What Happened Every Seven Years in Israel?

Old Testament Sabbatical Institutions for Land, Debts and Slaves  Part II.

by Christopher J. H. Wright

The first part of this article appeared in THE EVANGELICAL QUARTERLY 56:3, July, 1984, 129-38.

SLAVE RELEASE LAWS

In Part One, when we were considering the institutions connected with the seventh year, it was proposed to keep the land aspects separate from the question of slave release. In turning now to the latter question we find it as complicated as the other. The major problem, to which this second part attempts to suggest a solution, is the relationship between the legislation of Ex. 21:1-6 and Deut. 15:12-18, on the one hand, with their six-yearly release, and the provisions of Lev. 25:39-43, on the other, which provides for a release in the Jubilee, or fiftieth year.

The commonest approach to these texts has been to assume that there is a straightforward discrepancy between the laws, and to account for it in terms of the different periods from which they come, on the grounds that the later legislator was modifying or repealing the earlier law. Thus, e.g., Driver comments: 'experience had shown that . . . the limit of service fixed by Ex. and Dt. could not be enforced'. The extension to fifty years was mitigated by the exhortation to kindness. 'These laws [sc. Ex. and Deut.] were not obeyed . . . It is because of this difficulty that the ideal law of Lv. 25 allows for an extension which may amount to fifty years, but puts the master under the obligation of treating his slave like a wage-earner or a guest. It is thus regarded as a compromising reform.

But this view is open to major objections. It seems inconceivable that any amelioration of treatment or conditions should have been regarded as adequate compensation for changing a comparatively brief period of servitude into what in most cases would be slavery for life. And if it had proved impossible to enforce the original six-year limit, how could the rather vague injunctions to leniency be enforced if a creditor chose to ignore them? The only beneficiaries of such a 'reform' would be the wealthy creditors. Indeed, Ginzberg regards it as having been designed with precisely their interests in view. The legislator 'hoped that a fifty year

---

1 S. R. Driver: Deuteronomy (ICC), 185.
period might be sufficiently long to safeguard the private property of the rich and still retain the institution of manumission. It was, in short, a 'compromising' law, to 'placate the rich and obtain their support for the measure as a whole' (p.389). But it is impossible to see how such an attitude, allegedly obtaining in the exile period, can be reconciled with the weight of the prophetic indictment of the rich and their economic oppression — an indictment which was believed to have been vindicated by the judgment of the Exile. Jer. 34:17 directly links the doom of the captivity with disobedience of the law of slave release. If it be objected that that is a Deuteronomistic viewpoint, whereas Lev. 25 represents priestly sources, one need only point to the essentially similar conception of the reason for the exile offered by the same priestly sources in Lev. 26:34ff. In other respects the effect of the Exile appears to have been to induce almost fanatical efforts to keep the law (e.g., the increased zeal for Sabbath observance), in the belief that judgment had fallen on the nation for disobedience. It would be quite extraordinary if on this issue a legislator had taken the contradictory view that because people had failed to obey this law in the past, it should be abandoned in practice and replaced by a law which, by allowing virtual lifetime slavery, was the antithesis of what the original law had tried to achieve. For these reasons, then, the 'modification', 'reform' or 'replacement' theories must be rejected.

The problem is tackled by literary-critical methods by Noth1 and recently also by Lemche.2 Noth reckons that the section Lev. 25:40b and 41, which 'looks out of place', may be an addition to the original paragraph in the milk series, inserted when that series was combined with the Jubilee provisions. Originally the paragraph vv.39ff. (minus vv.40b & 41) had tacitly assumed the seventh year release laws of Exodus and Deuteronomy. But later, and 'rather mechanically', a reference to the Jubilee has been inserted 'which appears to ignore the older slave laws' and is, in fact, in 'considerable tension' with them. Lemche also reckons with (unidentified) secondary passages in vv.39-54, and proposes to understand the 'Jobel' manumission as originally a seven-yearly matter, in accordance with Exodus and Deuteronomy. Later, the redactor of Lev. 25 turned the 'Jobel' into a seventh sabbatical year, perhaps owing to 'practical and economic motives' (p.51), and thus the discrepancy arose. Both these theories, however, 'cut the knot' rather than 'unravelling' it, and neither is very convincing. The likelihood of finding a solution along

6 K. Elliger: Leviticus (Tübingen, 1966), 360.
8 K. Elliger: loc. cit.
Deuteronomy as the key to the distinction. Thus, the original law in the Book of the Covenant had to do with the 'Hebrew' in the social, not ethnic, sense, i.e., with the landless man who survived by selling his services to an Israelite household. Lev. 25:39ff., by contrast, deals with the man who is an Israelite landholder but who has been forced by poverty to mortgage it and then to sell his family and himself into the service of a fellow-Israelite. This essential difference between the two sets of provisions becomes clear when a close scrutiny of the three texts reveals the following distinctions.

