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ARTICLE I.

THE HISTORICAL AND LEGAL JUDGMENT OF THE OLD  
TESTAMENT SCRIPTURES AGAINST SLAVERY.

By George B. Cheever, D. D., New York.  
[Concluded from Vol. XII. p. 770.]

*Patriarchal establishments of Isaac and Jacob.*

LEPSIUS has noticed the great personality of Abraham, and what he calls the *non-prominent activity of Isaac*. The contrast is indeed striking; and the only interval in which we behold, in his circumstances, the patriarchal greatness and prosperity of his father, is the period of his sojourn in the land of the Philistines, recorded in the 25th chapter of Genesis. But Abraham gave all that he had unto Isaac (25: 5); and the account given of him some twenty years after Abraham's death, is as follows: "The Lord blessed him, and the man waxed great, and went forward and grew until he became very great; for he had possession of flocks, and possession of herds, and great store of servants" (26:12—14). Here the appellative for the greatness of his household is the Hebrew עֲבָדָיו, the verbal from עָבַד, signifying the whole body of his domestics, or of those in his employment, including, of course, the herdsmen and well-diggers. Compare

(Job 1: 3) the description of Job's very great household, צְבָרָהוּ רַבָּה זָאָה. There is no intimation of slavery, nor any approximation thereto, in Isaac's family or jurisdiction.

From him the same gifts of inheritance descended with the right of the first-born to Jacob, in whose family the patriarchal dominion and opulence passed from one person to twelve, in the Constitution of the Jewish State. During the sojourn of Jacob with Laban, there is no change of manners, no introduction or appearance of any form of slavery. Jacob himself is said to have served Laban for wages; he was Laban's servant as well as his son-in-law; and it is said that "the man increased exceedingly, and had much cattle, *and maid-servants and men-servants,*" וַיִּשְׁתַּחֲוֶה לְעַבְדֵי אֱלֹהִים (Gen. 30: 43). These went with him, when he fled from Laban; they were his צְבָרָהוּ, his patriarchal establishment, when he met Esau, and sent messengers to his brother, saying: "I have oxen and asses, flocks, and men-servants, and women-servants (Gen. 32: 5). But his two wives, and his two women-servants, and his eleven sons, are described as his immediate family, and are set apart by themselves,—the handmaidens with their children, and Leah with hers, and Joseph and Rachel (Gen. 33: 6, 7). After a favorable interview with Esau, he travels on slowly, with his flocks and herds, to Succoth and Shalem, and erects an altar.

But here at Shechem was perpetrated that murderous outrage, by the sons of Jacob, in the sacking and spoiling of that city; remembered by the Patriarch, with a solemn curse, upon his dying bed. After destroying the males of the city, "all their wealth, and all their little ones, and their wives, took they captive." There is no account of the final disposition made of these unfortunate captives; but in this infamous transaction we have the first intimation of any possibility of the possession of servants, by violence and fraud, among the descendants of Abraham.

Among the heathen nations, captivity in war was one of the most common modes by which men became slaves; but in the history of Abraham we see the patriarch refusing to sanction such a transaction by his example. When he had

conquered those heathen marauders who took Lot captive, the king of Sodom proposed that Abraham should give him *the persons*, and take the goods to himself, dividing thus the spoil between them, on grounds easy to be guessed at from our knowledge of the morals of the Sodomites. But Abraham declared that he would enter into no bargain with him, neither for goods nor persons: from a thread to a shoe-latchet he would take nothing. Aner, Eshcol, and Mamre the Amorite, might make what terms they pleased, but he himself would take nothing.

Jacob's abhorrence of the conduct of his sons is marked: he denounced the whole wickedness of the murder and captivity of the Shechemites, and was beyond measure distressed by it. He seems to have made it the occasion of a religious reformation, commanding his household, *and all that were with him*, to put away the strange gods that were among them, and be clean (Gen. 35: 2). Thus Jacob returned to the habitation of Isaac his father, who died in Hebron at the age of one hundred and eighty years, and his sons Esau and Jacob buried him. "And Esau took his wives and his sons and his daughters, *and all the persons of his house*, וְאָדָם-עַל-נַפְשׁוֹת בְּיָהוּ, and all his substance which he had gotten in the land of Canaan, and went into the country from the face of his brother Jacob; for their riches were more than that they might dwell together, and the land wherein they were strangers could not bear them because of their cattle" (Gen. 36: 6, 7). Here the expression וְאָדָם-עַל-נַפְשׁוֹת בְּיָהוּ is clearly synonymous with צִבְיָה in the description of the households of Isaac and Job; it comprehends domestics and dependents, the *born in the house*, וְיָלִיד בְּיָהוּ, and the hired servants, and all whose time and services, in a limited or definite apprenticeship, were bought with money of the stranger.

The blessing of a birth-right conferred in itself no superior authority upon one brother over the other; but Isaac's peculiar blessing upon Jacob, on the occasion recorded in Gen. xxvii., made Esau tributary to his brother, as unexpectedly to Isaac as to himself; for the arrangement had been quite the reverse, but for Rebecca's deceit and Isaac's

blindness. "Let people serve thee, and nations bow down to thee: be lord over thy brethren, and let thy mother's sons bow down to thee" (Gen. 27: 29). There was the solemnity of a divine inspiration or compulsion in this, for Isaac felt that he could not revoke or change it; yea, and he shall be blessed, in spite of his stratagem and our disappointment. Behold, I have made him thy lord, and all his brethren have I given to him for servants (Gen. 27: 33, 37). The expression *for servants* is עֲבָדֶיךָ, so that an unscrupulous advocate for the divine right of slavery might much more plausibly find it here, in the blessing upon Jacob, than in the curse upon Canaan. But the nature of this domination is instantly defined, and the definition applies to both transactions. "By thy sword shalt thou live, and shalt serve thy brother; and it shall come to pass, when thou shalt have dominion, that thou shalt break his yoke from off thy neck." Here a national subjection was meant, and not a personal servitude.

#### *Captives in War.*

That the divine reprobation rested upon the custom of making slaves out of captives taken in war, is manifest from many passages. God never permitted it among the Jews themselves, when there were two kingdoms in conflict, and among other nations it is not unfrequently presented as a sin and misery, the result of a marked retributive providence.

Among heathen nations it was a custom to dispose of the captives taken in war by *casting lots* for them. This was the fate endured by some of the Jews themselves, who were thus disposed of, in some cases, for the most infamous purposes conceivable (Joel 3: 3). They have *cast lots* for my people, and have given a boy for an harlot, and sold a girl for wine, that they might drink." It was thus that the cities of Egypt were laid waste, and the inhabitants carried captive. No Amon is mentioned in Nahum, and it is stated that "they *cast lots* for her honorable men, and all her great men were bound in chains" (Nahum 3: 10). In the pro-

phesy of Obadiah, the Edomites are threatened of God for their violence against the Israelites, and for standing aloof when the heathen carried them away captive, and foreigners entered their gates, and *cast lots* upon Jerusalem (Obadiah xi). They are also accused of "standing in the crossway to cut off those that escaped," and of "delivering up those that remained," and it is declared that, as they had done to others, so should it be done unto them (Ob. 14: 15).

In the same manner, the tribes and inhabitants of Tyre and Zidon, and of the coasts of Palestine, are arraigned, and assured of God's vengeance, because they *had sold the children of Judah and the children of Jerusalem to the Grecians*, that they might be removed far from their border (Joel 3: 6). For this iniquity, God declares: "I will sell your sons and your daughters into the hand of the children of Judah, and they shall sell them to the Sabeans, to a people far off, for the Lord hath spoken it" (Joel 3: 8). As a direct testimony of God in regard to the sinfulness of such a traffic, these passages are very important. The being sold in bondage is presented as one of the most terrible judgments of God upon a guilty nation. The same judgment is threatened against the sinful Hebrews themselves (Deut. 28: 68), as the climax of all the curses pronounced against them for their sins: "Ye shall be sold unto your enemies for bondmen and bondwomen, and no man shall buy you;" ye shall be tossed to and fro for sale, as so many cattle, with the shame and the misery of being so despised and abhorred that no master will be willing to buy you.

The despotism of such a dominion, even when it was in some measure lightened, and God began to redeem them from it, is graphically set forth in the confession, prayer, and covenant of Nehemiah and the people, returning from their captivity. "Behold we are servants this day in the land thou gavest to our fathers, and it yieldeth much increase to the kings whom thou hast set over us because of our sins; also, *they have dominion over our bodies*, and over our cattle at their pleasure, and we are in great distress" (Nehemiah 9: 36, 37).

*The First Instance of Man-Stealing.*

There needed no law against man-stealing to assure the conscience of its being a crime; and it has been a subject of wonder that the sons of Jacob could so deliberately and remorselessly plunge themselves into such guilt. But the steps in the history are logical forerunners and sequences. Events follow upon character, and one act produces another, with a perfect moral fitness and fatality. Anything might have been expected, any development could not have been surprising, after the dreadful tragedy at Shechem. The murderous sacking of that city, and the disposal of the captives, had prepared the sons of Jacob, "moved with envy," (the former passion having been revenge), for the crime of kidnapping. They took their choice between murdering their brother and selling him, it being only the providence of God in the passing of the Ishmaelites just then, from Gilead towards Egypt, with their caravan of camels, laden with spices, and balm, and myrrh, that suggested to them the merchandise as more profitable. So they sold Joseph to the Ishmaelites, for twenty pieces of silver. And the Midianites sold him into Egypt (Gen. 37: 28, 36). The word used for this transaction is in both cases the same, *קָנָה*. And Potiphar bought him, *וַיִּקְנֵהוּ* (39: 1). The word *bought* is from *קָנָה*, and the same is applied (Neh. 5: 8) to the purchase, for redemption, of the Jews that had been sold unto the heathen. Joseph is called by Potiphar's wife (39: 17), the Hebrew servant, *הַעֲבָדִי*. Joseph describes the transaction by which he was brought into bondage in Egypt as *man-stealing*; for indeed I was stolen away out of the land of the Hebrews, *גָּנַבְנִי מֵאֶרֶץ הָעִבְרִים*. The chief butler's designation of Joseph, is that of a young man, a Hebrew, servant to the captain, *נִסְרִי עֲבָדִי יְהוּדִי* (Gen. 41: 12).

In the course of Joseph's interview with his brethren, the word *עֲבָדִי* is very frequently employed, and they and Joseph use it to signify a bondman for crime. "Should we steal silver or gold? With whomsoever of thy servants it be

found, both let him die, and we also will be my lord's bondmen," לַאֲדֹנָי לַעֲבָדִים (Gen. 44: 9, 17). "And he said, He shall be my servant" עָבְדִי. "Let thy servant abide instead of the lad, a bondman to my lord," עָבְדִי לַאֲדֹנָי (Gen. 44: 33). It signifies here the most degraded slavery, but it was a slavery into which the brethren of Joseph well knew they had themselves, many years previous, most diabolically sold their own brother, for twenty pieces of silver. They were now threatened with the same bondage.

