

WHY DIDN'T THE MOSAIC LAW PROHIBIT SLAVERY?

If a countryman of yours becomes so poor with regard to you that he sells himself to you, you shall not subject him to a slave's service. . . . As for your male and female slaves whom you may have—you may acquire male and female slaves from the pagan nations that are around you. Then, too, it is out of the sons of the sojourners who live as aliens among you that you may gain acquisition, and out of their families who are with you, whom they will have produced in your land; they also may become your possession. . . .
(Lev. 25:39, 44–45).¹

INTRODUCTION: THE PROBLEM AND PRIOR APPROACHES TO SOLUTIONS

Christian apologists with a belief in both God's moral perfections and Scripture's veracity in reflecting those perfections would like to be able to defend the following syllogism:

P1: God's character is such that He is against human slavery

P2: The Law of Moses reflects God's character

C: The Law of Moses is against human slavery.

Crafting a robust apologetic for this syllogism would be a valuable undertaking because its success would fortify the claim that all Scripture infallibly reflects a perfectly moral, changeless God. There would be a recent, additional benefit to defending an anti-slavery ethic in particular, within Moses' Law in particular: it would provide a direct rebuttal to the unstated but unavoidable conclusion from the Redemptive Movement Hermeneutic (heretofore RMH) that the earliest canonical Scriptures exhibit a fallible morality regarding the institution of slavery.² This unspoken conclusion follows from the conclusion they *will* state, that the pro-slavery Law of Moses (by their reading) provides some of the best evidence that Scripture, when chronologically read, reflects a flawed-but-improving trajectory in its morality regarding slavery. In their view this ever-improving slavery ethic trajectory across (chronological) Scripture finally intersects with God's perfect (anti-) slavery ethic only, unfortunately, beyond the latest pages of the New Testament.³ As William Webb has stated it, the New Testament's teaching on slavery or any topic:

¹ Scripture quotations are from the New American Standard Bible, 1995 revision, unless noted otherwise.

² William J. Webb offers the most complete statement of RMH in *Slaves, Women, & Homosexuals: Exploring the Hermeneutics of Cultural Analysis* (Downers Grove: InterVarsity, 2001).

³ Michael Stallard in his critique of RMH summarizes its view of the Christian Bible's stance on slavery as follows: "The Bible regulates behavior within the slavery system of Bible times while not directly telling the biblical audience to abandon slavery altogether. However, such regulative principles actually point ahead to a future time when slavery will be eliminated. Thus, biblical statements about slavery show a kind of preliminary movement relative to the culture of Bible times" ("The Implications of the Redemptive Movement Hermeneutic," *Journal of Ministry and Theology* 9, no. 1 (Spring 2005): 4, cf.

. . . provides the direction toward the divine destination, but its literal, isolated words are not always the destination itself. Sometimes God’s instructions are simply designed to get his flock moving. . . . From one direction [from the perspective of the original culture] the Bible looks redemptive (and is); from the other direction [from the direction of contemporary culture, one that is closer to God’s ultimate ethic than is the Bible] it appears regressive (and is).⁴

Evidence suggests Christian and Jewish apologists who share a high view of the authority of the Hebrew canon have pursued something like the above syllogism’s defense as their stated or unstated goal: the major strategies all strain in that same direction, and the apologists invariably claim either that they have succeeded or more commonly, specify the extent to which they have succeeded in reaching that goal. Thus, “The Law restricts slavery,” “The Law undermines slavery guaranteeing its eventual demise as impractical,” “The Law prohibits slavery actually but indirectly through verbal prohibition of broader classes of mistreatment,” and “The Decalogue directly prohibits slavery, regardless of what other Mosaic commands might suggest to the reader” represent the bulk of the conclusions reached.⁵

THE HISTORY-CENTRIC DEFENSE OF AN ANTI-SLAVERY MOSAIC LAW

Some apologists have sought to defend the reality of an anti-slavery stance throughout the Mosaic Law by drawing upon *American and European history* to highlight the differences between the harsh character of nineteenth century, Western slavery that typically forms the mental picture of “slavery” among modern Western thinkers, versus the softer versions of unpaid Gentile servitude allowed and regulated by the Law of Moses.⁶ There are valid reasons for beginning with this history-centric

7). In the parallel Jewish interpretation, an alleged acceptance of slavery by the Torah undergoes a steady ethical evolution hinted at within alleged earlier versus later Torah passages (which assumes a documentary hypothesis that envisions a span of hundreds of years for the completion of the original documents collected into the Torah), in writings beyond those of the Hebrew Bible: “The Bible already expresses ambivalence about Hebrew slavery, the rabbis expand upon it and Maimonides takes the next step, applying the negative evaluation of slavery even to non-Israelites”, Prof. James A. Diamond, “The Treatment of Non-Israelite Slaves From Moses to Moses”, in *The Torah—com*, www.thetorah.com, [article/the-treatment-of-non-israelite-slaves-from-moses-to-moses](http://www.thetorah.com/article/the-treatment-of-non-israelite-slaves-from-moses-to-moses), accessed May 10, 2020.

Moses Maimonides (1138-1205) to whom Diamond referred in the above quotation did himself state, “It is permissible to have a canaanite (sic.) slave perform excruciating labor (*pharekh*). Although this is the law, the attribute of piety and the ways of wisdom is for a person to be compassionate and to pursue justice, not to excessively burden his slaves, not cause them distress” (“Sefer Kinyan [‘Book of Acquisition’],” *Mishneh Torah* Bk. 12, ‘Avadim (“Slaves”), 9:8).

⁴ Webb, p. 70, 31.

⁵ Some have found it preferable to pursue a lesser goal than defending an anti-slavery Mosaic Law—see the summary of the fifth apologetic approach in this introduction below.

⁶ For the reader not immediately able to differentiate between the species of Western-style “slavery” and its genus “unpaid labor”, it may be helpful to consider a second, modern species within the genus, the penalty of “hard labor” still used within the American military justice system: while involving hard and unpaid labor, that institution involves only unpaid labor for cause (i.e. as a punishment), prohibits physical injury to the prisoner, and requires humane treatment such as food, sleep and the absence of physical

approach. First, most references to “slave” in English translations of the Law are translating the Hebrew word that captures the full range of servitude beginning with the great, named “servants of YHWH” such as Moses and stretching down to those in a lifetime of forced servitude to humans (outside of Israel only, this article will argue). Thus the word properly translates to “slave” only after interpreting the immediate context.⁷

A second valid reason for pursuing a history-centric apology is that the presence of a “soft” brand of forced and/or unpaid Gentile servitude in the Law is relatively easy to construct from the Law’s explicit restrictions regarding the daily treatment of those Gentiles. In addition to general admonitions to treat aliens with compassion⁸, specific provisions required that Gentile forced laborers were to have the Sabbath free, experiencing the same six-day workweek as their masters (Exod 20:10), and to have Jewish holidays free (Deut. 16:11–14, 12:18). In addition their masters faced significant punishments up to execution for permanently harming one of these workers, just as with their treatment of freedmen servants (Exod 21:20–21, 26–27).

Unfortunately this history-centric apologetic approach makes a limited contribution to the defense of a consistently anti-slavery Mosaic Law reflective of a consistently anti-slavery God. First, the Mosaic restrictions upon Gentile unpaid labor, while significant, also highlight the reality that most or all direct mentions of unpaid labor in the Law involve *restricting* unpaid Gentile servitude, not *prohibiting* it which presumably could have required but a single statute, as with the Law’s direct prohibition of enslaving Jews (Lev 25:39).⁹ Second, it is simple enough unfortunately for apologetic opponents to more carefully define slavery so as to make moot any distinctions that typical apologies for an anti-slavery Old Testament seek to make between the abject slavery of Western history

harm—all elements foreign to the Western concept of “slavery”. See Major Joseph B. Berger III, “Making Little Rocks out of Big Rocks: Implementing Sentences to Hard Labor without Confinement,” in *The Army Lawyer*, Dept. of the Army Pamphlet 27-50-379 (December, 2004): 5–10, www.loc.gov > law > mlr > pdf, accessed July 1, 2020.

