

SLAVERY AND SLAVE LAWS IN ANCIENT HATTI AND ISRAEL

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Abstract

In this essay Professor Hoffner examines in careful detail the status of slaves in the second-millennium BC world of the Hittites. He treats successively the methods of enslavement, the rights of slaves, including the right to compensation when injured, slaves as criminals, legitimate and illegitimate sexual activity of slaves, mixed marriages involving slaves and free persons, the occupations of slaves, and legitimate and illegitimate means by which slaves sought freedom. He ends his essay with an extremely helpful comparison of Hittite slave practices and biblical laws involving slavery. He concludes that, although slavery was never abolished in the Old Testament, in principle Israelites were to treat their slaves humanely and with compassion, based on their status as bearers of the image of God.

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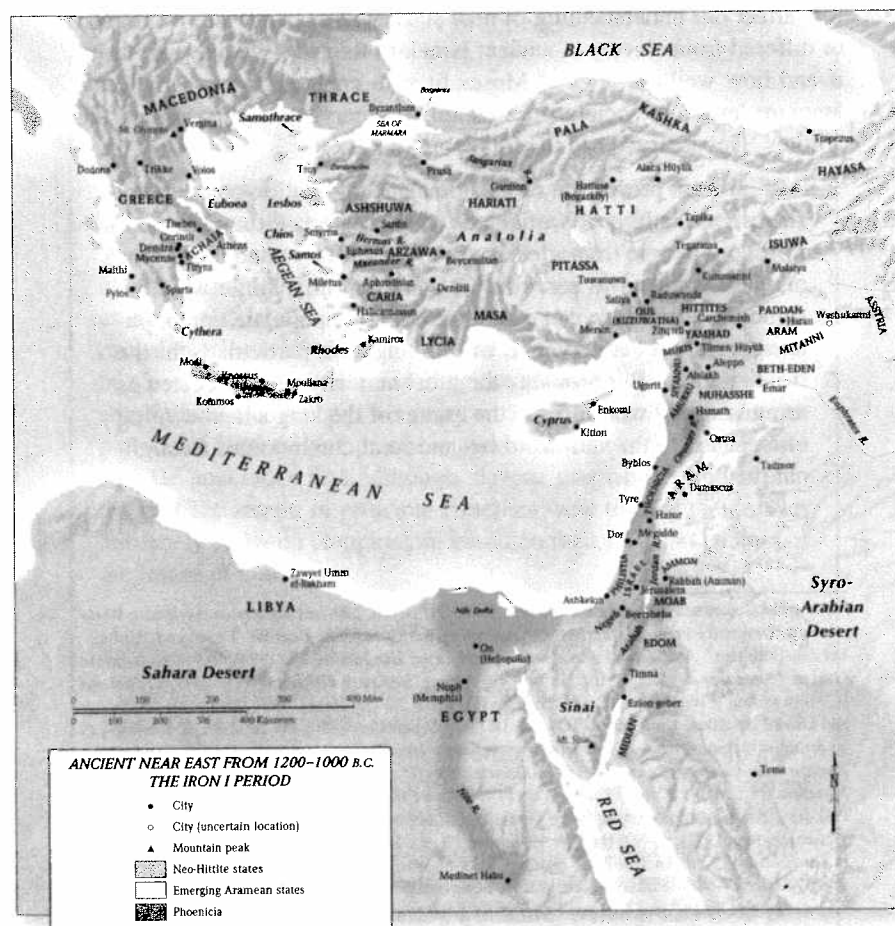
Introduction

The status of slaves in Hittite society has often been studied, though never in a truly comprehensive fashion, and had been related to the Bible in only a few isolated cases.¹ The purpose of this paper is to provide an overview of the subject, drawing particular attention to points that affect our understanding of how slavery in ancient Hatti resembled or differed from slavery in ancient Israel. In this way we may also learn if and how well the laws of Moses fit with contemporary second millennium laws and society. In a useful summary of slavery among the Hittites, Trevor Bryce had the following to say:²

A significant proportion of the homeland population consisted of slaves, particularly if we include in this category the thousands of 'booty-people' imported as spoils of military conquest. Some of these went on to serve in the king's militia, some were assigned to temple service; others were used to populate or repopulate sparsely inhabited areas of the kingdom, particularly in the frontier zones. But probably the great majority were allocated as an agricultural workforce to the estates of the king's land-owning officers and to the various towns and rural communities throughout the homeland.

¹ For general sketches of Hittite slavery, see Trevor R. Bryce, *Life and Society in the Hittite World* (Oxford: University Press, 2002), 51–55; Gregor G. Giordadze, "Die Begriffe 'Freie' und 'Unfreie' bei den Hethitern," *Acta Antiqua Academiae Scientiarum Hungaricae* 22 (1974): 299–308; Albrecht Goetze, "State and Society of the Hittites," in *Neuere Hethiterforschung*, ed. G. Walser, *Historia* (Einzelschriften 7; Wiesbaden: Franz Steiner Verlag, 1964), 22–33; Hans Gustav Güterbock, "Authority and Law in the Hittite Kingdom," *JAOS* Sup 17, (July–September, 1954), 16–24; *idem*, "Bemerkungen zu den Ausdrücken *ellum*, *wardum* und *asrum* in hethitischen Texten," in *Gesellschaftsklassen im Alten Zweistromland und in den angrenzenden Gebieten—XVIII. Rencontre Assyriologique Internationale, München, 29. Juni bis 3. Juli 1970*, ed. Dietz Otto Edzard (Bayerische Akademie der Wissenschaften, Phil.-hist. Klasse, Abhandlungen Neue Folge 75; München: Verlag der Bayerischen Akademie der Wissenschaften, 1972), 93–97; Harry A. Hoffner Jr., "Legal and Social Institutions of Hittite Anatolia," in *Civilizations of the Ancient Near East*, ed. Jack M. Sasson, et al. (New York: Charles Scribner's Sons, 1995), 565–66; Vladimír Souček, "Einige Bemerkungen über status libertatus und status servitutis im hethitischen Recht," in *Charisteria Orientalia praecipue ad Persiam pertinentia*, ed. Felix Tauer, Kubičková and Ivan Hrbek (Prague: Nakladatelství Československé Akademie Ved, 1956), "Zur Struktur der hethitischen Gesellschaft," in *Sulmu: Papers on the Ancient Near East Presented at International Conference of Socialist Countries* (Prague, Sept. 30–Oct. 3, 1986), ed. Petr Vavroušek and Vladimír Souček (Prague: Universita Karlova, 1988). As of this writing I have not had access to Innocenzo Cardellini, *Die biblischen "Sklaven"-Gesetze im Lichte des keilschriftlichen Sklavenrechts: ein Beitrag zur Tradition, Überlieferung und Redaktion der alttestamentlichen Rechtstexte* (Bonner Biblische Beiträge 55; Bonn: P. Hanstein, 1981), and cannot therefore assess whatever use he made of the Hittite material.

² Bryce, *Life and Society in the Hittite World*, 51.



Methods of Enslavement

How did one become a slave in the Hittite kingdom? The records attest to several different methods whereby a person might be enslaved. First, in many cases one was born a slave. If both partners in a marriage were slaves, all offspring of the union belonged to the master.³ According to Exodus 21 if a Hebrew slave was given a wife paid for by his master, and if the couple had children, at the end of his period of indentured servitude he could go free, but not his wife or children.

Second, persons could become slaves if they were captured in military campaigns. These included the NAM.RA, whom Bryce calls the "booty-people."⁴ In Hittite annals of military campaigns, the king reports giving a portion of his plunder and captives to the temples of various gods or goddesses. In terms of a biblical example these would correspond to the Gibeonites whom Joshua captured and reduced to the status of permanent bondservants to the Tabernacle (Joshua 9) and later to the temple.⁵

Some persons captured in battle were held as hostages and offered for ransom in exchange for persons and valuable domestic animals.⁶ Particularly dangerous captives were blinded in order to reduce the risk of their taking up arms or attempting to flee. Lists of such hostages who had been ransomed by their people, including notes about whether or not they had been blinded and the amounts received to ransom them, have been found in the northeastern provincial center of Tapikka (modern Maşat Höyük). Some blinded hostages performed the menial task

³ On the status of children born in mixed marriages see below.

