"If God is for Us Who Can Be Against Us?": Southerners, Abolitionists, Slavery, and the Quest for God's Approval in Pre-Civil War America

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To the Dean of the Graduate School:

We are submitting a thesis written by Carson Cope entitled “IF GOD IS FOR US WHO CAN BE AGAINST US?:” SOUTHERNERS, ABOLITIONISTS, SLAVERY, AND THE QUEST FOR GOD’S APPROVAL IN PRE-CIVIL WAR AMERICA. We recommend acceptance in partial fulfillment of the requirements for the degree of Master of Arts in History.

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“IF GOD IS FOR US WHO CAN BE AGAINST US?:”
SOUTHERNERS, ABOLITIONISTS, SLAVERY,
AND THE QUEST FOR GOD’S APPROVAL
IN PRE-CIVIL WAR AMERICA

A Thesis
Presented to the Faculty
of the
College of Arts and Sciences
In Partial Fulfillment
of the
Requirements for the Degree
of
Master of Arts
in the
Department of History
Winthrop University

May, 2017

by
Carson Cope
Abstract

In assessing antebellum, Southern attitudes towards slavery, no assessment is complete without examining Christianity’s influence on southerners. Nearly every document southerners put forward that supported slavery made a reference to a biblical sanction of slavery. In studying the Southern use of the Bible to sanction slavery, many historians such as Hector Avalos and Molly Oshatz have argued that southerners were within their rights to use the Bible to sanction slavery. At the same time, they have castigated abolitionist efforts to argue that the Bible did not sanction slavery. In assessing this debate, this thesis will argue in contrast to these scholars that southerners were not unquestionably justified in using the Bible to sanction slavery, specifically as it was practiced in the American South. While a case can certainly be made that the Bible sanctions slavery in general, abstract terms given the presence of laws and passages within the Bible that regulate slavery; a deeper comparison of Southern laws, practices, and attitudes concerning slavery to biblical laws, practices, and attitudes concerning slavery suggests that southerners were in violation of the biblical model of slavery in at least four major ways. These violations include not legally permitting Southern slave masters to manumit their African slaves, legally enabling Southern slave masters to murder and abuse their African slaves and face no punishment, legally enabling Southern slave masters to punish and murder their fugitive slaves, and basing their system of slavery upon the inferiority of the African race.
Acknowledgements

The preparation of this master’s thesis has left me indebted to many people. First, I want to thank each of my professors who have guided me through graduate school. Dr. Eddie Lee, Dr. Jason Silverman, and Dr. Andrew Doyle have all contributed significantly to my learning experience while in graduate school. Preparing papers for their courses has enabled me to be better ready and able to construct this master’s thesis. Furthermore, their encouragement and belief in my ability to complete the master’s program throughout my first year in graduate school left little doubt in my mind that I could construct a quality research project of the magnitude that a master’s thesis is. For their support, I am forever grateful.

Second, I would like to thank my thesis committee. Dr. Eddie Lee, Dr. Jason Silverman, and Dr. Dave Mitchell have each expressed a willingness to give their time and energy to reviewing my project. Without their willingness to review my project and provide feedback, writing the thesis would have lacked the critical insight necessary to make it what it is now. I must provide a very special thanks to Dr. Eddie Lee for his willingness to be my thesis advisor. Dr. Lee has been there each and every step of the way, and has made sure everything was in order with the project. For his support and guidance, I am forever grateful.

Finally, I would like to thank my father and mother, Bud and Wendy Cope. My parents have believed in me from day one of graduate school. They have provided me critical moral support when I was feeling overwhelmed with my work, and questioned whether I would be able to successfully complete the projects before me. Furthermore, they
have made possible my entire time at graduate school providing me with critical financial
support. Were it not for them, I would not have been in a position to even construct this
master’s thesis. For their support, I am forever grateful.
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 1</td>
<td>The Origins of the Biblical Slavery Debate in America</td>
<td>1</td>
</tr>
<tr>
<td>Chapter 2</td>
<td>A Comparison between Hebrew Law-Practice and Southern Law-Practice Concerning Slavery in Perpetuity</td>
<td>30</td>
</tr>
<tr>
<td>Chapter 3</td>
<td>A Comparison between Hebrew Law-Practice and Southern Law-Practice Concerning Slavery and Violent Correction</td>
<td>61</td>
</tr>
<tr>
<td>Chapter 4</td>
<td>In Support of the Fugitive Slave Law and the Southern Institution of Slavery? A Critical Assessment of Paul’s Letter to Philemon</td>
<td>90</td>
</tr>
<tr>
<td>Chapter 5</td>
<td>Does the Bible Sanction Race Based Slavery? A Critical Comparison of the Biblical System of Slavery to the Southern System of Slavery</td>
<td>124</td>
</tr>
<tr>
<td>Chapter 6</td>
<td>Southerners in Violation of the Biblical Model of Slavery</td>
<td>140</td>
</tr>
<tr>
<td>Bibliography:</td>
<td></td>
<td>162</td>
</tr>
</tbody>
</table>
Chapter 1: The Origins of the Biblical Slavery Debate in America

During the nineteenth century, a myriad of arguments were offered supporting and rejecting the institution of slavery in America. Despite the multitude of arguments advanced, each and every argument was joined by a common thread. Whether the argument supported slavery or opposed slavery, nearly every article, sermon, pamphlet, and speech made one or more references to a Biblical passage that favored slavery or rejected slavery. Those who vehemently opposed slavery typically did so for reasons that were deeply rooted in morality. In the eyes of slavery’s opponents, owning slaves was a sin. Opponents of slavery often relied on the “principles of Christianity” to make their arguments. An example of this tendency is found in the writings of the Reverend Isaac V. Brown. Brown argued that slavery was a violation of the Bible, and immoral because it contradicted Christ’s commandment to “Love thy neighbor as thyself.” In Brown’s eyes, this included, “every man possessing the faculties of humanity, however...inferior his condition.” In contrast, proponents of slavery argued for a literal interpretation of the Bible with respect to slavery. Quite simply, slavery was moral and justified due to its presence in the scriptures. While most opponents of slavery relied on the “principles of Christianity” argument, some who opposed slavery rejected a total reliance on this approach. As opposed to denying that the Bible sanctioned slavery in abstract terms, these opponents of slavery

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denied that the Bible sanctioned slavery as it was practiced in the American South. Goodsell Buckingham, Adam Barnes, Kazlitt Arvine, John Wiggins, and E.P. Barrows represent this school of thought. Through a critical assessment of their arguments, a study of early Jewish-Christian slave laws-practices, a study of Southern slave laws-practices, and an examination of contemporary scholarship concerning biblical slavery, this thesis will argue that pro-slavery southerners were not unquestionably justified in using the Bible to sanction slavery as it was practiced in the American South.

In examining the biblical slavery debates, historians have focused on summarizing and explicating the pro-slavery and abolitionist arguments from the scriptures. Few historians have evaluated the validity of the respective arguments favoring and opposing slavery. In fact, several arguments have received no assessment at all. The purpose of this thesis is to go beyond a simple recapitulation of the pro-slavery and abolitionist arguments. Rather, this thesis will assess the validity of the scriptural arguments put forth by the pro-slavery and abolitionist forces. In order to have a clear understanding of the slavery debate during the antebellum period, it is important to understand the origins of the Biblical interpretations used to promote and defend slavery in America. While the use of the Bible to promote and defend slavery would reach its peak in the antebellum years, this phenomenon did not arise during this turbulent time in America’s history. The seeds of this debate were sown much earlier. As early as 1688, four recently immigrated Germans, fleeing religious persecution, signed what is known as the Germantown petition at a Quaker meeting in Germantown, Pennsylvania. The four men were Francis Daniel Pastorius,

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Gerret Hendericks, Derick op de Graef, and Abraham op de Graef. The petition emphasized the contradictions that existed between the religious and social principles of those who founded the Quaker religion and the inhumane institution of slavery in which many Quakers actively participated.6 Throughout the petition, appeals were made to Quaker ethics in order to denounce the slave trade and the enslavement of Africans. More importantly, appeals were made to an important Biblical teaching. In fact, this petition would mark the first, “semi-public questioning of the enslavement of Africans in British North America,” that would reference a Biblical teaching.7

Quaker concern over slavery was not a new phenomenon in 1688. In fact, it could be traced back to the founder of the Quaker religion, George Fox. Though he never condemned slavery, Fox stressed that all people were God’s children and called for Africans to be treated with fairness.8 Slavery concerned Fox for two reasons. His concerns rested on both morality and familial order, which are reflective of the core principles of Quaker ethics. In moral terms, Fox argued that slavery was inconsistent with the Quaker principles of equality and non-violence. He encouraged Quakers to treat blacks much in the same way they would wish to be treated in a “slavish condition.”9 Fox stated,

And further, consider with yourselves, if you were in the same Condition as the Blacks are...if this should be the Condition of you or yours, you would think it hard to Measure; yea, and very great Bondage and Cruelty. And therefore consider seriously of this, and do you for and to them, as you would willingly have them or

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6 Ibid., 302.
9 Ibid.
any other to unto you, were you in the like slavish Condition, & bring them to know the Lord Christ.10

Fox’s second concern was rooted in the Quaker belief that the family was a sacred institution. He feared that the introduction of non-Christian strangers such as the Africans would potentially weaken this institution. Fox cautioned fellow Quakers not to allow Africans into their living spaces. Furthermore, while Fox encouraged his fellow Quakers to provide blacks a time to worship and practice the Christian faith, he did not have in mind a shared meeting of blacks and whites.11 Fox stated,

[It] burden’d my Life very much, to see, that Families were not brought into Order; for the Blacks are of your Families, and the many Natives of them born in your Houses...Friends...let them have two or three Hours of the Day once in the Week, that Day Friends Meeting is on, or another Day, to meet together, to wait upon the Lord.12

While Fox’s concern over slavery was rooted in Quaker concerns over such matters as familial order, his reference to treating slaves as they would wish to be treated in a slavish condition was of significant importance. Here, Fox made an indirect reference to the “Golden Rule,” a teaching that is found in the Bible. In Matthew 7:12 it states, “In everything do unto others as you would have them do to you; for this is the law and the prophets.”13 Thus, while Fox did not outright condemn slavery in his writings, his use of Biblical teaching to argue for fair treatment of Africans set into motion the use of the Bible to criticize African slavery.

11 Gerbner, “We are against,” 155.
13 Matt. 7:12 NIB.
The Germantown Petition of 1688 reflects Fox’s concerns over slavery, which are found throughout his writings. His concern for familial order is manifested in the words of the petitioners which state, “And we who know than men must not commit adultery, - some do commit adultery, in separating wives from their husbands and giving them to others; and some sell the children of these poor creatures to other men.”\textsuperscript{14} Thus, familial order still maintained an importance to the petitioners just as it had to Fox. Of greater importance to the petitioners, however, was Fox’s appeal to the teaching in Matthew 7:12. They referenced this teaching twice to make their case against slavery. The petitioners stated that “there is a saying that we shall doe to all men like as we will be done ourselves; making no difference of what generation, descent or colour they are.”\textsuperscript{15} Further down in the document, the petitioners referenced Matthew 7:12 again stating, “Ah! Doe consider will this thing, you who doe it, if you would be done at this manner?”\textsuperscript{16} Despite the best efforts of the petitioners and their appeals to Biblical teaching, the Germantown petition did not effect change. This was due to the fact that many prominent Quakers in Philadelphia held slaves, and some were even involved in the slave trade and transport of slave-made goods such as sugar.\textsuperscript{17} Thus, the petition was ignored and no action was taken. Nevertheless, the petition was of monumental importance. While the petition expressed the same concerns as Fox did regarding slavery, unlike Fox the petition called for blacks to be “treated as political citizens, not slaves.”\textsuperscript{18} This desire was made clear in the petitioners’

\textsuperscript{15} Ibid.
\textsuperscript{16} Ibid.
\textsuperscript{17} Wood, \textit{Slavery in Colonial America}, 71.
\textsuperscript{18} Gerbner, “We are against,” 158.
assertion that the “Golden Rule” applied to all, irrespective of “generation, descent, or colour.” Ultimately, not only did the Germantown petition mark the first condemnation of African slavery, but it also marked the first condemnation of African slavery based on Biblical scripture.

Five years following the failed Germantown petition, Quaker George Keith rekindled the Quaker debate over slavery. This time, the Bible played a more direct role in the denouncement of the slave trade and the enslavement of Africans. Keith would put forth multiple arguments from scripture in order to denounce African slavery. In 1693, Keith published *An Exhortation and Caution to Friends Concerning Buying or Keeping of Negroes*. In it, he encouraged his fellow Quakers to free any slaves they owned as soon as possible stressing that slavery contradicted Christian principles. According to Keith,

> And to buy Souls and Bodies of men for Money, to enslave them and their Posterity to the end of the World, we judge is a great hinderance to the spreading of the Gospel, and is occasion of much War, Violence, Cruelty and Oppression, and Theft & Robery of the highest Nature; for commonly the Negroes that are sold to white Men, are either stolen away or robbed from their kindred, and to buy such is the way to continue these very evil Practices of Man-stealing, and transgressteth that Golden Rule and Law, *To do to others what we would have others do to us.*

Here, Keith appealed to two Biblical teachings to make his case against slavery. First, in keeping with the Germantown petitioners, he referenced Matthew 7:12 and Jesus’ teaching of the “Golden Rule.” Keith believed that Africans should not be kept in perpetual bondage for the term of their lives because, “Christ commanded, saying, all things whatsoever ye

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would that men should do unto you, do ye even so to them. Therefore, as we and our Children would not be kept in perpetual Bondage and Slavery against our Consent, neither should we keep them in perpetual Bondage and Slavery against their consent.”

Thus, to make his case against the slave trade and the enslavement of Africans, Keith relied heavily on the general teachings of Christianity such as the “Golden Rule,” a tactic that would be employed by those who opposed slavery well into the antebellum period.

More importantly, however, is that in his second argument Keith went well beyond a simple reliance on the “Golden Rule” to make his case against African slavery. In doing so, he went one step beyond the Germantown petitioners. According to Keith, slavery was wrong,

First, Because it is contrary to the Principles and Practice of the Christian Quakers to buy Prize or stolen Goods, which we bore a faithful Testimony against in our Native Country; and therefore it is our Duty to come forth in a Testimony against the stolen Slaves, it being accounted a far greater Crime under Moses’s Law than the stealing of Goods: for such were only to restore four fold, but he that stealeth a Man and selleth him, if he be found in his hand, he shall surely be put to Death, Exod. 21. 16. Therefore as we are not to buy stolen Goods, (but if at unawares it should happen through Ignorance, we are to restore them to the Owners, and seek our Remedy of the Thief) no more are we to buy stolen Slaves; neither should such as have them keep them and their Posterity in perpetual Bondage and Slavery, as is usually done, to the great scandal of the Christian Profession.

In the above statement, Keith argued that by purchasing Africans to be held as slaves, one risked violating the Biblical prohibition against man-stealing found in Exodus 21:16. This is because Africans had been taken unwillingly, and sold into slavery. Therefore, in Keith’s mind, the purchase of Africans to serve as slaves was a crime against God made clear in

22 Ibid.
23 Ibid.
Mosaic Law. Keith’s arguments had a profound effect on the evolution of Quaker views concerning slavery. For example, in 1693 the yearly meeting of Quakers in Philadelphia discouraged the importation of Africans into the colony. Furthermore, they advised against purchasing Africans for slaves unless the purchases were made with the intention of setting them free. In addition to discouraging the practice of slavery amongst the Quakers, Keith’s publication also contributed significantly to the American slavery debate by setting into motion the use of Biblical law to argue against African slavery. In fact, Keith’s argument against man-stealing would reappear in less than a decade.

On June 24, 1700, perhaps the most famous early anti-slavery document was published by a man named Samuel Sewall. Sewall was a judge in Massachusetts and spoke out against slavery as an institution. He was a well-known lawyer and jurist, as well as a successful merchant and politician. Sewall’s voice became the first anti-slavery voice in America outside of the Quakers when he published *The Selling of Joseph*, and his efforts sparked the first slavery debate in America. Sewall’s publication mimicked the format of Puritan sermons that were common in Sewall’s time, and that Sewall had read and heard throughout his life. *The Selling of Joseph* opened with a statement of the text followed by an explication of the text. Objections to the text are also acknowledged and subsequently rebutted. Throughout the text, Sewall made numerous appeals to biblical authority in order to provide credibility to his anti-slavery position. Within the text, Sewall enhanced the

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biblical argument that had been put forth by Quaker George Keith just seven years earlier as he compared the slave trade to the biblical crime of man-stealing that is prohibited in Exodus 21:16.

And seeing that GOD hath said, He that Stealeth a Man and Selleth him, or if he be found in his hand, he shall surely be put to Death. Exod. 21.16. This Law being of Everlasting Equity, wherein Man Stealing is ranked amongst the most atrocious of Capital Crimes: What louder Cry can there be made of the Celebrated Warning, Caveat Emptor!27

Since Africans had been taken against their will to be sold into slavery, anyone who purchased Africans for slaves risked being guilty of man-stealing. Sewall further stressed, that in stealing Africans for slavery, the trade tore apart that which “God has joined together.”28 He stated that,

It is likewise most lamentable to think, how in taking Negros out of Africa and Selling of them here, That which GOD has joined together men do boldly rend asunder; Men from their Country, Husbands from their Wives, Parents from their Children. How horrible is the Uncleaness, Mortality, if not Murder, that the Ships are guilty of that bring great Crowds of these miserable Men and Women.29

Sewall would make several other appeals to biblical authority to denounce African slavery as well. These included an assertion that enslavement violated the natural order created by God in Genesis and a reference to the story of Joseph being wrongly sold by his brothers into slavery in Genesis.30 He also pointed out the fact that Leviticus 25:39 and 25:46 forbid the Israelites from buying and selling one another as slaves. Sewall’s publication was of immense importance. While his was not the first publication to challenge slavery through

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appeals to biblical authority, it was the first to bring the biblical challenge to slavery into mainstream American thought. Prior, biblical challenges to slavery had been largely confined to interdenominational debates amongst the Quakers. 31

The publication of Sewall’s, *The Selling of Joseph*, coincided with his attempt to assist a slave by the name of Adam in obtaining his freedom from his owner John Saffin. The three would become involved in a significant legal conflict that lasted for several years. 32 A successful slave dealer and slave trader, Saffin had every reason to oppose Sewall’s position on slavery. Given his choice of professions, when Sewall condemned slavery, Saffin had little choice but to respond. 33 In response to Sewall’s publication, Saffin published *A Brief Candid Answer to a Late Printed Sheet Entitled, The Selling of Joseph*. In the pamphlet, Saffin laid out his disagreements with Sewall’s efforts to deny that the Bible sanctioned slavery. 34 He stated that,

That Honourable and learned Gentleman…draws this conclusion, that…it is utterly unlawful to Buy and Sell Negroes, though among Christians; which Conclusion I presume is not well drawn from the Premises [i.e., Sewall’s arguments], nor is the case parallel; for it was unlawful for the Israelites to Sell their Brethren upon any account or pretense whatsoever during life. But it was not unlawful for the Seed [descendants] of Abraham to have Bond men, and bond women [slaves], either born in their house, or bought with their Money, as it is written of Abraham, Gen. 14:14. & 21:10 & Exod. 21:16 & Levit. 25:44-46… 35

In response to Sewall’s admonition concerning the violation of the biblical vilification of man-stealing, Saffin did not deny that the Bible forbade this action. Instead, he opted to

31 Ibid., 17.
draw a distinction between the terms buying and stealing. He agreed with Sewall’s argument that the words of Exodus 21:16, which stated, “Whoever kidnap a person, whether that person has been sold or is still held in possession, shall be put to death” provided unambiguous evidence that the Israelites were not allowed to steal persons to reduce them to slavery. 36 However, this was not the equivalent of saying that the Israelites could not own slaves. Saffin highlighted that the biblical acceptance of slavery was made clear in several passages of scripture. For example, he drew attention to Leviticus 25:44 which states, “As for the male and female slaves whom you may have, it is from the nations around you that you may acquire male and female slaves.”37 Sewall’s efforts to denounce slavery had no immediate effect, but the debate established many of the central issues that would be at the heart of the antebellum slavery debate. For example, the Hebrew and non-Hebrew slave distinction found in the Mosaic Law.38 Ultimately, as scholar Francis Foster states, the debate between Sewall and Saffin served as the model for the future biblical defense of slavery, “in the era of Calhoun, in which scriptural snippets were manipulated to fortify a theology of white superiority and black bondage.”39

Throughout the first half of the eighteenth century, the biblical slavery debate continued to be dominated by the Quakers. In response to those Quakers who remained ardent defenders of slavery and the slave trade, New Jersey tailor John Hepburn and Nantucket carpenter Elihu Coleman set to the task of dismantling pro-slavery arguments

36 Ex. 21:16 NIB.
37 Lev. 25:44 NIB.
38 Oshatz, Slavery and Sin, 19.
using scripture. Many of Hepburn’s arguments put forth in 1715 were drawn from a pamphlet entitled *Arguments against Making Slaves of Men*. Within the pamphlet, Hepburn made numerous appeals to scripture in order to denounce making slaves of Africans.\(^{40}\) For example, in keeping with prior biblical arguments against slavery, Hepburn made reference to the prohibition against man-stealing stating, “Man-stealing (deserves Death by the Law of GOD, and) is unlawful. But making Slaves of Negroes is Man-stealing. Therefore making Slaves of Negroes is unlawful.”\(^{41}\) Thus, like George Keith and Samuel Sewall had done previously, Hepburn equated the taking of Africans for slavery with the biblically unlawful act of man-stealing. Hepburn would also repeat the familiar argument from the “Golden Rule” found in Matthew 7:12. He stated that, “The doing by others as we would not be done by, is sinful and unlawful. But making Slaves of Negros, is doing by others as we would not be done by. Therefore the making Slaves of Negros, is unlawful.”\(^{42}\)

In 1733, Quaker Elihu Coleman would compare and contrast Israelite slavery with modern-day slavery in perpetuity. Coleman would repeat familiar arguments against slavery, making references to the “Golden Rule” and to man-stealing to denounce slavery. However, he would also add a new argument to the debate. In his work, *A Testimony against the Anti-Christian Practice of Making slaves of Men*, Coleman asserted that the Bible called for slaves to be made free after some time of service. According to Coleman, “And those that had bond-servants under the law, were commanded to let them go free

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\(^{40}\) Oshatz, *Slavery and Sin*, 22.


\(^{42}\) Ibid., 27.
after some time of service, and they were not to let them go empty-handed either.”43 Here, Coleman was referencing Mosaic Law concerning slavery. In Leviticus 25:9-10, it states that liberty is to be proclaimed to all the inhabitants of the land. The verses state that,

Then shalt thou cause the trumpet of Jubilee to sound, on the tenth day of the seventh month; in the Day of Atonement shall ye make the trumpet to sound throughout all your land. And ye shall hallow the fiftieth year, and proclaim liberty throughout all your land, unto all the inhabitants thereof; it shall be a Jubilee unto you; and ye shall return every man unto his possession, and ye shall return every man unto his family.44

Having asserted that slaves were not to be held in perpetuity in ancient Israel, Coleman then addressed a common objection to his assertion. Those who objected to Coleman’s assertion stated that the command against holding slaves in perpetuity was meant for those of their own nation, namely, fellow Israelites. It was not meant to limit the service of strangers and heathens. In response to this objection, Coleman quoted Exodus 22:21 which states, “Ye shall neither vex a stranger, nor oppress him, for ye were strangers in the land of Egypt.”45 In drawing attention to the fact that Israelite slavery was to be for a limited amount of time as opposed to being in perpetuity, as in America, Coleman had introduced a new strategy into the effort to denounce slavery using the Bible. Contrasting slavery as it was practiced in biblical times to the modern-day slavery of the American South would become an important strategy in undermining the idea that the Bible sanctioned slavery during the antebellum years.

44 Lev. 25:9-10 KJV.
45 Coleman, A Testimony, 15.
Coleman’s anti-slavery essay was the first to be accepted by a Quaker meeting, and by the late 1750s Quaker anti-slavery reformers had finally gained the upper hand. For example, in 1758 The Philadelphia Yearly Meeting prohibited its Quaker members from participating in meetings if they were involved in any way with the slave trade. In 1760, New England Quakers outright prohibited the Quaker importation of slaves, and in 1761 it was announced by the London Yearly Meeting that slave dealers would be disowned by the Quakers.46 Thus, Quaker anti-slavery sentiment rooted in biblical scripture was having a profound effect in America. Despite such successes, however, much of the biblical slavery debate still remained confined within the Quaker community with little public discussion of the Bible and slavery taking place elsewhere. This would all change between the 1760s and 1790s as the ideology of the American Revolution opened the eyes of the American colonists to the injustices of slavery and the slave trade.47

During the Revolutionary era, a confluence of factors encouraged the morality of slavery to be questioned and the majority of these factors were secular rather than religious. According to scholar Peter Kolchin, the flourishing of Enlightenment thought amongst intellectuals in America, brought with it changing attitudes towards such matters as “cruelty, rights, fair play, and toleration of differences: in short, how human beings should treat one another.”48 As a result, slavery came under scrutiny. The major factors that brought a challenge to slavery during the Revolutionary era were new concerns about the humane treatment of those who were different, changing beliefs about human malleability,
and the spread of capitalism. The restriction against “cruel and unusual punishments” in the Eighth Amendment to the United States Constitution brought about a substantial decline in the corporal punishment of free adults. While this did not extend to slaves, it did encourage many American colonists to question the cruelty and mistreatment of slaves that they witnessed. In addition to changing attitudes about cruelty towards persons, came changing attitudes about human nature. Prior to the second half of the eighteenth century, many American colonists saw Africans as inherently degenerate and useful only for the purpose of slavery. However, growing awareness of cultural differences and increased interest in human nature brought challenges to the notion that Africans were inherently degenerate. Notions developed that Africans were slave-like only because they occupied a slave status. If removed from slavery, it was hypothesized that Africans might no longer act as slaves. Discoveries of talented Africans such as the poet Phillis Wheatley and mathematician Benjamin Banneker only served to confirm this hypothesis. Finally, the rise of capitalism brought with it a new belief in free labor as opposed to slave labor. As colonists came to value free trade, and the freedom of an individual to achieve success, colonists began to view slavery as immoral due to its violation of values that were of central importance to capitalist dealings. Ultimately, while much of the challenge to slavery during the Revolutionary era was rooted in secular concerns, this challenge nevertheless opened the door for the biblical slavery debate to expand in America. The issue of slavery had been propelled to the forefront of public consciousness, and given the important role

49 Ibid.
50 Ibid., 66.
51 Ibid., 67.
religion played in the lives of the American colonists during this period, it was inevitable that the Bible would find its way into the broader slavery debate.

An anti-slavery pamphlet written by reformer Benjamin Rush exemplifies the way in which the biblical slavery debate expanded into the broader American slavery debate during the Revolutionary era. After an anti-slavery bill was brought before the Pennsylvania legislature, Quaker anti-slavery activist Anthony Benezet encouraged Rush to compose an anti-slavery pamphlet. In response, Rush penned *An Address to the Inhabitants of the British Settlements in America, Upon Slave-Keeping* in 1773. In the pamphlet, Rush asserted that the Old Testament sanction of slavery provided a series of specific permissions for the Israelites only and that the “Golden Rule” of Christian morality trumped the temporary permissions granted in the Law of Moses. According to Rush,

> But we are told the Jews kept the Heathens in perpetual bondage. The Design of providence in permitting this evil was probably to prevent the Jews from marrying amongst strangers, to which their intercourse with them upon any other footing than that of slaves, would naturally have inclined them. Had this taken place—their national religion would have been corrupted and they would have contracted all their vices, and the intention of Providence in keeping them a distant people, in order to accomplish the promise made to Abraham, that “in his seed all the nations of the earth should be blessed,” would have been defeated.\(^\text{52}\)

Thus, in Rush’s mind, the Jews were permitted to keep heathen slaves in order to keep them from marrying strangers, potentially subjecting themselves to the corruption and vices of those who were not Jewish. This was important to the maintenance of God’s covenant promise to the Jews through Abraham. However, while the keeping of heathen

slaves was allowed by God in Mosaic Law, in the New Testament Christ had abolished the Hebrew and Heathen distinction. According to Rush,

But if, in the partial Revelation which God made, of his will to the Jews, we shall find such testimonies against slavery, what may we not expect from the Gospel, the Design of which was to abolish all distinctions of name and country. While the Jews thought they complied with the precepts of the law, in confining the love of their neighbour to the children of their own people, Christ commands us to look upon all mankind even our Enemies as our neighbours and brethren, and “in all things, to do unto them whatever we would wish they should do unto us.”

It was the “Golden Rule” of the New Testament, and not the slavery provisions of the Mosaic Law that now carried weight for Rush. This was made plain in Christ’s commandment to look upon all as one’s neighbors and brethren. If all were to be viewed as one’s brethren, even one’s enemies, then the Hebrew and non-Hebrew distinction no longer held. This meant that Africans, who were likened to non-Hebrews, were now to be viewed as one’s brethren. Rush’s effort to denounce slavery using the Bible would not go unchallenged. Soon after penning his pamphlet, he would be challenged by a West Indian planter living in Philadelphia by the name of Richard Nisbet.

