Jewish Slavery in Antiquity

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Contents

Introduction

WHILE many books and articles have been written on slavery in Graeco-Roman society and on ancient Christian attitudes toward slaves, a detailed examination of slavery in ancient Judaism is still a desideratum. This study examines ancient Jewish discourse on slavery in the context of Graeco-Roman literary, legal, and documentary writings and on the basis of the social, economic, and political circumstances under which Jews lived. It shows that for ancient Jews just as for Greeks and Romans slavery was an everyday experience whose existence was taken for granted, whose practicalities were discussed by legal scholars, and which was repeatedly alluded to in literary, philosophical, and historiographic works. In late antiquity, when the employment of slaves in agriculture was supplemented by other types of labour, domestic slavery prevailed. The image, function, and treatment of slaves within the ancient Jewish household will therefore be analysed alongside slavery's role within the ancient Jewish economy. Slavery also had a large symbolic significance in antiquity. The particular ways in which Jews used slave metaphors are very revealing with regard to the religious, social, and political concerns of ancient Jewish society.

CONTEMPORARY RELEVANCE

The question about Jewish involvement in the Atlantic slave trade has stirred up a popular debate which led to an upsurge of scholarly writing on the issue.[1] Partly in response to the Nation of Islam's claim that

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[1] See David Brian Davis, *In the Image of God: Religion, Moral Values, and Our Heritage of Slavery*, New Haven and London 2001, 63–72.

Jewish ship owners and merchants dominated the slave trade,[2] historians have examined the relevant source material in order to determine to what extent Jews actually participated in and profited from the enslavement of Africans and their transfer to the United States. They have shown that the claim of a large Jewish participation or even domination of that trade is not only exaggerated but entirely wrong.[3] Although a few Jewish merchants played a significant role in the slave trade, very few of the ships which brought slaves to America were owned or co-owned by Jews.[4] While it seems that as many Jewish as non-Jewish city dwellers employed domestic slaves, almost all plantation owners who used large numbers of slaves for agricultural work were non-Jews.[5] Therefore slavery seems to have had little if any impact on the economic development of Jews living in the United States. Whether ethical concerns made Jews refrain from taking full advantage of slave labour remains an open question, while Jewish support of the Black Liberation movement is well known.[6]

If modern Jews differed from non-Jews in the practice of slavery and attitudes towards slaves and slavery, such differences may also have existed in antiquity. It is the goal of this book to examine the differences and similarities between ancient Jewish, Graeco-Roman, and early

[2] This claim was expressed in 'The Secret Relationship Between Blacks and Jews', published anonymously in 1991. For a critical examination of the arguments brought forth in this text see Harold Brackman, *Ministry of Lies: The Truth Behind the Nation of Islam's 'The Secret Relationship Between Blacks and Jews'*, New York 1994; Saul S. Friedman, *Jews and the American Slave Trade*, New Brunswick, NJ, 1998, 1–15.

[3] See most recently Eli Faber, *Jews, Slaves, and the Slave Trade: Setting the Record Straight*, New York 1998, 143–6 and Friedman, *Jews*, 89–102. See also Seymour Drescher, 'The Role of Jews in the Atlantic Slave Trade', *Immigrants and Minorities*, 12 (1993), 113–25.

[4] See the tables in Faber, *Jews*, 165–74.

[5] See the detailed examination of Jewish slave ownership in different US regions in Friedman, *Jews*, 108–98. See also Faber, *Jews*, 138–42.

[6] See especially Hasia R. Diner, *In the Almost Promised Land: American Jews and Blacks, 1915–1935*, Westport 1977, who emphasizes the strong support given to the Afro-American cause by Jewish journalists, rabbis, social activists, and philanthropists between 1880 and 1935. On Black–Jewish relations in the United States see also the articles in Jack Salzman and Cornel West (eds.), *Struggles in the Promised Land: Toward a History of Black–Jewish Relations in the United States*, New York 1997, and V. P. Franklin *et al.* (eds.), *African Americans and Jews in the Twentieth Century. Studies in Convergence and Conflict*, Columbia 1998. For a survey of recent scholarship on the issue see Davis, *Image*, 73–91.

Christian society in this regard. Similarities may indicate to what extent Jews had adopted the customs and values of the surrounding Graeco-Roman culture; differences may be based on the particular religious and moral values and the social, economic, and political circumstances under which Jews lived.

TRADITIONAL SCHOLARSHIP

In the past it has generally been assumed that slavery played a minor role amongst ancient Jews, at least as far as Jewish slaves owned by Jewish owners are concerned. It has been argued that from biblical times onwards Jews would be held not as slaves but as bondsmen or temporary servants of other Jews, and that they were customarily manumitted in the seventh year. It was furthermore suggested that for moral reasons Jews would treat all of their slaves in a more humane way than other people did. From the time of the Babylonian Exile onwards Jews were believed to have refrained from owning (Jewish) slaves, so that by the first centuries CE slavery had become a topic of theoretical discussion only, with limited relevance for the everyday life of the Jews amongst whom rabbis lived.

Moses Mielziner was one of the earliest scholars who addressed the topic of slavery in ancient Jewish society. In his monograph published in German in 1859 he stressed that no ancient religion and jurisdiction was as much opposed to slavery as the Mosaic one, and no ancient people was as much inclined to abolish slavery as the Israelites.[7] Since ancient Israelite religion put so much emphasis on the idea that human beings were created in the image of God and was concerned about legal justice and care for the poor and destitute, and since Israelites had experienced slavery themselves under the Pharaoh in Egypt, Mielziner considered it self-evident that the abolishment of slavery would be the goal Jews had always been striving for.[8] In biblical times slavery was so much part of the ancient economy that it persisted for some time

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[7] See Moses Mielziner, *Die Verhältnisse der Sklaven bei den alten Hebräern, nach biblischen und talmudischen Quellen dargestellt. Ein Beitrag zur hebräisch-jüdischen Alterthumskunde*, Copenhagen 1859, 7.

