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THE SLAVE WOMAN IN THE COVENANT CODE AND THE LAW CODE OF HAMMURABI: A COMPARATIVE ANALYSIS

A escrava no Código da Aliança e no Código de Leis de Hamurábi: uma análise comparativa

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ABSTRACT

This paper provides a comparative analysis of the law concerning the slave woman in Exodus 21:7–11, examining it within its canonical context and in relation to the Law Code of Hammurabi (LCH). Through an intra-biblical study, the author argues that Exodus 21:7–11 and Deuteronomy 15:12–18 address distinct legal scenarios: while Deuteronomy regulates general debt slavery for both genders, the Covenant Code (CC) in Exodus describes a specific situation where a woman is sold with the expectation of becoming a wife to her master or his son. Consequently, the lack of release in the seventh year is attributed to her integration into the master's family rather than an inferior view of slave women compared to the slave men. The study further identifies a shared Ancient Near Eastern tradition by comparing the biblical text with Law 119 of the Code of Hammurabi, noting that both codes recognize a “special category” of female slaves whose roles involve marriage or concubinage. The author also contends that the CC affords these women a higher level of dignity and legal protection than the LCH. Finally, he supports the historical plausibility of a shared legal tradition between these ancient texts by citing common Semitic linguistic features and archaeological evidence.

Keywords: Covenant Code. Law Code of Hammurabi. Slavery Laws. Female

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Slaves.

RESUMO

Este artigo apresenta uma análise comparativa da legislação relativa à escrava em Êxodo 21:7–11, examinando-a no seu contexto canônico e em comparação com o Código de Leis de Hamurábi (LCH). Por meio de um estudo intrabíblico, o autor argumenta que Êxodo 21:7–11 e Deuteronômio 15:12–18 abordam cenários jurídicos distintos: enquanto Deuteronômio regula a escravidão por dívida em geral, para ambos os sexos, o Código da Aliança (CC) em Êxodo descreve uma situação específica, em que uma mulher é vendida com a expectativa de se tornar esposa de seu senhor ou de seu filho. Consequentemente, a ausência de libertação no sétimo ano é atribuída à sua integração na família do senhor, e não a uma visão inferior das mulheres. O estudo identifica ainda uma tradição comum do Antigo Oriente Próximo ao comparar o texto bíblico com a Lei 119 do Código de Hamurabi, observando que ambos os códigos reconhecem uma “categoria especial” de escravas cujos papéis envolvem casamento ou concubinato. O autor também argumenta que o CC confere a essas mulheres um nível mais elevado de dignidade e de proteção legal do que as LCH. Por fim, ele defende a plausibilidade histórica de uma tradição jurídica compartilhada por esses textos antigos, citando características linguísticas semíticas comuns e evidências arqueológicas.

Palavras-chave: Código da Aliança. Código de Leis de Hamurábi. Leis sobre a Escravidão. Escravas.

INTRODUCTION

The law of the slave woman in Exodus 21:7–11 has generated debate and raised important questions in academic circles. One scholar, for example, when comparing Deuteronomy 15:12–18 with the legislation on enslaved people in the Covenant Code (Ex. 21–23), claims that the Deuteronomic code “manifests a stronger sense of social responsibility ... and the more humane provisions of the slavery law, especially concerning female slaves.”² This evaluation reveals the understanding that the Covenant Code (CC) would be placing women in an inferior condition to men by saying that a woman sold as *עַמָּה* (“servant,” “slave”) by her father could not be freed like male slaves (Ex. 21:7; cf. vv. 2–6).

However, would the CC have a more negative view of women than Deuteronomy? Do the laws of Exodus 21:2–11 and Deuteronomy 15:12–18 deal with the exact condition of slavery? How can other legal codes from the Ancient Near East (ANE) help us better understand the text of Exodus 21:7–11?

Faced with these questions, this article will analyze the legal text of Exodus 21:7–11 in light of the broader context of the Torah (especially Deut. 15:12–18) and compare it with a set of laws in the Code of Hammurabi that address slavery. Following this research, we aim to demonstrate that a comparative analysis of the CC with other legal texts from the Ancient Near East will help us better understand the legal instructions found in Exodus 21–23, particularly the law regarding slave women in 21:7–11.

1. BASIC METHODOLOGICAL GUIDELINES

Methodological guidelines are necessary to develop a sound comparative study between biblical texts and Ancient Near Eastern literature. Therefore, the brief guidelines below, discussed in depth in

² Joseph Blenkinsopp, *The Pentateuch: an introduction to the first five books of the Bible*, The Anchor Bible reference library (New Haven; London: Yale University Press, 1992), 211–12.

another article by this author,³ will serve as benchmarks for the historical comparative approach⁴ proposed in this text.

