FREEDOM IN THE BIBLE   A paper delivered by Herbert M. Baumgard, Rabbi, D.H.L.
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When a modern, affluent, young American thinks of freedom, he is likely to think

in terms of his ability to do whatever he wishes. That is to say, he is concerned

with his ability as an individual to depart from the requirements of his family and

the larger community to fulfill himself in terms of his own interpretation of his needs

and wants. Freedom has never before been thought of in such extremely individualistic

or absolute terms.

The term "freedom" has had many different kinds of definition throughout history.

For example, when the founders of America thought of freedom, they were concerned with

the slogan, "no taxation without representation". That is, they wanted the right to

participate in the legislative processes in Britain which affected them as Americans.

To be free altogether of British ties and to govern themselves entirely was only a

later thought. Still the same America which held that all human beings were equal

under the law did not quite believe that about Negroes. "All human beings" in this

context meant "all recognized citizens of the state". It took one hundred years after

the formation of America before blacks were officially included in the American

concept of freedom or, to put it another way, before blacks were recognized as full

citizens of the state. It took more than 100 years before women and blacks obtained

the right to vote.

Down through human history such freedom as a society has given its members

has been limited in two ways: first of all, the extent of the freedom has been limited

to the scope of the society and to its traditions or laws; and secondly, such freedom

as the laws allowed was limited to the recognized members of the society. Outsiders

may have dwelled within the boundaries of the society, but their status was different

from those who were recognized members.

It is in this context that we can begin to understand the concept of freedom in the Biblical society. Like the Americans who broke away from subjection to King George III of England but subjected its own black people to slavery, so the ancient Hebrews fought an epic battle against Pharaoh and the Egyptians to gain their freedom but subjected certain groups within their own society to slavery[1] In ancient Israel freedom was broader than that granted to the citizenry of other societies in the ancient Near-East, but it was not an absolute concept. The concept of freedom in ancient Israel was grand enough, however, to influence the Bible-oriented founders of America. The inscription on the American Liberty Bell, "Proclaim liberty throughout the land to all the inhabitants thereof", taken from the Book of Leviticus, is but symbolic of the strong reliance of early Americans on the Biblical example.[2] We know that a committee headed by Benjamin Franklin suggested an official seal for early America which pictured Pharaoh's chariots being overwhelmed by the waters of the Red Sea and which included the slogan, "Rebellion against tyrants is obedience to God".[3]

Notes: Pg. 2

1. Lev. 25:44, "...of the nations that are round about you, of them shall ye buy bondmen and bondmaids".
Lev. 25:45 "...moreover of the children, of the strangers that do sojourn among you...(i.e. nor landowners)". But these very "strangers" could get rich enough to buy an Israelite slave (Lev. 25:47 ff). The Canaanites, at first, did not have the privileges of the Israelites, Josh. 16:10; 17:13; Jud. 1:28; 30:33, 35; IK 9:21.

2. Lev. 25:10. The Hebrew for "liberty" here is ($d^e r\bar{o}r$). It is $d^e r\bar{o}r$ of which Jeremiah speaks in chastizing the king and nobles of Judea for first releasing their slaves and then reclaiming them (Jer. 34:8-11);cf Jer. 34:12-17. It is this failure to proclaim liberty that causes the downfall of the state.

3. Oscar S. Straus, The Origins of the Republican Form of Government, G. P. Putnam's Sons, New York and London, the Knickerbocker Press, 1926 pp.139,140.

All this being true, we should know that the concept of freedom in ancient Israel was limited to the recognized members of that society and was defined in terms of the laws and traditions of that society. If we are to understand the notion of biblical freedom we have to stop thinking of freedom as merely the opposite of slavery, and we can't apply the "modern" idea of freedom as including the right to disassociate oneself from the needs of the community.[1] The free citizen of Israelite days was the person <u>accepted</u> as a full member of that society who acquiesced to its laws and who accepted the obligation of fulfilling those laws.[2] Such freedom as the individual enjoyed in ancient times was his only so long as he was a loyal and participating member of the group.