(i). In the Jubilee text of Lev. 25 the word 'Hebrew' nowhere appears. The importance of this is obscured by the common habit of scholars and commentators of speaking of a 'Hebrew slave' being released in the Jubilee. It is also commonly assumed that 'Hebrew' in Gen. 34:9, 14; the slaves are Jews and brothers, but their social status and condition is described by the term 'Hebrew'.

In Lev. 25:39, however, the term 'Hebrew slave' is qualified by any further noun or adjective. It is simply stated that he has 'sunk into poverty' (kìyamâhikâ). That is, the fact that he has become poor is given as the explanation of why he should be selling himself into the service of a fellow-Israelite, whereas in Exodus and Deuteronomy no explanation is advanced. It was sufficiently understood in the latter texts that a person described as a 'Hebrew' belonged to a landless class of people who sold themselves or were acquired as a way of life or means of livelihood — not as the result of a sudden reversal of fortune such as is implied by the makê paragraphs.

(ii). In Exodus and Deuteronomy the Hebrew's service as a slave is unqualified. He 'serves as a slave' for six years. By contrast, the impoverished brother is emphatically not to be made to serve as a slave. The fact that he has sunk into poverty, and that he is in the service of a fellow-Israelite, whereas in Exodus and Deuteronomy no explanation is advanced.

(iii). Neither Exodus nor Deuteronomy speaks of any right of redemption for the Hebrew slave — understandably, since the redemption of land or persons was a family or clan affair and the 'Hebrew', as defined above, would hardly have had wealthy family connections. In Lev. 25, however, the debt-servitude of the Israelite is brought into close contact with the redemption regulations. They are specified in v.47ff., where the creditor was an alien, and it is very probable that similar procedure was applicable where the creditor was an Israelite.

(iv). Another difference which concerned the family was that a Hebrew might forfeit his wife and children on release, if he had gained them during his six years. She and they remained the property of his master. In the Jubilee release, however, the phrase '... his children with him' occurs twice (vv.41, 54). The man has land to return to and can

---

11 This is the approach adopted by H. L. Ellison, op. cit., which I believe can be amplified and substantiated by the arguments set out below.
12 It is now widely agreed that is related to the various forms of aphra, and that the latter term described a 'relatively unified entity with much in common linguistically, sociologically and culturally, but an international class of men, a social stratum...'.
14 B. S. Childs: Exodus (SCM, OTL), 468; J. P. Hyatt: Exodus (NCB), 228.
16 N. P. Lemche: 'The "Hebrew Slave"', VT 25 (1975), 129-144.
17 It could, for example, be 'extended to include the sojourner', DBB, 26a.
The term is accordingly quite absent from the Exodus and Deuteronomy texts — as absent as ḫopṣî is from Leviticus.

Thus, the primary concern of the 'Hebrew' legislation was to prevent the indefinite exploitation of a member of that social class by any one owner, whereas that of the Jubilee was to preserve or restore the integrity, independence and property of Israelite households.

(vii). Even the theological motive, which is present in both laws, is differently expressed. Deut. 15:15 gives as a motive for 'Hebrew' release the memory of Israel's own experience of slavery in Egypt.24 Just over half of the occurrences of the word 'צִיָּדִים' are in the Egyptian context.25 The argument thus is: Because you were once a slave ('Hebrew') in Egypt, but are now free because Yahweh redeemed you, you must show like generosity to those who are now slaves ('Hebrews') among you'. Lev. 25:42, however, reads: 'for they [sc. the Israelite debtors] are my slaves whom I brought out of Egypt . . . ' The legislator puts creditor and debtor on the same social and theological footing before God. All Israelites are God's purchased slaves (cf. v.55) and are therefore forbidden to enslave one another.

