LAND UTILISATION AND WELFARE OF FARMERS IN SABBATICAL LEGISLATION OF THE BOOK OF LEVITICUS

 \mathbf{BY}

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A Thesis in the Department of Religious Studies,
Submitted to the Faculty of Arts
In Partial Fulfilment of the Requirements for the
Award of the Degree of

DOCTOR OF PHILOSOPHY

OF THE

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CERTIFICATION

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DEDICATION

This work is dedicated, first, to Him, the God of the heavens and the earth, who has made all things beautiful in His own time. Praise, honour, dominion, power, majesty and adoration be to the name of the LORD who rules over all things forever.

It is dedicated, secondly, to the evergreen memory of my beloved sister and confidant, Aderonke Olubusola Odukogbe Olukotun (Sept. 15, 1966 – March 23, 2014) for her blessedness, peaceful disposition, being a big encourager and her timely interventions when it mattered most. I will not forget "Iya Pamilerin" in a hurry.

And thirdly, dedicated also to my wife Elizabeth Taiwo Odukogbe, my children Oloruntoba and Oluwatobiloba for their endurance and understanding, and to my wonderful parents – Chief Simeon Oni Odukogbe and Mrs. Margaret Idowu Odukogbe for their patience.

ACKNOWLEDGEMENTS

It is a good thing to give thanks to the Lord, for He is worthy of my praise for his faithfulness, goodness and mercy, daily loading us with His benefits. May His name be praised forever. Words are inadequate to express my heartfelt gratitude to my three-time Supervisor, Dr. A.O. Dada, for his immense contributions to this work and his generosity, patience, tolerance and kindheartedness. As earlier emphasized in my BA and MA essays, he is indeed a man with superior vision. Along in that category to be given special mention is my teacher, encourager and mentor, late Revd. Dr. Gabriel Adebandele Oshitelu who started teaching me in HSC way back 1982 at Ijebu-Ode.

I do appreciate very sincerely all those who taught me both at undergraduate and graduate levels – both at the Department of Religious Studies and Department of Classics, University of Ibadan, Ibadan – Prof. D.I. Ayegboyin (Head, Department of Religious Studies), Prof. Oyin Abogunrin, Prof. M.Y. Nabofa, Prof. A. Dzurgba, Rt. Revd. Prof. J.O. Akao, Dr. Sola Olukunle, late Prof. Dorcas Akintunde, Prof. Oguntoyinbo-Atere, Dr. J.K. Ayantayo, Revd. Dr. S.A. Fatokun, Revd. Dr. A.O. Dada, Revd. Dr. G.N. Toryough, Dr. H.O. Labeodan, Ven. Dr. J.S. Adekoya, Rt. Revd. O.O. Obijole, Revd. Dr. P.A. Oguntoye, Very Revd. Dr. C.O. Jegede, and High Chief S.K. Olajide. Others who made learning easy for us include Dr. O.O. Familusi, Ven. Dr. S.M. Mepayeda and Dr. Olaleye. For their love and support, I greet especially all my lecturers and friends in the Department of Classics – Prof. Folake Onayemi, Dr. Olakunbi Olasope, Dr. Tosin Adekanmbi, Dr. E.F. Taiwo, Dr. Goke Akinboye, Dr. Idowu Alade, Dr. Bosede Adebowale, and H.N. Henry. Others in the Faculty of Arts include Prof. O.C. Adesina, Dr. R.O. Olaniyi (Subdean, PG), Dr. Tunde Awosanmi (Head, Department of Theatre Arts) and my childhood friend Dr. Tolu Owoaje of the Department of Music.

I also acknowledge gratefully the immense contributions of my lecturers at Harvard University School of Divinity, Cambridge Massachusetts, USA to my scholarship. Permit me to begin with my uncle, Professor Jacob Kehinde Olupona who was always there for me through thick and thin. Others include Prof. Paul Hanson, Prof. Jo Hackett, Prof. Peter Machinist, Prof. Peter Paris, Prof. David Coogan, Prof. David Little, Prof. Preston Williams, and Revd. Fr. Prof. Richard Hier of the Harvard Kennedy School of Government.

Let me sincerely appreciate my father in God, the Most Revd. (Dr.) J.O. Akinfenwa (and Mama Ibadan, Mrs. C.O. Akinfenwa) – Anglican bishop of Ibadan, who gave approval and also sponsored this programme. I recognize the various roles played by the following fathers in God and senior colleagues: Rt. Revd. Oluranti Odubogun, Rt. Revd. S.O. Egbebunmi, Rt. Revd. E. Ayo Awosoga, Rt. Revd. Prof. E.J. Ibeagha, Rt. Revd. E.O. Adekunle, Ven. B.F. Iyiola, Ven. Dr. & Prof. Wole Ogunseinde, Ven. Dr. 'Sode Olagbaju, Ven. (Engr.) B.B.O. Obaweya, Revd. Canon Dr. Arc. Yinka Gbotosho, Revd. Dr. Olaleye to mention but a few.

I am greatly indebted to quite a number of other people too numerous to mention here, whom God has used for me before and in the course of this programme, for their encouragement, and for financial and prayerful support all the time. Notable among them are Messrs. Sina Bamgbose, Hon. Justice Hellen Ogunwumiju JCA, (Chancellor, Diocese of Ibadan), Hon. Justice Lanre Onafowokan, Chief 'Bolaji Ayorinde SAN, E.O. Aje, Seye Alabi, Bola Ogunkoya, Akin Idowu, 'Grandpa' Wale Jolaoso, Engr. & Mrs. T.A. Fadeyi, Barrister & Mrs. Tunde Olupona, the late Oduntans, Dr. Ayo Onakoya. Worthy of mention are my siblings, Mrs. Nike Ayegbusi, Taye and Kehinde Odukogbe for being there at my beck and call for help. Lastly, I salute my dear wife for her care and concern all the time and for being up to the task when I was on the field. I am indeed very grateful.

It is good to testify again in humility to the favour and faithfulness of God, who has created us not better than others, but who, through His infinite mercy, enabled and endowed us with the wisdom and grace to metamorphose from a 'nobody' into 'somebody'. There is none like our God!

Israel O. Odukogbe *September*, 2014

ABSTRACT

Sabbatical legislation in the book of Leviticus is a set of land laws capable of promoting agricultural productivity and the welfare of the people. Previous studies on Sabbatical legislation in Leviticus have focused on land acquisition and distribution, neglecting various mistranslations that led to their misinterpretations. This anomaly changed the understanding of the concept of rest, which originally applied more to the human agentive utilisation and welfare agenda in ancient Israel. This study, therefore, re-interpreted Sabbatical legislation with particular reference to land utilisation and rest, agricultural productivity, and welfare of farmers, with a view to restoring a holistic and culture-bound translation.

This study adopted Christopher Wright's Biblical Ecological theory, which holds that there is a link between proper land utilisation and the welfare of the people. The historical-critical method represented by Graf Wellhausen's Documentary hypothesis was employed to locate the progression, composition and transformation of Leviticus 25:1-7, the purposively selected text. Three documents from Food and Agriculture Organisation and extra-canonical texts, including the *Mishna*, *Talmud* and *Nitzana scrolls*, were consulted. Data were subjected to exegetical and descriptive analyses.

Sabbatical legislation in ancient Israel has three main components, namely, land use, agricultural productivity and farmers' welfare. For the limited arable land mass, suffering from an unpredictable pattern of rainfall and drought and negatively affecting farmers' welfare, it was legislated in Leviticus 25:2 that land should rest (*shabbat 'eretz*). Leviticus 25:3-4 also commanded that when land is left fallow every seventh year of cultivation and harvesting, it would be replenished and agricultural produce would be boosted. Leviticus 25:5-7 instructed abstentions from work as a result of rest for land which has positive ripple effects on man's physical and mental health thereby enhancing the holistic well-being of farmers. However, there was a certain omission in the earlier version by an exilic redactor who removed "in" from the phrase "you, (man) in the land shall observe (*shabat*) rest (*Shabbat*)". This error has obscured the original motive of the Sabbatical legislation by modifying verses 2, 4 and 5, which make "the land" '*eretz* the subject of rest instead of an indirect object "in the land" '*be'eretz*-, thereby changing a social welfare measure for farmers

to providing shabbathon 'eretz shabat rest for the land. This modification might have been overlooked by earlier redactors who did not envisage the consequences on an agrarian community. Land was the focus of the prevailing interpretation while man became a secondary agent, which has contributed to the poor understanding of the legislation. When man replaces land as the subject of a new interpretation, the legislation will be given a better meaning and powerful people with assets and position may be restrained from exploiting and oppressing landless farmers. The importance of the new interpretation for land utilisation, agricultural productivity and farmers' welfare shows man, not land, as the main focus and interpreter.

The reinterpretation of Sabbatical legislation in ancient Israel showed man as the primary focus of the concept. Future biblical revisions should restore the preferred translation of the text.

Book of Leviticus, Sabbatical legislation, Ancient Israel, Land use, Welfare **Key words:** of farmers.

Word count: 499

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EXPLANATION OF SIGLA

CC - Covenant Code (Exodus 21-23)

- Chronicler's History = 1-2 Chronicles, Ezra, Nehemiah (w/o prejudice as to authorship)

Chrı - Chronicler, responsible for compiling the 1st edition of CH, as developed by Freedman and Cross

Chr2 - 2nd Chronicler, responsible for the 2nd edition of CH, as developed by Freeman and Cross

D, Dtn - Deuteronomic Source (core of Deut. = Deut. 12:1-26:15 as developed by Friedman)

DH - Deuteronomistic History (Joshua-Kings)

DSS - Dead Sea Scrolls

Dtr_{1,2} -Deuteronomist, responsible for compiling the Deuteronomistic History (1st & 2nd editions)

E - Elohistic Source

H - Holiness Code / Document (Leviticus 18-26) or its author

Ham - Code of Hammurabi

HR - HS redactor of Pentateuch as defined by Milgrom (2000b, 2001, 2004)

HS - Holiness School

J - Yahwistic Source as defined by Friedman (1998)

J/E - Combined Yahwistic/Elohistic epic history of Israel

LXX - Septuagint

MT - Masoretic Text

P - Priestly Source or its author as defined in various ways by various scholars

PH - Primary History, as defined by Freedman (1975, 1991, 1997, 2000, 2004) =Gen-2 Kings

Phs - Priestly Document as redacted and edited by the Holiness School ca. 700 B.C.E.

PT - Priestly Torah as defined by Knohl (1995), pre-redactive priestly materials

R - Pentateuchal Redactor, as defined by Friedman (1987, 1992, 2003)

RJBL - Proposed Jubilee Redactor of the Pentateuch, ca. 538 B.C.E.

BIBLIOGRAPHIC ABBREVIATIONS

ABD - Anchor Bible Dictionary, ed. D.N. Friedman (New York: Doubleday, 1992)

ABRL - Anchor Bible Research Library (New York: Doubleday)

ANET - Ancient Near Eastern Texts, ed. J.B. Pritchard (Princeton: Princeton University Press)

AOAT - Alter Orient und Altes Testament

AOS - American Oriental Series

ASOR - American Schools of Oriental Research

ASTI - Annual of the Swedish Theological Institute

BASOR - Bulletin of the American Schools of Oriental Research

BDB - Brown, Driver and Briggs. Hebrew and English Lexicon of the OT

BHS - Biblia Hebraica Stuttgartensia

BZAW - Beihefte zur Zeitschrift fur die alttestamentliche Wissenschaft

CBQ - *Catholic Biblical Quarterly*

Erlsr - Eretz - Israel

HTR - Harvard Theological Review

HTS - Harvard Theological Studies

IDB - *Interpreter's Dictionary of the Bible*, ed. G. Buttrick (Nashville: Abingdon, 1962)

IEJ - Israel Exploration Journal

JBL - Journal of biblical Literature

JNES - Journal of Near Eastern Studies

JPS - Jewish Publication Society

JOR - Jewish Quarterly Review

JSOT - Journal for the Study of the Old Testament (Sheffield)

JSOTSup – Journal for the Study of the Old Testament Supplemental Series (Sheffield)

JSS - Jewish Semitic Studies

JTS - Journal of Theological Studies

Lev I - Leviticus 1-16, J. Milgrom. Anchor Bible, vol. 3 (New York: Doubleday, 1991)

Lev II - Leviticus 17-22, J. Milgrom. Anchor Bible, vol. 3A (New York: Doubleday, 2000)

Lev III - Leviticus 23-27, J. Milgrom. Anchor Bible, vol. 3B (New York: Doubleday, 2001)

NovT - *Novum Testamentum*

OTL - Old Testament Library

SBLDS - Society of Biblical Literature Dissertation Series (Scholars Press)

SBLSP - Society for Biblical Literature Seminar Papers (Scholars Press)

VT - Vetus Testamentum

WMANT - Wissenschaftliche Monografen zum Alten und Neuen Testament

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CHAPTER ONE

GENERAL INTRODUCTION

1.1 Background to the Study

At the beginning of this new millennium, many of the Judeo-Christian tradition and others have been using the language of the Sabbath, derived from the text of Leviticus 25:1-7. Among their primary concerns are the ecological crises, which are already causing enormous damage and may well cause the collapse of the biosphere within the next 100 years, if major corrective measures are not taken immediately. Secondly, the global economic order accelerates the concentration of wealth in the northern hemisphere and the deepening of poverty in the third world countries. It also limits the employment possibilities of hundreds of millions to slave-like roles, excluding even more millions from paid employment and benefits, and imposing domination through a system of external and internal national debts that are largely difficult to pay.

These two interrelated spheres of concern threaten so many lives right now as well as the lives of our children and grandchildren in the coming years. But current trends seem to indicate that nothing is likely to change these trends before it is too late. According to Lynn White Jr. in his popular article, "The Historical Roots of our Ecological Crisis", modern science is an extrapolation of Christian natural theology, which realizes man's transcendence of, and mastery over, nature. He insists that the Christian axiom can only mean that nature exists ordinarily to serve man. However, White's views have attracted considerable criticisms from historians and biblical scholars alike, who maintain that the relevant Judeo-Christian scriptures do not sustain the interpretation placed on them. In his interpretation, Barr differentiated the Hebrew terms "have dominion" and "subdue" which Lloyd Steffen also defines as "the idea of just and peaceful governance".

¹ Lynn White, 1967. "The Historical Roots of our Ecological Crisis," *Science*, 1203-1207.

² John Passmore, 1974. *Man's Responsibility*, London: Duckworth, 1.

³ James Barr, 1972. "The Ecological Controversy and the Old Testament," *Bulletin of John Rylands Library*, 55.

⁴ Lloyd H. Steffen, 1992. "In Defence of Dominion", *Environmental Ethics*, 14, 63-80.

It is clear that the dominion mandate has had a rough ride through history. Its misinterpretation has both legitimised 'playing fast and loose' with the environment and provoked trenchant criticisms of Christianity's environmental record, as mentioned above. Nevertheless, correctly interpreted and alongside its counterpart in Genesis 2:15, it has provided the basis for the idea of stewardship of creation, an environmental ethic that has gained wide acceptance, both among Christians and more widely.⁵

Stewardship emphasises care and responsibility and seeks to counter utilitarian attitudes to, and aggressive domination of, non-human creation. Stewardship, however, may only tell part of the story, particularly in relation to the present situation in agriculture, which calls not only for care, but also for restraint, and for approaches that reconcile the needs of people and the earth. A complement to stewardship is found in the biblical Sabbath. By emphasising restraint, the Sabbath challenges the fundamental *modus operandi* of modern agriculture, in its environmental, economic and social dimensions, and offers a radical ethic to guide environmental decision-making and to tackle the wider considerations confronting farming and the global food system.

The Bible does not proscribe economic growth, but it does prescribe measures to limit its growth at the costs of injustice, oppression,⁶ ill-treatment of domestic livestock and over-exploitation of the land. Economic growth, through exchange and trade and through agricultural production from the land, is intended to be subordinate to the principles of love of neighbour⁷ and care for the earth. This principle of restraint, on the use of land, livestock and labour, on the concentration of wealth, and

⁵ R. Bauckham, 2002. *God and the Crisis of Freedom: Biblical and Contemporary Perspectives*. Westminster John Knox Press, London and Louisville; R.J. Berry, 1999. "A Christian Approach to the Environment." *Transformation 16*, 73–74.

⁶ C.J.H. Wright, 1983. *Living as the People of God: The Relevance of Old Testament Ethics*. Inter-Varsity Press: Leicester, 88.

⁷ The Old Testament (agricultural) economy shows a special concern for the vulnerable and the poor. Laws of tithing (Deuteronomy 14:28–29) and gleaning (Deuteronomy 24:19–22), for example, make provision for those without assets, protection or power (i.e. strangers, widows, orphans) — those who have no standing ground in the community (Brueggemann, 1977). The prophetic vision of Isaiah 61:1, the passage chosen by Jesus Himself to announce His ministry (Luke 4:18-19), sees the year of the Lord's favour as being marked by the 'binding up of the broken hearted' and the 'freeing of the oppressed'.

on expansionism, can be discerned in many biblical themes and writings,⁸ but it is most forcefully conveyed through the Sabbath.

The Sabbath day was instituted as a day of rest not only for people, but also for livestock (Exodus 20:8–11). Essentially, the (legitimate) work (i.e. of tending the land) of six days of the week was to cease on the seventh, reflecting the pattern of God's own work of creation. The Sabbath day anticipated the Sabbath year, a year for freeing slaves (Exodus 21:1–11), cancelling debts (Deuteronomy 15:1–11) and resting the land itself (Leviticus 25:1–7). The Sabbath year anticipated the Jubilee (Leviticus 25:8–55), a Sabbath of Sabbaths, in which, in addition to all the provisions of the Sabbath year, 'each was to return to his property and each to his family'. The Jubilee emphasised the inalienability of family land (see 1 Kings 21:3), and, in effect, placed strict limits on the growth of private wealth. As land could not be sold permanently, amassing huge private estates was technically impossible.

Sabbath day, Sabbath year and Jubilee, also point beyond themselves to the Messianic age, to the releasing of the oppressed, to God's justice and righteousness in everything, to freedom for the land, to the liberation of creation. It was with the announcement of this "messianic Sabbath" that Jesus began his public ministry (Luke 4:18). The Sabbath both looks back to the rest of creation and looks forward to its redemption. Yet the temptation for landed people, those with assets, position and power, those who control the means of production, is to create a Sabbathless society 'in which land is never rested, debts are never cancelled, slaves are never released, nothing is changed from the way it now is and has always been'. 11

The Sabbath legislation is generally concerned with basic ecological and

⁸ For example, the taking of interest in loans was prohibited between Israelites (Exodus 22:25, Leviticus 25:36, Deuteronomy, 23:19); there was strict control on what could be taken as pledges in security for loans and how (e.g. Exodus 22:26; Deuteronomy 24:6, 10), the moving of boundary stones that marked out family land was strictly proscribed (Deuteronomy 19:14) (see Wright 1983, p. 83–84). Standards for the care of domestic animals are emphasised by commandments not to 'plough with an ox and an ass together' (Deuteronomy 22:10) or 'muzzle an ox when it treads out the grain' (Deuteronomy 25:10), as well as the inclusion of livestock in the keeping and blessing of the Sabbath (Exodus 20:8–11). 'Regard for the life of his beast' is a mark of a righteous man (Proverbs 12:10).

⁹ C.J.H. Wright, 1983. Living as the people of God. The Relevance of Old Testament Ethics.

¹⁰ J. Moltmann, 1985. *God in Creation. An Ecological Doctrine of Creation*. SCM Press: London 291.

¹¹ W. Brueggemann, 1977. *The Land*. Fortress Press: Philadelphia, 65.

economic realities — the care for the land and those who work the land, debts, slavery, and the distribution of the land. In Nigeria, the care for land and those who work it has become critical to human existence, which also calls for some attention. Given this background, scriptural approaches to the problem seems suitable and meet in order to situate an in-road where popular biblical texts are re-interpreted in consonance with the individual intelligence within the ambits of socio-cultural setting.

1.2 Statement of the Problem

The final biblical redactors found it appropriate to order the biblical material so as to begin with the two creation stories, one of which ended with God resting on the seventh day after commanding Man to "fill the earth and subdue it" and to "have dominion..." (Gen.1:28b, 2:2). Sabbath legislation is found running through the Bible, connoting the observation of rest as a sign of obedience and holiness to YHWH, God of Israel (Ex. 20:8; 16:21-31; 31:13-17; Lev. 19:3; 25:2-5; Deut. 5:12). In all of these, the common language is "to desist" or "cease" from working the seventh after every six days of labour. It is in fact suggested that this language is deliberately strong in order that man may learn the necessity of regarding the Sabbath as meant for rest and to be refreshed.¹²

Like Adam, many of his descendants were tillers of the soil (Gen. 4:2; 9:20). Others were herdsmen, craftsmen, and, in time, city folk. Job protested that, among other good deeds, he had cared for his land (31:38). We have not read that any of the biblical people created dustbowls, killer smogs, acid rain, or toxic dump sites. Nevertheless, ecology-minded critics lay present-day exploitation of nature at the door of biblical tradition: "Conservation is getting nowhere because it is incompatible with our Abrahamic concept of land. We abuse land because we regard it as a commodity belonging to us". But nothing in biblical tradition suggests that Abraham was authorized to exploit or abuse the land; nor is there any indication that he did so—or that he even contemplated the enjoyment of its milk and honey. Walter

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¹² D.R.W. Wood *et al* (eds), 1996. "Sabbath" *New Bible Dictionary 3rd. ed.* Illinois: Intervarsity Press, 1032.

¹³ Aldo Leopold, 1970. A Sand County Almanac. New York: Oxford University Press, viii.

¹⁴ Aldo Leopard, 1970, 203.

Brueggemann has demonstrated that the basic biblical viewpoint on land is much more positive. ¹⁵

Unlike others, the commandment in Leviticus 25:1-7 was for Man to give rest to land and by implication and extension, giving rest to himself. Simply-put, it is all about leaving the land fallow for one year without planting or harvesting after every six years of work on it. As a revised version of Exodus 23:10, it also serves as a springboard for the legislation of the Sabbatical year and the Jubilee. However, the multiple versions of this legislation suggest multiple contexts of production of the material. No doubt, this text has a fairly long history of contradicting interpretations as a result of peculiar traits synonymous to different societies, just as it has also been subjected to selfish manipulations.

For example, deforestation as a form of land degradation has been estimated to contribute not less than 20% to Climate Change globally, and Nigeria ranks highest in Africa on the problem. It is also believed that current estimate shows desert encroaches into the Nigerian landmass at the rate of 600 meters per annum, thereby threatening the food security of the country. Agricultural holdings are generally small and scattered; farming is often of the subsistence variety, characterized by simple tools and shifting cultivation. These small farms produce about 80% of the total food. About 30.7 million hectares (76 million acres), or 33% of Nigeria's land area, are under cultivation. The productivity of some lands in Africa 17 has declined by 50% as a result of soil erosion and desertification. Yield reduction in Africa due to past soil erosion may range from 2 to 40%, with a mean loss of 8.2% for the continent.

If accelerated erosion continues unabated, yield reductions by 2020 may be 16.5%. Annual reduction in total production for 1989 due to accelerated erosion was 8.2 million tons for cereals, 9.2 million tons for roots and tubers, and 0.6 million tons

¹⁵ W. Brueggemann, 1977/1978, 95.

¹⁶ Peter A. Odjugo, 2010. "General Overview of Climate Change Impacts in Nigeria." *Journal of Human Ecology* 29.1 EBSCO, 47-55.

¹⁷ H.E. Dregne, 1990. "Erosion and Soil Productivity in Africa." *Journal of Soil and Water Conservation*, 45, 431–436.

¹⁸ N.A. Yahaya, 2009. http://allafrica.com/stories/200901260664.html

for pulses. Nigeria's government is concerned about rising deforestation and environmental degradation—which costs the country over \$6 billion a year. Nevertheless, the same government has failed to curb illegal logging and other forms of land degradation, and only six percent of the country is nominally protected on paper. Timber concessions have been granted in national parks, and oil-palm plantations are replacing natural forest. Past governments have tried to stem forest loss through a ban on log exports, promoting of agroforestry and community-based conservation schemes, increasing energy and fuel efficiency, and encouraging plantations and reforestation programmes to achieve a target of 25 percent forest cover. But the impact appears to be limited given Nigeria's astounding deforestation rate.

This study also infers that secular measures based on science and technology has been grossly inadequate and ineffective to control overutilization and over-cultivation of land in Nigeria. Human agricultural activity is one way of land utilisation which may be economically oriented, especially when it becomes commercialized and it involves attitudes based, to a large extent, on belief systems. Again, it is a very sensitive problem associated with the availability of limited natural resource (land) given the population of the people in a particular location and the scarcity of which (through degradation) can imminently damage the ecology. It becomes pertinent, therefore, to explore other ways and means of addressing such a problem of this magnitude using non-secular and unconventional alternatives, which will involve even the caretakers of the land.

One may then ask: who or what was the primary objective of the writer(s), slaves, foreigners, wealthy debtors or the land itself as recorded in our text? Could those behind the composition, transformation, transmission and interpretation of the text not have been greatly influenced by their socio-economic location, political disposition and cultural backgrounds in their understanding of Sabbatical legislation? Could we say that the observance of the Sabbath legislation in Africa, is similar to that of ancient Israel in terms of utilisation of land? Taking a step further, could it be

investigated or interrogated who is the direct beneficiary of this legislation, either man or land? These are the main thrust of this work.

The theme of this dissertation is interpretation. In this situation, "interpretation" describes a version's understanding or the clarification and explanation of something such as possible meanings. The thesis is that though the concept of sabbatical legislation in Leviticus 25:1-7 is peculiar to every culture, age and people, it gives way to predominant interpretation and translations. 19 It will go further to establish the fact that contemporary environmental crises being faced in contemporary times cannot be divorced from the prevalent hermeneutic given to our text. Therefore, this work has reinterpreted Sabbatical legislation with particular reference to land utilization and rest, agricultural productivity, and welfare of farmers with a view to restoring a holistic and culture-bound translation for the text.

1.3 **Purpose of the Study**

The concept of biblical interpretation is dynamic, yet it varies from one land and people to the other, age-to-age, and over different epochs of history. That the Sabbath, otherwise known as Sunday (except for those who observe the traditional Saturday), has a biblical root as a universal day of rest is certainly not in dispute among so many people. However, the full import of its legislation is either lost or not yet properly understood among professionals, executives, politicians, scientists, professors, students, and even pastors (who preach and work mostly on the Sabbath!) and peasant farmers alike.

Essentially, there are existing gaps in the prevalent hermeneutic as inherited from the western epistemology through missionary activities all over Africa. This faulty interpretation has been clearly demonstrated by the level of ignorance displayed by many Christians and non-Christians alike who do not see any meaning to the Sabbath other than it being a Sunday. This work intended to examine and analyze the vacuum in the existing body of interpretation with the view to exposing the hidden and inherent dangers posed to the individual, society and the environment at large.

¹⁹ David T. Adamo, 2005. Explorations in African Biblical Studies Benin, Nigeria: Justice Jeco Press Ltd., 8.

This researcher suggested such a new dimension of hermeneutical exploration of the Sabbath legislation that offers a unique understanding to an African within his/her locality. This is intended to demonstrate the supposed mutual relationship and interaction between Man and land when contextual ecological interpretation reigns. Moreover, the findings of this work have been *novelle* in the quest of biblical studies to proffer non-secular solution to secular problems that defy technological and scientific suggestions. It will, in the long run, reduce the exploitation of land resources and environmental hazards.

1.4 Scope and Limitation of the Study

Several aspects of the Sabbath and its legislation represented by the first day of the Christian week and also called Sunday, have been controversial among both Christians and non-Christians, especially with its recognition by most governments of the world.²⁰ In addition, a lot of scholarship has gone into the study of Sabbatical legislation as found in the Pentateuch and other books of the Old Testament in relation to translations and interpretations.

However, this study is primarily concerned with the proper hermeneutical exploration of the Sabbatical legislation in Leviticus 25:1-7 in the context of land use and welfare of the users. The study intends to observe, examine, evaluate, explore and critically analyze the simple meaning, understanding and the hermeneutical interpretation of this Sabbatical legislation in the light of agricultural productivity and welfare of farmers.

These three variables have been chosen because preliminary investigation to this study showed that there was the tendency of misunderstanding the original text through the available multifaceted versions of different translations. This development portends some imminent danger both now and the future for the land and people. It is also pertinent to note that this work is not about the Seventh Day Adventists or what people do on Sundays. Rather, it is a contextual hermeneutical exploration of Sabbatical legislation, its original components and proper location.

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²⁰ Adrian Schenker, 1998. "The Biblical Legislation on the Release of Slaves: The Road from Exodus to Leviticus", *JSOT*, 78, 23.

1.5 Research Methodology

Every biblical text is a product of a context shielded by many hidden layers of interpretation. Our text is of the Holiness Code stock that has a long history of composition, transformation and transmission behind it. Consequently for our exegetical framework, the historical-critical method was employed represented by Graf Wellhausen's Documentary Hypothesis²¹ while the theoretical framework was based on Christopher Wright's Biblical Ecological theory.

The use of Wellhausen's Documentary hypothesis in this study is desirable. In addition, historic-critical methods shaped the texts until the final form is assumed, taking into consideration socio-economic and cultural forces behind it. In addition, this research also engaged unstructured interview and focus group discussion methods to solicit responses on the field. The reason is that this theory helps to locate the progression of the composition in different socio-economic milieu and cultural background of ancient Israel, backed by possible numerous redactions in the course of transmission.

Theoretical Framework

This study adopted Christopher Wright's Biblical Ecological theory, which holds that there is a link between proper land utilisation and the welfare of the people, which means that every dimension of the interpretive process is consciously informed by the worldview of the people's environmental awareness and their life experiences within a unique cultural background".²²

Following qualitative and acceptable standards, this research relied predominantly on the existing body of literature and the historicity of environmental and agricultural land use, especially in ancient Israel. Apart from bringing relevant literature to bear on this work, various documents from Food and Agriculture Organisation were studied and extra canonical texts, including the *Mishna*, *Talmud*

²¹ J. Wellhausen, 1885. Prolegomena to the History of Israel Edinburgh: A&C Black, 398.

²² Christopher J.H. Wright, 1990. *God's People in God's Land: Family, Land and Property in Old Testament* Exeter: The Paternoster Press Ltd., 10-15.

and *Nitzana scrolls*, were consulted and utilized to evaluate what should be the main focus of the Sabbatical legislation.

Therefore, this work has postulated a holistic approach whereby biblical parallels can be located and blended within the key elements of ecological biblical interpretation in good measure. In other words, the outcome of this research should foster better understanding of Sabbatical legislation, which in turn, would generate proper ecological interpretation and engender positive attitudinal change towards agricultural land use and welfare of farmers.

1.6 The Significance of the Study

The title of this work is 'Land utilization and welfare of farmers in Sabbatical legislation of the book of Leviticus'. This research is significant in that it deals with the prevalent interpretation, which is bereft of composite ingredients necessary for the full understanding of the text, with the view to providing a better alternative. If an ordinary reader were to read and interpret the text under scrutiny, what meaning or interpretation would s/he give to it? Would his/her understanding and interpretation of the text suggest man as the primary focus of attention?

Indeed, there is a compelling need for contextual ecological interpretation of biblical texts that articulate the worldview of the people. The baseline is that this biblical text in context will signify different meanings both to a Jewish farmer and Nigerian cattle rearer or a peasant farmer. However, one major missing link in the body of literature is the effect of this biblical worldview of various environmental and ecological problems emanating primarily from the mistranslations and misunderstanding of the relevant texts of Sabbatical legislation and that is the lacuna this study has attempted to fill.

Moreover in contemporary times, the use of the Bible has been relegated to the background so much so that it serves mainly spiritual or religious purposes. In other words, the Bible has been underutilized in that it has become so textually devoid of contextual use for developmental purposes. This research questioned to what extent we have been able to apply biblical texts in solving existential problems, given the population of Christians in this part of the world. Based on these suppositions, this

study has endeavored to re-interpret the problem of land use and the welfare of farmers in a way that will give it a contextual understanding in Modern Nigeria. It has

CHAPTER TWO

REVIEW OF RELEVANT LITERATURE

2.1 The Origin and Development of Sabbath in Ancient Near East

Significant evidence of the Ancient Near Eastern precedent exists for all of the major aspects of the Sabbath and Jubilee complex of tradition.²³ as well as some fairly minor ones. Parallel Mesopotamian and Syrian provisions, as well as evidence of their implementation, are found in the Laws of Eshnanna, the Code of Hammurabi, the Middle Assyrian Laws, the Edict of Ammisaduqa (along with similar edicts and related documents), and tablets from Mari, Ugarit, Nuzi and Alalakh (among others), as well as later in the Samaria Papyri. Thus, in addition to the parallel laws such as those limiting terms of debt servitude in Hammurabi, there are also a variety of legal documents, dating formuli, letters, school texts, and other documents that tend to confirm practice of various aspects.²⁴ Of course the most significant parallels to the Sabbath and Jubilee are found in the *misarum* edicts, as documented first for Ammisaduqa²⁵ and subsequently for a number of other Old Babylonian kings.²⁶ The misarum edicts record royal proclamations of 'liberty' by Akkadian kings upon accession to the throne and possibly regularly thereafter – including provisions for the release of debt slaves, cancellation of debts, and the reversion of land holdings. The Nuzi texts, published by Cyrus Gordon (1935) are similar.

Finkelstein provided the first detailed study collecting a wide variety of *misarum* materials and drawing out their implications.²⁷ Finkelstein records possible evidence for as many as 23 separate *misarum* acts involving nine different kings of Babylon and Larsa, who, according to Finkelstein's calculations, apparently repeated the acts regularly at approximately seven year interval. While Finkelstein's proposal of an approximately 7-year cycle of *misarum* acts seems somewhat difficult to substantiate, given the fragmented nature of the evidence, the fact that such acts not

²³ N.P. Lemche, 1976. "The Manumission of Slaves-the Fallow Year-the Sabbatical Year" *Vetus Testamentum*, 26 Fasc. 1, 37-42.

²⁴ J. B. Alexander, 1938. "A Babylonian Year of Jubilee?" *JBL* 57, 77-79.

²⁵ J.J. Finkelstein, 1961. "Ammisaduqa's Edict and the Babylonian Law Codes" *JCS 15*, 91-104.

²⁶ J.J. Finkelstein, 1965. "Some New Misharum Material and Its Implications" *Studies in Honor of Benno Landesberger on His Seventy-Fifth Birthday* AS 16 Chicago: University of Chicago Press 223-246.

²⁷ J.J. Finkelstein, 1965, 243-245.

only were recurrent among a number of kings spanning more than 250 years, but were also demonstrably repeated within the reigns of most of these kings²⁸ is extremely significant, since this periodic repetition would seem to contradict popular theories that the acts were designed to weaken the political supporters of the preceding regime (who were likely to be wealthy creditors). In addition, it is significant that his evidence includes a variety of document types that seem to corroborate such enactments in various ways, including year names in date formulas of legal documents, letters, contracts, and other legal documents, as well as occasional fragments of the edicts themselves.²⁹ The existence of such documents confirms the real legal force of the edicts, including aspects of property reversion, debt-slave release, and debt cancellation, though it would appear that the application of such edicts was selective (e.g. limited to patrimonial estates sold for debt).

Among the aspects of Sabbath, sabbatical year and Jubilee tradition attested in the ancient Near East, the societal imperative to help the poor and prevent economic oppression of the powerless in the society forms the major philosophical basis for the *misarum* act, the stated purpose of which was to "establish justice in the land" (reflected in the year-name formulae as well as in the edicts themselves). Similar principles are expressed in the prologues of the major ancient Near Eastern legal collections, as well as in the "Instructions of *Amenemopet*" for Egypt.

Congruent with this general principle of concern for the poor and powerless, limitations on interest-taking in the ancient Near East (particularly in the context of subsistence loans) are well attested, along with various provisions for lenience in repayment, such as the temporary suspension of obligations in case of drought, or required the acceptance of alternative forms of payment. Outright cancellation of debts, indicated by the actual smashing of the debt-tablet, is then also attested in conjunction with the *misarum* edicts.³¹ Regarding the treatment of debt-slaves, laws

²⁸ J. Lewy, 1958. "The Biblical Institution of *Deror* in the Light of Akkadian Documents", *Eretz-Israel* 5, 21-31.

²⁹ J.J. Finkelstein, 1965. 241-242.

³⁰ F.C. Fensham, 1991. "Widow, Orphans and the Poor in the Ancient Near Eastern Legal and Wisdom Literature" ed. F. Greenspahn in *Essential Papers on Israel and Ancient Near East* New York: New York University Press, 176-192.

³¹ R. Maloney, 1974. "Usury and Interest-taking in the Ancient Near East", *CBQ*, 36, 1-20.

and practices are documented relating to limitation of the terms of enslavement, redemption rights, and finally the outright release of slaves (both periodical and occasional, in connection with the *misarum* edicts).³² The right of land redemption and the concept of the inalienability of landed patrimony, as well as the reversion of patrimonial land-holdings in conjunction with the *misarum* edicts, is also clearly attested and documented.³³

Jastrow sums up their position as to the origin and original character of the Sabbath as follows:

"To put the contrast concisely between the Sabbath in its original form and the fully developed post-exilic institution, we might say that the old Sabbath was merely a sabbathon—a day of propitiation and pacification, marked by rites of an atonement character—one sabbathon among many others. It was identical in character and spirit with the Babylonian urn nuh *libbi* or sabattum, conveying the idea of "Propitiation," "cessation" of the divine anger, pacification of the gods, and cognate ideas. The developed institution of the Hebrew Sabbath was unique in its character, with rest from all kinds of work as its central idea, a day sacred to Yahweh who had created the world in six days and who had himself set the example for all times by resting on the seventh day. These two features (a) a day of absolute rest and (b) the doctrine upon which this ordinance is based—represent the distinctively Jewish contribution to the Babylonian-Hebraic sabattum. Between the old sabbathon and the new Sabbath, however, there lies the growth of the Hebrew people from a semi-primitive condition of religious thought to the advanced belief which controls and dominates the entire Pentateuchal legislation in its final—its present—shape."

The first discovery which started this theory was an explanatory list of words, containing this formula: *urn nukh libbi=sha-pat-tum* (or, *sha-bat-tum*). This the scholars translated, "a day of rest of the heart," or "day of rest." In addition, the word *shabatu* was found in another explanatory list of rare words, but the meaning given it was *gamaru*, "to be full, complete." And this was not agreeable to the assertions already made regarding *shabattu*. This word *shabattu*, for which there is no Semitic-Babylonian etymology, was said to have been derived by the native lexicographers from the Sumerian *sa* "heart," and *bat* "to cease" or "rest," i.e., "heart rest."

The second point, upon which the theory rests, is an inscription giving a calendar of the festivals of the intercalary month Second Elul, in which the duties of

³² G.C. Chirichigno, 1993. *Debt-Slavery in Israel and the Ancient Near East*, JSOT Supp. 141 Sheffield 5-7

³³ R.Westbrook, 1971c. "Redemption of Land" Israel Law Review 6, 367-75

³⁴ Morris Jastrow Jr., 1928. *The American Journal of Theology*, Vol. II, 312-352.

the shepherd (king) are prescribed for 7th, 14th, 21st, and 28th, as well as the 19th day of the month. It reads as follows:

"The seventh day is the feast of Ilarduk and Zarponit. It is an evil day. The shepherd of great peoples shall not eat flesh cooked over coals of an oven; he shall not change the garments of his body; he shall not put on clean clothes; a sacrifice he shall not offer; the king shall not ride in his chariot; he shall not speak as a king; the diviner shall not give a decision in the secret place; the physician shall not touch a sick man; it is not suitable to pronounce a curse; at night the king shall bring his offerings before Marduk and Ishtar; he shall offer a sacrifice; the lifting up of his hands is pleasing to the god."

Whether these requirements were to be observed only during the Second Elul (the intercalary month inserted every two or three years) cannot be determined. And although the words *shappattu*, and *shabatu*, are not used in connection with the days, scholars, in an unjust interest of their theory, assumed they were thus called. And in spite of the fact that they were designated "evil days," it was arbitrarily decided that the words *urn nukh libbi* referred to them. For years these things were the only basis for the theory under consideration.

Later studies and comparisons of the expression *nukh libbi* have shown that it does not mean "rest of the heart," but that it had reference to the pacification of the gods; so the expression came to be translated "day of the appeasement of the heart." To confound this theory even more, in 1904 T. G. Pinches found a tablet giving the designations of the days of the month. The 15th day was called *shapatti*, and from this it became apparent that its equivalent *gamaru*, "to be full," referred to the full of the moon. As disconcerting as this new light on the subject should have been to those who held the borrowing theory, they promptly accomplished their readjustment—even, that the word Sabbath is Babylonian indeed! Let us consider the two—the Hebrew Sabbath and the Babylonian Sabbath: In the first place if there is any such a day in Babylonian culture, scholars ought to be able to demonstrate it; for there have already been published literally hundreds of laws, history, hymns, and ritual texts, forming a mass of such Babylonian literature ten times greater than is found in the Old Testament. Yet in all this literature there is absolutely no parallel found to the Hebrew Sabbath.

In the *Expository Times* (XVII, 567), Professor Johns has an article in which all the available business tablets were studied to see if there was any decrease in business

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³⁵ A. T. Clay, 1923. *The Origin of Biblical Tradition* New Haven: Yale University Press, 118.

on the 7th, 14th, 21st, 28th. The temple documents showed the same average of business transacted on these days, as well as on the 19th of the month. Nor was there any change on the 15th, which they designated *shappattu*. This ought to suffice to show that there was no seventh-day Sabbath among the Babylonians. Again, the words *shapattu* and *shabbatu* are not used in connection with the 7th, 14th, 21st, and 28th, etc., yet it was arbitrarily assumed that they were so called, and though the text only states that the day was an "evil day"—taboo—to be observed by the king, these theorists have no trouble in including the king with everybody. However, it becomes effortless to show the baselessness of the theory briefly by a simple comparison. Whatever kind of day the Babylonian Sabbath was, there was no cessation of the people's business on these days; whereas, the primary nature of the Hebrew Sabbath was its all-inclusive "rest," both for man and for beast. Secondly, the Babylonian days were not memorial, while the Hebrew day had its very existence based in its memorial character.

In addition, the Babylonian word *shabbatu*, of uncertain derivation and significance, is not applied to these "evil days," and while the word *shappati* is applied to the 15th, it is stated by the accompanying syllabary to mean "to be full, complete," and not "rest." The main Babylonian day of rest was the 19th of Elul (i.e., the intercalary month thrown in after the twelve lunar months occasionally to balance the calendar). It usually occurred only once in two or three years.

2.2 The Origin and Development of Sabbath in Ancient Israel

The other days (7th, 14th, etc.) depended upon the phases of the moon, whereas the Hebrew Sabbath was peculiar in its independence of the changes of the moon. None of the Babylonian days was assumed to spring from an act of God or gods. But Jehovah was altogether responsible for the Hebrew Sabbath, and apart from Him it held no significance.³⁶ Another fundamental feature and conception of the Babylonian day was that it was an "evil day." The Babylonian days were distinct from weeks as such, in contrast to the weekly rest-day of the Hebrews. There was a vast difference

³⁶ J. Milgrom, 2004. "Covenants: The Sinaitic and Patriarchal Covenants in the Holiness Code (Lev. 17-27)" in *Sefer Moshe: The Moshe Weinfeld Jubilee Volume* ed. C. Cohen *et al*, Winona Lake, IN: Eisenbrauns, 91-101.

between the religious conceptions and usages of the two sets of days. There are so few occurrences of the word *Shappatu* in Assyrio-Babylonian as to make it relatively unknown, and it cannot be shown to mean "to rest, to desist," etc., while regarding the Hebrew *shabat*, there can be no question of its meaning, its prevalence, its sanctity, its dates of occurrence, and the extensive legislation concerning it. To derive the Sabbath from any foreign source is decidedly opposed to the Old Testament, which declares the Sabbath to be a sign between Jehovah and His people (Ex. 31:13; Ezek. 20:12). The Hebrew Sabbath is without parallel in both ancient and modern times. So according to R. H. Charles:

"The word *Sabattum*, which may be the same as the Hebrew word Sabbath, was used in connection with a festival of the moon's resting on the fifteenth day of the month, but was not applied to the seventh day of the week. Moreover, the interval of seven days between each festival was not rigidly observed. In one case it was eight days and in another six. So far, then, as we know at present, the institution of the Sabbath as a weekly festival on the Seventh Day of every week was due to the Hebrews."

James Muilenburg³⁸ agrees that the Sabbath was an ancient Israelite institution founded by Moses himself as the Old Testament indicates in Ex. 20:8; 23:12; 31:15; 34:21; Isa. 56:2. Volz calls the Sabbath "the grandest institution of 0. T. Religion" (quoted from Muilenburg). Volz thinks that the origin of the later institution, the synagogue, may have grown out of Sabbath-keeping in exilic times. Others would have the Sabbath borrowed, not from the Babylonians, but from the Canaanites. Robert H. Pfeiffer says:

"The Sabbath is a Canaapitic institution (connected with the agricultural festivals in the old ritual Decalogue and in Hos. 2:11; H. 2:13). The Sabbath is inconceivable among the nomads of the desert. Either they are raiders, or then every day is a Sabbath when they are not on a foray, when no Sabbath would be observed, or they are shepherds, and their work cannot be interrupted one day in seven, as in farm work."³⁹

Pfeiffer's response is sufficient an answer to J. C. Rylaarsdam who refutes the idea that the Decalogue is not of Mosaic origin:

"Even as "nomads" Israelites were not wild raiders "to whom every day was alike," but a semi-sedentary people, as the traditional residence at Kadesh amply illustrates. In the second place, while Sabbath-keeping became a fine art in the Exile and after, there is no real proof that it was not an ancient form in Israel."

³⁸ James Muilenburg, 1956. *Interpreter's Bible* New York: Abingdon, Vol. 5, 687.

³⁷ R. H. Charles, 1926. *The Decalogue* Edinburgh: T & T Clark, 118f.

³⁹ Robert H. Pfeiffer, 1941. *Introduction to the Old Testament* New York: Harpers, 231.

⁴⁰ J. Coert Rylaarsdam, 1952. "Commentary on Exodus" *Interpreter's Bible*, Nashville: Abingdon, 983f.

Rylaarsdam also thinks that there is a possibility that the Sabbath was generally prevalent in the ancient Near East. But he points out that in Babylon the Sabbath day was a day of ill omen and not a rest or worship day.

It has been seen above that the Sabbath is a purely Hebrew ordinance and that so far as the Bible records, men were never called upon to keep the Sabbath until the time of Moses (Ex. 16; 20; 34; Deut. 5). The regulation was positive and unyielding in its requirements regarding this ordinance, as a part of the Law of Moses. As long as this Law was in effect, the Sabbath law was binding, but it could remain in effect no longer than the law of which it was a part remained in force. Therefore, is the Covenant of which the Sabbath is a part now in force? If so, what was the interpretation given to the phenomenon by the ancients?

It is also pertinent to note that there was a promise made to Abraham of an inheritance and a seed through whom that inheritance could be enjoyed. This promise was embodied in a prospective covenant with Abraham who was confirmed of God in Christ. Because of transgressions the Law of Moses was added (Gal. 3:19) but the interposition of that law could not annul the promise to Abraham. Thus Paul wrote:

"This I say, that the covenant, that was confirmed before of God in Christ, the law, which was four hundred and thirty years after, cannot disannul, that it should make the promise of none affect. For if the inheritance be of the law, it is no more of promise: But God gave it to Abraham by promise. Wherefore then serveth the law? It was added because of transgressions, till the seed should come to whom the promise was made; and it (the law) was ordained by angels in the hand of a mediator . . . wherefore the law was our schoolmaster to bring us unto Christ."

This shows that the Law of Moses, made four hundred and thirty years after the promise to Abraham, was never intended to be permanent. It was of a disciplinary and conservative nature and was only a means to an end. The prophets often foretold this change from the covenant of Sinai, during the existence of the Sinaitic covenant.

Finally, the Sinaitic covenant says something about the origin of this part of the law of the Sabbatical Year that nowhere in Deut. 15:12-18 is there any reference to a fixed seven-year cycle involving a collective manumission at a certain time every seventh year. On the contrary it is quite clear that the slaves had to serve their time without complaints before they could be set free.

⁴¹ Gal. 3:17-24, RSV

The conclusion seems to be that the Sabbatical Year is a Deuteronomistic construction. The legislation relating to the Sabbatical Year dates back to two separate laws taken from separate parts of the Book of the Covenant, Deut. 15:1 from Exodus 23:10-11 and Deut. 15:12 from Exodus 21:2, and the originals must have had different positions in society. The reason why these two laws from the Book of the Covenant were combined evidently lies in the fact that it was a question of seven years in both cases. Behind Exodus 21:2ff there is no seven-year cycle, and in Exodus 23 the fallow year is probably limited to parts of the cultivated area. The Deuteronomists have understood the fallow year regulations as if they were universal, but they have forgotten that it was originally an agrarian ordinance, and so they have interpreted it as a remission of debt. For the same reason they have demanded that slavery for debt was abolished; but it does seem peculiar that they have not done more to harmonize Deut. 15:1-11 and 15:12-18.

