

ARCHER TORREY is the Director of Jesus Abbey, a mission located 200 miles from Seoul in Korea.

Two questions were raised when he studied the Bible's teachings on land: Why is the land question so central? What can be done in the 20th century to remedy the injustices created by the corruption of the principles embodied in the Bible?

"The land question is central because land is space, on which man has to live and work. The Hebrew word 'maqom' for 'place' means 'standing room'. Nothing can take place – farming, manufacturing, commerce or just living – without space.

"The two facts of life are land and labour or space and man, and these are the two facts with which the Bible deals. To avoid this issue is to render theology irrelevant and the interpretation of Scripture dangerously lop-sided. War is the most consuming preoccupation of the world, and armaments is the largest industry in the world. And what is war about? Who controls space! No effort to bring about peace can have any lasting effect without confronting this issue. The choice that faces the human race is justice in the allotment of space – or bloodshed."

It was the worship of Baal which corrupted the Mosaic laws, and Mr. Torrey has grappled with the practical problem of working out a modern solution to the present chaotic state of land tenure systems. He concludes that there are two relevant solutions.

- The first he calls the "Mother Earth-Communitarian" solution. Jesus Abbey is an example (see *Land & Liberty*, July-Aug., 1978). "It has many practitioners and is in line with the New Testament solution: not waiting for civil government action, but by ones and twos and groups returning to the land and demonstrating on a small scale the proper use and redistribution of land. This includes both the group farming experiments and the new homestead experiments. All, consciously or unconsciously, operate from the premise that 'the land is mine and you are guests on it'."

- The second is the redistribution of land values through the fiscal system. This, says Mr. Torrey, "leaves the fruit of man's labour unencumbered but takes the rental value of the land for the public authority which provides the services which help to make the space worth occupying. This technique prevents land speculation and creates employment or leaves land available for resettlement, a sort of on-going land reform which is working in many places."

THE LAND

THIS PAPER will attempt to present the teaching of the Bible with regard to land as well as the evidence given with regard to historical practices. We will take the Biblical account at face value without considering the various "critical theories" with regard to the dating of the various documents. Some people would regard such a study to be vitiated by treating later documents as if they were earlier, but the internal evidence strongly indicates that the so-called "later documents" correctly reflect earlier principles.

We shall begin with the clear-cut and well-known legislation on the subject contained in the Pentateuch, and then examine the evidence for actual practice in Israel from the time of Genesis to Nehemiah. The teaching of the prophets will be dealt with in the context of their historical setting.

The laws are stated clearly enough. The basic law is contained in Leviticus 25, and the key principle enunciated is in verse 23: "Land must not be sold in perpetuity, for the land belongs to me and you are only strangers and guests. You will allow a right of redemption on all your landed property". (Note: Scriptural quotations will usually be from the Jerusalem Bible or the more traditional King James version, but will occasionally be the author's own paraphrase). This concept underlies all the Bible teaching on land. No other teaching is indicated prior to the time of Moses, nor is the teaching anywhere repealed. It is repeated and reinforced by the prophetic teachings.

What makes this study imperative is that where Karl Marx was mistaken in his prophecies, the prophecies of the Bible have been fulfilled.

Underlying the actual legislation in Leviticus is the fact of Israel's invasion of the land of Canaan and the division of the land by lot, as a heritage from the Lord to be passed on to future generations.

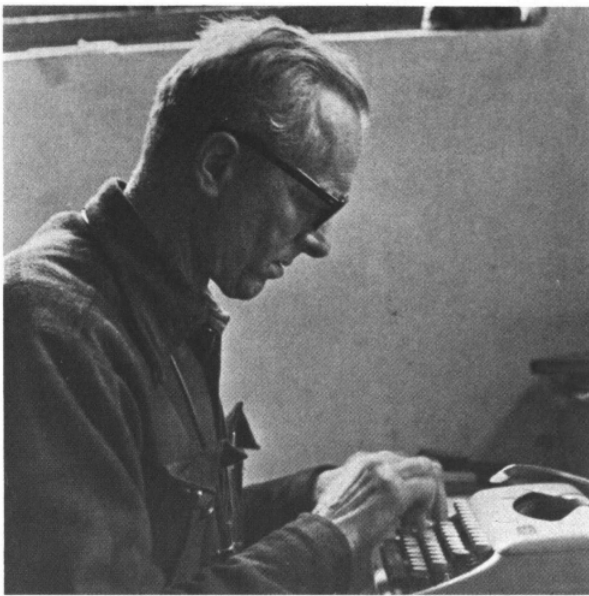
The modern word "lot" as used for a piece of real estate derives directly from this concept. The Greek word usually translated "inheritance" in the Bible means a division made by casting lots. The countless references in the Bible to "inheritance", "lot", "line", "possession", etc., are all against this background: that the lot expresses the will of God who divides equally to all his people.

