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Slavery in the Book of Mormon

James Moss

Introduction

The book of Mosiah, chapters 2 through 4, records the righteous King Benjamin's final address to his people. Benjamin's speech contains some of the Book of Mormon's most significant prophetic instruction on providing help and legal protection for the poor. It also provides what is perhaps the most direct application of the Lord's instruction to the ancient Israelites regarding slavery and servitude.

Because of the prevalence of slavery in the ancient world, the Lord directed the Israelites to show compassion to those unfortunate enough to be in bondage, reminding them that all were actually the Lord's servants:

And if thy brother that dwelleth by thee be waxen poor, and be sold unto thee; thou shalt not compel him to serve as a bondservant: . . . For unto me the children of Israel are servants; they are my servants whom I brought forth out of the land of Egypt: I am the Lord your God. (Leviticus 25:39, 55)

Thus, in an ideal Israelite society, people would (1) refrain from making slaves or servants of one another, and (2) consider themselves humble servants of God and would not enslave each other—an ideal that was rarely, if ever, achieved.

However, King Benjamin appears to have had considerable success in fulfilling both parts of the Lord's commandment in

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Leviticus. By doing so he helped his people to follow the Lord's instruction to develop both humility before God and compassion toward others. First, Benjamin recounted that he had prohibited his people from enslaving one another—probably through debt-slavery—and that he had worked strenuously to relieve the desperate poverty that was the root cause of debt-slavery. Second, he also incorporated into his address certain legal concepts associated with debt-slavery in the ancient Near East, giving force to his teaching that his people were eternally indebted to God and therefore were eternally God's servants.¹ Benjamin relied on both of these elements in his final speech to emphasize his people's duty to care for the poor and downtrodden among them. His effort resulted in a great commitment to righteousness by the Nephite people.

Like many other ancient kings, Benjamin viewed his position as a stewardship given by God,² and following ancient Near Eastern tradition, he used his final speech to give an accounting of that stewardship. He reported that he had not suffered that his people "should make slaves one of another" (Mosiah 2:13). From our modern perspective, this seems unexceptional; any modern government allowing slavery is considered barbaric. But Benjamin's prohibition of slavery was a radical departure from standard custom in the ancient Near East, including ancient Israel, where slavery was regulated but generally allowed.³ This paper will examine relevant legal provisions and customs concerning slavery in the ancient Near East and then return to a discussion of King Benjamin's approach to debt-slavery and his use of slavery-related concepts to reinforce his teaching that he and his people were the servants of God and each other.

Enslavement in the Ancient Near East

Prisoners of War. The earliest slaves in the ancient Near East were probably those captured during war raids by the Sumerians in the fourth millennium B.C.⁴ Centuries later

Nebuchadnezzar, king of Babylon, employed many prisoners of war in his public works projects, and practically all other ancient military conquerors followed the same practice. These slaves provided essential labor for military fortifications, roads, irrigation, and temple construction.⁵

In Assyria, many captives taken in war were simply deported from their native lands and resettled in other places, but many were also kept and put to work as slaves. Special emphasis was placed on capturing skilled craftsmen for use in public projects.⁶ The Israelites also followed this practice: David and Solomon employed enslaved war captives in the smelter refineries of Ezion-Geber.⁷

Foreign Slaves. When the supply of slaves captured in wars did not meet the demand for physical labor in agriculture, industry, and wealthy households, ancient Near Eastern civilizations turned to purchasing slaves brought from foreign countries. Apparently that period had no “slave-traders” as such, who specialized in the selling of slaves, since the demand was not quite great enough to require it. But merchants on the regular trade routes, in addition to selling whatever commodity they had, also trafficked in slaves. The Code of Hammurabi in Babylonia, established in approximately 1750 B.C., contains provisions for freeing slaves bought in foreign countries who were then discovered to have previously been the property of a Babylonian master.⁸

The Israelites were commanded to buy foreign slaves, as recorded in Leviticus 25:45–46:

Moreover of the children of the strangers that do sojourn among you, of them shall ye buy, and of their families that are with you, which they begat in your land: and they shall be your possession. And ye shall take them as an inheritance for your children after you, to inherit them for a possession; they shall be your bondmen for ever.

Enslavement of Infants and Minors. In Mesopotamia, slaves were also provided by local inhabitants who abandoned

their children. Those who did not have the means, or the desire, to raise their children often disposed of them by leaving them on the street or in a pit.⁹ While many infants died of exposure, many were also spared certain death by strangers who took them home and raised them as slaves. The Code of Hammurabi and the Old Testament punished the kidnapping of minors with death, an indication that kidnapping was also used by some as a means of acquiring free labor.¹⁰

Adoption of Freeborn Children. In ancient Babylonia, adoption of children for use as slaves seems to have provided cheap labor for those who needed financial security. The adoption contract was essentially a business contract, both parties securing economic advantage from the exchange, and the relationship was regulated in various ways. In Sumeria, if an adopted son repudiated the contract by saying to his father, “you are not my father,” the son had his hair cut off and was branded and sold; if he repudiated his mother, he was driven out of the house and led through the city. On the other hand, if the father or mother disowned the son, they forfeited their house.¹¹

These provisions reflect the concept that adoptive slavery was a long-term arrangement assumed to be mutually beneficial—the adopter was taken care of for life by the son’s service, and the son received part of the father’s inheritance. As slaves from other sources became more available in Babylonia and Assyria, the number of adoption contracts decreased. This probably happened because only adoptions due to childlessness were being entered into, as those for economic purposes were no longer necessary.¹²

Sale of Minor Children. The sale of children into slavery was practiced in Assyria, Babylonia, Syria, and by the Israelites in Palestine. The practice took two forms: unconditional sale, in which the parents simply gave the child over to the buyer and received full payment, and sale-adoption, in which the buyer paid a “head price” and adopted the child upon certain

conditions. In Assyria and Babylonia, young girls were often sold under unconditional contracts, for the dual purpose of serving as handmaids to their mistresses and as concubines to their masters.¹³

The Nuzians in Syria and the Hebrews in Palestine developed sale-adoption of young women. Under this form of sale, the buyer contractually promised the parents that he would give their daughter in marriage upon her reaching puberty. This condition protected the girl from being sold into prostitution, a common fate for girls sold into slavery in that period. Obviously this was crucial to the girl and her parents, and the parents often negotiated further provisions by which, if the husband first given to the girl should die, she should be married again—some contracts providing up to four or even eleven husbands if necessary, in order to secure the girl's marital status.¹⁴ Depending on his bargaining strength, a father could contract to have the buyer marry the girl himself, give her to his son, marry her to a stranger, give her as a wife to a slave, or, as a last resort, make her into a prostitute.

The Old Testament placed restrictions on any such transaction:

And if a man sell his daughter to be a maidservant, she shall not go out as the menservants do. If she please not her master, who hath betrothed her to himself, then shall he let her be redeemed: to sell her unto a strange nation he shall have no power, seeing he hath dealt deceitfully with her. And if he have betrothed her unto his son, he shall deal with her after the manner of daughters. If he take him another wife; her food, her raiment, and her duty of marriage, shall he not diminish. And if he do not these three unto her, then shall she go out free without money. (Exodus 21:7-11)

Under these provisions, the woman was provided her freedom if she was not treated as promised under the contract. One of the most important provisions is that the girl could not be sold into the hands of non-Israelites—a “strange nation.”¹⁵

This kept her from losing the protection of Israelite law, with its provisions for humane conditions on the girl's enslavement. The more humane contract used by the Israelites could have been based on earlier Nuzian practice.¹⁶

In both Nuzian and Israelite practice, the woman given in marriage to a slave remained a slave even if her husband had been freed.¹⁷ However, under the law of the Old Testament she was to be freed if her master did not properly provide for her: the law required him to give her food, clothing, and her "duty of marriage."¹⁸ In any event, the female sold into slavery by her parents was much better off in the Nuzian and Hebrew systems than in the Babylonian or Assyrian.

Debt-Slavery in Mesopotamia: Self-Sale and Insolvency. Probably the last form of slavery to develop was debt-slavery, or voluntary slavery. Upon losing his means of production, including his land, and falling hopelessly into debt, a free citizen would often sell first his children, and then himself, into slavery.¹⁹ The practice of entering into debt-slavery resulted from dire economic circumstances. In the ancient Near East, drought, pestilence, and war were common, and the individual was at the mercy of these elements. This vulnerability was compounded by the urbanization of Mesopotamian society and the resulting social stratification. Through the process of urbanization and centralization of government, free citizens became more and more dependent on large landowners and merchants serving the state and gradually lost control over their means of production, including their land. High taxes imposed by the king to support the royal court and often the temple court also prevented the common people from maintaining economic independence. The larger kinship groups that had provided mutual support in tribal times began to collapse.²⁰ Due to these factors, debt-slavery became a serious problem in the ancient Near East as early as the Ur III period, roughly 2050–1955 B.C.²¹

In these conditions, small landowners were often forced to obtain loans at exorbitant interest rates.²² In Mesopotamia, small-scale farming, house industry, and internal trade were the backbones of the economy, and credit was crucial. It was supplied by temples, priests, landlords, and capitalists through goods and silver. In Babylonia, the average interest rate was 20 to 25 percent. Assyria had no fixed or average rate. Creditors charged anywhere from 20 to 80 percent. In Nuzi the average rate was 50 percent until after the harvest.²³ If the debtor's crops failed or fell below expectations, he would often default and become insolvent.²⁴

Loans were usually secured by collateral; often the debtor offered himself or another person, such as a slave, as a pledge. The pledge would often remain in the house of the creditor until the loan was paid. The law codes of Sumeria, Babylonia, and Assyria recognized the right of a creditor, upon default, to seize the debtor or the person the debtor had put up for collateral. "The creditor assumed full power over the defaulting debtor and could dispose of him in whatever manner he pleased."²⁵ Thus, when a person did not have relatives with the ability to help him out of his economic difficulties, slavery was often inevitable.²⁶ Enslavement could occur through self-sale by the debtor or through involuntary seizure of the debtor by the creditor.