In response to Rush, Nisbet penned a pro-slavery pamphlet titled, *Slavery Not Forbidden by Scripture*. Of slavery, Nisbet stated that “Slavery, like all other human institutions, may be attended with its particular abuses, but that is not sufficient and to reckon everyone unworthy the society of men who owns a Negro. If precedent constitutes law, surely it can be defended for it has existed in all ages. The scriptures, instead of forbidding it, declare it lawful.” To support this statement, Nisbet made a common

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53 Ibid.
biblical argument in support of the slave trade. For Nisbet, while the Mosaic Law did place limitations on Israelite slavery, it placed no limitations on heathen slavery. To prove his point, Nisbet quoted Leviticus 25:44-46 which states,

Both thy bondmen, and thy bondmaids, which thou shalt have, shall be of the heathen that are round about you; of them shall ye buy bondmen and bondmaids. 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 forever: but over your brethren the children of Israel, ye shall not rule one over another with rigour.  

From these verses, Nisbet concluded that the Israelites were allowed to hold non-Hebrew slaves for life. “The Jews are…allowed, in the clearest terms, to enslave heathens for life, but likewise others, who were their countrymen, though of a different religious persuasion.” Since Africans were from an outside nation and therefore easily likened to a non-Hebrew status, in Nisbet’s eyes the Bible upheld the enslavement of Africans in perpetuity. Ultimately, while such exchanges as took place between Rush and Nisbet did not introduce to the table any radically new biblical arguments concerning slavery, these exchanges did help to propel the biblical slavery debate into mainstream American consciousness. No longer would the debate largely be confined to interdenominational conflicts amongst the Quakers as Revolutionary era reformers and Evangelical Christians alike began to express concern over slavery during the last quarter of the eighteenth century.

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55 Lev. 25:44-46 KJV.
56 Nisbet, Slavery Not Forbidden by Scripture, 4.
57 Oshatz, Slavery and Sin, 30.
58 Kolchin, American Slavery, 69.
By the 1790s, the scattered biblical slavery debates of the seventeenth and eighteenth centuries had progressed to what scholar Molly Oshatz describes as being the “beginning of the transformation of the slavery debates into a divisive confrontation between radical abolitionism and virulent pro-slavery.” Nevertheless, the scattered biblical slavery debates that took place in the seventeenth and eighteenth centuries had built the foundation upon which the antebellum, biblical slavery debates would be based. The Germantown petitioners had introduced the Bible into the slavery debate with their reference to the “Golden Rule” found in Matthew 7:12. Samuel Sewall and John Saffin had created the model upon which the antebellum slavery debates would be based through their manipulation of scriptural snippets to uphold and denounce the institution of slavery. Quakers such as George Keith and Elihu Coleman had introduced some of the major topics from scripture that would be at the heart of the antebellum slavery debates, such as the prohibition against man-stealing in Exodus and the Hebrew and heathen-slave distinction found in Leviticus. Finally, such exchanges as took place between Benjamin Rush and Richard Nisbet propelled the biblical slavery debate into mainstream American consciousness. All the seeds of the bitter, biblical slavery debate that was to come in the antebellum years had been planted.

In assessing whether or not southerners were justified in using the Bible to sanction slavery, scholars have tended to favor the thesis that southerners were justified in their use of the Bible to sanction slavery. Scholar Hector Avalos has written in his work *Slavery, Abolitionism, and the ethics of Biblical Scholarship* that, “If there is a representative

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59 Oshatz, *Slavery and Sin*, 37.
position in the Bible, it is one that endorses, or promotes slavery as a justified part of the human condition.” Avalos reached his conclusion through a critical assessment of abolitionists and their arguments using the Bible to oppose slavery. For example, he assesses the argument of Quaker John Woolman, who argued from Leviticus 19:33-34 that true Christian practice meant not subjecting other people to forced labor. However, these verses from Leviticus simply call for one to treat strangers as one would treat themselves. Avalos stresses that Woolman’s efforts never once addressed any of the passages that slave owners used to justify slavery or that directly spoke of slavery. Furthermore, he points out that his efforts were unsuccessful even within the Quaker community. Avalos also assesses George Bourne’s argument that is based on Deuteronomy 15:12, which places limits on the length of time slaves may serve. Bourne considers this to be a Levitical statute arguing that the violation of this statute is punishable by death alongside murder in Leviticus 24:17. Avalos quickly debunks this argument, pointing to the fact that Leviticus 24:17 makes no mention of slavery and is only concerned with the punishment of one man who has murdered another. Thus, through simple analysis Avalos debunks anti-slavery arguments, concluding that Euroamerican abolitionists relied “on weak interpretive rationales.” Ultimately, given this analysis, historical and critical exegesis supports the pro-slavery position in Avalos’ view. Scholar Molly Oshatz writes in her work, *Slavery and Sin: The Fight against Slavery and the Rise of Liberal Protestantism*, that

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61 Ibid., 255.
62 Ibid., 256.
63 Ibid., 258.
given the biblical record on slavery, it is, “very difficult to avoid the conclusion that the Bible sanctions slavery.”64 In order to prove her assertion, she highlights numerous passages from the Old and New Testaments that seem to support the slavery cause. For example, she addresses the fact that Mosaic Law contained regulations that mitigated slavery. Thus, the Bible accepts slavery as a given. As for the New Testament, she addresses the fact that Paul seems to confirm slavery by sending a fugitive slave Onesimus back to his master.65 Beyond addressing passages of the Bible that seem to support the pro-slavery cause, Oshatz goes one step further to highlight the fact that even abolitionists found themselves abandoning efforts to assert that the Bible did not sanction slavery. She highlights, for example, that Christian abolitionists such as George Cheever and Amos Phelps abandoned efforts to make a case that the Bible did not sanction slavery.66 Instead of trying to deny the sanction of biblical slavery, Oshatz argues that abolitionists abandoned biblical literalism in favor of arguments rooted in Christian principles. For example, abolitionists would appeal to such biblical principles as the golden rule. This is due to the fact that even the most ardent defender of slavery could not agree that in enslaveing his neighbor, he would likewise have his neighbor enslave him.67 Thus, like Avalos, Oshatz argues for a Bible that sanctioned slavery and focuses heavily on the role of broad interpretive principles in making the abolitionist’s case against slavery.

Thus far, this thesis has endeavored to trace the origins of the biblical slavery debate in America to provide context to the antebellum slavery debate. Furthermore, it has drawn

64 Oshatz, *Slavery and Sin*, 5.
65 Ibid., 8.
66 Ibid., 61.
67 Ibid., 75.
attention to the widely held scholarly opinion that pro-slavery southerners were justified in using the Bible to sanction slavery. To accomplish this, the thesis has focused on the biblical slavery debate in broad terms. However, from this point forward, this thesis will narrow its focus to a very specific aspect of the biblical slavery debate that is deserving of a more in-depth study. As noted above, scholars have tended to favor the thesis that pro-slavery southerners were justified in using the Bible to sanction slavery. However, scholar Molly Oshatz does point out very briefly in her work that there was a particular line of reasoning put forth by some abolitionists to challenge the biblical sanction of slavery, which carried some merit. This line of reasoning did not deny that the Bible sanctioned slavery in general, abstract terms, but stated that the Bible did not sanction slavery as it was specifically practiced in the American South. In essence, the institution of slavery that was practiced in the Bible was significantly different from the institution as it was practiced in the American South. Thus, while the Bible could be said to sanction slavery, the slavery it sanctioned was fundamentally different than that practiced in the Antebellum South. Ultimately, given the differences between biblical slavery and Southern slavery, the Bible could not be used to sanction slavery as it was practiced in nineteenth-century America. Oshatz writes of this line of reasoning that it is, “obvious that the Bible did not sanction slavery as it existed in the Southern states.” In making this claim, however, Oshatz fails to provide a critical assessment of the validity of the main arguments abolitionists put forth to deny that the Bible sanctioned slavery as it was practiced in the American South. In fact,

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68 Oshatz, *Slavery and Sin*, 75.
she provides little to no evidence at all to back up her claim. It is this gap in the study of the Bible and Southern slavery that this thesis will seek to fill.

In addressing this gap, this thesis will prove that “pro-slavery southerners were not unquestionably justified in using the Bible to sanction slavery as it was practiced in the American South.” In the process of proving this, the thesis will do three things. First, it will restore credibility to abolitionists by pushing against the view held by many scholars such as Hector Avalos that, “Euroamerican abolitionists relied on weak interpretive rationales.”69 Some abolitionists put forth justifiable arguments from biblical passages to deny that the Bible sanctioned slavery as it was practiced in the American South, for which there exists both intra- biblical and-or extra-biblical evidence that provides credence to their arguments. Abolitionists did not always rely on “weak interpretive rationales.” Second, this thesis will restore credibility to the broader abolitionist strategy to show that the Bible did not sanction Southern slavery. This will be done by showing that, irrespective of the correctness of specific abolitionist’s arguments, there exists evidence surrounding each of the biblical passages that will be examined to show, or at the very least suggest, that southerners were not justified in using them to sanction slavery as they practiced it. The passages that will be examined in chapters two through four are Leviticus 25:44-46, Exodus 21:20, and Philemon 1:1-25. The fifth chapter will focus on an argument, not passage specific, which sought to deny that southerners were justified in using the Bible to sanction slavery as it was practiced in the American South, based upon the fact that Southern slavery was race based and biblical slavery was not. Finally, by showing that

69 Avalos, Ethics of Biblical Scholarship, 258.
southerners were not unquestionably justified in using the Bible to sanction slavery as it was practiced in the American South, this thesis will argue that the evidence shows, or at the very least suggests, that southerners would have needed to make significant changes to the institution of slavery as they practiced it in order to have been justified in using the Bible to sanction slavery.

To prove that, “pro-slavery southerners were not unquestionably justified in using the Bible to sanction slavery as it was practiced in the American South,” this thesis will take the following course. In the second chapter, this thesis will assess the pro-slavery and abolitionist debate over Leviticus 25:44-46. Pro-slavery southerners such as James Shannon would argue that in these verses God permitted the Hebrews to hold non-Jewish slaves in perpetuity. Since God allowed the Hebrews to hold non-Jewish slaves in perpetuity, southerners were well within their right to hold Africans as slaves in perpetuity. This was especially true since Africans could easily be likened to the non-Jewish heathen slaves in the Bible. In contrast to Shannon, some abolitionists such as Goodsell Buckingham argued that these verses did not allow the Hebrews to hold non-Jewish slaves in perpetuity. This is because Buckingham believed the Jubilee declaration put forth in Leviticus 25:9-10 offered liberty to all slaves in ancient Jewish society. Given this fact, Buckingham argued that biblical slavery and Southern slavery were two very different systems. Biblical slavery called for the eventual freedom of all slaves. Southern slavery did not. Given this distinction, southerners were not justified in using Leviticus 25:44-46 and

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70 James Shannon. *An Address Delivered before the Pro-Slavery Convention of the State of Missouri*, (St. Louis, Missouri: Republican Book and Job Office, 1855), 12.
ultimately the Bible to sanction slavery as they practiced it in the South. Through a critical assessment of historical evidence concerning Hebrew slave law-practices and Southern slave law-practices, this chapter will argue that Buckingham’s argument fails to establish a distinction between biblical slavery and Southern slavery. Despite the failure of Buckingham’s argument, however, this chapter will also argue based on historical evidence concerning Hebrew slave laws-practices and Southern slave laws-practices that another very real distinction existed between biblical slavery and Southern slavery. This distinction is uncovered when examining Leviticus 25:44-46 in the context of early Jewish society, and rests in the fact that historical evidence shows Hebrew slave masters were “permitted” by law to keep their non-Jewish slaves in perpetuity, whereas Southern slave masters were “mandated” by law to keep their African slaves in perpetuity. Based upon this distinction, this chapter will argue that pro-slavery southerners were not unquestionably justified in using Leviticus 25:44-46 and ultimately the Bible to sanction slavery as it was practiced in the American South.

In the third chapter, this thesis will assess the pro-slavery and abolitionist debate over Exodus 21:20. Pro-slavery southerners, such as Albert Taylor Bledsoe, argued from this verse that the Bible’s acceptance of slavery was a given. Quite simply, since Exodus 21:20 provided regulations for the lawful correction of slaves with force, then it was a given that the Bible sanctioned both the holding of slaves as property and the use of force to correct these slaves. How could it not with such regulations for the correction of slaves

71 Goodsell Buckingham, *The Bible Vindicated from the Charge of Sustaining Slavery*, (Columbus, Ohio: Temperance Advocate Office, 1837), 10.
present within scripture? In contrast to pro-slavery southerners such as Bledsoe, some abolitionists such as the Reverend Albert Barnes were not convinced that Exodus 21:20 provided support for Southern slavery. Through a critical comparison of Exodus 21:20 to Southern slave laws, Barnes argued that this law actually pointed to the existence of two distinctions between biblical slavery and Southern slavery. In turn, these distinctions undermined the legitimacy of southerners using Exodus 21:20 and ultimately the Bible to sanction slavery as it was practiced in the American South. Barnes’ evidence for his conclusion rested in the fact that Exodus 21:20 called for the punishment of Hebrew masters who murdered their non-Hebrew slaves, whereas Southern slave laws were rigged in such a way that it was virtually impossible for masters to be punished for the murder of their non-Hebrew (African) slaves. Through a critical assessment of their arguments, an examination of early Jewish slave laws-practices, an examination of Southern slave laws-practices, and an examination of contemporary scholarship concerning biblical slavery, it will be argued that evidence strongly suggests Albert Barnes’ argument was correct. Pro-slavery southerners were not unquestionably justified in using Exodus 21:20 and ultimately the Bible to sanction slavery as it was practiced in the American South.

In the fourth chapter, this thesis will assess the pro-slavery and abolitionist debate over Paul’s Letter to Philemon. Pro-slavery southerners, such as Nathaniel Wheaton, argued that in Philemon Paul returned a fugitive slave. Given this fact, he would conclude


that the Bible provided a divine sanction for the Fugitive Slave Law of 1850. In contrast to southerners such as Wheaton, some abolitionists such as the Reverend Kazlitt Arvine argued that it was not clear that Paul returned a fugitive slave in Philemon and would suggest that Onesimus, the alleged fugitive slave, was actually Philemon’s debtor. Given this fact, Arvine concluded that southerners were not justified in using this passage to sanction the Fugitive Slave Law of 1850. The documents were dissimilar. Other abolitionists, such as John Wiggins, argued that even if Philemon did detail Paul’s return of a fugitive slave, it suggested a strong distinction existed between biblical slavery and Southern slavery. In short, Paul’s treatment of the fugitive slave Onesimus suggested that the Bible called for the lenient treatment of fugitive slaves, whereas the Southern system of slavery enabled the violent abuse and punishment of fugitive slaves. Through a critical assessment of their arguments, an examination of Roman slave laws-practices concerning fugitive slaves, an examination of Southern slave laws-practices concerning fugitive slaves, and an examination of contemporary biblical scholarship concerning biblical slavery, it will be argued that evidence strongly suggests abolitionists such as Kazlitt Arvine and John Wiggins were correct in their arguments. Pro-slavery southerners were not unquestionably justified in using Paul’s letter to Philemon and ultimately the Bible to sanction, either the Fugitive Slave Law of 1850 or more generally, slavery as it was practiced in the American South.

In the fifth chapter, this thesis will assess the abolitionist effort to denounce the legitimacy of using the Bible to sanction Southern slavery by arguing that biblical slavery was not based upon the inferiority of one race, whereas Southern slavery was based upon
the inferiority of one race. In short, these abolitionists sought to highlight that southerners were using a book which sanctioned a system of slavery that was not based upon the inferiority of one race to sanction a system of slavery that was based upon the inferiority of one race. The Bible was being wrested from its original context to support something that it did not support. A very small number of Abolitionists such as Elijah Porter Barrows would make this argument. Barrows argued that in the Old Testament, the basis for slavery rested not on the idea that one race was inferior and thereby especially suited for slavery, but rather anyone who was a foreigner to the Israelites, irrespective of race, was suitable for enslavement. Barrows would point out that if southerners, who likened themselves to the Israelites, were truly following the Biblical model of slavery, then they would have to permit the enslavement of many different groups of people such as the Turks, Persians, and Arabs since all could rightly be considered foreigners to white southerners. Similarly, Barrows also asserted that slavery in the New Testament was not based upon the inferiority of one race. Through a critical assessment of Barrow’s arguments, an examination of the provenance of slaves in the Old Testament, and an examination of the provenance of slaves in the New Testament, it will be argued that southerners were not unquestionably justified in using the Bible to sanction slavery as it was practiced in the American South. The biblical model of slavery was not based upon the inferiority of one race, whereas the Southern model of slavery was based upon the inferiority of one race.

In the sixth and final chapter, this thesis will conclude by proving that, “pro-slavery southerners were not unquestionably justified in using the Bible to sanction slavery as it was practiced in the American South.” To do this, the main arguments from each chapter
will be condensed and summarized. It will be reemphasized that a study of intra-biblical and extra-biblical historical evidence uncovers four major distinctions between the biblical model of slavery and the Southern model of slavery. In short, southerners were violating the biblical model of slavery in four major ways. These violations include not legally permitting Southern slave masters to manumit their African slaves, legally enabling Southern slave masters to murder their African slaves and face no punishment, legally enabling Southern slave masters to punish and murder their fugitive slaves, and finally by basing their system of slavery upon the inferiority of the African race. After doing all of the above, this chapter will finally address and explain the implications of the conclusion of this thesis upon future studies of the antebellum, biblical slavery debate.
Chapter 2: A Comparison between Hebrew Law-Practice and Southern Law-Practice Concerning Slavery in Perpetuity

At the heart of the biblical, antebellum slavery debates was a passage found in the book of Leviticus. This passage would serve as the crux of the biblical, pro-slavery argument from the Old Testament. The passage is Leviticus 25:44-46 and it states the following:

As for the male and female slaves whom you may have, it is from the nations around you that you may acquire male and female slaves. You may also acquire them from among the aliens residing with you, and from their families that are with you, who have been born in your land; and they may be your property. You may keep them as a possession for your children after you, for them to inherit as property. These you may treat as slaves, but as for your fellow Israelites, no one shall rule over the other with harshness.¹

In contrast to the above passage, which allowed non-Hebrew slaves to serve in perpetuity, other verses in the Old Testament placed a clear limitation on the length of time that Hebrews could serve as slaves. For example, in Exodus 21:2 it states, “When you buy a male Hebrew slave, he shall serve six years, but in the seventh he shall go out a free person, without debt.”² Thus, when placed in the greater context of the Old Testament, Leviticus 25:44-46 served the interests of Southern slaveholders well. As scholar Molly Oshatz writes, “The Jewish scriptures offered early American slaveholders an all-to-convenient analogy: Indentured servants, most of whom were baptized, were to Hebrew slaves as African slaves were to heathen slaves.”³ With such a useful distinction available in

¹ Lev. 25:44-46 NIB.
² Ex. 21:2 NIB.
³ Oshatz, Slavery and Sin, 6.
scripture, southerners were furnished with an easy biblical justification for the enslavement of Africans in perpetuity, making it appear unlikely that any legitimate challenge could be levied against proslavery southerners. However, despite the presence of this very clear distinction between Hebrew and non-Hebrew slaves in the Old Testament, abolitionists and anti-slavery advocates sought to deny that such a clear distinction existed. These individuals pointed to the fact that other passages in Leviticus seemed to extend liberty to all slaves and thereby blurred the distinction between Hebrew and non-Hebrew slaves. In short, they asserted that no slave served in perpetuity. Given this conclusion, they could assert that southerners were not justified in using the Bible to sustain slavery as it was practiced in the South. This was due to their belief that Leviticus called for all slaves to be liberated, while Southern slavery kept Africans in perpetual bondage with little or no hope for liberty. Through a critical assessment of the pro-slavery and anti-slavery argument concerning Leviticus 25:44-46, an examination of early Jewish slave laws-practices, an examination of Southern slave laws-practices, and an examination of contemporary scholarship concerning biblical slavery, it will be argued that pro-slavery southerners were not unquestionably justified in using Leviticus 25:44-46 and ultimately the Bible to sanction slavery as it was practiced in the American South.

The Southern, pro-slavery argument drawn from Leviticus 25:44-46 was simple and is illustrated in the writings of evangelist James Shannon. In his work, An Address Delivered before the Pro-Slavery Convention of the State of Missouri, Shannon asserted that the Bible sanctioned slavery. He stated that, “All who are well informed on the subject
know that, if the Bible sanctions anything, it sanctions slavery.” ⁴ To prove this assertion, Shannon pointed to numerous passages of scripture as proof of the biblical sanction of slavery. Amongst the passages of scripture he quoted was Leviticus 25:44-46. According to Shannon, “He [God] permitted the Jews to buy the children of the gentiles, residing in the land of Judæa, and in the surrounding states, into hereditary bondage forever.” ⁵

Having made this assertion, Shannon then proceeded to quote Leviticus 25:44-46. Leviticus 25:44-46 states the following:

Both thy bondmen, and thy bondmaids, which thou shalt have, shall be of the heathen that are round about you; of them shall ye buy bondmen and bondmaids. 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 forever: but over your brethren the children of Israel, ye shall not rule one over another with rigour. ⁶

From this passage, Shannon concluded that, “In the light of these scripture, clear as sunbeam, who will dare – who will impiously dare – to give Jehovah the lie to his face…that slavery is a moral wrong.” ⁷ Ultimately, since Leviticus 25:44-46 allowed the Hebrews to hold slaves from outside nations and to hold these slaves in perpetuity, in Shannon’s eyes southerners were not wrong in their endeavor to hold Africans as slaves, nor to hold Africans as slaves in perpetuity. The Bible clearly sanctioned slavery.

In response to individuals such as James Shannon, who asserted that Leviticus 25:44-46 clearly sanctioned slavery, those who opposed slavery in the nineteenth century

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⁵ Ibid., 12.
⁶ Lev. 25:44-46 KJV.
put together a compelling argument to discredit the assertion that Leviticus sanctioned slavery. Goodsell Buckingham exemplified this approach well. A grassroots activist, Buckingham sought to dismiss every citation of the Bible’s scriptures that pro-slavery southerners used to sanction slavery. He represented a school of thought amongst abolitionists and anti-slavery activists which asserted that the Bible did not sanction the “type” of slavery that was practiced in the Southern United States. Integral to understanding his argument is the word “type.” Unlike many abolitionists and anti-slavery activists who chose to ignore biblical passages that sanctioned slavery, Buckingham did not try to deny the presence of verses and passages that concerned slavery in the Old Testament, nor did he even deny that the Old Testament sanctioned slavery. Instead, he sought to scrutinize specific verses and passages found in the Old Testament to draw distinctions between the institution of slavery as practiced by the Hebrews, and the institution of slavery as practiced by southerners. Buckingham wanted to illustrate that biblical slavery and Southern slavery were not the same, and that biblical slavery called for the eventual freedom of all slaves, something that the institution of slavery in the American South did not call for.

In Buckingham’s eyes, slavery in the Southern United States differed significantly from the “mild and equitable form of servitude” that was characteristic of biblical slavery, and which forbade the Hebrews from “establishing everlasting slavery.” He asserted that those who believed the scriptures supported the statement that, “the heathen! And

8 Buckingham, *Bible Vindicated*, 2.
9 Ibid.
10 Ibid.
11 Ibid., 10.
strangers! Were certainly to be slaves “forever,” were mistaken.”

Buckingham was confident that there existed proof in Leviticus that liberty was offered to all slaves, including the heathen or non-Jewish slave. He based this assertion on the law that is found in Leviticus 25:9-10 and quoted this passage of scripture as irrefutable proof that slavery in perpetuity was not practiced amongst the Hebrews. The passage states,

Then shalt thou cause the trumpet of the Jubilee to sound, on the tenth day of the seventh month; in the Day of Atonement shall ye make the trumpet to sound throughout all your land. And ye shall hallow the fiftieth year, and proclaim liberty throughout all your land, unto all the inhabitants thereof; it shall be a Jubilee unto you; and ye shall return every man unto his possession, and ye shall return every man unto his family.

For Buckingham, “this law was fundamental” and prevented any abuse of the privileges to keep non-Jewish slaves that were granted in Leviticus 25:44-46. To be clear, Leviticus 25:44-46 gave the Israelites permission to have both male and female slaves from the nations surrounding them and from the resident aliens that lived amongst them. In addition, they were permitted to pass these slaves on to their children as inherited property who could be “bondmen forever.” However, in Buckingham’s eyes, while the language of Leviticus 25:44-46 suggested that non-Jewish slaves could be held in perpetuity, the language of Leviticus 25:9-10 checked this privilege and limited the term of servitude of all slaves to fifty years. Thus, while slavery could be perpetuated for a substantial amount of time, up to fifty years, based upon the all-inclusive language of the declaration of Jubilee made in Leviticus 25:9-10, Buckingham asserted that freedom was to be provided to all slaves be

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12 Ibid.
13 Ibid.
14 Ibid.
15 Lev. 25:44-46 NIB.
they Jewish or non-Jewish. Given this fact, Buckingham concluded with confidence that, based upon the scriptural evidence found in Leviticus, slavery in perpetuity was not practiced by the Hebrews as it was in the American South. The two systems of slavery were marked by a significant distinction and thereby dissimilar.

If correct, Buckingham’s argument would deal a fatal blow to the Southern, pro-slavery argument that was based on Leviticus 25:44-46. During the antebellum period, manumission proved to be a very controversial subject that sparked fear in the hearts of most southerners. Prior to 1800, restrictions on manumission in the Southern United States were minimal if not nonexistent. Much of this was due to the concepts of liberty and freedom that had grown out of the American Revolution. So great was this Revolutionary sentiment that manumissions rates increased in several states. Additionally, some states such as Kentucky even considered the prospect of emancipation for its slaves. However, shortly after 1800 many Southern states began to enact substantial restrictions on manumission that became more restrictive as the century progressed. In fact, many states reached the point where manumission was prohibited. Much of the Southern change in attitude regarding manumission came in response to the increasing importance of cotton to the Southern economy. In the words of scholar Peter Kolchin, “The peculiar institution owed much of its persistence in the antebellum years to cotton, a crop only grown in very limited quantities in the colonial period.” In 1790, annual cotton production amounted to

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17 Ibid., 11.
roughly 3,138 bales of cotton. In just 20 years’ time, annual production had risen to roughly 177,824 bales of cotton. As the century progressed, annual production of cotton would continue to see significant increases.20 By 1820, production was up to 334,728 bales of cotton and by 1840, it had skyrocketed to 1,347,640 million bales. Finally, by the eve of the Civil War annual cotton production was up to 4,490,586 million bales per year.21 In time, as the South became more and more dependent on cotton to sustain its economy in the nineteenth century, the demand for slave labor was solidified in the South.

The increased importance of cotton shifted Southern attitudes towards slavery in the nineteenth century. During the Revolutionary era, Southern slave owners such as Patrick Henry had lamented over slavery stating that,

Would anyone believe that I am Master of slaves of my own purchase! I am drawn along by ye general inconvenience of living without them; I will not, I cannot justify it. However culpable my conduct, I will so far pay my devoir to virtue as to my own the excellence and rectitude of her precepts and to lament my want of conformity to them.22

In essence, Patrick Henry and the Revolutionary generation saw slavery as a necessary evil, and many of the Founding Fathers such as Thomas Jefferson even believed slavery was morally wrong and would suffer a gradual and peaceful death if curtailed.23 This attitude, however, changed as cotton came to dominate the South. Where slavery was once viewed as a necessary evil, it quickly came to be seen as a positive good upon which the very existence of the South depended. This attitude was best encapsulated by John C. Calhoun

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21 Ibid., 6.
23 Kolchin, American Slavery, 77.
in his work titled, *The Positive Good of Slavery*. In his work, Calhoun stated that slavery was, “the peculiar institution of the South,” of which, “the very existence of the slaveholding states depends.” Increased restrictions on manumission were inevitable as southerners sought to maintain the very institution that their economy now depended on.

The most influential factor encouraging southerners to curtail the manumission of slaves was the rise of radical abolitionism in the North and the slave rebellions that were sparked as a result of this abolitionism. In 1829, an African American freedman published an appeal titled, *Appeal…to the Colored Citizens of the World*. His name was David Walker and in his appeal he stated, “The whites want slaves, and want us for their slaves, but some of them will curse the day they ever saw us. As true as the sun ever shone in its meridian splendor, my color will root some of them out of the very face of the earth.”

Similar publications followed in the wake of Walker’s appeal. For example, William Lloyd Garrison’s *Liberator* used harsh language similar to that used by Walker in the January 1, 1831 copy of the Liberator stating, “Let Southern oppressors tremble — let their secret abettors tremble — let their Northern apologists tremble — let all the enemies of the persecuted blacks tremble.” With harsh language and straightforward illustrations that would appeal to even the most illiterate of slaves, Garrison’s *Liberator* and Walker’s

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26 Ibid.
28 David Walker. *Walker’s Appeal, in Four Articles; Together with a Preamble to the Coloured Citizens of the World*, (Boston, Massachusetts: David Walker, 1830), 23.
Appeal… sparked deep seated fears in the eyes of southerners and these fears would grow as such publications continued.30

Southern fears of potential slave rebellions inspired by Walker and Garrison’s publications were not without justification. A case in point was Nat Turner’s Rebellion. On August 21, 1831 Nat Turner and seven other slaves, went on a murderous rampage throughout Southampton County, Virginia. Within a twenty-four hour period fifty one whites had been murdered.”31 In response to this rebellion and to other similar uprisings, southerners became much more committed in their efforts to maintain their way of life by endeavoring to preserve slavery through any means necessary. Central to the maintenance of slavery was restricting manumissions. In scholar Joseph Ranney’s words, manumission “was only one step removed from general emancipation and a potential to end the slave system.”32 Southerners were well aware of this fact, and as a result they became more and more hostile towards manumission as the nineteenth century progressed. In fact, by the eve of the Civil War much of the South had rendered manumission virtually impossible through the passage of various laws and acts.

