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EXODUS xxi 6

The procedure mentioned in Exodus xxi 6 has been interpreted by many commentators but it contains still some dark points. According to this passage a Hebrew bondman may become a permanent slave if his master brings him before God and perforates his ear at the door post. BAENTSCH and lately DRAFFKORN ¹) explain the ceremony as a way of bringing the slave under the authority of the house god which was followed by the creation of a permanent slave mark. The function of God in the ceremony was already omitted in Deuteronomium xv 17 because, as G. A. SMITH puts it, local sanctuaries had meanwhile been abolished and domestic images of deity were being prohibited. Both LXX and the Jewish interpreters render the word “judges” instead of ‘God’, be it because they are considered His representatives or because they sit in His sanctuary. The necessity to bring the matter before a court of justice seems, however,

unwarranted. The Patriarch Juda (200 C.E.) applies the provision only to the case where the bondman has been sold for his theft by the judges (Exodus xxii 2) \(^1\). It is they who have sold the man for six years and they, therefore, have to be consulted before his service can be extended.

As to the reason for punching the slave’s ear there are two versions ascribed to Johanan ben Zakkai (circ. 70 C.E.): “His ear had heard ‘Thou shalt not steal’ (Exodus xx 13) and yet he went and stole, therefore it shall be pierced through”, and: “His ear had heard ‘For they are my servants’ (Levit. xxv 42) and not the servants of servants, and yet he went and acquired himself a master, therefore it shall be pierced through” \(^2\). The perforation of the ear is, thus, considered a punishment rather than a mark of slavery.

Looking, however, at the ceremonies in other legal systems we may come to different conclusions as to the origin of our law. In Babylonian documents slaves were said to be released before the God Šamaš and usually the ceremony took place in his temple \(^3\). Similar modes of manumission were employed in the Greek cities. A slave could be consecrated as an offering to God like a bowl or a statue and he thereby became free. In later times one used to liberate slaves by a fictitious sale to a temple, the price being said to have been received from God while actually paid by the slave or by one of his friends. Finally the manumission was effected by a mere invocation of divine protection for the new freedman, while in civil manumissions the protection of the magistrate took the place of that of God \(^4\).

Roman Civil Law knew of several methods to effect a manumission. One of them, “vindicta” consisted of a fictitious law suit between the owner and a friend of the slave who claimed the latter’s freedom, The master admitting the claim by silence, a declaration was given by the magistrate that the man was free. From certain non-legal texts we also learn that the master gave the slave a box on the ear which has been explained as a last assertion of ownership \(^5\).

In the light of these analogies the following interpretation of our

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1) *Mebilta* ad Exodus xxi 6.
2) *Mebilta* ibid., Bab. Talmud, Qidushin, 22b.