[8] Ibid.

amongst Israelites, who nevertheless prepared its abrogation and removed its inhuman traits.[9] For example, the enslavement of fellow-Israelites was limited to such a short period of time that it could hardly be called slavery any more; Israelite 'bondsmen' were to be treated as day labourers rather than slaves; all slaves were granted a Sabbath day of rest, irrespective of their Israelite or foreign origin. According to Mielziner, biblical Israelite religion should therefore be seen as the first step towards a general abolition of slavery in modern times.[10]

Like Mielziner, Grünfeld and Farbstein, whose studies are also written in German and appeared in 1886 and 1896, respectively, recognized a humanitarian attitude towards slaves already in the Hebrew Bible. Grünfeld argued that in contrast to other ancient peoples the Israelites saw slaves as fellow human beings, children of the same divine father, who deserved to be treated in a just and humane way.[11] According to Farbstein, Jews could only be debt servants but not slaves of fellow-Jews.[12] He assumes that when rabbinic sources mention slaves, they had only non-Jewish slaves in mind.[13] Samuel Krauss, who addresses the topic of slavery in the second volume of his *Talmudische Archäologie*, writes in much the same vein. In the talmudic period Jews sold themselves or their family members into debt slavery in emergency situations only. If they sold themselves to Jews, they would not be treated as slaves and would be released after a relatively short period of time.[14] After the Babylonian Exile, that is, throughout Second Temple and rabbinic times, the enslavement of Jews by other Jews was not practised any more, so that literary references to Jewish slaves are of a merely theoretical nature or reflect earlier biblical circumstances.[15] If the Talmud speaks about the sale or treatment of slaves, these slaves must have been gentiles.[16] These gentile slaves were never treated in a humiliating way,

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[9] See Mielziner, *Die Verhältnisse der Sklaven bei den alten Hebräern, 8–9.*

[10] Ibid. 10.

[11] See Richard Grünfeld, *Die Stellung der Sclaven bei den Juden nach biblischen und talmudischen Quellen*, part 1, Doctoral dissertation, Jena 1886, 7–8.

[12] See David Farbstein, *Das Recht der freien und der unfreien Arbeiter nach jüdisch-talmudischem Recht verglichen mit dem antiken, speciell mit dem römischen Recht*, Frankfurt 1896, 9–10.

[13] Ibid. 11.

[14] See Samuel Krauss, *Talmudische Archäologie*, vol. 2, Hildesheim 1966 (1st pub. Leipzig, 1911), 83.

[15] Ibid.   [16] Ibid. 84.

but lived side by side with their masters, who almost regarded them as equals.[17]

All of these scholars wrote about slavery in the second half of the nineteenth century, at the time of Jewish emancipation and assimilation, when Jews tried to become socially integrated into and accepted by western European society. In Germany as in other western countries Jews lived as a minority amongst mostly secularized Christians. By emphasizing the humanitarian aspects and moral values of ancient Judaism, Mielziner, Grünfeld, Farbstein, and Krauss argued that the Jewish tradition was not inferior to early Christian teachings on slaves and slavery, that it was even more advanced and a precursor of the modern abolition movement. They thereby tried to refute centuries-old anti-Jewish arguments, according to which Christianity was morally superior to Judaism, and to legitimize the equal legal, social, and economic treatment of Jews within western society.[18]

CRITICAL SCHOLARSHIP

More critical examinations of slavery in Second Temple and rabbinic Judaism were presented by Solomon Zeitlin and Ephaim Urbach at the beginning of the 1960s, at a time when socio-economic issues became part of the public agenda and New Testament scholars began focusing on the social teachings of early Christianity.

Both Urbach and Zeitlin believed that slavery existed amongst Jews in post-exilic, Hellenistic and Roman times, and that Jewish slave owners did, to a certain extent, employ both Jewish and gentile slaves throughout this period. Zeitlin assumes that only debt slavery ceased amongst Jews after the Babylonian exile, although Philo and the gospels provide contradictory evidence.[19] While slavery prevailed and was part

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[17] Ibid. 89–91.

[18] See Michael A. Meyer, 'Reform Jewish Thinkers and their German Intellectual Context', in J. Reinharz and W. Schatzberg (eds.), *The Jewish Response to German Culture: From the Enlightenment to the Second World War*, Hanover and London 1985, 69: 'Thus, instead of being the religion of no morality—as Kant defined it—the Reformers sought to present Judaism as the religion most exclusively concerned with morality, and hence most worthy of the future'.

[19] See Solomon Zeitlin, 'Slavery During the Second Commonwealth and the Tannaitic Period', *Jewish Quarterly Review*, 53 (1962–3) 194–7. Zeitlin explains this contradiction with reference to the distinction between theory and practice, see ibid. 197.

of the Hellenistic and Roman economic system to which Jews had to accommodate themselves,[20] for ethical reasons Jews abstained from the harsh treatment of slaves which was common amongst other nations.[21]

Like Zeitlin, Urbach stresses the omnipresence of slavery in antiquity: 'The whole of ancient society was based upon the presence of slaves as an element within it, and slavery was taken for granted as a factor basic to political, economic, and social life.'[22] Jewish society did not constitute an exception in this regard. Urbach criticizes the ways in which earlier scholars, who argued that Jewish enslavement by Jewish slave owners ceased after the Babylonian exile, disregarded a large amount of rabbinic evidence or misinterpreted it by viewing it as a reflection of circumstances in First Temple times.[23] The question, 'which *halakhot* are hypothetical only and which were of current practical importance at the time of their formulation, and at what point did each of these two classes cease to be operative',[24] is important, but the way in which Urbach arrives at an answer is not entirely clear. He thinks that, with the exception of a few criminals sold by the court, the phenomenon of Jews enslaved to fellow-Jews occurred in the land of Israel in pre-Maccabean times only, at a time when few non-Jewish slaves were available to Jewish estate owners.[25] From Maccabean times onwards, conquests in foreign territories supplied Judaeans with gentile slaves. Therefore Urbach assumes that the literary sources from that period onwards usually have non-Jewish slaves in mind.[26] As far as rabbinic texts are concerned, Palestinian sources which mention Jewish slaves of Jewish slave owners are seen as reflections of pre-Maccabean times,[27] whereas references to gentile slaves are considered evidence of contemporary Jewish slave ownership. This distinction, which rests on flimsy historical arguments, is not very convincing. Against the assumptions of

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[20] See Zeitlin, 'Slavery', 198.