Evidence of the effect of the South’s growing dependence on cotton coupled with the rise of radical abolitionism in the North on restricting manumissions in the Southern United States can be gleaned from examining nineteenth century state laws concerning manumission. Efforts by such states as South Carolina to restrict and even prohibit manumission reflect well the attitude of the South towards manumission during this period.

30 Wiltse, John C. Calhoun, 119.
31 Ibid.
32 Ranney, In the Wake of Slavery, 15.
In the year 1800, South Carolina passed the first of three acts designed to restrict and eventually prohibit manumission. Act No. 1745 titled *An Act Respecting slaves, Free Negroes, Mulattoes, and Mestizoes; For enforcing the More Punctual Performance of Patrol Duty; And to Impose Certain Restrictions on the Emancipation of Slaves* began the trend of restricting manumission in South Carolina. The act called for those slave owners who wished to emancipate a slave to report to a justice of the quorum, and prove before this justice of the quorum and five freeholders that the slave was of a good character. Furthermore, they had to prove that the slave was able to gain a living by an honest means.

The Act states the following:

> Whenever any person or persons shall intend to emancipate or set free his, her or their slave or slaves, he, she, or they shall signify such intention to some justice of the quorum, who is hereby authorized and required thereupon to summon to meet, at a convenient time and place, five indifferent freeholders living in the neighborhood of the person or persons so intending to emancipate or set free his, her or their slave or slaves.33

The purpose of the meeting was to gain a certificate of approval from the summoned parties for the emancipation of the slave. If it was found by the summoned parties that the slave was not of good character and too infirm to make a living, the manumission was not granted.34 Granted, this act came more in response to worries about burdening South Carolina’s white communities with blacks who could not provide for themselves, rather than in response to concerns wrought by the growing importance of cotton and the rise of radical abolitionism in the North. Furthermore, it did not significantly curtail

manumissions as its primary goal was to prevent the creation of “public charity cases.” Nevertheless, this 1800 act began a trend of implementing significant restrictions on manumission and ultimately led to the banning of manumission in South Carolina.

Following the 1800 act, South Carolina placed even heavier restrictions on manumission. In 1820, the South Carolina legislature passed a law which stripped slave owners of the right to manumit their slaves within the state. The act titled, *An Act to Restrain the Emancipation of Slaves*, stated the following: “Be it therefore enacted, by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, that no slave shall hereafter be emancipated but by act of Legislature.” With the passage of this act, it was made illegal for slave owners to manumit their slaves without the consent of both houses of the state assembly. Slave masters who wished to manumit their slaves were required to petition the state assembly to issue a declaration of emancipation. Obtaining the permission of the legislature, however, was no easy task as many members believed that there were far too may freed slaves and descendants of freed slaves living in the state. To even be considered for manumission by the legislature, a slave would have to give proof of having performed a “heroic deed” such as revealing that a slave revolt was in the works. Of course, most slaves could not perform any such “heroic deed.” As a result of the 1820 act very few slaves were legally manumitted, and South Carolina slave owners lost all power by law to manumit their slaves within the state.

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35 Ibid., 47.
38 Ibid.
39 Ibid., 62.
Angered at disregard for the Act of 1820 and committed to restricting virtually every avenue for emancipation, the state assembly of South Carolina passed yet another act aimed at curtailing the manumission of slaves in 1841.40 This time, manumission was banned out of the state. The 1841 act titled, An Act to Prevent the Emancipation of Slaves, stated the following:

That any gift of slave or slaves, hereafter made, by deed or otherwise, accompanied by a trust, secret or expressed, that the donee shall remove such slave or slaves from the limits of this state, with the purpose of emancipation, shall be void and of no effect; and every such donee or trustee shall be liable to deliver up the same, or held to account for the value thereof, for the benefit of the distributes, or next of kin.41

With the 1820 act already in place and the subsequent addition of the 1841 act, masters who wished to manumit their slaves were completely devoid of all power to do so. The only legal avenue that remained for emancipation was for the state legislature to grant manumission to slaves.42 However, as already noted, this was virtually impossible as the state legislature desired to keep the states free black population in check and did so effectively. For example, in the 1850 United States Census, manumission statistics show that out of 384,984 slaves in South Carolina only two were granted manumission during that year. Ten years later, the 1860 census shows that out of 402,406 slaves in South Carolina only twelve were granted manumission.43 Thus, for all intents and purposes

40 Ibid., 72.
42 Myers, Forging Freedom, 61.
manumission was banned in South Carolina. Masters had no power to manumit their slaves and slaves had virtually no hope for freedom.

The trend of stripping masters of all power to manumit their slaves and of prohibiting both in-state and out of state manumissions manifested itself in several other states as well. For example, the states of Georgia, Alabama, and Mississippi prohibited all in-state manumissions unless legislative approval was granted. These three states eventually took the route of South Carolina again and banned all out of state manumissions as well.\(^{44}\) The state of Arkansas also banned all manumissions both in-state and out of state. In the South, then, five states completely stripped masters of the right to manumit their slaves and deprived their slaves of virtually any hope for manumission. While many Southern states stripped masters of the power to manumit their slaves, other states placed heavy restrictions on manumission making it very difficult if not impossible for masters to manumit their slaves. For example, Virginia, Tennessee, Texas, Florida, Maryland, Kentucky, and North Carolina all evolved to a no in-state manumission position by 1860.\(^{45}\) Thus, in these states, manumission was possible only through an out of state manumission. Out of state manumission, however, came with its own set of difficulties. During the nineteenth century, many states enacted laws which forbade the entry of free blacks into the state. For example, the state of South Carolina in 1820 declared that, “it shall not be lawful for any free negro or mulatto to migrate into this state.”\(^{46}\) The state of Georgia in 1818 declared that, “it shall not be lawful for any free person of color to come into this


\(^{45}\) Ibid.

state.”47 The state of Alabama declared in 1832 that, “It shall not be lawful for any free person of color to settle within the limits of this state.”48 Virginia passed such a law in 1793 and North Carolina in 1827.49 Numerous states throughout the South enacted similar declarations. Thus, for most slave masters in the South, manumission was made impossible as they were stripped of the power and ability to manumit their slaves both in-state and out of state. Slaves had little to no hope of legally obtaining freedom.

Statistics from the 1850 U.S. census and the 1860 U.S. census underscore just how successful state efforts were at inhibiting masters from manumitting slaves and preventing slaves from gaining freedom through manumission. According to the 1850 census, only 1 out of 47,100 slaves in Arkansas was granted manumission. By 1860, the numbers were up, but not by much with only 41 out 111,115 slaves granted manumission.50 This trend was characteristic of all Southern states with the 1850 census recording very low numbers of manumissions and the 1860 census recording small gains in manumission. Even with small gains, however, the number of slaves manumitted in each state still remained remarkably low in comparison to the total number of slaves in each state. Out of a total of 3,200,364 Southern slaves, only 1,467 slaves were legally manumitted in 1850, and out of 3,953,696 Southern slaves in 1860, only 3,018 slaves were legally manumitted.51 Thus, state efforts were remarkably successful at stripping slave masters of the legal ability to

51 Ibid.
manumit their slaves in the South. Most slaves had little to no hope of ever gaining freedom through manumission.

Having assessed the South’s attitude towards manumission during the antebellum period, it would appear that Goodsell Buckingham had dealt a fatal blow to the Southern, biblical argument in support of slavery from Leviticus 25:44-46. Since slavery in perpetuity, according to Buckingham, directly contradicted the declaration of Jubilee found in Leviticus 25:9-10, it would appear that southerners were in fact not justified in using Leviticus 25:44-46 to sanction slavery as they practiced it in the South. Since an examination of state attitudes and laws concerning manumission in the antebellum period and an examination of manumission statistics from the 1850 and 1860 U.S. censuses shows that slavery in the South was meant to be for the duration of the slave’s life without hope for the manumission of himself or his children, liberty was undoubtedly not offered to all slaves in the South as Buckingham asserted the Jubilee declaration called for. However, both historical evidence and scholarly opinion concerning the Jubilee declaration in Leviticus 25:9-10, shows that Buckingham’s argument was flawed. The Jubilee declaration did not offer liberty to all slaves in Jewish society and did not check the privileges granted in Leviticus 25:44-46 to hold non-Jewish slaves in perpetuity.

To fully understand the Jubilee declaration in Leviticus 25:9-10 it is important to place this declaration in the context in which it arose. The Jubilee declaration of Leviticus 25 did not arise ex nihilo, but drew upon practices which were already in existence in the surrounding cultures with which Israel came in contact.52 In the ancient Near East, a

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phenomenon known as debt slavery became a significant issue between 2050-1955 BCE and continued to be a major problem throughout the history of this region. The primary cause of this phenomenon can be attributed to the monopoly of resources amongst both the state and private elite, coupled with high interest loans. Debt slavery most commonly arose as free citizens lost control over their means of production and increasingly became dependent upon large landowners, merchants, and the state for various resources. Once the aforementioned dependency was established, small landowners found themselves forced to acquire loans in order to pay for the resources they needed. These loans often came with high interest rates. If the crops of small farmers failed or were below what was expected, then for these small farmers it became difficult if not impossible to pay back high interest loans. When this occurred, small farmers often found themselves having to sell or give up dependents into debt-slavery. Eventually, these small farmers would even be faced with selling their land, families, and ultimately themselves.

To curb the abuses of political and economic power by the landed elite, many Mesopotamian rulers put forth freedom proclamations to correct the disruption of the economy and welfare of free citizens who had fallen victim to debt-slavery and the alienation of land. As early as 2400 BCE, Entemena, King of Lagash, issued just such a freedom proclamation when he stated the following:

A remission of the obligations of Lagash he instituted. He returned the mother to the child and returned the child to the mother, and a remission if interest bearing barley loans he instituted. At that time, Enmetena for Lugalemush the Emush of Badtibira, the remission of their obligations he instituted. For Innana, back to Uruk

54 Ibid.
55 Ibid.
to her control he returned them. For Utu, back to Larsa to his control he returned them. For Lugalemush back to the Emush to his control he returned them. In the above statement, Enmetena claims to have canceled all personal debts in Lagash and the cities of Uruk, Larsa, and Badtiriba. The use of the phrase, “returned the mother to the child and returned the child to the mother” is a, “poetic idiom for the reunification of families broken by the sale of one or more of the members into debt-slavery.” Two characteristics of this freedom proclamation should be emphasized and remembered. First, the use of language pertaining to the family in the statement “returned the mother to the child and returned the child to the mother.” Second, the cancellation of debts is ethnically limited to the citizens of Lagash, Uruk, Larsa, and Badtiriba. Thus, it is not a general proclamation of freedom to all who are slaves.

Just a few hundred years later, Lipit-Ishtar, the fifth King of the Isin Dynasty, made a freedom proclamation almost identical to the one made by Enmetena. Lipit-Ishtar stated the following:

When Anu and Enlil had called Lipit-Ishtar, Lipit-Ishtar the wise shephard whose name had been pronounced by Nunamnir, to the princeship of the land in order to establish justice in the land, to banish complaints, to turn back enmity and rebellion by force of arms, and to bring well-being to the Sumerians and Akkadians, then I, Lipit-Ishtar, the humble shephard of Nippur, the stalwart farmer of Ur, who abandons not Eridu, the suitable lord of Erech, king of Isin, king of Sumer and Akkad, who am fit for the heart of Manna, established justice in Sumer and Akkad in accordance with the word of Enlil. Verily in those days I procured the freedom of the sons and daughters of Ur (Isin, Sumer, and Akkad) upon whom slave ship had been imposed. I made the father support his children and the children support their father. I made the father stand by his children and the children stand by their father.58

56 Bergsma, *The Jubilee from Leviticus to Qumran*, 22.
57 Ibid.
58 Ibid., 23.
In the above proclamation, Lipit-Ishtar claimed to have brought about the emancipation of debt slaves in the four main cities of his kingdom. This was most likely done through a decree that nullified all personal debts. The statement, “I made the father support his children and the children support their father,” parallels the statement, “returned the mother to the child and returned the child to the mother,” in Enmetena’s proclamation. Like Enmetena’s proclamation, then, Lipit-Ishtar’s proclamation is concerned with the reuniting of families broken apart by debt slavery.59 Two characteristics of Lipit-Ishtar’s proclamation should be emphasized and remembered as well. First, like Enmetena’s proclamation, it makes use of language pertaining to the family in the statement “I made the father support his children and the children support their father.” Second, like Enmetena’s proclamation, the cancellation of debts is ethnically limited to both the Sumerians and the Akkadians. It is not a general proclamation of freedom to all who are slaves.

Evidence shows that Israel, much like the rest of the Ancient Near East, was also plagued by the phenomenon of debt slavery. The existence of debt slavery in Israel may largely be attributed to the growing monopoly over resources by Israel’s landed elite. Many of Israel’s small farmers were forced to go to the landed elite to obtain the resources they needed to farm. Typically, loans were procured in order to obtain needed resources, and these loans often came with high interest rates attached.60 Despite the presence of biblical laws which prevent the Israelites from charging interest to one another, these laws were generally ignored by Israel’s money-lenders, particularly during the eight century BCE and

59 Ibid.
60 Chirichigno, *Debt-Slavery in Israel*, 141.
later. Like so many small farmers in Mesopotamia, then, many of Israel’s small farmers were forced to sell their dependents into slavery in order to pay back loans. Sometimes, they were even forced to sell themselves and their land to pay back these loans. Redeeming oneself or one’s dependents often came with great difficulty.61

Numerous passages in scripture allude to the existence of debt slavery in Israel and illustrate Israel’s need for a freedom proclamation akin to those made by Enmetena and Lipit-Ishtar. For example, in 2 Kings 4:1 it states, “Now the wife of a member of the company of prophets cried to Elisha, Your servant my husband is dead: and you know that your servant feared the Lord, but a creditor has come to take my two children as slaves.”62 Here, with the death of an Israelite woman’s husband, she is unable to pay off her family’s debt. As a result, members of her family are to be taken into slavery as payment for the debts. It is only with the help of the prophet Elisha that the woman is able to pay off her family’s debt through a miracle in which one jar of oil is multiplied into many vessels of oil. The woman is able to use the multiplied oil to pay off the debt and prevent her children from being taken into debt slavery. A passage in Jeremiah also provides evidence of debt slavery in Israel. In Jeremiah 34:8-16, God indicts the Israelites for their failure to heed his command that all Hebrew slaves who had been sold must be set free upon request in the seventh year after six years of service. In this passage, the Israelites who had freed their Hebrew slaves according to God’s law had turned right back around and taken the very slaves whom they had freed back into slavery.63 Escaping debt slavery, then, was difficult

61 Ibid.
62 2 Kings 4:1 NIB.
63 Jeremiah 34:8-16 NIB.
for many Hebrews making the need for a freedom proclamation in Israeli society apparent. Thus enter the Jubilee declaration in Leviticus 25.

The Jubilee declaration occurred every fifty years and brought with it liberation from debt and labor. The goal of the Jubilee was to reunite broken families and to reclaim lost family property. Amongst the Hebrews, debt was viewed as a great evil and the Jubilee provided a way in which to overcome this great evil. Many times, if Hebrews fell into debt, they were forced to sell some of their property to pay off the debt. However, if a Hebrew possessed only a limited amount of property to sell, he might even sell some of his family or ultimately himself to a relative or to a rich alien in order to pay off the debt. The Hebrew who sold himself to a relative or to a rich alien was not to be treated as a slave, but as a hired laborer. The Jubilee, then, dealt exclusively with those Hebrews who had sold their property, their family, or themselves to others in order to pay off their debts. This is in sharp contrast to those individuals who were purchased from outside nations or who were captured in war. The Jubilee was not applicable to these persons and they could be owned permanently as property.

In comparing the freedom proclamations issued by Mesopotamian rulers to the Jubilee declaration in Leviticus 25, strong conceptual parallels are identifiable and point to the accuracy of the above understanding of the Jubilee. In both of the freedom proclamations that were issued by Enmetena and Lipit-Ishtar, language pertaining to the family is utilized which points to the concern of these proclamations being rooted in the

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65 Ibid., 297.
reunification of families that had been broken by debt slavery. In Enmetena’s proclamation, language pertaining to the family is utilized in the statement, “returned the mother to the child and returned the child to the mother.” Similarly, in Lipit-Ishtar’s proclamation, language pertaining to the family is utilized in the statement, “I made the father support his children and the children support their father.” Much in the vein of the freedom proclamations made by Enmetena and Lipit-Ishtar, the Jubilee declaration of Leviticus 25 also makes use of language pertaining to the family, thereby pointing to the concern of this passage being rooted in the reunification of families broken by debt slavery as well. In Leviticus 25:10 it states, “It shall be a Jubilee for you; you shall return every one of you to your property and every one of you to your family.”

Thus, Enmetena’s proclamation, Lipit-Ishtar’s proclamation, and the Jubilee proclamation all share in common the use of language pertaining to the family, thereby pointing to the concern of these proclamations being the reunification of families broken by debt slavery.

A second conceptual parallel is found in the fact that both Enmetena’s and Lipit-Ishtar’s freedom proclamations as well as the Jubilee declaration in Leviticus 25 are ethnically limited to members of the home group (s). Enmetena’s proclamation makes clear that the cancellation of debts is ethnically limited to the citizens of Lagash, Uruk, Larsa, and Badtiriba. Thus, it is not a general proclamation of freedom to all who are slaves. Lipit-Ishtar’s proclamation makes clear that the cancellation of debts is ethnically limited to the Sumerians and the Akkadians. It is also not a general proclamation of freedom to all who are slaves. Finally, the Jubilee declaration of Leviticus 25 makes clear that the cancellation

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66 Leviticus 25:10 NIB.
of debts is ethnically limited to the Israelites. To be clear, Leviticus 25:10 does use vague language which can easily be interpreted as an all-encompassing declaration of freedom. This is evidenced by phrases such as “proclaim liberty throughout all your land, unto all inhabitants thereof.” However, further down in Leviticus 25 it is clarified that this proclamation of freedom is meant for the Israelites only. Leviticus 25:39-42 states, “If any who are dependent on you become so impoverished that they sell themselves to you, you shall not make them serve as slaves…They shall serve with you until the year of Jubilee…For they are my servants, whom I brought out of the land of Egypt; they shall not be sold as slaves are sold.”\textsuperscript{67} The phrase “For they are my servants, whom I brought out of the land of Egypt,” clearly limits the Jubilee declaration to the Israelites. Ultimately, evidence shows that Israel suffered from the phenomenon of debt slavery much like other Mesopotamian countries, and therefore had a need for a freedom proclamation. Given this fact, coupled with the presence of strong conceptual parallels between Mesopotamian freedom proclamations and the Jubilee declaration in Leviticus 25, it can be concluded with confidence that the Jubilee was Israel’s own effort to bring relief to its free citizens who had been forced to sell themselves into debt slavery. It was not, as Goodsell Buckingham interpreted it, a general proclamation of freedom to all who were slaves.

Numerous scholars contend that the Jubilee was applicable to Israeliite debt slaves only. John D. Davis points out the fact that, “The Hebrew slave had manumission after six years of service…and…all Hebrew slaves, both those who had elected to remain with their masters when the seventh year came, and those who had not served six years were released

\textsuperscript{67} Lev. 25:39-42 NIB.
at the Jubilee.” 68 Mark F. Rooker states that, “all Jews who for some reason or another had become enslaved to another Jew or were forced to sell personal property to someone in the preceding forty-nine-year period were automatically emancipated.” 69 This stood in contrast to those persons who were foreigners. These individuals could be held as slaves without emancipation. 70 Finally, Samuel E. Balentine asserts that, “the Jubilee laws do not abolish all forms of slavery-Israelites may have slaves from other nations.” 71 Thus, both historical evidence and scholarly opinion make clear that the Jubilee declaration in Leviticus 25 was not a general proclamation of freedom to all slaves in Hebrew society, but rather was concerned only with the release of those Israelites who had fallen into debt slavery. Ultimately, Goodsell Buckingham’s argument to show that the systems of biblical slavery and Southern slavery were incongruent fails.

While historical evidence and scholarly opinion show that Goodsell Buckingham’s argument fails, there also exists evidence which suggests that the abolitionist’s strategy of establishing an institutional distinction between biblical slavery and Southern slavery from Leviticus 25:44-46 carried real weight. The evidence comes from early Jewish society and suggests that pro-slavery southerners were not unquestionably justified in using this verse to sanction slavery as they practiced it in the American South. As made clear at the onset of this chapter, pro-slavery southerners who utilized Leviticus 25:44-46 to sanction slavery

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70 Ibid., 309.
argued that, because God allowed the Hebrews to hold non-Jewish slaves in perpetuity, southerners were justified in holding Africans in perpetuity. This is because Africans were easily likened to non-Jewish heathens. However, there were some pro-slavery southerners who even used this passage as proof that southerners were mandated by God to hold their non-Jewish slaves in perpetuity. For example, James Henry Hammond asserted that, “God especially authorized his chosen people to purchase ‘bondmen forever’ from the heathen” in Leviticus 25:44-46.72 As such, those purchased from the heathen, “were to be bondmen forever.”

To be fair, it was easy for pro-slavery southerners to reach the conclusion that God mandated the enslavement of non-Jewish slaves in perpetuity. Southerners most often if not exclusively relied on the King James translation of the Bible to make their arguments from scripture in support of slavery. This was also true of their argument in support of enslaving Africans in perpetuity based upon Leviticus 25:44-46. The King James Bible translates Leviticus 25:44-46 as follows:

Both thy bondmen, and thy bondmaids, which thou shalt have, shall be of the heathen that are round about you; of them shall ye buy bondmen and bondmaids. 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 forever: but over your brethren the children of Israel, ye shall not rule one over another with rigor.73

As made clear in the above passage, the King James translation of the Bible implies that it was mandated by God that non-Jewish slaves be held by the Israelites in perpetuity. This

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73 Lev. 25:44-46 KJV.
is made clear in the statement “they shall be your bondmen forever,” which can easily be understood as “they must be your bondmen forever.” It is specifically the use of the word “shall” that implies that the Israelites were required to keep their non-Jewish slaves in perpetuity as synonyms of the word “shall” include “have to” and “must.” In contrast to the King James Bible, however, most modern translations of the Bible utilize phrases such as “can make” as opposed to “shall be.” For example, the New International Version translates Leviticus 25:44-46 as follows:

Your male and female slaves are to come from the nations around you; from them you may buy slaves. You may also buy some of the temporary residents living among you and members of their clans born in your country, and they will become your property. You can bequeath them to your children as inherited property and can make them slaves for life, but you must not rule over your fellow Israelites ruthlessly.

By utilizing the phrase “can make” as opposed to “shall be,” the passage no longer appears as a requirement for Israelites to hold their non-Jewish slaves in perpetuity, but rather as a permission granted to the Israelites to hold their non-Jewish slaves in perpetuity. Obviously, permitting something and mandating something are two very different things with very different meanings. Therefore, it is important to understand which translation is best supported by historical evidence before assessing whether or not pro-slavery southerners were justified in using Leviticus 25:44-46 to sanction slavery as they practiced it.

In Leviticus 25:44-46 were the ancient Hebrews permitted by God to hold non-Jewish slaves in perpetuity or were they mandated by God to hold non-Jewish slaves in perpetuity? To answer this question, attention must be turned to historical evidence from

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74 Lev. 25:44-46 NIV.
early Hebrew society concerning non-Jewish slaves and manumission. As early as June 12, 427 BCE a testamentary manumission was drawn up by a Hebrew slave master who was contemplating death at the Egyptian border fortress of Elephantine. Within the manumission document, the Hebrew slave master Meshullam manumitted his Egyptian, female slave Tamet and her daughter Jehoishma. The manumission was not drawn up in the presence of any government body or any government officials indicating that it was a private act that rested in the hands of Meshullam. At most, the only requirement for this manumission was the presence of four witnesses to simply be evidence of the fact that Meshullam had manumitted Tamet and Jehoishma. The manumission of Tamet and Jehoishma was achieved through the following words of Meshullam: “I thought of you in my lifetime. To be free. I released you at my death and I released Jehoishma by name your daughter, whom you bore me.” In addition to this declaration of manumission, Meshullam also declared that nobody had the right to re-enslave either of the women. The manumission was permanent. “Son of mine or brother of mine or daughter of mine or sister, near or far, partner in chattel or partner in land, Meshullam declared, “does not have a right to you or to Jehoishma your daughter, whom you bore me; does not have right to you, to brand you or traffic with you for payment of silver.” Finally, Meshullam reaffirmed the declaration of manumission stating that, “and you are released to the shade to the sun and so is Jehoishma your daughter…you are released to God.” Three important points

77 Ibid., 221
78 Ibid.
79 Ibid.
concerning the Hebrews and the manumission of non-Jewish slaves can be gleaned from this document. First, this document suggests that in ancient biblical societies Hebrew slave masters were permitted to manumit their non-Jewish slaves. Second, this document suggests that the power to manumit non-Jewish slaves lay in the hands of Hebrew slave masters. No evidence in the document shows that any legislative body was required to grant permission to Hebrew masters to manumit their non-Jewish slaves. Finally, this document suggests that Hebrew masters faced little to no restrictions to inhibit them from manumitting their non-Jewish slaves.

Another manumission document dated 416 BCE provides a second concrete example of a Jewish slave master freeing his non-Jewish slave. In this document, Zakkur, son of the Jewish slave master Meshullam, gifted a slave by the name of Yedoniah to a fellow Jew by the name of Uriah. Yedoniah was an Egyptian. Uriah agreed to adopt the Egyptian slave Yedoniah as his son and not to enslave him or allow others to enslave him in the future. In contrast to the earlier manumission document, this document shows that it was drawn up in public before the troop commander of Seyne and eight Aramean witnesses. However, like the earlier manumission document, the language of this document shows that the power to manumit lay in the hands of the Jewish slave master Zakkur and the recipient Uriah. At most, the other parties present were to be evidence to the fact that the manumission had taken place. The manumission was achieved through the following words of Uriah, “Yedoniah by name son of Takhoi, your lad whom you gave me and a document you wrote for me about him – I shall not be able, I, Uriah, or son or daughter of

81 Porten, ed., The Elephantine Papyri, 234.
mine, brother or sister of mine, or man of mine, he shall not be able to press him into slavery.”

Thus, Yedoniah was freed and could not be re-enslaved by any member of Uriah’s family. This extended to any individual who was not kin to Uriah as well. As with the former manumission document, three important points concerning the Hebrews and the manumission of non-Jewish slaves can be gleaned from this document. First, this document suggests that in ancient biblical societies Hebrew slave masters were permitted to manumit their non-Jewish slaves. Second, this document suggests that the power to manumit non-Jewish slaves lay in the hands of Hebrew slave masters. No evidence in the document suggests that any legislative body was required to grant permission to Hebrew masters to manumit their non-Jewish slaves. Finally, this document suggests that Hebrew masters faced little to no restrictions to inhibit them from manumitting their non-Jewish slaves.