⁴ For this term and its implications see Sedat Alp, "Die Soziale Klasse der NAM.RA-Leute und ihre hethitische Bezeichnung," *Jahrbuch für kleinasiatische Forschungen* 1 (1950-1951): 113-35; Bryce, *Life and Society in the Hittite World*, 105-107; Jörg Klinger, "Fremde und Aussenseiter in Hatti," in *Aussenseiter und Randgruppen: Beiträge zu einer Sozialgeschichte des Alten Orients*, ed. Volkert Haas (Xenia: Konstanzer Althistorische Vorträge und Forschungen 32; Konstanz: Universitätsverlag Konstanz, 1992), 187-212; Calvert Watkins, "NAM.RA GUD UDU in Hittite: Indo-European poetic language and the folk taxonomy of wealth," in *Hethitisch und Indogermanisch: Vergleichende Studien zur historischen Grammatik und zur dialektgeographischen Stellung der indogermanischen Sprachgruppe Altkeinsasiens*, eds. Erich Neu and Wolfgang Meid (Innsbrucker Beiträge zur Sprachwissenschaft (Innsbruck: Institut für Sprachwissenschaft der Universität Innsbruck, 1979), 269-88; Johannes Friedrich and Annelies Kammenhuber, *Hethitisches Wörterbuch. Zweite, völlig neubearbeitete Auflage*, vol. 1, A, *Indogermanische Bibliothek. 2. Reihe: Wörterbücher* 1 (Heidelberg: Carl Winter, 1975-1984 [HW¹³ A]), 336ff.

⁵ See especially verses 21-27. Deut 21:10-14 seeks to regulate the marriages of Israelite soldiers and women captured in battle.

⁶ On the treatment and long-term use of persons captured in battle, see Harry A. Hoffner Jr., "The Treatment and Long-term Use of Persons Captured in Battle According to the Maşat Texts," in *Recent Developments in Hittite Archaeology and History*, eds. K. Aslıhan Yener and Harry A. Hoffner Jr. (Winona Lake, IN: Eisenbrauns, 2002), 61-71. On the blinding of prisoners of war in early Mesopotamia, see J. I. Gelb, "Prisoners of War in Early Mesopotamia," *JNES* 32 (1973): 70-99.

of grinding grain in the mill houses.⁷ The account of Samson provides a biblical parallel. Samson was captured by the Philistines, blinded in order to render him controllable, and put to forced labor milling grain (Judg 16:18–22). This task was particularly humiliating for a man, since milling at the much smaller handmills was a task normally performed by women, and the larger mills were turned by livestock.

A third group of slaves were murderers enslaved to the families of their victims.⁸ And a final group of persons were reduced to selling themselves into slavery in order to repay debts. Persons in this last group were enslaved for a set period of time, during which they worked off their debts.⁹ A biblical parallel is found in the indentured service described in the “Hebrew slave” laws of the Pentateuch (e.g., Exodus 21, etc.), which could arise in the case of a thief who was unable to pay the compensation for his theft (Exod 22:3), or an impoverished person unable to repay a loan (Lev 25:39–44; Deut 15:1–18).

Hittite slaves were owned by their masters and could be bought and sold like other commodities. If we include the so-called “booty-people” (NAM.RA) in this category, slaves were often bought and sold by traveling groups of merchants,¹⁰ just as Joseph was bought by a band of Midianite merchants, taken to Egypt and sold as a slave (Gen 37:28, 36). Slave trade was an international business. The purchase price of an unskilled slave was the same as the price of a draft horse, 20 shekels of silver (HL §177). Since slaves could be bought and sold by their masters, they could also be transferred as payment of penalties imposed by the laws. For example, law 1 reads: “If anyone kills a man or a woman

⁷ See *ibid.* On blinding as a judicial measure see Jana Siegelová, “Blendung als Strafe,” in *Anatolia Antica. Studi in memoria di Fiorella Imparati*, edited by Stefano de Martino and Franca Pecchioli Daddi (Eothen 11; Firenze: LoGisma editore, 2002), 735–37.

⁸ See HL §44: “If anyone makes another man fall into a fire, so that he dies, the offender shall give his son (as a slave) in return.” For the critical edition of the Hittite Laws, see Harry A. Hoffner Jr., ed., *The Laws of the Hittites: A Critical Edition* (Documenta et Monumenta Orientalis Antiqui 23; Leiden: Brill, 1997), 93–94. For readily accessible English translations of these laws see *idem*, in Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor*, 2nd ed., with a contribution by Harry A. Hoffner Jr. (SBL Writings from the Ancient World 6; Atlanta: Scholars Press, 1997), 211–47; *idem*, “Hittite Laws,” in William W. Hallo and K. Lawson Younger, eds., *The Context of Scripture*, vol. 2, *Monumental Compositions from the Biblical World* (Leiden: Brill, 2000 [= COS 2]), 106–19. Hereafter the laws are referred to by number, as in HL §44.

⁹ I know of no specific Hittite textual evidence for this practice, but it was ubiquitous in the ancient Near East.

¹⁰ Harry A. Hoffner, Jr., “A Hittite Text in Epic Style about Merchants,” *JCS* 22 (1968): 34–45; *idem*, “Some Thoughts on Merchants and Trade in the Hittite Kingdom,” in *Kulturgeschichte. Altorientalistische Studien für Volkert Haas zum 65. Geburtstag*, ed. Thomas Richter, Doris Prechel, and Jörg Klinger (Saarbrücken: Saarbrücker Druckerei und Verlag, 2002), 179–89. The fuller context of this fragment has now been recovered by Silvin Košak, “A Note on the ‘Tale of the Merchants,’” in *Hittite Studies in Honor of Harry A. Hoffner, Jr. on the Occasion of His 65th Birthday*, ed. Gary M. Beckman, Richard H. Beal, and J. Gregory McMahon (Winona Lake, Indiana: Eisenbrauns, 2003), 249–252.

in a quarrel, he shall . . . give four persons to serve as slaves, male or female respectively.” The word translated “persons” here is literally “heads.” It is used to number slaves much as one might number “heads” of cattle.

The Rights of Slaves

The preceding discussion raises the question, Did slaves in ancient Hatti possess any rights? A passage from “Instructions for Priests and Temple Servants” is often quoted to show that a master could do to his slaves anything that he wished.¹¹ The author of this text wished to impress upon the temple personnel how severely the gods would deal with them if they would commit infractions in their duties. He compared the relationship between a god and his servants, the priests, to that of a master and his slave. The parallels between a slave’s duties and the principal duties of the priests, on the one hand, and the slave’s cleanliness and the ritual purity required of a priest are evident in the following excerpt:

When a servant is to stand before his master, he is bathed and clothed in clean garments; he either gives him his food, or he gives him his beverage. And because his master eats and drinks, he is relaxed in spirit and feels one with his servant. But if the servant is ever remiss, if he is inattentive, his master’s mind is alien to him. And if a slave causes his master’s anger, they will either kill him or they will injure him at his nose, his eyes or his ears; or they will seize him, his wife, his children, his brother, his sister, his in-laws, his kin whether it be a male slave or a slave-girl, or they may do to him nothing at all. If . . . he is to die, he will not die alone; his kin will accompany him.¹²

Since this is not a legal text, the rhetoric of the author should not be confused with the actual provisions of Hittite law. Nevertheless, the intention of the author was to intimidate his audience and to evoke

¹¹ Edited by Edgar H. Sturtevant, “A Hittite Text on the Duties of Priests and Temple Servants,” *JAOS* 54 (1934): 363–406; Aygöl Söel, *Hittit kaynaklarında tapınak görevlileri ile ilgili bir direktif metni* (Ankara Üniversitesi Dil ve Tarih-Coğrafya Fakültesi Yayınları 350; Ankara: Ankara Üniversitesi Dil ve Tarih-Coğrafya Fakültesi Basımı, 1985), and translated by Albrecht Goetze, “Hittite Instructions,” in *Ancient Near Eastern Texts Relating to the Old Testament*, 3rd ed.; ed. James B. Pritchard (Princeton, N.J.: Princeton University Press, 1969 [= ANET]), 207–8, and by Gregory McMahon in *COS* 1, pp. 217–21. This entire composition has also been commented upon extensively with respect to the nature of the Hittite priesthood in Ada Taggar-Cohen, *Hittite Priesthood* (Texte der Hethiter 26; Heidelberg: Winter, 2006), 37–139.