⁷ See footnote 20 for an extended summary of the lexical problems in translating Old Testament “slavery” passages from Hebrew to English.

⁸ See the right column in the table below.

⁹ A recent, parallel apology argues that that the *NT*’s non-prohibition of slavery can be attributed to a very soft slavery institution within the *Roman* world. Arthur Rupprecht concludes: “The silence of Christ and the Apostles in regard to the institution of slavery suggests that some explanation for their silence should be sought in the nature of the slave system itself. The Biblical attitude toward the master-slave relationship is based on the principle that “the laborer is worthy of his hire.” As has been shown, a slave received recompense in food, clothing, shelter and spending money. His recompensation was as much or more than that of his free-born counterpart. When he was freed, his former owner loaned or gave him the money to establish himself in business. The evidence further suggests that hundreds of thousands of slaves were freed by the Romans. Therefore, it is concluded that the silence of the New Testament on the slavery question is to be explained by the essentially worthwhile character of slavery during this period. In our thinking we have too long superimposed the viciousness, perpetual bondage and race hatred of slavery in the American South on conditions in the Roman world” (“Christianity and the Slavery Question,” *JETS* 6, no. 2 [Spring, 1963]: 64).

Note that Rupprecht comes close in his final sentence to making one argument this article seeks to make, which is that recognizing the narrow, historically-informed meaning of the English word “slave,” and the resulting limited usefulness of that word for translating many Bible passages is key to properly translating the Mosaic Law into English.

and the unpaid servitude of Gentiles promulgated by the Mosaic Law, e.g. the definition “the possession of other humans for unpaid labor”.

THE POLITICAL SCIENCE-CENTRIC DEFENSE OF AN ANTI-SLAVERY MOSAIC LAW

A second apologetic approach arguing for a consistently anti-slavery Bible reflective of a consistently anti-slavery God has sought to defend an anti-slavery stance throughout the Mosaic Law by drawing upon *political science*. Here the argument is that the Mosaic Law not only reforms Gentile slavery, it does this in such an aggressive manner so as to *undermine* any long-term survival of Gentile slavery within Israel, and to thus *indirectly prohibit* Gentile slavery, by ensuring its demise via its growing, voluntary disuse by potential slaveholders. Thus, the argument goes, we will not find statements directly prohibiting Gentile slavery within the Mosaic Law not because God and Moses are accepting of slavery, but because of their wise, multi-generational strategy for erasing Gentile slavery from Israel.¹⁰ The Christian apologist Robert Bergen suggests in a reference work for popular readers:

The Bible does not condone slavery any more than it condones polygamy or divorce. Instead, it establishes humane limits for an existing, evil system. Slavery had long been a feature of human society. . . . The Law of Moses *laid the groundwork for the eventual demise* of one of the most demeaning institutions in human society [emphasis mine].¹¹

Similarly, the Jewish apologist James A. Diamond suggests for his popular Jewish audience:

Although it sanctions the institution of slavery, biblical law begins the process toward abolition, a process still unresolved in various parts of the world, by regulating and restricting the absolute control a master could exercise over an Israelite slave. Though limited in scope, both the Covenant Collection (Exod 21-23) and the Deuteronomic Collection (Deut 12-26) conceptually transform the Hebrew slave from pure chattel owned by the master, to some form of independent personhood bearing legal rights. This process culminates in Leviticus 25, which avoids the locution "Hebrew slave" altogether, preferring "your brother".¹²

¹⁰ This apologetic strategy remains the province of conservative apologists holding to Mosaic authorship for the Torah. Adherents to a documentary hypothesis regarding Torah authorship use a parallel strategy to argue that the Torah not only sets up the eventual demise of the slavery institution amongst later generations, but evidences within the Torah itself a gradual withdrawal of the slavery sanction as source documents are read in their alleged chronological order. See the James A. Diamond quotation below.

¹¹ Robert D. Bergen, “Exodus: Introduction and Notes,” *The Apologetics Study Bible*, ed. Ted Cabal (Nashville: Holman Bible Publishers, 2007), n. Exod 21:20–26.

¹² Diamond, “The Treatment of Non-Israelite Slaves From Moses to Moses”. He argues that there is a parallel softening of the institution of Gentile slavery in the Law as well, though it is not as dramatic in the text. By the intertestamental period, Jewish thought regarding Hebrew slavery had evolved to the point that The Babylonian Talmud (Kiddushin, 20a) states that “he who buys a Hebrew slave is like one who buys a

This political science-centric apologetic approach also makes a limited contribution to the defense of a consistently anti-slavery Bible that is infallibly reflective of a consistently anti-slavery God. First, in this stance the Mosaic Law is not seen to reflect God's ethic or Moses' ethic regarding slavery—God's and Moses' slavery ethic can only be discerned by reading later Scriptures. These latter passages enable us to realize that restrictions in the Law upon slavery were written as a bit of a ruse for the Israelites, in that while they purported to limit slavery they were in fact written in order to make slavery unworkable altogether for prospective slaveholders. This claim is not dissimilar to the claim of RMH, which likewise holds that the Mosaic Law does not reflect God's ethical stance regarding human slavery.¹³

A second problem for the political science-centric apology for an anti-slavery Mosaic Law is that while the RMH view of an evolving biblical ethic is able to at least refer to latter Scriptures as part of their evidence for an ethical disjunction between God and what was written into the Law, the politico-centric defense of an anti-slavery God and anti-slavery Moses in spite of the Mosaic Law's seeming allowance of contemporaneous slavery rests upon an argument of silence—no explicit acknowledgement of this ruse exists in the Scriptures¹⁴ for slowly destroying slavery within Israel.

The third reason the above political science-centric apologetic approach makes a limited contribution to the defense of a consistently anti-slavery Bible is because according to the Mosaic Law narratives themselves, the 1st person after the giving of the Law who (by a casual reading of Numbers 31) creates Gentile slaves, and in great numbers, is Moses himself:

Then the LORD spoke to Moses, saying, “You and Eleazar the priest and the heads of the fathers' households of the congregation take a count of the booty that was captured, both of man and of animal; and divide the booty between the warriors who went out to battle and all the congregation. “Levy a tax for the LORD from the men of war who went out to battle, one in five hundred of the persons and of the cattle and of the donkeys and of the sheep; take it from their half and give it to Eleazar the priest, as an offering to the LORD” (Num 31:25–29).

One would think that if Moses was seeking to begin the dying-out process of Gentile slavery, he might at least refrain from the practice himself amidst the newly-emancipated Israelite people.

master for himself” (Elliot N. Dorff, *Mitzvah Means Commandment* [United Synagogue of America, 1989] 107, n. 3).

¹³ Webb, p. 70.

¹⁴ The Law's handling of divorce may provide a weak parallel to the Law's alleged handling of slavery when viewed by this apologetic approach: according to Jesus the Law made space for divorce, but only as a concession to Israel's hard-heartedness. The foundational Genesis scriptures regarding marriage which preceded the Law logically disallow divorce (Matt. 19:3–10). The presentation by this apology of foundational, pre-Law scriptures which logically disallow slavery, and the presentation by this apology of statements from Jesus or the apostles that declare that the Law reluctantly made space for slavery due to Israel's hard-heartedness is what is required to make the parallel between the Law's treatment of divorce and the Law's treatment of slavery a true parallel.