The above manumission documents from the Jewish community at Elephantine suggest that in early Jewish society, Hebrew slave masters were permitted to manumit their non-Jewish slaves. That historical evidence suggests Jewish slave masters were permitted to manumit their non-Jewish slaves suggests that modern translators are correct in translating Leviticus 25:44-46 as a permission to hold non-Jewish slaves in perpetuity as opposed to the King James translators who translated this passage as a mandate to hold non-Jewish slaves in perpetuity. What is the significance of the fact that historical evidence suggests Leviticus 25:44-46 was a permission to hold non-Jewish slaves in perpetuity as opposed to a mandate to hold non-Jewish slaves in perpetuity? The significance rests in the

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82 Ibid., 235.
83 Ibid.
fact that it suggests there was a strong distinction between biblical slavery and Southern slavery. As noted, historical evidence suggests that Hebrew slave masters were permitted to hold their non-Jewish in perpetuity and were not barred from manumitting them. Based upon historical evidence, the power to manumit non-Jewish slaves lay in the hands of Hebrew slave masters as well. In contrast, historical evidence from the antebellum South concerning manumission and African slaves (equated to non-Jewish slaves by southerners) shows that in the states of South Carolina, Alabama, Georgia, Arkansas, and Mississippi Southern slave masters were mandated to hold these slaves in perpetuity. This is due to the fact that they were barred by law from manumitting them. Furthermore, historical evidence shows that the power to manumit African slaves lay in the hands of the legislature of these states. A very clear distinction, then, existed between biblical slavery and Southern slavery in at least five states. Under the biblical system of slavery, evidence suggests that Hebrew slave masters possessed the power to manumit their non-Jewish slaves and were permitted to manumit their non-Jewish slaves. Under the Southern system of slavery, evidence shows that slave masters did not hold the power to manumit their slaves, nor were they permitted to manumit their slaves in the states of South Carolina, Alabama, Georgia, Arkansas, and Mississippi. Ultimately, to be justified in using the Bible to sanction slavery in the aforementioned five states, historical evidence suggests that southerners would have needed to do away with laws which took away the power to manumit African slaves from masters and forbade masters from manumitting their African slaves. In at least five states, the systems of biblical slavery and Southern slavery were incongruent.
By 1860, in the states of Virginia, Tennessee, Texas, Florida, Maryland, Kentucky, and North Carolina all in-state manumissions were banned. The only way for southerners in these states to manumit their slaves was to travel out of state to do so. However, given the fact that many Southern states such as Alabama, South Carolina, North Carolina, Georgia, and Virginia outlawed free blacks from coming into the state, it became extremely difficult if not impossible for many southerners to manumit their slaves as they often had to travel long distances to do so. That such laws were effective is indicated by the manumission statistics which show that out of 3,953,696 Southern slaves in total, only 3,018 slaves were legally manumitted in 1860.84 Thus, for all intents and purposes, southerners in the states of Virginia, Tennessee, Texas, Florida, Maryland, Kentucky, and North Carolina were barred from manumitting their slaves and thereby mandated to hold their slaves in perpetuity due to heavy restrictions. A distinction, then, existed between Southern slavery in these states and biblical slavery. In studying biblical slavery, evidence suggests that Hebrew slave masters faced little to no restrictions on manumitting their non-Jewish slaves, Hebrew slave masters held the power to manumit their non-Jewish slaves, and Hebrew slave masters were permitted to manumit their slaves. This stands in contrast to Southern slave masters in the states of Virginia, Tennessee, Texas, Florida, Maryland, Kentucky, and North Carolina who were virtually stripped of the power and ability to manumit their slaves due to laws that placed heavy restrictions on manumission. To be justified in using the Bible to sanction slavery in the aforementioned seven states, historical evidence suggests that southerners would have needed to do away with laws which all but

took away the power to manumit African slaves from masters and forbade them from manumitting their African slaves. Ultimately, in at least twelve states the systems of biblical slavery and Southern slavery were incongruent.
Chapter 3: A Comparison between Hebrew Law-Practice and Southern Law-Practice Concerning Slavery and Violent Correction

While the Old Testament verse Leviticus 25:44-46 was crucial in the biblical slavery debates, other verses were equally significant. A notable example being Exodus 21:20 which states the following: “When a slave owner strikes a male or female slave with a rod and the slave dies immediately, the owner shall be punished.”\(^1\) Based on this verse, Southern proponents of slavery argued that the Bible’s acceptance of slavery was a given. In essence, if the Bible provided laws which regulated and allowed for the punishment of slaves by masters, then how could one deny that the Bible sanctioned slavery? In response to this assertion, abolitionists argued that this law actually showed that southerners were not justified in using the Bible as a rationalization for the slavery practiced in the American South. The abolitionists did not attempt to deny that this law sanctioned slavery, but rather argued that the law underscored a significant institutional difference between slavery as practiced in the Bible and the American South. This is because biblical slavery called for the punishment of masters who murdered their slaves, whereas Southern slavery enabled masters to easily get away with the murder of their slaves. Given this institutional distinction, southerners were not justified in using this verse and ultimately the Bible to sanction slavery as it was practiced in the South. Through a critical assessment of both the pro-slavery and anti-slavery argument concerning Exodus 21:20, a critical examination of early Jewish slave laws-practices, a critical examination of Southern slave laws-practices,

\(^1\) Exodus 21:20 NIB.
and an examination of contemporary scholarship on biblical slavery, it can be seen that pro-slavery southerners were not unquestionably justified in using Exodus 21:20 and ultimately the Bible to sanction slavery as it was practiced in the American South.

The Southern pro-slavery argument from Exodus 21:20 was simple and is exemplified in the writings of John Richter Jones. Though a Northerner, Jones was very sympathetic to southerners and their quest to utilize the Bible to sanction slavery. In his writing, *Slavery Sanctioned by the Bible*, Jones examined various scriptures that dealt with slavery. His work, therefore, deserves attention. According to Jones, “The passages which relate to slavery are principally, if not altogether connected with the constitution and laws of the commonwealth of Israel. Slavery was a “peculiar institution” of that commonwealth, just as unquestionably as it is of South Carolina or Virginia.”

2 To back up his claim, Jones pointed to numerous verses in Exodus and Leviticus, which he saw as proof that the Bible sanctioned slavery, and that slavery was practiced amongst the Israelites as it was in the South. Amongst the verses Jones pointed to was Exodus 21:20. He stated that, “In the book of Exodus (chap. xxi. 20) we have legislation on the power of chastisement which the Jewish master might exercise over his heathen bondman; more comfortable to the rigor of ancient servitude, and more extensive than any now allowed.”

3 To Jones, this verse proved that the Bible sanctioned slavery, and that slavery was a “peculiar institution” of Israel just as it was in the South. “My proof of the fact is in…the Book of Exodus (chap. xxi. 20).”

4 In addition to stating that this verse was proof that the Bible sanctioned slavery, he also

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3 Ibid.
4 Ibid.
claimed based upon this verse that, “none of the laws of our Southern States exempt a master from punishment under similar circumstances.”\footnote{Ibid.} For Jones, then, the slave law in Exodus 21:20 showed not only that the Bible sanctioned slavery, but that biblical slave laws were similar to Southern slave laws. Others put forth similar arguments. For example, in his work, \textit{An Essay on Liberty and Slavery}, Virginian Albert Taylor Bledsoe stated, “The Mosaic Institutes not only recognize slavery as lawful; they contain a multitude of minute directions for its regulation.”\footnote{Bledsoe, \textit{An Essay on Liberty}, 147.} To prove his assertion, Bledsoe quoted Exodus 21:20 as evidence that the ancient Israelites could hold slaves as property and were allowed to correct such slaves using force. Thus, the argument in favor of slavery from Exodus 21:20 was a simple one. Exodus 21:20 provided for the lawful correction of slaves with force, and therefore the Bible sanctioned both the holding of slaves as property and the use of force to correct these slaves.

While southerners and northerners sympathetic to slavery would use Exodus 21:20 to defend it, others were not as convinced. As noted in the introduction of the chapter, some abolitionists challenged the claim that Exodus 21:20 supported Southern slavery arguing instead that it pointed to the existence of an institutional distinction between biblical slavery and Southern slavery. To these abolitionists, this distinction undermined the legitimacy of southerners using the Bible to sanction slavery as they practiced it. A prime example of this perspective is found in the writings of the Rev. Albert Barnes. In his work, \textit{An Inquiry into the Scriptural Views of Slavery}, Barnes identified two significant institutional distinctions between Southern slavery and biblical slavery based on Exodus
These distinctions rested on the fact that while Exodus 21:20 called for masters to be punished for the murder of their slaves, Southern slave laws were designed in such a way that masters could murder their slaves and face no punishment. With the first distinction, Barnes drew attention to the fact that in some states in the South, laws, “expressly acquit the master for killing his slave, if it be done when inflicting moderate correction.” To prove his point, Barnes quoted a North Carolina law dealing with the murder of slaves. The North Carolina law stated, “Be it enacted that if any person shall hereafter be guilty of willfully or maliciously killing a slave, such offender shall be… guilty of murder…provided always that this act shall not extend…to any slave in the act of resistance to his lawful owner or master, or to any slave dying under moderate correction.” Thus, in contrast to Exodus 21:20 which called for the punishment of masters who murdered their slaves, the North Carolina law provided masters a convenient loophole through which a master could escape punishment for the murder of his slave. If a slave died under “moderate correction,” nothing would be done, and masters would remain free from punishment. Barnes noted that other state laws provided masters with the ability to murder their slaves without punishment as well. For example, he pointed to a Georgia law which stated that, “Any person who shall maliciously …deprive a slave of life…shall suffer punishment…unless such death should happen by accident in giving such slave moderate correction.” As a result of this distinction between biblical slave laws concerning homicide and Southern slave laws concerning homicide, Barnes contended that the systems

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8 Ibid.
9 Ibid., 174.
of biblical slavery and Southern slavery were incongruent. Biblical slave laws called for the punishment of masters who murdered their slaves. Southern slave laws, at least in some states, enabled masters to be acquitted for the murder of their slaves. According to Barnes, the, “laws of the slave states of this Union…show what is the spirit of servitude here, and…illustrate the striking contrast between slavery here and in the Hebrew commonwealth.”

The second distinction Barnes identified between Exodus 21:20 and Southern slave laws provided a much more aggressive challenge to the legitimacy of the Southern argument that the Bible sanctioned slavery as practiced in the South. While laws that absolved masters of accountability for murdering their slaves created an institutional distinction between biblical slavery and Southern slavery in some states, another set of laws that existed in the South created an institutional distinction between biblical slavery and Southern slavery in all states. According to Barnes, the distinction rested on the fact that laws in every state of the South were designed in such a way that no slaves or free blacks could testify against a white person in court. Why was this problematic? In the words of Barnes,

It [the law that no slave can be a witness against a white person] places the slave, who is seldom within the view of more than one white person at a time, entirely at the mercy of this individual…A white man may, if no other individual be present, torture, maim, and even murder his slave, in the midst of any number of negroes or mulattoes. Having absolute dominion over his slave…the master or his delegate may easily remove him to a spot safe from the view of a competent witness.

10 Ibid., 171.
11 Ibid., 173.
In short, with laws in place that barred any slaves or free blacks from testifying against a white person in court, a master could easily get away with the murder of a slave so long as there were no white witnesses to testify against him. Thus, while Barnes noted that, “the willful, malicious, deliberate murder of a slave is declared to be punishable with death in every state,” these laws did very little good. With laws in place that barred slaves and free blacks from testifying against whites it would be very difficult, if not impossible, to convict any white person of being guilty of the murder of a slave. In contrast to Exodus 21:20 which called for the punishment of masters who murdered their slaves and did not ban slaves from testifying against their masters, Southern slave laws enabled masters to murder their slaves and banned slaves from testifying against masters. As with the first distinction, Barnes pointed out that, “laws of the slave states of this Union…show what is the spirit of servitude here, and…illustrate the striking contrast between slavery here and in the Hebrew commonwealth.”

If correct, Barnes’ argument would deal a fatal blow to the Southern, pro-slavery argument based on Exodus 21:20. Did the slave laws of some Southern states legally enable masters to murder their slaves and face no punishment as Barnes asserted? With respect to this first distinction Barnes’ identified between Exodus 21:20 and Southern slave laws, evidence shows that it was an accurate one. North Carolina law as well as the laws of several other states did absolve masters from accountability for the murder of their slaves if the slave died while receiving “moderate correction.” According to the North Carolina law of 1791 concerning the homicide of slaves,

12 Ibid., 172.
13 Ibid., 171.
Any person...guilty of willfully or maliciously killing a slave...shall upon the first conviction thereof be adjudged guilty of murder and shall suffer the same punishment as if he had killed a freeman...provided always that this act shall not extend...to any slave in the act of resistance to his lawful owner or master, or to any slave dying under moderate correction.14

Thus, it was very difficult for a master to be convicted of murdering their slaves in North Carolina. Anytime a slave died at the hands of a white person, it could be chalked up to an accident that had occurred during an attempt to issue “moderate correction” to the slave. Subsequent efforts in the state of North Carolina did little to improve upon this law. For example, in the 1839 court case State vs. Hoover it was ruled that,

If death unhappily ensue from a master's chastisement of his slave, inflicted apparently with a good intent for reformation or example, and with no purpose to take life or to put it in jeopardy, the law would doubtless tenderly regard every circumstance, which, judging from the conduct generally of masters towards slaves, might reasonably be supposed to have hurried the party into excess. But, where the punishment is barbarously immoderate and unreasonable in the measure, the continuance and the instruments, accompanied by other hard usage, and painful privations of food, clothing and rest, it loses all character of correction in foro domestico, and denotes plainly that the master must have contemplated a fatal termination to his barbarous cruelties; and in such case, if death ensue, he is guilty of murder.15

Once again, North Carolina law made legal a policy of leniency towards masters who murdered their slaves when it was done with the “good intent” of correction. Thus, in nineteenth century North Carolina laws were designed in such a way that masters could legally murder their slaves and avoid conviction. This law remained in effect for well over half a century during the antebellum period.16

15 State vs. Hoover, 20 N.C. 500 (1839).
That North Carolina laws successfully enabled whites, including masters, to murder their slaves and face no punishment is evident from an examination of surviving court cases concerning slave murder in the state. In the 1798 court case of *State vs. Weaver*, a master by the name of Smith killed his slave Lewis. He was indicted for murder. Judge John Haywood, who presided over the case, ruled that the killing of a slave was justifiable, “if the slave actually used force and combated with the master.”\(^\text{17}\) It was found that these were the circumstances under which Smith killed his slave Lewis, and consequently the case ended in an acquittal for the master Smith. The acquittal directly followed from the 1791 law which exempted masters from being charged with murder when a slave died while being given “moderate correction.”\(^\text{18}\) Another case that provides additional credence to this argument involved John Walker, who in 1817 was brought to trial for murdering a slave in *State v. Walker*. Walker had beaten a slave to death that he was returning to his master. The slave died immediately upon receiving the beating. The defense in the case argued that Walker had the right to use such correction as was necessary to return him to his master, and the case ended with Walker being pardoned for the murder.\(^\text{19}\) Thus, while there is not a large body of surviving evidence to examine how often masters were or were not convicted for the murder of their slaves, the evidence that does survive shows that in at least two cases in North Carolina, whites, including a white slave master, were legally able to murder slaves and face no punishment thanks to the “moderate correction” exemption.

\(^{17}\) John Haywood, *North Carolina Reports: Cases Argued and Determined in the Supreme Court of North Carolina, Volume 3*, (Goldsboro, North Carolina: Nash Bros., 1900), 78.


\(^{19}\) Ibid., 177.
in North Carolina law. Thus, the evidence shows that North Carolina laws were effective in absolving whites, including masters, from being held accountable and punished for the murder of their slaves.

In several other states, laws legally enabled masters to murder their slaves as well. As Barnes noted, the Georgia law did in fact create the same loophole for murdering slaves as did the North Carolina law. As late as 1851 a Georgia law dealing with slave homicide was recorded as follows:

If any person or persons, shall maliciously deprive a slave or slaves of life...and if upon trial for such offense, any person or persons shall be found guilty of murder, he, she, or they shall suffer such punishment as would be inflicted in case the like offense had been committed on a free white person...unless such death should happen by accident in giving such slave moderate correction.\(^{20}\)

The fact that this law effectively permitted masters to murder their slaves without fear of punishment is made clear in the slave narrative of Shade Richards. Richards stated of his master “Mr. Jimmy,” that he would “use the cowhide until it made blisters...and next dip the victim into a tub of salty water. It often killed the ‘nigger’ but Mr. Jimmy didn’t care.”\(^{21}\) No evidence exists to suggest that Mr. Jimmy was punished for said murders and given the ambiguity of the phrase “moderate correction,” it is entirely plausible that his actions were viewed as legitimate under the law. The law of Alabama also created similar loopholes for masters to legally murder their slaves. As late as 1843 an Alabama law concerning slave homicide stated the following:

“If any person being the owner of any slave or slaves, shall cause the death of a slave, by cruel, barbarous, or inhuman whipping, or beating, or by any other cruel

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\(^{21}\) *Georgia Slave Narratives: A Folk History of Slavery in the United States from Interviews with Former Slaves*, (Federal Writers Project: 1938), 202
or inhuman treatment, although without intention to kill…unless in self-defense, or in the use of so much force as is necessary to produce obedience on the part of the slave, such killing shall be deemed murder in the second degree.”

Thus, as in North Carolina, masters in Georgia and Alabama were very likely to be acquitted for the murder of their slaves. Any slave’s death could easily be chalked up to a death that had occurred in an attempt to issue “moderate correction” to the slave or to “produce obedience on the part of the slave.” The states of Tennessee and Texas also provided masters with an identical means to legally murder their slaves and face no punishment. In his examination of laws in several Southern states Barnes provided strong evidence for his assertion that a strong distinction between the biblical institution of slavery and the Southern institution of slavery existed. Under biblical slavery, Exodus 21:20 called for masters who murdered their slaves to be punished. In the states of North Carolina, Georgia, Alabama, Tennessee, and Texas, laws that superficially called for masters to be punished for the murder of their slaves, in actuality made it very difficult if not virtually impossible for masters to be punished for the murder of their slaves. As evidenced in a study of the North Carolina court cases concerning whites who murdered slaves, the loophole in North Carolina law provided for by the “moderate correction” exemption made it all too easy for whites, including masters, to be acquitted for murdering slaves. As Barnes noted, then, Biblical law expressed an attitude of greater strictness towards masters who murdered their slaves, whereas Southern law expressed an attitude of greater leniency towards masters who murdered their slaves. Ultimately, in five states, the systems of

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biblical slavery and Southern slavery were incongruent based upon a comparison of Exodus 21:20 to Southern slave laws.

In respect to the second distinction drawn by Barnes between biblical slavery and Southern slavery, the evidence supports Barnes once again. While every Southern state had laws on the book that made the murder of slaves a punishable offense, every Southern state also barred slaves and free blacks from testifying against whites in court.24 In the Reports of Committees of the Senate of the United States printed by order of the Senate in 1864, it is shown through an examination of laws concerning the testimonies of slaves and free blacks in court, that all Southern states by law barred slaves and free blacks from testifying against a white person in court. These laws typically reflected the attitudes of the states of Kentucky and North Carolina on this matter. These states, as was the case with most states, wrote laws that for all practical purposes directly banned slaves from testifying against a white person in court. The law of Kentucky stated that, “a slave, negro, or Indian, shall be a competent witness in a case of the commonwealth for or against a slave, negro, or Indian or in a civil case to which only negroes or Indians are parties, but in no other case.”25 Similarly, the law of North Carolina stated that, “all negroes, Indians, mulattoes, and all persons of mixed blood descended from negro and Indian ancestors, to the fourth generation inclusive, whether bond or free, shall be deemed and taken to be incapable in law to be witness in any case whatsoever, except against each other.”26 Some states, such as Delaware, were less direct in banning the testimonies of slaves and free blacks.

25 Ibid., 4
26 Ibid.
Nevertheless, laws were interpreted in such a way that slaves were barred from testifying against whites. This is exemplified by a ruling made by Chief Justice Bayard, who ruled that, “on the introduction of negro slavery into this country, it became a settled rule of law that slaves should not be suffered to give evidence in any matter, civil or criminal, affecting the rights of a white man.”

Thus, all Southern states either directly or indirectly banned slaves and free blacks from testifying against a white person in court. Barnes was correct. Southern laws were of such a character that a white man could, “if no other individual be present, torture, maim, and even murder his slave, in the midst of any number of negroes or mulattoes,” and face no charges or punishment.

That slave testimonies would have been important in convicting and punishing whites for the murder of slaves is evident from an examination of court cases concerning whites who were accused of murdering their slaves or the slaves of others. A North Carolina slave, Moses Roper, speaking of the brutality of whites towards slaves in South Carolina is recorded stating that, “The general custom in this respect is, that if a man kills his own slave, no notice is taken of it by civil functionaries; but if a man kills a slave belonging to another master, he is compelled to pay the worth of the slave.”

That Moses Roper’s words were correct is undeniable. The criminal records of Sumter, South Carolina dated 1827 to 1854 show only eleven bills in total charging a white person with the murder of a slave. Of these eleven charges, six resulted in the white person being tried and found not guilty, and one resulted in the white person being acquitted. In only two of the eleven

27 Ibid., 2.
28 Barnes, An Inquiry, 173.
cases can evidence be found of a guilty verdict being entered. However, even in these two cases there is no evidence of a sentence being administered to the white defendant. The Williamsburg County, South Carolina records tell a similar story. Between 1817 and 1860, a total of ten bills were entered charging whites with the murder of slaves. Of these ten bills, four resulted in no conviction and the other six cases are “struck off” with no further mention. In the counties of Kershaw, Laurens, and Union several bills exist charging whites with the murder of slaves. However, in most cases the white person was either acquitted, not indicted, or no mention of a sentence being administered was recorded. While the exact identity of the whites who were brought to trial in these cases is unclear, it can be inferred that most were masters since it is more likely that an outsider who had murdered a master’s property would have been found guilty then a master who murdered his own property. For example, in the August 26, 1846 edition of the Southern Chronicle there was an announcement providing a reward of 100 dollars by the Governor to the person who apprehended the murderer of a slave belonging to another person. Ultimately, an examination of Southern state laws and their effect on the conviction rate of whites for slave homicide clearly shows that Barnes was accurate in his line of reasoning. Under biblical slavery, Exodus 21:20 called for Hebrew slave masters who murdered their slaves to be punished. Under Southern slavery, state laws made it very difficult if not impossible for Southern slave masters to be punished for murdering their slaves. That Whites were not inclined to render a guilty verdict for whites who murdered slaves is apparent from the evidence ascertained from the study of South Carolina slave murder cases. Stripping slaves

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31 Ibid., 74.
of the power to testify against whites only guaranteed the likelihood that whites, especially masters, would go unpunished for the murder of their slaves. Unlike Biblical law which held a master who murdered his slaves accountable, Southern law adopted an attitude of clemency towards masters who murdered their slaves. Ultimately, in all states, the systems of biblical slavery and Southern slavery were incongruent based upon a comparison of Exodus 21:20 to Southern slave laws.

An examination of the evidence clearly demonstrates that Barnes had identified two major distinctions between biblical law and Southern law concerning slave homicide. It would seem, then, that Barnes had dealt a fatal blow to Southerner’s use of Exodus 21:20 and ultimately the Bible to sanction slavery as they practiced it. However, an important question needs to be answered in order to determine the validity of Barnes’ argument that the systems of biblical slavery and Southern slavery were incongruent. In short, to whom was Exodus 21:20 referring? Did Exodus 21:20 apply to just the murder of Hebrew slaves or to non-Hebrew slaves as well? Since African slaves were likened to non-Hebrew slaves in the South, it must be demonstrated that Exodus 21:20 called for the punishment of Hebrew masters who murdered their non-Hebrew slaves as opposed to just Hebrew masters who murdered their fellow Hebrew slaves. Numerous scholars have concluded that Exodus 21:20 called for the punishment of Hebrew masters who murdered their fellow Hebrew slaves. Melancthon Jacobus writes that, “Hebrew law and custom, unlike Roman, did not give the master unlimited power of life and death over his slaves.”

who were Hebrew and only incidentally, if ever, to non-Hebrew slaves. Molly Oshatz writes that, “The corporal punishment of Hebrew slaves by their fellow Hebrews is allowed within limits: When a slave owner strikes a male or female slave with a rod and the slave dies immediately, the owner shall be punished.” Thomas P. Dozeman writes, “If the slave is a non-Israelite, the statement may not be a law at all, but a moral prescription without explicit punishment.” Thus, a strong body of scholarship denies the applicability and importance of this law to the murder of non-Hebrew slaves.

Much of the reason some scholars push against the idea that Exodus 21:20 is concerned with the murder of non-Hebrew slaves rests in the fact that this verse makes use of the Hebrew root word *naqam* which means “to avenge” or “take vengeance.” Taking this into account, some scholars have argued that the punishment called for in this verse is a reference to the ancient practice of blood vengeance. For example, H.J. Boecker suggests that Exodus 21:20 refers to the blood vengeance that was carried out by the family of the slain or a legal assembly on behalf of the family of the slain. Boecker, however, notes that numerous solutions have been put forth to explain what exactly the punishment is that is being called for in Exodus 21:20. He notes that some scholars have suggested that a different word may have originally been used in the verse to denote punishment. Nevertheless, Boecker is content to accept the most common explanation that the punishment refers to traditional blood vengeance stating that, “the most probable solution”

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33 Ibid.
it that it refers to “ordinary blood revenge.” Scholars M. David and Gerhard Liedke similarly advocate that this verse is a reference to the practice of blood vengeance in which the family members of the slain slave would avenge his death. Before assessing the validity of this line of reasoning, it is necessary to have an understanding of the practice of blood vengeance. In the Ancient Near East, the practice of blood vengeance was a common practice and is best defined as, “the right and obligation, in the case of the murder of a blood relative, to enact vengeance upon the murderer and his descendants.” Blood vengeance does not refer to private acts of bloody vengeance for crimes such as theft or adultery. It is only concerned with the crime of murder, and it deals only with the families and tribes of the murderer and murdered. The person who exacts the blood vengeance comes from the family or tribe of the person who was killed and is usually the closest male blood relative. The person upon whom the blood vengeance is exacted can be the murderer and-or his blood relatives. While blood vengeance often amounts to the murderer or his closest relatives being slain, it can also take a more lenient form as well. For example, persons might be handed over to serve as slaves as opposed to being slaughtered.

That some scholars have interpreted Exodus 21:20, given its use of the Hebrew root word *naqam*, as a reference to the practice of blood vengeance as described above is understandable. Numerous societies that Israel encountered in the Ancient Near East made use of the practice of blood vengeance. For example, Hittite legal materials point to the

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40 Ibid.
41 Chirichigno, *Debt Slavery*, 156.
more aggressive form of blood vengeance being practiced in which persons are handed over to be slaughtered by the closest male blood relative. In the Proclamation of Telepinu, it states that, “This is the procedure for homicide: as for him who commits homicide, it is only what the ‘lord of blood’ (i.e., representative of the victim) says. If he says ‘Let the accused die!’, then let him die! But if he says ‘Let the accused make compensation!’ , then let him make compensation!”\textsuperscript{42} Here, the fate of the murderer is left in the hands of the slain persons closest of kin. More evidence of blood vengeance having been practiced amongst the Hittites comes from a Hittite law code dated from 1650 BCE to 1180 BCE. In this law code, a clear remnant of the practice of blood vengeance is found, albeit of the more lenient variety in which persons are handed over to serve as slaves as opposed to being slaughtered. Laws 1-4 detail the course of action that is to be taken when murder takes place. For example, the first law states the following: “If anyone kills a man or a woman in a quarrel, he shall bring him for burial and shall give four persons, male or female respectively. He shall look to his house for it.”\textsuperscript{43} Upon committing the act of murder, the family of the slain is entitled to the services of some of the murderers closest of kin. In Hittite law, “homicide was not usually punishable by death, but by compensation.”\textsuperscript{44} The reason these laws do not reflect the practice of blood vengeance, but only reflect a remnant of the practice of blood vengeance is because they do not leave the fate of the murderer in the hands of the closest male blood relative of the slain. Still, these laws are worth noting for two reasons. First, they reflect a society that is in transition from the practice of blood vengeance. 

\textsuperscript{42} Ibid.
\textsuperscript{43} Martha T. Roth, \textit{Law Collections from Mesopotamia and Asia Minor}, (Atlanta, Georgia: Scholars Press, 1997), 217.
vengeance to the practice of community punishment. Second, they still reflect the compensatory demands characteristic of the practice of private blood vengeance as they call for some of the murderer’s closest of kin to be handed over to serve as slaves. Thus, in ancient Hittite society evidence shows that blood vengeance was in operation, though it could be commuted via other methods of compensation, such as handing over kin to serve as slaves and eventually dissipated into a community affair.

Evidence shows that, much like the Hittites, the Assyrians partook in the practice of blood vengeance as well. In several of the Middle Assyrian Laws, one finds clear expressions of the practice of blood vengeance at work in ancient Assyrian society. For example, in law A10 of the Middle Assyrian Laws dated 1076 BCE it states the following:

If either a man or woman enters another man’s house and kills either a man or woman, they shall hand over the manslayer to the head of the household; if he so chooses, he shall kill them, or if he chooses to come to an accommodation, he shall take their property; and if there is nothing of value to give from the house of the manslayers, either a son or a daughter…

Clearly, as in the case of the Hittites, the Assyrians practiced the more aggressive type of blood vengeance in which persons are handed over to the closest male blood relative to be slaughtered as compensation for murder. Furthermore, as in the case of the Hittites, it could be commuted by other means such as handing over relatives to serve as slaves. For example, in a surviving Assyrian text there exists a case in which blood vengeance was commuted. In this text a slave girl was assigned as compensation for manslaughter. A scribe by the name of Atarkamu had killed a man named Samaku. As a consequence of this action, his son had the right to exact vengeance, but instead chose to accept a slave girl

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from Atarkamu as compensation rather than slaughtering him or some of his relatives. 46 Thus, numerous societies that interacted with the ancient Hebrews partook in the practice of blood vengeance. Furthermore, from an examination of Assyrian texts, these laws were enforced indicating that they carried very real weight and consequences for those who murdered.

That Israel would have been familiar with the practice of blood vengeance is evident from a study of Hittite and Assyrian legal texts. However, did Israel partake in the practice of blood vengeance? The answer is yes. Within the Bible, there exists clear evidence to indicate that not only were the ancient Israelites familiar with the practice of blood vengeance, but that they partook in it as well. Numbers 35:16-21 represents the clearest expression of blood vengeance within the Old Testament. In these verses, the “avenger of blood” is responsible for putting the murderer to death. The verses read as follows: “But anyone who strikes another with an iron object, and death ensues, is a murderer; the murderer shall be put to death…The avenger of blood is the one who shall put the murderer to death, when they meet, the avenger of blood shall execute the sentence.” 47 Thus, like the Hittites and the Assyrians, evidence shows that Israel partook in the legal administration of justice through the practice of blood vengeance. In this case, the “avenger of blood” is a close relative of the murderer that the community grants permission to avenge the death of the person slain by the murderer. 48 Exodus 21:12 also makes reference to the practice of blood vengeance, calling for the death of those who

47 Numbers 35:16-21NIB.
48 Ibid.
strike a person mortally. In this verse, the person, if they had committed a murder accidentally, could flee to a place of asylum where they could find protection from bloodguilt, “the custom of avenging the death of a family member.” Ultimately, a study of both intra-biblical and extra-biblical evidence shows that not only were the Hebrews well acquainted with the practice of blood vengeance, but that they also partook in this practice in order to handle acts of murder committed by their own citizens. Given the above evidence, it is understandable why some scholars have interpreted Exodus 21:20, given its use of the Hebrew root word *naqam* (to avenge), as yet another reference to the practice of blood vengeance.