2.3 The Original Form of Leviticus 25

In its present shape the Sabbatical legislation covering the Sabbath, Sabbatical Year and the Jubilee, Leviticus 25, also forms part of the Holiness Code, Leviticus 17-26. The first half of Leviticus 25 is devoted to the Sabbatical Year, which is taken to mean a fallow year with a religious foundation, vv.1-7 while the second part defines the intention of the special Sabbatical Year which, supposedly every fiftieth year, coincides with the ordinary Sabbatical Year recurring every seventh year. This year is described as lbeyo (Jubilee) though the precise semantic meaning of this word has probably been forgotten, and the celebration of it follows upon a declaration of "freedom". The real intention of the Sabbath and Jubilee Year legislation follows in v.10b. Wbvu(T' ATBx.P;v.mi-la, vyaiîw> AtêZ"xua]-la, vyai... ~T, ab.v;w> (and ye have turned back each unto his possession; yea, each unto his family ye do turn back) and all the details must be considered in view of this. Apart from this, the legislation holds rules for the

⁴²R. North, 1954. "Sociology of the Biblical Jubilee", *AnBt*, 4, 96ff.

observance of the fallow year in the same way as for the normal Sabbatical Year and also for the loan activity.

Traditio-historically Leviticus is far from being a unity, but offers all kinds of problems. The most conspicuous difficulty is the date fixed for the Jubilee Year in v. 11, viz every fiftieth year. This date was to coincide with the Sabbatical Year that recurred every seventh year, and literally it meant that people would have to observe two Sabbatical Years right on top of each other. This would of course be almost impracticable in reality. 43 Several solutions have been produced, one being that the number 50 mentioned in vs. 11 quite simply is a rounding off of 49 to 50. 44 Another suggestion is that the forty-ninth year is identical with the fiftieth, because the former Jubilee Year is included when the whole Jubilee Year period is determined.⁴⁵ If E. Kutsch was right in saying that the tenth day of the seventh month was not to be taken for an ancient New Year date, then the Jubilee Year would stretch from the forty-ninth year well into the fiftieth, and this might be a third explanation of the chronological difficulties. It is worth mentioning, though, that if taking the date of v.9 may reasonably be looked upon as dependent on the introduction of a new calendar shortly before the exile, 46 this means that the fiftieth year in v.11 cannot be explained as Kutsch did, and as to the first suggestion it is in fact a question whether 7x7 years was not, to the Israelites, just as round a figure as the fiftieth year.

As to the tradition of research of the Leviticus 25, there is little or no agreement on details within the more recent research. H. Graf Reventlow reckons with three originally independent units. The first section, ending with v. 24, holds two older tradition units opposed to each other: A Sabbatical Year legislation, which was originally an agrarian ordinance and the legislation on the Jubilee Year, which contained the hL'PauG> rules. In the last part of Leviticus 25, vv. 25ff., Reventlow demonstrates a so-called complex of %Wm rules which were social

⁴³ R. De Vaux, 1997. *Ancient Israel: Its Life and Institutions* trans. J. Mchugh Grand Rapids: Eerdsmans, 268

ordinances to the benefit of the impoverished part of the population. These elements

⁴⁴ R. North, 1961. 129ff.

⁴⁵ H.G. Reventlow, 1961, Das Heiligkeitsgeset formgeschichtlich untersucht, *WMANT* 6, 125

⁴⁶ H.G. Reventlow, 129

were, according to Reventlow, secondarily joined together in Leviticus 25, and a "Prediger" has added his partly parenetic commentaries.⁴⁷

R. Kilian operates with at least four stages of tradition: He mentions one redactor of the archetype, another of the Holiness Code, a third who is identical with the compiler of the P-source, and a fourth who created the legislation on the Jubilee Year. Originally there was only the legislation on the Sabbatical Year, which he, by way of literary criticism, thinks can be separated from Leviticus 25. Not till a much later date, probably after Nehemiah, was this legislation on the Sabbatical Year amplified and re-interpreted in accordance with the Jubilee Year law. The latter legislation is in itself expressive of a late Utopia.⁴⁸

The scholar who has gone farthest in the direction of splitting Leviticus 25 up is K. Elliger, who traces up to eight stages of tradition in this chapter. ⁴⁹ Elliger assumes the existence of an older written law on land transactions, which was converted into the Jubilee Year law not later than the 7th century B.C., partly by the addition of social ordinances to relieve the poverty. A redaction, which is even later, has amalgamated the Jubilee Year legislation with that of the Sabbatical Year and in the end the laws of enslaved debtors have been added.

The following laws in Leviticus 25 are mentioned in details: 1) vv.1-7: the Sabbatical Year, 2) vv. 8-24: the Jubilee Year in general, 3) vv.25-55: the Jubilee Year in details, which is a) the annulment of sales of land, b) the regulation of loans, c) the manumission. In this chapter the Sabbatical Year is looked upon as a fallow year that comprises both fields and vineyards, but it has been given a religious background. The wording of Leviticus 25 is undoubtedly literarily dependent on the wording of Exodus 23:10 in Leviticus 25:3 `Ht'(a'WbT.-ta, T'pp.s;a'w> ^m<+r>K; rmoæz>Ti ~ynIßv' vveîw> ^d<êf' [r:az>Ti '~ynIv' vveû and Exodus 23:10 `Ht'(a'WbT.-ta, T'pp.s;a'w> ^c<+r>a; -ta, T'pp.s;a'w> ^c<+r>a; -ta, [r:az>Ti

⁴⁷ H.G. Reventlow, 139ff.

⁴⁸ R. Kilian, 1963. Literarkritische und formgeschichtliche Untersuchung des Heiligkeitsgesetxes, *BBB 19*, 130ff.

⁴⁹ K. Elliger, 1966. *Leviticus* Handbuck zum alten Testament 1/4 Tubigen: Mohr-Siebeck 347ff.

~ynIßv' vveîw> The technical use of the root jmv, either verbally hN"j<åm.v.Ti, Exodus 23:11, or as a noun *shamatha*, Deut. 15:1, has been avoided in Leviticus 25:2. But the close relationship between Leviticus 25:2ff and Exodus 23:10ff is apparent from two other circumstances. First, in Leviticus 25:3ff the vineyards are included in the Sabbatical Year law. So they are in the fallow year legislation in Exodus 23:10ff but as mentioned above they have been inserted there only secondarily.

There is no economic reason to include the vineyards in Leviticus 25:3ff or in Exodus 23:10ff and economic reasons probably were the actual background of the fallow year. The inclusion of vineyards in Leviticus 25 also breaks the literary connection between Leviticus 25:3a and v.3c (cf Exodus 23:10!). Secondly, it is remarkable that "the wild animals of the country" (Leviticus 25:7) are mentioned here as consumers of the products of the soil during the Sabbatical Year. In vv.4-5 are members of the Israelite households including "YriG" and the domestic animals who will get their food from the fields, not the poor whom Exodus 23:11 expressly mentions as those favoured. But the wild animals have been included both in Leviticus 25:7 ^c<+r>a; B. rv<åal hy"ßx;l; (w> and in Exodus 23:11 hd< F'h; ty:åx

Verses 1-7 emphasize that the Sabbatical Year was to be of general validity inasmuch v.2 demands a general observance of the Sabbath in the "country", #r, a' which expression can only mean the whole Israelite area. Opposite this we have the practical formulation of the Sabbatical Year law v. 3 (4b), which has hd, f' about the fields instead of #r, a' In v. 4a, however, #r, a' appears again meaning "the national area". In comparison, it may be mentioned that in

⁵⁰ It is rather useless to a winegrower to let his vineyard lie fallow every seventh year. Today it is normal that a vine has an uninterrupted production time of thirty years, whereupon it is cleared away, and new vines are planted. These take five years to reach a reasonable standard. This applies to modern vineyards of good quality; in case of an inferior quality the time of productive capacity will be even longer.

the fallow year regulation in Exodus 23:10 #r, a' is not used about the country, but about the fields. This may be taken as a proof that in the older fallow year regulation, Leviticus 25:3 (4b) has been interpreted and generalized by the later adaptation. The finishing commentary in v. 6 also would be meaningless if not in v. 2ff arrangements of a general value were alluded to. The Sabbatical Year legislation is, finally, commented upon and brought to a conclusion in vv. 20-22. This commentary may well be younger in a traditio-historical respect, but it firmly establishes the fact that the fallow year here mentioned was of countrywide validity. It is also a fact that this fallow year, at least up to the time of the commentator, had never been practiced in reality.

As to contents the first part of the Jubilee Year law, vv.M-12, corresponds to the Sabbatical Year. Verse 13 introduces the hL ' <code>PauG</code> institution underlying the annulment of purchases of land, the redemption of landed property and the manumission. The rules of vv.14-16 and 27-28, which say how the price of the land is to be fixed, correspond to similar rules for the manumission of enslaved debtors, vv. 50-52. In both cases the payment is fixed on the basis of the chronological placing of the transactions in relation to the Jubilee Year. The main section on hL ' <code>PauG</code> relating to landed property is undoubtedly modeled on older sources as it appears from the way landed property in town and in country (including the unfortified towns) is treated differently. By way of literary criticism alone it cannot be decided whether the hL ' <code>PauG</code> institution has always built on the Jubilee Year legislation.

Reventlow has suggested that vv. 25-54 represent an originally independent social codex, characterized by the use of the formula ^yxiêa' %Wmåy"yKi (vv. 25, 35, 39, (47). One part of this codex (vv.35 ff.) does not mention the Jubilee Year at all, which is all the more remarkable as it was to be supposed that debts would be remitted also in connection with the introduction of the Jubilee Year, particularly if this was analogous to the Old Babylonian *misarum* acts. The fact that the Jubilee Year is not mentioned in vv.35ff might indicate that a re-interpretation of

the original intention of the %Wm laws has led to the incorporation of the verses 25-54 in the Jubilee Year legislation.

On the assumption that the importance attached to the failing reference to the Jubilee Year in vv.35 ff. has been exaggerated, it might be worthwhile considering whether the mentioning of the Jubilee Year in the %Wm laws does not belong to its principal components even though it is missing in vv.35ff. Thus the reference to a Jubilee Year should not be taken as the reference to a Sabbatical Year of more activity. In vv.39ff we have a legislation relating to slaves who were to be set free at the beginning of the Jubilee Year. Even though one keeps in mind that an indebted Israelite was not to be exploited as a slave—but only as a paid worker, Y, VKV—a service period lasting up to 50 years would in many cases mean lifelong slavery, and the offer of manumission would accordingly be illusory.⁵¹ A fifty-year period is not, however, emphasized anywhere in the %Wm laws as a fixed Jubilee Year term, and one would therefore suggest that vv.39-54 (in which passage many verses are probably secondary) are interpreted by analogy with the slave laws of Exodus 21:2ff and Deut. 15:12ff both of which say six years of service for persons who have been forced to sell themselves for debt. If the interpretation of lbeAy as deriving from the verbal root *ibl*, as suggested by R. North, is correct.⁵² the Jobel Year may be taken to mean the "manumission year", "the year of release" or the like. In accordance with Exodus 21:2ff and Deut. 15:12ff this was probably identical with the seventh year of the service. And thus it becomes possible to claim that the connection between the celebration of the Sabbatical Year every seventh year and the Jubilee Year taken as a seven-year-term, fixed individually for the slaves and for the various cases of purchases of land, has led to secondary amalgamation of the fallow year laws and the social laws of Leviticus 25. When, according to Leviticus 25, the Jubilee Year occurs at intervals of 49 years, this may be due to the fact that it has been interpreted as a countrywide arrangement, and this again means that practical and economic motives inspired the redactor of Leviticus 25 to place the Jubilee Year as the seventh

De Vaux, 1997. 237.
 R. North, 1954. 107ff.

Sabbatical Year. Whether the law of the Jubilee Year was ever used in practice according to Leviticus 25 cannot be decided here; necessarily it must be investigated if there are references to this or similar arrangements elsewhere in the Old Testament.

Though Leviticus 25 is ultimately a product of the priests in exile, Fager⁵³ believes that the roots of Sabbath and Jubilee practice must be traced ultimately back to pre-monarchic Israel's tribal ethos and legal practices (He can suggest this, of course, but it remains a hypothetical speculation). It was, however, the crisis of exile that precipitated old debt and land customs into the new and distinctive formulation of Jubilee Year. In an appendix, Fager outlines his theory of the literary evolution of Leviticus 25: (1) pre- exilic debt sale laws; (2) expansion on guidelines for land redemption and the exemption of city property; (3) early exilic theological expansion, and (4) later exilic theological insertions by the priests.

The social-intellectual setting for the emergence of Jubilee Year was the late exilic period during a presumed religious oppression under Nabonidus. Exilic intelligentsia, who had functioned with abstract ideological values in place of a concrete religious cultus, articulated a vision of hope for Jews. As leaders of the people the priests had to maintain their status by weaving such a vision. The Sabbath and Jubilee Year offered a solution to the old pre-exilic social-economic problems of debt, debt-slavery, peasant displacement, and *latifundia*, which pre-exilic prophets condemned as the sins leading to exile. Priests thus admitted the sins of the past and offered an idealistic solution for the future. Furthermore, Sabbath and Jubilee Year also may have justified the re-appropriation of land in Judah by returning exiles. This practical implication of Sabbath and Jubilee Year would secure priests a position of ideological authority among the Jews of the Golah. To justify this new custom, priests rooted the Jubilee practices in the distant past of Sinai. In this way, one may join Fager to evaluate the emergence of the Sabbatical and Jubilee Year in a broad social-economic-ideological context.

2.4 History of Scholarship on the Sabbath and the Jubilee

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⁵³ Jeffrey Fager, 1993. "Land Tenure and the Biblical Jubilee: Discovering a Moral World-View through the Sociology of Knowledge", *JSOTSup 155*, Sheffield: JSOT Press, 13-45.

The history of scholarship on the Sabbath and the Jubilee has been much too extensive over too long a period to treat in detail here. The older generation of scholarship on the Sabbatical Year and the Jubilee was reviewed by Robert North in his classic monograph on the *Sociology of the Biblical Jubilee* (1954a), which provides a lengthy and detailed analytical bibliography, updated few years ago (2000). More than half a century since North's original monograph, much progress has been made in biblical scholarship. From the contribution of the Dead Sea Scrolls, to major advances in our understanding of Mesopotamian history and literature, to exploding and inter-disciplinary endeavours – all of these add new dimensions to the field of study. Another more recent review of scholarship on the Sabbath and Jubilee has been provided by Jeffrey Fager (1993).

North (1954a) contributed the definitive treatment of the Jubilee for the last century by applying sociological theory and methodology in his analysis of the biblical institutions (i.e. by considering the socio-economic context of the biblical institution in relation to similar institutions elsewhere). The interdisciplinary application of sociological and economic theory, as pioneered by Max Weber (e.g. in *Ancient Judaism* [1952]), has subsequently proven to be a most productive avenue for biblical scholarship in this area, continued in the work of Edward Neufeld (1955, 1958), Roland de Vaux (1961), Bernhard Lang (1982, 1985) and most recently Jeffrey Fager (1993), representing one of the most significant advances in Sabbath and Jubilee scholarship over the past half-century or so. North was also building upon the economic analyses of predecessors like Henry Schaeffer (1922), Eli Ginzberg (1932), Rachel Clay (1938), and Kathleen Henrey (1954), but the contribution of the sociological endeavour to understanding the Sabbath and Jubilee was crystallized in North's work. Though challenged on some points by Raymond Westbrook⁵⁴, his work continues to be the starting point for most modern scholarship on the topic.

A second significant contribution to Sabbath and Jubilee scholarship has been the discovery and analysis of a number of ancient Near Eastern parallels to various Jubilee provisions. Recognizing the ancient Near Eastern parallels has been significant in illuminating a wider context and intent for the laws. Jacob J. Finkelstein's ground-

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⁵⁴ Raymond Westbrook, 1971a. "Jubilee Laws." Israel Law Review: 6, 212-214.

breaking comparative studies bearing on Sabbath and Jubilee tradition began in the 1960s.⁵⁵ Lemche continued the work with several more important studies in the 1970s.⁵⁶ Many others have since contributed to the task.⁵⁷ More fundamentally, parallels to various aspects of the Sabbath and Jubilee traditions discerned in these ancient texts have helped to dispel previously held notions that the "primitive" Israelites would have been incapable of developing such "sophisticated" and "advanced" ideas, leading the proponents of such notions to a prejudice towards the late dating of the relevant biblical texts.⁵⁸ To the contrary, as has been well demonstrated by the large body of detailed comparative studies, the basic Sabbath and Jubilee concept and various related laws had already been developed in Mesopotamia and were part of an ancient Near Eastern legal tradition that quite obviously influenced Israelite law in a number of demonstrable ways. Parallel laws are documented for all of the major aspects associated with Jubilee tradition, including fallow provisions, restriction on interest-taking, redemption practices, periodic and occasional slave release, debt release, and release of land.⁵⁹

Some excellent related topical studies which touch briefly on the Sabbath and Jubilee tradition have appeared in recent years. These detailed and important monographs and articles serve to illuminate particular aspects of Sabbatical legislation

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⁵⁵ J.J. Finkelstein, "Ammisaduqa's Edict and the Babylonian 'Law Codes'" in *JSC* (1961), "Some New Misharum material and Its Implications" in *Studies in Honor of Benno Landsberger* (1965), "The Edict of Ammisaduqa: A New Text in *RA* (1969), "Review Article: On Some Recent Studies in Cuneiform Law" in *JAOS* (1970), and "Bible and Babel: A Comparative Study of Hebrew and Babylonian Religious Spirit" in *Essential Papers* (1991).

⁵⁶ N.P. Lemche, "The 'Hebrew Slave': Comments on the Slave Law Ex. xxi 2-11" in VT (1975), "The Manumission of Slaves -the Fallow Year- the Sabbatical Year" in VT (1976), and "Andurarum and Misarum: Comments on the Problem of Social Edicts and their Application in the Ancient Near East" in JNES (1979).

⁵⁷ In addition to those of Finkelstein and Lemche, a number of other comparative studies that are important, include: John Alexander, "A Babylonian Year of Jubilee?" (1938); Kernal Balkan, "Cancelation of Debts in Cappadocian Tablets from Kultepe" (1974); Moshe Weinfeld, "Social and Cultic Institutions in the Priestly Source against their Ancient Near East Background" (1981), "Justice and Righteousness' in Ancient Israel against the Background of 'Social Reforms' in the Ancient Near East" (1982) and *Social Justice in Israel and in the Ancient Near East* (1995); and Norman Yoffee, "Aspects of Mesopotamian Land Sales" (1988).

⁵⁸ Compare, for example, the philosophy of cultural evolution of Levy-Bruhl as cited by William F. Albright (1957: 168). More directly with regard to the development of Israelite law, see Albrecht Alt (1967: 103-171) and Moshe Weinfeld (1983, 1990, 2004).

⁵⁹ This last and most controversial of the Jubilee provisions is documented by J.J. Finkelstein for Old Babylonian Sippar (1965: 236) as a parallel to Lev 25:28

in relation to Pentateuchal law more generally. One major aspect of the Jubilee tradition that has received extensive attention is the meaning of Sabbath, treated in monograph form by Niels-Erik Andreasen. While the Jubilee itself received only minor treatment in this volume, the implications of Andreasen's study for understanding Jubilee as an extension of the covenantal Sabbath principle are profound.

Another key aspect of this tradition, on which several important monographs have been written, is the concept of "land", including issues of land tenure and inheritance foundational to the Jubilee legislation. Among these is Stephen Bess's University of Michigan dissertation on "Systems of Land Tenure in Ancient Israel" (1963), which provides a technical treatment of the practicalities of farming and agricultural society in relation to land use. Walter Brueggermann's *The Land* (1977, 2002) and Norman Habel's *The Land is Mine* (1995) provide a more theological slant, while Christopher Wright's treatment in *God's People in God's Land* (1990) focuses on the covenantal aspect as primary, with a prominent role for the Jubilee concepts of God's ownership of both land and people. Raymond Westbrook's monograph on *Property and the Family in Biblical Law* (1991) emphasizes the legal aspects of inheritance, along with Moshe Weinfeld's *The Promise of the Land* (1993).

Further significant practical and legal aspects of the Sabbath and Jubilee law are highlighted in major works by Christiana Van Houten, Innocenzo Cardellini, Gregory Chirichigno, Edward Neufeld and Westbrook. Van Houten's monograph of *The Alien in Israelite Law* (1991) provides a useful presentation of the legal treatment of aliens in the Pentateuch, carefully distinguishing usage of key terminology as broken down by source. The position of the alien in Israelite society that is referred to several times in Leviticus 25, is critical to understanding the Jubilee law in that it provides the contrast against which treatment of the Israelite brother in the Jubilee legislation may be measured. Chirichigno's monograph on *Debt-Slavery in Israel and the Ancient Near East* (1993) offers a competent comparative analysis of systems of debt-slavery, following Cardellini's important monograph on the subject. Supplementing these are

understanding ancient loan practices is critical to the study of the Jubilee legislation in that it is these loan practices that lead to debt and the institution of debt-slavery, which, in turn, necessitate the Jubilee provisions. Westbrook's several articles, such as those for the *Israel Law Review* (1971) and various collected studies (1988b, 1991), offer a useful analysis from the particular perspective of practical jurisprudence.

Important collections of essays by Henning Graf Reventlow and Yair Hoffman (Justice and Righteousness [1992] and Moshe Weinfeld (Social Justice in Ancient Israel [1995]) focus on concepts of "social justice," in which the Sabbath and Jubilee traditions play a key role. Other important studies deal with social justice, specifically as it appears in the parallel passage of Deuteronomy 15. These include William Doorly's Obsession with Justice (1994) and Jefferies Hamilton's Social Justice and Deuteronomy (1992).

Another significant recent trend that builds on this "social justice" perspective has been the application of Jubilee concepts in the context of Liberation Theology. This trend has had a profound influence on recent interpretations of the Jubilee. The classic statement of this position comes from John Howard Yoder's *The Politics of Jesus* (1972) in the Mennonite tradition, followed by the progressive interpretations of Norman Gottwald (see e.g. *The Bible and Liberation* [1993], Sharon Ringe (e.g. *Jesus, Liberation, and the Biblical* Jubilee [1985]), James Sanders ("From Isaiah 61 to Luke 4" [1975], "Sins, Debts and Jubilee Release" [1992]), and Michael Prior (*Jesus the Liberator* [1995]). This popular turn of interpretation is also evident in R. North's recent update (*The Biblical Jubilee....after fifty years* [2000]) and in Milgrom's commentary on Leviticus (2001: 2270-2271). As part of a predominantly Christian movement, liberation theologians tend to read the texts through the lens of the New Testament – from the standpoint of Jesus' proclamation of Jubilee in Luke 4. In so doing, they highlight the trajectory of transformation that Luke takes from the book of Isaiah, which in turn, as shall be seen, builds on the earlier political transformation of

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⁶⁰ Siegfried Stein, "Laws on Interest..." (1953); Edward Neufeld, "Prohibitions against Loans at Interest..." (1955); Hillel Gamoran, "Biblical Law against Loans on Interest" (1971); Robert Maloney, "Usury..." (1974); and Marvin Chaney, "Debt Easement..." (1991).

Leviticus 25-26 as edited post-Cyrus. The result is a fascinating but undifferentiated synthesis of meanings that blends periods indiscriminately.

A more extensive treatment of the Sabbath and Jubilee law in Leviticus 25 has recently appeared in the dissertation of Jeffrey Fager, revised and published as *Land Tenure and the Biblical Jubilee* (1993). This is an impressive project focusing on ethical concerns as informed by the "sociology of knowledge". Fager utilizes Karl Mannheim's "three levels of meaning" (objective, expressive and documentary) and the work of Peter Berger (1976) on the "social construction of reality" to illuminate the "moral world-view" of the Jubilee. He concludes by providing a detailed layering scheme for the "literary strata" of Leviticus 25.

Although his approach is not fundamentally different from that of his predecessors, Jacob Milgrom provides what may be the most thorough treatment of the Jubilee to date in his monumental 2,714-page, 3-volume commentary on Leviticus for the *Anchor Bible* (1991, 2000b, 2001), with 220 pages of notes and commentary on Leviticus 25-26 alone. His treatment of Knohl's thesis (1995) regarding the role of a "Holiness School" in shaping the Priestly Corpus is especially valuable. Other recent Leviticus commentaries by Baruch Levine (JPS, 1989), Phillip Budd (New Century, 1996), Erhard Gerstenberger (Old Testament Library, 1996) and Samuel Balentine (Interpretation, 2002) offer contrasting viewpoint on some issues. 61

Unresolved Problems

Given this already extensive body of literature, why embark on yet another study of the Sabbath or the Jubilee? How have previous treatments been inadequate? Continuing disputes reveal a number of fundamental problems yet unsolved by the scholarly literature to date.

1. Dismissed as Impractical. In the first place, Sabbath and Jubilee laws have been dismissed as impractical. The first sign of major problems in the interpretation of the tradition is that failure to understand practical issues has often led to its rejection as a utopian literary construct, an idealistic fabrication of the late-exilic or post-exilic

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⁶¹ Levine and Milgrom, for example, are at opposite ends of the spectrum on dating issues, and differ in their interpretations accordingly.

period, with no intention of practical application. Examples are numerous, but classic statements are made by Wellhausen, Weber, de Vaux, Peake, Westbrook, Coote and Ord, and Gerstenberger, which label the Jubilee legislation as abstract and "artificial", and matching up with reality - an "ideal...never realized", and "theological construction of exilic times", and "interpolation", and "priestly theory", and "theological construction of exilic times", and "interpolation", and "priestly theory", and "theological construction of exilic times", and "interpolation", and "priestly theory", and "theological construction of exilic times", and "interpolation", and "priestly theory", and "theological construction of exilic times", and "interpolation", and "priestly theory", and "theological construction of exilic times", and "interpolation", and "priestly theory", and "theological construction of exilic times", and "interpolation", and "theological construction of exilic times", and "interpolation", and "priestly theory", and "theological construction of exilic times", and "interpolation", and "theological construction of exilic times", and "interpolation", and "theological construction of exilic times", and "interpolation", and "theological construction of exilic times", and "theological construction of exilic ti

2. Difficulties in Compositional Analysis and Literary Development. The greatest barrier to reaching a more satisfactory understanding is the current lack of consensus on the basic dating and the compositional analysis of the Jubilee law in Leviticus 25, and thus on its historical setting(s) and purpose(s). While most would acknowledge a complex compositional history, there is wide disagreement regarding compositional analysis, as witnessed by various attempts over the last century by Baentsch (1893, 1903), To Elliger (1966:347-349), Sun (1990:439-559), and Fager (1993:123-124).

⁶² J. Wellhausen's characterization in *Prolegomena to the History of Israel* (1885: 119, etc) is already famous. Weber, *Ancient Judaism* (1952: 49, 71), cites the improbability of actual execution. Roland de Vaux, *Ancient Israel* (1958; Engl. Ed. 1961: 173-177), similarly notes that "practical application ...seems to encounter insuperable obstacles") 175, citing the double fallow). Cf. *Peake's Commentary*, Arthur Peake) 1962 [Black and Rowley edition]: xxiv); Westbrook, *Israel Law Review* (1971a: 223); Robert Coote and David ord, *In the Beginning* (1991: 92, 130-133); and Gerstenberger, *Leviticus* (1996: 376-377, 388).

⁶³ Wellhausen, 1885. 119.

⁶⁴ Roland de Vaux, 1961. 176; cf. Weber, 1952. 71.

⁶⁵ Weber, 1952. 71.

⁶⁶ Weber, 1952, 49, 70; this judgment is made on the basis of improbability of actual execution.

⁶⁷ Coote and Ord, 1991. 130; cf. Peake, 1962. Xxiv.

⁶⁸ Peake, 1962: xxiv.

⁶⁹ Coote and Ord, 1991. 92; cf. Weber, 195. 71.

The treatment of Bruno Baentsch, in his commentary on *Exodus-Leviticus-Numbers* (1903) reveals a complex historical layering of texts, indicated by labels (with occasional inconsistencies) which seem to indicate at least four phases of composition plus two or three redactive hands. The conclusion of Milgrom (2001) and Friedman (1987) that vv. 3-38 are in fact mostly pre-exilic (as implied by the text), while vv. 39-45 are exilic (just as they imply) seems more reasonable.

⁷¹ Karl Elliger lays out his historical analysis of Leviticus 25 in his commentary on *Leviticus* (1966: 335-337). He apparently identifies three strata within "*Vorlage 1*," including its primary source (*Hauptquelle*), other ancient material used (namely the v. 37 prohibition on interest), and

Fager, the most recent of these, provides a detailed layering scheme for Leviticus 25:8-55 (he skips vv. 1-7 with five strata, including two independent legal traditions and three stages of redaction. The attempt is admirable but unconvincing on a number of fronts, as it leaves a variety of problems unsolved and creates others. Sun's analysis is summarily rejected by Milgrom on the grounds that his major basis of division of compositional layers (2ms vs 2mp address) is flawed. Sun's post-Deuteronomic dating is also convincingly disputed by Milgrom on numerous grounds. Milgrom, for his part, eschews any attempt at compositional analysis of Leviticus 25 on the grounds that the text is unified and coherent as it stands. These widely scattered opinions are indicative of a deeper problem.

- i. P/H Dating Debate Complete Lack of Consensus. The current lack of consensus on the dating and compositional analysis of the Jubilee laws in Leviticus 25 reflects a much wider scholarly debate over the nature and relative dating of H and P, and the redaction of the Pentateuch, which shows no sign of resolution. Recent contributions in this regard relating specifically to various Jubilee provisions include Frank Moore Cross (1998:20), Jan Joosten (1996), Van Houten (1991), Fager (1993) and Milgrom (2001). A very brief overview of the problem must begin somewhat earlier.
- ii. Since before the days of Wellhausen (1885), by which point critical scholarship had decisively rejected the traditional view of Mosaic authorship of the Pentateuch as

portions on the Jubilee that are original to the author of *Vorlage 1* (including the "If your brother becomes poor ..." framework), plus a second "*Vorlage 2*" on the Sabbatical Year (comprising only vv. 3-5).

Henry Sun's unpublished dissertation (1990), "An Investigation into the Compositional Integrity of the So-called Holiness Code (Leviticus 17-26)," identifies three major layers, with the oldest being post-Deuteronomic.

⁷³ For example, Fager (1993: 101) posits a sequence of contradictory additions to the fallow law, beginning with an original prohibition on gathering in vv. 3-5, to which vv. 20-22 was then added as an assurance. He then posits a further (inexplicable by his own admission) contradictory addition of vv. 6-7 allowing the Sabbath of the land to be used as food, while another addition by the same editors in v. 11 reaffirms the original prohibition on gathering along with a second reiteration in v. 12 that the people may eat the produce of the field. Milgrom (2001: 2156) rejects Fager's assignment (p. 101) of vv. 3-5 and 6-7 to two separate sources on the grounds of their direct literary derivation from Exod 23: 10-11.

⁷⁴ Milgrom, *Lev III* (2001: 2149-2150); although for H as a whole he has a detailed breakdown of strata (2001: 1345-1347). Others, such as Martin Noth (1977: 181-193), forego compositional analysis of Leviticus 25 on the grounds that it is no longer possible to distinguish the layers.

a whole, 75 the dating, extent, nature and motivation of the "Priestly" legal material in the Pentateuch (of which the "Holiness Code" containing Leviticus 25-26 is generally considered to be part) have been matters of hot debate with no consensus yet in sight. Wellhausen characterized the Priestly Code generally as an unfortunate late aberration of post-exilic date, an artificial construction detached from reality (1885:78, 405), the institution of the Jubilee included (1885:119). Although Wellhausen provided a number of valuable insights, his late dating of the Jubilee and the law as a whole was dictated in part by a number of flawed assumptions, including a general evolutionary presumption that the intellectually primitive agrarian Israelites could not have given rise to such sophisticated legal principles, bolstered by the prejudicially anti-nomian "law versus grace" dichotomy of Pauline theology, now largely rejected. A Martin Noth (1967) reasserted the antiquity of much of the law on the grounds that the absence in it of a sovereign or any kind of central, governmentally-based mechanism for enforcement reflects a pre-monarchic origin in the context of the sacral confederation of the tribal league, considered by Noth as Israel's formative golden age. But Wellhausen's definition of the "Priestly" documentary source has continued to influence Pentateuchal scholarship on the law in profound ways.

3. Cross identified "P" as the late exilic redactor of the Pentateuch,⁷⁷ who integrated the much earlier material from J and E with a large volume of other legal and historical traditions that were available to him, and combined them with occasional supplementary writings and explanations of his own, giving the whole an overall structure coloured by his own theology and purpose. Cross thus makes P primarily responsible for the final message and shape of the Pentateuch. In this view, P would never have existed as a single, independent "source" documentary prior to the compilation of the Pentateuch as a whole. Richard Elliot Friedman, on the other hand, separates P from the function of the Redactor, analyzing P as an independent

⁷⁵ For a fuller discussion of the development of critical scholarship on the Pentateuch, see R. Norman Whybray, *Introduction to the Pentateuch* (1995) or R.E. Friedman, "Torah (Pentateuch)" in *ABD* (1992), and other such summary treatments.

⁷⁶ F.M. Cross, lecture at Harvard Divinity School, Spring 1992. Cf. Moshe Weinfeld, 2004. *The Place of the Law in the Religion of Israel* 3-33.

⁷⁷ i.e. close to the time of Ezekiel and Second Isaiah, but well before the Chronicler, based partly on linguistic evidence. See *CMHE* (1973: 293-325, esp. 323-324 for dating).

document. He dates this document to the time of Hezekiah, just following the fall of the Northern Kingdom of Israel and the subsequent combining of the J and E epics. Friedman asserts that the P document was written as a P alternative to the combined J/E epic, and subsequently criticized by Jeremiah as "the lying pen of the scribes" (Jer 8:8). Friedman identifies the Redactor of the Pentateuch as Ezra, who must have completed it sometime prior to his public promulgation of the book ca. 444 B.C.E.⁷⁸

Knohl (1995), followed by Milgrom (2000:1442) and Swartz (2000), characterizes the "Priestly Torah" (PT-Knohl's version of P) as a collection of short, independent scrolls of legal material, written during a span of time from Solomon to approximately the time of the fall of the North, in the latter part of the 8th. Century B.C.E. At that point, he theorizes, prophetic critique of this P tradition initiated the "Holiness School" (HS), which then took over the editorial process, progressively adding the so-called "H" material along with much other "HS" material, which Knohl identifies throughout the Pentateuch. This "school" then finally compiled all of this material into a single document sometime during the Persian period. Milgrom associates this process with a general redaction of the Pentateuch as a whole, which he posits as the Judean response to a Persian request for codification of local law under Darius L. 199

A comparable scholarly discord is encountered in regard to that portion of the P material generally known as the "Holiness Code" (H), of which Leviticus 25-26 forms the conclusion. Characterization and dating of H are hampered by disagreement over the extent of the document (its beginning disputed as Leviticus 17 or 18, its ending as either Leviticus 26 or 27) and its relation to P. Many, such as Friedman, simply treat H as part of P with no differentiation whatsoever. But since the identification of H as a distinct *corpus*, as far back as Karl Graf (1866) and August Klostermann (1893), H has most often been characterized as an older document incorporated by P, which is assumed to be later.

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⁷⁸ Who wrote the Bible? 1987. Interestingly, Wellhausen had also made this assignment in his *Prolegomena* (1885: 405).

⁷⁹ Milgrom, 2000. *Lev II* 1441

⁸⁰ Who wrote the Bible? 1987. The Bible with Sources Revealed 2003.

Most recently, a dissertation by Jan Joosten has upheld the "unity and integrity" of H as a distinct *corpus* with a consistent conceptual framework and a striking coherence, comprising "a meaningful whole" that can be set apart from other "priestly passages". ⁸¹ The careful structure and distinctive flavour of the "H" text, including its consciously formulaic conclusion of tradition covenant blessings and curses in Leviticus 26, witness to its composition and existence (though perhaps only for a short period) as a separate, distinct document. Joosten also provides the most detailed recent attempt at a characterization of H, concluding it to be a "provincial" document with a rural, agrarian audience (i.e. from outside of Jerusalem), written in response to 8th century prophetic critique of priestly institutions.

The 8th century dating of H is supported by Knohl, who provides the other most important recent contribution to the H debate. Rnohl purports to turn P scholarship upside down by reversing the relative dating of P and H. His advance is deceptive, however, because of his differing usage of the standard terminology. Specifically, when speaking of "P", which he calls "Priestly Torah" (PT), Knohl speaks only of the pre-redactional building blocks of P. These building blocks had long been acknowledged by previous scholarship as much earlier than the redaction, but no one had attempted to characterize them thoroughly, or to date them specifically in relation to H. Knohl's attempt to characterize them constitutes a major contribution, but suffers from some serious flaws, as Milgrom (who follows Knohl in order respects) has ably demonstrated. The redaction of P as a single document, in the meantime, has left them both to the Persian period, which is hardly different from many of the previous assessments of P.

Meanwhile, however, a number of scholars have insisted that H never existed as an independent document.⁸⁵ This position has been reasserted most recently in

⁸¹ Published in *People and Land in the Holiness Code* (1996: 193).

⁸² The Sanctuary of Silence (1995).

⁸³ Israel Knohl, *The Sanctuary of Silence* (1995; cf. *HUCA* 58). His detailed case for the priority of the Sabbath and Festival conceptions set forth in Numbers 28-29 (PT) to those set forth in Leviticus 23 (H) has considerable merit.

⁸⁴ The most serious of Milgrom's objections to Knohl regard Knohl's characterization of PT's theology in Wellhausian term as artificial, removed from any true moral or ethical concern, plus its posited influence on Hezekiah's reform. These objections are detailed in *Lev I* (1991: 19-26), *Lev II* (2000: 1426-1433), and *Lev III* (2001: 2440-2446).

⁸⁵ E.g. Bernadus Eerdmans, 1912; Karl Elliger, 1966; Volker Wagner, 1974; Alfred Cholewinski, 1976.

dissertations by Sun and Schwartz, with the latter theorizing that the H material was composed specifically as a supplement to an already extant P material. ⁸⁶ Schwartz thus builds on Knohl, but wants to allow room for earlier (pre-exilic) redactional activity of the P/H material.

4. Assumptions of Unity of Purpose i.e. failure to take different stages seriously. In the end, with all these differing theories about the various possible stages of literary development for the Jubilee laws and the larger texts of which they are part, previous treatments fail in their analysis because of a tendency to assume uniformity of purpose among layers. That is, while they may posit different literary layers, these layers are never associated with the differing interpretations that they reflect, such that different stages of interpretation are recognized and taken seriously.⁸⁷ Numerous scholars follow Wellhausen's negative assessment of the law as artificial, emphasizing what are clearly elements of political propaganda. 88 Other scholars choose to emphasize and make sense of the pre-transformational, practical reading of the legislation (R. North, Milgrom), and thus miss the later significance. By leaving aside issues of compositional analysis for Leviticus 25 altogether, asserting its basic coherence, Milgrom (2001:2149-2150) fails to deal with the inconsistencies of purpose or with any possible significance of editorial work in the chapter. Schwartz and Knohl do not deal directly with the Jubilee. In short, none of the previous scholarship on the biblical Jubilee, so far as could be discerned, seems to address the possibility of significantly different interpretations of the Jubilee tradition in different periods of ancient Israelite

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⁸⁶ Schwartz's dissertation on "Selected Chapters of the Holiness Code – A Literary Study of Leviticus 17-19" (1987; Hebrew) was expanded and published by Magnes as *The Holiness Legislation* (1999; Hebrew). Sun's dissertation "An Investigation into the Compositional Integrity of the So-called Holiness Code" (1990) is unpublished.

⁸⁷ Jeffrey Fager comes the closest of anyone to appreciating the possibility of the existence of multiple interpretations of the Jubilee concept, but since these differing interpretations are tied to sociological position rather than historical development, the differing meanings assigned still appear to be static. For example, Fager (1993: 101) recognizes that contradictory statements arise from different levels of tradition, but rejects proposed solutions because they do not fit the exilic concept on which he concentrates (p. 103). Likewise although Wellhausen (1885: 376, 381) allows for the usage of earlier material, he does not characterize that earlier in any serious way; and because he assigns the P document as a whole and all of the legal material in Leviticus, to the later exilic or post-exilic period when much of it is no longer directly applicable, he cannot but conclude that the Jubilee law must be dismissed as an artificial construction (p. 119).

⁸⁸ Classic examples are de Vaux (1961), Weber (1952), Westbrook (1971a, 1991), Coote and Ord (991), and Chaney (1991: 127-139).

history. The basic meaning of the law (interpreted differently by different interpreters, depending on the period emphasized) is assumed to be essentially static. If the chosen interpretation is inconsistent with conditions in the pre-exilic period, then the entire concept and composition is assigned as an exilic or post-exilic innovation. The possibility of a transformation in meaning is not considered. This is the general problem. Now it is time to address some of the specific problems in the biblical text.

5. Textual Incongruities. First of all, a number of textual incongruities may be indicative of editorial layers that have inadvertently obscured the original intent of the laws. Of these, the most obvious is the confusion in the biblical text over the timing of the Jubilees (whether it is the 49th year as stated in Lev 25:8, or the 50th year as stated in Lev 25:10-11), ⁸⁹ and then whether it involved a second consecutive year as fallow, which, far from aiding the poor as intended, would undoubtedly have resulted in mass starvation. The text's answer to this concern in vv. 20-22 is even more problematic, because the year numbering as well as the vocabulary used there places these verses in the context of the Sabbatical Year rather than in their current literary context of the Jubilee. ⁹⁰ As suggested by Gerstenberger (1996:379) and Milgrom (2001:2182), the verses have apparently been secondarily displaced for some reason.

With regard to the slave release, the apparent substitution of a 50-year maximum term of slavery (v.40) for the 7-year term specified in Exodus 21 and Deuteronomy 15, combined with the redemption formula provided in Lev 25:50-52, results in a redemption price so high that redemption would be impossible for a considerable period following a Jubilee, since it would demand a price far out of proportion⁹¹ to the normal valuation of a slave such as is found in Lev 27:3-7. This result flies in the face of the stated intention of the law to eliminate debt slavery as much as possible (Lev 25:42, etc.). Asserting such a redemption formula in the context of a 50-year term of slavery would seem to be counter-productive to the intention of eliminating debt

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⁸⁹ This confusion is set out nicely, for example, in *Peake's Commentary* (1962: xxiv). Coote and Ord (1991: 125) are so troubled by this that they actually change the year number in their translation of Lev 25:10-11 from "50th" to "49th" year in order to match v. 8.

⁹⁰ This has been observed and documented already by Westbrook (1971a), Sun (1992), Gerstenberger (1996) and Milgrom (2001). That is, the Jubilee fallow assurances use the year numbering of the Sabbatical sequence (yr 6-9), while the vocabulary of fallow assurances here (*sepiah* rather than *sahis*) also applies more aptly to the Sabbatical Year (Westbrook 1971a: 222). ⁹¹ By an order of magnitude – i.e. by nearly a factor of 10 (6 - 50).

slavery in that it would only render such redemption impossible for anyone of normal means. Fager (1993:102, citing Friedrich Horst 1961:219) also notes the conspicuous lack of slave release or redemption in vv. 39-43 as demanding an explanation.

6. The "Empty Land" Problem. A further problem arises with regard to the characterization in Leviticus 26, duplicated and reinforced in 2 Chronicles 36, of the exile as a 'desolation' of the land enjoying its Sabbaths. This characterization is not supported by archaeology, making the "myth of the empty land" a hot topic of scholarly debate today. 92 A number of scholars since Charles Torrey (1910; rpt. 1970: 285-314), including Robert Carroll (1992) and Hans Barstad (1996), have argued that this image of the empty land was an artificial fabrication of the biblical author. Although David Vanderhooft (1999,2003) rightly points out that the Babylonians did not follow Assyrian policy of population swapping (as many had assumed), the archaeological findings of Avi Ofer (1994), Ephraim Stern (2000), and Israel Finkelstein and Neil Silberman (2001) demonstrate that a significant population continued⁹³ and even flourished during the "exilic" period in the tribal territory of Benjamin and in northern Judah (particularly in the small villages surrounding Jerusalem), where an actual increase in population⁹⁴ is seen. Barstad (2003) argues vigorously that the biblical authors have created the mythical portrait of the "empty land" for political purposes in order to emphasize the continuity of pre- and post-exilic institutions and to justify the land claims of the returnees as against those of the current inhabitants. While such an assertion should be viewed with some scepticism as a validation of the land claims, 95 the dilemma remains.

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⁹² See, for example, the lively debates in *Judah and the Judeans* (O. Lipschits and J. Blenkinsopp 2003) as well as the recent articles of E, Stern and J. Blenkinsopp in *JSOT* (2002, 2004) and *BAR* (2000, 2002).

⁹³ As much as 75%; see Finkelstein and Silberman (2001).

⁹⁴ By as much as 65%; see Ofer (1994: 92-121), cited in Barstad (2003: 9).

⁹⁵ Claiming emptiness of the land would hardly work as a legitimization of the land claims either for those occupying the land or for those trying to claim it in the face of such occupation. Such a fabrication could hardly be expected to convince those current inhabitants of their own non-existence. It might have been the naïve assumption of the exiles sitting in Babylonia and preparing for their return. After all, how would they know otherwise? The experience of the first returnees upon their arrival back in the land of Israel was perhaps the unexpected opposition of the "Samaritans". Those returning with Ezra and Nehemiah, on the other hand, would have expected a population from the prior returnees at least, and so the "empty land" would no longer be an expectation.

Vanderhooft's correctives, and rightful assertion that the effective destruction of the Judean state by the deportation of its ruling aristocracy *must* have left something of a power vacuum (absent any concrete evidence of extensive Babylonian imperial apparatus of governance), still do not yield the "desolate land" enjoying a "Sabbatical rest" as depicted in Leviticus 26 (nor does Vanderhooft argue it does). To the contrary, a number of biblical texts explicitly attest that the Babylonians left the poorest people of the land to work the vineyards and fields, no doubt for the purpose of gaining tribute in kind (J.N. Graham 1984:55-58; see parallel passages in 2 Kings 25:12, Jer 39:10 and Jer 52:16). Meanwhile, the parallel passage in 2 Chron 36: 15-21 conspicuously omits notice of those left in the land, and substitutes instead the image of the desolate land enjoying "its Sabbath rests" from Leviticus 26. The "empty land" is neither myth nor reality. It is exaggeration with a purpose, as will be seen below.

7. The Problem of Conflicting Purposes in the Text and Interpretation of Lev 25-

26. The foremost problem in the existing text of Leviticus 25, left unsolved thus far by modern scholarship, is what may be called the "problem of conflicting purposes." An overview of scholarship on the laws in Leviticus 25 quickly reveals a wide variety of explanations for the Jubilee legislation generally, some quite contradictory. The most notable might be listed in categories of ecology (for the revitalization of soil), holiness (for the underpinning of the covenant community), social welfare (for the provision of food out of concern for the poor), economics (for the equitable distribution of the means of production), politics (to take over land claims, and theology (to enhance the status of the divine lawgiver).

With regard to the Sabbatical Year fallow laws in particular, Lev 25: 2-12 suggests at least three distinctive purposes of the laws, two of which are directly contradictory. The opening statement of the chapter in v. 2 stresses the need for the land itself to have rest. This statement has led many to suppose that the Sabbatical Year fallow is a far-sighted, ecologically-minded innovation designed to improve the agricultural productivity of the land by revitalizing the soil as in modern farming. As such, it would be suggestive of the beginnings of an environmental ethic within the Bible. Thus is the purpose stressed by many modern commentators, as well as by

Maimonides.⁹⁶ This particular purpose for the Sabbatical Year is conspicuously missing from parallel laws in Exodus 23 and Deuteronomy 15.⁹⁷

Verses 6-7, on the other hand, as well as the context of the Sabbatical provision within a chapter dealing largely with fraternal response to poverty within the community, suggests a more practical concern for social welfare by providing food. This purpose is also clearly presented in the earlier version of the Sabbatical law in the Covenant Code (Exod 23:10-11). Wellhausen stressed the original Sabbatical release as suggesting surrender of the *produce* of the land to the poor, but then dismissed it as utopian theorizing, impossible to contemplate in an actual agricultural context (hence his late dating). 98 As a surrender of produce, however, it would serve a purpose parallel to that of the third-year tithe in Deut 14:28-29. Leviticus 25 continues this concern in vv. 36-37 with the further provision of usury (interest-free loans), and throughout the chapter with its emphasis on helping the impoverished brother in various ways. This purpose stands in direct opposition, however, to the environmental goal, since land used to feed the poor in any meaningful way is not "resting". Thus, the stated roles of the Sabbatical Year of providing rest for the land and providing food for the poor are mutually exclusive. If the land is "resting" and thus not growing crops, then there is little food from it for the poor to eat. Natural reseeding from a previous harvested crop will not yield sufficient growth for provision of food. Fager (1993:95-96) notes this contradiction by way of rejecting North's suggestions about the function of the Sabbatical Year.

We have been discussing two economic aspects of the Sabbatical Year, and, indeed in the biblical text, economic aspects are primary. Yet a separate religious

⁹⁶ Mishneh Torah 3.39, though Maimonides also characterized the Sabbatical Year and Jubilee along with numerous other H provisions as lavish charity (Isadore Twersky, *Maimonides Reader*, 1972; 373). Modern commentators who highlight the ecological interpretation include Roland Harrison (*Tyndale Commentary on Leviticus*, 1980: 223, 226) and Levine (JPS *Torah Commentary on Leviticus*, 1989: 170, 272).