THE DECALOGUE-CENTRIC DEFENSE OF AN ANTI-SLAVERY MOSAIC LAW

A third apologetic approach, perhaps the most attractive one in terms of first impressions, has sought to defend an anti-slavery stance throughout the Law by showing that its commands actually do prohibit the practice of Gentile slavery for the Law's adherents. Nineteenth century American abolitionist Theodore Weld wrote regarding the command "You shall not steal" in his influential 1837 book *The Bible Against Slavery*:

The eighth commandment forbids the taking of *any* part of that which belongs to another. Slavery takes the *whole*. Does the same Bible which prohibits the taking of *any* thing from him, sanction the taking of *every* thing? Does it thunder wrath against the man who robs his neighbor of a *cent*, yet commission him to rob his neighbor of *himself*? Slaveholding is the highest possible violation of the eighth commandment (10–11).¹⁵

However this apologetic approach also makes a limited contribution to the defense of a consistently anti-slavery Bible inspired by an anti-slavery God. The Decalogue itself is not without its complexities regarding the topic of servitude: the Hebrew word עֶבֶד which represents all levels of servitude including employment appears three times there, the first clearly referring to abject slavery, and none of them used to supply a prohibition. As a consequence counter-arguments such as this have since been offered:

God forges his covenant by a self-identification (Exod 20:2; Deut 5:6): "I am YHWH your God who took you out [sic.] the land of Egypt" . . . Yet, what disturbingly hovers over this core liberating experience is the very real phenomenon of ongoing slavery, recognized by the Hebrew Bible as a legitimate institution. The very Decalogue, introduced by God as a supreme liberator, the one *who took you out of the land of Egypt*, tacitly endorses slavery as a sanctioned component of continuing Israelite life: slaves are offered relief from their indentured lives on the Sabbath only, lapsing back into their oppressed condition the other days of the week.¹⁶

Thus Christian writers and influential Jewish writers continue to argue from the Decalogue itself against an anti-slavery Mosaic Law.

THE REFRAMING STRATEGY FOR THE DEFENSE OF AN ANTI-SLAVERY MOSAIC LAW

Apologists for an anti-slavery Mosaic Law often employ a fourth apologetic strategy to strengthen any of the above approaches, by reframing their success in aligning the Mosaic Law against slavery via some standard short of slavery's prohibition. In this approach the key to success begins even before the apology proper, by strategically

¹⁵ Theodore D. Weld, *The Bible Against Slavery* (New York: American Anti-Slavery Society, 1837), 20.

¹⁶ Diamond, "The Treatment of Non-Israelite Slaves From Moses to Moses".

wording the apology title as “Does the Law of Moses *Condone Slavery?*”¹⁷ This approach employs a kind of “straw man argument” to defend the Law’s treatment of the institution of slavery—now the apologist only has to argue for *mixed enthusiasm* within the Law for Gentle slavery, versus *explicit prohibition*.

As with the prior strategies, this “lesser standard” approach seems also to make a limited contribution to the apologetic effort towards an anti-slavery Mosaic Law. Lowering the standard for claiming the Law to be ethical regarding slavery so as to craft a more successful defense may encourage readers already friendly to the Scriptures, but it seems not to have had the desired impact upon opponents—they have often willingly accepted what is therefore for them the higher apologetic standard, of arguing that the Bible not only *allows*, but *condones* Gentle slavery.¹⁸

AN INITIAL CONUNDRUM IN INTEGRATING THE MOSAIC STATUTES REGARDING GENTILE SLAVERY

A fresh survey of the Mosaic statutes leads to a challenging outcome for those with a high view of Scripture: what the Leviticus 25 passage above appears to give, e.g. the option to enslave both domestic and foreign Gentiles, appears to then be taken away by other Mosaic statutes when taken in combination. This can explain somewhat why apologists for an anti-slavery Mosaic Law variously argue that the Law either restricts, or undermines, or prohibits slavery: the extent to which the Law is judged to discourage slavery depends upon which elements of the Law are taken into account.

Table: According to Mosaic Law, Which Gentiles Can Be Enslaved by Israel?

Any Gentiles...	...or No Gentiles?
As for your male [עֶבֶד; servant, male servant, slave, male slave] and female slaves [אִמָּה; maidservant, female slave]	He who kidnaps a man, whether he sells him or he is found in his possession, shall surely be put to death. (Ex 21:16)

¹⁷ For an apology of this type for the Jewish Bible, see Lev Meirowitz Nelson, “Does the Bible Condone Slavery?”, in My Jewish Learning, MyJewishLearning.com, <https://www.myjewishlearning.com/article/does-the-bible-condone-slavery>, accessed June 1, 2020, and for the Torah proper see Shlomo Klapper, “How Can the Torah Sanction Slavery?”, in “Kol Torah,” *koltorah.org*, <https://www.koltorah.org/articles/how-can-the-torah-sanction-slavery-by-shlomo-klapper>, accessed June 1, 2020. This commentary on the Jewish “sixth reading” from Exodus closes its introductory paragraph with “How, then, *can the Torah condone* this morally troubling institution [emphasis mine]?”

For samples of Christian apologies, see that heading over the first subsection within the initial section “Responding To Arguments Of Racism” in H. C. Felder, “Racism And The Bible-Part 1”, *Christian Apologetics Journal* 12, no. 1 (Spring, 2014): 48, and Simon Edwards, “Does the Bible Condone Slavery?”, in *Zacharias Trust*, ZachariasTrust.org, <https://www.zachariustrust.org/does-the-bible-condone-slavery>, accessed June 1, 2020.

¹⁸ Observing the frequent appearance of the “condoning” question above published and online articles within Christian apologetics and a matching proliferation of the term among opponents would seem to validate this: a June 1, 2020 Google search for that wording of the question yielded 4,950 sites, arguing both for and against.

Any Gentiles...	...or No Gentiles?
whom you may have—you may acquire [קָנָה; buy, acquire] male [עֶבֶד] and female slaves [אִמָּה] from the pagan nations that are around you (Lev 25:44; emphases mine).	You shall not wrong a stranger [גֵּר; sojourning foreigner, alien] or oppress him, for you were strangers [גֵּר] in the land of Egypt (Ex 22:21).
Then, too, it is out of the sons of the sojourners [תּוֹשָׁב; sojourner, foreign resident] who live as aliens [גֵּר; reside as foreigner] among you that you may gain acquisition [קָנָה], and out of their families who are with you, whom they will have produced in your land; they also may become your possession [אֲחֻזָּה; possession] (Lev 25:45).	When a stranger [גֵּר] resides [גִּיר; reside as foreigner] with you in your land, you shall not do him wrong (Lev 19:33).
You may even bequeath them [the above-referenced foreigners] to your sons after you, to receive as a possession [אֲחֻזָּה]; you can use them as permanent [עוֹלָם; long duration, eternity] slaves [אֲחֻזָּה; possession]. But in respect to your countrymen, the sons of Israel, you shall not rule with severity over one another (Lev. 25:46; emphasis mine).	The stranger [גֵּר] who resides [גִּיר] with you shall be to you as the native among you, and you shall love him as yourself, for you were aliens [גֵּר] in the land of Egypt; I am the Lord your God (Lev 19:34).
Then the LORD spoke to Moses, saying, “You and Eleazar the priest and the heads of the fathers’ households of the congregation take a count of the booty that was captured, both of man and of animal; and divide the booty between the warriors who went out to battle and all the congregation (Num 31:25–27).	If a countryman of yours becomes so poor with regard to you that he sells himself to you, you shall not subject him to a slave’s [עֶבֶד] service [עֲבֹדָה; service, work, forced labor]. He shall be with you <i>as a hired man, as if he were a sojourner</i> [תּוֹשָׁב; sojourner, foreign resident]; he shall serve with you until the year of jubilee (Lev 25:39–40; emphasis mine).
	He [YHWH] executes justice for the orphan and the widow, and shows His love for the alien [גֵּר] by giving him food and clothing (Deut 10:18).
	So show your love for the alien [גֵּר], for you were aliens in the land of Egypt (Deut 10:19).
	You shall not hand over to his master a slave [עֶבֶד] who has escaped from his master to you. He shall live with you in your midst, in the place which he shall choose in one of your towns where it pleases him; you shall not mistreat him (Deut 23:15, 16).
	You shall not oppress a hired servant [שָׂכִיר; hired worker, day-laborer] who is poor and needy, whether he is one of your countrymen or one of your aliens [גֵּר] who is in your land in your towns (Deut 24:14). ¹⁹