¹² Goetze, “Hittite Instructions,” 207–8.

maximum fear of reprisal. Therefore, by the words “causes his master’s anger” (TUKU.TUKU-*nu-zi*),¹³ he may have in mind the most severe kind of misconduct by a servant, namely rebellion or insubordination. This would explain why the death penalty extended here even to distant relatives and in-laws of the servant, since in the laws such a penalty was reserved for insubordination against the king (HL §173). Even so, the main lines of the picture painted here are undoubtedly authentic, demonstrating that a Hittite slave possessed very few rights *vis-à-vis* his own master.

With respect to persons other than his own master, the slave was protected by law. However, in protecting the slave the law can legitimately be regarded as merely protecting the investment of his master. Probably both motives, to protect the slave and the investment of the master, were at work here. Support for this interpretation may be found in Hittite prayers and hymns to the gods that celebrated the gods’ concern for powerless victims such as the orphan and the widow.¹⁴ In particular, the sun-god, the patron of justice and protector of the powerless, and in whose typical attire the king was often dressed to show that he too was the protector of the powerless, is even described as defending the cause of animals that could not speak in their own defense.¹⁵ Under these circumstances they must also have thought those same gods would be concerned for slaves. And if they were, a society whose masters oppressed their slaves would surely receive punishment from those gods.

Compensation for Injuries to Slaves

In the Hittite laws injuries inflicted on a slave by third parties drew one-half the monetary penalty of similar offenses against a free person. And monetary fines meted out to slaves for their offenses amounted to half those for free persons. This applied throughout the laws with very few exceptions. It is likely, though by no means certain, that the fines incurred by a slave’s offense were paid by his master, because HL §95 specified that the master who did not pay for him would lose him:

If a slave burglarizes a house, he shall give (back the stolen items) precisely in full value. He shall pay six shekels of silver for the

¹³ KUB 13.4 i 28–29, *nu-kán ma-a-an* ÌR-ŠU *ku-wa-pí* EN-Š[U] / TUKU.TUKU-*nu-zi*.

¹⁴ For the primary discussion of the text, see Hans Gustav Güterbock, “The Composition of Hittite Prayers to the Sun,” *JAOS* 78 (1958): 237–45. For the latest translation see Itamar Singer, *Hittite Prayers* (SBL Writings from the Ancient World; Atlanta: Society of Biblical Literature, 2002), 34 §§37–39, 37 §§34–35.

¹⁵ Singer, *Hittite Prayers*, 34 §39, 37 §35.

theft. He shall cut/cut off the nose and ears of the slave, and they will give him back to his owner. If he steals much, they will impose much upon him; if he steals little, they will impose little upon him. [If] his owner says: “I will make compensation for him,” then he shall make it. But [if] he refuses, he shall lose that slave.¹⁶

Although this law code was composed during the Old Hittite period, the same stipulation occurs in the early Middle Hittite treaty of King Tudhaliya II with Šunaššura of Kizzuwatna:

If someone hides a fugitive [from Hatti] . . . he must give 12 unfree persons. If he cannot give the 12 unfree persons, he must be killed. If a slave hides a fugitive, and if his master will not make restitution on his behalf—will not give the 12 unfree persons—the master must forfeit the slave himself.¹⁷

Here the same fine (12 unfree persons) applied whether the offender was free or unfree. In any event, it is obvious that only the master could give away 12 unfree persons.

Slaves as Victims

The same 50-percent valuation appears when an unfree person was the victim of an offense. HL §§2 and 4 concern cases of manslaughter (non-premeditated homicide).¹⁸ These laws are counterparts to HL §§1 and 3, in which the victim was a free person. HL §§1–2 deal with homicide during a quarrel; HL §§3–4 deal with accidental homicide (“only his/her hand is at fault”). In each case the compensation for a slave victim was half that for a free person.

In HL §§8 and 11 the offenses of blinding, knocking out teeth, and breaking an arm or leg appear in the same descending sequence as in the stereotypical *lex talionis* clause “eye for eye, tooth for tooth, . . . hand for hand, foot for foot” of Exod 21:23 and Deut 19:21. However, in both cases the compensation for an unfree victim of these injuries was half that for a free one.

¹⁶ As translated by Hoffner, *Laws of the Hittites*, 93–94.

¹⁷ KUB 8.81 + KBo 19.39 ii 11–15, iii 1–7. Translation by Gary M. Beckman, *Hittite Diplomatic Texts*, 2nd ed. (SBLWAW 7; Atlanta: Scholars Press, 1999), 25–26.

¹⁸ On homicide in Hittite law, see Harry A. Hoffner, Jr., “On Homicide in Hittite Law,” in *Crossing Boundaries and Linking Horizons: Studies in Honor of Michael C. Astour on His 80th Birthday*, eds. Richard Averbeck, Mark W. Chavalas, and Gordon Young (Bethesda, Maryland: CDL Press, 1997), 293–314.

Injury Requiring Convalescence (HL §IX)

The Old Hittite Law §10 concerns a case in which one person injured and temporarily incapacitated another. He was required to provide medical care for the injured man, to provide someone to work on the injured person's land until he recovered, and when he recovered, the assailant would pay him six shekels of silver in addition to covering the physician's fee. The late version of this law (HL §IX) made provision for a slave who was the injured victim. Medical care was to be provided according to both early and late versions of the law. But the laws differed in two significant respects. First, in the late version the compensation was 10 shekels instead of 6 for a free victim. Second, the late version allowed for compensation for an unfree victim in the amount of two shekels. The 10:2 (i.e., 5:1) differential between the compensation for free and unfree victims was greater in this late version than the usual 2 to 1.

Slaves as Offenders

The cases in which slaves were the perpetrators exhibit the same 2:1 ratio. The types of cases mentioned in the laws include burglarizing a house (HL §§93, 95), breaking into a grain storage pit and stealing grain (HL §97),¹⁹ setting a fire that burns a neighbor's vine or fruit trees (HL §105), and stealing plants, a plow, or a copper agricultural implement (HL §§101, 121, 143). If in a case of theft the culprit was a slave, the ratio seems to have been fixed at a required threefold compensation. In a Middle Hittite letter sent to Tapikka from the capital, the king's scribe Hašammeli instructed his Tapikkan correspondent Uzzu regarding the former's female slave who was being detained after being arrested for theft.²⁰ Hašammeli asked for her release to the bearer of the letter, and he authorized Uzzu to take a threefold compensation for what she stole. This letter applied the actions prescribed in HL §95 (see above): that a slave's compensation had to be paid by his master, and if the master refused, he would forfeit his slave to the victim of the crime. Although the relevant passage in the letter is damaged, it appears that if Hašammeli had not demanded the slave woman's release and offered to pay the threefold

¹⁹ Since the fines in HL §§ 96 and 97 are far too small for the pit to be one of the large silos belonging to the crown, it seems a smaller, privately-owned pit is involved.

²⁰ Sedat Alp, *Hethitische Briefe aus Maşat-Höyük, Atatürk Kültür, Dil ve Tarih Yüksek Kurumu, Türk Tarih Kurumu Yayınları* (VI. Dizi—Sa. 35; Ankara: Türk Tarih Kurumu Basımevi, 1991), 172–75 (HKM 30).

compensation, she would have been injured in some way,²¹ perhaps by placing marks on her body to show that she had once been caught in the act of stealing.²² This could only be done to slaves, never to free persons.