⁹⁷ Weber, in *Ancient Judaism* (1952: 48), notes that Deuteronomy apparently "knows of no Sabbatical Year for the land." Instead, though it uses the same terminology of "dropping", it deals only with the 7th-year debt remission and slave release, with a 3rd-year tithe to supply food for the poor, but no parallel to land resting.

G. Wellhausen, 1885. Prolegomena 116-118

⁹⁹ This 3rd-year tithe passage stands just prior to Deuteronomy's version of debt and slave release, and is thus literally parallel to the fallow in Leviticus 25

agenda is also evident. Verse 12a indicates that the Sabbatical Year (and the Sabbath laws in general, of which the fallow law is an extension) also carries a religious purpose related to maintaining purity and holiness within the covenant community. The practice of the Sabbath, after all, is imitative of God's own pattern of creation and foundational as the sign of the covenant (Exod 31:12-18), binding the community together in its special observance of this law. Additionally, Sabbatical Year practice serves to remind landholders of YHWH's ultimate ownership of the land. That is, by periodically exercising his authority to dispose of the usufruct of the land, YHWH asserts his legal rights as owner. While this theological overlay does not create any contradiction with the basic economic function of the law, it does merit separate consideration.

With regard to the Jubilee release of land, on the surface it serves a humanitarian need to prevent permanent enslavement, while also addressing a deeper economic need of the wider society to maintain an equitable distribution of the principal means of production in an agrarian society, 100 and generally to prevent economic subjugation of the general populace by a rich minority \neq especially by foreigners. These are somewhat idealistic, egalitarian concerns. More cynical assessments brand this particular provision as crass political maneuvering, designed as a post-exilic attempt to bolster the power and status of the priests, to defeat rival elites by economically crippling local magnates or to justify the takeover of land claims from the current inhabitants during the restoration period. 101 These two political interpretations of the land release, while vastly different, are not mutually exclusive, though the commentators (as cited above) have tended to treat them as such. That is, the possibility that the law could have been created for humanitarian purposes and then later used by others to bolster political power seems not to enter the discussion. In any case, neither purpose arises directly from the text itself, but from differing historical reconstructions in which the texts is placed. The justification given explicitly in the

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¹⁰⁰ See, e.g., R. North's "The Biblical Jubilee and Social Reform" (1951: 330), C. Wright's "Jubilee" (*ABD* 3: 1029), and Fager's *Land Tenure* (1993: 88).

¹⁰¹ See Coote and Ord, 1991. 35-38, 131-133; Chaney, 1991. 138 and Sun, 1994. 759 among others.

text is purely theological, stressing YHWH's ownership of the land and people (Lev 25:23, 42, 55).

A closely related matter would be the significant branch of scholarship that would claim all of biblical law as a literary/theological construct whose purpose is to enhance the status of the divine lawgiver by demonstrating his just nature. Such a claim, however, should not be seen as precluding any relation to actual practices. Joosten's remarks on this matter are most germane, reasserting the basic nature of the H tradition as law, despite its current narrative context and the likelihood that it was "never intended to function in a court setting" (1996:27). Such enactments, like their ancient Near Eastern predecessors, undoubtedly served an underlying purpose of enhancing the status of the lawgiver by demonstrating universally accepted ideals of justice. They can fulfill this function, however, only insofar as they understood on a practical, ethical level within the economic system of their time as representing current standard practice or at least intentions. Otherwise their promulgation as a standard for justice would backfire, as perceived non-conformity would quickly be highlighted as *in*-justice.

8. Practical Dilemmas – Problems of Practicality in Application. Several of the purposes discussed above stand in serious conflict not only with each other but also with the apparent workings of the Sabbatical and Jubilee laws themselves. On the practical front, of course, many have observed that a universal fallow, far from helping the poor, would bring starvation – especially if extended over two years (e.g. Vaux 1961:175). Beyond this obvious problems of mass starvation potentially caused by a universal fallow, Coote and Ord observe (1991:130,133) that food shortages caused by the fallow would undoubtedly boost food prices not only during that year and its aftermath, but also in prior years anticipating its approach, thus exacerbating the debt situation of the poor. Moreover, Westbrook asserts that the regular recurrence of the

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¹⁰² Cf. Kraus (1960/2) on the nature of the laws of Hammurabi.

Here it is assumed that they are promulgated by rulers or institutions currently having power, with the purpose of enhancing their own status, as claimed for the Hammurabi's stele (Kraus 1960/2). It could also be possible for the marginalized groups to put forward ideal standards as critiques of current administrations, but such critiques are only rarely published and preserved in the ancient world. The biblical voice of prophetic critique is unusual in that respect. But the P document is generally attributed not to marginalized groups but to the priestly class currently employed as stewards of the inherited mainstream of religious tradition.

Jubilee would result only in a drying up of credit (as anticipated for the seventh-year debt release in Deuteronomy 15)¹⁰⁴ – the opposite of the law's apparent intention. Compounding this problem is the fact, as noted above, that the redemption formula given in Lev 25:50-52 for redeeming debt slaves puts the price much too high. The 49th-year Jubilee release of debt-slave, meanwhile, becomes essentially meaningless when it is considered that such a time span is likely to have been well beyond the average life expectancy of a typical labourer of the time.¹⁰⁵

9. Problems Relating to Comparison with Parallel Laws. In addition to these problems of application, a literary problem arises with respect to the comparison of this Leviticus law with parallel laws in the Covenant Code and Deuteronomy. Namely, if one assumes that CC and D predate H/P, the H's apparent omission of the 7th-year slave release (already well- established in CC and D), as well as its silence on debt forgiveness, becomes problematic. ¹⁰⁶ Far from exhibiting the social concern usually attributed to it, the Jubilee law as formulated in H would be a significant step backwards from a "social justice" point of view. This dilemma, as shall be seen, derives partly from problems of dating and compositional analysis, but may also reflect some textual and interpretive problems.

Summing up the Difficulties

To sum up, the most natural understanding of the Sabbath and Jubilee laws generally, followed by R. North, Milgrom, and a host of others, is that they constitute an early form of social welfare legislation. As already seen, however, this interpretation is beset with numerous practical problems in the apparent application of the law, which have led many commentators to the pessimistic conclusion that these

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That is, since persons and land were generally used as collateral for loans, imposition for an imminent requirement to surrender that collateral would render any defaulted loan as insecure and therefore an exceedingly bad risk for the creditor.

As observed by Coote and Ord (1991: 125). Archaeological evidence for this common-sense observation is disappointingly scanty, with excavation reports of burials tending to concentrate on grave goods and burial style, neglecting analysis for age (Elizabeth Bloch-Smith, *Judahite Burial Practices*, 1992: 65). J. Blenkinsopp, in "Life Expectancy in Ancient Palestine" (1997: 44-55), provides the best summary of both textual and archaeological evidence.

laws were never intended to be practiced at all. ¹⁰⁷ The obvious conclusion in the face of such difficulties has been to reject the authenticity of the Sabbath and Jubilee provisions as law, calling them utopian literary construction, and dismissing any notion of practical, legal application. Instead, they are interpreted as artificial theological propaganda designed to enhance the status of the lawgiver (God) and of his rulers or priests, gaining a political advantage for the temple priesthood of the post-exilic period. ¹⁰⁸ The issues of practicality are further intensified by the conflicting sets of purposes attributed to the Jubilee provisions. Previous scholars, as discussed above, have distinguished layers within the text of Leviticus 25 (for example recently by Fager [1993]), but most have assumed a fairly uniform purpose for the layers, and have chosen one interpretive framework for them all – be it practical and economic, crassly political or purely theological.

The result has been continuing confusion over various issues, from practical problems within the text to the problem of conflicting purposes. These and other apparent inconsistencies within the chapter suggest the need for a more rigorous analysis of the text with closer attention to the particular approach and interpretive framework being applied by the biblical authors/editors at various stages in Israelite history. Such an examination, recognizing the juxtaposition of separate interpretive frameworks, will resolve many inconsistencies and provide a fuller understanding of the intention(s) of the law.

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 $^{^{107}}$ E.g. Gerstenberger, 1996; Peake, 1962; Weber, 1952; de Vaux, 1961 and Westbrook, 1971a as noted above.

¹⁰⁸ Coote and Ord, 1991. 133.

BADANIBARA

CHAPTER THREE

AN EXEGETICAL SURVEY OF LEVITICUS 25:1-7 AND SABBATICAL LEGISLATION IN ANCIENT ISRAELITE TRADITIONS

Text:

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Leviticus 25:1-7

'rmo*ale yn:ßysi rh:ïB. hv,êmo-la,

'hw"hy> rBEÜd:y>w: WTT:1

#r<a'êh'-la, 'Wabo't' yKiÛ ~h,êlea]

T'är>m;a'w> 'laer"f.yI ynEÜB.-la,

rBeúD:

'hw")hyl; tB'Þv; #r<a'êh' ht'äb.v'w>

~k, l' !tEånO ynIßa] rv<ïa]
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T'pp.s;a'w> ^m<+r>K; rmoæz>Ti ~ynIßv'
 vveîw> ^d<êf' [r:äz>Ti '~ynIv' vveÛ<sup>3</sup>
                        `Ht'(a'WbT.-ta,
    hw"+hyl; tB'Þv; #r<a'êl' hy<åh.yI
`!AtB'v; tB;Ûv; t[iªybiV.h; hn"åV'b;\\
    `rmo*z>ti al{i ^ßm.r>k;w> [r"êz>ti
                           al{å '^d>f'(
     rco=b.ti al{å ^r<ßyzIn> ybeîN>[i-
        ta,w> rAcêq.ti al{å '/r>yci(q.
                         x:ypiûs. taeä <sup>5</sup>
    `#r<a'(l' hy<üh.yI !AtßB'v; tn:üv.
         ^t<+m'a]l;w> ^aD>b.[;l.W ^ßl.
    hl'êk.a'l. '~k,l' #r<a'ûh' tB;'v;
                        / ht'y>h'w>û<sup>6</sup>
        `%M")[i ~yrlbG"h; ^êb.v'äAtl.W
                       '^r>yki(f.liw>
   Ht'Þa'WbT.-lk' hy<ïh.Ti ^c<+r>a;B.
  rv<åa] hY"ßx;l; (w> ^êT.m.h,b.li'w> 7
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1 And Jehovah speaketh unto Moses, in mount Sinai, saying, 2 'Speak unto the sons of Israel, and thou hast said unto them, When ye come in unto the land which I am giving to you, then hath the land kept a sabbath to Jehovah.3 'Six years thou dost sow thy field, and six years thou dost prune thy vineyard, and hast gathered its increase, Six years you shall sow your field, and six years you shall prune your vineyard, and gather in its fruits; 4 and in the seventh year a sabbath of rest is to the land, a sabbath to Jehovah; thy field thou dost not sow, and thy vineyard thou dost not prune; 5 the spontaneous growth of thy harvest thou dost not reap, and the grapes of thy separated thing thou dost not gather, a year of rest it is to the land. 6 And the sabbath of the land hath been to you for food, to thee, and to thy man-servant, and to thy handmaid, and to thy hireling, and to thy settler, who are sojourning with thee; 7 and to thy cattle, and to the beast which is in thy land, is all thine increase for food. 109

3.1 The Structure of Leviticus 25:1-7

Leviticus 25 generally deals with the Sabbatical year and the year of Jubilee.

¹⁰⁹ Young Literary Translation

For chapter 23 deals with holy festive days, but chapter 25 is considered to be its continuation. Both deal with holy time, but the sabbatical year and the year of Jubilee relate to much longer periods of time than the annual festivals. As in chapter 23, this chapter challenges the human egocentric nature by commanding the consecration of the sabbatical and Jubilee years. In assessing form and structure, it is important to keep in mind the lawgiver's intention. Indeed this chapter is applicable to all of Israelite society in terms of the land and property as well as the Israelites themselves.

In v.1 the Lord spoke 'on Mount Sinai'. This geographical note reappears in 26:46 and 27:34. Partly because of this, some exegetes take chapters 25-26 as a single literary unit. It is true that in style and contents, chap. 25 exhibits a close relationship with chap. 26. At least, some stress is laid on the fact that these three chapters are revealed on Mount Sinai. However, the significance of the geographical note lies on a different level to the content of this chapter.

These verses are regarded by all critics as an extract from H, for the following reasons: The superscription in v.1, although written by Rp, shows that what follows is from the older legislation: "And Yahweh spake unto Moses in Mount Sinai," that is to say, we have here something from the Sinaitic legislation of H and not from the desert legislation of P. The insertion of this interesting title at this particular point seems to be due to the long digression, which Rp has allowed himself in Lev. 24. By it he wishes to inform us that he now returns to his former source.¹¹¹

Again, the language with which these laws are introduced in v. 2 is the same as that with which the festal legislation in 23:10 is introduced, and this shows that the law of the sabbatical year forms part of the same system of sacred seasons which has begun in Lev. 23. The standpoint of this legislation also is the same as that of Lev. 23. The sabbatical year is a Sabbath for the land and is brought into close connection with the agricultural life of Israel (cf. 23:10, 22, and 39). Finally, the sabbatical year is an element of the oldest Hebrew legislation and it cannot be supposed to have been

¹¹⁰ J.E. Hartley, 1992. Leviticus, WBC, Dallas, TX: Word, 414.

¹¹¹ A. Dillmann, 1880. *Exodus und Leviticus*, Kurzgefasstes exegetisches Handbuch zum Alten Testament, Leipzig: Hirtzel 603.

¹¹² J. Wellhausen, 1899. *Die Composition des hexateuchs und der historischen Bucher des Alten Testaments*. 3rd ed. Berlin: Reimer, Repr., Berlin: de Gruyter, 1963, 166.

absent from so extensive a code as H (Cf. Ex. 23:10f.).

Looking at the phrase #r<a'eh'-la, 'Wabo't' yKiÛ $\sim h$, êlea] T'är>m; a'w> 'When you come into the land', there are similar introductions in 14:34, 19:23 and 23:10. In all these the land is assumed to be a gift from the Lord. All the stipulations of this chapter assume an agricultural setting in the Promised Land. Every seventh year is to be a sabbatical year, where the land rests (an absence of agricultural activity): Israel's seventh-year calendar should reflect the creational pattern of six days' work and a Sabbath.

Also found in the phrase `hw") hyl; tB'Þv; #r<a'êh' ht'äb.v'w> 'the land shall keep a Sabbath to the Lord' are instances in the Pentateuch where *sbt* qal appears with an impersonal object in Gen. 8:22 and Lev. 23:32. More importantly, this is the first instance in the Pentateuch where the idea of the land taking a rest appears. While the land's taking a rest is conditional on the Israelites' observance of the regulation in this chapter, the starting point of the sabbatical year is with the deliberate resting of the land, and not with the people who are subordinated to the need of the land. It is as if to say, 'Because the land needs a rest, you must not work on it'.

The language here shows in the main no signs of P's influence. (Note the regular use of the second person singular, the phrase "when ye come into the land which I give unto you" (v. 2), "harvest the harvest" (v. 5), hm 'a' (v. 6) instead of hxp; v, which is the standing expression in P. A few unimportant glosses of Rp have come in, however. Verse $4 \# r < a' \hat{e} l' hy < \hat{a} h . yl '!AtB'v; tB; \hat{u}v; is tautological beside the following phrase, hw"+hyl; tB'Pv; ., . The latter is the original expression (cf. 2b); the former shows its priestly origin by the use of the word- !AtB'v Similarly 5b., <math>\# r < a' \hat{e} l' hy < \hat{a} h . yl '!AtB'v; tB; \hat{u}v$ contains the specifically priestly word '!AtB'v; and is a mere repetition of what has been said already. Verse 6a

hl'êk.a'l. '~k,l' is suspicious from the facts that it suddenly changes to the second person plural, although the second singular is used throughout the rest of the section, and that it is superfluous alongside of lko) a/l, in v.7b. It is probable that it has been added by Rp because hl'êk.a is a characteristically priestly word (cf. Gen. 1:29, 30; 6:21; 9:3; Ex. 16:15; Lev. 11:39). Verse 6b also, %M") [i ~yrIßG"h; adds nothing to the sense, and betrays its priestly origin by identifying the status of the rykif' and the by 'AT with that of the rG. In H the rG has a different and inferior position, and that the rG has attained such rights that his position can be treated as the same as that of the Hebrew hired servant and sojourner is evidence of a later period.

In v. 2b the lawgiver lays down the general proposition, "When ye come into the land which I give unto you, the land shall keep a Sabbath unto Yahweh." As we have seen so often already, it is the regular method of H to enunciate a fundamental law such as this, and then to proceed to define its meaning more exactly. In the following verses he shows what the nature of the sabbatical year is. In the seventh year all work upon the land is to be suspended, just as during the weekly Sabbath (vs. 3, 4). Not only must the cultivation of the land cease, but even the harvesting of that which grows of itself (v. 5). Instead of this the spontaneous produce of the earth shall stand free to all to gather as they have need of food (v. 6; cf. Ex. 23:11).

Furthermore, the six-plus-one cycle of the weekly Sabbath is here extrapolated into years. For six years the people sow, prune the vineyards and harvest crops, but in the seventh year there is a complete rest for the land: they are not to sow or prune their vineyards. V.5 underscores this principle by referring to the specific aspect of the people's work: x:ypiÛs. sapiah (what grows of itself), rco=b.ti
al{å ^r<ßyzIn> ybeîN>[I 'innebe nezireka' (the grapes of your undressed vine) as well as the verb rco=b. basar (gather) appear to stress the need for a complete rest from work on the part of the people.

While some scholars posit that the lying fallow of this sabbatical year is not

simultaneously universal, but particular and rotating, ¹¹³ Chirichigno stresses that it is universal and simultaneous but it applies to some parts of the field and not all the land, while other parts are still cultivated. ¹¹⁴ However, the text does not appear to make such distinctions. The fallow must be universal and simultaneous, extending to all fields in every seventh year. In 19:9-10 the people in the Promised Land are required not to harvest their field to its corners, a rule meant to curb the selfishness of the people. But here in chap. 25 they are to cease from all work in their fields. Could a person who is unable to observe the law in 19:9-10 observe this law in 25:3-5?

The sabbatical year is not said to be 'holy', but so much is undoubted assumed, since the year is not only referred to as a Sabbath, but even as a complete Sabbath (sabbat sabbaton, 'a Sabbath of solemn rest') in v.4. It appears that the legislator intends to incorporate the holy nature of the sabbatical year into that of the Jubilee year (see vv. 10, 12). Similarly the land is said to be holy not in this chapter but throughout Leviticus, which is related to the overall view of the land-people-sanctuary. The sanctuary is consistently viewed as a holy realm, but the land, being distinct from the people, belongs to the Lord. Nevertheless the conduct or spiritual state of the Israelites is reflected in the land and the sanctuary: what happens to the sanctuary happens to the land.

In the same vein, the merit of observing the sabbatical year is mentioned in vv. 6-7: the Israelites, their slaves, maidservants, cattle and all the living creatures can rest and live off the land's produce. It is not stated how this comes about. That resting the land results in the food for the cattle and creatures therein is more understandable, since they may eat the unharvested produce. This also encourages the reader to take the sabbatical year in conjunction with the Jubilee year. The answer is, in fact, given in vv. 20ff. The pending nature of these verses is meant to stress the absolute nature of the rest of the land: if the latter is secured all will go well for the living creatures in the land, including humans.

3.2 The Historical and Socio-economic Background of Leviticus 25:1-7

R. North, 1954. Sociology of the Biblical Jubilee, Rome: Biblical Institute Press. 119-120
 G.C. Chirichigno, 1993. Debt-Slavery in Israel and the Ancient Near East, JSOTSup 141,
 Sheffield: JSOT 308-310

During the fourth century, the Israelites had returned to Israel from exile in Babylonia, an exile begun after the fall of the First Commonwealth, ruled by the monarchs (who included Samuel, Saul, Solomon, and David). While the Temple in Jerusalem was restored, with the encouragement of the Persians, leaders such as Ezra and Nehemiah gathered together the ancient traditions and "Toroth" (instructions) into a single document, the Torah (Pentateuch or Five Books of Moses), including Genesis, Exodus, Leviticus, Numbers, and Deuteronomy. (During the same era, the Egyptians and Romans codified their laws). The people pledged to make the Torah their constitution, and the Torah provided the concrete laws derived from their prophetic ideals.

By the fourth century, Israel was not a primitive economy. Over hundreds of years, since the expansive enterprises of King Solomon, systems of domestic and international commerce had developed. Yet most residents were not involved in extensive commerce. Most of them settled on arable land near water in villages with up to 1,000 people. Banding together, farmers lived in houses protected by walls, cultivating vineyards and orchards outside the walls. Some raised goats and sheep on pastures. Often cultivation required extensive irrigation. The Israelites employed methods that had been invented by even older civilizations. Such methods required years of waiting for actual production, and large investment of capital and labor.

Not all the land was arable or located near sufficient water for irrigation. As climatic and hydrographic conditions varied, so did occupations. As visitors to the Middle East know, distinct geographic units and widely various natural conditions are found within a very few miles of travel. Thus, craftsmen, fishermen on the Jordan, and

¹¹⁵ The First Commonwealth extended from 1025-586 B.C. The monarchs Saul, Solomon, and David ruled from approximately 1025-925 B.C. The Israelites were exiled to Babylonia in 586 B.C. and returned to form the Second Commonwealth in 444 B.C. after Persia defeated Babylonia.

¹¹⁶ BARON, *supra* note 9, at 5.

¹¹⁷ For evidence of ancient irrigation methods *see*, e.g., Arkell, 1954. *A Historical Back-ground of Sudan Agriculture*, in AGRICULTURE IN THE SUDAN, 7-9; Gulhati & Smith, 1967. *Irrigated Agriculture*. *An Historical Review*, in IRRIGATION OF AGRICULTURAL LANDS, 3-5.

farmers could meet, if they could travel relatively short distances. 118 Because geographic distances were short, whole villages could dedicate themselves to single crafts, with artisans belonging to clans that resembled medieval guilds. 119 This specialization by village, to the extent that the craft was chosen on the basis of the skills of the clan and the relative costs of resources, invoked the principle of comparative advantage and thus could have played a large role in promoting economic efficiency. The foundation of non-agricultural Israelite economic life was the small peasant, the "crofter" who lived on a plot that belonged to his family. ¹²⁰ Specialization and domestic trade, which grew rapidly during the monarchical era when Solomon encouraged the Israelites to rapidly develop skills and crafts, continued to progress after the return from exile. 121 In addition to the villages of farmers and crofters, cities emerged during the monarchy. The Bible notes the streets in commercial context, with trade of pottery and foodstuffs: "Tomorrow about this time shall a measure of flour be sold for a shekel and two measures of barley for a shekel in the gate of Samaria." 122 By the end of the monarchy, Israelites used regular silver coins to facilitate domestic trade throughout the nation numbering nearly one million people. 123

Even before King Solomon's progressive monarchy, international trade took place in Israel, as Canaanites, Philistines, and Phoenician merchants traversed the countryside. The Israelites learned a great deal from the Phoenicians, who had been trading with civilizations extending all the way to Spain. Since they could adopt techniques and ideas from the Phoenicians, the Israelites did not have to invent or discover all the technology they employed. This too fostered economic growth, in

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¹¹⁸ The distance across modern Israel from the Mediterranean to the Jordan River is less than fifty miles at many points. Yet the fifty miles may cover several distinct topographic and hydrographic regions.

Baron, supra note 9, at 5.

¹²⁰ T.H. Robinson, 1938. A History of Israel. Clarendon Bible: Clarendon, 317.

¹²¹ Encyclopedia Judaica 612 (1967). See also 1 Chron. 4:23.

¹²² 2 Kings 7:1. See also 1 Kings 20:34; Jeremiah 37:21; Robinson, supra note 21, at 312. The Bible discusses urban existence in *Deuteronomy* 19, 20 and grain markets and merchants in *Amos* 8:4-5; *Proverbs* 11:26. See also Silver, supra note 4, at 801. For quotations from the Bible, I am relying on the Jewish Publication Society's English translation: The Holy Scriptures According to the Masoretic texts (1955).

¹²³ See Grant, supra note 11, at 90; Baron, supra note 9, at 7.

¹²⁴ Baron, *supra* note 9, at 3.

accord with Alexander Gerschenkron's development theories. 125

Under Solomon international trade flourished, with royal expeditions through the Red Sea and to the Indian Ocean. A joint Phoenician-Israelite trek to Phir, on the west coast on India, was a "landmark in the history of eastern navigation." 126 Trade with foreigners, apart from commodities brought by caravans from distant countries, was secured by Israelite merchants assigned to posts in foreign countries by the King. 127

Exile in Babylonia, rather than destroying the mercantile trend, seemed to inspire traders and businessmen among the Israelites. As Salo Baron, the great historian of the Jews put it: "In Babylonia, particularly, which at that time marched in the vanguard of semi-capitalistic civilization, Jews entered the stream of advanced mercantile exchanges. The people who at home had devoted itself largely to agriculture and small crafts now assumed an important role in banking and far-flung commerce." Here, historical evidence is available. Archives of the House of Murashu, an important banking and ware-housing firm, show at least seventy Jewish names. 129 By adapting to the surroundings, many Israelites living in Babylonia acquired considerable wealth, skills, and power, as well as business contacts with the ruling class in the empire. Upon return from exile, many Israelites sustained their contacts and continued their trade. Economic progress remained possible. As long as they had the strength to work the land, the skill to produce desired goods, and the intellect to trade successfully, and as long as no droughts or foreign raids occurred, Israelites could lead relatively comfortable lives.

Rather than the spirit of the entrepreneur or of the repressed, Hebraic thought asserts that production functions leave out the most important element: God. This

¹²⁵ See A. Gerschenkron, 1962. Economic backwardness in Historical Perspective.

¹²⁶ Baron, supra note 9, at 5-6. See also 1 Kings 10:12, 14-29; 1 Kings 9:26; 2 Chron. 9:13-27; J. Bell, 1953. A History of Economic Thought, 18. For protection and trade, Solomon built store cities such as Palmyra in the desert between Damascus and the Euphrates River. But after Solomon's death, Israel was partitioned between the north and the south and lost access to many routes. The Phoenicians and Canaanites took over as merchants.

¹²⁷ See Robinson, supra note 21, at 312.

¹²⁸ B.W. Anderson, 1975. *Understanding the Old Testament*, Prentice-Hall; 418-19. Bernhard Anderson describes Babylon as a "scene of thriving agriculture and teeming industry" with a culture "superior to the modest way of life the Jews had known"

¹²⁹ Baron, *supra* note 9, at 10.

factor is superior to the others; indeed, the others exist only because of God. What is God? His own testimony, "I am that I am" gives the best description yet available. One may not be able to examine sabbatical legislations economically unless Yahweh is brought into the picture. It is indeed desirable to show how sabbatical laws treat each of the conventional factors of production as they do because of the Israelites' conception of Yahweh. Two points about Yahweh and his role emerge. First, the Israelites' conception of Yahweh emphasizes omnipresence and inheres in all things of the world (including the factors of production). The theological principle of sacramentalism applies here. Second, Yahweh is understood through events that take place in the world. Judaism (and Christianity, when it develops) "takes history seriously." Throughout the Bible prophets and leaders tell stories about Yahweh and his relationship with the people.

As A.J. Heschel states, "Judaism is a religion of history of time" [italics in original]. Yahweh is not discovered in the mere facts of nature but in events of history. The story of creation, the story of exile in Egypt, and the story of the exodus from Egypt are central to Judaic thought. Yahweh is not merely an abstract idea, but at least an idea that has consequences. Creation, for instance, "is regarded as a work of Yahweh in history, a work within time . . . no doubt, Creation as the first of Yahweh's works stands at the very remotest beginnings-only, it does not stand alone, other works are to follow." In *Deuteronomy*, Moses implores his people to recall their own history and God's salvific role: "Remember the days of old/Consider the years of many generations;/Ask your father, and he will declare unto thee,/Thine elders, and they will tell thee ..." When they forget their past, the people of Israel grow weak. But as an historical religion, Judaism does not dwell on the past. As an historical religion, with each moment creating new opportunities and conditions,

¹³⁰ Exodus 3:14.

¹³¹ G. Wright & R. Fuller, 1957. The Book of the Acts of God, London: SCM 18.

¹³² A. Heschel, 1955. *God in Search of Man*, 200.

Novak states: "... Judaism and Christianity are religions of narrative and liberty. In every story of the Bible, attention is focused upon the moment of decision. In any given story, dramatic interest is aroused because the outcome remains in doubt until the closing lines." Novak goes on, too eagerly I think, to conclude that more modern market competition is envisaged in the Bible.

134 Deuteronomy 32:7.

Judaism emphasizes a sense of the future. In a refutation of J.B. Bury's classic *The Idea of Progress*, Robert Nisbet demonstrates how crucial a sense of the future was to the development of Judeo-Christian thought and culture.¹³⁵

Yahweh's role has profound implications for the understanding of sabbatical legislations and the socio-economic development of ancient Israel. Because Yahweh is within everything in the world, everything must be treated with respect-including land, labour, capital, and raw materials. Martin Buber, the twentieth century theologian, stresses the point throughout *I and Thou*. A direct link between the world and Yahweh commands man to treat the world as Yahweh's holy possession. Whoso mocketh the poor blasphemeth his Maker, warns Proverbs. To pervert or misuse a factor of production or any worldly thing or person is to blaspheme Yahweh. Each element in the world has integrity of its own. This principle should sound familiar to those who have examined the natural law tradition in law. The way of the world is not through a "survival of the fittest" and exploitation of others, but rather through mutual sustaining and support, since to survive each must fit in the world. Not only does man sustain man, but all nature does so. The stars and the planets and even the angels sustain each other, according to Judaic teaching.

Although the principles sound utopian, the Bible does not present a utopian view, at least after the exile from Eden. The Garden of Eden represents perfect harmony but with the loss of harmony comes the loss of perfect justice. A judicial system must be established, for even if paradise cannot be regained, justice can still be

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¹³⁵ See R. Nisbet, 1980. History of the Idea of Progress 10-11, 48-49. Cf J. Bury, 1920. The Idea of Progress.

¹³⁶ M. Buber, 1970. *I and Thou*. Although a leader of the Hasidic movement, Buber has influenced Protestant theologians more significantly than Jewish theologians.

¹³⁷ *Proverbs* 17:5.

¹³⁸ See e.g., A.P. D'entreves, 1965. Natural Law: An Historical Survey; J. Maritain, 1944. The Rights of Man; Sturm, Lon Fuller's Multidimensional Natural Law Theory, 18 Stan. L. Rev. 612 (1966); Sturm, Naturalism, Historicism, and Christian Ethics, 44 J. OF RELIGION 41-42 (1964); Fried, Natural Law and the Concept of Justice, 74 ETHICS 237 (1964). Modern natural law approaches descend in many ways from Aristotle through the Scholastics. See, e.g., M. Fox, 1975. Studies in Maimonides and Aquinas, pp. 75-106. Modern natural rights theories usually stem from the natural law tradition, as Leo Strauss taught in Natural Right and History (1953). A useful exposition on Strauss is Kennington, Strauss's Natural Right and History, 35 Review of Metaphysics 57 (1981).

From the Talmud, Tikkune Zohar 122, T. 43, quoted in L. Newman, 1954. *The Talmudic Anthology* 60.

pursued. Holded, the prophet Isaiah proclaims that "The Lord of hosts is exalted through justice." The pursuit of justice is a very early principle, and not one presented solely to the Israelites. God commands Noah, a non-Jew (for he preceded Judaism), to keep seven principles, known as the Noahide Commandments. Chief among them are: (1) to establish courts of justice; (2) not to murder; (3) to be humane to animals; and (4) to sanctify marriage. According to the Bible, the Noahide Commandments are universal, applicable to all people. Thus, all peoples are to enforce justice through court systems. Because the Noahide Commandment of justice reigns regardless of any particular economic, social, or political circumstance, justice must precede political economy. Economic systems cannot dictate justice, but the economic systems must be adaptable to principles of justice. It is clear therefore, that at any point where the economic system conflicts with religious laws, the economic system must bend.

Following the Noahide command, *Deuteronomy* and *Leviticus* present many laws to be followed and enforced by courts. The laws are both moral exhortations and legislation. *Deuteronomy* orders the Israelites to appoint magistrates and officials to settle disputes in courts. ¹⁴² While some Biblical commands declare general tenets of fairness, e.g., "Love thy neighbour as thyself," and "Cursed be he that perverteth the justice due to the stranger, fatherless, and widow," others are directed towards businessmen. ¹⁴³ Leviticus urges that "if thou sell aught unto thy neighbour, or buy of thy neighbour's hand, ye shall not wrong one another." ¹⁴⁴ Although these laws appear quite general, much more specific laws were formulated, explaining particular commercial acts of injustice and decreeing particular penalties. Recent scholarship stresses that many Deuteronomic laws and laws in Exodus 21-23 (the Covenant Code) are phrased like Near Eastern case law of the period. Deuteronomic law "is unquestionably intended to be a law code in the ancient Near Eastern sense ... it is constructed according to the principles of such codes. Just as the Law of Hammurabi

¹⁴⁰ See Siegel, 1982. A Jewish View of Economic Justice, This World 70-71.

¹⁴¹ Isaiah 5:15.

¹⁴² See *Deuteronomy* 16:18-20, *Deuteronomy* 17:8-9.

¹⁴³ Deuteronomy 27:19. See also Leviticus 19:18.

¹⁴⁴ Leviticus 25:14. According to the Talmud, "When a person is brought before the Heavenly Court, they first ask him, "Were you honest in business?" Shabbat, 33b.

is a highly stylized, tightly constructed collection of just rulings of Hammurabi (and his courts?), so ... [Deuteronomic Law] represents God's just rulings and instructions for His people." 145

It is important to note that while economic analysts usually examine economies with respect to factors of production, the pervasiveness of theological principles dominates every effort to analyze the ancient Israelite economy as factors of production are considered. Theology invades the legal system, compelling the legal system to intervene throughout society. When people relate to material things, theology through legislations will intervene. When people relate to each other, theology through laws will enter. For these reasons, any effort to interpret the economic performance of ancient Israel without investigating the roles of theology and law is futile.

Biblical law severely restricts how people may treat others. The key theological principle, *Imago Dei*, holds that all peoples are born in the image of God. Therefore, no human may treat another as chattel. Humans are personalities to be respected. Even the criminal may not be abused or reduced to a humiliated state. Deuteronomy limits the lashes on evil-doers, lest "thy brother seem vile unto thee." Though man is not, as Hamlet wondered, like a God, he is related to God and therein lays man's holiness and virtue. To Judaic thought, Sartre is completely wrong when he announces that "Hell is-other people!" As creations of God, humans deserve respect, as neighbours and as labourers.

Before exploring the laws that restricted labour, Judaic attitude towards labour and work should be borne in mind. Some claim that the Bible depicts work as a dirty task that man must perform as punishment for his evil acts in the Garden of Eden. Edmund Whittaker in *A History of Economic Ideas* writes: "In most countries labour was held in some disdain. The Old Testament appears to give expression to this view

¹⁴⁵ Stephen A. Kaufman, 1979. The Structure of Deuteronomic Law, Maarav 105, 146.

Deuteronomy 25:3. Imago Dei also sustains the Catholic human rights tradition. See, e.g., Maritain, supra note 42; D. Hollenbach, 1979. Claims of Conflict.

¹⁴⁷ J. Sartre, *No Exit*, sc. 5 (1945).

in God's command to Adam: "In the sweat of thy face shalt thou eat bread. ..." Apparently, appearances can be deceiving. Although Whittaker deserves credit for writing one of the few text-books on economic thought that even mentions ancient civilizations, I believe his interpretation is wrong. Work is seen in positive light in the Bible. First, recall that God worked to create the world. From this alone, we could infer the blessedness of work. Second, we can focus again on the Garden of Eden. In the Garden there was perfect harmony among humans and with nature. The Garden of Eden represents a normative state, the "original rightness." But Adam's and Eve's presence in the Garden did not mean that creation was finished, ready for human consumption. Even in the Garden Adam was commanded to "dress it and keep it."

Yes, the world needed human effort to create new resources and guard the old. Although Genesis dictates that man will dominate the earth, it does not claim that man will rule without effort. Labour sanctifies, allowing man to become even closer to God, for then he can share in the creative process. Other parts of Scripture stress the same point: "When thou eatest of the labour of thy hands, Happy shalt thou be, and it shall be well with thee." Deuteronomy states that "The Lord will bless thee in all the work of thy hands." The Bible identifies characters by vocation, e.g., Amos the herdsman, Noah the husbandsman, Abel the keeper of sheep, and Cain the tiller of the

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¹⁴⁸ E. Whittaker, 1950. A History of Economic Ideas 79. Whittaker quotes from Genesis 3:17. Whittaker's is one of the few texts on economic thought that even mentions pre-Grecian economics. Some begin with the Greeks, as do Bell, supra note 27; H. Spiegel, 1952. The Development of Economic Thought; R. Lekachman, 1959. A History of Economic Ideas. Others skip all the way to the mercantilists, as does M. Blaug, 1962. Economic Theory in Retrospect or even further to the Enlightenment and Adam Smith, as do O. Taylor, 1960. A History of Economic Thought; W. Barber, 1968. A History of Economic Thought. Of course, mere mention does not imply careful and correct explanation. Perhaps Whittaker should have started with the Greeks!

¹⁴⁹ Genesis 2:15. See also Seigel, supra note 44, at 70; R. Hirsch, 1973. The Way of the Upright 39. Contemporary Catholic thought is similar here. Pope John Paul II writes: "Man is the image of God partly through the mandate received from his Creator to subdue, to dominate, the earth. In carrying out this mandate, man, every human being, reflects the very action of the creator of the universe And so these words, placed at the beginning of the Bible, never cease to be relevant." Laborem Exercens 4. In Christian thought, sin does not make work necessary; sin only makes work more difficult. Jesus, John, and Paul all worked and recommended work. See John 5:17; John 13,12:17; Acts 18:3; 1 Thess. 4:11; II Thess. 3:10 ff. See also Theology of Work, 14 New Catholic Encyclopedia 10 15- 16 (1967).

¹⁵⁰ Psalms 128:2.

¹⁵¹ Deuteronomy 11:7. According to the Talmud, if a man is idle, he is not blessed. Midrash Tehillim 23:1.

ground. Work, then, fulfills two purposes. First, it produces the goods necessary for life. Second, it allows self-fulfillment through creative effort, and thus permits one to acquire self-respect. 152

Fundamentally, workers must be treated fairly and with respect. All specific laws regarding labour derive from this principle. Although the Israelite society emphasized a spirit of community, historical sources do not depict a communal system in which all share in labour and property. Nor does the principle of fairness to the labourer forbid hiring labour. The Bible first mentions hired labour with payment in kind. 153 As specialization developed during the monarchy (following the Exodus from Egypt), currency was used as a medium of exchange, and the Israelites adopted the Egyptian system of hiring labour for wages.¹⁵⁴ The most commonly cited vocations include potters, fishers, shepherds, tentmakers, carpenters, and brickmakers. When Solomon ordered the construction of the temple in Jerusalem, bureaucrats hired craftsman, including masters from Phoenicia and Tyre. 155 Deuteronomy and Leviticus contain laws regarding both the amount of wages one should pay a labourer and the method of payment. Laws regarding how much to pay a labourer are quite general, stating only that labourers should not be paid "oppressive" wages or, stated positively, they should be paid "adequate" wages. 156 The positive formulation might indicate that workers should be paid at least a subsistence level. Indeed, further regulations ensure that workers achieve a minimum standard of living. However, the Bible does not point to any legislated equality of payment to labourers.

Laws concerning method of payment are more specific and would have had more potential to change the path of economic progress. Deuteronomy and Leviticus

¹⁵² Hirsch, *supra* note 53, at 39. Despite vitriolic anti-semitism and a misreading of the Bible, Marx saw the same virtues in work, when work was not capitalist wage-labor. *See* K. Marx, 1849. *Das Kapital* pp. 144-45 Gateway ed.; T. Buchholz, 1989. *New Ideas from Dead Economists*, ch.6, For Marx's anti-semitism *see* his essay, *On the Jewish Question* (1843) and Himmelfarb's intriguing *The Real Marx*, 79 Commentary 37 (April 1985).

¹⁵³ Genesis 29:15-20; Genesis 30:32. See also Bell, supra note 27, at 18.

¹⁵⁴ Exodus 2:9. See also Bell, supra note 27, at 18.

¹⁵⁵ See Grant, supra note 11, at 89.

¹⁵⁶ See Leviticus 19:13; Deuteronomy 24:14-15; Jeremiah 22:13. The Code of Hammurabi specified wage rates for various services, e.g., a field-laborer was to be paid 8 gur of corn per annum, a herdsman 6 gur. See C. Edwards, 1904. The Hammurabi Code and the Sinatic Legislation 67-73.

clearly hold that labourers must be paid immediately after work each evening: "... the wages of a hired servant shall not abide with thee all night until the morning." ¹⁵⁷ Prompt payments might ensure fairness, but if agreements could be reached for longer term commitments or for payments to be delayed, the price structure for produced goods would be severely affected. Further, especially in an agricultural region, cashflow problems for the owner would be particularly difficult.

One additional provision reinforces the attempt to make hiring a beneficent practice. Agricultural earners always received some payment in kind, for the labour laws permitted a labourer to eat from the field in which he worked.¹⁵⁸

Perhaps the most well-known restriction on labor is the forced vacation day once a week, the Sabbath. To reduce potential labour hours in a labour-intensive land, undeveloped by modern standards (and perhaps by the standards of its contemporaries) is extremely important. But the Bible does not embrace the Sabbath for economic reasons. Rather, the Sabbath represents a day of rest to commemorate God's day of rest after Creation and to allow the Israelites to pray. Pierre Proudhon praised the Sabbath as the most progressive step taken in labour law from ancient times to the nineteenth century. In any event, for our limited purposes here, the Sabbath represents a restriction on labour contracts, reducing the potential labour supply.

No civilization boasts of slavery in its past. The Israelite society condoned slavery in its laws. It might seem strange that a people whose history was marked by a period of slavery and oppression would allow slavery. Moreover, it might seem strange that a people who pledged to be just would enslave. Yet the system of slavery that the laws permitted needs elaboration, for the laws provided many conditions for keeping and freeing slaves. Again, although the laws are fairly clear, the empirical data on the number of slaves held are not. But we should not be surprised. Even in the

¹⁵⁷ Leviticus 19:13. See also Deuteronomy 24:14-15; Isaiah 16:14; Encyclopedia Judaica, supra note 22, at 615.

¹⁵⁸ See Deuteronomy 23:25-26. See also Hirsch, supra note 53, at 56.

¹⁵⁹ Proudhon, quoted in *The Pentateuch and Haftorahs* 929 (1971). In modern times courts have sometimes found that legal restrictions on labour interfered with fundamental freedom of contract, where a state set a maximum number of the hours an individual could work per week. It took years before the Court would approve such paternalist measures.

United States, de-bate continues over the relative importance of slavery and the conditions of slavery just one hundred fifty years ago, as Fogel's and Engerman's *Time* on the Cross points out. ¹⁶⁰

Since slaves were considered brothers, laws commanded that owners treat them well. In fact, Semites have a long tradition of relative kindness to slaves. In Israelites enslaved both fellow-Israelites and non-Israelites. The laws for treatment differed for each group. Laws for treating Israelites are especially strict, for the Exodus from Egypt was intended as the liberation of Israelites from oppression. Thus, an Israelite could never be more than nominally a slave to other humans. In Israelite could never be more than nominally a slave to other humans. In Israelite would have to act affirmatively, for instance, by stealing or borrowing and defaulting on a debt. His bondage would be for a limited time and would resemble indentured servitude. In Israelite government also held slaves, especially during Solomon's reign, when public works, royal palaces, and temples required them. To Solomon, forced labour of thousands of Israelites on public projects simply extended the military draft. In Israelite have the justification, slavery was "highly unpopular among

¹⁶⁰ R. Fogel & S. Engerman, 1974. *Time on the Cross,* The Appendix provides a good bibliography of the literature then available on slavery. Fogel & Engerman's controversial findings have been challenged. *See* David & Temin, *Slavery: The Progressive Institution,* Wright, *The Efficiency of Slavery: Another Interpretation,* 69 AM. ECON. REV. 219 (1979); Fogel & Engerman, *Explaining the Relative Efficiency of Slave Agri-culture in the Antebellum South,* 67 AM. ECON. REV. 275 (1977); David & Temin, 1979. *Explaining the Relative Efficiency of Slave Agriculture in the Antebellum South: Comment,* 69 AM. ECON. REV. 213; Fogel & Engerman, *Explaining the Relative Efficiency of Slave Agriculture in the Antebellum South: Reply,* 70 AM. ECON. REV. 672 (1980). See also Barzel, *An Economic Analysis of Slavery,* 20 J. LAW & ECON. 87 (1977). To see the effects of emancipation of slave: on a small agricultural economy, see Moohr, *The Economic Impact of Slave Emancipation in British Guiana,* 1832-1852, 25 ECON. HIST. REV. 588 (1972).

¹⁶¹ Note that Aristotle, for all his concern about justice, approved of slavery. Aristotle saw a natural division between masters and slaves. Some people, he thought, are naturally "fit" to be slaves. In fact, to enslave was to do justice, since the slave deserved to be subordinated by virtue of his nature. *See Politics*, chs. 3-6.

¹⁶² See Ginzberg, Studies in the Economics of the Bible, 22 Jewish Q. REV. 343, 347 (1931-32). The Koran highly recommends manumission.

¹⁶³ See Leviticus 25; The Pentateuch, supra note 63, at 535.

¹⁶⁴ See Hirsch, supra note 53, at 24; Baron, *supra* note 9, at 7.

¹⁶⁵ Talmud, Kiddushin, 22b.

¹⁶⁶ See Grant, supra note 11, at 91; Baron, supra note 98, at 7.

the liberty-loving Israelite tribesmen." ¹⁶⁷

After Solomon's death, slavery of both Israelites and non-Israelites - those who were purchased in Phoenician slave markets or captured in war - diminished, apparently for economic reasons. Slavery was efficient when the free wage exceeded the slave rate (which would include subsistence and the costs of special provisions guaranteed to Hebrew slaves). The free wage rate tended to be higher when work was more agricultural and the ratio of land to labour was high. Less victorious in war, Israel did not capture many more heathen slaves after Solomon. Furthermore, the price of slaves in Phoenician markets increased rapidly during this period. In the ninth century B.C., a male or female slave sold for 30 shekels. Later the price rose to 50 shekels. With the prevailing interest rate in the ancient Middle East market at 20-25% per annum for cash loans, 33.33% for grain loans, and up to 100% for risky loans or in times of scarce capital, investment in slaves was not profitable, while free labour was available at low cost. 168 Hebrew slaves, because of restrictions, were never very costeffective and, as stated, were not readily enslavable by private citizens. Moreover, increasing populations led to low wages and this sent thousands of unskilled labourers into the cities.

During the period under study, there were various laws regarding treatment and manumission of slaves. Again distinctions between Hebrew slaves and non-Hebrew slaves arose. Both kinds of slaves, however, must be treated as if they were hired servants. That is, they may not be given menial or degrading work. Owners can assign only agricultural or skilled labor tasks such as those performed by free laborers. The medieval scholar Maimonides interpreted the law to mean that an owner may not make a slave's yoke heavy or distressful, but rather an owner must give food and drink, speak softly, and listen to his claims. Although both classes of slaves must be treated well, the duration of bondage differs. In accord with the cycle of seven

¹⁶⁷ Grant, *supra* note 11, at 91.

Baron, *supra* note 9, at 7. This was especially true of smaller landowners, since slavery was more efficient when economies of scale were reached on larger plots. Restrictions on accumulation of property limited the number of large scale agricultural producers. *See* Baron, *supra*, at 27-29.

¹⁶⁹ See Leviticus 25; The Pentateuch, supra note 63, at 536.

¹⁷⁰ See Maimonades, Mishneh Torah, Avadim VIII.

represented by the Sabbath, an owner could hold a Hebrew slave for only six years. In the seventh he was free. When his indentureship expired, the master had to pay the Hebrew slave some fruits of his labor because he was entitled to them, and because he would need some material goods to reestablish himself as a free man: "thou shalt furnish him liberally out of thy flock, and out of thy threshing floor, and out of thy winepress. ...". Since Hebrew slavery was somewhat benign, slaves might want to remain in the master's household. They had a choice. If a slave decided to remain, the master would ceremoniously pierce the slave's ear before a judge. At a slave's choice, then, the slave would serve until his death. The non-Israelite slave had no choice. He could be kept forever, as long as the master did not abuse him.

While the Code of Hammurabi dictated punishment to the owner who harmed another's slaves, Biblical law interferes with the master's treatment of his own slaves. And while Greek law perceived the slave as an "animated tool" that could be chained during agricultural work, Biblical law provided legal rights to the slave. 174 Very simply, if an owner abused his slave, the slave was freed. One of the most frequently quoted Biblical laws, paraphrased "an eye for an eye; a tooth for a tooth" refers not only to direct retributive punishment but also to a condition for freeing abused slaves: "And if a man smite the eye of his bondman, or the eye of his bondwoman, and destroy it, he shall let him go free for his eye's sake. And if he smite out his bondman's tooth, or his bondwoman's tooth, he shall let him go free for his tooth's sake." 175 In other words, society punishes the slave-abuser by taking away his slave (and in the case of a non-Hebrew slave, his investment).

