

Contract Theory, Distributive Justice, and the Hebrew Sabbatical

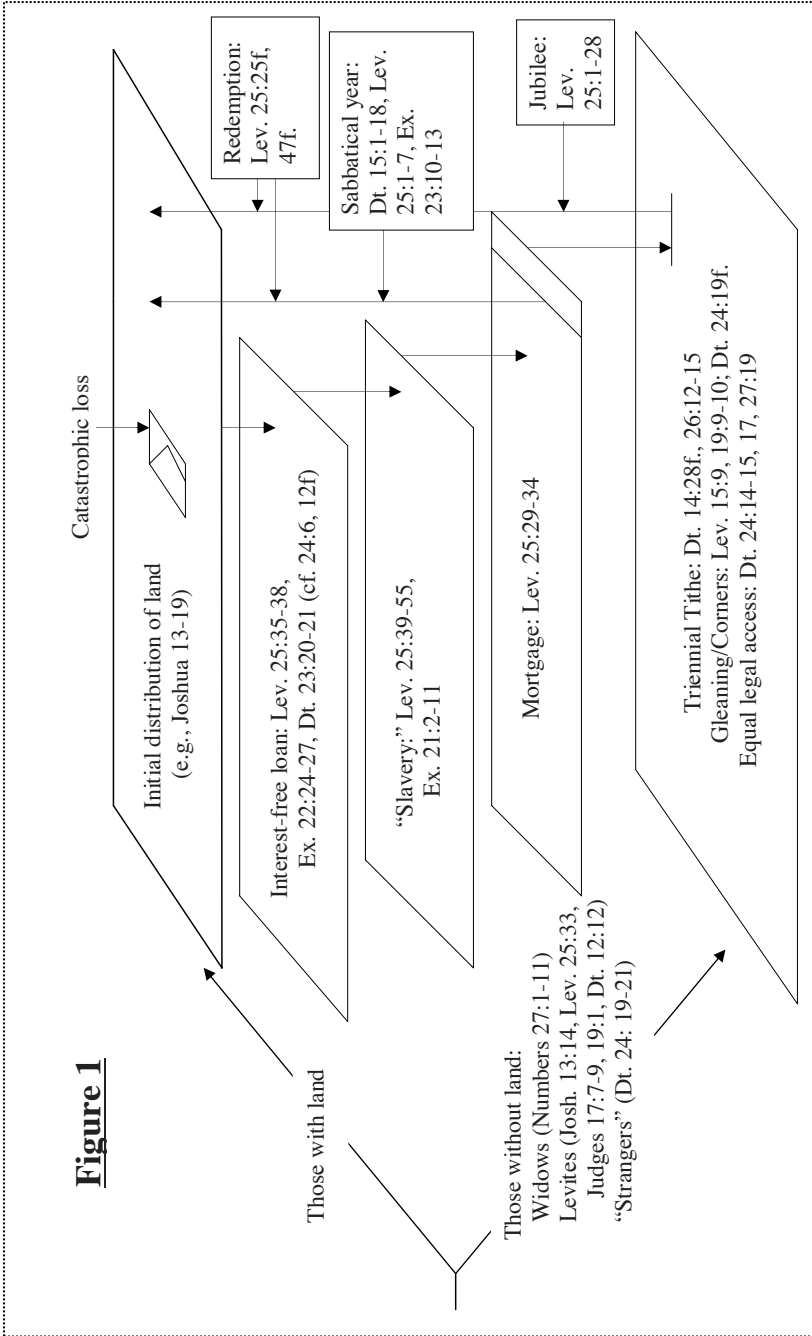
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Abstract: *This paper reviews the dominant interpretations of the Hebrew sabbatical and jubilee laws that have been offered by theologians, social scientists and biblical scholars. In general, these authors believe that the laws imply such a massive, uncompensated redistribution of wealth that they could never have been practiced, and may not have been intended as practicable. After reviewing the contents of the laws (summarized in Leviticus 25), this paper offers an alternative interpretation. Drawing on contract theory, the paper argues that the laws would have been workable, would not necessarily require coerced participation, and would have a positive effect on commercial vitality. Possible challenges to this argument are considered and parallels are drawn to modern bankruptcy laws. JEL Codes: D86, P48, Z12.*

