

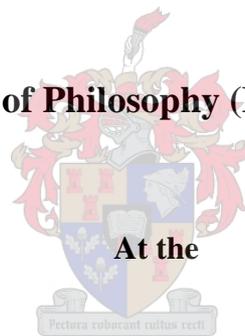
**Theological Perspectives on Land Restoration in Leviticus
25:8-55**

By

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A thesis presented in partial fulfilment of the requirements for the degree of

Master of Philosophy (Bible Skills)



At the

University of Stellenbosch

Supervisor: Professor H. L. Bosman

March 10, 2006

Declaration

I, the undersigned, hereby declare that the work contained in this thesis is my own original work and has not previously, in its entirety or in part, been submitted at any University for a degree.

Signature



March 10, 2006

Date

Abstract

Since the dismantling of Apartheid in 1994, those who were dispossessed of their land under South Africa's previous government are being restored or compensated for land that had been taken away from them prior to 1994. Christians, through their theological pronouncements and writings on justice, peace and liberation, played an active role in helping to dismantle Apartheid. And today they continue to sustain a theological role in a number of different ways relative to reconstructing our country. One such area is land restoration.

Leviticus 25:8-55 (hereinafter named 'Leviticus 25') has become a key text for this purpose. It is an ancient legal code on land restoration for the ancient Israelites. Since it is an ancient legal text it is understandably difficult to find consensus among modern Old Testament theologians about its prescriptions. Therefore this study will discuss the perspectives of six recent scholars in their commentaries. Three of these scholars approach their perspectives from an evangelical trend (which is essentially my position), two from a Jewish trend, and one from a critical trend.

The two key questions that this study will attempt to answer are: (1) What is the theological understanding of six scholars on land restoration in their commentaries on Leviticus 25 during the past twenty-six years? (2) How do they agree or differ in their theological understanding of land restoration in Leviticus 25?

The first three chapters will lay the groundwork for the discussion of 'Theological Perspectives on Land Restoration in Leviticus 25.' Chapter one introduces the study by defining its research problem, and formulating its hypothesis, and indicating its methodology. Thereafter, chapter two will briefly discuss five basic concepts in the book of Leviticus that impact upon land restoration in Leviticus 25. These concepts are covenant, land, holiness, atonement and Jubilee. Chapter three will be a research survey on the book of Leviticus in which the following topics will be looked at: (1) The relation of Leviticus to the Pentateuch as a whole; (2) its authorship and date; (3) its contents and structure; (4) how Leviticus is interpreted; and (5) the two theological axes upon which the book revolves.

Chapter four is the heart of this study. It will discuss, chronologically, the perspectives of six recent Old Testament scholars in their commentaries on Leviticus 25. It will also compare their perspectives to show how they agree or disagree with each other. The aim of this chapter is to show how different perspectives on land restoration in Leviticus 25 aid us today in understanding this great theme. Chapter five, the final chapter, will show how this study proved its hypothesis, while also showing how the different theological trends of the six scholars studied influenced their interpretations of Leviticus 25.

Opsomming

Vanaf die aftakeling van Apartheid in Suid Afrika in 1994 is diegene wat veronreg was van die ontneming van grond deur die vorige regering, nou vergoed deur die land of grondbesit weer terug te besorg. Christene het deur hulle teologiese uitsprake en geskrifte ter wille van geregtigheid, vrede en bevryding 'n aktiewe rol gespeel om Apartheid ten einde te bring. Dit is belangrik dat Christene vandag nog steeds 'n teologiese rol sal speel in die heropbou in ons land. Een manier waarop hulle dit kan doen is die herstel of restourasie van die land.

Levitikus 25:8-55 (hierna benaam 'Levitikus 25') het 'n sleutelteks geword in hierdie doel. Dit is 'n antieke regscode oor land en grondbesit vir antieke Israel. Aangesien dit 'n ou regstek is, is dit verstaanbaar moeilik om eenstemmigheid te vind tussen moderne Ou Testamentiese teoloë aangaande die teks se voorskrifte. Met die oog daarop sal die studie die teologiese perspektiewe van ses uiteenlopende Ou-Testamentici in hul kommentare bespreek. Drie van die geleerdes sal hul perspektiewe van 'n evangeliese vertrekpunt benader (wat klaarblyklik my standpunt is), en twee vanuit 'n Joodse oortuiging, en een met 'n kritiese ingesteldheid..

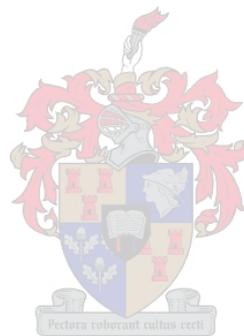
Die twee sleutel vrae wat die studie probeer beantwoord is: (1) Wat is die ses teologiese kommentare se begrip van landrestourasie in hulle bespreking van Levitikus 25 tydens die afgelope 26 jaar? (2) Waar stem die kommentare saam en hoe verskil hulle teologiese begrip van land restourasie in Levitikus 25?

Die eerste drie hoofstukke sal grondlag lê vir die bespreking van "Teologiese Perspektiewe op land restourasie in Levitikus 25." Hoofstuk een sal die studie inlei deur die bepaling van die navorsingprobleem, en die formulering van die hipotese, en deur die verduideliking van die metodologie. Hoofstuk twee sal daarna kortliks vyf basiese konsepte in die boek van Levitikus en die invloed op land restourasie in hoofstuk 25. Hierdie konsepte is verbond, land, heiligheid, vergoeding en Jubileum (bevrydingsjaar). Hoofstuk drie sal 'n navorsingsoorsig wees ten opsigte van die boek van Levitikus wat op die volgende onderwerpe sal fokus: (1) Die verband van Levitikus met die Pentateug as 'n geheel; (2) die outeurskap en datum; (3) die inhoud en struktuur; (4) die interpretasie van Levitikus; en (5) die twee teologiese spilpunte waarom die boek wentel.

Hoofstuk vier is die hart van die boek. Dit sal chronologies die perspektiewe van ses onlangse Ou Testamentici in hulle kommentare op Levitikus 25 bespreek. Die ondersoek sal ook hulle perspektiewe vergelyk om te wys hoe hulle saamstem of nie. Hoofstuk vyf, die finale hoofstuk, sal aantoon hoe die hipotese bewys is, en ook hoe die verskillende teologiese neigings van die ses geleerdes hulle interpretasie van Levitikus 25 beïnvloed.

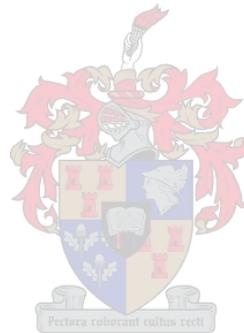
Dedication

To my wife, Patricia, and our three children, Brynmor, Emlyn and Milandr , my most precious partners in the Gospel of Jesus Christ.

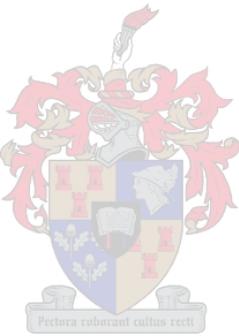


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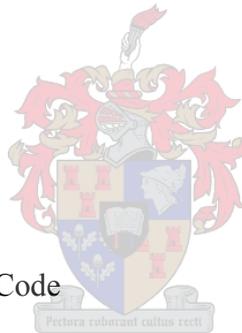
The Almighty, Three-in-one God is acknowledged for his abundant supply of grace to complete this thesis. I praise him and trust that this thesis will glorify his name among all peoples on earth that have suffered, in one way or another, the loss of land. I also acknowledge my wife Patricia, and our three children, Brynmor, Emlyn and Milandr  for enduring many months of ‘neglect’ while this thesis was being written. Thirdly, I acknowledge Professor H. L. Bosman from the University of Stellenbosch for his patient, diligent commitment and wise counsel given during the writing of this thesis. Lastly, I acknowledge the Urco Foundation of the Netherlands for their gracious financial assistance towards completion of this thesis.



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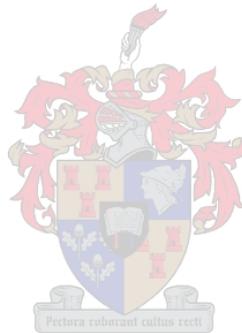
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List of Abbreviations

AB	Anchor Bible
ABD	Anchor Bible Dictionary
DOT	Dictionary of the Old Testament
DOTP	Dictionary of the Old Testament Pentateuch
EDB	Eerdmans Dictionary of the Bible
H	Holiness Code
IDB	Interpreters Dictionary of the Bible
JPS	Jewish Publications Society
NIB	New Interpreters Bible
NICOT	New International Commentary on the Old Testament
NIDOTTE	New International Dictionary of Old Testament Theology and Exegesis
OTL	Old Testament Library
TDOT	Theological Dictionary of the Old Testament
WBC	World Bible Commentary

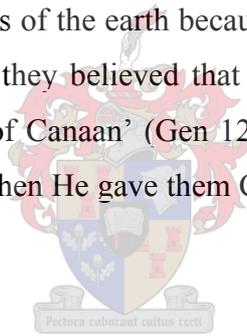


Chapter One

Introduction

Land has played a vital role in the existence and life of a people or nation from ancient times. Ownership of it, from time immemorial, has been connected to social and economic power. The Christian interest in land ownership is situated in the belief that Yahweh owns all land and that ‘All human wealth depends ultimately on what Yahweh has entrusted to us in the immeasurable riches of the earth’s crust... so that for the most part and for all human history wealth has been based on land’ (Wright 1990:3).

The story of land in biblical theology begins with Yahweh giving Adam and Eve a piece of land, called the Garden of Eden, to cultivate and keep (Gen 2:8, 15). But it is with the ancient Near Eastern nation of Israel that the Bible develops the theme and the significance of land. Israelites believed that Yahweh owned all the lands of the earth because He is the creator of the heavens and the earth (cf. Gen 1:1ff.). Furthermore, they believed that He entered into a covenant with their ancestors and promised them the ‘land of Canaan’ (Gen 12:7; 13:15; 15:18; 26:4; Ex 6:3-4; Deut 7:6, 12-13). This promise was fulfilled when He gave them Canaan through the conquests of Joshua (Josh 23:3-5).



The nature and extent of Yahweh’s entrustment of land to Israel invoked the basis of the law of Jubilee in Leviticus 25. Jubilee stands at the center of land ownership and restoration in Israel. It is ultimately the last resort for the restoration of land for Israelites who may have lost their ancestral land during bad economic times. It is this ‘theological perception that shapes the chapter as a whole’ (Budd 1996:349). And perhaps this is the reason why in its legal requirements for land restoration ‘there is no direct reference to any legal or administrative authority or agency that might have been in charge of such transactions’ (Levine 1989: xxxv). Yahweh, as owner of the land, appears to superintend all land transactions in Leviticus 25 so that they are ultimately responsible to Him—they are to fear and remember Him as they perform land transactions (25:17, 38, 43, 55).

The concern for land is not necessarily ancient only. In the Black Theology Resolution adopted at Hammanskraal in 1971, ‘the ‘basic problem’ of South Africa was identified as ‘that of land distribution and the consequent disinheritance of black people’ (Kritzinger 1989:111). Since then, the land of South Africa has been restored to most of its previously disinherited peoples. Even right

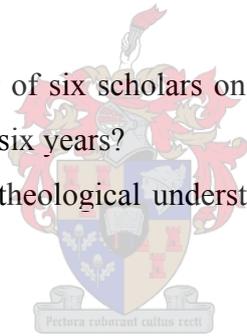
now the land debate continues because big tracts of it still needs to be restored to those from whom it was taken during the apartheid years. Christians can make a contribution to this process where possible and/or necessary. Their contribution is primarily a theological one, in which Leviticus 25 is a pivotal text in offering a theological perspective on land restoration.

1.1 The Research Problem

A number of Old Testament scholars have over the years engaged in an interpretation of Leviticus 25 to understand its theological significance for land restoration. Complete consensus on this matter has not been reached. However, documented research has indicated that a broad enough consensus has been reached at a number of points that help to contribute towards finding solutions relating to problems surrounding land restoration.

This thesis will focus on research of Leviticus 25 relative to land restoration during the past twenty-six years. The two key questions that it will answer are:

1. What is the theological understanding of six scholars on land restoration in their commentaries on Leviticus 25 during the last twenty-six years?
2. How do they agree or differ in their theological understanding of land restoration in Leviticus 25?



1.2 The Hypothesis

This thesis operates from the hypothesis that the theological perspectives on land restoration in Leviticus 25 of each of the six scholars studied in this thesis differ precisely because they are affected by their different theological trends.

Three main theological trends are presumed to be present in their commentaries:

1.2.1 A Jewish Trend

The trend of Jewish scholarship is quite evident in the commentaries of two scholars, Baruch A. Levine (who wrote in 1989) and Jacob Milgrom (2000). They are well known and respected Jewish scholars, who supplement their historical critical approach to biblical interpretation by taking into consideration the valuable contributions made by Jewish scholars over the past two millennia. They write for the Jewish Publication Society (JPS) and the Anchor Bible (AB) series respectively. The

Anchor Bible series is an international and interfaith project whose writers include Protestant, Catholic and Jewish scholars from many countries.

Most Jewish scholars are traditionalists who believe that ‘the entire Torah was revealed, or communicated, through Moses precisely as stated’ (Levine 1989: xxv). Baruch Levine, however, is committed to what he calls ‘a realistic approach to Leviticus’ in which its text is ‘a source of evidence of the actual practice of religion; to be sure, not the practice followed at all periods of biblical history but, rather, what was followed at *certain* periods’ (1989:xxi). And it is perhaps because of his ‘realistic approach’ that he subscribes to mixing his Jewish tradition of Bible interpretation with modern critical inquiry. In doing so, he acknowledges that modern-day ‘critical inquiry has added considerably to our understanding of the text, as well as to our historical knowledge about the development of biblical history’ (1989: xxvii). Consequently, he views the entire book of Leviticus as a priestly source whose ‘laws, celebrations, and purifications...served as part of the structure of later Judaism’ (1989: xxxix-xl).

Jacob Milgrom, on the other hand, makes a source distinction between chapters 1-16 and 17-27 of Leviticus. Chapters 1-16 are priestly texts, while chapters 17-27 ‘are part of the holiness source’ (2000:1319). Therefore land restoration in Leviticus 25 is closely connected to holiness in the community of Israel. Furthermore, ‘all of H is pre-exilic’ says Milgrom (2000:1361). But like Levine, Milgrom does not attempt a compositional analysis of Leviticus 25 because ‘the chapter, as is, flows logically and coherently’ (2000:150).

1.2.2 An Evangelical Trend

Gordon J. Wenham (1979), John E. Hartley (1992) and Walter C. Kaiser, Jr. (1994) are evangelical biblical scholars with an international reputation. They interact with the historical-critical approach in their interpretation of Leviticus 25, but without necessarily subscribing to it. Wenham writes for the conservative evangelical New International Commentary on the Old Testament (NICOT) series that has no inclination towards the historical critical interpretation of Leviticus. Hartley writes for the Word Biblical Commentary (WBC) series, and Kaiser for the New Interpreter’s Bible (NIB) series. The WBC series boasts the best in evangelical critical scholarship, while still being committed to the authority of Scripture as divine revelation. And the NIB series aims at providing the best in contemporary biblical scholarship to serve the church in its study, proclamation and teaching of the Scriptures.

Gordon Wenham's approach to interpreting Leviticus is to take 'with equal seriousness both the plain original meaning of the text and its abiding theological value' (1979:vii). Like Levine, he finds help in interpreting Leviticus by comparing the Old Testament rituals and sacrifices 'with the practices of other peoples of the ancient Near East' (1979:viii cp. Levine 1989:xxii). But he relegates the value of critical studies to the level of only helping to 'make clear what the text meant in its original context' (1979:viii). He admits that there is a place for critical debates, but not in a commentary series. He considers it far more important to understand the meaning of the text in order to arrive at its theological message when writing his commentary.

John Hartley appears to share a compromising view on the authorship of Leviticus. He affirms its Mosaic authorship by which the cultic life of Israel was influenced and shaped. At the same time he also believes that some of its parts indicate how Israel, independently of Moses, interpreted and influenced the daily application of Yahweh's word to their lives. In this respect he believes that Leviticus 25 underwent 'growth after the settlement in Canaan, for it provides laws on issues faced by a growing urban population, e.g., the laws on buying and selling of houses in walled cities [25:29-34](1992:xlii).

Walter Kaiser holds to a traditional view of the book of Leviticus, and appears to be antagonistic towards modern critical scholarship. He rejects the argument that it 'originated during the post-exilic times in conjunction with the priestly source' (1994:996). But like Levine, he holds a view 'that substantial material in Leviticus appears similar to ancient Near Eastern materials from the second millennium BCE' (1994:996). And he also submits that the debate between the traditional, critical and the mediating positions on the date and authorship of Leviticus cannot be concluded because 'there are a number of quite diverse ways by means of which to understand the origins of...Leviticus' (1994:997). Nevertheless he is committed to the view that the historical context of Leviticus is clearly the desert at Sinai, and therefore pre-exilic.

1.2.3 A Historical Critical Trend

Erhard S. Gerstenberger (1996) is a German scholar who represents the historical critical trend of biblical interpretation in this thesis. He writes for the Old Testament Library (OTL) series, which is dedicated to a historical critical approach of Old Testament interpretation. Thus Gerstenberger writes from an honest, devoted historical critical perspective in which he understands 'that the biblical books were [not] written down in a single sweep by one or only a few authors' (1996:3). And even when it comes to reading the Bible, 'we are always standing at the end of a long process

of interpretation...[and] this is why we must deal with the long history of influence traversed by the book of Leviticus' (1996:14). In this respect he graciously confesses that his perspective on Leviticus 25 is by no means the final one; others will follow him who will offer a little more to understanding it than he does.

1.3 Methodology

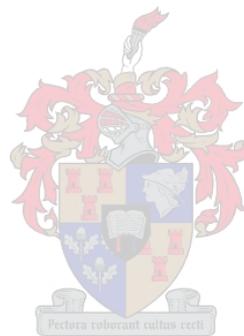
The method of this thesis will be a research survey of six recent (the past twenty six years) scholarly views on the restoration of land in Leviticus 25. These scholars have been chosen for this study because their different trends bring out the diversity of theological views that exist among scholars on land restoration in Leviticus 25. They will be researched chronologically, in terms of their year of publication. Describing and comparing their different theological perspectives will, subsequently, bring out this diversity. At the same time it will attempt to show how their different theological predispositions on land restoration in Leviticus 25 were affected by their different theological presuppositions. Chapter one introduces this study, its problem, its hypothesis, and its method. Chapter two will briefly discuss the concepts of covenant, land, holiness, atonement and Jubilee. These five concepts are basic necessities to the study of Leviticus 25 because they in some way underpin land restoration in Leviticus 25.

Chapter three will be a research survey of the book of Leviticus that forms the main background for the study of land restoration in Leviticus 25. Since Leviticus is traditionally part of the larger Pentateuch, its relation to the Pentateuch will be looked at briefly. It is sometimes difficult to decide if the authorship and date influence the interpreter's 'message' of a biblical text, or if a view on authorship and date are influenced by the interpreter's interpretation of the text. For this reason the authorship and date of Leviticus will be investigated in chapter three. A third matter that will be looked at in this chapter is that of the contents and structure of Leviticus. The contents will briefly show what the book of Leviticus contains, and the structure will briefly show the arrangement and relationships of the contents of Leviticus. Also this chapter will look at how Leviticus is generally interpreted by Old Testament scholars. And finally the two theological axes upon which the book of Leviticus revolves will be briefly looked at.

Chapter four is the main section of this thesis. It will survey, chronologically, six commentaries of scholars within the last twenty six years, showing their scholarly opinions on the restoration of land in Leviticus 25. These scholars represent three different theological trends, namely, evangelical, Jewish and historical critical (hereinafter named 'critical'). It will be noted in this chapter that these

trends do not represent watertight compartments because their representative scholars overlap in how they understand land restoration in Leviticus 25. This will be quite evident when their perspectives are described and compared with each other. However, it will be seen that, despite this overlap, their theological understanding of land restoration in Leviticus 25 was affected by their different theological presuppositions.

The final chapter, chapter five, will show how this thesis proved its hypothesis, while also extracting some theological conclusions from the thesis on land restoration in Leviticus 25 for present-day South Africa.



Chapter Two

Some Basic Concepts

2.1 Introduction

The book of Leviticus informs this thesis. It is a book inspired by Yahweh, who originally gave it to the ancient nation of Israel to regulate His covenant relationship with them. In its present form it is the third book of the Christian scriptures, the Bible. It contains a relevant theological message that is not easily understood unless it is thoroughly studied.

Its details of the ancient sacrificial ritual and long list of rules and regulations of Israel's cult appear to be religiously and culturally outdated. The modern, scientific, sophisticated mind cannot meaningfully relate to the ethical system that it presupposes in its sacrificial ritual because of its obsession with blood. But despite its ancient list of rules and regulations, Mann offers a theological reason for being positive about the book: 'Leviticus is a book about the presence of Yahweh...a manual of instruction on how to remain fit for being in the presence of Yahweh' (Mann 1998:113). And Charpentier encourages a sustained encounter with it because human makeup needs ritual since '... we are physical beings; we express our feelings through specific actions' (1987:68).

Therefore the book of Leviticus contains a relevant theology for the times in which we live. Thus this thesis will attempt to deal with one such aspect of its theology, namely, the restoration of land in chapter 25.

There are a number of concepts in the book of Leviticus that provide a theoretical framework that guides and directs this thesis on the restoration of land in Israel. They are 'the primary instruments we employ to come to grips with our experiences, and those of other people' (Muyo 2000:8). Five concepts are discussed in this chapter that would help facilitate our understanding of how Israel experienced land restoration, and thereby help to strengthen the conclusions of this thesis. These are covenant, holiness, atonement, land and Jubilee.

2.2 The Concept of Covenant

The concept of covenant did not originate with Israel. Many peoples of the ancient Near East before them, practised it. They then took it and made it a part of their religious and social life. The forms of the Old Testament covenants bear 'a marked resemblance to the form used in other Near Eastern

texts for drawing up treaties and collections of laws' (Wenham 1979:29). This include Sumerian and Hittite treaties, which were characterized by the regulation of 'relationships between two distinct social and political units' (Mendenhall in Buttrick, G. A. Vol.1 1962:714)

Israel took and redeveloped this concept of 'covenant-as-relationship' and gave it a peculiar content with respect to themselves and Yahweh. The word *berit* eventually came to be the product of this linguistic redevelopment. It defined the concept of covenant to emphasize Israel's relationship with Yahweh. This word is found over eighty times in the Pentateuch alone. It views Israel's relationship with Yahweh as the purpose of his covenant with them. Yahweh in His sovereign will makes a covenant with them for the sake of a relationship with them. This relationship had a missiological intention in that Israel was to publish His name to all nations.

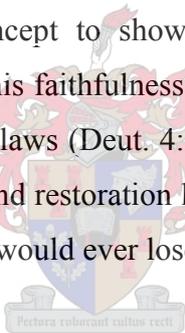
Walton has an opposite view to this concept of covenant. He agrees that it is a divine initiative. However, the purpose of that covenant is not the establishment of a relationship, but it 'is to reveal Yahweh' (1994:24). Yahweh's self-revelation takes precedence over his covenant—it is for His benefit, His glory and praise. And it was after Israel had accepted the offer of His covenant through His self-revelation to them that a relationship was established between them and Yahweh.

Knight traces the origin of the word *berit* to Assyria, where it meant 'fetter' or 'bond' (1959:212). Thus, relationship as the purpose of the covenant binds the beneficiary (responder) to the benefactor (initiator). Knight finds support for this view of the word *berit* from G.E. Mendenhall. Mendenhall traced the meaning of *berit* to pre-Ishmaelite suzerain treaties that were 'the formal basis of the (Hittite) empire. It spelled out the terms of the relationship between the Hittite state and the vassals' (in Dyrness 1977:114). Mendenhall goes on to say that these terms 'bound' the vassals to their lords in return for agreed benefits. This 'form of the Hittite vassal treaty (second millennium); shows strong similarities with that of Deuteronomy' (Botterweck, G. J. & Ringglen, H. 1974:747).

Julius Wellhausen, a nineteenth century Old Testament scholar, also emphasized the 'relationship' purpose of covenant. However, Wenham, Knight and Mendenhall, differ from him with regards to its origin. He held the view that it developed within the history of Israel. This interpretation portrayed the covenant in the book of Exodus as 'a reading-back into Israelite history circumstances and beliefs of a much later age, namely, the age of the great prophets' (quoted in Drane 1987:52). Even though this might be so, it is not wrong to presuppose that this 'reading back into Israelite history' was based on an original word from older civilizations before Israel.

Assuming that the concept of covenant in Israel originates with pre-Israelite suzerainty treaties, it follows that Israel understood that Yahweh was their suzerain, and they His vassals. And they bound themselves to him for certain benefits from him, chief of which was land and its productivity. In the light of Israel's land benefit from Yahweh, the laws in Leviticus 25 on land restoration are therefore significant. Yahweh motivates obedience to these laws three times in the chapter on the implied basis of his covenant with them (vv. 38, 42 and 55).

Yahweh's covenant with Israel required faithfulness to him. Wellhausen, Wenham, Knight and Mendenhall all appear to agree that faithfulness was an essential ingredient in the covenant relationship. But it was a faithfulness different from that, which dominated pre-Israelite suzerain covenants. With these covenants, superstition played a subtle part to ensure the faithfulness of the vassals in the covenant. The suzerain exploited and manipulated the superstition of the vassals for the purpose of specifically 'assuring the vassal's allegiance' (Joosten 1996:22). The requirement of faithfulness in those covenants operated through fearful superstition in the interests of the suzerains. But Israel redeveloped the covenant concept to show that Yahweh, their suzerain, expected faithfulness from them for their benefit. This faithfulness operated not through fearful superstition, but rather through obedience to Yahweh's laws (Deut. 4:31; 7:12; 29:9, 25; etc.). And when Israel was faithful to him they benefited. The land restoration laws of Leviticus 25 are a classic example of this. If they kept those laws, no Israelite would ever lose his patrimony permanently.



2.3 The Concept of Land

Land is quite a prominent concept in The Old Testament. In fact, N. Habel dares to say that 'it could be ranked next to Yahweh in importance' (in Alexander, T. D. & Baker, D. W. 2003:487). And some Old Testament scholars even suggest that it is the central motif of the Old Testament. And still others, assent to its high ranking in the Old Testament based on the fact that the Old Testament is about the history of Israel, a history that intrinsically incorporates, in its fabric, the promise of land. So while it is debatable that land in the Old Testament ranks next to Yahweh in importance, or that it is the central motif Old Testament, its importance, however, is undeniable.

The land concept is introduced right at the beginning of the Old Testament with the Garden of Eden narrative. In it 'Yahweh is cast in the roles of Creator and 'supreme landlord'...The land owes its existence to him, He creates its inhabitants, continually monitoring and supervising their behavior' (Alexander, T. D. & Baker, D. W. 2003:487). After this, not much is said about the land concept until the story of Abraham and his descendents. With them it begins to emerge as a key

concept because it formed an integral part of Yahweh's covenant with them. Thereafter, two words, *adhamah* and *erets*, became the primary words attached to the land concept in the Old Testament.

Implied in the *adhamah* concept, with respect to Yahweh's covenant promise of land to Israel, is the guarantee that whatever the state of the land, Yahweh was ultimately responsible. *Adhamah* 'occurs 221 times in the Old Testament...It is used to signify a reddish-brown substance, cultivated land, dwelling place, property, or more especially 'The property of Yahweh''(Plöger in Botterweck, G. J. & Ringglen, H. Vol. 1 1974:89). It 'is primarily a non-political term designating the agricultural land that sustains a sedentary population' (Freedman, D. N. Vol. IV 1992:144). This word describes Yahweh's promise to Israel of 'a land flowing with milk and honey'—a land for nourishing and sustaining earthly human existence.

Whether it was fertile, productive or sterile, Yahweh accepted responsibility for its agricultural condition. This much is clear from Leviticus 25:20-22 when Yahweh commands Israel to rest the land every seven years. He promised to bless the land in the sixth year so that they would have enough to eat right into the eighth year, the year when sowing would be resumed. Israel recognized Yahweh's provision rather intermittently in their history, and honored him with its first fruits during harvest time when they did (cf. Ex. 34:18-26; Lev. 23:9-22; Dt. 16:1-10).

Erets, is the word mostly used for land in the Old Testament. It is used some 2505 times in the Old Testament. It 'has a broad range of meaning, from the whole earth, through to particular countries, especially the land of Israel, local districts, the soil, to the ground inside a tent [Josh 7:21]'(Botterweck, G. J. & Ringglen, H. Vol.1 1974:518). It is used repeatedly in the book of Deuteronomy to emphasize that the land of Israel is Yahweh's gift of promise to Israel.

While *adhamah* emphasized the agricultural significance of land, *erets* emphasized its political significance. The land as *erets* was thus the arena for Yahweh to establish and exalt Israel as a nation and as His covenant people, for the purpose of bearing witness to His name as the only true and living Yahweh. The land as *adhamah* was the arena for Yahweh to provide for them and sustain them as they bore witness to his name. Thus both *adhamah* and *erets* are used to express the land theologically as a promise from Yahweh. *Adhamah* is promised as land with great economic wealth, a land 'flowing with milk and honey.' *Erets* on the other hand, is promised as a land that will establish Israel as a nation in its own right.

W. D. Davies, a New Testament scholar, together with some Old Testament scholars, does not accept the concept of land as Yahweh's promise to the patriarchs. He contends that the land concept as a promise did not originate with Yahweh because 'if we follow Exo. 6:3, then Yahweh who gave the promise could not have been called Yahweh, because Yahweh was unknown by name to the patriarchs' (1974:19). Davies argues his case here on a single verse. He also contends that the Hexateuch does not talk about 'the land of Israel', but only of 'the land of Canaan.' This is supposed to mean that it does not teach a concept of a land of promise. Clearly, Davies fails to see that the Hexateuch teaches that 'the land of Canaan' would one day become 'the land of Israel' (Ex. 6:4; Lev. 14:34; 18:3; 25:38; Num. 13:2; Deut. 32:49; Josh. 14:1).