¹⁹ Much of the apparent conflict between the left and right columns of the table resolves through a straightforward lexical study of the key words “slave,” “property,” and “possession,” in English as well as in Hebrew. Most significantly, the range of meaning for the primary Hebrew word labeling persons under servitude in the Mosaic Law, עֶבֶד [servant, male servant, slave, male slave], barely overlaps with the range of meaning for the English word “slave”. The former range of meaning based on Mosaic usage is broad and encompasses all forms of servitude, ranging from prophets and national leaders under YHWH to employed

However, the claim that the above table takes away the option of slavery after giving that option creates its own problems for those as desirous of defending the inerrancy and infallibility of Scripture as of claiming that the Mosaic Law and its God are anti-slavery. First, if the above conundrum stands, what then was the purpose for, and what is the meaning of, the Leviticus 25 passage above to begin with—why is it in Scripture? Commentators often simply state that Gentile slavery is allowed according to Leviticus 25, without attempting to integrate its intended meaning with the intended meanings of the “opposing” passages in the right column of the above table.²⁰

household servants to those in indentured servitude, to favored slaves to those under abject slavery. In contrast, the range of meaning for the English word “slave” derived from common usage in modern American and Western discourse captures only one extreme of the range of meaning for עֶבֶד, that being the one extreme of abject slavery. Usages of עֶבֶד in Mosaic Law raise the question as to whether the English term “slave” ever properly translates it, save references to slavery practices foreign to (Law-abiding) Israel, such as the abject slavery by Egypt of Israel (Exod 20:2) and that present in other pagan nations (see Deut 23:15, 16 in the table). Coincidentally, that brand of servitude was likewise experienced by Africans shipped to nineteenth century United States and Europe, and continues to form the foundation for the modern Western conception of “slavery”.

The translation challenge presented for that same Hebrew label עֶבֶד is most acute in its three appearances within the Decalogue of Exodus: most English translations translate by “slave” its use in the verse “I am the Lord your God, who brought you out of the land of Egypt, out of the house of slavery” (Exod 20:2) but by “servant” its uses in the verses “but the seventh day is a sabbath of the Lord your God; in it you shall not do any work, you or your son or your daughter, your male or your female servant or your cattle or your sojourner who stays with you” (Exod 20:10) and “You shall not covet your neighbor’s house; you shall not covet your neighbor’s wife or his male servant or his female servant or his ox or his donkey or anything that belongs to your neighbor” (Exod 20:17). Perhaps English translations are loathe to enshrine the institution of slavery within the Decalogue, in spite of the fact that the label may be describing the human property of one’s neighbor (Exod 20:17) and may have had its intended range of meaning for עֶבֶד established by the passage’s initial sentence (Exod 20:2). Exodus 20:17 was in fact used by Christian and Jewish scholars alike in the United States before and during the Civil War to argue for the abiding propriety of slavery—see the 1861 pro-slavery discourse and pamphlet from a prominent northern rabbi, Rabbi Dr. M. J. Raphall (“The Bible View of Slavery”, in Jewish-American History Foundation, *jewish-history.com*, <http://www.jewish-history.com/civilwar/raphall.html>, accessed June 1, 2020).

There is a parallel disjuncture between the broad, moderate range of meanings for “possession,” “property,” and “acquiring” language in the Hebrew of the Mosaic Law versus the narrow, extreme ranges of meaning for the popular translation words in modern English. This lack of overlap seems not to deter English translators: the NASB95 for example seems to always translate mentions in the Mosaic Law of those in servitude as “slaves” when the context references the “possessing,” and “acquiring” of those in servitude. But this “possession” and “acquire” language appears in the Law even when the context describes a status of servitude falling far short of slavery—Mosaic passages discuss Israelites who are “sold/acquired” to an Israeli debt-holder and become his “possession” (Ex 21:2), even though they initiate the servitude and serve a maximum of six years (Deut 15:12) versus a lifetime, and are required by statute to work no harder than an *employed* Gentile (Lev 25:40) versus hard or forced labor. This is made particularly clear in Leviticus 25:47, for which the NASB95 is forced to coin the ungainly phrase “sell himself” to describe an Israelite who has voluntarily initiated his “slavery” (NASB95 word choice) status under a Gentile master, with his temporary term bounded according to the context by at least the Year of Jubilee, if not by the earlier actions of a kinsman redeemer: “Now if the means of a stranger or of a sojourner with you becomes sufficient, and a countryman of yours becomes so poor with regard to him as to *sell himself* to a stranger who is sojourning with you, or to the descendants of a stranger’s family, . . . (Lev 25:47, emphasis mine). Arguably, the presence of “possession” language and “acquire” language in the Law are not reliable markers for status descriptions that match the modern, Western conception of “slavery” contra the pattern established by the NASB95 translation.

²⁰ These include F. Duane Lindsey, “Leviticus,” *The Bible Knowledge Commentary: An Exposition of the Scriptures*, Vol. 1, eds. John F. Walvoord and Roy B. Zuck (Wheaton: Victor Books, 1985), 211; Mark

Secondly, if the two columns of this table cover precisely the same ground, has not a direct contradiction among the statutes within the Mosaic Law been surfaced, impacting the plenary inerrancy of Scripture? Thirdly, if one chooses to give the second column preference and so declare that the Law prohibits Gentile slavery, does not one's conclusion appear to stand in opposition to the one Moses apparently drew from these statutes, as reflected Moses' seeming creation of Gentile slaves in Numbers 31, referenced above?

THE SOLUTION: TWO FORMS OF UNCOMPENSATED GENTILE
SUBSERVIENCE COULD HAVE EXISTED WHICH ARE AMENABLE TO THE
MOSAIC LAW, YET ARE OUTSIDE THE RANGE OF MEANING OF THE
ENGLISH TERM "SLAVERY"

The collection of passages in the above table makes room for at least two subclasses of heavy Gentile servitude, which, though being linked by the Law to "possession" and "acquiring" language, do indeed fall short of the abject slavery of Western history. "Slavery" can be an inappropriate descriptor because of the way the heavy Gentile servitude arises—for example the servitude might only arise for cause, such as for punishment, rather than because of simple oppression of the weak by the strong. Or, a kind of heavy Gentile servitude that the Law allows for might be in place only for a limited time, or might be entered into voluntarily by the subservient in order to sidestep more astringent circumstances. In all cases, the heavy Gentile servitude has attached to it by the Law protections or rights that are foreign to the modern Western conception of slavery.

The Mosaic Law provides or allows for at least two discreet classes of variable-term, unpaid Gentile servitude²¹ that meet the conditions of *both* sides of the above table—that is, they are practices which fall within the permissions of the left column above yet fall outside the multiple prohibitions of the right column. These two specialized practices of uncompensated Gentile labor are different in one significant way, and alike in one significant way. Regarding the difference: one practice is explicitly described in both Mosaic statute and narrative. The other practice is only implicitly suggested by statute and seems fully absent in Mosaic narrative. Regarding the similarity: both of these specialized practices of unpaid Gentile labor fall well outside the characteristics of the abject slavery of Western history and therefore deserve a different descriptive label than "slavery" among English speakers.

F. Rooker, *Leviticus*, Vol. 3b, New American Commentary (Nashville: Broadman and Holman Publishers, 2000), 309; C. F. Keil and F. Delitzsch, *The Pentateuch*, Vol. 1, Commentary on the Old Testament (Grand Rapids: Eerdmans, 1980), 364–5.

²¹ A shift in terminology from "permanent" to "variable-term" begins with this section, to be explained and defended in the third subsection below.

THE FIRST FORM OF LAWFUL, UNPAID GENTILE SERVITUDE: VARIABLE-TERM²², FORCED SERVITUDE FOR GENTILE SETTLEMENTS BEYOND CANAAN THAT RESIST ISRAEL'S EXPANSION TOWARDS ITS ABRAHAMIC BORDERS

Israel's management of Gentiles captured during violent or non-violent opposition to Israel's divine calling to gain and populate firstly the lands within the Mosaic boundaries that were assigned to each of the twelve tribes, and secondly the lands within the greater Abrahamic boundaries that were assigned to the twelve tribes corporately, was to include forced labor in certain cases as per the Mosaic Law. "Captives" (שְׂבִי; captives, captivity) are mentioned a number of times in both statute and narrative sections, as the Law first directs and then models Israel's management of Gentile captives and their families both from battles and from non-violent Gentile resistance. The Law appears to delineate three categories of battle captives according to their location relative to the boundaries of the Canaanite conquest and to the greater lands and boundaries promised to Abram's descendants.

