

## **BIBLICAL PERSPECTIVES ON PRISON**

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by August Konkel

The word ‘prison’ occurs many times in the scriptures. Yet what we mean by prison would have been shocking to the peoples of ancient cultures. They could never have conceived of what we do with prisons.

Translation always has cultural limitations. Word referents and senses are based on things and activities that are a part of ordinary life. When these items do not exist in another culture, it is impossible to provide a true equivalent. For example, the word ‘plough’ conveys to me a tractor drawn implement with a coulter and a molding board. When I ploughed with an ox in Ethiopia I began to understand Elisha plowing with oxen (1 Kings 19:19).

The English word prison is a misleading translation for all the Hebrew and Greek words used for restraint. The English word almost invariably is related to judicial process. In ancient times it never has to do with judicial process. It was never confinement for punishment in ancient times.

### **1. Language of Restraint**

The Old Testament is a Semitic culture with its own very distinct vocabulary. The New Testament is Western culture of a later time based on Greek and Latin vocabulary. There is often great difficulty with word equivalents, such as the word **law**. In Hebrew it derives from the concept of **teaching** (*torah*), and is based on God’s instructions summarized in the ten words (*debarim*). In Greek it derives from the concept **custom** (*nomos*) and comes to mean the regulations of society. The Hebrew and Greek languages use different kinds of words to indicate confinement and restraint.

### **The Old Testament**

The following five word groups are used for restraint and imprisonment in the Hebrew Bible. There is no word in Hebrew that exclusively means prison; each of these word groups functions for other kinds of binding or restraint.

The following examples are all taken from the author’s work for *New International Dictionary of Old Testament Theology and Exegesis* published by Zondervan.

### 1.1.1 ‘atsar, restrain, detain, arrest, imprison, close

- i. The verb ‘atsar, retain, shut off, is frequently used to describe phenomena as the stopping of a plague (Num 16:48, 50; 17:13, 15), the heavens withholding rain (Deut 11:17; 2 Chron 7:13), or the womb being withheld from conception (Gen 16:2; 20:18).

One of the most frequent and puzzling metaphorical uses is in references to leadership, possibly derived from the sense of ‘bridle’ or control. The verb may simply refer to detaining someone for hospitality (Judg 13:15, 16), or it may be used to refer to the restriction of a person’s movement (1 Chron 12:1; Neh 6:10; Jer 36:5). In Jer 33:1 and 39:15 the verb describes the prophet’s being held in the custody of the king. In 2 Kgs 17:4 it refers to being confined to the prison house (*bet kele*) by a conquering king. The noun ‘otser is used once of a barren womb (Prov 30:16) and once as oppression (Ps 107:39). It is possibly a reference to the imprisonment of arrest or custody in its only other occurrence in Isa 53:8, which might be translated ‘After arrest and sentence,’ but the picture is not clear and the expression could be a hendiadys (‘By reason of oppressive sentence’). The noun *ma’etsor* occurs once (1 Sam 14:6) to say there is nothing that has power to prevent the deliverance of the Lord.

- ii. The broad semantic range of ‘atsar has led to a great variety of usages, but it is notable how many of them are an expression of divine purpose in relation to humans rather than human restraint of others. The divine action may be judgmental, as in shutting off the heavens, but often the restraint is positive, as in a gathering for worship. If ‘atsar describes a leader chosen by God, as some contexts demand (1 Sam 9:17), it is another example of how the divine restraint is to a beneficial end.

### 1.1.2 ‘asar, bind, keep back, imprison, fetter; hitch (to a chariot or wagon); bind oneself (in an oath of abstinence)

- i. The common verb ‘asar has the simple meaning bind, as in its frequent use in the Samson story (Judg 15:10, 11, 13, etc.). It frequently refers to being bound in prison (Gen 39:20; Judg 16:21; 2 Kgs 17:4) or being manacled (2 Sam 3:34; Jer 39:7, 40:1) as a political prisoner. In Ezek 3:25 the confinement is probably that of social ostracization, though it could be literal.

- ii. The verb is used metaphorically in several senses:
  - (a) to accept an obligation (or prohibition) of an oath (Num 30:3, 4);
  - (b) to harness, hitch, or tether (Gen 46:29; 1 Sam 6:7; 2 Kgs 7:10);
  - (c) to begin ('tie on') a battle (1 Kgs 20:14).

In Song of Songs it is used of the male lover (king) being entangled in the woman's hair as among the tresses (7:5,6). The judgment of God (Ps 149:8) or his disciplinary action (Job 36:8, 13) may be described as a 'binding.' On the other hand, God may set free those who were in spiritual or social bondage (Ps 146:7; Isa 49:9; 61:1).

