

LAND TENURE IN THE BIBLICAL JUBILEE: A MORAL WORLD VIEW

by

JEFFREY A. FAGER

Kentucky Wesleyan College, Owensboro, KY 42302

The sociology of knowledge can provide another tool for the scholar's workbench as he or she attempts to disclose the deeper meanings of an ancient document. Writers such as Peter Berger, Clifford Geertz, Thomas Luckmann, Karl Mannheim, and Alfred Schutz (note particularly the works cited in the bibliography) have outlined the ways in which people gather and transmit knowledge (or traditions), create world views, and relate moral norms with their perceptions of reality. By applying the tools of analysis described by these sociologists to the laws of the jubilee found in Leviticus 25, we discover clues both within and beyond the text that reveal three different levels of meaning and how they interact dialectically. Finding the underlying moral world view of the jubilee and understanding how it might affect an ethical system can lead to the postulation of moral implications based on that world view which extend beyond the jubilee legislation itself.¹

We begin such a study with a diachronic analysis of the evolution of the concept of jubilee and the attachment of the several laws to it.² The Israelite jubilee was not created *ex nihilo*, but it grew out of notions of land tenure that existed in the world around it. In examining several of the societies of the ancient Near East, we discover that, in one way or another, all of them limited the *absolute* right of individuals to buy or sell land at will.³ Within this milieu, Israel understood itself to be

1. While a comparison between the Year of Jubilee and the Sabbatical Year would be interesting, such a comparison is not within the purview of this paper. This author believes that the jubilee and the sabbatical years were originally separate institutions which the priests coordinated late in the exilic period. Therefore, any connection between the two would be artificial and alien to the spirit of either.

2. The use of both diachronic and synchronic analyses is prompted by the suggestion made by John Barton (1978, pp. 44-64).

3. The literature dealing with land tenure in the ancient near eastern context is extensive. The most comprehensive studies include Clay (1938), Finkelstein (1961), Bess (1963), and Lemche (1979).

founded upon a so-called tribal ethos. There was a strong sense of tribal solidarity in which members of the tribe were responsible to and for the other members. The financial ruin of one member of the tribe was unacceptable to the group; therefore, the economic viability of each family within the tribe was protected. In an agrarian society, that was expressed in the prohibition of selling land outside the family. Thus, the tradition of the inalienability of the land was a pragmatic one within the Israelites' understanding of reality, and so it was preserved and handed on to subsequent generations.

These earlier traditions concerning land tenure were first collected and codified in what is commonly labelled the Holiness Code during the period when Judah was experiencing an increase in latifundism, that is, the latter half of the eighth century. Although this legislation regarding land tenure was not in the final form of the jubilee, it was already in the context of a document calling for a strict adherence to a moral system intended to prevent the destruction of the nation. Thus, the Holiness Code assumed such a close connection between cosmic reality and an ethical system that failure to adhere to the latter brought ruin to the former. The evidence is overwhelming that during the Monarchy land came to be viewed as a simple commodity and consequently was accumulated in the hands of a few (Wenham, 1979, p. 317; de Vaux, 1965, pp. 1,72-73). The codification of the traditional rules of land tenure was an attempt to bring the nation's behavior into conformity with the real world as the legislators understood it. As this legislation grew, more divine sanctions were added in order to strengthen the legitimacy of laws that were becoming less practical to observe literally. We might be tempted to assume that this meant the legislation was being spiritualized and distanced from the "real world." A more adequate explanation of this evolution is that the course of Israelite history forced the compilers of the tradition to rely on the jubilee as an explanation of the real world which was hidden within the chaos of the contemporary socio-political events.

The jubilee attained its basic form, as we find it in Leviticus 25, by the hand of priestly writers late in the exilic period. Therefore, to understand the jubilee as it has been preserved in the canon, we turn to a synchronic analysis of the late exilic period in order to see how the priests fit into their socio-historical context and why they developed the jubilee as they did. The exile shattered the Israelite world; what had seemed self-evident before was no longer credible. Yahwism itself was threatened because its adequacy in defining the world was now put into

question. The old traditions had to be resignified in order to make sense of a chaotic world. Late in the exile, two events gave greater impetus to this task. First, the rise of Nabonidus and his drive for religious conformity put more pressure on the exiles to abandon the Yahwistic world, and that led them to seek stronger confirmation of its reality. Second, the rise of Cyrus gave many of them hope that the chaos might come to an end soon, and they would have the opportunity to recreate a more hospitable world.