#### *Condition of the Israelites in Egypt.*

The question next arises, in the order of the history, whether any of the *great store of servants* spoken of as formerly belonging to Jacob's household, went down with him into Egypt to settle there. No mention is made of them, and only his own posterity are particularized in the census. "And Jacob rose up from Beersheba, and the sons of Israel carried Jacob their father, and their little ones, and their wives, in the wagons which Pharaoh had sent to carry him. And they took their cattle, and their goods, which they had gotten in the land of Canaan, and came into Egypt, Jacob, and all his seed with him. His sons and his sons' sons with him, his daughters and his sons' daughters, and all his seed brought he with him into Egypt" (Gen. 46: 5, 7). "All the souls that came with Jacob into Egypt, which came out of his loins, besides Jacob's sons' wives, all the souls threescore and six (46: 26). The enumeration here is simply all that came out of Jacob's loins; it does not prove that none others were with them; and Joseph is said to have "nourished his father, and his brethren, and all his father's household, with bread, according to their families" (47: 12). וַיֵּצֵא קַלְבִּינִי. Joseph's own enumeration to Pharaoh was: "My father, and my brethren, and their flocks, and their herds, and all that they have, are in the land of Goshen." The two years of sore famine must have greatly reduced the עֲבָדָיו, the household establishment of the patriarch, once so rich and numerous. Servants and dependants



would be dismissed, their herds and their flocks would be diminished; nevertheless, we cannot certainly conclude that no servants whatever went with them into Egypt. But there we shortly find the testimony (Ex. 1: 7) that "the children of Israel were fruitful, and increased abundantly, and multiplied, and waxed exceeding mighty, and the land was filled with them."

Though they occupied a separate province, yet manifestly at the time of Moses and the Exodus there was much commingling with the Egyptians in social life and in neighborhoods. There was visiting and sojourning between Egyptian and Hebrew families. This is clear from Ex. 12: 21—23 and Ex. 3: 21, 22: "Every woman shall borrow of her neighbor, and of her that sojourneth in her house." A degree of intimacy and familiarity is here intimated, which the oppressive edicts and cruel measures of the Pharaohs had not broken up. Up to the time of the death of Jacob and Joseph and all that generation, their condition in Egypt had been one of honor and prosperity, and their intercourse with the Egyptians was disastrously productive of increasing looseness, luxury, and idolatry in social life, and was full of evil morally, as it was of advantage financially. The system of cruelty at length adopted by the government of Egypt, did not find nor create a corresponding cruelty on the part of the Egyptian people, and their friendly communion with the Hebrews was kept up even to the last.

From Ex. 1: 11, it would seem that the avenue or pretence on which their oppressors began to afflict them, was the collection of the tribute for the king. Operating by means of officers, tax-gatherers, for the collection of the impost, they seem to have required its payment in labor, and to have increased the severity of that labor at their pleasure: "Let us deal wisely with them. Therefore they did set over them מְסִיִּים מִצְרַיִם *captains for the tribute*, to afflict them with their burdens." Under these exactors, other officers were appointed, called afterwards מְבַרְכִים *taskmasters* (Ex. 5: 10); and under them, from among the Hebrews themselves, were appointed מְשִׁבְרֵי *overseers* (Ex. 5: 14—19); in fact, slave-drivers. How

large a proportion of the people were drafted for these burdens, or how many were exempt, we have no means of knowing. It was a servile conscription; but it did not make the whole people, personally, slaves.

*Nature of tributary servitude. Case of the Canaanites generally, and of the Gibeonites particularly.*

In the prophetic blessing of Jacob upon his children, it is said of Issachar that "he bowed his shoulder to bear, and became a servant unto tribute," לָאֵם צָבִיר (Gen. 49: 16). As our line of induction and of argument is historical, taking up the points of statutory law in their regular succession, we propose here to examine the nature of the tributary and personal servitude imposed by the Mosaic laws, and set in practice by Joshua, upon the Canaanitish nations. This phrase, לָאֵם צָבִיר, a servant unto tribute, applied by Jacob to Issachar, is the generic expression descriptive of that servitude. Let us carefully trace the principle, the law, and its operation.

In Deut. 20: 11, it was enacted that, when any city of the heathen was conquered by the Hebrews, "all the people found therein shall be tributaries unto thee and they shall serve thee," וְהָיוּ לְךָ לְאֵם וְהָיוּ לְךָ לְאֵם צָבִיר. The same expression is found in Josh. 16: 10, of the conquered Canaanites serving the Ephraimites under tribute. The form is exactly that used by Jacob in reference to Issachar, וְהָיוּ לְךָ לְאֵם צָבִיר. In Judges 1: 28, 30, 33, 35, we have four instances of the same expression applied to the treatment of the Canaanites — by Manasseh, by Zebulon, by Naphtali, and the house of Joseph. They did not drive out nor exterminate the inhabitants, but they became tributaries unto them, וְהָיוּ לְךָ לְאֵם; in verse 28, they put the Canaanites to tribute, וְהָיוּ לְךָ לְאֵם צָבִיר. In Josh. 17: 13 the same expression, varied only in the use of the verb נָתַן, they set, or appointed, the Canaanites (לְאֵם) to tribute. So in Isa. 31: 8, the young men of the conquered Assyrians shall be for tribute, shall serve as tributaries, לְאֵם וְהָיוּ. We shall see, from comparison of 1 Kings 9: 21, 22 and 2 Chron.

8: 8, 9, precisely what this kind of tributaryship was, in personal service.

The law in regard to the Hittites, Amorites, Canaanites, Perizzites, Hivites, and Jebusites, was this: that they should be exterminated; nothing should be saved alive "that breatheth," in any of the cities of the people whose land God had given to the Hebrews for their inheritance (Deut. 20: 15, 16, 17; also, Deut. 7: 1—4). And the reason was plain, namely, "that they teach you not to do after all their abominations, which they have done unto their gods" (20: 18. Ex. 23: 23, 33). Only to the cities of other and distant heathen nations was peace to be proclaimed; and, if accepted, then the people were to be tributaries, as above. But if not accepted, and war was preferred, then all the males were to be destroyed, and the women and the little ones preserved (Deut. 20: 12—14). See, for an example of the manner in which this law was fulfilled, Num. 31: 7—18, in the war against the Midianites. The children of Israel took the women of Midian captives, and their little ones. See also, in regard to the cities of the Canaanites, Josh. 6: 21 and 8: 26; also, 10: 32, 35, 37, 39; and 11: 11—19. And, for example of the different treatment of cities not of the Canaanites, see Josh. 9: 15, 27, the league that was made with the Gibeonites under the supposition that they were a distant people; and which was fulfilled, according to the law, as above, by which the distant nations were to be treated. The Gibeonites were made tributaries: "There shall none of you be freed from being bondmen, and hewers of wood and drawers of water for the house of my God" (Josh. 9: 23).

More than four hundred years afterwards, under the reign of David, this treaty was remembered, and a most tremendous judgment came upon the kingdom in consequence of its violation by Saul. The three-years' famine mentioned in 1 Sam. 21: 1 was declared, of God, to be for Saul and for his bloody house, because he slew the Gibeonites. According to the treaty made with them by Joshua, they were to be always employed in the menial service of God's house. The treaty was kept. The city of Gibeon, with most of its de-

pendencies, fell to the lot of the tribe of Benjamin for an inheritance (Josh. 18: 25). It was also, with its suburbs, appointed of God, by lot, to be one of the cities of the Levites, given to them for an inheritance out of Benjamin (Josh. 21: 17). But more than this, it became the place of the Tabernacle<sup>1</sup> of the Congregation of God (1 Chron. 16: 39 and 21: 29, and also 2 Chron. 1: 3), and the great high-place of sacrifice (1 Kings 3: 4), and of the brazen altar before the Tabernacle (2 Chron. 1: 5), where Solomon offered a thousand burnt-offerings at once, and where God appeared to Solomon, and entered into covenant with him (1 Kings 3: 5).

There is a remarkable coincidence between this historic fact and the tenor of the treaty with the Gibeonites (Josh. 9: 27): "For Joshua made them hewers of wood and drawers of water for the congregation, and for the altar of the Lord, even unto this day, in the place which he should choose." No one could have foreseen that he would choose Gibeon; but so it was. Yet not in that city only did the Gibeonites serve the altar; but when the city was passed to the inheritance of the Levites, the Gibeonites and their race must have become the servants of the Priests, "for the congregation and for the altar of the Lord," wherever the tabernacle was set up, as at Nob, the city of the Priests, where David received the hallowed bread from Ahimelech (1 Sam. 21: 1 and 22: 19). In his wrath against Ahimelech, and against all that harbored David at that time, Saul not only slew the priests, fourscore and five, but destroyed the whole city of the priests, with all its inhabitants (1 Sam. 22: 18, 19). This was the most atrocious and the hugest crime of all his reign. Nothing is to be found that can be compared with it.

Several points are now determined: 1st, The separation of a particular race to be bondmen of the altar, servants of the Priests, for the service of God's house, in a class of labors indicated by the proverbial expression "hewers of wood and drawers of water." There is no intimation of the Gibeonites or their posterity ever being bondmen in any other

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<sup>1</sup> "Being brought thither as to the chief residence of the sons of Ithamar, who waited on the sanctuary when Shiloh fell."—Lightfoot, Vol. II. p. 198.

way, or in private families. 2d, This service, and their separation and consecration for it as a race, was a boon granted them instead of death, which otherwise, by the Divine law, they must have suffered. They were spared, in consequence of the treaty with them; and the covenant with them was of life and labor as the servants of the sanctuary. The life was pleasant, the service was not over-toilsome; they accepted it with gratitude. 3d, The treaty was kept for hundreds of years; and from generation to generation the Gibeonites and their posterity fulfilled their part of it, continuing, as at first appointed, the servants of the Sanctuary. Saul was the first who broke this treaty; and God's own view of its sacredness may be known by the terrible manner in which he avenged its breach, and continued to protect the Gibeonites. Saul had not only destroyed the city of Nob, but had "devised means by which the Gibeonites should be destroyed from remaining in any of the coasts of Israel (2 Sam. 21: 4).