CONCLUSION

All these differences between the laws confirm the view that they are concerned with essentially different phenomena: one with the class-slavery of the 'Hebrews', a landless and rootless substratum of society who lived by selling their services to Israelite households; the other with Israelites who entered the service of another out of an increasing burden of poverty and debt but who in theory retained the legal ownership of their land and could 'return' to it.

This latter fact about the Jubilee is an added point in favour of its early origin, for it envisages a situation where every family did have a patriarchy to which, if temporary alienation had been forced upon them, they could 'return' in the Jubilee. Such could have been the general situation in the early period of tribal settlements and land allotment, but the economic history of the monarchy period reveals a process of increasing dispossession and the growth of large, non-patrimonial

---

20 The possession of land was a basic factor in being able to retain control over one's family. The Israelite of Lv. 25:35ff. had not lost his land technically, and so he is only a semi-slave, for he retains control over his family, something denied to the slave'. H. L. Ellison, op. cit., 55ff. Neh. 5:5b, however, shows the powerlessness of being in such a situation: 'it is not in our power to help' it (sc. the pledging of children into debt-slavery), for other men have our fields and vineyards'.

21 See M. Weippert, op. cit., 72 n.63 for a survey of the debate.

22 I. Mendelsohn: 'The Canaanite Term for "Free Proletarian"', BASOR 85 (1941), 36-39 (38, my italics).


24 Many scholars believe that the same motive is implicitly present in Exodus, in that the 'Hebrew' release law has been placed at the beginning of the Book of the Covenant. Its humaneness is thus emphasized as an ethical obligation arising out of the redemption from Egypt.

25 To be precise, 17 out of 35 occurrences. For the details, see M. Weippert, op. cit., 84.
This concept of a 'return' must soon have become meaningless for large numbers of the new dispossessed and landless poor and their descendants. By the same token this explains the absence of historical reference to a Jubilee being practised.

It also explains why Jer. 34 does not invoke the Jubilee provisions, but instead refers to the 'Hebrew' legislation in its Deuteronomic form. This need not imply that the Jubilee law was entirely non-existent at the time (as de Vaux believes), but rather that the economic conditions it presupposes no longer obtained. The slaves released by Zedekiah were not mortgaged debtors with estates to return to, but dispossessed people working like serfs on land no longer theirs. Freedom for them would mean joining the ranks of the ḥōḏḏīm (Jer. 34:9ff., 16). Their status in fact corresponded with that of the 'Hebrews' of the early laws and so Jeremiah invokes that legislation as relevant to their situation. They were Judaean by nationality, but 'Hebrew' in social condition.

It is significant that in Jer. 34 the word ֶמַעְתָּה is not used, even though the dependence upon Deut. 15 is extensive. Indeed, Jer. 34:14 begins with identical wording to Deut 15:1, 'At the end of seven years', but then skips over the ֶמַעְתָּה law to the 'Hebrew' release law beginning at Deut 15:12. This makes sense only in the light of the understanding of the ֶמַעְתָּה that we developed in part one, that it involved release of pledged land to its true owner in the sabbatical year. Jer. 34, however, is not concerned with release of land or the suspension of debts for a year, and probably was not actually related to a regular sabbatical year. Rather was it concerned with the permanent release of persons from slavery. The fact that it omits reference to the ֶמַעְתָּה confirms, therefore, our view that the ֶמַעְתָּה was primarily concerned with property pledges and should be kept distinct from straightforward slave release.

On the other hand, Jer. 34 uses the word ֶדֶרְוָר for the release of persons—a word not found at all in Deut. 15, but a technical expression from the Jubilee milieu (cf. Lev. 25:10, Ezek. 46:17). The other Jubilee concepts (return, redemption) could clearly not be used because they were no longer applicable and thus irrelevant, but ֶדֶרְוָר could be used for the manumission of the slaves' persons. Their economic conditions, however, particularly their landlessness, made the 'Hebrew' legislation of Deut. 15 the appropriate law to invoke.

---

27 R. de Vaux: op. cit., 176.
28 As against the view of N. Sarna: 'Zedekiah's Emancipation of Slaves and the Sabbatical Year', Orient and Occident, AOAAT 22 (1972), 145-149.
29 The absence of ֶמַעְתָּה and the use of ֶדֶרְוָר in Je. 34 is noted by M. Kesler: 'The Law of Manumission in Jeremiah 34', AJ, NF 15 (1971), 106, but without comment or explanation.