Analyze intra-biblical connections before extra-biblical comparison. Several scholars have well argued that Hebrew Bible texts must be fully examined in their literary, linguistic, and canonical contexts before being compared with other Ancient Near Eastern sources.⁵

Interpret the extra-biblical source with care. It requires studying semantic, syntactic, and literary aspects of the Ancient Near Eastern text before identifying possible parallels with the Hebrew Bible.⁶

*Investigate the historical, geographical, and cultural dimensions of the texts.*⁷ This includes determining whether the texts belong to the same historical period and evaluating the geographical relationship between their places of origin. It is also important to identify potential cultural similarities between their respective contexts. The possibility of cultural exchange between the societies represented by the texts should likewise be investigated, since such interaction may account for similarities and patterns of interdependence in the proposed parallels.

Carefully establish the nature of the historical relationship between the texts. This involves determining whether the connection is direct or mediated, assessing whether both texts derive from a common source, and considering whether they reflect a shared tradition that may account for the observed parallels.⁸

Examine the linguistic and literary affinities between the texts. Particular attention should be given to whether the texts were written in the same language or in languages belonging to the same linguistic family or branch,⁹ and to the extent to which their literary genres exhibit comparable characteristics that may support the proposed comparison.¹⁰

2. THE SLAVE WOMAN IN EXODUS 21:7–11 IN COMPARISON TO DEUTERONOMY 15:12–18

The passage under analysis in this section is part of the Covenant Code (Ex 21–23), a series of laws that, to some extent, elaborates on the “Ten Words” (עֲשֶׂרֶת הַדְּבָרִים) in Exodus 20:1–17. The text of the Covenant Code (CC), in general, is divided into two main sections:¹¹ the first is a series of casuistic laws

³ Tiago Abdalla T. Neto, “Comparative Approaches to the Old Testament and the Ancient Near Eastern Sources: Critical Analysis of Some Methodological Perspectives,” *Bibliotheca Sacra* 184, no. 733 (January–March 2027): forthcoming [provisional title and date].

⁴ The historical comparative approach consists of “drawing comparisons between societies which belong to the same cultural context or the same ‘historic stream’” (Malul, *The Comparative Method in Ancient Near Eastern and Biblical Legal Studies* [Neukirchen-Vluyn: Neukirchener Verlag, 1990], 13). This approach assumes a historical connection or a shared tradition between the two cultures or societies under comparison. The historical link can result from a common source or the influence of one society or culture on the other.

⁵ Shemaryahu Talmon, “The ‘comparative method’ in biblical interpretation—principles and problems,” in *Congress Volume Göttingen 1977*, Supplements to *Vetus Testamentum* 29 (Leiden, The Netherlands: Brill, 1978), 343–50; Mark W. Chavalas, “The Comparative Use of Ancient Near Eastern Texts in the Study of the Hebrew Bible,” *Religion Compass* 5, no. 5 (2011): 150; Mark W. Chavalas, “Assyriology and Biblical Studies: A Century of Tension,” in *Mesopotamia and The Bible*, edited by Mark W. Chavalas and Lawson K. Younger Jr., *Journal for the Study of the Old Testament Supplement* 341 (London: Sheffield Academic, 2002), 22; Bryan C. Babcock, *Sacred Ritual: A Study of the West Semitic Ritual Calendars in Leviticus 23 and the Akkadian Text Emar 446* (University Park: Pennsylvania State University Press, 2014), 9–10; Neto, “Comparative Approaches to the Old Testament and the Ancient Near Eastern Sources.”

⁶ Richard E. Averbeck, “Sumer, the Bible, and Comparative Method: Historiography and Temple Building,” in *Mesopotamia and the Bible*, edited by Chavalas and Younger Jr, 95–6; Neto, “Comparative Approaches to the Old Testament and the Ancient Near Eastern Sources.”

⁷ Lawson K. Younger Jr., “The ‘Contextual Method’: Some West Semitic Reflections,” in William W. Hallo and Lawson K. Younger Jr., eds., *The Context of Scripture: Canonical Compositions, Monumental Inscriptions and Archival Documents from the Biblical World* (Leiden; Boston: Brill, 2003), 3: xxxvii–xxxix; Neto, “Comparative Approaches to the Old Testament and the Ancient Near Eastern Sources”; Shemaryahu Talmon, “The ‘comparative method’ in biblical interpretation—principles and problems,” in *Congress Volume Göttingen 1977*, Supplements to *Vetus Testamentum* 29 (Leiden, The Netherlands: Brill, 1978), 325–6.

⁸ Malul, *The Comparative Method in Ancient Near Eastern and Biblical Legal*, 90–1; Neto, “Comparative Approaches to the Old Testament and the Ancient Near Eastern Sources.”

⁹ See André Lemaire, “Mari, the Bible, and the Northwest Semitic World,” *The Biblical Archaeologist* 47, no. 2 (1984): 102, 104–6; Neto, “Comparative Approaches to the Old Testament and the Ancient Near Eastern Sources”; Younger Jr., “The ‘Contextual Method,’” xxxvii–xxxix.