[21] Ibid.

[22] Ephraim E. Urbach, 'The Laws Regarding Slavery as a Source for Social History of the Period of the Second Temple, the Mishnah and Talmud', in J. G. Weiss (ed.), *Papers of the Institute of Jewish Studies, University College London*, vol. 1, Jerusalem 1964, 4.

[23] Ibid. 3.   [24] Ibid. 5.   [25] Ibid. 9–31.   [26] Ibid. 31.

[27] He considers the situation to have been different in Babylonia, ibid. 87–8: 'And yet, at the very time when we do not find even the flimsiest evidence for the actual practice within Jewish Palestine of the institution of Hebrew slavery to fellow-Jews, there is explicit testimony in fourth century Babylonia to its prevalence in the *entourage* of wealthy rabbinic circles'.

earlier scholars Urbach emphasizes, however, that in none of the sources 'is there the slightest suggestion of any notions of the abolition of slavery. On the contrary, the fundamental distinction between bond and free is present throughout. This basic fact, combined with political and economic interests, proved the decisive one.'[28]

SLAVERY IN JEWISH AND GRAECO-ROMAN SOCIETY

While Urbach and Zeitlin had already pointed out that the general social and economic structures in which Jews lived necessitated their employment of slaves, Dale Martin has taken this argument one step further by maintaining that therefore there is no reason to distinguish between slavery in Jewish and Graeco-Roman society:

Jewishness itself had little if any relevance for the structures of slavery amongst Jews. Jews both had slaves and freedpersons and were slaves and freedpersons. Slavery among Jews of the Greco-Roman period did not differ from the slave structures of those people among whom Jews lived. The relevant factors for slave structures and the existence of slavery itself were geographical and socio-economic and had little if anything to do with ethnicity or religion.[29]

His examination of slavery amongst Jews is based on epigraphic and papyrological material only, in which slaves—and Jews—are rarely identified as such. On the basis of this material he reaches the conclusion that 'Jewish slaves and slave owners are doubly invisible in many of our sources: we may know that they are slaves or owners but not that they are Jews; we may know that they are Jews but not that they are slaves or owners'.[30]

With reference to McCraken Flesher's study of slave terminology in the Mishnah Martin maintains that ancient Jewish literary sources do not reveal any particularities with regard to the subject at hand.[31] McCraken Flesher had shown that the Mishnah rarely distinguishes between Hebrew and foreign slaves but is interested in the generic

[28] Ibid. 94.
[29] Dale B. Martin, 'Slavery and the Ancient Jewish Family', in Shaye J. D. Cohen (ed.), *The Jewish Family in Antiquity*, Brown Judaic Studies 289, Atlanta 1993, 113.
[30] Ibid. 114.   [31] Ibid. 115–16.

category of slaves only. In the Mishnah all slaves, whether of Jewish or non-Jewish origin, are distinguished from freedmen and freeborn Israelites.[32] Except for a few quotations from and paraphrases of the Bible, no special rulings concerning Hebrew slaves seem to have been maintained or issued by Mishnaic rabbis. One may assume that at that time Jewish and gentile slaves were treated in much the same way: 'For the Mishnah's framers, slavery cancels out the bondman's—and therefore the freedman's—previous identity . . . No clue remains to indicate even his ancestral background, not even to reveal whether he was originally an Israelite or a foreigner. The Mishnah's framers ignore the distinction of Scripture . . .'[33] If the ethnic distinction was abolished by rabbis, earlier scholars' assumption that in (post-biblical and) rabbinic times the biblical rules concerning Hebrew slaves—their manumission in the seventh year and their treatment as 'bondsmen' rather than slaves—were still practised must be dismissed.

SOCIOLOGICAL PERSPECTIVES

Whereas the general social and economic factors which governed the institution and practice of slavery may have been similar in Roman Italy and in the provinces, an issue which has to be examined in detail before it can be posited with any certainty, the discourse on slavery, popular attitudes toward slaves and the treatment of slaves by their owners are likely to have varied from one society to the next. As Orlando Patterson has pointed out, even though 'the constituent elements of slavery are the same for all kinds of social orders, the fact remains that this specific configuration of elements will be understood differently in different socioeconomic systems. Any attempt to understand comparatively the nature of slavery, or any other social process, if it fails to take account of such contextual variations, must remain of limited value.'[34]

 Sociologists have pointed out that all slave-owning societies share a number of common elements as the basis on which differences emerge.

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[32] Paul Virgil McCraken Flesher, *Oxen, Women, or Citizens? Slaves in the System of the Mishnah*, Brown Judaic Studies 143, Atlanta 1988, 35–6.

[33] Ibid. 39.

[34] Orlando Patterson, *Slavery and Social Death: A Comparative Study*, Cambridge, Mass., and London 1982, 26–7.

A slave-owning society is a society in which slavery has become institutionalized, irrespective of the respective quantity of slaves and their significance for the economy: 'Slavery exists as a social system only if a distinct class of individuals with the same state is constituted and renewed continually and institutionally so that, since its functions are permanently ensured, the relations of exploitation and the class which benefits from them are also renewed as such, regularly and continually.'[35]

There is no doubt that slavery existed as an institutionalized system in Roman Palestine and many other provinces just as it did in Roman Italy, even if mass slavery was a particularly Roman phenomenon.[36] All ancient agricultural societies needed farmhands, and the degree to which slave labour was employed depended on the size of the land and the availability of the various types of labour, as will be discussed in more detail below. Agricultural societies are very close-knit and based on continuity from one generation to the next.[37] The emphasis on ' "congeneration": the growing-up of individuals together and in relation to each other' had as its counterpoint the image of the alien or outsider, who lacked any ancestral and communal bonds and could be exploited without threatening the community with disintegration.[38]

Slaves could either be foreigners, who were captured in wars and taken away from their home country, or they were people on the margins of one's own society, who had become so poor that they had no other way to survive besides enslaving themselves or their children.[39] In both cases death was the only alternative. The enslaved person therefore owed his or her life to the master and was completely dependent on him. It seems that in all societies, not only in ancient Rome and Palestine, the majority of slaves were recruited from outside, that is, they

[35] Claude Meillassoux, *The Anthropology of Slavery: The Womb of Iron and Gold*, Chicago 1991, 99.