The first category of captives mentioned in the Law involves those inhabitants captured from the Canaanite areas to be apportioned among the twelve tribes. This group of captives, the combatants and their families, appears only in narrative sections because by statute they shouldn't exist: by God's direction Canaan inhabitants fell "under the ban" and thus should always have been destroyed as a subset of "all living things" within the Canaanite towns:

Only in the cities of these peoples that the Lord your God is giving you as an inheritance, you shall not leave alive anything that breathes. But you shall utterly destroy them, the Hittite and the Amorite, the Canaanite and the Perizzite, the Hivite and the Jebusite, as the Lord your God has commanded you . . . (Deut 20:16–17).

The first example within Mosaic narrative of Canaanite battle captives kept alive over against the above statute appears in the Numbers 31 account of Israel's invasion of the Transjordan territory ruled by five Midianite kings, briefly acknowledged in the above table and presented more completely below. Israel failed to put the human inhabitants to death as per Deuteronomy 20 but instead brought them to Moses. Under God's direction, Moses resolved the problem as follows:

Moses was angry with the officers of the army, the captains of thousands and the captains of hundreds, who had come from service in the war. And Moses said to them, "Have you spared all the women? "Behold, these caused the sons of Israel, through the counsel of Balaam, to trespass against the Lord in the matter of Peor, so the plague was among the congregation of the Lord. "Now therefore, kill every male among the little ones, and kill every woman who has known man intimately. But all the girls who have not known man intimately, spare for yourselves. . .

Then the Lord spoke to Moses, saying, "You and Eleazar the priest and the heads of the fathers' households of the congregation take a count of the booty that

²² The third subsection below will explain and defend the inclusion of the descriptor "variable-term".

was captured, both of man and of animal; and divide the booty between the warriors who went out to battle and all the congregation (Num 31:13–18, 25–28).

As the conquest moved into its latter stages, the reality of Canaanite battle survivors arose more and more often because Israel's tribes fell short of conquering some Canaanite towns within their apportioned land. In the least-preferred scenario as per the Mosaic Law, an Israeli tribe would simply choose to live among the Canaanites, as did Asher (Judges 1:31–32). In the lawful scenario, the tribe would defeat and destroy the Canaanites, as in the case of Judah (Judges 1:4–10). In a median scenario, the tribe would put the Canaanites to forced labor, either immediately as in the case of Zebulun (Judges 1:30) or some years later after the Israeli tribe had gained strength, as with Manasseh (Judges 1:27–28). It seems likely that the men, women and children were all put to forced labor, following the early model of Joshua's resolution of his ill-advised covenant of peace with the Gibeonites (Josh 9).

The second group of Gentile war captives were to come from “distant towns” (Deut 20:15). Presumably, had Israel continued to live in obedience to the Mosaic Covenant decade after decade, and had therefore continued to enjoy Mosaic blessings of prosperity, population growth, and national strength compounding upon one another, they would have naturally been expanding their nation's functional boundaries²³ beyond the land apportioned to the twelve tribes, into neighboring territory that yet fell within the outermost boundaries that God had delineated to Abraham centuries prior, the “River of Egypt” and Euphrates River (Gen 15:18–21; Num 34:5). Deuteronomy's “Manual of War” (Deut 20:1–20) directed Israel to first offer these Gentile towns nonnegotiable terms of peace which involved putting all the inhabitants to “forced labor” [עבד; forced labor, forced laborers]. If Israel were rebuffed, they were to respond by capturing the town and killing all the men, with all the women, children, animals, and property treated as spoils of war:

When you approach a city to fight against it, you shall offer it terms of peace. If it agrees to make peace with you and opens to you, then all the people who are found in it shall become your forced labor and shall serve you. However, if it does not make peace with you, but makes war against you, then you shall besiege it. When the LORD your God gives it into your hand, you shall strike all the men in it with the edge of the sword. Only the women and the children and the animals and all that is in the city, all its spoil, you shall take as booty for yourself; and you shall use the spoil of your enemies which the LORD your God has given you. Thus you shall do to all the cities that are very far from you, which are not of the cities of these nations nearby . . . (Deut 20:10–15).

There would have been a way for the Gentile groups living within Israel's Abrahamic borders to avoid the harsh dilemma of fighting Israel or accepting forced

²³ The label “functional boundaries” is meant to capture the ideal, but unrealized natural expansion of Israel's boundaries beyond Canaan due to ongoing population growth, economic prosperity, and military peace as per the promised Mosaic blessings (Lev 26, Deut 29); the label is meant to exclude Israel's historically-realized military control beyond Canaan absent Israeli population expansion, and to exclude the military subjugation of Gentile regions via collecting tribute without assimilating their lands, as practiced by Kings David, Solomon, and others.

servitude as Israel's population expanded in the direction of their settlement: they could have migrated out of this territory onto permanent Gentile land. Strategic migration for reasons other than convenience was of course something the nation of Israel had experienced multiple times at God's direction, and now God's implied direction regarding a parallel Gentile migration was clear for Gentiles living adjacent to Canaan, as per God's Mosaic Covenant with Israel.²⁴ They would have been able to carry out their migrations at their own pace, since the Israel population would have been expanding in a gradual, organic manner. Even without the explicit guidance of the Torah these adjacent Gentile towns would have been able to observe this continuous, visible expansion of the Israeli population closer and closer to their area. Thus the choice for these nearby non-Canaanites to remain in their towns and attempt a military solution was theirs, and would likely be made in spite of years if not decades of forewarning by way of the multiple examples from all the prior Gentile towns which had likewise attempted a military solution to Israel's geographical expansion.

Presumably the Gentile women and children captured from these "distant towns" would have entered forced labor, in keeping with the Numbers 31 model initiated by Moses and consistently followed under the leadership of both Moses and Joshua for captives of war. Following that model for the distribution of captives (again, group incarceration of the Gentiles in Israel was not an option), the personal households of Israel's active soldiers would be gaining the largest allotment of forced laborers, followed by the tabernacle, followed by Israel at large. Humanitarian requirements from the Mosaic Law towards all laborers, forced or otherwise, would of course apply to these laborers. None of the Mosaic passages, nor any Old Testament narrative passage, specifies a minimum or maximum term of forced labor for the war captives from non-Canaanite towns, so presumably they could be held in this status beyond their own lifetimes to their progeny, as Leviticus 25 in the table above suggests.²⁵

This policy does seem to apply only to those Gentile towns and territories lying beyond the conquest of Canaan and therefore beyond the boundaries of the land originally apportioned by Moses and Joshua among the twelve tribes, since the same passage goes on to reiterate the policy of total annihilation for the Canaanite territories (Deut 20:16-18).²⁶ The policy appears to match God's and Moses' solution to the capture of versus annihilation of the very first Canaanite population invaded within the Conquest, the Midianite, Transjordan population for the sake of the territory allotment to the

²⁴ Exceptions for this implied directive from God for Gentile towns within the Abrahamic boundaries would have been those of the nations from Lot (Moab, Ammon) and Esau (Edom): God gave specific instructions for Israel to refrain from harassing those nations to the point of war, given their common familial ties (Deut 2:3–6, 9).

²⁵ Again, see however my defense of a variable time period below, in the third subsection.

²⁶ Among those who agree are Eugene H. Merrill, *Deuteronomy*, vol. 4, New American Commentary (Nashville: Broadman & Holman Publishers, 1994), 285; Robert G. Bratcher and Howard A. Hatton, *A Handbook on Deuteronomy*, UBS Handbook Series (New York: United Bible Societies, 2000), 343; Jack S. Deere, "Deuteronomy", *The Bible Knowledge Commentary: An Exposition of the Scriptures*, Vol. 1, eds. John F. Walvoord and Roy B. Zuck (Wheaton: Victor Books, 1985), 299. Only the last reference acknowledges an outer boundary for the "distant cities" in view, that being the boundaries specified in the Abrahamic Covenant (Gen 15:18–21).