What, then, is the significance of this evidence which suggests Exodus 21:20 is a reference to the practice of blood vengeance? The significance rests in the fact that it would suggest that this verse is not concerned with the punishment of Hebrew slave masters who murdered their non-Hebrew slaves. Typically, non-Hebrew slaves were acquired in one of two ways. On the one hand, non-Hebrew slaves were purchased from foreign merchants who sold them along with other items such as cloth and bronze. In the book of Genesis, Joseph was sold to an Egyptian by the Ishmaelites and Midianites in this manner. On the other hand, non-Hebrew slaves were also often captives of war. For example, in the Bible the Midianites and Gibeonites were made slaves to serve the temple after they had been captured in war. Given that the main sources of non-Hebrew slaves were from foreign merchants and captives from war, it is unlikely that Exodus 21:20, if it is understood as a

49 Exodus 21:12 NIB.
51 Ibid.
reference to blood vengeance, is calling for the punishment of Hebrew slave masters who murdered their non-Hebrew slaves. Why is this? Quite simply, given that non-Hebrew slaves were often purchased from merchants or captured in war, it is difficult to imagine that they would have any family present to exact blood vengeance. Furthermore, even if a family member was present, given the lowly status of non-Hebrew slaves as foreign captives and outsiders, it is hard to imagine that they would have been allotted the same right to exact vengeance as would have been granted to the Israelites for the murder of an Israelite debt-slave. Ultimately, if Exodus 21:20 is understood as a reference to the practice of blood vengeance, then it is unlikely that Exodus 21:20 is calling for the punishment of Hebrew slave masters who murdered their non-Hebrew slaves. Rather, it is more aptly understood as calling for the punishment of Hebrew slave masters who murdered their Hebrew slaves. Why is this important? Since southerners likened their African slaves to non-Hebrew slaves in the Bible, if Exodus 21:20 is not calling for the punishment of Hebrew slave masters who murdered their non-Hebrew slaves, then this law would not be applicable to Southern slave masters who murdered their African slaves. If one accepts this line of reasoning, than Barnes’ argument crumbles.

To summarize, if Exodus 21:20 is viewed as a reference to the practice of blood vengeance, then Albert Barnes attempt at establishing an institutional distinction between biblical slavery and Southern slavery from Exodus 21:20 collapses. Given the available evidence, it is understandable why some scholars have interpreted Exodus 21:20 as a reference to the practice of blood vengeance. Israel was well acquainted with this practice

52 Chirichigno, Debt-Slavery, 154.
53 Ibid.
and evidence from other excerpts of scripture shows that Israel did in fact partake in it. If this verse is understood as a reference to the practice of blood vengeance, as some than this would suggest that Exodus 21:20 is not concerned with punishing Hebrew slave masters for the murder of non-Hebrew slaves. This is because non-Hebrew slaves were often purchased from foreign merchants or were captured from other nations in war making it very unlikely if not impossible that any of their family members would be present or allotted the right to avenge their deaths. Ultimately, if this line of reasoning is accepted, then given the fact that Africans were likened to non-Hebrew slaves in the South, southerners would not be in violation of Exodus 21:20 by legally enabling masters to murder their African slaves and not face punishment. Essentially, for southerners, “indentured servants, most of whom were baptized, were to Hebrew slaves, as African slaves were to heathen slaves.”

Barnes argument fails.

While evidence exists to suggest that Exodus 21:20 is a reference to the practice of blood vengeance, thus undermining Barnes argument, this interpretation of Exodus 21:20 is not without significant problems. In fact, there exists strong intra-biblical evidence to undermine the notion that Exodus 21:20 is a reference to the practice of blood vengeance. Within the Old Testament, the Hebrew root word *naqam* occurs seventy-nine times in fifty-nine texts. In all of these cases, it never refers to legal acts of private blood vengeance. Instead, it refers to an, “execution of punishment forbidden to humans, but exacted by God.”

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54 Oshatz, *Slavery and Sin*, 7.
to the judgment and vengeance God pronounces upon those nations who have disobeyed Him. In Isaiah 34:8, the root word *naqam* is used to denote God’s planned destruction or “vengeance” upon the Edomites for their alliance with Babylon.\(^{56}\) Similarly, in Jeremiah 51:34-37 the root word *naqam* is used to denote God’s planned destruction or “vengeance” against the Babylonians for their committed wrongs against Israel.\(^{57}\) In addition to being used when referring to God taking vengeance upon Israel’s enemies, the root word *naqam* is sometimes used to denote occasions in which God assigns humans with the task of taking vengeance. For example, God assigns Israel with the task of taking vengeance on the Amorites in Joshua 10:13.\(^{58}\) Perhaps the most damning evidence that undercuts the notion that Exodus 21:20 is a reference to the practice of blood vengeance rests in the fact that the root word *naqam* is not used in those passages which clearly refer to the legal practice of blood vengeance. For example, in neither Numbers 35:16-21 nor Exodus 21:12, the two clearest expressions of blood vengeance in the entire text of the Bible, is the root word *naqam* used.\(^{59}\) If *naqam* does indicate the practice of blood vengeance in Exodus 21:20, as some scholars have suggested, then why is this root word not used in those passages which clearly refer to the practice of blood vengeance? Ultimately, based upon a study of the Hebrew root word *naqam* and its use in the Old Testament, it is very doubtful that the punishment being called for in Exodus 21:20 is blood vengeance as described above.

That intra-biblical evidence strongly suggests that Exodus 21:20 is not a reference to the practice of blood vengeance is of significant importance in understanding whether

\(^{56}\) Ibid.
\(^{57}\) Ibid.
\(^{58}\) Ibid.
\(^{59}\) Chirichigno, *Debt Slavery*, 165.
the Hebrew slave master in this verse is being punished for the murder of a Hebrew slave or a non-Hebrew slave. As noted above, if Exodus 21:20 is understood as a reference to the practice of blood vengeance, then it is unlikely that this verse would be calling for the punishment of Hebrew slave masters who murdered their non-Hebrew slaves. This is because non-Hebrew slaves, often being captives of war, would have no family members present to act as their blood avenger. However, having demonstrated that this verse is most likely not calling for blood vengeance, the door now opens up for other types of punishment to be at work within this verse and for this punishment to be applicable to Hebrew slave masters who murdered their non-Hebrew slaves. So, is there any evidence to suggest that this verse is calling for the punishment of Hebrew slave masters who murdered their non-Hebrew slaves? The answer is yes. To be fair, there is a gap in the historical evidence surrounding this verse which makes it difficult to ascertain whether or not this law calls for the punishment of Hebrew slave masters who murdered their non-Hebrew slaves or Hebrew slave masters who murdered their Hebrew slaves. There are no surviving records which indicate that Hebrew slave masters were ever legally punished for the murder of their non-Hebrew slaves under Exodus 21:20 nor are there any surviving records which indicate that Hebrew slave masters were legally punished for the murder of their Hebrew slaves under Exodus 21:20. Nevertheless, there exists strong intra-biblical evidence upon which to build a case that Exodus 21:20 is calling for the punishment of Hebrew slave masters who murdered their non-Hebrew slaves.

As already made clear, given the status of non-Hebrew slaves as captives of war, if these slaves were killed by their Hebrew masters, then it is highly unlikely that they would
have any kin to avenge their deaths. Since homicide was handled through the practice of blood vengeance (Numbers 35:16-21), this would imply that in Israelite society the deaths of non-Hebrew slaves would go unavenged. However, that it was acceptable within Israelite society for blood to go unavenged is not supported by the scriptures of the Old Testament. In Numbers 35:33-34, it states the following: “You shall not pollute the land in which you live; for blood pollutes the land, and no expiation can be made for the land, for the blood that is shed in it, except by the blood of the one who shed it. You shall not defile the land in which you live, in which I also dwell; for I the Lord dwell among the Israelites.”

Thus, blood spilled by violence was understood to pollute the land in the minds of the ancient Israelites and the only way to expiate this spilled blood and relieve the land of pollutants was to shed the blood of the murderer. According to scholar David Biale, “The act of murder involves the shedding of innocent blood that must be expiated by means of shedding “guilty” blood in order to absolve the land of pollution.”

Spilled blood, then, could not go unavenged in Israelite society. Following this line of reasoning, given that non-Hebrew slaves would have no kin to avenge their blood, this would suggest that a law would have been needed to punish Hebrew masters who shed the blood of their non-Hebrew slaves. Otherwise, this shed blood would go unavenged and pollute the land.

In the Old Testament, there are no laws that explicitly call for the punishment of Hebrew masters who murdered their non-Hebrew slaves. Furthermore, the Hebrew term for slave (ebed) makes no distinction between Hebrew and non-Hebrew slaves. It is

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61 Ibid., 15.
employed to refer to both Hebrew slaves and non-Hebrew slaves. Certainly, then, the verse could easily be referring to non-Hebrew slaves. These facts, coupled with the fact that shed blood could not go unavenged in Israelite society, strongly suggest that Exodus 21:20 was designed to punish Hebrew slave masters who murdered their non-Hebrew slaves. However, since there would not have been any kin present to avenge non-Hebrew slaves who were slain by their Hebrew masters, an important question must be answered: Who would have been responsible for punishing Hebrew slave masters who murdered their non-Hebrew slaves? The answer is the entire Israelite legal community. In the Old Testament, occurrences of “innocent blood” rested at the feet of the entire Israelite legal community. For example, in Deuteronomy 21:1-9, upon the discovery of a body for whom the murderer is not known, it was left up to the elders and judges of the town nearest where the body was discovered to avenge this spilled blood by spilling the blood of an un-worked heifer. The removal of pollutants from the land was achieved only through the death of the heifer. Thus, that spilled blood could not go unavenged in Israelite society is evident from an examination of Deuteronomy 21:1-9. Additionally, in this passage one encounters the notion that the entire Israelite legal community was responsible for avenging the blood of murdered persons when the blood vengeance could not function. This is further echoed in the Babylonian Talmud: Tract Sanhedrin, which states, “If he (the murdered man) has no avenger of blood, the Beth din (rabbinical court) must appoint

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64 Ibid.
one…” 65 Thus, in ancient Israelite society evidence shows that the entire Israelite legal community was responsible for avenging the blood of a slain person when the blood vengeance was incapable of functioning. Ultimately, in the case of a non-Hebrew slave who was murdered, there would be no kin present to avenge his death. When blood went unavenged in Israelite society, evidence shows that it was understood to pollute the land, and that in order for the land not to be polluted, the entire Israelite legal community had to intervene to avenge the death of the slain person. There are no laws in the Old Testament that explicitly call for the punishment of Hebrew masters who murdered their non-Hebrew slaves. Furthermore, the Hebrew term for slave *ebed* makes no distinction between Hebrew and non-Hebrew slaves. It is employed to refer to both Hebrew slaves and non-Hebrew slaves. All of this evidence strongly suggests that Exodus 21:20 is calling for the Israelite legal community to punish Hebrew masters who murdered their non-Hebrew slaves.

That Exodus 21:20 is calling for the Israelite legal community to punish Hebrew masters who murdered their non-Hebrew slaves is supported by several scholars. Gregory Chirichigno asserts that Exodus 21:20 is, “applicable to the case of the death of a chattel slave,” and was designed to “rouse the conscience of the judge or community to dispense strict recompense since the slave has no representation in the court.” 66 Hendrik Peels asserts that it is most likely that, “the members of the legal community themselves would see to the vengeance on behalf of the murdered slave.” 67 This group was responsible for administering the blood vengeance since, “for the alien slave there would not be a blood

avenger present.” Roy Gane asserts that, “Exodus 21:20...appears to protect all slaves, whether Israelite or not, from injury because of physical abuse by their masters.” The laws lack the qualification “Hebrew.” Furthermore, they are separate from the laws in Exodus 21:1-11 which clearly deal with Hebrew slaves. Finally, in at least one case God clearly held the Israelite community responsible for the treatment of non-Hebrew slaves in that of the Gibeonites, a group of non-Hebrew slaves referred to in 2 Samuel 21:1-14. The above evidence strongly suggests that Exodus 21:20 called for the punishment of Hebrew masters who murdered their non-Hebrew slaves. This fact, coupled with the fact that evidence shows a very real distinction existed between Southern slave laws and Exodus 21:20, strongly suggests that Albert Barnes argument to establish an institutional distinction between biblical slavery and Southern slavery was correct. The distinction rests in the fact that evidence strongly suggests the Bible called for Hebrew slave masters who murdered their non-Hebrew slaves to be punished, whereas evidence shows that Southern laws legally enabled masters to murder their non-Hebrew (African) slaves and face no punishment. Ultimately, based upon historical evidence and biblical exegesis, it is strongly suggested that the systems of biblical slavery and Southern slavery were incongruent. Therefore, southerners were not unquestionably justified in using Exodus 21:20 and ultimately the Bible to sanction slavery as it was practiced in the American South. To be justified in using Exodus 21:20 and the Bible to sanction slavery, southerners would have

68 Ibid., 73.
70 Ibid.
needed to do away with laws that made it very difficult if not impossible for masters to be punished for the murder of their non-Hebrew (African) slaves.
Chapter 4: In Support of the Fugitive Slave Law and the Southern Institution of Slavery? A Critical Assessment of Paul’s Letter to Philemon

While Old Testament passages such as Leviticus 25:44-46 and Exodus 21:20 were at the center of the biblical slavery debates, several passages from the New Testament also played an important role in those debates. Perhaps the most widely quoted and famous text from the New Testament that made its way into the antebellum, biblical slavery debates was Paul’s Letter to Philemon. Paul’s Letter to Philemon was seen by pro slavery advocates as the story of Paul returning a fugitive slave to his master. Based upon this antebellum understanding of Philemon, southerners argued that the Bible confirmed the validity of the Fugitive Slave Law of 1850 and more generally slavery itself. Southerners believed they were justified in using Philemon to sanction the Fugitive Slave Law of 1850 and slavery itself because, “Paul sent Onesimus back to his master” and did not “question the master’s right to his slave.”\(^1\) In contrast to the Southern, pro-slavery reading of Philemon, abolitionists argued that in Philemon Paul did not sanction the return of a fugitive slave to his master. Instead, they asserted that the relationship between Philemon and Onesimus was unclear in the story and offered an alternative interpretation of the relationship. They concluded that Onesimus was Philemon’s debtor, rather than his slave, since verse eighteen of Philemon implies that Onesimus owed Philemon a debt.\(^2\) Based on the lack of clarity concerning the relationship between Philemon and Onesimus and the evidence that

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\(^1\) Oshatz, *Slavery and Sin*, 8.
suggested Onesimus was a debtor, abolitionists concluded that Paul’s letter to Philemon was not relevant to the fugitive slave law debate. In effect, southerners were using a letter which did not detail the return of a fugitive slave to his master to sanction a law which called for the return of a fugitive slave to his master. Paul’s letter to Philemon and the Fugitive Slave Law were dissimilar. In addition to pointing out the lack of clarity concerning the relationship of Onesimus to Philemon, abolitionists also pointed out that Paul’s words and actions seemed to call for leniency in the treatment of fugitive slaves which was in marked contrast to the treatment fugitive slaves received in the South. Based on this line of reasoning, abolitionists argued that Paul’s letter to Philemon did not sanction Southern slavery. The systems of biblical slavery and Southern slavery were distinct in respect to the treatment of fugitive slaves. Through a critical assessment of the pro-slavery and anti-slavery argument concerning Paul’s Letter to Philemon, a study of Roman law-practice concerning fugitive slaves, a study of Southern law-practice concerning fugitive slaves, and an examination of contemporary biblical scholarship concerning Paul’s letter to Philemon, it will be seen that southerners were not unquestionably justified in using Paul’s Letter to Philemon and the Bible to sanction slavery as it was practiced in the American South.

Before addressing the pro-slavery and abolitionist arguments that were made based on Paul’s Letter to Philemon, it is necessary to have a basic understanding of the Fugitive Slave Law of 1850. In the fall of 1850, President Millard Fillmore signed into law the strictest measure ever taken against fugitive slaves in the United States. Known simply as the Fugitive Slave Law of 1850, it was signed into law as part of a larger compromise that
sought to forestall a growing sectional crisis that was brewing over slavery in the United States. In the words of scholar Paul Finkelman, this fugitive slave law legally enabled slavery, “to reach into any state to retrieve those accused of fleeing from bondage.”

The Fugitive Slave Law of 1850 stated the following:

And be it further enacted, That when a person held to service or labor in any State or Territory of the United States, has heretofore or shall hereafter escape into another State or Territory of the United States, the person or persons to whom such service or labor may be due, or his, her, or their agent or attorney, duly authorized, by power of attorney, in writing, acknowledged and certified under the seal of some legal officer or court of the State or Territory in which the same may be executed, may pursue and reclaim such fugitive person, either by procuring a warrant from some one of the courts, judges, or commissioners aforesaid, of the proper circuit, district, or county, for the apprehension of such fugitive from service or labor, or by seizing and arresting such fugitive, where the same can be done without process, and by taking, or causing such person to be taken, forthwith before such court, judge, or commissioner, whose duty it shall be to hear and determine the case of such claimant in a summary manner; and upon satisfactory proof being made…that the person so arrested does in fact owe service or labor to the person or persons claiming him or her, in the State or Territory from which such fugitive may have escaped as aforesaid and that said person escaped, to make out and deliver to such claimant, his or her agent or attorney, a certificate setting forth the substantial facts as to the service and labor due from such fugitive to the claimant, and of his or her escape from the State or Territory in which he or she was arrested, with authority to such claimant, or his or her agent or attorney, to use such reasonable force and restraint as may be necessary, under the circumstances of the case, to take and remove such fugitive person back to the State or Territory whence he or she may have escaped as aforesaid.

In short, those acting as commissioners of federal circuit courts, or those who were acting under the authority of the federal superior court in the territories, were granted the power to issue warrants under which an African American could be taken prisoner, held, and

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handed over to one who claimed that the prisoner was a runaway slave and could subsequently back up his claim with convincing evidence that he was in fact a runaway slave. A slave owner could prove ownership of a fugitive slave by putting forth an affidavit from a court that was located within his home state. This affidavit contained a physical description of the slave who had run away. If the description matched that of the prisoner, the federal commissioner would allow the claimant to take custody of the prisoner and remove him back to the state from which he had fled. In addition, the Fugitive Slave Law of 1850 also denied accused fugitives any right to speak in their defense and imposed stiff penalties for those who inhibited persons from reclaiming their fugitive slaves. While the Fugitive Slave Law of 1793 had enabled slaveholders to legally recover fugitive slaves in any part of the country, the Fugitive Slave Law of 1850 enhanced their legal ability to reclaim their fugitive slaves by undermining any and all state efforts to protect the freedom of an accused fugitive.5

In the aftermath of the passage of the Fugitive Slave Law of 1850, it did not take long for southerners and northern sympathizers to begin searching for biblical justifications for the law. In fact, even prior to the passage of the Fugitive Slave Law of 1850, southerners were using Philemon to argue that the Bible sanctioned the return of fugitive slaves as justification for the earlier Fugitive Slave Law of 1793. As early as 1838, The Southern Literary Messenger stated that, “the apostle himself felt bound to sustain the authority of the master over the slave...that he might show that in right and justice fugitive slaves

5 Finkelman, Slavery and the Law, 145.
should be returned to their masters.”

Though some publications such as *The Southern Literary Messenger* would argue that the Bible sanctioned the return of fugitive slaves to uphold the Fugitive Slave Law of 1793, much of the literature that supported the return of fugitive slaves would arise following the passage of the Fugitive Slave Law of 1850.

The Southern, pro-slavery argument from Philemon in support of the Fugitive Slave Law of 1850 is exemplified by the writings of a minister named Nathaniel Sheldon Wheaton. Though a northerner, Wheaton was very sympathetic towards Southern slavery. In his 1860 sermon titled, *A Discourse on St. Paul’s Epistle to Philemon; Exhibiting the Duty of Citizens of the Northern States in Regard to the Institution of Slavery*, Wheaton argued that Philemon sanctioned the Fugitive Slave Law of 1850. According to Wheaton, “The law which reclaims the fugitive slave…demands no more than St. Paul thought it his duty to do in parallel case.” In essence, since Paul returned the fugitive slave Onesimus to his master, northerners were obligated to return fugitive slaves to their Southern masters.

To be fair, Wheaton did note one distinction that he believed existed between the circumstances that surrounded Paul’s return of a fugitive slave and the circumstances that surrounded northerners’ return of fugitive slaves. Quite simply, Paul had no legal constraints placed upon him. According to Wheaton, Paul “acted under no constraint of civil law.” Wheaton believed this to be the case because of Paul’s use of the words, “whom I would have retained with me.”

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6 *The Southern Literary Messenger: Devoted to Every Department of Literature and the Fine Arts*, (Richmond, Virginia: Thos. W. White, 1838), 743.
8 Ibid.
9 Ibid.
Paul was willing to obey what he understood to be, “the law of Christ and of justice towards a fellow Christian.” This is because he returned Onesimus under no legal constraint. Based on this reasoning, were northerners not obliged to return fugitive slaves when they were compelled to do so by civil law as well as the law of Christ? Ultimately, in Wheaton’s eyes Paul’s actions in Philemon called for nothing less than northerners complying with the Fugitive Slave Law of 1850 and returning escaped slaves to southerners.

In response to pro-slavery arguments such as those which were crafted by Nathaniel Wheaton, abolitionists would argue that Philemon did not sanction the Fugitive Slave Law of 1850. As noted in the introduction of this chapter, abolitionists would assert that the relationship between Philemon and Onesimus was not entirely clear in Paul’s letter. They offered alternative explanations to elucidate their relationship. Typically, they suggested that Onesimus was Philemon’s debtor. Given the lack of clarity concerning these two men’s relationship, coupled with the fact that the language of Philemon suggested Onesimus was Philemon’s debtor, these abolitionists argued that Philemon did not sanction the Fugitive Slave Law of 1850. How could it if Philemon did not even concern the return of a fugitive slave? The Reverend Kazlitt Arvine summarized this line of argument in his discourse, Our Duty to the Fugitive Slave. Arvine asserted the following: “Under what circumstances he left Philemon, we do not know, nor do we know the precise character of the relation between them. It appears that they dealt with each other in the way of debt and credit; and that Onesimus had left Philemon with his accounts unsettled, and so perhaps

10 Ibid.
11 Ibid.
was his debtor.” 12 Arvine’s reason for suggesting Onesimus was Philemon’s debtor is not explicitly stated at any point in his argument. However, his reason for suggesting this scenario was undoubtedly rooted in the fact that verse eighteen of Philemon suggests Onesimus owed Philemon a debt. In verse eighteen it states, “If he has wronged you in any way or owes you anything, charge that to my account.” 13 Based upon the lack of clarity concerning the relationship between Onesimus and Philemon, coupled with the fact that the language of Paul’s letter made it appear Onesimus was Philemon’s debtor, Arvine concluded that, “What argument, then, does this letter furnish either against Southern slaves escaping from their oppressors, or our assisting and protecting them? None at all.” 14

Contemporary biblical scholarship on Philemon generally accepts that Onesimus was not Philemon’s debtor, thereby debunking the second half of Arvine’s argument. Most biblical commentators speak of Onesimus as being Philemon’s slave. For example, Morna D. Hooker writes that, “he [Onesimus] was or had once been a slave.” 15 Frank Thielman points out that, “In his letter to Philemon, Paul urges the reconciliation of a master to his slave.” 16 John MacArthur notes that, “Philemon also owned at least one slave, a man named Onesimus.” 17 Even though contemporary biblical scholars appear to agree that Onesimus was a slave, this does not mean that the exact relationship between Onesimus and Philemon

13 Philemon 1:18 NIB.
is clear. In fact, evidence indicates Arvine’s assertion that, “Under what circumstances he left Philemon, we do not know, nor do we know the precise character of the relation between them” carries very real weight. 18  Are the circumstances under which Onesimus left Philemon unclear in the letter? Is the precise character of the relationship between these two figures unclear as well? The answer to both of these questions is “yes.” Specifically, evidence exists which strongly suggests Onesimus had not fled from his master to escape to freedom. In effect, after having committed a wrong against his master, Onesimus sought Paul’s help in mediating the situation. So even though the evidence suggests that Onesimus was a slave, he was not a fugitive slave based upon the legal Roman definition of that term. Consequently, if one accepts this line of reasoning, than considerable doubt is cast upon the use of this letter by southerners to support the legitimacy of the Fugitive Slave Law of 1850. If Philemon is not detailing the return of a fugitive slave, then how could southerners have been justified in using this letter to sanction the Fugitive Slave Law of 1850?

At this point it would be helpful to examine the perspective of scholar Chris Frilingos on Paul’s letter and its lack of clarity concerning the status of Onesimus. According to Frilingos, “Is Onesimus a fugitive…? Unfortunately, neither the letter itself, nor early Christian literature provides much data for the answers.” 19 While early Christian literature does not provide much data for the answers, an examination of Roman law/practice concerning fugitive slaves can help shed light on this matter. To understand whether or not Onesimus is a fugitive slave in Paul’s letter, it is first necessary to have an

18 Arvine, Our Duty to the Fugitive Slave, 22.
understanding of what constituted a fugitive slave in the Roman society in which Paul lived. In Roman society, a fugitive slave was characterized by law as one who had fled from his master. More specifically, a fugitive slave was defined as one who had fled from his master and possessed no intention of returning. Intention was important. For example, if a slave had fled from his master intending not to return but then had a change of heart and decided to repent and return, he was nonetheless still a fugitive, because his original intention was to escape and not return.20 In contrast to those slaves who fled from their masters with no intent to return, there were circumstances in Roman society under which a slave could by law leave his master and not be considered a fugitive slave. For example, a slave might flee from enemies, fire, or a teacher other than his master who was punishing him. In these scenarios, the slave was not a fugitive because his intention was not to escape and never return to his master. In addition to the aforementioned scenarios, a slave was not considered by law a fugitive slave in Roman society if he fled to a friend of his master to secure mediation for a wrong that he had committed against his master.21

While there is no evidence to suggest that Onesimus had fled from an enemy, fire, or a teacher who was punishing him, there is convincing evidence to suggest that Onesimus had fled from Philemon in order to ask Paul to mediate a wrong that he had committed against his master. Before addressing the evidence which supports this understanding of Philemon, it is worthwhile to note that the traditional explanation of Philemon as a letter detailing Paul’s return of a fugitive slave to his master is riddled with problems. First, if

21 Ibid., 268.
the traditional understanding of this letter is accepted than one must presume a chance meeting of the two in prison. Of all the prison cells in which Onesimus could have been placed in the Roman Empire, he just happened to end up in the same prison cell as Paul? Furthermore, this explanation raises a puzzling question of how Onesimus, a Roman slave, could end up in the same prison as Paul, a Roman citizen. Typically, slaves and citizens would be held in different prisons. In addition to these facts, Paul, a prisoner, had no authority to return a fugitive slave, especially given that he was a prisoner himself. Finally, at no point in the letter does Paul refer to Onesimus as a fugitive slave or in any way describe Onesimus as having run away from his master. In the words of scholar David Aune, all of these facts taken into account, “make the traditional portrait of Onesimus as a fugitive slave a dubious construal.” An alternative explanation of Paul’s Letter to Philemon is warranted.