[36] On mass slavery in Roman Italy in imperial times see Keith Hopkins, *Conquerors and Slaves: Sociological Studies in Roman History*, Cambridge 1978, 8–13.

[37] See Meillassoux, *Anthropology*, 24–5.

[38] Ibid. 26.

[39] According to Meillassoux, ibid. 27, 'the social assimilation of poor relatives' may be 'so difficult' that they 'were rather sold as slaves to slave-traders'. See also Patterson, *Slavery*, 39: 'In almost all premodern societies, at least some slaves were locally recruited. The problems these slaves posed were no different from those presented by the more dramatically disrupted captives.'

were not originally members of the society which took advantage of their labour. On a local level exclusion from the prerogatives attached to a freeborn person's social status 'can be applied only…to individuals who are exceptions in a domestic society under normal conditions'.[40] Therefore Roman citizenship was generally considered incompatible with slavery, while foreign captives were deliberately used as slaves. Although slaves of Jewish origin were certainly held by Jewish masters in antiquity, rabbis considered enslavement a reversal of the Exodus experience.[41] Similarly, medieval Christians and Muslims refrained from enslaving co-religionists, notwithstanding the fact that amongst them, too, 'many ways were found to get around this injunction'.[42]

Irrespective of the slave's local or foreign origin, his or her state was characterized by what is called total alienation. The first step toward this alienation was the captured or sold person's desocialization.[43] He was taken away from and/or no longer considered part of the social group from which he originated. All ancestral and kinship ties were severed, whereas new ties could not be established. Whether he was introduced into a new culture and society or remained within his land of origin, the slave was seen as an alien by the insiders who were linked by kinship or social ties. Removed from his own milieu he had lost his ethnic, national, and religious heritage and was socially dead.[44] The slave was depersonalized by being given a new name and treated like a commodity.[45] This state also implied a desexualization: without power and authority the male slave was not considered a proper man; by being assigned male tasks outside of the domestic sphere the female slave functioned outside role expectations associated with women.[46] Further-

[40] Meillassoux, *Anthropology*, 27.
[41] See Catherine Hezser, 'The Social Status of Slaves in the Talmud Yerushalmi and in Graeco-Roman Society', in Peter Schäfer (ed.), *The Talmud Yerushalmi and Graeco-Roman Culture*, vol. 3, Texts and Studies in Ancient Judaism 93, Tübingen 2002, 108.
[42] See Patterson, *Slavery*, 41.
[43] See Meillassoux, *Anthropology*, 101–7.
[44] Ibid. 106 and Patterson, *Slavery*, 38.
[45] On the renaming of slaves see Sandra R. Joshel, *Work, Identity, and Legal Status at Rome. A Study of the Occupational Inscriptions*, Norman and London 1992, 35–7: names reflected a person's identity by indicating his legal status and family ties. In Roman society 'filiation marked the legitimacy of the freeborn' and 'was evidence of his submission to the authority of a father, which brought with it a rightful place in society and marked him as an individual with a family of origin' (35). By contrast, 'the slave's name was a badge of kinlessness and non-membership in any legitimate social order' (36).
[46] See Meillassoux, *Anthropology*, 109–11.

more, slaves were decivilized, since 'their exclusive dependence on a single individual distinguished slaves from all other members of the collectivity' and prevented them from becoming proper community members.[47] 'Their inability to penetrate the network of social relations which made up the person, the kin or the citizen rendered them "neutral" in all these respects.'[48]

Slaves' neutrality made them flexible and usable in various contexts: 'Because slaves were natally alienated, they could be used in ways not possible with even the most dominated of non-slave subordinates with natal claims.'[49] As extensions of their master but without the latter's legal claims slaves could, for example, be used as intermediaries in business transactions. They would be used as collectors of debts owed by the master's clients and as supervisors of other slaves. Masters could exert direct control over their slaves but also use them indirectly to dominate others.[50] Since slaves had exclusive ties to their master only, they could not resort to legal support or the help of other free people; they were subject to their master's coercion and to his punishment in case of disobedience. One of the main differences between slaves and non-slaves is that the latter always possess certain rights with which to protect themselves from the power of the *paterfamilias* or employer. The master's power over the slave, on the other hand, was total: he 'had power over all aspects of his slave's life'.[51]

It goes without saying that the slave lacked honour and existed outside or at the very bottom of the social hierarchy. He could not hold public office, although some slaves' actual public influence as advisers or secretaries of prominent masters could have been great. Differences in slaves' ethnic origins, roles, functions, and living conditions prevented them from identifying with other slaves and from developing group solidarity: 'Since improvements in their lot depended only on their master, they refused solidarity, which would link them to the least privileged in their midst.'[52] This lack of group solidarity was

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[47] Ibid. 113.

[48] Ibid. 115. Patterson, *Slavery*, 45, is correct in emphasizing that the slave 'remained nevertheless an element of society' at whose margins he existed: 'Although the slave is socially a nonperson and exists in a marginal state of social death, he is not an outcaste' (48).

[49] Patterson, *Slavery*, 32.   [50] Cf. ibid. 33.   [51] Ibid. 26.

[52] Meillassoux, *Anthropology*, 129.

advantageous for the masters, since it prevented the occurrence of slave uprisings and revolts.

On the basis of these sociological insights into the conditions of slavehood and the structure of slavery in all slave-owning societies differences between distinct ancient societies and cultures in different periods of time can be explored. One may assume that differences ensued, for example, in the specific ways in which slaves were employed and treated by their masters and in popular attitudes toward them. In some societies slaves would constitute the large majority of the agricultural work force. In others farming was mostly done by tenants and free labourers, whereas slaves would be employed as domestics, secretaries, merchants, and businessmen. Popular attitudes toward slaves may have differed in accordance with the social, political, and economic situation and the religious, moral, and philosophical tradition of the respective group. Societies which were subjected to the authority of other powers, a situation which was considered similar to enslavement in antiquity, may have felt differently about slaves from members of imperialist systems. Within one particular society members of different social strata may have perceived slavery in different ways, identifying with slaves' plight, trying to distinguish themselves from them, treating them in a humane way, or viewing them as mere tools to increase their wealth.