A document from Old Babylonia describes the self-sale of a debtor to his creditor, a well-known financier: "The children of Apil-kubi, brother of Habanatum, from themselves Balmunamhe has bought. For their debt one-third mina of silver, as their full price, he has paid."²⁷

The Code of Hammurabi established the right of the creditor to seize the debtor or his family members but also attempted to limit the power of the creditor:

If an obligation came due against a seignior and he sold (the services of) his wife, his son, or his daughter, or he has been bound over to service, they shall work (in) the house of

their purchaser or obligee for three years, with their freedom reestablished in the fourth year.

When a male slave or a female slave has been bound over to service, if the merchant foreclosed, he may sell (him), with no possibility of his being reclaimed.

If an obligation came due against a seignior and he has accordingly sold (the services of) his female slave who bore him children, the owner of the female slave may repay the money which the merchant paid out and thus redeem his female slave. (Code of Hammurabi 117–119)

Thus a debtor's slave might be kept for life, or sold; a debtor's concubine could be redeemed by the debtor; and if the pledge were the debtor's wife or child, the pledge could be held only for three years, regardless of the amount of the loan.²⁸

In the Neo-Babylonian period and in Assyria there is also evidence of people being used as security for loans, sometimes with the provision that the pledge remain the permanent property of the creditor should the debtor default. If the debtor repaid the loan, the pledge was free.²⁹

A Neo-Assyrian document records the sale into slavery of the daughter of a debtor who had defaulted on his loan: "A. has purchased and acquired B. daughter of C. from C. in lieu of 30 shekels of silver belonging to A. and to (the goddess) Ishtar of Arba'il. In lieu of his debts he has given his daughter to A. That woman is paid for and acquired."³⁰

Similarly, in Nuzi the debtor himself, or members of his family, entered into the house of the creditor and remained there, working off the debt until it was fully repaid. Sometimes a date was set by which the loan had to be paid off. Under other contracts, no maturity date for the repayment of the loan was set, and the debtor could free himself whenever he returned the loan. In the first circumstance, the debtor was essentially in a condition of indentured servitude; he could not escape his obligation early by paying back the loan but

was forced to remain in servitude for a specified period or provide another to take his place.³¹ In Northern Syria similar procedures were used, and the pledge was designated either as a “hostage” or a “slave.” His service “in the house of his creditor was considered as the equivalent of the interest due on the loan.” Documents from that area also show that the creditor could sell the pledge to pay for the debt.³² A document from Emar records the sale of a debtor by his creditor to a third party who had purchased the debtor’s loans:

Before the elders of the city of Ur, A. son of X. stated thus: “I was indebted for 100 shekels of silver, and B. son of Y. has paid my debts. In exchange for my debts that he paid for me, I, together with my two wives . . . have of my own free will entered into the slavery of B.” This is the silver for which he entered: 70 shekels of silver given to C., 10 shekels of silver given to D., 20 shekels of silver given to E.³³

Additionally, certain types of wrongful conduct resulted in a fine being imposed on the culprit on behalf of the victim. If not paid, the fine could be satisfied by the sale of the culprit into slavery. The Code of Hammurabi stated that if a farmer, through negligence of the dike of his field, had caused the surrounding area to flood, the farmer must compensate his neighbors. If he could not, the other residents could sell him into slavery, sell his goods, and divide the proceeds.³⁴

Formerly free citizens who entered into debt-slavery in Mesopotamia clearly held a different status than that of mere chattel-slaves. But debt-slaves were subject to the various regulations imposed in different locations and were essentially the property of their masters.³⁵

Causes of Debt-Slavery in Ancient Israel. In ancient Israel free citizens were forced into debt-slavery by essentially the same factors that operated elsewhere in the ancient Near East. Wealth was predominantly tied to the land, which was originally owned by large family and tribal groups.³⁶ The

Hebrews' settlement into their promised land brought about cultural changes, including the alienation of family land and property, the charging of interest on debt, and the concentration of resources in the state and private elites.³⁷ These changes resulted in social stratification largely absent during their years of wandering in the wilderness.³⁸

Social stratification intensified with the transition from the tribal federation of the early settlement period to the Israelite monarchy and reached an apex in the eighth century B.C. As Ze'ev Falk explains, the monarchical period saw the rise of wealthy landowners and a large proletariat, and the use of financial transactions became more widespread.³⁹ During this period, Isaiah condemned those who stripped the poor of their land in order to increase their own estate: "Woe unto them that join house to house, that lay field to field, till there be no place, that they may be placed alone in the midst of the earth!" (Isaiah 5:8). Excavated Israelite houses from the tenth century B.C. are mostly similar in size and construction, but those from the eighth century show a marked contrast between the larger houses of the rich and the smaller, tightly clustered houses of the poor.⁴⁰ Additionally, as elsewhere in the ancient Near East, Hebrew kings carried out public works through the use of slaves and often imposed burdensome taxes on the people to finance those projects,⁴¹ which probably had an especially harsh impact on the poor.

These changes brought an increase in pauperism and forced increasing numbers of Israelites to procure loans at high interest rates. Thus, the rise of debt-slavery has been attributed "on the one hand to the burden of taxation, and on the other to the growing monopoly the rich landowning elite held over resources."⁴² Another scholar put it more bluntly: during this period "poor people [had] incurred debts because of heavy taxes and because the wealthy [had] cheated them."⁴³ As the prophet Micah proclaimed, "they covet fields, and take them by violence; and houses, and take them away: so they

oppress a man and his house, even a man and his heritage” (Micah 2:2).

Process of Entering into Debt-Slavery in Ancient Israel.

Israelites who lost their land and fell into debt were often forced to become enslaved to their creditors or sell themselves to third parties to escape their predicament.⁴⁴ This process usually followed a pattern in which the creditor, step by step, exhausted other means of satisfying the debt and finally foreclosed on the person of the debtor.

As in other cultures, loans in Israel were often secured by goods or persons who stood as pledges or sureties. The pledge’s garment was often held as a symbolic substitute for the debtor, as mentioned in Proverbs: “Take his garment that is surety for a stranger” (Proverbs 20:16). A debtor’s garment was to be returned by sundown since it was likely his only covering (see Exodus 22:26–27). The pledge was handed over to the creditor only if the debt matured and was not paid in full. The creditor could then use the pledge to recover the value of the interest owed, as well as the principal if necessary.

As Falk has explained, a debtor’s dependents could also be surrendered. Nehemiah recorded the complaint of certain Jews who had been forced to surrender their family members to pay usurious loans that had been obtained from Jewish nobles in order to pay taxes:

Some also there were that said, We have mortgaged our lands, vineyards, and houses, that we might buy corn, because of the dearth. There were also that said, We have borrowed money for the king’s tribute, and that upon our lands and vineyards. Yet now our flesh is as the flesh of our brethren, our children as their children; and, lo, we bring into bondage our sons and our daughters to be servants, and some of our daughters are brought unto bondage already: neither is it in our power to redeem them; for other men have our lands and vineyards. (Nehemiah 5:3–5)

Another possible example of a debtor's family being seized by his creditor upon the default of the debt is recorded in 2 Kings 4:1, in which one of the wives of the prophets cries out to Elisha, "Thy servant my husband is dead; . . . and the creditor is come to take unto him my two sons to be bondmen." According to Falk, under Hebrew law only the debtor's wife was immune from being offered up by her husband to satisfy his debt.⁴⁵

If the debtor defaulted and had no pledge to cover the debt, he was forced to sell himself to the creditor or sell himself into slavery to a third person to repay the debt.⁴⁶ As Falk explains, "Where the debt was not paid on time, liability attached to the person of the debtor."⁴⁷ While sanctions against the surety generally involved taking property, the debtor himself is described as becoming the creditor's slave, as in Proverbs: "The rich ruleth over the poor, and the borrower is servant to the lender" (Proverbs 22:7). Falk points out that while no express rule provided for the debtor's surrender into slavery, references like the one in Proverbs show that the debtor could be seized by the creditor and held until he paid his debt.⁴⁸

In theory, there were two ways the debtor could ultimately be enslaved: by selling himself voluntarily to cover the debt through his labor or by being seized by the creditor after defaulting. In practice, the two were most likely identical, since the debtor's self-sale was not truly voluntary.⁴⁹ This process constituted the primary method by which an Israelite could be reduced to slavery.⁵⁰

Recognition of Debt-Slavery in the Old Testament. The Old Testament contains three major sections on slavery, and each deals at least implicitly with the practice of involuntary debt-servitude. Exodus 21:2 begins, "If thou buy an Hebrew servant . . ."; Leviticus 25:39 describes the condition in which "thy brother that dwelleth by thee be waxen poor, and be sold unto thee." Finally, Deuteronomy 15:2 proclaims that at

the end of every seventh year, “Every creditor that lendeth ought unto his neighbor shall release it.”