One of the groups seeking to do just that were the priests. As professional cultic functionaries, the priests had the task of preserving the ancient traditions of the people—especially the cultic and legal ones—therefore, they had saved the Holiness Code, with its legislation concerning land tenure. During the exile, they needed to recast those laws in light of the national catastrophe in a way that would explain it in terms of divine punishment, making the Babylonian conquest comprehensible. As the possibility of returning to the homeland became real, the priestly legislation also became a foundation for a new community. However, the priests were clearly grounding their legislation in the ancient tradition, rooting it specifically at Sinai. This makes the new world continuous with the old world. The priests acknowledged that human sin had caused a major disruption in their world, but the traditional Yahwistic understanding of reality remained.

It is of great benefit to our study that there is an alternative view of land tenure which comes from this period. The book of Ezekiel displays a perspective that has similarities with the priestly one but also has several differences. The description of the new Israel found in Ezekiel 47 and 48 originates with an “Ezekielian school,” whose writings are derived from a world view held by the prophet, and that description, like the priestly writing, was written during the late exile. (For the sake of convenience, the name Ezekiel will be used for the product of this Ezekielian school.) Ezekiel’s vision of the reallocation of the land presents a highly schematized distribution system, which cannot correspond to any empirical reality. It totally and self-consciously alters the geographical and political structure of Israel, and most importantly it does not rely on the tradition to authenticate the vision; legitimation derives from direct, divine revelation. For Ezekiel the restored community will not be simply a better version of the former community, just purged of some problems that caused its temporary breakdown; the divine community will be something different—not absolutely discontinuous from preexilic Israel, but something that displays a significant cosmic shift.

Both the priests and Ezekiel understood the divine will for land tenure to include a relatively equal share in the blessing of the land for all the people. Ezekiel saw that possibility as lying in the direct intervention of Yahweh and the establishment of a new, sacred community which would fulfill God's intentions. The priests saw that possibility as lying in the continued progress of the present (at least, presently anticipated) structure so that the normal events of economic life could be adjusted to conform to the divine will. By comparing and contrasting Ezekiel and the priests, the jubilee can be seen, not so much as a utopian concept of another world (even though its regulations may be economically impractical), but as a statement that proper distribution of land can be attained and maintained within the confines of "this world."

But how did the jubilee understand the reality of the world? What was its world view? In his foundational essay on "world view," Mannheim (1952, pp. 44-46) describes three levels of meaning for any social phenomenon. These three levels are divisible only for analytic purposes, but in so doing it is easier to see the deeper levels of a world view expressed in an act or institution. The first level of meaning is the objective meaning, which deals with the bare sociological facts of the phenomenon. The second level of meaning is the expressive meaning, which refers to the intent of the actors involved in the social phenomenon. The final level is the documentary meaning, which is independent of the surface level facts and the intent of the actors and gets at the underlying world view, explaining the very existence of the phenomenon. The three levels of meaning interact dialectically, each one affecting the other two.

At the objective level, the jubilee appears to be a manifestation of a clash between two competing economic systems—one traditionally Israelite, and the other characterized as Canaanite. A perfectly egalitarian system probably never existed in the history of Israel; however, as already stated, the evidence is conclusive that a gradual accumulation of wealth into fewer and fewer hands did take place during the Monarchy. Clearly the priests believed that this latifundism was a part of the divergence from the divine will that caused the fall of Judah. In opposition to a land tenure system that viewed land as a commodity capable of being bought and sold for economic profit, the priests used the traditional notions of land tenure which strictly limited rights of disposal of the land.

