of servitude, long or short, is determined by the Jubilee, and there is no possibility of life-long slavery, unless indeed the slave died before he could go free; in the former it is either for six years or "for ever" (Deut. 15 : 17, Exod. 21 : 6). The RSV rendering in the latter passage, i.e. "for life", entirely overlooks that according to the early Israelite concept he would continue to serve his master and his descendants through his children and their descendants; they would not only be slaves, but would also have no way of acquiring their freedom. The Targumic attempt at reconciliation by interpreting "for ever" as meaning until the Jubilee shows that the difficulty had been recognized, but it may be dismissed with the contempt it deserves. It is clearly an example of the Pharisaic easing of the law, and it is clear from Josephus (*Ant.* IV. viii. 28), that it was carried through early. A 12th century Rabbinic commentator, Rashbam, rejected it. Another, though superficially less significant, difference is that the law in Lev. makes no mention of gifts on departure in contrast to Deut. 15 : 13f.

Albrecht Alt in his study, *The Origins of Israelite Law*,* was able not only to divide it into apodictic law with its absolute demands based on the covenant with Yahweh and casuistic law dependant on the details of the case, but also to show that the latter was firmly based on the legal concepts of the Fertile Crescent. Hence it is almost certain that the term "Hebrew slave" was a technical expression antedating Moses.

In spite of Kline in *NBD*, there are no adequate grounds for doubting the equation Habiru=Hebrew. By the time of Jonah Hebrew had indubitably become the ethnic name used by Israel's neighbours to describe them. The passages in 1 Samuel, where "Hebrews" is used, employ it, without reasonable doubt, in an ethnic sense, though there seems to be an element of scorn in some of them. This scornful connotation is obviously stronger in Exodus, but in most of the passages a purely ethnic use can be defended. What, however, are we to make of Exod. 2 : 11, "He saw an Egyptian beating a Hebrew, one of his people"? Quite obviously here Hebrew=Israelite was not an obvious equation for the storyteller. This becomes a certainty in Gen. 40 : 15; 43 : 32, for it is obvious that the Egyptians would not identify Canaan, in

*In *Essays on Old Testament History and Religion*, pp. 81-132, especially pp. 93-96.

whole or in part, by one small, semi-nomadic clan living in it, nor would they make a special table-rule for the family of Jacob alone. In addition "Hebrew" is applied to Joseph in a way that seems to preclude its meaning only Israelite, viz. Gen. 39: 14, 17; 41: 12.

For our purpose it is immaterial whether Khapiru, 'apiru, Habiru, to give only three forms of the name, originally meant, as claimed by Albright¹, a donkey caravaneer, though such a meaning seems to fit the life and movements of Abraham excellently. Whenever they are mentioned in inscriptions between c.2050 to 1100 B.C. in Mesopotamia, Anatolia, Ugarit and Egypt, they are clearly a social stratum rather than an ethnic unit, even if the majority seem to have been Semites, if we may judge from the relatively few names mentioned. Bright expresses it well: "The term apparently denoted a class of people without citizenship, without fixed place in the existing social structure."² Certainly such was the place of the Patriarchs in the Canaan of their time.

The long list of tribal groups in Canaan given in Gen. 15 : 19f. —the ten names are probably not exhaustive—illustrates how the continual pressure created by tribal movements in the western Fertile Crescent tended to force weaker elements into the last vestigates of fertile ground before the Sinai desert was reached. Bright can say of the period 2000-1750 B.C.: "Palestine was receiving an infusion of population as seminomadic groups infiltrated the land . . . By ca. 2000 the land was for the most part given over to semi-nomadic clans . . . Beginning in the nineteenth century, however, in western Palestine . . . a rapid recovery took place . . . Nevertheless, large areas, particularly in the central mountain range (where Jerusalem and Shechem, but few if any other, are listed), continued to be very thinly settled."³ So for Joseph to call this fairly empty area "the land of the Hebrews" (Gen. 40 : 15) is entirely apposite, and if he is called a Hebrew, it merely expressed the fact that he came from no settled tribe.

For the Pharaohs of the oppression and Exodus the term 'apiru had become a standard term for the enslaved captives of semi-nomadic Semitic tribes held in Egypt. The term was used without any ethnic connotation, and although their arrival in Egypt had been by other means, the Israelites were almost certainly included among them. The very fact that "a mixed multitude" accompanied them out of Egypt at the Exodus (Exod. 12 : 38) shows that the foreign serfs saw themselves involved in Israel's fate. It is

¹E.g. *The Biblical Period from Abraham to Ezra*, pp. 5ff.