The sabbatical and jubilee laws of the Hebrew Scriptures (summarized in Leviticus 25) have been the recent subject of no small amount of debate on the part of theologians, economic historians, and social ethicists. Theologians and biblical scholars have devoted considerable effort over the last forty-five years to the exegesis of this ancient legislation, seeking to explore its moral and ethical implications for modern times.¹ To the extent that there is a consensus among them, it appears to be that the laws imply such a massive, uncompensated redistribution of wealth that they could never have been practiced, and may not have been intended as practicable.² Indeed, there exists little archeological evidence which would clearly indicate that the sabbatical rules were ever practiced.³ The laws are instead frequently taken to reflect a dream of unnamed Hebrew writers, perhaps during or after the Babylonian Captivity, about what the “new Israel” might be if returned to its promised land. Since the Babylonian Captivity took place roughly nine hundred years after the life of Moses, this consensus view would be inconsistent with the tradition of Mosaic authorship.⁴

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Morris Silver,⁵ one of the small handful of trained economists working in ancient history, favors earlier (pre-exilic) authorship, seeing in the laws the stifling presence of naive altruists. By their legislated morality they choked off the market-induced prosperity of ancient Israel and ultimately contributed to political decline and foreign domination. In contrast, a number of social ethicists and laypersons view the laws as affirmations that private property rights are not absolute, but subject to voluntary limits or coercion by central authority; they therefore call for state-sponsored institutions that guarantee equalized economic outcomes for the poor, radically reoriented uses of personal income, worker participation and cooperative forms of enterprise on this basis.⁶ In addition, political action organizations that seek a modern application of their reading of the sabbatical and jubilee legislation have come to exert some power in the drafting of law.⁷

In this paper we briefly summarize the content of the sabbatical and jubilee laws. We then consider their relationship to the economic theory of contracts. This consideration leads us to doubt major parts of the preceding interpretations of the laws. We conclude that the laws likely were workable, and indeed that all parties in question may have had reason to voluntarily enter into such a body of law. The laws do not require (and may not permit) a large role for a central economic authority to dispense subsidies and limit contracts, and the laws would likely contribute to economic vitality and growth.

I. The Sabbatical and Jubilee Laws

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.⁸ This initial distribution of the land is referred to in Figure 1, which provides a graphic summary of our understanding of the laws' structure. It is evident that this particular distribution did not mean equal fertility of the land available to each tribe, nor 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;

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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 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...” (Fager 1993, p. 120; emphasis in original). 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 (Oakman 1996; Mason 1993; Polayni *et al.* 1957). 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;⁹ repayment was to be made in-kind out of a subsequent harvest (Barker 2003, p. 701). (In Figure 1, we picture this as a catastrophic-loss “trap door” opening beneath a particular family. 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.¹⁰ The call to provide loans was apodictic; it was upon the conscience of the Israelite as a responsibility (von Waldow 1970; Gowan 1987). 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;¹¹ rather they provided the propertyless with sustenance they would otherwise not have in an agrarian economy (North 1994). 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 to do evil, learn to do good; seek to do justice, correct oppression; defend the fatherless, plead for the widow’ (Isaiah1:16 ff)” (1983, p. 16).

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. (This is represented by the “slavery” landing in Figure 1 — a common translation of the texts but an unfortunate one, since later events bias us toward a chattel-slavery interpretation of the word.) 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.¹² 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.¹³

If the interest-free loan and labor market provisions together fail to provide enough resources for a family’s catastrophic shortfall, home-mortgages for a specified period of time are allowed. (This is the “mortgage” landing in Figure 1.) 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.¹⁴ (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

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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. (Figure 1 represents the jubilee as an “elevator” that can return a family from landlessness to its original status as a landed family.)

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 “redeem” the land before the lease expired.¹⁵ (Figure 1 represents this as 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.¹⁶ 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.¹⁷ 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.¹⁸

2) The provisions for labor 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 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" (Wright 1990, p. 80). 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 (Proverbs 14:20; 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 eighth-century 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 renegeing 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 status.¹⁹ Even with equal access, the reality remains that fields must be gleaned and the land must be worked if it is to yield income.

II. Contract Theory and the Sabbaticals and Jubilees

We all enter into voluntary agreements, either explicit contracts or implicit contracts of common understanding, which have the effect of redistributing wealth without compensation. These contract payments are in excess of any overtly altruistic charitable donations one might also make. Insurance policies form the largest category of such contracts. Over the last five years, each of the authors has made voluntary contributions of over \$40,000 to people suffering catastrophic health-related problems, over \$15,000 to those involved by no fault of their own in auto accidents, and over \$3,000 to survivors of lost dear ones. These were not only voluntary, but we are delighted that they were uncompensated; we prefer not to file a life insurance claim. We are, of course, happy to have helped people in need, but we continue to pay the premiums (that is, redistribute wealth) mainly because we want the current recipients of our generosity to supply for our particular needs in the event that one or both of us suffers a catastrophic loss. Such catastrophe-insurance contracts exist not only for personal tragedies, but for commercial losses as well. Since these commercial agreements are contracts between creditors and persons in productive enterprises, their context is probably closer to the biblical sabbatical laws than are modern personal catastrophes like life-insurance claims.