Old Testament law attempted to deal with a primary cause of the substantial amount of debt-servitude—the exorbitant interest charged on loans. Exodus 22:25 provides: “If thou lend money to any of my people that is poor by thee, thou shalt not be to him as an usurer, neither shalt thou lay upon him usury.” Deuteronomy distinguished between lending to an Israelite and to a foreigner and applied a motive clause for incentive: “Unto a stranger thou mayest lend upon usury; but unto thy brother thou shalt not lend upon usury: that the Lord thy God may bless thee in all that thou settest thine hand to in the land whither thou goest to possess it” (Deuteronomy 23:20).

The command was repeated in Leviticus 25:35–37:

And if thy brother be waxen poor, and fallen in decay with thee; then thou shalt relieve him: yea, though he be a stranger, or a sojourner; that he may live with thee. Take thou no usury of him, or increase: but fear thy God; that thy brother may live with thee. Thou shalt not give him thy money upon usury, nor lend him thy victuals for increase.

While the command against lending for interest was consistent in Israel, it was not uniformly followed, as illustrated in Jesus’ parable in Matthew 25:27 and Luke 19:23.⁵¹

Treatment of Slaves in the Ancient Near East

In most cultures in the ancient Near East, the slave was essentially chattel—property owned by his master—and “could usually be sold, bought, leased, exchanged, or inherited.” In a time when ancestry was crucial to a person’s identity, the slave had no genealogy but existed only as a part of his master’s estate.⁵² Most contractual provisions in a slave sale protected the owner, as against the risk that the slave was a fugitive or that he carried some disease.⁵³ The slave’s family ties were ignored; spouses and children were regularly separated from each

other.⁵⁴ In Babylonia, the slave carried a mark to identify him as such, and in Neo-Babylonia he was branded with the name of the owner. In Nuzi, the slave wore a tag as identification.⁵⁵

A female slave was often subjected to additional burdens, including her master's right to use her for breeding purposes to provide slave children. Fortunate female slaves in most cultures in Mesopotamia achieved the position of child-bearing concubine for their masters. Those less fortunate were used as prostitutes.⁵⁶

In Nuzi and in Palestine, women were bought as wives for male slaves but were often protected against the abuse common in other cultures by the conditional-adoption form of sale. Although the female slave in this form of slavery was not automatically freed after six years like her male counterpart in Exodus 21, the distinction did not necessarily reflect a derogatory position the woman—the purpose of enslavement of women by sale-adoption was to provide them with husbands and security for them and their families, rather than to pay off a debt, so the woman's emancipation occurred immediately upon neglect, rather than on a given date.⁵⁷

Slavery could be harsh and demeaning and often provoked attempts to escape, as attested by the treatment given in the ancient legal codes to the problem of the runaway slave. The Sumerian laws imposed fines for assisting a fugitive, while the Code of Hammurabi punished such a crime with death, devoting six paragraphs to the subject. The Old Testament stands alone in giving refuge to a runaway slave. Deuteronomy 23:15–16 provides, "Thou shalt not deliver unto his master the servant which is escaped from his master unto thee: He shall dwell with thee, even among you, in that place which he shall choose in one of thy gates, where it liketh him best: thou shalt not oppress him."⁵⁸

In the legal codes, a slave was protected from personal injury by a fine imposed on the guilty party, but the fine was paid to the owner, not the slave, emphasizing the slave's

position as chattel. The Code of Hammurabi contains a series of fines, usually somewhat lower than the fine imposed for committing the same injury against a free person.⁵⁹ It has been said that “in the relation between the slave and his master almost everything depended upon the character of the latter: the slave’s fate was in fact, though not in theory, in his master’s hand.”⁶⁰

The law of the Old Testament gave more direct protection from personal injury for a slave: “And if a man smite his servant, or his maid, with a rod, and he die under his hand; he shall be surely punished. Notwithstanding, if he continue a day or two, he shall not be punished: for he is his money” (Exodus 21:20–21). It is apparent that even among the Israelites, a slave was viewed as the property of his master, or “his money.”

Elsewhere, certain prescribed punishments for specified acts protected the slave. For example, in Sumeria when a slave denied his slave status, his hair was cut off, and in the Code of Hammurabi, his ear was cut off. While these punishments were undoubtedly harsh, a standard punishment presumably would preclude even harsher punishment that might otherwise be chosen by the master.⁶¹

Slaves were also allowed to accumulate property, which might be used to buy one’s freedom. This property might be earned, by engaging in business, or be given by relatives for the purpose of redemption. In Nuzi, slaves could even appear in court and own slaves of their own.⁶² However, even when a slave was allowed to amass his own property and use it, he did so at his master’s discretion, and all ultimately belonged to the master.

On the whole, however, slaves in the ancient Near East were treated with less brutality and inhumanity than those in many other cultures, notably the Greek and Roman. There the slave was merely an “instrument that can talk,” without the protections given by the cultures of ancient Mesopotamia and Israel.⁶³

In ancient Israel, “the status of the Hebrew slave was better than that of the foreigner.”⁶⁴ In Leviticus, the Israelites were commanded to treat Hebrew debtor-slaves as bondservants rather than slaves:

And if thy brother⁶⁵ that dwelleth by thee be waxen poor, and be sold unto thee; thou shalt not compel him to serve as a bondservant: But as an hired servant, and as a sojourner, he shall be with thee, and shall serve thee unto the year of jubile: And then shall he depart from thee, both he and his children with him, and shall return unto his own family, and unto the possession of his fathers shall he return. For they are my servants, which I brought forth out of the land of Egypt: they shall not be sold as bondmen. Thou shalt not rule over him with rigour; but shall fear thy God.⁶⁶
(Leviticus 25:39–42)

This is probably the highest level of protection provided to a slave in the ancient Near East. The individual is to be treated as a hired servant and is not to be ruled over “with rigour” (although the restriction was not placed on treatment of Canaanite slaves). The Israelite master is commanded to remember that both he and his unfortunate brother are servants of God and therefore have no right to unfettered control over one another. Essentially, God told those who came into possession of Israelite slaves, “You ought behave towards him as a brother, and he ought conduct himself as befits a slave.”⁶⁷ Thus the relationship was still one of utter submission on the part of the debtor, but with the hope that his master would follow the injunction to treat him more gently than masters in neighboring cultures. Maimonides expressed the implications of the law for those who would follow it:

One is permitted to make a Canaanite slave serve with rigor. Yet, though that be the legal rule, it is the way of wisdom and the practice of saintliness that a man should be considerate, and following the path of righteousness, should not make [the] yoke of slavery more heavy nor cause his slave

anguish. . . . One should not abuse a slave by word or deed. He is subjected to service but not to humiliation. One should not give free course to much anger and shouting and one should talk to him only with gentleness. One should hear his complaints as is explained regarding Job's good ways of which he boasted: "[Let me be weighed in an even balance . . .] If I did despise the cause of my manservant, or of my maid-servant when they contended with me." [Job 31:13]⁶⁸

Release from Slavery

Release from Slavery in Mesopotamia. The ancient Near Eastern legal systems provided a variety of procedures for the release of slaves from bondage. In Babylonia, the Code of Hammurabi allowed for a slave to be freed in four ways. Wives and children used as pledges who had been seized upon default were to be freed after three years. A slave-concubine and her children became free upon the death of the master. Children born of a legitimate marriage between a free woman and a slave were automatically free. And a native Babylonian bought as a slave in a foreign country and brought back to Babylonia was unconditionally set free.⁶⁹

While the provision for the freeing of pledges after three years seems remarkably humane, no documents of release have been found to show that the law was consistently followed. The Code of Hammurabi does not mention the most common methods of release or manumission: release by adoption and by purchase. The adoption procedure, like the adoption of free children *into* slavery, was a business deal whereby the freed slave became like a son to his former master; his obligation then terminated upon the master's death.⁷⁰ If the former slave failed to support his former master, he could be reclaimed as a slave and sold. Examples of these arrangements have been found in documents from Old Babylonia, Old Assyria, Neo-Babylonia, and Ugarit.⁷¹

Release from debt-slavery by purchase, or redemption, could be accomplished by a family member, a stranger, or the slave himself. If a family member with paternal authority redeemed the debt-slave, the individual was returned to the authority of that family member.⁷² Alternatively, an outsider might decide to intervene. A Middle Assyrian document describes the purchase of a female slave by a male slave (presumably with funds obtained from his master), who then married her.⁷³