In another letter to Tapikka, this same slave owner, Hašammeli, complained to the governor that he had heard that some of the governor's underlings had stolen one of his female slaves and taken her to a nearby city.²³ Unfortunately, the remainder of his complaint is broken off, but it is likely that he asked the governor to apprehend the culprits and return his slave woman.

In the cases involving truly serious offenses the 2:1 ratio was abandoned, meaning the slave's fate was infinitely worse than that of the free man. In HL §170 the crime involved killing a snake while pronouncing the name of another person. Legally, this act was tantamount to attempted murder, since the intention seems to have been to bring about the death of the other person who was magically identified with the snake. A free offender could ransom his life with a large payment (1 mina of silver = 40 shekels), but a slave had to be executed, because no slave would possess resources to pay such a high price. Nor would his master have been willing to pay such a large one for him, an amount far exceeding the purchase price of a slave.

HL §172 also calls for a ratio of compensation different from the standard 2:1. This law stipulates that if someone sustained a free man with food through a year of famine, he had to give him a surrogate²⁴ for himself (i.e., a slave) as payment. However, if someone sustained a slave in a year of famine, the payment due him was less: 10 shekels of silver, which was less than the price for an untrained slave (twenty shekels), but equal to what one would pay for causing the loss of life of an unborn child in the tenth month of pregnancy. Assuming the slave's master was the one who paid, the price was set below the cost of a new slave to replace the old one, perhaps so that the master would not be tempted simply to forfeit his old slave.

²¹ This verb [*h*]a-ap-pa-la-[a]-š[a]-i-š[i] occurs in a different grammatical form in KBo 6.4 i 22 (HL §IX; the late Neo-Hittite version of law 10; see Hoffner, ed., *Laws of the Hittites*, 24). Here it describes an offense, not a penalty: "If anyone injures (*ha-pal-la-ša-iz-zi*) a free person's 'head,' he shall provide medical care for him."

²² See HL § 95 above, which uses a different verb, *kukkur*/-.

²³ Alp, *Hethitische Briefe*, 184–85 (=HKM 36), lines 42ff.

²⁴ PU-UḪ-ŠU, Akkadian *pūhu(m)*, "substitute."

Slave Participation in Incestuous Intercourse

Hittite laws against unnatural sexual combinations (incest and human sex with animals, Hittite *hurkel*) are difficult to understand. Both topics admit of some confusing exceptions. Sexual relations between humans and most animals were prohibited. But those with a horse or mule are permitted (HL §200a). Although there are doublet laws concerning incest or suspected incest where the participants were free persons or slaves, there is no indication that social status affected either the conclusion that the act was incest or the nature of the punishment. HL §196 states that if slave men and slave women engaged in incest (*hurkel*), the authorities must move them to separate towns, and an expiatory sacrifice of one sheep must be made for each party. From information provided by texts other than the laws, a person—free or unfree—found guilty of *hurkel* had to be banished from his town and the town was required to undergo ritual purification for the crime committed there.²⁵ So in this law both parties were removed and expiatory sacrifices were offered for the town.

Marriage between Free and Unfree (HL §§31–36)

Since marriage demanded a common residence, it is understood that both members of a married couple who were slaves were the property of a single master. Slave owners served their own interests when they provided spouses for their slaves, not only by promoting their contentment and happiness and therefore greater productivity, but also by ensuring a new generation of servants in their offspring, since children born to the union of two unfree persons would become the property of their parents' master. Furthermore, if the master paid the bride price to the parents of a free woman so that she might marry his servant, the woman became an indentured servant for a period of three years. Children born during this term would become the property of the master (law 35).²⁶

But sometimes masters could be persuaded that it was in their own interest to allow one of their servants to take a free spouse. If the servant possessed assets of his own sufficient to pay her bride price, she remained

²⁵ For full discussion see Harry A. Hoffner, Jr., "Incest, Sodomy and Bestiality in the Ancient Near East," in *Orient and Occident: Essays Presented to Cyrus H. Gordon on the Occasion of His Sixty-fifth Birthday*, ed. Harry A. Hoffner Jr. (Alter Orient und Altes Testament 22; Neukirchen-Vluyn: Neukirchener Verlag, 1973), 81–90.

²⁶ This was usually expressed as the slave not paying the brideprice for the free spouse, in which case his master apparently paid on his behalf.

free after the marriage, and all children born to the union were likewise free (HL §§34 and 36).²⁷ Obviously, since this situation deprived the master of the ownership and services of the wife and children, it could only occur under very unusual circumstances.

What happened to the assets and the children when such a mixed marriage between free and unfree ended in divorce? The former were divided equally between the partners regardless of which partner was free, the husband or the wife (HL §§31–32), and all but one child was awarded to the free partner. The law does not specify what happened if there was only one child, but it seems most likely that it would have belonged to the free partner. Social status apparently took precedence over biological gender in determining prior legal claim to the children. On the other hand, if the marriage partners had the same social status (e.g., both were slaves), gender determined that most of the children would go to the wife. The children represented her social security and would provide for her in her old age.

Hittite custom and law distinguished children from other types of assets. A Middle Hittite letter found at Maşat (HKM 57) illustrates this. The letter was sent by two men, Ilali and Kašilti, to the governor and his colleague living at Maşat/Tapikka. Accompanying the tablet bearer was a person named Kaštanda, who is identified as the slave of a son of a priest of the city Urišta. This slave, Kaštanda, had bought for himself (presumably to be his wife) a free woman of the city Gašša (line 12), but two named men of the city Haššarpanda had stolen her from him. Ilali and Kašilti asked the governor to settle Kaštanda's claim in court and restore his woman to him. They reminded the governor that the slave's owner's father, the priest of Urišta was a powerful man who would wish to see justice done on behalf of his son's slave. Since the stolen woman was not called a GÉME "female slave", but rather a MUNUS "woman", she must have been a free woman purchased by a slave who had the financial resources to do so, exactly as portrayed in HL §§34 and 36.

²⁷ HL §§34 and 36 are contrasted with law §35. In the former no change occurred in the social status of the free partner, while in HL §35 the free partner became an indentured servant for three years. The following may be the reasoning behind this. In HL §§34 and 36 a male slave with some financial resources of his own would pay the brideprice for his free wife. She was therefore not provided to him by his master and could not be claimed by the master as his property. The slave might have done this in order to have children who would not be slaves. The principle according to which the party who pays the brideprice for the wife owns both her and her offspring explains also the biblical law in which a master provides a wife to his indentured servant ("Hebrew slave"), and when the servant goes free in the seventh year, he must relinquish both wife and children. HL §35 concerns a herdsman or overseer—two types of slaves, and therefore representative for the purpose of this series of laws—who took in marriage a free woman without paying her brideprice. She had to serve the master as an indentured servant for three years. Apparently, since the herdsman's master had to pay the bride's parents the brideprice for their daughter, he was entitled to three years of her service.

In ancient texts, when free persons spoke about individual slaves, they normally did not identify them by personal names, but designated them as “the slave of so-and-so.”²⁸ This practice is exemplified in a Mašat letter,²⁹ in which a man, who is referred to only as “the slave of Šaparta,” was sent into the Kaška territory to find Šaparta’s son.³⁰ However, Hittite slaves were rarely referred to by personal name. In the legal case just described, the slave Kaštanda belonged to an influential priestly family and apparently had financial resources enabling him to buy a free woman. Therefore, he was dignified by being referred to by name.

