

## THE BIBLICAL JUBILEE AND SOCIAL REFORM<sup>1</sup>

THE twenty-fifth chapter of Leviticus contains one of the most fascinating inventions in the history of our race, the Jubilee. Of the jubilee as a chronological device, we will say only that it was a development of the sabbath. Like the seventh day, each seventh year was sacred and festive, and the seventh such year, called in round numbers fiftieth,<sup>2</sup> enjoyed the most sacred mystic symbolism of all.

It is rather the *sociology* of this institution which you have asked me to speak to you about to-day. And quite honestly, this page of an ancient scroll is a veritable textbook of sociology. You will see that it treats in a very practical way the problems of ownership and debt, racial minorities, marriage and inheritance, war and crime, caste and class struggle, poor-relief, agronomy, hired labour. It treats these all as aspects of what has become one of the liveliest issues of our day, the problem of *latifundism*, or the *just* redistribution of *excessive* property holdings among the *unduly* indigent. This problem in the biblical terminology resolves itself into three phases: labour, property, and bankruptcy.

Out of respect for His Majesty's government, let us begin with labour. You all know that the jubilee was prescribed as a release of slaves. But prior to whether and how the slaves were to be released, is the question of whether there *was* slavery in Israel. The word *'ebed*, 'worker', is used in a variety of senses verging on the metaphorical, and in most cases implies no more than one who renders some service to another. The only biblical passages which present the *'ebed* in the technical sense of involuntary servitude are those which speak of terminating this relationship; and they are precisely the ones which relate to the jubilee law. Lev. xxv, 39-55 must be regarded not merely as a law limiting slavery but *per prius* as a law sanctioning and even recommending slavery.

Scandalized Jewish exegetes have reacted by insisting that the word *'ebed* does not mean slave at all, but free labourer; the Talmud itself is of divided opinion.<sup>3</sup> Lev. xxv, 39 forbids treating the Israelite as a slave; but in the same breath it speaks of selling him and making

<sup>1</sup> Address delivered to the Conference of Ecclesiastical Studies at Hull, March 29th, 1951.

<sup>2</sup> So a minority of the more scientific recent scholars, as Anton Jirku, 'Das Israelitische Jubeljahr', in *Reinhold-Seeberg-Festschrift* (Leipzig 1929) 2, 170; though he neglects the internal development linking sabbath-year and jubilee, see August Klostermann, 'Kalendarische Bedeutung des Jubeljahres', *Theologische Studien und Kritiken* 53 (1880) 726.

<sup>3</sup> Tony André, *L'Esclavage chez les anciens Hébreux* (Paris 1892) 43: *Qiddusin* 16a, 28a, *Baba Kamma* 113b, real slavery; *Erachin* 28a, merely labour.

him serve, and distinguishes him from the *sakir*, technical term for a hired man. It makes clear that the *unmitigated* slavery of Israelites is forbidden, but the whole question turns upon what is meant by unmitigated.

First of all, you must not project into the ancient Orient our democratic view that there is a stigma in being the property or chattel of another. If the slave owed absolute obedience to the master, and was his property, in this he was no different from the master's wife and children. Family and slaves were treated with equal kindness or harshness; in fact, the owner had the power of life and death over his children, but not over slaves.<sup>1</sup> In Biblical times and in recent Arab practice, slaves have been freed after seven or ten years and married to the owner's daughter.<sup>2</sup>

Secondly, we must interpret the so-called slavery in its relation to racial minorities. The word *ger*, usually translated 'alien', actually means a non-Israelite permanently living in Israel but not altogether incorporated into the theocracy. Lev. xxv, 47 seems to make a radical distinction between the *ger*, who may be enslaved, and the Israelite, who may not. On the other hand, Lev. xxv, 35, 40 explains the milder servitude of the Israelite precisely as a condition parallel to that of the *ger*. Now what was the status of the *ger* or racial minority?

#### NOMAD CODE OF SANCTUARY

'It is a principle alike in old and new Arabia that the guest is inviolable', writes Robertson Smith. 'Nay, it is enough to touch the tent-ropes, imploring protection. [According to a modern bedouin jurist:] The man whose tent-rope touches yours is your *jar*, and under your protection. *Timb* (tent-rope) is here equivalent to *jiran* [refuge]. If you can quietly approach an Arab and pitch by him thus, you are under his protection. . . . In certain cases in Arabia a man still seeks protection by drawing his own blood and wiping his gory hands on the door-post of the man whose favour he entreats.<sup>3</sup> Even though the sly intruder may have been personally odious to the head of the family he thus attaches himself to, every member of the tribe would be shamefully disgraced if they did not thenceforward protect or avenge him even at the cost of their life. Such refugees were frequently admitted by adoption into the tribe of their protector.