It is precisely because the land of Canaan had become 'the land of Israel' through the Conquest that the laws of land restoration in Leviticus 25 were instituted. After the Conquest, each tribe, clan and family was apportioned land in Israel, just as Yahweh had promised through Moses. The land restoration laws in Leviticus 25 protected the Israelites from ever losing the land as Yahweh's gift of promise.

Gerhard von Rad in 1943 made a distinction between the historical and cultic conceptions of land. For him 'The *historical* conception comprises both the promise to the patriarchs...and its fulfillment in the Conquest, (and) the *cultic* conception on the other hand, is basically the belief that the land was owned by Yahweh—Yahweh's land, as distinct from the Promised Land' (in Wright 1990:5). This concept divides Israel's land views into two separate concepts, a concept in which it is Yahweh's gift of promise to Israel. And another concept in which Yahweh owned it. The cultic laws simply required that his ownership of the land be recognized.

Wright on the other hand does not separate the historical and cultic conceptions of the land. For him they are two sides of the same 'theological coin.' The historical concept is Israel's understanding that the land is Yahweh's gift of promise to them. And the cultic concept views the land of Yahweh, whose 'prior ownership must be acknowledged by Israel in cultic and legal institutions' (1990:10). This concept suggests that the cult does not merely recognize Yahweh's ownership of the land, but that it recognized that because He is the owner, He promised and gave it to Israel. Yahweh, through His promise, gave it to them. In von Rad's view the cult does not consider the land as Yahweh's gift of promise to Israel. In Wright's view it does.

It is Yahweh's ownership of the land that formed the basis of His promise of it to Israel. Israel was never to forget this, and land restoration in Leviticus 25 was one way in which they would never forget this. By means of the land restoration laws in Leviticus 25 they would remember that Yahweh gave them the land. Thus 'Israel may be described as 'tenant-owners' of the land Yahweh gave them because Yahweh was the ultimate owner of the land held by the Israelites, and Israel acknowledged this because they understood Him to be the creator and owner of the entire world' (Bess 1963:83).

2.4 The Concept of Holiness

The concept of holiness follows naturally from the concepts of covenant and land. The covenant formalized a relationship between Yahweh and Israel. Land is the material space where Yahweh's covenant relationship with Israel is concretized. And holiness is the mode of Yahweh's presence in the land among his covenant people, especially in the Jerusalem temple, the main pillar of the cult. His holy presence is His infinite difference in His being from all created things.

The term 'holiness' is from the root *qds*, and 'is found in several Semitic languages' (J. Muilenburg in Buttrick 1962 Vol. 2: 617). *Qds* means 'to be holy; to sanctify'; (which) appears as a verb, noun, and adjective over 850 times [with cognates in Akk, Ar, Aram, Eth, Phoen, Punic, Syr.] (Freedman, D. N. 1992:237). Dyrness says that its Hebrew meaning is 'to cut off' or 'mark off', and that 'it was used to denote that which is separated from regular, everyday use for sacred service' (1997:51).

The concept of holiness as separation is essentially a priestly interpretation. This is probably expressed in Leviticus 10:10. In it the Lord warns Aaron the high priest against taking wine and strong drink when he and his sons entered the tent of meeting 'so as to make a distinction between the holy and the profane, and between clean and the unclean.' It is possible that this command for separation took was influenced by the practices of priests of other religions in the Ancient Near East. Their cultic ritual included the consumption of wine and strong drink. But Yahweh's priests were to be 'cut off' or 'marked off' to distinguish between them and the priests of other religions.

J. J. Joosten allows the aspect of separation in holiness, but only in a secondary sense. He expresses this reservation thus: 'What is holy must be kept separate from what is not - for the sake of both domains - and in order to approach that which is holy, a human being must keep himself separate from what is profane or impure; in all these cases, separateness is a secondary aspect

(1996:123). As a secondary aspect of holiness, separation is functional. It functions to separate what is holy from that which is not holy.

Therefore, separation does not sufficiently explain the concept of holiness. A fuller concept of holiness must be explained apart from separation. Joosten explains this essence as ‘The divine in its ‘numinous,’ non-rational aspect, as real as it is unutterable’ (1996:123). Muilenburg (in Buttrick, G.A. Vol. 2 1962:733) describes it as ‘transcendent glory.’ Sawyer sees it as ‘The extension of his nature’ (1996:65). And Motyer suggests that it is ‘a divine essence outside of our experience’ (2000:106).

These understandings of Yahweh’s holiness suggest that his holiness is connected to who he is in himself as divinity. This means that the holiness of Yahweh is actually more than the extension of His nature - *it is His nature*, a nature way beyond earthly, human experience, and therefore transcendent in its unutterable glory. Holiness and glory are really inseparable twin concepts. Holiness is Yahweh’s essence in His transcendence, and different to everything and everyone else that exists. It is the totality of His divine being and attributes. It is not just another of His attributes, but the essence of His being that informs all His attributes. In addition, this essence of His being is manifested through his glory; His holiness ‘is bound in a relationship with His glory’ (Muyo 2000:174).

Exodus 40 illustrates the connection between Yahweh’s holiness and glory. Moses and Israel saw His glory in the cloud when it covered the tabernacle (v. 34). But Moses could not go into the tabernacle because it appears that Yahweh’s glory was declaring more than His presence. It was declaring the holiness of His presence, and thus His holiness.

The marvel of Yahweh’s ‘unapproachable’ holiness is that He has chosen to communicate it to human beings, and even to objects, times and places. The communication of His holiness to human beings relates to ‘a particular and important comparability between Yahweh and man’ (König 1982:59). The literary production of the Holiness School ‘mentions various bodily parts of Yahweh, and attributes to him human actions states and emotions’ (Knohl 1995:170-171). In this way comparability teaches that covenant humans can relate to Yahweh in ways constant with his holy nature. This being the case, it is possible for them to be like Him in His holiness. Being holy like Yahweh is not a perfect holiness, but rather reflective holiness.

So Yahweh's call to his covenant people to 'be holy, for I the Lord your Yahweh am holy' (Lev. 11:44, 45; 19:2; 20:7 cf. 1 Pet.1: 16) is not a call to divine perfection in being on the part of Yahweh's covenant people. Instead, it is a call to serious imitation of Yahweh in His holy being. And this holiness is not merely separation. It is a state of human existence in which there is a reflection of who Yahweh is in His glory and holiness. In this way holiness 'embraces positive ethical standards that are illustrative of Yahweh's nature' (Sawyer 1996:68). The ethical and moral lives of the Yahweh-image and covenant humans 'extend the nature of Yahweh in the world in which human beings live....putting them into the divine sphere' (Joosten 1996:123).

When objects, times or places are designated holy in the Old Testament, they do not reflect the nature of Yahweh. Only humans in covenant with Yahweh can reflect His holy nature. Objects, times and places on the other hand are holy in the secondary sense concept. They are set apart or sanctified to signify their relation to Yahweh as either belonging to Him or being utilized by Him for a special purpose. The holiness of objects, times and places emphasizes the two basic distinctions of the holy and the common in Leviticus 10:10. And even in their case 'the holy and the impure are absolutely incompatible. What is impure may never be brought into contact with what is holy' (Joosten 1996:124).

The Jubilee of Leviticus 25 is a time designated as holy (v.12), and it was consecrated or set apart as such (v. 10). The Jubilee chapter is the ninth chapter of the Holiness Code chapters in Leviticus 17-26. It was by its nature a time prescribed by Yahweh for a particular purpose. As such it was not holy in its nature as an imitation of Yahweh's holy nature. It had a holiness of relationship and purpose. It signified its relation to Yahweh who commanded it, and His purpose of levelling out Israelite society in the area of land ownership through land restoration. Its holiness was a holiness of separation. The year in which it was celebrated was a year set apart from all other years in the calendar of Yahweh's covenant people, Israel. And the way in which they practised its prescriptions for land restoration set it apart from all other celebrations similar to it in the Ancient Near East. And it may even be said that this holiness took on the proportions 'of becoming flesh', because it only became evident when there was a just restoration of land by its human celebrants.

2.5 The Concept of Atonement

Atonement is deeply connected with holiness because it was the mechanism of Israel's cultic life by which holiness was obtained and sustained. Atonement was facilitated by the sacrificial system of

Israel's cult. Its main ritual was known as the Day of Atonement. The prescriptions for its ritual are significantly placed in chapter 16 of the book of Leviticus. This chapter precedes the opening chapter (chap. 17) Holiness Code, the laws for holy living. This seems to indicate the importance of atonement as a pre-condition for holy living.

J. C. Rylaarsdam says that 'the English word 'atone' is derived from the term 'at one' (in Buttrick, G. A. 1962 Vol. 1: 309). He interprets this to mean being 'in a harmonious relationship with another.' Winter describes this harmonious relationship 'as restoration reciprocal relationship of love between Yahweh the Father and the human race' (1995:2). Winter situates the flow of reconciliation in atonement as coming from to Yahweh's love. The atonement ritual itself does not achieve this reconciliation. Instead, it is Yahweh who, by his love, reconciles Himself to the worshipper in response to the faith worshipper in the atonement ritual. Expiation is assumed in this emphasis of reconciliation in the atonement concept. However, Winter does not explain if reconciliation is the root or the result of atonement.

The Theological Dictionary of the Old Testament (TDOT) suggests another meaning, for atonement from the Hebrew root *kpr*, which 'means 'cover', 'paint', 'smear'' (1974: 689). Knight echoes this meaning when he writes that 'it was the great hope of Israel that, although she would never be expected to make a pure and perfect act of sacrifice, yet she might persuade her Yahweh to put his hand over her sins, and thus cover them, so that he could no longer see them with his eyes [Ps. 32:1; Jer. 18:23]' (1959:128). This idea of atonement does not indicate any expiation of sin as having taken place.

The annual Day of Atonement in Leviticus 16 describes a double idea in the atonement concept. 'The sacrifice for the people's atonement was a goat chosen by lot from two identical specimens presented in the area temple court N of the altar' (Rylaarsdam in Buttrick, G. A. Vol.1 1962:315). The lots were drawn from a special urn, one marked 'for the Lord,' and the other 'for Azazel.' The goat for the Lord was slaughtered for a sin offering and its blood sprinkled before the Lord at the mercy seat for expiation of sin (cf. Lev. 16:10).

The other goat is not offered *to* Yahweh, but rather *before* Him, alive (Lev. 16:10). And after the priest laid his hands over the head goat, he sent it into the wilderness to Azazel, whom some commentators say was the devil. Leviticus 16:21 appear not to attach to 'cover' the meaning that Knight gives to it. Instead it teaches that by covering the goat's head with his hands the priest lays

all the sins of the people on the goat. Therefore, the goat is sent into the wilderness bearing on itself all the sins of the people (Lev. 16:22). Clearly here substitution is conveyed as being an aspect of atonement. It is probably this aspect that influenced an understanding of atonement in which the word ‘came to be used in the general sense of removing the effects of sin’ (Rylaarsdam in Buttrick, G. A. Vol. 1 1962: 310).

The problem with trying to understand the concept of atonement from the Day of Atonement is that we are dealing with a ritual that was not the daily norm in the pursuit of atonement by the people of Israel. The two-goat ritual in the atonement ritual is an annual one, not a daily one. It follows, that in the daily sacrifices for the atonement of the sin, the worshipper’s sin was not carried away or removed. It may be then that ‘covers’, argued for by Knight, is a valid one.

A very important requirement in the performance of the atonement ritual was that of wholehearted repentance on the part of the worshipper. The absence of wholehearted repentance in the atonement resulted in the worshipper being denied atonement by Yahweh (cf. Isa 1:11-15). Expiation is clearly in view here.

Atonement was a national requirement before the commencement of Jubilee (cf. Lev. 25:9). This seems to indicate that atonement involved some kind of cleansing from sin that was necessary to perform Jubilee. Jubilee was the last avenue of recourse for former landowners to have their land restored to them. Commitment to its performance could only be possible from clean hearts. Rich land owners first had to experience the mercy and justice of Yahweh through atonement before they could apply the same to their fellow-Israelites with respect to land restoration. By the same token, claimants of land needed to experience atonement of sin in order not to make any false claims.

2.6 The Concept of Jubilee

Jubilee was an ancient yearlong Israelite celebration of every fifty years by which lost land was restored to its former owners or their living next of kin. It was instituted by Yahweh to ensure that no Israelite would permanently lose the land He gave to them when He covenanted with them to be their Yahweh. Leviticus 25 is the main text on Jubilee in the Old Testament.

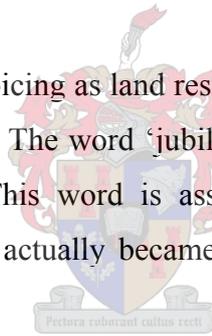
Various scholars of the Old Testament understand the concept ‘Jubilee’ itself in different ways. Bonar suggests that it means ‘to restore or bring back’ (1972:449), but he does not show how he

arrived at this meaning. He seems to extract this meaning from the purpose of Jubilee. Such a meaning is superficial and is not even remotely suggested in the Old Testament.

The concept of Jubilee is associated with a 'ram's horn.' The ram's horn in Israel was used as a sacred accessory in inaugurating 'a new and happier era for conquered and dispersed Israel' (Morgenstern in Buttrick, G. A. Vol. 2 1962:1001). Wagner says that 'the Hebrew word translated Jubilee is *yovel*, whose original meaning is 'ram' or 'ram's horn' and commemorates the *shofar* blown to announce the beginning of the Jubilee year. Thus the year of Jubilee came to be known as 'The year of the Ram's Horn' (Lev. 25; 27:18, 23-24) because this year took its name from the blowing of the ram's horn which marked its opening' (Porter 1976:199).

It is thought that ordinary year-beginnings in Israel were signalled by the blast of ordinary trumpets, but in the case of Jubilee a ram's horn was used to announce the beginning of Jubilee year (Lev. 23:24). In this sense Jubilee was considered to be a year different from other years. In fact this is apparent from Yahweh's requirement that it be a holy year for Israel (Lev. 25:12).

It was a year characterized by great rejoicing as land restoration took its course. It thus came to be known in the Hebrew Bible as 'Jubilee.' The word 'jubilee' is taken from the Latin word *jubilum*, from 'jubilate'—to rejoice, to exalt. This word is associated with jubilation, celebration and joyfulness. And this time of joyfulness actually became a piece of cultic legislation in Israel to ensure its celebration.

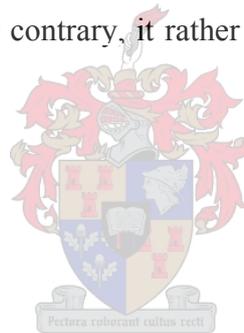


Liberation was 'the distinguishing mark of the year of Jubilee' (Porter 1976:199). 'Jubilee portion commandments was designed to actualize the liberation of those people who had become servants through circumstance and to restore them to their inheritance within the nation' (Brouwer, J, Wolters, A. M. & Bartholomew, C. [sa]: 1). Yoder says that 'Jubilee showed profound rights for human dignity, with its four socio-economic prescriptions: (1) leaving the soil fallow, (2) the remission of debts, (3) the liberation of slaves, and (4) the return to each individual of his family's property' (1972: 64).

'There is intense debate about whether the regulations were considered real and practicable or academic and utopian, and about whether they formed an integral part of ancient law and later fell into disuse or were late idealistic formulations, a social blueprint never put into effect' (Botterweck, G. J. & Ringglen, H. Vol. 3 1974:187). Some Old Testament scholars seem to think that this was genuinely a time when Israel put their lives completely in Yahweh's hands trusting him for all their

supplies. But there are others who say there is no evidence in the history of Israel that Jubilee was ever celebrated.

G. Wallis ‘proposes that this legislation was composed by the exiles to regain the right to own the land, which probably had been lost during exile, on their return to Israel’ (quoted in Hartley 1992: 428). Alpertz’s says that it was the reformers from the exile who ‘wanted a social revolution to protect the weak’ (1994: 481). Wallis and Albert, therefore, propose a post-exilic invention of Jubilee. Hartley, however, opposes this. Instead, he proposes that it was a practice borrowed from ‘other Middle Eastern nations in the second millennium who practiced a general release that has some similarities to the debt and servant laws of Jubilee’ (1992: 429). From this it seems that there may have been a concept already in use at the time exile to protect the land rights of individuals and families in Israel. Some Old Testament scholars say that this concept was Jubilee. Furthermore, they argue that it existed right at the beginning of Israel’s occupation of the land of promise. The fact that the elite leadership of Israel might have suppressed it does not necessarily mean that it was not a practicable part of the law. On the contrary, it rather shows how they had drifted from their faith in Yahweh.



Chapter Three

A Research Survey of the Book of Leviticus

3.1 Introduction

Leviticus 25 and its teaching on the legal requirements for the restoration of land in Israel are a part of a larger context, the context of the book of Leviticus itself. And even larger than the book of Leviticus is the context of the Pentateuch. This means that the book of Leviticus itself, and to a lesser extent, the Pentateuch, informs the restoration of land in Leviticus 25. Thus the purpose of this chapter is to do a research survey of the book of Leviticus in which we shall look at factors relating to Leviticus that impact on an understanding of the restoration of land in Leviticus 25. That understanding will be the focus of chapter four.

3.2 The Relation of the Book of Leviticus to the Pentateuch

The Pentateuchal narrative is the story of Yahweh's promise of land to Israel. But the narrative does not end with Israel inheriting the land of promise. This has prompted some Old Testament scholars to seek its conclusion in the book of Joshua.

Thus Blenkinsopp says that 'it seems more appropriate to speak of a Hexateuch (Pentateuch plus the book of Joshua) as the basic literary unit' (Kaiser 1994:307). And Deist agreed that 'If one assumes that the tension which is built up in the course of a story must be solved by its ending, it seems logical that the narrative which begins at Genesis 1 has its ending in Joshua 21' (quoted in Bosman, H. L. & Loader, J. A. 1988:1).

Despite a Hexateuchal view of Yahweh's land promise narrative, most Old Testament scholars prefer to treat the Pentateuch as a single literary unit. Clines suggest three possible reasons for this. Firstly, because it 'is not merely the sum first five books of the Bible, nor is it the Tetrach (Genesis-Numbers), plus Deuteronomy, nor is it the Hexateuch (Genesis-Joshua) minus Joshua, but an independent work in its own right' (1978:11). Furthermore, 'the Pentateuch [is] a movement towards goals yet to be realized...the impetus of that movement [being] in the divine promise that initiates the patriarchal narratives' (Clines 1978: 27). And lastly, 'its concept is the partial and yet awaited fulfilment of the patriarchal promise' (Clines 1978:58).

The Pentateuch begins with a prologue in the form of the book of Genesis. In it, Yahweh reveals himself to Abraham, Isaac, Jacob and Joseph, and offers them a covenant relationship in which he will give them a land of their own, as well as being with them regarding the call of Abraham and the promise of ‘the land of Canaan’, to him and his descendents is the central feature of Yahweh’s covenant offer (Gen. 17:8; 26:3; 28:13; 50:24). The offer is accepted but the book of Genesis ends with Abraham’s descendents in Egypt, far away from the land of promise. And so, ‘the promise of having their own land is at stake’ (Deist, F. & Vosloo, W. 1982:6).

The next unit of the Pentateuchal narrative, the book of Exodus, begins a totally new era in ‘the story of the promise’. Over four hundred years have passed since the closing of the book of Genesis. And now, not only was Israel far removed from the land of promise, but they were also slaves in Egypt. But ‘Genesis has intimate links with Exodus-Leviticus-Numbers’ (Vosloo, W. 1982:48). Thus Yahweh is seen orchestrating Israel’s escape from Egypt. The purpose of the escape enables Yahweh to confirm his covenant and land promise with the patriarchs. This confirmation led to the establishment of his cult with Israel in the wilderness at Mount Sinai. It was established upon his laws and the tabernacle (Ex. 20:1 ff.).

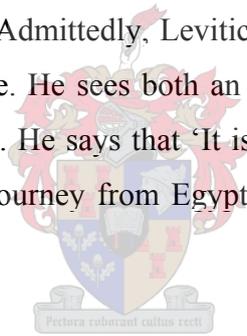
The importance of the tabernacle to Israel is expressed thus by G.E. Wright: ‘to the Jerusalem priesthood, the Holy Presence in the people’s midst was what made Israel a people. The tabernacle was the sign and the seal of the divine presence, and the place where he could be met and worshipped’ (in Buttrick, G. A. Vol. 2. 1962:197). This indicates that it was a partial fulfilment of God’s promise of his divine presence with the descendants of the patriarchs. However, the narrative unit closes with Yahweh forbidding Moses (and the people) from coming near him in the tabernacle on the day that it was erected because of the overwhelming manifestation of his glory (Ex.40: 34-35) at Mount Sinai.

This is where the book of Leviticus takes up the story. The clear language of Exodus 40:35 and Leviticus 1:1 connects the two books to each other. In Exodus Yahweh tells Moses that they were not ready to enter the tabernacle. And from Leviticus 1 onwards he shows them how they are to prepare themselves to enter the tabernacle and meet with him. He gives them a comprehensive ‘manual’ laws and rituals by which they were to ready themselves to meet with him in the tabernacle.

Leviticus unfolds the presence and holiness of Yahweh while directing Israel to be holy like him. Its laws undergird the Pentateuchal narrative in anticipation of Yahweh's fulfilling his land promise to Israel in the books after the Pentateuch. It spells out what kind of nation they were to be in the land of promise, a people radically different from the Canaanites (Lev. 18:3), a holy people like himself (Lev. 11:44-45; 19:2; 20:26).

It is no wonder that the book of Leviticus stands at the centre of the Pentateuch as Israel progressed towards nationhood and a land of her own in the Pentateuchal narrative. It is 'a major stage within the plot of the Pentateuchal narrative' (Mann 1988:113). Maybe this is an understatement—it is *the* major stage with the plot Pentateuchal narrative.

It is not clear how the book of Leviticus came to be the central book of the Pentateuch. Gerstenberger denies its status by saying that it 'is not a 'book' at all, but rather a fairly artificial excerpt from a larger narrative and legislative work, sewn together like patchwork quilt from many different, individual pieces' (1996:2-3). Admittedly, Leviticus does appear to be this. The view of Sawyer, however, is to be preferred here. He sees both an independence and inter-dependence of Leviticus with the rest of the Pentateuch. He says that 'It is a distinct part of the story of Israel at Sinai, which itself is a part of Israel's journey from Egypt to the borders of the Promised Land' (1996:23).



Its inter-dependence is obvious from the fact 'that the books of Exodus, Leviticus and Numbers form a single cohesive unit and that parts of Deuteronomy are repetitions from this preceding narrative unit' (Vosloo, W. 1982:46). Its independence may be illustrated from the understanding that while Numbers 'provides the final instalment for the Exodus-Leviticus account of the desert journey...Deuteronomy is another account of the same events' (Vosloo, W. 1982:47). In other words, since Numbers and Deuteronomy are independent of each other in the accounts of the desert journey, it means that the two books must be independent of each other as a whole. And since Leviticus forms a cohesive unit with Exodus and Numbers, it may be concluded that Leviticus is independent of Deuteronomy.

In Deuteronomy 'everything focuses upon the land and regarding entry into it as essentially a fulfillment patriarchal promises' (Clines 1978:57-58). It compares with Leviticus in that it is 'preoccupied with realization of the covenant through observance law' (Vosloo 1982:43). The difference between the two books is that in Leviticus Yahweh speaks to Moses through direct

revelation, while in Deuteronomy Moses is seen speaking to the people what Yahweh told him in Leviticus. Deuteronomy's place in the Pentateuch is confirmed by Carmichael, who says that the 'incidents in the early narratives prompted the later Deuteronomic or Decalogue versions' (1985:16).

3.3 The Authorship and Date of the Book of Leviticus

3.3.1 The View of Critical Scholarship

A variety of views exist about the authorship and date of the book of Leviticus. Harley's view is that of the forces that contribute to this diversity of the two major ones are (1) The sparsity of materials available for the reconstructing of a history of Israelite worship and the priesthood, and (2) The development of divergent methodologies for interpreting ancient texts' (1992:xxxv). Both critical and non-critical scholars struggle to arrive at an adequate author and date for Leviticus because of the first force. But it is really in relation to the second force that they caused diversity among themselves in the great work of interpreting the message of the Bible. The basic method of non-critical scholars is the historical-literal method, and the method of critical scholars is the historical-critical method.

Non-critical scholars of the Old Testament of that Moses wrote the book of Leviticus because it is repeatedly stated throughout the book 'The Lord spoke to Moses, saying...' often point it out. Critical scholars respond that this argument is not sufficient to support a Mosaic authorship of Leviticus because it does not indicate that Moses actually wrote down what Yahweh told him. While Yahweh commanded Moses in the book of Exodus to write about Israel's military encounter with Amalek (17:14), a similar command to this is not found in the book of Leviticus. A general consensus among critical scholars is that Leviticus could have been written during or after the exile.

An early champion of critical scholarship was Julius Wellhausen. His documentary hypothesis of 1878 is still very influential in determining the authorship and date of Leviticus. According to him, the Pentateuch derives from four different basic sources, namely, J, E, D & P—the Jahwistic, Elohist, Deuteronomistic and Priestly sources. J represented an early stage in Israel's religion when Yahweh was described in human terms. E described the interaction between Yahweh and Israel from the context of his transcendence. The D source was equated with the book of Deuteronomy. And the P source stands for the Priestly Code and contained most material in the Pentateuch that pertains to the priest and the sacrifice.

Wellhausen's hypothesis theorizes that the book of Leviticus is a priestly work. The work of the priests is said to be the last stage of Israelite religion in the Old Testament, and in the case of Leviticus this means that it is a post-exilic book. Wellhausen justifies this view from his understanding about the development of Israel's religious life. He says that it developed in such a way that 'with the growing emphasis on form and ritual went an increase in the power and privileges of the priesthood. P and the books of Chronicles represent the endpoint of this religious revolution' (quoted in Wenham 1979:10).

This endpoint is actually projections of the past Mosaic temple cult in Jerusalem. These projections of the past mean that Moses could not have written Leviticus, or any other Pentateuchal books, because the account of Israel's history in the Bible is not its own, but rather a fictitious one of it. This view presupposes a late date for Leviticus because the text is supposed to have evolved through the Pentateuchal narrative, and was really the last part of it.

It should be noted that Wellhausen and his followers appeal to the use of different divine names in different texts to support the view that different writers were involved with those texts, even though they may be part of a single narrative or pericope. But it has become clear from archaeological evidence available today (evidence that was not available to Wellhausen), that the use of different names for the same deity was a common phenomenon in Ancient Near Eastern religion.

Rogerson gets around this by abandoning the biblical account of Israel's history, on the basis that '...virtually all scholars are today agreed that with only one or two exceptions all the texts in the Old Testament derive from the first millennium BCE; thus, as far as the pre-monarchical period is concerned, the texts are significantly younger than the events they depict' ([sa]: 32). This means that when the priests of the post-exilic period wrote Leviticus, they wrote it as an unhistorical narrative to legitimate their agenda to ensure control of the post-exilic Judean community. In this way, Leviticus creates a world different from that of its original readers and then 'invites the reader to allow the horizons of his own world to merge with those of that other world' (Clines 1978:102).

If the argument of critical scholars for a late date for Leviticus is correct it means that Moses could not have written the book of Leviticus. Arrival at this conclusion is the natural result of fictionalising Israelite history. However, whether we subscribe to this view in part or in whole, it must be honestly admitted that Moses himself was very unlikely a fictional Moses. His name and history appear far too often in the Bible for such a view to be sustained. Admittedly this does not prove that he wrote Leviticus and the other books Pentateuch. However, there is the strong

possibility that these books are based on the oral principles of the revelation by Yahweh that he received and taught during his ministry as leader of Israel. The testimonies of Christ and Paul are worth noting here. Jesus claims that Moses *wrote* about him (Jn. 5:46-47). And Paul seems to think that Moses wrote Leviticus 18:5 (cf. Rom. 10:5).

3.3.2 The View of Conservative Scholarship

Conservative Old Testament scholars are generally referred to as non-critical scholars. But there are many among them who reject irrational dogmatism and interact with critical Old Testament scholarship, and glean from it whatever would help them to arrive at a sound understanding of the Old Testament message.

Carmichael is an example of this position. He says: ‘Historical and literary criticism is undeniably useful for working with ancient sources, but not only has it limitations, it sometimes leads nowhere. One manifest restriction in its application to most biblical material, is that historical results hypothesized cannot be corroborated’ (1985:14). Carmichael acknowledges the usefulness of the critical method. At the same time he points out its limitations.

Others take ‘the narratives as literal history (written down by Moses himself), or which acknowledges the ‘growth character’ of the Pentateuch, but which nevertheless, holds to the basic historicity of the narratives’ (Bosman, H. L. & Loader, J. A. 1988: 35). Among these are Baruch Levine (a Jewish scholar) and Gordon Wenham (an evangelical scholar). Levine contends that ‘the entire Torah was revealed, or communicated, through Moses, precisely as stated’ (1989: xxv). Wenham proposes four arguments to support a Mosaic authorship of Leviticus.

First, the book always presupposes that the laws were given to Moses in the wilderness. Time again we are told, ‘The Lord spoke to Moses’. The wilderness setting is not merely referred to in the introduction to each group of laws, it is often alluded to in the laws themselves...Second, traditional commentators assert there is nothing in Leviticus that could not date from the Mosaic period...Third...the book is unsuited to the needs of the post-exilic age...Finally, the book of Ezekiel quotes or alludes to Leviticus many times

(1979:8-9)

All these arguments are true about the book of Leviticus, but they do not necessarily assign its authorship to Moses. A strong case would have been made based on these four arguments if Moses

were written about in the *first person* in the book, rather than in the *third person*, making the book a quasi-biographical composition. However, since this is not the case, Mosaic authorship of Leviticus is tenable.