The Occupations of Slaves

What did slaves in Hatti do? Many were employed in agricultural pursuits on large farms. Some were shepherds (HL §175). Others served in skilled crafts: bakers, bee-keepers, dairymen, potters, leatherworkers, smiths, carpenters, fullers, weavers, garment makers, and scribes (HL §176b). Men learned crafts either from their fathers or through apprenticeships. The laws even specify the price for an apprenticeship: six shekels. The price was probably the same whether the trainee was free or slave (see Text Box on p. 146). Masters trained or paid for training for their slaves. This not only enhanced their value to the slave owner himself, but also increased their sale value.³¹

Some skills concerned entertainment. The temple ceremonies required numerous types of entertainers: singers, lute-players, harpists, flautists, drummers, jugglers, acrobats, and sword swallows. Ritual drama also required actors. Athletic contests, the forerunners to the Greek games at Olympus, required chariot racers, foot racers, boxers, wrestlers, and stone throwers (perhaps like the shot-put). Most, if not all, of these would have been attached permanently to the temple staff, and many would have been slaves. Apparently, this was precisely the type of slave’s activity that the blinded Samson was called upon to perform before the Philistine lords in the temple of Dagon. Of course, he was more than

²⁸ But the servant/slave (*na’ar*)—perhaps in this case a young apprentice—of an influential man like the prophet Elisha was given a name, Gehazi.

²⁹ HKM 66, lines 20–25, ed. Alp, *Hethitische Briefe*, 246–47.

³⁰ This incident recalls both the mission of Abraham’s unnamed servant who traveled to Northern Mesopotamia to find a bride for Isaac (Genesis 24) and the mission of Kish’s son Saul and his unnamed servant (Hebrew *na’ar*) to find the lost donkeys of Kish (1 Samuel 9).

³¹ A long list of households which Queen Puduḥepa donated to the temple of her favorite goddess reveals not only the average size and composition of such unfree households, but also the crafts that its members practiced. The texts have been edited and translated into German by Heinrich Otten, *Das Gelübde der Königin Puduḥepa an die Göttin Leḫwani* (Studien zu den Boğazköy-Texten I; Wiesbaden: Harrassowitz, 1965).

an ordinary slave: the purpose of the gathering was to celebrate the fact that “Our god has handed over to us our enemy who destroyed our land and who multiplied our dead” (Judg 16:24). Samson was to “entertain” them.³² Since such temple “entertainment” often involved acrobatics and feats of strength Samson was able to grasp the pillars that supported the temple roof without arousing suspicion.

Although the scribal profession was a high calling, occupied mostly by free men, some slaves were trained to read and write cuneiform. Others may have learned to inscribe Hittite hieroglyphs on metal objects. Still others even composed texts. Puḫanu, the slave of Šarmaššu, authored an important Old Hittite literary text, the so-called “Puḫanu Chronicle,” dated to the reign of Hattuēili I.³³ Anniwiyani, the mother of the augur Armati, who was the slave of a man named Hurlu, recorded two well-known rituals.³⁴ The composer of another ritual was Ayatarša, a slave woman whose mistress was a certain Nawila. This ritual, which shows significant Luwian linguistic influence, may indicate that she (and perhaps also Anniwiyani) was Luwian, and may have been captured during military campaigns in the Western Anatolian lands of Arzawa. Neither of these women was simply a scribe. Today we would call them “authors” who dictated their ritual procedures to scribes, who put them into written form.³⁵

Slaves could also serve as surrogates for their masters when the latter were called upon for military service. The Hittite laws specify that a man required to serve in the military for a particular campaign could hire another person to go in his stead (HL §42).³⁶ The law does not declare that this could be a slave, though that is a definite possibility. A clause in

³² The Hebrew word *šāhhēq* may also denote hand-to-hand combat with swords (2 Sam 2:14).

³³ Edited by Oğuz Soysal, “Beiträge zur althethitischen Geschichte (I). Ergänzende Bemerkungen zur Puḫanu-Chronik und zum Menschenfresser-Text”, *Hethitica* 14 (1999): 109–45; *idem*, “KUB XXXI 4 + KBo III 41 und 40 (Die Puḫanu-Chronik). Zum Thronstreit Hattuēilis I.” *Hethitica* 7 (1987): 173–254. For English translation see Harry A. Hoffner, Jr., “Crossing of the Taurus,” in *COS* 1, pp. 184–85. For the most recent discussion see Stefano de Martino and Fiorella Imparati, “More on the so-called ‘Puḫanu Chronicle’,” in *Hittite Studies in Honor of Harry A. Hoffner, Jr. on the Occasion of His 65th Birthday*, ed. Gary M. Beckman, Richard H. Beal, and J. Gregory McMahon (Winona Lake: Eisenbrauns, 2003), 253–64. Forlanini (cited by Imparati and de Martino) believes that Puḫanu was a Syrian scribe in the service of Šarmaššu. Soysal (“Beiträge zur althethitischen Geschichte,” 130–32) views Puḫanu as a priest of the Stormgod, who was present in the Hittite army during the course of military enterprises.

³⁴ The better known is a ritual to restore sexual fertility or potency, CTH 393, edited with English translation in Edgar H. Sturtevant and George Bechtel, *A Hittite Chrestomathy* (Philadelphia: Linguistic Society of America, 1935), 100–126.

³⁵ On the prominence of women in Hittite magic and ritual see René Lebrun, “Considerations sur la femme dans la société hittite,” *Hethitica* 3 (1979): 109–25, and Gary M. Beckman, “From Cradle to Grave: Women’s Role in Hittite Medicine and Magic,” *Journal of Ancient Civilizations* 8 (1993): 25–39.

³⁶ On levying troops from the general population, see Richard H. Beal, “The Organization of the Hittite Army” (Ph. D. Dissertation, The University of Chicago, 1986), 56–71. Beal overlooks HL §42 in this section. See also the much less detailed summary in Richard H. Beal, “Hittite Military Organization,” in

a treaty made by King Arnuwanda with the men of the country Išmerika required that Išmerikan men be placed at the disposal of the Hittite king for military duty. In this case the king specified that they must be "neither slaves nor hired men."³⁷ An exclusionary clause such as this implies that in other situations such substitutes were acceptable. According to HL §42, it was legal for a man to hire a substitute to go into battle. Arnuwanda's treaty prohibits Išmerika from providing foreign support troops for the Hittites, which was acceptable within the native Hittite contingents of the imperial army.

The Cost of a Person's Freedom: Abduction Laws (HL §§20–21)

Like other valuable assets, slaves could be stolen. HL §§19–21 present a series of four cases, all variations on the same theme: abduction. The distinctions in these cases involve: (1) the national identity of abductor and abducted, (2) the place from which the abduction proceeds, and (3) the place to which it proceeds. The cases exhibit noticeable gradations in the penalties depending on the combination of those three factors. The most severe case involved a foreigner (Luwian, not Hittite) abducting a free Hittite, taking that person from Hatti to the foreign homeland of the abductor (Luwiya). The least serious involved a Hittite abducting an unfree Luwian, transferring the person from Luwiya to Hatti.

The goal of the abduction in all cases was the enslavement or the selling into slavery of the abducted person. Thus the abduction of another person's slave, whether Luwian or Hittite, was treated as theft of property, while the more serious abduction of a free person was treated as theft of social status and freedom. Since the latter speak more directly to the cost of freedom, these call for further consideration.

Two of these cases address kidnapping and enslaving a free person: in one the free man was Luwian, in the other he was Hittite. The penalty clauses are worded differently, but the effect is the same. In the case of a Hittite abducting and enslaving a Luwian free man, the offender had to give six persons as slaves to the victim. Since six persons was the average size of a household; this represents the key to the meaning of the

Civilizations of the Ancient Near East, ed. Jack M. Sasson (New York: Charles Scribner's Sons, 1995), especially page 547.