¹⁰ Jack M. Sasson, “Two Recent Works on Mari,” *Archiv Für Orientforschung* 27 (1980): 129.

¹¹ John I. Durham, *Exodus*, Word Biblical Commentary (Dallas: Word, 1987), 317.

(21:1–22:17 [22:16, MT]), and the second is made up of rules in apodictic form (22:18[22:17]–23:19). The final verses of chapter 23 (vv. 20–33) form the epilogue of the Covenant Code.

The initial major subdivision of the casuistic laws extends from verse 2 to verse 27 of chapter 21, and its structure is the following chiasm:¹²

A. Exod. 21.2–11 Release of male and female slaves

B. Exod. 21.12–17 Capital provisions

Ca. Exod. 21.18–19 Assault on a pregnant woman

Cb. Exod. 21.20–21 Assault on one's own slave

Ca'. Exod. 21.22–23 Assault on a pregnant woman

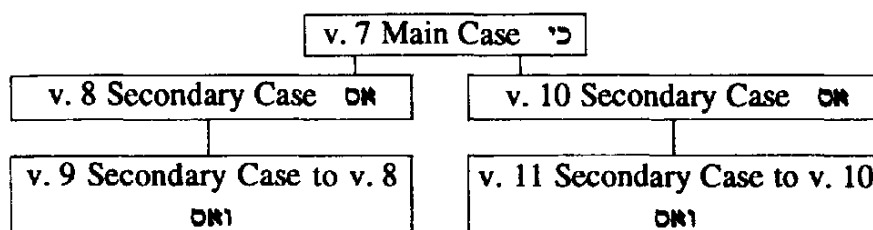
B'. Exod. 21.24–25 Talionic provisions

A'. Exod. 21.26–27 Release of male and female slaves

The first set of casuistic laws in this larger subdivision (Exodus 21:2–11) deals with the issue of Hebrew enslaved people (עֶבֶד עֲבָדִי).¹³ Our focus is mainly on the second part of this passage (vv. 7–11), which deals with a woman sold (מכר) “as a slave” (לְאִמָּה), differentiating her situation to some extent from that of the “slave” (עֶבֶד) in verses 2–6.¹⁴

2.1. THE TEXTUAL ANALYSIS OF EXODUS 21:7–11 AND THE CONDITION OF THE SLAVE WOMAN

Verses 7–11 follow the basic pattern of the commandments' structure in this section of the CC: The primary casuistic laws are formed by כִּי + protasis + apodosis; the secondary laws are formed by וְאִם + protasis + apodosis.¹⁵ The following chart shows the structure of the passage graphically:¹⁶



With the passage's basic structure outlined, it is possible to analyze each case law. The primary law has the following structure:

Protasis: “And if a man sell his daughter as a slave” (וְכִי־יִמְכַר אִישׁ אֶת־בִּתּוֹ לְאִמָּה)

Apodosis: “She will not go out as the slaves go out” (לֹא תֵצֵא כְּצֵאת הָעֲבָדִים)

¹² This first CC subsection's structure follows Gregory C. Chirichigno's proposal in a slightly modified form. See *Debt-Slavery in Israel and the Ancient Near East* (Sheffield: Sheffield Academic Press, 1993), 196.

¹³ William H. C. Propp, *Exodus 19–40: A New Translation with Introduction and Commentary*, The Anchor Bible (New York: Doubleday, 2006), 186.

¹⁴ The conditional preposition כִּי (“if”) divides the section into two parts: the release of the male slave in verses 2–6 and the law concerning the female slave in verses 7–11, which relate to one another similar conditional clause beginning with כִּי (“if”). See Martin Arneith, “Der Exodus der Sklaven,” *Kerygma und Dogma* 59 (2013): 112–3.

¹⁵ T. Desmond Alexander, *Exodus*, Apollos Old Testament Commentary (Downers Grove: InterVarsity Press, 2017), 465; Victor P. Hamilton, *Exodus: An Exegetical Commentary* (Grand Rapids: Baker Academic, 2011), 370–1; Babatunde Adekunle Ogunlana, “A Comparative Study of Word Orders in the Law Code of Hammurabi and the Book of Covenant,” *Journal of Mother-Tongue Biblical Hermeneutics and Theology* 4, no. 2 (2022): 37–8.

¹⁶ Chart drawn from Chirichigno, *Debt-Slavery in Israel and the Ancient Near East*, 197.

Here, the CC contrasts the female slaves addressed by this main law with the male slaves already addressed in verses 2–6. While the former “shall go out free, for nothing” (21:2, ESV; Hebrew: יֵצֵא לְחֶפְשִׁי (חֲנָם)), female slaves will not have, *a priori*, the same opportunity (21:7).¹⁷ The other case-by-case statements point to a specific role that this אִמָּה had to fulfill, which differentiates her situation from that provided for in the rule for slavery in general.