It is possible that when Moses received his revelations from Yahweh, he made unsystematic written notes. But it may have been his disciples who wrote them down within a systematic narrative framework. This would then at least explain the use of the third person in the speech formulae of the book, but still there is no substantial evidence for this in Leviticus or elsewhere. It is preferable then to consider ‘that the work done by Moses has been modified and reshaped’... (and that) these legislative orations of Moses may have continued for some time to have been preserved orally until they were committed to writing by the prophet himself and by his disciples (Segal in Hartley, J. E. 1992:xxxvi). Kaufman and his school agree with this view and their argument falls into three main types:

First the language, laws, and institutions of P do not fit with what else is known of the post-exilic age. Chronicles, Ezra, and Nehemiah were written after the exile, Ezekiel during the exile. Their vocabulary shares a number of terms with post-biblical Hebrew. But quite different terms are used in P... The second point to note is that Deuteronomy and Joshua quote Leviticus and other P passages, but not vice versa. This is quite understandable if P was written before Deuteronomy, but not the other way around... The third reason for holding to the antiquity of P is that its notions of holiness and war, and its laws on sacrifice and blood, closely resemble those mentioned in the books of Judges and Samuel.

(in Wenham 1979: 12)

Therefore, there does appear to be a strong argument for an early writing of Leviticus from literary criticism itself. However, Moses as the receiver of Yahweh’s Word cannot conclusively be shown to be the author of that Word. An appeal to the testimonies of Jesus Christ and the Apostle Paul could be helpful though. Jesus claims that Moses wrote about him (Jn. 5:46-47), and Paul, quoting from Leviticus 18:5, attributes his quote to Moses (Rom. 10:5); Here we appear to have clear biblical evidence that Moses himself wrote some, if not all, of the Pentateuchal books.

It is important that we have a sure idea of when and who wrote Leviticus because it affects our understanding of land restoration in Leviticus 25. If it was written as early as Moses’ time, do we have any clear evidence in the Old Testament that it was observed? If it is a post-exilic writing, why was it written, and what did it achieve in the society of post-exilic Israel?

3.4 The Contents and Structure of the book of Leviticus

The book of Leviticus consists mostly of laws and ritual, so that it is a book with very little narrative. This little narrative is framed as part of the Pentateuch narrative. Four such legislative narratives may be identified in it. These are: ‘Aaron’s priesthood (8-9); The punishment of Nadab and Abihu (10:1-7); The ritual error of Eleazar and Ithamar (10:16-20) and the stoning of blasphemers (24:10-14, 23)’ (Smart in Buttrick, G. A. Vol. 1 1962:117).

The narrative framework of the book of Leviticus can be seen in its short stereotyped introductory and concluding formulae, namely, ‘The Lord spoke to Moses’. These formulae tell a story about Yahweh’s verbal encounters with Moses. These verbal encounters constitute a narrative framework for what Yahweh spoke to Moses, even though what he spoke were mainly laws.

These laws regulated Yahweh’s covenant with Israel to motivate and facilitate faithfulness to him. In this sense, the law was formulated on the basis of the concept of the Pentateuchal narrative—the promise of land to Israel by Yahweh. The promise of land was rooted in Yahweh’s covenant with Israel, and his laws to them connected the covenant to life in the land. While these laws were in some instances similar to those of Ancient Near East nations, they differed from those by the mixture of ‘civic, religious, cultic, and ritual law in the same texts’ (Grabbe, L. L. 1993:26).

Scholars of the Old Testament see the structure of these laws within the book of Leviticus in different ways. A common view, held by among others, Ferdinand Deist, sees only two sections in the book, namely, divine atonement (1-16) and human devotion (17-27). Gordon Wenham sees four—laws on sacrifice (1-7), institution of the priesthood (8-10), uncleanness and its treatment (11-16) and prescriptions for practical holiness (17-27). Brevard Childs also sees a fourfold structure of the book, similar to that of Wenham’s, but with one exception—he sees chapter 27 as an appendix on various gifts to the sanctuary. Otherwise, ‘Chapters 1-7 deals with the sacrificial system, 8-10 the inaugural service, 11-16 laws of impurities, and 17-26 laws of holiness’ (1979:182). This latter structure is followed here in this part of the thesis.

3.4.1 Chapters 1-7

Chapters 1-7 constitute the first main section of the book of Leviticus. The offerings of sacrifices and the animals they bring for sacrifice are prominent in these chapters. It contains clearly defined subsections with some detail of its content. Chapters 1-3 deal with three types of voluntary

offerings, in which a separate chapter is given to each. Chapters 4 and 5 and the first seven vv. of chapter 6, deal with the remaining two main sacrifices in Leviticus.

The three voluntary offerings discussed in the first three chapters of the first subsection are the burnt offering, the grain offering and the peace offering. Each one is introduced by the formula, 'When any man of you brings an offering to the Lord' (1:2; 2:1; 3:1). Here the status of the sacrifice that the worshipper brings to the Lord is emphasized. But in the case of the two expiatory sacrifices in chapters 4-6, says the status worshipper is emphasized: 'If a person sins unintentionally in any things which the Lord has commanded not to be done, and commits any misdemeanour' (4:2; 5:15)

In chapters 1-5 the atonement value of each of its five sacrifices are emphasized, with the worshipper and the priests corroborating in the sacrifice ritual. The subject of 6:8-7:21 is indicated by the formula that introduces the instructions about the method of the sacrifice ritual: 'This is the law...' (6:9; 6:14; 6:25; 7:1; 7:11).' This formula emphasizes the laws about how the priests were to officiate at the sacrifice ritual. This section anticipates the holy expectations for priests in chapters 8 and 10.

Chapters 6:8-7:36 is a third subsection, elaborates on the instructions of five main offerings of the earlier chapter by showing how the offering ritual is to be carried out by Aaron and his sons, the priests. This section concludes with 7:22-36 with two matters relating to eating of animal sacrifices. The one is a prohibition to eating the fat of those sacrifices. The other relates to the portions that were to be allocated to Aaron and his sons from the peace offerings.

Chapters 1-7 conclude with a formula in which it lists the five offerings again (7:37-38), while adding one not mentioned before, namely, *ordination offering*. The nature and purpose of this offering is not clarified though. Levine suggests that it refers to 'the *minhah* holocaust offered by the High Priest and prescribed in 6:12-16' (1989:47). It most likely anticipates chapters 8 and 10 where the priests are ordained to the priesthood, where the ordination offering is mentioned (8:28).

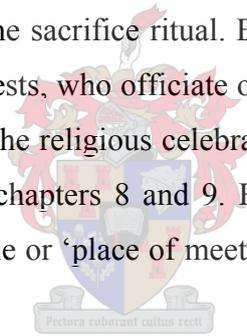
3.4.2 Chapters 8-10

Mann argues that Leviticus 1-9 completes a narrative sequence that began with Yahweh's command in Exodus 25:8, 'Let them build me a sanctuary that I may dwell among them'

(1988:114). So he prefers a different structure for the book of Leviticus than the one suggested here. However, it is quite clear that chapters 8-10 constitute a section on its own.

Within the framework of chapters 8-10 is contained detailed instructions from Yahweh to Moses relating to the ordination of the priests; 'In fact, so careful was Moses to follow the directions given to him on the mount that practically every v. in chap. 8 is a quotation or an adaptation of the commands given in Exodus 29-30' (Kaiser Vol.1 1994:2056). Moses' concern to follow the directions commands here with care emphasizes the holiness of these divine commands. And this holiness is illustrated from the deaths of Nadab and Abihu in chapter 10. Their deaths 'served to emphasize that extreme care was to be exercised by the priests in all aspects of officiation. A series of instructions on proper priestly conduct reinforces this message [10:8-15]' (Freedman, D. N. Vol. 4 1992:314).

An interesting contrast between chapters 1-7 and 8-10 is noted here. The first seven chapters of the book emphasize the part of animals in the sacrifice ritual. But the three chapters here emphasize the function of humans, specially the priests, who officiate over the sacrifice ritual. This emphasis emerges from 'a detailed description of the religious celebrations that mark the initiation of formal worship in Israel' (Levine 1989:48) in chapters 8 and 9. But this initiation does not include the dedication of the newly erected tabernacle or 'place of meeting' with Yahweh. Instead, it is limited to the dedication priests.



3.4.3 Chapters 11-16

The third section of the book of Leviticus is chapters 11-16. It deals with purification laws, except for chapter 11. Some commentators feel that chapters 11-15, and even 11-16 belong to the Holiness Code of chapters 17-26. Therefore, Childs intimates that these chapters are grounded 'in the nature of Yahweh's being as holiness [ch. 19]' (1979:185).

Albeit that a number of commentators prefer to demarcate chapter 16 (The Day of Atonement chapter) as a section by itself, hedging chapters 11-15 between it and chapters 1-10. Milgrom, for example, says that chapter 16 is 'clearly the work of a redactor who united chap. 16 with chap. 10 [chaps. 11-15 being inserted later]' (2000:62).

In fact, in themselves chapters 11-15 constitute a problem. Kaiser says that 'Few chapters in the Bible present more difficulties for the application of biblical materials to the modern day for the

contemporary reader than Leviticus 11-15' (Vol. 1 1994:1074). After all, how can certain foods and common bodily experiences and disorders like childbirth (chap. 12), leprosy (chaps. 13-14), and bodily discharges (chap. 15) be considered unclean—were they not natural and normal to all humans?

This kind of uncleanness may only be explained by Yahweh's call to Israel to be holy like himself. In His holiness Yahweh was different from the pantheon of Yahweh's in the Ancient Near East. And His chosen people Israel were to be different from the nations of the Ancient Near East. The foods Israel ate, and the way in which they experienced bodily disorders in relation to the cult helped manifest this holiness. So Yahweh's declaration of what is unclean in these chapters served to 'forever mark Israel off from all other nations. The purpose then was to demonstrate Israel's separateness' (Kaiser Vol. 1 1994:1076).

Another observation is that even chapter 11 might be more suited to being a part of the Holiness Code. Its list of foods regarded as unclean by Yahweh, and therefore forbidden to Israel for consumption, is similar to laws that are listed in the Holiness Code. Chapters 12-15 on the other hand specify purification procedures from uncleanness. There might even be a closer link between chapters 12-15 and 16, than between 11 and 12-15. This is so because chapters 12-15 deal with external bodily uncleanness, and chapter 16 with internal spiritual uncleanness. And Yahweh's call to Israel in 11:44 for them to imitate His holiness strengthens the argument that chapter 11 is part of the Holiness Code. Furthermore, when it is considered that the other two calls by Yahweh for Israel to be holy like Himself are found in the Holiness Code (19:2; 20:7) the argument for chapter 11 to be included in the Holiness Code is not at all unreasonable.

Gerstenberger's argument offers a good solution to the difficulties about this section. He proposes that 'the purity laws of Leviticus 11-15 were concerned with the cultic qualification individual person, (and) chapter 16 f. direct attention more to the community as a whole' (1996:211), this argument makes a case for retaining these chapters as a section of own. And this is especially so if chapter 16 is understood to be the grand purification law. Hence Kaiser agrees that, without the cultic and ritual cleanness background in chapters 11-15, 'much significance of chap. 16 would be missed' (Kaiser Vol. 1 1994:1074).

3.4.4 Chapters 17-26

The Holiness Code. ‘The distinct character of the collection of laws in Leviticus 17-26 was first recognized in the 19th century. In 1877 it was given the name ‘Holiness Code’ (*Heiligkeitsgesetz*) by Klostermann, and this fitting appellation has stuck ever since’ (Joosten 1996: 5).

The chapters of the Holiness Code open with a prologue (chap. 17), and end with an epilogue (26:3-46). ‘‘The subject prologue is proper worship’ [while] ‘The epilogue admonishes the Israelite people to obey Yahweh’s laws and commandments, predicting the dire consequences of disobedience’’ (Freedman, D. N. Vol. 4 1992:316).

The cult of Yahweh was characterized by a sacrificial system that constituted the centre of its worship. Thus proper worship in chapter 17 is related to animal sacrifice prohibitions governing slaughtering, and the eating of blood and animals that die or are torn by beasts. Proper worship here is built upon two things, the sanctity of blood and the place of its performance, namely, the tent of meeting.

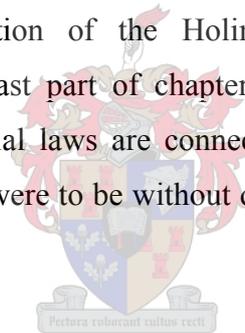
There is some objection to this chapter being a part of the Holiness Code simply because (a) it does not mention once the concept of holiness, a concept that is so distinctive of most chapters included in 17-26; (b) it contains no moral injunctions so characteristic of this section; and (c) it forms no natural connection with what follows in chaps 18-26’ (Kaiser Vol. 1 1994:1117). Some Old Testament scholars who work with a two-sectioned book of Leviticus demarcate chapters 1-16 from chapters 18-27, and bridge these two sections with chapter 17. Others interpret chapter 17 as a continuation of chapter 16. This sounds very feasible, since sacrifice in chapter 16 is very prominent.

The epilogue of the Holiness Code in chapter 26 is a call to Israel for obedience with a promise from Yahweh of economic prosperity, peace in their land and military supremacy, and the unique cultic experience of having their Yahweh dwell among them and walking or living among them (vv.11-12). No other religion of that time could claim to have a Yahweh like the Yahweh of Israel. But what is also significant about Yahweh in this epilogue chapter is that while he calls upon Israel to obey him, he warns them that disobedience could have grave consequences for them, but without necessarily rejecting during judgement (v. 44), and the reason for this is that he will always remember the covenant that he made with their ancestors (v. 45).

In between chapters 17 and 26 are chapters 18-25 that preserve ‘important legal texts’ (Levine 1989:xv). Chapters 18 and 20 may be considered to be the second sub-section of the Holiness Code after chapter 17. They are connected to each other in that they relate to boundaries in sexual matters. Chapter 20 though imposes penalties for violation of the sexual laws of chapter 18. Laws about Israel’s religious and moral obligations in 19:3-20:9 interrupt these two chapters.

Leviticus 19:1-20:9 would actually constitute the third sub-section Holiness Code. It ‘could be described as a community code. It covers a range of topics, including social, ethical and cultic obligations’ (Budd 1996:263). A collection of different laws encases these social, ethical and cultic obligations. The interesting thing about this collection of laws is that they are ‘modelled after the Decalogue (The Ten Commandments). It demonstrates the interrelatedness of proper social behaviour and a meaningful religious life, two dimensions of life that were never meant to regarded as separate’ (Levine 1989:xv).

Chapters 21-22, the fourth sub-section of the Holiness Code, deal primarily with the requirements for the priesthood. The last part of chapter 22 introduces some new laws about sacrifices. It appears that these sacrificial laws are connected to the laws about defects and the priests in chapter 21. Just as the priests were to be without defect, so should the sacrifices that they offer to Yahweh be without defect.



Chapter 23 is a calendar of the festivals of the Israelite cult of Yahweh. All festivals listed here are annual festivals that begin with the spring of each year. The Sabbath is the exception here, it being a weekly celebration (vv. 1-3). In the context of the Holiness Code these festivals are times of holiness. Their celebration separates them from all other kinds of celebrations as times of purity before Yahweh.

Chapter 24 commences with matters about oil and bread used in the tabernacle. It is difficult to see how these laws connect to what follows them in the chapter. The later verses of this chapter deal with the well-known ‘eye for an eye law’ arising out of the story of a half-Egyptian, half-Israelite boy who blasphemed the name of Yahweh.

Chapter 25 is about land restoration and its role in the promotion of peace and justice in Israel. Land restoration was necessary in Israelite society to indicate that ‘A holy nation treats its members justly and humanely and does not tolerate widespread poverty or disenfranchisement’ (Levine

1989:xvi). The seven-year Sabbath and the fifty-year Jubilee festivals are an integral part of land restoration and is given extensive coverage in this chapter. However, it is a little odd that such great festivals as these are not even mentioned in the laws of festivals in chapter 23.

The issue of land restoration in Leviticus 25 is prompted by the story in the Pentateuch of Yahweh's promise of land to the Patriarchs. This promise was a dimension of Yahweh's covenant with them and is an appendix to the book of Leviticus—it 'does not fit the structure of H which should, logically, end with chapter 26. It seems to be a later addition, added as an appendix to H' (Grabbe 1993:84). Its vows and tithes laws relate to the dedication of one's possessions to the Lord. Wenham is puzzled as to why chapter 27 'should appear in its present position, since ch.26 with its blessings and curses would have made a fitting conclusion to the book' (1979:336). Critical scholars attribute this to it being a later addition to the book of Leviticus.

This resulted in a maneuvering by His cultic relationship with them and their progeny, the ancient nation of Israel. Yahweh's cultic relationship with Israel centered in the two institutions of the law and the tabernacle. The narrative of these two institutions begins in Exodus 20 and is for all intents and purposes completed in the book of Leviticus even though Leviticus is essentially a legal document. The literary status of Leviticus as a legal document means that land restoration in its twenty-fifth chapter is a cultic legal requirement for Israel. This legal requirement is enshrined in the section of the book of Leviticus known as the Holiness Code. Its enshrinement therein is a solemn reminder to Israel that Yahweh considered land restoration as a holy requirement for His ancient people. Thus 'the keynote of Leviticus is its resounding 'be holy, for I am holy' [11:44-45; 19:2; 20:7,26]' (Arnold and Beyer 1999:12).

3.4.5 Chapter 27

This chapter is an appendix to the book of Leviticus—it 'does not fit the structure of H which should, logically, end with ch. 6. It seems to be a later addition, added as an appendix to H' (Grabbe 1993:84). Its vows and tithes relate to the dedication of one's possessions to the ord. Wenham is puzzled as to why chapter 27 'should appear in its present position, since chapter 26 with its blessings and curses would have made a fitting conclusion to the book' (1979:336). Critical scholars get around this by understanding that it is a later addition to the book.

3.5 Interpreting the Book of Leviticus

3.5.1 Two Basic Approaches

The book of Leviticus is essential for an understanding of the cultic history and practices of Israel in the Old Testament as a whole. It goes without saying then that a thorough interpretation book of Leviticus is important in this regard. But interpreting the book of Leviticus is a very daunting task, because there is no consensus among scholars about a correct method of interpretation for this book.

However, there is some consensus among scholars to two broad approaches to interpreting the book of Leviticus. The first and oldest is the orthodox or traditional approach, used mostly by Jewish and non-critical (especially evangelical) scholars. This position assumes that the entire book of Leviticus is the word of Yahweh that was given to Moses through divine inspiration to Moses. This view understands that the Old Testament is ‘the words of Yahweh comes in human forms, thought patterns, and literary structures’ (Amerding 1997:4). Its basic approach is to interpret Leviticus historically and literally, without questioning its present form or message. This approach is generally called the historical-literal approach.

The other main approach is the one that considers that Leviticus was edited and put together from a number of earlier sources in which the human authors played a very influential role in determining the content of writings. Therefore, this approach proceeds from a view that since the book of Leviticus is human literature it is subject to literary analysis and interpretation just like all other literature. This approach is called the historical-critical approach because it emphasizes ‘History’ in a very critical manner. It ‘deals predominantly with such matters as underlying literary sources, types of literature, and questions relating to the authorship, unity, and date of the various OT materials’ (Freedman, D. N. Vol. 1992:239). It is characterised by a critical questioning of Leviticus to understand how and why it arrived at its present form, and how these influenced its message.

Both the historical-literal and historical-critical scholars of Leviticus subscribe to an ethic of Bible interpretation in which the interpreter is responsible to be true and accountable to someone or something. Both critical and non-critical scholars confess ultimate responsibility to the Yahweh of the Bible himself. In addition, critical scholars locate this responsibility in the community of Bible writers, scholars and readers, and non-critical scholars locate it in the Bible itself. For the latter the

Bible is inerrant and infallible and must therefore not be questioned for whatever reason, and in whatever way.

3.5.2 Leviticus as the Inspired Word of Yahweh

This thesis assumes that the book of Leviticus is literature. And as literature it must be interpreted by the rules that govern the interpretation of literature. However, it is a unique kind of literature, a literature that is inspired by Yahweh. It contains a record of Yahweh's self-revelation to Israel during that part of history in which he gave them laws by which they were to practice the cult of Yahweh. It is a matter of conjecture whether Yahweh's self-revelation was recorded immediately at the time it was given as accurate truth, or later on in Israel's history as altered or idealized truth. It remains, however, that this record must at least be accepted as having originated with him in some way or the other. Without such an acceptance of Leviticus its uniqueness as literature, and its value to Christian theology will be questionable.

The original Jewish interpretation of Leviticus was based on the plain meaning of the text, called the *peat* by Jewish scholars. 'At some point during the biblical period, the cultic and social prescriptions of Leviticus had virtually no other meaning than the *pešat*' (Hartley 1992:14). They began with Leviticus in its final form, believing that it originates by direct revelation from Yahweh to Moses. This approach was called the midrashic interpretation, 'the name given to that exegesis of the Bible which emanated from the rabbinic schools of Israel' (in Buttrick Vol. 3 1962:376). It consisted of notes in the margin that included the bible text plus the comments of the Jewish scholars.

Much later the church fathers used the typological and allegorical approaches for interpreting the book of Leviticus. These approaches are still popular in some circles even today. The typological interpretation tries to find in biblical characters, events or objects greater characters, events or objects to these in later books of the Bible. And the allegorical approach ignores the historical context of biblical texts in pursuit of finding a deeper 'spiritual' meaning of the text. The arrival of the modern biblical interpretation era is challenging these interpretations, and any other approaches that neglect to critically question the origin and motivation of biblical texts.

3.5.3 The Function of the Book of Leviticus in the Canon

Assuming that Leviticus originates with Yahweh the question that must follow is: 'What is the reason for the book of Leviticus in the canon Old Testament?' Historical-critical scholars will

generally answer this question by pointing to priests who wrote it ‘who had a vision for an idealized cult’ (Grabbe 1993:22). They question the historicity text by showing how the priest’s post-exilic period of Israelite history read back into that history the narrative events book of Leviticus. Their aim in this is an honest attempt at persuading ‘the reader about certain truths, positions, and courses of action’ (Hayes and Holladay 1987:74) in the book of Leviticus.

Historical-literal scholars engage in questioning the text and its history, but they will not do so at the expense of the historicity of the text. Historical-critical scholars will contend that Leviticus is included in the canon to sustain the vision of the post-exilic priests for an idealized cult. But historical-literal scholars suggest that it is a message from Yahweh about his laws for all of history.

A compromise between the two positions is that Leviticus is a part canon because Yahweh is mentioned no less than 350 times in it. In relation to Yahweh, Charpentier says that ‘many regulations in Leviticus belong to a culture which is no longer our own and it would be stupid to apply them. However, what they tell us is still essential: Yahweh is present and we live before him’ (1987:68).

3.5.4 Interpretive Strategies and Interpretation

It is important in the case of a book like Leviticus that a clear distinction is made between interpretive strategies and exegetical methods. Exegetical methods today appear to be dominated by the historical-critical method of interpretation. Conradie, Jonker, Lawrie and Arendse (1995:93-112) lists six approaches that characterize this method, namely, text-critical, literary-critical, form-critical, tradition-critical, and redaction-critical and the canonical-criticism approach. These approaches probe the world behind the text.

Interpretive strategies on the other hand, are ‘The ways in which readers establish a link between some aspects in the biblical text and some aspects in the world in which they live’ (Conradie [sa]: 1). They are ‘technical tools to overcome the distance between the text in its original and contemporary settings’ says Conradie ([sa] 1). The most common interpretive strategies are allegorical, typological and proof-texting. This thesis has already shown the nature allegorical and typological approaches.

Proof testing is a strategy mostly used by historical literal Bible scholars who interpret biblical texts by producing vv. from the Bible that can validate their theological statements or views. They

almost draw straight lines from biblical texts in their original settings to the present without considering the history through which those texts passed from the time of origin, and up to their final form, and even up to their meaning in the present day.

Leviticus must and can be interpreted by the original authors' original motives and intentions. For this reason a knowledge of who the authors might have been, and why they wrote what they wrote is essential to interpreting the book of Leviticus. A literary analysis text examines sources, but these can in no way be conclusive. This can, and has led to much speculation and over-elaboration of possible sources of biblical texts. Nevertheless, even non historical-critical scholars need to carefully observe and interpret Leviticus with Hayes and Holladay's eight-point suggestion of factors in a text that may indicate the use and incorporation of sources. This should be pursued while ensuring 'realistic interpretation' (Freedman 1992 Volt 4:319). Hayes and Holladay's eight-point suggestions are:

Among These are (1) changes in literary style, (2) shifts in vocabulary, (3) breaks in continuity of thought or presentation, (4) the presence of secondary linking and connecting statements, (5) changes in theological and other viewpoints, (6) duplications or repetition of material, (7) clearly defined and isolatable sub-units, and (8) chronological, factual, or other inconsistencies.

(1987:76-77)

3.6 The Two Theological Axes of the Book of Leviticus

We have already noted that the historical setting for Leviticus is Mount Sinai and the establishment of tabernacle worship there. Up to this point, the historical experience of Israel with Yahweh is that he is their liberator: 'I am The Lord your Yahweh, who brought you out land of Egypt, out house of slavery' (Ex.20: 2). But at Sinai 'is added the experience of the nearness of Yahweh. Only thus did the group's historical experience of Yahweh...find its confirmation and clarity' (Albertz, R. 1994:56). This was so because at Sinai they had begun to experience Yahweh in a new way, a way different from that of any other religion of the Ancient Near East: 'For throughout all their journeys, the cloud of the Lord was on the tabernacle by day, and There was fire in it by night, in the sight of all the house of Israel' (Ex. 40:38). In other words for the rest of the exodus they saw the glory of Yahweh (cf. Ex. 40:34).

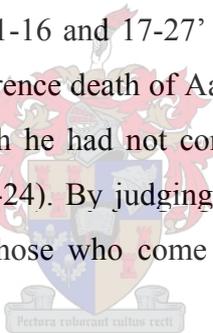
Israel's new and unique experience with their Yahweh in which they 'saw him' day and night elicited from them a commitment to him to be a holy people. There are two theological axes in the

book of Leviticus upon which the story of Israel's pursuit of holiness revolves. The first is the annual Day of Atonement in chapter 16, and the other is the so-called Holiness Code in chapters 17-26.

3.6.1 The Day of Atonement

'The canonical references to the Day of Atonement are confined to the priestly writings' (Rylaarsdam in Buttrick, G. A. Vol. 1 1962:314). Specifically they are recorded in Leviticus 16:2-34, 23:26-32 and Numbers 29:7-11. The instructions of Leviticus 16 relate to the high priest's officiation on the Day of Atonement. Leviticus 23:26-32 and Numbers 29:7-11 are addressed to the people of Israel. Both high priest and people are instructed about intense holiness of this day, and the need for absolute humility before Yahweh.

The sixteenth chapter of Leviticus 'is well placed since it provides the literary and theological conclusion to the consecration and purification procedures in Lev. 8-16 as well as the cultic link between the two halves of the book, Lev 1-16 and 17-27' (Averbeck in Buttrick, W. A. Vol. 2 1996:99). It opens dramatically with a reference death of Aaron's two sons, Nadab and Abihu, who had offered strange fire to Yahweh 'which he had not commanded them' [possibly offerings by fire—cf. Lev. 23:27] (Lev. 10:1b cf. 9:23-24). By judging Nadab and Abihu with death Yahweh was making a calculated statement that those who come near to him should treat him as holy (chaps. 8-9 cf. 10: 3; 16:2; 23:2; 26-32).



3.6.1.1 The Origin of the Day of Atonement

The Day of Atonement was celebrated in Israel's most holy month, the seventh month, Tishri. It was the second of three religious festivals during Tishri. And like the book of Leviticus itself the origin of its dating has generated much debate in biblical research circles.

There is the general view that ascribes a late date for its origin. 'Ezekiel 40-48 provided the climate in which the Day of Atonement could develop...But the Day as described in Lev. 16 does not seem to exist' (Rylaarsdam in Buttrick, G. A. Vol. 1 1962:314). Some say that it was showing development before Ezekiel but did not actually exist at the time.

A late date for this day might explain why much of Israel's pre-exilic history was characterized by vacillation between the worship of Yahweh and Baal. It was such an extremely holy day of renewal and fresh commitment it is hardly likely that if it were celebrated before the exile that Israel would

have gone into the exile at all. However, it might just have been possible that this day was celebrated before the exile, and is to some extent referred to by Isaiah in chapter one when he condemns Israel's superficial cultic observance before Yahweh.

3.6.1.2 The Ministry of the Priests

Two priests are listed in Leviticus 16 as the chief officers Day of Atonement celebration. The Day of Atonement is designated 'a holy convocation' (23:27). The holiness of this day is evident in every aspect of its celebration, beginning with the high priest, the chief cultic officer of Israel who presided over this holy celebration. His duties on this day were preceded by intense preparations because he was to meet Yahweh 'in the cloud over the mercy seat' (v. 2a). And before Yahweh he was to make atonement for the entire nation. Seven days before it, he was to leave home and prepare himself spiritually and ritually for the day. 'During these days he officiated at the daily burnt offering and rehearsed the solemn rites he was to perform on the Great Day' (Rylaarsdam in Buttrick, G. A. Vol. 1 1962:314).

On the Day of Atonement his duties began with the compulsory ceremonial washing for all priests, and the putting on of ceremonial garments (v. 4). One of the pieces of those garments was a turban. R. L. Cate says that 'the clean turban represents the reinstatement of a legitimate and ceremonially clean high priest so that Israel once again has representation before Yahweh. A plate engraved with 'HOLY TO THE LORD' is attached to the front of this turban [Exod. 28:36; 39:30]' (quoted in Buttrick, W. A. Vol. 3 1996:822-823). This set the stage for the holy service he was about to perform.

Verses 6-28, the second section of chapter 16 provides the details of his atonement day duties. These duties began with making atonement for himself and his household (vv. 6, 11). This is followed by entry into the Holy of Holies to offer blood from the bull before the Lord. On this day he goes 'inside the veil' (v. 12) to offer the blood, compared to all other times year when sin offerings were offered to the Lord 'in front of the veil' (Lev. 4:6).

Behind the veil he met with Yahweh. It appears that Leviticus 16:12-13 might be teaching that Yahweh was 'visible' on the mercy seat, but the high priest was not permitted to see him. He had to use fire and incense to form a cloud to cover the mercy seat 'lest He die' (v. 13b). This ritual was then repeated for the sins of the people (v. 15), as well as for the holy place, the tabernacle and the altar (vv.16, 18). The latter had become contaminated on account of the sins of the people (v. 16a).