In contrast to the Code of Hammurabi, which punished by death those who harboured a runaway slave, Biblical law commands one not to deliver a fleeing slave.

"Thou shalt not deliver unto his master a bondman that is escaped ... he shall dwell

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Deuteronomy 15:12-15, 18. The prophet Jeremiah bitterly condemned those who tried to flout the laws of release. See Jeremiah 34:14. The Code of Hammurabi also included laws for release. The Code provided that one enslaved because of debt would be released after three years. The Code of Hammurabi, 117. See also Ginzberg, supra note 66, at 346.

¹⁷² See Deuteronomy 15:16, 17; Exodus 21:6.

¹⁷³ See Leviticus 25:44-46; Hirsch, supra note 53, at 25.

¹⁷⁴ See The Pentateuch, supra note 63, at 537.

¹⁷⁵ Exodus 21:26, 27.

with thee ... thou shalt not wrong him"¹⁷⁶ But capital punishment was ordered for those who kidnapped and then sold slaves or sold free men into slavery. Legitimate buyers of Hebrew slaves were required to deal in private, so that the social stigma of a public market would not debase the slave.¹⁷⁷

Hebrew slaves especially had to be treated as kin. A slave could attain a high position and could be adopted by the master. Further, he could own property, buy his freedom, and marry a free woman. Laws required the master to be responsible for the slave's family. Should the slave be a father, the master must take the children into his care and maintain them.¹⁷⁸

In sum, the Bible treats labourers, both free and slave, as human beings deserving fairness in the amount of wages, the method of payment, treatment, care, and terms of freedom. True, the heathen did not hold the same right to manumission. Yet the law proscribed physical or mental humiliation, even of heathens. Being a slave was not an attractive position, but these legal guarantees may have assuaged some of the pain. The concept of *Imago Dei* provides the source for the beneficence required of owners and employers. "Did not He that made me in the womb make him?", Job asks rhetorically.¹⁷⁹

Although Israelites could hold private property, their right was not absolute. Biblical law restricted what one could use land for, to whom one could give land, and for how long one could hold title. While prudential considerations argued for private property, theological principles urged limitation. God owns the universe.

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¹⁷⁶ *Deuteronomy* 23:16, 17.

¹⁷⁷ See Leviticus 25; The Pentateuch, supra note 63, at 537.

¹⁷⁸ Leviticus 25.

¹⁷⁹ *Job* 31:15.

¹⁸⁰ It would be difficult to imagine a property structure in which rights were absolute. Even in the nineteenth century, American law recognized the tension between the principles *damnum absque injuria* (loss without legal injury) and *sic utere tuo, ut alienum non laedas* (use your own property without injuring others), in addition to eminent domain. Morton Horwitz examines the strength of private property rights claims in the late eighteenth century. He writes that "one is tempted to see a Machiavellian hand "working through the courts on behalf of powerful economic forces to redefine property rights. Horwitz succumbs to the temptation and, like Marx, sometimes falls into the *post hoc ergo propter hoc* fallacy in pointing to material forces as the cause of changing jurisprudential ideals. M. Horwitz, 1977. *The Transformation of American law*, 1780-1860.

¹⁸¹ See Demsetz, Toward a Theory of Property Rights, 57 AM. ECON. REV. 347. Aristotle presents many prudential reasons for private property in arguing against Plato's more communal

Both the resources of nature and the creative impulse in man were bestowed by God. Therefore, man cannot own property in perpetuity or use it without consideration for the interests of others. God holds man accountable for the responsible management of property. Still, God did promise that the liberated people of Israel would have their own land. Even before enslavement in Egypt, the Bible describes Abraham purchasing property for 400 shekels. As the returning slaves settled permanently on the land, they strengthened the power of private property and enhanced proprietary awareness. Thus, the Bible presents a tension between private property and the precept of human humility. The resulting property structure aims, not at the socialization of property, but at the moralization of private property.

The Bible limits owners by prohibiting waste. Maimonides explains that one of the 613 commandments in the Torah is *La Toschchit*, the prohibition against wastefulness. A person who burns a garment or breaks a pot with the intent to destroy violates the commandment because he wastes that which does not belong to him alone. Similarly, the person who cuts down young trees in his garden may be punished because the fruit of the tree is not really his to destroy. And although the Bible appears to understand diminishing returns and the difficulty in raising livestock, laws prevent yoking together two different species of draught animals, such as oxen and asses.

Laws that restrict alienability are perhaps the most striking feature of the property structure. The first limitation derives from the idea of property as a familial

prescriptions. In particular, Aristotle warns of the free-rider problem and contends that people take better care of private possessions than public possessions. II Politics, chs. 3-7. Aquinas, who refers to Aristotle as "The Philosopher," takes up Aristotle's position over 1,500 years later. St. Thomas Aquinas, *Summa Theologica*, Qu. 66, Art. 1-2.

¹⁸² See Psalms 24:1; Leviticus 25:23, 38; Deuteronomy 8:12-18; Ezekiel 28:1-8. See also G. Guttierez, 1973. A Theology of Liberation 295; Cf J. Lauterbach, 1951. Rabbinic Essays 276.

¹⁸³ See Genesis 23:12-8; Genesis 33:18-19; M. Silver, 1983. Prophets and Markets, 73.

¹⁸⁴ See Encyclopedia Judaica, supra note 22, at 611.

¹⁸⁵ See Siegel, supra note 44, at 72.

¹⁸⁶ Maimonades, Sefer Hamitzvot, *Negative Commandment* 57. *See* also Hirsch, *supra* note 53, at

¹⁸⁷ Genesis seems to recognize diminishing returns. Lot accompanies Abram to "the South." Each brought his many flocks, herds, and tents. "And the land was not able to bear them, that they might dwell together." *Genesis* 13:2-6. *See* also Whittaker, *supra* note 52, at 361. *Deuteronomy* 22:10 forbids yoking together an ox and an ass. *See* also Robinson, *supra* note 21, at 318.

possession. A member of the family holds property but does not exercise full domain. Inheritance laws are carefully delineated, and no one may sell land to another without the entire family's agreement. If a family member becomes indebted and loses the land to a lender, his kin have an obligation to repurchase and redeem the parcel. The law imposes a duty on the possessor to accept the payment for redemption. Even the government will have trouble taking a family's land without a kind of due process. These rules have important economic implications.

One of the most interesting restraints on alienation to be found in any culture is the Jubilee Year. Because the land is God's, the Bible pronounces that "the land shall not be sold in perpetuity." Every fifty years, with a blast of the horn would come a general emancipation of all the inhabitants. The fields lay fallow and every man would re-enter his ancestral property. In other words, the fields and houses which had been alienated returned to original owners, reinforcing the concept of familial property. Since land could only be bought for fifty years at most, a seller did not really convey full title but only the right to harvest for the number of years until the Jubilee. Prices

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See Leviticus 25:25-28; Numbers 27:5-11; The Pentateuch, supra note 63, at 534; Hirsch, supra note 53, at 10; Bell, supra note 27, at 15. A potential loophole was closed by Deuteronomy 21:15-17. The loophole would have allowed a person to adopt another's son and thus take possession of the son's inheritance. See D. Cross, Movable Property in the Nuzi Documents 5 (1937); N.B. Jankowska, 1969. Extended Family, Commune, and Civil Government in Arrapha in the Fifteenth-fourteenth B. C. 245, In Ancient Mesopotamian Socio-Economic History.

¹⁸⁹ See the story of King Ahab and Naboth, *1 Kings* 21:1-3. Naboth states, "The Lord forbid it me, that I should give the inheritance of my fathers unto thee." *1 Kings* 21:3. See also Eichrodt, Revelation and Responsibility, 3; Interpretation 39, 3-94 (1949). Bernhard Anderson interprets the story to imply equality before the law, even for kings. Anderson, supra note 29, at 256.

¹⁹⁰ Leviticus 25:23. See also The Pentateuch, supra note 63, at 534.

¹⁹¹ See Leviticus 25:8-10; R. De Vaux, 1961. Ancient Israel: Its Life and Institutions 175-77. Incidentally, the inscription on the Liberty Bell located in Philadelphia is from the Leviticus passage: "Proclaim liberty throughout the land unto all the inhabitants thereof." The Jubilee Year is such a radical introduction of morality and religion into economics that some doubt whether it was ever enforced, see e.g., Bell, supra note 27, at 17 and de Vaux. Driver claims it is "impossible to think that (as has sometimes been supposed) the institution of the Jubilee is a mere paper-law-at least so far as concerns the land (for the periodical redistribution of which there are analogies in other nations), it must date from ancient times in Israel." S.R. Driver, 1913. Introduction to the Literature of the Old Testament 57. Ewald also maintains that "nothing is more certain than that the Jubilee was once for centuries a reality in the national life of Israel." Ewald, quoted in The Pentateuch, supra note 63, at 532. See also H. Ewald, 1869. The History of Israel 209.

would, of course, reflect the number of years until the Jubilee. ¹⁹² According to the historian Josephus, a holder of the right could improve the property. If he did, the original owner would have to pay compensation to the temporary holder when the Jubilee Year arrived. ¹⁹³ The Jubilee Year flowed from the principle of God's ownership. Since land is God's, only the harvest or crop could be sold completely.

The Jubilee principle sought to promote justice by preventing accumulation and pauperism. If a man lost land through debts, and his kin could not afford to repurchase, justice did not require that his descendants be landless. By limiting accumulation, the laws tried to limit oligarchs from emerging and dominating. ¹⁹⁴ A fifty year cycle also reminded the Israelites that theirs was an historical religion with a definite and unforgettable past. The historical consciousness and the familial ties did not apply to the new urban areas. Laws exempted walled cities from the Jubilee. ¹⁹⁵ If the Jubilee had included urban property, it would have provided increased power to the few owners, upon whose property thousands lived, rather than diffusing power, as the Jubilee intended.

Just as labour must rest every seven days, land must observe a cycle of seven. Land was anthropomorphized and required to rest septennially. While the Jubilee Year is sometimes doubted, few scholars doubt that the Sabbatical Year was celebrated by letting land lay fallow. Today in Israel, some ultra-religious Jews demand a return to rigorous Sabbatical Year system. Opponents argue that a year of rest for Israeli land would only lead to more wealth for farmers of other countries. ¹⁹⁶ In commanding the Sabbatical Year of rest, God promises that the sixth year will be so abundant that a surplus will exist: "I will command my blessing upon you in the sixth year, and it shall

¹⁹² See Leviticus 25:16-16; Hirsch, supra note 53, at 32.

¹⁹³ See The Pentateuch, supra note 63, at 535.

Yet certain families amassed wealth anyway and were condemned by the prophets for using their wealth selfishly and unfairly. The most eloquent plea comes from Amos who cries that moral action is superior to mere ritual: "I hate, I despise your feasts, and I will take no delight in your solemn assemblies . .. Take thou away from Me the noise of thy songs ... But let justice well up as waters, And righteousness as a mighty stream." *Amos* 5:21-24.

¹⁹⁵ See Leviticus 25:29-31.

¹⁹⁶ See Leviticus 25:1-7; Hirsch, supra note 53, at 29, 31. Ewald reports confidently that the Israelites observed the Sabbatical Year centuries into the Persian rule. See Ewald, supra note 94, Vol. 5, at 167. For the contemporary controversy, see Ross, Israel Can't Quite Separate Wheat From the Hassle, Los Angeles Times, June 21, 1987.

bring forth produce [to the last three years]."¹⁹⁷ The laws, then, not only reduced potential labour hours by 14%, but also the amount of usable land (assuming the land could have been used just as fruit-fully in the seventh year).

Three kinds of tax systems also restricted ownership rights of property. The first was aimed at helping the landless. As a regular divine assessment, every third year 10% of the agricultural output was to be given to the poor. 198 And each year after the harvest, the farmer was not to harvest too comprehensively: And when ye reap the harvest of your land, thou shalt not wholly reap the corner of thy field, neither shalt thou gather the gleaning of the harvest . .. thou shalt leave them for the poor and for the stranger ..." The second kind of tax aimed at supporting the clergy. Biblical law required a poll tax to maintain the temple and that each farmer set aside a first tithe for the Levites, who served the priests and a heave-offering averaging 2% for the priests. Baron reports that clergy represented not more than 3% of the population. Thus, the 12% of produce should have kept them comfortable. 200 The third kind of tax paid for public projects, which proliferated rapidly during the monarchy. Solomon had enlarged David's bureaucracy to administer construction of public buildings and the temple. Prefectures collected taxes, which also had to be raised to pay for a new chariot army. Solomon enacted various revenue-raisers to pay for his empire, including customs charges, excise duties, and income taxes. Raising taxes also raised resentment and contributed to his downfall.²⁰¹

Although private property was the rule in ancient Israel, property was subject to taxes and extremely severe limits on alienation and production. While property was not communal, the laws and spirit of the community were constant companions, looking over the owner's shoulder and around the corner every seven and fifty years.

Discussion of capital in ancient Israel will centre on restrictions on lending and interest rates. Biblical laws do not restrict the kinds of capital investment which economists speak of today, involving plant and machinery. But Biblical laws do

¹⁹⁷ *Leviticus* 25:21.

¹⁹⁸ *Deuteronomy* 14:28-29.

¹⁹⁹ Leviticus 19:9-10.

²⁰⁰ See Deuteronomy 14:27; Baron, supra note 9, at 16-17; Bell, supra note 27, at 20.

²⁰¹ See Grant, supra note 11, at 90. After the return from Babylonia, the Israelites also had to pay taxes to the Persian rulers. See Baron, supra note 9, at 11.

present a problem of capital accumulation: how can one afford to invest if capital markets are prohibited? Most countries in the ancient Near East, for instance, Babylonia and Assyria, had capital markets in which commercial loans were negotiated, even as early as the eighth century B.C. Babylon had "a remarkably modern system of doing business Landed properties, houses, animals, even slaves were bought on credit and the installment payment of debt was common and a separate receipt was given each time." As reported earlier, interest rates ranged from 20-25% for cash loans to 33.33% for grain loans to 100% for very risky loans, although the Code of Hammurabi imposed maxi-mum interest rates for grain loans as part of an economic reform. Even international capital markets thrived.

But capital markets did not thrive in ancient Israel. They were effectively banned. As Benjamin Nelson's *The Idea of Usury* explains, Biblical laws conceived of the Israelites as one people, as a brotherhood.²⁰⁴ The Bible repeats its message in several books: "If thou lend money to any of My people, even to the poor with thee, thou shalt not be to him as a creditor; neither shall ye lay upon him interest."²⁰⁵ In the most famous formulation, Deuteronomy commands that: "Thou shalt not lend upon interest to thy brother: interest of money, interest of victuals, and interest on anything that is lent upon interest."²⁰⁶ Not only may an Israelite not charge interest, but he must lend food and money to any poor person, whether a "brother" Israelite or a gentile. In addition, the Israelite must take the indigent into his home.²⁰⁷ So venal is interest that the Hebrew word *neshech* means "a bite." Maimonides writes that "he who takes it, bites his fellow, causes pain to him, and eats his flesh."²⁰⁸ The prohibition is not

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²⁰² A.T. Olmstead, 1948. *History of the Persian Empire*, 82-85. *See also* Silver, *supra* note 87, at 65.

²⁰³ Baron, supra note 72. See Harris, Some Aspects of the Centralization of the Realm Under Hammurabi and His Successors,; Maloney, 1974. Usury and Restrictions on Interest-Taking in the Ancient Near East, 36 Catholic Biblical Q. 1, 2-10; T. Meek, 1969. Mesopotamian Legal Documents, In Ancient Near Eastern Texts Relating to the Old Testament, 169.

²⁰⁴ B. Nelson, 1949. *The Idea of Usury*

²⁰⁵ Exodus 22:24. See also Hirsch, supra note 53, at 85.

²⁰⁶ *Deuteronomy* 23:20-21.

²⁰⁷ See Leviticus 25:35-36; Deuteronomy 15:8. Maimonides in his writings establishes degrees of charity. The eighth degree, which is most meritorious, is to anticipate charity by preventing poverty, i.e., by assisting the reduced fellow man, either by giving a gift, a loan of money, or by teaching him a trade. Mishneh Torah, Matnot Aniyim X,7.

²⁰⁸ Maimonades, Mishneh Torah, Malveh Veloveh, IV, 2.

without exception, though. Under one condition is lending at interest permitted: Israelites may lend to itinerant merchants, who will use the funds for investment, not for subsistence or current consumption.²⁰⁹ The provision makes sense, because the merchant would not borrow unless the rate was reasonable. And if the merchant reneged or defaulted, as an itinerant he could not be hauled into the Israelite courts. Nonetheless, under most conditions an Israelite could lend neither to a brother nor to a noncommercial "other." Nelson carefully traces the breakdown of the laws against lending during medieval times and sees the trend as the transformation from "brotherhood to otherhood, "that is, he charges that the Judeo-Christian tradition begins to perceive everyone as a travelling stranger, rather than as a brother.²¹⁰

We should not be surprised to find a similar septennial cycle concerning capital, as we did regarding land. In the Sabbatical Year (as well as in the Jubilee Year) all debts are released. The Sabbatical Year was a forerunner of contemporary statutes of limitations and bankruptcy laws. The law made some sense in an agricultural economy where farmers were self-sufficient. If they could not pay their debts after a good faith effort during the previous six years, they were probably unable to repay. And if the Sabbatical Year prevented them from planting in the seventh year, any surplus they had would be needed for survival. The release did not, incidentally, apply to the foreign merchant since he could not be expected to release Israelites from debt. The laws tried to establish an equal basis for trade between merchants and Israelites. Finkelstein reports that Hammurabi cancelled debts on a less regular basis. He would appoint commissions which would recommend that he issue such acts of equity (misharum acts). The Israelites made the release part of the writ-ten law, rather than allowing discretion.

Capital markets with interest rates adjusted for risk were common in the Near East during the same period in which the Israelites forbade lending. Based on a belief in brotherhood and a hatred of usury, the laws intervened in yet another aspect of

²⁰⁹ See Deuteronomy 23:21; Hirsch, supra note 53, at 31.

²¹⁰ See generally Nelson, *supra* note 108.

²¹¹ See The Pentateuch supra note 63, at 849.

²¹² Finkelstein,1965. *Some New Misharum Material and Its Implications*, 16 Assyriological Studies 233, 242.

economic life. From a theologian's point of view, the laws seem logical, given the precepts of the religion. From an economist's perspective, the laws would appear as grave obstacles.

After the return from Babylonia, the ancient Israelite economy had the potential to grow. Generally fertile areas were located near urban centers. Farmers could produce a surplus. With both domestic and international trade as traditions, Israelites had contacts with the more sophisticated economics systems of Babylon and Phoenicia. Courts would facilitate trade by enforcing contracts, assuring stable weights and measures, and recording property boundaries. Upon return from Babylonia, Israel was more affluent than ever before. But why did the economy not grow substantially? Why did it not attain the level of affluence seen in neighboring nations? Surely, geo-political forces moved potently against the Israelites. After their return they were cut off from the Mediterranean by the Phoenicians and subjected to the tributes and taxes of the Persian government. Even if these powers did not prevent economic expansion - the extent to which they did is unclear - self-imposed laws greatly constricted the possibility of economic growth.

Prosperity of an agrarian society depends upon one economic reality—a plentiful supply of cultivable land and labour. The land can be worked either through the self-sufficient and diversified economy of village-based farming, or through the facilities for the production of specialized crops on a large scale primarily for income and trade. A shift in mode of production, however, from the former to the latter requires a corresponding change in labour supply. The immense production of specialized crops for trade and income in ancient Israel's agrarian society required

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²¹³ See Deuteronomy 19:14, Baron, supra note 9, at 7. Because of legal procedures, instability of property rights (and thus high transaction costs) would not be the impediment to economic growth that it was in other civilizations. See North, 1979. Markets and Other Allocation Systems in History: The Challenge of Karl Polanyi, J. Euro. Econ. Hist. 703.

Long before Alexander, the Persians "had created a far-flung political regime that encouraged citizens to widen their horizons, to lengthen their trade arteries, and to jostle with people and ideas from other lands." Anderson, *supra* note 29, at 564. Silver maintains that Deuteronomy represents an attempt to revise and expand old divine law code and thereby the legal practice in light of the more affluent society. Silver, *supra* note 87, at 230. The key point, though, is that the Deuteronomic Code does not become more sympathetic to market economics.

²¹⁵ Even if the laws were divinely-bestowed, the Israelites did not have to obey God's law; they often chose not to. In this sense, I term the laws "self-imposed."

large expanses of cultivable land and inexpensive labour to work the land.

Israel's centralized economy was primarily achieved through processes associated with *latifundia*. Marvin Chaney²¹⁶ characterizes ancient Israel's practice of *latifundia* as having increased Israel's economic capacity for specialized and intensified crop production. Chaney²¹⁷ and David Hopkins²¹⁸ concur that prior to the eighth century BCE much of Israel's lowlands had been consolidated into large estate holdings for the purpose of increased agricultural production. This formed what Chaney²¹⁹ calls a 'command economy'.

Increased agricultural production of specialized crops necessitated more land being pressed into producing the desired crops; and this process, in turn, required increased means of retaining the land's fertility. Israel's intensive use of the land would have negatively impacted on the village scheme of plowing and leaving the land fallow to increase the land's productive capacity. Intensive use of the land required the fields to be terraced for the growing of vineyards or olive trees, ²²⁰ and any remaining fallow fields to be pressed into production for cereal crops to feed animal and human labour, and for trade in local markets.

As lands were consolidated for intensified crop production and specialization, Israel's village system of spreading economic risk slowly disintegrated. A centralized agricultural economy emerged in which agricultural diversity and integration of land, animal, and human resources were traded for the benefits that could be gained by taking on increased economic risks. These processes associated with *latifundia* precipitated what Bernard Lang calls 'rent capitalism', which further eroded the village scheme of self-sufficiency by dissociating land ownership from labour, segregating each phase of agricultural production, and exacting rents at each phase of

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M. Chaney, 1986. 'Systematic Study of the Israelite Monarchy', Semeia 37, 53-75, 72-73.

²¹⁷ M. Chaney, 1993. 'Bitter Bounty The Dynamics of Political Economy Critiqued by the Eighth-Century Prophets', in N. K. Gottwald and R. A. Horsley (eds.), *The Bible and Liberation Political and Social Hermeneutics*. Maryknoll: NY Orbis Books, 225-259.

²¹⁸ D. Hopkins, 1983. 'The Dynamics of Agriculture in Monarchical Israel', *SBLSP* 22, 177-202, 195-196.

²¹⁹ M. Chaney, 1986. 74.

²²⁰ D. Hopkins, 1983. 200.

production.²²¹

The degree and effect of this agricultural apportionment is skillfully described in Hans Bobek's article²²² on the main stages of socioeconomic evolution. He enumerates how part of the gross proceeds could be exacted for each factor in the act of agricultural production, including the charging of rent for such factors as seeds, water, animals and tools. However, it is Eric Wolf, in his work on peasantry, who portrayed how a charge of rent or a take of the gross proceeds could be exacted at each point of labour in the production line, and thereby turn collective village-based labour into what he calls 'a series of individual tasks'.²²³ By dividing agricultural labour into a series of distinct activities, a monetary value could be assigned to each task; moreover, a claim against gross proceeds and income could be made in proportion to the amount of indebtedness incurred by each worker to purchase or borrow the necessary means to carry out each task.

Bernard Lang, in his study on poverty in ancient Israel, demonstrates how a charge of rent for each factor in production and at each point of labour undermined Israel's village-based agricultural system of self-sufficiency by concentrating economic wealth within the upper socio-economic echelons of the society. This precipitated a socio-economic stratification between absentee urban landowners and rural-based land workers who had become, essentially, debt-slaves as a result of mutual contracts or unilateral pressures of indebtedness to these landlords. The village network of bartering goods or of reciprocal interest-free loans among kinspersons and neighbors was replaced. Taking its place was a system whereby urban-based landlords appropriated the major portion of the agricultural produce in the form of claims for rents due against indebtedness for the means of production,

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²²¹ B. Lang, 1985. 'The Social Organization of Peasant Poverty in Biblical Israel', in *idem* (ed.), *Anthropological Approaches to the Old Testament* (Issues in Religion and Theology, 8, Philadelphia Fortress Press 86-87; E. Wolf, 1966. *Peasants* Foundations of Modern Anthropology Series, Englewood Cliffs, NJ: Prentice-Hall, 55.

Hans Bobek, 1962. 'The Main Stages in Socioeconomic Evolution from a Geographic Point of View', in Philip L Wagner and Marvin W. Mikesell (eds), *Readings in Cultural Geography* Chicago: University of Chicago Press, 235.

²²³ Wolf, 55.

²²⁴ Lang, 87.

²²⁵ Chaney, 1993. 258.

including tools and land.²²⁶

This configuration of large estates under such a rent system enabled urban *elite* to dictate market resources, complementing monarchical pursuits for income and sustenance of trade initiatives. By demanding the production of specialized crops for such commodities as oil, wheat and wine, less valuable agricultural products once used by village farmers to sustain a viable existence were forfeited.²²⁷ Chaney and Chirichigno indicate that the pursuit of wealth induced many of the urban *elite* to appropriate even the agricultural surplus. Free labourers were either forced to live at absolute minimal subsistence levels or were compelled to forfeit their land, family members or themselves in exchange for high interest loans needed to purchase goods and services.

This construction of the socio-economic situation of ancient Israel indicates that progressive centralization and control of its agrarian economy by an *elite* class of persons led to a period of unprecedented economic growth and production. The practices of *latifundia*, including intensive crop production and crop specialization, enabled urban *elite* to market more valuable crops rather than the less profitable cereal crops once grown by village farmers. Beyond the king, the primary beneficiaries of Israel's economic growth and prosperity were a class of urban-based landowners, who extracted from former freeholders burdensome rents at each point in Israel's agricultural production.

Supports for this analysis from classical thoughts on political economy have been borrowed and modified. To consider the economic thought of the nineteenth and early twentieth century relative to the economic workings of pre-industrial ancient Israel may seem inconsistent. Political economists of these times held the conviction that small-scale, village farming was uneconomic and that peasant farmers would be transformed into capitalists.²²⁸ The crises of the 1880s and 1890s in European agriculture, however, revealed the weaknesses in *latifundia* as an economic system. As

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²²⁶ Lang, 86.

²²⁷ G.C. Chirichigno, 1993. *Debt-Slavery in Israel and the Ancient Near East* JSOTSup, 141, Sheffield: JSOT Press, 126.

²²⁸ K. Marx, 1951. *Theories of Surplus Value A Selection from the Volumes Published between 1905 and 1910* as Theorien über den Mehrwert (ed.) Karl Kautsky, trans. G A Bonner and Emile Burns, London: Lawrence & Wishart. 193-94

the faults of large-scale agrarian economy became known, a reconsideration of the value of peasant economy was in order.²²⁹

It must be made clear from the outset, however, that ancient Israel's practice of *latifundia* cannot be equated with a transition to some elemental form of capitalism. Hence, for this reason, there is some difficulty with Bernard Lang's terminology of 'rent capitalism'. For the modern reader, this terminology conjures up too many incongruent parallels.

Land had become a commodity in ancient Israel, but transformation even to a fundamental capitalist society implies a series of other profound changes in economy and society. Most of all, a motive of gain must overtake that of subsistence in the *larger* part of the society, and money must become the means for all transaction. The late Hungarian- American economist, Karl Polanyi, observed, 'normally the economic order is merely a function of the social, in which it is contained';²³⁰ but, when the transformation (to a form of capitalism) occurs, social relations become embedded in the economic system. Finally, land and labour, the primary factors in production, must be transfigured into commodities so as to make them subject to the marketplace. Such a transformation, however, does not seem to have been the case in ancient Israel. Instead, the change in ancient Israel can be described as an agrarian transition based on the continuing social and political dominance of an *elite* class that had the adeptness to manipulate provincial idioms of patronage and peasant class culture in order to respond to economic opportunities.

Latifundia was inserted into the pre-existing social matrix of ancient Israel. Used as a principle for re-organizing the land, *latifundia* preserved Israel's social organization and cultural patterns, but substituted the landowner as a region's greatest proprietor and patron. In effect, the landowner held a monopoly over land and people, being the political reference and locus of a clientele network.

Latifundia proved to be efficient enough to exploit pre-existing social and cultural structures, and so became the predominant strategy in a highly profitable enterprise. In fact, the word 'enterprise', rather than 'farming', may be a more adequate

²³⁰ K. Polanyi, 1968. The Great Transformation The Political and Economic Origins of Our Time, Boston: Beacon Press, 71

²²⁹ K. Kautsky, 1988. *The Agrarian Question* trans P Burgess, London: Zwan

nomenclature for *latifundia* in ancient Israel. Although *latifundia* superseded village-based diversity in agriculture, it was by no measure monotonous. It triumphed with its highly diversified production, having the ability to organize and manage the factors of production: land and labour.

Each operation in production had its own organization and method of production. For example, while animal husbandry proceeded according to traditional techniques, sophisticated agronomics was employed to grow and produce olive oil. Self-sufficiency also characterized the *latifundia* enterprise. What diversification it included, enabled it to produce the raw materials needed for the sustenance of landlord and labourers. This self-sufficiency would have given *latifundia* a degree of autonomy from the marketplace. Hence, *latifundia* had a contingent relationship to the marketplace: precious and luxury products for trade and distant markets were exported at whatever the current price; cereal crops were used for consumption by labourers and animals, while surplus went to local markets.

The decisions of the landlords to increase or expand production were not necessarily related to market price, but more with maintaining the stability of the enterprise and their social status, than in maximizing wealth. It must remain clear that *latifundia* carries no meaning where landownership is a statutory right, carrying no special social status as determined by the produce of the land. Land, then, is only an external aspect of *latifundia*; land as a means of production and status is necessary to make *latifundia* viable. ²³¹ Hence, *latifundia* is not strictly a quantitative concept—as in the amount of land owned. Included in *latifundia* is the pursuit of stability and security, and these factors are viewed essentially in social rather than economic terms, but cannot be divorced from economic consequences, particularly when slave labour is involved.

3.3 The Exegesis, Translation and Interpretation of Leviticus 25:1-7

Broad scholarly consensus exists for positing Ex. 23:10-11 as the (main) source for Lev 25:2-7. The strength of this argument rests upon the high

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²³¹ K. Polanyi, 1968. 153.

²³² See e.g., Chirichigno, 1993. Debt-Slavery in Israel, 303; Paran, 1989. Forms of the Priestly Style in the Pentateuch, Jerusalem: Magnes, 29-34 (in Hebrew); Milgrom, Leviticus 23-27, 2154-

concentration of lexical and syntactic correspondences between these two texts, the most extensive of which are found in Exod 23:10 and Leviticus 25:3:

Exod 23:10 Six years you shall sow your land and gather its produce

Lev. 25:3 Six years you shall sow your field and prune your vineyard and gather its produce

Because of the unambiguous literary relationship between them, these verses provide a useful starting point for analyzing H's compositional logic and method of reuse. The omission of CC's opening waw in Lev 25:3 is hardly of great significance. Nevertheless, it is noteworthy that its appearance in CC is contextually appropriate, for Exod. 23:10 follows immediately upon another law and its rationale (concerning proper treatment of sojourners) and thus the waw differentiates between the two laws even as it connects v.10 with the conceptually related law in v. 9. In Lev 25:3, such a waw is not contextually appropriate, and thus H omits it in his composition. Even though this revision of CC is quite minor, it reveals that H logically prioritizes the literary arrangement of his own composition over that of his source, intending his work to carry its own compositional integrity.

The next modification that Lev 25:3 makes to Exod 23:10 is more significant

^{55.} Van Seters argues in the opposite direction, suggesting that Exod 23:10-11 represents a later development than Lev 25:2-7 (*Law Book*, 94).

and more complex. The H author replaces $^c<+r>a;-ta$, with $^m<+r>K;$ rmoæz>Ti $^ynIßv'$ $vveîw> <math>^d<ef'$. The motivation for this change is not necessarily transparent. For example, H particularizes CC's general term #r, a' (by introducing in its place the two terms hd, f' and r , K' (. Note that Exod. 23:11b contains a particularizing clause that applies to tv . 10-11a and thus gives specification to the general term #r, a' tm tv . 10: tv) tv 0 tv 1. tv 1. tv 2. tv 3. tv 4. tv 4. tv 5. tv 6. tv 7. tv 7. tv 8. tv 8. tv 9. t

The replacement of #r, a' (with hd, f) and $\sim r$, K' in Lev 25:3, however, is not fully explained by the integration of Exod 23:11b into H's main law, for H does not simply employ the terms from Exod 23:11b ($\sim r$, K' and tyIz:) in his law. The Holiness legislator instead introduces the pair hd, f' and $\sim r$, K'. Such changes suggest that H is concerned with updating and even correcting the content and style of its source. Specifically, it is likely that H, especially in light of its special regard for the land, is not satisfied with c<+r>a;-ta, $r: \ddot{a}z>Ti$ in Exod 23:10, for the noun #r, a' does not normally serve as the object for this verb. In fact, #r, a' does not appear anywhere else in the Hebrew Bible as the direct object of the verb * $[rz.^{234}]$ Moreover, Exod 23:11b's

Alternatively, some scholars have argued that "in like manner thou shall deal" is a late addition to Exod 23:11, perhaps even in response to Lev 25. *See*, e.g. Lemche, "*The Manumission of Slaves*," 43. *See also* Fishbane's extensive discussion of "shall deal" as a marker for exegetical analogy (*Biblical Interpretation*, 177-84).

However, note that in Deut 29:22, # Γ , a is the subject of the N stem of the verb * [Γ ; Z. The closest G stem parallel to Exod 23:10 is Gen 26:12, where Isaac is said to have

combination of $\sim r$, K' and tyIz is somewhat anomalous: outside of this verse, only Deut 6:11 and Josh 24:13 (which likely relies upon Deut 6:11) associate these two words to the exclusion of other list items. Much more common is the pairing of hd, f' and $\sim r$, K', as in the H law (Lev 25:3, 4). It is thus possible that instead of (or in addition to) re-organizing Exod 23:10-11, and thereby particularizing the latter's use of #r, a', the H author is here attempting to improve upon CC's literary style.

A few final observations are necessary with regard to Lev 25:3 and Exod 23:10. In light of his replacement of #r, a' with hd, f' and $\sim r$, K', the H author introduces the verb * rmz, a rare verb that is attested outside of Lev 25:3-4 only in Isa 5:6. As here, *rmz appears in Isa 5:6 with the noun $\sim r$, K'. ²³⁵ Accordingly, we may conclude that in Lev 25:3-4, the noun hd, f' is H's equivalent for CC's #r, a' and thus serves as the accusative for the verb * [r;z'']. Because both hd, f' and $\sim r$, K' can be construed as feminine nouns, the H author had no need to alter the feminine suffix on ha'WbT. already attested in his source text. However, in Lev 25:3 the pronoun suffix on ha'WbT. has two antecedents—both hd, f' and $\sim r$, K'—instead of a single antecedent, as in Exod. 23:10 (#r, a').

sown "in the land" (#r, a'b). The attestation in Lev 19:19 is especially important, for this verse shows that H elsewhere employs the noun hd, f' with the verb * [r; Z and thereby suggests that the change in Lev 25:3 reveals a stylistic preference. Exod 23:16 is somewhat similar to Lev 25:3-4, attesting

hd, fb' [r: az>T rv<åa] i "which you sow in the land."

^{**}ImZ does appear in the Gezer Calendar alongside other stereotypical agricultural terms, including *@sa, *[rz and *ryciq'. For translation and commentary on the Gezer Calendar inscription, see John C.L. Gibson, 1971. *Textbook of Syrian Semitic Inscriptions, Volume 1: Hebrew and Moabite Inscriptions*, Oxford: Clarendon, 1-4.

Note also that Lev 25:7 replaces Exod 23:11's hd, f' with #r, a.

Lev 25:4 exhibits greater variation from its source text than its preceding verse. Note its correspondence with Exod. 23:11:

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Exod. 23:11a hd<_F'h; tY:åx; lk;ÞaTo ~r"$t.yIw>
^M,ê[; ynEåyOb.a, 'Wlk.a'(w> HT'av.j;n>W
hN"j<åm.v.Ti t[iúybiV.h;w>

Lev 25:4a hw"+hyl; tB'Þv; #r<a'êl' hy<åh.yI
'!AtB'v; tB;Ûv; t[iaybiV.h;
hn"åV'b;W

Exod 23:11b ^t<) yzEl. ^ßm.r>k;l. hf,î[]T;-!KE)

Lev 25:4b rmo*z>ti al{ï ^ßm.r>k;w> [r"êz>ti al{å '^d>f'(
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Exod 23:11 But (in) the seventh (year), you shall let it drop and abandon it/leave it behind, so that the poor of your people may eat, and their leftovers the wild beasts of the field may

eat. Thus shall you do for your vineyard and for your olive grove.

Lev 25:4 But in the seventh year there shall be a Sabbath of complete rest for the land, a Sabbath of the LORD. You shall not sow your field, nor shall you prune your vineyard.

The latter halves of these verses provide further examples of the interchange between agricultural terms and their fuller integration into the body of the law, as discussed already in relation to Lev 25:3 and Exod 23:10. Likewise, Lev 25:4b exhibits strong semantic parallels with its preceding verse, albeit with varied syntactic arrangement of direct object and verb. Exod 23:11a and Lev 25:4a, however, display both expected similarities as well as considerable differences, each of which sheds important light on the Holiness author's revisionary method.

To begin, Lev 25:4a repeats hn"v" from v. 3 and adds to it the preposition - b. Such a change is similar to the repetition of $\sim ynI\beta v"$ vvelw in v.3: in

each case, H fills out the laconic style of CC with a prosaic addition. Next, H replaces the verb hN"j<am.v.Ti "you shall release it" with the nominal phrase '!AtB'v; tB;Ûv "a Sabbath of complete rest." The correspondence between hN"j<am.v.Ti and '!AtB'v; tB; Ûv is conceptual and even phonological: each pertains to the issue of agricultural labor, and each employs a tri-literal root consisting of *sin* – labial – dental.

The addition of the inseparable preposition -b in t[iaybiV.h; hn" åV 'b; W, however, is especially significant exegetically and provides a key for understanding v. 3b. The introduction of this preposition is a Holiness innovation that analogizes its seventh-year law with the Sabbath day command. Immediately following the seventh-year law in the Covenant Collection is its Sabbath law (Exod 23:12). This command employs the -b preposition in the clause tBo+v.Ti y[iÞybiV.h; ~AYðb; W ("but on the seventh day you shall rest"). It is likely that the Holiness legislator integrates material from these two conceptually independent laws in his source text (seventh-year and seventh-day) as he formulates his own seventh-year law, producing the temporal phrase t[iaybiV.h; hn"åV'b; W.²³⁷

In so doing, however, the Holiness author creates an awkward grammatical construction that likely relates to his use of the technical term '!AtB'v; tB; Ûv. Comparison with Exod 23:12a, Exod 34:21a, and Exod 20:10a // Deut 5:14a is helpful in this regard:

Note also that elsewhere H regularly employs the construction -b + hn" åV + definite article + ordinal number (Exod 40:17; Lev 19:24, 25; 25:4, 20, 21; Num 1:1; 9:1; 10:11). The construction T; (y) [iaybiV.h; hn"åV'b; is reasonably well-attested throughout the Hebrew Bible, appearing five times (Lev 25:4, 20; Deut 15:12; 2 Kgs 11:4; Ezek 20:1), while the similar phrase t (y) [i a ybiV.h; hn"åV'h appears twice (2 Kgs 18:9; Neh 10:32) and ty [iaybiV.h; hn"åV'b appears once (Ezra 7:8). t[iaybiV.h; hn"åV'b (with defective spelling of t[iaybiV.h) appears only in Lev 25:4, 20 and Deut 15:12.

Six days you shall do your work, but on the seventh day, you shall rest.

Six days you shall labour, but on the seventh day, you shall rest.

But the seventh day is a Sabbath to the LORD your God.

But the seventh day is a Sabbath to the LORD your God.

Leviticus 25:4a is in effect an amalgamation of these two formulations. Rather than employing a second person imperfect verbal form analogous to his source's hN"j<åm.v.T (Exod 23:10) or tBo+v.T (Exod 23:12), a choice that would preserve the grammatical construction of that source, the Holiness author

introduces the awkward temporal phrase $t[i^aybiV.h; hn"åV'b;W+third person declaration hw"+hyl; tB'Pv; #r<a'êl'hy<åh.yI '!AtB'v; tB;Ûv ("there shall be a Sabbath of complete rest, a Sabbath to the LORD"). While this construction is comprehensible as written, the Decalogue Sabbath commands cited above attest a more natural formulation for this statement. As noted, these commands do not employ the -b preposition at all. Such a construction in the case of Lev 25:4a would thus read, hw"+hyl; tB'Pv; #r<a'êl' hy<åh.yI '!AtB'v; tB;Ûv (hyht) <math>t[i^aybiV.h;$ "But the seventh year shall be a Sabbath of complete rest for the land, a Sabbath of the LORD," paralleling the formulation in v. 5: #r<a'(l' hy<ih.yI !AtB'v; tn:iv

. "It shall be a year of complete rest for the land." The omission of the -b preposition would accord better with the immediate source for this verse (Exod 23:11), which itself contains no -b preposition in relation to the seventh year. However, it is likely that in privileging the Sabbath ideology of Exod 23:12, the Holiness author also partially adopts that verse's grammatical construction in his own formulation. In so doing, his insistence upon employing the technical term '!AtB'v; tB;Ûv (as a construct chain) alongside the temporal phrase with -b preposition led to this verse's awkward syntax. 239

Beyond the technical use of his source's syntactic constructions, the Holiness legislator's revision of Exod 23:10-11 introduces a significant innovation in Sabbath

in Exod 23:12.

Verse 2b attests a construction with a finite form of the verb *tB; $\hat{U}v$ (hw''+hyl; tB'Pv; $\#r < ah' \hat{e}'$ '; htB; $\hat{U}vW$ "and the land shall rest—a Sabbath of the LORD"), demonstrating that the author could have easily employed a clause analogous to that

Note the similar difficulties in the Holiness Sabbath commands in Exod 31:15, 17; 35:2; Lev 23:3. Contrast the use of the temporal phrase with -b preposition + finite verb in Gen 2:2-3; Exod 16:30; Lev 24:8; Num 15:32.

ideology by envisioning the seventh year as a Sabbath. Outside of Leviticus 25-26, the noun tB; $\hat{U}V$ never refers to a time period other than a single day. It is normally the seventh day of every week (cf. Gen 2:2; Exod 20:10; Deut 5:14). Infrequently, a special festal day is referred to as a '!AtB'V(tB; $\hat{U}V$) (Lev 16:31; 23:24, 32, 39). Three times the regular seventh-day Sabbath is called a '!AtB'V tB; $\hat{U}V$ (Exod 31:15; 35:2; Lev 23:3). The association of Sabbath with an entire year, as described in Lev 25, is thus a notable exception to typical Sabbath conceptions.

The application of Sabbath in Lev 25:2-7 is likewise innovative. The rest commanded in these verses is not for the people or for the animals; *it is for the land itself*. The ingenuity of this conception is significant because the cessation of labor required of the people only extends to efforts that would require the land to work. The people and the animals are permitted to glean in the fields and to eat the volunteer crops (Lev 25:6-7). The land, however, is granted a complete rest from its annual labor. Such a personification of the land implies that the land's rest allows it to "refresh itself" (cf. Exod 23:12; 31:17) and is a concrete demonstration of its holiness. Just as the Israelite people embody their holiness in part through an imitation of the deity's rest (Exod 31:12-17), so too does the land manifest holiness through Sabbath rest. Level 242

The Holiness legislator thus creatively innovates a new conception of the seventh year that accords with his own special interest in Sabbath ideology. This shift betrays H's willingness to make associations between originally unrelated legal concepts. The application of Sabbath ideology in his seventh-year law also points to the Holiness author's use of a Deuteronomic source. Both Lev 25:2-7 and Deut 15:1-11 emphasize the principles undergirding their seventh-year laws through the repetitive use of a single grammatical root.

These three occurrences all belong to the Holiness author. See, e.g., Knohl, *Sanctuary*, 105; Olyan, "Exodus 31:12-17," 205 n. 14.

²⁴¹ For a discussion of the personification of the land in H, see Joosten, *People and Land*, 152-54. The innovative nature of this law is illustrated by contrasting it with the New Testament saying attributed to Jesus in Mark 2:27: "The Sabbath was made for humankind and not humankind for the Sabbath" (NRSV). In Lev 25:2-7, Sabbath has nothing to do with human rest whatsoever. Rather, the land observes a Sabbath that is independent of human Sabbath.

In the case of D, the author repeats the root *jmv, which he learns from Exod 23:10, five times (Deut 15:1, 2, 3, 9), reconceptualizing CC's seventh-year agricultural charity as debt release. In his institution of seventh-year land Sabbath, the H author appropriates this method of emphasis but replaces *jmv with $*tB;\hat{U}v$, repeating the latter root seven times in his fallow law (Lev 25:2, 4-6). The phonological correspondence between these roots (sin – labial – dental) and the strength of the ideological viewpoint expressed by each text's repetitive usage suggest a polemical mimicking in these compositions' interactions with their sources. However, while the Deuteronomic author is responding to Exod 23:10-11 alone, the Holiness author is responding to both the Covenant Collection and the Deuteronomic seventh-year laws.

Through his own special focus upon the land and the technical terminology and religious ideology of Sabbath, the Holiness author transforms two differing conceptions of hJ'miv. into a '!AtB'v.²⁴³ Dependence upon both CC and D persists into Lev 25:5. Verse 5a shows evidence of borrowing from Exod 23:11,²⁴⁴ albeit with significant revision:

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See below for further discussion of the relationship between hw"+hyl hJ'miv and hw"+hyl; tB'v;. The import of this terminological correlation is heightened in light of the relative rarity of hw"+hyl tB'v in H: this precise phrase appears only in Lev 25 (vv. 2, 4), while similar constructions appear only in Exod 16:23, 25; 31:15; 35:2 (all H) and in the Decalogue (Exod 20:10 // Deut 5:14). In light of the H author's likely interaction with Deut 15 already in this verse and the larger correspondence between the roots *tB'v and *tB'v in Lev 25 and Deut 15, it is reasonable to assume that hw"+hyl tB'v is introduced in Lev 25:4a in response to Deut 15:2b.

But (in) the seventh (year), you shall let it (i.e., the land's produce) drop and abandon it/leave it behind, so that the poor of your people may eat, and their leftovers the wild beasts of the field may eat. Thus shall you do for your vineyard and for your olive grove.

The aftergrowth of your harvest you shall not reap and the grapes of your unpruned vine you shall not pluck.

The correspondence between these verses exists at the conceptual rather than the lexical or grammatical level. Nevertheless, the literary relationship between them is strong, for the H author is concerned with clarifying ambiguities in the language of his source, as will be demonstrated below. Exod 23:11a also serves as the inspiration for vv. 6-7, even as the latter verses contrast with their source (see the discussion of Lev 25:6-7 below).

With regard to Lev 25:5a, the H author provides greater detail and specification over against Exod 23:11, clarifying ambiguities in his source text even as he provides a measure of continuity with the preceding verses of his own composition. Read in concert with Exod 23:11, one of the main objectives of Lev 25:5a is to clarify that it is the *aftergrowth* of the sixth year's planting/pruning that is not to be harvested, a point that is potentially unclear. For the Holiness legislator, the land must rest, and his use of terms such as "aftergrowth" ($x:ypi\hat{U}s$) and "unpruned vine" (ryzIn") in v. 5a clarify that no sowing is to take place in the seventh year. ²⁴⁵ Incidentally, H's concern to eliminate ambiguity in CC may also explain the introduction of rmo*z>ti al{i $^sm.r>k;w>$ $^solone C$ $^sm.r>k;w>$ $^sm.r>k;w>$ $^solone C$ $^sm.r>k;w>$ $^sm.r>k;w$

Note also that Lev 25:20 makes clear that no sowing or gathering is to occur in the seventh year: `Wnte(a'WbT.-ta, @soàa/n< al{ $"uv}$ [r""ez>nI al{ $"uv}$!he... t[i_ybiV.h; hn""av'B; lk; PaNO-hm; Wr $"ev}$ m.ato yki"uvv "And if you say, 'What will we eat in the seventh year if we do not sow nor gather our produce?"

al { å ' (in v. 4b: because Exod 23:11 does not explicitly exclude planting in the seventh year, the H legislator, in line with his emphasis upon Sabbath, must clearly state that no sowing (or pruning) should be undertaken. Thus Lev 25:4b-5a respond to what the Holiness legislator perceives as either a lack of clarity in the Covenant Collection seventh-year law or the expressed meaning of the latter which it seeks to revise.

As alluded to already, Leviticus 25:5b also draws from Deuteronomy, mimicking its source by converting Deut 15:9's technical term hJ'miV.h; tn:åv. ("the year of the release" into the more contextually appropriate !AtBB'v; tn:iv. ("a year of complete rest"). While it is possible that !AtBB'v; tn:iv originates in the mind of the H author alone, dependence upon the Deuteronomic term is more likely, for a very similar construction appears in Lev 25:4a that could have been employed in v. 5a as well:²⁴⁶

Lev 25:4a #r<a'êl' hy<åh.yl ! AtB'v; tB;Ûv; Lev 25:5b #r<a'(l' hy<ïh.yl ! AtßB'v; tn:ïv.