AVAILABLE SOURCES

The main obstacle to any study of slavery in antiquity is the one-sided perspective of the sources. The large majority of sources on ancient slavery, especially as far as Jewish society is concerned, are literary in nature. This literature was formulated, transmitted, and edited by the intellectual elite of ancient Jewish society, that is, by priests, scribes, and rabbis. In contrast to Graeco-Roman literary sources, whose authors were all members of the upper strata of society, the Jewish intellectual elite did not necessarily belong to that group, however. In antiquity, land-ownership determined one's membership in the upper classes, but except for the patriarchs and some prominent rabbinic families, scribes and rabbis seem to have rarely owned large areas of land and accumu-

lated wealth.[53] They worked in a variety of professions, for example, as merchants and artisans, which are usually identified with the middle strata of society. One may assume that their variant and relatively lower social status and ordinary professions—the very fact that many of them had to work to make a living—allowed them to view slavery from a different perspective compared with Roman upper-class writers who belonged to the leisured class. Although ancient Jewish literary sources do not reflect the upper-class view only but were more variegated in their perspective, they were nevertheless written by freeborn people who distinguished themselves from slaves. No sources formulated or written from the viewpoint of slaves themselves have come down to us.

This study examines Jewish attitudes towards and involvement in slavery in the Hellenistic and Roman periods in areas which were directly influenced by Graeco-Roman culture. The available source material is unevenly distributed, however, and this phenomenon leads to a concentration on Roman Palestine from where the majority of literary sources stem. Philo of Alexandria and some other Greek Jewish writers reflect the situation of Jews in Egypt, but the Qumran material, Josephus, and rabbinic literature all relate to the land of Israel. Only very few papyri and inscriptions mention slaves or freedmen or -women, and the Jewish origin of the respective texts often remains doubtful. Most of the epigraphic material, which consists of either funerary or donors' inscriptions, comes from Rome and Roman Italy, with the exception of the Bosporus kingdom, from where a relatively large number of (possibly) Jewish manumission inscriptions, dated to the first to early third century CE, stem.[54] Non-Jewish sources dealing with Jewish slave ownership consist of early Christian texts, such as the New Testament gospels, which contain a number of slave parables, and late Roman imperial legislation from the time of Constantine and his successors prohibiting the Jewish possession of Christian slaves. The question whether and to what extent these literary and legal texts reflect

[53] See Catherine Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine*, Texts and Studies in Ancient Judaism 66, Tübingen 1997, 258–64, in contrast to Hayim Lapin, 'Rabbis and Cities: Some Aspects of the Rabbinic Movement in its Graeco-Roman Environment', in Peter Schäfer and Catherine Hezser (eds.), *The Talmud Yerushalmi and Graeco-Roman Culture*, vol. 2, Texts and Studies in Ancient Judaism 79, Tübingen 2000, 53.

[54] On these inscriptions see E. Leigh Gibson, *The Jewish Manumission Inscriptions of the Bosporus Kingdom*, Tübingen 1999, 98–108.

actual circumstances or whether they should rather be seen as expressions of their authors' ideology has to be investigated. Greek and Roman writers were hardly interested in Jewish slave ownership. On the one hand, they seem to have taken the existence of wealthy Jewish slave owners for granted. On the other hand, they saw Jews—and other so-called barbarians—as slaves subjected or subjectable to their own authority.[55]

By far the largest amount of material on Jews and slavery in antiquity is to be found in rabbinic documents.[56] Both tannaitic and amoraic writings contain hundreds of legal and narrative texts which directly address the issue of slaves and slave ownership.[57] These texts were not formulated and transmitted for historiographic purposes, though. They can therefore not be used as direct historical reports on ancient slavery. One may assume that the first and foremost *Sitz im Leben* of the texts was the theoretical discussion of these topics in rabbinic circles, whether amongst rabbinic colleagues or amongst rabbis and their students. In addition, rabbinic texts were transmitted in mostly oral form for many generations before they were eventually included in the documents in which they have come down to us.[58] During their long period of transmission, they were reformulated and adapted to the respective situations and circumstances in which they were reverberated. In the course of this process changes, such as expansions and abbreviations, alterations of personal and place-names, and loss of details occurred. The exact dating of rabbinic texts is impossible, and all attempts which go beyond the mere identification of tannaitic, amoraic, and stammaitic

[55] See Moses I. Finley, *Ancient Slavery and Modern Ideology*, London 1980, 119 and the references ibid. 177 n. 99.

[56] For an introduction to rabbinic writings, their contents, development, and dating see Günter Stemberger, *Introduction to the Talmud and Midrash*, trans. and ed. Markus Bockmuehl, 2nd edn. Edinburgh 1996. On text editions and methodology see Catherine Hezser, 'Classical Rabbinic Literature', in Martin Goodman (ed.), *The Oxford Handbook of Jewish Studies*, Oxford 2002, 115–40.

[57] Tannaitic writings, such as the Mishnah and Tosefta and tannaitic Midrashim (e.g. Mekhilta, Sifra, Sifre Deut.), contain traditions of and about rabbis who lived in the 1st and 2nd cent. CE. The editing of the documents may have taken place later, though. Amoraic writings, such as the Talmud Yerushalmi and amoraic Midrashim (e.g. Gen. R., Lev. R.), also contain traditions of and about rabbis of the 3rd to 5th cent. CE.

[58] On this process see Catherine Hezser, *Jewish Literacy in Roman Palestine*, Texts and Studies in Ancient Judaism 81, Tübingen 2001, 425–35.

(editorial) material remain highly hypothetical.[59] Therefore only very broad chronological distinctions can be made.

   Despite these textual fluctuations and uncertainties certain patterns and continuities can be discerned. Although no historiographical and biographical information can be gained from rabbinic texts, these texts lend themselves to social-historical investigations and studies of rabbinic legal theory. Sociology is interested in recurrent patterns and structures rather than in individual persons and one-time events. If a number of independent rabbinic traditions from different *sugyot*, tractates and documents transmitted in different literary forms all point to the same phenomenon, such as, for example, particular ways of acquiring and manumitting slaves, it is likely that these texts have some basis in reality. If this particular phenomenon is mentioned in theoretical legal texts only, it can be considered part of rabbinic theorizing about slaves which may have been adopted by rabbis' adherents only. These texts tell us a lot about rabbinic legal theorizing, but this theorizing cannot be considered identical with actual practice in ancient Jewish society.