But what was that land tenure system specifically? Given the vocabulary used in Leviticus 25, it may be concluded that the jubilee was strictly agrarian legislation whose sole aim was to affect the distribution

of land that produces food, that is, land that formed the basis of survival (Gerleman, 1977, pp. 316–17). It is clear that kinship groups had an important role to play in the ownership of cultivated land. This has led to various theories of communal ownership including the description of Israel's land tenure system as a type of the Asiatic mode of production (Gottwald, 1976, pp. 145–54). However, the jubilee went to some lengths to indicate that land was held by individual families, not an entire kinship group. Under conditions of poverty an individual family did have the right to sell temporarily, or to lease, its land; and whether that family was able to redeem it, it was redeemed by a relative, a *gô'el* 'redeemer', or it returned in the jubilee, that family regained the land. Again, the right of disposal was restricted—one could not sell the land permanently—thus, this did not imply a modern, Western form of private property, but the land and its usufruct were connected with individual families.

There have been several attempts to understand how the land reform described in the jubilee laws could have been carried out. Despite efforts to interpret the jubilee as a unique event occurring only at the end of the first fifty years in the land, or that the jubilee laws were specific to each individual and not referring to universal land reform, the text is clear that the jubilee was to be a recurring general land reform that affected the entire nation every fifty years. Objectively, that sort of radical, periodic reform would have been very difficult to administer and might have been economically disastrous; therefore, we need to move to the expressive meaning of the jubilee in order to understand its intent.

We have already noted that the priests sought to use the tradition to explain the disruption the exiles had experienced in their world and to begin to formulate a structure based on that tradition that would form a restored Israel. On the one hand, the priests were revivalists attempting to save the tradition and make it applicable to their situation. On the other hand, they were creating a social order that had never actually existed, and in that sense they were somewhat utopian. According to the priests, the offenses of the preexilic period undermined the order of the universe, and the result was the destruction of Israel and the threat of the disintegration of Yahwism itself. The jubilee was intended to prevent the same abuses of the wealthy against the poor that led to such an imbalance.

We see the priestly concern for the poor in the way in which they dealt with the problems arising because of debt and the interest charged on loans to the poor. Gamoran (1971, pp. 127–34) assumes the prohibition

against interest-taking stems from a period when Israel's economy was too primitive to make use of commercial loans; therefore, all loans were designed to help the poor. However, these laws responded to an existing situation, thus the prohibition against interest presupposes the common use of interest in giving loans, not a primitive economy. The tradition that the priests took up and passed on was a prohibition stated in the context of extending credit to poverty-stricken Israelites. Particularly by the time the priests edited the jubilee legislation, commercial loans were commonplace; therefore, the expressive meaning of this law ought not to be taken as a blanket prohibition of interest on all loans but a provision to protect the poor from moneylenders attempting to profit from their pain.

While Joshua 13–19 handled the issue of land tenure through historical narrative and Ezekiel 47–48 handled it through prophetic utterance, the priests outlined their land tenure system through civil laws which had been given theological warrants. Because these laws were devoid of any sanctions to force compliance, obedience had to be elicited by appeal to the theological and moral sensibilities of the community. This appeal was expressed most strongly in the so-called “motive clauses.” The priests also added a cultic dimension to the jubilee, sanctifying the year and making it a part of the sacred order of the cosmos. All of this was intended to express the divine interest in the equitable distribution of the land; it was not merely a secular matter.

The priests explicitly stated that the land belonged to Yahweh. Through this concept, the priests expressed three beliefs. First, God was portrayed as the “liege lord” who owned the land and its produce and the people and their service. If the people had put themselves or their land at the absolute disposal of anyone other than Yahweh, that would have been an act of disloyalty, a denial of the owner's rights. Second, the divine ownership of the land implies the dependence of the people on God. To be landless in an agrarian society was to be dependent on another to provide the means of survival; therefore, the people relied upon the divine landowner to provide them access to the land. Finally, since the lord of the land was understood to be the God of justice, the use of the land must also reflect that justice. The very fact that God owned the land called for a distribution of the land that reflected the divine purpose for the people, namely, a people who had access to the means of survival so that they were dependent upon God alone and not upon the whim of a few wealthy humans.