#### *Case of the Nethinim.*

It has been supposed that the Gibeonites constituted a part of the Nethinim, so often mentioned as the servants of the Tabernacle and of the Temple. The first trace of this name we meet in Num. 3: 9 and 8: 19, where the Levites are said to be given as a gift (תְּרִיבִיּוֹת) from God to Aaron and his sons for the service of the tabernacle. Also, Num. 18: 6. The verb from which this word is derived (תְּרִיב), is used by Joshua in describing the result of the treaty made with the Gibeonites: he gave or granted them to become, he set or established them, hewers of wood, etc., for the altar of the Lord (Josh. 9: 27); he *nethinized* them for the service of the Priests. So, in 1 Chron. 6: 48, the Levites are said to have been *appointed*, תְּרִיבִיּוֹת *nethinized*, unto all manner of service in the tabernacle. In the same manner, for the service of the Levites, others were given, appointed, *nethinized*; and this class, under the Levites, included the Gibeonites, and came to be designated, at length, apart from them, and from other servants, as the Nethinim (תְּרִיבִיּוֹת), 1 Chron. 9: 8, where the

name first occurs as of a separate class; the people returned from the captivity in Babylon being designated as Israelites, priests, Levites, and *the Nethinim*. Then the term occurs in Ezra 2: 43, 58, coupled with the children of Solomon's servants (נְתִינִים), in one and the same classification; all the Nethinim and the children of Solomon's servants, in number—392. The priests, and the Levites, and some of the people, and the singers, and the porters, and *the Nethinim*, dwelt in their cities; and all Israel in their cities" (Ezra 2: 70). Priests, Levites, singers, porters, and Nethinim are again specified in Ezra 7: 7; and, in verse 24, the edict of Artaxerxes is specified, forbidding any toll, tribute, or custom from being laid upon priests, Levites, singers, porters, *Nethinim*, or ministers of the house of God.

In Ezra 8: 17—20 a message is sent to Iddo and his brethren *the Nethinim*, at the place Casiphia, for ministers for the house of God; and in answer to this message, there were sent, along with a number of Levites, two hundred and twenty Nethinim, of the Nethinim whom David and the Princes had appointed for the service of the Levites. In Neh. 3: 26, the Nethinim are recorded as having repaired their portion of the wall of Jerusalem, near their quarter in Ophel. They are also enumerated, as in Ezra, along with *the children of Solomon's servants*, as having come up from the captivity (Neh. 7: 60, 73). They are also recorded with the Levites, priests, and others, as parties in the great covenant which the people renewed with God, to observe his statutes (10: 28). The particular quarter of Jerusalem where they dwelt is pointed out, and the names of the overseers that were over them (Neh. 11: 21). Others of them, as well as of the priests, Levites, and children of Solomon's servants, dwelt in other cities, according to their respective possessions and engagements (Neh. 11: 3).

Their return to Jerusalem from the captivity was voluntary; they might have remained abroad. It was not a return to slavery, but a resumption, of their own accord, of the service of the Sanctuary, to which they had been devoted. So it was, likewise, with "the children of Solomon's ser-

vants;" they resumed their position in their native land, of their own choice, and by no compulsion. And both the Nethenim and the descendants of Solomon's servants, had their families and lineal ancestry preserved in the genealogical register of the nation; they had "entered into the congregation of the Lord."

*Case of the Servants of the Captive Jews.*

The enumeration, given by Ezra, of the returned people, is, for the whole congregation, 42,360, besides their servants and their maids (עֲבָדֵיהֶם וְאִמָּהוּתֵיהֶם), of whom there were seven thousand three hundred thirty and seven; and there were among them two hundred singing men and singing women. At first sight it might have been supposed that these singing men and singing women formed a part of the train of servants; but it does not appear so from the corresponding record of Nehemiah; they were an additional class. They, with the servants, and the maids, may all have been "bought" by the Jews during their captivity; but the purchase of a servant was no indication of slavery, where this language was customary to describe even the acquisition of a wife, or the buying of a Hebrew servant, who could not be a slave. The case of the free-born Hebrew *selling himself* for money (Lev. 25: 47) is in point; and the same person who has thus voluntarily sold his own time for money, is afterwards said to have been *bought* (25: 51). Such was the common usage of the term, not at all implying slavery.

It seems remarkable that they should return from their captivity in such array: men-servants and maid-servants (עֲבָדֵיהֶם וְאִמָּהוּתֵיהֶם), seven thousand three hundred and thirty-seven; singing men and singing women two hundred and forty-five (Neh. 7: 67). To account for this, we have to turn to the prophet Isaiah, to the prediction of God, that, when he should have mercy upon his captive people, and set them again in their own land, "*the strangers should be joined with them, and should bring them to their place, and the house of Israel should possess them in the land of the Lord for servants*

and handmaids (לְעַבְדֵי וְלַעֲמָלוֹת), and they shall take them captives whose captives they were" (Isa. 14: 2). Here is a most remarkable fulfilment of prophecy. At the same time it is obvious that the whole arrangement of their servitude must have been to a great degree voluntary, a service for which remuneration was required and given. It must have been, in every respect, a service contracted and assumed according to the principles and laws laid down in the Mosaic statutes, and in no respect a slavery such as those statutes were appointed to abolish.

It is to be noted that, in the language of Nehemiah, the term עֶבֶד is not used in designating servants, but the word נָעַר *young man*; as, for example, Neh. 5: 16, spoken of the governor's servants (נְעָרֵיהֶם) having borne rule over the people; also 5: 16, all Nehemiah's servants (נְעָרָיו); also 4: 22, of the people with their servants, *every one with his servant* (אִישׁ וְנָעָרוֹ); also 4: 23, *I, nor my servants* (אֲנִי וְנְעָרָי). The same in 5: 10 and other places. The usage is plain, and not to be mistaken. The same usage prevails in the book of Ruth.

On the other hand, when Nehemiah intends to express the idea of bond-service, and to describe what the Jews themselves had been in their captivity, he uses the word עֶבֶד. For example, chap. 5: 5, *We bring into bondage our sons and our daughters to be servants*, וְנָשִׂים לְעַבְדֵי. Also 2: 10, *Tobiah the servant*, וְטוֹבְיָהוּ הָעֶבֶד. Also 9: 36, *We are servants*, עַבְדֵי; and 11: 3, *The children of Solomon's servants*, עַבְדֵי. There was "a mixed multitude" that came up with the Israelites from the captivity (13: 3); and of this multitude, the 245 singing men and singing women must have formed a part. The servants belonged to the same class; and there were a large number of strange women, of the Moabites, Ammonites, Egyptians, and others, with whom the people had intermarried, and formed families. These would bring their household servants with them; but the class designated by Nehemiah as נְעָרִים, must have been of a different character. They may have been free, and free-born in every respect, making their own contracts of service, and choosing their own masters. And whether עֶבֶד or נָעַר, whether strangers or



natives of Palestine, they belonged, when circumcised, to the Jewish nation, and might "enter into the congregation of the Lord." They might have been slaves in Egypt, or Ethiopia, or Assyria, but they could not be such in Judea; on the contrary, however degraded, in whatever country from which they came, the Mosaic Institutes immediately began to elevate and emancipate them.

We find an interesting and important instance in the episode related in 1 Chron. 2: 34, 35—the case of the Egyptian Jarha, the servant of Sheshan, and adopted by him as his son, to whom he gave his daughter to wife, and the Jewish genealogy of the family continued uninterrupted in the line of their children. This is an instructive commentary on the laws; and, being a case nearly parallel, in point of time, with the transactions in the book of Ruth (for Sheshan must have been nearly contemporary with Boaz), it indicates, as well as that history, the admirable contrast between the freedom prevalent in Judea and the despotism in every other country. "I am the Lord your God, which brought you forth out of the land of Egypt, that ye should not be their bondmen, and I have broken the bands of your yoke, and made you go upright" (Lev. 26: 13). The same emancipating power, exerted by God's interposing and protecting providence and discipline upon the Jews themselves, was also exercised by the system of statutes, privileges, and instructions, under which the poorest and humblest creature in the land was brought, upon the bond-servants taken from the heathen: the bands of *their* yoke were broken, and they were made to go upright. "Thou shalt not abhor an Edomite, for he is thy brother; thou shalt not abhor an Egyptian, because thou wast a stranger in his land. The children that are begotten of them shall enter into the congregation of the Lord in their third generation" (Deut. 23: 7, 8).

*Case of the Children of Solomon's Servants, and of the Strangers appointed to labor.*

The children of Solomon's servants, as well as the Nethi-

nim, have the honor of being registered according to their genealogy by families, as in Neh. 7: 57—60. Ten individuals or heads of families are named; and their children are the children of Solomon's servants, numbering, together with the Nethinim, only three hundred and ninety-two. From the context it would appear that their fathers' house was considered of Israel; and they, being able to show their genealogy, were honorably distinguished from others, who could not show their fathers' house, nor their pedigree, whether they were of Israel (Neh. 7: 62). On the whole, it would seem that they were a favored class, and honorably distinguished by their service, which was to them an hereditary privilege worthy of being retained, and not an ignoble or a toilsome separation, nor a mark of bondage.

We must, however, consider their state and probable employment, in connection with the following passages and proofs in regard to the tributary service levied by Solomon upon them and similar classes. In 2 Chron. 2: 17, 18, we find it recorded that Solomon numbered all the strangers that were in the land of Israel, after the numbering wherewith David his father had numbered them; and they were found a hundred and fifty-three thousand and six hundred. And he set threescore and ten thousand of them to be bearers of burdens, and fourscore thousand to be hewers in the mountain, and three thousand and six hundred overseers, to set the people to work. See also 1 Kings 5: 15, 16. To this is added, on occasion of the mention of Solomon's vast enterprises in the building of cities, the following historical record (2 Chron 8: 7, 8, 9): "All the people left of the Hittites, and the Amorites, and the Perizzites, and the Hivites, and the Jebusites, that were not of Israel, but were of their children who were left after them in the land, whom the children of Israel consumed not, them did Solomon make to pay tribute unto this day. But of the children of Israel did Solomon make no servants for his work." Comparing this with the similar record in 1 Kings 9: 20, 21, 22, we find some additional light as to the kind of tribute exacted: "Their children that were left after them in the land, whom the children

of Israel were not able utterly to destroy, upon these did Solomon levy a tribute of bond-service (לְבַר לְעֹמֵל), a tribute of labor; but of the children of Israel did Solomon make no bondmen. The tribute, then, was an appointed value, paid in manual labor, furnished by these tributary races, in the person of laborers, who labored not as hired servants, but as working out the taxes of such service imposed by the monarch.

All the strangers were numbered, זָרִים, the same word used in Lev. 19: 34, 35 and other passages, as Ex. 22: 21: "Thou shalt not oppress the stranger; the stranger shall be as one born amongst you, for ye were strangers in the land of Egypt." But these nations of Canaan, that were to have been utterly destroyed (see Deut. 20: 17), had never been exterminated, and the different tribes, in their inheritance, could not drive them out; but as far and as fast as possible put them to tribute, made them serve under tribute, לְבַר לְעֹמֵל (Josh. 16: 10), being precisely the same expression used in 2 Chron. 8: 9 and 1 Kings 9: 21 of the tribute of bond-service levied by Solomon. See Josh. 15: 63 and 17: 12, 13; also Judges 1: 21, 27, 28, 30, 33, 35; also 3: 3, 5. This tributary service did not make them all hereditary bondmen; but was a tax of service to a certain amount, levied according to fixed rules, so that these foreign races must supply a sufficient number of laborers to work out that tax. The tax was a perpetual tribute; consequently, the bond-service by which it must be paid, was perpetual, unless there had been a system of commutation, of which however we find no direct evidence. It was only the races of the land of Canaan, such as are mentioned in 1 Kings 9: 20, 21 and 2 Chron. 8: 7, that could by law be thus treated; and such treatment was itself, in reality, a merciful commutation, instead of that destruction to which they had originally been devoted.