The first and second secondary conditional rules clarify the basic function of אִמָּה in this law (21:8–9). She could be assigned to the master himself who bought her (יַעֲדָהּ, v. 8) or to his son (וְאִם-לְבָנוּ יַעֲדָהּ, v. 9). Although the Masoretic Text presents the reading לֹא in verse 8 (יַעֲדָהּ לֹא, lit. “who he did not designate her”), the textual variant לוֹ has the most support across versions.¹⁸ LXX, for example, brings αὐτῷ καθωμολογήσατο, and Vulgate’s translation renders *sui cui tradita fuerit*. The Aramaic Targum Onqelos¹⁹ has דִּיקְיָמָה לֵיהּ. All this evidence corroborates the Masoretic *Qere* correction of the Hebrew text: יַעֲדָהּ לֹא (lit. “who for him he designated her”).²⁰

The *Qere* reading is also supported by the use of ל in the second rule (v. 9) in a very similar phrase to that of the first one: לְבָנוּ יַעֲדָהּ. In verse 9, the letter ל is a preposition, indicating the indirect object of the verb יַעֲדָהּ: “designated *for* his son.” Therefore, it is most natural to expect that the author, by using the same verb יַעֲדָהּ in verse 8, would modify it by another construction with ל indicating the indirect object (לוֹ יַעֲדָהּ), instead of using the adverb לֹא in an awkward sentence. As observed by Durham, the difficulty of reading לֹא has led those who accept it to another kind of textual emendation, as in the New English Bible, changing יַעֲדָהּ to יִדְעָהּ.²¹

There are strong hints that the verb in the qal יַעֲדָהּ (“to designate, to determine”, vv. 8–9)²² indicates a woman designated to be the future wife of the lord himself or his son.²³ Firstly, the word יַעֲדָהּ does not appear in the context of slave labor in the previous passage. On the contrary, slave labor is designated by the verb עָבַד (“to serve,” “to work”) in verses 2 and 6, a term that does not appear to describe the role of אִמָּה here. Secondly, it is significant that יַעֲדָהּ, in the niphal stem in the rest of Exodus, always has the idea of “to meet,” whether in God’s relationship with Moses or the Lord’s relationship with Israel (see Ex. 25:22; 29:42–43; 30:6, 36). Therefore, it is not a verb associated with work activity but rather a type of relationship or meeting planned in advance.²⁴

¹⁷ As observed by Stuart, it is not an absolute prohibition of slave women’s liberation, as verse 11 envisions this possibility. See Douglas K. Stuart, *Exodus*, The New American Commentary (Nashville: Broadman & Holman Publishers, 2006), 482.

¹⁸ Cf. the note on the critical apparatus in Karl Elliger and Wilhelm Rudolph, eds., *Biblia Hebraica Stuttgartensia*, 5th ed. (Stuttgart: Deutsche Bibelgesellschaft, 1997), 120. See also Thomas B. Dozeman, *Commentary on Exodus*, The Eerdmans Critical Commentary (Grand Rapids: Eerdmans, 2009), 520; Brevard S. Childs, *The Book of Exodus: A Critical, Theological Commentary*, The Old Testament Library (Louisville: Westminster John Knox, 2004), 448.

¹⁹ See Exodus 21:8 in Stephen A. Kaufman, ed., *Targum Onqelos: The Jewish Literary Aramaic version of the Pentateuch from the files of the Comprehensive Aramaic Lexicon Project* (Hebrew Union College, 2005).

²⁰ Several translations in English follow the *Qere* reading in their main text (putting the *Kethib* in a footnote): ESV, RSV, and NET (“who has designated her for himself”); NRSV (“who designated her for himself”); NIV84 and NIV11 (“who has selected her for himself”); NRSV (“who has betrothed her to himself”); RSV (“who hath betrothed her to himself”). For scholars who defend the *Qere* as the most likely reading, see Durham, *Exodus*, 311–12; Stuart, *Exodus*, 482, note 112; Dozeman, *Commentary on Exodus*, 520; Tyler F. Williams, “יַעֲדָהּ,” in *The New International Dictionary of Old Testament Theology & Exegesis*, edited by Willem A. VanGemeren (Grand Rapids: Zondervan, 1997), 485.

²¹ Durham, *Exodus*, 311–12.

²² L. Koehler, W. Baumgartner, M. E. J. Richardson, and J. J. Stamm, *The Hebrew and Aramaic lexicon of the Old Testament* (Leiden: 1994–2000), 419.