The most common modern form of commercial catastrophe adjudication is bankruptcy court. (It is, ironically, the more conservative forms of bankruptcy practices that more nearly resemble the sabbatical provisions.) If one is forced onto hard times by catastrophic circumstance (or, in some places, even through bad management and lack of initiative), the provisions of the bankruptcy laws go into effect. The commercial agent or business person first receives, as it were, subsidized loans, in the form of legal protection from creditors. If this help proves to be insufficient in reorganizing, the firm liquidates; creditors receive, if possible, some fraction of the value of previous loans advanced to the commercial agent. If the judicial authorities rule that compensation is beyond the means of the agent, the loan is forgiven and the creditor suffers an entirely uncompensated redistribution of wealth. The terms of modern bankruptcy laws are accepted voluntarily by all parties, including creditors, because of the presumption that a creditor may some day need to seek the same haven. The alternative to this system would presumably be (1) to deny the commercial agents access to meeting their own needs, by some form of detention (debtors' prison)²⁰ or through indenture/slavery to the creditors, or (2) to allow children to be sued for the debts of their parents. The form

of modern bankruptcy law, which prohibits both of these alternatives, is of course directly parallel to that of the sabbatical and jubilee laws, including the provision in ancient Israel that the land may not be sold in perpetuity; this clause in effect prohibited a suit against children for a parent's unfortunate contingencies.

One might ask why there was a need in ancient Israel to formally codify the sabbatical/jubilee laws, if the actions they specify would have been entered into voluntarily. The reason is not necessarily that such protection from creditors is underprovided by an unsupervised system and must be imposed by a central authority; it is more likely because there is an obvious incentive for all parties to eliminate as much moral hazard as possible by restricting shirking behavior, by which those with no legitimate need might seek to file a claim against the system. Each of us is uninterested in paying health insurance premiums that aid the healthy. A loosely supervised system tends to over-provide, not under-provide, such benefits. By allowing bankruptcy every seven years, the sabbatical laws also limit bankruptcies to occur no more often than every seven years.

It may come as some relief, considering the opinions reviewed in the introduction, that constitutional democracies have managed to enforce bankruptcy laws without choking off economic prosperity (the bankruptcy laws have no doubt contributed to growth) or inducing foreign domination. It is doubtful that an ancient bankruptcy/crop-insurance program is a sufficient basis for dating the authorship of the Hebrew Scriptures. It also seems unlikely that the lack of extant paperwork documenting their enforcement implies that the laws were either impracticable or ignored. Since the enforcement mechanism was an essentially person-to-person agreement witnessed by long-term neighbors, and since some provisions like the jubilee alienation of land were last-resort options after other possibilities were exhausted (and thus may have been invoked relatively rarely), we might not doubt that the process would not generate much surviving evidence.

Nor is there reason to infer from the laws that private property should necessarily be subject to centralized direction. And since any form of enterprise may file a bankruptcy claim, one wonders if the sabbatical laws could form a basis for mandating a particular form of business organization, such as workplace democracy. The laws obviously had the effect of limiting the presence of extreme poverty. All bankruptcy laws do this, by restoring privately-owned productive assets to families who have fallen on hard times. But equality may be more a consequence than an aim of the laws; if equality had been their aim, the laws no doubt would have included

provisions for the redistribution of flocks and income from foreign trade ventures, both of which were significant sources of wealth.²¹ The primary goal of the laws appears to be enabling each family to maintain a base of resources with which to provide for itself.