It is obvious that only deep *religious convictions* could account for the prevalence of such a Semitic usage, like our medieval 'sanctuary'.

<sup>1</sup> Immanuel Benzinger, *Hebräische Archäologie*<sup>1</sup> (Leipzig 1927) 130 on Exod. xxi, 20.

<sup>2</sup> I Chron. ii, 34; see Karl Fuchs, *Alttestamentliche Arbeitergesetzgebung* (Heidelberg 1935) 14; Eli Ginzberg, 'Studies in the Economics of the Bible', *Jewish Quarterly Review* 22 (1932) 347, note 7.

<sup>3</sup> William Robertson Smith, *Kinship and Marriage in Early Arabia*<sup>2</sup> (London 1907) 48, 61; compare 53.

In a Phoenician inscription, the word *ger* is used for a temple-attendant. 'One may flee for refuge to the god instead of to a human protector, but, just as with the human protector, he must become his servant. Hence there are many Phoenician proper names compounded of *ger*. Hence too the corresponding verb *gur* is used of the Levites' priestly service. Finally by this concept is explained the later manner of expression in the Psalms, of "dwelling" in the tent of Yahweh'.<sup>1</sup> In the Old Testament background, every alien was a refugee who had a specially sacred character in virtue of putting himself under the protection of Yahweh.<sup>2</sup>

Whereas in a democratic society the loss of liberty is an unmixed evil, in an unpoliced tribal society it was far less than the evil of being free. 'We must project ourselves', says Bertholet, 'into a situation in which the individual as such had as yet no public protection of the law; he found protection only as a member of a clan to which he belonged by nature. Freedom was lost to the slave, and he could be handled arbitrarily. But in its place, care was taken that he would get along in the temporary union into which he was received. He was not forced to go after his bread, but found it at his hand; and in this security consisted the bright side of his situation as compared with the poor, who from one day to another did not know where their daily bread was coming from.'<sup>3</sup>

Lev. xxv, 50 therefore says that the impoverished Israelite may be taken as a slave in the same sense that an alien refugee is granted sanctuary by Yahweh: a thoroughly honourable relation involving protection and support by the master and loyal filial helpfulness by the protégé. But then, what of Lev. xxv, 47, which says that the non-Israelite may be made a downright slave in a way that the Israelite may not? Brown calls this one of the few places in which the Old Testament discriminates against aliens.<sup>4</sup> Are we to say that this exception is so inconsistent with the strictly hospitable Old Testament policy that it must be an interpolation?

Now here is a strange thing. The jubilee law proposes in verses 35 and 39 two maxims safeguarding the impoverished Israelite, so similar in formulation that they look like alternative comments on the same

<sup>1</sup> Alfred Bertholet, *Die Stellung der Israeliten zu den Fremden* (Freiburg 1896) 50, citing Ps. 15H, 1; 61, 5; 5, 5. Compare Otto Procksch, *Theologie des Alten Testaments* (Gütersloh 1950) 684: 'the *ger* is under the special protection of God; an injury to him is a serious crime'.

<sup>2</sup> David Daube, *Studies in Biblical Law* (Cambridge 1947) 45 regards as a utopian fiction the concept that *God* will be redeemer for the poor and friendless; introduced because 'the seventh year and the jubilee seemed to be of little use to those who lacked the backing of a mighty house'.

<sup>3</sup> Alfred Bertholet, *Kulturgeschichte Israels* (Göttingen 1919) 119.

<sup>4</sup> Brown (-Driver-Briggs) *Hebrew Lexicon* (Boston 1928=1906) 158; so Isaac Mendelsohn, *Slavery in the Ancient Near East* (New York, Oxford, 1949) 90.

original phrase. One forbids slavery, but adds a codicil permitting this in the case of non-Israelites. The other forbids *usury*, and does *not* add a discrimination in the case of foreigners. Oddly though, its parallel passage in Deut. xxiii, 20 does: 'The alien thou shalt bite, but thy brother thou shalt not bite'. *Bite* is generally held to mean excessive usury as distinguished from the milder form *increase*; but if that is meant, how could it be permitted even in the case of foreigners? I think 'the bite' does not really mean interest or usury at all, but savagery, or rather *rigour*, 'the letter of the law' in pressing the payment of legitimate debts from inculpably straitened debtors. Such strict justice is tolerated in the case of strangers, but seems indecent when dealing with one's kith and kin.