After the ritualistic purification of the entire nation the high priest performed the sacrificial scapegoat ritual (vv. 20-22). The ministry of the priests ends with further washing ceremonials, completion offerings, and the return priest into the camp that took the live goat into the wilderness (vv. 23-28).

3.6.1.3 The Nation

The nation, including aliens, was to humble themselves on the Day of Atonement and not do any work on it (v. 29). It may be assumed from v. 30 that this humbling and celebrating the day in holy separation from the normal activities of other days was the prerequisite for the cleansing of the people's sins. Their humbling themselves was a sign of willingness to obey Yahweh to the full on this day. This is more clearly apparent from Leviticus 23:29-30. Those who did not humble themselves on this day were cut off from the nation or destroyed. Furthermore, the people were to make several offerings on the Day of Atonement beside those made by the high priest in chapter 16.

3.6.1.4 The Sacrifices

Several sacrifices were made on the Day of Atonement for purification purposes. The high priests made four of these. Firstly there was the bull sin offering for atonement for him and his family (Lev. 16:6,11). Then there was the goat sin offering for the nation the holy place, the tabernacle and the altar (vv. 15-19). With all these offerings he takes some blood and sprinkles it on and in front mercy seat. 'The OT clearly asserts that the life of an organism exists within its blood. Blood is used synonymously with life in Leviticus 19:16...' (Alexander, T. D. & Baker, D. W. 2003: 88). Therefore, when the blood of an animal was shed through the taking of its life that act indicated a total sacrifice of a life in substitution for the worshipper. In the case of some surrounding religions Ancient Near East a human life was sacrificed for substitution purposes. But Yahweh forbade that to Israel and commanded animal sacrifices instead.

Purification was not only 'achieved' through a blood sacrifice, but also by riddance in which the scapegoat was released into the desert carrying the sins nation with it into oblivion. So on the Day of Atonement two kinds of atonement actually took place—atonement by a blood sacrifice and atonement by riddance ritual.

A crucial question arises from the transfer of sins or other forms of impurity from persons or objects to animals. Levine says that 'this clearly reflects the magical objectives of demonology and exorcism' (1989: 250). However, the kind of magical objectives it reflects are not those like

divination and necromancy and sorcery which the Torah condemns, but rather what Levine calls ‘therapeutic magic’—magic ‘employed in the healing process or in protecting against infection and illness’ (Levine 1989:250). In this regard he suggests that the sending of the scapegoat into the wilderness indicates its magical character. The scapegoat is sent to Azazel whom he thinks is a wilderness demon, a goat demon. The goat demon is subdued by sending another goat after it. ‘The best biblical example of this phenomenology is the utilization of a copper serpent as an antidote to snake bites...Numbers 21:6-9’ (1989: 252).

However, it would be better to view the Azazel as Israel saw it, namely, as a symbol total removal of sins—something like ‘as far as the east is from the west.’ In addition, it does appear that Yahweh is quite involved in this because ‘the purpose lost is to clearly leave the selection of the animals to the Lord. Otherwise if the high priest chose the animals, it would appear that he and the people he represented were offering an animal to Azazel...both animals were placed ‘before the Lord’’ (Milgrom 2000: 1020). In addition, after the whole atonement was completed by a final and fourth offering by the high priest, a ram burnt offering ‘The atonement people were complete for one more year. Communal and personal shalom was restored’ (Freedman, D. N. Vol. 2 2000: 1129).

Other priests were also involved in making sacrifices on this day. Numbers 29:7-11 teaches that the people were to present three kinds of offerings to the Lord. Obviously, this was done through the priests. These offerings were the burnt offering, with no less than nine animals involved, and a grain and a sin offering. They were made after the high priest had made atonement for the people because while he was busy in the holy place no one was allowed to be in the tabernacle (Lev. 16:17).

The Day of Atonement was a great day of purification and the opportunity for the entire nation to renew their devotion and allegiance to Yahweh. This was so because ‘The accumulated sins and iniquities of the previous year are removed, and the reconciliation between Yahweh and people achieved’ (Freedman in Buttrick, G. A. Vol.3 1962:722). It preceded the Holiness Code (chaps. 17-26) and was probably situated in chapter 16 to show Israel what kind of life a purified people ought to live. Without atonement it may be assumed that there could never be sufficient motivation to obey the Holiness Code. And in the context of this thesis on restoration of land in Israel there could be no motivation to obey the Leviticus 25 laws about land restoration. It is no wonder that the Year of Jubilee, to finalize land restoration in Israel every fifty years, began on the Day of Atonement.

3.6.2 The Holiness Code

The Holiness Code is the second theological axis upon which the book of Leviticus revolves. It ‘is a summary catchall of legal prescriptions, cultic regulations, and moral exhortation, which may well have served as a catechism for some sanctuary school, or as a guide for priest and levites in their work as teachers people’ (D.N. Freedman in Buttrick, G. A. Vol.3 1962:722). It encompasses ten chapters in the book of Leviticus, chapters 17-26.

3.6.2.1 The Origin of the Holiness Code

The Holiness Code in its present form is not regarded as authentic. It is considered as a work based on a number of compilations of legal writings that preceded it. Joosten favours such a view by showing that H contains a disorganized treatment of subjects in which ‘several laws are given twice, sometimes in identical form, whereas other juridical questions are not even touched upon’ (1996: 5-6). Chapters 18 and 20 suggest this possibility by their similar content and theme. For this reason many scholars believe That H preceded P, and that it relates to the people of the monarchical period about whom the priests wrote during the exilic period ‘as a programme for life in the Promised Land after the return’ (Joosten 1996:24). In this regard its historical setting at Mount Sinai is fictitious.

Unlike the ‘Book of the Covenant’ (see Ex. 24:7 and 21:1-23:19) ‘this ‘behavioural codex’ has been disclosed on the basis of peculiarities of language and content, and is named after the ‘requirement for holiness’’ (Gerstenberger 1996: 18). Gerstenberger actually believes that it is a later appendage in the book of Leviticus. As such, it has come to be identified as a set of laws or as a single text, ‘a priestly pronouncement of Yahweh’s will, defining what the Yahweh of Israel requires of his people’ (Levine 1989: xlv).

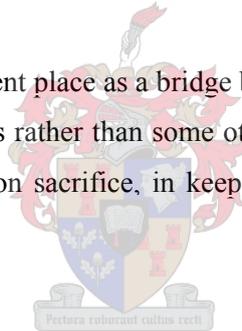
‘In several quarters the hypothesis has been advanced that H is not an older corpus of laws incorporated in P, but on the contrary, a later piece of legislation, written as a correction of P’ (Joosten 1996:8). This means that H did not exist before P, but was composed after it to establish the value of the temple to Israel’s cult. And ‘As far as the structure of the book is concerned, Lev 17 is problematic because it has strong connections to both Lev 1-16 and 18-27’ (Averbeck in Buttrick, W. A. 1996:914).

3.6.2.2 The Holiness Call of the Holiness Code

The Holiness Code constitutes a major statement of law relating to the holiness of Israel. It is, in effect, ‘a priestly pronouncement of Yahweh’s will, defining what the Yahweh of Israel requires of his people’ (Levine 1989:xiv). The primary objective Holiness Code is to encourage the returnees from the exile to renew their faith and allegiance to Yahweh by being holy as he is. Thus its contents deal with a host of matters relating to sexuality, morality, ethics, and so forth.

Since chapter 17 introduces the matter of worship through sacrifice and then allows the chapters after it to stipulate the holy requirements for worship There is a question as to why it does not appropriately follow chapter 7 which concludes the first section of Leviticus which is all about worship? Why would chapter 17 rather follow chapter 16, which talks about how the nation and the sanctuary were to be annually cleansed, aside from the daily cleansing stipulated in chapters 1-7? Milgrom sees chapter 17 as a distinctive H composition, which exhibits links with chaps. 1-16, but which is best explained as the work of the H redactor:

Who intentionally set chap 17 at its present place as a bridge between the two major blocks that compose the book of Leviticus? His choice of this rather than some other chapter would have been motivated by his desire to begin with a prescription on sacrifice, in keeping with the practice of other law corpora (Exod 20:22-26 [JE]; Deut 12 [D]).



(2000:1332)

The historical setting for chapter 17 is the wilderness, while chapters 18-26 relate to life in the land of promise. ‘In reading through chapters 18-26, which contain the main rules for holy living, one is struck by the repetitions rationale (fundamental reason) for a holy life’ (Vosloo 1982:57). The Lord’s name is connected to this rationale, meaning that the call to holiness and the prescriptions for it are rooted in the Lord’s covenantal relationship with Israel. Because he is their Yahweh, and because he is holy so must they be holy. He is their Yahweh because he had delivered them from Egyptian slavery (Ex. 20:2).

Thus chapters 18-20 display a strong holiness emphasis with respect to Israel as a nation. This emphasis is indicated by the introduction in 18:1-5 and the conclusion in 20:22-26. Briefly these are saying that the Lord is their Yahweh and that they were not to live like the Canaanites into whose land Yahweh was bring them. Instead of being like the surrounding nations they were to be holy like Yahweh, their Yahweh. ‘Thus Leviticus 18-20 especially exhorts the Israelite nation to adhere

to holiness and purity standards that will distinguish them from all the nations with which they have had or will have contact...’ (Averbeck in Buttrick, W. A. 1996:915).

The holiness formula of Leviticus 20:7-8 is repeated throughout chapters 21 and 22. And the call to imitate the holiness of Yahweh focuses here on the priests of Israel. And then, as though it were inserted later, the focus at the end of chapter 22 returns to the emphasis of chapter 17, namely sacrifices at the tabernacle.

Sabbatical holiness is quite prominent in chapters 23 and 25 with their lists of holy festivals. Both chapters commence with the seven-day Sabbath. Thereafter, seven festivals listed in these two chapters only one, the Feast of First Fruits omits to talk about the Sabbath or a day of rest related to each these festivals. The grand Sabbath is that of Jubilee year when both man and the land rest. And this rest involves the restoration of land to its original owners. The Sabbath in chapter 24 relates to Aaron receiving and preparing oil and bread for the sanctuary on that day. ‘The concern for the Sabbaths is, however, not limited to chaps. 23-25. In chap. 19 the command to observe the Sabbath comes almost immediately after the holiness formula (v. 2) just after the command to revere one’s mother and father [v. 3]’ (Averbeck in Buttrick, W. A. 1996:916-917).

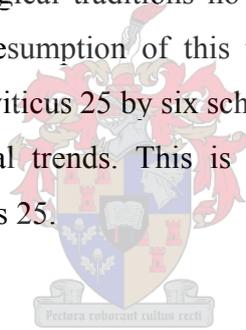
Chapter 26 concludes the Holiness Code that repeats the call of 19:30 to reverence the Sabbaths and the sanctuary of Yahweh (v. 2). Budd says that 26:1-2 ‘is based on the Decalogue tradition’ (1996:360). Then the rest of the chapter addresses the matter of obeying Yahweh’s statutes and commandments. Obedience results in prosperity and disobedience results in punishment, but the chapter ends with restoration for repentant disobedient Israelites.

Chapter Four

A Research Survey of Recent Scholarly Views on Land Restoration in Leviticus 25

4.1 Introduction

The task of theology is to take the ancient text of the Bible and ‘display its relevance and power even in our extraordinary times’ (Nürnberger 1984:169). This ‘happens through an ongoing process of translating the basic meaning of the Word from an old formulation to a new one, from an old way of living it out to a new one’ (Nürnberger 1984:203-204). A consequence of this is that the understanding of the theological meaning of a biblical text by interpreters Bible will invariably be different. This is especially so when they live at and do their work at different periods of biblical interpretation, as well as by their different theological traditions. The six scholars whose views on land restoration in Leviticus 25 are studied live in more or less the same period of biblical interpretation. But their different theological traditions no doubt influence their interpretation of Leviticus 25. Thus the hypothetical presumption of this thesis is that the different theological understandings on land restoration in Leviticus 25 by six scholars from the past twenty-six years are influenced by their different theological trends. This is quite evident from a description and comparison of commentaries on Leviticus 25.



4.2 Land Restoration in Leviticus 25

The central thing about ancient Israelite life was its religion with Yahweh as its God. Closely connected to their religion was agricultural production, the backbone of their economy. Land for agricultural production was valued both for its agricultural worth and for the fact that it was considered as a family patrimony from Yahweh. These factors make it understandable why land restoration in Leviticus 25 is commanded as holy legislation for Israel. God is holy and whatever proceeds from Him is holy. It follows that since the land legislation laws of Leviticus 25 appear to proceed from God this legislation is holy. It is legislation that reflects the essence and attributes of God (p. 14). And it was fundamentally geared towards ensuring that no Israelite would lose their God-given patrimony, their promised piece of land ‘flowing with milk and honey’—an agricultural paradise (cf. Ex. 3:8).

The restoration of land in Leviticus 25 revolves around the Israelite festival of Jubilee. It was characterized by great rejoicing as land restoration was celebrated (p. 18). Jubilee is a unique development from both the socio-economic practices of contemporary nations in the ancient Near

East, as well as from the law of Israel. It is essentially described as ‘a year of release’ (v. 10b) in which the release or restoration of land to its original Israelite owners is pivotal. The importance of Jubilee to land restoration in Israel is indicated in Leviticus 25 by its recurrent reference no less than thirteen times in the chapter (vv. 10, 11, 12, 13, 15, 28, 30, 31, 33, 40, 50, 52, 54). It impacts upon every facet of land restoration, either directly or indirectly in Leviticus 25. This impact is encapsulated in Leviticus 25 under the following sections: (1) the Jubilee and the Sabbath (vv. 8-13); (2) the Jubilee and Property Sales (vv. 14-24); and (3) the Jubilee and Land Restoration (vv. 25-55).

4.2.1 The Jubilee and the Sabbath

4.2.1.1 The Meaning of Jubilee

Land law in Leviticus 25 is introduced in vv. 8-13 as the law of redemption or release or restoration. The thesis of these verses is that at Jubilee each Israelite dispossessed of his land is automatically free to return to his property and to his family (v. 10). The lack of an etymology for the word *Jubilee*, as well as the uncertainty among Old Testament scholars relating to the precise year in which it was to be celebrated, has resulted in an inadequate meaning of Jubilee.

It is known from Leviticus 25 that the inauguration of Jubilee year twice centennially was announced by the blowing ram’s horn (v. 9). The *blowing of the ram’s horn* has influenced some scholars of Leviticus to build an etymological view for Jubilee from this practice. But all they have succeeded in doing is to state the obvious, namely, that the name ‘Jubilee’ derives from ‘ram’ (*yovel*) whose horn (*shofar*) was blown to announce the commencement of Jubilee year.

Other scholars try to show that the etymology of Jubilee is connected to jubilation. Their basis for this view is the historical situation of Joshua 6:1-20 in which both *yovel* and *shofar* are used alongside each other several times (vv. 4, 5, 6, 8, 13), suggesting that there is a parallel between it and Leviticus 25:9. In Joshua 6 Israel’s landless historical experience in Egypt was finally coming to an end. This end began when Israel overcame the first Canaanite city of Jericho before eventually, under King David (2 Sam 8:1ff.), conquering and possessing the entire land. Joshua 6:16 shows that the first historical phase of this event in Joshua’s time was concluded with the blowing of trumpets and great shouting. This ‘blowing of trumpets and great shouting’ is understood as expressing joy and jubilation. Similarly, it is said, that in Leviticus 25:9 the end of landlessness for many Israelites was announced with the blowing of a horn for the jubilation to commence. In fact some say that this jubilation relates to the new (the old was with the Joshua

conquest) ‘conquest’ of Judah by the returning Israelites after 70 years of slavery in Babylon over illegal foreigners in their land (cf. Neh. 4:1f.).

Other scholars have ignored biblical considerations and leapfrogged centuries of Israelite history to show *yovel*'s association with the Latin term ‘jubilum’ (from *jubilare* – to rejoice, to exalt). Consequently the name *Jubilee* in the English Bible came to describe ‘joy and rejoicing’ from a Latin source. But they fail to show why it came to be thus.

Against the association of *jubilation* with the meaning of Jubilee is the argument that the commencement of Jubilee ‘on the tenth day of the seventh month; on the Day of Atonement’ (25:9) contradicts an association of Jubilee with jubilation. Historically the Day of Atonement was not associated with jubilation, but with humility of soul and the atonement for sin before Yahweh (Lev 23:27-28). However, it is counter-argued that the Day of Atonement was itself a day of release, a spiritual release from sins. As such it assumes an experience of jubilation? Thus a case for jubilation in the meaning of Jubilee is feasible, though not necessarily conclusive.

4.2.1.2 The Super Status of Jubilee

The number ‘fifty’ is used extensively in the Old Testament, mainly as a half of hundred or as a multiple of five or ten. It appears to be primarily connected with intermediateness. For example, ‘Priests are not able to minister after the age of fifty, which marks the onset of failing strength and intellect’ (Jenson in Buttrick, W. A Vol. 2 1996:191). Here the number fifty is indicated as being intermediate between relative youthfulness and old age.

If there were a case for the idea of intermediateness in the celebration of Jubilee in Israel what would be the significance of such intermediateness? How does it bear upon individual land claims? Or is it geared towards securing clan land claims rather than individual or family land claims since, depending upon their ages when they lost their land, many individuals may not have lived up until another Jubilee to register a land claim? Since these questions pose uncertainties, some scholars prefer to understand that in Leviticus 25 (and 23:15-16) the number fifty is used as a multiple ‘of seven squared plus one’ (Denton in Buttrick, G. A.. 1962:565). Its usage is actually developed from vv. 1-7 at the beginning of Leviticus 25. Both the Sabbath year and Jubilee are celebrations in which release takes place. The Jubilee is not by nature the Sabbath, because it is strictly speaking not a seventh year, but a multiple of the seventh year of the Israelite Sabbath. And while the latter emphasizes release for the land itself (cf. Deut 15:2), Jubilee emphasizes release for the people

from landlessness. Hence De Vaux sees them as parallel religious legislations that were invented by the clergy to address the destruction of ‘that social equality which had existed at the time of the tribal federation and which still remained as an ideal’ (1961:173). This destruction was the result of families losing their properties, and the development of an interest in the money-lending system in Israel that led to impoverishment and the indenturing of debtors or their next of kin. According to de Vaux the religious legislation invented by the clergy attempted to remedy these evils by two institutions, the Sabbatical year and Jubilee. Is de Vaux suggesting that these two institutions are equal in their release provisions?

It is clear from Leviticus 25 that Jubilee is concerned with restoring those alienated from their property and ravaged by debt. But it is not clear from Leviticus or the Pentateuch that the Sabbath is equal to Jubilee as a liberative festival. Is it not preferable to understand Jubilee as a greater *release institution* than the Sabbath? Is not Jubilee ‘the release year of release years?’ And is it perhaps not possible that the reason why it was to be celebrated only every fifty years was because its provisions are so far-reaching in their extent? While some scholars do not view Jubilee as a natural Sabbath, is it not functionally a Sabbath? If it is may it not be then said that it is ‘the Sabbath year of Sabbath years?’ A comparison of Jubilee with the Sabbath will bear this out.

Jubilee has some remarkable similarities with the Sabbath in its functions relating to release. Both institutions are concerned in a way, albeit differently, with the matter of human control, and possible abuse. In the case of the Sabbath it is human control relating to the land itself. In the case of Jubilee it relates to the control of a human by another human, and even in most cases an Israelite by another Israelite. In its release provisions the Sabbath essentially focuses on legislation concerning the overuse land (Lev 25:1-7; Ex 23:10-11). At the same time outside of Leviticus 25 it includes also the release of Hebrew slaves (Ex 21:1-11), and release from general debt; debt incurred from whatever an impoverished brother needs (Deut. 15:8b). It is not debt necessarily incurred from the loss of land (cf. Deut 15:1-11).

The remarkable thing about Jubilee on the other hand is that it covers all three of these provisions, namely, land-rest (vv. 11; 20-22), release from debt (vv. 35-38), and release from slavery (vv. 39-55). But, in addition to these it lists the most important provision of release for Israelites, namely, land and property restoration for those dispossessed of these in hard times. Furthermore, it does appear that all of the three provisions Jubilee shares with the Sabbath are connected to the important need of land restoration in ancient Israel. The practical realities of its importance are underlined by

the number of times Leviticus 25 prescribes that those who lose their land or property will have these restored to them at Jubilee (vv. 28; 31; 33; 40; 50; 54 cf. 10c; 13). This is understandable in view of agriculture being the backbone of Israel, as well as a societal status symbol. For this reason, it hardly helped if someone was released from debt or slavery, but had no land to return to in order to re-establish his economic base, as well as his standing in society.

So that the addition of land restoration as an aspect of release to the year of Jubilee elevates it above the seven year Sabbath allowing Jubilee to be considered the grandest of Sabbath years. Could this then possibly mean that Jubilee was celebrated on the forty-ninth year, and not the fiftieth year? This possibility appears to be very real although Leviticus 25:10a and 11a both propose the fiftieth year for the celebration of Jubilee. Whether it was a forty-ninth year or fiftieth year celebration the consideration that Jubilee was a celebration of the grandest of Sabbath years remains because of its functional similarity to the seventh year Sabbath. Admittedly, there is no definitive statement in Leviticus 25 about the comparative greatness of Jubilee to the Sabbath year. But the strong implication is there.

4.2.1.3 The Holiness of Jubilee

The holiness of Jubilee is expressed in two ways. Firstly, Israel was to consecrate or make holy the Jubilee year (v. 10a). Secondly, it shall be holy to Israel (v. 12a). Are these stipulations different or one and the same? It appears that the first refers to a religious ritual by which Israel made it holy. This could be related to its commencement on the Day of Atonement. The second probably refers to the status of the Jubilee year itself. It was to be celebrated as a holy year through fear of Yahweh, and by keeping His commandments, especially with respect to land restoration. Since Leviticus presents Yahweh as holy it follows that whatever He institutes must be holy. And since in chapter two above, holiness is understood as ‘the mode of Yahweh’s presence in the land among His covenant people’ (p. 13) and ‘His nature...way beyond earthly, human experience, and therefore transcendent in its unutterable glory’ (p. 14) the holiness of Jubilee assumes the presence of Yahweh in His glory during the year of its celebration. And His presence and glory in the Old Testament is often associated with His righteousness and justice. This means that Jubilee was to be a celebration of righteousness and justice in holiness to Yahweh.

Therefore, it stands to reason why Jubilee began with the Day of Atonement (v. 9b). The nation of Israel needed to be cleansed of its sin (of unrighteousness and injustice) before Jubilee could be holy for them. Once Yahweh had cleansed and forgiven the nation of its sin they were released

from *self* to practice holiness through righteousness and justice. Yahweh forgave them of their spiritual debts, to free them to forgive one another of their economic debts. This could even mean that while creditors would forgive their debtors of land debts, the debtors would forgive their creditors for unlawful exploitation and application of land debt law (cf. Matt 6:12).

Some commentators are of the opinion that some or all Jubilee prescriptions were disregarded. And others insist that it was not celebrated at all by the Israelites. Obviously, partial or total rejection of it constituted unholy behaviour. Did Yahweh stipulate consequences for this? Conservative evangelical scholars of Leviticus 25 who hold to a pre-monarchical origin of this text believe that this unholy behaviour in part was responsible for Israel going into a second exile to Babylon—they did not dwell securely in the land (v. 19b).

What was Yahweh's motivation for legislating that Israel should celebrate Jubilee with holiness? It was the fact that He was 'the LORD their God' (v. 17b; 36b; 43b), a relationship engineered by His deliverance of Israel from Egyptian bondage and making them His covenant people (vv. 38; 42; 55). And the medium by which Yahweh regulated His covenant relationship with Israel was His statutes and judgements (v. 18a). But what could possibly motivate Israel to keep His regulations? It was a combination of the five concepts looked at in chapter two. These are Yahweh's covenant with Israel in which He took the initiative to become their God and make them His own peculiar people (v.17b; 38a). Secondly, His promise of land to them, a promise that He kept (v. 23b; 38b). Then, and perhaps the most important of all motivating factors, was His holiness—who Yahweh is in and of Himself as transcendent God (10a—a consecration of Jubilee to Him who is holy; what is not holy cannot be consecrated to Him who is holy). Fourthly, in the atonement He provided for their sin (v. 9b). And finally the assurance of Jubilee shows that they would not lose their land permanently (v. 23a).

Implicit in Israel's commitment to holiness at Jubilee is faith. Faith is that capacity of Israel by which they carried out Yahweh's Jubilee commands to them regardless of how 'impossible' such obedience may seem to them (cf. 18-20). In a sense, faith is a divine device by which Yahweh helps Israel to achieve His will *for their lives, and their good*. Unbelief is a rejection of what God offers and expects from Israel, the essence of which rejection is unholiness. In relation to Jubilee unholiness would among other things mean a disregard by them to restore the land to its original owners. It is not too difficult to see why this would be so. Without faith they would find it difficult to trust God for their economic security should they have acted righteously and justly to the extent

required by the land restoration laws of Leviticus 25. Thus, it goes without saying that faith was essential to a holy celebration of Jubilee. If Jubilee was not celebrated by Israel what were the consequences of this for Israel? Those scholars who believe that Leviticus 25 was a post-exilic document do not answer this question. But those scholars who believe that it was a pre-exilic document claim that this unholy behaviour resulted in a return for Israel to exile, this time to Babylon in 587 BC.

Jubilee was indeed a strenuous test of Israel's faith. Besides having to release their debtors, they were also expected to release the land from overuse—they were to rest it from agricultural activity. Some argue against the possibility of faith here especially if Jubilee involved five years of agricultural bareness if Jubilee fell on the fiftieth year, and there were back-to-back years for the land to be rested. In refutation of this some evangelicals illustrate from the Joseph story that Yahweh is able to provide for the faithful, regardless of the number of years involved (Gen 41:16ff.). Budd agrees that God could provide for the faithful in the long barren years relating to Jubilee since 'provision comes not from 'reaping' a harvest or 'gathering' grapes, but from what the land produces on a day by day basis' (1996:347).

This much is evident from vv. 20-22, even though some scholars agree that these verses are parenthetical, or a later editorial insertion in the text. Admittedly, they do appear to be more suited to a place in the text where they could come immediately after vv. 1-7, or even after v. 11. But whatever reasons commentators may offer for these verses appearing here it remains that they convey a theological message to Israel that God is able to take care of them if they keep Jubilee holy, through obedient faith.

4.2.2 The Jubilee and Property Sales

4.2.2.1 The Theological Centre of Leviticus 25

The theological centre of Leviticus 25, according to most scholars, is vv. 23-24. Some commentators attach them to the section that deals with land ownership and sales (vv. 14-24). Others attach them to vv. 25-55. And still others separate them to stand as a section by itself. The point these verses are making is that Yahweh owns the land that He gave to Israel, His covenant people. And He requires that in the event that any Israelite should lose his covenant portion land, provision must be made for its redemption (v. 24).

This redemption presupposes that Israelites had the authority to sell off the land, though never as a permanent sale (v. 23a). Two reasons are offered for this in v. 23b. Firstly, Yahweh owns the land, and secondly, Israel occupies it as ‘foreigners with Him.’ This state of affairs derives from Israel’s entry and possession of Canaan land. Upon taking possession of Canaan Israel classified all non-Israelites as resident aliens and sojourners. Similarly, ‘the Israelites were to regard their status before Yahweh as analogous to that of their own residential dependents to themselves. Thus, they had no ultimate title to the land—it was owned by Yahweh’ (Freedman, D. N. Vol. 3 1992:1025).

Yahweh’s ownership of the land is assumed, not explained or defended in v.23. This ought to be a significant fact since some critical scholars understand that Israel came to know Yahweh far away from Canaan in the Sinai desert. It is true that it was there that Yahweh entered into covenant with them and promised them Canaan. But how could a god of the desert offer a people of his choice land far removed from the desert? Conservative scholars understand that Yahweh was authorised to do so because He is the creator of all land. Some critical scholars on the other hand emphasize that it became His through military conquest. And as owner of Canaan through conquest Yahweh gave Israel the land. In this sense they owned it, but only in the capacity of tenants. Their ownership was in relationship to the Canaanites who occupied the land. Their tenancy was in relationship to Yahweh who made it (or conquered it).

There is yet a third kind of status that Israel enjoyed in relation to the land, namely, that of stewards. This much is clear from the fact that they were authorised to sell it, subject to Yahweh’s provisions for such sales. The sale was on behalf of Yahweh, reflecting His righteousness and justice, that the land would never be lost to any Israelite family, to whom He gave it. Thus land sales were neither permanent nor final (v. 23a cf. v. 14f.). This is analogous to the time when God made Adam and Eve His junior partners over creation from the base of the Garden of Eden in the Genesis story (Gen.1:26f.). In Israel’s case Yahweh installed them as His junior partners over one part of His creation, namely, Canaan. And herein lies the motif for land restoration in Leviticus 25. Ultimately God gave Israel land for the purpose of ensuring that it was looked after for the sake of Israelite sustenance and preservation throughout their generations, while it also served as a base from which they operated to carry out His salvific mission on the earth.

Joosten understands that the primary object of verses 23-24 ‘is not to make a theological point, but to ensure that redemption and Jubilee will be observed’ (1996:171). This would then mean that these verses are legislative rather than theological. But the discussion in the previous paragraph

would seem to indicate that they make a theological statement about God. It may then be said that Leviticus 25:23-24 makes a theological statement about Yahweh, that He is the sovereign, merciful Lord of all the earth, who gives it to whomsoever He wills. Joosten's view might apply to v. 24, but behind the legislation stands Yahweh the Legislator, who is sovereign and supreme in what He legislates.