Lev 25:4a It shall be a Sabbath of complete rest for the land.

Lev 25:5b It shall be a year of complete rest for the land.

Note also, that, apart from v. 5b, !AtBB'v is only otherwise attested as the *nomen* rectum in the construct chain !AtB'v; $tB; \hat{U}v;$.²⁴⁷ In light of Deut 15:9,

[!] AtB'v; appears eleven times in H and nowhere else in the Hebrew Bible (Exod 16:23; 31:15; 35:2; Lev 16:31;23:3, 24, 32, 39 [bis]; 25:4, 5). Seven of these examples represent the construction ! AtB'v; tB; $\hat{U}v$; (Exod 31:15; 35:2; Lev 16:31; 23:24, 32; Lev 25:4). Milgrom also notes that the term ! AtB'v; tB; $\hat{U}v$; is a hapax legoumenon;

however, where hJ'miV.h; tn:åv. defines the immediately preceding phrase [b; V, h; -tn:) v. ("the seventh year"), the Holiness author likely invents his equivalent phrase to conveniently correspond with his own reference to the seventh year in the preceding verse. The result, as noted already, creates a certain grammatical awkwardness. Such incongruity in this case points to the author's revision and incomplete integration of source material in his own legal composition.

The literary relationship established already between the preceding verses and Exod 23:10-11 suggest that, in spite of their somewhat loose lexical and syntactic ties as well as the logical contradiction between them, Lev 25:6-7 and Exod 23:11b are genetically related:

Ex 23:11b

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`%M")[i ~yrIßG"h; ^êb.v'äAtl.W
'^r>yki(f.liw> hd< F'h;
                           ty:åx; lk;ÞaTo
~r"\$t.y\Iw\> ^M,\hat{e}[; \text{ynEayOb.a, \Wlk.a'(w\>
Lev 25:6-7
rv<åa] hY"ßx;l;(w> ^êT.m.h,b.li'w>^t<+m'a]l;w> ^åD>b.[;l.W
^ßl. hl'êk.a'l. '~k,l' #r<a'Ûh' tB;'v;
`lko)a/l, Ht'Þa'WbT.-lk' hy<ïh.Ti
c<+r>a;B. ht'y>h'w>û
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Exod 23:11b The poor of your people shall eat and the wild animals of the field shall eat their leftovers.

Lev 25:6-7 6 The Sabbath (produce) of the land shall be for you to eat: for you and for your

however, rather than considering the influence of D here, Milgrom, following Abravanel's observation that tB; 'V already appears seven times in vv. 2-7, suggests that the H author introduces the "changed expression" ! AtB 'v tn: åv in order to preserve the sevenfold usage of tB; $\hat{U}V$ in the pericope (Leviticus 23-27, 2159).

male slave and for your female slave and for your hired laborer and for your resident alien those dwelling with you—7 and for your cattle and for the wild animals that are in your land. All of its produce shall be for eating.

Precise lexical ties include the G stem verb *1ka ("to eat") and the noun hyh "wild animals" as the agent of this verb, a combination otherwise unattested in Pentateuchal law. 248 However, in the case of the animals, the H author also expands his source text through the addition of ^êb.v'aAtl.W ("and for your cattle") and provides a conceptually equivalent translation of hd< F'h; tY: ax ("the wild animals of the field") through hy<ih.Ti ^c<+r>a;B. rv<åa ("and for the wild animals that are in your land"). ^M, ê[; ynEåyOb.a ("the poor of your people") and %M") [i ~yrIßG"h; ^êb.v'äAtl.W '^r>yki(f.liw> \^t<+m'a]l;w> ^åD>b.[;1.W. ("for your male slave and for your female slave and for your hired laborer and for your resident alien—those dwelling with you") are conceptual equivalents: in characteristic fashion, the H author expands upon, systematizes, and offers greater particularity to his source text, even as he shapes his composition according to his own ideological goals.

A question that remains concerning H's list of Sabbath year beneficiaries is: How does the H author assemble the particular list attested in vv. 6-7? Does he simply expand upon CC's twofold identification—the poor of your people and the wild animals of the field—or does he employ another source in composing these verses? The latter possibility is especially plausible in the light of the parties attested to in Deut 15:17-18 (albeit not in list form):

Deut 15:17-18

²⁴⁸ *1 ka and the hY"x; do also appear together in the Priestly food laws (Lev 11:2). However, in this text, hY"x; serves as the object of the verb and thus its patient, not its agent.

^\text{St.m'a]l; \(\text{Qa:\text{iw}} \) \(\text{v.mi} \) \(\text{yKi}^a \) \(\text{M'\ellipse} \) \(\text{ime} \) \(\text{vyip.x'} \) \(\text{At\text{Uao}} \) \(\text{vx} \) \(\text{Le}(v; B. \) \(\text{n<\text{Cy}} \) \(\text{eb.} \) \(\text{hv, \text{aq.yI-al}} \) \(\text{hf, ([]T; rv<\text{ia}] lko\text{BB.} \) \(\text{yh, \text{\text{el}}} \) \(\text{hw"\text{ahy}} \) \(\text{v'\text{cia}} \) \(\text{lko\text{BB.} \) \(\text{yh, \text{\text{el}}} \) \(\text{la} \) \(\text{bull} \) \(\text{la} \

17 You shall take the awl and place it upon his ear and upon the door, and he shall be your slave forever. You shall do likewise for your female slave. 18 It should not be hard for you when you release him from under your authority, for he has served you six years for the equivalent wage of a hired laborer, and the LORD your God will bless you in all that you do.

These verses refer, in order, to the db, [, ("male slave"), the hm'a' ("female slave"), and the rykiêf' ("hired laborer"), all of which appear—in the same order—in Lev 25:6. Note also that both Deut 15:18 and Lev 25:6 employ the preposition + pronominal suffix %M'ê[i(me)(with the specialized meaning "under your authority." These close parallels suggest that the H author here assembles its list by borrowing not only from Exod 23:11 but also from Deut 15:17-18, expanding upon CC's ^M,ê[; ynEåyOb.a by including the parties mentioned in Deut 15:17-18.

As demonstrated above, virtually every beneficiary named in Lev 25:6-7 can be traced to either Exod 23:11 or Deut 15:17-18. As for the otherwise unattested list

Milgrom, Leviticus 23-27, 2256. Milgrom assumes that D borrows this specialized usage of $\sim [I]$ from H; however, it is not possible to determine the direction of dependence with regard to $\sim [I]$ outside of recourse to other features in the two texts.

It is important to note that the various other lists of persons attested in H itself are not likely sources for Lev 25:6-7. For example, Exod 12:43-48 include db, [,, rykipf'w> $v'\ddot{a}At$, and rG' but also include rk''BnE-!B,. These verses do not attest hm'a or ^m [(v. 48 even employs the equivalent preposition + pronoun ^ta). The closest parallels to Lev. 25:6-7 come later in this same chapter (cf. Lev. 25:39-40; 44) and likely arise from the same compositional event as vv. 6-7.

elements, they are characteristic of H as a whole and directly serve the legislator's larger reformulation of the CC law to benefit the land owner. For example, the by 'AT ("temporary resident") mentioned in v. 6 anticipates the slave laws later in the chapter (cf. Lev 25:40) and even serves as one-half of a stereotypical pairing for H generally (cf. Exod 12:45; Lev 22:10; Lev 25:40). ~yrIßG"h; refers to the entirety of the preceding ^êb.v'äAtl.W '^r>yki(f.liw> ^t<+m'a]l;w> ^åD>b.[;l.W and underscores these persons' dependent status. Moreover, the active participle of *rwg is common in H (cf. Exod 12:49; Lev 16:29; 17:10, 12, 13; 18:26; 19:34; 20:2; 25:45; Num 15:15, 16, 26, 29; 19:10). The addition of hm'îheB. expands the applicability of the law from wild animals only to include domesticated animals and is therefore also in line with H's reformulation of the CC law to benefit the land owner and not only persons and animals unaffiliated with the owner's household.²⁵¹

For the biblical use of hm $^{\prime}$ îheB as domesticated cattle in contrast to wild animals, cf. e.g., Gen 1:24-25; 2:20; 3:14; 7:14, 21; 8:1.

CHAPTER FOUR

SABBATICAL LEGISLATION IN THE CONTEXT OF LAND USE AND WELFARE OF FARMERS IN ANCIENT ISRAEL

4.1 Sabbatical Legislation and Land Use in the Pre-Exilic, Exilic and Post-Exilic Traditions in Ancient Israel

In the pre-exilic period, prophets of ancient Israel were great social reformers and were little interested in the ritual. With them the element of rest, that was attached to the Sabbath, was given first place, that of worship was made secondary, evidently because of its heathen association. In this probably is to be found the beginning of a movement whereby the Sabbath was separated altogether from the moon and identified with the seventh day and complete rest prescribed for its observance.

The Hebrew institution of the seventh year of fallow for land is, from any viewpoint, an ancient regulation. Its place in the Pentateuch lends support to the belief that it was part of the legislation intended for the children of Israel upon their entrance into Canaan. Even those who assert that the composite authorship and wide range of time in composition and redaction must be accepted grant that the first reference to the practice is found in the oldest Hebrew documents. Apart from the literary and historical evidence, economic logic also supports the antiquity of the institution. The year of fallow and the practice of periodical redistribution of land is "Almost inexplicable if they be supposed to have originated at a late period of Hebrew history," and "they present no difficulty if we assume them to be the survival of a period through which every agricultural community has at the outset passed." It is reasonably certain that the practice of fallowing land in some systematic way is much

²⁵² *Leviticus*, 25:1-7.

²⁵³ Exodus, 23:10-11.

²⁵⁴ John Fenton, 1880. *Early Hebrew Life*, London 67-70.

older than the Mosaic legislation and that it was not confined to the Hebrews but belonged rather to a stage of agricultural development. However, in the case of the Hebrews greater significance is attached to the institution through its linkage to the system of sevens in time: the seventh day of rest for the individual, the seventh week of the calendar year for the Feast of Pentecost, the seventh month for the beginning of the civil year, the seventh year of rest for the land, and the close of the seventh seven of years to usher in a jubilee for the redistribution of land.

The earliest Biblical reference to the special significance of the seventh year had no connection with the year of fallow but merely stated that a Hebrew servant should be free after six years. Apparently each individual's service began when he was sold and terminated six years later, regardless of the relation of that date to the year of fallow. The earliest references to the year of fallow itself provided that after six years of bearing in response to the owner's cultivation, the land was to lie fallow during the seventh so that the poor might eat and be satisfied, after which the beasts of the field might eat. The same provision extended to the vineyard and the olive grove. 256

The chief Biblical account of the seventh year is contained in Leviticus, 25:1-7, 20-22. These passages leave no question as to the manner of spending the six years, plainly stating that they were to be used for fruitful labour and that the seventh was to be a year of rest for the land during which labour, aiming at the production of crops, was forbidden. Instead, the land was to lie fallow, and even the grain and fruit which grew naturally under the circumstances were not to be harvested but used from the fields by the owner, his servants, the stranger, the owner's livestock, and other beasts. A man might eat grapes from his neighbour's vines so long as he carried none away. He might pluck corn with his hand from his neighbor's standing crop but might not use a sickle.²⁵⁷ The agricultural products of the six years were to be gathered and might be

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²⁵⁶ Exodus 23·10-11

²⁵⁵ Exodus 21:2. Verses 3-11 amplify this simply statement. See also Deuteronomy, 15:12-18

²⁵⁷ Deuteronomy 23:24-25. See Matthew 12:1; Mark 2:23; and Luke 6:1, for a problem that arose concerning this provision

stored, but those of the seventh year were not to be used for profit. The regulation was humanitarian²⁵⁸ if nothing more, but it presented other advantages.

The remainder of the chapter in Leviticus gives the provisions for the jubilee. Though the passages in Exodus contain provisions which undoubtedly came to be applied to the fallow year, now usually referred to as the sabbatical year, the verses in Leviticus furnish the principal basis for the later interpretations and elaborations. A release of debts owed by Hebrews to Hebrews was provided for the seventh year. The reading of the law at the Feast of Tabernacles in the sabbatical year, enjoined by Moses just before the close of his life, seems to be incidental to the original purpose of the observance of the fallow year. In actual practice the entire law was probably not read, unless it was in 426 B.C. when Ezra acquainted the people with its provisions so long forgotten or neglected. It is also probable that the reading of the law at the Feast of Tabernacles in 404 B.C. was in the shorter form referred to in the *Mishna*, and, since the covenant to observe the seventh year was associated with this reading, the shorter form was no doubt continued. See the provisions which undoubtedly came to be applied to the fallow year.

From what has been said about the attitude of the prophets to the Sabbath, it might be expected that the institution would have disappeared altogether in the period of the Exile. But the very reverse is the case. It was emphasized, as it never was before. And this is a fact not hard to explain. The exilic period was in many respects a reaction against that immediately preceding it. Under the influence of the priest-prophet Ezekiel and his school the ritualistic feature of the Yahweh religion was tremendously emphasized. The Yahweh religion stood in such dire peril that it seemed

²⁵⁸ J.Schneider, 2002. The Good of Affluence: Seeking God in a Culture of Wealth. Grand Rapids, MI: Eerdmans, 83

²⁵⁹ Flavius Josephus, Antiquities of the Jews, 3 (12):3.

²⁶⁰ Deuteronomy 15:1-11.

²⁶¹ *Deuteronomy* 31:10-13.

²⁶² Nehemiah 8:8, 14, 17-18. It is clearly stated to be the first reading for many centuries. The dates of Biblical events are those given in the margin of *The Companion Bible* (Oxford, 1932). Since this is not a critical study in chronology, dates are given merely for reference, but they are probably fairly accurate.

²⁶³ Nehemiah 9:3. According to the Mishna (Sota, 7:8), seven portions of Deuteronomy were

²⁶³ Nehemiah 9:3. According to the Mishna (*Sota*, 7:8), seven portions of Deuteronomy were read: 1:1 to 6:3; 6:4-8; 11:13-22; 14:22 to 15:23; 26:12-19; 17:14-20; and 17:27-28. The reading took place on the first day of the Feast of Tabernacles at the end of the fallow year. John McClintock and James Strong, *Cyclopaedia of Biblical, Theological, and Ecclesiastical Literature*, 9:201 (New York, 1880); Nehemiah 10:31.

necessary to accentuate its peculiar forms and institutions in order to perpetuate its existence. Hence, we have in this period the production of such legalistic writings as the Holiness Code (Lev. 17-26 in large part) and the Book of Ezekiel (particularly Ch. 40-48) -the forerunners of the elaborate Priestly Code of later years. These legalistic writers, in contradistinction from the prophets, were careful to preserve all the institutions of ancient Israel and in their old ritualistic form.²⁶⁴

Another reason for the important place given to the Sabbath during the Exile grew out of the Deuteronomic reform. That had closely bound all the religious feasts to the now-destroyed temple and sacred city. Hence they necessarily, for a time at least, fell into abeyance in so far as their observance was concerned. The Sabbath Deuteronomy had not mentioned and it alone could be observed by all the exiles wherever they were. It met a deep need and kept alive their faith in the Yahweh religion. Indeed for many, it became the symbol of the ritual as a whole. Its observance became the distinctive mark of a loyal member of the race and was one of the few things that remained to differentiate them from their heathen neighbours. No wonder, then, that it bulked so largely in their thought and literature.

It was in the Exile or in the years immediately preceding it that the Sabbath became dissociated from the moon and came at length to be identified with the seventh day (Ez. 46:1, cf. Ex. 31:15). We have already noted this was probably the beginning of a movement in that direction. The prophets had vigorously denounced all

Of course, if it could be established that the Holiness Code is a product of the pre-exilic period, it would invalidate the "land-reclamation" hypothesis. Some recent scholarship presents arguments for a pre-exilic dating, e.g. I. KNOHL, *The Sanctuary of Silence*. The Priestly Torah and the Holiness School (Minneapolis 1995) 199-224, esp. 207-209; J. Joosten, *People and Land in the Holiness Code*. An Exegetical Study of the Ideational Framework of the Law in Leviticus 17–26 (VTS 67; Leiden 1996) 84-92; and J. MILGROM, *Leviticus 17–22*. A New Translation with Introduction and Commentary (AB 3A; New York 2000) 1361-1364; The relationship of H to Ezekiel is significant: since much or all of Ezekiel appears exilic, Ezekiel's dependence on H would indicate a pre-exilic date for the latter. On the exilic dating of much or all of Ezekiel, see W. Zimmerli, "The Special Form- and Traditio-historical Character of Ezekiel's Prophecy", *VT* 15 (1965) 515-516 For example, on the crucial issue of the relationship of Ezekiel to H, some recent scholarship argues strongly for the priority of H, e.g. R.L. KOHN, "A New Heart and a New Soul: Ezekiel, the Exile and the Torah" (Ph.D Dissertation; University of California, San Diego, 1997)

astral religion.²⁶⁵ Hence, such feasts as the New Moon and Sabbath became odious to them. On the other hand, an observance like the seventh day as a period of rest and worship was quite acceptable. The exilic leaders were as much concerned as the prophets to differentiate Israel's religion from all others but they chose to do it in a different way, *viz*. by a revival of the earlier ritualistic conceptions. Accordingly they were careful to preserve all of the old but dissociated from anything that savoured of heathen practice. Hence, it was that the Sabbath was revived but now in a new association. It became identified with the seventh day and in course of time grew to be one of the most ritualistic of Jewish institutions.

It is not difficult to conceive how this change came about. It was exactly in line with the general tendencies of the times. The similarity of the words Sabbath (tB'v;) and seven ([b;v]) might have had something to do with it, and likewise the meaning of the word Sabbath. In any case it is no more difficult to understand how the term could have been taken over from the full moon festival and applied to the seventh day than it is to understand why it should have been taken over from the seventh day in Christian times and applied to the first day. With the Christians, it received significance radically different from what it previously had and its earlier connection was soon completely lost and forgotten.

The observance of the Sabbath in the exilic period was altogether in harmony with what had already been said about the period. The primitive ritualistic conception was revived and enlarged, and the necessity of abstaining from labour emphasized, not for man's sake, as the prophets would have put it, but as an element of worship-an end in itself. It was regarded as a sign between Yahweh and his people (Ez. 20:12, 20, Ex. 31:13); it was to be observed as a holy day (Ez. 44:24, Ex. 31:14) and was not to be desecrated as it had been by former generations (Ez. 20:13-24, 22, 26:23-38); it was to be strictly observed (Lev. 19:3b) and to that end sacrifices were prescribed for it (Ez. 44:24, 45:17, 46:1-5, 12). It was altogether a day of abstinence and no longer one of joy and festivity.

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²⁶⁵ A. Steinmann, "A Chronological Note: The Return of the Exiles under Sheshbazzar and Zerubbabel" [Ezra 1–2], *JETS* 51/3 [Sep 2008] 513–22

Because of its relation to the sabbatical year, the law concerning the jubilee should also be mentioned. Its principal provision was concerned with the return of all people to the inheritance which had been assigned to their families when Canaan was distributed by lot.²⁶⁶ There is a question as to whether the year of jubilee was to be observed after seven seven-year periods or was the last year of the seventh seven-year period. The literary evidence indicates that it was intended to follow the forty-ninth year.²⁶⁷ The slight historical evidence in the Scriptural account seems to imply that both the forty-ninth and the fiftieth years were intended to be fallow.²⁶⁸ A number of reputable Jewish authorities agreed that the jubilee was the fiftieth year when in force during the time of the First Temple, but that it was the forty-ninth or the seventh sabbatical year during the Second Temple when its observance was only nominal. There is no evidence that the jubilee was observed in more than name in post-exilic times. 269 The fact that Hebrews considered their ownership of land a sacred trust would imply that their system of land tenure had very ancient sanction.²⁷⁰

The passages in Leviticus relating to the sabbatical year differ in terminology from other parts of the same book. Although the subject is the only one in the book which is introduced with a reference to Mount Sinai, three sections close in that manner.²⁷¹ Apparently the spiritual regulations were associated with the tabernacle of the congregation, but the passage which deals with the moral or economic life of the people was appropriately associated with a secular place. What is now usually called the sabbatical year, in the Scriptures, is variously termed the seventh year, the year of release, the Sabbath of the land, and the year of liberty, depending upon the idea to be emphasized in each particular passage.

²⁶⁶ Numbers 26:53-56. See Numbers 32, 33:53-55; and Joshua 13:15-32, 15:1-12, 16:1 to 17:11, 18:10 to 19:49, for references to this division. See also *Numbers* 36:4, for the regulations which kept land within each tribe.

Leviticus 25:10, 21-22; 23:15-16, relate to the Feast of Pentecost which was to be the fiftieth day; by analogy the jubilee might be expected to be the fiftieth year.

²⁶⁸ 2 Kings 19:29; Isaiah 37:30. This was about 519 B.C. and is one of the few references which imply any observance of the sabbatical year before the exile. It should be noted that in the Septuagint, Isaiah 37:30, seems to indicate only one fallow year. See L. C. Brenton, tr., 1844. The Septuagint Version of the Old Testament According to the Vatican Text, 2 London, 714.

²⁶⁹ Isidore Singer, ed., 1916. *The Jewish Encyclopedia*, 10 New York, 606.

²⁷⁰ Ruth 4:3-6, about 1300 B.C; 1 Kings 21:3, about 800 B.C; Micah 2:2, about 600 B.C; Isaiah 5:8, before 500 B.C; Jeremiah 32:7-12, about 478 B.C.

²⁷¹ *Leviticus* 7:38. 25:1, 26:46, 27:34.

The practice of letting ground lie fallow was general in ancient times. In some instances perhaps it was merely to rest the soil, ²⁷² but usually it was to conserve the moisture as in modern dry-land farming. Ordinarily the ground lay fallow in alternate years, but during the idle year it was cultivated not less than three times. ²⁷³

The provisions for the sabbatical year relate to land, servants, and debts. The part concerning land merely stipulates that it should lie idle and that the trees and vines should remain un-pruned during the seventh year. In view of the fact that the logical time for the commencement of this year of fallow was after the ingathering of crops it seems likely that it began on the first day of the month Tishri, or about the first of October. Were it to begin in the spring with the Jewish calendar year, two years without crops would necessarily follow in order to have a year of fallow, for the crops already in the fields could not be harvested and no sowing could take place the following fall. By letting the ground lie idle God's right of ownership was acknowledged in a manner which was of positive benefit to the land. The Hebrews were commanded to farm for six years, the period they were to gather produce into their storehouses. At no time, however, were they to glean their fields clean or gather all their grapes. ²⁷⁴ Undoubtedly the provision that mixed seed should not be sown was instituted so that there would be no question as to the purity of the flour used in the sacrifices. ²⁷⁵

It may be questioned whether the spontaneous crop of a country would be sufficient to sustain its population for a year. However, there was no command against storing for the sabbatical year and thus diligence and thrift were rewarded. There was also a promise of a much greater crop in the sixth year, ²⁷⁶ which could not be a result of natural causes since then the ground would be more nearly exhausted than at any other time in the seven-year period.

The provision for the seventh year relating to servants aimed at periodical equality of opportunity for the people so that a man forced into servitude by reverses

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²⁷² T. C. Williams, tr., 1915. *The Georgics and Eclogues of Vergil*, 25, Cambridge, Mass., translating *Georgic*, 1:71-72.

²⁷³ E.C. Semple, 1931. *Geography of the Mediterranean Region*, New York. 385-386, 402-403.

²⁷⁴ Leviticus 19:9, 23:22, 25:3; Deuteronomy, 24:19-21.

²⁷⁵ *Leviticus* 19:19.

²⁷⁶ *Leviticus* 25:21.

should again be free at the close of six years. If, however, he preferred to continue as a servant, he could have his ear bored with an awl as a token of his voluntary submission to lifelong bondage. In all cases the provision applied only to Hebrew servants.

It is not clear whether the regulation concerning debts implied merely a moratorium, since the debtors had no income during the sabbatical year, or meant the forgiveness of debts. In any case only debts owed to Hebrews were involved. According to the Talmud the laws respecting loans were not operative before the end of the sabbatical year, but the land release began with the year of rest.²⁷⁷

It would seem that the sabbatical year was observed but slightly if at all early in the history of the Hebrews in Canaan. Although the wording of the commandment might imply that the year after entering Canaan should be the first sabbatical year, it is generally conceded that this was not the case, but that the first cycle began fourteen vears later after the conquest and distribution of the land. 278 Thus the first fallow year would be the twenty-first after entering Canaan. Though it was predicted in the time of Moses that in case of a falling away and disobedience to God's commands the land should lie desolate until it had enjoyed its Sabbaths, ²⁷⁹ there is no record in the books of the Old Testament that the land ever lay fallow one year in seven during the time which they cover. The references to the perpetual inheritance imply that rights to land were held sacred, 280 but there is no way of knowing whether the other regulations aiming at equality were carried out. The first definite expression made not earlier than 518 B.C. and possibly much later, stated that the Hebrews should serve the King of Babylon for seventy years. ²⁸¹ Again, not earlier than 489 B.C. Jeremiah prophesied the return from captivity after seventy years. 282 Though neither of these references specifically mentioned the keeping of the Sabbaths for the land, a later reference cited

²⁷⁷ Singer, Jewish Encyclopedia, 10:605.

²⁷⁸ Leviticus 25:2; Singer, Jewish Encyclopedia, 10:607.

²⁷⁹ *Leviticus* 26:34-35, 43.

²⁸⁰ See footnote 21.

²⁸¹ *Jeremiah* 25:11.

²⁸² Jeremiah 29:10.

prophecies of Jeremiah as indicating that the reason for the seventy years of captivity was that the land might enjoy Sabbaths. ²⁸³

About 465 B.C., Ezekiel, in giving the organization of affairs for Israel's future time of glory, referred to the year of release for the land. So far as is definitely known, the only instance of an attempt to keep the provisions of the year of rest prior to the return from captivity was made about 479 B.C. when servants were liberated, but since their masters later took them back not even on this occasion was the law kept as originally intended. Whatever the attitude of the Hebrews before the captivity, they came back from exile fully convinced that they could merit and receive God's blessing by observance of the sabbatical year and other commandments. Therefore, in 404 B.C., one of the pledges they made was to keep the seventh year, and apparently it was observed as strictly as possible from that time on.

The first secular account of the observance refers to events in 334 B.C., but it was written long afterwards. When Alexander the Great, direct from the capture of Gaza, approached Jerusalem, he was met by Jaddus, the high priest, in his purple and gold robes, the other priests in their fine linen, and the multitude arrayed in white. He was much impressed by the sight, remarking that he had seen the high priest thus attired in a dream some time before when he was exhorted to proceed at once in the advance against the Persians, and for this reason he revered the God whom Jaddus represented. When, in the Temple, the prophecy of Daniel that one of the Greeks should destroy the Persian Empire was shown him, Alexander supposed that he was the person meant, and on the following day asked the people what he should do for them. When the High Priest asked that they be allowed to enjoy the laws of their forefathers and pay no tribute in the seventh year, he granted the request and also that the Jews in Babylon and Media were to enjoy their own laws.²⁸⁷

The Samaritans also met Alexander with splendour and enthusiasm a short distance from Jerusalem and invited him to honour their temple also. Upon his

²⁸³ 2 Chronicles, 36:21.

²⁸⁴ Ezekiel, 46:17.

²⁸⁵ *Jeremiah* 34:8-15.

²⁸⁶ Nehemiah, 10:31.

²⁸⁷ Probably *Daniel* 8:3-8, 20-22; Josephus, *Antiquities*, 11(8):5.

acceptance of the invitation for some indefinite future time, they requested that he remit their tribute every seventh year as they did not sow then. When they admitted that they were Hebrews but not Jews he promised to look into the matter on his return but did not make a definite commitment at this time.²⁸⁸ There is no record that he ever granted the request.

In 163 B.C, both Bethsura and Jerusalem surrendered to Antiochus V (Eupator) of Syria because, as it was the sabbatical year, the ground was not cultivated and provisions were scarce. Moreover, many outsiders had moved in for protection, thus helping to consume the supplies that had been stored. Immunities, probably including the remitting of the tribute for the seventh year, were promised to the Jews in 153 B.C when Demetrius I, just before his defeat and death, made very generous promises which his son, Demetrius II, confirmed to Jonathan in 145 B.C. and to Simon in 143 B.C. Although none of these charters specifically mentioned the sabbatical year, it was no doubt implied in them.

In 135 B.C, John Hyrcanus is said to have ceased besieging Ptolemy in Dagon because it was a sabbatical year.²⁹¹ He sent an embassy to Rome in 128 B.C. with requests for special favours for the Jews and the renewal of former pledges, which must have been granted the next year.²⁹² About 47 to 45 B.C, Hyrcanus, grandson of John Hyrcanus, sent ambassadors to Julius Caesar, asking the renewal of the former

²⁸⁸ Josephus, *Antiquities* 11(8):6.

Josephus, Antiquities 12(9):5; and 2 Maccabees, 6:49, 53. This was the one hundred and fiftieth year of the Seleucid era. See 2 Maccabees, 6:20. The text used in this paper is that of Henry Cotton. His numbering of the books does not correspond with that ordinarily used. His Book 1 is commonly known as Book 3, Book 2 as Book 1, Book 3 as Book 2, but his Books 4 and 5 are usually known by those numbers. The dates of events in the Maccabean period follow Cotton, and as in the case of Biblical events, they are inserted merely for reference. However, they are probably relatively correct.

²⁹⁰ Josephus, *Antiquities*, 13(2):3, (4):9, (6):7; and 2 *Maccabees*, 10:28-45, 11:30-37, 13:36-40.

Josephus, Antiquities, 13(8):1, and Jewish Wars, 1(2):4. The account in 5 Maccabees, 20:17-18, does not mention the sabbatical year. At first the Jews refrained from fighting on the Sabbath day and did not even attempt defense. See Josephus, Antiquities, 12(1):1, (6):2. Later they defended themselves on the Sabbath day. See Josephus, Antiquities 13(1):3. Still later they would not interfere with the engineering works of the enemy on the Sabbath day. See Josephus, Antiquities 14(4):2.

²⁹² ⁵ Maccabees 21:31-33, 22:1-7. Apparently the first agreement was made in 161 B.C. (2 Maccabees, 8:22-32) and was renewed in 144 B.C. (2 Maccabees, 12:1). Josephus, Antiquities, 13(9):2, evidently refers to the same transaction, though it differs in most details from the other account.

treaty with the Jews. Josephus gave an account of what is evidently the same transaction, but certainly his version of the edict is a composite. ²⁹³ Although some of his text is very corrupt, the two passages which refer to exemption from tribute in the sabbatical year are apparently authentic. ²⁹⁴ Immunities granted to the Jews by Alexander, Ptolemy, and Caesar are mentioned by Josephus. ²⁹⁵ In 37 B.C, Herod succeeded in capturing Jerusalem because of lack of provisions due to the sabbatical year. Their scarcity after the capture of the city is also mentioned. ²⁹⁶ References to the sabbatical year or to immunities of the Jews are also found in Josephus and in the Books of the Maccabees. ²⁹⁷

Philo Judaeus made several references to the sabbatical year. Tacitus, an unfriendly critic who certainly would not invent the idea of a year of rest, writing about thirty years after the fall of Jerusalem in 70 A.D. concerning the customs of the Jews, said: "They are said to have devoted the seventh day to rest, because that day brought an end to their troubles. Later, finding idleness alluring, they gave up the seventh year as well to sloth." When Saint Paul said, "Ye observe days and months and times and years/ he may have intended a reference to the sabbatical year. The Talmud contains numerous allusions to it. After the fall of Jerusalem and the dispersion of the Jews, some provisions of the law could not be observed for obvious reasons, and rabbinical enactments and interpretations released them from observing

²⁹³ 5 Maccabees 44:1. Verses 4-17 give Caesar's reply. Though no mention is made of the sabbatical year, no doubt it was one of the concessions intended. Josephus, *Antiquities*, 14(10): 6. ²⁹⁴ Michel S. Ginsburg, 1928. *Rome et la Judee*, 100, Paris, pp. 172-173

²⁹⁵ Flavius Josephus, *Against Apion*, 2(4). Caesar's pillar at Alexandria is mentioned in Josephus, *Antiquities*, 14(10):1.

²⁹⁶ Josephus, *Antiquities*, 14(16):2, 15(1):2. 5 *Maccabees*, 52:27, makes no mention of its being a sabbatical year, and 52:12 seems to imply that it was not; nor is the sabbatical year mentioned in an account of the same incidents in *Jewish Wars*, 1(18):2.

²⁹⁷ Josephus, *Antiquities*, 16(1):1, (2):3; *4 Maccabees*, 2:8.

²⁹⁸ C. D. Yonge, tr., *The Works of Philo Judaeus, the Contemporary of Josephus*, London, 1854-55, "On the Ten Commandments," 3:172, "A Treatise on the Number Seven," 3:264, "On the Creation of Magistrates," 3:407, "On Humanity," 3:434. Philo Judaeus lived from about 20 B.C. to about 54 A.D.

²⁹⁹ W. Hamilton Fyfe, 1912. tr., *Tacitus' Histories*, 2:206 Oxford: Oxford Press, translating *Histories*, 5(4):3

³⁰⁰ *Galatians* 4:10.

the sabbatical year. In the Zionist movement of today, the question has again arisen and is being met in the spirit of the ancient lawgiver.³⁰¹

So far as may be judged, the seventh year was not intended to be primarily a time for spiritual development, since no special feast or convocation was associated with it. The objectives were moral and economic values. However, providing for oneself during six years and then trusting God for the seventh would have a tendency to bring about greater reliance upon Divine beneficence at all times.

Apart from the spiritual implications of the sabbatical year, the curtailing of grain production necessitated a septennial reduction in the number of livestock which, by culling out the unfit, resulted in improvement in the quality of the remaining animals. Furthermore, the decrease in the quantity of grain reduced the tendency of the people to trade with neighboring countries and served to prevent the accumulation of unwieldy wealth. The people thus became more nearly economically self-sufficient and capable of meeting their own needs at all times. The year of fallow was also of unquestioned value to the land. Fallow is a preventive of exhaustion, weediness, and larvae, ³⁰² and in dry regions a conserver of moisture. Furthermore, although the original purpose of the observance of the seventh year seems to have been secular, the reading of the law had a tendency to draw the people back to a greater regard and reverence for God.

In the post-exilic period the ritualistic character of the Sabbath was accentuated to a greater degree than ever and it was very definitely connected with the seventh day (Ex. 35:1-2, 31:15-17, Lev. 23:3, Ex. 16:22-26, all from the P document). The tendency was to make the Sabbath a central and saving institution, until in the *Mishnah* it was given first place among the feasts. The restrictions with regard to its observance became ever more and more detailed and casuistical, e.g. it was unlawful for one to leave his house on the Sabbath (Ex. 16:29) or to carry burdens (Jer. 17:19-27); one could not make a fire on the Sabbath (Ex. 35:3); what food was needed for the Sabbath must be prepared on the day previous (Ex. 16:23); in fact all manner of work was prohibited (Ex. 20:10, Lev. 23:3). It was to be a day of complete rest and

³⁰¹ Singer, Jewish Encyclopedia, 10:607.

³⁰² Self-Interpreting Bible, 1:405 St. Louis, 1905.

cessation from all toil and business of every kind (Neh. 10:32; 3:15ff.). Indeed the priestly lawgivers did not cease until they had made labor on that day a capital offence (Ex. 35:2, Num. 15:32-36). Not only was it a day holy to Yahweh (Ex. 16:23, 31:15, 35:2), but its consecration was a law which Yahweh had promulgated at creation (Gen. 2:2f., Ex. 20:11). In this connection, however, it is of interest to note that P never represents the patriarchs as observing it or being at all cognizant of its existence. He probably believed that it was not communicated to the Hebrews until Yahweh delivered it to Moses at Sinai (cf. Neh. 9:14). As a holy day the Sabbath was to be kept holy by the people and free from all profanation (Ex. 20:10-11, Lev. 23:3, Isa. 56:2, 4, 6, 58:13), and special offerings were prescribed for its observance (Num. 28:9f., I Chron. 23:3f., II Chron. 2:4, 8:13, 31:3, Neh. 10:33).

It is just a little surprising that the Sabbath is nowhere mentioned in the Psalms or in the Wisdom Literature of the Old Testament. It may be that these writers followed more nearly in the footsteps of the earlier prophets and to them, as to the prophets, the priestly emphasis upon the ritual was more or less repugnant and they would have none of it. Their sympathies, at least, were decidedly not with the movement whereby the Sabbath lost completely its early joyousness and festivity and came finally to be the severest kind of burden, fettered by every manner of restriction and loaded down with ritual. Little wonder that Jesus found the Sabbath of his day unbearable and continually rode rough-shod over its absurd restrictions and by one stroke swept them aside: "The Sabbath was made for man, not man for the Sabbath", (Mk. 2:27).

4.2 The Meaning of Fallow and Welfare of Farmers in Sabbatical Legislation

What the fallow laws meant, and how they were to be applied, has been the subject of some debate. The modern, analogical approach of pastoral hermeneutics has tended to favour an ecological interpretation as implied by the call for rest for the land in Lev 25:2. 303 Within the context of ancient Israelite society, however, much of which

³⁰³ The analogical approach typical of preaching today looks for modern analogies to the situation presented in the text seeking some practical application for a modern congregation to consider. In this case, an immediate connection is often drawn with the modern agricultural technique of crop rotation and fallow which ultimately increases and extends the productive capacity of the land,

hung barely at subsistence level, the ecological interpretation runs into a difficult roadblock with regard to the practical, economic implications of such a fallow, which if practiced universally, would seem to impose a severe and potentially devastating economic hardship upon the community, with especially dire consequences for the more marginalized groups within it – the very groups for which the Bible clearly admonishes special protective care. 304

Far from being a relief measure for the poor as may be argued, a universally observed fallow year as normally envisioned would threaten severe hardship to a subsistence-level, agriculturally-based economy and practically guarantee their starvation. A second consecutive year of universal fallow, which would seem to be indicated for the Jubilee Year, could only mean complete devastation of the entire community. Such hardship would seem to be inconsistent with the stated purpose of this legislation as providing food and relief for the poor. The actual result would thus seem to come into direct conflict with one of the major stated purposes of the law, creating an ethical dilemma in the face of God's command: while it was the religious duty of the Israelite to obey the command, the spirit of the law in its context of concern for the poor would seem to preclude its actual practice. 305

Thus the 7th - year fallow law of Leviticus 25, with its apparent 50th- year extension in the Jubilee, has engendered much discussion centered on issues of practicality, often leading to the pessimistic conclusion that these laws were never really intended to be practiced at all. These issues of practicality are coloured by

suggestive of principles of good stewardship of resources, concern for the well-being of future generations as over against immediate pressure towards prosperity, and concern for maintaining a healthy environment generally. Such an interpretation had been proposed already by Maimonides (Mishneh Torah 3.39; in Twersky 1972:373), and continues to be the dominant interpretation among modern scholars as well (e.g., J. Milgrom 2000b).

A rich land-owner might survive, since he could have stored up some grain from previous harvests. But a poor man would have nothing stored away, and would also be unable to hire himself out as a day laborer in the Sabbath year, since working of the land is proscribed.

³⁰⁵ A number of scholars have solved this problem by positing that the fallow was not intended to be universally observed (i.e. on all fields at the same time) but would have been rotating, with one out of seven fields being left fallow in any one year so that each field would have a turn over the course of the seven year cycle. The biblical passage itself clearly understands it to be applied universally, even in its earliest formation in the Covenant Code (pace Westbrook 1971a:222)

conflicting sets of purposes for the law as presented within the chapter.³⁰⁶ It is, in fact, the fallow provisions of the Jubilee law in Lev 25:1-22 that have presented the most difficult problems for interpretation, in part because they received the most radical exilic editorial revisions. Of these, exilic imposition of the concept of "rest for the land" as the purpose of the fallow has had by far the greatest impact on later interpretation. Elimination of this "rest for the land" concept allows a new understanding of the timing of the Sabbatical Year in relation to the Jubilee Year, and thereby greatly relieves the major practical difficulties to which interpreters usually object.

As reconstructed, the original "fallow' was never designed as an ecological measure, however ingrained in the popular understanding that may be. In its opening statement in Lev 25:2 while stressing the need for the land itself to have rest, the fallow was a theological construct of the exile designed to explain the exile as God's provision of Sabbatical rest for the land so as to justify hope for a Jubilee restoration to that land. Within H it functioned as a call to covenant holiness, as suggested in Lev 25:12. In its origin, however, it functioned primarily as a measure of social welfare, as its context and as vv.6-7 of the fallow provision suggest.³⁰⁷

How this would have worked is another matter. As already mentioned, such a purpose is highly problematic since a universally observed fallow, ³⁰⁸ far from being an effective form of social welfare, would impose an economic hardship so severe as to endanger the well-being of the entire community – especially in its more marginalized segments. A blanket prohibition of planting and harvesting crops for a full year (let alone *two* consecutive years) would be impossible to practice, and could only be

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³⁰⁶ Its opening statement in Lev. 25:2, stressing the need for the land itself to have rest, has led interpreters such as Maimonides to view the fallow as a far-sighted, ecologically-minded innovation designed to improve the agricultural productivity of the land as in modern farming, suggestive of the beginnings of an environmental ethic within the Bible. Lev. 25:6-7 and its antecedents in the Covenant Code, plus its larger literary context within Leviticus 25 suggests a social welfare purpose of providing food (for the poor, the sojourner, and wild animals, as well as livestock and landowners), but the first and third of these are directly contradictory, since access to the produce of 'resting' land could hardly be meaningful a s a relief measure for the poor.

³⁰⁷ Vv. 6-7 suggest that the fallow is to provide food for the poor, the sojourner, and the wild animals, as well as for landowners and their livestock.

³⁰⁸ As would seem to be implied here, versus some kind of rotating fallow such as would be practiced today.

harmful to the poor. Moreover, it makes little sense to say that the poor are allowed to eat from a crop that was never planted.

The key to discovering a resolution of these conflicting sets of purposes lies in discerning two distinct stages of development of this law, each with its own intended interpretative approach: the first practical, the second more theological in nature; and each with its own very different concern and purpose. A pre-monarchic origin for the initial conception of the law, as reflected in Exodus 23, has been posited. This Covenant Code law was then reformulated as part of H in the 8th century with an added emphasis on its holiness to YHWH as a sign of the covenant, but with little other conceptual change. The direct dependence of Lev 25:2-7 on Exod 23:10-11 has been demonstrated beyond dispute by Paran (1983/1989) as reiterated by Milgrom. ³⁰⁹ A late exilic revision then initiated a second significant stage of development for the law, which unintentionally resulted in obscuring its original purpose by connecting it with the abandonment of the land in exile (as in Lev 26:34-35, 43).

In addition, a change of emphasis was accomplished by the exilic editor with regard to the purpose of the Sabbath fallow from its original thrust as a relief measure providing food for the poor who could eat the full crop of the seventh year (as it stands in the Exodus 23 Covenant Code version of the law) to one of rest for the land itself. While the poor are still allowed here to eat from the land, small (single letter!) modifications in vv.2, 4 and 5, which make "the land" the subject of resting (instead of an indirect object "in the land" – a common emphasis of "H" – with a second-person or indefinite subject of resting), change the emphasis completely. The violation of this Sabbath rest of the land was then developed in 26:34-35, 40-45 (also an exilic insertion) as a justification for the exile – to enforce the Sabbath rest of the land which the people had failed to give it.

Secondly, the exilic editor wanted to connect the Jubilee year as closely as possible to the Sabbatical Year. Vv.18-19 served originally as a formula concluding the Sabbath laws and thus was an unwelcome interruption. Vv. 11b and 12c were

³⁰⁹ J. Milgrom, 2000b. *Leviticus* 17-22. Anchor Bible 3A. New York: Doubleday. Assignment to the pre-monarchic period is based on the weight of evidence as argued by others, but is not crucial to the thesis here. A date of origin that is at least pre-exilic is necessary in order that some intention of practical application be allowed.

added (11a and 12a originally having been one sentence) in order to make the Jubilee year itself into another Sabbatical Year (complicated by the fact that it originally ran on a different calendar, being of separate origin, but entrenched enough already that its timing could not be changed). This also is what necessitated moving vv.20-22, since having the objection and answer addressed only to the Sabbatical Year fallow and then introducing a second fallow year would have made the intrusion immediately obvious. The close connection between the Sabbath fallow (which Yahweh was enforcing in the form of the exile itself) and the Jubilee restoration of property was significant to the exilic editor in that Yahweh's enforcement of the first part virtually guaranteed his like enforcement of the second part – the restoration.

Thus the fallow laws were secondarily reformulated to emphasize rest for the land itself (fulfilled by its dormancy during the years of exile) instead of provision of food for the poor, which is the clear purpose of the parallel legislation in Exod 23:10-11. The its earlier stage, the law was intended to be practical in nature, and was concerned primarily with issues of social welfare, not with ecology. This, however, brings back the practicality problem of the severe economic hardship imposed by the observation of a universal fallow in the Sabbatical Year. Then the prospect of a *second* consecutive year of universal fallow is simply too overwhelming to consider. Removal of the necessity for the land to 'rest', plus some careful consideration of calendar and agricultural practice will shed much light on this dilemma of impracticality. In particular, the answer to this second question of the impossible, over-burdensome double fallow may be resolved by recognizing two points.

In addressing the issue of the absence of overly-burdensome double fallow concerning exilic editing, the longstanding dilemma of the timing of the Jubilee will first be revisited. Specifically, there has been much past confusion over whether the

Further parallel legislation in Deut 14:28-15:18, though not mentioning a fallow for the land, begins by making provision for the poor by designating a tithe of the produce of the land every three years to be set aside and stored up for the Levites, aliens, widows and orphans. In Exodus 23 and Leviticus 25 this provision of food was accomplished by the 'fallow'.

³¹¹ Indeed Stager (1976:157) asserts that "floodwater farming" techniques practiced by Iron Age farmers of the Judean desert, such as those in the Buqe'ah valley, would have made "fallow" periods unnecessary from an ecological standpoint due to the enrichment of the soil from winter flooding.

Jubilee is the 49th year (as stated in Lev 25:8) or the 50th year (as stated in Lev 25:10-11), and whether it would involve a second consecutive fallow year. A somewhat radical yet exceedingly simple solution is hereby proposed for consideration. The dilemma may be finally cleared up simply by recognizing that the Jubilee Year was to begin on the 10th day of the *seventh* month, on the Day of Atonement, in the seventh Sabbatical Year (i.e. the 49th year). This is specified clearly in the text of Leviticus 25:9. It would then continue, presumably, into the 7th month of the 50th year, so that it would span parts of both 49th *and* the 50th year, overlapping by half a year with the regular 7th-year Sabbath. Thus since the Jubilee partially overlaps with the regular Sabbatical Year, there is no full second year of fallow. It is only an additional half year that is at stake.

Thirdly, as argued above, originally the Jubilee had no fallow requirement associated with it. This was only added by the exilic editor in order to make a closer connection between the fallow and Jubilee provisions so as to make his theological point about the covenant still being valid and to justify his hope of God bringing about a Jubilee return from exile. Thus, as originally formulated, the Jubilee involved no debilitating 2nd year of fallow (more on this below). This still leaves the potentially debilitating single year of universal fallow, posing severe economic hardship on the population in order to provide "rest" for the land. Another possibility, however, is that the fallow law was in fact *not* rest for the land.

A new understanding of the timing of the 'Sabbath rest' of the land in relation to agricultural practices can here reconcile the presumed problem of economic hardship with the law's major purpose of providing food for the poor. Resolution of this issue is provided by reference to the solution offered above for the 49th vs. 50th year paradox – that the Jubilee spans half of each since it begins "in the seventh month" (25:9). Such a solution would seem to be entirely simple and obvious. Its implications, however, are perhaps not so obvious, and may bear far-reaching consequences for understanding the fallow year.

When the year begins with harvest as result of the Sabbath/Jubilee calendar, it brings with it some implications like economic hardship of universal fallow which can also be resolved. The main implication for the Sabbatical Year is that, for the purposes

of H at least, the normal Israelite "year" begins, as one might guess, in the *first* month. So the regular "year" (including the seventh-year Sabbath), according to the Israelite calendar as instituted in Exodus 12:2 and as formulated here in Leviticus, is accounted as beginning in the *first* month with the Passover, which is in the *spring*, such that the Day of Atonement is in the *seventh* month (as specified in 25:9), which is in the *fall*. But the springtime in Israel, following the winter rainy season, is *not* the time of planting but of harvest! Plowing and planting would then follow the dry season at the time of the Day of Atonement (our fall). Thus one must recognize that the normal Israelite year would begin not with the planting, as normally assumed according to modern western agricultural practice but rather with the harvest. The Sabbatical "fallow" year likewise would then begin with the harvest and end after planting!

The *Mishnah* struggles mightily with this fallow provision precisely because it recognizes this dilemma of their year beginning with the harvest. Rabbinic teaching resolves the dilemma by extending the prohibition on planting into the previous year, ³¹⁴ with the rather distressing result that the Sabbath for crops is extended almost to two full years, even in a normal Sabbatical Year with no Jubilee to contend with. Such an additional hardship is unnecessary for resolving the issue. The planting of the sixth year need not be prohibited but only its harvest in the seventh. Indeed, the explicit instruction is that for those six years of the cycle one *does* not sow and reap, including in the sixth year.