Reuben tribe described in Numbers 31 (as discussed above).²⁷ Perhaps this early military action predated activation of the Holy War injunctions (Deut 20) possibly at the subsequent conquest of Jericho across the Jordan River.²⁸ In this conquest prior to the capture of Jericho all the males were (eventually) destroyed but all the virgins were retained alive.²⁹

A third category of battle captives would have involved the inhabitants of the most-distant Gentile towns which fell outside both the Mosaic and the Abrahamic boundaries. The discussion in Deuteronomy 28 regarding Israel's long-term foreign policies implies that Israel's warfare with lands beyond their divinely-assigned Abrahamic borders would have involved only defensive battles fought at Israel's boundaries, as opposed to capturing additional Gentile towns and territory:

The Lord shall cause your enemies who rise up against you to be defeated before you; they will come out against you one way and will flee before you seven ways (Deut 28:7).

Thus, a godly Israel would have gradually expanded up to God's assigned Abrahamic boundaries and would not have attempted to expand further. Then the purpose for Israel's military would have been to repel successfully any incursions made by foreign invaders at those boundaries. Future battle captives would only be those invading Gentile warriors captured at or within Israel's borders. Presumably these captives would either be managed as Moses managed the combatants of the prior two categories, that is, with execution, or otherwise with forced labor among the Israeli populace. No Gentile women and children would be captured, as Israel forces would not have been overrunning Gentile towns in this scenario.

It seems inappropriate to describe Israel's putting prisoners of war to forced labor, usually located at individual economic concerns such as farms, as "enslavement". First, as with all forms of unpaid servitude allowed by the Law, the humane protections provided all those in Israel's forced labor make by themselves the English descriptor "slavery" a misleadingly harsh label. Second, the forcible control of captured military enemies that were violently opposed to Israel's survival is a police action common to all manner of "anti-slavery" nations, including those of the modern West: every nation has had to manage prisoners of war in some equally-forceful manner. Third, the inhabitants of captured towns outside Canaan had had options prior to Israeli invasion. As had been the case with the Jericho prostitute Rahab, it would have been known to them either from Israel's stated, ultimate boundaries within the Mosaic Law itself or from Israel's history of overcoming seemingly-superior military enemies, that it was only a matter of time

²⁷ R. Dennis Cole (*Numbers*, vol. 3b, New American Commentary [Nashville: Broadman & Holman Publishers, 2000], 499) defends this view.

²⁸ Perhaps this particular conquest of Canaanites sidestepped annihilation because only one of the Midianite areas was being attacked, the city-group ruled by the five Midianite kings that was involved with Israel's idolatrous Peor catastrophe (Num 31:16).

²⁹ This account does enable the reader of Numbers to observe what was meant by the treatment of warfare captives as "booty" (Num 31:26–28): by God's direction the virgin women and girls of Midian were distributed among Israeli households for forced servitude, such that half were divided up among the Israeli fighters and half among the other Israelites at large, with a partial "tithing" from the former half going to the priests and a larger, partial "tithing" from the latter half going to the Levites (Num 31:26–30).

before their town would be standing in the path of Israel's divinely-assigned territorial expansion. These non-Canaanite towns had options for resolving the situation, whether by assimilating into Israel's beliefs and culture, as did Rahab, or alternatively by moving their population outside the written, final boundaries of Israel.

Criticism of the ethics of the Law's choice against long-term incarceration of battle captives (i.e., "prisoners of war camps") in favor of forced labor also seems inappropriate. For Israel, the modern tool of incarceration of these people long-term was not a reasonable option: a genius of the Mosaic theocratic government was its absence of a prison system with the attendant buildings, personnel, and funding requirements. Instead, criminal and civil penalties meted out by a contrastingly large and developed judicial system were to be paid out generally in the form of victim restitution, and generally were to be enforced by a highly-engaged, self-policing local citizenry; thus the absence as well of a paid police force with all its complications and costs, in the Mosaic Law. The moral and societal bonds within Israel's citizenry was anticipated by Moses' Law to be strong enough to manage even perpetrators of violence and death within the population, as indicated by the expectation placed by the Law upon the general citizenry to manage and enforce the "city of refuge" statutes for civil murders. Even if imprisonment had been an option for Israel's war captives, it does not seem clear that indefinite incarceration in prisoner-of-war camps, the current Western practice, is more humane than Israel's practice of distributing out individual prisoners of war to small farms and business as forced laborers with the Mosaic protections such as a six-day workweek and legal protection from violent masters.³⁰

The coining of the phrase "battle captives put to moderated hard labor, acquired by the general populace in lieu of incarceration" for the status of the laborer in Numbers 31 quoted above does, in spite of the phrase's ungainliness, highlight that such status would fall outside typical definitions of "slavery" that opponents generally put forth in attempting to capture those forced labor practices as practices of slavery.³¹ These forced-Gentile laborers within Israel had earned their sentence to hard labor as prisoners-of-war from battles fought to violently oppose the will of God for Israel, rather than having been innocent victims of kidnapping or raids. In addition, the hardships of forced labor would have been moderated for them relative to typical enslavement.

³⁰ Debates over the ethics of the Mosaic policies for assimilating and managing Gentile towns within the territory Divinely bequeathed to the descendants of Jacob is really a debate over whether there should have been Gentile prisoners of war in the first place; that is a debate over the ethics of the Mosaic policy of expanding Israel's territory at all. That is a different debate: in this apology the debate over ethical treatment of prisoners of war, taken their existence as a given, is being joined.

³¹ The label "hard labor" seems appropriate—Deuteronomy 15:18 suggests that forced laborers in Israel, Jew and Gentile, were required to give double the effort of hired hands, while yet enjoying all the legal restrictions placed upon their masters.

THE SECOND FORM OF LAWFUL, UNPAID GENTILE SERVITUDE: VARIABLE-TERM³², VOLUNTARY INDENTURED SERVITUDE TO SATISFY INTRACTABLE INDEBTEDNESS

The Mosaic Law mandated that poor, disadvantaged Gentile servants could not be pushed into slavery by unprincipled masters:

You shall not oppress a hired servant who is poor and needy, whether he is one of your countrymen or one of your aliens who is in your land in your towns. You shall give him his wages on his day before the sun sets, for he is poor and sets his heart on it; so that he will not cry against you to the Lord and it become sin in you (Deut 24:14–15).

Presumably this prohibition included all manner of employer schemes to force a poor hired worker, Israelite or Gentile, into unpaid, forced labor in addition to the itemized strategy above which involved slowing the timing of wage payments to victimize poor employees with no cash reserves.

However, should Israelites in particular fall into a position of severe financial debt to an Israelite, they could voluntarily choose to become bondservants, that is, to take on the role of indentured laborers under the master with the usual protections for all unpaid laborers. In fact, they are owed the additional benefit of being treated better than other unpaid laborers, as well-treated as the Gentile sojourners working for that master for hire, *i.e. as well-treated as hirelings*.³³ This was a significant benefit: the work of a hireling was viewed to be half as arduous as that of a forced laborer.³⁴ In addition, the Israelite bondservant under an Israelite master enjoyed the guarantee of release at the Sabbath Year or Jubilee:

If a countryman of yours becomes so poor with regard to you that he sells himself to you, you shall not subject him to a slave's [עֶבֶד; “servant, slave”] service [עֲבָדָה; “service, work, enforced labor”]. He shall be with you *as a hired man* [שָׂכִיר; “hired man, hired servant”] *as if he were a sojourner* [תּוֹשֵׁב; “sojourner, foreign resident”]; he shall serve with you until the year of jubilee. He shall then go out from you, he and his sons with him, and shall go back to his family, that he may return to the property of his forefathers (Lev 25:39–41; emphasis mine).