Once the land has been divided and allotted, however, each portion is to remain within the family or clan that has received it and it may never be alienated. The land never belongs to an individual, but to all future generations of the current possessor's descendants. Therefore, he is not free to give the title of the land to anyone else. Nor is he able, however he may covet his neighbours' land, to accumulate a large estate for himself except very temporarily.

According to Lev. 25 when a possessor of land wishes to sell it, all he can do is offer a leasehold up until the year of jubilee. There is no special word in the Bible translated either "lease" or "rent", because this is what is meant by the word "sell".* The concept of selling land as held in most "civilised" lands today does not exist in the Bible except as a crime. There are three exceptions, where a perpetual title was acquired by purchase, and these will be examined.

* In this paper the modern word "lease" will normally be used to translate the Hebrew "makeh" usually rendered "sell".

& BIBLICAL ECONOMICS



By The Reverend
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Under the normal law, when a piece of land is sold (leased), the seller has a right to redeem the land at any time by refunding the balance of the lease. If the seller is unable to redeem the land himself, his next-of-kin may do so. The maximum lease is for 50 years, but all leases expire in the same year, the Year of Jubilee, or the Year of Liberty, or the Year of the Trumpet. The Hebrew word "yobel" is translated both "trumpet" and "jubilee", depending on the context.

The year of the Trumpet is the year after the seventh in a series of sabbatical years. The sabbatical years are referred to in Ex. 23, Lev. 25, and Deut. 15. In the sabbatical year the land was to lie fallow, debts (including mortgages) were to be cancelled, and slaves and bond-servants were to be set free. When land is under mortgage, the mortgage is cancelled in the sabbatical year, but if it has been sold in good faith, it does not return until the jubilee unless redeemed by the payment of the remaining rent.

In the year of the Trumpet, the "shofar" or ram's horn is to be sounded on the 10th day of the 7th month, the Day of Atonement. This gives everyone five days to travel back to his ancestral land to keep the great feast of Tabernacles on the 15th day, when the Jubilee begins. It also gives the previous lessor of the land time to harvest his last crop before returning the land to the original family.

HOUSES in walled towns are exceptions. The right of redemption is limited to one year, except in the case of Levites, who have no landed property other than the pasture lands attached to their towns. Levites have an unlimited right of redemption and, if there are unable to redeem a house, it returns in the year of liberty.

Leviticus 27 elaborates the law with regard to property donated to God (i.e. for the use of the Temple). Its value is computed according to the number of years until the jubilee. However, if the owner, instead of exercising his right of redemption, should transfer it to another party, when the jubilee comes it will return not to him but to the Temple. If a man dedicates a leased field to the Lord, it returns to the original owner (or his heirs) in the jubilee.

Deuteronomy adds nothing to Leviticus, but stresses the sabbatical year and the cancellation of debts, along with a solemn command not to covet another's fields (5.21). In time, the coveting of other men's lands and the seizing of them by foreclosing of mortgages became a serious abuse which would only be justified by appealing from the laws of the Bible to the laws of Baal. There are further references to the sanctity of boundary markers and subsidiary issues. Deuteronomy, however, allows a number of exceptions in dealing with non-Israelites, and the three cases, referred to above, of land being bought in perpetuity happen all to involve purchase from non-Israelites. In each case, however, it was not a private transaction but involved the approval of the entire tribe from whom the title was obtained.

All other titles were obtained directly from the Lord by the casting of lots on land taken in war under the divine mandate to possess and divide the land of Canaan.

The three exceptions are as follows. Gen. 23: Abraham buys a burial place for a perpetual possession from the Hittites. Presumably this was a valid sale under Hittite law. The ruling body of the Hittite people witnessed the transaction and approved. Gen. 33: Jacob buys a lot on which to build an altar, from the Shechemites. This transaction is referred to again in Josh. 24.32 and John 4.5. It was purchased from the whole tribe, not from any private individual. Finally, in 2 Samuel 24 and in 1 Chr. 21, we have the account of David buying a threshing floor from the chief (Araunah, or Ornan appears to be a title, not a man's name) of the Jebusites.