³⁷ "In regard to your troops for the standing army . . . only free men (DUMU.MEŠ ELLUTIM) . . . shall march. No servant (İR) or hired substitute (¹⁵kuššanattallaš) shall report to the standing army. This shall be placed under oath." KUB 23.68 rev 2–3, translation in Gary Beckman, *Hittite Diplomatic Texts*, 2nd ed (SBL Writings from the Ancient World 7; Atlanta: Scholars, 1997), 16.

penalty clause for the case of the abduction of a free Hittite, namely "[the abductor] shall forfeit his entire house." This means that all members of his household, male and female, free and non-free, must become slaves of the victim or his family. The loss of freedom by a single kidnapped person (foreign or native Hittite) was punishable by the loss of freedom of the entire household of the kidnapper. But this penalty is less severe than that required in the Pentateuch for kidnapping an Israelite in order to enslave him. There the abductor must be put to death (Exod 21:16).³⁸

Runaway Slaves (HL §§22–24)

Bryce has correctly observed that in ancient Hittite society the quality of life of a slave living securely with wife and children of his own on the estate of a benevolent master could have been worse.³⁹ The prospects for such slaves might have been much poorer if they were given their freedom but lacked capital to ensure subsistence. Under certain circumstances a Hittite slave might have felt like the Israelite slave who declares before judges "I choose⁴⁰ my master and my wife and children, and do not want to go free" (Exod 21:5).

Unfortunately, however, some masters were not benevolent. Lacking the common sense to realize that it was in their best interest financially to treat their servants well, they might have mistreated them to the point where flight was the only option left to the slave. HL §§22–23 seek to regulate the apprehension and return of runaway slaves. Both laws are subdivided into two, yielding four distinct cases and specifying that the rewards should be given to a person who apprehends and returns a runaway slave. The laws mention five possible locations of the capture, the distance from the slave's master determining the gradations of rewards. The first three distances are given in terms of landmarks: "nearby," "this side of the [Halys] River," and "beyond the River" (see map on p. 132). The last two locations are evaluated not on the basis of geographical distance, but the diplomatic status of the foreign land. Specifically, the fourth location, Luwiya, represents an allied country, bound by its treaty with Hatti to extradite fugitives. The fifth, an unspecified "enemy land," is an unallied country, i.e., one not obligated to return fugitives. For that

³⁸ On which see G. H. Haas, "Slave, Slavery," in T. Desmond Alexander and David W. Baker, eds., *Dictionary of the Old Testament: Pentateuch* (Downers Grove: InterVarsity, 2002), 780.

³⁹ *Life and Society in the Hittite World*, 55.

⁴⁰ "Choose" is sometimes the meaning of Hebrew *āhab* "love," especially when opposed to *sānē*, "hate," that is, "to reject" (Mal 1:2–3, also quoted in Rom 9:13). Another good alternative translation of *āhab* would be "prefer" (see Matt 6:24; Luke 16:13).

reason, whoever would capture a runaway slave in a country not in formal treaty relationship with Hatti had no obligation to return him.

How much was the reward in the cases where capture and return were possible? In the first 4 of the 5 scenarios the rewards are specified as follows:

Location of Apprehension	Reward for Return
"Nearby"	A pair of shoes
"This side of the river"	Two shekels
"Beyond the river"	Three shekels
In an allied country (like Luwiya)	Six shekels

Since a man's daily wage for fieldwork was 12 shekels and a woman's 6, these rewards seem trivial, offering little incentive to return a runaway slave. However, since on the one hand, a runaway slave had no resources of his own and would need to have entered the service of someone to find work and sustenance, and on the other hand, whoever was apprehended with a runaway slave in his custody would be severely punished (HL §24), the safest response was to return him. HL §24 specifies that the harbinger of such a fugitive must pay a fine of one month's wages: 12 shekels if the slave is male, 6 if female. The law stipulates that since he might have had the use of the slave for several months before the runaway was discovered, he must pay the original owner the wages of a free hired man or woman to compensate for the time the escaped slave has been missing. This provided significant inducement to return a runaway.

As we shall see below, in Israel slaves who had escaped from masters in a foreign land were not to be returned (Deut 23:15–16). One reason for this may have been that Israel was not to enter into diplomatic relations with the surrounding pagan nations. Treaties with these lands would inevitably have contained extradition clauses.

Slaves Who Rebel (HL §173)

For slaves, refusing to obey a master was an alternative to flight. HL §173⁴¹ concerns three cases of serious insubordination: rejecting a deci-

⁴¹ For the translation see *ANET*, 195 ("If a slave rises against his master") and Hoffner, "The Hittite Laws," in *Law Collections from Mesopotamia and Asia Minor*, 234 ("If a slave rebels against his

sion of the king, rejecting a decision of a magistrate, and a slave rebelling against his master. By grouping these three cases together the laws demonstrate the seriousness of insubordination by slaves. The punishment for a slave who rebelled against his master was severe. It is expressed metaphorically as "he will go into a clay pot," which presumably implies death. However, it is unclear whether this meant interment after death or live burial as a hideous form of execution.⁴² A society that includes the institution of slavery, even one in which slaves are treated with a modicum of consideration, had to draw the line at rebellion.

Slave Laws in the Hebrew Bible

The difference between slavery in Israel and in surrounding lands was marked, but not absolute. Earlier references to firmly held beliefs about gods who protected the widow and orphan and even animals imply a similar concern for slaves. They also imply that even if theoretically owners had an absolute right to punish their slaves, such beliefs acted as a natural deterrent against their mistreatment. In Israel's laws we see this concern clearly expressed even in the legislation itself.

Slavery in the Decalogue

Many have observed that the Sabbath commandment in its Exodus 20 version is motivated by God's finished creation, while the same command later in Exodus (23:12) and in Deuteronomy is motivated by God's finished liberation of His people from slavery in Egypt.

Be careful to dedicate the Sabbath day, as the LORD your God has commanded you. You are to labor six days and do all your work, but the seventh day is a Sabbath to the LORD your God. You must not do any work—you, your son or daughter, your male or female slave, your ox or donkey, any of your livestock, or the foreigner who lives within your gates, so that your male and female slaves may rest as you do. Remember that you were a slave in the land of Egypt, and the LORD your God brought you out of there with a strong hand and an outstretched arm. That is why the LORD your God has commanded you to keep the Sabbath day. (Deut 5:12–15)

owner").

⁴² Hoffner, *Laws of the Hittites*, 219–220.

Throughout the book of Deuteronomy, one observes an emphasis on remembering Israel's status as slaves in Egypt and how God redeemed them.⁴³

Slavery in the Casuistic Laws

From a legal perspective, the Torah recognizes two kinds of slaves: Hebrew slaves and non-Hebrew slaves. Leviticus 25:39 prohibits any Israelite from treating another Israelite like a non-Hebrew slave. The legitimacy of this distinction may have been based upon a reading of the prophecy of Noah regarding his grandson Canaan in Gen 9:25–27:

Canaan will be cursed. He will be *the lowest of slaves* to his brothers. He also said: Praise the LORD, the God of Shem; Canaan will be *his slave*. God will extend Japheth; he will dwell in the tents of Shem; Canaan will be *his slave*. [Emphasis mine]

According to this prophecy, the descendants of Canaan would be slaves to the descendants of both Shem (from whom all Israelites were descended) and Japheth. At the very least, the fulfillment of this prophecy would have included the Israelite conquest of Canaan.⁴⁴ This represented *corporate* subjugation or enslavement. However, a possible secondary fulfillment would have involved the servitude of *individual* Canaanites to Israelites after the conquest. Indeed, later generations could have interpreted the phrase, “lowest of slaves” (literally “slave of slaves”), to mark a legal distinction between Canaanite (i.e., non-Israelite) and “Hebrew” slaves.

The “Hebrew slave” laws occupy a special place in the Book of the Covenant. That such slaves served only for a set period demonstrates that they were in fact indentured servants or debt slaves. Such slaves enjoyed a privilege not accorded to slaves from foreign sources: they could only be lifelong slaves by voluntarily renouncing their emancipation rights.

Laws concerning the so-called “Hebrew slaves” are found both in Exodus 21 and Deuteronomy 15. These texts involve some differences in formulation, but they are minor. Both exhibit a pronounced humanitar-

⁴³ Deut 4:10; 5:15; 6:21; 7:18; 8:2,18; 9:7,27; 11:2; 15:15; 16:3,12; 24:9,18,22; 25:17; 28:68; 32:7.