The central group in the ancient Israelite society was the family. Indeed, the entire nation was considered to be a family. All of its members were considered to be descendents of a common ancestor whose name was Jacob or Israel. The Israelite nation was called the Bēth Yisrā'el meaning the house or family of Israel. There were ways that one could enter this family and be considered on a par with blood members, but, in any event, the mood and thinking attached to all of its members was a family mood.[3]

Notes: Pg. 3

1. The year of Jubilee (Lev. 25:10-13) refers to a release in the 50th year (yōbhēl); cf Num. 36:4; Ezek. 46:16-17. See now the discussion of "The Biblical Institution of Dᵉrôr in the Light of Akkadian Documents" by Julius Lewy, Journal of Near Eastern Studies, Vol. V, in which dᵉrôr is compared to anduraru and duraru. Dᵉrôr apparently means to "let loose, free" It has the notion of mobility, flow.
Ezekiel fights for the land of the poor as against the right of the prince to take and hold that land. He must observe the "year of liberty, sᵉnath ha-dᵉrôr" (46:17). See the complaint in Samuel against the King, I Sam 8:14.

2. Roland de Vaux, <u>Ancient Israel</u>, McGraw-Hill, London, 1961, p. 70, says, "The ʿam ha-'areṣ were, in the early biblical period, a body of free men enjoying civil rights in a given territory. But in Ex 5:5, Pharaoh identifies the Hebrews with the people of the land". In Ex 22:20; 23:9; Dt 10:19, the Hebrews in Egypt are "resident foreigners, gērim".

3. de Vaux (Ibid, p. 68) says, "Even slaves do not constitute a class apart; they form part of the family"

The considerable freedom of that ancient society was shared by all the members of this national family. Those who were not officially in the family were given a status of one kind or another which tied them in some way to the family structure. Their rights, too, were well defined, but they were not the same rights given to the fully recognized members of the society.[1]

The larger national family was composed of many units each of which was a family. The individual family was called a bēth. The beth members belonged to a mišpāhāh or group of families or clan. The mišpāhāh belonged to a tribe,and the tribes constituted the people. The words for nation or clan or individual family were some-times interchangeable, so closely intertwined were they. The nation was a bēth as the individual family was. The nation was a mišpāhāh as the clan was. The individual family was an ʿam as the entire people was.[2]

The head of the family was the father. In him was centered the authority and the ownership of landed property. But the other members of the family benefited from the rights and freedom of the father. His privileges were their privileges,even if only secondarily. Whatever profited his bēth or house profited them. Their status and esteem rose as his status rose.

Notes: Pg. 4

1. See the discussion on gērim, the stranger, in Johs. Pedersen, Israel, its Life and Culture. Oxford U. Press, Copenhagen,1926, Vol. I-II, p. 39 ff. A gēr is someone living associated to a community not his own. He could be an Israelite, Jud. 17:7-9; 19:16 ;cf Lev. 25:35 ff ,or a non-Israelite. He was apparently intermediate between the free Israelites and the slaves. Pedersen compares them to the periokoi (the Peloponnese) conquered by the Greeks in their own land. "They had personal freedom and right of property but were excluded from the privileged society of the patrician citizens". (P. 41)

    The gērim were not landowners, usually,but some became rich and owned Israelite slaves (Lev. 25:47-55).

    Ezekiel says the gērim would share in the redistribution of land (Ezek. 47:21-23).

2. See Pedersen, Ibid, pp. 72 ff.

The mother had a different kind of authority than the father. She was his helper. Her great role was to help increase the size of the house, so important in an era of farming where every new pair of hands meant an addition to the family ability to earn its living. As the bearer of children she achieved a unique honor and status, for children were the precious fruit of family life, and the basis of the future power of the family. Children were to be the family representatives in the future life of the nation. In the success of the children the success of the early founders of the family would be increased. A bēth or house was the vehicle through which the welfare of the generations were tied together. [1.]

The mother could own property in her own name. Her father could give her property as part of her dowry. She could have her own hand-maiden, and if she could not herself bear children to her husband, she could give her hand-maiden to her husband as a wife and claim her children as her own. [2.] A son left the bēth or house of his father when he got married to found his own bēth, but his bēth was in the broad sense also considered a part of his father's bēth. A daughter would leave the bēth of her father to join the bēth of her husband. Thereafter, her fate was tied up in her new family and as their fortunes went, so went hers.

Notes: Pg. 5

1. See de Vaux, in Eretz-Israel, Israel Exploration Society and the Hebrew University, Vol. V, Jerusalem, 1958, pp 77 ff, where de Vaux tells us that the craftsmen formed themselves into "families" or "mišpāhoth. A member of a guild was a "son" of the goldsmiths (Neh. 3:8), the head of the guild was the "father" of the smiths (I Chr. 4:14), cf. I Chr.4:21.