- iii. The noun 'asir ('*asir*) refers to those imprisoned as a result of war or political disfavor (Gen 39:20; Isa 10:4; 14:17). The prisoner is often the special object of God's favor and deliverance (Ps 79:11; 102:20, 21; Zech 9:12). Twice (Isa 24:22; 42:7) it is used in connection with *maseger* (prison).

- iv. The noun 'esur refers to bonds, whether literal (Judg 15:14) or metaphorical, such as the captivating wiles of a woman (Eccl 7:26).

### 1.1.3 *kala'*, detain, imprison, keep imprisoned; close, shut up.

- i. The verb *kala'* has the sense of restrain or hold back; it is semantically related to *kalah*, bring to a stop, to end, complete. In only three occurrences does it refer to human confinement. In Ps 88:8,9 it refers to being socially confined. In Jer 32:2-3 it refers to the prophet being placed in the custody of the king during the Babylonian siege.
- ii. The noun *kele'* describes human confinement in each of its ten occurrences (for example, 2 Kgs 17:4; Jer 37:15, 18), though in Isaiah it is used to describe the spiritual captivity of the Exile (42:7, 22, cf. *maseger*, prison). The noun *mikela'* occurs three times, always as a pen for stock.
- iii. Imprisonment is not a legal punishment, but it is found regularly as a means of political subjugation. Isaiah uses the images of imprisonment and blindness to describe spiritual bondage (Isa 42:5- 9).

**1.1.4 misegeret (misgeret)**, stronghold, dungeon; rim (of table), base; **maseger**, enclosure, prison, dungeon; **sagar**, close.

- i. The noun **misegeret** occurs fourteen times in the sense of a rim of wood or metal on a table or base of a stand. The other three occurrences (in the poem of David, 2 Sam 22:46; Ps 18:45, 46; Mic 7:17) have a sense of confinement, but their meaning is uncertain. They may be a plural of the noun **maseger**, dungeon, the same form and meaning as occurs in the Panammuwa statue in Aramaic, or may be related to the meaning rim. 2 Sam 22:46 may be translated 'They came fettered (**chagar**) by their collars.' Micah 7:17 says 'They came trembling (**ragaz**),' a sense that corresponds to the Masoretic Text of Ps 18:45 (46) (**chagar**) and is often adopted in 2 Sam (as done in the New International Version). This could refer to the squirming or paralysis of a confining band. On the other hand, the analogy in Micah to snakes suggests some kind of a dungeon or den from which they emerged in fear and trembling.
- ii. The noun **maseger** in its three scriptural occurrences appears to be used in a metaphorical sense. Dahood has suggested that in Ps 142:7 ,8 it refers to the prison of Sheol, where God cannot be extolled (428). The plea to be delivered from Sheol forms an appropriate contrast to the psalmist's plea that the Lord be his refuge in the land of the living (v. 5, 6). In Isa 24:22 it refers to the subterranean prison into which the rebellious human leaders and the 'host of the height' (super terrestrial evil powers) will be confined. In 1 En 10:4, 12 the subterranean dungeon is the place of confinement of the wicked 'angels' of Noah's day (Gen 6:1-4) until the time of final judgment. This confinement in the gloomy netherworld is used as an example by both Peter (2 Peter 2:4) and Jude (Jude 6). These concepts have an antecedent in Isaiah. Isaiah 24-27 are a distinct section with many features of apocalyptic; 24:18 c- 23 forms a section in which judgment falls through the windows on high and reduces the earth and the city to chaos. Vv. 21-22 form a strophe marked by the use of the word punish (*paqad*), which describes the ultimate judgment of being cast into the pit (for the parallel of bor, pit, with Sheol, see Isa 14:15; Ps 30:3 (4)). The use of *maseger* in Isa 42:7 is in reference to the

prison house of the captivity (cf. 'asar, 49:9). It is in the context of the covenant people being a light to the nations (vv. 5-9). The release of the captives from prison is not to be taken as liberation from exile but rather in a spiritual sense, a liberation of all the peoples from bondage. The noun appears to be a metaphor in the Old Testament for the judgment of death and Sheol.

#### 1.1.5 sohar, prison (house)

The expression *bet hasohar*, house of the prison, is a technical term to designate the prison in which Joseph was kept; the narrator explains it as the place 'where the king's prisoners were confined' (Gen 39:20). The explanatory nature of this phrase is seen by the unusual use of the word king instead of pharaoh. The fact that this term occurs only in a story set in Egypt has led to the search for an Egyptian background to the expression, but none of the proposed comparisons are linguistically acceptable.