In dealing with the expressive meaning of the jubilee, we need to answer the question, “Did the priests intend the jubilee legislation to be

observed literally?" We must begin by stating that, although land reform in general often leads to improved food production, a periodic, universal reform as described by the jubilee laws could cripple a society's economy.⁴ If the priests intended the jubilee to be executed literally, were they so economically naive that they were unaware of its probable effects, or did they not care about the consequences? The priests were a part of the ruling class in Jerusalem, they were involved in financial matters of the temple, and they were part of the intelligentsia of a nation in exile in a very advanced empire. It is difficult to believe they could not have foreseen the economic stumbling blocks of the jubilee. On the other hand, if they were truly concerned with justice, they would have been unable to ignore such consequences and enact the jubilee laws in spite of its negative effects on the poor. (In a crippled economy [see above], the poor suffer the most of any group in society.) However, the jubilee was not a spiritualized utopia; it was a real signal to the people, leading them toward a proper relationship with the land—a relationship based on divine principles expressed by the jubilee.

This brings us to the documentary meaning, that level of meaning which goes deeper than the intent of the priests and touches the world view itself. The very fact that the jubilee tradition was selected as the manifestation of a particular world view is significant. That underlying world view certainly tends toward egalitarianism. There is a strong bias against the accumulation of large amounts of land in the hands of a few, leaving many separated from the main source of livelihood. It posits a close connection between persons and the land, not people in general, but individual families with certain plots of land. The very specificity of the attachment reinforces the urgency of the proper distribution of the land. While the jubilee does refer to individual families and refuses to sacrifice the individual for the general welfare, it also displays a strong sense of familial solidarity. Contrary to an American attitude of "rugged individualism," the jubilee declares, "We are all in this together."

The jubilee as we now have it occupies a "middle ground" between practical regulation for everyday existence and idealistic vision of a world that does not exist, as was seen in the comparison between the priestly view and Ezekiel's. As does Ezekiel's vision, the jubilee describes

4. Regarding land reform's beneficial effects, see Warringer (1969), Dorner (1971), Berry and Cline (1979), and Koo (1982). Regarding the probable effects of the jubilee's system of reform, Soss (1973) argues that (1) the jubilee would effectively hinder the accumulation of *any* capital, thus, stagnating economic growth, and (2) the simultaneous exchange of land and loss of loaned money and slaves would create economic turmoil.

a society that does not exist but would function according to the divine rules of justice. However, the jubilee attempts to place this utopia within the boundaries of the observable world. The very existence of the jubilee laws presupposes the reality of the tendency toward latifundism and the spiral of debt and dependency in which small landowners can find themselves. Even though the priests did not intend the jubilee to be observed literally, the underlying world view understood the realities of this world and then declared a just society possible within it.

The cornerstone of the jubilee is found in Leviticus 25:23, "The land shall not be sold in perpetuity, for the land is mine." The belief in the divine ownership of the land carries with it certain implications, and whether intended by the priests or not, these implications became a part of the meaning of the jubilee. The first implication is that the land is holy. That which is holy is considered to be set aside and can no longer be used for everyday purposes. In the case of the land, its sacredness means that it is to function to fulfill the purposes of God exclusively. If the land is to be used exclusively for God's purposes, the second implication is that it cannot be used to further the economic interests of any persons or class of persons. The land cannot become a commodity to be bought and sold on speculation in order to enrich a few wealthy individuals. Finally, since part of God's intent for the people is *šālôm* 'secure peace', the land and its produce are meant to secure for people the means to live independently and free from the fear of poverty. The gift of the land is intended for all the people, not just a select few, and the land ought to remain relatively equally distributed among the people. Thus, God's land, the holy land, is a gift to all persons meant to provide the means for an independent existence free from the threat of destitution.

One can see that these three levels of meaning are not independent, and it is the dialectic relationship among the three that actually reveals the moral world view. The objective meaning of the jubilee could not be the expression of a world view that held land to be a mere commodity. Once the priests—who themselves already lived in, and were influenced by, a particular Yahwistic world—adopted the jubilee tradition, they were limited in what they could express through their redaction of it. However, they did redact it, thus slightly altering all three levels of meaning. A world view is often very stable, but it is not static, especially during periods of crisis. Therefore, the late exilic period was a time when the priests were quite consciously reflecting on the way the world was to be understood and how the nation was to live in it. The world is a place where the people are absolutely dependent on the grace of God to provide the means of survival, and that divine grace is bestowed on all

the people so that everyone will enjoy an economic viability independent from the whimsical decisions of a few humans who might have unjustly accumulated more than their fair share.