A fourth case is that of Omri (1 Kg 16) buying the hill of Samaria from a private individual. But, as we shall see, Omri was the revolutionary or usurper who introduced the Baal land-laws into Israel, and it is recorded of him that "he did what is displeasing to the Lord."

WE COME NOW to the question: Were these laws enforced? If not, what other laws were accepted? In the absence of specific references to the jubilee, the trumpet or the year of liberty, it has been supposed by many that some other system was in force. Even this argument from silence, weak as it is, breaks down when we recall that the expression "proclaim liberty" is used.

Actually, very few of the many laws in the Pentateuch are referred to again in detail, but we are told frequently whether the "the laws of the Lord", or the "covenant of the Lord" was kept or violated. We are not told that the laws were ever repealed or other laws enacted prior to the time of Omri, except for the specific case of "the sin of Jereboam the son of Nebat", which consisted in making golden calves in Bethel and Dan, thus leading the people into idolatry and schism and weakening the authority of the Lord so that the way was paved for the introduction of Baalism and the total rejection of the laws of the Lord.

There is no evidence that Jereboam repealed the civil system and, if he did, there are no clues to indicate what system he substituted.

The prophets of Israel (the Northern Kingdom), Elijah, Elisha, Amos, and Hosea all assume that Israel is still under the Lord. They see the problem not simply as that of the golden calves but the total abandonment of the Lord for the landlords' god, Baal, introduced by Omri and Ahab. It was this constitutional change under Omri that gave rise to the great prophetic movement which provides the bulk of the material in the Bible.

With this in mind, let us go through the Bible and find the references to land laws and see what they indicate with regard to the validity of the actual legislation set forth in the Books of Moses. The very first reference is in the book of Numbers. It deals with a case where a man had only daughters and his fellow clansmen were afraid that the land would pass to their husbands' clans in the year of liberty (Num. 36). Moses ruled that the girls must marry within their father's tribe and that the inheritance could not be allowed to pass to another tribe. This case is referred to also in chapter 27, but the specific reference to the jubilee is in 36.

Within the same year, the people crossed the Jordan and entered the promised land. The first fruits of the conquest was the city of Jericho, and it was ceremonially dedicated to the Lord. Joshua 6 contains the account, which is significant for its use of the word "Yobel". There are two words translated "trumpet" in the English. The word "shofar", for the ram's horn, is used 13 times in the account, and the word "yobel" five times. This was the first jubilee, the liberating of the land from the Canaanites and the beginning of its distribution to the Israelites.

Judges 11.2: Jephthah, an illegitimate son, is prevented by action of the entire clan from receiving any portion of the clan's inheritance. This supports the picture of the division of land into clan allotments as referred to frequently in Numbers and Joshua.

Judges 21.24: "The people returned each to his own inheritance." It appears that after the elapse of some 250 years, no significant alienation of land occurred, or, if it had, that the jubilees had been declared and enforced. This is the language of Lev. 25.10.

The story of Ruth takes place in the time of the Judges, two generations before the time of Samuel. Here a land inheritance plays a key role in the romance. Apparently, before Elimelech left Bethlehem for Moab, he sold (leased) his famine-stricken acres for whatever he could get. Ten years later his wife Naomi returns to Bethlehem with her daughter-in-law Ruth, but husband and sons are dead. If she lives long enough, Naomi will get the land back in the jubilee or, if she dies and Ruth has married within the tribe of Judah, Ruth's heirs will be able to claim it. The only right Naomi can exercise prior to the jubilee is the right of redemption. Since, due to her extreme poverty, it is not in her power to redeem the land, she offers to "sell" it (that is, to transfer the lease) to the next-of-kin, who has the right of redemption. But she makes a condition: she will not give this right of redemption to the next-of-kin unless he is also willing to act as the brother of the deceased and marry the widow to raise up progeny for him. Thus the land will revert, in the jubilee, to the eldest son of Ruth and her husband, who will be counted as the grandson of Elimelech. The conditions Naomi lays down are unacceptable to the next-of-kin and he transfers his right to Boaz, who is next in line and cheerfully ready to redeem the property and marry Ruth. The entire affair is premised on the legal code of Leviticus.

The next specific reference to land is in I Sam. 8.10ff.