The numbering of these strangers for the work of building the Temple, was begun by David; that work was a public national and religious service, such as that to which the Gibeonites, more especially from the outset, had been consecrated, at a time when it was supposed that they only, of all the inhabitants of Canaan, would have been spared. But

a great many others were spared also; so that, in the general numbering of the people by Joab, at David's command (2 Sam. 24: 2 and 1 Chron. 21: 2), the cities of the Hivites and of the Canaanites are particularly designated (2 Sam. 24: 7); and comparing this with Josh. 17: 12 and Judg. 1: 27—33, there is reason to suppose that the particular designation is with reference to the class of inhabitants. In this general census of the people, Joab seems to have noted these "strangers" by themselves; and after this census "David commanded to gather together *the strangers* that were in the land of Israel, and he set masons to hew wrought stones to build the house of God" (1 Chron. 22: 2). It is doubtless to this that the reference is made in 2 Chron. 2: 17, "Solomon numbered *all the strangers* that were in the land of Israel, after the numbering wherewith David his father had numbered them."

That the strangers numbered and appointed for their work by David, and those numbered and appointed by Solomon, were of the same class, and that this class comprised the races named in Solomon's catalogue of tribes from whom he levied his tribute of bond-service, is rendered more certain by an examination of the number of foreigners or strangers of all classes that must have been, at this time, under the royal government of Israel. In 1 Chron. 5: 10, 19, 20, 21, there is an account of a battle between the Reubenites and a very numerous tribe of Hagarites, in which the children of Israel gained a great victory, insomuch that they captured a hundred thousand souls. This was in the days of Saul. Besides these Hagarites, it is evident that the number of tributaries must have greatly increased from David's own wars, as is proved in 2 Sam. 8: 4, 14. We should have a census of more than a hundred and fifty thousand "strangers," from these transactions alone; so that the number recorded in 2 Chron. 2: 17 (a hundred and fifty-three thousand and six hundred) as being all the strangers in the land of Israel, must be taken as rated for legal bond-service, from the nations or remaining races of the Canaanites only.

In this connection we must remember the law in regard to all

heathen nations conquered in war (except the Hittites, Amorites, Canaanites, Hivites, Perizzites, and Jebusites, devoted to extermination), which was as follows (Deut. 20: 10, 11): "When thou comest nigh to a city to fight against it, then proclaim peace unto it; and it shall be, if it make thee answer of peace, and open unto thee, then it shall be that all the people that is found therein *shall be tributaries unto thee, and they shall serve thee.*" Between these and the races of the Canaanites there seems to have been a distinction as to treatment always maintained. It would seem that Lev. 25: 45, "Of the children of the strangers that do sojourn among you, of them shall ye buy," must refer particularly to the Canaanitish races, as we shall see more particularly in the examination of that passage. These nations and their descendants were to be made to pay a tribute of bond-service, such as the Hebrews could not exact from all the heathen, and were forbidden to impose on one another. Accordingly, in the account of such bond-service, as laid by Solomon on the descendants of these races, it is expressly stated in contrast, that "of the children of Israel did Solomon make no bondmen." A levy was raised at the same time, from all Israel, of thirty thousand men who labored in Lebanon, ten thousand a month, by courses (1 Kings 5: 13, 14); but this was very different from the tribute of bond-service levied, which comprised the three-score and ten thousand that bare burdens, and fourscore thousand hewers in the mountains. Along with these tributary and hereditary laborers, there were united the laborers obtained from Hiram, king of Tyre, for whose service Solomon paid Hiram, but not them: "unto thee will I give hire for thy servants, according to all that thou shalt appoint" (1 Kings 5: 6).

That the condition of the races under this law of tributary service was not one of general or oppressive bondage, is clear from the position in which Araunah the Jebusite appears before us in the interview between him and David, 2 Sam. xxiv. Araunah, although of the tributary race, is a substantial householder and farmer, dwelling amidst his own possessions, and making a bargain with king David, as in every respect a free-

man. Uriah, also, though high in the service of David, and having his house at Jerusalem, was a Hittite. The tributary service was evidently a very different thing from universal personal servitude. In the same way, from the transaction recorded in Ex. 2: 9, we learn that the servitude of the Hebrews in Egypt was not so universal as that all were slaves, or treated as such. Pharaoh's daughter makes a bargain with the mother of Moses, for a nurse's service, and gives her her wages. The woman is free to make such a bargain, and to receive such wages on her own account. There is no master over her, notwithstanding that the tyranny of Pharaoh is so terrible that she dare not acknowledge her own child, lest he be put to death.

*The Exodus from Egypt, and the Mixed Multitude.—Law of the Passover.*

The first moral judgment of God concerning the slavery of Egypt, was impressed upon the mind of Abraham in the covenant which God made with him: "Know of a surety that thy seed shall be a stranger in a land that is not theirs, and they shall serve them, וַיַּעֲבֹדוּם; and they shall afflict them, וַיַּצַּח; and also that nation whom they shall serve will I judge." The moral sense of Abraham was sufficiently enlightened to know that not simply because the subjects of oppression were of his seed, was such oppression sinful, but that the bondage, unless inflicted of God as a punishment for sin, was itself sinful. The slavery prevalent in Egypt is here condemned as a crime worthy to be punished.

The first historical description of it, after this prophetic judgment, is in Ex. 1: 11, "They did set over them task-masters, to afflict them with their burdens, וְשָׂרֵי מְסָוִים לְמַעַן עֲבֹדוּם, overseers of tribute, on purpose for their oppression in their burdens. "And the Egyptians made the children of Israel to serve with rigor, and they made their lives bitter with hard bondage, בְּעִבְרַת קָשָׁה, hard labor, in mortar, and in brick, and in all manner of service in the field; all their service wherein they made them serve was with rigor" (Ex. 1:13,14).

— Now therefore behold the cry of the children of Israel is come unto me: and I have also seen the oppression (צָרָה) wherewith the Egyptians oppress them (Ex. 3: 9). The same word is used in Ex. 23: 9, "Thou shalt not oppress a stranger." This dreadful bondage was a type of the slavery of sin; as also the passover, in memory of their deliverance, was a most affecting and powerfully significant type of redemption by the blood of Christ.

Out of this bondage, when God delivered them, they went up "about six hundred thousand men, on foot, besides children; and a mixed multitude went up also with them, and flocks and herds, very much cattle" (Ex. 12: 37, 38). The mixed multitude, (בְּרֵכָה,) are nowhere definitely described. The question whether they had bond-servants of their own, whom they carried away with them from Egypt, might possibly be settled, could we have a classification of that *mixed multitude*. On the whole it seems not probable that any Egyptians were under bond-service to them, and their own race were certainly not slaves to one another, though they might be servants. If they had foreign servants, not of their own race, we judge (from the manner of the enumeration in a similar case, namely, the return of the Jews from the captivity in Babylon) it would have been distinctly stated. In Ezra 2: 64, 65 and Neh. 7: 66, 67, as already noted, the number of the whole congregation of Israel is first given, as in Exodus, and then it is added: "besides their man-servants and their maid-servants, of whom there were seven thousand three hundred and thirty-seven." The whole number of the people to be cared for and to be fed, are again mentioned by Moses, in Num. 11: 21, as six hundred thousand footmen, no reference being made to any others than those named in the first census. The mixed multitude, also, are again referred to, in the same chapter, by themselves: "the mixed multitude that was among them fell a lusting" (Num. 11: 4), but no reference is found to the servants among them.

In regard to this point, it is impossible to determine absolutely from the law of the passover; because that law looked to the future condition of the congregation, providing for

future emergencies. No uncircumcised stranger might eat of the passover; but every man's servant, bought for money and circumcised, might eat of it. The uncircumcised foreigner and hired servant might not eat of it; and both the home-born and the stranger were under one and the same law in regard to it (Ex. 12: 43—49. Num. 9: 14). The servant bought for money was bought into the Lord's family; he was, in point of fact, redeemed from bondage into comparative freedom, taken under God's especial care, and from a system of lawless slavery, passed into a system of responsibility to God, both on the part of his master, and on his own part. It was a change of amazing mercy, from hopeless heathenish bondage to the dignity of citizenship in the commonwealth of Israel.

*Religious Privileges of Servants. — Law of the Sabbath.*

After the law of the Passover, the first indication looking to the condition of servants is in the law of the Sabbath, Ex. 20: 10: "Thou shalt not do any work; thou, nor thy son, nor thy daughter, *thy man-servant nor thy maid-servant*, עֲבָדְךָ וְעַבְדָּתְךָ." This was a provision unheard of in the world, a provision necessary for the religious privileges and freedom of those under servitude, a provision which alone, if there had been no other, would have separated the condition of servants and the system of menial service, among the Hebrews from that among any other people on earth, raising it to a participation in the care and sanction of God, and transfiguring it with social dignity and liberty. Such would be the effect of the Sabbath, fully observed according to its intent and precept, upon the system of labor and the condition of the laboring man, all the world over; for the Sabbath is the master-key to all forms and means of social regeneration, freedom, and happiness. But it was a new thing in the world for the leading, governing gift, privilege, and institution of instruction, refinement, and piety to be conferred upon the poor as well as the rich; upon the serving and laboring classes equally with the ruling; and appointed as directly and on pur-



pose for the enjoyment and benefit of the one class as of the other. The work of the transfiguration of the toil and bondage into a system of free and voluntary service, carefully defined, protected, and rewarded; adopted and adorned of God with all the equalizing religious rights flowing from a theocracy to the whole people; this work, thus begun in the appointment of the Sabbath, was carried on, as we shall see, in the same spirit, and with the same purpose, in all additional regulations; till society, in this its normal form, became (as it would have continued, in reality, if the appointed form had been carried out) a fit type of the Christian dispensation to come," where there is neither Jew nor Greek, circumcision nor uncircumcision, barbarian, Scythian, bond, nor free; but Christ all and in all" (Col. 3: 11 and Gal. 3: 28). Such an institution of free and willing service, guarded by the law as an integral portion of a free and happy State, was preparing and moulding, by divine command, and in form was perfected, as should not need to be put away or unclothed, at Christ's coming, but was fitted to be clothed upon with his Spirit, and sanctioned by his benediction. This was to take the place of slavery, was to put slavery out of existence; and, wherever and whenever the oppressed of other communities should be gathered beneath its operation, was to make freemen of slaves.