THE LITERARY-RHETORICAL APPROACH

The gap between theory and practice also applies to the study of slavery in Graeco-Roman society. This has recently led some scholars to focus on the rhetorics of slavery rather than on its actual history and practice. In his book *Slavery and the Roman Literary Imagination* William Fitzgerald examines the ways in which slaves and slavery were represented by Graeco-Roman writers. At the outset he already points to the limitations of these writers' perspective: 'first of all, it is restricted to the perspective of the slave-owners and, secondly, it focuses on the domestic sphere'.[60] Except for agricultural writers such as Varro, Cato, and Columella, who advise fellow-landowners on how to use slaves and free labourers in the most profitable way, rural slaves 'remain

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[59] On the dating of rabbinic texts and the unreliability of attributions see William Scott Green, 'What's in a Name?—The Problematic of Rabbinic "Biography" ', in W. S. Green (ed.), *Approaches to Ancient Judaism: Theory and Practice*, Missoula 1978, 77–96.

[60] William Fitzgerald, *Slavery and the Roman Literary Imagination*, Cambridge 2000, 2.

an anonymous, faceless mass in the Roman writers'.[61] The frequency
with which certain types of slaves are mentioned in the literary sources
can therefore not be considered evidence of their actual roles and func-
tions within Roman society. Domestic slaves were mentioned more
frequently because they lived and worked in the slave owner's immediate
environment, so he would develop closer and more personal ties toward
them. Fitzgerald emphasizes that all literature about slavery is ideo-
logical: literary stylization serves as 'a means of negotiating the meanings
that slavery generated'.[62] The literary portraits of slaves can mostly be
seen as 'fantasy projections of the free, not so much portraits of slaves as
others through whom the free could play out their own agenda'.[63]

THE SOCIAL-HISTORICAL APPROACH

Much of the earlier study of Greek and Roman slavery was social-
historical in nature. The foremost representative of this approach was
Moses Finley, who examined the political, social, and economic factors
for the development of slave societies, the ways in which availability and
demand governed the employment of slaves, and the habitual treatment
of slaves by their owners.[64] Finley stressed the total outsider status of the
slave, which is succinctly expressed by Plautus in one of his plays, 'Quem
patrem, qui servus est?' ('What father, when he is a slave?')[65] He also
pointed to the internal hierarchy amongst slaves, who did not constitute a
homogeneous social class distinguishable from other strata of society.[66]

Slaves had no choice but to accommodate to the circumstances in
which they found themselves. Philosophy and religion played a major
role in this regard.[67] By emphasizing the irrelevance of one's status in
this world and by promising a higher spiritual freedom, Graeco-Roman
philosophers and ancient Christian writers enabled slaves to willingly or
unwillingly submit to their fate rather than to rebel against their

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[61] Fitzgerald, *Slavery*, 3.
[62] Ibid. 8.   [63] Ibid. 11.
[64] Moses I. Finley (ed.), *Slavery in Classical Antiquity: Views and Controversies*,
Cambridge 1960; idem, *Ancient Slavery*; idem, *Economy and Society in Ancient Greece*,
London 1981.
[65] Finley, *Ancient Slavery*, 86 with reference to Plautus, Captivi 574.
[66] Ibid. 77.   [67] Ibid. 116.

masters. Neither can the idealistic biblical law concerning the release of Hebrew slaves in the seventh year be taken at face value: it is unlikely to have ever been practised.[68] In his note on Moses Finley's study of slavery Arnaldo Momigliano points out that Finley did not examine the post-biblical Jewish sources on slavery, a desideratum which 'inevitably brought with it a diminished interest on the Christian side'.[69] He therefore asserts that 'there is a need for re-assessing the position of slaves and slavery in ancient religions, and more generally in ancient intellectual trends'.[70]

Finley's sociological approach has been taken up by a number of other scholars of slavery in the English-speaking world. In his work, *Conquerors and Slaves: Sociological Studies in Roman History*, Keith Hopkins, a student of Finley, examined the factors which led to mass slavery in Roman Italy in imperial times, a phenomenon which had no analogies in other ancient societies except for classical Athens perhaps.[71] He surmises that since the Roman provinces lacked the circumstances which produced mass slavery in Roman Italy, 'in most parts of the Roman empire slavery was of minor importance in production'.[72] Even if slaves were used in agriculture less frequently than in Italy, however, they may have played an important role in other sectors of society in the provinces as well. Especially in late antiquity slaves seem to have been used mainly for domestic and administrative purposes, as MacMullen has pointed out.[73]

With regard to the usage of slaves in ancient Egypt Roger Bagnall has suggested examining their place and role within society at large, not just in the economy.[74] The slaves mentioned in late antique Egyptian papyri 'are almost all household slaves or personal assistants for their master's business dealings'.[75] Even at times and places where slaves did not have a

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[68] See Finley, *Economy*, 117.

[69] Arnaldo Momigliano, 'Moses Finley on Slavery', *Slavery and Abolition*, 8 (1987), 2.

[70] Ibid. 5.   [71] Hopkins, *Conquerors*, 99.   [72] Ibid.

[73] See Ramsay MacMullen, *Changes in the Roman Empire: Essays in the Ordinary*, Princeton 1990, 236 ff., who analysed the situation in various Roman provinces. See also Istvan Hahn, 'Sklaven und Sklavenfrage im politischen Denken der Spätantike', *Klio*, 58 (1976), 460.

[74] Roger S. Bagnall, 'Slavery and Society in Late Roman Egypt', in Baruch Halpern and Deborah W. Hobson (eds.), *Law, Politics and Society in the Ancient Mediterranean World*, Sheffield 1993, 222.