Here the prophet Samuel, a bitter opponent of the monarchy, warns the people of what will happen if they insist on having a king. He says that "this will be the manner of the king", and goes on to predict land seizures in the style of the neighbouring countries. The word "manner" translates the Hebrew "mishpat", which may also be rendered "rights", or "customs" as well as its more usual translation "judgment". It is used equally of customs established by Israelite (divine) law and the "customs of the heathen", which is what is in view here; the people have demanded of Samuel, "Give us a king to rule over us like the other nations", and the Lord replies to Samuel: "they have rejected me from ruling over them . . . only you must warn them solemnly and instruct them in the customs of the king who is to rule over them."

Samuel closes his warning against the violation of the ancient land laws which the monarchy will certainly introduce with the words: "When that day comes you will cry out on account of the king you have chosen for yourselves, but on that day God will not answer you." The prophetic writer adds: "The people refused to listen to the words of Samuel. They said, 'No! We want a king . . . like the other nations.'"

The "rights", then, that the king will claim, following the custom of other nations, will include: "He will take the best of your fields, of your vineyards and olive groves and give them to his officials." There is nothing in the record, however, to indicate that Saul, the king then elected, did anything of this sort, but we have the following interesting words of Saul, himself, in I Sam. 22: "Listen, men of Benjamin . . . is the son of Jesse ready to give you all fields and vineyards . . . that you all conspire against me?" This suggests that, although Saul has not followed the pagan custom, he suspects Ben-Jesse of bribing support with such promises. It is not clear, however, whether the fields and vineyards are to be seized from citizens of Israel and given to his officials, as Samuel had threatened, or whether they are going to be from land taken in war.

IN THE WARS of Saul and, later, David, land was taken from the Philistines, Amalekites, and other Canaanites. This land had been given to Israel by God, but the Israelites had not made good their claim and it had never been included in the original allotments, as is seen from the accounts in Joshua and Judges. If at a later time these lands were conquered, the title might well pass to the crown and, by assignment, to various officials. In this way, both Saul and David undoubtedly acquired considerable holdings. David's many wars, indeed, would provide sufficient opportunity to amass legitimately considerable land. "Legitimately", in this case, refers to the divine mandate enunciated in Num. 13.1: "this land of Canaan which I am giving to the sons of Israel", described in v. 21 as "from the Wilderness of Zin to Rehob, the Pass of Hamath".

Actually, David's conquests extended beyond these limits, and much of what he seized would come under the law for booty of war, as given in Numbers 31: half to those who fight and half to the rest of the community. In I Sam. 30 we find David enunciating a variant on the same principle and establishing it as law: "As the share is of him who goes down to battle, so is the share of him who stays by the baggage." It was on this same occasion that David sent proportionate shares of the booty to the elders of Judah in the towns of the Negev where the raiding and fighting had been taking place.

At least one considerable estate came to David by way of the old law of inheritance. When one of the Calebites

named Nabal (who owned 3,000 sheep and 1,000 goats) died without heirs, David married his widow, and the inheritance passed to him under the legislation that was made for Zelophehad's daughters, referred to in Num. 36. Since the clan of Caleb, to which Nabal belonged, was also of the tribe of Judah, his land could be transferred to David's clan through his widow and their children.

1 Chr. 17.25 lists David's crown estates, or rather, the estate managers, but leaves unanswered the question as to their exact locations or how they were acquired. He had cattle in pasture at Sharon, but this is not to say that he owned land in Sharon, which he belonged to Manasseh, not Judah. There is nothing to indicate that he acquired any of his land by speculation, mortgage, or other sharp practice forbidden by the law. It remained for some of his successors to introduce such violations of the law of the Lord.

After the death of Saul, the question of what to do with his clan heritage arose. Pagan custom would decree the wiping out of his descendants as potential claimants to the throne, and the confiscating of their estates, but in 2 Sam. 9 we find the account of how David restored all the land of Saul to his one remaining descendant, Meribaal, and kept the latter at the palace while a steward, Ziba, managed the estate. Later, Ziba accused Meribaal of plotting to regain the crown. David, deceived by what was a very unlikely story, gave the estate to Ziba. When, later, David found that he had been deceived, he dared not renege on his oath, so compromised by dividing the estate between Meribaal and Ziba. There is no record of the extent of this estate or whether it included, besides the clan holdings (all but one of the adult males of the clan had been wiped out in the last disastrous battle and the subsequent struggle for the crown), any lands seized as booty of war.

During the reign of David one land case is recorded as coming to the king's attention (2 Sam. 14). A woman of Tekoa comes before the king and explains that her husband is dead and one of her two sons killed the other in a brawl. Now the clan members are demanding the execution of the living son, which will leave her husband without an heir. She is, actually, more concerned, in this case, with preserving the name and posterity (she uses the word "remnant") of her husband than with the title to the land. The king rules in her favour.