Arguably the best alternative explanation of Philemon, and one which is strongly supported by the evidence, is that Paul was serving as a mediator between Onesimus and Philemon. Paul, being a friend of Philemon, would have been in a prime position to help Onesimus. In this case, under Roman law Onesimus would not have been a fugitive slave since his intention was to seek help from a friend of his master and not to escape from his master never to return. The first piece of evidence that favors this scenario is found in verse eighteen of Philemon, which states the following: “If he has wronged you in any way or

owes you anything, charge that to my account.”\textsuperscript{26} Scholar Marianne Meye Thompson notes that Paul’s willingness to repay Philemon for any wrong Onesimus had done suggests that this verse refers, “to something other than actually running away, which implies that running away was not Onesimus’s primary offense.”\textsuperscript{27} Scholar Frank Thielman notes, based on verse eighteen, that Onesimus had, “probably made a mistake, whether, intentional or not, that cost Philemon some money.”\textsuperscript{28} If Onesimus had in fact committed a wrong, such as mishandling Philemon’s finances in some way as suggested by the language of verse eighteen, then he would certainly have had reason to seek out a friend of his master, such as Paul, to mediate between himself and Philemon. In Roman society, fugitive slaves could be beat, put in chains, branded, and even executed. In fact, even if a slave was not a fugitive, he was still subject to punishment from his master.\textsuperscript{29} For example, Cassius Dio Cocceianus recounts the story of a slave master named Vedius Pollio and a slave who broke his cup. According to Cocceianus, “Once, when he was entertaining Augustus, his cup-bearer broke a crystal goblet, and without regard for his guest, Pollio ordered the fellow to be thrown to the lampreys.”\textsuperscript{30} It was only by pleading to Augustus that the slave was saved from execution.\textsuperscript{31}

In addition to the fact that verse eighteen strongly suggests Onesimus had offended his master in financial terms, thereby having reason to seek out Paul to mediate between

\textsuperscript{26} Philemon 1:18 NIB.
\textsuperscript{28} Thielman, \textit{Theology of the New Testament}, 388.
\textsuperscript{29} Thompson, \textit{Colossians and Philemon}, 195.
\textsuperscript{31} Ibid.
himself and Philemon, a comparison of the first century A.D. letter of Pliny the Younger with Paul’s Letter to Philemon further suggests that Paul is mediating between Onesimus and Philemon. In the letter, Pliny the Younger mediates between a freedman and his patron Sabinianus whom he had offended. In the letter, Pliny stated the following:

Your freedman, whom you lately mentioned to me with displeasure, has been with me, and threw himself at my feet with as much submission as he could have fallen at yours. He earnestly requested me with many tears, and even with all the eloquence of silent sorrow, to intercede for him; in short, he convinced me by his whole behaviour that he sincerely repents of his fault. I am persuaded he is thoroughly reformed, because he seems deeply sensible of his guilt. I know you are angry with him, and I know, too, it is not without reason; but clemency can never exert itself more laudably than when there is the most cause for resentment. You once had affection for this man, and, I hope, will have again; meanwhile, let me only prevail with you to pardon him. If he should incur your displeasure hereafter, you will have so much the stronger plea in excuse for your anger as you shew yourself more merciful to him now. Concede something to his youth, to his tears, and to your own natural mildness of temper: do not make him uneasy any longer, and I will add, too, do not make yourself so; for a man of your kindness of heart cannot be angry without feeling great uneasiness. I am afraid, were I to join my entreaties with his, I should seem rather to compel than request you to forgive him. Yet I will not scruple even to write mine with his; and in so much the stronger terms as I have very sharply and severely reproved him, positively threatening never to interpose again in his behalf. But though it was proper to say this to him, in order to make him more fearful of offending, I do not say so to you. I may perhaps, again have occasion to entreat you upon his account, and again obtain your forgiveness; supposing, I mean, his fault should be such as may become me to intercede for, and you to pardon. Farewell.  

Three characteristics of the above letter are noteworthy. First, Pliny attests to the fact that the freedman has reformed and changed his ways. This is evident from his statements that, “he sincerely repents of his faults,” and that, “I am persuaded he is thoroughly reformed.”

Second, Pliny tells Sabinianus that he would rather request Sabinianus to forgive his...

33 Ibid.
freedmen as opposed to compelling him to do so. This is evident from the statement, “I am afraid, were I to join my entreaties with his, I should seem rather to compel than request you to forgive him.”

Finally, the overall tone of the letter is one which calls for forgiveness and of reconciliation between the two men. This is evident from statements such as, “let me only prevail with you to pardon him.”

In comparing Pliny’s letter to Sabinianus to Paul’s letter to Philemon, there are several obvious parallels. First, just as Pliny suggests the errant freedman has reformed and changed his ways, so too does Paul suggest through his rhetoric that Onesimus has reformed and changed his ways. For example, in verse eleven of Philemon, Paul states that, “formerly he was useless to you, but now he is indeed useful both to you and me.” Here, the apostle suggests that Onesimus had not lived up to his position as a slave in life. In essence, he had failed to be useful in the way a slave was supposed to be. However, Paul then insists that Onesimus has reformed and changed his ways. He had now become useful as a slave was supposed to be. In this letter, scholar Paul Duff points out that, “attests to Onesimus’ newfound integrity and consequently he entreats Philemon to welcome Onesimus back into his household” just as Pliny attests to the errant freedman having changed his ways and entreats Sabinianus to welcome him back into his household. In addition, Paul, like Pliny, also expresses his desire to request rather than compel the

34 Ibid.
35 Ibid.
36 Philemon 1:11 NIB.
38 Ibid.
acceptance of the offending party back into his household. In verse eight Paul states that, “For this reason, I am bold enough in Christ to command you to do your duty, yet I would rather appeal to you on the basis of love.” Thus, while both men acknowledge that they have the authority to compel their friend to welcome the offending party back into their household, ultimately they both conclude that they would rather request them to do so. Finally, both letters carry a tone of forgiveness towards the offending party. To be fair, Pliny’s call for forgiveness is arguably more direct. For example, Pliny directly calls for Sabinianus to pardon the errant freedman stating, “Let me only prevail with you to pardon him.” Paul’s letter, however, also calls for the pardon of Onesimus albeit in a less direct manner. For example, in verse seventeen Paul states, “welcome him as you would welcome me.” If slave masters typically exacted punishment on their slaves for mistakes they made, as evidenced in the case of Vedius Pollio and the slave who accidentally broke his cup, then could Philemon have exacted punishment on Onesimus for his wrongdoing if he was to welcome him back into his household as he would welcome his friend Paul? Obviously he could not. This statement, then, certainly suggests a call for forgiveness on the part of Philemon towards Onesimus. Ultimately, Pliny’s letter to Sabinianus provides several strong parallels in both its tone and rhetorical strategy to Paul’s Letter to Philemon. This fact, coupled with the fact that verse eighteen points to Onesimus having wronged Philemon, suggests strongly that Paul’s letter is not concerned with the return of a fugitive

40 Philemon 1:8 NIB.
41 Earl, Letters of Pliny, 284.
42 Philemon 1:17 NIB.
slave. Instead, given the evidence it is equally if not more plausible that Onesimus had left his master to seek out Paul’s aid for a wrong he had committed. Given this set of circumstances, then under Roman law Onesimus was not a fugitive slave.

That Paul’s letter to Philemon is not concerned with the return of a fugitive slave, but rather Paul’s attempt to mediate between a master and his errant slave, is supported by numerous scholars. Walter Taylor writes that, “Onesimus is not a fugitive slave but a slave who experienced some form of disagreement with his master. Onesimus did something inappropriate or…was perceived as having done something that caused Philemon financial loss (v. 18).” Furthermore, “Onesimus’ hope is that Paul will intervene with Paul’s beloved friend Philemon on behalf of Onesimus, seeking to resolve the problem to Onesimus’ advantage.” Gerd Ludemann points out that, “Paul never refers to Onesimus as a runaway” and that, “It is increasingly accepted today that he had solicited Paul as a mediator who might restore him to his master’s good graces.” Michael Bird writes that, “Onesimus journeyed… to have Paul mediate between him and his master over some matter.” His hope is to be, “restored back to favored status in Philemon’s household.” Carolyn Osiek notes that the mediation hypothesis that, “Onesimus had knowingly fled from the house of Philemon because of a conflict between them, but has fled to a friendly third party, Paul, to intercede for him with Philemon. This interpretation would certainly fit the implied circumstances and accounts for what is otherwise a remarkable coincidence:

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43 Taylor, Paul, Apostle to the Nations, 279.
44 Ibid.
46 Michael Bird, Colossians and Philemon: A New Covenant Commentary, (Cambridge, United Kingdom: The Lutterworth Press, 2009), 27.
47 Ibid.
that Onesimus just happened to encounter Paul in another city.” 48 Ultimately, verse eighteen of Philemon, a comparison of Philemon to Pliny’s letter to Sabinianus, and a large body of biblical scholarship on Philemon strongly suggests that Arvine was correct. The exact circumstances under which Onesimus left Philemon are unclear, as is the exact relationship between the two men in the letter. Furthermore, this evidence goes one step further and strongly suggests that Onesimus was a not a fugitive slave, but rather a slave who had sought out the help of Paul to mediate between himself and Philemon for a wrong he had committed. Given that evidence strongly suggests Philemon is not about the return of a fugitive slave, southerners were not unquestionably justified in using this letter to sanction the Fugitive Slave Law of 1850. Southerners were using a letter which did not detail the return of a fugitive slave, to sanction a law which called for the return of fugitive slaves. Paul’s letter to Philemon and the Fugitive Slave Law of 1850 were dissimilar.

To be fair, the above argument only establishes a distinction between Paul's Letter to Philemon and the Fugitive Slave Law of 1850 as opposed to identifying an overarching institutional distinction between biblical slavery and Southern slavery as was done in Chapters two and three of this paper. Nevertheless, this distinction between Paul’s Letter to Philemon and the Fugitive Slave Law of 1850 is worth noting for two reasons. First, the Fugitive Slave Law of 1850 enabled some Southern slaves who escaped to be successfully returned to their masters. For example, it is recorded that on December 10, 1850 the city police of Memphis, Tennessee arrested a fugitive slave belonging to a Dr. Young and

returned him to the owner after, “much difficulty and heavy expense.”

49 It is recorded in *The Huntsville Advocate* that on January 1, 1851, “Messrs. Markwood and Chester brought back seven of their slaves from Michigan.”

50 Finally, it is recorded that in Shawneetown, Illinois a woman claimed by a Mr. Haley of Georgia to be his slave was delivered to him by two justices of the peace.

51 Numerous other records of this type exist detailing the return of fugitive slaves to their Southern masters. Overall, it is estimated that roughly ten percent of slaves who escaped from their Southern masters were returned under the Fugitive Slave Law of 1850.

52 Ultimately, while far more slaves escaped than were returned, evidence shows that this law nevertheless played a role in maintaining the Southern system of slavery.

In addition to successfully returning roughly ten percent of escaped slaves to their Southern masters, the Fugitive Slave Law of 1850 contributed to the outbreak of the American Civil War which would occur just over a decade after the passage of this law. When the Fugitive Slave Law went into effect in the fall of 1850, it wreaked havoc in the northern states and exacerbated tensions between the North and the South over the issue of slavery. Much of the tension owed itself to the fact that many African Americans were wrongly seized under false accusations that they were fugitive slaves. For example, it is recorded that on January 10, 1851 in Philadelphia, Pennsylvania, a young boy was seized by G.F. Alberti, “alleging that he was a slave.”

53 Sometimes, African Americans who had

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50 Ibid.

51 Ibid., 15.


been free for a decade or more were seized and taken into slavery. For example, it is recorded that in Maryland a woman who had lived with a free black man for ten years was, “arrested as the slave of Mr. Shreve, of Louisville, Ky. She was taken back to Kentucky.”

In response to the above types of actions and following the passage of the Kansas-Nebraska Act and repeal of the Missouri Compromise in 1854, many northern states passed personal liberty laws that sought to undermine the Fugitive Slave Law of 1850 in any way possible. These laws sought to interfere with the return of fugitive slaves through a variety of means such as barring state officers from enforcing the fugitive slave law and barring the kidnapping of free blacks in the state. Given the fact that a large majority of fugitive slaves successfully escaped, southerners felt that their way of life which was dependent on slavery was being threatened through these personal liberty laws. In fact, northern resistance to the Fugitive Slave Law of 1850 even made its way into the declarations of secession for states such as South Carolina and Georgia. In the South Carolina declaration of secession, it states that

The States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin and Iowa, have enacted laws which either nullify the Acts of Congress or render useless any attempt to execute them. In many of these States the fugitive is discharged from service or labor claimed, and in none of them has the State Government complied with the stipulation made in the Constitution.

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54 Ibid., 21.
In the above excerpt from South Carolina’s declaration of secession, failure to comply with the Fugitive Slave Law of 1850 served as a prominent reason for secession. Similarly, in Georgia’s declaration of secession, it states that

Congress then passed the act of 1850, providing for the complete execution of this duty by Federal officers. This law, which their own bad faith rendered absolutely indispensable for the protection of constitutional rights, was instantly met with ferocious revilings and all conceivable modes of hostility. The Supreme Court unanimously, and their own local courts with equal unanimity (with the single and temporary exception of the supreme court of Wisconsin), sustained its constitutionality in all of its provisions. Yet it stands to-day a dead letter for all practicable purposes in every non-slaveholding State in the Union.  

Thus, the Fugitive Slave Law of 1850 carried very real weight. Not only did it successfully enable the return of ten percent of fugitive slaves to their Southern masters and contribute to the maintenance of the Southern system of slavery, but it also exacerbated tensions between the North and South which lead to the outbreak of the American Civil War. Ultimately, undermining the use of Paul’s letter to Philemon, the central, biblical justification for the Fugitive Slave Law of 1850 would have carried very real weight even if it did not establish an institutional distinction between biblical slavery and Southern slavery. This is especially true given that the biblical justification for slavery was the central foundation of the pro-slavery argument. In the words of the South Carolina, Baptist Minister Iveson L. Brookes, “the biblical argument in support of slavery must be considered the most important defense of that institution.”

The above discussion has shown it to be unclear that southerners were justified in using Paul’s Letter to Philemon to sanction the Fugitive Slave Law of 1850 given that the

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letter does not clearly detail the return of a fugitive slave to his master. However, even if this letter is understood as detailing Paul’s return of a fugitive slave to his master, it is still unclear that southerners were justified in using this letter to sanction the Fugitive Slave Law of 1850. In fact, if Philemon does detail the return of a fugitive slave to his master, then evidence strongly suggests that a major institutional distinction existed between biblical slavery and Southern slavery. This distinction rests in the fact that evidence strongly suggests the Bible, through Paul’s treatment of Onesimus in Philemon, calls for leniency in the treatment of fugitive slaves who are returned to their masters, particularly when master and slave share the status of being Christian. This stands in contrast to the Southern system of slavery, which enabled the abuse, punishment, and outright killing of fugitive slaves who were returned to their masters, irrespective of the status of master and slave.

Abolitionists who opposed the use of the Bible to sanction Southern slavery briefly touched upon the idea that Southern slavery was more brutal in its treatment of fugitive slaves than Paul was in his letter to Philemon. A prime example of this is in the writings of John Wiggins. In his work, *A Review of an Anti-Abolition Sermon: Preached at Pleasant Valley, N.Y.*, Wiggins stated the following,

Paul sent back Onesimus to Philemon. By what process was this done? Did the apostle, a prisoner at Rome, seize upon the poor fugitive, and drag him before some heartless and perfidious recorder, then, to obtain legal authority to send him back to Colosse? Did he bring the helpless victim away from the fat and supple magistrate, to be driven under the pressure of chains and with the inflictions of the lash, to the field of unrequited toil, whence he had escaped? Far otherwise. Had the apostle been like some religious teachers in the American churches, he might as a professor of sacred literature in one of our seminaries, or
a preacher of the gospel to the rich, have consented thus to promote the peculiar interests of a dear slaveholding brother.  

In short, for Wiggins an examination of Paul’s Letter to Philemon uncovered a strong distinction between Paul’s treatment of a fugitive slave and the treatment fugitive slaves received in the South. Paul did not treat the fugitive slave Onesimus with harshness and place him in chains as was commonly done in the South. In Wiggins’ words, a slave being returned to his owner in the South could expect to be, “cursed and smitten, and sold to some trafficker in human flesh. To be…destroyed!” Furthermore, Wiggins also noted in his writings that Paul did not simply return Onesimus as a slave. Instead, Paul, “wrote a letter to the Church at Colosse, which was accustomed to meet at the house of Philemon, and another letter to the magnanimous disciple, and sent them by the hand of Onesimus” calling for Philemon to receive Onesimus back not as a slave but as a brother beloved. “So much for the way in which Onesimus was sent back to his master,” Wiggins concluded. Based upon these facts, Wiggins asserted that the condition of Onesimus, “could not have been as absolute and degrading as is endured by the American slave.” For Wiggins, then, the Bible called for leniency in the treatment of fugitive slaves through the example of Paul’s treatment of Onesimus.

Was Wiggins correct? Did Paul call for the fugitive slave Onesimus to be treated with leniency as opposed to the harsh treatment fugitive slaves received in the American

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61 Ibid., 48.
62 Ibid., 47.
63 Ibid.
64 Ibid., 49.
South? The answer to both of these questions is yes. The first piece of evidence that Paul was calling for leniency in the treatment of the fugitive slave Onesimus rests in a simple examination of what Paul does and does not do with respect to Onesimus in the text of the letter. In the letter, Paul does not call for Onesimus to be whipped or to be placed in irons. In fact, he does not call for Onesimus to be punished in any manner at all for having fled from his master. Paul does not even address or confirm the rights of Philemon as a slave owner at any point in the letter nor does he make reference to the fact that Onesimus is a fugitive slave. Rather, Paul spends the bulk of his letter stressing to Philemon that he has a duty to Onesimus as his Christian brother. While he was with Paul, Onesimus had converted to Christianity. This is indicated by Paul’s words in verse ten of Philemon, which states that, “I am appealing to you for my child, Onesimus, whose father I have become during my imprisonment.” Based upon his newfound Christian status, Paul encouraged Philemon, a Christian himself, to accept Onesimus back, “no longer as a slave but more than a slave, a beloved brother-especially to me but how much more to you, both in the flesh and in the Lord.” Certainly, in this verse Paul does not explicitly call for Philemon to treat Onesimus with leniency. Nevertheless, there is an implied call for leniency in his words and actions. Within this verse and Philemon as a whole, Paul comes to the aid of Onesimus, who is the less powerful figure in the letter. In coming to Onesimus’ aid, Paul challenged the powers of the slave owner Philemon by encouraging him to put aside his powers and treat Onesimus no longer as his slave but as his fellow Christian brother.

65 Thompson, Colossians and Philemon, 240.
66 Philemon 1:10 NIB.
67 Philemon 1:16 NIB.
68 Thompson, Colossians and Philemon, 240.
light of Onesimus and Philemon’s shared status as Christian brothers, Paul even calls for Philemon to treat Onesimus as he would treat Paul himself stating, “So if you consider me your partner, welcome him as you would welcome me.” 69 As a slave owner, Philemon would certainly have had reason to be angry with Onesimus given his flight, and therefore would have been inclined to punish him. However, could Philemon have punished Onesimus if he was to welcome him as he would welcome his friend Paul? Of course not! As scholar Halvor Moxnes notes, by comparing himself to Onesimus, Paul indicates that he, “wants Philemon to act like a host to Onesimus, and to welcome him as a respectable person into his household.” 70 Thus, based upon a simple examination of Philemon, Wiggins was correct. Paul’s words and actions in the Letter to Philemon do suggest that the Bible calls for leniency in the treatment of fugitive slaves, especially when master and slave both share the status of being Christian.

While an examination of Paul’s Letter to Philemon suggests that the Bible calls for leniency in the treatment of fugitive slaves, especially when master and slave both share the status of being Christian, contrasting Paul’s treatment of Onesimus to the treatment fugitive slaves typically received at the hands of the Roman system of slavery that Paul was familiar with makes this fact virtually undeniable. Furthermore, it strongly suggests that the Bible breaks from systems of slavery that encourage the abuse and chastisement of fugitive slaves, especially when master and slave share the status of being Christian. The Roman attitude towards fugitive slaves is exemplified well in the digest of Roman law

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69 Philemon 1:17 NIB.
compiled by the order of Justinian the first in the sixth century AD. The text is a compilation of Roman laws up to the sixth century and sheds light on the Roman legal attitude towards fugitive slaves. Within the text, it states of fugitive slaves that, “careful custody will allow putting the slave in irons.”71 Already, then, the Roman legal attitude concerning the treatment of fugitive slaves differs from Paul’s attitude and actions in Philemon. Nowhere in the text of the letter does Paul place Onesimus in irons, nor does he even call for Onesimus to be placed in irons. The text goes on to state that, “If a fugitive slave gives himself up to fight in the amphitheatre, he cannot, even by exposing himself to the risk thereby incurred, which only amounts to the peril of death, escape from the legal control of their owner.”72 Thus, even in risking life and limb the slave did not obtain freedom if he had run away from his master. No matter what, fugitive slaves should be, “restored to their owners...as very often they have either misappropriated money or committed some more serious offence, and they would rather give themselves up to fight in the arena, so as to avoid inquiry or lawful punishment.”73 Thus, fugitive slaves were to be returned to their owners to face lawful punishment. Furthermore, slaves who ran away and posed as free men were to receive “severe punishment.”74 Once again, the Roman legal attitude towards fugitive slaves differs significantly from Paul’s rhetoric and actions in Philemon. Nowhere in the text does Paul punish Onesimus or even call for Onesimus to be punished. Instead, Paul encourages his friend Philemon to welcome Onesimus as he would welcome Paul based on their shared status in Christ.

72 Ibid.
73 Ibid., 239.
74 Ibid., 238
That the Roman legal attitude towards fugitive slaves was actually social practice as well is indicated from historical records. In Roman society, fugitive slaves were chastised and abused for their flight and sometimes they even faced execution. Evidence supporting this comes from a set of letters and posters concerning the return of slaves who had taken flight during the Spartacus Slave War of 73-71 BC. In several of these letters and posters, it is indicated that fugitive slaves were placed in chains and chastised for their flight. For example, in one letter from this time a master grants a man by the name Aurelius Sarapammon the right to have his fugitive slave, “placed in bonds, to have him whipped, and to file charges with the appropriate authorities against those persons who harbored him and seek legal redress.” In another letter, a master by the name of Flavius Ammonas called for Flavius Dorotheos to, “arrest my slave, named Magnus, who is a runaway…Bring him bound in chains…” In addition to these letters which indicate that fugitive slaves were customarily abused and chastised under Roman law, historical evidence also indicates that fugitive slaves could be executed for their flight. For example, the first century CE novelist Chariton writes a story of a man by the name of Chaereas who is enslaved and chained together with fifteen other men. According to Chariton, “Some of those chained with Chaereas broke through their chains in the night, murdered the overseer, and then attempted a getaway. But they did not escape,” and were, “ordered…to be…crucified.”

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75 Brent Shaw, ed., *Spartacus and the Slave Wars: A Brief History with Documents*, (Boston, Massachusetts: Palgrave Macmillan, 2001), 60.
76 Ibid.
crucified as well. For example, Orosius writes of Calpurnios Piso during the first century CE that, “he killed 8,000 runaways. Those he was then able to capture, he crucified.”

Ultimately, in Paul’s world the Roman system of slavery enabled the chastisement, punishment, and even the killing of fugitive slaves. This fact, coupled with the fact that Paul does not call for the punishment of Onesimus and instead calls for him to be forgiven by his master suggests that the Bible breaks from systems of slavery that enable the abuse, punishment, and killing of fugitive slaves, particularly when master and slave share the status of being Christian. In the words of scholar John Mckenzie, Philemon could not have treated Onesimus as he would treat Paul if, “Onesimus had received the punishment a fugitive slave deserved…Within the law and with no social stigma Philemon could have had Onesimus killed, tortured, scourged, or—the lightest punishment—branded with a hot iron.”

Furthermore, as Mckenzie makes note of, “Slaveholding societies do not treat fugitive slaves as Paul asked Philemon to treat Onesimus.” Thus, evidence strongly suggests that Paul’s actions in Philemon contrast sharply with the treatment fugitive slaves received in slaveholding societies such as Rome.

What is the significance of this distinction? The significance rests in the fact that the Southern system of slavery, much like the Roman system, also enabled the abuse, punishment, and killing of fugitive slaves, thereby suggesting that the Bible, through Paul’s treatment of Onesimus in Philemon, breaks from the Southern system of slavery as well. Like the Roman system of slavery, the Southern system of slavery enabled fugitive slaves

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80 Ibid.
to be arrested and placed in custody for their flight. In the text of the Fugitive Slave Law of 1850, it states the following: “And be it further enacted, That the marshals, their deputies, and the clerks of the said District and Territorial Courts, shall be paid, for their services, the like fees as may be allowed for similar services in other cases; and where such services are rendered exclusively in the arrest, custody, and delivery of the fugitive to the claimant.”

Thus, in the South fugitive slaves were customarily arrested and held in custody. Furthermore, often in the effort to re-capture fugitive slaves, violence would erupt causing injury to the slave. For example, it is recorded that in Bedford, Pennsylvania, “Ten fugitives, from Virginia, were attacked in Pennsylvania–one mortally wounded, another dangerously. Next morning, both were captured.”

Already, then, an examination of the text of the Fugitive Slave Law of 1850 and its effects on the treatment of fugitive slaves suggests that the Southern system of slavery contrasted sharply with Paul’s treatment of Onesimus in Philemon. Nowhere in Philemon does Paul call for Onesimus to be arrested or placed in custody, and he certainly does not call for any violent treatment to be administered towards Onesimus.

The Southern system of slavery, much like the Roman system of slavery, also legally enabled the abuse, punishment, and killing of fugitive slaves. In the South, some states placed no limitations upon the punishment that could be administered to slaves for offenses against their masters. In fact, even in the case of a slave’s death due to punishment, it was not a given that any legal action would be taken. A prime example of this attitude is found through an examination of a North Carolina legal case. In the 1829 court case State v.

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Mann, a legal precedent was set that gave masters absolute power to punish their slaves in the state. In the case, the defendant by the name of Mann hired a master’s slave by the name of Lydia to work for him. Having committed a small offense, Lydia was chastised by Mann. She then proceeded to flee and was shot and wounded. The defendant was indicted and subsequently convicted for assault and battery. However, Judge Thomas Ruffin reversed the conviction stating that the master has, “uncontrolled authority over the body of his slave.”  

Judge Ruffin stated the following:

That there may be particular instances of cruelty and deliberate barbarity, where, in conscience the law might properly interfere, is most probable. The difficulty is to determine, where a Court may properly begin. Merely in the abstract it may well be asked, which power of the master accords with right. The answer will probably sweep away all of them. But we cannot look at the matter in that light. The truth is that we are forbidden to enter upon a train of general reasoning on the subject. We cannot allow the right of the master to be brought into discussion in the Courts of Justice. The slave, to remain a slave, must be made sensible, that there is no appeal from his master; that his power is in no instance, usurped; but is conferred by the laws of man at least, if not by the law of God.

As evidenced above, in Ruffin’s decision, for the master-slave relationship to be maintained in North Carolina it was necessary that the master have unlimited power over the slave including the unlimited power to chastise and punish the slave. Ultimately, in the state of North Carolina no legal statute was ever enacted to regulate the punishment that slaves could receive from their masters. By inaction, then, the legislators of North Carolina upheld Ruffin’s decision. Slaves, including fugitive slaves, could legally be chastised and punished without limitations.

83 Fede, *People without Rights*, 112.
85 Ibid., 111.
Given the legal precedent Ruffin’s decision established concerning the punishment of slaves, the only way in which in North Carolina law would punish a master for the chastisement of his slave was under the circumstance that the slave died as a result of the chastisement. However, even in the case of death, it was not a guarantee that the law would intervene against the master. Recalling chapter three of the paper, two loopholes existed in North Carolina law which enabled masters to kill their slaves and face no legal punishment. First, North Carolina law absolved masters from accountability for the murder of their slaves if the slave died while receiving “moderate correction.” According to North Carolina’s law of 1791 which, concerned slave homicide

Any person…guilty of willfully or maliciously killing a slave…shall upon the first conviction thereof be adjudged guilty of murder and shall suffer the same punishment as if he had killed a freeman…provided always that this act shall not extend…to any slave in the act of resistance to his lawful owner or master, or to any slave dying under moderate correction.86

Thus, it was easy for masters to kill their slaves and face no punishment as the death of a slave could easily be classified as a death that had occurred while receiving “moderate correction.” Later efforts in North Carolina did little to improve the plight of slaves. For example, the 1839 court case *State vs. Hoover* ruled that,

If death unhappily ensue from a master's chastisement of his slave, inflicted apparently with a good intent for reformation or example, and with no purpose to take life or to put it in jeopardy, the law would doubtless tenderly regard every circumstance, which, judging from the conduct generally of masters towards slaves, might reasonably be supposed to have hurried the party into excess. But where the punishment is barbarously immoderate and unreasonable in the measure, the continuance and the instruments, accompanied by other hard usage, and painful privations of food, clothing and rest, it loses all character of correction in foro domestico, and denotes plainly that the master must have contemplated a

fatal termination to his barbarous cruelties; and in such case, if death ensue, he is guilty of murder.87

Thus, North Carolina law again granted leniency to masters who murdered their slaves when it was done with the “good intent” of correction. In addition to this fact, laws in North Carolina were also of such a character that no slave or free black could testify against a white person in court. The law of North Carolina stated that, “all negroes, Indians, mulattoes, and all persons of mixed blood descended from negro and Indian ancestors, to the fourth generation inclusive, whether bond or free, shall be deemed and taken to be incapable in law to be witness in any case whatsoever, except against each other.”88 Thus, masters could easily murder their slaves in the presence of other slaves and face no legal punishment in North Carolina, irrespective of whether or not the correction was “moderate.”

A prime example of the ability of whites, including masters, to murder their slaves and not face legal punishment in North Carolina is found through an examination of the case of Warner Taylor and Thomas Huff in Granville County, North Carolina. In 1825, the men were accused of manslaughter in the case of their slave who attempted to run away. Taylor stated that the slave had been “tied at the end of the row” for about two hours.89 Some of the men’s slaves came upon the slave who had been tied up and found him dead. Taylor stated that an attempt was made to revive him with no success. Ultimately, evidence showed that Taylor had beaten the slave to death without intent to kill. Taylor was found

87 State vs. Hoover, 20 N.C. 500 (1839).
88 Ibid.
89 Morris, Southern Slavery, 180.
guilty and, “burnt in the brawn of the left hand.”90 However, Thomas Huff, who was with him, was acquitted and faced no punishment. Thus, in North Carolina it was possible for whites, including masters, to be legally punished for the murder of fugitive slaves. However, it was also possible to be an accomplice and get off with no punishment as evidenced by Huff’s acquittal. Ultimately, irrespective of Taylor’s punishment in this case, given Huff’s acquittal, by law it was possible for whites, including masters, to punish their fugitive slaves to the point of death and face no legal punishment.