As for the discrimination in the case of slavery, I suggest a quite different explanation. Prison-labour is sanctioned even in democracies in the case of either prisoners-of-war or criminals. Salomon has shown that the Hebrew jurists recognized these two legitimate sources of slavery.<sup>1</sup> (Incidentally, according to the Talmud, Exod xxii, 3 means that a thief is to be sold into slavery only when his sale-price is exactly equal to the amount he stole; not if either *more* or *less*; a typically Talmudic decision in which Shylock turns out to be more humane than Portia.) Note then that war-capture is certainly, whereas bankruptcy only doubtfully, a legitimate source of servitude. Now Lev. xxv, 45 distinguishes nicely, but unexpectedly, between aliens within Israel and aliens outside the territory. It was doubtless the practice after a victorious campaign, to bring back by way of indemnity or reparations, some healthy young men to do the onerous public works, and girls to be their wives. Lev. xxv, 44 points out that the offspring of such union may justly be sold in slavery to other families, since the same title of capture in war applies virtually to them. A scruple having arisen, Lev. xxv, 45 goes on to enunciate that the same principle is also valid regarding the indigenous population of Palestine, since they too were conquered in war at the moment of the Occupation.<sup>2</sup> Both these cases are envisioned in so far as they pertain rather to war than to bankruptcy as a cause of slavery, not in so far as they pertain to racial superiority.

<sup>1</sup> Robert Salomon, *L'esclavage en droit comparé juif et romain* (Paris 1931) 28. On page 10 he compares an interesting etymology of Florentinius: 'Servi ex eo appellati sunt quod imperatores captivos vendere ac per hoc servare nec occidere solent.' So W. B. Greene, 'The Ethics of the Old Testament', *Princeton Theological Review* 27 (1929) 347.

<sup>2</sup> Compare here the interesting theory of Mayer Sulzberger, *Status of Labor in Ancient Israel* (Philadelphia 1923) 16, to whom *gêr* means simply 'the indigenous Canaanite reduced to the status of propertyless manual laborer' as in III Kings ix, 20 and II Chron. viii, 7, 8, where Solomon enslaves the Amorites; p. 68 in Syria the workman is called 'amora (Levy, *Talmud-Wörterbuch*, Berlin 1924). I may add that in the Syriac Lev. xxv, 23ff 'amuru renders *gêr*.

## WOMEN AND CHILDREN IN SLAVERY

We conclude then regarding *labour* in biblical times that it was not a contract-by-the-hour between socially independent parties, but a more domestic arrangement by which the labourer became to a greater or less degree incorporated in the family of the employer. And now a strange paradox. Marriage itself was regarded as a form of hired labour. Two biblical institutions must be kept in mind, whose practice can still be observed among the Arabs of to-day: purchase and polygamy.<sup>1</sup> The purchase of the bride was generally made by the father of the youth. The polygamy sanctioned by the Old Testament was accompanied by a far greater reverence for the sacredness of the marriage-tie than in our quaintly 'monogamous' civilization. The term 'concubine' so frequently encountered is anomalous by our standards, since a man could legally have as many wives as he could pay for. The term designates rather certain *hereditary effects* of his union; the concubine was generally of an inferior social status, and not thought worthy of transmitting the family title.

Consequently there is nothing shocking in the assertion that whenever a man bought a female slave it was with the object of sexual intercourse; but neither is this as crass and promiscuous as it sounds. Numerous examples show that the biblical personages sincerely and devotedly loved a single woman as their true wife: Jacob (Gen. xxxiii, 2), Elkanah (I Sam. i, 5), Job. (ii, 9). But the father of a large family had also the responsibility of finding acceptable partners for his sons and servants. Youthful romance was not unknown, Gen. xxiv, 63; but the choice of bridal qualities by an experienced person without excess of boyish passion was the ordinary thing, Gen. xxiv, 14; Tob. iii, 13. An indulgent father knew that there was no surer way of making his favourite son happy than by providing a worthy abundance of well-favoured maidens from which to choose him a bride.