III. Some Complications

Several criticisms might be offered against this interpretation of the sabbatical and jubilee laws. We have thus far argued that the provisions of the laws are essentially independent of the initial distribution of income and wealth in ancient Israel. The simple presence of bankruptcy laws would not necessarily imply that they serve to maintain an equal (or an unequal) distribution of income or wealth. But if some creditors become so securely well-off that they need never fear filing a claim, they might begin to withdraw from their voluntary support of the system. If each of us were certain of physical immortality, we doubt that we would take out life insurance policies; in the same way, it is thinkable that the sabbatical laws might require imposition by a central authority, to prevent secure, wealthy landlords from increasing their exploitation of an underclass pushed from its land by catastrophe. But we moderns live in an economy considerably less dependent on the contingencies of weather, in a geographic location much less susceptible to frequent foreign invasion which would reverse economic fortunes, where we exercise modern macroeconomic stabilization tools; all of these influences tend to make fortunes more stable in our own economy than in ancient Israel, reducing the incentive to retain bankruptcy legislation. Yet we see no emergence of a widespread coalition intent on the renunciation of bankruptcy laws. Even in one's best of times, we concede that it could quickly become one's worst of times. It might be countered that modern human capital is subject to much more equal access than other forms of wealth, and is less likely to be catastrophically lost. But the growth of freer trade, and the economic restructuring and displacements that come as a result, have weakened even this argument.

This is not the only reason to question the modern interpretations that suggest a central authority must impose the sabbatical and jubilee laws to prevent the creation of a landless class through exploitation by the wealthy. Strong central governments can themselves become brokers for the wealthy and powerful. Where jubilee-type land tenure "laws" existed in other territories of the ancient near east, they appear to have amounted to unanticipated, arbitrary confiscations of land by the ruler in times of economic crisis,²² with which he created political loyalty through regal land grants. In a sad irony of history, it appears that a large landless class

eventually did come to exist in Israel through failure to observe the jubilee provisions.²³ The peasants were pushed from their land at the insistence of the strong centralized state which had emerged in the form of the pre-exilic monarchy.²⁴

IV. Conclusion

In sum, we have emphasized the viability of the sabbatical and jubilee laws as well as the provisions for those without land. The application of modern contract theory, combined with a consideration of the apodictic motivations that drove the Hebrews to follow Yahweh their God in caring for the economically vulnerable, helps to explain why these arrangements were formally institutionalized. By Solomon's era the jubilee laws were evidently no longer being observed. The silence of the pre-exilic prophets, when one might expect a call for economic restructuring under the jubilee provisions, does not suggest that these laws were always an economic impossibility; indeed the new reality of dispossession from the land helps us understand why the prophets figuratively appeal to the day when the jubilee ideal of each family restored with its own base of resources would be realized.²⁵ Modern Christian economists inherit the challenge of thoughtfully weighing ways in which this end might be pursued in light of the wisdom provided in ancient Israel's jubilee legislation.

Endnotes

- 1 Representative examples include R. North (1954); Roland de Vaux (1961, I, pp. 164–177); J. White (1971); W. Plant (1981); Christopher J. H. Wright (1984; 1992; and 2004); R. Gnuse (1985); and Leon Epszstein (1986, pp. 104–134).
- 2 After reviewing the mainstream scholarship, deVaux (1961, 176) refers to the jubilee as “utopian law” and “a dead letter,” adding “Taking all these elements into account, one may advance the hypothesis that the Law of Jubilee was a late and ineffective attempt to make the sabbatical law more stringent by extending it to landed property, and at the same time to make it easier to observe, by spacing out the years of remission... But it was a Utopian law and it remained a dead letter” (pp. 175–176). Maccoby echoes these conclusions a generation later:

Lending between Jews is to be divested of its business aspect, and made into an act of love and charity; a behaviour that cannot be universalized, because to do so would bring world commercial activity to a halt. Similarly, the laws of the seventh year (when debts are cancelled) and of the Jubilee (when land

returns to its original owners) are legislated for Jews only, as members of a Utopian society of love (1999, p. 196).

Hans Ucko (1997, pp. 1–2) takes as his theme the possibility that jubilee is a utopian dream, but does not resolve it:

Whether a dream or hope or a utopia that is nowhere, the jubilee is a resolve against a status quo of continued oppression and exploitation of people and creation. Life can't simply be allowed to go on like it does. There must be at least a temporary suspension or reprieve, a change of mind and conditions. This is the jubilee...All sales of land, all bids to concentrate means of production in the hands of one individual or one class are to be erased in the time it takes to blow the *shofar*.