While some states such as North Carolina legally enabled whites, including masters, to punish their slaves without limitations, most states had laws on the books which called for legal action to be taken against masters who engaged in the “cruel and unusual punishment” of their slaves. The law of Mississippi was typical and stated that, “No master shall inflict cruel or unusual punishment upon his slave or slaves, or cause or permit the same to be done…”91 Furthermore, any master who was convicted of inflicting cruel or unusual punishment upon his slave, “would be fined according to the magnitude of the offense, in any sum not exceeding five hundred dollars, and imprisoned in the county jail for a term not exceeding twelve months…”92 On the surface, these laws appeared to protect the slave from physical violence. However, while these laws prohibited cruel and unusual punishment they also implied that a certain degree of punishment, so long as it was not “cruel and unusual,” was legal. As scholar Andrew Fede notes, these laws, “authorized the

90 Ibid.
92 Ibid.
“usual” modes of punishment.” Therefore, while masters were often barred by law from inflicting “cruel and unusual” punishments upon their slaves in the South, outside of “cruel and unusual” punishments they were free to punish their slaves. Masters took full advantage of this legal right and fugitive slaves were not exempt from being punished. Throughout the South, evidence indicates that fugitive slaves were customarily chastised and punished for attempting to flee. For example, in his account of his travels in Mississippi, Frederick Olmstead writes of coming upon a, “set of stocks, having holes for the head as well as the ankles, they stood unsheltered and unshaded in the open road.” Being curious as to what they were for he asked an older black man about them and he stated the following: “Well, sah, we calls dat a ting to put black people, niggers, in, when dey misbehaves bad, and to put runaways in, sah.” A former slave by the name of Esther Easter recalled that in Missouri, “a runaway slave from the Jenkin’s plantation was brought back, and there was public whipping, so’s the slaves could see what happens when they tries to get away.” Finally, in the records of cotton planter Joseph Bieller of Louisiana, it is written that in response to a slave of his who fled, Bieller gave him a “small whipping” though he, “richly deserved a severer one.” Numerous records exist that tell similar stories. Thus, throughout the South fugitive slaves were legally chastised and abused for their flight and sometimes even killed.

93 Fede, People without Rights, 112.
94 Marion Barnwell, ed., A Place Called Mississippi, (Jackson, Mississippi: University Press of Mississippi, 1997), 82.
95 Ibid.
A comparison of the Southern system of slavery to the Roman system of slavery has found that both systems legally enabled masters to abuse, punish, and kill fugitive slaves. Paul’s treatment of Onesimus in Philemon strongly suggests that Paul would not have agreed with the Southern system of slavery. Based on his disregard for Roman views on slavery, it is evident that Paul would not have accepted a system of slavery that enabled the abuse, punishment, and killing of fugitive slaves. Instead, evidence strongly suggests that the Paul would have demanded leniency and forgiveness towards fugitive slaves, particularly when master and slave shared the status of being Christian. In the South, master and slave often shared the status of being Christian. Though Southern slave masters were not always Christian, it is evident that many were given the fact that one of the main justifications for slavery in the South rested on the Bible. Many sermons survive, which are entirely devoted to lecturing Christian slave masters on their duties to their slaves. For example, in his work *Duties of Christian Masters* Holland McTyeire stated, “What a master owes to his servant” cannot “be neglected without sin.”98 Beyond this, masters even expressed a concern for the conversion of slaves, often as a means of social control.99 However, what about the slaves? Evidence suggests that significant numbers of slaves were also Christians as well. For example, in a WPA survey of 381 slaves, 148 confirmed that they were Christians during slavery.100 Based upon this sample, a sizeable number of Southern slaves were likely to have been Christians. Other studies have estimated that

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upwards of 634,000 African Americans during the antebellum period were members of
Methodist and Baptist churches in both the North and the South. Ultimately, abolitionists such as John Wiggins were right to point out that Paul’s treatment of Onesimus in the Bible contrasted sharply to the treatment fugitive slaves received at the hands of the Southern system of slavery. The very fact that Paul calls for leniency and forgiveness for a fugitive slave in Philemon, in the only Biblical example of a fugitive slave being returned to his master, raises significant questions about the legitimacy of southerners using the Bible to sanction slavery as it was practiced in the American South. To be warranted in using the Bible to legitimize slavery, the Southern system of slavery would have to have been characterized by an attitude of leniency and forgiveness towards fugitive slaves who were returned to their masters, especially when master and slave shared the status of being Christian. Obviously this was not the case.

101 Ibid., 6.
Chapter 5: Does the Bible Sanction Race Based Slavery? A Critical Comparison of the Biblical System of Slavery to the Southern System of Slavery

The most direct and strongest challenge to the claim that the Bible sanctioned slavery as it was practiced in the American South was put forward by the abolitionist Elijah Porter Barrows in the nineteenth century religious publication *Bibliotheca Sacra*. In this 1862 publication, Barrows asserted that unlike the institution of slavery in the American South, the biblical institution of slavery was not based on the inferiority of one race. Barrows argued that this was the case in both the Old and New Testaments. Unfortunately, Barrows argument that biblical slavery in the Old Testament was not based on the inferiority of one race consisted of only a little more than a page and in the case of the New Testament only a few sentences. Nevertheless, Barrow’s effort to establish a distinction between biblical slavery and Southern slavery based on differences concerning inferiority deserves further attention. Through a critical assessment of Barrow’s arguments, an examination of the provenance of slaves in the Old Testament, and an examination of the provenance of slaves in the New Testament, it will be argued that southerners were not unquestionably justified in using the Bible to sanction slavery as it was practiced in the American South. Biblical slavery, unlike Southern slavery, was not based on the inferiority of one race, and it was certainly not based on the inferiority of the African race.

Barrow’s argument that biblical slavery was not based on the inferiority of one race largely rested upon the premise that slavery in the Old Testament was based on the distinction between Israelites and foreigners as opposed to the idea that one race was
inferior and therefore especially suited for slavery. In short, as long as the person was not an Israelite, one of God’s chosen people, then it was acceptable for that person to be enslaved by the Israelites, irrespective of their race. As Barrows asserted, the Israelites possessed a, “high preeminence…over all foreigners.” Barrows went on to point out that if southerners, who likened themselves to the Israelites, were truly following in the footsteps of the biblical institution of slavery, then they would have to permit the enslavement of the people of, “Britain, France, Spain, and Mexico; and we may add (if they can succeed in establishing their so-called “Southern Confederacy”) the greasy mechanics of the northern states” since all could rightly be considered foreigners to white southerners. If foreigners were understood as those practicing a different religion, then white southerners would have needed to permit the enslavement of, “the Persians, Turks, and Arabs…along with the Africans.” However, white southerners did not permit the enslavement of any of these groups but only the enslavement of Africans. Given the above facts, Barrows concluded that the basis for slavery in the South rested upon, “race – a distinction unknown to the Mosaic institutions.” Barrows emphasized this point more directly in his examination of the New Testament asserting that, “Roman slavery did not, like that of our Southern States, rest on the odious distinction of race. They neither knew nor cared anything about the modern doctrine, that the normal condition of the African is servitude to the white man. They had no scruples about making slaves of all classes, white

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2 Ibid.
3 Ibid.
4 Ibid.
or black…” Ultimately, for Barrows biblical slavery was not based on the inferiority of one race as was Southern slavery. Given this fact, southerners were using a book which did not sanction a system of slavery that was based on the inferiority of one race to sanction a system of slavery that was based on the inferiority of one race. The systems were dissimilar.

That the Southern system of slavery was based on the inferiority of one race, the African race, is undeniable. Throughout antebellum, pro slavery literature justifications for the Southern system of slavery rested on the notion that Africans were an inferior race that was especially suited for enslavement. The pro-slavery writings of Adolphus Cartwright exemplify the typical, antebellum view of African inferiority. According to Cartwright,

The same ordinance which keeps the spheres in their orbits, and holds the satellites in subordination to the planets, is the ordinance that subjects the Negro race to the white man’s will…Under that ordinance, our four millions of Negroes are as unalterably bound to obey the white man’s will, as the four satellites of Jupiter the superior magnetism of that planet.6

As evidenced in the above statement, the enslavement of Africans in the South was seen to be consistent with natural law. Just as the inferior satellites of Jupiter had to obey the superior magnetism of the planet, similarly the inferior will of the African race had to obey the superior will of the white man.7 As scholar Demetrius Williams writes of Southern slavery, “The natural position of blacks under the white man’s will, unequal and subordinate to him in all things, was seen as natural and immutable. Therefore, support for slavery could be imagined as inscribed within the very structure of the cosmos.”8

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5 Ibid., 585.
6 E.N. Elliot, Cotton is King and Pro Slavery Arguments: Comprising the Writings of Hammond, Harper, Christy, Stringfellow, Hodge, Bledsoe, and Cartwright on this Important Subject, (Augusta, Georgia: Pritchard, Abbot, and Loomis, 1860), 46.
7 Ibid.
8 Demetrius Williams, An End to this Strife: The Politics of Gender in African American Churches, (Minneapolis, Minnesota: Fortress Press, 2004), 78.
While it is undeniable that the Southern system of slavery was based on the inferiority of the African race, what about the biblical system of slavery? Was Barrows right to argue that the biblical system of slavery was not based on the inferiority of one race? The answer is yes. The biblical permission granting the Israelites the right to hold slaves is found in Leviticus 25:44-46. It states the following,

> As for the male and female slaves whom you may have, it is from the nations around you that you may acquire male and female slaves. You may also acquire them from among the aliens residing with you, and from their families that are with you, who have been born in your land; and they may be your property. You may keep them as a possession for your children after you, for them to inherit as property. These you may treat as slaves, but as for your fellow Israelites, no one shall rule over the other with harshness.9

Two aspects of the above permission granting the Israelites the right to hold slaves should be noted. First, the passage does not single out any one race of people as being inferior and thereby especially suited for slavery. Furthermore, it certainly does not single out the African race as being inferior and especially suited for slavery. In fact, race is not mentioned at any point in this passage. Second, this passage suggests that the Israelites were permitted to hold slaves based on a distinction between Israelites and foreigners as opposed to a distinction between the Israelites and one inferior race. As long as a person (s) was not an Israelite, the text suggests it was permitted for them to be enslaved by the Israelites irrespective of their race. This is suggested by the fact that the passage does not mention race and prevents the Israelites from ruling over each other with “harshness,” while permitting the Israelites to make slaves of people from any of the nations around them. As scholar Thomas Nelson writes, “That the children of Israel were allowed to own

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9 Leviticus 25:44-46 NIB.
slaves from among any of the nations surrounding them—and even from the strangers who dwelt with them—indicates that slavery in that era was not a matter of one particular race, or one skin color, against another.”10 Roy Gane further supports this point stating, “In biblical Israel there seems to be no hint of the racist attitude associated with American slavery, namely, that a person is inferior because of his or her skin color, so that it is legitimate to hold that individual as a slave.”11 Finally, Craig Prentiss adds, “Biblical characters lived in an ancient Semitic, Mediterranean, and North African world, one in which modern understandings of “white” and “black” people would have been meaningless.”12 Ultimately, based upon a simple examination of the biblical permission to hold slaves, Barrows was correct. There is no reason to think Israelite slavery was based on the inferiority of one race, and there is certainly no reason to think it was based on the inferiority of the African race as was the case in the American South.

Without a doubt the evidence supports Barrows’ assertion that the biblical institution of slavery was not based on the inferiority of one race, but rather hinged on the biblical interpretation of what constituted a foreigner. Even though Leviticus 25:44-46 implies that the Israelites could enslave any foreigners, irrespective of their race, a question still remains. What was the basis for the distinction between Israelites and foreigners? In essence, why were foreigners set apart from the Israelites? The language of the Bible suggests that the Israelites saw foreigners as being set apart from themselves, not based upon any notion of the Israelites being a superior race, but rather based upon the Israelites’

11 Gane, The NIV Application Commentary, 442.
devotion to a distinctive culture and religion that was centered on their belief in the God of the Bible. This interpretation is reinforced by a passage found in the seventh chapter of Deuteronomy. In Deuteronomy 7:1-6 it states the following:

> When the LORD your God brings you into the land you are entering to possess and drives out before you many nations—the Hittites, Girgashites, Amorites, Canaanites, Perizzites, Hivites and Jebusites, seven nations larger and stronger than you—and when the LORD your God has delivered them over to you and you have defeated them, then you must destroy them totally. Make no treaty with them, and show them no mercy. Do not intermarry with them. Do not give your daughters to their sons or take their daughters for your sons, for they will turn your children away from following me to serve other gods, and the LORD’s anger will burn against you and will quickly destroy you. This is what you are to do to them: Break down their altars, smash their sacred stones, cut down their Asherah poles and burn their idols in the fire. For you are a people holy to the LORD your God. The LORD your God has chosen you out of all the peoples on the face of the earth to be his people, his treasured possession.\(^{13}\)

Here, the Bible suggests that the Israelite’s saw foreigners as being set apart from themselves, not on the basis of the Israelites being a superior race, but rather, on the basis of the Israelites’ devotion to a distinctive culture and religion that was based on their belief in the God of the Bible. Nowhere does the text state that the Israelites were concerned with the race of the people of other nations. Instead, the text indicates that the Israelites were concerned with not falling into the cultural and religious practices of other nations which would steer them towards other gods and away from the God of the Bible. This is indicated in the above passage by the repeated demand to destroy anything that relates to non-Israelite gods. Numerous other passages within the Bible suggest that foreigners were set apart from the Israelites for cultural-religious reasons as well. For example, in Exodus 12:43, foreigners are once again set apart from the Israelites on the basis of cultural-religious issues. While the Israelites and resident aliens who undergo circumcision may eat

\(^{13}\) Deuteronomy 7:1-6 NIB.
of the Israelites’ religious feast, Passover, foreigners are barred from participation in this religious feast. As it states in Exodus 12: 43, “The Lord said to Moses and Aaron: This is the ordinance for the Passover: no foreigner shall eat of it.”

In addition to the above biblical passages which support the understanding that foreigners were set apart from the Israelites on the basis of culture-religion, extra-biblical evidence from the early centuries of the Common Era suggests that this was the case as well. For example, an excerpt from the Babylonian Talmud, dating from the 200s CE states the following concerning foreign slaves:

R. Nahman said in the name of Samuel, ‘if one buys slaves from foreigners, even though they submit to circumcision and ritual immersion, they still (by their contact) taint ritually pure wine with the suspicion that it may have been used for a libation, until idolatry has sunk into oblivion from their lips.’ How long does this mean? R. Joshua b. Levi said, 'up to 12 months.'

Once again, the Israelites concern with foreigners and in this case specifically foreign slaves rests on a religious distinction rather than a racial distinction. The above passage does not mention anything that would indicate that there was a racial concern on the part of the ancient Israelites with respect to foreigners such as a difference in skin color. Rather, the passage focuses on the practice of idolatry by foreigners, a religious concern. Another passage from the Babylonian Talmud similarly indicates that the concern with foreign slaves rested on religious rather than racial concerns. The passage states the following: “In a place where Jews fear that unconverted slaves will reveal Jewish secrets, to those who seek after Jewish souls and blood and bring dangers or war upon Jews, unconverted slaves

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14 Exodus 12:43 NIB.
shall not be retained at all.”16 Once again, Jewish uneasiness with foreigners is based on religion rather than race. By virtue of being unconverted and not bound to Jewish religion, a foreigner was thought to have the ability to bring harm to the Jewish community. Ultimately, religious concerns, particularly the practice of idolatry by foreigners, which is also of chief concern in Deuteronomy 1:7, is suggested by both intra-biblical and extra-biblical evidence to have been the main factor in the minds of the ancient Israelites that defined the distinction between Israelites and foreigners.

If foreigners were set apart from the Israelites on the basis of the Israelites being a superior race, then why do biblical passages and historical evidence concerning the Israelites’ view of foreigners fail to mention race and instead focus heavily on cultural-religious distinctions? The answer rests in the fact that foreigners were not set apart from the Israelites on the basis of being inferior races, but rather, on the basis of their cultures-religions which were not devoted to the God of Israel. As scholar David Freidenreich has noted, “Israel is set apart from other peoples through the fact of its unique relationship with God, a relationship that obligates Israelites to observe God’s laws and classificatory systems.”17 As Norman Gottwald adds, “Early Israelites recognized themselves as a distinct social formation…They experienced this distinction in the form of a belief in a deity who assured their success.”18 Finally, as John D. Davis writes, the Israelites viewed foreigners as people, “owning other allegiance than to Israel and Israel’s God.”19

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16 Ibid., 1343.
19 Davis, Davis Dictionary, 250.
Ultimately, both the text of the Bible, and a strong body of biblical scholarship suggests that the Israelites viewed themselves as set apart from foreigners not on the basis of being a superior race but rather on the basis of their devotion to a distinctive culture and religion that was centered on their belief in the God of the Bible.

While the text of the Bible suggests that the Israelites viewed foreigners as being set apart from themselves not on the basis of the Israelites being a superior race, but rather, on the basis of the Israelites’ devotion to a distinctive culture-religion, evidence also suggests that this perceived cultural and religious distinction that the Israelites saw between themselves and foreigners played a direct role in their enslavement of people who were not Israelites. During the time of the Old Testament, evidence indicates that the Israelites enslaved at least three different groups of people. These include the Egyptians, the Canaanites, and the Gibeonites. Evidence for the Israelites having enslaved the Egyptians is found in extra-biblical manumission documents dating from the 400s BCE. Within these documents, two Egyptian slaves are manumitted by their Hebrew masters. In the first document dated June 12, 427 BCE a testamentary manumission was written up by a Hebrew slave master who was preparing for his death at the Egyptian border fortress of Elephantine. Within the manumission document, the Hebrew slave master Meshullam manumitted one of his Egyptian, female slaves by the name of Tamet as well as her daughter Jehoishma. 20 A second document dated 416 BCE provides another example of a Jewish slave master manumitting his non-Jewish slave. In this document, Zakkur, son of the Jewish slave master Meshullam, gave a slave named Yedoniah to another Jew by the

name of Uriah. Yedoniah was an Egyptian. Uriah agreed to adopt the Egyptian slave Yedoniah as his own son and to not enslave him or allow others to enslave him in the future.  

While evidence that the Israelites enslaved the Egyptians is found outside of the Bible, evidence that the Israelites enslaved the Canaanites and Gibeonites is found within the Bible. The passage of the Bible which indicates that the Israelites enslaved the Canaanites is found in chapter nine of the book of Genesis and states the following:

Noah, a man of the soil, was the first to plant a vineyard. He drank some of the wine and became drunk, and he lay uncovered in his tent. And Ham, the father of Canaan, saw the nakedness of his father, and told his two brothers outside…When Noah awoke from his wine and knew what his youngest son had done to him, he said, “Cursed be Canaan; lowest of slaves shall he be to his brother.”

Similarly, the Israelites understood the Gibeonites to stand under the curse of slavery as well. This is indicated by the text of Joshua 9:22-23 which states the following: Joshua summoned them (the Gibeonites), and said to them, “Why did you deceive us, saying, ‘We are very far from you,’ while in fact you are living among us? Now therefore you are cursed, and some of you shall always be slaves, hewers of wood and drawers of water for the house of God.”

Unfortunately, no evidence exists explaining why the Israelites enslaved the Egyptians. However, in regards to the enslavement of the Canaanites and Gibeonites, the above texts suggest that these groups were not enslaved on the basis of racial inferiority. To be fair, at first glance, these curses might appear to mark the creation of slave races for the Israelites.

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21 Ibid.
22 Porten, ed., The Elephantine Papyri, 234.
23 Genesis 9:20-25 NIB.
24 Joshua 9:22-23 NIB.
However, this is not the case. In contrast to the Southern system of slavery, which was based on the idea that Africans were an inferior race, the reason for the enslavement of both the Canaanites and the Gibeonites does not rest on the basis of the racial inferiority of these groups. Instead, slavery is brought upon these groups due to a religious concern rooted in their sinfulness against God. As scholar Catherine Hezser writes, in contrast to the idea that certain races of people are naturally suited for slavery, the Canaanites and Gibeonites are enslaved as a result of, “their sinful behavior towards Noah and Joshua, respectively. Permanent slavery is envisioned as God’s punishment of the Canaanites’ and Gibeonites’ misconduct (against Noah and Joshua as God’s representatives) here.”25 Furthermore, with respect to the Canaanites, evidence suggests that they may have even held close racial ties to the Israelites. One theory holds that the Israelites represented a portion of the peasant population in Canaan. Under the stress of hard economic times, they left Canaan and established themselves in tribes and clans throughout the countryside.26 Much of this theory owes itself to the fact that the archaeological record has indicated very little difference between Israelite and Canaanite pottery, architecture, water systems, etc.27 Thus, not only does evidence suggest the Israelites did not enslave other groups on the basis racial inferiority, the evidence actually shows that the Israelites enslaved people who shared close racial ties with themselves.

A study of the Old Testament permission granting the Israelites the right to hold slaves coupled with an examination of the provenance of slaves in the Old Testament has

suggested that E.P. Barrows was correct. Slavery in the Old Testament was not based upon the inferiority of one race as it was in the American South, and it certainly was not based upon the inferiority of the African race as it was in the American South. Rather, evidence shows that the Israelites were permitted to enslave anyone who was a foreigner, meaning anyone of a different cultural/religious persuasion, irrespective of their race. However, what about the New Testament? Was Barrows right to assert of New Testament slavery that, “Roman slavery did not, like that of our Southern States, rest on the odious distinction of race. They neither knew nor cared anything about the modern doctrine, that the normal condition of the African is servitude to the white man. They had no scruples about making slaves of all classes, white or black…”?28 The answer is yes. During New Testament times, the early Jews/Christians found themselves living under Roman rule. Thus, while evidence shows that the biblical model of slavery erected in the Old Testament did not rest on the inferiority of one race, it will be necessary to examine the Roman system of slavery to determine whether the Bible upheld a system of slavery based on racial inferiority in the New Testament.

One means of determining whether or not Roman slavery was based upon the inferiority of one race is to analyze the language used by ancient Romans concerning slaves and slavery. After doing so, it becomes quite evident that race was not a factor in the enslavement of persons. One case in point, the language of the early Roman jurist Florentius concerning slavery, later codified as a part of Roman law by Justinian the first

28 Park and Taylors, eds., The Bibliotheca Sacra, 71.
in the sixth century AD makes no mention of race. Florentius stated the following of slavery:

Slavery is an institution of the common law of peoples by which a person is put into the ownership of somebody else, contrary to the natural order. Slaves are so called because commanders generally sell the people they capture and therefore save them instead of killing them. The word for property in slaves is derived from the fact that they are captured from the enemy by the force of arms.29

The passage above suggests that in ancient Rome, persons were not enslaved on the basis of racial inferiority. Instead, slaves were simply any persons, irrespective of race, who were captured in war. As scholar Gregory Aldrete writes, “The most common source of slaves in the Roman world was military conquest. Whenever a Roman army took the field, it was inevitably followed by a train of slave dealers.”30 Other sources of slaves included children who were born of slaves and free people who became slaves as a result of falling into debt and being forced to sell themselves into slavery to pay off their debt.31 Other language of the early Romans, which suggests that the Roman system of slavery was not based upon the inferiority of one race, is found in the writings of Seneca. In his work, On Mercy, Seneca stated the following of slaves in Roman society: “A proposal was once made in the Senate to distinguish slaves from the free by their dress.”32 Here, the inconspicuous appearance of slaves is evident from Seneca’s remark. Slaves were so difficult to distinguish from free citizens that slave uniforms were proposed to remedy this problem.33

31 Ibid.
Had the Roman system of slavery been based upon racial inferiority as was the case in the American South, there would have been little need for such a proposal as race would have been the distinguishing factor between a slave and a free man.

In addition to the fact that the language of the Romans indicates that the Roman system of slavery was not based upon the inferiority of one race, a brief examination of the provenance of slaves in Roman society makes it undeniable that the Roman system of slavery was not based upon the inferiority of one race. Surviving Roman texts imply that slaves in the Roman Empire came from a wide array of places and came from different racial backgrounds. For example, records show that a German with the Greek name Hermes was held as a slave, a Jewish woman with the Greek name Paramone was held as a slave, and an African woman called both Atalous and Eutychia was held as a slave. That Germans were enslaved with a fair amount of regularity is indicated by the fact that there exist graves containing the bodies of German slaves at the tomb of Statilli in Rome. These slaves bear Latin names such as Castus, Cirratus, Clemens, Felix, Strenuus, and Urbanus.34 Other evidence that Germans were enslaved regularly in Rome rests in the fact that a group of German slaves is recorded to have assured the safety of the Emperor Augustan as early as A.D. 9.35 That Jews were enslaved with a fair amount of regularity is indicated by the fact that records show Jewish slaves were shipped to Rome on several occasions during the first centuries B.C.E. and C.E.36 That Africans were enslaved with a fair amount of regularity is indicated from the fact that a large number of the persons captured by Scipio in Africa

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between 205-201 B.C.E. were shipped to Sicily for sale. Finally, records indicate that individuals from Italy, Spain, Gaul, Dalmatia, Sardinia, and Thrace were all held as slaves. Thus, within the Roman Empire slaves came from a wide array of backgrounds. E.P. Barrows was correct. The Romans permitted the enslavement of persons, both black and white as indicated by the simple fact that both Germans and Africans served as slaves. The Roman system of slavery was not based upon the inferiority of one race, and it was certainly not based upon the inferiority of the African race as it was in the American South.

In addition to the fact that both the language of the Romans and the provenance of slaves in the Roman Empire suggest that Roman slavery was not based upon the inferiority of one race, there also exists a strong body of biblical scholarship that supports this supposition. For example, Gregory Aldrete writes of Roman slavery that, “there was absolutely no correlation between race and slavery. Slaves were any and all races, cultures, ages and genders.” Paul Sampley asserts that, “Ancient slavery was not based on race or skin color. The Romans acquired their slaves from all over the Mediterranean world – from Egypt, Asia Minor and Syria, Spain and Greece, Arabia and Ethiopia, Scythia and Thrace, Gaul and Britain.” Finally, Steven McKenzie adds, “In the Greco-Roman world, unlike New World Slavery, race was not a factor.” Ultimately, an examination of both Old Testament and New Testament slavery shows that in sharp contrast to the Southern system of slavery, the biblical system of slavery was not based upon the inferiority of one race.

38 Ibid., 96.
Evidence confirms that the Bible permitted the Israelites to enslave anyone, irrespective of race, so long as they were not an Israelite. Furthermore, the evidence indicates that the distinction between Israelites and non-Israelites rested upon religion-culture as opposed to race. Finally, even when the Israelites and early Christians came under the rule of the Romans during the time of the New Testament, evidence proves that slavery was not based upon the inferiority of one race. Thus, to be in harmony with the biblical model of slavery, and to be justified in using the Bible to sanction slavery, southerners, who likened themselves to the Israelites, would have needed to follow the words of E.P. Barrows and permit the enslavement of any groups of people who were of different cultures-religions than white southerners such as, “the Persians, Turks, and Arabs…along with the Africans.” 42

Chapter 6: Southerners in Violation of the Biblical Model of Slavery

In conclusion, a critical examination of the biblical, antebellum slavery debate has suggested strongly that southerners were in violation of the biblical model of slavery in four major ways. These violations include not legally permitting Southern slave masters to manumit their African slaves, legally enabling southern slave masters to murder their African slaves and face no punishment, legally enabling Southern slave masters to punish and murder their fugitive slaves, and finally by basing their system of slavery upon the inferiority of the African race. In chapter two, an assessment of the pro-slavery argument in support of slavery from Leviticus 25:44-46 as well as an assessment of the abolitionist effort to denounce the pro-slavery argument from Leviticus 25:44-46 by showing that the systems of biblical slavery and Southern slavery were inconsistent established that southerners were not justified in using these verses to sanction slavery as it was practiced in the American South. Abolitionist Goodsell Buckingham argued that southerners were not justified in using Leviticus 25:44-46 to sanction southern slavery since Southern slave masters held African slaves in perpetuity in contrast to Hebrew slave masters who released their slaves every fifty years. In Buckingham’s eyes, while Leviticus 25:44-46 stated that the Hebrews could hold non-Jewish slaves in perpetuity, the declaration of Jubilee found in Leviticus 25:9-10 checked these privileges offering liberty to both the Jewish and non-Jewish slave. The declaration of Jubilee in Leviticus 25:9-10 calls for the Hebrews to, “proclaim liberty throughout all your land, unto all the inhabitants thereof” every fifty

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1 Buckingham, *Bible Vindicated*, 10
years. Given the all-inclusive nature of the language in this declaration, Buckingham was confident that he had established that the systems of biblical slavery and Southern slavery were inconsistent by showing that no slaves were held in perpetuity in ancient Hebrew society.