If you buy a Hebrew slave [עֶבֶד; “servant, slave”], he shall serve for six years; but on the seventh he shall go out as a free man without payment (Ex 21:2).

If your kinsman, a Hebrew man or woman, is sold to you, then he shall serve you six years, but in the seventh year you shall set him free. When you set him free, you shall not send him away empty-handed. You shall furnish him liberally from your flock and from your threshing floor and from your wine vat; you shall give to him as the Lord your God has blessed you. . . . It shall not seem hard to you when

³² Again, the use of this term will be explained and defended in the third subsection below.

³³ Note that the normal station of Gentile workers under Israelite masters was *not* that of “slavery” (see table above, Lev 25:39–40).

³⁴ See the Leviticus quotation which immediately follows.

you set him free, for he has given you six years with double the service of a hired man; so the Lord your God will bless you in whatever you do (Deut 15:12-14, 18).³⁵

Likewise, Israelites in severe financial debt to sojourning Gentiles could voluntarily choose to become their unpaid bondservants, thus becoming temporary, forced laborers, so as to pay off their debt. Even when under Gentile masters however, the Israelite bondsman's right to the softer work conditions normally reserved for hirelings, to the right of kinsman redemption, and to the right of guaranteed freedom for the bondsman's whole household at the Year of Jubilee, were to be maintained under the oversight of fellow Israelites. There was perhaps also the expectation that a relative would, prior to Jubilee, step in as a kinsman redeemer, leaving the Gentile master financially whole:

Now if the means of a stranger or of a sojourner with you becomes sufficient, and a countryman of yours becomes so poor with regard to him as to sell himself to a stranger who is sojourning with you, or to the descendants of a stranger's family, then he shall have redemption right after he has been sold. One of his brothers may redeem him, or his uncle, or his uncle's son, may redeem him, or one of his blood relatives from his family may redeem him; or if he prospers, he may redeem himself. He then with his purchaser shall calculate from the year when he sold himself to him up to the year of jubilee . . . (Lev 25:47-50a).

It seems appropriate to describe this class of Israeli bondservants as involved in “self-initiated, negotiated indentured servitude for financial cause”. They shared the same legal protections as did other Israeli bondservants, including the same legally-prescribed maximum term for indentured servitude, and enjoyed the identical protections day-to-day of all unpaid laborers.

There is not a parallel passage in the Mosaic Law that offers a severely-indebted Gentile the same option of self-initiated, negotiated, temporary indentured servitude to the debt-holder in order to resolve debt. At the same time, there is no statute that withholds that option, and the option would seem to reflect the Mosaic commands towards love of the Gentile neighbor as itemized in the above table by way of providing a loving alternative to the more severe options like non-negotiated slavery or starvation.

Self-initiated, indentured servitude for a Gentile burdened by intractable debt to either an Israelite or Gentile debt-holder would have been an available option per the silence of the Mosaic Law. Since Israelites had the emergency option of voluntarily placing themselves into indentured servitude to a Gentile master as preferable to continuing under endlessly growing debt, it would seem likely that the path to voluntary, indentured servitude for the same reasons would be available to Gentiles—surely the existence of a *Gentile* forced laborer acquired by a Gentile debt-holder for financial cause was no more unthinkable than the existence of a *Jewish* forced laborer acquired by a Gentile debt-holder for financial cause.

³⁵ The translation “double” is not without controversy: the NET Bible note opines, “The Hebrew term *תִּשְׁכַּח* (mishneh, ‘twice’) could mean ‘equivalent to’ (cf. NRSV) or, more likely, ‘double’ (cf. NAB, NIV, NLT). The idea is that a hired worker would put in only so many hours per day whereas a bondslave was available around the clock” (The NET Bible First Edition Notes [Biblical Studies Press, 2006], Deut 5:18 n. 36).

The left column of the above table stipulates that the hard-labor servitude of a Gentile initiated by becoming “acquired” as an unpaid laborer under a Jewish owner, a general status within which “self-initiated, pre-negotiated, temporary indentured servitude of a Gentile for financial cause” would be one subset, could extend beyond the life-time of the debtor. The legally-stipulated maximum term for indentured servitude enjoyed by Jews by way of the Sabbath year and Jubilee would not be available to Gentile forced-laborers, even for self-initiating Gentile forced-laborers. Presumably, the indentured Gentile servant for financial cause would be negotiating the total years of indentured servitude required of him as well as of his progeny in order to satisfy the debt. The coining of the phrase “self-initiating, pre-negotiating, temporary indentured servitude” for the status of the laborer in Leviticus 25:47-50 quoted above does, in spite of the phrase’s ungainliness, highlight how far such a status would fall outside any definition of “slavery” that opponents of an anti-slavery Mosaic Law do commonly put forth.

A PROBABLE, ADDITIONAL MITIGATING FACTOR UPON THE SEVERITY OF BOTH MOSAIC FORMS OF GENTILE, UNPAID LABOR

There appears to be an additional element in the Law regarding the treatment of all Gentile residents that further lessens the severity of any form of unpaid Gentile servitude. Any Gentile who converted to Judaism to the point of requesting circumcision and full participation in the Passover was henceforth to be treated as a fellow Jew:

But if a stranger sojourns with you, and celebrates the Passover to the Lord, let all his males be circumcised, and then let him come near to celebrate it; and he shall be like a native of the land. But no uncircumcised person may eat of it. The same law shall apply to the native as to the stranger who sojourns among you (Exodus 12:48–49).³⁶

³⁶ This Exodus passage seems to describe the means for the transformation from pagan to Israelite that is written of in Isaiah 14:1; 56:3–8; Ezekiel 47:22–23. See support in Edwin A. Blum and Trevin Wax, eds., *Christian Standard Bible Study Bible* (Nashville: Holman Bible Publishers, 2017), 1122 n. “Isa 56:3”; David M. Howard Jr., *Joshua*, vol. 5, *The New American Commentary* (Nashville: Broadman & Holman Publishers, 1998), 216-217; Eugene H. Merrill, *Deuteronomy*, Vol. 4, *New American Commentary* (Nashville: Broadman & Holman Publishers, 1994), 323; G.W. Grogan, “The Old Testament Concept of Solidarity in Hebrews,” *Tyndale Bulletin* 49 (1998): 161; Edmund P. Clowney, “Toward a Biblical Doctrine of the Church,” *Westminster Theological Journal* 31, no. 1 (1968): 36; Elmer B. Smick, “Old Testament Cross-Culturalism: Paradigmatic Or Enigmatic?,” *Journal of the Evangelical Theological Society* 32, no. 1 (1989): 3.

A dissenting view is offered by *The Jewish Study Bible* regarding the same Exodus 12 passage: “48–49: Resident aliens, though they must abstain from leaven (v. 19), are not obligated to offer a *pesah* sacrifice but may do so voluntarily. They must first undergo circumcision. Then they may make the offering and become ‘as a citizen of the country,’ at least for purposes of this offering. This is not a full religious conversion—the stranger’s motivation is to make a *pesah* offering, not to become an Israelite—but since circumcision is a sign of the covenant, and the sacrifice celebrates the exodus, he must first become a quasi-Israelite in order to identify with Israel’s defining national experience. If so, this ceremony is unique in the Bible; there is no other reference to a formal procedure for converting foreigners to Israelites, even quasi-Israelites. Foreigners normally became Israelites only by marriage or the informal, generations-long process of ethnic assimilation that resulted from living in the land. By the rabbinic period, a procedure for

Since severely-indebted Jews who voluntarily entered into indentured servitude under a Gentile master were to be redeemed as quickly as possible by the efforts of fellow Jews, it follows that a Gentile under indentured servitude who genuinely converted should then have received that same response from his (now-)fellow Jews. The Law offers nothing against this position, but also records neither examples nor counter-examples in the narrative sections. Early Jewish writings do in their discussions of proselytizing discuss the relationship between proselytizing and Gentile, unpaid servitude, and the majority view was that genuine conversion of Gentile forced laborers necessitated their release. The revered Rabbi Moshe ben Maimon (also known as Maimonides) of the 11th century argued that a master who encouraged his unpaid Gentile laborer toward an active Jewish faith would soon be compelled to free him, because active, public adherence to the Jewish faith was one of a few “matters in which a *freed* person is obligated” (emphasis mine):

When a master marries his slave to a free woman, places phylacteries on his head, or tells him to read three verses from a Torah scroll in public, or the like - i.e., matters in which only a freed person is obligated - he is considered to be free. We compel his master to compose a bill of release for him.³⁷

Modern Jewish writings typically declare that during the OT age Israelites did not use proselytizing of Gentiles as a reason for releasing them from forced labor, but give no evidence, perhaps in reaction to the aforementioned silence regarding proselytizing forced laborers in the Hebrew Bible.