2. We must not suppose that the woman in the house did not have a great deal to say about very important matters. It is Sarah and not Abraham who decides who will be Abraham's main heir and the leader of the bēth by succession. Abraham wanted Ishmael his first born, to be his successor, but Sarah wanted Isaac, and it is Sarah who prevailed. It is Rebekah who decided who would be Isaac's successor and not the father himself (Gen. 21:8-13). Isaac wanted Esau their first born to be the leader of the bēth but Rebekah, who prevailed, wanted Jacob in that position, (Gen. 27:6-36). We know that a woman could be the leader of the people itself as happened in the case of Deborah who was a militant and dynamic leader in a time of national emergency (Jud. 4:4-5:31).

Property in ancient Israel was originally distributed on a tribal and family basis, and the law forbade the sale of farming land so that a family would never lose its means of livelihood. With each family on its own land and with holdings relatively equal, it was possible to develop a democratic government of freeholders where the judges would not be influenced by the rich and justice would be even-handed.

The notion of family was the essential ingredient of the ancient Israelite society. No member of that family could be enslaved by another member of the society. If a citizen were forced to sell himself to an outsider who lived in the community, the members of the family had to buy him back. The word for this procedure of restoring a member to his freedom or to his original standing in the society was g^e'ūlāh. It means redemption.[1] There were of course laws which described how the members of this national family should treat each other justly, but the mood of the law goes beyond justice. The same code which calls for justice, ṣedek, and righteousness, ṣe'dâḳāh calls the citizen to love his neighbor as himself.[2] Indeed, the stranger, the gēr, the outsider who lives in his midst and who is accepted within the workings of the society, even though he is not a family member, is also to be loved as oneself.[3]

The family structure of the ancient Israelite society made for a certain kind of relationship amongst the citizens, but a nation does not exist on the basis of family feeling alone. It must have laws which hold the fabric together. It is in the detailed law of ancient Israel that we begin to see the true character of the society. It is a law which calls its citizens to more than freedom. It calls them to holiness, to the imitation of God in His holiness.[4] Because God is holy, the law proclaims, you must leave the corners of your fields for the poor and the stranger at harvesting time, and you must protect the defenseless.[5] The individuals in the Israelite society were

Notes: Pg. 6

1. Lev. 25:47-55
2. Lev. 19:15 - righteousness;
   Lev. 19:18 - love
3. Lev. 19:33-34
4. Lev. 19:1-2
5. Lev. 19:9-10; 13-14; cf Lev. 23:22

protected by more than the law itself. They were protected by God who was considered

to be the special protector of those who were disenfranchised. If the law did not

adequately protect the orphan, the widow, and the stranger because they were not within

the confines of a beth, then they were the special wards of God. He would hear their

cry, even as He heard the cry of the slaves in Egypt, and He would protect their

interests to the extent of punishing those who did not take special care of them[1].

Time and again the Israelites are reminded that they were to be sympathetic to slaves

and strangers because they were slaves and strangers in the land of Egypt, which is to

say, they were not part of the in-group; they were not part of the recognized citizenry;

and, therefore, they did not have all the freedom and the privileges of the Egyptian

citizenry[2]. In other words, the Israelites were encouraged to extend the privileges

of the society beyond the limits of the law. In the 19th chapter of Leviticus, we are

told that the stranger is to be treated as if he were indeed a full fledged member of

the society[3]. There seems to be strong evidence in the Book of Deuteronomy and in

Ezekiel that there was a gradual development of the law itself to the point where those

who lived on the periphery of the Israelite society were progressively included

within the operation of the law and were progressively given the full privileges of the

society. Ezekiel suggests that the gerim were to share in the distribution of the land

when the exiles returned to Judea[4].

Notes: Pg. 7

1. God as protector, Ex. 22:21 "Ye shall not afflict any widow, or fatherless
   child, if thou afflict them in any wise, for if they cry at all unto Me,
   I will surely hear their cry My wrath, etc."

2. Dt 24:14, 17-22, cf Lev. 19:33-34; Ex. 22:20

3. Lev 19:33-34

4. Ez. 47:21-23

The institution of the Sabbat extended to the slave as well as to the free man.[1]

The Book of Job informs us that the righteous man considered it his duty to listen carefully to the complaints of his servants,[2] and Job makes it clear that the slave is as much a child of God as anyone else; "Did not He that made me in the womb make him? And did not One fashion us (both) in the womb?"[3] We could perhaps begin the American declaration of human rights after Job's prologue.