For the debtor to redeem himself, he needed to accumulate sufficient wealth to replace the loss of labor to the master. Upon self-purchase, depending on the contractual terms, the slave could be immediately and unconditionally free.⁷⁴ A Neo-Sumerian contract records one example of self-redemption which took effect upon the death of the master: "A., the slave of B., has redeemed herself from B. She has paid him one-third of a mina of silver as her full price. As long as B. and C. live she shall do service with their spouses and children. After B.'s and C.'s death, A. may go where she pleases; no-one shall raise claims against her."⁷⁵ An Old Babylonian document records that a slave was freed after bringing ten shekels of silver to her mistress.⁷⁶

Release from Slavery in the Bible. The Old Testament provided five ways for a slave to gain his freedom: (1) a defaulting debtor was to be freed in the seventh year, according to Exodus 21:2 and Deuteronomy 15:12; (2) one who had sold himself into slavery was to be released in the year of the Jubilee, under Leviticus 25:10;⁷⁷ (3) a slave could be redeemed by his family or himself, under Leviticus 25:47–55; (4) a free-born girl who had been sold by her father on condition that her master marry her or give her into marriage to one of his sons must be freed if the master should refuse to live up to the conditions of the sale, under Exodus 21:7–11;⁷⁸ and (5) a slave was to be released upon being injured in certain ways by his master, according to Exodus 21:26–27.⁷⁹

The Code of the Covenant mandated that an Israelite slave must be released after six years of service, unless he chose to remain with his master:⁸⁰

If thou buy an Hebrew servant, six years he shall serve: and in the seventh he shall go out free for nothing.⁸¹ If he came in by himself, he shall go out by himself: if he were married, then his wife shall go out with him. If his master have given him a wife, and she have born him sons or daughters; the wife and her children shall be her master's, and he shall go out by himself. And if the servant shall plainly say, I love my master, my wife, and my children; I will not go out free: Then his master shall bring him unto the judges; he shall also bring him to the door, or unto the door post; and his master shall bore his ear through with an aul;⁸² and he shall serve him for ever. (Exodus 21:2-6)

The command to release Hebrew slaves after six years was repeated in Deuteronomy 15:12-18, with the added injunction that the master “furnish him liberally” upon release, providing for the slave from the master’s flock, floor, and winepress. This would have provided a new beginning for the former slave, who would likely have had no property or land with which to support himself and therefore would quickly return to slavery.⁸³ The Lord also reminds the slave owner that he should be motivated by the fact that the Israelites were bondmen in Egypt (see Deuteronomy 15:15), and that the master should not complain about giving the slave up, since “he hath been worth a double hired servant to thee, in serving thee six years” (Deuteronomy 15:18). Thus a Hebrew sold into slavery could depend on being freed after six years of service.⁸⁴ Obviously if he had been given a wife and she had borne him children, he would have a strong incentive to stay, since he would lose them by leaving.

According to Leviticus 25:47-49, a slave sold to a foreigner might be redeemed by his relatives, or he might be able to amass sufficient money to redeem himself:

And if a sojourner or stranger wax rich by thee, and thy brother that dwelleth by him wax poor, and sell himself unto the stranger or sojourner by thee, or to the stock of the stranger's family: After that he is sold he may be redeemed again; one of his brethren may redeem him: Either his uncle, or his uncle's son, may redeem him, or any that is nigh of kin unto him [or] of his family may redeem him; or if he be able, he may redeem himself.

Under this provision, either the slave or his family members could “redeem” the slave out of bondage.⁸⁵ The master was paid a price proportionate to the period remaining to served—for example, if the slave had served two-thirds of his time (presumably six years), the master would receive one-third of the price he had paid, or one-third of the debt that was being worked off.⁸⁶

Another important way for the insolvent debtor to obtain redemption was the practice of entering bail or surety, by which a third person intervened on behalf of the debtor and assumed responsibility for the repayment. The person who intervened could then obtain the repayment from the debtor or pay the debt himself.⁸⁷ Any form of redemption from debt-slavery provided a way to regain one of the most coveted possessions in the ancient world—one's freedom.

King Benjamin's Prohibition of Slavery

During King Benjamin's reign, the Nephite society began to experience the urbanization that led to the rise of debt-slavery in the ancient Near East. John L. Sorenson has estimated that approximately 25,000 people may have been living in and around Zarahemla at that time.⁸⁸ The Nephites had recently joined the Mulekites; the Mulekites spoke a different language, had an inferior civilization, and therefore could easily have become second-class citizens susceptible to debt-slavery.⁸⁹

Yet King Benjamin recounted that he had not allowed his people to “make slaves one of another.” Benjamin also related

that he had not “suffered that ye should be confined in dungeons” (Mosiah 2:13). This language appears to indicate not only that Benjamin refrained from imprisoning people under authority of the state, as for criminal offenses, but also that he used the power of the state to prevent others from imprisoning them. Because the primary way in which a fellow citizen could imprison another in the ancient Near East was upon the forfeit of a debt, Benjamin’s policy seems to have been directly aimed at protection of the poor, who were most likely to forfeit their debts and be thrown into prison as a result.

A complete absence of slavery would have represented a fairly radical departure from the practices of the ancient Near East. The practice was universally accepted, and commerce often depended on it. Thus, Benjamin’s prohibition on slavery represents a significant advance in the legal protection of the poor. But while abolishing debt-slavery would have allowed the defaulting debtor to retain his freedom, it likely would have left other problems unresolved. The debtor would still be in economic distress, and the creditor would also be left without a remedy. King Benjamin, however, went beyond outlawing debt-slavery. He attacked the dire poverty that was its primary cause.

Benjamin explained that he had “not sought gold nor silver nor any manner of riches of [his people]” (Mosiah 2:12). In contrast with the wicked King Noah, who imposed a tax of one-fifth on the people’s possessions to support himself, his concubines, and the priests, Benjamin strenuously avoided burdening his people with high taxes to support himself and his court (see Mosiah 11:3). He made it clear that “even I, myself, have labored with mine own hands that I might serve you, and that ye should not be laden with taxes, and that there should nothing come upon you which was grievous to be borne” (Mosiah 2:14). King Benjamin therefore complied with the Lord’s instruction to ancient Israelite rulers, that they were not to multiply horses, wives, silver, and gold (see

Deuteronomy 17:15–17). By doing so, he also relieved his people of the burdensome taxes that were one of the major causes of debt-slavery in the ancient world.

Perhaps Benjamin emphasized his efforts to ameliorate the causes of debt-servitude because unscrupulous creditors had violated his prohibition on slavery and abused those who had fallen into debt and defaulted. This possibility is raised later in his sermon when Benjamin instructed his people to return anything that was borrowed, lest the borrower sin *and* perhaps cause his neighbor to sin as well (see Mosiah 4:28). Under Hebrew law, failure to return something borrowed was equivalent to theft, making the borrower a sinner.⁹⁰ But it seems that Benjamin was concerned not only that the debtor would sin by retaining his neighbor's property but also that by doing so, the debtor might provoke the creditor to commit sin by seizing and enslaving the debtor in violation of the official prohibition on debt-slavery.

Attempts to evade the restrictions of slavery laws appear to have taken place in ancient Mesopotamia. A land sale document from Mari contains a provision that "the field (purchased) will not be subject to *andurarum*," or the royal proclamation of freedom from debts, demonstrating that the royal proclamations were understood to have real effect, but that they could potentially be circumvented by contract when the debtor was desperate enough to agree.⁹¹ Benjamin's additional efforts to avoid the conditions that could lead to slavery, by avoiding high taxes and encouraging the return of borrowed property, would therefore have been essential to the protection of the poor from such abuses.

Prohibiting Slavery: Justice for the Poor. Prohibiting slavery in his kingdom was most likely a central element in Benjamin's larger program of caring for the poor and protecting them from abuse. By proclaiming himself as the protector and liberator of the poor, King Benjamin followed the practice of kings in the ancient Near East. Amaleki

recorded that he delivered the Nephite record to Benjamin because he was “a just man before the Lord” (Omni 1:25). In the ancient Near East, the term *justice* seems to have had a more explicit connection to the obligation to care for the poor than it has in modern Western society. As Moshe Weinfeld has argued, the responsibility of rulers in Israel to perform “righteousness and justice” referred primarily to using their power to improve the conditions of the poor and less fortunate classes of the people.⁹²

Another scholar, Bruce Malchow, has written that the term *mishpat*, one of the Hebrew words for “justice,” connoted the “restoration of a situation or environment which promoted equity and harmony in the community.” Such “restoration” could have included the restoration of lands and property that had been lost by the poor.⁹³ Another term for justice, *sedaqah*, is based on the root SDQ, the uses of which show that the meaning is related to the fulfillment of the demands of a relationship with God or a person; and while each person in a relationship owed something to the other, “righteousness made a greater claim on the stronger person.”⁹⁴ Thus, rather than referring merely to an impartial adjudication between two parties, the royal obligation to promote justice was seen as an obligation to take affirmative steps to help the weak and the poor.