Carmichael (1999) provides a recent review of the scholarship since 1950; the author leads by saying that “bewilderment about the laws... is understandable. Their unreal aspect is manifest.” This attitude seems to run through the literature summarized: “We can only imagine the enormous upheaval that would result...the laws (are) ‘surrealistic’ in the sense that they are impossible to observe...the lawgiver is given to artificial theorizing and hyperbole...if enforced, these laws would cripple a society’s economy.” Later Carmichael divides commentary into two camps: those who come to terms with the “baffling nature of the laws by treating them as utopian, although it is hardly the term to use when a law requires deprivation to be visited upon an entire population at regular intervals,” and those who do indeed “regard the laws in Leviticus 25 as meant for real life” who still

sometimes express uneasiness with their rational attempts to explain the laws. Robert North writes, ‘Obviously our interpretation runs counter to the surface-sense of certain expressions of the sacred text.’ In fact, the common tendency among all those commentators is to explain away or even to disregard the impractical or implausible elements of the rules, which are, nevertheless, manifestly expressed in the text (pp. 224–227).

- 3 See, e.g., deVaux (1961, p. 175).
- 4 Epsztein observes some differences within the consensus view yet highlights a common understanding of the jubilee law:

At all events,...the jubilee is not the work of a sole author, but an amalgam of different and seasonal practices which... will have been remodeled by the relevant authorities in the twelfth century...Some scholars see this law as no more than a ‘theological construction from the time of the exile.’...The

authors of the jubilee noted that to achieve their aims they had to resort to radical transformations of the situation created by an unfair distribution of property (1986, pp. 133–134; see also deVaux, 1961, p. 175).

Yet there are several reasons to doubt this ‘dream’ exegesis of the origins of the jubilee law. For example, one might consider evidence for the roots of the jubilee legislation in premonarchic Israel. Fager points to the ancient Near Eastern practice of “inalienable patrimony” and regularity of the release of land as a means of economic reform in the absence of a king. He also contends that “the theological reason for the jubilee, namely the divine ownership of the land, is also ancient” (1993, pp. 25–31). Moreover, there is a strong basis to doubt that the jubilee was fashioned by exilic authors out of a perceived theological need for redistribution of property. Contending that “the aim of the jubilee was to maintain or restore the socioeconomic basis of the nation’s covenant relationship with God,” Wright claims

This would reduce the likelihood of its being an exilic invention in view of evidence that there developed in the later period a loosening of the ancient family-land basis in the future vision of the expanded people of God that would include foreigners and eunuchs, (Isa. 54:1; 56:3–7). Israel’s identity and relationship with God would no longer be so closely tied to a social system in which kinship and land ownership were determinative of one’s standing with the religious community. It is hard to see what purpose would have been served by framing new idealistic legislation designed to preserve those very things (1992, p. 1028).

- 5 See, e.g., Silver (1980; 1982; 1985).
- 6 See, for example, Ronald J. Sider (1997, pp. 87–95), or Loren Wilkinson (1980, pp. 242–246). Sider states “Leviticus 25 is one of the most radical texts in Scripture...Every fifty years, God said, all land was to return to the original owners—without compensation! ...God therefore gave his people a law which would equalize land ownership every fifty years...The means of producing wealth were to be equalized regularly” (1997, pp. 88–89). Scholars writing in this vein differ as to the individual or collective significance of the wealth redistribution required by the jubilee laws. Lowery emphasizes the collective significance as a check on the concentration of wealth:

With a forty-year life span, chances are that the householder who lost ancestral property would never live to see it returned in jubilee. But relief for the individual poor is not the point of this legislation. The long-term survival of households and

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preservation of ancestral property are at stake in jubilee land redistribution. Jubilee observance, though effectively outside the life span of individual Israelites, would serve as a check on the long-term concentration of wealth in the hands of a rich few (2000, p. 68).

Kinsler and Kinsler (1999 e.g., p. 158 ff.) find in the jubilee passages a call to radical reorientations of personal, ecclesial and social life. Harris (1996) sees a principle in the laws: “find out what belongs to whom and give it back;” the principle is applied to a variety of contexts, including the return of formerly-Mexican lands in Texas; “Jubilee people must find out what workable answers exist to those who say we cannot live without the market economy that is destroying us and our world” (pp. 82–83). These conclusions appear in her second book on Jubilee; “...I have described—in an earlier book—what this command means for women who have counted off seven years of seven years, celebrated our fiftieth birthdays, and entered the fullness of age” (p. 2).

- 7 Cambridge, England has been home to a Jubilee Center that apparently has had some influence in the drafting of British Sunday-closing laws. On the political right, former presidential candidate Pat Robertson (1985; quoted in David Boaz, 1988), conjoins sabbatical year and jubilee year texts to write:

The Bible contains a solution to the problem of excess accumulation of wealth and power. Every 50 years during the year of Jubilee the people had to...cancel debts. Every debt outstanding, by every debtor, was canceled...All agricultural land, what we would term today the means of production, was to be returned to the families who had originally owned it...The biblical year of Jubilee is something that our society ought to learn.