Any world view combines the “ought” with the “is” of a society, that is, the ethos of a society is understood to be a natural manifestation of the reality of the cosmos. But sometimes that reality is not apparent. The very nature of the land reform proposed by the jubilee presupposes the economic reality of the ancient Near East: namely, there seems to be an inevitable tendency toward the accumulation of land in the hands of those who are economically shrewd or lucky. The jubilee does not retreat to an eschatological age or a utopian society, rather it seeks to insinuate itself in the very existence of this world. Yet the jubilee seems also to express the notion that the observable world must be understood by a reality that may not be immediately apparent to the casual observer. To the casual observer, the real world may appear to allow, even encourage latifundism; however, the jubilee is based on a reality that rejects latifundism. The jubilee is an ideal system which displays the existence of a “really real” world that has not yet been actualized because of human failure to recognize its reality.

The agrarian laws of the jubilee (interpreted literally) were impractical in the ancient world, and they appear irrelevant to the modern, industrial world. However, the land tenure system of the jubilee was based on a moral world view that is so basic to human existence that it is not necessarily culture-bound. That moral world view is a deep understanding of the way in which the cosmos exists and how humans can best live in it; therefore, it need not remain a silent relic of an era long ago or a culture far away. The biblical jubilee can entice us to cast our eyes on new views of our world and experiment with new ways of living in it, methods of living that are not confined by old understandings of what seems “perfectly natural.”

BIBLIOGRAPHY

- Barton, J. 1978. “Understanding Old Testament Ethics.” *Journal for the Study of the Old Testament* 9:44–64.
- Berger, P. 1969. *The Sacred Canopy: Elements of a Sociological Theory of Religion*. Garden City, New York.
- Berger, P. and T. Luckman. 1966. *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*. Garden City, New York.

- Berry, R. and W. Cline. 1979. *Agrarian Structure and Productivity in Developing Countries*. Baltimore.
- Bess, S. 1963. "Systems of Land Tenure in Ancient Israel." (Dissertation) Ann Arbor, Michigan.
- Clay, R. 1938. *The Tenure of Land in Babylonia and Assyria*. London.
- Dorner, P. 1971. "Land Tenure Institutions." *Institutions in Agricultural Development*, pp. 14-31. Ed. M. B. Blase. Ames, Iowa.
- Finkelstein, J. 1961. "Ammisaduqa's Edict and the Babylonian 'Law Codes.'" *Journal of Cuneiform Studies* 15:91-104.
- Gamoran, H. 1971. "The Biblical Law Against Loans on Interest." *Journal of Near Eastern Studies* 30:127-34.
- Geertz, C. 1973. *The Interpretation of Cultures: Selected Essays*. New York.
- Gerleman, G. 1977. "Nutzrecht und Wohnrecht: Zur Bedeutung von *ḥzh* und *nḥlh*." *Zeitschrift für die alttestamentliche Wissenschaft* 89:313-25.
- Gottwald, N. 1976. "Early Israel and 'The Asiatic Mode of Production' in Canaan." *Society of Biblical Literature 1976 Seminar Papers*, pp. 145-54. Ed. G. MacRae. Missoula, Montana.
- Koo, A. 1982. *Land Market Distortion and Tenure Reform*. Ames, Iowa.
- Lemche, N. 1979. "*Andurārum* and *Mišarum*: Comments on the Problem of Social Edicts and their Application in the Ancient Near East." *Journal of Near Eastern Studies* 38:11-22.
- Mannheim, K. 1936. *Ideology and Utopia: An Introduction to the Sociology of Knowledge*. San Diego, New York, and London.
- _____. 1952. "On the Interpretation of *Weltanschauung*." *Essays on the Sociology of Knowledge*, pp. 33-83. New York.
- Schutz, A. and T. Luckmann. 1973. *The Structures of the Life World*. Evanston, Illinois.
- Soss, N. 1973. "Old Testament Law and Economic Society." *Journal of the History of Ideas* 34:323-44.
- de Vaux, R. 1965. *Ancient Israel*. 2 Vols. New York.
- Warringer, D. 1969. *Land Reform in Principles and Practice*. Oxford.
- Wenham, G. 1979. *The Book of Leviticus*. Grand Rapids, Michigan.