There is a striking particularity in one of the repetitions of the law of the Sabbath (Ex. 23: 12), where the *servile classes* specified in the first normal form are omitted, and the purpose of the Sabbath's rest is stated to be "*that the son of thine handmaid, and the stranger, may be refreshed.*" Here the expression "son of thine handmaid," is אֲנִי עַבְדְּךָ, the same as used, in Psalm 116: 16, of David: "I am thy servant, and the son of thine handmaid." I am not a servant, but *thy* servant, and the son of thine handmaid. The son of the handmaid, in Ex. 23: 12, is catalogued in the same class and standing with the free stranger; and the passage is certainly, in some measure, a key to the interpretation of the expressions אֲנִי עַבְדְּךָ and אֲנִי עַבְדְּךָ, Gen. 15: 3; 17: 12, 13; Lev. 23: 11; Eccl. 2: 7 and Jer. 2: 14. These expressions, so far from

indicating *slaves*, as the assumptions and perverse interpretations of some lexicographers and translators might lead the English reader to suppose, do not necessarily even mean *servants*, but are a form of expression purposely separate and different from the generic appellation for *servants*, because they intimated a relation to the master and the family which was *not* that of *servants*. The condition of the child did *not* follow that of the parent; but, after the period of natural dependence and minority, the בְּנֵי-בֵיתָא and the יְלִידֵי בֵיתָא, the *sons of the house*, and the *born of the house*, or *home-born*, were their own masters, free to choose for themselves the master whom they would serve, and the terms on which they would serve him. This is susceptible of demonstration beyond possibility of denial in regard to children of Hebrew descent; because, not even the parents could, by law, be kept as *servants* longer than six years; and of course the children, being Hebrews equally with the parents, and coming under the same law, could no more be so held than the parents themselves. This shows how monstrous is the assumption and perversion of the Lexicons, beginning with the *fons et origo* of modern interpretation, that of Gesenius, when they deliberately, and without one particle of proof, render these expressions by the Latin word *verna*, followed by English translators with the word *slave*. Neither by periphrasis, nor literal signification, can these expressions be so interpreted; never, in any case, in which they are used. And if the literal interpretation had, in every case, been adhered to, *sons of the house*, and *born of the house*, instead of the word *slave*, employed in the Lexicons, or *servant*, which is mostly used in our translation, no one could have connected the idea of servitude with these expressions, much less the idea of slavery. For example, the literal translation of Eccl. 2:7 is thus: "I obtained servants and maidens, and there were to me sons of the house," וַיִּבְנֵי-בֵיתָא חֲמֵי לִי, a relationship of dependence, certainly, and showing wealth and perpetuity in the family, whose servants were not hirelings merely, but voluntary domestic fixtures, of choice as well as dependence; but not a relationship of compulsory servitude, or slavery, or of servants considered as property.

Now the transfer of the degrading and infamous chattelism signified in the Latin word *verna* and the English word *slave* to such a relationship, and to the phrase *son of the house*, or *born of the house*, as its true meaning among the Hebrews, is one of the most unauthorized and outrageous perversions ever inflicted upon human language. It is almost blasphemous, as designed to fix the blot and infamy of slavery upon what was and is the noblest, most benevolent, most carefully-guarded, freest, and most affectionate system of domestic service in the world.

It is a system of such freedom and benevolence, and so ingeniously designed and adapted to conquer every surrounding and prevailing form of slavery, and subdue it to itself, that its infinite superiority to the selfish law and oppressed condition of the world, and its enthronement of benevolence instead of power as the ruling impulse and object (in that part of social legislation especially, where the law and custom of mankind have made selfishness not only supreme, but just, expedient, and even necessary), are something supernatural. The contrast and opposition of this system over against the creed and habit of power, luxury, oppressive selfishness, and slavery, so long prevalent without question of its right, is, by itself, an impregnable proof of the Divine inspiration of the Pentateuch. It is a proof, the shining and the glory of which have been clouded and darkened by the anachronisms, prejudices, and misinterpretations of Biblical archæologists and translators, but which is destined to be yet cleared and acknowledged by the Christian world with gratitude to God. We shall at length cease to look to Arab or Egyptian Sheikhs and Pashas for illustrations of the life of Abraham, and to Roman or American slaves for pictures of the Hebrew households.

#### *The Year-Sabbath and the Annual Feasts.*

But besides the weekly Sabbath of devotion, every seven years the land should keep a Sabbath of a whole year unto the Lord, the seventh year, a Sabbath of rest for the land,

and, in consequence, for all classes of servants: "And the Sabbath of the land shall be meat for you; for thee, and for thy servant, and for thy maid, and for thy hired servant, and for thy stranger that sojourneth with thee" (Lev. 25: 27). Here the עֲבָדֶיךָ, the servant of all work, the אֲמָלָה, the maid-servant, and the שֹׁכֵן, the hired servant, are all specified; the seventh year belongs to them as well as to their masters. In Ex. 23: 11, 12, these two institutions of the year-sabbath and the seventh-day Sabbath are coupled, and the purpose specified is that of rest and refreshment "for the son of thine handmaid and the stranger," בְּנֵי-אֲמָלָה וְיָתוּם. Here are already two-sevenths of the time of life guaranteed to the servants for rest and sacred discipline. The injunction of a circumspect piety is added to the enactment of both these ordinances.

Then, in the same chapter, the three great annual feasts follow, enacted in order, Ex. 23: 14—17, these enactments being drawn out with minute detail and precision in Deut. 16: 2—16, and they are designated as the Feast of Unleavened Bread, the Feast of Weeks, and the Feast of Tabernacles. In Ex. 34: 21—23, the weekly Sabbath and these three annual festivals are coupled in the same manner as the Sabbath and the Seventh year of rest in Ex. xxiii. The spirit of these festivals and their duration are described in Deut. xvi. and Lev. 23: 34—43. And the equalizing benevolence of these institutions is the more marked by the repetition of the rule: "Thou shalt rejoice in thy feast, before the Lord thy God; thou, and thy son, and thy daughter, and thy man-servant, and thy maid-servant, and the Levite that is within thy gates, and the stranger, and the fatherless, and the widow that are among you" (Deut. 16: 11). Taking into consideration the time necessary for going and returning to and from each of these great Festivals, together with their duration, we have in their observance some six weeks, or nearly another seventh of the whole time devoted, for the servants as well as the masters, to religious joy, and rest, and refreshment.

Then, in addition, are to be reckoned the Feast of Trumpets (Lev. 23: 24), the Day of Atonement (23: 27—34 and

16: 29), the Feast of the New Moon (Num. 28: 11. Hos. 2: 11; Ezek. 46: 1, 3). If to these we add the Feasts of Purim and the Dedication, and the oft-recurring joyous family festivals (1 Sam. 20: 6. Gen. 21: 8), we have more than three-sevenths, or nearly one half the time of the servants given to them for their own disposal and enjoyment, instruction and piety, unvexed by servile labors, on a footing of almost absolute equality and affectionate familiarity and kindness with the whole household: father, mother, son, daughter, manservant and maid-servant, all having the same religious rights and privileges — “They go from strength to strength, every one of them in Zion appearing before God.” How beautiful, how elevating, how joyous was such a national religion, and how adapted to produce and renew continually that spirit of humility and love, in the exercise of which the whole law was concentrated and fulfilled.

*Time and Treatment of the Hebrew Servant.—The Six Years' Contract.*

The section in Ex. 21: 2—11, prescribing time and treatment for the Hebrew servant, is full of instruction: “If thou buy a Hebrew servant (הִתְקַנְיָה עֶבֶד עִבְרִי), six years he shall serve, וְשִׁבְעִי; and in the seventh he shall go out free for nothing” (וְיָצָא לְחֵרֶת לְחֵמָּה); his term of service expires, and he is free without cost. He had himself sold his own time and labor to his master, by contract, for six years — no longer; and this was called buying a Hebrew servant. Such a servant was not the master's property, nor is ever called such, although he might have been described as “his money;” that is, he had paid in money for his services, for so long a time, and, in that sense, he was his money, but in no other. We have already noted the usage of the word קָנָה, to buy; and its application in describing the purchase of persons in such relations as forbid the idea of property or slavery. This is one of those instances. The Hebrew servant was bought with money, yet he was in no sense a slave, or the property of his master. In entering into a six years' contract of service, h

was said to have sold himself; yet he was not a slave. He might extend this contract to the longest period ever allowed by law, that is, to the Jubilee; yet still he was not property, he was not a slave; his service was the fulfilment of a voluntary contract, for which a stipulated equivalent was required, and given to himself. The reason for the adoption or appointment of six years for the ordinary legal contract of Hebrew servitude, may very likely be found in the example of Jacob's service of six years with Laban for his cattle.

This section is to be compared with Deut. 15: 12—18. Here, it is: *If thy brother be sold*, that is, *if he have hired himself to thee*, and serve thee six years; or if a Hebrew woman do the same; then, when this period of service is ended, not only is he free, as above, but "thou shalt not let him go away empty. Thou shalt furnish him liberally out of thy flock and out of thy floor, and out of thy wine-press." This extraordinary provision of an outfit was some offset, and was intended to be such, for the comparatively low wages of a six years' שָׂדֵד, or servant, as compared with the wages of a hired servant, by the year or by the day. It was a great inducement to continue the engagement to the end of the contract, and not be seeking another master. And at the same time it is enjoined as a reason why the master should be liberal in this outfit, that he has gained so much more from the labor of the servant for six years, than he could have done if he had contracted with him as a שָׂדֵד or hired servant. The computation is made as follows: *He hath been worth a double hired servant, in serving thee six years*; מִשְׁנֵיחָ שָׂדֵד שְׁשָׁנִים שְׂכָרָא, *double the wages of a hireling serving thee*; that is, if thou hadst hired a servant by the year, and kept him six years, he would have cost thee twice as much as a servant whom thou buyest, or contractest with, for six years at a time.

Supposing that for a six years' term a man could be engaged for eighteen shekels; then a yearly hired servant could not be got for less than six shekels the year; it would therefore, in most cases, be more desirable to engage a six years' שָׂדֵד, than to hire by the year; and, notwithstanding the difference in price, it might, in many cases, be more desirable

for the servant also. Micah, in the case recorded in Judges xvii., hired a young Levite from Bethlehem Judah, to dwell with him as his priest, for wages; and he gave him ten shekels of silver, and a suit of apparel, and his victuals, *by the year*. There are no such examples of specific contracts with ordinary servants recorded; but the price of Joseph's sale to the merchant-men of the Midianites, was twenty shekels of silver. The sum to be paid when a man-servant or maid-servant was gored to death by an ox, was thirty shekels of silver to the master (Ex. 21: 32), the price, perhaps, of a six years' contract. The price of the prophet, in Zech. 11: 12, or the hire, or wages (שְׂכָרָא is the word used), at which he and his services were valued, and paid, was thirty shekels of silver. The redemption-price for a man who had vowed himself to the Lord, was fifty shekels of silver from twenty years of age till sixty; and for a woman, thirty shekels; from five years to twenty, twenty shekels for a man, ten for a woman; from a month to five years old, five shekels for the man-child, three for the girl. And it is added: from sixty years old and above, fifteen for the man, ten for the woman. This was the priest's estimation of the persons for the Lord (Lev. 27: 2—7). Now this seems an estimate adopted from the value of labor or service at these different periods, the value of a man's time and labor.