²³ David Nonnenmacher Jr., “Because I am compassionate: Humanitarianism in the Book of the Covenant and Cuneiform Law” (Ph.D. diss., Deerfield, Trinity Evangelical Divinity School, 2024), 176–7; Durham, *Exodus*, 322; G. H. Haas, “Slave, Slavery,” in T. Desmond Alexander and David W. Baker, eds., *Dictionary of the Old Testament: Pentateuch* (Downers Grove: InterVarsity, 2003), 781–2; Victor P. Hamilton, *Handbook on the Pentateuch*, 2nd ed. (Grand Rapids: Baker Academic, 2005), 202–3; Alexander, *Exodus*, 475–6; Propp, *Exodus 19–40*, 197. According to F. Brown, S. R. Driver, and C. Briggs, the meaning of the verb יַעֲדָהּ in Exodus 21 would be “assign or designate as a concubine” (*Enhanced Brown–Driver–Briggs Hebrew and English Lexicon* [Oxford: Clarendon, 1977], 416). However, as this paper will observe, the third secondary conditional rule suggests that אִמָּה’s status would be that of a wife with full rights.

²⁴ “The most common use of *yā’ad* is in relation to Israel’s religion. It specifies when and where God was planning to meet with Israel. The law of Moses specifies a number of planned meetings between God and Moses, or between God and Israel, in conjunction with various religious observances.” See the article “Appoint, Be Appointed,” in Mark L. Strauss, and Tremper Longman III, eds., *The Baker Expository Dictionary of Biblical Words* (Grand Rapids: Baker Books, 2023), 61.

The two secondary casuistic laws that conclude this passage reinforce the thesis that she was “acquired” to become the wife of her lord (or his son). Exodus 21:10 guarantees a woman all the rights of a legitimate wife: “If another [wife] he takes for himself, he will not diminish her meat, her clothing, and her marital rights [or: her oil]”²⁵ (אִם-אֲחֵרֶת יִקַּח-לּוֹ שְׂאֵרָה בְּסוּתָהּ וְעִנְתָּהּ לֹא יִגְרַע). The husband’s negligence in providing these elements to his wife would give her the right to “go out for nothing, without payment of money” (וַיֵּצֵאָה חֲנָם אֵין כֶּסֶף) (v. 11).

As Desmond Alexander stated: “These observations support the view that the *ʾamâ* rulings in 21:7–11 address the situation of a girl who is sold on the understanding that she will become a wife in due course”.²⁶

Finally, a significant linguistic parallel between Exodus 21:8 and Deuteronomy 21:14 warrants consideration. The context of the Deuteronomy verse indicates a marriage between an Israelite soldier and a war captive: “After that you may go in to her and be her husband, and she shall be your wife” (Deut. 21:13, ESV; Hebrew: וְבָעֻלְתָּהּ וְהָיְתָה לְךָ לְאִשָּׁה). In this situation, the author of Deuteronomy warns: “If you do not delight in her ... as to *sell her*, you *will not sell her for silver*” (בְּכֶסֶף מָכַר לֹא-תִמְכְּרָנָה ... אִם-לֹא תִפְצֹץ בָּהּ).

This legal language used in Deuteronomy also occurs in Exodus 21:18, reinforcing the idea that the same type of relationship, marriage, is being contemplated there: “If she is evil in your eyes, you have *no authority to sell her*” (לֹא-יִמְשַׁל לְמִכְרָהּ ... בְּעֵינֵי אֲדֹנֶיהָ אִם-רָעָה). In both cases, both the war captive taken as a wife and the wife acquired, if they did not please their master, were free to leave his house; selling them as slaves was not an option (Ex. 21:11; Deut. 21:14).

2.2 THE FEMALE SLAVE IN EXODUS 21:7–11 AND IN DEUTERONOMY 15:12–18

In his classic essay, Shemaryahu Talmon cautions against pinpointing external parallels to the biblical text before examining the broader inner-biblical context of a passage.²⁷ Therefore, in this last part of the first section, we will compare and contrast Exodus 21:7–11 with another biblical passage that regulates the situation of Hebrew slaves: Deuteronomy 15:12–17. Are both texts describing the same condition? Can we allege, as some scholars have, that the last text is more humanitarian than the first?

First, it is worth noting that the law on slavery in Deuteronomy 15:12–18 is situated within the context of statutes regarding debt and debt cancellation.²⁸ It suggests that the fundamental cause of slavery addressed in Deuteronomy 15 is the accumulation of debt by a poor individual and his financial inability to settle it.²⁹

It should also be considered that there are parallels between the more extensive section of Exodus 21:2–11 and Deuteronomy 15:12–18. Both laws deal with a “Hebrew” slave (עֶבְרִי)³⁰ and set a limit of “six years” (שֵׁשׁ שָׁנִים) for him to work in this condition of slavery (verb עָבַד) for another Israelite (Ex. 21:2; Deut. 15:12). Both texts are explicit in indicating that in the “seventh year” (בְּשָׁנָה הַשְּׁבִיעִת, Deut. 12:15;

²⁵ See both possibilities of translation in Koehler, Baumgartner, Richardson, Stamm, *The Hebrew and Aramaic lexicon of the Old Testament* (Leiden: 1994–2000), 855.