According to Weinfeld, the practice of performing “justice and righteousness” referred in particular to acts of liberation. These acts were usually introduced in proclamations made by kings upon their ascension to the throne or at other decisive moments in the history of the nation.⁹⁵ Weinfeld has compared the terms referring to the performance of righteousness and justice in Israel to the establishment of *misarum*, or “righteousness,” in Mesopotamia and the proclamation of “freedom” in Egypt.⁹⁶

In Akkadian, the term to *do justice* was associated with the proclamation of social reforms, known as *misaram sakanum*,

meaning “to establish righteousness,” and *anduraram sakanum*, “to establish freedom.” These royal proclamations included the cancellation of debts, liberation of slaves, restoration of land to its owners, and the correction of other economic injustices such as overpricing and the falsification of weights and measures.⁹⁷

Following this pattern, the reform of Urukagina, in approximately 2370 B.C., states that the ruler “freed the sons of Lagash, who were imprisoned because of debts, taxes, theft and murder. Urukagina established a covenant with the god Ningirsu, not to hand the widow and orphan over to the powerful.”⁹⁸ Similarly, the prologue to the Laws of Ur-nammu, a ruler from Ur in southern Mesopotamia in approximately 2100 B.C., recounts that “in accordance with the command of Utu the sun god,” he established *misarum* (righteousness) in the land and did not hand the orphan over to the rich or the widow to the powerful.⁹⁹

Lipit-Ishtar, king of Isin in southern Mesopotamia in approximately 1900 B.C., recorded that he was called by the gods Anu and Enlil and that he had established righteousness and “restored the freedom of the sons and daughters of [several cities] (upon whom) . . . slavery . . . (had been imposed).”¹⁰⁰ According to the proclamation of the Old Babylonian king Ammisaduqa in approximately 1600 B.C., the king released the overdue taxes of the farmers and prohibited the collector from suing for payment, canceled debts, and freed those who had been seized and forced into slavery for their debts.¹⁰¹ The best-known lawgiver of the ancient Mesopotamian kings, Hammurabi, also proclaimed several *misarum* edicts during his reign.¹⁰² Finally, the Kassite king Kurigalzu, in the fourteenth century B.C., called himself the king “who established freedom for the people of Babylon, freed her from forced labor for the sake of the god Marduk.”¹⁰³

Proclamations of liberty were also important in ancient Israel. According to Leviticus 25:10, every fiftieth year was to be proclaimed a Jubilee year, when the ruler was to “proclaim

liberty throughout all the land unto all the inhabitants thereof.” During the Jubilee year, the Israelites were to “return every man unto his possession, and ye shall return every man unto his family.” Following this practice, Nehemiah directed the remission of debts of grain and silver, the release of sons and daughters sold into slavery, and the return of fields and vineyards that had been mortgaged to pay debts to the king (see Nehemiah 5:4–12).¹⁰⁴

In Mesopotamia, proclamations of liberty were accompanied by the raising of a golden torch, similar to the blowing of the horn at the beginning of the Israelite Jubilee.¹⁰⁵ Weinfeld argues that kings in Mesopotamia often made these proclamations of liberty at the beginning of their reign, and that they did so primarily to win the favor of the people, rather than out of genuine concern for the poor.¹⁰⁶

By contrast, in his final address Benjamin was able to recount that he had actually accomplished a considerable amount in his efforts to assist the poor and keep them from bondage. Benjamin’s accounting for his efforts to serve his people was required, in part, to fulfill his obligations and “rid [his] garments of [their] blood” (Mosiah 2:28). But Benjamin also used his example to lend force to his instruction that his people spend their own lives in service to each other, and especially to the poor among them. In the powerful verse that makes the transition from the accounting for his stewardship to his commands for his people, Benjamin teaches that his example should illustrate the principle that “when ye are in the service of your fellow beings, ye are only in the service of your God” (Mosiah 2:17). A large portion of the remainder of Benjamin’s speech is devoted to encouraging his people to follow his example of working earnestly to provide assistance and protection to the poor—those who likely would have fallen into debt-slavery in the ancient Near East.

Debt-Servitude to God in Benjamin’s Speech. In this effort, King Benjamin used the imagery of debt-slavery to give powerful force to his instruction that his people should be

humble and see themselves as servants of God and therefore as servants of one another. One of King Benjamin's most important instructions on righteous living is found in Mosiah 3:19:

For the natural man is an enemy to God, and has been from the fall of Adam, and will be, forever and ever, unless he yields to the enticings of the Holy Spirit, and putteth off the natural man and becometh a saint through the atonement of Christ the Lord, and becometh as a child, submissive, meek, humble, patient, full of love, willing to submit to all things which the Lord seeth fit to inflict upon him, even as a child doth submit to his father.

Benjamin's command that the Nephites should be meek, humble, and "willing to submit" struck at the heart of a recurrent problem among the people of the Book of Mormon, one that continually brought about the downfall of individuals and contributed to the destruction of the Nephite civilization: the sin of pride. Years after King Benjamin's reign, Moroni recorded that "the pride of this nation, or the people of the Nephites, hath proven their destruction" (Moroni 8:27). One of the most damaging effects of pride was that it contributed to the Nephites' recurring focus on material possessions and their neglect of the poor. The book of 4 Nephi records that after two hundred years during which the people had all material possessions in common and there were no rich or poor, the people began to be proud. From that time forward, they no longer had their goods in common, and they divided into classes (see 4 Nephi 1:24-25).

Aware of the magnitude of the problem of pride, Benjamin used some of the most vivid concepts and imagery available to him to keep his people from it. He used the image of the beggar, asking his people, "Are we not all beggars?" (Mosiah 4:19). Although King Benjamin had outlawed slavery among his people, he also used the image of the debtor-slave.

Benjamin saw humility as the antidote to pride, and its outward manifestation was service performed by willing servants. Thus, the second chapter of Mosiah contains fifteen instances of the words *serve*, *service*, and *servant*. King Benjamin hoped that his people would serve each other because they were “filled with the love of God” (Mosiah 4:12–13). Benjamin explained that he had set the example, proclaiming that he had spent his life serving his people—but that in doing so, he had actually been in the service of God (see Mosiah 2:10–16).

The equating of service to one’s fellowman with service to God allowed Benjamin to appeal to economic and legal concepts related to slavery and servitude in the ancient Near East, and to debt-servitude in particular. But rather than discussing these concepts in the context of human bondage, Benjamin was able to apply them in a spiritual sense, to help his people to see themselves in their proper role as humble debt-servants of God, which reinforced their willingness to serve one another. In Mosiah 2, Benjamin explains,

I say unto you, my brethren, that if you should render all the thanks and praise which your whole soul has power to possess, to that God who has created you, and has kept and preserved you, and has caused that ye should rejoice, and has granted that ye should live in peace one with another—I say unto you that if ye should serve him who has created you from the beginning, and is preserving you from day to day, by lending you breath, that ye may live and move and do according to your own will, and even supporting you from one moment to another—I say, if ye should serve him with all your whole souls yet ye would be unprofitable servants. (Mosiah 2:20–21)

In these verses, Benjamin’s use of the economic and legal terms *lending* and *unprofitable servants* seems designed to impress upon the people their state of utter submission as debtor-slaves to their Heavenly Father.¹⁰⁷ First, describing

God as “lending” his people their breath implies that he has the power to foreclose on that debt—that he owns their very lives, in other words. Second, the fact that the people are “unprofitable” servants means they are unable to repay God and escape the consequences of default on their own. In the ancient Near East, perhaps the only thing a slave could say for himself was that he was a profitable servant—that he did what his master required. Slaves who had ability beyond the minimum necessary for menial labor were allowed to engage in skilled trade and even transact business, often improving their lot along with their master’s wealth and probably bringing a certain element of pride into an otherwise debased existence. More important, one enslaved in debt-servitude could gather the wealth necessary to pay off his debt and redeem himself. As one scholar has written, “Throughout the ancient world, one of the great motivations held out to slaves to encourage hard work was the prospect of emancipation, and . . . the vast majority of slaves were willing to make great sacrifices in order to obtain this, and regarded it as one of their highest goals in life.”¹⁰⁸

According to King Benjamin, an individual cannot look to his own efforts as a source of pride in his relationship to God or as a means of fulfilling his obligations. No matter how much he offers, he is an unprofitable servant and cannot hope to become otherwise, even if he gives his “whole soul” to his master. King Benjamin then described the relationship in even stronger legal terms by explaining the source of the individual’s indebtedness to God: “And now, in the first place, he hath created you, and granted unto you your lives, from which ye are indebted to him” (Mosiah 2:23). By invoking the legal and commercial concept of indebtedness to describe the act of creation, Benjamin emphasized that his people were not placed in the role of servants merely because they had chosen to follow God. Rather, they were born in debt to God by the very act of their creation. Thus it is their very lives

which constitute the value loaned to them. Moreover, the debtor cannot in any way accumulate wealth and repay the debt with anything that will profit or enrich God, as he could under the debt-servitude systems of the ancient Near East. Nor is there any length of time he may serve that will sufficiently satisfy the creditor—any service is “unprofitable.”