²*A History of Israel*, p.86.

³*Op. cit.*, p.48.

easy enough to see how for victorious Israel "Hebrew" should develop as an ethnic term, the more so as the evidence of the monuments suggests that the Habiru played no part in Canaan after the Amarna period (c. 1390-1350 B.C.), which certainly antedated the Exodus. For all that, in the mouth of the Philistines the name long retained certain connotations from its earlier humble origin.

My thesis, following Albrecht Alt, is that in the term "Hebrew slave" we have a relic of the pre-ethnic use of the term Hebrew. I said earlier that most of the casuistic laws are in their origins pre-Mosaic, having been only humanized in their present Sinaitic form. While in the development of Israel's history the Hebrew slave became of necessity an Israelite, yet he was not a full citizen and had no recognized standing in society.

Once Israel had settled in Canaan, citizenship for a long time depended on the possession of land. It is questionable whether in earlier Israel the artisans, including the potters, ranked as citizens, which may help to explain the paucity of their number. So the "Hebrew" was the landless man without hope of acquiring land. Unless he had special qualifications, the only way he could earn his living was to become a hired servant. Job pictures something of the hardships of his life:

Has not man a hard service upon earth,
and are not his days like the days of a hireling?
Like a slave who longs for the shadow
and like a hireling who looks for his wages (7 : 1f.).

Deut. 15 : 18 makes it clear that even though the hired servant had to maintain a home and family, he would cost his employer only twice what he expended on the keep of a slave.

Under such circumstances the landless man was always in danger of falling into debt and of being in a position where he could not repay. He would then be sold as a Hebrew slave, or would have to allow sons or daughters to be so sold. It is this submerged stratum of Israelite society which the law takes under its special protection, demanding that its members be given the opportunity of a new start, when they were freed (Deut. 15 : 13f.). We can easily understand that Deuteronomy should motivate the Hebrew slave's love for his master by "since he fares well with you". Mild slavery was for many preferable to a hard struggle on the lowest level of society.

The position in Lev. 25 : 39ff. is essentially another one. Here the man owns land but has alienated it in one way or another. In the year of Jubilee, however, it will return to him. To pay his debts, or for some equally cogent reason, he sells himself to a neighbour, but it is clear that he is only a semi-slave, for he retains

control over his family, something denied to the slave. When he leaves, he does not need largesse from his master, for he returns to his land. At the same time there is no question of his using his purchaser as a convenience and leaving him, when it suited him. He had to wait until the Jubilee, which might mean that freedom and property might come only to his children, for he might well die before the Jubilee.

This short paper has been motivated by various factors. It shows in the first place that we should never lightly pass over the unusual expression or incident, or interpret it in the light of much later centuries. It is here that archaeology has probably its main value for the Old Testament, not to validate it, but to explain customs which by the time of Ezra and the scribes had long faded out of existence.

Then too the subject helps us to understand the constant attacks of the pre-exilic prophets on the rich, land-grabbing oppressors of the poor—but cf. also Neh. 5 : 1-13. To deprive a man of his land under the conditions of life that then existed meant destroying him and his dependents. It is not my purpose to go into detail, but if we seriously try to understand the problems of our great cities today, whether in the breakdown of morality, in the growth of groups of essentially unemployable persons and in the increasing influence of communist and anarchist alike, we shall find that our industrial society has equally cut at the roots of human dignity and true existence.

Finally, all three sections of the Law may be summed up by the concluding verse of Lev. 25. Rendered literally—and how much we lose by not doing so—it runs, “For to Me the people of Israel are slaves; they are My slaves whom I brought forth out of the land of Egypt. I am Yahweh your God.” The Church has seldom stressed the principle that so far as it is possible, its members must be placed in a position in which they can truly serve the Lord with the complete love of heart, soul, mind and possessions. The Jew is fully justified when he thanks the Lord in his daily prayers: “Blessed be Thou, Lord of the universe, that Thou hast not created me a slave.” We are very conscious of the New Testament principle: “He who was called in the Lord as a slave is a freedman of the Lord. Likewise he who was free when called is a slave of Christ” (1 Cor. 7 : 22). All too often, however, we forget the corollary: “You were bought with a price; do not become slaves of men.” Was the pierced ear really a sign of love and devotion to an earthly master, or was it rather, as the rabbis

maintained, a mark of shame, because he had failed to realize that he was God's slave?

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