The ordering of the prohibition as they stand, "do not plant and do not reap," simply follows the order of logic rather than the intended order of compliance. Moreover, from a literary perspective to write "do not harvest and do not plant" is

The chart on "The Jewish Calendar" put together by John Walton in his *Chronological and Background Charts of the Old Testament* (1978:17) is most helpful in this regard.

³¹³ Milgrom (2000b:2157) states categorically that "it should be kept in mind that these six years (as well as the seventh year, v. 4) refer to the agricultural year, not the civil war, which begins in the spring (cf. Exod 12:2). But he gives no reason for this assumption, and does not account for the enumeration of months given in the chapter such that Yom Kippur occurs explicitly in the 7th month, clearly indicating the civil year as the operative calendar as argued here.

 $^{^{314}}$ i.e. that one may plow only up until Pentecost- that is the 3^{rd} month (of the Religious year = May/June) – in the 6^{th} year. *Mishnah*, Shebiit 1-2 (first division on Agriculture), in Jacob Neusner (1988:68-77).

simply grating. Plus the harvesting aspects demands elaboration which would have the planting aspect either as intrusive between the harvest prohibition and its explication, or else lost at the end. Elegance of expression demands that the planting prohibition be ordered first, regardless of the order in which it would be applied. Such a misordering of the instructions from an agricultural perspective is already evident in Leviticus 25 with regard to the pruning, which shows a written order of sowing and pruning/wheat-harvest and grape-harvest, whereas the correct agricultural order would be sowing (November), wheat-harvest (April-May), pruning (June), and then grape-harvest (July).

Confirming this ordering, the Gezer Calendar lists the order of agricultural activities as follows: "two months of gathering [olives and grapes; Aug/Sept], a month of sowing [barley; Oct], two months of late-planting [wheat; Dec/Jan], a month of cutting flax [Feb], a month of harvesting barley [Mar], a month of harvesting [wheat] and measuring?/feasting? [April], two months of pruning vines [May/June], a month of summer fruit [July]." H has reversed the order of the pruning and the wheat-harvest, probably for literary reasons (creating a kind of pseudo-poetic parallelism typical of H). Thus, it is not difficult to believe that "sow" and "reap" are given this traditional, agricultural ordering even though according to the calendrical ordering of the year would happen in the reverse order. The peculiar ordering of agricultural duties as given in Lev 26:5, on the other hand, is revealing: first threshing, then grape harvest, then planting. This can only reflect the calendrical ordering according to the operative liturgical calendar.

Another possible clue may be found in the Lev 25:20-22 insertion regarding God's promised provision for the Sabbatical – "while you sow the eighth year, you will eat from the old produce until the ninth year – until her produce comes in you will eat the old." If the years run, as normally assumed, from planting to harvest, then this sequence makes little sense. If it refers to a second fallow year in the Jubilee, then there should be no "sowing" in the "eighth" year (aside from which the enumeration

³¹⁵ See Gibson, 1971. 1-4 and Kyle McCarter's translation in *COS* 2.85 (II: 222). Month assignments are from Victor Matthews and Don Benjamin, 1997. 146; see also Migrom's discussion (2001:2157).

³¹⁶ As noted by Milgrom, 2000b. 2155 from Paran, 1989. 29-34.

of the years as "sixth", "seventh" and "eighth" suggests a regular Sabbatical context). But if it refers to a regular Sabbatical Year, then there is no need to eat from the sixth year's harvest until the harvest of the 9th year comes in – one would already have the harvest of the eighth year to eat! However, in the reverse calendrical scheme as proposed here, the wording of this reassurance makes *perfect* sense because the "harvest of the ninth year" *is*, in fact, the same crop that was sown in the eighth year! And this ninth-year harvest would also, in any normal Sabbatical sequence, be the first full post-Sabbatical harvest to expect.

Parallelism suggests a contrastive correlation between "sow your land" (in the six years)/ "telease her" (in the seventh – i.e. release the sown land to the poor in the seventh year?) and "gather her crop"/ "leave her" (i.e. in the second phrase the command would be to leave or abandon the produce instead of gathering it as in the first six years). The produce is still there; it is simply let there in the field instead of being gathered "so that the poor of your people may eat." Such a practice would be just like the triennial tithe of Deut 14:28 except that it would be left in the field instead

of being stored in the gate. This way it will also serve as food for wild animals, ³¹⁷ and will provide natural reseeding as well. The 'fallow' law thus envisioned a full crop planted at the end of the sixth year, which was then exempt from harvest in the seventh, but left for the poor and animals as food. Some of this would then naturally reseed itself when sowing is prohibited in the second half of the year. By this interpretation, the Sabbatical 'fallow' would not really involve a 'fallow' at all ³¹⁸

This alternative interpretation also resolves nicely what Milgrom³¹⁹ and others have seen as a direct contradiction within the law – that "vv. 6-7, allowing the landowner and all those living with him to benefit from the aftergrowth, patently contradicts vv. 4b, 5a." Milgrom would seem to assert that the "obvious solution" is that H amended the earlier absolute prohibition by allowing this benefit to all. However, the apparent contradiction may be less intrusively resolved by recognizing that the prohibition in v. 5a is only against "reaping" (qrs) and "harvesting" (bsr, literally cutting off, making inaccessible), clarified in v. 20 by the verb 'sp ('gather' – i.e. for storage accessible only to the farmer). What is allowed in vv. 6-7, on the other hand, is "eating" ('kl). The farmer must refrain from harvesting and storing for himself so that the produce will be available for all of the people and animals as specified. Such an interpretation was proposed already by Wellhausen (1885:116-119) for Exod 23:10-11, which he asserts as foundational to the parallel law in Lev 25:1-7. The more serious contradiction here is between the assumption of the text that there will be produce in Sabbatical Years to be eaten by all, and the assumption of modern scholars that there will *not* be produce in Sabbatical Years because of the "fallow".

Thus in a way, a different timing of fallow within the Calendar may mitigate the issue of hardship. In this new proposed formulation, a regular crop would be planted in the second half of the sixth year, which would then not be further tended or systematically harvested at the beginning of the seventh year. Herein lies the key to overcoming the more practical dilemma of conflicting purposes and economic

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Note here how the text refers to their leftovers"- implying that the crop of that year belongs to the poor, such that it is "their" leftovers from the crop that will be left for the animals.

Fallow' translates Hebrew verbal roots *smt* ('drop'), *nts* ('leave, abandon'), and *sbt* ('stop, rest'), all of which make sense as applying to the harvest (i.e. dropping/leaving it for the poor), and thus need not refer to a 'fallow' at all.

³¹⁹ Milgrom, 2000b. 2156.

hardship as well, for the poor would therefore have the maximum benefit of gleaning the full crop, making this much more meaningful as a relief measure (cf. Exod 23:11). Moreover, since this planted crop is never systematically harvested, much of it will remain to fall into the ground and replant itself during that 7th year when there is no planting (cf. Isa 37:30). Thus the economic hardship of not planting is minimized by the guaranteed reseeding that will naturally result from the lack of a systematic harvest of the previously planted crop. The fallow need not be seen as an academic invention, or as the complete economic disaster that our modern western misinterpretation of the calendar would project. This scheme allows minimum hardship to the community and maximum benefit to the poor.

The word here for fallow as a "letting drop" (*smt*) fits well with the alternative conception proposed here, where the landowner plants the erop but then "lets it drop" – literally lets the grain drop to the ground rather than systematically harvesting it – dropping his benefit for the sake of the "satisfaction" ([b; fo) of the poor and of animals, that they might "eat and be satisfied" (Deut 14:29, cf. Lev 26:5). Thus, since the priestly year begins with harvest and ends with planting, the seventh year would offer a full harvest for the poor to enjoy. 320

What the "no rest for land" insertion of the exilic editor does *not* do is yield much of the environmental benefit expected in modern understanding of "fallow". Nor does it allow for the complete "rest" of the land (as implied by the opening verses of this legislation in Lev 25:2, 4-5), but only of the farmers and labourers who work in it. The concept of rest for the land itself is entirely absent from this earliest version of the legislation. Deuteronomy makes no mention of a fallow year. The seventh year is

The law in Leviticus 25 is basically a restatement of an earlier, similar fallow in Exodus 23:10-11 (as demonstrated by Paran), which clearly designates the produce of the Sabbath Year as food for the poor and for wild animals. Likewise in Leviticus 25, the land is allowed to remain fallow and servants are allowed to share in the produce of the Sabbath Year, but the purpose here has been altered slightly by the exilic editor to one of rest for the land itself (modeled on the people's weekly Sabbath rest). The produce of the land in the seventh year must not be harvested but only eaten on a day-to-day basis, taking directly from the fields. The landowner, meanwhile, is expected to eat the stored crop of the 6th year for the next three years. This original purpose of the Sabbath Year in CC is built directly and explicitly upon a related purpose of the weekly Sabbath as stated directly following in Exodus 23:12, which is clearly intended for the refreshment of slaves, aliens and work animals (as well as of Israelites).

simply a year for releasing slaves and canceling debts. However, just preceding the directly parallel passage in Deut 15:1-18, provision of food for the poor is legislated in Deut 14:28-29, from tithes of the produce of the land collected every three years. Gleaning provisions in Leviticus 19:9-10 and 23:22, which prohibit the landowner from harvesting to the edges of the field or from gathering the gleanings, exhorting him rather to leave these gleanings for the poor and the alien, clearly show a similar concern for providing food for the poor. Based on vv. 6-7 of the fallow text plus the overall context of the passage within a chapter whose over-riding message is one of concern for the poor, the Leviticus 25 fallow provision appears originally to have been designed as a social welfare measure in line with these other laws.

This is where the intervention of the exilic editor comes in. As developed above, an exilic editor changed the emphasis in the Sabbatical law by adding the word "land" as subject of the Sabbath rest, ³²¹ in order to justify his assignment of blame for the exile as being due to the community's failure to observe this provision. God's enforcement of the fallow provision by using the exile to provide rest for the land then justifies hope that God will likewise enforce the Jubilee by restoring the land to them. This exilic slant on the fallow as a complete desolation, parallel to the utter abandonment of exile, may also be significant contributing factor to our impression of the fallow as involving severe economic hardship.

The judgment of biblical specialists with regard to the impracticality of a universal fallow is undoubtedly impaired by general ignorance of common agricultural practice. The fallow is envisioned in terms of empty, desolate fields with nothing in them at all. This is, in fact, unlikely to be the case. To the contrary, normal modern fallow practices typically involve planting soil friendly crops which are then not harvested but plowed under to enrich the soil.³²² This modern farming technique is

Possibly by simply switching "h" or "l" for "b" in three spots and by switching the verb *sbt* from 2nd person masculine to 3rd person feminine singular which, especially given the third-t verb, is rather minimal change in the pre-Masoretic text. The minimal editing necessary to add "land" as the subject of Sabbath rest in the consonantal text of Lev 25:2, along with a slight, reinforcing change of emphasis in vv. 4a and 5b from "in the land" to "for the land" is understood. The resulting reconstruction can hardly be disputed as both consonant with the earlier CC version of the law and appropriate for the original context of the law in H.

This is from Rachelle Sam, a former fellow student in the MDiv. Program at Harvard, teaching in Groton, Massachusetts, who happened to have some farming experience.

significant in that it lends the support of common practice to what might otherwise seem extremely implausible: the idea of planting something from which one would not expect immediate profit (though in the biblical case the planter would still have the benefit of eating from the crop for sustenance – just not of storing it away). Cuneiform documents related to land tenure in Mesopotamia seem to indicate that in ancient Sumerian practice a "fallow" consisted of a system of rotating the intensity of planting, such that "fallow" land was still sown, but sparsely rather than intensively.³²³ In either case what the fallow does *not* involve is the complete absence of produce. Natural reseeding, even after a systematic harvest, would prevent that to some degree in any case. It is possible that the vision of a fallow as a "desolation" of abandonment (as described in relation to the prediction of exile in Leviticus 26) is likely to have been exaggerated subsequently in order to make the analogy of the Israelite land lying desolate and abandoned during the exile.

As argued earlier, the Sabbath Year/Jubilee was originally not a fallow year at all, but was secondarily designated as a fallow year by the exilic editor. Indeed, the Mesopotamian *misarum* edict was never associated with a fallow year, nor is a fallow associated with release of slaves or cancellation of debts in either Exodus or Deuteronomy. Nor is there any reference to fallow in connection with texts in Nehemiah 5 and Jeremiah 34 where releases are recorded. The possibility of such an alteration is suggested by structural problems in the text. Namely, Lev 25:18-22 seems intrusive where it stands, and would fit much better were it placed after v.7, with which it fits logically, whereas v.23 logically follows after vv. 13-17. As has been shown above, the assurance given in vv. 21-22 makes perfect sense with reference to the Sabbatical Year alone (without an additional Jubilee fallow); indeed, it is only the Sabbath fallow that is addressed as a problem in v.20. Furthermore, vv. 11b and 12c (which are directly repetitive of vv. 4-7) also seem intrusive in subject since 10b has already introduced land restoration as the subject which then dominates the next

³²³ This is from Glenn Magid based on his original PhD in Assyriology at Harvard. As noted by Neufeld (1958), further parallel evidence may be found for a 7th year fallow at Ugarit (cf. also Westbrook 1971a:214).

³²⁴ Neh 10:32(31) may possibly connect a fallow with the cancellation of debts (the language is a bit unclear), but this is not problematic since it was written after the Leviticus revision anyway.

section, with v. 13 being inserted as a resumptive repetition of 10b on the land restoration theme, enjoining a return to family property. Vv. 11a and 12a are also awkwardly repetitive and would fit together better as a single sentence. It is here that one may detect the deliberate changes on the part of the exilic editor in order to accomplish a very specific end.

In the scheme proposed here, the Sabbatical/Jubilee adds no real hardship because it overlaps by half a year with the regular 7th-year Sabbatical fallow, and only extends it into half of the following year, prohibiting the following harvest of the crop which was never planted, but was the result of natural reseeding. Thus, even when one adds the additional fallow requirement of the Jubilee year, the only added requirement with regard to its new fallow component is that there would be no systematic harvest in the eighth year of the spontaneous growth from the seventh year (which, was, after all, never planted by the farmer). But the prohibition of a systematic harvest of this spontaneous growth in the eighth year is no real added hardship, and planting will resume again in that same year. Only one season of planting is missed, and that loss is somewhat mitigated by the spontaneous growth from the natural reseeding of the full crop of the previous year that was never systematically harvested.

This, then, is exactly what is described in Isaiah 37:30 (cf. 2 Kings 19:29) as a sign to Hezekiah: "This year you will eat what grows by itself, and the second year what springs from that. But in the third year sow and reap..." Isaiah was describing the normal Sabbatical (or Jubilee) sequence. The first year's crop had been planted in the previous year, but had been allowed to grow by itself. The second year's crop had sprung up by the natural reseeding of the first year's crop that was not harvested. The third year's crop (having been planted in the end of the second year) is then finally harvested normally. The same description could fit either the normal fallow year or the Jubilee equally well, and may be seen as some positive evidence for pre-exilic practice. Other evidence for practice is post-exilic. 325

To summarize briefly, then, the first issue of practical concern arises out of some confusion over the timing of the Jubilee in relation to the seventh Sabbatical

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³²⁵ Aside from the passages in *Leviticus 25-26*, there is the reference in 2 *Chron* 36:21 which merely echoes *Leviticus* 26, plus a reference in *Neh* 10:32 from the time of Ezra, and then a few mentions in Josephus from the Greco-Roman times.

Year, since the Jubilee is seemingly designated both as forty-ninth year and as a fiftieth year. If it is fiftieth year, then it would impose an unreasonable hardship upon all the people who would thereby be prohibited from planting and harvesting for two consecutive years – hardly practical or desirable from social-justice point of view. Both issues are easily cleared up by noting two things. Firstly, since the Jubilee Year was to be proclaimed (by the blowing of trumpets) on the Day of Atonement in the *seventh* month of the forty-ninth year (the seventh Sabbatical Year), the Jubilee Year thus spans the forty-ninth *and* fiftieth years (from seventh month to seventh month).

Secondly, it must be recognized that the Israelite calendar year as formulated in Leviticus began with the harvest and ended with the planting. So a regular crop will be planted at the end of the sixth year which would then not be further tended or systematically harvested during the seventh year. The poor would have the maximum benefit of gleaning the full crop, making this more meaningful as a relief measure. Then, in the second half of the Sabbatical Year (which could also be the beginning of a Jubilee year) there would be no crop planted. Thus in the eighth year (Jubilee or not), one was eating only what had sprung up of itself anyway, and the prohibition of a systematic harvest at the end of the Jubilee (the beginning of the eighth year) was no added hardship. So a regular crop was finally planted at the end of the eighth year but not harvested until the beginning of the ninth year. All of this, then, makes perfect sense of the provisions in 25:20-22 (promising a blessing such that the crop of the sixth year would "yield enough for three years"), which some have taken to imply two consecutive years of fallow. 327

³²⁶ R.B. Coote and David R. Ord., 1991. *In the beginning: Creation and the Priestly History*. Minneapolis: Augsburg Fortress. p.130 Roland de Vaux, 1961. *Ancient Israel: Its Life and Institutions*. trans. By J. McHugh. London: Darton, Longman & Todd. Repr., Grand Rapids: Erdmans, 1997

³²⁷ Another possibility, of course, would be that the three years are simply symbolically indicative of an over-abundance of produce from the sixth year, beyond what is necessary. As earlier however, the Sabbatical year did not actually involve a 'fallow' at all. The Sabbatical began with the (non-) harvest of a crop which had already been planted at the end of the 6th year. Thus the full unharvested crop of that year was available to the poor for gleaning, making it quite meaningful as a measure of social welfare. The remainder that was not eaten by wild animals would then naturally re-seed itself, thereby substantially mitigating the hardship of missing the next regular planting.

An exilic editor unintentionally obscured the original intention of the "fallow/release" law of providing food for the poor by changing the emphasis of the provision to providing rest for the land, which is then characterized (in Lev 26:34-35,43) as a total desolation fulfilled by its complete abandonment in exile. He then sought to create a closer connection of this provision with the Jubilee by inserting an extra fallow requirement there. As developed earlier, the editor accomplished this by (1) making "land" the subject/recipient of the fallow rest in three verses, (2) adding the note in Lev 26:34-35, 43 about the exile fulfilling the Sabbath rest of the land, (3) rearranging provisions so as to insert the Jubilee law within the fallow law, and (4) adding a fallow component to the Jubilee by simply copying the stipulations from the earlier Sabbatical Year provision. The purpose of all this was to assert that the exile was merely God's enforcement of the fallow (and *not* abrogation of the covenant). And, if God had thus enforced the fallow, then he would also enforce the Jubilee by restoring Israel's rightful inheritance of the Promised Land. It was not intended as a negation of the earlier laws, but had, rather, a special political purpose based upon an entirely new theological interpretation.

The original concern of the Sabbatical Year fallow law was thus indeed a practical, ethical one. It was concerned not with ecology, nor with religious purity, but with social welfare – consistent with the overall concerns of its context. This law was possibly pre-monarchic in its conception as seen in Exod 23:10-11, but 8th-century in its formulation by H, who added the theological underpinning of its holiness as a sign of the covenant for motivation. The late-exilic re-working of the law then linked it with a Jubilee return from exile, transforming the entire unit in order to serve as a rallying cry to unify the Israelite community within Babylonia, and to mobilize that community for an imminent return to the land of Israel.

This new, transformed interpretation was not intended to negate the older, more practical one. Within the context of exile, the older interpretation was mere obsolete. This new (re)interpretation rendered the old law once more vitally relevant. It also, however, resulted inadvertently in a certain amount of confusion and clouding of the original issues, with its new emphasis on the rest for the land overshadowing the

original concern for social welfare. Further confusion on the part of modern interpreters over calendar practicalities of application then added to the interpretational problems. All of this has been clarified by separating out these two very different concerns of two different eras, each demanding an entirely different interpretive approach.

4.3 The Concept of Land Use and Over-Cultivation

All life depends on land, for people construct homes on land, food is cultivated on land, and when people ultimately die their remains are committed to land. Usually, life's basic needs are expressed to be food, clothing and shelter but it is true to assert that there is only one essential or basic need of life and that is land because food, clothing and shelter are entirely derived from land. Land occupies a unique place in the development process of any individual or society. The supply of useable land is, however, limited. No society therefore exists without a regulation of some kind peculiar to it to rationalize the mode of ownership and the use of land. According to the well-established principle of law, *quicquid plantatur solo solo cedit*, land consists of the surface of the earth, the subsoil and the air space above it, as well as all things that are permanently attached to the soil. It also includes streams and ponds. 330

Land supports other natural resources like forest that are vital for human survival. Human survival therefore depends largely on sustainable use of existing and remaining, available, and renewable land resources. This means using them at rates within their capacity for renewal. The development of land use systems that meet the needs of present and future generations without causing environmental degradation remain one of the major challenges the world is confronted with today. For sustainable development, 331 such land use systems must have the capacity to prevent and control any form of gross abuse or unsustainable use of land resources. Hence sustainable land

³²⁹ Sections 43-44 and 46 of the Constitution of the Federal Republic of Nigeria, 1999.

³²⁸ M.T. Ladan, 1997, *Report on the Review of Sokoto State of Nigeria's Environmental Laws and regulations* Abuja, Nigeria: All States Publishing Co. 14-5.

³³⁰ The Land Use Act (of 1978) Cap. 202 Laws of the Federation of Nigeria, 1990 is the law that regulates the acquisition, use and disposal of land.

³³¹Such as criminal law, constitutional law, law of contract, tort, equity and property law or public and private law generally.

use implies activities that are ecologically sound, socio-culturally acceptable, economically viable as well as equitable in terms of access to land resources, benefits and decision-making process.

Apart from quarrying, mining of all sorts generally and inexorably causes damage to the environment on a large scale. It is a process that inevitably creates pits, ponds and mounds. It destroys the top soil and renders land to become non-arable and agriculturally wasted and ruined.³³² Other forms of general land degradation include those resulting from oil spills, sludge and the more common occasion of oil change in mechanical garages where oil use and disposal is not effectively controlled, especially in urban areas.

In most nations of the world, land use problems that result into land pollution and are accorded highest priority range from the many causes of deforestation, soil erosion and dumping or disposal of both industrial and domestic wastes that are hazardous or harmful and consequently render land unproductive or degrading and unsustainable. An important resource on land, which has been grossly abused and unsustainably used, is the forests. Forests provide human beings with a wealth of benefits including contribution of about 19% of the energy supply of lower income countries through fuel wood resource, provision of resource base for agriculture, tourism, recreation, religion, culture, music, etc. Despite these functions/benefits the country's forests have been degraded through unsustainable logging, shifting agricultural practices, fuel wood gathering bush burning, overgrazing of land, etc. 333

Land use administration can be defined as the management of land resources within a particular institutional and technical environment bearing in mind the welfare of citizens whose livelihood hinge closely on land and forest resources and the need to maintain ecological balance. The technical environment provides the tools and knowledge, which define how a resource is used as a factor of production. The institutional environment defines who controls the resources and how the technique is applied. In other words, administration or governance can be referred to as the process of planning, utilizing and managing these resources through joint efforts of the

³³³ M.T. Ladan, 1997. 15-22.

⁵¹ Simpson and Fagbohun (ed.), 1998. *Environmental Law and Policy*, Lagos, Nigeria: Law Centre, Faculty of Law, Lagos State University, 79

governor(s) and the governed (the people). In such instance, land and forests are regarded as common property resources or common pool resources.

Land as natural resource exists as in stocks. The physical quantity available for use is more or less fixed: what is used now will not be available later. Hence, they are not renewable. Extraction of land resources below certain minimum size will render cultivation less productive. If land is to be properly managed, neither the position of an altruist nor that of a free rider will produce meaningful result. All land resources users constitute interdependent groups and they must subscribe to the rules of conduct governing land use. Altruism cannot be depended upon to sustain land resources, and free riding is the basis for the so-called 'tragedy of the commons'. A system of common property regime between government and people is inevitable. Common property regime provides assurance that the resources on which all persons collectively depend will be available sustainably. The adoption of private or state-property rights could not provide such assurances since the consequences for productivity, sustainability and equity would be different.

For centuries, shifting cultivation and trans-human pastoralism systems allowed people to derive their livelihood in a sustainable manner from nature. When soil fertility declines or pasture vegetation disappears, people move to new land and allow natural regeneration of used land to its original state. The fallow period could be between 10-20 years. Fallow periods have been shortened while in several communities repeated farming on the same piece of land is carried out using the same traditional system that are suitable only for shifting cultivation. The effect is non-restorable soil fertility, low crop yield and farmers' migration from marginal land into forests. Similarly, with diminishing pasture, livestock move to tropical forest areas considered unsuitable land for such practice. 334

Land is the part of the earth that is not covered by water. It is an area of the earth's surface, including all elements of the physical and biological environment that influence land use. It refers not only to soil, but also landforms, climate, hydrology, vegetation and fauna, together with land improvements such as terraces and drainage

³³⁴ Federal Environmental Protection Agency Abuja, 1998, Proceedings of the National Train the Trainers' Workshop on Environmental Management in Nigeria 179.

works. Land can also be defined in relation to ownership, demarcation, or use as any portion, large or small, of the surface of the earth, considered by itself, or as belonging to an individual or a people, as a country, estate, farm, or tract or in respect to its nature or quality; soil as wet land; good or bad land.

Land use is the management of land to meet specified socio-economic objectives. Land use is described by the purposes for which the land is used, and the types and sequences of development, conservation and environmental management activities carried out upon the land. In other words, it refers to the purpose to which land is committed, including the production of goods (such as crops, timber and manufactures) and services (such as defence, recreation, biodiversity and natural resources protection). Some land uses, such as cropping, have a characteristic land cover pattern.

Over-cultivation happens when a farmer does not allow a piece of land to recover in between plantings, exhausting the soil. Left unchecked, this can eventually lead to land degradation as the land is being used in a way which is unsustainable. Land degradation is the reduction or loss of the biological or economic productivity from rainfed cropland, irrigated cropland, or range, pasture, forest and woodlands. Land degradation usually results from unsustainable land use. It destroys land resources.

According to Blaikie and Brookfield (1987) and Blaikie³³⁵ land degradation is the reduction in the capacity of the land to produce benefits from a particular land use under a specified form of land management. On the other hand, according to Douglas³³⁶ and Hurni³³⁷ the unhindered degradation of soil can completely ruin its productive capacity for human purposes and may be further reduced until steps are taken to stop further degradation and restore productivity. This definition embraces not only the biophysical factors of land use but also socio-economic aspects such as

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³³⁵ P. Blaikie, 1989. "Explanation and policy in land degradation and rehabilitation for developing countries", *Land Degradation and Rehabilitation 1*: 23-37.

³³⁶ M. Douglas, 1994. "Sustainable Use of Agricultural Soil: A review of prerequisites for success or failures." *Development and Environment Report* No.11, Centre for Development and Environment. Bern Switzerland: University of Bern.

³³⁷ H. Hurni, 1993. "Land Degradation, Famines and Resources Scenarios in Ethiopia", D. Pimental, (ed.). World Soil Erosion and Conservation. Cambridge Studies in Applied Ecology and Resource Management. Cambridge: Cambridge University Press, 27-62.

how the land is managed and the expected yield from a plot of land.³³⁸ Agricultural use degrades soil in the long run and reduces its fertility if it is not accompanied by soil conservation measures. Only suitable cropping methods and more or less labour-intensive or capital-intensive measures can sustain soil fertility.³³⁹

Soil is the interface between the atmosphere and the lithosphere, and it is also the interface with the hydrosphere. The soil derives its components from these spheres and supports the growth of many plants and animals. Soil is a complex mixture of eroded rock, mineral nutrients, decaying organic material, water, air and millions of microscopic organisms involved in the process of rotting and breaking down of dead organic material and re-incorporating their nutrients into the soil. Studies indicate that soil degradation has its impact on soils of lower fertility and where population density is low; on fertile soils, land degradation tends to be compensated by fertilizer applications and many areas populated by a large percentage of people are in a critical state, where fertility loss needs to be compensated urgently by external inputs, and/or soil conservation measures need to be implemented, particularly in the most vulnerable areas in Nigeria.

The main causes for land degradation are complex and attributed to a combination of biophysical, social, economic and political factors. There are different views on the causes of land degradation: many indicate population pressure to be the main cause for deforestation, overgrazing and expansion of cultivation into marginal lands. High population density is not necessarily related to land degradation; it is what a population does to the land that determines the extent of degradation. People can be a major asset in reversing a trend towards degradation. However, they need to be healthy and politically and economically motivated to care for the land, as subsistence agriculture, poverty, and illiteracy can be important causes of land and environmental degradation. On the other hand there are emerging evidences that areas with high

³³⁸ K.G. Steiner, 1996. Causes of Soil Degradation and Development Approaches to Sustainable Soil Management. Margraf Verlag, Reiskirchen.

³³⁹ J.R. McNeill, V. Wniwartez, 2004. *Breaking the Sod: Humankind, History, and Soil*. Science. Vol. 304, 1627-1628.

population pressure are centres of innovations and land care practices. Growing populations clearly mean more pressure on natural, human, economic and other resources including soils. On the other hand, various studies indicate that food requirements can be met using current available technology and without making excessive damage to the environment even if the world population doubled. However, these studies do not necessarily include estimations on possible implications for global soil degradation and other environmental impacts. Soil degradation has been a major cause for food shortages in many places. Higher population pressure on land may thus have negative effects if no proper corrective measures are taken. Yet, higher pressure on land because of over-exploitation may also be induced by intensification of agriculture in countries, regions, localities and farms with little population growth. Depending on many other social, political, economic and environmental conditions, population growth, development of innovation and the rational use of technology all go hand—in—hand and can lead to both positive and negative impacts.

Worldwide, a large array of soil conservation measures and approaches are in use. 342 Although the immediate causes and impacts of soil degradation are generally well understood, it is far too simplistic to say that this understanding leads to the reversal of soil degradation. There are many reasons why soil degradation still occurs. An appraisal of different soil conservation technologies must therefore take into account not only the technological means involved but also the approaches that are supposed to grant successful implementation of measures, the socio-economic environment, markets, infrastructure, extension and other services, and the socio-cultural structures. Conservation issues are thus neither merely a technical matter, nor can they be resolved through legislation. It is necessary to address also socio-

M. Tiffen, M. Mortimore, F. Gichuki, 1994. *More people less erosion: Environmental recovery in Kenya*. London: John Wiley.

³⁴¹ G. Gisladottir, M. Stocking, 2005. Land degradation control and its global environmental benefits. Land Degradation and Development. Volume 16, Issue 2; R. Lal, 2005. Enhancing Crop Yields in the Developing Countries through Restoration of the Soil Organic Carbon Pool in Agricultural Lands. Land Degradation and Development.

³⁴² H. Liniger, M. Douglas, G. Schwilch, 2004. *Towards Sustainable Land Management*. (The WOCAT Experience) ISCO 2004, 13th International Soil Conservation Conference, Brisbane.

economic aspects of land use and to link incentives to sound land use practices.³⁴³ Similarly many have concluded that land degradation is a widespread problem with a widespread failure of interventions. As the cause of soil degradation is perceived at different levels ranging from single plots to global economy, so can solutions. In some cases it may be appropriate to seek solutions solely at household or community levels. In other cases, however, solutions identified at the local level need to be matched with national and global policies and actions.³⁴⁴

CHAPTER FIVE

LAND UTILISATION AND WELFARE OF FARMERS IN THE HERMENEUTICAL EXPLORATION OF LEVITICUS 25:1-7

5.1 Introduction

The task in this chapter is to bring the meaning, mistranslation and misinterpretation of the Sabbatical legislation in Leviticus 25:1-7 to the fore. This has been x-rayed from Christopher Wright's Biblical Ecological theory in order to appreciate the link between the socio-economic location, political disposition and cultural background of the ancient Israelites and proper utilisation of agricultural land and rest, productivity and the welfare of farmers.

Invariably, a fairly large number of peasant farmers who indeed work directly with, whose livelihood depend upon, and as caretakers of, land were understood as the indirect objects in translation. In the course of this study, several other determinants became prominent and also relevant in the understanding and hermeneutical interpretation of our text as we shall see. Apart from land, other indices include the effect of various government policies on land, population and its growth, shifting

³⁴³ Hagos Fitsum, S. Holden, 2003. *Tenure security, poverty, risk aversion, public programs and household plot level conservation investment in the highlands of northern Ethiopia*. Working Paper. Department of Economics and Social Sciences. Agricultural University of Norway; H, Hurni, K. Meyer, 2002. *A World Soils Agenda*. Discussing International Actions for the Sustainable Use of Soils. CDE, Bern 63

³⁴⁴ H. Hurni, 1998. "A Multi-Stakeholder Approach to Sustainable Land Management". *Advances in Geo Ecology* 31, 827-836.

cultivation as the conventional fallow, the use of palliatives or alternatives (e.g. fertilizers) and their concomitant consequences.

It is truly rewarding to come from afar into these two worldviews as they interplay, complement, interact as well as contradict each other. Worthy of note in the course of our hermeneutical exploration are the various levels and layers of interpretation of the same text and phenomenon in different geographical locations, unique socio-economic milieu but the same object of faith.

5.2 Possible Factors Responsible for Ambiguities in Translations and Mistranslations of Leviticus 25:2, 4 and 5.

Unlike the LXX translator, the author of Leviticus 25:2-7 seems both to recognize the potential ambiguity caused by the pronominal suffixes in Exod 23:11 and to understand correctly the intended historical meaning of the Covenant Collection's seventh-year law. Interpreting the noun htawbt as the antecedent to the pronominal suffixes in v. 11a, the Holiness author logically concludes that Exod 23:10-11 intend for the Israelite farmer to plant and to harvest in the seventh year. However, motivated by Sabbath ideology generally, the Sabbath law in Exod 23:12, and perhaps even v. 11's pronominal ambiguity, the Holiness author revises his legal source and thereby provides an actual fallow law. This is accomplished in three ways. First, by replacing Exod 21:11's verb *fmv with various forms of the root *tbv, the author of Leviticus 25:2-7 makes clear throughout his law that the land must completely rest in the seventh year. Second, by including the prohibition against sowing and pruning in v. 4b, the author clarifies that indeed no planting may be done in the seventh year. The terms "aftergrowth" (jyps) and "unpruned vine" (ryzn) in v. 5a further emphasize that there should be no sowing in the seventh year. Third, the Holiness legislator explicitly forbids conventional harvesting in the seventh year (v. 5), instituting instead a gleaning protocol (vv. 6-7). Thus, while the entirety of Lev 25:2-7 reflect knowledge and revision of Exod 23:10-11, Lev 25:4-5, corresponding inversely with the prescriptions in v. 3, arise in direct response to the Covenant Collection's seventh-year planting and harvesting requirements. Those who argue for substantial continuity between Exod 23:10-11 and Lev 25:2-7 misunderstand the Covenant Collection law and fail to recognize the extent of the Holiness author's legal revision.

Lexical and Grammatical Ambiguity in Exodus 23:10-11

The MT of Exod 23:10-11 states:

htçfnw hnfmçt t[ybçhw 11 htawbt ta tpsaw °xra ta [rzt μync ççw 10

°tyzl °mrkl hç[t ^k hdçh tyj lkat µrtyw °m[ynyba wlkaw

The translation of v. 10 is uncomplicated: "Six years you shall sow your land and gather its produce." Translating v. 11, however, is more difficult. Leaving aside the verb fmv, it is rendered, "But (in) the seventh (year), you shall *smt* it and abandon it, so that the poor of your people may eat, and what they leave over, the animals of the field may eat. Thus shall you do for your vineyard and for your olive grove." While the verb *fmv is certainly unclear in this translation, the antecedents to the third person feminine singular pronominal suffixes on the verbs hnfmçt ("you shall *smt* it") and htçfnw ("you shall abandon it") are also ambiguous. To what do the "its" in this verse refer?³⁴⁵ Answering this question proves fundamental to the overall understanding of this law and sets a course for interpreting the verb *fmv.

There are three possible antecedents for the pronominal suffixes in v. 11a, each of which finds adherents in the ancient period. The first possible antecedent for these pronominal suffixes—and the regular choice of critical scholars, virtually every popular translation, and even the LXX—is the feminine singular "your land" in v. 10 (#ra). According to this reasoning, the verb *fmv carries the technical meaning "to

See below for a detailed discussion of the meaning of the verbs in v. 11aa.

Most scholars argue that these two pronominal suffixes have the same antecedent. However, Arnold B. Ehrlich suggests that the first refers to the land while the second refers to the produce. Targum Pseudo-Jonathan similarly evaluates these two pronominal suffixes, translating v. 11aa as follows: °m[ynyksm ^wlkyyw ahryp rqptw anjlwpm anyfymçt aty[ybçw 'But in the seventh you shall let it rest from work and declare its fruit ownerless, that the poor of your people may eat'.

leave fallow and the verb hnfmçt is rendered "you shall fallow it (viz. your land)." However, such a meaning for the rare verb *fmv is hardly well-established in biblical Hebrew. In fact, apart from this dubious example in Exod 23:11, the verb *fmv nowhere else in the Hebrew Bible carries the technical meaning "to leave fallow." It most often has the general meaning "to drop/to give up" or even "to throw down." Moreover, even without such lexicographic uncertainty, the case for understanding #ra as the antecedent to the pronominal suffixes in v. 11 is questionable, for it is actually separated from these suffixes by more distance than either of the other two options.

A second possible antecedent is t[ybvh ("the seventh") at the beginning of v. 11. t[ybvh is the closest possible antecedent for the pronominal suffixes in question, immediately preceding the verbs *fmv and *vfn. According to this interpretation, v.

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³⁴⁶ See Karl Elliger, 1966. *Leviticus* HzAT 4; Tübingen: Mohr Siebeck, 344; Brevard S. Childs, 1974. Exodus: A Commentary OTL, London: SCM, 444, 482; Nahum Sarna, Exodus twmv (JPS Torah Commentary; Philadelphia/New York: Jewish Publication Society), 144. In his commentary on Deuteronomy, Driver explicitly states that it is the land that is figuratively allowed to fall (*Deuteronomy*, 174). In his Exodus commentary, however, he notes with regard to the antecedent to the pronominal suffix in hnfmvt, "viz. the land, less probably the increase" (The Book of Exodus [Cambridge: Cambridge University Press, 1911], 239). Chirichigno translates unambiguously, "You shall let it [the land] rest and lie Fallow" (Debt-Slavery in Israel, 304), as does Wright: "tijmetennåh, 'you shall release it', sc. the land" ("What Happened Every Seven Years," 133). See also the lexical entries for *fmv (BDB, 1030; HALOT, 1557-1558), and its translation in several English Bibles: KJV, NIV, NASB, RSV, NRSV, REB, NAB, NJPS. Like Targum Pseudo-Jonathan, NJB attempts a middle road, translating v. 11 as follows: "but in the seventh year you will let it lie fallow and forgo all produce from it, so that those of your people who are poor can take food from it and the wild animals eat what they have left. You will do the same with your vineyard and your olive grove." Martin Noth is less clear (and potentially contradictory) in his translation and comments (Exodus: A Commentary [OTL; trans. J.S. Bowden; London: SCM, 1962], 172, 189-190).

³⁴⁷ See Deut 15:2, 3; 2 Kgs 9:33; Jer 17:4. In 2 Sam 6:6 // 1 Chr 13:9, *fmv carries the meaning "to stumble." The N stem example in Ps 141:6 is difficult but not pertinent to the issue at hand.

11 must be read as a *casus pendens* or nominative absolute construction:³⁴⁸ "But as for the seventh, you shall *smt* it and leave it alone..." Recommending such an interpretation is Neh 10:32, which construes this verse precisely in this manner.³⁴⁹ However, though Neh 10:32 clearly relies upon Exod 23:11, such a *casus pendens*-type interpretation for this Covenant Collection text is unlikely in the light of Exod 23:10, where µynv vv is not the object of the verbs *[rz ("to sow") and *psa ("to gather") but rather indicates the duration of permitted sowing and gathering. The omission of the temporal preposition at the beginning of both vv. 10 and 11 is thus syntactically analogous, the recognition of which should guide their interpretation.³⁵⁰

The third antecedent option is the feminine singular noun htawbt ("its produce") at the end of v. 10.³⁵¹ Immediately favoring this reading is v. 11's special emphasis upon the produce of the land and its availability to the poor and to the wild animals. Note, for example, that though there is no stated direct object for the verb wlkaw ("so that they may eat") in v. 11, the implied direct object (*Hta wlkaw) is the produce

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çfnw çdq μwybw tbçb μhm jqn al rwkml tbçh μwyb rbç lkw twjqmh ta μyaybmh #rah ym[w dy lk açmw ty[ybçh hnçh ta

And the people of the land who bring goods and every type of grain to sell on the Sabbath day—we will not buy from them on the Sabbath or on a holy day, and we will forego the seventh year and every debt.

Nehemiah 10:32 reflects an attempt to conflate the different pentateuchal legal corpora. Thus, while using the language of Exod 23:11, it is not reliable for determining the historical meaning of this verse. As Fishbane observes, "Neh 10:32 does not resolve the textual contradiction inherent in these two versions of the sabbatical law [viz. Exod 23:11 and Deut 15:1-2]. Neither is rejected. Instead both pentateuchal sources are blended and harmonized to create a law more comprehensive than either was independently" (*Biblical Interpretation*, 135). This post-exilic verse does, however, demonstrate the creativity and flexibility of the interpreter in his interaction with a prestigious yet difficult source.

³⁴⁸ For discussion of the *casus pendens* or nominative absolute construction (including its use with the resumptive pronoun), see § 4.7 b-c in Bruce K. Waltke and M. O'Connor, *An Introduction to Biblical Hebrew Syntax* (Winona Lake, Ind.: Eisenbrauns, 1990), 76-77.

³⁴⁹ Neh 10:32 takes ty[ybch hnch as the object of the verb vfn:

³⁵⁰ Contrast Exod 21:2, in which no preposition is employed for μynv vv but the expected –b preposition appears in t[bvbw

³⁵¹Henri Cazelles, 1946 Études sur le Code de l'Alliance Paris: Letouzey et Ané, , 92.

(hawbt) from the end of v. 10 and is almost certainly not a metonymic reference to the land ((#ra).³⁵² Moreover, as I will argue, the most ancient extant interpretations of this verse—the Deuteronomic and Holiness seventh-year laws—reflect this view, even as they revise it.

*fmv. As noted already, this verb is rare, appearing only ten times in the entire Bible and, outside of Exod 23:11, never in an agricultural context. There is, however, an Akkadian cognate, *samatu*, that provides a possibility for understanding *fmv in our verse. amå†u appears in several different contexts with a variety of connotations in Akkadian literature, but especially pertinent to Exod 23:10-11 is this verb's attestation in a Neo-Assyrian royal campaign account (K 3751 obv 24). In this text, jamå†u

³⁵² If the implied direct object of wlkaw were #rah, we might also expect an accompanying ^m or –b preposition (*wlkaw Hnnm/*Hb wlkaw). For *lka + ^m, cf. Exod 34:15, Ruth 2:14; for *lka + -b, cf. Exod 12:43-45, 48. Lev 25:12b offers perhaps the best and most applicable parallel for interpreting Exod 23:10-11, and it incorporates both the direct object and the preposition ^m + land designation: htawbt ta wlkat hdçh ^m "from the field you may eat its produce." There is one example that may be the exception that proves the rule: Gen 3:17b reads, "yyj ymy lk hnlkat ^wbx[b °rwb[b hmdah hrwra]

The ground shall be cursed on account of you; in pain shall you eat it all the days of your life. Though there is no manuscript evidence to substantiate emendation, *BHS* suggests reading hndb[t for hnlkat. This proposed emendation reflects the perceived awkwardness of the verb *lka + pronominal suffix whose antecedent is hmdah ("the ground/land"). Additionally, Gen 3:23ba employs the clause db[l hmdah ta "to work the ground," suggesting that v. 17b could have once read hndb[t.

Hayim Tadmor, *The Inscriptions of Tiglath-Pileser III King of Assyria: Critical Edition, with Introductions, Translations and Commentary* (Jerusalem: The Israel Academy of Sciences and Humanities, 1994), 154-78 (162). The text cited here is normalized and translated on the basis of Tadmor's transliteration and checked against the photographic plates provided in Tadmor's volume. An unrelated *Lama;tu* text attests a similar construction to that in this Tiglath-Pileser III inscription, employing the verb ¡amå†u (D stem) in the context of stripping off fruit from the date palm (K 3377 + 7078); cf. David W. Myhrman, "Die Labartu-Texte: Babylonische

carries the meaning "to strip off, to tear loose" and is employed in the context of razing fruit trees.³⁵⁴

Particularly suggestive for understanding Exod 23:11 is this text's notion of stripping off the fruit from the trees and filling the meadowlands with it. In this example, it is not *the land* that is stripped or even its fruit trees. Rather, it is *the fruit itself* that is removed and left behind in the fields. Such a close agricultural parallel suggests that hnfmvt in Exod 23:11 can be read "You shall strip it (viz. the produce) off" and not "You shall fallow it (i.e., the land)."

This interpretation of *fmv has significant consequences for understanding the relationship between the actions in vv. 10 and 11, for it implies that *fmv does not parallel the sowing (*[rz) of v. 10 but rather its harvesting (*psa). Verse 11

Beschwörungsformeln nebst Zauber-verfahren gegen die Dämonin Labartu," ZA 16 [1902]: 141-200 [at 162]).

With regard to the Tiglath-Pileser III text, it is important to note that this campaign summary dates to the second half of the eighth century (Tadmor dates it to 729), heightening its value for comparison with the Covenant Collection. As David P. Wright argues, the Covenant Collection exhibits direct literary dependence upon the Laws of Hammurabi and perhaps other Akkadian sources, and its composition most likely occurred in a single compositional event in the late eighth or seventh century B.C.E. Historical evidence of contact between Assyria and Israel/Judah is strongest for precisely this period ("The Laws of Hammurabi as a Source," 58-67). For further discussion of Neo-Assyrian contact with Syro-Palestine in the eighth and seventh centuries, see Hayim Tadmor, "Assyria and the West: The Ninth Century and its Aftermath," in *Unity and Diversity: Essays in the History, Literature, and Religion of the Ancient Near East* (ed. H. Goedicke and J.J.M. Roberts; Baltimore: Johns Hopkins University Press, 1975), 36-48; K. Lawson Younger, Jr., "Recent Study on Sargon II, King of Assyria: Implications for Biblical Studies," in *Mesopotamia and the Bible: Comparative Explorations* (ed. M.W. Chavalas and K.L. Younger, Jr.; Grand Rapids: Baker Academic, 2002), 288-329.

Note also the related (but chronologically far-removed) meanings for *fmv in Mishnaic Hebrew ("to untie, remove"), Jewish Aramaic ("to detach, extricate"), Syriac ("to pull out, strip away"), and Mandaean ("to tear off") ("fmv," *HALOT*, 1557).

³⁵⁵ Schwienhorst-Schönberger reconstructs a "Grundform" for vv. 10-11 which does not include v. 10b or v. 11ab-b. Thus his Grundform is htçfnw hnfmçt t[ybçhw #ra ta [rzt μync ççw. In this form, *[rz and *fmv are conceptual parallels. This conceptual parallel persists and is supplemented in Schwienhorst-Schönberger's expanded text: "Mit dem Einsammeln des Ertrages V.10b korrespondiert das Essen (lka) in V.11abg" (*Das Bundesbuch*, 392). Cornelis Houtman

presumes that the Israelite farmer will plant his land in the seventh year; the law's concern is what he should do with the seventh-year harvest. Scholars who view the land as the antecedent to v. 11's pronominal suffixes presume that *fmv correlates inversely with the verb *[rz in v. 10a. According to this view, in the first six years, the Israelite farmer plants and harvests; in the seventh year, he neither plants nor harvests. By contrast, viewing the produce as the antecedent to v. 11's pronominal suffixes means that the Israelite farmer must also plant in the seventh year: the poor and the animals are not afforded only the aftergrowth of the sixth year. Instead, they are entitled to the full yield of the seventh.³⁵⁶

The recognition that *fmv denotes a harvesting action also solves the potential problem of verbal redundancy in v. 11a. For the land-fallowing interpretation, it is unclear what the difference is between the actions described by the verbs *fmv and *vfn.³⁵⁷ Each of these verbs expresses action performed upon the land ("You shall jama† it [viz. the land]" and "You shall na†a; it [viz. the land]") and ultimately refer to the same fallowing practice, requiring them to be read in tandem either as a

suggests that *fmv and *vfn "contrast with the sowing and harvesting of 23:10" (Exodus, 3: 255).

Though I will discuss this issue further below, note here that Exod 23:10-11 do not mention aftergrowth at all. On the other hand, Lev 25:5 clearly indicates that, in the Holiness legislator's view, the seventh-year produce is that which grows on its own from the previous year's planting. Contrast, however, Lev 25:20-21, where YHWH's blessing will cause the sixth year's harvest to last for three years, suggesting that there will be no need to gather the aftergrowth in the seventh year, for the regularly harvested produce from the sixth year will still be plentiful.