An assessment of historical laws and statistics from the antebellum South found that if Buckingham’s argument was correct, it would successfully establish that the systems of biblical slavery and Southern slavery were incongruent. It was shown that Southern manumission laws during the antebellum period were extremely restrictive and either outright banned masters from manumitting their slaves or made it very difficult for masters to manumit their slaves. That these laws were successful at curtailing manumissions is evidenced by the fact that the 1850 and 1860 censuses show that only a very small number of slaves were legally manumitted. Given this fact, it can be concluded that slavery in the South was meant to be for the duration of the slave’s life with little to no hope for manumission. Liberty was clearly not offered to all slaves in the South every fifty years as called for by the Jubilee declaration. However, a study of the Jubilee declaration in Leviticus 25 found that it did not offer liberty to all slaves, but was only concerned with the release of Israelite debt slaves. In the Ancient Near East, debt slavery was found to be a common phenomenon. As such, many Mesopotamian rulers were shown to have issued proclamations to restore freedom to citizens who had fallen into debt slavery. These proclamations utilized language pertaining to the family as a poetic idiom for the

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2 Ibid.
3 Ibid., 11.
4 Edmunds, ed., *Statistics of the United States*, 337
reunification of families broken apart by debt slavery. Generally, they were ethnically limited to certain groups of people as well. Evidence was then given proving that the Israelites also suffered from the phenomenon of debt slavery and therefore they too had need for a freedom proclamation similar to those issued by other Mesopotamian rulers. It was shown that there were strong conceptual parallels between the Jubilee declaration in Leviticus 25 and other Mesopotamian freedom proclamations. Given that evidence points to the fact that Israel suffered from the phenomenon of debt slavery coupled with the fact there exist strong conceptual parallels between the Jubilee declaration and other Mesopotamian freedom proclamations, it was concluded that the Jubilee was Israel’s own method of restoring freedom to Israelites who had fallen victim to debt slavery. It was not a general proclamation of freedom to all who were slaves as Buckingham argued. Finally, it was shown that contemporary biblical scholars agree with the assertion that the Jubilee declaration of Leviticus 25 only brought freedom to Israelite debt slaves and was not a general proclamation to all who were slaves in ancient Jewish society.

While it was shown that Goodsell Buckingham’s argument claiming that the systems of biblical slavery and Southern slavery were incongruent failed, it was also revealed that there exists historical evidence of another distinction that existed between biblical slavery and Southern slavery. This distinction is rooted in the fact that under biblical slavery, Hebrew slave masters were permitted by law to keep their non-Jewish slaves in perpetuity, whereas under Southern slavery evidence shows that Southern slave masters were mandated by law to keep African slaves in perpetuity. The rationale for this distinction lies in the fact that there exist manumission documents from early Jewish
society which detail the manumission of non-Jewish slaves by their Hebrew slave masters. In these documents, Jewish slave masters faced few restrictions in manumitting their non-Jewish slaves; the power to manumit their non-Jewish slaves lay entirely in their hands. In contrast, under the Southern system of slavery, Southern slave masters faced strict restrictions on manumitting African slaves and often had the power to manumit African slaves stripped from their hands and placed in the hands of state legislatures, and finally were outright banned from manumitting their African slaves in many states. Given this distinction, it is clear that southerners were not justified in using Leviticus 25:44-46 and ultimately the Bible to sanction slavery as it was practiced in the American South. This is due to the fact that southerners were using a book which sanctioned a system of slavery that permitted Hebrew slave masters to hold their non-Jewish slaves in perpetuity to sanction a system of slavery which mandated Southern slave masters to hold their non-Jewish (African) slaves in perpetuity. Essentially, the Bible expresses a more accepting attitude towards the manumission of non-Jewish slaves in contrast to the South whose laws expressed a more hostile attitude towards the manumission of non-Jewish (African) slaves. Ultimately, based upon historical evidence, the systems of biblical slavery and Southern slavery were incongruent. Therefore, southerners were not unquestionably justified in using Leviticus 25:44-46 and ultimately the Bible to sanction slavery as it was practiced in the American South. To be justified in using Leviticus 25:44-46 and the Bible to sanction slavery, southerners would have needed to do away with laws that made it very difficult if not impossible for masters to manumit their non-Jewish (African) slaves.
In chapter 3, after comparing the pro-slavery and abolitionist arguments pertaining to Exodus 21:20 it was shown that the abolitionists were correct in denouncing the Southern contention that Exodus 21:20 justified Southern slavery and that in fact contrary to the Southern belief, biblical slavery and Southern slavery were distinctly different. Abolitionist Albert Barnes argued that southerners were not justified in using Exodus 21:20 to sanction slavery because biblical law concerning the homicide of slaves called for the punishment of slave masters who murdered their slaves. In contrast to biblical law, Barnes argued that Southern laws concerning the homicide of slaves legally enabled masters to murder their slaves and face no punishment. In essence, for Barnes biblical law expressed a much stricter attitude towards masters who murdered their slaves, whereas Southern law expressed a much more lenient attitude towards masters who murdered their slaves. Barnes pointed out that in states such as North Carolina and Georgia, laws legally enabled masters to murder their slaves if they died while receiving “moderate correction.” This made it very easy for masters to murder their slaves and face no punishment since any death could easily be attributed to the use of “moderate correction.” Furthermore, Barnes pointed out that in all states no slave or free black could testify against a white man. Since slave murders tended to happen in the presence of other slaves, it was rendered virtually impossible for any white man, especially a master, to be convicted and punished for murdering his slaves as there would be no witness to testify in most cases. When one compares the leniency of Southern laws with the standards called for in Exodus 21:20, Barnes’ argument, pointing out the disparity between the systems of biblical slavery and Southern slavery becomes undeniable. In examining Barnes’ contention that biblical slavery and Southern slavery
were incongruent one is forced to accept the correctness of his argument. Southern law and biblical law differed deeply concerning the homicide of slaves. In regards to the distinctions Barnes identified between biblical slavery and Southern slavery, an assessment of the laws of North Carolina, Georgia, Alabama, Tennessee, and Texas, show that these states had laws which only seemingly called for masters to be punished for the murder of their slaves. Given the “moderate correction” exemption, a loophole in these state’s laws was created which, as Barnes asserted, made it very difficult if not virtually impossible for masters to be punished for the murder of their slaves. A study of North Carolina court cases that dealt with whites who murdered their slaves illustrates this fact. For example, the “moderate correction” clause enabled a master to be acquitted for the murder of his slave in the 1798 case State vs. Weaver. Evidence found that other whites were acquitted under the “moderate correction” clause as well. With respect to another distinction Barnes identified between biblical slavery and Southern slavery, evidence found that in all states slaves and free blacks were legally barred from testifying in court against a white man. Since slave murders tended to occur in the presence of other slaves, once again a loophole was created that made it very difficult for a white man, much less a master, to be convicted for the murder of his slave. This fact can be documented through an examination of South Carolina court cases concerning the murder of slaves by white masters during the antebellum period. There are numerous examples where bills that were entered charging whites with the murder of slaves resulted in white masters being acquitted. It is evident, based upon a comparison of Exodus 21:20 and Southern slave laws, that Barnes’ argument establishing a distinction between biblical slavery and Southern slavery was a correct one.
Biblical law held masters who murdered their slaves to a higher level of accountability than Southern laws which exhibited a high level of leniency for masters who murdered their slaves.

However, while it was demonstrated that Barnes’ argument to establish a distinction between biblical slavery and Southern slavery was correct based upon a comparison of Exodus 21:20 to Southern laws concerning slave homicide, it was then noted that it needed to be determined whether or not Exodus 21:20 called for the punishment of Hebrew masters who murdered their non-Hebrew slaves. This is because southerners likened their African slaves to non-Hebrew slaves. Thus, if Exodus 21:20 did not call for the punishment of Hebrew masters who murdered their non-Hebrew slaves, then this law would not be applicable to southerners when they killed their African slaves. It was found that there exist reasons to suggest that Exodus 21:20 was not concerned with the punishment of Hebrew masters who murdered their non-Hebrew slaves. This is because Exodus 21:20, with its use of the Hebrew root word *naqam* meaning “to avenge,” has led some scholars to suggest that this verse could be a reference to the ancient practice of blood vengeance. That this verse is calling for blood vengeance is certainly possible given that evidence indicates Israel partook in this practice to deal with homicide. If Exodus 21:20 is a reference to the practice of blood vengeance, as some scholars have suggested, then this would suggest that Exodus 21:20 did not call for the punishment of Hebrew masters who murdered their non-Hebrew slaves since blood vengeance called for the closest of kin to the murdered individual to kill the murderer or his closest of kin. Given that non-Hebrew slaves were often purchased from travelling merchants or captured in war, there would
likely be no kin present to avenge the slave’s death, thereby rendering blood vengeance implausible in the case of the murder of a non-Hebrew slave.

While it was shown that there are reasons that Exodus 21:20 is not concerned with the punishment of Hebrew masters who murdered their non-Hebrew slaves, it was also demonstrated that there are equally good if not better reasons for arguing that Exodus 21:20 is in fact calling for the punishment of Hebrew masters who murdered their non-Hebrew slaves. For instance, there exists strong evidence to undermine the notion that Exodus 21:20 is calling for blood vengeance since the Hebrew root word *naqam* meaning “to avenge” is not used in those biblical passages which clearly deal with the practice of blood vengeance. Furthermore, it is generally used in the Bible to refer to acts of divine vengeance or for vengeance Israel as a community exacts upon its enemies. This begs the question of why the writers of the Bible would use this word to refer to blood vengeance only one time in scripture. Given that the evidence strongly suggests Exodus 21:20 is not a reference to the practice of blood vengeance, this would imply that the law is calling for the punishment of Hebrew masters who murdered their non-Hebrew slaves. It was reiterated that given the status of non-Hebrew slaves as captives of war, they would most likely have no kin to avenge their deaths and this would imply that the blood of non-Hebrew slaves went unavenged in Israelite society. It was then found through an examination of biblical law in the Old Testament that blood could not go unavenged in Israelite society or it would pollute the land. In addition, it was pointed out that nowhere in the Old Testament is there a law which explicitly calls for the punishment of Hebrew masters who murdered their non-Hebrew slaves. Thus, a law such as Exodus 21:20 would have been needed in
Israelite society or the blood of slain non-Hebrew slaves would pollute the land. Finally, it was noted that the Hebrew term for slave is used to refer to both Hebrew and non-Hebrew slaves in the Old Testament. Certainly, then, the verse could easily be referring to non-Hebrew slaves. Taking all of this evidence into account, it is highly likely that Exodus 21:20 is calling for the punishment of Hebrew masters who murdered their non-Hebrew slaves. This, coupled with the fact that Albert Barnes clearly identified a distinction between Exodus 21:20 and Southern laws concerning slave homicide, points to southerners not being justified in using this passage and ultimately the Bible to sanction slavery as it was practiced in the American South. To be justified in using the Bible to sanction Southern slavery, southerners would have needed to do away with laws that enabled masters to murder their slaves and face no punishment.

In chapter four, an assessment of the pro-slavery argument in support of slavery based on Paul’s letter to Philemon as well as an assessment of the abolitionist effort to denounce the pro-slavery argument based on Philemon proved that the systems of biblical slavery and Southern slavery were incongruent and that southerners were not justified in using this letter as a rationale for the Fugitive Slave Law of 1850. Abolitionists such as the Reverend Kazlitt Arvine argued that southerners were not justified in using Philemon to sanction the Fugitive Slave Law of 1850 by pointing out that it was unclear that Onesimus was a fugitive slave based upon the text of Philemon. According to Arvine, “Under what circumstances he left Philemon, we do not know, nor do we know the precise character of the relation between them. It appears that they dealt with each other in the way of debt and credit; and that Onesimus had left Philemon with his accounts unsettled, and so perhaps
was his debtor.” 5 Given the lack of clarity surrounding the relationship of Onesimus to Philemon coupled with the fact that Paul’s language in the letter suggested Onesimus was Philemon’s debtor, Arvine concluded that, “What argument, then, does this letter furnish either against Southern slaves escaping from their oppressors, or our assisting and protecting them? None at all.” 6 In short, southerners were using a letter which did not detail the return of a fugitive slave to sanction a law which did detail the return of a fugitive slave. The two documents were dissimilar.

While it was indicated that modern scholarship generally contends Onesimus was not a debtor, but rather Philemon’s slave thereby debunking the second half of Arvine’s argument, it was then demonstrated that Arvine was correct in pointing out that the circumstances under which Onesimus had left Philemon in the story are unclear. Furthermore, Arvine was correct in pointing out that the exact relationship between Onesimus and Philemon in the letter is unclear. Based on Arvine’s observations, a comparison of Philemon to the Fugitive Slave Law of 1850 was undertaken and uncovered evidence which strongly suggests that an important distinction needs to be made between the two documents. This distinction rests on the fact that evidence points to Philemon not being concerned with the return of a fugitive slave, whereas the Fugitive Slave Law of 1850 was concerned with the return of fugitive slaves. Under Roman law, it was shown that a slave who fled from his master was not under all circumstances considered to be a fugitive slave. Slaves who fled from enemies, fire, or an angry teacher other than their master were not considered to be fugitives. Furthermore, slaves who sought help from a

5 Arvine, Our Duty to the Fugitive Slave, 22.
6 Ibid., 23.
friend of their master to make amends on their behalf for a wrong that they had committed
against their master, such as mishandling finances, were not considered fugitive slaves
either. This is because the intent of the slave in all of these cases was not to obtain his
freedom and never return to his master. Taking this into account, it was demonstrated that
there are convincing reasons to believe that in Paul’s letter to Philemon, Onesimus is not a
fugitive slave, but rather, a slave who is seeking help from a friend of his master to make
amends on his behalf for a wrong he had committed against his master. The evidence for
this fact rests on verse eighteen of Philemon and a comparison of Philemon to a letter
written by Pliny the Elder in which he speaks on behalf of his friend’s errant freedman who
had sought out his help.

Verse eighteen of Philemon provided key evidence suggesting that Onesimus was not
a fugitive slave. In this verse, it is suggested that Onesimus had wronged his master
financially. In verse eighteen Paul states, “If he has wronged you in any way or owes you
anything, charge that to my account.” Given the fact that Onesimus may have wronged
his master financially, he would certainly have had reason to seek out a friend of his master,
such as Paul, to speak on his behalf and secure Philemon’s forgiveness for himself. Based
on verse eighteen alone, then, it is plausible that Onesimus was not a fugitive slave, but
rather, a slave simply seeking help from his master’s friend. In addition to the fact that
verse eighteen of Philemon suggests Onesimus would have had reason to seek out his
master’s friend Paul to speak on his behalf, a comparison of a letter written by Pliny the
Elder to his friend Sabinianus in which he speaks on behalf of his errant freedmen offers

8 Philemon 1:18 NIB.
several striking parallels to Philemon. These parallels further suggest that Paul is speaking on behalf of Onesimus, who had sought out his help as opposed to returning Onesimus as a fugitive slave. In his letter to Sabinianus, Pliny stresses that the errant freedman has changed his ways, that he wants Sabinianus to forgive his errant freedman, and that he would rather request Sabinianus to forgive his errant freedman as opposed to compelling him to do so. Likewise, in the text of Philemon, Paul stresses that Onesimus has changed his ways, that he wants Philemon to forgive Onesimus, and that he would rather request Philemon to forgive Onesimus as opposed to compelling him to do so. Ultimately, given that verse eighteen of Philemon suggested that Onesimus had wronged his master financially coupled with the fact that strong parallels were identified between Pliny’s letter to Sabinianus and Paul’s letter to Philemon, it was concluded that southerners were not unquestionably justified in using Philemon to sanction the Fugitive Slave Law of 1850. This is because evidence strongly suggests southerners were using a letter which did not concern the return of a fugitive to sanction a law which did concern the return of fugitive slaves. The two documents were dissimilar.

Finally, it was emphasized that this dissimilarity did not identify an institutional distinction between the systems of biblical slavery and Southern slavery as was done in chapters two and three. Nevertheless, it was indicated that the identification of this distinction carried very real weight as the Fugitive Slave Law of 1850 contributed both to the maintenance of the Southern system of slavery and exacerbated tensions between the North and the South which lead to the outbreak of the Civil War. It was proven that roughly ten percent of slaves who escaped from their Southern masters were returned under the
Fugitive Slave Law of 1850.\(^9\) Despite this percentage being low, it was noted that the Fugitive Slave Law of 1850 did play a major role in maintaining the Southern system of slavery. Furthermore, it was indicated that many Southern states, such as South Carolina and Georgia, listed a failed compliance on the part of northern states with the Fugitive Slave Law of 1850 as one of their main reasons for secession. On the basis of these facts, it was concluded that the undermining of Paul’s Letter to Philemon, since it was the central, biblical passage upholding the Fugitive Slave Law of 1850 was damning to the defense of the Southern system of slavery and its components.

While it was demonstrated that southerners were not justified in using Philemon to sanction the Fugitive Slave Law of 1850, given that evidence that Philemon is not about the return of a fugitive slave, it was then demonstrated that even if Philemon is about the return of a fugitive slave, southerners were still not justified in using this passage to sanction the Fugitive Slave Law of 1850. Additionally, it was demonstrated that if Philemon is understood as a letter detailing the return of a fugitive slave, then this strongly suggests that an institutional distinction existed between biblical slavery and Southern slavery. This distinction rests upon the fact that evidence strongly suggests the Bible, through Paul’s treatment of Onesimus in Philemon, called for leniency and forgiveness towards fugitive slaves, especially when master and slave shared the status of being Christian. In contrast, evidence showed that the Southern system of slavery enabled the abuse, punishment, and outright killing of fugitive slaves, irrespective of the religious

status of master and slave. Biblical slavery and Southern slavery were markedly different in regards to their treatment of fugitive slaves.

It has been seen that abolitionists, such as John Wiggins, noted that that Paul’s treatment of Onesimus was much more lenient than the treatment fugitive slaves received at the hands of the Southern slave masters. That Paul called for leniency and forgiveness towards the fugitive slave Onesimus rather than calling for his abuse and punishment was demonstrated through an examination of Paul’s actions in terms of what he does and does not do with respect to Onesimus. The differences between Paul’s perspective and that of the Roman system become quite obvious when one compares Paul’s treatment of Onesimus to the treatment that fugitive slaves customarily received at the hands of the Roman legal system. First, in Philemon, Paul does not address the rights of Philemon as a slave master, nor does he call for Onesimus to be punished in any way. Instead, Paul spends the bulk of his letter calling for Philemon to treat Onesimus as his Christian brother. In Philemon, Paul issues an implied call for forgiveness in asking Philemon to welcome Onesimus back into his home as he would welcome his friend Paul. Based on a study of the text of Philemon, Wiggins was right to conclude that Paul’s words and actions in Philemon call for leniency for fugitive slaves, especially when master and slave share the status of being Christian.

When one compares Paul’s treatment of Onesimus to the treatment fugitive slaves received in the Roman system of slavery, it is quite obvious that Paul is advocating that fugitive slaves be treated with leniency and forgiveness. Under the Roman system of slavery, legal attitude towards fugitive slaves called for them to be placed in irons and punished. Numerous documents detail the placing of fugitive slaves in chains, the whipping
of fugitive slaves, and even the execution of fugitive slaves in Roman society. Finally, given that the Roman legal attitude towards fugitive slaves enabled the abuse, punishment, and killing of fugitive slaves coupled with the fact that Paul does not call for the punishment of Onesimus and instead calls for him to be forgiven by his master, one is led to the conclusion that the Bible breaks from systems of slavery that enable the abuse, punishment, and killing of fugitive slaves, particularly when master and slave share the status of being Christian. As scholar John McKenzie noted, Paul could not have been calling for a system of slavery that enabled the abuse, punishment, and killing of fugitive slaves if he was asking for Philemon to welcome back his fugitive slave as he would welcome his friend Paul.  

Having examined evidence showing that Paul disagreed with systems that enabled the abuse, punishment, and killing of fugitive slaves, it was proven that the Southern system of slavery, like the Roman system, also enabled the abuse, punishment, and the killing of fugitive slaves. Under the Southern system of slavery, it was shown that states, such as North Carolina, had no restrictions on the level of violence that could be directed at slaves as punishment. In other states, it was found that a certain degree of punishment could legally be directed at slaves so long as it was not “cruel and unusual.” Further examination showed that through a legal loophole slaves could be killed in any Southern state with no legal action taken against the master. This was due to the fact that in all Southern states, no free blacks or slaves could testify against a white person in court. This made it simple for masters and whites in general to kill slaves and face no legal punishment. As long as there were no whites present to be witnesses, a white person could kill a slave in the presence of

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any number of slaves or free blacks and have no one to testify against him in court. It is apparent, that laws such as these successfully enabled the legal abuse, punishment, and killing of fugitive slaves when one examines eyewitness accounts and court cases showing fugitive slaves being punished and killed without any legal action being taken against a master or white person. Through a comparison of the Southern system of slavery and the Roman system of slavery one finds that both systems legally enabled masters to abuse, punish, and kill fugitive slaves. Given this fact, coupled with the evidence documenting Paul’s call for leniency and forgiveness in the case of Onesimus, it is obvious that Paul, unlike those practicing in the Southern system of slavery, saw the sharing of Christian status as crucial in determining how slaves should be treated. In Philemon Paul clearly calls for leniency and forgiveness towards Onesimus based on the fact that Philemon and Onesimus both shared the status of being Christian. Evidence indicates that sizeable numbers of Southern masters and slaves were Christians as well. Thus, Paul’s call for leniency and forgiveness towards the fugitive slave in Philemon offered a significant challenge to the Southern system of slavery. To be justified in using Philemon and ultimately the Bible to sanction Southern slavery, southerners would have needed to rectify legal loopholes which enabled whites, including masters who were Christian, to abuse, punish, and murder fugitive slaves who were also Christian.

In chapter five, an assessment of abolitionist Elijah Porter Barrow’s argument that the systems of biblical slavery and Southern slavery were inconsistent due to the fact that biblical slavery was not based upon the inferiority of one race, whereas Southern slavery was based upon the inferiority of one race found that southerners were not justified in using
the Bible to sanction slavery as it was practiced in the American South. Barrows’ argument that the systems of biblical slavery and Southern slavery were inconsistent rested on the premise that the ancient Israelites did not base their system of slavery upon the inferiority of one race, but rather, based their system upon a distinction between Israelites and non-Israelites. In short, as long as a person was a foreigner, then it was acceptable for them to be enslaved, irrespective of their race. As Barrows asserted, the Israelites possessed a, “high preeminence…over all foreigners.”\(^\text{11}\) Barrows went on to point out that if southerners, who likened themselves to the Israelites, were truly following the biblical model of slavery, then they would have to permit the enslavement of the people of, “Britain, France, Spain, and Mexico; and we may add (if they can succeed in establishing their so-called “Southern Confederacy”) the greasy mechanics of the northern states” since all of these groups could be considered foreigners to white southerners.\(^\text{12}\) If southerners attempted to make the distinction between themselves and foreigners on the basis of religion than they would have to permit the enslavement of, “the Persians, Turks, and Arabs…along with the Africans.”\(^\text{13}\) Of course, southerners did not permit the enslavement of any of these groups in addition to Africans. Given these facts, Barrows concluded that the basis for slavery in the South rested upon, “race – a distinction unknown to the Mosaic institutions.”\(^\text{14}\) Barrows made a similar assertion with respect to slavery in the New Testament stating that, “Roman slavery did not, like that of our Southern States, rest on the odious distinction of race. They neither knew nor cared

\(^\text{11}\) Park and Taylors, eds., \textit{The Bibliotheca Sacra}, 71.
\(^\text{12}\) Ibid.
\(^\text{13}\) Ibid.
\(^\text{14}\) Ibid.
anything about the modern doctrine, that the normal condition of the African is servitude to the white man. They had no scruples about making slaves of all classes, white or black…” 15 Basically, for Barrows southerners were using a book which did not sanction a system of slavery that was based upon the inferiority of one race to sanction a system of slavery that was based upon the inferiority of one race.

The evidence tends to support Barrow’s argument. The Bible did not sanction a system of slavery that was based upon the inferiority of one race. Evidence for this assertion and proof of the correctness of Barrow’s claim is found in the biblical permission found in the Old Testament granting the Israelites the right to hold slaves. Leviticus 25:44-46 permitted the Israelites to hold slaves. Two aspects of this permission are germane to Barrow’s argument. First it does not single out any one race of people as being inferior and especially suited for slavery. Secondly, it suggests that as Barrows asserted, the Israelites were permitted to hold slaves based upon a distinction between Israelites and foreigners as opposed to a distinction between the Israelites and one inferior race such as the Africans. This is evidenced by the fact that it does not mention race, but rather permitted the Israelites to make slaves of people from any of the nations around them. Thus, by virtue of simply examining Leviticus 25: 44-46 and its clarification of the biblical permission granting the Israelites the right to hold slaves, one finds verification for Barrows’ assertion that Biblical slavery was not based upon the inferiority of one race as it was in the American South.

After examining the biblical permission granting the Israelites the right to hold slaves and establishing that biblical slavery was not based on racial inferiority, it was necessary

15 Ibid., 585.
to address whether or not race played any role in the Israelites enslavement of foreigners. By analyzing key Old Testament passages such as Deuteronomy 7:1-6, Genesis 9:20-25 and Joshua 9:22-23 it is possible to gain an insight into whether the ancient Israelites viewed foreigners as being distinct from themselves on the basis of race. These passages strongly suggest that the Israelites did not view foreigners as distinct from themselves on the basis of race. Instead, these passages indicate that it was religion that lay at the heart of the distinction between Israelites and foreigners. In short, the Israelites were a unique social creation that was bound up in the worship of the God of the Bible. Foreigners were those whose cultures and religions were not devoted to the God of the Bible. For instance, within the text of Deuteronomy 7:1-6 the concern with Israelites marrying foreigners is not bound up in their race, but rather, in the fact that marriage to foreigners might lead the Israelites away from their God. An examination of Genesis 9:20-25 and Joshua 9:22-23 reveals that certain groups of people who were enslaved by the Israelites, such as the Canaanites and Gibeonites, were enslaved due to their sinful behavior against God as opposed to being enslaved on the basis of being inferior races. It indicates that the Canaanites may have even shared close racial ties with the Israelites. This, along with the analysis of the Old Testament permission granting the Israelites the right to hold slaves coupled with this examination of the provenance of slaves in the Old Testament provides further evidence that E.P. Barrows was correct. Slavery in the Old Testament was not based upon the inferiority of one race as it was in the American South and it certainly was not based upon the inferiority of the African race as it was in the American South.
Having shown that evidence strongly shows the system of slavery in the Old Testament was not based upon the inferiority of one race, it is logical to surmise that Barrow’s assertion that, “Roman slavery did not, like that of our Southern States, rest on the odious distinction of race is a correct one. They neither knew nor cared anything about the modern doctrine, that the normal condition of the African, is servitude to the white man. They had no scruples about making slaves of all classes, white or black…”? 16 To demonstrate that the Roman system of slavery, which formed the backdrop of the world of the New Testament, was not based upon the inferiority of one race as Barrows asserted, it is necessary to address both the language of the early Romans concerning slavery and the provenance of slaves in the Roman Empire. An examination of the language of the early Romans shows that Roman slavery was not based upon the inferiority of one race. The language of Roman law suggested that persons were enslaved not on the basis of their race, but rather, that any persons who were captured in war were subject to enslavement, irrespective of their race. That this was the case can be seen clearly in the words of the Roman leader Seneca, who stated that slave uniforms were considered in order that it might be easier to distinguish between slaves and free people. Obviously based on the need for slave uniforms Roman slavery was not based on race as it was in the American South. If it had been, then there would have been little need for such uniforms as the primary distinguishing characteristic between slaves and free people would have been obvious. Alongside the fact that the language of the early Romans suggested that Roman slavery was not based upon race, it was found that an examination of the provenance of slaves in

the Roman Empire makes it undeniable that the Roman system of slavery was not based on race. Within the Roman Empire, slaves were Jewish, Italian, German, African, and numerous other races. Thus, it was not the case that just one race, such as the African race, was viewed as inferior and especially suited for slavery. Given these facts and the evidence that the biblical model of slavery in the Old Testament was not based upon the inferiority of one race, it is apparent that the conclusions made by E.P. Barrows were correct. The Bible did not sanction a system of slavery that was based upon the inferiority of one race. To be justified in using the Bible to sanction slavery in the South, southerners would have needed to heed the words of E.P. Barrows and be willing to enslave other groups such as, “the Persians, Turks, and Arabs…along with the Africans.”

This paper has argued that southerners were in violation of the biblical model of slavery in at least four major ways. These violations include not legally permitting Southern slave masters to manumit their African slaves, legally enabling Southern slave masters to murder their African slaves and face no punishment, legally enabling Southern slave masters to punish and murder their fugitive slaves, and basing their system of slavery upon the inferiority of the African race. Given these violations, southerners were not justified in using the Bible to sanction slavery as it was practiced in the American South. The implications of this paper’s conclusion are as follows: First, future studies of the antebellum, biblical slavery debate should give greater credence to abolitionist arguments. While it is certainly arguable that some abolitionists relied on weak arguments to make their case against the legitimacy of southerners using the Bible to sanction slavery,

abolitionists such as Albert Barnes and Elijah Porter Barrows made arguments that are substantiated by historical evidence. Not all abolitionists made weak arguments as evidenced by the findings of this paper. Second, future studies of the antebellum biblical slavery debate should be more skeptical in assessing the use of the Bible by southerners to justify slavery. While a case can certainly be made that the Bible is somewhat ambiguous on slavery given the presence of certain laws and passages within the Bible, a comparison of biblical slave laws, practices, and attitudes to Southern slave laws, practices, and attitudes raises serious questions about the legitimacy of southerners using this book to sanction slavery as they practiced it. Finally, future studies of the antebellum, biblical slavery debate should focus more heavily on identifying distinctions between biblical slavery and Southern slavery, which call into question the use of the Bible to sanction slavery as it was practiced in pre-Civil War America. While this paper has identified four major distinctions between biblical slavery and Southern slavery, there are likely more to be discovered.
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