Lest anyone should think that a consistently high level of righteous living could satisfy one’s debt, King Benjamin reminds the people that even as they keep God’s commandments they are immediately blessed, and thus kept continually in God’s debt: “And secondly, he doth require that ye should do as he hath commanded you; for which if ye do, he doth immediately bless you; and therefore he hath paid you. And ye are still indebted unto him, and are, and will be, forever and ever; therefore, of what have ye to boast?” (Mosiah 2:24). Thus, any attempt at repayment, rather than whittling away at the debt toward an eventual release from the obligation, only increases the value of the debt. The debtor is in fact enriched in the attempt to repay, while the creditor receives no profit at all. The debtor may thus be said to be automatically, and permanently, in default.

Benjamin further emphasized the permanent nature of the individual’s indebtedness in verse 34: “Ye are *eternally* indebted to your heavenly Father, to render to him all that you have and are” (Mosiah 2:34, emphasis added). As under the legal systems of the ancient Near East, the debtor is therefore at the complete mercy of the creditor, who may dispose of him as he sees fit. According to King Benjamin, the debtor “cannot say that [he is] even as much as the dust of the earth” (Mosiah 2:25). The image of the debtor trapped in slavery would likely have carried significant force in the mind of one familiar with the customs and law of the ancient Near East, and of ancient Israel in particular. As the debtor examined his relationship to God, he could have no basis for pride or haughtiness. He must consider himself as a slave—completely dependent on his creditor’s benevolence.

However, as in ancient cultures, the debtor-slave might be redeemed by a third party, and the redeemer could then set new terms for repayment. Although King Benjamin did not explicitly connect his allusions to debtor-slavery with the Savior's role as Redeemer, his discussion of his people's indebtedness to God in chapter 2 is directly followed by his explanation of the Atonement in chapter 3. The powerful sermon in chapter 3 teaches that the Savior provides the means of redemption for all men who are willing to follow him: "There shall be no other name given nor any other way nor means whereby salvation can come unto the children of men, only in and through the name of Christ, the Lord Omnipotent" (Mosiah 3:17). Benjamin again uses slavery-related terminology, explaining that by being spiritually begotten of Christ, the people "are made free, and there is no other head whereby ye can be made free" (Mosiah 5:8). Thus, the people can be redeemed from their state of servitude, but not through any act of their own.¹⁰⁹

Once Benjamin had explained that his people could do nothing that would actually bring "profit" to God, or benefit him, Benjamin presented the terms of their redemption: "All that he requires of you is to keep his commandments" (Mosiah 2:22). As he declared through Isaiah, the Lord will not sell his servants to another creditor nor mistreat them (see Isaiah 50:1). The servant of God can therefore honestly recognize his position and submit completely as a servant to his master. Of course, the Redeemer himself typified complete subjection to the will of God, acting essentially as a slave in abandoning his own interests to do only what his Master desired. This was illustrated both by his life and in his teachings.¹¹⁰ Following Christ's example, those who realize their indebtedness to God and their state of utter dependence on him can, like the ancient Hebrew slave who was fortunate enough to have a righteous master, look forward to benevolent treatment by their creditor.

King Benjamin's effort to strip his people of pride by describing them as debtor-slaves seems to have had the desired effect. In Mosiah 4:2, we learn that the people "viewed themselves in their own carnal state, even less than the dust of the earth." After he had prepared the minds of his people by recounting his prohibition of slavery, describing his people's indebtedness to God, and explaining Christ's redemption, Benjamin was able to give them explicit instructions regarding their obligation to the poor. The Nephites were told to "impart of [their] substance to the poor, every man according to that which he hath, such as feeding the hungry, clothing the naked, visiting the sick and administering to their relief, both spiritually and temporally, according to their wants" (Mosiah 4:26).

Conclusion

King Benjamin fulfilled the dual command of the Lord recorded in Leviticus 25—he released his people from physical slavery while firmly reminding them that they were eternally God's servants. Viewing themselves in their proper role as humble debt-servants of God must have given significant motivation to Benjamin's people to serve those less fortunate people who, under the laws and culture of the ancient Near East, would have been forced into human bondage. The poor in Nephite society might have suffered the same fate as their Middle Eastern counterparts if not for King Benjamin's efforts to preserve their freedom. Benjamin's example and his address can give us the same motivation to serve the poor in our own communities today.

Notes

1. See Gregory R. Knight, "Slavery in the Book of Mormon," in this volume.
2. Gregory C. Chirichigno, *Debt-Slavery in Israel and the Ancient Near East* (Sheffield: JSOT, 1993), 57–58.

3. Ze'ev W. Falk, *Hebrew Law in Biblical Times*, 2nd ed. (Provo, Utah, and Winona Lake, Ind.: Brigham Young University Press and Eisenbrauns, 2001), 114–18.

4. Raymond Westbrook, "Slave and Master in Ancient Near Eastern Law," *Chicago-Kent Law Review* 70/4 (1995): 1631, 1640–41.

5. Isaac Mendelsohn, *Slavery in the Ancient Near East* (New York: Oxford University, 1949), 2.

6. *Ibid.*

7. *Ibid.*, 3.

8. Code of Hammurabi 280–81; Mendelsohn, *Slavery*, 4.

9. Mendelsohn, *Slavery*, 5.

10. Code of Hammurabi 14; Exodus 21:16; Deuteronomy 24:7; Mendelsohn, *Slavery*, 5.

11. Mendelsohn, *Slavery*, 19–21.

12. *Ibid.*, 19–21, 23.

13. *Ibid.*, 5–6, 9.

14. *Ibid.*, 12.

15. Jacob Hofstijzer, "Ex. xxi:8," *Vetus Testamentum* 7 (1957): 388–91.

16. Isaac Mendelsohn, "The Conditional Sale into Slavery of Free-born Daughters in Nuzi and the Law of Ex. 21:7–11," *Journal of the American Oriental Society* 55 (1935): 190, 194.

17. Mendelsohn, "Conditional Sale," 193–95.

18. Exodus 21:10. The "duty of marriage" has usually been interpreted to mean the woman's conjugal rights with her husband. However, it has also been argued that because typical maintenance clauses in Mesopotamia include the provision of food, clothing, and oil (for the wife of a freeman by a slave, a wet-nurse, a priestess, a sister, parents of adopted children, a deserted wife, or a slave in Babylonia), the meaning of the word *onatab* in verse 10 is in fact "oil," an essential element of hygiene in the ancient Near East, rather than "conjugal rights." See Shalom M. Paul, "Exod. 21:10: A Threefold Maintenance Clause," *Journal of Near Eastern Studies* 28 (1969): 48, 50–52.

19. Mendelsohn, *Slavery*, 14; Chirichigno, *Debt-Slavery*, 51.

20. Chirichigno, *Debt-Slavery*, 51–54.

21. *Ibid.*, 54.

22. Mendelsohn, *Slavery*, 23.

23. *Ibid.*, 25–26.

24. Chirichigno, *Debt-Slavery*, 51.

25. Mendelsohn, *Slavery*, 26.
26. *Ibid.*, 14.
27. *Ibid.*, 15–16. (Yale Oriental Series, Babylonian Texts VIII 17.)
28. Mendelsohn, *Slavery*, 27.
29. *Ibid.*, 27–28.
30. Westbrook, “Slave and Master,” 1644, citing T. Kwasman, *Neo-Assyrian Legal Documents in the Kouyunjik Collection of the British Museum*, Studia Pohl: Series Major 14, Rome 1988, 401.
31. Mendelsohn, *Slavery*, 31.
32. Isaac Mendelsohn, “On Slavery in Alalakh,” *Israel Exploration Journal* 5 (1955): 65–67.
33. Westbrook, “Slave and Master,” 1644, citing D. Arnaud, *Recherches au Pays d’Astarta—Emar VI.3*, Paris 1986, no. 205.
34. Westbrook, “Slave and Master,” 1644, referring to Code of Hammurabi 53–54.
35. Chirichigno, *Debt-Slavery*, 53–54.
36. Roland de Vaux, *Ancient Israel: Its Life and Institutions* (New York: McGraw-Hill, 1965), 173.
37. Chirichigno, *Debt-Slavery*, 101–44.
38. Falk, *Hebrew Law*, 96; Chirichigno, *Debt-Slavery*, 142–44.
39. Falk, *Hebrew Law*, 96; de Vaux, *Ancient Israel*, 173.
40. De Vaux, *Ancient Israel*, 73.
41. Falk, *Hebrew Law*, 34.
42. Chirichigno, *Debt-Slavery*, 140.
43. Bruce V. Malchow, *Social Justice in the Hebrew Bible* (Collegeville, Minn.: Liturgical, 1996), 41.
44. Chirichigno, *Debt-Slavery*, 138–42; Mendelsohn, *Slavery*, 14–19.
45. Falk, *Hebrew Law*, 95.
46. De Vaux, *Ancient Israel*, 172.
47. Falk, *Hebrew Law*, 93.
48. *Ibid.*, 94.
49. *Ibid.*
50. De Vaux, *Ancient Israel*, 172.
51. *Ibid.*, 170–71. See also Menachem Elon, *Jewish Law: History, Sources, Principles* (Philadelphia: Jewish Publication Society, 1994), 1:310.
52. Mendelsohn, *Slavery*, 34.
53. *Ibid.*, 38.
54. *Ibid.*, 40.