Now the *wages* of a man as a servant, are often the subject of consideration in the scriptures, but the *price* of a man never. There is no such idea recognized as the price of a servant considered as property, or as if he were a thing of barter and sale; his owner is never spoken of; there is no such thing as the owner of a man, and no such quality is ever recognized as that of such ownership. When the recompense is appointed for the master whose servant has been killed by another's ox, it is the master, not the owner, to whom the recompense is to be made, *as master, not as owner*. There was no servant without wages, either paid beforehand, for a term of years, or paid daily, if hired by the day, or annually, as the case might be. The three kinds of contract or service, and of corresponding wages, are spe-

cified Lev. 19: 13, the wages of him that is hired shall not abide with thee all night until morning, תַּגְּלִיךָ אֶתְּךָ, the *reward* of the hired servant. Job 7: 1, his *days* like the *days of an hireling*. Lev. 25: 53, as a *yearly hired servant*. Ex. 21: 2, where the rule seems referred to as most common, of a six years' service and contract. There was no indefiniteness in any of the legal provisions, no difficulty in ascertaining each servant's rights, and they were not only secured by law, but such tremendous denunciations were added in the prophets, as that in Jer. 22: 13: Wo unto him that useth his neighbor's service without wages, and giveth him not for his work; and Mal. 3: 5, I will be a swift witness against those who defraud the hireling in his wages, and keep the stranger from his right. The *stranger* comprehended *servants*, as well as *sojourners*, of heathen extraction.

Now when the recompense of thirty shekels was ordained for the master, whose servant had been gored by another man's ox, they were to be paid, not because the servant was his, as property, or as being worth that price, as if he were a slave, a chattel, belonging to an owner, but because the master *had paid to him* the price of a certain number of years of labor, which years the servant owed; and therefore the recompense was for the loss of that part of the service which had been paid for, but, by reason of death, could not be fulfilled. The master did not and could not own *him*, in any case, but only had a claim to his time and labor, so far as it had been contracted and paid for. It must have been paid for beforehand, because otherwise, if the servant's pay had not been promised till after the time of the contract, the master would have been owing the servant at his death, and could have no claim, but the nearest of the family of the servant would have had the claim. But the case being that of the תַּגְּלִי, the six years' hired servant, or perhaps the servant obtained from among the heathen, the master has the claim for services which was paid for, but not fulfilled.

The legal term of service for six years could not be lengthened, *except at the pleasure of the servant*. The man-servant and the maid-servant were equally free in making



their contracts; neither of them could be held at the pleasure of the master, nor could be disposed of, but at their own pleasure. They were perfectly free, except so far as by their own act and free will they had bound themselves for an equivalent to a term of service. Under certain contingencies they could, by law, compel their master to keep them, but he could never use them as property, never make merchandise of them, never transfer them over to another. If a maid-servant chose to contract herself to her master's family, in such manner that he on his part could keep her till the Jubilee, and she on her part could forbid his sending her away, then both herself and her children were to remain till that time. The covenant was legal and explicit. They were bound to him, in his service, and could not quit, but with his consent, till that time. On the other hand, he was bound to them, and could not transfer them to another family, country, or household, nor any one of them, nor convey their service to any other person.

This is to be regarded in examining the next clause, which states the *one only condition* on which the servant could be retained by the master until the Jubilee. If, during his period of six years' service, his master had given him a wife, and she had borne him children, then, at the end of the six years, he could not, in quitting his master's service, compel the master to relinquish the contract, whatever it was, which had given him a right to the service of the maid-servant, his wife, for a still longer period, or to the Jubilee. It was optional with him to leave his wife and children with his master, and go out from his service by himself alone, or he could stay, and with his wife and children engage with his master anew, until the Jubilee; and his master could never separate the family, nor send any one of them away, nor violate any of the terms of the contract; and both for time and for wages the covenant was at the pleasure of the servant, as well as the master, and by law the master was compelled to treat him as a *שָׂנָח בְּשָׂנָח*, as a yearly hired servant, and not as an *עֶבֶד*, or servant of all times and all work; as a servant on stipulated monthly or

yearly wages, and not as one whose whole time of service until the Jubilee had been bargained for and paid for in the lump. The whole covenant was determined and ratified in court, before the Judges, with the greatest care and solemnity, on the affirmation of the servant that he loved not only his wife and children, but his master also, and his house, and was well with him, (comp. Deut. 15: 16,) and would not go away from him. The sign of the covenant, and its proof positive and incontrovertible, so that neither master nor servant could by fraud have broken it, was the boring of the ear, both of man-servant and maid-servant.

This transaction was entered into by the servant, notwithstanding the claim of a liberal outfit from his master, from the flock, and the floor, and the wine-press, to which he was entitled by law, if he chose to leave his service. The receiving a wife from his master, during any time of his six years' service, was also at the servant's own pleasure; all the conditions of such marriage being perfectly well known to him, the dowry which he would have to pay for his wife, if he remained with her, being in part the assuming of a new contract of service with the master, as long as hers had been assumed, or to the Jubilee. And then, they and their children would go from his service, with all the property they had been able to acquire by their wages and privileges in his household. This, if they had been provident and sagacious in the use of lawful means and opportunities, might at length amount to an important sum. The servant might become possessor of a competency, during a twenty-five or thirty years' sojourn in his master's family. And the servant born in the house, his son (וְיָלִיד בֵּיתוֹ), the home-born (וְיֶגֶרֶת בֵּיתוֹ), or of the *sons of the house*, might become his master's heir; as in the household of Abraham; or he himself might be his master's steward, with all the wealth of the establishment under his hand.

The position of such an עֶבֶד, or Hebrew servant, or even heathen servant (as in the case of Eliezer of Damascus), might be more desirable than that of the hired servant not belonging to the family. It was only households of com-

paratively considerable wealth, that could afford to enter into such contracts with their servants, or to keep a retinue of retainers born in the house. Hence the fact of having such a class of servants is referred to in such a manner as proves it to have been esteemed a mark of greatness and prosperity (Eccl. 2: 7). And these domestic servants, born in the family and holding by law such a claim upon it, were attached to it, and its members to them, with an affection and kindness like that of its sons and daughters, one toward another. Perhaps the passage in Jer. 2: 14 may be rendered with reference to this fact: "Is Israel a servant (עֶבֶד)? If a home-born (אֶם-יְלִיד), why is he a spoil? How should he be carried away and made a prey, if he belongs to the household, if he is the home-born of his God? These home-born servants, and those whose contract of service lasted beyond the six years' term of ordinary legal indenture, were at the same time to be treated on the same footing with the hired servants and sojourners, with the same careful regard to all their rights and privileges.

In connection with the case of the master giving his servant a wife, the instance of Sheshan is illustrative (1 Chron. 3: 34, 35). Sheshan had no sons, and he gave one of his daughters as a wife to one of his household servants named Jarha, an Egyptian. This Egyptian servant, beyond all doubt, was received into Sheshan's service on the legal conditions laid down in Lev. xxv., on a contract voluntary and for a stipulated equivalent. There is not the slightest indication of his ever having been a slave. Egyptian strangers and sojourners among the Hebrews, as well as those from other nations, often sold themselves to service in this manner in the Holy Land. Yet with such reckless confidence and mistake, characterizing the assertions of too many commentators on this whole subject, it is asserted in Kitto's Cyclopædia (article Sheshan), that Jarha was not only a slave, but that his marriage took place while the children of Israel were themselves in bondage in Egypt! This is said, notwithstanding the fact that the recorded genealogy of Sheshan demonstrates that he was contemporary with Boaz, Obed,

and Jesse, being in the seventh generation in direct descent from Hezron the grandson of Judah.

There is no other instance, save this in Ex. 21: 4, (which is plainly mentioned as an exception to a general rule,) in which any claim of the master to the children of his servants is ever intimated. The home-born *בְּיָתוֹ* — and the sons of the house *בְּנֵי-בֵיתוֹ* — though in subjection to him, as the father of the family, and lord of the household, were not his property, in any sense; and because he had a servant-maid, her children were not on that account his servants, except by a separate specific contract. No child, whether Hebrew or heathen, in the land of Judea, was born to involuntary servitude, because the father, or mother, or both, were servants; but every child of the house was born a member of the family, dependent on the master for education and subsistence. If married persons engaged themselves as servants, or *sold themselves*, according to Hebrew phraseology, then, when the six years' time of their service expired, they went forth free, and their children with them; there was never any claim upon the children to retain them merely because they were *בְּנֵי-בֵיתוֹ*, sons of the house; but their parents had authority over them, and possession of them. The phraseology in the case before us, *the wife and her children shall be her master's*, *וְהָאִשָּׁה וְיְלֵדֶיהָ תִּהְיֶה לְאִדֹנָיהָ*, conveys no meaning of possession, but simply of *remaining with* the master, as long as the contract specified, as long as he had a right by law to her services. Inasmuch as she herself was not, and could not be, *her master's*, except only by voluntary contract, for a price paid to herself, and for a time specified, neither could the children be her master's. The only way in which he could give her to her husband to be his wife was, (1) either by paying to her father the dowry required, and so purchasing her for a wife for his servant, in which case he would have a claim upon his or her services or both, additional to the amount of that dowry; or (2) she was his maid-servant already according to the ordinary or extraordinary legal contract, for the six years (Deut. 16: 12), or for the time from the making of a new contract, till the

Jubilee (Deut. 16: 17), and as such he gives her in marriage. In either case, she being bound to him for a longer time than her husband, her children would, of right, and by law, remain with her, under subjection in her master's household, and could not be taken away by the father, if he chose to quit. The children could not be taken from their parents, but after a certain age they were at liberty to chose their own masters, and to make their own terms of service. This resulted inevitably from the law limiting and defining the period of service in every case; even when until the Jubilee, still, most absolutely and certainly defined and limited by that. There was nothing left indefinite, and no room for the assumption of arbitrary power, so long as the provisions of the law were complied with. And it was the breaking of those provisions, and the attempt on the part of the masters to force their servants into involuntary servitude, and so change the whole domestic system of the state from freedom to slavery, that, by the immediate wrath of God in consequence, swept the whole country into a foreign captivity, and consigned the people to the sword, the pestilence, and the famine, Jer. 34: 17. The horror with which any approximation again towards any infraction of the great law of liberty, was regarded, after the return of the Jews from that retributive captivity, is manifested in Neh. 5: 5, and is instructive and illustrative.