²⁶ Alexander, *Exodus*, 476. Nahum M. Sarna, in *Exodus*, The JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1991), p. 120, makes significant contextual observations that reinforce the interpretation that the girl was “sold” to become the wife of his lord or his son: In the ancient world, a father, driven by poverty, might sell his daughter into a well-to-do family in order to ensure her future security. The sale presupposes marriage to the master or his son. ... The status of the *ʾamah* in biblical times is demonstrated in practice through the discovery of a preexilic epitaph of a royal steward from the village of Siloam outside Jerusalem. The inscription mentions his *ʾamah*, and it is clear that he arranged to be buried next to her. Another discovery is the seal of “Alyah the *ʾamah* of Hananel,” who obviously enjoyed superior social rank. See also Propp, *Exodus 19–40*, 196–7, for links between Exodus 21:7–8 and other texts from the Ancient Near East.

²⁷ Talmon, “The ‘comparative method’ in biblical interpretation—principles and problems,” 343–50.

²⁸ J. G. McConville, *Deuteronomy*, Apollos Old Testament Commentary (Leicester: Apollos, 2002), 261.

²⁹ Edward J. Woods, *Deuteronomy: An Introduction and Commentary*, Tyndale Old Testament Commentaries (Nottingham: Inter-Varsity, 2011), 207–8; Duane L. Christensen, *Deuteronomy 1–21:9*, Word Biblical Commentary (Dallas: Thomas Nelson, 2001), 319.

³⁰ Eugene H. Merrill, *Deuteronomy*, The New American Commentary (Nashville: Broadman & Holman Publishers, 1994), 247–9.

בְּשִׁבְעָה, Ex. 21:2), the Hebrew slave must be freed.

Exodus and Deuteronomy contemplate the possibility that a slave might not want to be freed (Ex. 21:5–6; Deut. 15:16–17). In this case, the instruction in both passages is that the slave's ear should be pierced against the door in a ritual gesture establishing that this Hebrew “shall be his slave forever” (וְעֶבֶדוֹ לְעֹלָם, Ex. 21:6; וְהָיָה לְךָ עֶבֶד עוֹלָם, Deut. 15:17).

In addition to these parallels between Exodus 21 and Deuteronomy 15, there are also significant differences regarding the treatment of female slaves. Exodus 21:7 clearly distinguishes the role of the אִמָּה, whose function is to become the wife of her master or his son (21:7–9), from the עֶבֶד of 21:2–6, whose responsibility is to carry out ordinary tasks of a slave (21:2). In contrast, Deuteronomy describes both men and women performing the same kind of slave labor (verb עָבַד, 21:51).

Furthermore, the אִמָּה of Exodus 21:7–11 does not wait for a time limit to experience her liberation like the male slaves in 21:2–6 (“she shall not go out as the slaves go out,” לֹא תֵצֵא כַּעֲבָדִים). Her commitment to her master is permanent, as it entails joining his family through marriage (21:7–10). In Deuteronomy 15, on the other hand, both the release in the seventh year and the possibility of remaining a slave of one's own free will after the sixth year apply to עֶבֶד and אִמָּה (Deut. 15:12–17).

In conclusion to this section, when Exodus 21:7–11 and Deuteronomy 15:12–18 address the issue of אִמָּה, they are not dealing with the same type of responsibility or function, so they cannot be compared to establish which one would be more humanitarian or express a later stage of Israel's ethics or religion.³¹ The absence of deliverance in the seventh year in Exodus 21:7–11 has as its fundamental reason the responsibility of אִמָּה to marry a man from her master's family, not a view that considers women inferior to men.

This kind of purchase, which guaranteed a wife for a lord or his son, also appears to underlie one of the clauses in the Law Code of Hammurabi (LCH). Thus, the next section of the paper will analyze a passage from the Laws of Hammurabi (LH) and then make a comparative study with Exodus 21:7–11, identifying parallels and contrasts.

3. THE SLAVE WOMAN IN THE HAMMURABI LAW 119

LH 119's text is included in a section dealing with debt bondage.³² Previous laws addressed distraintment (LH 114–116). Rules 117–119 present possible scenarios in which someone with a substantial debt would resort to selling family members or slaves to settle their outstanding debts.

It is relatively common for comparative analyses to examine the relationship between Exodus 21:7–11 and LH 117 and 118.³³ However, the biblical text in focus seems to be more fruitfully compared with LH 119, even though the two previous laws share similarities with the broader context of Exodus 21:2–11 and Deuteronomy 15:12–18, bringing some parallel elements to the passage of the female slave from the CC. We now turn to this comparative investigation.

3.1 A CONTEXTUAL STUDY OF LH 119

The set of three laws on the process of debt bondage is made up of three casuistic laws, which are called *šumma* laws because they begin with the Akkadian conditional particle *šumma*, equivalent to the English “if”. This set starts with a casuistic commandment in which “an obligation is outstanding against a

³¹ John Van Seters, “Law of the Hebrew Slave: A Continuing Debate,” *Zeitschrift für die Alttestamentliche Wissenschaft* 119, no. 2 (June 19, 2007): 173–4.