The medieval Jewish commentators sense the problem of understanding these two verbs independently. Rashi, for example, offers two interpretations: 1. *fmv means the land cannot be worked, and *vfn means that the fruit cannot be eaten; 2. *fmv governs heavier labor while *vfn governs lighter labor. Ibn Ezra suggests that *fmv refers to debt release and *vfn to agricultural restriction. Rashbam says that vv. 10 and 11 are parallel: v. 10 outlines what is allowed in the first six years; v. 11 outlines what is not permitted in the seventh. Thus *fmv means no sowing; *vfn means no harvesting. Nahmanides gives similar explanation to Rashbam (Martin I. Lockshin, *Rashbam's Commentary on Exodus: An Annotated Translation* [BJS 310; Atlanta: Scholars, 1997], 280).

hendiadys or as a case of special emphasis.³⁵⁸ While a verbal hendiadys or emphatic construction is grammatically possible, such analyses do not apply in this case. Because *fmv does not refer to fallowing the land but rather denotes harvesting the land's *produce*, the underlying assumptions of the fallowing interpretation prove invalid. The thrust of the law is fundamentally altered, and with this change any perceived verbal redundancy in v. 11 is eliminated. The action expressed by the verb *vfn is clearly distinguishable from that intended by *fmv: *fmv refers to stripping off the produce from the plants, while *vfn denotes leaving the crop for the indigent. Verse 11a is thus rendered, "But in the seventh (year), you shall strip it off (i.e., the produce) and leave it, so that the poor of your land may eat, and what they leave behind the animals of the field may eat." ³⁵⁹

Finally, interpreting *fmv here as stripping off the fruit partially alleviates the difficulties of v. 11b. As several scholars have recognized, the connection between vv. 10-11a and v. 11b is ambiguous, for it is unclear which parts of vv. 10-11a the author of v. 11b intends to be replicated for vineyards and olive groves. Such a strained relationship between the two halves of v. 11 has led to the view that v. 11b is a later

³⁵⁸ Houtman in effect combines the hendiadys and emphatic interpretations: "They can be called a hendiadys: the land may not be touched at all, it should be left alone" (*Exodus*, 3: 255).

With varying degrees of detail, interpretations that encompass one part or another of this one have been offered previously. For example, Wellhausen states with reference to Exod 23:10-11, "The land and fruit-gardens are to be wrought and their produce gathered for six years, but on the seventh the produce is to be surrendered (fmv)...Here there is no word of a sabbatical year....it is not a Sabbath or fallow time for the *land* that is contemplated, but a surrender of the *harvest*" (*Prolegomena*, 116-17). Citing Hupfeld, Wellhausen goes on to argue that the produce is the antecedent to the pronominal suffix(es?) in v. 11 and that the land must be planted in the seventh year. In his opinion, the Holiness legislator intentionally alters this view in his revision of Exod 23:10-11 (118). Wellhausen does not recognize, however, that the verb *fmv here actually refers to the land owner's harvesting, for he does not recognize the Akkadian lexical parallel for this verb. Neither does he address the LXX translation of these verses.

Cazelles' interpretation is closest to that offered here: citing Arabic and Syriac cognates, he suggests that the verb fmv means "to mow" and that the harvest is to be left for the poor (*Études sur le Code*, 92).

addition in this law.³⁶⁰ However, if v. 11a is understood to require a seventh-year harvest and grant to the poor, these actions can be plausibly applied to vines and fruit trees. In fact, the high value and relative fragility of vineyards and orchards may provide at least an intellectual rationale for the command to the farmer to do the actual harvesting in the seventh year, for such a requirement could help to prevent any potential damage caused by a large scale gleaning. The hç[t ^k clause can thus be applied to all of this law except the command to sow in v. 10a, including the six year time designation that precedes the sowing command.

When Land is added in Redaction

Of all these changes, the addition of "land" as the subject of rest is the most subtle (and therefore also the most difficult to prove), and deserves some further argument. That this emphasis on the rest for the land itself has been secondarily added to the Sabbatical is unavoidably true, since this concept is clearly absent from the earlier tradition as represented in the Covenant Code, while it *is* there in Leviticus 25 as extant. *Someone* had to add it. The question is when and by whom was it added, and for what purpose? It has been the traditional scholarly assumption that this emphasis was added by the original author of H, often assumed to be exilic, and the basic character and theology of H have been assessed on this basis. ³⁶¹ It is here argued that H itself was pre-exilic, but had a late-exilic editor who was responsible for this addition instead. The existence of such an editor would thus allow H itself to be more

See, e.g., Lemche, "The Manumission of Slaves," 43. See also Fishbane's extensive discussion of hc[t ^k as a marker for exegetical analogy here and elsewhere (*Biblical Interpretation*, 177-84).

The question of the application of Exod 23:10-11 may also be addressed by the H author: the general terms #ra and hawbt in Exod 23:10 most likely refer to the agricultural land inclusively and all of its produce. However, the addendum in v. 11b could suggest that these verses apply only to the fruit harvest or even to only grapes and olives, for v. 11b does not clearly state, "You shall also do thus for your vineyard and your olive grove" (contrast the use of π a in Deut 15:17b). Upon closer analysis, such an argument proves unconvincing, for if these verses are read so restrictively, the verb *[rz is quite problematic. Neither a vineyard nor an olive grove is properly sown annually, and thus a reading that equates #ra with μ rk and tyz is incomprehensible. Nevertheless, the potential for such a misreading may make these verses especially vulnerable to H revision.

³⁶¹See, e.g. the seminal study of Joosten, 1996. *People and Land in the Holiness Code*.

easily understandable in a pre-exilic setting. The basic Sabbatical and Jubilee laws of H were pre-exilic and practical in their origin, whereas the concept of rest for the land arose in response to the crisis of exile – connecting the desolation of the abandoned land during the exile with a positive enforcement of the Sabbath.

This is not to imply that the resultant new land theology was not also a logical development, building upon prior H concepts of the land. Indeed the major Jubilee concept of the inalienability of the land – nahallah (hl'x]n:) as found in the story of Naboth in the Deuteronomistic History, but the 'ahuzzah in Leviticus 25 is based on concern for the line of inheritance and equitable distribution of the means of production from back in time when this was a real concern and not merely an academic or utopian one (as it would be in exile). It is obvious, however, that this prior concept of the ultimate inalienability of the 'ahuzzah would be a great comfort to the Israelites in exile because it also implies that their land taken in conquest must also be returned. The need for restoration is a logical outgrowth of these inheritance concepts, with God himself standing as the ultimate guarantor, having been responsible for the original land grant.

More specifically with regard to H land theology, it should be noted carefully here that Joosten does *not* find in H a major theme of land being "holy". Quite to the contrary, he observes that H pointedly avoids any references to "holiness" of the land. Instead, he claims that H may be characterized as emphasizing a need for "purity" of the land, lest God's holy presence in the Temple be jeopardized (hence the necessity for application of basic legal prohibitions upon the *ger* in order to avoid defilement of the land). Thus Joosten claims a scheme of concentric rings of diminishing holiness such that the temple and priests are at the highest level, being made holy by God himself, while the land and people of Israel (for which the desert camp serves as a paradigm) a somewhat lower level of "purity". Thus while the special status of the Promised Land in H does not reach the level of "holiness," it is still treated with special consideration.

³⁶² Cf. Philip Peter Jenson, Graded Holiness: A Key to the Priestly Conception of the World, 1992

This special status of the land and its direct ownership by God as the basis of Sabbath and Jubilee are clearly primary in Leviticus 25 and match a major concern of H. Likewise, God's ownership of the land and maintenance of its special status as the basis of the Sabbatical Year are consonant with this. It is not necessary, however, to express this concern as the land itself observing the Sabbath. This specific image could have been a logical outgrowth of the conjunction of these principles, without having been original to the Sabbath law itself. It is clearly an addition as compared to the Covenant Code. The question is whether this particular image must have been added by H or whether it could have been added in 538 by the Jubilee editor as a logical extension of the H emphasis on the need to keep the land "pure" and prevent its defilement. It is of course possible that H could have made this change. However, its direct association with the exile in Leviticus 26 is too convenient to ignore, whereas the pre-exilic dating of H has been soundly established by Knohl (1995), Joosten (1996), Milgrom (2000b, 2001), and others.

Personification of Land

The main counter-argument to this would be the (presumed) major motif in H of the personification of the land as noted in Joosten. But Joosten's evaluation of H land theology (with regard to the land itself being personified as an entity distinct and independent from its inhabitants) is based heavily on passages in Leviticus 25-26 claimed here to be the product of exilic editing. His other pillar of support for this motif is its presence in some superficially similar passages in Lev 18:1-4, 24-30 and 20:22, which gave further evidence of personification of the land with reference to its defilement and subsequent vomiting out of its inhabitants.

The personification of the land in Leviticus 18 as itself being punished by God and vomiting out its inhabitants is extremely interesting and needs careful consideration. Joosten (1996:153) points out a further passage in Num. 13:32 that

³⁶³ Some support for this claim with regard to 26:34-35, 45 is provided by Milgrom, 2001; Friedman, 1987 and others

³⁶⁴ Of course, defilement of the land also appears in variety of sources e.g. "J" in Gen. 3:17, 4:10-12, "Priestly" texts such as Num. 35:34

personify the land as *devouring* its inhabitants. A similar image occurs in Lev 26:38b with respect to being devoured by the land of the enemies.³⁶⁵ Though the images of devouring and vomiting out are somewhat mutually exclusive as Joosten observes, they do still both represent a striking personification of the land as decidedly independent from its inhabitants. In some ways the personification in Leviticus 18 and 20 matches exactly with that in passages in Lev 26:34-35, 43, identified as exilic additions by Friedman, Milgrom and others.

It might be possible to argue, therefore, that Lev 18:25, 28 and 20:22 are also exilic additions, since they do make specific reference to exile just exactly in the context of the personification (as does Lev 26:38b in a similar vein but with regard to the land of the enemy). It is preferable, however, to see these as being pre-exilic references to the Assyrian exile of Northern Israel following the fall of Samaria in 721 B.C.E. or the Assyrian exile of Judeans resulting from the 701 invasion of Sennacherib (as argued by Milgrom 2001). Joosten himself (1996:154) argues that "the fact that 18:25, 28 and 20:22 seem to contain a menace of exile cannot be used to argue for exilic provenance of these passages," asserting pointedly that the previous inhabitants referenced in these passages as being "vomited out" were not themselves, in fact, subjected to exile.

Moreover there is also a specific and somewhat contradictory difference between two personification passages in H that argues for a separate editorial hand. In Leviticus 18 the oncoming of the exile is characterized as *punishment* of the land itself due to its defilement. In Leviticus 25 the oncoming of the exile is something given for the benefit of the land so that it might enjoy its rightful Sabbath in accordance with the law. Although both of these images may have the purity of the land as their underlying principle, and express that principle with personification imagery, they are ultimately incompatible. This blatant contradiction of imagery – exile as punishment of the land vs exile as benefit for the land – may be taken as evidence for a separate editorial hand.

³⁶⁵ A further parallel in Ezekiel 36 similarly personifies the mountains of Israel (poetically parallel to the "land" in v.6), along with the fascinating contrast of "cultivated" vs. "desolate" highly suggestive of connection with the fallow law.

The latter, meanwhile, fits well with context of the imminent end of the Babylonian exile as an argument that the God who has benefited his land by enforcing the Sabbatical will also benefit his people by enforcing the Sabbath and the Jubilee. The major difference is that the Leviticus 18 vomiting out of the inhabitants (based expressly on the Canaanite model) is conceived as a permanent condition resulting from the defilement of the land, and is given as a threat in order to convince the hearers to refrain from acts of defilement. Such a message fits very well with the context of the pre-exilic aftermath of the Assyrian conquests.

The only question remaining, then, is whether the personification of the land observing the Sabbath in Lev 25:2 is more akin to Leviticus 18 or 26.366 Is it the work of the pre-exilic H or of the exilic editor? Thematically, with the Sabbatical portrayed as a benefit for the land, giving it "rest", it matches exactly with Lev 26.367 The personification of the land as beneficiary of the Sabbath in Lev 25:2 matches the personification of the land as beneficiary of the exile in Lev 26, and the two work conspicuously well together as a more positive explanation of the exile (thereby conceived of as temporary, since the number of Sabbatical Years to be observed is finite). It contrasts significantly, however, with the Lev 18 personification of the land as being threatened with punishment for its defilement by a presumably permanent exile (by analogy with the Canaanites). If personification of land imagery is original to H, then perhaps it suggested a similar kind of personification of the land to the 538 editor, but one oriented more towards hope than warning. It would have taken only minimal editing (possibly changing only a single letter, as will be illustrated) to add this image of the land needing to observe the Sabbath as a justification for this more favourable and hopeful view of the exile as both finite and marking continuation rather than abrogation of the covenant.

³⁶⁶ Lev 24a and 5b contain this personification only in typical English translation. The Hebrew is more ambiguous, with the indefinite subject "there will be" and "land" as the indirect object (i,e, "for the land").

³⁶⁷ Although this could be because the exilic editor copied the concept into Lev 26 from an earlier source text already containing this concept in Lev 25:2 (i.e. assuming this concept of resting land to be original to H), this seems the less likely of the two possibilities. It is easier to say that both were added at the same time.

Minimal Editing Necessary

The minimal editing necessary to add "land" as the subject of Sabbatical rest in the consonantal text of Lev 25:2 is somewhat astounding. Since Hebrew verb forms naturally include a generic subject intrinsic to the form, specific subjects are unnecessary but easy to insert. In v. 2c, the switch from an original 2ms (you will rest) to a 3fs (she will rest, referring to the land) is rendered even easier by the specific verb (sbt) and verb form. In the prefix form, of course, the 2ms and 3fs forms would be identical to begin with. In the suffix form, as it stands here, the change is made trivial by the 3^{rd} –t root, which supplies already the "t" for the 2ms ending with merely a doubling (which is not indicated in the consonantal text at this point anyway). So the change could have been accomplished merely by the addition of an (inaudible) "h" at the end of the verb. In other words, the 3fs form would already be consonantally and orally nearly identical to the posited original 2ms form given the 3^{rd} –t root. Only a final h would need to have been added to the verb, along with the word "land".

Even more easily, the "land" element could already have been present in the text as the indirect object of a preposition "in". In this case, the transformation from "in the land" as the setting, to "the land" as subject, aside from the already discussed inaudible addition of -h to the end of the verb, could have been accomplished by changing a single consonant (b>h), such that $wsbt\ b$ 'rs became $wsbth\ h$ 'rs. 368 In the other two verses likewise, a change from "in" (b-) to "for" (l-) would accomplish the task. The common of "in the land" is abundantly attested in H as specifying the context in which the law must be observed. The introductory statement of Lev 25:2b, "When you enter the land...", dictates that its reconstruction as a context in v. 2c and also in vv. 4a, 5b, posited as having been changed from a hypothetical "in the land" to the extant "for the land" (b->l-) can hardly be disputed as appropriate for the original context of the law in H. The posited reconstruction, with truly minimal changes, thus

³⁶⁸ Assuming an originally 2ms subject "you –each individually- must observe Sabbath in the land." Such a use of the 2ms is shown by Joosten (1996:47-49) to be quite common in H, used in alternation with the 2mp subject but in specific contexts where logically the command must be carried out by each individual on his own land, such as this one would be. In this case, only one letter is added, and one changed. Orally, the difference is only b>h.

removes "land" as the subject/recipient of rest and interprets it instead as the context of rest.

The original provision is thus reconstructed to have looked more like the fallow law as presented in Exodus 23:10-11, which does not mention "rest for the land", but rather emphasizes the provision of food for the poor. The posited editorial change of "land" to be the subject/recipient of the "rest" in these three verses had thus changed the emphasis in the purpose of the Sabbatical Year to be rest for the land instead of provision of food for the land and rest for the people generally. The addition of a concept of rest for the land in these three verses for a new emphasis, while easy, also resulted in somewhat obscuring the original purpose of the provision (cf. Exod 23:10-12). This concept of a "Sabbath" for the land, of course, had nothing to do with any practical ecological concerns. Rather, it was a theological construct emphasizing the need for holiness within the community and attempting to explain the exile. This is made transparently clear by the editorial additions in Leviticus 26.

5.3 Interpreting Welfare Laws in Ancient Israel

Upon entry into Palestine after a period of enslavement in Egypt, the land was to be divided among the Hebrew tribes in roughly equal partitions.³⁶⁹ It is evident that this particular distribution did not mean equal fertility of the land available to each tribe, or for the individual families for whom this division was further carried out. It is also clear that land deeds are not granted to everyone in Israel; in particular, widows, Levites, and resident aliens ("strangers") are not granted explicit ownership. But these groups are not left to sink into chattel slavery or illicit transaction. The law establishes a floor (probably a better metaphor than "safety net") for them by mandating access to harvests through gleaning and "corners" laws and through a tithing system. The law also establishes legal access; laws and punishments are not written with respect to the class standing of perpetrator and victim. The same is true respecting allegations in the court; thus with respect to rendering judgments Israel is told in Lev.19:15 "you are not to be partial to the poor, nor defer to the great, but you are to judge your neighbor

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³⁶⁹ See Joshua 13–19, Numbers 26.

fairly." In addition, political leadership is explicitly bound to live by the common law of the land.

The landed families were to hold perpetual deed to their land, property that "...was inalienably granted to a *particular* family..." In the specificity of the jubilee regulations is evinced a "familial solidarity" that shapes the duties of ownership, as Fager observes: "The laws calling for the redemption of land or person declare that people are responsible for the basic welfare of the members of their family" (p. 113). At the same time, this familial solidarity is exercised in relation to the obligations that bound together members of the covenant community.

As part of residing in and farming the land, a particular (extended) ancient Israelite family existed within a village network. Economic activities were embedded in social relations; there were reciprocal obligations between households based on kinship. Households were bound together by mutual responsibility in this setting where market relations existed but did not predominate. On this basis loans from village neighbors were made to other households who had less substantial harvests.³⁷¹ Thus if a particular family fell on hard times, through lack of rainfall or for other reasons, they were first entitled to interest-free in-kind loans (generally consisting of agricultural produce, including seed) from village neighbors who had experienced better harvests;³⁷² repayment was to be made in-kind out of a subsequent harvest.³⁷³ When disaster strikes, the family does not enter a free-fall to landlessness; instead its fall is broken by a series of institutions, beginning with interest-free loans.) The loans were apparently arranged and supervised by village elders who sat at the gates of the village, interacting with persons as they passed through the gates in order to come jointly to a sense of distributive justice in arranging for catastrophe-related loans.³⁷⁴ The call to provide loans was apodictic; it was upon the conscience of the Israelite as a

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³⁷⁰ Jeffery A. Fager, 1993. 120.

³⁷¹ Douglas Oakman, 1996; John Mason, 1993; Karl Polayni et al, 1957.

See Leviticus 25:35–38, Exodus 22:24–27, Deuteronomy 23:20–21. That the usury prohibitions were intended to apply only to catastrophic circumstances and not to profit-making capital is not controversial; see, e.g., Meislin and Cohen, 1963–1964. 248–250 or Christopher Wright, 1983, 84.

³⁷³ P.A. Barker 2003, 701.

³⁷⁴ See, e.g., Roland de Vaux, 1961. 152–153.

responsibility.³⁷⁵ Reasons for motivation included God's special concern for the powerless (Psalm 146:9), and placing oneself in the poor's position (Exodus 22:21; Deuteronomy 24:14–15).

As is well known, landless individuals who were disconnected from families (such as widows and orphans) were the special object of relief. Schneider observes that the jubilee laws did not help these poor individuals directly, "for aliens, sojourners, non-Israelite debtors and slaves possessed no land in the first place and thus had no share in its repossession on the day of jubilee" (2002, p. 83). As we have indicated, the subsistence needs of these individuals were provided for by other laws. They would also have had access to interest-free loans. Contrary to the claims of Bennett (2002), the laws providing relief for the widows, strangers, and orphans did not exacerbate their powerless plight; ³⁷⁶ rather they provided the propertyless with sustenance they would otherwise not have in an agrarian economy. ³⁷⁷ By the time of the monarchy, the prophets were bringing the particular demands regarding these individuals found in the Mosaic covenant to bear on the Hebrew people. Regarding the prophets' appeal to faith and conscience, Mays comments: "They saw little evidence of such faith and conscience in their audience, but they, nonetheless, demand 'Cease

³⁷⁵ H. Eberhard von Waldow, 1970; Donald Gowan, 1987.

Bennett (2002) applies the tenets of modern critical legal theory "to the regulations in the Deuteronomic Code that prescribe behavior" toward the widow, stranger and orphan. Deuteronomy 24:19–22 (the law of gleanings) is understood to be a law written by "cultic officials in the Yahweh-alone movement' during the ninth century Omride administration (p. 127). Bennett sees this law as a means of legitimizing "a public assistance program" that staved off "potential uprisings by local peasant farmers" by enabling them to argue that the widows, strangers and orphans were "parasites" on their land (p. 123). In contending that this law was "patronizing" and "demeaning" towards the widow, stranger and orphan (p. 123), Bennett ignores the labor effort involved in reaping the difficult to glean corners of the field. He provides no grounds to affirm that the law "offers the idea that reciprocity was not a feature of the relationship between the almana, ger, and yatom [widow, stranger, and orphan]" other than the suggestion that "These regulations convey the impression that they benefited from the labor of others but gave nothing back to the community" (p. 123). In fact these regulations ought to be understood to reflect, not reject, reciprocity. With the entry into Yahweh's Promised Land, Israel was now declared by God to be "...an alien or tenant on Yahweh's land (Lev. 25:23)." As R. Carroll suggests, all of the members of the covenant community are seen to be participants in the mutual obligations of the 'brotherhood' (cf. Deut.15:2–12), for "The relationship of 'brother' and the obligation to a kinsperson was extended to embrace the entire community" (2003, p. 885). ³⁷⁷ Gary North, 1994.

to do evil, learn to do good; seek to do justice, correct oppression; defend the fatherless, plead for the widow'. 378

If the zero-interest loans from available local resources were not sufficient to cover one's need, a member of the extended family might go to work on another's land, receiving several years' wages at the outset (when urgently needed) rather than being paid periodically throughout the term of service. Employers of such persons are required to give them only work which the employer would also be willing to do, and the initial agreement with such a worker stipulates that they are to be released after a specified period of time, not gradually forced into some form of chattel slavery. The release of all such "slaves" apparently occurs in the same year, the "sabbatical" year, which comes once every seven years; any unpaid loan balances are also apparently written off during this year, though there is not agreement concerning whether the *principal* is to be forgiven or merely the sabbatical year's repayments of principal. 380

If the interest-free loan and labour market provisions together fail to provide enough resources for a family's catastrophic shortfall, home mortgages for a specified period of time are allowed. If the family need exceeds all of these sources of help, the sabbatical laws include a provision that several years of expected future harvests of crops on the family plot of land could be sold in advance.³⁸¹ (This effectively places the family among the landless, albeit temporarily; they have landed on a common floor that supports all the inhabitants of the land. While landless, persons continue to have equal standing before the law, and have access to agricultural produce through the laws on gleanings, tithes, and corners.) Land-lease agreements of this sort were all written to expire in the same year, so that in every fiftieth year, the "year of jubilee," any land deeds that had been thus "alienated" from their families of origin were returned.

If a particular family had done well in the intervening years since anticipated crops from the land had been leased, the family was allowed to repurchase or

³⁷⁸ Isaiah 1:16ff.

³⁷⁹ See Leviticus 25:39-55; Exodus 21:2–11, 26–27; Deuteronomy 15:12–18, 23:15–16, 24:7.

³⁸⁰ See Deuteronomy 15:1–18; Leviticus 25:1–7; Exodus 23:10–13.

³⁸¹ See Leviticus 25:1–28.

"redeem" the land before the lease expired. There was a redemption elevator that can return a family from the various landings to its original landed status. Redemption is, in effect, a sabbatical or jubilee year that comes early for a particular family because of a reverse in fortunes or the generosity of a close relative. If the redemption involves restoring alienated land, the land would have in effect been mortgaged at an interest rate of zero, with no early-payoff penalty. The essential features of the laws, then, are these:

- 1) They are focused on the welfare of those suffering a catastrophic loss, a loss generally induced by weather patterns. Though family plots of land were of approximately equal size, their quality for farming was not uniform; rainfall levels vary predictably across Palestine, and areas with lower average rainfall tend to suffer a higher variance in annual amount and precise location of the rainfall.³⁸⁴ Thus, in this rain-fed agrarian economic system, all families, regardless of wealth level, faced considerable uncertainty about their future economic status. The sabbatical laws aim to ensure a relatively secure base of production for each family in the face of recurring catastrophes that were nearly inevitable. The laws do not call for the periodic forgiveness of all debt, particularly debt acquired for profit-making ventures.³⁸⁵
- 2) The provisions for labour and alienation of land prevent those in favored positions from extorting large hardship payments, which is to say they intend to limit the redistribution of wealth from poor to wealthy. The agreements that initiate these provisions are written to expire in the approaching sabbatical or jubilee year and amortize themselves in the meantime. Economic compulsion is not to be exercised towards the disadvantaged. There are several facets to the Old Testament warnings regarding economic compulsion and indebtedness. The Wisdom literature is realistic about the disadvantageous position in which the borrower is placed by debt; thus Proverbs 22:7 affirms that the debtor is servant to the lender. Yet elsewhere the Hebrew Bible rebukes lenders for leveraging their position, particularly against the

³⁸² Mason (1987) argues that the amount of "possible" payment was, like the rest of the sabbatical and jubilee transactions, governed by village elders.

³⁸³ See Leviticus 25:23–28; compare Leviticus 25:47–55 for identical treatment of slaves held by foreigners.

³⁸⁴ See, e.g., M.S. Miller, 1982. 4–7.

³⁸⁵ See Christopher Wright, 1983. 84, or B.J. Meislin and M.L. Cohen, 1963–1964, 248–250.

poor. In the Prophetic literature we find Isaiah, Jeremiah, and Amos rebuking the wealthy for taking advantage of those indebted to them. This might often occur as abuses at the court in the gate at which the assembly of elders gathered and deliberated in each village. An elder is identified as "...the senior male member of each household, who would also therefore have been the owner of the family land and property". 386 Sometimes it was difficult for the poor to get justice in the gate from the elders in the community. Perhaps this was because, as the Proverbs suggest, the poor lacked prestige (Proverbs14:20; 19:4). The prophet Isaiah highlights instances in which the elders violated the rights of the poor through devouring the vineyard (3:14– 15) and plundering the widows and orphans (10:2). Likewise Jeremiah speaks of the wealthy perverting due process against the poor in the courts (5:27–28). Oppression of the debtor by the powerful lender in the courts is part of the context of the eighthcentury writings of Amos, who castigates those in the "house of Israel" who pursue the corrupt love of bribes and payments for issuances of judgments against the poor: "Woe to them who change justice into bitter poison, and discard righteousness, who hate the advocate of the right, and despise him who speaks with integrity...You who distress the righteous and accept bribes, and turn aside the poor in the gate" (5:7,10).

- 3) Access to the provisions of the laws is subject to a "means test;" there is no uncompensated redistribution unless there exists catastrophic inability to fully repay, and thereafter the expected repayment varies with one's economic circumstances and ability to repay (e.g. Leviticus 25:14–17, 25–28). Loans are still loans, not gifts, and the Psalmist reminds the Hebrew people that reneging on one's debt is condemned: "The wicked borrows and does not pay back" (Psalm 37:21).
- 4) The initial distribution of land and ensuing laws do not necessarily ensure equal outcomes, but rather aim at equal access; this is not an income redistribution program that one might easily associate with some modern sorts, in which distributive justice may be defined in terms of equality of income; rather, the program promotes distributive justice, defined in terms of access to resources that may be used to meet needs, particularly the needs of those vulnerable due to catastrophic loss or low social

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³⁸⁶ Christopher Wright, 1990. 80.

status.³⁸⁷ Even with equal access, the reality remains that fields must be gleaned and the land must be worked if it is to yield income.

This phrase 'the land shall keep a Sabbath to the Lord' is one of the key sentences open to serious contention and debate in our text of study. Keeping a Sabbath is originally understood as an action to be taken by man as an imitation of God's rest at creation in Genesis. What this text seems to say is that land is personified and anthropomorphisized, that is, land on its own can be the subject rather than an object. In other words, land has an inherent ability to work among other functions and to 'keep a Sabbath to the Lord' as at when due with or without the help of man. Put-differently, v.2 is saying that man as the 'general supervisor' should just ensure land keeps the Sabbath.

From the foregoing and during the epoch of history under scrutiny, v.2 was a public affirmation of land's freedom under Yahweh's sovereign rule. In other words, land is worthwhile in its own right, apart from its usefulness to human beings, enforced by Yahweh and cannot be overridden by any human need and want. In ancient Israel, the Sabbath year for the land had two aspects which are interconnected: prevention of the overuse of the soils and social aspects. Prevention of the overuse of soil was a must for the maintenance of soil fertility. Israelites' agriculture at that time was probably among the most advanced in the ancient world. According to Evenari *et al.*, ³⁸⁹ we know from the Nitzana Scrolls that in the first centuries C.E. in the Northern Negev the harvests yielded a factor of 6 and even more, compared to the amount of seeds sown.

In contrast however, it is very interesting to note how Sabbatical precepts were kept during the *Mishna* time, before and after the destruction of the Second Temple as recorded by Flavius Josephus, an eyewitness of the destruction of the second temple, in his book "The Antiquities of the Jews" dealing with the various mosaic laws including Sabbath and jubilee years and the various consequences of flouting one or

³⁸⁷ North (1990) observes "There should be little doubt that the abolition of debtors prison in the West during the late-nineteenth century was an act in conformity with biblical law's standards of debt and repayment"

³⁸⁸ *Genesis* 2:2-3.

³⁸⁹ M. Evenari, L. Shanan, N. Tadmor, 1971. *The Negev. The challenge of a desert.* Harvard University Press, Boston, 344

both.³⁹⁰ According to Neusner,³⁹¹ the basic difference between other economies of the *hellenistic oikumene* and the Jewish one in Palestine is the fact that the ownership of the land was public and land could not be owned by individuals.

For neo-Malthusians, poverty stems directly from overpopulation and in their view, the two will inevitably lead to an increase in land fragmentation, overutilization of agricultural and grazing land, more frequent famines, lower life expectancy, and considerable environmental degradation.³⁹² By contrast, the renowned agricultural economist, Ester Boserup and others argue that population growth need not result in such dire consequences. In their view, population growth can promote more intensive agricultural practices and induce more favorable attitudes toward technological and organizational innovation that will not only increase productivity but improve environmental quality as well.³⁹³ It is observed, however, that Boserup can be wrong where there is intensification of agriculture. In other words, our area of study is densely-populated and this is the same as the population per unit (hectare) of arable or cultivated land unless there is land extensification - the expansion of the agricultural frontier by clearing new land.

At this juncture, it is becoming clearer that land, as a fixed factor of production, remains very crucial in the interplay of other variables especially when population continues to increase in a rural agricultural setting. It eventually boils down to overutilization and over-cultivation of available arable land, which leads to using up of all the top-soil nutrients, erosion and land degradation. In addition, there will be low crop yield as an aftermath of population growth and land becomes scarce relative to population and is therefore used more intensively. In other words, land over-cultivation depends, in part, on how intensively the land is exploited, and, in part, on the holder's ability and willingness to undertake conservation measures. These two

³⁹⁰ Flavius Josephus, *The Antiquities of the Jews*, II, 12,3

³⁹¹ J. Neusner, 1990. *The economics of the Mishnah*, University of Chicago Press, 181

³⁹² World Bank, World Development Report 1990 New York: Oxford University Press 1990, 139. ³⁹³ A. S. MacDonald, 1989. *Nowhere to Go But Down?* Peasant Farming and the International Development Game London: Unwin Hyman

factors in turn are influenced by farm size although not in an entirely linear manner.³⁹⁴ The end result is that food security, economic stability and social equality will be seriously threatened in agrarian communities like our research fields and this may eventually lead all 'caretakers' to give rest to the land.

In the first place, this difference in calendars has automatically put the possibility of 'universal fallow' into serious doubt and secondly as a follow-up, people of these areas could not afford the luxury of leaving the land they planted from being harvested simply in anticipation of some widows, poor or aliens who hang around. This is because they are not so economically buoyant as to part with that quantum of their harvest. But the situation was different in ancient Israel. The 'fallow' law thus envisioned a full crop planted at the end of the sixth year, which was then exempt from harvest in the seventh, but left for the poor and animals as food. Some of this would then naturally reseed itself when sowing is prohibited in the second half of the year. ³⁹⁵

Again, due to poverty level and in a bid to boost food production, farmers in western nations used extra means to boost agricultural production. This leads us to another problem health-wise that arises from the fact that modern agricultural technology is increasingly reliant on petrochemical insecticides, pesticides and fertilizers. This usage becomes very serious especially when the expansion of agricultural development is based largely on the new varieties of food grains which are more subject to pestilence and more dependent on fertilizer inputs for successful maturation. Heavy concentration of these new varieties can result in rapid pollution of the soil and water supplies — surface and underground — complicating the already nearly insurmountable problems of providing an adequate and safe water supply to the poor. Erosion and the loss of soil fertility cause further complications and as yields decline, more and more petrochemical fertilizers are applied to the soil, finding their way into already polluted water supplies.

³⁹⁴ H.W.O. Okoth-Ogendo, 1990. *Reforming Land Tenure Systems in Sub-Saharan Africa*. *Conceptual, Methodological and Policy Issues*. Agricultural and Rural Development Department, World Bank, Washington, DC 5-8.

³⁹⁵ Milgrom, 2000b. 2160.

While exploiting various achievements in modern science and technology borne out of population pressure, it is also important to be aware of the negative outcomes of intensive modern agriculture, including environmental deterioration and resource crises. Excessive use of agrochemicals has resulted in pest and disease problems that influence crop quality and yield and harm the agro-ecosystem. Vulnerability in human health has increased along with increased ecological degradation. Agricultural production, especially excessive use of chemical fertilizers and pesticides, has caused pollution and, in turn, has led to low food quality and even some irreversible damage. 398

Chemical fertilizers can gradually increase the acidity of the soil until it begins to impede plant growth.³⁹⁹ Chemically fertilized plots also show less biologic activity in the soil food web (the microscopic organisms that make up the soil ecosystem) than do plots fertilized organically with manure or other biologic sources of fertility.⁴⁰⁰ It has been estimated that only 0.1% of applied pesticides reach the target pests, leaving the bulk of the pesticides (99.9%) to impact the environment. Pesticide runoff and airborne pesticide "drift" pollute surface waters and groundwater. Pesticide residues enter our bodies through air, water, and food and raise risks for certain cancers as well as reproductive and endocrine system disorders.

Each year the world uses about 3 million tons of pesticides (comprising herbicides, insecticides, and fungicides), formulated from about 1,600 different chemicals. Complete toxicity data are lacking, however, for most of these substances. Commercial agriculture also endangers soil health because it depends on heavy machinery that compacts the soil, destroying soil structure and killing beneficial

³⁹⁶ D.R. Montgomery, 2007. *Soil Erosion and Agricultural Sustainability*. Proc Nat Acad Sc USA 104 (33) 13268–13272.

³⁹⁷ D.J. Rapport, J. Howard, R. Lannigan, W. McCauley, 2003. 'Linking Health and Ecology in the Medical Curriculum'. *Environ International 29*, 353–358.

³⁹⁸ S.J. Ukpong, 1994. "Global and Nigerian Environment Problem Analysis" in *SIRF*, Calabar Nigeria 25.

³⁹⁹ P. Barak, B.O. Jobe, A. Krueger, L.A. Peterson, D.A. Laird, 1998. Effects of Long-terms Oil Acidification due to Agricultural Inputs in Wisconsin. *Plant Soil* 197:61-69.

⁴⁰⁰ J. Raupp Yield, 1997. "Product Quality and Soil Life after Long-term Organic or Mineral Fertilization" in *Agricultural Production and Nutrition*, Proceedings of an International Conference, Medford, MA: Tufts University, 91-102.

organisms in the soil food web. 401 Land degradation-and in particular, the deterioration of soils-is one of the most serious challenges facing humankind as it attempts to feed a growing population. Most of the world's arable land either is in use for agriculture or has been used up by (unsustainable) agriculture, most often because once-fertile soil has been degraded or eroded. 402 The world's supply of arable land per person has been declining steadily. Excessive fertilizer use also reduces biodiversity because of the effect that nitrogen runoff is having on ecosystem balance. A minority of species can thrive in high-nitrogen environments, and these sometimes crowd out all other species in the ecosystem. 403

The primary purpose of cataloguing the above data is to enable us appreciate the extent science and technology has gone with the use of organic fertilizers and pesticides as substitutes for boosting food production while proper caretaking and stewardship of land is neglected. In other words, these are short-cuts to achieving high crop yield to the detriment of both environmental and human health. It has also been established that the outcome are manifest in various ailments and diseases like cancer, cardiovascular problems and diabetes which are direct consequences from undernutrition still common in developing countries (affecting about 800 million people worldwide), and in affluent countries where the main causes of death are associated with over-nutrition.

Sequel to the above revelation in the course of this research, it has been suggested that taking only to livestock in the seventh year can give man some desired rest after tilling the land for six years. According to Nichol while commenting on Leviticus 25, 404 "The weekly Sabbath was made for man; now God announces a 'Sabbath' rest for the land also" referring to the Sabbatical year. It was considered that God actually commanded man to rest on the seventh day while the seventh year was to be 'Sabbath' for the land. This idea therefore puts to rest so many controversies engendered by the

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⁴⁰¹ Managing Your Soil Microherds for Healthier Plants, Better Profits. *LandOwner*: Newsletter of Farmland Investment and Stewardship 20 (6):7(1998).

⁴⁰² D. Pimentel, M. Pimentel, eds. 1996. *Food, Energy and Society*. Niwot, CO: University of Colorado Press.

⁴⁰³ A. S. Moffat, 1998. "Global Nitrogen Overload Problem Grows Critical" *Science* 279, 988-989.

Francis D. Nichol (Ed.), 1953, "Leviticus" in *The Seventh-day Adventist Bible Commentary*, Vol. 1, Washington, D.C.: Review and Herald Publishing Association, 811.

inability to observe in details the requirements of the Sabbatical legislation. If generally accepted, it will also serve as a way of preserving so much of human energy, vigor and vitality being dissipated on the already over-cultivated land that is not even likely to bring any yield increase.

5.4 Conclusion

In this chapter, the meanings, mistranslation, and misinterpretation of few contentious phrases in our text are considered in the way t=hey relate to the context. One is indeed particular about the hermeneutical interpretation and misinterpretation of words like tB'Dv; ht'äb.v'W 'keeping a Sabbath' and !AtBB'v; tn:ïv 'the year of solemn rest' as far as ancient Israel and land utilisation are understood. Scholarship becomes more enriched and enlightened with various contributions to knowledge concerning issues bothering on agricultural productivity, rest and farmers' welfare, overutilization, population pressure, land tenure, government policies/legislations and their attendant problems. This is because land is perceived both as a factor of production and also as the subject of interpretation capable of taking rest under the supervision of man.

Furthermore, different forms exegetical frameworks in various contexts were considered under scrutiny side by side available literature in ancient Israel. While factors responsible for various mistranslations and misinterpretations can be associated with the socio-economic locations, their political and cultural dispositions are also not significantly different. That is the reason why some of the elements of the text cannot fit perfectly into a different context without inculturation. The position of man as the original subject of interpretation becomes fundamental at this juncture of departure.

It is a truism that there is intensification of fixed land as a factor of production when population continually grows and the issue of rest is taken lightly. The end result is that man is overburdened and overstretched while land is belaboured, abused, over-utilized, and over-cultivated when the Sabbatical legislation is improperly translated and interpreted.

6.1 Summary

In the General Introduction to this study, the association of Sabbatical legislation with the overall care for nature is observed at the beginning, noting the general belief of modern science that Judeo-Christian religion preaches and condones recklessness against the environment. This was based on various interpretations of having 'dominion' (hdr), 'to subdue' (Vbk) but without adequate or commensurate attention 'to replenish' (alm) which Lloyd Steffen⁴⁰⁵ defined as "the idea of just and peaceful governance". It is in the fulfillment of this kind of righteousness attached to the Sabbatical legislation that the seventh day, Sabbatical year and the Jubilee are all rolled into one whole lot in Leviticus 25.

The conspicuous absence of the much talked-about care for nature is real and affects the entire environment negatively though the primary concern here is the adequate care for land and those who work it which is, of course, critical to human existence. In this study, the focus was on the meaning, understanding and interpretation of Sabbath legislation in the light of the prevalent mistranslations and misinterpretations as it affects land utilization and rest, agricultural productivity, and welfare of farmers. This work is very important being a new dimension in the humanities as a way of providing an enduring remedy where science and technology has been inadequate in meeting global socio-economic challenges and melting cultural diversities.

Essentially, the kernel of this study is espoused in the hermeneutical exploration of our text Leviticus 25:1-7 using choice critical tools like Graf Wellhausen's Documentary Hypothesis and Christopher Wright's Biblical Ecological theory, to reread and reinterpret in a way to emphasize man as the subject of the legislation. The targets, however, is to significantly reduce the exploitation of land resources, boost farmers' welfare and remove other associated environmental hazards when people are more enlightened and better equipped to appreciate the reality that caring for themselves is actually caring for nature.

The second chapter of this study is the review of relevant literature. It addresses the root of the Sabbath in ancient Israel from the Mesopotamian, Syrian, Assyrian and Babylonian backgrounds that are synonymous with ancient Near East traditions. In

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⁴⁰⁵ Lynn White, 1967, "The Historical Roots of our Ecologic Crisis," *Science* 1203-7; John Passmore, 1974, *Man's Responsibility for Nature* (London: Duckworth) pt 1; James Barr, 1972, "The Ecological Controversy and the Old Testament," *Bulletin of John Rylands Library* 55 Lloyd H. Steffen, 1992, "In Defense of Dominion", 63-80.

addition, this chapter narrows down to probing the original form of Leviticus 25 in the historical-critical tradition, tracing the different sources and interrelated factors put together to become the present form. It also considered the history reviewed by Robert North⁴⁰⁶ and current trends in the scholarship on the Sabbath and the Jubilee about two decades ago by Jeffrey Fager⁴⁰⁷ spanning from Wellhausen, Weber, de Vaux, Peake, Westbrook, Brueggemann, Milgrom, Coote and Ord, to Gerstenberger and others.

In the third chapter the structure, exegesis, translation and interpretation of Leviticus 25:1-7 is embarked upon. It involves also a cursory survey of the historical and socio-economic context that produced our text. In addition, the evolution, progression, and transformation of the purposively selected text revealed various interconnections of underlays one 'swallowing' the other.

Likewise in a parallel manner, the historical background and development of Sabbatical legislation in the context of land use in the pre-exilic, exilic and post-exilic traditions in ancient Israel are expressed in chapter four. Without prejudice, the actual meaning of fallow period as described in this study is detailed for a better understanding of what it takes to give rest to man and the land. It is expedient to note the intrinsic connection between the original meaning, intention and different layers of redaction embarked upon for several religious, economic and political purposes. Furthermore, the relationship between the consequences of the above versus overcultivation of land in the face of an ever-growing population was also taken into account.

Chapter five is the nexus of this study. It invariably illuminates the contents of available literature in this research. Different possible factors that could be responsible for ambiguities in translations and interpretations were critically delved into, considering their influences on legislations affecting welfare of farmers in ancient Israel. Our consensus is taken after Francis Nichol's⁴⁰⁸ suggestion of Sabbath's real

⁴⁰⁶ Robert North, 1954a. "Sociology of the Biblical Jubilee", *Analecta Biblica 4*. Rome: Pontifical Biblical Institute.

⁴⁰⁷ Jeffrey Fager, 1993. Land Tenure and the Biblical Jubilee: Uncovering Hebrew Ethics through the Sociology of Knowledge. JSOTSup 155. Sheffield: JSOT Press. Rev. of "Land Tenure and the Biblical Jubilee: A Moral World View." Diss. University of Michigan, 1987.

⁴⁰⁸ Francis D. Nichol (Ed.), 1953, "Leviticus" in *The Seventh-day Adventist Bible Commentary*, Vol. 1, 811

meaning that man should rest the seventh day while land remains fallow on the seventh year. By extension, God created man in His own image and so deserves rest just as His Creator and therefore becomes the subject of Sabbatical legislation. Land can only rest when man is obeying the injunction to rest, otherwise he may continue to wreck indescribable havoc on himself and the environment.

This is the last chapter that compiles the whole study including the recommendations and final conclusions.

6.2 Recommendations

Land, as we know, apart from providing physical support on which man stands, also sustains all human activities as an indispensable but also limited factor of production. By this virtue, land deserves all the care, protection and replenishment possible from man. Since population in this part of the world will continue to increase, at least marginally, our recommendations are broadly in parts but can be further enlarged in order to incorporate or accommodate several other facets of life. The first recommendation is as suggested by Francis Nicole and already expressed in the body of this work with a little modification and secondly, idea of land reform which is agreed by many to have been long overdue in Nigeria.

Francis Nichol's idea has been published since 1953 and it is uncertain that his proposal enjoyed wide publicity or acceptability among biblical scholars of his time. A critical look at Nichol's idea shows that it is practicable. In our own part of the world, - and like in several other countries - the idea of separating one out of seven days of the week for rest is already popular even among non-Christians. One submission was general; that it was difficult to leave a whole year without doing anything even outside cultivation of agricultural land for economic reasons but the Sabbatical year can be used for livestock farming. This usually does not entail too much of rigor or exertion of much energy.

The benefits of this idea are numerous in terms of physical, mental and spiritual wholeness for man while the land will also be refreshed and nutrients restored for better crop yield. Land degradation, a decline in land quality caused by human activities, has been a major global issue during the 20th century and will remain high

on the international agenda in the 21st century. The importance of land over-utilization among global issues is enhanced because of its impact on world food security and quality of the environment. High population density is not necessarily related to land over-utilization or over-cultivation; it is what a population does to the land that determines the extent of degradation and other damages. People can be a major asset in reversing a trend towards degradation. However, they need to be healthy and politically and economically motivated to care for the land, as subsistence agriculture, poverty, and illiteracy can be important causes of land and environmental degradation.

First, it encouraged the practice of multiple sales of the same land to different buyers by land-owning families in the absence of titling and appropriate registration mechanisms for transactions in land. Second, particularly after the nation's political independence, it led to tremendous land speculation and a sharp rise in the prices of land for urban and infrastructural development. Poor farming families were encouraged to part with their land for relatively small amount compared with what the speculators made from laying the land out for sale. This promoted increasing inequality in land ownership and increasing landlessness among the poorer segments of the population.

Certainly our conjectures in this study can only materialize when some, if not all, of the measures we recommend out of our encounter are made effective. It is a known fact that land is inseparably tied to life and livelihood in every age and culture. The issue of land reform is a very fascinating idea if the various tiers of government will make good their promises to follow the project to a logical end. That brings us back to connecting with the first recommendation of rest for man and for land. When a peasant farmer has a piece of land that he could proudly call his own, he is likely to see some sense in giving that portion some rest when due and - by implication – extend the same to himself.

⁴⁰⁹ Akin L. Mabogunje, 2002. "Land Management in Nigeria: Issues, Opportunities and Threats", Paper presented at the National Conference on Land Management and Taxation, Department of Estate Management, University of Lagos, July 16. At the personal interview session with him on Dec. 31, 2012 Mabogunje actually spoke extensively on this issue as one of the fundamental problems being faced when the government started planning for Land Reform.

6.3 General Conclusion

It has been noted in this study that there is significant evidence for several interpretations, re-interpretations and editorial revisions of the Sabbatical legislation as presented in Leviticus 25 in the wake of Cyrus's edict of repatriation in 538 B.C.E. Basically, Sabbath can be traced from Yahweh's initiative in P's Creation account to take a break on the seventh day after six days of work. It later gained an extension in Exodus 23 reinterpreted to become a social welfare legislation encapsulating a broader umbrella in the created order. As traced above in Chapters 3 and 4, the reinterpretation and transformation of the Sabbatical legislation was accomplished by four minor alterations of the original text of Leviticus 25. Their original purpose was simply obscured by later editing and misinterpretation. The editorial work had a significant political purpose of supporting the restoration effort in Babylonia by persuading the exiled Israelites to take advantage of the opportunity to return to their homeland.

One of the most important factors emphasized in the present study is the indispensability of land as a significant index which affects various legislations as regards the tenure holding in ancient Israel. The altered emphasis of the seventh-year fallow laws as being a Sabbath rest for the land itself (rather than a relief measure providing food for the poor, as in the earlier Covenant Code) gains greater significance in this context. The justification of surplus of the sixth year as reason for Yahweh's commandment of the Sabbatical years for the land in order to provide for the needy and the neglected has been diminished and therefore threatened the concept of Yahweh's ultimate sovereignty.

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⁴¹⁰ The four minor alterations detected for Leviticus 25 can be summarized as follows:

a) a change of emphasis in the purpose of the Sabbath fallow as the rest for the land rather than food for the poor, by making 'land' the subject/recipient of rest in vv. 2b, 4a, 5b (all accomplished with singular-consonant changes);

b) a closer association of the Sabbath fallow with the Jubilee by the rearrangement of materials to place the Jubilee land release within the fallow provisions (making them appear as aspects of a single law) –specifically vv. 18-22 moved from after v. 7 (with v. 8 originally following v. 22, and v. 23 originally following directly after v. 17);

c) addition of a fallow requirement to the Jubilee stipulations to make that connection closer by copying material from vv. 4, 5, 7 and inserting it as 11b and 12b with resumptive repetition;

d) omission of any reference to the 7th –year release of slaves in order to emphasize a 50th – year release from exile. The pre-transformation text of Lev 25 is reconstructed as: 1-7, 18-22, 8-11a, 12a, 14-17, 23-28 [29-34 accretion], 35-55.