As a general rule the children of a slave woman (or 'concubine') did not have a right to share in the inheritance. If their father too was a slave, Exod. xxi, 5 had left them indefinitely in servitude and orphaned unless their father chose to remain enslaved for their sakes. Lev. xxv, 41, 54 however declares that they are to be released with him in the fiftieth year. These 'children', be it noted, are getting on to fifty years old by now. Neither they nor their father are exactly at the threshold of youthful vigour, although the grandchildren may be. Are the older folks going to start at this age looking about for the means of an independent livelihood—even with an ox and a wagon load of grain from the owner's barns as Deut. xv, 14 commends? Some more substantial

<sup>1</sup> Immanuel Benzinger, 'Marriage', in *Encyclopaedia Biblica* (London 1902) 3, 2943, 2947; L. Freund, 'Zur Geschichte des Ehegüterrechts bei den Semiten', *Sitzungsberichte Wien*, philosophisch-historisch 162-1 (1909) 20, 38.

stake seems to be required. If this slave-release is not to be ridiculous or downright cruel, it must bear some intrinsic relation to the problem of property. Thus we are brought to the second major phase of the jubilee-release law.

#### BIBLICAL OWNERSHIP THEORY

The distinctive feature of the jubilee is its property-restitution. This is found *only here*, whereas land-fallow, poor-relief, and emancipation are mentioned elsewhere in the laws. In the jubilee the dominant note is homecoming, and the incidental provisions which deal with property-return problems exceed in bulk other aspects of the jubilee. The ordinance itself is expressed rather obscurely. Only in two verses is it formally reduced to an explicit principle of land-ownership: 'And the land shall not be sold definitively, because Mine is the land; because ye are aliens and settlers with Me; therefore in all the land of your possession ye shall grant ransom for the land (Lev. xxv, 23-24).

It is at once evident that God's ownership of farmland is an expression verging on the metaphorical. Entirely apart from the metaphysical enigma that no reality is verified in God and man in univocally the same sense, there is a special anthropomorphism in representing God as a property-owner and a sort of tribal chieftain. First of all, Yahweh's ownership implies a certain exclusive nationalism. In the Bible, Yahweh is the lord of Canaan by right of conquest<sup>1</sup>. Without approving the notion that the tribal god of Israel was merely one among such tribal gods, he nevertheless encourages the chosen people to think of him as *their* God much as the other tribes thought of some spirit or animal as theirs:<sup>2</sup> Micah iv, 5, 'All nations shall march, each in the name of its god, and we shall march in the name of Yahweh, our God, for ever'. That the gentiles' conviction was stupid and erroneous, whereas Israel's was correct, could be deduced as a corollary from the victory of Yahweh's people over the others.

If in Lev. xxv, 23 Yahweh is referring to the land as his own quite literally and by right of conquest, does it follow that the land belongs to his worshippers, in whose company and in whose persons, as it were, he took victorious possession, and that all those are to be excluded from ownership of the land who do not submit to his (tribally-circumscribed) divinity? This view is to be rejected because it does not fit the context. The exclusive nationalism of Yahweh as Israel's God is just as well verified in a *few* Israelites holding title to all the land. It explains why the land should not be sold to *aliens* (which is not stipulated by Lev, xxv), but not why it should not be sold to Israelites in perpetuity.

<sup>1</sup> Henning Fredriksson, *Jahwe als Krieger* (Lund 1945) 10; Fritz Wilke, 'Sozialismus im hebräischen Altertum', in *Religion und Sozialismus* (Berlin 1921) 19.

<sup>2</sup> Franz X. Kortleitner, *De diis gentilium* (Innsbruck 1912) 68, 75, 84.

The next guess is socialism. If the land is taken over by 'Yahweh-in-his-people' considered as a sort of single unit, then it is claimed that the land is to be administered as the property of the tribe or community. Kirschner finds a vindication of State socialism. 'The land is God's property, i.e. withdrawn from private ownership to a supra-personal ethical sphere (in modern terms: nationalization, overall ownership by the populace).'<sup>1</sup> Although it is true that certain human institutions are in a special sense repositories of the divine voice in human affairs, *bonum quo communius eo divinius*; nevertheless there is a significant cynicism in the bald assertion that what was old-fashionedly called God's right is in the modern outlook called the State's right. We do not deny that Lev. xxv equates God's ownership with some human institution; but it insists primarily that God's ownership (in modern terms: *ordo rerum in finem supremum*) is *superior* to the claims of any human institution. That is social justice. Of course the State has a serious responsibility for guaranteeing, in so far as its intervention is necessary and proportioned, this social justice, 'free access of all to the land as natural source of prosperity'.<sup>2</sup>