If the view is maintained that converted, forced laborers must according to the Law be freed, then the status of forced labor for Gentile battle captives and their families should rightly be labeled as “indefinite” or “variable-termed” unpaid labor for cause, rather than “permanent” forced labor for cause. There are no significant practical

religious conversion, including circumcision of males, was created and the Heb word for stranger, ‘ger,’ acquired the meaning ‘proselyte.’ *Since the idea of strangers joining Israel is explicitly mentioned in exilic or postexilic passages* (Isa. 14:1; 56:3–8; Ezek. 47:22–23), *it is possible that the present passage is also from that period* [emphasis mine]. 49: ‘One law for the citizen and for the stranger,’ see also Lev. 24:22; Num. 9:14; 15:14–16, 29. In each of these instances strangers and Israelites follow the same specific procedure (cf. Lev. 7:7); it is not a general rule covering all cases. In later halakhic exegesis, when ‘ger’ (‘stranger’) is understood as ‘proselyte,’ this v. is understood as prescribing equality between proselytes and born Jews *with respect to all the laws of the Torah* [emphasis mine] (Mek. *Pisha* 14, end)” (Jeffrey H. Tigay, “Exodus,” Adele Berlin, Marc Zvi Brettler, and Michael Fishbane, eds., *The Jewish Study Bible* [New York: Oxford University Press, 2004], 131).

Note the use of circular reasoning to keep the possibility or likelihood of a path toward for conversion to Israelite status from being available to proselytes pre-exile via the Torah, within the majority view: because exilic and post-exilic biblical passages do reference the conversion of Gentiles into Israelites as admitted in the above quote, the above argument suggests that this Exodus passage may in fact be late also, thus not available pre-exilic . But this argument is made after the above quote had already argued that the ceremonies in the Exodus passage describe transfer to “quasi-Israelite” status for the purpose of limited scenarios, not to Israelite status.

For the purpose of the argument of this article of course, it is not crucial that Exodus 12 describes the precise process for the transformation from pagan to Israelite. Rather, it is crucial only that such a transformation be possible, whether detailed in the Torah or not.

³⁷ Maimonides, 9:17 in “Avadim - Chapter Nine,” www.chabad.org, accessed July 20, 2020, https://www.chabad.org/library/article_cdo/aid/1363819/jewish/Avadim-Chapter-Nine.htm.

downsides to a practice of freeing even prisoners-of war, once converted: any genuinely-converted prisoner of war is no longer a security threat to Israel, since being pro-YHWH and pro-Mosaic Law, two elements of conversion, are not separable from being pro-Israel.

Likewise, the status of indentured servitude entered into by Gentiles in severe debt should rightly be labeled as *indefinite* or *variable-termed* indentured servitude for cause, rather than *permanent* indentured servitude for cause. There are no complications not already dealt with by the Mosaic Law that would arise from freeing recently-converted unpaid laborers under great indebtedness: at the laborer's conversion his Jewish master now has in his possession a Jew who had voluntarily entered indentured servitude, and who can now expect release with the arrival of the Year of Jubilee, should his financial debt keep him indentured that long:

If a countryman of yours becomes so poor with regard to you that he sells himself to you, you shall not subject him to a slave's service. He shall be with you as a hired man, as if he were a sojourner; he shall serve with you until the year of jubilee. . . . For they are My servants whom I brought out from the land of Egypt; they are not to be sold in a slave sale. You shall not rule over him with severity, but are to revere your God (Lev 25:39–40, 42–43).

In the case of the Gentile who genuinely converts while under indentured servitude to a Gentile master unresponsive to the Sabbath Year, he immediately falls into the category of indentured Jewish laborers who are to be treated as employees, rather than as indentured Gentile laborers (Lev 25:43). As well, now-fellow Jews will be seeking to get the proselyte's debt forgiven or paid as quickly as possible while avoiding financial harm to the debt-holding Gentile master, so as to remove the indignity of a Jew in indentured servitude to a Gentile:

Now if the means of a stranger or of a sojourner with you becomes sufficient, and a countryman of yours becomes so poor with regard to him as to sell himself to a stranger who is sojourning with you, or to the descendants of a stranger's family, then he shall have redemption right after he has been sold. One of his brothers may redeem him, or his uncle, or his uncle's son, may redeem him, or one of his blood relatives from his family may redeem him; or if he prospers, he may redeem himself. He then with his purchaser shall calculate from the year when he sold himself to him up to the year of jubilee; and the price of his sale shall correspond to the number of years. It is like the days of a hired man that he shall be with him. . . . Like a man hired year by year he shall be with him; he shall not rule over him with severity in your sight (Lev 25:47–50, 53).

There appear to be no legal complications to treating an indentured Gentile laborer, once converted, as immediately an indentured Jewish laborer, with the expanded rights and privileges of that status.

CONCLUSION

Towards the complaint that the Mosaic Law both clearly mentions and allows, if not condones, Gentile slavery, the response should be that a careful survey of the Mosaic

Law shows that in fact the Law prohibits slavery. This reality is unfortunately masked within imprecise English Bible translations which insist upon attaching the English words “slavery” and “slave” to even the institutions of variable-term, hard labor for Gentile war criminals and variable-term, indentured servitude for Gentile debt repayment. In both cases the servitude is for cause, so that the status of these Gentiles rightly falls short of “slavery” by the typical understanding of that word in the modern, English-speaking West. In fact, there two causes behind all non-employee Gentile servitude in the Law: in the case of “judicial forced servitude” one cause is military participation against Israel, and the second cause is the ongoing absence of genuine, individual conversion to Judaism. In the case of “voluntary indentured servitude” one cause is the willingness of the Gentile to enter indentured servitude in exchange for the remission of an intractable financial debt, and the second cause is the ongoing absence of genuine, individual conversion to Judaism.

An additional insight regarding slavery and the Mosaic Law is accessible to those who read the Bible dispensationally. This article makes room for the claim that while the NT seeks to ameliorate the effects of ongoing slavery among its original audiences, the Mosaic Law outright prohibited slavery for those living under the Covenant of Moses, thus raising for some non-dispensationalists the ugly specter of a Bible that evinces a *devolution* in its slavery ethic across the Testaments. Dispensationalists however recognize that the role of God’s people in managing the institution of slavery has been vastly different under the dispensations of Law and the Church, because God’s role in governing humanity has been vastly different during those dispensations. During the Law dispensation God was theocratic head of the government under which God’s people lived, and prohibited slavery (in terms of the modern Western conception of slavery). God’s people were to enact that prohibition from within the government. During the Church age however, God has been not the formal head of any human government but rather an informal influencer upon all human governments from outside their structures. In that role God seeks to minimize the effects of slavery allowed by human governments, and by way of the NT calls His people to do likewise.

There has been in fact neither evolution nor devolution in the Bible’s slavery ethic from OT to NT—rather, God’s differing relationship to human government in differing dispensations has dictated whether God’s people have been aligned with God in actively prohibiting slavery from *within* their government, or have been with God in actively influencing against slavery from *outside* their government. Nor has the current age been the pinnacle of humanity’s slavery ethic, as most non-dispensationalists assume: in the remaining two future dispensations, God will once again be the formal head of human government, again in a role for completely erasing the institution of slavery from within government.