³² Chirichigno, *Debt-Slavery in Israel and the Ancient Near East*, 67–8.

³³ See, for example, David Wright, “The Laws of Hammurabi and the Covenant Code: A Response to Bruce Wells,” *Maarav* 10, no. 2 (2003), 14–5.

man” (LH 117).³⁴ This challenging situation forces the *awīlam* (“man”) to sell one of his family members, such as his wife, son, or daughter, as a form of debt service for three years (LH 117). In the fourth year, that person could be released.

In the following law, a common slave could have been used for a “debt service” (LH 118). The code provides that a “merchant” (usually a temple or palace official with good financial conditions)³⁵ could “extend the term” beyond three years and sell him or her without any challenge from the previous debtor owner.

Finally, LH 119 deals with another case in which “an obligation is outstanding against a man.” In this situation, a “slave woman” who has borne children from the debtor is sold to pay off the debt. Here, there is no time limit set for her to be freed (as in the case of LH 117), but instead of her being sold by her new owner (like the male and female slaves in Law 118), she must be redeemed by the debtor with the same amount of silver weighed and delivered previously as a loan by the “merchant” (LH 119).

Although this slave woman of LH 119 may have the function of a concubine³⁶ rather than a wife (as in the CC), she holds a different importance and role than the ordinary slaves of LH 118. She is expected, for example, to be repurchased by her former master. Thus, this slave woman occupies an intermediate position between “his wife, his son, or his daughter,” who are automatically redeemed after four years,³⁷ and the ordinary slaves, who could be passed on without an expectation of redemption from their former masters.

4. A COMPARATIVE ANALYSIS BETWEEN EXODUS 21:7–11 AND LH 119

After studying LH 119 in context, some similarities and contrasts are more readily observed between the laws on slavery in the CC (as well as Deuteronomy) and those in the LCH. Firstly, it is worth noting that both legal codes provide for the sale of a family member as a slave to settle a debt. It is perhaps the most significant parallel between Exodus 21:7–11 and LH 117. The biblical text envisions a situation in which a man, likely in extreme poverty, has to sell his daughter (בְּתוּלָה) as a slave (אִמָּה). Similarly, LH 117 describes a case in which a man sells “his daughter” (*mārassu*) to pay off a debt.

In the broader context of Exodus 21:2–11, the CC establishes a time limit for the slavery of a “Hebrew slave” (עֶבֶד עֵבְרִי). He will serve his master for “six years,” but on the seventh, he will be compulsorily released (Ex. 21:2; cf. Deut. 15:12). Similarly, LH 117 establishes the limit of three years of service that a debtor’s relative will give his service to a creditor. He must be released in the “fourth year.”

That said, we turn to a more specific comparison between Exodus 21:7–11 and LH 119. What is remarkable in both laws is a particular category for a female slave whose treatment is distinct from that of ordinary slaves. The CC clearly distinguishes the אִמָּה of verses 7–11 from the type of a common slave mentioned in verses 2–6 (also in Deut. 15:12–18). She is specifically assigned as the wife of a member of her master’s family (the master himself or his son; Ex. 21:8–10). Likewise, LH 119 distinguishes the category of the female slave who has children with her master from the previous category of common slaves, mentioned and addressed in LH 118. She cannot be sold like the others and is expected to be redeemed by her former owner.

Both legal codes provide a special type of slave category, whose function may be to become the wife of her master or his son (Ex. 21) or to act as her master’s concubine by begetting children with him (LH

³⁴ In this paper we will use Martha Roth’s LCH translation as the standard, unless otherwise indicated. See Martha Roth, “The Laws of Hammurabi,” in William W. Hallo and Lawson K. Younger Jr., eds., *The Context of Scripture: Canonical Compositions, Monumental Inscriptions and Archival Documents from the Biblical World* (Leiden; Boston: Brill, 2003), 2: 335–53.

³⁵ Daisy Yulin Tsai, *Human Rights in Deuteronomy: With Special Focus on Slaves Laws* (Berlin; Boston: de Gruyter, 2014), 118–9.

³⁶ Alain Testart and Amy Jacobs, “The Extent and Significance of Debt Slavery,” *Revue Française de Sociologie* 43 (2002), 187.

³⁷ Testart and Jacobs, “The Extent and Significance of Debt Slavery,” 186.

119). It does not definitively prove a direct connection between the two codes. However, it is certainly a common element that, together with many other parallels between the CC and the LCH, reinforces the idea of a legal tradition of the ANE shared by both texts.³⁸

Finally, we need to highlight a significant contrast here. To some extent, the CC treats this female slave, whose role is distinct from that of other slaves, with a higher level of dignity than the slave of LH 119. While the slave of Exodus 21:7–11 gains the status of a wife and has provision rights like a wife (21:10), in LH 119, the slave described there still occupies a lower status than a wife since she is not compulsorily released in the fourth year like the “wife” of the debtor of LH 117. In other words, the slave girl of LH 119 is a concubine and, therefore, occupies a lower position than the slave-as-wife of Exodus 21:7–11.