The Bible is studied diligently in Moscow, by a professor named Lurje, to prove that it advocates Communism; and first of all that Communism is the primitive form of ownership acknowledged in the Bible. This is based on the community as a natural extension of the family. But a study of Village Communities by Maine, while admitting this link of origin, goes on to explain how, in biological wise, development was accompanied by *differentiation*. The lowest political unit in England was 'as elsewhere, formed of men bound together by a tie of kindred, in its first estate natural, in a later stage either of kindred natural or artificial (Freeman) . . . The world, in fact, contains examples of cultivating groups in every stage, from that in which they are actually bodies of kinsmen, to that in which the merest shadow of consanguinity survives and the assemblage of cultivators is held together solely by the land which they till in common. [Such ownership is not "common" as in India, in the sense that all the proceeds are flung together.] In the true Village Community, the village lands are no longer the collective property of the community; the arable lands have been divided between the various households; the pasture lands have been partially divided;

<sup>1</sup> Bruno Kirschner, 'Soziale Gesetzgebung der Juden in der Bibel' *Jüdisches Lexikon* (Berlin 1930) 4-2, 506; compare Franz E. Kübel, *Soziale und wirtschaftliche Gesetzgebung des Alten Testaments* (Wiesbaden 1870) 28.

<sup>2</sup> Adolf Damaschke, *Geschichte der Nationalökonomie*<sup>14</sup> (Jena 1929) 8.—S. R. Driver, *Deuteronomy* (Edinburgh 1902) 177 (following Wellhausen *Prolegomena*,<sup>15</sup> Berlin 1905, p. 113) speaks of the sabbath-year fallow as a 'relic of communistic agriculture', but understanding the term of any 'institution limiting the rights of individual ownership in the interests of the community at large'.

only the waste remains in common.<sup>1</sup> Common origin is seen here to be quite a different thing from common ownership. Towns there are aplenty in the Old Testament, and families as well, but the two terms are apparently as distinct in connotation as in our own civilization.

But what renders Lev xxv, 23 instantly untenable as a Communist manifesto is that the land is precisely said to be inalienable private property. As Salomon puts it, 'Just as the Communist demand is succinctly formulated "None shall have property", so the biblical formulation is "Everyone shall have property". Every man is to be his own master, free and joyfully working at his own task: whereas there in the Communist system everyone is the slave of society.'<sup>2</sup> Moreover, this property is extolled as an incentive to industrious energy: 'for if a man, through indolence or vice, was compelled to sell out his right in the land, he had no security of obtaining it again until the jubilee; that is to say, upon an average, during his working lifetime'.<sup>3</sup>

Yet Lurje is quite right in his basic (and may we say basically communistic) contention that Yahweh's purpose was to guard against the growth of unhealthy latifunds at the expense of a propertyless proletariat. How this process tended to be verified, he describes with a praiseworthy fidelity to biblical data: 'The small farmer had to get city-products either by exchanging them against his farm-products or by buying them. But the farmer could not support himself from his own crops, and had to borrow grain and money at high interest rates. Thereby rose necessarily debt-bondage. The whole property of the poor farmer, his land and soil, came into the hands of his creditor; and if this did not make ends meet, then he himself (with wife and child) became a bondsman. Not infrequently he was even sold into alien slavery'.<sup>4</sup> This grim picture, especially in its tracing of property-loss and slavery to debt as a common source, corresponds not only to the forebodings clearly underlying Lev. xxv, but to their fulfilment proclaimed by the prophets, Isaiah v, 8; Micah ii, 2; Amos v, 11; ix, 5.

#### CLERGY MANŒUVRES SUSPECTED

In Lev. xxvii, 17-24, the jubilee is applied to the obvious advantage of clerical holdings; Lev. xxv itself gives an unexpected and conspicuous prominence to the Levites; and Ezekiel xlvi, 18, one of the few biblical passages which even hint at the jubilee, assigns to the sanctuary a lion's

<sup>1</sup> Henry S. Maine, *Lectures on the Early History of Institutions* (London 1875) 78, 81.

<sup>2</sup> Kurt Salomon, *Die Lösung des sozialen Problems: die Bibel* (Breslau 1931) 45; Norbert Peters, *Die soziale Fürsorge im Alten Testament* (Paderborn 1936) 34.

<sup>3</sup> S. H. Kellogg, *Leviticus* (Expositor's Bible, London 1891) 507.

<sup>4</sup> M. Lurje, *Studien zur Geschichte der wirtschaftlichen und sozialen Verhältnisse im israelitischen-jüdischen Reiche*, Beihefte zur Zeitschrift für alttestamentliche Wissenschaft 45 (Giessen 1927) 49.

share in the prophet's model city. Moreover, in Egypt, Babylonia, and Sinai, a mammoth share in the ownership of property became progressively attached to the shrines. Hence another Russian, Nicolskij, wrote a book to prove that the jubilee law was in part an invention of the clergy in the time of Esdras to reduce property-ownership to their exclusive prerogative.<sup>1</sup>

It is not in place to discuss here the vast question of the origin of the Levite clergy and their exact relationship to the priesthood, but it may be observed that Deut. xiv, 29 shows them as truly poor and mendicant. It was they who practised for divine worship a form of limited Communism. Their example stimulated the remainder of the population to that God-fearing detachment which alone can conciliate private ownership with the claims of social justice. It is a possibility to be reckoned with, that Lev. xxv, 32 and xxvii, 17 are insertions from a later era in which the Levites had become wealthy, and perhaps thereby lost some of their influence for serving as a common bond to link the leaders and the proletariat.