Let us now see what would be the actual operation of the exceptional contract in Ex. 21: 4—6, running on to the Jubilee. That this is the meaning of the word *forever*, in the terms of this contract, is not disputed, and is incontrovertible from Lev. 25: 39, 40, the law of the Jubilee overriding all others and repressing all personal contracts within itself. At the recurrence of the Jubilee, all were free. Then, after the year of Jubilee, when every family has returned to its original possessions, new engagements were necessarily entered into with servants, new contracts were made. It does not seem likely that, at the outset, any indentures of service for the next forty-nine years would be deemed desirable, either by masters or servants. Almost all contracts would be the

ordinary legal ones of six years. But after the expiration of one or two *septenniums*, there might be cases of contracts looking to the Jubilee. 'On a probable computation, the instances would be rare of such engagements beginning before the middle, or near the middle, of the period. In that case, if a master gave a wife to his servant, and the covenant was assumed by boring the ear, the children, as *בְּנֵי הַבַּיִת*, home-born, the sons of the house, would be under subjection to the master, at the very farthest, not longer than our ordinary period of the minority of children. For example, take the contract of a maid-servant as occurring in the fourth *septennium*, or say in the twenty-fifth year, an agreement to serve in the family for twenty-three years, or until the Jubilee, and according to the Hebrew idiom for contracts till that time, *forever*. During the first *septennium* of this maiden's service, a Hebrew servant is engaged for six years, and soon forming an attachment, asks of his master the maid-servant for a wife. She is given to him by his master, and they have children; and, at the expiration of his six years, he avails himself of his legal privilege, and enters into a new contract with his master till the Jubilee. At that time the oldest of his children would be about twenty-one years of age, and the youngest might be five or ten; they are all free by the operation of the law of Jubilee. From twenty to twenty-five years would ordinarily be the utmost limit of any contract of service, whether for parents or children.

The penalties against the master for cruel or oppressive treatment of his servants, were the same, whether the servants were Hebrew or of heathen extraction. Whatever injury was committed against any servant, was to be avenged; for the loss of an eye or a tooth the servant should have his freedom, whatever might have been his contract with his master, whatever sum his master might have paid him beforehand, no matter how many years of unfulfilled service might remain (Ex. 21: 26, 27). In connection with a similar section it is added: "Ye shall have one manner of law, as well for the stranger as for one of your own country, for I am the Lord your God (Lev. 24: 22). The application of this

principle is beautifully and pointedly illustrated in Job 31: 13—15, and the reason given is the same, namely, that the same God and Creator is the God both of master and servant: "If I did despise the cause of my man-servant or of my maid-servant, when they contended with me, what shall I do when God riseth up? and when he visiteth, what shall I answer him? Did not he that made me in the womb, make him? and did not one fashion us in the womb?" If a servant were killed by his master, the punishment was death; if the servant died after some days (Ex. 21, 20, 21), in consequence of blows inflicted by the master, then, in mitigation of the punishment, the presumption was admitted in law that the killing was not intentional; because, the master having paid the servant beforehand for his services up to a certain time, "he was his money," and he could not be supposed to have intended to kill him, unless he did kill him outright; and then the penalty was death.

*Phraseology for contracts with servants.— Selling, or Hiring out.*

We have illustrated the position of the *buyer*, and the meaning of the word used for the *purchase* of servants. Let us now examine the usage of the word which is applied to designate this transaction on the part of the *seller*. We take the first example from the law of contracts with servants, Ex. 21: 7, 8, *if a man sell his daughter to be a maid-servant*. Here the subject of the sale, so called, is a Hebrew daughter. Her sale as a servant could not possibly be anything more than an engagement for six years' service, at the end of which she was again free. The person who purchased her, had no property in her, for she was as free as he was, except in the engagement of service for a limited time. But in the case before us she is sold for a wife, and is purchased as such, and the law defines and secures her rights with her master, who has betrothed her to himself. He buys her for his wife, and must treat her as such, and cannot transfer her to another. If he put her away, she is free with-

out money. She is described as being sold at one and the same time, to be a maid-servant and a wife. She is at once the *מִטָּה* and the *אֵשֶׁת* of the husband. Her master may be the husband himself, or he may marry her to his son; but the section shows that her father has engaged her in the service of the master on condition of her marriage either to one or the other; and if this engagement is not fulfilled, she returns to her father free without money.

(1) The word here used for this transaction is the verb *מָכַר*, to sell. It is used of contracts with free persons, both as servants and wives. The first instance is in Gen. 31: 15, where Rachel and Leah declare that their father *had sold them*, *מָכַרְתִּי*, merely the concise description of his giving them in marriage to Jacob, who had paid for them to Laban, seven years' personal service for each. The instances in Ex. 21: 7, 8, Gen. 31: 15, and Deut. 21: 14, are the only cases in which the word is employed in reference to a wife. These cases form a class by themselves.

(2) Then there is the class of passages in which the same word is applied to the ordinary legal contract of a Hebrew servant with his master or employer. Deut. 15: 12, if a Hebrew man or woman be sold unto thee, *מָכַרְתָּ*. Jer. 34: 14, hath been sold unto thee, *מָכַרְתָּ*. Lev. 25: 39, 42, 47, 48, 50, different forms of the same word, *מָכַר*. To these cases we add the instance of a similar purchase, but forced beyond what the law admits, that is, an arbitrary contract, forbidden in regard to the Hebrew servant. *Will ye sell your brethren? or shall they be sold unto us?* *וְיִמְכְּרוּ, וְתִמְכְּרוּ*. Both the sale and the purchase are forbidden, except on the conditions in Ex. 21: 2—11.

(3) The same word is used to designate the crime of *man-selling*, the idea of contract for service being excluded. It is the sale of persons as of chattels, by way of merchandise. The first instance is in Gen. 37: 27, the selling of Joseph by his brethren, *מָכַרְתֶּם*, *let us sell him*. Also, 37: 28, *וְיִמְכְּרוּ*, *they sold him*. The same Gen. 45: 4, 5, and Ps. 105: 17. This crime of selling a man is described by the same word, and forbidden under penalty of death, Ex. 21: 16, and Deut. 24: 7.



(4) A fourth class describes selling as the penalty for theft, Ex. 22: 3. But here the sale is not indefinite; it is in case of the thief not being able to make restitution, in which case he must be sold, that is, put to compulsory service, for such a period as would make up the sum by the customary wages for labor. In this class of passages we include the cases of selling for debt: Is. 50: 1, To which of your creditors have I sold you? Compare Matt. 18: 25. The selling for debt is simply an engagement of service for so long time as would be sufficient, by the ordinary legal wages, to pay the legal claim. It was not slavery, nor any selling as of slaves.

(5) A fifth class of passages, in which God is described as selling his people for their sins, or causing them to be sold to the heathen. Deut. 28: 68, sold unto their enemies for bondsmen, *ye shall be sold*, *הִתְחַבְּדוּ*. Deut. 32: 30, *except their rock had sold them*, *אִם-לֹא יְהוָה צִוָּם בְּכָרָם*. Judges 2: 14; 3: 8; 4: 2; 10: 7. 1 Sam. 12: 9. Ps. 44: 13. Joel 3: 8. The sense in these cases is that of delivering up into the power of another. Of this meaning is Judges 4: 9, *the Lord shall sell Sisera*. To this class, must be added Is. 50: 1, and 52: 3, where the Jews are described as selling themselves for their transgressions; that is, they did, *by* their sins, what God did, *for* their sins, delivered themselves over into the power of their enemies.

(6) A sixth class comprehends 1 Kings, 21: 20, 25, Ahab selling himself to work wickedness, and 2 Kings, 17: 17, the people selling themselves to do evil; that is, giving themselves up unrestrainedly, in consideration of the wages of sin for a season.

(7) In a seventh class of passages, the word is employed to describe the bondage of the Jews in their captivity, Neh. 5: 8, *הִתְחַבְּדוּ לְגוֹיִם*. Add instances in Esther 7: 4, where the word is used to signify delivering or betraying into the power of another, first, for destruction, second, for bondage.

(8) In another class still, the heathen are arraigned for the curse of selling Hebrew captives. Joel 4: 3, 6, 7, *sold a girl for wine*, *בְּכָרָהּ*; *sold the children to the Grecians*, *בְּכָרָתָם*. Here

the meaning obviously is that of traffic as in merchandise, and the denunciation of God's wrath follows accordingly.

The crime of selling one another is also described by the same word in Amos 2: 6, "*they sell the righteous for silver* (those that have committed no crime, they sell), *and the needy for a pair of shoes*. Compare Amos 8: 6, where the oppression of buying the poor with silver is denounced along with the crime of perjury and false balances in traffic. The *giving*, or, in Hebrew phraseology, the *buying*, of servants, *as provided by law*, was a just transaction, *voluntary* on both sides; but in the cases before us, the thing forbidden is the buying and selling of persons against their own consent, who are compelled by their poverty to be thus passed as merchandise; and this is denounced as crime. So in Zech. 11: 5, *They that sell them say, Blessed be the Lord, for I am rich*; adding to this monstrous crime the iniquity and hypocrisy of invoking and asserting God's blessing upon it.

From all these cases it is clear, that in law the word *בָּרַךְ*, to sell, when applied to persons, signified a voluntary contract, such as ours of hiring workmen, or the contract between a master and his apprentices; and that in any other cases, except as making restitution for theft, or to work out a just debt, the buying and selling of persons was a criminal transaction. The buying as well as the selling, in such a transaction, is denounced as criminal. It was making merchandise of men, a thing expressly forbidden in the divine law, on penalty of death. Accordingly, even in anticipation of the law, its principles were already acted on. There is not one particle of indication that Abraham, Isaac, or Jacob ever sold one of their servants, nor any supposition of the power or right to do so. Nor ever, from the Patriarchs down, is there any instance of any man or master selling a servant. The history of the word fails to disclose one single case of such merchandise. On the contrary, it proves that it was forbidden, and was regarded as sinful; and that either the holding, or selling, or both, of a servant for gain, and against his will, or without his voluntary contract, was an oppression threatened with the wrath of God.

And here belongs the consideration of Deut. 21: 14, the case of the captive woman taken from the heathen for a wife, but afterwards rejected. Two things are forbidden in the treatment of her: 1. *Thou shalt not sell her at all for money;* וְיָמַר לֹא-הִתְקַדְּמָהּ בְּכֶסֶף. Comp. Ex. 21: 8.

2. *Thou shalt not make merchandise of her.* Thou shalt not bind her over to another, thou shalt not transfer her to the power of another. She shall not so be subject unto thee; that thou canst deal with her as merchandise or property. The word in this second prohibition is תְּקַדְּמָהּ, from קָדַם, *to bind*. Our English translation seems to make it exegetical of the preceding prohibition; but it is not a synonyme with קָדַם, neither was intended as paraphrastic of that. It is the same word employed in Psalm 129: 7, of the mower binding sheaves to be carried away for use or traffic. לֹא-תִתְקַדְּמֶנָּה, thou shalt not play the master or oppressor over her.