The word *sohar* probably derives from a stem 'shr', with the meaning 'to be round', found in Song of Songs 7:2, 3. In this text it describes a vessel identified archaeologically as a large, deep, ring-based bowl (Pope, 618).

- i. The prison in which Joseph was kept was on the property of Potiphar, the chief vizier Pharaoh (Gen 39:1), as is seen in the sequel when the chief cupbearer and baker are thrown into the same prison, described as being 'in the vizier's house' (40:3-4). The situation described here may be like that of a certain vizier Rekhmire, who served under Thutmose III (1501-1447 BCE) in the eighteenth dynasty. The duties of the vizier listed in the inscriptions on the walls of his tomb indicate that he was the grand steward of all Egypt and that all activities of the state were under his control. This included the judiciary, in which reference is made to the hearing of cases in his hall. The text refers to 'the great prison' in which those who are not able to disprove the charges made against them are detained for a hearing of the case. The chief cupbearer and baker in similar fashion were 'put ... in custody' (*bemishemar*) under the supervision of Joseph (40:3-4). The situation of Joseph's imprisonment is not altogether clear. The expected fate of a servant who sexually assaulted his master's wife would be execution. It is probable Potiphar did not entirely believe his wife's story, indicated in part by the fact that the charge she reported to her husband (Gen 39:17) was less explicit than

the one she gave to the servants (39:14). In any case, Joseph was assigned duties as the administrator of the prison (39:22- 23; 41:12). His capacity is only given in a general sense in each case, and there is no reason to assume two versions of the story.

- ii. The story of Joseph including his imprisonment is interpreted in Ps 105:16-22, in which imprisonment becomes another means of showing that God takes what is evil and makes it good (Gen 50:20). The word of God tested (*tsarap*) Joseph (Ps 105:19). The verb *tsarap* literally means to refine, forming a play on the iron fetters of imprisonment mentioned in the previous verse (105:18). The physical imprisonment also fettered Joseph's aspirations, testing and transforming his character until the time that the divine word should come true (105:19). God in his time brings good out of evil, showing his redemptive power over the evils in the world brought about because humankind determined to choose what was good and evil (Gen 3:5).

In Mishnaic Hebrew the word *sohar* means enclosed place, stable, or moon. It is also used to designate the place where the Sanhedrin met.

## 1.2 The New Testament

Two word groups are common for restraint in the New Testament. Neither is used exclusively for imprisonment.

### 1.2.1 *desmos* (chains, bonds), *desmion* (prisoner)

Luke 13:16, bound by a demon

Acts 16:25-27, in prison in Philippi

### 1.2.2 *phulake*, prison; watch of the night (period of time)

Matthew 5:25, cast into prison (not paying debt)

Matthew 14:25, late into the night (fourth watch)

## 2. Functions of Restraint

### 2.1 Penal Detention

Though imprisonment was not a formal punishment, which would involve some form of retribution or compensation for an offense, it was an important part of the penal system. Prisoners of war and political adversaries were held in a type of compound (prison house) so they could be employed for forced labor, as in the case of Samson with the Philistines (Judg 16:21) or Zedekiah under Nebuchadnezzar (Jer 52:11).

The house of the mill (Akkadian term *ararri*) is a place of detention for forced labor, either as a punishment or for persons under arrest pending the outcome of their case. Ps 107:10-14 is a testimony of imprisonment and hard labor for deported Israelites. Houses of servitude (Hebrew *bet 'abadim*) often included defaulting debtors and their families, who were temporarily reduced to slavery (2 Kgs 4:1; Neh 5:5)

Political enemies might be held in prison rather than killed, as indicated in the Aramaic Sefire inscriptions (Kanaanitsche und Aramaisch Inschriften (Canaanite and Aramaic Inscriptions) KAI 224.18), possibly in order to avoid a popular uprising, as in the case of John the Baptist (Matt 14:3-5). The imprisonment of Jeremiah (Jer 37:15-16) may have been for similar considerations. Treatment of such prisoners was so harsh they could be considered as being among those doomed to die (Ps 79:11; 102:20, 21). This may have been a convenient way of disposing of enemies without incurring bloodguilt (Gen 37:22-24).

## **2.2 Legal Punishment**

Imprisonment as a legal punishment is foreign to Ancient Near East conceptions. It is not found in the Old Testament until the time of Ezra, and then only as the authorization of a foreign king. The Aramaic word *'esur* (cf. Hebrew *'asar*) is found in a list of possible sentences (Ezra 7:26).

Prison as a means by which society deals with criminal behavior as a form of punishment or deterrence has come into widespread use only within the last 300 years. It is an extremely costly approach, and for many crimes is ineffective for prevention.

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