55. *Ibid.*, 42–50.

56. *Ibid.*, 50.

57. Hans Jochen Boecker, *Law and the Administration of Justice in the Old Testament and Ancient East*, trans. Jeremy Moiser (Minneapolis: Augsburg, 1980), 160–61.

58. It has been suggested, however, that this provision applied only to Hebrews who had been enslaved in foreign countries and then escaped back to Palestine. See Mendelsohn, *Slavery*, 63.

59. See, for example, *Code of Hammurabi* 116, 199, 213–14, 219–20, 231, and 252.

60. Mendelsohn, *Slavery*, 65.

61. *Ibid.*, 66.

62. *Ibid.*, 72.

63. Boecker, *Law and the Administration of Justice*, 156–57.

64. Falk, *Hebrew Law*, 116.

65. See Sara Japhet, “The Relationship between the Legal Corpora in the Pentateuch in Light of Manumission Laws,” *Scripta Hierosolymitana* 31 (1986): 63–89, on the use of brother as a synonym for Israelite and its implications for the difference in treatment between the Israelite and the foreign slave.

66. Elements of the laws of slavery were later transferred into Jewish employment law, since “the status of a Hebrew slave is comparable to the status of an employee.” Elon, *Jewish Law*, 2:924–25.

67. E. E. Urbach, *The Laws Regarding Slavery* (New York: Arno, 1979), 26.

68. George Horowitz, *The Spirit of Jewish Law* (New York: Bloch, 1973), 137–38.

69. *Code of Hammurabi* 117, 171, 175, 280.

70. Mendelsohn, *Slavery*, 80.

71. Westbrook, “Slave and Master,” 1649–50.

72. *Ibid.*, 1652.

73. *Ibid.*, 1652–53.

74. Mendelsohn, *Slavery*, 82.

75. UET 3 51, cited in Westbrook, “Slave and Master,” 1653.

76. Westbrook, “Slave and Master,” 1653.

77. For an argument that the law of Hebrew slaves was applicable only when the law of the Jubilee was observed, see Elon, *Jewish Law*, 4:1632 n. 40.

78. For a discussion of the contrast between the male debtor’s situation, which gave him some control over his destiny, and the

female's, in which she was passive but protected, see Timothy John Turnham, "Male and Female Slaves in the Sabbath Year Laws of Exodus 21:1-11," *Society of Biblical Literature Seminar Papers* 26 (1987): 545-49.

79. Exodus 21:26-27 provides: "And if a man smite the eye of his servant, or the eye of his maid, that it perish; he shall let him go free for his eye's sake. And if he smite out his manservant's tooth, or his maidservant's tooth; he shall let him go free for his tooth's sake." This was later interpreted to apply to the injury of any body part of the slave that did not grow back again. See Elon, *Jewish Law*, 1:357.

80. There is some argument over whether slaves were released individually after six years of service, or whether all slaves in Israel were released every seventh year. See, e.g., Anthony Phillips, "The Laws of Slavery: Exodus 21:2-11," *Journal for the Study of the Old Testament* 30 (1984): 51-66; N. P. Lemche, "The 'Hebrew Slave': Comments of the Slave Law Ex. xxi:2-11," *Vetus Testamentum* 25 (1975): 129-44; Lemche, "The Manumission of Slaves—The Fallow Year—The Sabbatical Year—The Jubel Year," *Vetus Testamentum* 26 (1976): 38-59.

81. For a debate over whether "worth a double hire" is to be taken literally or not, see James M. Lindenberger, "How Much for a Hebrew Slave? The Meaning of Misneh in Deut. 15:18," *Journal of Biblical Literature* 110 (1991): 479-82; Matitiahu Tsevat, "The Hebrew Slave according to Deuteronomy 15:12-18: His Lot and the Value of His Work, with Special Attention to the Meaning of *mishneh*," *Journal of Biblical Literature* 113 (1994): 587-95.

82. Some argue that the mark on the ear was a punishment for transgressing the law that Israelites should not let themselves be slaves. See Elon, *Jewish Law*, 1:415 n. 41 for an explanation of the transgression. But see Ze'ev W. Falk, "Exodus xxi:6," *Vetus Testamentum* 9 (1959): 86-88, who argues that the punching of the ear was done in God's presence to show the master's dominion.

83. See Matthew Nielson, "Ancient Slavery Practice from Israelite Law and the New Testament," (student paper submitted to John W. Welch, Winter 1999; on reserve in the J. Reuben Clark Law School.), 8-10.

84. Some scholars have debated whether *habiru*, translated as "Hebrew," means a Hebrew as the term is currently understood or whether it carries a sociological meaning, signifying anyone sold into slavery to pay their debts. See, for example, N. P. Lemche, "The 'Hebrew Slave': Comments on the Slave Law, Exodus

xxi:2–11,” *Vetus Testamentum* 25 (1975): 129–44; Boecker, *Law and the Administration of Justice*, 158. In any event, the two interpretations would be somewhat synonymous in this case, since it was primarily Hebrews who sold themselves into debt to other Hebrews, and this was the predominant way for Hebrews to become enslaved. The two categories of slaves were therefore somewhat mutually inclusive.

85. Ze’ev Falk points out that, while the master could also release the slave gratuitously, he would likely follow the biblical tradition of ransom by transferring the slave to a third party on condition that he be immediately released. Falk, “Manumission by Sale,” *Journal of Semitic Studies* 3 (1958): 127–28.

86. Menachem Elon, ed., *The Principles of Jewish Law* (Jerusalem: Keter, 1975), 234.

87. De Vaux, *Ancient Israel*, 172.

88. John L. Sorenson, *An Ancient American Setting for the Book of Mormon* (Salt Lake City: Deseret Book, 1985), 157.

89. See John W. Welch, “Democratizing Forces in King Benjamin’s Speech,” in *Pressing Forward with the Book of Mormon* (Provo, Utah: FARMS, 1999), 112.

90. Bernard S. Jackson, *Theft in Early Jewish Law* (Oxford: Clarendon, 1972), 17–18, 91.

91. Moshe Weinfeld, *Social Justice in Ancient Israel and in the Ancient Near East* (Minneapolis: Fortress, 1995), 86.

92. Weinfeld, *Social Justice*, 7–9, 33–44.

93. Malchow, *Social Justice in the Hebrew Bible*, 16–17.

94. *Ibid.*

95. Weinfeld, *Social Justice*, 46–47.

96. *Ibid.*, 45–46.

97. *Ibid.*, 47, 82.

98. Weinfeld, *Social Justice*, 81.

99. *Ibid.*

100. Westbrook at 1657–58.

101. Weinfeld, *Social Justice*, 89–90.

102. Chirichigno, *Debt-Slavery*, 57–59.

103. Weinfeld, *Social Justice*, 80.

104. *Ibid.*, 69.

105. *Ibid.*, 91 n. 70.

106. *Ibid.*, 10.

107. Of course, the weight these concepts carried would have depended on the Nephites’ familiarity with slavery. The Book of

Mormon does not tell us whether the Nephites had any direct knowledge of the systems of law and practices of slavery developed in ancient Mesopotamia and Israel. We do know that they had the brass plates, which contained the five books of Moses, and a “record of the Jews from the beginning, even down to the commencement of the reign of Zedekiah” (1 Nephi 5:12). Thus, the provisions on slavery contained in Exodus, Deuteronomy, and Leviticus must have been somewhat familiar to them. In addition, the “record of the Jews” could have contained reference to the Israelites’ interactions with their surrounding neighbors’ customs and practices. After all, the command to avoid adopting their neighbors’ customs was one of the most consistent given in the Old Testament, presupposing some level of knowledge of those customs.

Oral tradition must also have preserved some knowledge of the ways and customs of the Old World, including the practice of slavery. It seems reasonable to assume that when Benjamin took the radical step of abolishing slavery, he would have recounted to the extent of his knowledge the abuses that had always accompanied the practice in an attempt to keep his people from it (see Knight, “Slavery in the Book of Mormon,” in this volume). For us, with an understanding of the ancient practice of slavery in mind, King Benjamin’s teachings take on added meaning and force.

108. I. A. H. Combes, *The Metaphor of Slavery in the Writings of the Early Church* (Sheffield, Eng.: Sheffield Academic, 1998), 39.

109. Curiously, in Mosiah 3, Benjamin did not use the terms *redeemer* or *redemption* to describe the Savior’s role, although these words are used extensively elsewhere in the Book of Mormon.

110. For a discussion of allusions to slavery and the “faithful slave” in Jesus’ parables, see Joseph Vogt, *Ancient Slavery and the Ideal of Man*, trans. Thomas Wiedermann (Cambridge, Mass.: Harvard University Press, 1975), 143–45.