Notes: Pg. 8

1. Ex. 20:8-10 ; cf Ex.23:12

2. Job 31:13-4

3. Job 31:15 - When an Israelite fathered a child by a slave, the child had definite inheritance rights. See how Sarah was concerned about the rights of her hand-maiden's child (Ishmael) as against her own (Abraham), Gen 21:10.

The history of the Biblical Hebrews covers a broad extent of time. We begin with a nomadic people who become a farming people and ultimately an urbanized community. During all of these hundreds of years, we must assume that there were changes of attitude and laws. For example, land and houses in the farming area could not be sold under the old law, but the new law provided that houses within the walled cities could be sold.[1] No doubt, this latter provision is a concession to the needs of city dwellers who were late-comers, relatively speaking. We must assume that as urbanization developed some of the protectiveness of the family oriented community began to break down, which is to say that individuals were less protected by the strength of their basic family and more vulnerable to the push and pull of the urbanized society. As the monarchy developed in Israel, which was a radical change in Israelite orientation, it began to tear at the very roots of the basic Israelite society. How were the kings and the nobility to acquire land if not by taking it in one way or another from the landed families? In the story of King Ahab and Naboth's vineyard we see a description of the conflict between the king who thinks he is above the law and the old protective family oriented law.[2] Naboth refuses to sell Ahab his land citing the law which demands that he keep the land as a family inheritance. Queen Jezebel, a foreigner who worships Baal and not the Israelite God, has two witnesses testify falsely that Naboth had cursed the king and God, and he is killed, making it possible for the king to take possession. The prophet Elijah appears as the defender of the old law, and he proclaims that the Queen will be killed on the very spot where she had the innocent Naboth killed. It would seem that one of the functions of the prophets was to protect the privileges of the people as against the monarchial demands.

Notes: Pg. 9

1. Lev 25:29-31

2. I K 21:1-24

If human rights depended on a certain equality of land holdings, if they depended

on the land being held by all elements of the citizenry, there had to be some authority

which would work against the natural gravitation of land holdings to a few. The Bible

tells us that God was the real owner of the land, that is why it couldn't be sold

in perpetuity. But the sale of land progressively increased, and as it did, we have

an increase in the amount of slavery in the Israelite society.[1] For the land was

the only real wealth, and in bad times the owner of the land could sometimes only

get money for seed by selling his land and then selling his labor over a period of

years. This kind of indentured slavery existed not only in ancient Israel but in

early America. The Biblical society contained very clear cut laws limiting the amount

of time in which an Israelite could be a slave of this kind. Leviticus tells us the

limit was six years.[2] Further,there are express laws about how such a slave is to be

treated.[3] There were special laws concerning the treatment of female slaves designed

to protect her since she was more vulnerable in her person. Israelite slaves were not

considered members of a lower caste. They were considered as freemen in a temporary

state of servitude.[4] The law indicated that it was not permissable for an Israelite

to be the slave of a non-Israelite. If he were forced to sell himself to a non-

Israelite, his kinsmen had to buy him back.[5] Non-Israelites could be slaves to

Israelites, but the law also had protective measures for them.

Notes: Pg.10

1. See Lev. 25:23-24, "...for the land is _Mine_...".
   The law provided that if an Israelite were forced to sell his land,
   this kinsman (redeemer) had to buy it back (Lev 25:25-28). The
   function of the Jubilee year was to restore the status quo (Lev 25:28).

2. Ex. 21:2 ff; Dt. 15:12-18. The law provides that the former owner must
   give the released slave the wherewithal to start anew.

3. Lev. 25:39-43. "Thou shalt not rule over him with rigour...". The law
   provides that non-Israelites might be permanent slaves(Lev. 25:44-46).
   Non-Israelites might also be well enough off to own a slave
   (Lev. 25:47-48).

4. Lev. 25:40-41, cf Pederson, _ILC_, p. 44, "...a slave is just a subordinate".

5. Lev. 25:47-55, in this sense, buying back, redeeming, $g^e\text{'}\bar{u}l\bar{a}h$, means
   "freeing", i.e. restoring to the status of a member of the society.