As a central theological statement Leviticus 25:23-24 informs the entire legislation land restoration in Leviticus 25. Since Yahweh is the supreme owner of all land, He alone determines its disposal and retrieval. And the laws that result from His actions determine a praxis commensurate with His holiness. In Leviticus 25 these laws are grounded in vv. 14-22. These laws presuppose the need for redemption or release for the land from overuse (vv. 20-22), from loss (vv. 25-34), from loan-debt relating to loss of land (vv. 35-38), and from slavery (vv. 39-55). And in all these stages (most scholars view them as such) Jubilee fulfils both an ultimate and a regulatory role. During the year in which it is celebrated all previous Israelite landowners ultimately and automatically achieve restoration. And in the fifty years in between its celebration it serves as a regulator of land sales and restoration. It is precisely for this reason that its mention fills Leviticus 25 no less than thirteen times.

4.2.2.2 Property Sales

The way in which the sale of land was understood (vv. 15-16 cf. v. 27, 50-52) was that 'the apparent sale of a piece of land really amounted only to a sale of use of the land. So an approaching Jubilee diminished the cost for the purchaser, inasmuch as he was buying the number of harvests until the Jubilee restored the land to its original owner' (Hubert in Freedman, D. N. Vol 3 1992:1026). Essentially Hubert is emphasising here the projected worth of the number of remaining harvests before the next Jubilee to determine the sale price of a piece of land. And Budd agrees with this by emphasising the years remaining before the next Jubilee, since the number of harvests coexist with the number of years. So that Budd says that 'the prices charged and paid in any transaction must be graded according to the number of years remaining before the next Jubilee...The greater the number of years that remain the higher the price, and the closer the Jubilee the lower the price will be' (Budd, P. J. 1996:349).

4.2.3 The Jubilee and Land Restoration

It appears that a primary emphasis in vv. 25-55 is that Jubilee was the ultimate institution for the restoration of land in Israel. These verses assume that those with economic and political power did

not guarantee agricultural economic stability because of the reality of agricultural and political risk, and their manipulation and exploitation of these for their own benefit. Agricultural risk factors, resulting in loss of land, included (1) ‘variability in total annual rainfall...(and) the variations in the distribution of rainfall throughout the rainy season’ (Frick 1989:76); (2) variability in soil fertility. ‘Different crops demand different kinds of soil fertility, especially when considering agricultural diversity in the area of Israel’ (Frick 1989:77). Those whose crop productions failed to meet their needs as a result of this were forced to sell off their land to more successful landowners. The political risk factor was a later development in Israelite history. This development began with the emergence of the monarchy. It was during this time that royalty expropriated land from the peasants for their officers or for unpaid taxes, or simply for their selfish pursuits—for example, Ahab’s greed for Naboth’s vineyard (1 Kgs 21).

Conservative scholars understand that Yahweh foresaw this possible state of affairs before Israel entered and settled in Canaan and provided legislation to deal with it. Critical scholars on the other hand understand that this legislation was formulated after the exile in order to restore land to the returning exiles. But if critical scholars are correct why was this legislation not immediately carried out? Why does it have a conditional period of fifty years, except in the cases of the kinsman-redeemer and self-redemption provisions? Whatever the year of the finalization of Leviticus 25, one thing is certain, namely, that the year of Jubilee ensured certain restoration of land to those Israelites dispossessed of it. This is reiterated five times in the chapter (vv. 28, 31, 33, 40-41, 54).

The provision of Jubilee to facilitate ultimate land restoration to Israelites is indicated within the framework of the formula used four times in Leviticus 25 relating to poverty, namely, ‘If a fellow countryman of yours becomes poor’ (vv. 25, 35, 39, 47). Wright says that ‘the first three references may be regarded as descending stages of poverty of an Israelite and the corresponding steps, required by each stage, kinsman with the will and the means to act as ‘redeemer’’ (1990:121). Verses 47-55 are not another stage of descent in poverty, but a continuation of the third stage.

4.2.3.1 The First Stage of Descent into Poverty

a) The Redemption of Property

The first stage of descent into poverty is dealt with in vv. 25-34. The first four verses in this section (vv. 25-28) talk about *property* rather than land. And then vv. 29-33 discusses *houses*, while the last v. (v. 34) discusses *pasture fields*. Property seems to be quite inclusive of tangible economic assets, referring to that which ‘is held or possessed’ (Koopmans in Buttrick, W. A. Vol.11997: 358). It

could then mean land, houses, livestock, money and slaves—any material thing owned by Israelites in relation to their economy. As an inclusive term it introduces the rest of the discussion in Leviticus 25 relating to land-related poverty and recovery from it. Kinlaw rules that such poverty was never total because ‘part of his property’ in v. 25 meant in Jewish tradition that ‘no man ought to sell all of his property, no matter how hardy his poverty bears upon him’ (1969:161). Leviticus 25:35f negates this argument because it deals with descending stages of poverty that could ultimately reduce an Israelite debtor to a slave of a foreign creditor.

Thus when poverty threatens an Israelite v. 25f. aims ultimately at avoidance of utter poverty that will reduce an Israelite to a slave. Therefore in this section three provisions are stipulated for the redemption of an Israelite’s lost property. The first provides for the nearest kinsman, a brother, uncle, uncle’s son, or one of his blood relatives from his family (v. 25 cf. v. 49), to redeem his property. The second provides for the debtor himself to do so if his economic status improved (v. 26). And the last, which is probably the main point being made here, is that Jubilee served as the final recourse for the redemption of lost property (v. 28).

An important argument to note here is that some commentators make a distinction between redemption, and what they call pre-emption. They contend that redemption is in view here (i.e., buying back property from a non-relative creditor) rather than pre-emption (i.e., repurchasing property from a kinsman). Three things support a view that redemption is in view in Leviticus 25. Firstly, v. 25 shows that a kinsman buys back what the relative sold presumably to a non-relative creditor. Secondly, v. 26 legislates that if the debtor has no kinsman to buy back his property from his creditor he may do so himself if his situation has improved sufficiently for him to do so. And lastly, v. 27 talks about ‘the man’ to whom he sold his property and not about ‘his kinsman’.

Connected to this argument is whether or not land restoration in Israel referred to clan or individual and family property. Henley says that ‘the Jubilee...twice a century, overrode the ongoing kinship-redemption procedures’ (1991:2-3). In Henley’s view kinship redemption of land took place in between Jubilees with the express aim of redeeming land for the clan so that no one clan should become economically superior to another. According to him Jubilee redemption was aimed specifically at restoring individuals and their families to their family patrimony. Should it not be the other way around because a clan can outlive many Jubilees, but not an individual, and sometimes, not even his family?

b) The Redemption of Houses

The laws of redemption for houses in vv. 29-33 are admittedly an interpretation enigma and easily leads to speculation. These verses can only be understood against the backdrop of Israel's agricultural economy. So that the redemption stipulations for houses in walled cities (urban houses) are distinguished from those of houses in villages without walls (rural houses). The former were subject to redemption before Jubilee within a year of being lost. But more intriguing is the fact that they did not 'revert at Jubilee' (v. 30b). The latter on the other hand were subject to the redemption privileges of Jubilee (v. 31), together with the urban houses of Levites (v. 33). Hubert Martin supports the view that this was 'probably because the primary intention of the redemption and Jubilee provisions was to preserve the economic viability of families through the secure possession of their inherited land. City houses were not part of that productive economic base, and so did not need to be subject to indefinite redemption rights or Jubilee return to the seller' (Freedman, D. N. Vol. 3. 1992:1027).

In His covenant with Abraham, and later with the nation at Sinai Yahweh did not promise Israel houses, but a land of their own. And this land would be replete, not with houses, but with 'milk and honey.' But it still remains to be answered though why Yahweh prohibited the redemption of the urban houses of ordinary Israelites a year after their sale? Was this a strategy by Yahweh to force those who lost their houses to return to their land or family patrimony and re-enter the agricultural sector where their usefulness at this point in Israel's economic history appeared to be valued more than in the urban economic sector?

The case of urban Levite houses was different because houses were the primary kind of property they received from Yahweh (v. 33). Most of these houses were situated in forty-eight cities. Some of them came with pasturelands, but these lands were relatively small when compared to what other Israelites owned. Not only were they limited in size because they were measured from the city walls to lengths no more than two thousand cubits long, but also because it appears that all of the Levites in the cities allocated for this purposed corporately shared in those lands (Num.35:1-8). And perhaps it was because of this corporate ownership, unlike individual and family ownership, that they could not sell their pasturelands—corporate ownership here protected 'their perpetual possession' (v. 34). Perhaps here, in Levitical corporate ownership of land is an indication that clan corporate ownership of land is not in view in Leviticus 25.

Perhaps a further reason why Levitical pasturelands were not saleable was to offset human neglect of the economic support of the Levites, a case illustrated from Leviticus 13:10. To this may be added the law that they were legally expected to retire from temple service at the relatively early age of fifty years (cf. Num 4:3). Their ownership pasturelands around their cities would in such eventualities ensure their economic sustainability after retirement. Thus even the Levities were included in the main thrust of this stage of degeneration into poverty that was aimed at ensuring that poverty would never be permanent for any family.

4.2.3.2 The Second Stage of Descent into Poverty

The second stage of descent into poverty (vv. 35-38) refers to the person of v. 25 who 'still cannot stay solvent, presumably even after several such sales [v. 35]' (Wright, J. H. 1990:122). The debtor here has not sold off all his land, but he nevertheless is experiencing economic hardship. So he makes loans to work the other part of the land he retained in the sale of v. 25. He is working his own remaining land solely to pay his creditor, and this means that what he produces is not for the sustenance of him and his family. It then becomes the responsibility of his creditor to sustain him just as he would an alien (v. 35), but without taking interest from him (v. 36). Does this interest refer to the principal amount that the debtor owes, or to the principal amount plus what his creditor is giving him to sustain him? Or could the interest be a reference to the sustenance goods with which his creditor sustains him, meaning that he is not expected to repay his creditor for these? This is a possibility because it includes not only victuals, but also money that the debtor might actually be earning while working on his land for his creditor? In this case interest would be a reference not to that which is repaid upon the principal amount owing, but to the wages that the debtor earns from his creditor. The idea in v. 38 that Yahweh 'gave' to Israel probably supports the idea that interest here might be a reference to wages, because it is what the creditor gives to his debtor.

Some commentators understand that vv. 35 and 39 refer to a kinsman-redeemer, thus the prohibition against taking interest. But how can this be so? It appears that a kinsman-redeemer in the Old Testament was always involved in making a purchase on behalf of a destitute relative from unrelated creditors in order to restore him to his previous economic status (cf. v. 50a). But in vv. 35 and 39 the idea of a kinsman-redeemer being the creditor is remotely absent. This is especially so when it is considered that in these two verses the destitute Israelite is referred to as 'your countryman', a term also used about him in v. 47. In v. 47 is very clear that the creditor of 'your countryman' is a non-Israelite, let alone a relative.

So Wright is probably incorrect about the kinsman of v. 25 being told in v. 35 to take care of his relative. The kinsman's function is not to provide employment and sustenance for his impoverished relative, but to redeem him; although it may be argued that vv.35-38 could be a form of redemption. Furthermore, if a kinsman were in a position to sustain his relative, why would he choose to do this and neglect to follow the first stipulation that required him to redeem his relative?

More importantly, the period of welfare to be shown to a debtor is not regulated by Jubilee in vv.35-38. Is it to be assumed that this is so because this debt-cancellation strategy is intended to ensure that the debt is paid up speedily? Some commentators argue that it provides for the debtor to work until the next Jubilee. But why should there be a prohibition to taking interest from him since at Jubilee his debt will be automatically cancelled? Also if the above factors influence these verses what could possibly be the reason for the debtor slipping down into the next stage of destitution (v. 39f.)? Is this just an idealistic prescription here?

This law is probably intended to help an Israelite pay off what he owes in the hope that he would do so and be restored to his land without the need for a kinsman-redeemer or Jubilee itself. In the light of Yahweh's promise of blessing in v. 18 it is rational to think that Israelites would have helped their destitute fellow-Israelites in this way in hope of Yahweh's blessing them?

4.2.3.3 The First Category of the Third Stage of Descent into Poverty

This stage of land related poverty (vv. 39-55) is descended into when the debtor in 35-38 is not able to repay on his loan while working his own land. Instead of his loan being reduced, his debt increases and he is forced to sell off more of his land until he has no land to sell any longer, and he is forced to sell himself to his creditor. Should this happen his economic status in relation to his creditor is that of a hireling (v. 40a, 53 cf. v. 46). His only recourse for redemption here appears to be Jubilee (v. 40b, 54) since he failed to secure redemption in the earlier two stages of poverty. In this third stage his poverty is at such a low point and his debt astronomical so that no kinsman-redeemer is mentioned as a possible redeemer. Jubilee appears to be his only respite to freedom.

Since there are two categories of hirelings in this third stage what could possibly be different about them? The first relates to an Israelite being in debt to a fellow Israelite (vv. 39-46), and the second to a non-Israelite (vv. 47-55). With respect to debt-slavery in so far as a fellow Israelite is the creditor, Leviticus 25 is different from that in Exodus 21:1-11. In Leviticus 25 slavery of a fellow Israelite relates exclusively to poverty that results from land-debt. In Exodus 21 the Israelite was

not indebted to the master, but was rather bought by him (Ex 21:2; Deut 15:11). It is possible that the servant was bought from a creditor to whom the servant was in debt. And instead of holding on to this debtor-servant until Jubilee, or indefinitely, the creditor sells him to another Israelite. This difference is evident from the fact that in the case of Exodus 21 the purchased Israelite servant could obtain his freedom after seven years, but in Leviticus 25:40 Jubilee was the only date when he could be freed. Of course Deuteronomy 15:1-11 provide details about the release of debtors after seven years, but there again that debt apparently is not land-related debt.

The point here is that if it were related to land debt in any way why would the master be obliged to send him away with some stock from his flock and agricultural products (Deut.15:14)? But in Leviticus 25 freed slaves were to be returned to their property where it is assumed they would be self-supporting. So Deuteronomy is clearly dealing with general debt—the creditor made him a loan for ‘whatever he lacked’ in a time of need.

The fact that the debtor is not a slave to his creditor in the sense that foreign debtors or slaves would be to Israelites is clear. He was not to be subjected to a slave’s service (v. 39). Thus his status is that of a hired man (v. 40a), and he was therefore to be treated as an alien who was by law to be respectfully and generously treated in Israel (v. 40b cf. Ex. 22:21; Lev 19:33-34; Deut 24:17-18). Yahweh in this understanding of land restoration is reminding Israel never to forget their relationship to Him as their righteous and just Saviour when they were yet politically, socially and economically powerless.

Why would this category as well as the one before it (vv. 35-38) legislate that the debtor must be treated like an alien (vv. 35, 40)? These are two different levels of indebtedness. And v.40 belongs to a level of almost hopelessness, except for the fact that Jubilee is still to come. The reiteration of this law in v. 40 is probably intended to safeguard the indentured debtor from unrighteous and unjust behaviour from his creditor since his situation was indeed almost irreversible except for the intervention of Jubilee. It is easy to see how creditors could take advantage of this and abuse their debtors. Thus Yahweh has one law for both the tenant-worker debtor (v. 35) and the ‘irreversible’ debtor (v. 40). Both were to be treated like all other humans in Israel in less fortunate circumstances—whether political and racial, or economic.

There is just one little problem in this category of indebtedness. It is clear from v. 42 that Israelites could not be sold in a slave sale. But what about the proposition above in which it was indicated

that an Israelite was sold as a slave (cf. Ex. 21)? In Exodus 21 he could be sold to a fellow Israelite who was bound to release him after seven years. But in the case of a slave sale he could be taken out of Israel and never be restored to his family and land. This much is clear when vv. 41 and 42 are understood together. To ensure that the debtor would be returned to the property of his forefathers at Jubilee he could not be sold in an open slave market sale (v. 42b) because that would jeopardize his return to his family patrimony at Jubilee.

4.2.3.4 The Second Category of the Third Stage of Descent into Poverty

It is assumed about the second category of the third stage of poverty (vv. 47-55) that the debtor's dealings in v. 25 began with a fellow Israelite. But in his attempts to extricate himself from his debt he could have changed from a fellow Israelite to a foreigner any time after the first and second stages. In any case it is not the best of situations in which an Israelite is to be found. This is especially so if Israelites were following the laws for land protection and restoration in their community, since there would be hope of an early redemption in the v. 25 situation. Whatever the situation here Yahweh provides laws for it.

Obviously this situation was most degrading to an Israelite and it would have been an affront to the community itself if any of its members were forced into it. In any case an early redemption before Jubilee year is provided for through a kinsman-redeemer or the debtor himself (vv. 48-49). Why is early redemption provided for here, but not in the first category of the third stage of descent into poverty? After all both categories describe debt at its highest, and poverty at its lowest.

Perhaps the question should not be: 'Why an early redemption is not provided for in vv. 39-46', 'why is it not mentioned in these earlier verses?' Silence is not necessarily a reason for its non-provision. Thus it is safe to assume that an early redemption is found in vv. 39-46, although only mentioned in the second category of this stage of poverty. Furthermore, in vv. 41 and 54 of this double category third stage of descent into poverty the provisions are similar for ultimate redemption through Jubilee year. And since this is so why should the overall provisions for both categories of this stage not be similar?

A possible problem with this analysis is that if this third stage of descent into poverty constitutes an irreversible situation of poverty before Jubilee year how can a kinsman or the debtor redeem himself at this stage? Why was his redemption not secured in one of the earlier stages, even in the

second, where again the provision for an early redemption may be assumed? Is it correct to call these stages of descent into poverty or categories?

Suffice to say that if his redemption was not possible before Jubilee the debtor was to be automatically freed at Jubilee (v. 54). And to ensure that this happened the Israelite community was tasked to watch that foreign servant-owners did not treat Israelite slaves harshly with respect to the laws of land debt and restoration (v. 53). So that here for the first and only time in Leviticus 25 humans are tasked with watching that fellow humans subscribe to Yahweh's restoration laws in Leviticus 25. This can only be explained from the understanding that since foreigners were not in covenant with Yahweh (cf. vv. 42a; 55a) Yahweh could not call upon them exercise a holy fear towards Him (vv. 17a; 43b). He could not appeal to Himself as their Lord and Saviour from Egyptian slavery as a means of soliciting righteousness and justice from them in land restoration matters (vv. 17b; 38; 42; 55). His covenant relationship with Israel was at the foundation of Him trusting Israel with righteous and just behaviour so that He did not need to set them over one another to ensure that they obeyed His land restoration laws. But with foreigners it had to be different.

The point of Leviticus 25 and its Jubilee legislation is that it served as an override to the practice of land redemption in Israel. Therefore, it was one of the most important festivals of Israel in terms of what the law required. But since there is no declarative or substantial evidence in the Bible that it was ever celebrated in Israel many commentators consider it to be merely idealistic and utopian. Granted, from a modern perspective it does appear idealistic and utopian, but from a biblical perspective it was considered workable. Since critical scholars attribute to the Bible writers' high literary skills relative to how they wrote the Bible to achieve their ends, these high skills could be applied to accrediting the Bible writers with a rational plan for land restoration in their times in Israel.

4.3 The Views of Recent Scholarship on Land Restoration

The basis for establishing different theological perspectives on land restoration in Leviticus 25 is the recent scholarship of six commentators on Leviticus 25. It goes without saying that their perspectives are influenced by their different theological traditions. This much will be in evident as this chapter attempts to describe and compare their different perspectives.

4.3.1 Gordon Wenham

Gordon Wenham is an evangelical whose approach to understanding Leviticus favours ‘with equal seriousness both the plain original meaning of the text and its abiding theological value’ (1979:vii). Obviously, this is not a scientific approach to understanding biblical texts, but one of faith. It accepts without question the text just as it stands. However, Wenham does acknowledge that the scientific ‘methods of new literary criticism with its concern for structure, key words, repetition, and summaries, can be of great value in bringing out an author’s special interests and making exegesis more objective’ (1979:viii). So that Wenham does attempt to interact with critical thinking in his understanding of Leviticus. A result of this, relative to the date and authorship of Leviticus, is that he proposes four arguments to show that Leviticus is at least a work from before the exile.

These arguments are that: (1) Leviticus originates with Moses because ‘everywhere Leviticus claims to be a record of what God revealed to Moses; nowhere does it ever state that Moses wrote down what he heard’ (1979:8). (His view here appears to be a *mediating position* as opposed to the *traditional* and *critical positions* on the authorship of Leviticus). (2) The rituals and sacrificial systems date from the Mosaic period because they ‘are attested in the ancient Near East long before the time of Moses’ (1979:9). (3) The book does not deal with matters of the post-exilic community: ‘For example, although Lev. 18 and 20 deal at length with the question of marriage, nothing is said about intermarriage with the Canaanites, the burning issue in Ezra and Nehemiah’s time [Ezra 9-10; Neh. 13:23ff.] (1979:9). (4) an exilic or post-exilic book like ‘Ezekiel quotes or alludes to Leviticus many times [e.g., Lev. 10:10//Ezek. 22:26; Lev. 18:5//Ezek. 20:11; Lev. 26//Ezek. 34]’ (1979:9).

Wenham does not dogmatically commit himself to a Mosaic authorship of Leviticus 25, but he is convinced that it originates in some way with Moses. And he clearly, and quite convincingly, dates Leviticus not only before the exile, but perhaps even before the monarchy. In this regard he stands together with the other scholars; except for Erhard Gerstenberger and Jacob Milgrom. Both Gerstenberger and Milgrom date Leviticus after the exile. But Wenham believes that it was instituted during the Exodus when no Israelite owned any land as yet so that in his commentary he anticipates the celebration of Jubilee in the time of Israel’s settlement in Canaan. And this means that he understands land restoration in Leviticus 25 to be ‘a celebration of great redemption when God brought Israel out of Egypt, so that He might be their God and they should be his people [vv. 38,42,55; cf. Exod. 19:4-6]’ (Wenham 1979:323).

The title for Wenham's commentary on Leviticus 25 is '*Sabbatical and Jubilee Years.*' His arguments are rather short and therefore they do not provide a sufficient understanding about land restoration. He divides vv. 8-55 into three sections: (1) *the Jubilee—a Sabbath for the land (8-22)*; (2) *the Jubilee—and redemption of property (23-38)*; (3) *the Jubilee—and the redemption of slaves (39-55)*.

4.3.1.1 Jubilee: a Sabbath for the Land

a) The Purpose of Jubilee

Wenham actually entitles vv. 2-22 '*Jubilee: a Sabbath for the Land.*' But he fails to sustain this title in what he writes. He merely passes by this idea by stating that '*The Jubilee laws begin with a reminder of the sabbatical year (vv. 2-5) [cf. Exod. 23:10-11] 1979:318*'. Thereafter he proceeds to emphasize that Jubilee was a time '*to give (the poor) a new start. Land was returned to those who sold it (you must all return to your property), and those who had been enslaved returned to their families. This was jubilee*' (1979:319). It is for this reason that he proposes that the main purpose of Jubilee laws '*is to prevent the utter ruin of debtors*' (1979:317).

However, in explaining this purpose Wenham does not connect the origin of debt in Leviticus 25 to land. It almost appears that he is generalizing about the incurrence of debt in Leviticus 25. He says that it is '*a debt that a man could not repay,*' (forcing him) '*to sell off his land or even his personal freedom by becoming a servant...for a maximum of forty-nine years*' (1979:317). Instead of this debt being the result of land problems, Wenham appears to be saying that when an Israelite incurs debt he then sells his land. Erhard Gerstenberger appears to agree with this when he writes that Jubilee is '*the great design for a general remission of debt to take place every fifty years*' (1996:377). But while Wenham says that the debt forces an Israelite to sell his land, Gerstenberger appears to acknowledge that the debt is the result of land problems. Similarly, Jacob Milgrom assumes debt release is implied in land release because '*since H emphasizes land release, it has no need to mention debt release but can take it for granted*' (2000:2173-2174).

Walter Kaiser Jr. and Baruch Levine also see land tenure and reversion of land to its original owners at the heart of Leviticus 25 (Levine 1989:169). According to Levine, Exodus 21 and Deuteronomy 15 are concerned with the alleviation of poverty or debt release, but Leviticus 25 builds on the '*ancient law guaranteeing ownership of ancestral land, (and) nullifies and voids the actual alienation of agricultural land*' (1989:273). And John Hartley emphasizes the release aspect of this tenure when he writes that '*at the beginning of a new Jubilee cycle every Israelite is to be a*

free citizen living on his patrimony' (1992:434). And this means 'liberty for the man who has become dispossessed from his family inheritance of land' (Kaiser 1994:1172), since it 'includes ...the return of real estate' (Gerstenberger 1996:378).

According to Wenham, the whole point that Yahweh is making with Jubilee is a theological one, namely, that 'Jubilee would have restored some semblance of equality between men at their creation' (1979:317). None of the other scholars broach on a view anywhere near this, because this is obviously not Yahweh's intention in Leviticus 25. The fact that Leviticus 25 is situated in the Holiness Code is an indication that its concern is not about who God is, but about how Israel is to behave in a holy manner with respect to land restoration.

In any case this 'semblance of equality' was probably never experienced by Israel if Wenham is correct in his understanding that, in principle, the restoration of land did not occur in Israel. Wenham offers three reasons for the view that Jubilee was probably never celebrated in Israel. Firstly, Jubilee was not celebrated for 'had Jubilee been observed, ...unbridled exploitation of the poor would have been checked' (1979:317). Secondly, an interpretation of ram's horn in v. 9 suggests that since Joshua 6:6,8 replaces 'ram's horn' (*yôbēl*) with the word *shôpar* Jubilee was abandoned early in the life of Israel. But this argument of Wenham is problematic because by the time of Joshua 6 fifty years had hardly lapsed since Israel was given the laws in Leviticus 25 at Sinai. Furthermore, Israelites could hardly have lost any land by this time in order to have it restored to them. It is quite clear here that Wenham is influenced by his evangelical view that Leviticus was written before Joshua. But even though most evangelicals would support this aspect of his view it is unlikely that they would suggest that Joshua 6:6,8 indicates that Jubilee was abandoned early in the life of Israel.

The last reason that Wenham offers to show that Jubilee was probably never celebrated in Israel is that Rabbinic literature supports the view that Jubilee was obsolete in post-exilic times. Gerstenberger and Milgrom agree with Wenham in this. Gerstenberger understands that Leviticus 25 was written to address the economic situation that prevailed in Judah during the middle fifth century, but it is doubtful that it was ever celebrated. And Milgrom is quite adamant that 'there is no evidence at all that Jubilee was observed' (2000:2247).

An opposite view to that of Wenham, Gerstenberger and Milgrom is the one that proposes that it is possible that Jubilee was celebrated, at least at certain times in Israel's history. Thus Levine feels

that because ‘at certain periods of Israelite history, priests offered sacrifices just as they were instructed to do in the opening chapters book [Leviticus]’ (1989:xxi), it follows that the festival of Jubilee was celebrated. But this is not conclusive because the celebrating of sacrifices is a far lesser ritual requirement than was Jubilee. John Hartley indicates that it was practiced in some periods of Israel’s history, though not in all periods (1992:80).

b) The Meaning of the Word *Jubilee*

There are a variety of understandings relating to the meaning of the word *Jubilee*. Wenham says that the word *Jubilee* is a transliteration of the Hebrew term *yôbēl* that means a ‘ram’s horn.’ Levine says that this word could mean ‘ram’ or ‘ram’s horn’ (1989:172). According to Kaiser the name of Jubilee year ‘is probably taken from the Hebrew word...*yôbēl*, meaning a ‘ram’ in Arabic, because the year is signalled with the blowing of the ram’s horn or the...*šôpār*, as it is called in v. 9’ (1994:1172). He does not show why this year became associated with a ‘ram’s horn.’

Gerstenberger seems to agree with Kaiser. He simply declares that the way in which the words ‘ram’ and ‘horn’ are used in the text suggests that ‘the year of release is a ‘ram’s horn’ event’ (1996:378). But Kaiser still does not actually explain the meaning of ram’s horn itself. It would have helped if all the commentaries had taken time to show why the word *Jubilee* is specifically related to a ram’s horn. The fact that they point out the obvious, namely that a ram’s horn is used to announce it is not helpful in understanding the meaning of Jubilee as a word. It is more important that it be shown why a ram’s horn should specifically be the instrument from which the word *Jubilee* gets its meaning.

All six scholars looked at in this study state the obvious again in their agreement that the main point of blowing the ram’s horn at the commencement of Jubilee is that it signalled that Jubilee was about to begin, and that it was a festival distinctly different from all others in Israel—it was a time of holiness, and spiritual and socio-economic liberation, hence its celebration once in every fifty years (or forty-nine years).

c) The Time of Jubilee

Concerning the actual time of Jubilee, Wenham quotes North (a Roman Catholic scholar) and S.B.Hoenig who say ‘that by the fiftieth year (v. 11) the forty-ninth year is meant ...[which]...would be a case of inclusive reckoning’ (1979:319). Thus v. 8 may be explained as follows:

The forty-nine days of seven cycles of sabbatical years shall be for you a year, (meaning) that Jubilee year was a very short ‘year’ only forty-nine days long, intercalated in the seventh month of the forty-ninth year. This short ‘year’ would function like February 29 in our leap years, and serve to keep the religious festivals, many of which were connected with harvesting, in step with the seasons.

(1979:319)

It is not clear if Wenham agrees with this view, although he does appear to hold to the view that by the fiftieth year the forty-ninth is meant. Thus he writes that ‘the institution of the sabbatical year provided a real test of Israel’s faith in these (Yahweh’s) promises (of blessing—vv. 18ff.) ... Trusting that Yahweh would supply enough in the previous years to tide them over’ (1979:320). Furthermore, ‘the idea of a bumper crop to last three years in the sixth year may strike the Westerner as fanciful. But if the timing is miraculous, the notion of large variations in yield is not (1979:320).