Appendix

Book of Mormon Scriptures Relevant to Rich and Poor, Debtors and Creditors, Slavery, Servitude, Captivity and Liberty, Laws for the Poor, and Social Justice

Condition of the Poor and Poverty

Alma 30:56–58; 32:2–3, 12; 34:21, 40; 44:23; 46:40

Labor

2 Nephi 5:17; Mosiah 27:3–5; 29:14–15; Alma 1:3–6, 26–32; 24:18; 62:27–28

Law of Moses

2 Nephi 5:10; 25:24; Jarom 1:5; Alma 25:15; 30:3; Helaman 13:1

Slavery, Debt-Slavery, and Physical Servitude

1 Nephi 3:25; 4:30–35; 17:4; 2 Nephi 7:1 (Isaiah 50:1); 10:16; 26:33; Mosiah 2:13, 20–25, 34; 7:15; 13:18, 24; 21:32; 22:3; 23:28; Alma 5:49; 11:44; 17:20–25, 26–39; 18:2–3, 9–10, 13, 14, 37; 19:4, 9, 28–29; 21:18–19; 22:3; 27:8; 51:33; Helaman 2:6; 3 Nephi 3:7; 12:25–26; 4 Nephi 1:42; for *dwell* used as term of servitude see S. Kent Brown, *From Jerusalem to Zarahemla* (Provo, Utah: Brigham Young University Religious Studies Center: 1998), 55–59; for *stay* used as term of servitude see Brown, *Jerusalem to Zarahemla*, 55–59

Women, Children, Widows, Orphans, and Strangers

2 Nephi 20:1–2 (Isaiah 10); Mosiah 19:11–15; 21:10, 17; Alma 27:21–24; 53:7; 54:3; Helaman 11:33; 3 Nephi 24:5 (Malachi 3); Mormon 4:14

Judging and Justice

2 Nephi 8:4; 9:46; 13:14–15 (Isaiah 3); 19:7 (Isaiah 9); 20:4 (Isaiah 10); 30:9; Jacob 4:10; Mosiah 29:43; Alma 12:15; 41:2, 14; 42:24–25; 50:39; Helaman 3:20; 3 Nephi 6:4–8; Mormon 8:19; for a discussion of justice and righteousness as pertaining to restoration of equity for the poor see Moshe Weinfeld, *Social Justice in Ancient Israel and in the Ancient Near East* (Jerusalem: Magnes, 1995), 25–44; for *mispāt* (justice) = restoration of situation/environment of equity, harmony for the poor see Bruce V. Malchow, *Social Justice in the Hebrew Bible* (Collegeville, Minn.: Liturgical, 1996), 16

Equality/Inequality

Omni 1:17–18; Mosiah 27:3–5; 29:26, 32; Alma 4:12–15; 16:16; 28:13; 30:17

Treatment of and Attitude toward the Poor

2 Nephi 9:30; 20:1–2 (Isaiah 10); 24:30 (Isaiah 14); 26:25; 27:32 (Isaiah 29; see Proverbs 22:22; 28:13); Jacob 2:17–19; Mosiah 4:16,

19–26; 18:24–29; Alma 1:26–32; 4:12–15; 34:28, 40; 35:6, 9; Helaman 3:34–36; 4:12; 6:39; 3 Nephi 13:3; 18:25; 4 Nephi 1:3, 23–26; Mormon 8:36–40; for blocking a lawsuit of the poor with subornation see Malchow, *Social Justice in the Hebrew Bible*, 69

Borrowing and Lending

2 Nephi 7:1 (Isaiah 50:1); Mosiah 4:28; Alma 11:2; 3 Nephi 12:42; 13:11; Ether 14:2

Attitudes toward Wealth, Materialism, and Money

1 Nephi 2:4; 8:26–27; 13:8; 2 Nephi 9:42, 50; 23:11 (Isaiah 13); 28:15; Jacob 2:12–13; Enos 1:21; Jarom 1:8; Mosiah 9:9; 12:29; 22:12; 24:7; 27:7; Alma 1:3–6, 16–20; 4:6–8; 5:53; 7:6; 10:4; 15:16–17; 17:14; 31:23, 28; 34:21; 39:14; 44:23; 45:24; 50:18, 23; 51:8, 17–18, 19, 21; 62:49; Helaman 6:8, 17; 7:21; 11:6, 7; 13:20–22, 28, 31–33; 3 Nephi 3:22; 6:10–12, 15; 13:33; 4 Nephi 1:23–26, 42; Mormon 1:18; 2:10; 8:31–32; Ether 10:3, 22, 23

Physical Captivity, Prisoners, and Liberty

1 Nephi 1:13; 4:2–3; 5:11–15; 7:16–18; 10:3; 13:13; 14:2; 17:23–25, 40; 19:10; 21:25 (Isaiah 49); 2 Nephi 1:7; 3:4–5, 10; 6:17; 8:14, 25; 10:16, 14; 21:16 (Isaiah 11); 24:2–3; 25:20; Mosiah 2:13; 7:15, 22, 33; 12:2, 34; 23:5–13; 24:9; 25:8–10; 27:16, 29; 28:7; 29:18–20, 40; Alma 5:5–6; 8:17; 9:10, 22; 16:3, 8; 20:26; 21:13–14, 19–22; 23:1–2; 29:11–12; 30:24–35; 36:2, 27–28; 38:4–5; 43:8, 29; 44:2; 46:4, 10, 12–17; 46:23; 48:4, 11; 49:7; 50:35; 52:40; 53:3, 7; 54:3; 55:24; 56:12; 57:15–16, 35; 62:5, 27–28 (see 3 Nephi 5:4), 49; Helaman 3:14; 8:11; 11:33; 12:2; 3 Nephi 4:8, 27; 5:4; 6:3; Mormon 3:13; Ether 2:12; 6:23; 7:7; 8:4; 10:14; heavy taxation leading to debt and slavery see Malchow, *Social Justice in the Hebrew Bible*, 41; regarding grants of immunity from taxes, forced labor, etc., given to individuals by kings in the ancient Near East see Weinfeld, *Social Justice in Ancient Israel*, 133–39; title of liberty, raising of torch, blowing of horn to proclaim liberty see Weinfeld, *Social Justice in Ancient Israel*, 88; Mesopotamian, Hittite use of banner, pole, or tree erected by gate of city to signify freedom granted to that city see Weinfeld, *Social Justice in Ancient Israel*, 102–3; regarding sanctuaries for fugitives see Weinfeld, *Social Justice in Ancient Israel*, 120–32

Spiritual Captivity and Liberty and Redemption through Christ

See Leviticus 25 on redemption from slavery. 1 Nephi 10:6; 13:5; 2 Nephi 1:23; 2:26–27; 15:14–15 (Isaiah 5); Mosiah 2:33; 5:8; 6:3; 13:16; Alma 5:9, 10, 20, 41–42; 7:15; 11:44; 12:6, 16; 13:30; 36:18; 41:11; 3 Nephi 20:38; 27:32; Mormon 8:31–32; Moroni 8:19; for ancient Near Eastern terms for “freedom” include return to families see Weinfeld, *Social Justice in Ancient Israel*, 15

Spiritual Servitude to God

1 Nephi 20:20 (Isaiah 48); 21:3 (Isaiah 49); Jacob 5:7, 48, 61, 6:2; Mosiah 2:20–25, 34; 5:13; 13:16 (see Leviticus 25); 26:20; 27:14; Alma 3:27; Helaman 5:29; 12:7; 3 Nephi 13:11, 24; 20:43; 21:10; 22:17; Ether 2:8, 12; 3:2; Moroni 7:11, 13

Church Treatment of the Poor

1 Nephi 22:23; 2 Nephi 26:31; Mosiah 18:24–29; Alma 1:3–6, 16–20, 26–32; 5:49; 6:5; 15:13; 16:16; Helaman 13:28

Government/Law/Taxes

2 Nephi 5:18; Omni 1:17–18; Mosiah 2:12; 11:3; 27:3–5, 29; 29:14–15, 18–20, 22, 26, 40, 43; Alma 1:1; 10:14, 27, 32; 11:1, 3, 4–19, 20, 23; 30:11; 51:19, 21; Helaman 4:22; 5:1–2; 6:39; 7:5; 9:5; 3 Nephi 6:21–22, 27–30; Ether 10:6; see John W. Welch, “Democratizing Forces in King Benjamin’s Speech,” in *Pressing Forward with the Book of Mormon: The FARMS Updates of the 1990s* (Provo, Utah: FARMS, 1999), 110–25; injustice toward the poor in law court see Malchow, *Social Justice in the Hebrew Bible*, 23–24, 69

Poverty/Humility/Pride

2 Nephi 9:28; 12:10–11; 26:4 (Isaiah 16); Alma 32:2–3, 12; Helaman 12:7; 3 Nephi 12:3

Land

See Leviticus 25:23–24; 1 Nephi 2:20; 5:5; 14:2; 17:38; 2 Nephi 1:5, 9, 20; 3:2; 10:19, 14; 15:8 (Isaiah 5); Mosiah 6:7; Alma 27:21–24; Helaman 7:28; 11:6, 7; 3 Nephi 6:3; 15:13; 16:17; 20:14, 29; 29:1