⁴⁴ Thus John Skinner, *Genesis*, 2nd ed. (ICC; Edinburgh: T. & T. Clark, 1930), 186, and quoted by Gordon J. Wenham, *Genesis 1–15* (WBC 1; Waco: Word, 1987), 202. Derek Kidner (*Genesis: Introduction and Commentary* [TOTC; London: Tyndale, 1967], 104) sees here no reference beyond the subjugation of Canaan. Nahum M. Sarna, *Exodus* [The JPSTC; Philadelphia, New York/Jerusalem: Jewish Publication Society, 1991], 66) relates the prophecy to all descendants of Ham and does not comment on the form of fulfillment. See also John E. Hartley, *Genesis* (NIBC; Peabody, MA: Hendrickson, 2000), 114–115, citing Umberto Cassuto and Raymond E. Brown, Joseph A. Fitzmyer, and Roland E. Murphy, eds., *The Jerome Biblical Commentary* (Englewood Cliffs: Prentice-Hall, 1968), 17.

ian tone. A primary concern is to maintain the integrity and unity of the slave's family. This concern is especially marked in the Deuteronomic wording, where the words, “Do the same for your maidservant (*‘ap lā’amatēkā*),” in verse 17 reflect situations in which the seventh year manumissions of male and female indentured servants, who were married while in servitude, fell on different dates. If the woman's time came first, she might have wished to remain with her husband, just as he could have wished to do if his release date fell earlier than hers.

The “Hebrew slave” laws stand in first position in the Book of the Covenant because of the recent memory of Israelite enslavement in Egypt. Such preferential treatment based upon homoethnicity is known from other second millennium law codes. The Hittite laws prescribe a much more severe penalty for someone who attempted to enslave a Hittite than one who enslaved a Luwian (HL §§19–21).

The consequences in cases involving a slave's master who paid for the free spouse and a slave who was able to pay the bride price from his own resources were quite different. Although in the Hittite slave system it was possible for a slave to accumulate capital of his own, there is no evidence that this was the case with Hebrew slaves.

The Israelite law regarding a Hebrew slave who preferred to remain a slave so he could retain his wife and the children born during his indentured service (i.e., the *‘ebed ‘ōlam* of Deut 15:17) resembles the Hittite laws that identify the special category of son-in-law called *anti-yanza*. HL §36 involves the case of a slave with greater financial assets than an impoverished young free man. If the slave pays the brideprice for the young man, and the latter becomes his son-in-law (an *antiyanza* husband), he enters the family of his wife and can never leave it. If an Israelite was forced to sell himself for a term of service to an alien (*gēr*) living in Israel, family members retained the right to pay for his freedom at any time during his term of service (Lev 25:47–55). Or if he himself acquired the resources, he had the right to purchase his own freedom. The amount of the redemption price was calculated by dividing the original price paid by the alien by the number of years from that time until the next Jubilee Year, and subtracting the number of years the slave has already worked (vv. 50–52). Those years were considered “time served.” If he was not redeemed, he and his family would go free in the Jubilee Year.

Was an Israelite's (Gentile) Slave Merely Property? A Test Case (Exod 21:18–21)

Homicide laws in the Hittite legal corpus and casuistic laws in the Pentateuch generally exclude cases involving premeditated murder. The two categories treated in these laws are homicide in the heat of anger (i.e., quarrels) and purely accidental killing. Exodus 21:18–21 concerns the case of a heated quarrel in which one person strikes the other a potentially fatal blow. In its context this law presents an ameliorating circumstance, different from the three cases described in the preceding verses of the same chapter (Exod 21:12–16). All three require the death penalty. The differentiating factors exceed the mere statement that it happened in a quarrel (*we-kî yerîbûn*). A series of circumstantial details should prove to the elders who would judge such a case that the consequences were unintentional (vv. 18–19).⁴⁵ However, if a slave dies immediately after he has been beaten by his master (*mēt taḥat yādô*, literally, “dies under his hand,” v. 20), the judges may assume the blow was intended to kill. In that event the master was to be “punished” as he would be if he had deliberately taken the life of a free person. Such cases presuppose an equality of free man and slave that did not exist among the Hittites, despite the relatively humane attitude of their laws toward slaves. Sarna writes, “This law—the protection of slaves from maltreatment by their masters—is found nowhere else in the entire existing corpus of ancient Near Eastern legislation. It represents a qualitative transformation in social and human values.”⁴⁶

A second case involves a slave who has been injured by his master but does not die immediately. He would either linger bedridden for a few days before eventually dying,⁴⁷ or he recovered completely.⁴⁸ Under these circumstances the master did not suffer the death penalty, the reason (in Hebrew) being *kî kaspô hû* (v. 21), usually translated “because he (i.e., the slave) is his money.” If we translate the phrase this way *and* understand these words to mean that the master had a right to kill the slave with impunity simply because he had paid for him, this would imply an Israelite view of slaves identical to that in Mesopotamia or Hatti.⁴⁹ But such an interpretation is unnecessary.

⁴⁵ So correctly Nahum M. Sarna, *Exodus* (JPSTC; Philadelphia: Jewish Publication Society, 1991), 124.

⁴⁶ *Ibid.*

⁴⁷ Hebrew *’ak ’im yôm ’ô yômāyim ya’amôd*, v. 21, is translated “survives for a few days (before dying)” in the LXX (*diabiôsé*), AV, ASV, NRSV, ESV and TEV.

⁴⁸ NIV, “gets up after a few days.”

⁴⁹ NIV, “since the slave is his property.” Haas (“Slave, Slavery,” 779) quotes Deut 21:21 as though this were its meaning, even though the rest of his essay reflects the view that Israelite and Near Eastern

Verses 18–19 had presented the case of a free victim who was struck by another person, but after being bedridden for a time (*lô’ yāmût we-nāpal le-miškāb*, v. 18), he recovered, because of the medical care provided by the assailant. Verses 20–21 present a variation of this theme, in this case involving a slave who survives beating by his master. Apparently the slave recovered, not because the blow or beating was mild, but because the assailant, his master, provided medical treatment. By this interpretation, the Hebrew pronoun *hû*, which should be translated “that,” refers to the fee paid to the physician who tended the wounded slave, and the sentence should be rendered, “That (fee) is his silver.” The fact that the master provided care at his own expense would be a significant factor when the judges respond to a charge of intentional homicide.

A second alternative to the view that the laws in question defend the master’s right to kill arbitrarily any of his slaves translates the phrase *kî kaspô hû* in the usual way (“he [the slave] is his silver”). This interpretation implies that since the master had bought the slave, it would be unlikely that he would destroy his own investment by intentionally killing him. However, this alternative is less plausible than the previous, since the case involving a slave who died immediately under his master’s blow (v. 20) contradicts the assumption that the master would not intentionally destroy his investment.

A third view, espoused by Sarna, is that the delay in the death of the slave renders less clear the direct, causal relationship between the master’s conduct and the slave’s death. The delay raises a doubt, and the master is given the benefit of the doubt. All three of these alternatives represent ancient Jewish interpretations and fit the evidence of the text better than the view that the master was simply entitled to do with his slave as he pleased, since “he is his money.” This law provides further evidence that in ancient Israel slaves were much more than mere property. Like free persons they were created in the image of God and possessed the same worth in the eyes of God.

Bodily Injury (Exod 21:26–27)

In the Hittite law corpus bodily injuries are listed in order of severity (and resulting fines) from the most serious to the least. The sequence is as follows: loss of an eye, loss of one or several teeth, fracture of an arm or leg, damage to the external ear. As noted earlier, this sequence resembles that found in the stereotypical formula for compensation called the *lex talionis* in the Old Testament: “eye for eye, tooth for tooth”

slavery were not identical.

(Exod 21:24; Lev 24:20; Deut 19:21). Remarkably two bodily injuries mentioned in this law concern slaves: damage to an eye or a tooth. Why were these two injuries considered the most serious? Apparently they were considered especially serious because without vision in both eyes a person loses the depth perception needed to perform most life-sustaining agricultural activities, and because in an age prior to dental prostheses the loss of teeth meant the impairment of one's ability to chew and digest life-sustaining food. Regardless of the underlying reason, it is clear that in Hatti and in ancient Israel alike this was the order of severity.