Kaiser also favours a forty-ninth year Jubilee year. He rejects the idea of two back-to-back Sabbaths—the forty-ninth and fiftieth years. He bases this on the fact that having two fallow years would not appear to be practical. He supports his argument from the book of Jubilees (written about 200BCE) that legislates a forty-ninth year for the Jubilee year. Like Wenham, Levine and Hartley he is unable to conclusively support a forty-ninth year Jubilee but he feels that:

Apparently, one is not to begin counting the forty-nine years in v. 8 *after* a certain date, but the fifty years are to be counted just as the fifty days in 23:15-16 are reckoned from Sunday to Sunday inclusive. This would mean that the sabbatical year on which the counting begins is the first of fifty years (i.e., the last year of the previous seven years); thus the seventh sabbatical year is the fiftieth year counted. The centenary system reaches its pinnacle in this fifty years

(1994:1171)

The question as to which view is correct with respect to the year of Jubilee, appears to centre on whether Yahweh really expected Israel to trust Him for their agricultural needs for five years in the case of a Jubilee in the fiftieth year. Even those who believe in a forty-ninth year Jubilee doubt that the people were expected to trust Yahweh for three years for their agricultural needs. Is this perhaps not a hidden reason why some of them contend that Jubilee was never celebrated by Israel?

4.3.1.2 Jubilee: and the Redemption of Property

a) The Theological Principle of Jubilee

Wenham is in good company when he understands that v. 23 is the theological principle of Jubilee that postulates that *'the land must not be sold off permanently, for the land is mine...this law preserves the idea that the land ultimately belongs to God. His people are but as resident aliens and settlers in the land'* (1979:320). Wenham's view that each tribe and family only possesses the land in the sense that Yahweh gave it to them agrees with the other five scholars in this matter.

It should be noted here that while Wenham begins his section on the redemption of property with v. 23, Levine on the other hand ends his opening section (vv. 8-23) of his commentary on land restoration with v. 23. This difference indicates that v. 23, from Wenham's perspective, undergirds the redemption of property (v. 24f.), while from Levine's it is included in the broad details on Jubilee.

Harley also commences a new section of his commentary with v. 23. But unlike Wenham and Levine he does not see three different kinds of situations in vv. 23-55, but one. He understands that these verses are specifically dealing with how the kinsman-redeemer relationship operates in relation to Jubilee. But with specific reference to v. 23 he understands that *'just as an alien who is the guest of an Israelite comes under the protection of the head of the house, so too the families in Israel as resident aliens on the land owned by Yahweh come under his protection'* (1992:437). So that a family *'faced with financial hardship...could lease it for the number of years until the next Jubilee...At the year of Jubilee a patrimony was automatically returned to its original owner free of debt... [when] Yahweh himself was acting as the next of kin, liberating his kinsman's property'* (Hubbard quoted in Hartley 1992:443).

According to Gerstenberger Leviticus 25:23-24 is *'a general superscription for the entire rest of the chapter'* (1996:382). V. 23 in particular *'represents a steep theological demand that does not correspond to the reality society itself'* (1996:382). And he explains this complexity as *'the authors release regulations...recalling the spiritual reality involved. Yahweh is the almighty saviour and leader of His people, to whom Israel owes everything, including the land in which it dwells'* (1996:382-383). So that even should they lose it v. 24 provides for its redemption.

It is quite clear from vv. 23-24 that the redemption of land for dispossessed Israelites was not an option. Yahweh expected it from His covenant people. But were His people prepared for

this? We cannot be sure if they celebrated it. The variety of interpretation in this matter makes it doubtful that it was ever celebrated.

b) The Redemption of Property

Wenham understands that the law of Jubilee's 'immediate concern is with the redemption of land and property' (1979:320). This redemption is made possible by the moral duty of other family members to buy back for the family any land that might have been sold by a family member. To illustrate this Wenham shows from Ruth 4 and Jeremiah 32:7ff. how family members redeemed an impoverished family member. Is Wenham hereby actually suggesting that Jubilee was practiced in Israel? This of course does connect with his earlier suggestion that Jubilee was probably never celebrated in Israel. Or is he saying that the year itself was not celebrated, but its regulatory legislation was carried out in Israel?

In his comments on the special cases of urban and rural houses, Wenham is rather vague. He says that 'houses in towns are not subject to jubilee release, perhaps because even in those days redevelopment was fairly rapid in towns. If they are to be redeemed, it must be done within a year [vv. 29-30] (1979:321). No doubt redevelopment in towns made houses a little more available but this does not necessarily answer the question as to why urban houses were not subject to the benefits of Jubilee. The views of Levine and Milgrom are more feasible than that of Wenham's. According to Levine 'in agrarian societies arable land and, to a degree pastureland as well, were the mainstay of the economy. They accounted for most of the employment in addition to their value as the source of food' (989:176). So that since in the case of a city property 'Jubilee was intended to preserve the economic viability of the peasant farmer, there was no need to protect urban property from alienation' (Bess in Milgrom 2000:2198).

Wenham's view as to why the urban houses of the Levites were redeemable at Jubilee is somewhat deficient. The Levites were restricted to ownership in forty-eighty cities (Num. 35:1-8; Josh. 21; 1 Chron. 6:54-81) and since these included pasturelands these were redeemable at Jubilee. Wenham's explanation here is that 'had the Levites been allowed to sell off the town houses with no guarantee of ultimate redemption in Jubilee, the Levites could have found themselves with no homes at all' (1979:321). But this is hardly the reason for their houses being redeemable at Jubilee—it seems more tenable that this prescription related to the pasturelands of the Levite cities. Yahweh's concern with Jubilee as a festival of land restoration was aimed at economically viable land and not necessarily dwellings. Gerstenberger's suggestion of a theological rationale for this in

which the properties of the priests ‘become holy land removed from normal economic activity’ (1996:386) also misses the point that economics played a significant role in how urban houses of the priests and the laity were affected by Jubilee.

Unlike most of the other scholars Wenham does not allow v. 35 to begin a new situation of the slide into poverty in his interpretation. It is difficult to see why he understands ‘countryman’ in this v. as harking back to vv. 25-26 so that he understands ‘countryman’ to mean a family member. It is clear that this is not so. A countryman here is a fellow Israelite who is to be accorded the same kind of welfare as aliens (cf. Deut 15:7-11; 24:14,15). His view here is pure speculation when he writes that:

Family pride may sometimes make for vindictiveness when one member of the family falls on hard times. For disgracing the family name he may be shunned instead of helped. The Israelites are not to let such feelings determine their behaviour. They must be as generous to members of their own family who are in need as they would be to aliens. Biblical law is most insistent that aliens should be well treated

(1979:321)

Is this not a shift from his view that climate could affect agricultural production since here he talks about a family member disgracing the family name? How could an Israelite who falls on bad times disgrace the family name when the climate influenced his falling into bad times? He could disgrace the family name through poor land administration. But this is not suggested at all in here. And even if that were the case v. 35 legislates for the destitute to be treated properly.

Other commentators interpret ‘countryman’ in v. 35 to mean a ‘tribal brother.’ It is not clear if by this they mean a brother from the smaller tribes of Israel or Israel as a whole. It is preferable to understand v. 35 to be simply saying that fellow Israelites must be treated well when they fall onto to hard times. Kaiser understands this in that way when he suggests that v. 35 refers to an Israelite who is ‘unable to support himself’ (1994:1172).

It follows that Wenham’s understanding of vv. 36-37 fails to see that the Israelite here has become so poor that he has lost all his land and is now indentured to work for another Israelite to pay off debt made while he still tried to retain his land. Wenham says that ‘Israel is alone in totally prohibiting interest payments on loans to the poor’ and that ‘they enabled a poor farmer to buy

enough seed corn for the next season' (1979:321-322). These verses are not talking about new loans but old ones that the impoverished Israelite is trying to pay off by hiring himself out to his creditor as tenant on his own land. He is a hireling 'whose work amortizes the principal—a status to which redemption does not apply. The wages he earns may even provide him a surplus with which to free himself of his debt and his status' (Milgrom 2000:2216).

Should we agree with Milgrom that redemption does not apply here? Clearly not, because its silence here does not necessarily mean that it was prohibited. There is no reason why it could not be available.

4.3.1.3 Jubilee and Redemption from Slavery

'As a last resort in cases of serious debt (e.g., Exod. 22:2 [Eng. 3]; 2 K. 4:1-7) the debtor could sell himself into slavery' (Wenham 1979:322). Again, Wenham does not explain the nature of this debt. Are we to assume that he is talking about debt related to land loss? It must be assumed thus even though Wenham does not say enough to be convincing about this. So that while in vv. 35-38 debtors are to be treated with human dignity equal to that of aliens, here in vv. 39-55 debtors have been reduced to slaves through total bankruptcy, but they were not to be treated as slaves. Instead they were to be treated as hired labourers (vv. 39-40, 53).

Wenham appears to overlook what Yahweh is prescribing here in his attempt to justify Israelite slavery and 'the plain message of the Bible.' He says that 'it was somewhat akin to imprisonment in the modern world... [though] in some respects it was less degrading and demoralizing than the modern penitentiary' (1989:322). Clearly, the situation in vv. 39-55 cannot be compared to modern imprisonment because the debtor is not a criminal but simply a debtor by default. Furthermore, the Old Testament does not try to hide the shame of slavery. It was a norm in Israel's sociality. And Leviticus 25:39 attests to this when it legislates that indebted Israelites are not to be treated like slaves by their fellows. Not only does this v. show that slavery was a reality in Israel, but it also shows that slaves were treated in a manner that required that indebted Israelites not be treated like them. In fact they were treated as a 'possession' of a slave-owner (v. 45b). Hartley takes this step further by saying that they were not even to do 'those menial tasks done by a servant' (1992:441).

Wenham's view on land restoration fails to clearly show how Jubilee facilitated this process. And perhaps the reason for this failure is his preoccupation as an evangelical with defending Leviticus 25 from idealism, utopism, and the ideology of slavery.

4.3.2 Baruch Levine

Baruch Levine is a Jewish scholar whose approach to interpreting Leviticus is defined as a *realistic* one, as opposed to a traditional one. His Jewish tradition influences such an understanding that situates his approach between a traditional Jewish one and a critical one. This approach ‘posits that at certain periods of Israelite history, priests offered sacrifices just as they were instructed to do in the opening chapters of the book’ (Levine 1989:xxi). Levine does not necessarily commit himself to the Mosaic origins of Leviticus. Instead he is merely satisfied to understand that Leviticus is ‘a source of evidence of the actual practice of religion’ (1989:xxi). Furthermore, ‘it is essentially not a recounting of historical developments and changes.’ (1989:xxv). ‘This approach helps to explain the presence of some relatively early material in Leviticus, while at the same time allowing for the inclusion of exile and post-exile creativity’ (Speiser in Levine, B. 1989:xxix). All of this simply means that the events in Leviticus are real and that they were not recoded at a ‘single’ sitting, but over a long period of time. Obviously a Mosaic authorship of Leviticus is absent from this view.

Thus Levine writes that Leviticus has a prehistory that began with the priests and a literary history ‘having undergone various stages of redaction...[containing]...materials written by different authors at different times’ (1989:xxx). In this view Leviticus 25 would not belong to relative antiquity, instead ‘we should perhaps see in it an attempt to deal with a radically new situation’ (1989:273-274). This new situation related to restoring the land to the returnees from exile, based on ‘a theory of land tenure that may be formulated quite simply: The Yahweh of Israel, to whom all land ultimately belongs, has granted the Land of Israel to his people, Israel, as an everlasting *‘ahuzzah*, ‘holding’ (1989:270). This ‘holding’ referred to family land and not clan land. Thus the sources for Leviticus 25 and Nehemiah 5 share a common historical setting, namely, ‘the situation of the Judean community under Persian domination’ (1989:274).

Levine entitles Leviticus 25 ‘*The Principles of Land Tenure*’ and the title of his excursus on this chapter is: ‘*The Inalienable Right to the Land of Israel.*’ He divides the chapter into two main sections: *The Sabbatical Year and Jubilee* (vv. 8-23) and *Additional Laws Regarding Land Tenure and Indenture* (vv. 24-55).

4.3.2.1 The Sabbatical Year and Jubilee

Wenham before Levine believed that Leviticus 25 was aimed at alleviating poverty by ensuring that debtors were not brought to utter ruin. Levine on the other hand holds that Exodus 21 and Deuteronomy 15 are concerned with the alleviation of poverty, while Leviticus 25 is divided in its

theology, while focusing on both indebtedness and indenture. This diversity ‘should be studied against the background of several biblical institutes that bear on the role of arable land in a agricultural economy’ (1989:270). These include the sabbatical year (cf. Ex. 21:1-11; Lev. 25:39-55; Deut. 15:1-18) in which slaves were to be set free. Levine makes a very significant observant about Leviticus 25’s reflections on distressed indentured individuals. He says it does so by building ‘on the ancient law guaranteeing ownership of ancestral land, (and) nullifies, and voids the actual alienation of agricultural land’ (1989:272-273). This almost means that whatever institution surfaces in Leviticus 25 it does so on the basis of land ownership and restoration.

Levine’s preoccupation with land ownership and restoration in Leviticus 25 troubles him that this chapter ‘is the only collection of laws preserved in the Torah that defines the legal status of land held by clans and individuals in Israel’ (1989:270). His concern is legitimate since the concept of land dominates the life and history of Israel. And it is for this reason that Levine strongly pursues a view to show that the land tenure laws of Leviticus 25 were actually practiced in Israel? For example, when debtors complained to Nehemiah about them becoming permanent slaves to their fellow-Israelites, Nehemiah’s response appears to be, ‘based on the specific legislation of Leviticus 25’ (Levine 1989:273). This is different from the view of Wenham who seems to think that Jubilee was not practiced in Israel.

Undergirding Levine’s view of land tenure in Leviticus 25 is the concept of Jubilee as a time of release. It is a time ‘by which all tenured land reverts to its original owners, and all indentured Israelites return to their homes’ (1989:169). This time of release included certain its agricultural prohibitions in vv. 8-12. In an effort to sustain a realistic interpretation of these prohibitions Levine identifies a problem with the time at which Jubilee commences in Leviticus 25. He observes that it did not commence with the first month of the year, namely in spring (cf. Lev 16:29; 23:27), but in autumn. Therefore he concludes from v. 9 that ‘two calendars, each with its own history, are reflected in this verse. It shows that the year of Jubilee began in the autumn, whereas the calendar in regular use numbered the months from the springtime, as prescribed in Exodus 12: 1-2’ (1989:171).

What is to be made of this interpretation? Despite this problem Levine shows the significance of Jubilee for Israel. This significance begins with an understanding that there is a parallelism in v. 10 between the Sabbath day and Jubilee in which ‘the Jubilee is to be hallowed just as the Sabbath day is hallowed’ (1989:171). Israelites were religiously committed to observing the Sabbath, and by

appealing to the Sabbath Yahweh is calling for a commitment to Jubilee, equal to that of the Sabbath.

At the heart of this commitment is the proclamation of a release throughout the land for all Israelites. Levine believes that ‘the biblical laws of the Jubilee year...incorporate Near Eastern legal institutions of great antiquity’ (1989:172). So that its release (*deror*) provisions ‘is cognate with Akkadian *andurāru* which designates an edict of release issued by the Old Babylonian kings and some of their successors’ (1989:171).). But this release was far more extensive than that of the Akkadians; it released indentured Israelites to return to his land and to his family (v. 10). In this regard Levine understands that in v. 10:

The term *ahuzzah*, ‘tenured land, land holding,’ is the key to a proper understanding of chapter 25 as a whole...God granted the Israelite people the land of Canaan as its *ahuzzah*. The Israelites are God’s tenants, so to speak. They do not possess the rule of the land as a result of conquest, and they do not have the right to dispose of it as if it were entirely their own

(1989:172)

This theory of land tenure informs the laws governing sale and purchase of Israelite property. Other scholars share his view about the Israelites not having the right to dispose of the land as they wished. But most are nevertheless of the opinion that the Israelites are tenants with the unique privilege of disposing land, though subject to Yahweh’s stipulations. For example Hartley says that the land ‘may not be bought and sold; rather it may be leased for the period of time until the next Jubilee’ (Hartley 1992:436). And Kaiser says that it can be sold but not ‘in perpetuity’ (1994:1172). Is Levine here not saying more or less the same thing as Hartley? Does he not mean that strictly as a human transaction it cannot be disposed, but if it is subject to God’s disposal legislation it may be disposed of by the Israelites? And this understanding of Levine is probable since Levine could be here indicating a Jewish bias that upholds Yahweh as sovereign in whatever He does or prescribes for His people.

The most powerful law that Yahweh prescribes to demonstrate His sovereignty is that of Jubilee, a time when ‘each of you shall return to his family’ (v. 10b) and ‘to his own property’ (v. 13). Levine understands a return to one’s family as a return to his clan, the extended family. Therefore for Levine it is ‘the Hebrew term *mishpahah*...[that] designates the basic socio-economic unit in Israel’ (1989:172), and not the nuclear family.

Levine highlights ‘a problem’, namely, that after being restored to their land Israelites were forbidden to cultivate it or reap from it (v. 11). But this would not necessarily result in severe food shortages during Jubilee because Yahweh permitted them to eat after growth of the last cultivated crop. The ‘Hebrew *safiah*, ‘after growth,’ refers to what grows naturally the following season from seeds that had fallen to the ground during reaping’ (Levine 1989:170). It is what grows of itself when no sowing takes place (Is 37:30a). Also they were permitted to eat the produce from untrimmed vines. This means in v. 11 that ‘the owner of fields and groves is forbidden to harvest his yield in the usual way, but must leave it for all to eat’ (1989:172). He ate with them, but not as an owner; this was one time when economically both owner and labourer were on the same level. And this was probably done in order to provide for the landless who were returning Israelites. Levine admits that ‘the biblical laws of the Jubilee year... incorporate Near Eastern legal institutions of great antiquity’ (1989:172).

Levine notes, in contrast to other Old Testament scholars, that v. 13 ‘is a general, introductory statement. It is followed by a delineation of the specific conditions under which a person was likely to lose possession of his land in the first place’ (1989:172). It begins with the law in v. 14 that ‘only applies to transfers of property among Israelites’ (Levine 1989:172). In this exercise Israelites were not to oppress and defraud one another—‘the verb *honah* connotes economic oppression and fraud’ (Levine 1989:173). The silence of this law relating to non-Israelites does not necessarily mean that Levine believes that they may be economically oppressed by Israelites—v. 40 indicates that Israelites were to treat aliens with dignity.

Two prescriptions are listed to help them avoid defrauding one another. The first is an economics prescription in which ‘the value of leases on the land was to be computed in terms of crop years’ (1989:173) remaining before the next Jubilee, ‘since all land that was ‘sold’ would revert to its original owners at the next Jubilee’ (1989:173). The second was cultic. They were not to wrong one another out of fear for God (v. 17). ‘Only those who realize that God sees all and will punish even secret transgressions of His laws will resist the temptation to try to get away with their sins and their crimes’ (Levine 1989:173).

Like most scholars Levine observes that vv. 18-22 ‘interrupt the continuity of the legislation governing the Sabbatical year and the Jubilee year’ (1989:173). But he does not offer an exegetical reason for this except to suggest that these vv. constitute ‘an exhortation to obey God’s laws and

commandments, with the promise of security and abundance as a reward for such obedience' (Levine 1989:173). If they kept God's laws they are promised political security and fertility and abundance (vv. 18-19). So that should they ask 'what are we going to eat in the seventh year, if we may neither sow nor gather in our crops' (v. 20) Yahweh will give them enough to eat from the crop of the six year says Levine. He understands that 'God employs the forces of nature, which are under His control, to provide for His people' (1989:174). Levine's rooting the provision of the Israelite's provision for daily sustenance during Jubilee with God who even controls nature is a Jewish prejudice. To explain this phenomenon in any other way would be to detract from Yahweh the living, sovereign, all-powerful Jewish God.

In concluding this section Levine points out an interesting contrast between Akkadian and Hebrew land contracts. He notes that v. 23 returns to the subject of the inalienability of Israelite land. Akkadian contracts discovered at Ugarit indicate that the 'Hebrew *li-tsemitu* (beyond reclaim or permanently) does not mean in perpetuity'...so that the sales of '*ahuzzah* land are not of that status; they are not *li-tsemitut*' (1989:174). While Akkadian contracts called for permanent sales, in the case of Hebrew '*ahuzzah* land such sales were never permanent. They were equivalent to leases. The reason for this is because Israelites were tenants with Yahweh on His land. This comment suggests how some biblical concepts were influenced by cultures that surrounded them, thus indicating that Levine is honest to admit to a human influence in the biblical message of Leviticus 25. Most evangelicals will be careful about pursuing such an interpretation because they fear risking the unique divine revealed nature of the biblical message.

4.3.2.2 Additional Laws Regarding Land Tenure and Indenture

Levine restricts his interpretation of vv. 24-55 to mean that they only deal with 'the law of redemption, an alternative that is preferable to the Jubilee' (1989:175). The law in v. 24 is a general law that is followed by a series to laws relating to redemption of land or property, and that together with v. 23 this v. represents 'the basic biblical theory of land tenure' (Levine 1989:168). These series of laws cover three areas. The first deals with the laws relating to the redemption of the land (vv. 24-28). The second with the redemption of real estate (vv. 29-34), and the third in vv. 35-55 cover 'three related laws governing indebtedness and indenture' (1989:175).

a) The Redemption of the Land

In vv. 24-28 the purchaser must provide for the redemption of the land in accordance with the stipulation of v. 24. Implicit in a sale of land is that at the appropriate time it would be returned to

its original owner. Levine acknowledges that ownership of land normally implies a right to discard it in any way whatever the owner wished, but Yahweh, the real owner of the land, waived this right. Levine explains this apparent restrictive action by Yahweh as a device to protect landowners from losing what he had promised to them through their ancestors.

Verse 25 legislates that a relative must act as redeemer to the impoverished Israelite. According to Levine this nearest redeemer is a relative closely related within the clan, as listed in vv. 48-49. And ‘the object of redemption is to restore the property to one’s relative, who would retain possession of his land within the clan. The redeemer could not possess the land himself’ (1989:175). Levine does not explain how he arrived at this view, but does add that in the event that there is no near relative to redeem the property the debtor could redeem it himself if he acquired the means to do so. Since this was the case is it not correct to think that redeemed land always returned to its original owner, and not necessarily to the clan? Although if the property was redeemed by a relative was the debtor expected to repay him in any way? Perhaps this is why Wenham believes that in v. 36 a debtor is working to pay off the debt owed to his redeemer. Nevertheless it is clear from these vv. that ‘implicit in the law is the fact that the purchaser could not refuse the right of redemption’ (Levine 1989:176). In other words the redemption of land was guaranteed if the right conditions were met.

b) Redemption of Urban Real Estate

According to Levine the key thought in the redemption of urban houses in vv. 29-34 is that redemption is not equally applicable in all cases. ‘A town, defined as an area surrounded by a wall, is excluded from the tenure system applicable to agricultural land held as an *‘ahuzzah*’ (Levine 1989:176). If such a dwelling was not redeemed within a year it legally became the property of the purchaser. This means that it could not be restored to the seller thereafter even at Jubilee (vv. 29-30). Levine explains this state of affairs thus:

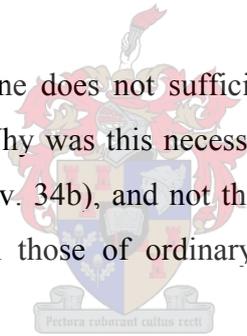
In the ancient Near East, towns and cities had a special status as regards tax exemptions and legal prerogatives. In agrarian societies arable land and, to a degree pastureland as well, were the mainstay economy. They accounted for most employment in addition to their value as the source of food. In the towns lived the artisans, and those we would today call members service of professions, which often included members of priestly families

(1989:176)

In essence Levine is saying that because urban houses were not considered to be on tenured land they were not subject to the provisions of land redemption that applied to such land in Israel. This is quite evident when it is contrasted with rural houses. Such houses without walls were classified ‘as arable land...[and] are considered part *`ahuzzah Israelites* and therefore subject to the general rule governing such lands’ [v. 31] (1989:177).

Similarly the urban houses Levites were ‘considered a surrogate *`ahuzzah*, in place of agricultural land. V. 34 adds that the areas adjacent to the Levitical towns (forty-eight including six cities of asylum—Numbers 35:1-18) are included in this surrogate *`ahuzzah*’ (Levine 1989:177). In this way Yahweh accommodated the land needs of the Levites who were not allocated land like the other tribes of Israel (cf. Deut 18:1-2). And this was more especially so with the pasturelands of the Levites. These fields ‘could not be sold under any circumstances whatsoever...Perhaps the reason for this exceptional restriction was related to the sustenance that the Levites derived from such plots of land, the only ones they possessed’ (Levine 1989: 177).

Despite some good insights here Levine does not sufficiently explain why urban houses were surrogate tenured land of the Levites. Why was this necessary if the land around their cities were delegated as their perpetual possession (v. 34b), and not their houses in those cities? What was it that separated their urban houses from those of ordinary Israelites? And why is it that their pasturelands could never be sold?



c) **Indebtedness and Indenture**

In this rather long third part of land redemption (vv.35-55) Levine separates indebtedness (vv. 35-38) from indenture (39-46). ‘The crucial difference between them is that the one who possesses property that he can sell or mortgage is still free, but one who has no assets must work off his debts as an indentured servant’ (Levine 1989:178). In the former case a debtor who was unable to pay his debt could mortgage or sell his land, and remain free, but occupy his own land as a tenant of his creditor. No interest was to be exacted from the tenant debtor. Levine connects this to the fact that the tenant may be ‘the additional payment one owed from the time he borrowed’ (1989: 178). It does appear that this was done so as to prevent the debtor from sinking into servitude to his creditor. Thus in his comment on v. 38 Levine says that ‘the God who gave the Israelites a land of their own and freed them from the servitude of Egypt now commands them, in turn, to prevent conditions of servitude among their own people’ (1989:178).

However, when they were reduced to the situation of becoming indentured Jubilee kicks in to protect them from permanent indenture to their creditors. If a debtor had no land left to sell he was forced ‘to indenture himself or his children or his children in order to work off his debt’ (1989:169). ‘An Israelite indentured to another must not be treated as a servant.... The legal status of the indentured Israelite is that of an employee’ (Levine 1989: 179). The period of indenture could not go beyond Jubilee, at which time the debtor is to be released (v. 40-41). Levine notes that the word for ‘release’, *yatsa* in v. 41 refers here to the release of the children of an indentured Israelite so that:

Jubilee is all-inclusive and undoubtedly applies to one’s wife and children as well. The law of Exodus 21:1-6, in contradistinction, requires that the wife and children of an indentured Israelite, if he married while indentured, would not be released, but would remain with the master. So, our legislation, while allowing for indenture as long as fifty years, removes all restrictions on the freedom of the indentured person and his family once that period is over.

(Levine 1989:179)

They could not be slaves because Yahweh as their redeemer has priority over them. And in v. 42 ‘What the Egyptians did to the Israelites, Israelites ought not to do to one another. Fear of Yahweh should assure compliance with His command in this regard’ (Levine 1989:179). However, they could acquire slaves from the pagan nations around them, who could be permanent, since no redemption at Jubilee is mentioned for them (vv. 44-46). The reason for this is found in v. 45: ‘In ancient law, slaves were often regarded as having a legal status parallel to that land. Just as the land was a ‘holding’ (*ahuzzah*) to be handed down within families, so were slaves’ (1989:180).

Verses 47-54 deal with Israelites indentured to non-Israelites. Here redemption was accessible to the indentured Israelite. In v. 48 ‘the clan of the Israelite indentured to a non-Israelite bears the responsibility for redeeming their kinsman’ (Levine 1989:180). Numbers 27:8-11 sets forth the law of inheritance (v. 49). In v. 53 Levine comments as follows:

The duty to redeem an Israelite relative indentured to a non-Israelite is exceptional. To allow a fellow Israelite to remain indentured to a gentile would be a cruel humiliation; and one was not permitted to remain indifferent in such a situation, which could lead to forfeiture of land mortgaged to debts and its seizure by non-Israelites...(but) the last recourse is Jubilee, if all other efforts have failed.

(1989:181)

While Levine's Jewish theological trend impacts upon his understanding of Leviticus he does not adopt a dogmatic view about his comments on land tenure in Leviticus 25. Although with respect to possible land forfeiture he could be intimating that should gentiles increasingly come to possess Israelite land this could lead to a situation whereby they would assume control of Israel itself. Nevertheless Levine is gracious enough to concede 'that there is much more that could be said about the historical setting of Leviticus 25. Only further research will determine whether the reconstruction proposed here is historically accurate' (1989:274). Levine admits that scholars after him might unearth something from the Old Testament that he did not pick up in his scholarly research.

4.3.3 John Hartley

John Hartley, another evangelical, declares that his view about Leviticus is in accord with conservative scholars because 'it holds to the full authority of the Word of God without neglecting the work of critical scholars' (1992:xliv). It is not clear though if he equates 'revelatory authorship' with that of 'literary authorship', or the original form with the final form. It does seem that he espouses a kind of 'dual date and authorship' of Leviticus, in which Moses received and recorded revelations from Yahweh, and later these were modified by others in the community of Israel.

This is obvious from at least three arguments he offers in his commentary, namely, that: (1) Leviticus 25 is without doubt a pre-monarchical text having originated with Moses, through 'the revelation of Yahweh to Moses' (1992:xli); (2) additions were made to it to suit new social situations in Israel until its final composition after the monarchy through 'the work of a long history of transmission' (1992:xli); (3) it was probably finalized with the priests after the exile when the trauma of the exile 'spurred the priests and the scribes to undertake the production of a standard edition of ancient traditions and laws that has become known as the Pentateuch...(and) as the present form of Leviticus witnesses' (1992:xliv-xlv).

Hartley's view with respect to Leviticus influences his view with specific reference for an early Leviticus 25 in the following manner: (1) 'First is the presence of four rare terms; their unfamiliarity is an indicator that they come from an early stage of Hebrew language' (1992:428). These terms are 'Jubilee'; 'ruthless' (vv. 43,46,53 and Ex. 1:13, 14); 'below, become poor' (vv. 25, 35, 39, 47 and in 27:8); and 'in perpetuity' (vv. 23, 30). (2) There are only a few references to Jubilee in the Old Testament (Lev. 27:16-25 and Num. 36:4 cf. Isa. 37:21-35) and yet 'they take for

granted the existence of such legislation' (1992:428). (3) 'Other Middle Eastern nations in the second millennium practiced a general release that has some similarities to the debt and servant laws of Jubilee' (1992:429).