A theory no less sensational than Nicolskij's is that of Weber, who makes out that property-ownership belongs to the Army, and the jubilee is a form of providing recruits for military service. His basic contention, proved from medieval feudal usage, is that the Army is a form of nobility; only the free-born, property-owning citizen is capable and worthy of caparisoning himself to defend his liege on the field of honour. '*Inheritance* is by no means of agrarian-communistic origin, or even clan-based, but of military origin; wherever the Army was founded on the self-arming of the free landowner, land-possession was a function of national defence.'<sup>2</sup>

Weber's disciple Menes echoes his master's voice. To him the slave-release was intended as a necessary preliminary to the popular assembly for the revision of the Mosaic law. He sees such an assembly implied in the 'public reading' of the law prescribed by Moses.<sup>3</sup> But I ask you if you could imagine five verbs more singularly inept to express the deliberations of a democratic legislative assembly than those used in Deut. xxxi, 12: 'fear, learn, hear, observe, and act.' I am reminded of a joke heard recently on the wireless, which also brought home to me how your generation has succeeded in mollifying anti-Catholic feeling in England. The announcer of a programme from Rugby mentioned

<sup>1</sup> N. M. Nicolskij, *Die Entstehung des Jubeljahres* (Minsk) in Russian; reviewed in *Zeitschrift für alttestamentliche Wissenschaft* 50 (1932) 216.

<sup>2</sup> Max Weber, *Wirtschaftsethik der Weltreligionen* 3, *Das antike Judentum* (Tübingen 1921) 79-80.

<sup>3</sup> Abram Menes, *Die vorexilischen Gesetze Israels*, Beihefte zur ZAW 50 (Giessen 1928) 82.—Others stress this sabbath-year review of the Torah as an educational opportunity; so Moses Levene, *Realistic Socialism of the Mosaic Law* (London 1938) 24.

that that celebrated town was formerly known as Rugby near Dunsmore, famed for its connection with Guy Fawkes, 'the only known example of a person who went to Parliament intending to get something done'.

In evaluating the metaphor of property-ownership by God, it is imperative to give due weight to two distinctively biblical institutions regulating property. One of these is the levirate marriage law. The other is ransom; but *ge'ullah* means much more than ransom. It is the obligation of a wealthier kinsman to redeem property in danger of being lost to the family. It is disputed whether he keeps the property himself or leaves it with his poor kinsman; the main thing is that it must remain in the family.<sup>1</sup> The relationship between a family and its property is portrayed in the Bible as a kind of transcendental thing, independent of personal vicissitudes. This is at the basis of Genesis xxiii, 8, where the *tribe* must agree to a sale of land by one of its members before the transaction is considered valid; Musil adds examples of similar modern practice. Ginzberg interestingly mentions the case of modern Arabs to whom the sale of their land was an outright impossibility because the graves of their ancestors were involved<sup>2</sup>; compare II Samuel xix, 37. This *filial piety* is indeed a strong and sacred link with the soil, even after it is thoroughly purified of animistic superstition. Says Naboth III Kings xxi, 3, 'Before Yahweh, far be it from me to sell or trade the inheritance of my fathers to thee'. The Levirate obligation of Deut. xxv, 5 and probably of Ruth iii, 13 was like the *ge'ullah*, to secure permanence of property within the family.<sup>3</sup>

We conclude then that the proximate vehicle of divine ownership intended in Leviticus was the family.<sup>4</sup> The jubilee law was basically an enunciation of 'Thou shalt not covet thy neighbour's house'. Family ownership was to be safeguarded by the restoration of all alienated property to its original owners at the end of fifty years. How this principle could have been executed without economic catastrophe must now be explained.

<sup>1</sup> Frants Buhl, 'Some Observations on the Social Institutions of the Israelites', *American Journal of Theology* 1 (1897) 738; *Die sozialen Verhältnisse der Israeliten* (Berlin 1899) 62, 113; Johannes Pedersen, *Israel, its Life and Culture* (London 1920) 1. 84, 88, 392.