5. THE PLAUSIBILITY OF A HISTORICAL COMPARISON BETWEEN EXODUS 21:7–11 AND LH 119

The category of special slave in the CC and the LCH reinforces the thesis of a common legal tradition between the two texts that several scholars have defended.³⁹ To corroborate this thesis and demonstrate the plausibility of the historical (not merely typological) comparison developed in this paper, I list below three elements—two linguistic and one historical—that point to a connection between the CC and the LCH (although they do not necessarily imply direct influence).

The first linguistic element to highlight is that Biblical Hebrew and the Old Babylonian dialect of Akkadian belong to the same linguistic family, the Semitic languages. Therefore, both share standard features, including syntax, morphology, and lexical elements.⁴⁰ The fact that CC and LCH share linguistic features would facilitate the Israelites’ access to legal codes, such as the Law Code of Hammurabi, and the study, use, and adaptation of this cuneiform legal tradition.

Secondly, when one compares Exodus 21:2–11 and LH 117–119, one notices, for example, similar language and syntax in the apoduses that restrict the time of servitude in both texts: “[in] six years he shall serve, and in the seventh, he shall go free without [further] obligation” (*šēš šānīm ya ‘ābōd ūbaššābi ‘ūt yēšē’ laḥāpšī ḥinnām*). LH 117 says: “[for] three years perform service in the house of their buyer or of the one who holds them in debt service; in the fourth year their freedom shall be effected” (*šalāš šanātīm bīt šayyāmānīšunu ū kāšīšīšunu ippešū; ina rebūtīm šattim andurāršunu iššakkan*).⁴¹ “The first clause in each text states the length of servitude, with the numeral at the beginning and the verb, referring to work, at the end. The second clause specifies that, in the next year, the distrainee is to go free, with the numeral again at the beginning.”⁴²

Finally, a historical element worth highlighting, which reinforces the contact between Israelites and cuneiform legal texts, is the discovery in Hazor, Canaan, of fragments of laws written, for the most part, in syllabic Akkadian that closely resemble the laws of the Code of Hammurabi. These fragments date back to the Middle Bronze Age, confirming the presence of this kind of legal code in Canaan as early as the first half of the second millennium.⁴³

³⁸ Raymond Westbrook, “What is the Covenant Code?” in *Theory and Method in Biblical and Cuneiform Law: Revision, Interpolation, and Development*, edited by Bernard M. Levinson (Sheffield: Sheffield Phoenix, 2006), 21–8. See also Arneth, “Der Exodus der Sklaven,” 110.

³⁹ E.g., Westbrook, “What is the Covenant Code?”, 15–36; Wright, “The Laws of Hammurabi and the Covenant Code: A Response to Bruce Wells,” 11–57; Sara J. Milstein, “Insights from Tradition into the Biblical Law of the Slavewoman (Exodus 21,7-11),” *Biblische Notizen* 189 (2021): 29–44.

⁴⁰ Christo Van der Merwe, Jackie Naudé, and Jan Kroeze, *A Biblical Hebrew Reference Grammar* electronic ed. (Sheffield: Sheffield Academic Press, 1999), 15–6; Ogunlana, “A Comparative Study of Word Orders in the Law Code of Hammurabi and the Book of Covenant,” 31.

⁴¹ In this citation of HL 117, we adapted and combined the translations of Wright and Roth.

⁴² Wright, “The Laws of Hammurabi and the Covenant Code: A Response to Bruce Wells,” 15.

⁴³ Wayne Horowitz, “Hazor: A Cuneiform City in the West,” *Near Eastern Archaeology* 76, no. 2 (2013): 98–101.

CONCLUSION

This comparative analysis aimed to deepen the understanding of the law concerning the slave woman in Exodus 21:7–11 by analyzing it in its literary context and the canonical structure of the Torah, particularly in its relation to Deuteronomy 15:12–18, and by comparing it with the laws of the Hammurabi Law Code (LCH).

The study revealed that Exodus 21:7–11 and Deuteronomy 15:12–18 address different forms of servitude involving women. Exodus describes a woman who is sold with the expectation that she will become the wife of her master or his son. On the other hand, Deuteronomy deals with debt slavery more generally, applying the same conditions to both men and women. Therefore, judging one text as more humanitarian than the other in this regard is inappropriate, as they regulate distinct scenarios.

The comparison between Exodus 21:7–11 and the LCH, specifically LH 119, revealed parallels regarding the slave woman. In both, there is a distinction in the treatment of certain female slaves compared to ordinary slaves. It suggests a shared legal tradition in the Ancient Near East. Linguistic similarities, syntactic parallels in clauses restricting servitude, and archaeological evidence from Hazor also support the plausibility of a historical comparison between the CC and the LCH, indicating cultural and legal contact in the region.

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