A comparison of this with Ex. 21: 8, where the English translation speaks of *selling a Hebrew woman to a strange nation*, which is forbidden, will show that in that passage the translation does not convey the proper meaning; for it was *never* permitted on *any* ground, or for any reason whatever, to bind a Hebrew woman to a heathen, or to deliver over to a foreign nation any Hebrew man or woman, as servant or wife. In the case before us (Deut. 21: 14), this is forbidden in regard to the captive taken from the heathen in war; how much more in regard to any Hebrew! The expression in Ex. 21: 8, לֹא-יִמְכַר לְאֶתְרָם לְאֶתְרָהּ, *to a strange nation he shall have no power to sell her*, should be rendered, *to sell her to a strange tribe, or to a strange family*; and the meaning evidently is, that she shall not be transferred from her master to *any other* family, but is wholly free. For the usage of תְּקַדְּמָהּ, compare Lev. 21: 1, 4. Eccl. 6: 2. It might mean, *to a family of strangers*, sojourning in the land, and joined to the congregation by circumcision. The hiring, selling, apprenticing, or disposing of her *in any way at all for money*, is strictly forbidden. She is perfectly free.

*The Law against Man-stealing—What it proves.*

Immediately after the laws determining the nature and time of contracts with servants, the legislator passes to the crime of murder and the death-penalty against it. Then follows the great fundamental statute, which demonstrates the criminality of slavery in the sight of God : HE THAT STEALETH A MAN AND SELLETH HIM, OR IF HE BE FOUND IN HIS HAND, HE SHALL SURELY BE PUT TO DEATH (Ex. 21: 16). As the stealing of men is the foundation of slavery in most cases, and especially of modern slavery, this statute condemns it as sinful, intrinsically, absolutely. The stealing, the selling, the holding, of a man in slavery, is death ; either form of the crime shall be so punished. Whether the kidnapper keep or sell his victim, the crime is death. But the purchaser, with knowledge of the theft, is equally guilty, and would be treated as conspirator and principal in the same crime. This law, in connection with the other provisions in the Hebrew system, would render slavery impossible. The limitation of legal servitude to six years, and the law of universal freedom on the recurrence of the Jubilee, would alone prevent it ; but the law against man-stealing made it as criminal a system as an organized system of murder would have been. The stealing a man is the stealing him from himself ; the buying of him is the receiving of stolen property ; the enslaving of his children is the stealing of them both from themselves and from him, so that the crime is exasperated in its descent ; by transmission, the crime is at once increased in extent and undiminished as to the original iniquity.

This law must effectually and forever have prevented any traffic in human beings. It denies the principle of property in man ; the selling is the assumption of property in the stolen person, and the selling is punishable by death. The stealing alone, if the thief did not sell, might not be the assertion of property, or of the *principle* of property in man ; but the *selling* of him *would* be ; and either stealing and hold-

ing, or stealing and selling, the crime is put on a level with murder. The stealing of human beings *as* property, and the converting of them *into* property, is worse than the stealing of property; as much worse as murder is than stealing. Such is the distinction which God makes between this and a common theft, between the stealing of a *man* and the stealing of *property*. The theft of property was punished by fine; but the stealing of a man, by death: "If a man shall steal an ox, or a sheep, and kill it or sell it, he shall restore five oxen for an ox, and four sheep for a sheep" (Ex. 22: 1). "If the theft be certainly found in his hand alive, whether it be ox, or ass, or sheep, he shall restore double" (22: 4). Comp. 22: 9. If slavery had had any existence among the Hebrews, any toleration, if man had been considered as property, then the penalty for such theft could not have been death, but the restoration of five slaves for a slave, or the payment of five times as much as the stolen man would bring in the market. And the near and striking contrast between these crimes and the respective penalties attached to them, must have made men feel that the assertion of property in man was itself a crime.

Accordingly, there is no indication of any traffic in human beings except where it is indicated as a crime, with the wrath of God pointed against it. There was such traffic among other nations, but no approach to it in Judea. The trade in human beings is set down by the prophet Ezekiel as among the commercial transactions in the market-place of Tyre; but no Hebrew had anything to do with it (Ezek. 27: 13). It is set down by Joel as a damning trade of Tyre and Zidon, of the heathen, and the Grecians (Joel 3: 2—8), and every approximation to it, on the part of Israel, is marked for divine vengeance. But no such traffic was allowed, or existed, under the law of God; no such thing as slavery was either recognized or tolerated. There is no instance of the purchase even of servants from a third person, as if they were articles of possession that could be passed from hand to hand, from master to master, without their own agreement. There is no instance of the *sale* of any servant *to* a third person. There is no indication that masters ever had any power to sell their servants to others, or

to put them away from their own families, except in perfect freedom. Our English translators, and the lexicographers, have indeed, in most cases, *assumed* slavery and the slave-trade as existing in Judea; but the Mosaic laws and the Jewish history demonstrate the contrary. A single assumption, by Gesenius, that the word for souls in Gen. 12: 5 — נַפְשֵׁי (souls that Abraham and Lot had gotten in Haran), means *slaves*, shall be followed, without examination, by other lexicographers, and shall set the tide of opinion to run on without questioning.

But the statute under consideration shines like a sun upon such an investigation, and throws its light backwards as well as forwards in history and law, as a light of supreme defining and controlling principle. *Human beings cannot be treated as property.* There is no restriction; the universality of the law is unquestionable, the subject of it being a man, not a Hebrew man exclusive of a stranger, but a man, who-soever he might be. The universality of this law is as evident as that of the law in verse 12: " *He that smiteth a man so that he die, shall surely be put to death.* There is no more ground for restricting the application of the statute against stealing a man to the Hebrew stolen, than that against killing a man. So with the statute against killing a servant; there is no restriction. A comparison of this with Lev. 24: 17, 21, 22, makes it still clearer. In this place the statute is also concerning the death-penalty, and the form is as follows: He that killeth any man shall surely be put to death; and it is added: Ye shall have one manner of law, as well for the stranger as for one of your own country; for I am the Lord your God. So with the laws concerning the treatment of one's neighbor; if any man ask: But who is my neighbor? willing to restrict their application to a country-man, the commentary of our Lord in Luke 10: 30, settles the matter. But if so in a smaller injury committed, or benefit required, much more in the greater. Along with this statute is placed the law, Thou shalt not vex a stranger, nor oppress him, Ex. 22: 21; and again 23: 9. But finally, the matter is settled by Paul, in 1 Tim. 1: 10: "The law is made for man-

slayers, *men-stealers*, and others named, without restriction as to lineage or land. The reference is unquestionable; the application, equally so.

*He that stealeth A MAN.* If it had been (as some modern supporters of the system of slavery affirm) a statute for the support, sanction, and better protection of slavery and slave-property, a statute against stealing *slaves* or servants, the distinguishing word would have been used (had there been a word in the Hebrew tongue signifying slave); and for want of such a word, the nearest approximation to it would have been taken. The statute must have read, *He that stealeth a servant*, זָבִי; not, *He that stealeth אִישׁ, a man.* So gross a blunder could never have been committed by the lawgiver as the introduction of the *genus* instead of the *species*, in a case involving the penalty of death; so gross a blunder as that by which the *slave-holder* instead of the *slave-stealer* might have been obnoxious to the penalty. If it had been a law against the stealing of another man's *slaves*, then the slaveholder might have stolen *a man* and *made* him a slave, with perfect impunity; and only the thief who should dare to steal from *him* the slave so *made*, would be subject to the penalty. The law would have been, not against the stealing of a man *as man*, and making him property, but against the stealing of him as property, *after he is so made*. The assumption of those who would maintain that Moses promulgated this law for the protection of slavery, is just this: that man *as man* is not sacred against kidnapping; but man as kidnapped and made property, *man as property*, is so sacred and inviolable a possession, that the theft of him *as a slave* must be punished with death.

An attempt has been made to deny the universality of this first statement against man-stealing, by the other and second statute in Dent. 24: 7, where the application is directly to the Hebrew. "If a man be found stealing any of his brethren of the children of Israel, and maketh merchandise of him, or selleth him, then that thief shall die." But this statute, which was passed forty years after the other, and without any connection with, or reference to, the same,

cannot be regarded as a statute of limitation or interpretation merely, much less of abrogation, as if the specific abrogated the general. Rather, if any such reference were supposed, might it be contended that it having been found in the course of forty years that the first and general law might have been claimed as applying only to the stranger or the heathen, and not to the stealing of a Hebrew, whose servitude, even if stolen, could not last more than six years (so carefully by law was this adjusted), it was found necessary, for greater security and definiteness, to add the second enactment, specifying also the Hebrew. But here again, any limitation of the first statute by the second is forbidden in the same chapter, by the application of verse 14: "Thou shalt not oppress a hired servant that is poor and needy, whether he be of thy brethren, or of thy strangers that are in thy land within thy gates." Now if a hired servant that was not a Hebrew could not be oppressed, any more than a native, much more could not such a one be stolen with impunity, or the thief escape the penalty. He would not be permitted to plead that, because there was a law against stealing a *Hebrew*, therefore the law against stealing a *man* was null and void.

If the law had been against stealing Jews, instead of men, then the apostle, in transferring it, must have said the law was made for Jew-stealers, not *men-stealers*, for Ἰουδαιονποδισταῖς, not ἀνδραποδισταῖς. And so, if the law had been against stealing *slaves*, not *man*, for the protection and sanction of *slave-property*, and not to declare God's protection of men, as human beings, against theft, or for the security of slave-owners, and not for the sacredness of men as created in God's image; then the apostle, in translating that law into the wider dispensation, and defining its application, must have said, the law was made for *slave-stealers*, δουλοποδισταῖς, or δουλοπατιαῖς, not men-stealers. The context in Exodus, and context in Timothy, nail the passages as beyond all disputation referring to the same law. In Exodus it lies alongside with statutes against man-slayers, cursers and murderers of father and mother; in 1 Tim. the con-



junction is the same, so that no man can for a moment doubt the precise law in Exodus, which is referred to by Paul in writing to Timothy. He could not therefore, in referring to it, have wholly distorted its meaning, its application. He could not have made so great a mistake as that of levelling against the very foundations of slavery and the slave trade, a law published originally and intended of God for the protection of slave property. He could not have interpreted in behalf of the rights of men against slave-holders, a law intended to secure the rights of slave-holders against men.

[To be continued.]

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## ARTICLE II.

### PERPETUAL SIN AND OMNIPOTENT GOODNESS.<sup>1</sup>

By L. P. Hickok, D. D., Union College.

How can perpetual sin consist with omnipotent goodness? The apparently inherent contradiction of the two terms of this question, is the Conflict of Ages; the attained harmonious unity of the two will be the Problem Solved.

Merely as a speculation, there is here opened a wide field for profound thinking and ingenious theorizing, which might have secured for itself an unfailling intellectual interest. But the interest in this question has been much more quickened and perpetuated, because it involves considerations which take hold on the most controlling susceptibilities of the hu-

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<sup>1</sup> The Conflict of Ages: or, The Great Debate on the Moral Relations of God and Men. By Edward Beecher, D. D. Boston: Phillips, Sampson & Co. 1853.

The Problem Solved, or Sin not of God. By Miles P. Squier, D. D., Professor of Intellectual and Moral Philosophy, Beloit College. New York: Published by M. W. Dodd, Corner of Spruce Street and City Hall Square.