Progressively, it seems, the Israelite attitude turned against slavery. Dr. Isaac Mendelsohn writes in his definitive work on slavery in the ancient near-east,[1] "The Deuteronomic ordinance (23:16-17) 'Thou shalt not deliver a slave to his master who escapes to you from his master stands unparalleled in the slave legislation of the early Semitic world...' ". The Hammurabi code, for example, punished with death anyone who harbors a slave.[2] The Biblical text provides, "(the fugitive)...shall dwell with thee, in the midst of thee, in the place which he shall choose within one of thy gates, where it liketh him best; thou shalt not wrong him".[3] Isaiah proclaims in the name of God, "...hide the outcasts; betray not the fugitive. Let mine outcasts dwell with thee..."[4] In these proclamations we see that there was a reaching within the Israelite community away from slavery. In the Book of Leviticus, God is quoted as saying, "for unto Me are the children of Israel servants; they are My servants whom I brought forth out of the land of Egypt..."[5] The inference is that no servant of God can possibly be a servant to a mere mortal.

Notes: Pg. 11

1. Legal Aspects of Slavery in Babylonia, Assyria and Palestine, I. Mendelsohn, The Bayard Press, Williamsport, Pa., 1932, P. 40
2. Ibid, P. 41
3. Dt 23:17
4. Isa. 16:3-4
5. Lev. 25:55

In the Israelite prescriptions about the limits to slavery within the community, which limited the time of service to six years[1] and which provided for a Jubilee year when all must go free,[2] we see evidence of the anti-slavery sentiment.[x] The goal of freedom for all seemed inevitable for the society which held that mankind had been created in the image of the divine.[3] The author or authors of Genesis I make it clear that by mankind ('ādhām), they mean <u>both</u> man and woman, male and female. Woman does not have a second class citizenship in the eyes of God, according to the scripture.

Dr. William Irwin believes that the myth concerning the Tree of the Knowledge of Good and Evil (Gen. 3) is an attempt to teach us that although mankind pays a price for his victory, he has acquired the kind of knowledge which enables him to be free.[4] Dr. Irwin sees a great difference between the fate suffered by Adam and Eve as against the fate suffered by Prometheus who tried to steal the fire of the gods. Although God is challenged by Adam and Eve, He still accepts them as His partners in fashioning the earth according to His will. Dr. Irwin believes that the Hebrew myth is the Hebraic way of saying, God accepts man as a free agent and, in a way, wants man to storm heaven, to act as a god. The Psalmist speaks of mankind as being "little lower than God himself" (Ps. 8:4-6). With such a view of mankind, "crowned with glory and honor", the Israelite society worked towards that goal when all members of the society would fulfill their deepest prospects.

Notes: Pg. 12

1. Ex. 21:2-5; Dt. 15:12-17

2. Lev. 25:41, 54

3. Gen. 1:26-27

4. <u>The Intellectual Adventure of Ancient Man</u>, H. and H. A. Frankfort, University of Chicago Press, Chicago, 1946, pp. 271 ff.

x. de Vaux, <u>AI</u>, p. ff, states that, "a freed slave is called ḥofshi... The word is never used in any context but that of the liberation of slaves...." see now Ex. 21:2,5,26,27; Dt. 15:12, 13, 18. The word is used figuratively in Job 39:5, and in Is. 17:25 (where it seems to mean exemption from taxes and forced labor).

Nonetheless, we must understand that full freedom was not completely realized in ancient Israel, as indeed it has not even been achieved in America where women fight unsuccessfully today to pass an Equal Rights Amendment. Still we can say that Israel's accomplishments were so wonderful in her time that it is from her that those nations seeking freedom in later years drew their inspiration. The proposition that all human beings are created in the image of the divine and that it is the duty of human beings to love one another are still grand ideals in our own modern age. We are still trying to realize the projections that ancient Israel made for all of us.

Bibliography

The Holy Scriptures, the Jewish Publication Society of America, Philadelphia, 1955

Oscar S. Straus, The Origins of the Republican Form of Government, G. P. Putnam
      Sons, New York, London, The Knickerbocker Press, 1926

Johs. Pedersen, ILC, Israel, Its Life and Culture, Oxford University Press,
      Copenhagen, 1926, Vol. I-II

H. and H . A. Frankfort and others, The Intellectual Adventures of Ancient Man,
      University of Chicago, 1946

Roland de Vaux, AI, Ancient Israel, McGraw-Hill, London, 1961

Isaac Mendelsohn, Legal Aspects of Slavery in Babylonia, Assyria and Palestine,
      The Bayard Press, Williamsport, Pa., 1932

Articles

Julius Lewy, "The Biblical Institution of D^{e}ror in the Light of Akkadian
      Documents", Journal of Near Eastern Studies, Vol. V.

Roland de Vaux, in Eretz-Israel, Israel Exploration Society and the Hebrew
      University, Vol. V, Jerusalem, 1958