Solomon, of course, was famous for his great wealth, but it seems to have been derived from tribute paid by areas conquered by his father, David, and from various forms of trade, including the munitions trade (chariots and horses). There is no indication that he seized anyone's land, as Samuel had predicted, and the rebellion under Rehoboam seems to be directed more against burdensome taxation and forced labour on grandiose construction projects than with any injustices with regard to land (1 Kg 12, 2 Chr 10). On the other hand, we are told (1 Kg 4.25) "Judah and Israel lived in security, each man under his vine and his fig tree", a common phrase for one's own inheritance.

IT WAS FOR another king, the notorious Ahab, to fulfil the dire warnings of Samuel and revise the land-laws, earning for himself the reputation of being the worst king in the history of the country.

Before Ahab's time, a succession of fairly decent kings had managed to keep the laws of the Lord and enforce them. Solomon's dedication of the Temple in the 12th year of his reign, 52 years after David's accession to the throne of Judah in Hebron and possibly just 50 years after David's acknowledgment by the men of Israel, has all the

marks of a jubilee. It is kept on the feast of Tabernacles and ends with the people being sent back to their homes with the king's blessing, "joyful and glad of heart for all the goodness that the Lord had done for David his servant, and for Israel his people": (1 Kg 8.66). The Chronicler notes: "Solomon kept the feast seven days, and all Israel with him, a very great congregation, from the entering in of Hamath unto the river of Egypt." The Temple had actually been completed 11 months earlier, but Solomon delayed the dedication to make it coincide with the celebration of the feast of Tabernacles.

The next jubilee would have been during the reign of Asa, and although we are told nothing very complimentary about his father and grandfather, we are told that Asa renewed the covenant, urging the people of Judah to observe the law and commandment (2 Chr. 14 and 15), and that they pledged their oath, after a series of reforms, "with shouts to the sound of trumpet and horn." Asa had a very long reign, as did his son, Jehoshaphat, and the next jubilee would have been due in Jehoshaphat's reign, which came in Judah after Omri and Ahab had begun their work of introducing Baalism and wiping out the religion and laws of the Lord in the Northern Kingdom. We find that Jehoshaphat, under the influence of the prophet Elijah, is consistently opposed to Baalism and sent officials around the towns of Judah to teach the laws of the Lord (2 Chr 17) and, later, (2 Chr 19) reformed the judicial system. 2 Kings 3 makes it clear that he was influenced by and had the approval of the prophet Elisha. There is no reason to suppose that he failed to proclaim either sabbatical years or jubilees as they fell due, especially in view of his concern for law and judgment.

As for the Northern Kingdom, Israel, sabbatical years and jubilees and the entire Mosaic system were now abolished and the Phoenician system, sanctified by the worship of Baal, was instituted. The changes were first introduced by Omri, who seized the throne of Israel in the thirty-first year of Asa's reign in Judah. But it was the daughter of Omri's ally, the Phoenician, Ithbaal, who married Omri's son, Ahab, who seriously set about not merely introducing the Phoenician system but wiping out every trace of the Mosaic system.

Of Ahab we are told (1 Kg 16): "Ahab, son of Omri, did what is displeasing to the Lord, and was worse than all of his predecessors." The least that he did was to follow the sinful example of Jereboam the son of Nebat (idolatry and schism). He married Jezebel, the daughter of Ithbaal, king of the Sidonians, and then proceeded to serve Baal and worship him . . . and committed other crimes as well, provoking the anger of the Lord, the God of Israel, more than all the kings of Israel who were his predecessors. (The Jerusalem Bible adds this footnote: "Ithbaal was a priest of Astarte who seized power in Tyre at the same time as Omri in Israel; the two usurpers came to terms and sealed their alliance by a family marriage. The effects on the religion of Israel were to be increasingly felt throughout the reign of Ahab.")

It was Ithbaal's immediate successors who established the colony of Carthage in North Africa. It was from Carthage, after the Punic Wars, that the Phoenician (Baalistic) land laws were eventually adopted by Rome whence they spread to Europe, Britain, and the western world. Actually, the Phoenician system did not originate with Ithbaal but is as old as the religion of Baal, according to the Bible. It is the same system which so polluted the land of Canaan that God ordered the Israelites to wipe it out (2 Kg 17.8, Jer. 2.7f, Ex 23.24, Deut. 9.5, 18.12, Hos. 11.1f, etc.).

TO BE CONTINUED