<sup>2</sup> Alois Musil, *Arabia Petraea* (Vienna 1908) 3, 293; Ginzberg, 'Economics of the Bible', *Jewish Quarterly Review* 22 (1932) 370, 373.

<sup>3</sup> Millar Burrows, 'The Ancient Oriental Background of Hebrew Levirate Marriage', *Bulletin of the American Schools of Oriental Research* 77 (1940) 5, 15; 'Levirate Marriage in Israel', *Journal of Biblical Literature* 59 (1940) 23-33; Paul Koschaker, 'Die Eheformen bei den Indogermanen', *Kongress für Rechtsvergleichung* 2 (Hague 1937) 101-07; Emanuel Ring, *Israels Rechtsleben im Lichte der neuentdeckten assyrischen und hethitischen Gesetzesurkunden* (Stockholm 1926) 48; Thaddeus Engert, *Ehe=und Familienrecht der Hebräer* (Munich 1905) 82.

<sup>4</sup> Hans Schmidt, *Das Bodenrecht im Verfassungsentwurf des Esra* (Halle 1932) 13.

In every society, the consequence of indolence or unavoidable misfortune is *debt*, with the successive steps of usury, mortgage, and bankruptcy. Of usury I have mentioned that the Old Testament prohibition has been exaggerated by the meaning attached to the term 'bite'. Unless some substitute is provided, the wholesale prohibition of lending at interest could be a cruel restriction, since it practically closes off the access of the unfortunate to the capital needed for putting them on their feet again. The *risk* involved in moneylending, plus the inconvenience of dunning and keeping accounts, is so great that where neither special personal affection nor the profit-motive intervenes, all holders of capital would inculcate Polonius' advice 'Neither a borrower nor a lender be'.

Light on the problem is shed by recent researches proving that Israel's neighbours had quite a different concept of *mortgage* from our own.<sup>1</sup> As you know, 'mort' gage means a dead pledge, because it does not take effect unless and until the loan remains unpaid upon falling due. To the ancient Semites, the loan was made with a *live* pledge, in the double sense that it was apt to be a person rather than a thing, and that it was delivered up for the creditor's use *immediately*, and not upon expiration of the loan. It is at once obvious that we have here a satisfactory equivalent for usury, since a cash value attaches to the services of the pledge, who was either the debtor himself or his son or slave.

This new understanding of the mortgage, or rather live-gage, solves also another thorny problem of Old Testament economics, the *semitâh* or suspension of debts every seventh year. Jewish authorities could never agree whether this meant that the debts were to be forgiven outright, in which case they might just as well have been called a charity-gift from the start; or whether they were merely postponed a year, which amounts to a meaningless formula if there was no interest to be paid in any case. We now see the suspension means the release of the *pledge* during the seventh year.<sup>2</sup> Thus this prescription turns out to be identical with the seventh-year release of so-called slaves.

But what if the debt was so great that the creditor would not have been sufficiently reimbursed in so short a time? That is precisely where the jubilee law comes in. It begins by indicating that the creditor is not entitled to the harvest in the sabbath year, but it is to belong to the poor, which I interpret to mean primarily the poor serf who now works

<sup>1</sup> H. M. Weil, 'Gage et Cautionnement dans la Bible', *Archives d'Histoire du Droit Oriental* 2 (1938) 1-70 (making the pledge deliverable at some time *after* the moment of loan); Paul Koschaker, '... Eigentums- und Pfandbegriff nach griechischem und orientalischem Rechten', *Abhandlungen der sächsischen Akademie der Wissenschaften* 42 (1931) 107-108; compare 39 (1928) 'Neue keilschriftliche Rechtsurkunden aus der El-Amarnazeit'; Max Weber, 'Agrarverhältnisse im Altertum', *Gesammelte Aufsätze* (Tubingen 1924) 87.

<sup>2</sup> Menes, *Vorexilischen Gesetze Israels*, Beihefte ZAW 50 (1928) 81.

as a bondman the property which used to be his own. In this seventh year he is independent; if he continues to work for the same master, he will be earning money on his own account. If it is not enough to pay off his debt, then he must go back to another six-year round of indenture.<sup>1</sup>

But in no case is this process to continue beyond the seventh *semitâh*. In that fiftieth year, every servitude is to be definitively terminated. That means, every debt is to be cancelled, every pledge restored; property and personal liberty go together, and in his old age the poor toiler will have the satisfaction of passing on to his now-grown sons a clear title to the family property.<sup>2</sup> Naturally this economic regulation was to be applied in the seventh and fiftieth year of each particular case. A broad comprehensive view of the whole biblical treatment of the subject shows that it is impossible to regard the jubilee as a universal simultaneous calendar year, at least originally; the very few phrases of the text which seem to postulate this, must be taken as a posterior interpretation.<sup>3</sup>