The original concern of the Sabbatical Year fallow law was thus indeed a practical, ethical one. It was concerned not with ecology, nor with religious purity, but with social welfare – consistent with the overall concerns of its context. An exilic editor unintentionally obscured the original intention of the "fallow/release" law of providing food for the poor by changing the emphasis of the provision to providing rest for the *land*, which is then characterized (in Lev 26:34-35,43) as a total desolation fulfilled by its complete abandonment in exile. In addition, a change of emphasis was accomplished by the exilic editor with regard to the purpose of the Sabbath fallow from its original thrust as a relief measure providing food for the poor who could eat the full crop of the seventh year (as it stands in the Exodus 23 Covenant Code version of the law) to one of rest for the land itself.

While the poor are still allowed here to eat from the land, small (single letter!) modifications in vv.2, 4 and 5, which make "the land" the subject of resting (instead of an indirect object "in the land" – a common emphasis of "H" – with a second-person or indefinite subject of resting), changed the emphasis completely. Nor does it allow for the complete "rest" of the land (as implied by the opening verses of this legislation in Lev 25:2, 4-5), but only of the farmers and laborers who work in it. The concept of rest for the land itself is entirely absent from this earliest version of the legislation. To the contrary, normal modern fallow practices typically involve planting soil friendly crops which are then not harvested but plowed under to enrich the soil. It must be recognized that the Israelite calendar year as formulated in Leviticus began with the harvest and ended with the planting.

The Sabbath day limits the control that labor can have on the individual. Food can be grown, crops raised and people fed and clothed by the means of hard but modest labor. Just as sacrificial activity seems to emphasize the humility and fragility of human community and reliance on the rest of creation, so the Sabbath tradition reminds the people that without the land, without food, they die. In addition, the Sabbath year reorients and reinforces the vital working relationship between the people and the land. In the insistence that the land must also rest from the work of producing food and other resources, we can perceive a profound affirmation of the indivisibility of the needs and desires of humans and the rest of the ecosystem. Of

course, intensive labor that enslaves the worker, the farm animal and the land itself falls not only outside the boundary of what is acceptable, but also of what is necessary.

By guaranteeing against the permanent alienation of the land from the families to whom it was apportioned to work and live from, the priestly vision speaks to the connection between alienation from family land and the agricultural means of production and the pollution and overworking of the land. The hermeneutic cycle never closes – we must go on interpreting texts, traditions, experiences; and each in the light of all and to the enrichment of the whole. Land use crisis gives the academy and the whole of society reason to reflect on the resources we have to draw on in the face of disaster, and cause to probe, reflect on, weep at and gather round those resources in order to assist us in the work of remaking our communities to be sustainable and viable places for generations to come to inhabit.

In the long run, it is not those who have too little who will destroy the land. It is those few who have too much. And as argued in this study in a counter manner, the welfare of land managers (farmers) is imperative to enable them take proper and adequate care of the restorative inputs needed to enhance productivity. Agronomists and soil scientists, on the other hand, argue that land is a non-renewable resource at a human time-scale and some adverse effects of degradative processes on land quality are irreversible, e.g. reduction in effective rooting depth. The masking effect of improved technology provides a false sense of security which robs man of the initiate to refresh through timely and thereby generate improved productivity. A deep understanding and interpretation of this text should be unequivocal for all caretakers of land in order to avoid future misconceptions.

REFERENCES

Abogunrin, S.O. 2009. Keynote Address at the 22nd Annual Conference of NABIS held at the ICS Samonda, Ibadan Nigeria on the theme: *Biblical Studies and the Environmental Issues in Africa* ed. C.U. Manus Nov. 17-20, 2009

Abegunde, A.A. 2010. An evaluation of the impact of communal conflict on the physical development of selected settlements in southwestern Nigeria. A PhD Thesis.

- Department of Urban and Regional Planning, Obafemi Awolowo University, Ile Ife, Nigeria.
- Abiodun, J.O. 1974. Urban Growth and Problems in Metropolitan Lagos, *Urban Studies*, Vol. 11.
- Abudulai, S. 2002. Land rights, land use dynamics and policy in peri-urban Tamale in Toulmin, Lavigne Delville and Traoré (eds) The Dynamics of Resource Tenure in West Africa. IIED/James Currey/Heinemann, London/Oxford/Portsmouth (N.H)
- Adagbada, F.J. 1998. Variability and Trends in the length of Rainy Season in Sudano-Sahelian Zone of Nigeria. Unpublished B.Sc. Thesis, Department of Geography, University of Ibadan, Ibadan.
- Adamo, D.T. 2001. Explorations in African Biblical Studies Benin, Nigeria: Justice Jeco Press.
- Adebisi, B. 1974. The Politics of Developmental Control in A Nigerian City: Ibadan, *The Nigerian Journal of Economic and Social Studies*, Vol. 16
- Adedokun, J.A. 1978. West African precipitation and dominant atmospheric mechanisms. Arch Meteorol Geophys Biokli-matol *Ser A* 27.
- Adegboye, R.S., 2004. Land, Agriculture and Food Security in Nigeria. *Faculty Lecture*, Faculty of Agriculture, University of Ilorin.
- Adegboye, R. O., 1982. "Analysis of Land Tenure Structure in Some Selected Areas in Nigeria," Nigerian Institute of Social and Economic Research, Reprint Series, 32.
- Adejuwon, J.O., Balogun, E.E., Adejuwon, S.A. 1990. On the annual and seasonal patterns of rainfall fluctuations in sub-Saharan West Africa. *Int. J. Climatol* 10
- Adejuwon, J.O., Odekunle, T.O. 2004. Skills assessment of the existing capacity for extended range weather forecasting in Nigeria. *Int J Climatol 23*.
- Adejuwon, S.A. 1988. An assessment of rainfall fluctuations between 1922 and 1985 in Nigeria. PhD thesis, Obafemi Awolowo University, Ile-Ife, Nigeria.
- Adejuwon, J.O., Adesina, F.A. and Onijinijin, E. 1989. Some aspects of soil and vegetation recovery in forest and savanna fallows in western Nigeria and their implications for agricultural development. *Malaysian Tropical Geography* 20.
- Adelekan Ibidun, O. Bolarinwa, O. 2001. Local Knowledge of climatic conditions and agricultural activities in southwestern Nigeria. *Journal of Science Research*, 7(1).

- Ademiluka, S.O. 2009. "An Ecological Interpretation of Leviticus 11-15 in an African (Nigerian) Context" *Old Testament Essays* 22:3 JOTSSA
- Adeoti, A.I., Adewusi, O.A. 2005. Factors Influencing the Adoption of Soil Conservation Technologies in the Derived Savannah of Nigeria. Ibadan, *J. Agri. Res.*, 1 (1)
- Adepoju, Aderanti. 1974. "Migration and socio-economic links between urban migrants and their home communities in Nigeria," *Africa 44*.
- Adesina A.A. and Coulibaly, O.N. 1998. Policy and competitiveness of agroforestry based technologies for maize production in Cameroon: an application of policy analysis matrix. *Agricultural Economics* 19.
- Adesina, F.A. 1988. Developing suitable agroforestry techniques in the tropics: an example of local agroforestry techniques from south western Nigeria. *Discussion Papers in Geography, 37*. Salford: Department of Geography, University of Salford.
- Adesoji, A.O. 2005. Colonialism and Intercommunity Relations: The Ifon-Ilobu Example History in *Africa 32*. University of Ghana, Legon.
- Aduayi, E.A. 1985. Making the soil nutritious to plants. *Inaugural Lecture Series No.* 78, Obafemi Awolowo University Press, Ile-Ife, Nigeria,
- Agboola, P.O., A.E. Ikpi and P.M. Kormawa, 2004. Factors Influencing Food Insecurity among Rural Farming Households in Africa: Results of Analysis from Nigeria. *Internet Discussion Paper*.
- Agboola, Tunde & Olurin, T.A. 2000. Social Environmental Dimensions of the changing land cover pattern in Ibadan. A hilly indigenous African city. *Nigeria Journal of Economics and Social Studies*. 42(2).
- Ahituv, Shmuel 1992. "Land and Justice" in *Justice and Righteousness: Biblical Themes and their Influence* ed. by H.G. Reventlow and Y. Hoffman JSOTSup137 Sheffield: JSOT Press.
- Aina E.A.O., 1995. Environment and Development: Moving Agriculture to the 21st Century and Beyond. *Convocation Lecture Series No.1*, Abeokuta: UNAAB.
- Aina T.A., Salau A.T., 1992. Land Tenure, Land Use and Environmental Degradation: The Challenge of Sustainable Development in Nigeria. Ibadan: NEST
- Ajisafe, A. K., 1924. *Laws and Customs of Yoruba People* London: Routledge; and Lagos, Nigeria: C.M.S. Bookshops.

- Akao, J.O. 2000. Biblical Hermeneutic Principles and Practice, Ibadan University Press.
- Akegbejo-Samsons, Y. 2008. Impact of Urban Agriculture on Water Reuse and Related Activities on the Rural Population of the Coastal Settlements of Ondo State, Nigeria. African Journal of Food Agriculture Nutrition and Development, 8(1).
- Akinbola, G.E. & Lucas, E.O. 2004. "Potential Impacts of Climate Variability and Climate Change on crop production Nigeria". *Paper presented at the stakeholders' workshop: Climate change, crop yield and food security in 21st Century Nigeria* held at the Conference Centre, Obafemi Awolowo University, Ile-Ife, September 20-21, 2004 organized by Assessment of Impacts on, and Adaptations to Climate Change (AIAAC).
- Akinola A.A., 1987. An application of the probit analysis to the adoption of the tractor hiring service scheme in Nigeria. *Oxford Agrarian Studies*, 16.
- Alayande B., Alayande O., 2004. A quantitative and qualitative assessment of vulnerability to poverty in Nigeria. Being a paper submitted for presentation of CSAE Conference on poverty reduction, growth and human development in Africa, March, 2004.
- Albertz, Rainer 2003. *Israel in Exile: The History and Literature of the Sixth Century B.C.E.* trans. by David Green *Studies in Biblical Literature* 3 Atlanta: Society for Biblical Literature trans. of *Exilszeit*.
- Albright, W. F. 1945. The chronology of the divided monarchy of Israel", *BASOR* 100.
- _____1961. King Joiachin in Exile BA 4 in *The Archaeologist Reader* ed. by G.E. Wright and D.N. Freedman, Garden City, NY: Doubleday.
- _____1945. The List of Levitic Cities, in *Louis Ginzberg Jubilee Volume* New York:

 American Academy of Jewish Research.
- Alexander, J. B. 1938. A Babylonian Year of Jubilee? *JBL 57*.
- Ali, B. A. 1999. *NIGERIA: IRIN Background report on communal conflicts*. University of Pennsylvania African Studies Center.
- Allen, J.C. and Barnes, D.F. 1985. The Causes of Deforestation in Developing Countries.

 Annals of the Association of American Geographers 75.
- Alt, Albrecht 1968. The Origins of Israelite Law in *Essays on Old Testament History and Religion*. trans. R.A. Wilson, Garden City: Doubleday.

- Alter, Robert 1981, *The Art of Biblical Narrative*, New York: Basic Books/Harper Collins.
- Althann, Robert 1983. Unrecognized Poetic Fragments in Exodus, *Journal of Northwest Semitic Languages* 11.
- Amelung, T. 1993. Tropical Deforestation as an International Economic Problem, in Herbert Giersch (ed.), *Economic Progress and Environmental Concerns*, Egon-Sohmen-Foundation, Springer-Verlag, Berlin.
- Anderson, Bernhard W. and Johnson, Don G. 1984. *Creation in the Old Testament*, ed. Bernhard W. Anderson, Philadelphia: Fortress.
- Anderson, Bernard W. 1977. A Stylistic Study of the Priestly Creation, in *Canon and Authority: Essays in Old Testament Religion and Theology* ed. by G.W. Coats and B.O. Long Philadelphia: Fortress.
- _____1978. From Analysis to Synthesis: The Interpretation of Genesis 1-11" JBL 97.
- Anderson, Gary 1994. The Status of the Torah before Sinai: The Retelling of the Bible in the Damascus Covenant and the Book of Jubilees. *Dead Sea Discoveries* 1.
- Anderson, Gary and Olyan, Saul eds. 1991. *Priesthood and Cult in Ancient Israel* JSOTSup 125 Sheffield: JSOT Press.
- Andreasen, Niels-Erik, 1971. *The Old Testament Sabbath: A Tradition-Historical Investigation* SBLDS 7 Atlanta: Scholars Press Dissertation, Vanderbilt University.
- Anselm A. Enete Ignatius I. Madu Josephat C. Mojekwu Anthony N. Onyekuru Elizabeth A. Onwubuya Fidelis Eze, 2011. *Indigenous Agricultural Adaptation to Climate Change:*Study of Imo and Enugu States in Southeast Nigeria. African Technology Policy Studies Network WORKING PAPERS SERIES No. 53.
- Anyanwu J.C., 1997. Poverty in Nigeria: Concepts, Measurements and Determinants. Selected Papers from the Nigerian Economic Society's Annual Conference.
- Apata T.G., 2006. Income and Livelihood Diversification Strategies of Farming Households In Crude-oil Polluted Areas of Ondo State, Nigeria. Unpublished PhD Thesis in the Department of Agricultural Economics, University of Ibadan, Nigeria.
- Apata T.G., Rahji M.A., Samuel K., Igbalajobi O., 2009. *The Persistence of Small Farms and Poverty Levels in Nigeria: An Empirical Analysis*. Contributed Paper prepared for presentation at the 111 European Association of Agricultural Economist'-

- International Association of Agricultural Economists' 2009 Conference, Seminar 'Small Farms: decline or persistence' University of Kent, Canterbury, UK 26-27th June.
- Ay, P., Nounamo, L., Foaguegue, A., Bernard, M., Tho, C., Mankolo, R., and Bidzogo, O. 1987. Farming Systems of the Forest Zone near Yaoundd. *IRA-IITA-IDRC On Farm Research Project*. Institut de la Recherche Agronomique, Yaounde; International Institute of Tropical Agriculture, Ibadan, Nigeria.
- Ayantayo, J.K. 2010. "Biblical-Ethical Evaluation of the Environment in Nigeria" *Biblical Studies and Environmental Issues in Africa*, NABIS West BS 1
- Ayo, S.B., 2002. Public administration and the conduct of community affairs among the Yoruba in Nigeria. Institute for Contemporary Studies, Oakland, California.
- Ayoola G.B., Aina B., Mamman, Nweze N., Odebiyi T., Okunmadewa F., Shehu D., Williams O., Zasha J., 2000. *Nigeria: Voice of the Poor*; Country Synthesis Report World Bank.
- Baeck, Leo 1964. *This People Israel: The Meaning of Jewish Existence*, trans. Albert H. Friedlander, New York: Union of American Hebrew Congregations.
- Barbier, E.B., Bishop, J. and Aylward, B. 1994. *The Economics of the Tropical Timber Trade*London: Earthscan Publications Ltd.
- Barbier, E.B., Burgess, J.C. and Markandya, A. 1991. The Economics of Tropical Deforestation. *Ambio* 20:2.
- Barr, James 1972. "The Ecological Controversy and the Old Testament," *Bulletin of John Rylands Library* 55.
- _____1963. Revelation Through History in the Old Testament and in Modern Theology. Blenkinsopp, J. 1976. 'The Structure of P', CBQ 38.
- Benneh, G., Kasanga, K., and Amoyaw, D., 1996. Land tenure and women's access to agricultural land: a case study of three selected districts in Ghana, Unpublished paper.
- _____1996. 'An Assessement of the Alleged Pre-Exilic Date of the Priestly Material in the Pentateuch', ZAW 108.
- Boesak, Allan 1984. *Black and Reformed: Apartheid, Liberation, and the Calvinist Tradition, Johannesburg: Skotaville.*

- Boff, Clodovis, 1987. Theology and Praxis: Epistemological Foundations, New York: Orbis.
- Braimoh, A.K., & Onishi, T., 2006. Spatial Determinants of urban land use change in Lagos, Nigeria. *Land use Policy*.
- Bright, John 1981. A History of Israel, 3rd ed. Philadelphia: Westminster.
- _____2000, A *History of Israel*, 4th ed., Louisville.
- Brooke, G.J. (ed.) 1989. Temple Scroll Studies: Papers presented at the International Symposium on the Temple Scroll, Manchester, Dec. 1987 JSOTSup 7 Sheffield: Sheffield Academic Press.
- Brueggemann, Walter 1982. Genesis, IBC Atlanta: John Knox.
- _____1977/1978. *The Land*, Philadelphia, London.
- Budd, P.J. 1996. *Leviticus* NCB Commentary Series, Grand Rapids, MI: Eerdmans; London Marshall Pickering.
- Burgess, J.C. 1992. "Economic Analysis of the Causes of Tropical Deforestation." London Environmental Economics Centre Discussion Paper 92 UK: LEEC.
- Chirichigno, G.C. 1993. Debt-Slavery in Israel and the Ancient Near East, JSOT Supp 141 Sheffield.
- Clifford, Richard 1972. *The Cosmic Mountain in Canaan and the Old Testament*, Cambridge: Harvard University.
- Cohen, Jeremy 1989. "Be Fruitful and Increase, Fill the Earth and Master It: The Ancient and Medieval Career of a Biblical Text", Ithaca, N.Y.: Cornell University Press
- Cross, Frank Moore 1973. Canaanite Myth and Hebrew Epic Cambridge: Harvard University.
- Dada, A.O. 2010. "Repositioning Contextual Biblical Hermeneutics in Africa towards Holistic Development" Black Theology 8:2
- Deaton, A. and Muellbauer, J. 1991. *Economics and Consumer Behavior*. Cambridge University Press, New York.
- Deshmukh, I. 1986. *Ecology and Tropical Biology*. Palo Alto: Blackwell Scientific Publications.
- Drechsel P., Steiner K.G. and Hagedorn F. 1996. A review on the potential of improved fallows and green manure in Rwanda. *Agroforestry Systems 33*.
- Ekundayo J.A., 1997. Environmental consequences of the pollution of the Lagos lagoons. Bulletin of The Science Association of Nigeria, 3.

- Fabiyi, Y.L., 1984. Land Administration in Nigeria; Case studies of Implementation of land Use Decree (Act) in Ogun, Ondo and Oyo State of Nigeria. *Agricultural Administration* 17(1).
- Fabiyi, Yakub, and A.A. Adesimi. 1979. "Agrarian reform in Nigeria: problems of costing agricultural development for compensation under the Land Use Decree 1978. Quarterly Journal of Administration [University of Ife, Nigeria], 12.
- Fabiyi, Yakub, 1974. Land tenure innovations in rural development: the problems in Western Nigeria with some Tanzanian comparisons. Ph.D. dissertation, University of Wisconsin-Madison.
- _______, 1979. Land tenure reform in Nigeria: implications of the Land Use Decree (Act) for agricultural development. *Ife Journal of Agriculture 1*.

- Fager, J. A. 1993. Land Tenure and the Biblical Jubilee: Uncovering Hebrew Ethics Through the Sociology of Knowledge, JSOT Supp. 155 Sheffield.
- Famoriyo, Segun, Y.L. Fabiyi and A. Gandonu. 1977. "Problems posed by land tenure in Nigerian agriculture: final report". Paper submitted to the Federal Department of Agriculture. Ibadan: Nigerian Institute for Economic Research (NISER), University of Ibadan.
- Faniran, A. 2009. "Deforestation and the Biblical Law of Tree Preservation (Lev. 25: 1-13) in the Nigerian Context" 22nd Annual Conference of NABIS held at the ICS Samonda, Ibadan Nigeria on the theme: *Biblical Studies and the Environmental Issues in Africa* ed. C.U. Manus Nov. 17-20.
- Fasona, M. J. 2007. "Land degradation and environmental change in Ondo State coastline, southwest Nigeria". PhD Thesis, University of Lagos. Lagos.

- Fasona, M., Omojola, A., & Onyeahialam, A., 2007. Mapping land degradation and forest resource loss from fused Landsat TM and Nigeriasat-1 images in some parts of the southwest coast of Nigeria. In M. Owe., C. Neale. (Ed), *Remote Sensing for Environmental Monitoring and Change Detection, IAHS Publ. 316*.
- Food and Agriculture Organization and United Nations Environmental Programme, 1981,

 Tropical Forest Resources Assessment Project (in the framework of GEMS): Forest

 Resources of Tropical Africa. Food and Agriculture Organization, Rome Italy
- Food and Agriculture Organizations and United Nations Environment Programme. 1982.

 Tropical Forest Resources, three vols. Food and Agriculture Organization, Rome Italy and United Nations Environment Programme, Nairobi Kenya.
- Gacheru E., Rao M.R., Jama B. and Niang A., 1999. *The potential of agroforestry to control striga and increase maize yields in Sub-Saharan Africa*. Sixth Regional Maize Conference for Eastern and Southern Africa, 21–25 September 1998, Addis Ababa, Ethiopia. CIMMYT, Harare, Zimbabwe.
- Grant, M. 1984. The History of Ancient Israel, New York.
- Goldman, A., and Smith, J. 1995. Agricultural transformations in India and northern Nigeria: Exploring the nature of green revolutions. *World Development 23(2)*.
- Green, M. M. 1941. Land Tenure in an Ibo Village in South-Eastern Nigeria. Monograph on Social Anthropology, No. 6, Percy Lund, Humphries, for The London School of Economics and Political Science, London.
- Grunfeld, Dayan I. 1954. *The Sabbath: A Guide to Its Understanding and Observance*. London: Sabbath League of Great Britain.
- Hall, Douglas J. 1986, *Imaging God: Dominion as Stewardship*. Grand Rapids: Eerdmans.
- Harris, J. 1942. Human relationships to the land in southern Nigeria. Rural Sociology 7
- Harris, M. 1996. Proclaim Jubilee! Spirituality for the Twenty-first Century. Louisville.
- Hartley, J.E. 1992. *Leviticus* WBC, 4 Dallas: Word Books.
- Hessel, D.T. & Rosemary R. Ruether, (eds.) 2000. *Christianity and Ecology: Seeking the Well-Being of the Earth and Humans* Cambridge, Massachusetts: Harvard University Press.
- Hiebert, Theodore 1992. "Theophany in the OT," *ARD*, ed. D. Noel Freedman, New York: Doubleday.

- _____1996. *The Yahwist's Landscape Nature and Religion in Early Israel* New York: Oxford University Press.
- Houston, W. 1993. *Purity and Monotheism: Clean and Unclean Animals in Biblical Law* JSOTSup 140 Sheffield: Sheffield Academic Press.
- Hurvitz, A. 1982. A Linguistic Study of the Relationship between the Priestly Source and the Book of Ezekiel: A New Approach to an Old Problem CRB, 20 Paris: Gabalda.
- -----1988. 'Dating the Priestly Source in Light of the Historical Study of Biblical Hebrew: A Century after Wellhausen', *ZAW* 100 Supplement M. Haran.
- -----1978. Temples and Temple-Service in Ancient Israel. Oxford: Clarendon Press.
- Hyde, W.F. 1980. *Timber Supply, Land Allocation and Economic Efficiency*. Baltimore: The John Hopkins University Press.
- Idachaba, F.S. 2004. Food Security in Nigeria: Challenges under Democratic Dispensation.

 Paper Presented at the Agricultural and Rural Management Training Institute, Ilorin, Nigeria.
- ______1986. "Land tenure reforms for agricultural development in Sub Saharan Africa." Agricultural Policy and its Relationship to Food Policy in sub-Saharan Africa, vol 2. Washington, DC: World Bank.
- Idigbe, C. 1977. Report of the Land Use Panel: Main Report. Lagos: Government Printer.
- Idowu, E. O., 2006. "Land Conflict Management under a Tree Cropping System: The case of Theobroma cacao in Southwestern Nigeria", *Cardozo Journal of Conflict Resolution*, vol. 8. no.
- Igbozurike U.M., 1983. Energy Development and Energy Crises with Special Reference to Nigeria. *Department of Geography Lecture Series No. 11*, Nsukka: UNN.
- Ijere, Martin. 1986. Nigeria: 100 years in Search of Land Tenure Model. Nsukka: Centre for Rural Development and Cooperatives, University of Nigeria.
- Ike, Don N. 1973. Agricultural Excess Population and the Economic Considerations for Land Reform in Nigeria, doctoral dissertation, University of California, Los Angeles
- Ike, Don N. 1977. "Comparison of Communal, Freehold and Leasehold Land Tenure: A Preliminary Study in Ibadan and Ife, Western Nigeria," American Journal of Economics and Sociology, Vol. 36, No. 2.

- Ike, D. 1977. "A comparison of communal, freehold and leasehold land tenure." *American Journal of Economics and Society 36*.
- ______. 1986. "Economic analysis and some land tenure practices in Nigeria. *Nigerian Journal of Rural Development and Cooperative Studies 1*.
- Ikpi A.E., 1989. Understanding the Nigerian Rural Farmer for effective adoption of improved agricultural technology and impact modelling, IITA Research Monograph No. 4, Ibadan, Nigeria.
- Jacobs, Mignon R. 2001. *Conceptual Coherence of the Book of Micah* JSOTSup 322 Sheffield: Sheffield Academic Press.
- Jagtap, S., 2007. Managing vulnerability to extreme weather and climate events: Implications for agriculture and food security in Africa. Proceedings of the International Conference on Climate Change and Economic Sustainability held at Nnamdi Azikiwe University, Enugu, Nigeria. 12-14 June 2007.
- Jenson, P.P. 1992. *Graded Holiness: A Key to the Priestly Conception of the World JSOTSup* 106 Sheffield: Sheffield Academic Press.
- Johnson Omotunde, Evan George. 1970. "Economic Analysis and the Structure of Land Rights in the Sierra Leone Provinces", Doctoral dissertation, University of California at Los Angeles.
- Juo A.S.R., Franzluebbers K., Dabiri A, and Ikhile B., 1995. Changes in soil properties during long-term fallow and continuous cultivation after forest clearing in Nigeria. Agriculture, Ecosystems and Environment 56.
- Kahn, J.R. and McDonald, J.A. 1995. "Third-World Debt and Tropical Deforestation." *Ecological Economics* 12
- Kampen, J., and Bernstein, M.J. 1996. *Reading 4QMMT: New Perspectives on Qumran Law and Literature* Symposium Series, 2 Atlanta: Scholars Press.
- Kaniye, S. A. Ebeku, 2001. *Oil and the Niger Delta People: The Injustice of the Land Use Act*; The Centre for Energy, Petroleum and Mineral Law and Policy.
- Karimu, J. and Richards, P. 1980. The Northern Area Integrated Agricultural Development Project. The social and economic impact of planning for rural change in northern Sierra Leone. *Occasional Paper 3* (New Series). London: Department of Geography, SOAS.

- Kaufmann, Y. 1960. *The Religion of Israel: From its Beginnings to the Babylonian Exile* trans. M. Greenberg; London: George Allen & Unwin.
- Kayode, M., 1999. Super-ordinate goals in the reduction of intergroup conflict. *American Journal of Sociology* 6.
- Kelly, L.M. 1980. An Evaluation of the Human Causes of Forest Depletion. PhD Dissertation, University of Washington, Seattle.
- Kiuchi, N. 1987. The Purification Offering in the Priestly Literature: Its Meaning and Function JSOTSup 56 Sheffield: JSOT Press.
- Knierim, R.P. 1992. *Text and Concept in Leviticus 1.1-9: A Case in Exegetical Method* Forschungen zum Alten Testament, 2; Tubingen: Mohr [Paul Siebeck].
- Knohl, I. 1987. 'The Priestly Torah Versus the Holiness School: Sabbath and the Festivals', *HUCA* 58.
- _____1995. The Sanctuary of Silence: The Priestly Torah and the Holiness School (Minneapolis: Fortress Press.
- Kolawole, A. 1988. "Farm tenancy on the South Chad Irrigation Project, Nigeria: problems and prospects." *Land-Use Policy 5*.
- Lekwa, G., 1979. "The Characteristics and Classification of Genetic Sequences of Soils in the Coastal Plain Sands of Eastern Nigeria". PhD dissertation, Michigan State University.
- Lemche, N. P. 1995. Ancient Israel: A New History of Israelite Society, Sheffield.
- ______1976. "The Manumission of Slaves-the Fallow Year-the Sabbatical Year" *Vetus Testamentum*, 26 Fasc. 1.
- Leopold, Aldo 1949. A Sand County Almanac with Essays from Round River. New York: Oxford University Press.
- Levenson, Jon D. 1985. Sinai and Zion: An Entry into the Jewish Bible San Francisco: Harper & Row.
- Levine, B.A. 1974. In the Presence of the Lord: A Study of Cult and Some Cultic Terms in Ancient Israel *SJLA*, *5* Leiden: Brill.
 - _____1989. Leviticus JPS Torah Commentary, Philadelphia: Jewish Publication Society.

- Lloyd, P.C. 1953. "Some problems of tenancy in Yoruba land tenure. *It African Studies [South Africa]*, 12.
- Lowery, R.H. 2000. Sabbath and Jubilee: Understanding Biblical Themes. St Louis, MO: Chalice Press.
- Luning, H.A., 1961. An Agro-Economic Survey in Katsina Province, Kaduna: Government Printer.
- Mabogunje, A. L.1996. Perspective on Urban Land and Urban Management Policies in sub-Saharan Africa, Washington D.C.: The World *Bank Technical Paper No. 196*.
- _____2002. Land Management in Nigeria: Issues, Opportunities and Threats, Paper presented at the National Conference on Land Management and Taxation, Department of
 - Estate Management, University of Lagos, July 16
- McDowell, C.M. 1969. "The breakdown of traditional land tenure in Northern Nigeria." In *Ideas and Procedures in African Customary Law*, edited by Max Gluckman, London: Oxford University Press.
- Meek, C.K. 1957. Land Tenure and Administration in Nigeria and the Cameroons, London, HMSO.
- Miller, L.F. 1975. "Present and potential use of credit by small maize and rice farmers in Western and Kwara States, Nigeria." *Technical Report, AETR/75.3*. Ibadan: Department of Agricultural Economics and Extension, University of Ibadan.
- Mortimore, M. J. and Wilson, J. 1965. Land and People in the Kano Close -Settled Zone, Zaria: ABU, Department of Geography, *Occasional Paper No. 1*.
- Mustapha J. and Lindh, M., 2011. Environmental Sustainability Management Systems and Regulations, BAM-Solutions, 12, Rue Alfred Jarry, Aubervilliers, 93300 France, Proceedings of the Environmental Management Conference, Federal University of Agriculture, Abeokuta, Nigeria.
- Myers, Gregory W. 1990. "This is not your land: an analysis of the impact of the Land Use Act in Southwest Nigeria. Ph.D. dissertation, University of Wisconsin-Madison.
- Nash, James A. 1991, Loving Nature: Ecological Integrity and Christian Responsibility Nashville: Abingdon.

- Neusner, J. 1973. *The Idea of Purity in Ancient Judaism: The Haskell Lectures, 1972–1973* includes a critique and commentary by M. Douglas. SJLA, 1 Leiden: Brill.
- Newsom, C.A., and Ringe, S.H. (eds) 1992. *The Women's Bible Commentary*. Lousville Westminster/John Knox; London: SPCK.
- Niang A., De Wolf J., Nyasimi M., Hansen T., Rommelse R. and Mwendwa K., 1998. Soil Fertility Recapitalization and Replenishment Project in Western Kenya. Progress Report February 1997–July 1998. *Pilot Project Report No. 9*. Regional Agroforestry Research Centre, Maseno, Kenya
- Niang A, Gathumbi S. and Amadalo B. 1996. The potential of short-duration improved fallow for crop productivity enhancement in the highlands of western Kenya. In: Mugah J.O.
 (ed) People and Institutional Participation in Agroforestry for Sustainable Development. Kenya Forestry Research Institute, Muguga, Kenya.
- Nicholson, S., 1986. Climate, drought, and famine in Africa. In Hansen, A., and McMillan, D. (eds.), *Food in sub-Saharan Africa*. Lynne Rienner Publishers, Boulder, CO.
- Nnamani, Augustine. 1989. "1978 Land Use Act: the aim is humane but the deed is rancorous." Speech presented by the Supreme Court Justice. *The Guardian*, Lagos.
- Noth, M. 1977, *Leviticus: A Commentary* OTL ATD 6 [Göttingen: Vandenhoeck & Ruprecht, 1962] London: SCM (ET of *Das dritte Buch Mose* rev.trans.).
- Nwafor, J. C. 2007. Global climate change: The driver of multiple causes of flood intensity in Sub-Saharan Africa. Paper presented at the International Conference on Climate Change and Economic Sustainability held at Nnamdi Azikiwe University, Enugu, Nigeria, 12-14 June 2007.
- Park, A.E.W. 1965. A dual system of land tenure: the experience of southern Nigeria. *Journal of African Law 9*.
- Oba G., 1997. Pastoralists' traditional drought coping strategies in Northern Kenya. A Report for the Government of the Netherlands and the Government of Kenya, *Euroconsult BV*, Arnheim and Acacia Consultants Ltd, Nairobi.
- Obi, S.N.C. 1963. The Ibo Law of Property. London, Butterworth &: Co.
- Oculi, Okello. 1987. "Green capitalism in Nigeria." In *The African Bourgeoisie: Capitalist Development in Nigeria, Kenya and the Ivory Coast*, edited by Paul Lubeck, Boulder: Lynne Rienner.

- Odekunle T.O., 2004. Rainfall and the length of the growing season in Nigeria. *Int J Climatol* 24.
- Odetola, T.O., 1978. "Socio-Economic Impact of the 1978 Land Use Decree" Adejuyighe and Dare (eds.) Land Tenure in Nigeria Implications and Implementation of the Land Use Decree 1978. Published by the University of Ife, Ile-Ife.
- Odine A. T., Shittu A. M., Ayinde I. A. and Olubanjo O. O., 2011. Assessment of the Economic Value of Selected Wetlands in Southwest, Nigeria, Proceedings of the Environmental Management Conference, Federal University of Agriculture, Abeokuta, Nigeria.
- Oduniyi, J.T.B. 1981. "Land Use Decree 1978: case study." In *Land Use and Conservation in Nigeria*, edited by U.M. Igbozurike, Nsukka: University of Nigeria Press.
- Ogezi A.E., 1992. Impact of mining on the Nigerian environment. In: E.O.A. Aina, N.O. Adedipe (Eds.): *Towards Industrial Pollution Abatement in Nigeria*. Lagos: FEPA.
- Ogunleye S. 2002. "Environmental Protection: A Requisite in Nigeria for the New Millennium." In *Democracy and Sustainable Development in Nigeria*, edited by Akinjide Osuntokun. Lagos: Friederich Ebert Stiftung.
- Ogwumike P.O., Ekpeyong D.B., 1996. Impact of Structural Adjustment Policies on Poverty in Nigeria. *African Economic Research Consortium Research Paper*, Nairobi-Kenya.
- Ohlsson E. and Swinkels R.A., 1993. Farmers fallowing practices and the role of Sesbania sesban. Some evidence from a traditional system in western Kenya. In: Atta-Krah K (ed) *Agroforestry in the Highlands of Eastern and Central Africa*. Summary Proceedings Workshop of Eastern and Central Africa AFRENA, 6–10 September 1993, Kabale, Uganda. ICRAF, Nairobi, Kenya.
- Okafor F.C. 1988. Rural development and the environmental degradation versus protection. In: P.O. Sada, F.O. Odemerho (Eds.): *Environmental Issues and Management in Nigerian Development*. Ibadan: Evans Brothers Press.
- Okediji, F.O. and Aboyade, O., 1967. 'Social and Economic of Environmental Sanitation in Nigeria: A Tentative Report', *The Journal of the Society of Health, Nigeria, Vol. 2*.
- Okoth-Ogendo, H.W.O. 1986. "Perils of land 'tenure' reform: the case of Kenya." In *Land Policy and Agriculture in Eastern and Southern Africa*, edited by J.W. Arntzen et al. Tokyo: United Nations University.

- _______1990. Reforming Land Tenure Systems in sub-Saharan Africa: Conceptual,

 Methodological and Policy Issues. Agricultural and Rural Development Department,

 World Bank, Washington, DC
- ______1996. Land tenure and natural resource management: the Kenyan experience.

 Paper presented at the *Workshop on Land Tenure: Issues in Natural Resource Management*, Addis Ababa.
- Okpala, Ifebueme. 1978. *The Land Use Decree of1978: If the Past Should be Prologue*. Reprint, no. 119. Ibadan: Nigerian Institute of Social and Economic Research. Reprint from Supplement to Official Extraordinary Gazette 65(14).
- ______, 1982. "The Nigerian Land-Use Decree revisited." *Habitat International* 6.
- Okuneye, P.A. 1988. A case study of the socio-economic implications of women's access to land in Nigeria. Geneva: Rural Employment Policies Branch, Employment and Development Department, International Labour Office.
- Okunmadewa F.Y., 2002. Poverty and Agricultural Sector. Poverty reduction and the Agricultural sector in Nigeria, edited by Foluso Okunmadewa, Elshaddai Global Ventures Ltd. Ibadan, Nigeria.
- Okunmadewa F.Y., Yusuf S.A., Omonona B.T., 2005. Social Capital And Poverty Reduction In Nigeria, Revised Report Submitted To Africa Economic Research Consortium (AERC) Nairobi, Kenya.
- Okunniya, A.A.O. 2002. The Land Use Decree and Private ownership of Land in the Proceedings of the 17th Annual Conference of the Nigerian Association of Law Teacher.
- Olaniran O.J., Babatolu J.S., 1987. Climate and the growth of sorghum at Kabba, Nigeria. *J Agric Meteorol* 42.
- Olanisebe, S.O. 2009. "Revisiting Creation Accounts in Genesis 1-2 and the Dominion Theology in Relation to the Environment in Nigeria" in *Biblical Studies and Environmental Issues in Africa, NABIS West Biblical Studies* 1.
- Olawoye, C.O. 1984. *Title to Land in Nigeria*. Lagos: Evans Brothers.
- Olawoye, J.E. 1985a. Factors affecting the role of rural women in agricultural production: a survey of rural women in Oyo State, Nigeria. Paper presented at the Seminar on

- Nigerian Women and National Development, held in June, at the Institute of African Studies, University of Ibadan, Nigeria. . 1985b. "Rural women's role in agricultural production: an occupational survey of women from six selected rural communities in Oyo State, Nigeria." Nigerian Journal of Rural Sociology 2. Oludayo, A.G., 1999. "The Convention of Biological Diversity, Access to and Exploitation of Genetic Resources and the Land Tenure System in Nigeria". African Journal of *International and Comparative Law, 11(1).* Olusanya, P.O., 1989a. "Human reproduction in Africa: Fact, myth and the martyr syndrome," Research for Development 6. ____ 1989b. 'Evolution and status of family planning/ in Nigeria," in Developments in Family Planning Policies and Programs in Africa. Legon: University of Ghana. Oluwasanmi, H.A. 1967. The Agricultural Environment in the City of Ibadan (ed.) P.C. Lloyd, A.L. Mabogunje, B. Awe, Cambridge University Press, New York. Oluwasanmi, H.A. 1956. "Nigerian Agriculture: A Study in Farming Organization with Special Reference to Technological and Economic Development." Doctoral dissertation, Harvard University. Omotola, J.A., ed. 1982. The Land Use Act: Report of a National Workshop. Lagos: Lagos University Press. 1985. Cases on the Land Use Act with Supreme Council Decision[s]. Lagos: Lagos University Press. 1988. Law and Land Rights: Whither Nigeria? Lagos: Lagos University Press. _1990. Land redistribution and its implications: the Nigerian experience. Paper presented to the Land Policy Conference, held in Harare, February 13-15. Onibokun, A.G., 1973. Forces Shaping the Physical Environment of Cities in the Developing
- Onokerhoraye, A.G., 1976. Urban Environmental Problems and Planning Strategies in Tropical Africa: The Example of Nigeria', *The Annals of Regional Science, Vol. 10*,

Countries: Ibadan Case', Land Economics, Vol. 4.

- Onwuamaegbu, Obumneme, 1996. Nigerian Law of Landlord and Tenant, Lagos: African Univ. Press.
- Osei-Bonsu. S.N., 1983. Alternative Approaches and strategies to Rural Development Studies Vol. 3 Nos. 1.
- Osemwota, G. 1989. "Ownership, control and management of land in Bendel State, Nigeria: the changing role of traditional rulers." *Land Use Policy* 6.
- Osuntogun, A., cf. 1976. Institutional Determinants and Constraints on Agricultural Development: Case Studies from the Western States of Nigeria. Reading: ODI Joint Program on Agricultural Development Overseas, University of Reading.
- Osunade, M.A. 1994. Indigenous climate knowledge and agricultural practices in Southwestern Nigeria. *Malays J Trop Geogr 1*.
- Oshuntokun, A. 1999. Environmental Problems of Nigeria with Special Emphasis on Northern Nigeria. Ibadan: Davidson Press/Friedrich Ebert Foundation.
- Oyeranti, O., Olayiwola K. 2005. *Policies and Programs for Poverty Reduction in Rural Nigeria*. An interim Research Report Submitted to the African Economic Research Consortium (AERC), Nairobi-Kenya.
- Orubuloye, I.O. 2006. *People, housing and living conditions in Ado-Ekiti and Akure in Ondo State, Nigeria*, manuscript, Department of Sociology, Ondo State University, Ado-Ekiti.
- Owuor G., Ngigi Mouma A., Birachi E. 2007. Determinants of Rural Poverty in Africa: The case of smallholder farmers in Kenya. *Journal of Applied Sciences*, 7(17).
- Passmore, John 1974. Man's Responsibility for Nature London: Duckworth.
- Peacocke, Arthur 1986, God and the New Biology. New York: Harper & Row.
- Perdue, Leo 1994. Wisdom of Creation: The Theology of Wisdom Literature, Nashville: Abingdon.
- Rackman, E. 1969. "Sabbaths and Festivals in the Modern Age," in Leon D. Stitskin, ed., *Studies in Torah Judaism.* New York: KTAV Publishing House.
- Reynolds, J. 1989. Inheritance: The History of Israel and Christianity Unveiled, N. York.
- Sada, P.O., 1970. The Rural-Urban Fringe of Lagos: Population and Land-Use', *The Nigerian Journal of Economic and Social Studies, Vol. 12, 1970.*

- Sanda, A.D. 1982. The *Challenge of Nigeria's Indigenization*. Ibadan: Nigerian Institute of Social and Economic Research.
- Santmire, H. Paul 1985, *The Travail of Nature: The Ambiguous Ecological Promise of Christian Theology* Philadelphia: Fortress Press.
- Sanusi, R.A., Badejo C.A. and Yusuf B.O., 2006. Measuring Household Food Insecurity in Selected Local Government Areas of Lagos and Ibadan, Nigeria. *Pak. J. Nutr.*, 5.
- Shanks, H. 1991, Ancient Israel: A Short History from Abraham to the Roman Destruction of the Temple Washington, D.C.
- Smith, J., Barau, A., Goldman, A., and Mareck, J. 1994. The role of technology in agricultural intensification: The evolution of maize production in the northern Guinea savanna of Nigeria. *Economic Development and Cultural Change* 42(3).
- Solomon, A.O., 1991. *Title to land in Nigeria* An inaugural Lecture delivered at Obafemi Awolowo University, Ile-Ife.
- Steffen, Lloyd H. 1992, "In Defense of Dominion", Environmental Ethics 14.
- Sugirtharajah, R.S. 2001. The Bible and the Third World: Pre-colonial, Colonial and Postcolonial Encounters, Cambridge: Cambridge University Press.
- _____2003. Postcolonial Reconfigurations: An Alternative Way of Reading the Bible and Doing Theology, London: SCM Press.
- Swearer, Donald K. (ed.) 2009. *Ecology and the Environment: Perspectives from the Humanities*. Cambridge, Massachusetts: Harvard University Press.
- Swinkels R.A., Franzel S., Shepherd K.D., Ohlsson E. and Ndufa J.K., 1997. The economics of short rotation improved fallows: Evidence from areas of high population density in western Kenya. *Agricultural Systems* 55.
- Teal, F., 1983. "The supply of agricultural output in Nigeria." *Journal of Development Studies* 19.
- Thiele, E. R. 1951. The Mysterious Numbers of the Hebrew Kings, Chicago.
- Tiffen, M. 1976. The Enterprising Peasant: Economic Development in Gombe Emirate Northeastern ·State, Nigeria, 1900-1968. *Overseas Research Publication, no. 21*. London: Ministry of Overseas Development.

- Timm, Roger E. 1989. "Scientific Creationism and Biblical Theology" in *Cosmos as Creation: Theology and Science in Consonance*, ed. Ted Peters, Nashville: Abingdon.
- Titilola, S.T., 1987. "The State and Food Policies in Nigeria" Mkandawire, T. and Bouremane, N. (eds) *The State and Agriculture in Africa: Towards a Typology of African Economies, Senegal: CODESRIA Publications*.
- Uchendu, V.C., 1965. The Igbo of South East Nigeria. New York, Holt.
- ______. 1979. State, land and society in Nigeria: a critical assessment of [the] Land Use. Decree (1978). Unpublished paper, University of Nigeria, Nsukka.
- _____1967. "Some issues in African Land tenure" *Tropical Agriculture* 44.
- Udo, Reuben K. 1975. Migrant Tenant Farmers of Nigeria: A Geographical Study of Rural Migrations in Nigeria. Lagos: African Universities Press.
- Ukpong, Justin S. 1995. "Rereading the Bible with African Eyes" in *Journal of Theology for Southern Africa 91*.
 - ----- 1994. "Global and Nigerian Environment Problem analysis" *SIRF*, Calabar. November
- Umeh, J. 1973. Compulsory Acquisition of Land and Compensation in Nigeria. London, Sweek & Maxwell Ltd.
- Unger, M. F. 1974. Archaeology and the Old Testament. Grand Rapids.
- Uzozie, L.C. 1972. Agricultural Land Use in Nsukka Division: Problems of Continuity and Change. Paper presented at the Institute of African Studies, University of Nigeria, Nsukka.
- Van Seters, J. 1992. *Prologue to History: The Yahwist as Historian in Genesis* Zurich: Theologischer Verlag; Louisville, KY: Westminster/John Knox.
 - ------1994. *The Life of Moses: The Yahwist as Historian in Exodus–Numbers.*Contributions to Biblical Exegesis and Theology, 10; Kampen: Kok.
- Von Rad, Gerhald 1966. "There Remains Still a Rest for the People of God," *The Problem of the Hexateuch and Other Essays*, trans. by E. W. Truenian Dicken, New York.
- Ward-Price, H.L. 1939. Land Tenure in the Yoruba Provinces. Lagos: Government Printer.

- Warren D.M., 1991. Strengthening indigenous Nigerian organizations and associations for rural development: the case of Ara Community. *Occasional Paper No. 1*, African Resource Centre for Indigenous Knowledge, Ibadan.
- Watts, Michael, and Thomas J. Bassett. 1985. "Crisis and change in African agriculture: a comparative study of the Ivory Coast and Nigeria." *African Studies Review 28*.
- Watts, Michael. 1983. Silent Violence: Food, Famine and Peasantry in Northern Nigeria.

 Berkeley: University of California Press.
- ______. 1987a. "Agriculture and oil based accumulation: stagnation or transformation." *In State, Oil, and Agriculture in Nigeria*, edited by M. Watts. Berkeley: Institute of International Studies, University of California.
- Wegner, J.R. 1992. 'Leviticus', in Newsom and Ringe (eds.).
- Wellhausen, J. 1885. Prolegomena to the History of Israel. Edinburgh: A&C Black.
- West, Gerald O. 1995. *Biblical Hermeneutics of Liberation: Modes of Reading the Bible in the South African Context*, 2nd. Edition ed., Maryknoll, N.Y. and Pietermaritzburg: Orbis Books and Cluster Publications.
- Western Nigeria State. 1962 [1]. Report of a Committee Appointed to Consider the Registration of Title to Land in Western Nigeria. Ibadan: Government Printer.
- White, Lynn 1967. "The Historical Roots of our Ecologic Crisis," Science.
- Whybray, R.N. 1987. *The Making of the Pentateuch: A Methodological Study* JSOTSup 53 Sheffield: JSOT Press.
 - -----1995. *Introduction to the Pentateuch* Grand Rapids, MI: Eerdmans.
- Williams, G., and Terisa Turner. 1978. "Nigeria." In West African States: Failure and Compromise, edited by John Dunne, Cambridge: Cambridge University Press.
- World Bank. 1979. Nigeria: Agricultural Sector Review. *Report*, 2181-UNI. Washington, DC: World Bank.
- Wright, C.J.H. 1990. God's People in God's Land: Family, Land, and Property in the Old Testament. Grand Rapids: Eerdmans.
- ______. 1992. "Jubilee, Year of." *Anchor Bible Dictionary* 3 Edited by D.N. Freedman. New York: Doubleday.
- _____. 1993. "Biblical Reflections on Land." Evangelical Review of Theology 17

Yahaya, Saad S. 1987. Compulsory Purchase Practice: Guidelines on Public Land Acquisition Methods in Africa. Helsinki: Helsinki University of Technology.

Yakubu, M.G. 1985. Land Law in Nigeria. London: Macmillan Publishers.

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Rependix C. Yar'adua, Shehu Musa. 1977. Speech delivered on the occasion of the inauguration of the