However, the contrast between Israelite law and Hittite and other ANE laws regarding injuries to slaves is especially significant. According to Hittite laws concerning slave and free victims the compensation consisted of monetary payments, the only difference being the amounts required depending on whether the victim was a slave or a free person. The former required only one-half that demanded by the latter. In Israelite law the injured slave received his freedom. It is unclear if the two injuries cited here are exhaustive or if they stand *pars pro toto* (the part for the whole) for the other severe physical injuries listed in the *lex talionis* formula. A restrictive interpretation seems best, for the reasons given above.

The Goring Ox (Exod 21:28–32)

Goring ox laws are found in several of the ANE legal corpora. HL §176 specifies that if someone kept a bull outside a corral, the case had to be adjudicated in the king's court. This meant that since this action had resulted in the loss of a life, the ox's owner was liable to the death penalty. Israelite law required the bull be stoned to death (v. 28). The Hittite laws express awareness of cases where an animal involved in a crime demanding the death penalty incurs the same fate (e.g., HL §199).⁵⁰ However, strangely in HL §176, the ox was not to be killed (much less stoned, a distinctly Israelite form of judicial execution), but sold, presumably to raise money for monetary reparations to the family of the victim.

According to the Israelite law, the owner of a goring ox who was aware of this tendency but failed to keep it penned, became liable to the death penalty (v. 29). But if the victim's family would accept monetary compensation, he could redeem his life (v. 30) by paying whatever they demanded and he was able to raise. No figure is set for this *wergeld*.

The law concerning the slave who is gored to death by an ox (v. 32) serves as a variant to that of the victim who was a free person. Most of

⁵⁰ Hoffner, "The Hittite Laws," 237, *Laws of the Hittites*, 157 and discussion in Hoffner, "Incest, Sodomy and Bestiality in the Ancient Near East," 81–90.

what applied in the former instance could be assumed for the latter. The contrast involves setting the specific amount of the compensatory payment at the traditional price of a slave (30 shekels of silver). This was to be paid not to the slave's family (if he had one), but to his master. After all, the Israelites perceived slaves as belonging to the households of their masters, and thus entitled to participate in all the religious rites along with the master's family. The master functioned as the slave's *pater familias*. This conception need not be interpreted impersonally, as if the slave was a mere possession. The present text mentioned him/her immediately after the master's own son and daughter (v. 31). It is assumed that the master continues to care for the slave's family as he did during the latter's lifetime.

Non-extradition of Fugitive Slaves (Deut 23:15–16)

Deuteronomy 23:15–16 concerns slaves in neighboring countries (e.g., Tyre, Sidon, Aram, Ammon, Moab, Edom, Philistia, Egypt) who escaped and entered Israel seeking sanctuary. These instructions prohibited Israelites from extraditing them to their foreign masters. Commentators often contrast these statements with laws in Hammurabi's Code (CH §§15–20) and the Hittite Laws (HL §§22–24) that required the return of fugitives and punishing (CH §19, with death) the person who harbored such a fugitive. However, the Hammurabi laws concern persons who have fled from one city to another within Babylonia, not slaves fleeing from foreign lands. As for HL §§22–24, which we considered above, these laws do not require the return of a slave who had fled to a non-aligned country (§24). Ancient Near Eastern treaty documents that include clauses requiring the return of fugitives⁵¹ serve as the background to Deut 23:15–16. Escaped slaves and political rebels represented two different classes of fugitives. Whereas parity treaties required nations of equal status to extradite runaways, in suzerainty treaties between greater and lesser powers the demand to extradite was unilateral: the subordinate power was required to extradite to the suzerain, but the suzerain was not obliged to extradite fugitives from the subordinate partner's country. Israel was discouraged from making treaty agreements with foreign nations.⁵² The present law prevented them from complying with extradition clauses

⁵¹ John H. Walton, Victor H. Matthews, and Mark W. Chavalas (*The IVP Bible Background Commentary: Old Testament* [Downers Grove: InterVarsity, 2000], 197) *ad loc.* mention only the Hattušili III-Raamses II parity treaty, which requires both parties to extradite each other's fugitives.

⁵² The explicit prohibitions against foreign alliances in the Pentateuch, Joshua, and Judges concern the nations within the land of Canaan (Exod 23:32; Deut 7:2; 34:12,15), but statements in the historical and

in such treaties. However, it seems that the purpose of this law was not only to discourage such treaties (undoubtedly any such treaty in the era of Moses would have included such a stipulation), but also to protect slaves who fled to God's people for protection from oppressive treatment by brutal masters.⁵³ Israel was to be a place where oppressed people from other lands could find refuge, just as had God freed them from enslavement in Egypt.

Conclusion: How Did Israel Differ?

While it is clear that enlightened self-interest on the part of slave masters and the justice of the gods kept Hittite masters from the extremes of slave abuse, the experience of a slave living in ancient Israel should have been much more agreeable. He was to be regarded as much the image of God his Creator as his free counterparts and therefore was not to be mistreated. He was considered a fully participating member of his master's family in worship. In general Gentiles were excluded from the cult, but not circumcised slaves. This provided the prototype for the Christian community and the base for Paul's words: In Christ "there is no . . . slave or free" (Gal 3:28; cp. also Col 3:11). From Abraham's lament to God about his childlessness, we learn that his slave Eliezer of Damascus should be his heir (Gen 15:2).⁵⁴ Such a benevolent attitude may not be absent in all cases from individual slave owners in the surrounding lands, but in Israel it attained the status of a norm. Slavery was never abolished in the Bible. Saint Paul urged Christian slaves to be obedient to their masters (Ephesians 6), and encouraged the runaway slave, Onesimus, to return to his Christian master, Philemon, after he (Onesimus) had converted to Christianity. But the spirit of abolition was already present in the earliest Pentateuchal legislation, based upon the fundamental tenet of

prophetic books show how undesirable any treaties with external foreign powers were to God (1 Kgs 3:1; 5:12; 15:19; 20:34; 2 Chron 18:1; Isa 30:1; Hos 12:1).

⁵³ This is the usual interpretation by conservative scholars. See for example, see J. G. McConville, "Deuteronomy," in *New Bible Commentary*: 21st Century Edition, ed. G. J. Wenham, et al. (Downers Grove: InterVarsity, 1994), 221, and Earle S. Kalland, in *Zondervan NIV Bible Commentary*, ed. K. L. Barker and J. R. Kohlenberger (Grand Rapids: Zondervan, 1994), 264. Bernard Levinson (*The Jewish Study Bible*, ed. A. Berlin and M. Z. Brettler (Oxford: Oxford University Press, 2004), 410 *ad loc*) states the situation well: "[This] law rejects the almost universal stipulation within ancient Near Eastern law that escaped slaves must be returned to their owner[s], usually under penalty of death, and that rewards bounty hunters for their return (Laws of Hammurabi §§16–20; Hittite Laws §§22–24)." Christopher J. H. Wright (*Deuteronomy* [NIBC; Peabody, MA: Hendrickson, 1996], 249–250) thinks it might even have applied within Israel in cases where the master's treatment of the slave was so bad as to cause flight.

⁵⁴ Joseph in Potiphar's household in Egypt represents another example of a slave in a position of responsibility and authority over other slaves (Genesis 39). Cp. Haas, "Slave, Slavery," 780.

Scripture that all humans were created in the image of God. It remained for discerning and compassionate souls to recognize and apply the implications of this conviction.

ISRAEL

ANCIENT KINGDOM
OR LATE INVENTION?

DANIEL I. BLOCK

EDITOR

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DEDICATED
TO

Alan R. Millard
Scholar, Mentor, Friend

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**Let the favor of the Lord our God be upon us;
Establish the work of our hands—
establish the work of our minds and our hands!
(Psalm 90:17)**