The World Council of Churches made jubilee the theme of its 1998 South Africa meeting; Pax Christi USA dedicated the fiftieth anniversary year of the Hiroshima and Nagasaki bombings as a jubilee, “to use the time to grow in commitment to nonviolence through prayer, education, organizing and witnessing to the God of life and resisting the forces of violence that threaten our communities, nation and world” (quoted in Harris, p. 18). The Vatican promoted a “grand Jubilee of the year 2000” with an emphasis on repentance and reconciliation among religious bodies; over two dozen Canadian church partners joined together in the Canadian Ecumenical Jubilee Initiative to “sound the strongest call for social justice that has ever

been heard” to “work for social and ecological justice through release from bondage (including bondage of indebtedness), redistribution of wealth, and renewal of the earth.”

- 8 See Joshua 13–19, Numbers 26.
- 9 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, pp. 248–250) or Wright (1983, p. 84).
- 10 See, e.g., de Vaux (1961, pp. 152–153).
- 11 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).
- 12 See Leviticus 25:39–55; Exodus 21:2–11, 26–27; Deuteronomy 15:12–18, 23:15–16, 24:7.
- 13 See Deuteronomy 15:1–18; Leviticus 25:1–7; Exodus 23:10–13.
- 14 See Leviticus 25:1–28.
- 15 Mason (1987) argues that the amount of “possible” payment was, like the rest of the sabbatical and jubilee transactions, governed by village elders.

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- 16 See Leviticus 25:23–28; compare Leviticus 25:47–55 for identical treatment of slaves held by foreigners.
- 17 See, e.g., Miller (1982, pp. 4–7).
- 18 See Wright (1983, p. 84), or Meislin and Cohen (1963–1964, pp. 248–250).
- 19 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” (p. 737).
- 20 Here Beisner’s (1994) discussion of the ways in which distributive justice was to be applied to the poor in the Old Testament canon is helpful (pp. 69–73).
- 21 See, e.g., de Vaux, (1961, p. 75).
- 22 Epsztein (1986, p. 12) or Gnuse (1985, p. 46).
- 23 See, e.g., de Vaux (1961, pp. 94–95) and Epsztein (1986, p. 110). Amir (1992) extends the contrast by highlighting the predictability of Israel’s jubilee law with the capricious practices of royal authorities in other ancient near eastern nations. Moreover, he observes that the divine sanction behind the jubilee law stands in contrast to Babylonian and Assyrian economic reforms which were unpredictably issued by royal fiat:

It is common practice to compare this law to the Mesopotamian institutions of *misarum* (ancient Babylonian) or *anduraru* (*m*) (Assyrian), which were administrative edicts involving cancellation of taxes and forgiving of debts, freeing slaves, and returning fields to their owners, issued upon the assumption of power by a new king, or when any king decided to activate this decree because the economic situation had become untenable. But the outstanding difference between the jubilee and the edict mentioned above is that the jubilee became a sacred cyclical law, which operated without any connection to the will or decree of the king. The force of the Babylonian edict lay wholly in its power of surprise. It acted like an amnesty, which could not be predicted in advance, since otherwise those wielding the economic power in the society would have organized to lessen the expected economic damage. In contrast, the jubilee law shows a desire to free men and property from the social interests of any king, by presenting them as belonging to God. The law of the Torah therefore emphasizes that the source of power is God and not the king (pp. 51–52).

- 24 See, e.g., Wright (1983, pp. 78–79) and Wright (1984, pp. 199–200).
- 25 Wright (2004) expands on the question of the ways in which

dispossession from the land impacted the pre-exilic prophets' use of the jubilee motif:

...it makes sense to see the jubilee as a very ancient law which fell into neglect during Israel's history in the land. This neglect happened, not so much because the jubilee was economically impossible, as because it became irrelevant to the scale of social disruption. The jubilee presupposes a situation where a man, though in severe debt, still technically holds the title to his family's land and could be restored to full ownership of it. But from the time of Solomon on this must have become meaningless for growing numbers of families as they fell victim to the acids of debt, slavery, royal intrusion and confiscation, and total dispossession. Many were uprooted and pushed off their ancestral land altogether. After a few generations they had nothing to be restored to in any practical sense (see Mic. 2:2; Is. 5:8). This would explain why the jubilee is never appealed to by any of the prophets as an economic proposal (though its ideals are reflected metaphorically) (p. 205, n.12).

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