Out of this emerges an understanding about land restoration in Israel that was not intended 'to counter the types of social sins that brought on the exile' (1992:430). Instead it was instituted 'to maintain the solidarity of the various clans in Israel by keeping alive the ideal of equality of all Israelite citizens under the covenant' (1992:443). It anticipated the settlement in Canaan and sought to ensure that no Israelite would be exploited by his fellows to the extent of being reduced to permanent landlessness and poverty.

Hartley divides Leviticus 25 into two main sections together with a number of subsections. The main sections are: *Calendar and laws for the year of Jubilee (vv. 8-22)* and *Laws on kinsman-redeemer in relationship to Jubilee (vv. 23-55)*.

4.3.3.1. Calendar and Laws for the Year of Jubilee

The community's dynamic interpretation of how Yahweh's will was to be applied in their daily lives during the settlement in Canaan meant that 'Jubilee laws have been adapted for their setting in the laws on holy living [chaps. 17-26]' (Hartley 1992:425). An example of this is the motivational statement 'you shall fear your God' (vv 36, 43b; cf. v 17).

Some Old Testament scholars who argue for a late date for Jubilee use the lack of references to it in the Old Testament to support their view. Hartley defends this lack thus by contending that 'it is not surprising that there are so few references to the year of Jubilee in the OT, for it occurred only once every fifty years...Another reason for the lack of reference to this day in the historical works dealing with the kingdom period is found in the statement of 2 Chr. 36:21 that Israel had failed to observe the sabbatical years' (1992:429). Since the sabbatical years were not regularly observed it follows that the same must have applied to Jubilee, and more so because of its more extensive requirements for Israel. And these include 'the issues of maintaining ownership of a patrimony and personal freedom' (1992:443).

Hartley's case against those who argue for a late Jubilee is quite convincing. And his argument is not necessarily influenced by his evangelical position. It is a sound scientific argument. He says:

Those who argue that Jubilee is a late legislation are similarly faced with the difficulty of the sparsity of references to it in late sources. This sparsity is a greater obstacle for their position for two reasons. First, there are more later sources, providing more opportunities for a reference to it. Second, if zealous visionaries of the post-exilic community designed this manifesto to counter the types of social sins that brought on the exile, surely there would be some reference to the inaugural observance of this year, especially since the post-exilic community became very zealous in observing laws distinctive to the Jewish community such as the Sabbath.

(1992:429-430)

Like Levine Hartley believes that Jubilee was practiced in some periods of Israel's history. In doing so he does not believe in two consecutive Sabbath years that is usually a popular reason given to refute the celebration of Jubilee in Israel. He agrees with the proposal by some contemporary scholars 'that the forty-ninth sabbatical year and the year of Jubilee are identical' (1992:435). He bases this view on the fact that 'it stands in accord with the promise of abundance to survive a year of Jubilee or a sabbatical year found in vv 20-22' (1992:435), the content of which indicates that it corresponds to a sabbatical year. So that for Hartley the question in these vv. is not what shall we eat in the eighth year, or two years of fallowness, but 'What shall we eat in the seventh year?' For Hartley 'the conclusive evidence that this promise does not think of two successive fallow years is the reference to sowing seed in the eighth year. If the year of Jubilee were the fiftieth year, that would be the eighth year, and sowing would not be allowed.' (1992:435).



Hartley deviates somewhat from his earlier view that vv. 20-22 are almost strictly a reference to the Sabbath. It 'may also apply to a year of Jubilee' (Hartley 1992:437). He argues his point that 'the text says that they (Israel) will sow in the eighth year, which would be forbidden in the year of Jubilee if it is the fiftieth year, but not if it was the eighth year of a sabbatical cycle' (1992:437).

It is quite clear here that Hartley's evangelical position influences this view. It is an acceptance of Scripture without reading anything behind the text. Other scholars do not agree with Hartley here because they view vv. 20-22 as a parenthesis in the chapter. For example, Levine calls it an interruption to the argument from vv. 14-23. And still others insist that logically these vv. should follow vv. 1-7, and therefore, are a later addition to the chapter. It does seem therefore that Hartley is here allowing his evangelical tradition to influence his interpretation of a section in Leviticus 25 that can be problematical if one rejects altogether a possible later insertion into the text. On the

other hand, in favour of Hartley's view is the fact that the author of Leviticus 25 logically discusses these verses here in order to support a possible objection to God's promise in vv. 18-19.

Concerning the sale of land, Hartley says that it 'may not be bought and sold: rather it may be leased for the period of time until the next Jubilee' (Hartley 1992:436). In this regard he concurs with Levine about the nature of land ownership in Israel, namely that they are Yahweh's tenants on the land. So that in transacting land deals Israelites acted on behalf of Yahweh and were therefore not to take advantage of one another. The law ensured that 'the basic price remains the same so that the buyer does not profit at his poorer brother's expense by leasing a tract for a price driven lower by his brother's distress then collecting a high price when the seller or his kinsman can reclaim the land' (1992:436). The whole point of the law here is for fellow Israelites to lessen each other's burdens. The ethical basis for this is fear for their Yahweh (v. 17). 'In fearing Yahweh, one places far greater value on personal relationships than on personal gain. This value begins with a personal relationship with Yahweh, as the reference to Yahweh as 'your Yahweh' indicates' (Hartley 1992: 437). Evangelicalism is very strong about a personal relationship with God, and this is quite evident here in Hartley's understanding of v. 17.

Hartley interprets vv. 18-19 as 'a good rhetorical device by which the speaker seeks to win the audience's adherence to these specific standards' (1992:437). The promise of security in these vv. are 'stated twice for impact, and that they will have enough food to eat to satisfaction' (1992:437). But other commentators separate these saying that the first one is a promise of political security while the second is a promise of economic security.

4.3.3.2 Laws on Kinsman-Redeemer in Relationship to Jubilee

Hartley's interpretation of vv. 23-55 is quite different from that of Wenham and Levine. While Wenham and Levine separate Jubilee's influence upon these verses so that they clearly understand three different kinds of situations here, Hartley sees one situation with different dimensions. So that for him these verses are specifically dealing with how the kinsman-redeemer relationship operates in relation to Jubilee. But is this really the thrust of Leviticus 25?

a) Selling/Leasing Land

Most scholars rightly understand, though from different perspectives, that vv. 23-24 are at the centre of the legislation of Leviticus 25. Hartley does not necessarily enunciate this as others do, but he does understand them as laws about selling/leasing of land in which two ideas are evident.

Firstly, ‘undergirding the principle of each family’s right to occupy their inheritance stands the theology that Yahweh himself holds title to the land’ (1992:437), so that Israel is only His tenants. Secondly, the restoration of land ‘was founded on the premise that Yahweh owned the land that he had given to his people through covenant’ (Hartley 1992:443).

H.D. Preuss, whom Hartley quotes, understands from v. 23 that ‘the phrase ‘with me’ may carry the meaning ‘under my protection’ [Botterweck, G. J. & Ringglen, H. Vol 1 1974:450]’ (Hartley 1992:437). And the strong implication in this is that ‘no land held by an Israelite is to be exempted from the ‘right of redemption’’ (Hartley 1992:438). Debt could never force a family to lose their land permanently. The worse thing that could happen to a debtor is that he could be forced to lease it until the next Jubilee. But it could also be reclaimed before Jubilee if the debtor was able to meet the obligation before then. Vv. 25-28 substantiates this, so that v. 25 ‘deals with a person who has...‘become poor,’ and has fallen so far into debt that he must sell his patrimony to survive (together with his family)’ (1992:438). Hartley says that the one to whom he sells is ‘his nearest kinsman’ and not to a third party—this kinsman ‘has a right of pre-emption on land up for sale by his relative (1992:438). But if pre-emption is in view here a kinsman must of necessity refer to clan members rather than immediate family because the latter could run out of members in between two Jubilees.

Hartley’s appeal to Ugarit to show that the primary function of a kinsman-redeemer is that of ‘keeping the property in the greater family and making the farming land viable, but not necessarily with the design of turning over the recovered property immediately into the hands of his brother’ (1992:438). In Ugarit it appears that a person redeemed seven individuals and held their land until they were able to repay him for redeeming their land. Levine also appeals to Ugarit, but he does so to show that land could not be sold in perpetuity.

b) The Repossession of Land Inheritances

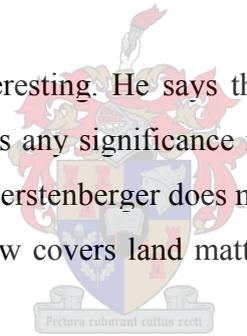
In vv. 26-27 ‘the person who has leased out his patrimony retains the right to repossess his inheritance by paying off his indebtedness’ (Hartley 1992:439). This presupposes that a person may save sufficient means to repay his kinsman-redeemer. But should this not happen the land is returned to him in the year of Jubilee. And in such a case ‘Yahweh himself, through this legislation, acts as his kinsman’ (Hartley 1992:439). In this case Yahweh is continuing ‘to act on behalf of his oppressed people as he did in delivering them from Egyptian bondage’ (1992:439). But if this is so, the question may be asked: Did Yahweh not enforce Jubilee in a way similar to His

forcing Pharaoh to release His people from Egyptian bondage? It is safer to understand this action by Yahweh to be more connected to His promise of land to Israel, than to His deliverance of them from Egypt.

c) The Sale of Houses

The laws on the sale of houses in vv. 29-34 are explained by Hartley to mean that houses in ‘a walled city’ did not carry a perpetual right to redemption due to the nature of life in a walled city. ‘In these larger cities the population was racially mixed, and the populace did not live off the land. Canaanites and other resident aliens who lived in the cities were not covered by land inheritance laws of Israel; this exception thus gave them the right to buy and sell houses in Israelite walled cities’ (1992:439). More especially ‘a person owning a house in a walled city unlike a farmer was not dependent on that piece of property for his livelihood nor was the house a part of the inheritance of land distributed to Israelites under covenant’ (1992:444). This view is similar to that of Levine who attributes it to the fact that they were not considered arable property.

Gerstenberger’s view here is most interesting. He says that ‘theologically grounded ordinances regarding ownership (v.23) no longer has any significance in the urban culture. Private ownership supersedes Yahweh’s law’ (1996:385). Gerstenberger does not give a reason for this. Perhaps this is also related to the fact that Yahweh’s law covers land matters and not what is constructed on the land.



Hartley’s view about Levitical urban houses differs quite a bit from that of Levine’s. According to Levine their urban houses were surrogate holdings in place of agricultural land. In contrast to Levine Hartley proposes that their houses returned to them at Jubilee (Ezek 48:13-14) because ‘since the task of the Levites is to serve the people at the sanctuary and to teach them the law, they are not to be burdened with farming and shepherding’ (1992:440). Levine’s view seems to be the more acceptable two. Hartley’s view cannot be sustained in the light of Nehemiah 13:10 where the Levites were being economically neglected by the nation so that they were forced to return to farming their fields.

d) Loans to Land Impoverished Israelites

The focus of vv. 35-38 is ‘loans to fellow Israelites faced with poverty’ and poverty that forces an Israelite ‘to sell himself in servitude to another person’ (Hartley 1992:440). Loans relating to land debt were by law necessary, but no interest could be charge for such loans. Interest free-loans

excluded commercial enterprise loans, but there is not sufficient evidence for this. ‘The issue is that no fellow Israelite is to profit from a brother’s need for financial assistance. He is not to charge interest...on money or interest...on a loan of seed or food [cf. Exod 22:25 [25]; Deut. 23:20-21 [19-20] (Hartley 1992:440). ‘This prohibition is supported by the basic premise of biblical faith, the fear of Yahweh [cf. v. 17] (Hartley 1992:440). ‘The inclusion of Yahweh’s self-identification underscores the authority these laws’ and the ‘reference to the Exodus also communicates the principle that Yahweh requires and expects expressions of mercy from those to whom he has shown mercy’ (Hartley 1992:440).

e) Debt Slavery

The rest of the chapter from v. 39 to 55 is on laws about slavery caused by debt. They are about an Israelite who becomes so poor that he is forced to sell himself in servitude to another. Hartley cites a number of different circumstances that may contribute towards this situation, but ‘when an Israelite put himself in the service of another Israelite, his master may put him to work, but not to those low menial tasks done by a servant’ (1992:441). Instead the master was to treat his Israelite servant as a hired servant. The law prescribed that Israelites were required to treat their hired slaves with respect, whether they were Israelites or foreigners (Deut 24:14).

According to vv. 41-42 ‘the Israelite servant is to work until the year of Jubilee. Then he and his sons are to return to ‘his clan,’ and ‘his ancestral possession’’ (Hartley 1992:441). Hartley quotes from Exodus 21:1-6 to show that every seventh year Hebrew slaves were to be freed by their masters. It does not appear that this passage in any way relates to debt slaves, but Hartley seems to think that slaves in Exodus who forfeited their opportunity for freedom could also be released by Jubilee. This would allow later generations to have a choice in their social status. However, there is no indication that Jubilee provides for such a release. Hartley says that ‘the motivation for this law is the remembrance that all Israelites are slaves to Yahweh [cf. v 55]...Yahweh is the owner of both the one selling himself and the one doing the buying’ (1992:441).

Israelites are permitted to own slaves as perpetual slaves from the surrounding nations and aliens born in Israel. In vv. 44-46 ‘since slaves are classified...‘property’ or ‘a possession,’ they are passed from father to son as part of the family’s inheritance’ (Hartley 1992:441).

Verses 47-53 ‘regulates the situation in which an Israelite who has become poor must sell himself to ‘a resident alien,’ ‘a temporary resident,’ or a member of a resident alien’s family...If an Israelite

sells himself to a non-Israelite, that situation does not set aside his...‘right of redemption’ (Hartley 1992:442). The redemption price is computed as in v. 15 with respect to crops. Here it is related wages equal to that of a hired man ‘according to the length of time until the next Jubilee’ (Hartley 1992:442). And ‘the standard by which an Israelite master is to govern an Israelite servant is the standard also for a resident alien’s handling of an Israelite servant [cf. vv 43, 46] (Hartley 1992:442).

In vv. 54-55 the language used to prescribe the release of a debtor-servant at Jubilee ‘means that the release at the year of Jubilee possesses the same quality as the exodus from Egypt. Each Jubilee Yahweh acts again as Israel’s great Redeemer’ (Hartley 1992:441). The special legislation of Jubilee ‘has its foundation in Israel’s special saving history. Israel’s faithful following of this legislation ‘perpetuates the first liberation—that from Egyptian slavery’ [Hubbard, 11]...Furthermore, this legislation has its foundation in the holy character of Yahweh, their Yahweh, as the formula of self-introduction conveys [cf. 18:2]’ (1992:441). Its theological basis ‘is that Yahweh had delivered Israel from Egyptian bondage. Now all men were his slaves. That is, all members of the covenant were on equal footing as Yahweh’s redeemed slaves’ (1992:444).

Hartley tries to show how Jubilee influenced Israelite society. He says that ‘The laws about inalienable tribal inheritances and restrictions against loaning money at interest may lie behind the solidarity state of Judah and its ability to endure as a self governing political state for several decades after the fall of Northern Israel’ (1992:446). He shows from two incidences, in Jeremiah 34:8-17 and 32:6-15, that these laws were never completely forgotten in Judah. Although he does not support the view that the Israelites kept these laws perfectly, he believes that it definitely influenced and helped preserve Judah for 140 years longer than Israel.

4.3.4 Walter C Kaiser Jr.

One of the emphases with which Kaiser commences his commentary is to outline the traditional, mediating and critical viewpoints so that ‘there are a number of quite divergent ways by means of which to understand the origins of the Pentateuch and, hence, Leviticus’ (Kaiser 1994:997). Nevertheless he hints that he stands with the traditional viewpoint for at least three reasons: (1) ‘Much in Leviticus is consistent with the claim that Israel was still in the wilderness wanderings at the time most of these laws (in Leviticus) were promulgated’ (1994:995). (2) ‘The internal claims of the book, in their present shape, argue for the beginning forty years of wandering as the canonical setting for Leviticus, with Moses, Aaron, and the Israelites of that generation as the ones

who are addressed' (1994:995). (3) 'Epigraphic materials gathered from the archeological discoveries of this century...(show) that substantial material in Leviticus appears similar to ancient Near East materials from the second millennium BCE' (1994:996).

A consequence of Kaiser's arguments in the preceding paragraph is he actually shows his commitment to the traditional view date and authorship of this chapter, and by inference the whole of Leviticus. He rejects the Wellhausen theory that 'incorrectly regarded the year of Jubilee as a priestly invention exhibiting utopian fantasies that dated from the time exile' (1994:1170). He does so because: (1) 'The many points of contact between Leviticus 25 and the agricultural regulations of many other ancient peoples' (1994:1170) are quite evident in Leviticus 25. (2) Deuteronomy 15:1-6 'endorsed the year of agricultural release and also added further economic relief to poor persons and extended the principle to the area of debts' (1994:1170) because Leviticus 25 is sandwiched between Exodus 23:10-11 and Deuteronomy 15:1-6, the two texts that complement land tenure in Leviticus 25.

Furthermore, Hartley believes that the concept of 'a Sabbath land' was pre-exilic. He has no evidence for this except that 'First Maccabees 6:49, 53 reports that the city of Beth-zur had to surrender to the Syrians; the city lacked adequate provisions to endure the siege because the attack came in a sabbatical year' (1994:1170-1171). Strictly speaking then Kaiser holds a view similar to that of Wenham and Hartley about the date of Leviticus, as well as about its authorship. It originates with Moses during his era. However, Kaiser does not understand the meaning of land restoration in Leviticus 25 in exactly the same way as does Wenham and Hartley.

He understands that it was not limited to socio-economic motivations, but '[was] clearly religious, as v.23 affirms' (1994:1170). They are instructions about what Israel is to do 'when they enter the land that the Lord their God is giving to them' (Kaiser 1994:1171). Quoting North he lists three reasons for land restoration in Israel. (1) It was intended to ensure social justice by preventing the accumulation of the entire wealth nation in the hands of a few' (1994:1174). (2) It was geared towards social worship in which the concerns of religion and the concerns for society were joined together. 'Men and women could not be satisfied merely with performing religious duties, for they had to carry out the effects of religion by helping those who had fallen into debt and had lost their lands' (Kaiser 1994:1174). (3) It influenced personal virtues so that 'love and mercy toward one's neighbour lay at the heart Jubilee legislation. If all Israel were but 'aliens and [God's] tenants'

(v23), the transitory nature of all mortals on this earth and the habitations we occupy must be acknowledged' (Kaiser 1994:1174).

Kaiser's title for Leviticus 25 is *'Holiness in Land Ownership'*. He understands that 'in many ways, chapter 25 continues the sabbatical cycle listed among Israel's festivals in chapter 23. He divides the chapter into three major sections: *'a Sabbath Jubilee for the land (vv. 8-22); the redemption of property in Jubilee (vv. 23-38); and the redemption of a servant in Jubilee (vv. 39-55)* (1994:1170).

4.3.4.1 A Sabbath Jubilee for the Land

'The principle weekly Sabbath is now extended to a sabbatical rest set for every seven years for the land and for what it produces. And that principle is extended once again to seven seven-year cycles, after which is to be Jubilee year' (Kaiser 1994:1170). While Kaiser does not declare that it is the greatest of all Sabbaths that idea appears to be here. Although for him, what makes Leviticus 25 unique is that it is 'the only chapter (in the Torah) that deals with the subject of land tenure in Israel' (1994:1170). Unlike Levine he is not surprised by this arrangement, but rather overwhelmed by it. He views Exodus 23:10-11 and Deuteronomy 15:1-6 as merely complementary to Leviticus 25.

Kaiser does not agree with the school of Julius Wellhausen that Jubilee is 'a priestly invention exhibiting utopian fantasies that dated from the time exile' (1994:1170). For him it shows many points of contact with the agricultural regulations of many other ancient peoples. Furthermore, 'if Leviticus 25 came *after* Deut. 15:1-6, its legislation would represent a retrogression and an undoing benefits that Deut 15:1-6 extended, for Deuteronomy endorsed the year of agricultural release and also added further economic relief to poor persons and extended the principle to the area of debts' (1994:1170).

Jubilee legislation is preceded in vv. 1-7 by legislation concerning 'a 'Sabbath of Sabbatism' [v. 4]...to demonstrate that Yahweh is the ultimate owner of everything; nothing is to be harvested in the seventh year. The natural produce of the land is to feed the poor people [see Exod 23:11]' (Kaiser 1994:1171).

In so far as the time of the Sabbath is concerned the time of the Sabbath of Jubilee Kaiser rejects the idea of two back-to-back Sabbaths—the forty-ninth and fiftieth years, based on the fact that

having two consecutive fallow years would not appear practical. But Kaiser fails to see that it could be practical from the point of faith in Yahweh as in the case of seven years of famine in the Joseph-Egyptian story. In any case Kaiser supports his argument from the book of *Jubilees* (written about 200 BCE) that prescribes that Jubilee year falls on the sabbatical or forty-ninth year. Like Wenham, Levine and Hartley he is unable to conclusively support this view.

In the year of Jubilee ‘liberty’ or ‘freedom’ *derôr* is proclaimed throughout the land (v. 10). Kaiser lists three provisions proclaimed by Jubilee: ‘First, it means liberty for the man who has become dispossessed from his family inheritance of land...Second, it means liberty for every Hebrew servant...and third, it means liberty or release from the toil of cultivating the land’ (1994:1172). Furthermore, ‘the regulations for the year of Jubilee are probably equivalent to those for the ‘year of freedom’ mentioned in Ezek 46:17. Liberty meant that family land could be repossessed. In fact Jubilee supersedes ‘even those who have had their ears pierced with an awl (see Exod. 21:2, 6) as a sign that they would serve their masters forever are free to leave, for the ‘ever’ in terms of agreement is superseded by the year of Jubilee’ (1994:1172). And ‘all previous leases on the land are terminated, for the property in this year reverts to the original owners’ (1994:1172).

The motivation for keeping Jubilee laws is fear for their God. Repeatedly, the Israelites are warned ‘not (to) take advantage of each other (vv. 14, 17)’ (Kaiser 1994:1172). And vv. 18-22 outlines some requirements connected to this fear. In these verses, there is a clear suggestion of divine intervention in the affairs of the Israelites that Kaiser earlier on tried to explain by human and natural patterns. Clearly here Yahweh is saying that in the year of Jubilee while the land is being rested he will provide in a miraculous way for the needs people, because whatever emerges from divine action is miracle.

4.3.4.2 The Redemption of Property in Jubilee

Kaiser also understands that vv. 23-24 are the central theology of this chapter. He understands Yahweh’s declaration: ‘the land is mine’ to mean ‘that the land and the crops belong to the Lord. For this reason the land cannot be sold forever’ (Kaiser 1994:1172). With reference to 1 Kings 21 he says that ‘Naboth could not sell, trade, or substitute his land at any price or inducement... for the ultimate owner of the land forbade such practices. What is true of Israel, in a larger sense, is true of all lands, for Ps. 24:1 teaches that the earth is the Lord’s and all that is within the earth’ (1994:1172).

In so far as the rights of redemption for land and houses in walled cities are concerned (vv. 29-31) Kaiser understands that landowners 'are viewed as God's tenants, and the land is not to be sold in perpetuity. If it does become necessary for someone to temporarily give up the land, there is always the right of redemption of the land in the interim before the year of Jubilee' (1994:1172). But the rules of reversion to the original owner do not apply in the case of houses in walled cities because 'houses in walled cities are more the fruit people's labour than the land in the country is; that land is the immediate gift of Yahweh' (1994:1173). Clearly Kaiser differs from Hartley and Gerstenberger here. But even though he does not connect it to the economic viability of the land as the other two do, he might be indicating this here.

However, what he says next does not connect sufficiently with the overall theme of land restoration in Leviticus 25. He says that 'apparently, this provision is made to encourage strangers and proselytes to settle among the people. Even though they cannot purchase land in Canaan, they can purchase and own houses in walled cities so that they can live and trade among the Israelites' (1994:1173). But what is significant about this in the light of land restoration? However, in the case of villages without walls these provisions do not apply because 'Yahweh gave that land only to Israel' (1994:1173). And for that reason the rules of Jubilee apply to such property.

The case of the Levites is different (vv. 32-34). 'The homes in the forty-eight Levitical towns are given to them in perpetuity. They can never be alienated from them' (1994:1173). This is how Yahweh cares for those who minister in the special service of the Levitical order (1994:1173).

Kaiser understands that verses 35-38 are referring to an Israelite who is 'unable to support himself.' Relief is to be extended to such just as it would be to a resident or temporary alien in Israel. 'But on no account is any 'interest' (v. 36) to be charged for such help...no one is to take advantage of another person's calamity to profit from it...and the Israelites are reminded that the Lord Yahweh brought them up out of slavery free of charge [v. 38]' (1994:1173).

4.3.4.3 The Redemption of a Servant in Jubilee

Kaiser lists the indenture of debtors to their creditors as another case of need rather than as the reason for them indenturing themselves. He is very vague about what causes such indenture, and therefore does not really connect this to the loss of land. Nevertheless he shows here that those who indenture themselves to pay off a debt (vv. 39-43) 'are not to be sold as bond slaves in a public manner but are to be treated in a private and honourable way. Neither are they to be '[ruled]

over...ruthlessly' (v. 43) as Pharaoh's taskmasters treated Israel [the same term appears in Exod 1:13 Egyptians' cruelty]' (1994:1173). The reason why Israelites can never be the slaves of anyone is because they are Yahweh's slaves (v. 42). In this respect while their bodies could never be sold to anyone else 'their service and labour could be sold' (1994:1173).

Kaiser quotes Exodus 21:16 to show that that kidnapping of persons for the purposes of slavery was a capital offence. So while Israelites could own slaves from non-Israelites they could never kidnap them (vv. 44-46). He also quotes from Exodus 21:20-21, 26-27 to show that should such be treated harshly to the extent of receiving bodily harm they must be immediately released from indenture (1994:1174). And if an Israelite became indentured to a foreigner the laws of Jubilee applied even in such cases (vv 47-55). Strangely no return to their own land is mentioned in these vv. that could mean that indenture was not the result of land loss. In any case Jubilee applied here because of what is said in v. 55: 'For the sons of Israel are my slaves; they are my slaves whom I brought out from the land of Egypt. I am the LORD your God'

4.3.5 Erhard S. Gerstenberger

Erhard Gerstenberger is a critical Old Testament scholar who does not take anything for granted in his interpretation of Leviticus 25. This is quite obvious from the outset of his commentary on the book of Leviticus when he challenges a misnomer relating to its title. He points out that the English name of Leviticus, from Latin, meaning, 'Book concerning Levitical matters,' 'derives from a misleading interpretation and represents an early example of how a prejudiced perspective can reclassify a text itself' (1996:1). The long transmission history of the book of Leviticus suggests 'various stages of redaction, different concerns, and different theological conceptions...concerned with the role of Moses (and Aaron) as mediators and with the legitimation of the cultic prescriptions as the revelation of Yahweh' (Gerstenberger 1996:4). So that Leviticus is an excerpt from 'the law of Moses as passed down by tradition and continually developed within the congregation itself' (1996:9). This development reached its peak during the postexilic economic distress of the fifth century when the people of Israel found consolation in the Yahweh religion and His law that was revealed to Moses centuries earlier. This interpretation means that even though the priests may have initiated it:

The third book of Moses overwhelmingly addresses the entire people of Israel, the congregation of Yahweh. It does not contain the specialized or secret knowledge of a priestly caste...It is not just the temple organization itself or the elite priestly caste in Jerusalem that stands behind the third book of

Moses. These texts reflect in varying degrees the life of postexilic congregation groups, and not merely the organizational elements of the Jerusalem temple'

(Gerstenberger 1996:12-13)

Not only does Gerstenberger reject the Mosaic authorship theory of conservative scholars, but he also rejects the theory by some critical scholars that priestly writers were responsible for it. Instead he leans towards a view which understands that it is the product of the men in the confessional community of Israel in the fifth century with expertise in the Torah who collected Moses' revelations and 'altered (them) according to their use' (1996:5). Gerstenberger intimates that this alteration of the text appears in Leviticus 25 when the exiles adapted its regulations to have their land returned to them.

Thus in Leviticus 25 'land is the basis of life for the people being addressed...[and it]...is defined socially and economically...in a socioeconomic sphere of power relations cast in a religious frame of reference' (Gerstenberger 1996:374). These power relations are dealt with in a legal way from a theological point of view. They prescribe laws that are informed by Israel's relationship with Yahweh through what He did for them when He delivered them from slavery in Egypt. Leviticus 25 in some ways reflects an extension of this relationship.

Appropriately, Gerstenberger entitles his commentary on Leviticus 25 as *Free Years* in which 'the sabbatical year' (vv. 2-7) is merely the prelude to the great design for a general remission of debt to take place every fifty years' (1996:377). The rest of the chapter (vv. 8-55) is about the year of Jubilee (Release), and is divided by Gerstenberger as follows: (1) *The Institution of the Year of Release* (vv. 8-12), (2) *Economic Praxis* (vv. 13-18 [19-22]), (3) 'Sale' and Return (vv. 23-28), (4) *The House in the City* (vv. 29-34), (5) *The Prohibition against Taking Interest* (vv. 35-38), (6) *Two Kinds of Slaves* (vv. 39-46), and (7) *Debt-Slavery among Foreigners* (v. 47-55).

4.3.5.1 The Institution of the Year of Release

Leviticus 25 introduces the year of Jubilee (Release) in vv. 8-12 by counting off forty-nine years (v. 8) 'in the style of a festival calendar that securely connects important annual dates with one another [cf. Lev. 23:15f.; Deut. 16:9]' (1996:377). Here the basic unit of seven is repeated on a higher level and with a larger span of time than a week of days 'to symbolize the divine organizational will' (1996:377).

The extraordinary significance of the year of release is highlighted by two different events on the day on which it commences. The first is that its commencement coincides with the Day of Atonement (cf. Lev. 16). Secondly, it is announced with the blowing of rams' horns throughout the land (v. 9). 'Although, according to Leviticus 23 the annual festivals were indeed also 'proclaimed,' the ram's horn is not mentioned. This powerful musical instrument serves as a signal for cultic celebration only in a few, prominent passages [cf. Ex. 19:16, 19; Joel 2:1,15]' (1996:378). The name of the year of release itself, namely, 'ram's horn' 'derives from the ram (*yôbēl*) whose horn (*šôpār*) is used (both terms occur in the same expression in Josh. 6:4ff.)...Truly, the year of release is a 'ram's horn' event!' (1996:378).