[75] Ibid. 233.

large effect on the economy, 'the importance of slave assistance for the ability of a small elite to manage business, civic, and military affairs should not be underrated'.[76]

EPIGRAPHIC AND PAPYROLOGICAL EVIDENCE

Bagnall cautions against drawing any conclusions about the quantity of slaves from the lack of references to slaves in sales contracts and other papyri.[77] On the basis of the few references to slaves in sales contracts from Ptolemaic times one might assume that few slaves were sold or even owned by Egyptians at that time. The evidence can be misleading, however: 'Slavery was not uncommon in Ptolemaic Egypt, but it generated a documentation which rarely included contracts of sale.'[78] Slaves are not always identified as such in papyri or inscriptions. Holders of certain occupations such as stewards or supervisors may well have been slaves 'without our being able to detect the fact'.[79] Bagnall concludes that on the basis of the evidence no quantitative conclusions about the numbers of slaves in Egyptian society can be drawn.[80] The lack of quantitative data does not diminish the significance of slavery in Egyptian society, however.

These considerations apply to the usage of papyrological and epigraphic evidence for the study of Jewish slavery and slave ownership as well. Fuks has noticed that 'of more than 500 Jewish grave-inscriptions from Rome, not one attests that the deceased was either a slave or a freedman'.[81] On the other hand, Josephus and other literary sources suggest that after Pompey's conquest of Judaea in the first century BCE and in the course of the first and second revolts against Rome thousands of Jewish captives were sold on the slave markets.[82] Fuks's explanations

[76] Bagnall, 'Slavery and Society in Late Roman Egypt', 222.
[77] Ibid. 223.   [78] Ibid.   [79] Ibid. 25.   [80] Ibid. 226.
[81] Gideon Fuks, 'Where Have All the Freedmen Gone? On an Anomaly in the Jewish Grave-Inscriptions from Rome', *Journal of Jewish Studies*, 36 (1985), 30.
[82] Ibid. 25–8. See also Hans Volkmann, *Die Massenversklavungen der Einwohner eroberter Städte in der hellenistisch-römischen Zeit*, Wiesbaden 1961, 66–71.

for the seeming discrepancy that, on the one hand, a large proportion of the enslaved captives were sold on the slave markets of Syria–Palestine rather than being brought to Rome,[83] and that at least 10 per cent of the Jewish grave-inscriptions are those of freedmen, a status indication which he believes was deliberately avoided,[84] are not sufficient. The epigraphic disappearance of the many thousands of originally Jewish slaves can also be explained in a different way, a way already indicated by Frey in his comments on an inscription from Pompeii whose Jewish origin is doubtful. Frey suggested that Jewish slaves and freedmen at Rome may have had to abandon their religion due to the circumstances in which they found themselves.[85] Their Roman masters would not have permitted their slaves to keep the Sabbath or other ritual practices, and they would often have renamed their slaves. Consequently, inscriptions mentioning originally Jewish slaves and freedmen would hardly be distinguishable from those of pagan slaves and freedmen, even to the point that the former were buried in pagan cemeteries. This observation is also in agreement with the above-mentioned sociological studies of slavery, which stress the desocialization and denationalization of the slave.[86]

THE LEGAL-HISTORICAL APPROACH

A third approach to ancient slavery, besides the literary-rhetorical and the social-historical one, consists of the examination of slave law. Much of the material on slavery in Graeco-Roman and ancient Jewish sources is legal in nature, a phenomenon which makes the legal approach to the subject especially suitable and useful. As far as Roman slave law is concerned, Ludwig Mitteis, William Buckland, Hermann Nehlsen, and Alan Watson have presented comprehensive examinations of the subject at hand.[87] Besides investigating the complex and detailed history of Roman jurists' and emperors' legal treatment of slaves, Watson is

[83] Ibid. 27.

[84] Ibid. 32.

[85] C. P. Jean-Baptiste Frey, *Corpus Inscriptionum Iudaicarum*, vol. 1, Rome 1936, 571, *ad* no. 52*.

[86] This issue will be taken up again and discussed in more detail below.

[87] Ludwig Mitteis, *Reichsrecht und Volksrecht in den östlichen Provinzen des römischen Kaiserreich*s, Leipzig 1891; William W. Buckland, *The Roman Law of Slavery: The Condition of the Slave in Private Law from Augustus to Justinian*, Cambridge 1970 (reprint

interested in the social, economic, and ideological undercurrents which governed this legislation. He postulates that Roman law, created and promulgated by members of the slave-holding classes, was always on the side of the slave holder rather than actually benefiting the slave and alleviating his situation. The main question always was 'how to maximize the benefits of slavery for the owner'.[88] Accordingly, legal regulations were meant to solve the following problem: 'What incentives, controls, or penalties are to be given by law to ensure that the slave does the best he can for the owner, best in the sense both of maximizing the profit (economic, social, and political) and of minimizing the risk (economic and physical)?'[89] For example, laws which seem to limit the slave owner's right to punish and abuse his slave were not really humanitarian in nature; their purpose was rather to preserve the slave's physical power and monetary value for the master's relatives and heirs.[90]

Watson points to the distance between theory and practice in Roman legislation concerning slaves. Even the very issues addressed in the legal sources 'reflect the concern of the lawmakers, not directly that of the rest of the society'.[91] The legal topics did not necessarily arise from problems with slaves which occurred in everyday life. Roman jurists would discuss theoretical cases and possible scenarios which may or may not have happened in the past or happen in the future:[92] 'They are interested in the legal rules and how they should be interpreted, not with their importance, their frequency of use, or how far they were ignored in practice . . . No distinction appears between their treatment of real cases and hypothetical cases, and usually it is not possible to know in which of these categories a case falls.'[93] The same considerations apply to rabbinic legal discussions of slaves and slavery. They, too, must be considered theoretical in the first place, and do not provide direct evidence of actual practice. This consideration leads us back to the literary-rhetorical and

of 1908 edn.); Hermann Nehlsen, *Sklavenrecht zwischen Antike und Mittelalter. Germanisches und römisches Recht in den germanischen Rechtsaufzeichnungen*, vol. 1, Göttingen 1972; Alan Watson, *Roman Slave Law*, Baltimore and London 1987.

[88] Watson, *Slave Law*, 1.   [89] Ibid.   [90] Ibid. 120–1.

[91] Ibid. 115.