From one point of view this purely economic analysis of the jubilee may have seemed to you distressingly materialistic. Yet on second look you will note that the old biblical economics is intensely theological. God's eminent domain is made the foundation of a social justice which safeguards private property and the incentive to thrift, in a framework of the liturgical and charitable sabbath year. No less obvious is the messianic typology.<sup>4</sup> It is *par excellence* the Christian who, enslaved and impoverished by sin, is liberated with the help of his kinsman-redeemer, inchoatively by grace and definitively in the eternal jubilee. Among the moments of that redemptive process, we may justly allow a very singular place to the Christian jubilee<sup>5</sup> which in this very year is extended from the Holy Father's throne to the whole Christian world. As an extraordinary release from sin and guilt, the Roman Holy Year

<sup>1</sup> By his success in this seventh year could be judged also the worker's *fitness* for independent life; the legislator was *safeguarding* him from premature release, according to Franz X. Kugler, *Von Moses bis Paulus* (Münster 1922) 51; Knobel-Dillmann, *Leviticus*<sup>3</sup> (Leipzig 1880) 616; Arthur S. Peake, *Brotherhood in the Old Testament* (London 1923) 56.

<sup>2</sup> Bernardus D. Eerdmans, *Alttestamentliche Studien 4. Das Buch Leviticus* (Giessen 1912) 129.

<sup>3</sup> Such an interpretation may well have been influenced by a prevailing septennial reapportionment of farming-plots such as was found in Palestine under the Turkish régime: F. A. Klein, 'Mittheilungen über . . . Gebräuche der Fellachen in Palästina, *Zeitschrift des deutschen Palästina-Vereins* 4 (1881) 70; Samuel Bergheim, 'Land Tenure in Palestine,' *Palestine Exploration Quarterly* 22 (1894) 195; John Fenton, 'The Primitive Hebrew Land Tenure' (London) *Theological Review* 14 (1877) 502.

<sup>4</sup> François-Marie Lemoine, 'Jubilé dans la Bible,' *Vie Spirituelle* 81 (1949) 281, 283, argues solidly but not conclusively that the jubilee "law" was intended not economically but as a symbolic prophecy.

<sup>5</sup> Peter Schmalzl, *Das Jubeljahr bei den alten Hebräern* (Eichstätt 1889) 92f.

has been a force to raise men's hearts from material absorptions. Thus it has contributed to that detachment and Christian brotherhood which beyond any sociology or socialism must be counted upon to redistribute the goods of the land in accord with social justice.

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## OLD TESTAMENT PROPHECY AND MESSIAS PROPHECIES

THE average student of Theology is unconsciously led to identify prophecy with prediction and to associate the O.T. prophecies with the Messias. The prophets of the O.T. are regarded as the announcers of the Messias, and their prophecies as the predictions of the Messias, his person, his mission and his times. This is, to some extent, due to the theological studies of our younger years when we are taught that prophecy is the prediction of future events and that the O.T. prophecies fulfilled in N.T. times are a strong argument for the Christological doctrine of the N.T.

This, however, is only a part of the truth and can give rise to a misconception of the nature of O.T. prophecy and its Messianic import. The exact definition or description of the function of a prophet is given in Exodus, vii, 1 supplemented by Exodus iv, 15f. In Exodus vii, 1 God said to Moses: 'Behold I have appointed thee the God of Pharaoh: and Aaron, thy brother, shall be thy prophet'. In what manner Aaron was to be Moses' prophet is explained in Exodus iv, 15f, where God says to Moses: 'Speak to him (Aaron) and put my words in his mouth: and I will be in thy mouth and in his mouth, and will shew you what you must do. He shall speak in thy stead to the people, and shall be thy mouth; but thou shalt be to him in those things that pertain to God.' The last words are a paraphrastic rendering of Hebrew, 'thou shalt be to him as God'. From these two passages it appears clearly that the word *nabi* 'prophet,' whatever its etymology and original meaning, is used in the sense of 'spokesman'. Aaron was to be Moses' spokesman in the same way as Moses was God's. The same definition or description is given in Deut. xviii, 18: 'I will raise them up a prophet . . . and I will put my words in his mouth, and he shall speak to them all that I shall command him'. In all these passages the prophetic function is not restricted to any sphere of time; the prophet has simply to communicate God's message to men whether it refers to the past or to the