[92] See Catherine Hezser, 'The Codification of Legal Knowledge in Late Antiquity: The Talmud Yerushalmi and Roman Law Codes', in Peter Schäfer (ed.), *The Talmud Yerushalmi and Graeco-Roman Culture*, vol. 1, Texts and Studies in Ancient Judaism 71, Tübingen 1998, 592–4, on hypothetical continuations of case stories.

[93] Watson, *Slave Law*, 115.

the social-historical approaches introduced above. Only if the legal-historical approach is combined with these other two, that is, if the rhetorical and ideological functions of legal statements are analysed, and if legal texts are examined in connection with other, non-legal texts on the same issue, can persuasive conclusions be reached.

As far as comparative studies between ancient Jewish and Roman slave law are concerned, studies on particular issues have already been conducted in the past, but they usually did not take the literary-historical and rhetorical aspects of the respective rabbinic texts into account. Farbstein, whose work can be considered one of the earliest studies in this regard, mostly refers to passages from the Babylonian Talmud as evidence for legal practices in ancient Palestine which he views on the basis of Roman law.[94] The same lack of distinction between Palestinian rabbinic sources, which are to be seen in the context of Graeco-Roman society and culture, and the Babylonian Talmud, which, as Yaakov Elman has recently emphasized, should be studied in the context of ancient Persian society and Iranian law, distorts the legal studies of certain aspects of slavery conducted by Simon Rubin, Boaz Cohen, and David Daube, notwithstanding the great contributions toward comparative legal studies which these scholars have made.[95] To avoid this methodological pitfall this study will focus on the ancient Mediterranean regions under direct Graeco-Roman influence, whereas Babylonian rabbinic texts will be referred to only if they provide interesting analogies or alternatives to the primary sources at hand.

STRUCTURE OF THIS STUDY

The book is divided into four parts. The first part deals with the status of slaves within ancient Jewish society. Enslavement constituted a total uprooting from one's family, religion, and society of origin. In rabbinic

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[94] See Farbstein, *Recht*, referred to above, n. 12.

[95] Simon Rubin, *Das talmudische Recht*, vol. 1: *Personenrecht, die Sklaverei*, Vienna 1920; Boaz Cohen, 'Civil Bondage in Jewish and Roman Law', in *Louis Ginzberg Jubilee Volume*, New York 1945, 113–32; David Daube, 'Two Early Patterns of Manumission', *Journal of Roman Studies*, 36 (1946), 57–75. On the Iranian legal context of the halakhah in the Babylonian Talmud see Yaakov Elman, 'Marriage and Marital Property in Rabbinic and Sasanian Law', in Catherine Hezser (ed.), *Rabbinic Law in its Roman and Near Eastern Context*, Texts and Studies in Ancient Judaism 97, Tübingen 2003, 227–76.

sources, slaves were seen as devoid of relatives and ancestry. Without parents and ancestors their claim to Jewishness could hardly be maintained. While Romans considered slavery incompatible with Roman citizenship, rabbis considered it incompatible with Jewishness: to be the slave of a human master was a reversal of the Exodus experience and a transgression of Jewish monotheistic beliefs. In Jewish as in Graeco-Roman society slaves were seen and treated both as chattel and as human beings. The blurred boundaries between slaves and animals on the one hand and slaves and free persons on the other caused a situation which was fraught with ambiguity. As dependants of the householder not only slaves but also wives and minor children were subjected to his authority. This phenomenon caused certain similarities in their position within the household and society which found expression in the triad 'women, slaves, and minors', familiar from rabbinic texts. Despite certain basic aspects affecting all slaves' position, slaves did not constitute a single status group. The internal hierarchy amongst slaves is hidden by literary texts which portray the slave as the quintessential 'other' from whom freeborn people distinguish themselves.

Since the available literary sources tend to focus on domestic slaves, the second part will investigate the position of slaves within the ancient Jewish family and household. Even at times when tenancy and other forms of free labour predominated, slaves continued to play a significant role within the family economy. By fulfilling a variety of functions within the household, slaves did not only increase the family's wealth, but also established affective bonds with family members which could upset conventional power structures and create interdependencies between slaves and free. Master–slave stories are evidence of the intimate relationships between masters and their favourite slaves. They tell us more about the image of the ideal master and ideal slave, that is, about the slave-holding class's own values, than about actual social behaviours, though. Sexual exploitation of slaves by their masters was rampant in the ancient world. It was one of the ways in which slaves were objectified. The usage of slave concubines also affected the husband–wife relationship. Like the close relationship formed between slave nurses and their nurslings, concubinage loosened the bonds between the primary members of the family. Since children borne by slave mothers would automatically obtain slave status, concubinage relationships kept the number of heirs within limits and thereby helped to maintain the

family property. Whereas Roman slave owners held the power of life and death over their slaves, in Jewish society their rights of punishment seem to have been more limited.

The question of the economic significance of slavery within ancient Jewish society will be addressed in the third part of this work. Due to the limitations of the sources the quantity of slaves owned by Jews cannot be determined any more. Nevertheless, their role and significance in the various economic sectors may be assessed. The agricultural employment of slaves will be seen in the context of and in comparison with other types of farm work, such as that of tenants, small freeholders, and day labourers. The advantages and disadvantages of each type of labour within the respective social, political, and economic circumstances in which Jews lived need to be evaluated. The sources allow us to identify various areas in which slaves were employed. It seems that the flexibility of slaves, which was based on their perception as outsiders and quintessential others, was one of their greatest economic assets.

The fourth and final part of this study is devoted to the symbolic significance of slaves and slavery in antiquity. The image of the slave could be used religiously, to denote the relationship between human beings and God; psychologically, to describe one's enslavement to emotions and passions which the mind was unable to control; socially, to indicate one's dependence on other people's help; and politically, to denote the deplorable status of being subjected to foreign political powers. All of these usages have left traces in ancient Jewish writing. The religious usage of the slave metaphor, which already appears in the Bible, has been expanded and elaborated in the so-called slave parables, where the king stands for God. The various parables about a king's treatment of his slaves and the comparison between the slave and the son in their relationship to the king can be considered important expressions of rabbinic theology. Finally, in the ancient Jewish adaptation of the Exodus story the symbol of liberation from slavery was applied to the life of every individual Jew, whether slave or free.