Gerstenberger identifies two important themes in v. 10 from the background of severe economic hardship during the middle of the fifth century. At this time poor harvests and the emerging money economy from under the Persians resulted in the impoverishment of rural inhabitants (cf. Neh. 5). Thus the first theme in v. 10 declares that the year of release is to be 'hallowed' (v. 10a cf. Ex. 19:10; 20:8). Gerstenberger understands this to mean that the year of release is to be 'placed at Yahweh's special disposal' (1996:378). The second theme in the v. relates to the socio-economic significance of the year of release. 'A 'remission' or 'release' for 'all inhabitants of the land' is to be 'proclaimed'' (1996:378). According to Gerstenberger 'the expression *děror*, 'freeing, release,' is a loanword from Akkadian, and the Old Testament uses it, specifically only in more recent texts, to refer both to a return to the land (cf. also Ezek. 46:17) and to the release of debt-slaves [Jer; Isa. 61:1] (1996: 378).

A 'return to the land' emphasizes its restoration to its 'original owners', a situation that automatically releases them from debt (cf. vv. 41,54). In this sense these twin themes might even be suggesting that the year of release is to be placed at Yahweh's disposal so that He can provide release for landless, indebted Israelites. And the time at which this happens is not too clear in the text. Gerstenberger does not commit himself to any dogmatic view with respect to the time year of release. It could have coincided with the seventh sabbatical year, or 'the fiftieth year (may have been)...treated like a sabbatical year [cf. vv. 10,11]' (1996:379). Whichever year the year of release was celebrated means that because it was to be treated like a sabbatical year (cf. vv. 4b-7), its sabbatical stipulation elicited an objection from some about what they would eat for the duration of it. This leads Gerstenberger to think that instead of all the land being rested only 'a specific field is not planted while others belonging to the same family produce food' (1996:375). If this is so then 'the prescriptions concerning fallow fields are an abstract edifice either to be understood ideally—

this is how Israel should be—or that has been presented in just as theoretical a fashion to an urban congregation that itself no longer has anything to do with actual agricultural labour’ (1996: 377).

The influence of Gerstenberger’s critical position is clear here. While Gerstenberger feels that ‘it is highly probable that an original Year of Jubilee remission only went as far as v. 18’ (1996:381), other scholars feel that its idealistic theory was probably the reason why it was never celebrated in Israel at all. If it were celebrated it would be imposing ‘coercion on nature (and on God)’ (1996:376). Obviously God’s creatures cannot coerce Him, so that it is possible that this section is making a theological statement about God.

4.3.5.2 Economic Praxis

This section consists of two sub-sections (vv.13-18 and 19-22). The first section comprising of vv. 13-18 stands on its own as a self-enclosed unity while addressing ‘the inviolability of family property (cf. v. 23), and the reality of distress sales [cf. Neh. 5]’ (1996:379). The second section (vv. 19-22) ‘belongs thematically to vv. 5-7, 11f, and has been rather appended, or has been separated from its antecedent vv. by vv. 13-18’ (1996:379). The first section (vv. 13-18) is saying among other things that property in Israel is the permanent, private possession of family or clans. The purchased land never becomes the inheritable possession of the ‘buyer.’ It is temporally rented from the ‘purchaser’ according to the period of its use. And the land-based ‘economic order is religiously grounded’ (1996:380).

Thus this section reads like ‘a great real estate reform project...[involving]...digressive cancellation of debt’ (Rainer Albertz in Gerstenberger 1996:380). This involves computing the cancellation of debt by the remaining years to the next Jubilee, mainly to protect debtors (sellers) from creditors (buyers). Jubilee is ‘the rhetorical, ideal framework...(aimed at)...the equality of all congregation members before God. One member is not permitted to cheat another [v. 14]’ (1996:381). While Gerstenberger does not suggest a reason for this equality, Wenham traces it to creation: ‘The Jubilee would have restored some semblance of equality between men, thereby recapturing something of the relationship that existed between men at their creation’ (1979:317).

Gerstenberger offers two reasons why the original year of Jubilee remission might have gone only as far as v. 18. (1) Leviticus 25 ‘contains no other summarizing admonition after the strong concluding formulae of vv. 17f.’ (2) It runs out without closure at the conclusion (v. 55)’ (1996:381). Whatever is said thereafter came later, vv. 19-22 being a case in point. Since they are

not attached to vv. 1-7 they might as well be ‘an addendum’ (1996:382). ‘In that case, it would have presented the release from debt only very abstractly and by way of an allusion, and in a preaching style’ (1996:381). If this is so then it represents an attempt by the authors of Leviticus to ensure that their own land interests were taken care of.

4.3.5.3 ‘Sale’ and Return

In Gerstenberger’s commentary this section comprises vv. 23-28, in which vv. 23-24 are viewed as representing ‘a general superscription for the entire rest of the chapter’ (1996:382). Essentially they teach that ‘the ordinances concerning the year of release take place within the sphere of the Yahweh congregation itself, in which theological arguments are engaged in hope that social circumstances can be influenced by that very congregation’ (1996:383). Private ownership of land is not being denied to Israelites here. It is the return of this land to its original owners that is the focus here. This is suggested by how these two verses compare with each other, so that while v. 23 prescribes that no family property may be sold ‘in perpetuity’, v. 24 provides for its redemption to facilitate this perpetuity. This could mean that vv. 23-24 is not setting a legal requirement, but is rather ‘recalling the spiritual reality involved. Yahweh is the almighty saviour and leader of His people to whom Israel owes everything, including the land in which it dwells’ (1996:382-383). Thus all land bought from debtors must be return to them.

The first of a series of potential cases of redemption when a farmer became economically insolvent is found in vv. 25-28. It identifies three possibilities open to society to help an Israelite who is reduced to insolvency. ‘First, the family or clan is initially responsible for redeeming the family property [v. 25b]’ (1996:383). The second possibility is the real focus of this paragraph; it is on the self-redemption of the debtor (vv. 26f.). This is the focus of this paragraph. The third possibility came into force when the first and second failed. In this case the debtor works on his own land as a hired labourer for his creditor, to whom he pays the harvests of his labours, and receives a small stipend for it, ‘until the year of release’ (1996:384). Then he shall return to his possession (v. 28b).

Gerstenberger seems to think that the first possibility is an improbable situation because no economically strong clan would allow any of its families to be reduced to such a situation; they would act before it happened. And since the second was never going to be easy ‘only the third possibility remained as a rule’ (1996:384). But since the year of release was set for every fifty years ‘if this rule ever genuinely was kept, then many who had to surrender their property never

experienced this return' (1996:385). Gerstenberger is probably correct here because how else could it be explained that there were still landless Israelites for many centuries after the middle of the fifth century B.C.E.?

4.3.5.4 The House in the City

In vv. 29-34 Gerstenberger shows that 'different laws apply to urban properties than to agricultural land' (1996:385). Urban houses were not redeemable after the year of their sale. Redemption was only possible within a year of the sale because 'the theologically grounded ordinance regarding ownership (v. 23!) no longer has any significance in the urban culture. Private ownership supersedes Yahweh's law' (1996:385). On the other hand 'the property in a walled city cannot be purchased from members of the clerical class' (1996:385). Gerstenberger's view is not clear at all because vv.32-33 indicate that their houses can be purchased, and redeemed at any time, but more specifically at Jubilee. The exception to the law of selling Levitical property applies to their pasturelands that are their permanent possession (v. 34).

4.3.5.5 The Prohibition Against Taking Interest

The critical opinion of Gerstenberger about the prohibition against taking interest in vv. 35-38 is that 'this prohibition against taking interest sounds like an empty utopia' (1996:387)—it just was not practicable to follow in the case of remission of debt. It assumes a money-based economy, and 'the field mortgaged in distress' is not included here (1996:386). And the reason for this is 'if capital and foodstuffs are put at the disposal economically weak for an unrestricted period of time without interest, the chances are not very great that fields will be mortgaged or sold as distressed property' (Gerstenberger 1996:387). Gerstenberger therefore feels that this requirement was not followed.

The influence of Gerstenberger's critical approach here suggests that 'the goal of this entire section is not only the humane treatment of someone who has fallen into such misery, but also the guarantee of that person's elementary survival needs...to prevent that person from falling into an underclass' (1996:388). Gerstenberger doubts that these good intentions were realized because 'the laws of the marketplace' are different than those of the divine-human order yearned for by theologians throughout the ages' (1996:388). This view is possible because there is no biblical evidence that these laws were kept.

4.3.5.6 Two Kinds of Slaves

This section that covers vv. 39-46 is ‘one step further beyond the surrender of property’ (1996:388). Gerstenberger asks: ‘Is this text not telling us everything we need to know about debt-slavery in order to undertake an evaluation here?’ (1996:389). And after posing some evaluative questions he concludes that two protective prescriptions are in view here. Firstly, ‘the intention to protect the person condemned to debt-slavery as much as possible from the arbitrary will of his master and overseer’ (1996:389). Secondly, there is ‘a prohibition against putting the Israelite debt-servant on the same level as a person who is a servant for life [v. 43; cf. vv. 44-46] (1996:389).

However, since different laws apply to alien slaves (v. 45) Gerstenberger is concerned that ‘the principle ‘You shall have one law for the (resident) alien and for the citizen; for I am Yahweh, your God’ (Lev. 24:22; Ex. 12:49; Num. 15:16)’ (1996:390) has been left out here. But while putting this down to ‘a bit of anti-divine praxis entering into the law of release purely by accident through the inattention of a redactor?’ (1996:390), he cannot resist the view that while people acknowledge one God their praxis is different.

4.3.5.7 Debt-Slavery among Foreigners

While the previous sub-section discriminated between Israelite and foreign slaves this one (vv.47-55) elevates foreign fellow citizens in Israel to the point that they could be in the enviable position of creditors. But ‘the debt-slavery of a native to a foreigner is regulated carefully and in a fashion going beyond the regulations of vv. 39-43...in favour of the Israelite compulsory labourer and at the expense foreign creditor’ (Gerstenberger 1996:391). This involves the indentured Israelite, in contrast to v. 40, ‘acquiring the right of redemption’ (1996:391). If he cannot be redeemed the year of release is his only option (v. 54). Should redemption be obtained? Gerstenberger notes that in contrast to v. 41 the return of land is not mentioned here. He puts this down to a probable ‘indication that the foreign creditor did not have the right to take the inheritable land of an Israelite into possession even temporarily’ (1996:392).

If this is so how did Israelites become indentured to foreigners, because for this to happen foreigners must have obtained land by some means? Although it might be said that there is support for this view since the redemption price is computed by money (v. 51), and not by crops (v. 16). But then v. 27 talks about redemption as involving ‘counting the years since its sale, and restoring the remainder to the man to whom he sold it’ (v. 27). This seems to be redemption by payment of money, but it does not necessarily mean that land-debt is not in view here.

4.3.6 Jacob Milgrom

Jacob Milgrom is a Jewish scholar who wrote his commentary on Leviticus in the year 2000. The Holiness Code (Lev. 17-27) is actually the Holiness Source. However, he has no problem in calling it by its conventional name, the Holiness Code (H) in his commentary. It is no surprise that he, being a Jew, believes that ‘with the exception of a few verses all of H is pre-exilic (2000:1361). Most Jewish scholars of the Old Testament locate the origin Pentateuch (including Leviticus) before the settlement in Canaan. Milgrom supplies several arguments for a view that locates Leviticus before the Exile. The most notable of these are that: (1) ‘There is no ban on intermarriage in H (and P)—neither opposition nor prohibition. This absence would be inconceivable in post-exilic times, when a national purge of marriages was initiated [cf. Ezra 9-10]. (2) The correspondence between the language of Ezekiel and H, in which Ezekiel borrowed from Leviticus. (3) H endorses the prophetic program of eighth century prophets against social abuses. (4) ‘H posits multiple sanctuaries’ (2000:1363). This is different from the Deuteronomic doctrine that centralizes Israelite worship. (5) ‘As shown by Joosten (1996:151), the expression ‘the land of Canaan’ as a territorial designation is confined to the pre-exilic parts Pentateuch, Joshua, and Judges; hence it is a pre-exilic term’ (2000:1363).

Milgrom discusses the authorship of Leviticus within the framework of the Torah. He illustrates from 2 Chronicles 30:16 and Nehemiah 10:29-30, 35-37 that there was an oral origin of the law with Moses by way of general principles and rules. Successive generations inherited their implications and applied ‘the Torah’s law to problems generated by the law’ (2000:1369). The anonymous authors of the Torah in this way connected its laws to ‘Mosaic principles (i.e., traceable to Moses himself)’ (2000:1369). In doing this ‘they might have agreed, for example, that the dire economic conditions of eighth century Judah would have been remedied by the laws of Jubilee and redemption’ (2000:1369). Thus Milgrom even goes as far as saying that after the revelation at Sinai man was compelled ‘to be an active partner of God in determining, as well implementing, the divine will’ (2000:1370). But who these men were he does not say.

When it comes to Leviticus 25 he neither denies nor credits redactors with its final composition. He concurs with the view of rabbinic literature that even if a redactor was involved in its final composition ‘the chapter, as is, flows logically and coherently...that it suffices to determine what he (the redactor) had in mind’ (2000:2150). So like Wenham and Levine he sees no need for a compositional analysis to understand the meaning and message of Leviticus 25.

Milgrom divides the chapter into the following sections: *Jubilee Year* (vv. 8-22); *the Redemption of Property: the Basic Principle* (vv. 23-24); and *The Three Stages of Destitution* (vv. 25-55).

4.3.6.1 Jubilee Year

Milgrom observes that there are crucial differences between the sabbatical (vv. 1-7) and Jubilee. ‘Jubilee has to be sanctified by Israel...the sabbatical is sanctified by Yahweh...Jubilee is not called a Sabbath, and its restrictions apply to only the Israelite, but not to the resident alien’ (2000:2153). But essentially for him the sabbatical was a year of rest for the land, while Jubilee on the other hand was a year of holiness. He does not elaborate on this essential difference.

Milgrom’s opinion is that Jubilee’s cycle of 49+1 years is based on the Pentecostal calendar. He bases this view on the model of Leviticus 23:15 where ‘Jubilee of years is structured on the ‘jubilee’ of weeks’ (2000:2163). In comparison to the irregular occurrences of general amnesties in the ancient Near East, decided upon by the ruler, ‘in Israel Jubilee was fixed, a divinely ordained institution that was independent of any human sovereign’ (2000:2163). It is fixed as a sacred year (vv. 10,12), which begins on the Day of Atonement, on the tenth day of the month, after the cleansing of the Temple and the people. Perhaps the primary reason why it did not begin on the first day of the seventh month, the beginning of the agricultural month, was because a holy year ‘would be initiated only after the sanctuary and, symbolically, the people and land have been purged of impurities’ (2000:2164). Milgrom says that ‘this date proves that the Jubilee (and probably the sabbatical year) is based on the agricultural year, namely, a fall calendar’ (2000:2164).

At this time according to v. 10 Milgrom proposes that: (1) God sanctifies the Jubilee, not Israel as in the case with the Sabbath. (2) The term *děror* contains three related meanings, namely, ‘whatever is *released*, *flows* and *gains freedom*’ (2000:2167). (3) ‘The biblical Jubilee was cyclical—ordained by Yahweh and not by an earthly ruler according to his whim or need—and could not be revoked or circumvented’ (2000:2169). (4) Jubilee celebrates the release of both property and persons, but that this does not include aliens. (5) Israel’s land in H is called both *’āhuzzā* and *nahālā*, and that the former ‘by itself should be rendered as ‘holding or tenure’...[that]...God grants to them as a *nahālā* (inheritance)...The latter term...automatically conveys the notion of permanence. Our verse, of course, does not imply *any* previous holding’ (2000:2172). (6) Leviticus 25 does not talk about debt-release (see Deut. 15:1-11) because H focuses on land release. ‘However, since H emphasizes land release, it has no need to mention debt release but can take it for granted. The reverse (in D),

however, is probably not true' (2000:2173-2174). (7) Family in v. 10b refers to villages or Canaanite towns.

Essentially what Milgrom is saying in v. 10 is that Jubilee is for Israelites. Foreigners are only mentioned in Leviticus 25 in so far as they affect Israelites in some way with respect to the Jubilee prescriptions. Thus:

Jubilee does not release the alien slave (vv. 45-46)...(but)...allows the *gēr* to continue to work the land. This is the reason why the term 'Sabbath' is assiduously avoided in describing Jubilee. In contrast to the sabbatical year which falls uniformly on the land (vv. 4-5), Jubilee observance is only 'for you,' the Israelites (repeated in vv. 11-12). Thus one cannot presuppose with many moderns (most recently Schenker 1998:25) that the fiftieth year (Jubilee) collapses into the forty-ninth [sabbatical].

(2000:2171)

And because Jubilee is only for the Israelite 'each of you shall return to his holding' (v. 13b) means that 'if the original owner dies, his heir(s) would take possession, and, more significantly, if the land is redeemed by the *gôēl*, he keeps it, but only until Jubilee' (2000:2171).

It is for this reason that in vv. 14-17 'neither the term 'sell' nor even the word 'lease' is accurate, since the seller or renter can always redeem his land' (2000:2178). So that *sell* (v. 14) in the 'context implies 'release,' but there is no word for it in the Biblical Hebrew' (2000:2177). At the time of this *sale/release* the parties involved are not cheat one another (v. 14b). Milgrom actually understands that the injunction not to cheat one another in the context of vv. 15-16 'indicates that the subject is the price at the time of redemption, whereas the first time this injunction is used (v. 14b), the reference is to the price at the time of the sale' (2000:2178). Milgrom agrees with Gerstenberger that this injunction 'is designed to protect the underprivileged and unprotected in society and 'to deter any form of economic exploitation arising from the dichotomy of rich and poor' (Gerstenberger 1996:381). The rationale cited for this ethical call is fear of Yahweh on the part of both the buyer and the seller (v. 17).

While Gerstenberger feels that the original Jubilee prescriptions ended with v. 18, Milgrom agrees with this to a point in that he views it as having ended with v. 18a, with 'the original form of this chapter in which Jubilee is spoken of in general, abstract terms' (2000:2179).

Does this mean that v.18b-22 constitute a self-contained section? Verse 18b speaks of political security and 19b of economic security when Israelites obey Yahweh's laws. Then Milgrom's concern shifts to vv. 20-21 in which he wants to know 'how can the harvest of the sixth year last for three years, particularly if the sabbatical and jubilee years are consecutive?' (2000:2183). He does suggest that the sixth year of v. 21 'is comparable to the double portion of manna on the sixth day [Exod. 16:22-23]' (2000:2181). But according to Milgrom Jubilee is not a Sabbath so that it is unlikely that 'the double portion of the manna on the sixth day' can apply to Jubilee. Is this the reason why Milgrom feels that 'in contrast to the land sabbatical, there is no evidence at all that Jubilee was observed'? (2000:2247). Nevertheless he shows from modern day Tongan land practice that 'Jubilee laws were for their time practicable and workable' (2000:2248). It 'would have been implemented were it not for the typical and expected resistance from those who might be adversely affected: the rich and the political leaders in control' (2000:2251). However, 'the fertility required for the land to produce crops that will feed the nation for three years is not answered by rationalistic compromise, but is due solely to divine grace' (Kochman in Milgrom 2000:2250).

4.3.6.2 Redemption of Property: The Basic Principle

'The land is mine' (v. 23) required Israel to observe both the sabbatical and Jubilee years in accordance with Yahweh's will for His possession. But more importantly, it also required them not to sell the land without recourse to have it restored to them. Thus legislation in v. 23 reminds 'the buyer that his ownership of the land does not extend beyond Jubilee' (Ramban in Milgrom 2000:2183). The land belongs to Yahweh and this is what He prescribes for it.

This notion of divine ownership of the land is found throughout Scripture (e.g., Exod 15:17; Isa 14:2, 25; Jer 2:7; Ezek 36:5; 38:16; Hos 9:3; Pss 10:16; 85:2). His ownership of the land is not limited to Canaan/Israel. He rules the whole earth. However, 'the land of Canaan / Israel occupies a special place in the divine schema. It is set apart from all other earth-bound territory; it is holy and, hence, imposes special requirements on its inhabitants' (2000:2186). Since God is holy it stands to reason that whatever is His is also holy, and while this includes all of creation, this is specifically so with reference to the land of Israel in Leviticus 25. For this reason the land as Yahweh's 'grant would not be abrogated even if Israel were expelled from it as long as Israel would contritely confess its sins and adhere to its covenantal obligations [26:3, 40]' (2000:2187). That is why Yahweh's ownership is primary while that of Israel's is provisional (vv. 10b, 25, 41b). Should Israel fail 'YHWH will expel Israel [26:33, 38-4]. Indeed, to use H's impurity terminology, the land itself will disgorge Israel [18:25, 28; 20:22]' (2000:2187).

Assuming that the land does not ‘disgorge Israel’ the process of redemption [*gē’ullâ*] in v. 24 must then prevail. Milgrom’s view on redemption in this verse separates redemption at Jubilee from redemption inbetween Jubilees. He says that the process of redemption in v. 24 does not refer ‘to the automatic release of the land at Jubilee year, the subject of the previous pericope [vv. 8-22], but to monetary redemption [Isa 52:3] during the period between Jubilees. Thus v. 24 also heads up a series of cases that exemplify redemption’ (2000:2188-2189). These incorporate the *gē’ullâ* institution and the owner redeeming himself. But when these fail ‘Jubilee guarantees redemption through Yahweh who by His grace redeemed Israel from the Egyptian bondage [Exod 6:6; 15:13] and the Babylonian Exile [Isa 43:1; 44:22, 23; 48:20; 51:10; 52:3, 9; 62:12] (2000:2189). It is precisely because of Yahweh’s redemption to Israel from Egypt and Babylon ‘that the buyer has no right to refuse redemption’ (2000:2190).

4.3.6.3 The Three Stages of Destitution

In this pericope (vv. 25-55) Milgrom identifies three cases of redemption which he calls ‘stages of destitution.’ Each of these stages begins with the condition: ‘becomes impoverished’ (vv. 25, 35, 39).

a) Stage One: Sold Land and Houses and their Redemption

Milgrom reconstructs a scenario here (vv. 25-34) in which he agrees with Gerstenbereger (1996:374) that kinship in the case of an impoverished landowner is extended to the entire Israelite nation (v. 25a). It is ‘a designation that in the priestly stratum of tradition represents an unmistakable sign not of blood relationships and clan solidarity, but rather more comprehensive kinship of faith within the cultic community’ (2000:2193). The buyer here is someone outside of the blood kin group, ‘otherwise, there would be no need for the intervention of a redeemer’ (2000:2193). The sale is the result of an Israelite borrowing money to purchase seed, but who because of crop failure is left no choice but to sell some of his land, sufficient enough to clear his debt. One reason why he does not sell all of his land is because:

The dead were buried ‘with their fathers’ in the inherited land (cf. Judg. 8:32; 2 Sam. 2:32; 19:38; 21:14)...The land was more than an economic asset; it represented the family, joining the ancestors with their progeny and objectifying the irreducible bonds of friendship and descent upon which the early Israelite society was founded.

(van der Toorn quotes in Milgrom 2000:2193)

When *gē'ullâ* redemption takes place (v. 25) the blood relative redeemer 'acting on behalf of the kin group, indeed maintains control of the redeemed land, but only until Jubilee, when he must transfer the land to its original owner' (2000:2195). This is quite different from Levine who understands that the redeemer must return the redeemed property immediately to its owner. Levine supports his view from Jeremiah 32:11-15 and Ruth 4:4-9 where the verb for 'purchase' occurs, but which does not occur in Leviticus. Milgrom's explanation for this is that the absence of *qānâ* (purchase) from Leviticus is due:

To the absence of Jubilee institution in the former (Jeremiah and Ruth) that implies that the redeemer possesses the land for himself. And unless the original owner or his heirs exercise their rights of redemption and repurchase the property, it remains with the redeemer in perpetuity. In Leviticus, however, the onset of the Jubilee year blocks such an acquisition.

(2000:2195)

Moreover, Milgrom contends that the clause 'and return to his holding' (v. 27b) 'constitutes strong evidence that the property remains in control redeemer until Jubilee' (2000:2197). He bases this on the fact that this clause occurs in vv. 10, 13, 27, 28, and 41 always in connection with Jubilee. But is Milgrom here not failing to see that the clause in question in v. 27 is about the man who redeems himself without a kinsman (v. 26). It is when he has failed to redeem himself that the property remains with the purchaser until Jubilee. And in any case the purchaser in v. 28 is not the kinsman-redeemer, but the one to whom the property was originally sold by the impoverished Israelite.

Should a seller have no kinsman-redeemer, or should a kinsman-redeemer refuse to intervene on behalf of an impoverished relative (cf. Ruth 4:1-10), but is later able to redeem his land he may do so. Milgrom's interpretation here is not based on the years left until the next Jubilee, but on years since the purchase was made. 'First, a computation must be made as to how many crop years have elapsed since the sale. Then that sum is subtracted from the sale price. The expression cannot mean 'the years *until* the Jubilee' (2000:2197). This is a different perspective from most commentators because does it not imply that Jubilee has no part to play in the redemption of property in this case?

It is with city property (vv. 29-31) that Jubilee's influence is minimal. This is so 'since Jubilee was intended to preserve the economic viability of the peasant farmer, there was no need to protect urban property from alienation' (Bess in Milgrom 2000:2198). The absence of the *yāmûk* ('becomes impoverished') clause in the case of city property 'indirectly shows that destitution plays no role

here' (2000:2198). But is impoverishment not implied in the sale that was made with respect to the city house? Milgrom would answer 'No!' because he considers that the sale of a city home is a business transaction. If it is why would the seller want to buy it back, since v. 30 makes provision for this for a period of up to a year? Milgrom's answer is because herein 'we touch on the merciful foundations of the Jubilee legislation' for the destitute to regain his property (2000:2199). In saying this however, Milgrom admits that a 'person may have been driven by economic constraints to sell his city holding' (2000:2199). This would then mean that it is not necessarily a business transaction.

Milgrom's view about city houses seems to agree with Gerstenberger's. This means that 'private ownership supersedes Yahweh's law' and 'the elite placed economic security before Yahweh's commandments' (Gerstenberger 1996:385, 396 in Milgrom 2000:2198).

However, in vv. 32-34, there is a different law for the houses of Levites in the assigned Levitic cities. These 'are always subject to the laws of redemption and Jubilee' (2000:2201). This implies two things. Firstly, that Levites could acquire holdings, as they did with their forty-eight cities, and perhaps even houses in the cities. This was especially so since they retired at the 'early age' of fifty years and would need some kind of property of their own. Secondly, it implies that they could sell what they owned.

However, 'the pastureland surrounding each Levitic city...may not even be sold' (Milgrom 2000:2201). These were their permanent possession (v. 34b). But they were never as such 'their inheritance', only as 'their holding.' So that even more pronounced than ordinary Israelites, Levites occupied their pasturelands as Yahweh's tenants. 'In effect, the Levite's city house is equivalent to the Israelite's village house [v. 31]' (Milgrom 2000:2203). So that the distinction here concerns city property of Israelites not being a means of economic support for them, while for the Levites their city pasturelands were a means of support for them. This was probably after retirement because during active service it appears that they did not work in their fields (cf. Neh. 13:10).

b) Stage Two: Lost Land

In vv. 35-38 a loan is the subject of this section. It appears in these verses that the property sold in v. 25 was not redeemed. In these verses the ideas of the kinsman redemption and self-redemption are missing because redemption as explained in the previous verses does not apply. When a debtor defaults on his loan 'he forfeits all his land, but still owing on his loan, he becomes a 'tenant farmer' for the creditor. Technically, he has lost his land, but the produce is still his' (Milgrom

2000:2204-2205). This entails working on his land not for himself, but as a tenant-worker for his creditor. And his creditor is obligated to take care of him by not charging him interest. ‘The sustenance provided him is not room and board but his exemption from paying interest’ (Milgrom 2000:2209).

If this is so how could he then be working for his creditor? It is clear that he is living with his creditor (v. 35b). But there is nothing said about him working his own land as a tenant-worker for his creditor. Could he not be working his own land for himself, but while doing so he repays his creditor, but without interest? And the prohibition upon interest here is not restricted to food supplied, but to money borrowed to the debtor (v. 37). Is not the debtor repaying a minimal amount of what he owes, but in order to expedite the completion of his debt he is not to be charged interest because this would only extend the period of repayment? It should be noted that in vv. 35-38 nothing is said about the debtor surrendering his land to his creditor. This is not even implied here. It merely says that ‘he has become poor and his means with regard to his creditor has faltered.’

It is perhaps the difficulty as posed in these verses that forces Gerstenberger to view their legislation merely as utopian. Of course Milgrom, being a Jew, disagrees with Gerstenberger. Thus he comments:

Gerstenberger [1996:387] suspects that Jubilee and redemption remedies proposed in Leviticus 25 border on being utopian, artificial, and inoperative because ‘a total prohibition against taking interest, of course, would prevent indebtedness and bankruptcy declarations from ever arising in the first place.’ He overlooks, however, the possibility of two or more successive years of drought, not an uncommon phenomenon in the ancient Near East [cf. Gen 41:25-57; 1 Kgs 17:1; 18:1], in which case the debtor, though exempted from interest, has difficulty in repaying the principal.

(2000:2209)

The way in which Milgrom tries to solve this problem of interest-free debt is to interpret these verses to mean that interest is not to be paid while the debtor is working to pay off the debt. But ‘the interest is taken at the end of the loan’ (2000:2210). He concludes this by showing that the Akkadian that the verb in question here means ‘‘back payment, arrears,’’ or ‘the additional payment one owed *from the time he borrowed* (Milgrom’s emphasis)’ (Levine 1989 in 2000:2210).

According to Milgrom ‘taking interest was not illegal and, hence, unenforceable by man, but immoral and, hence, punishable by Yahweh’ (Milgrom 2000:2210). Therefore, the practice of not charging interest to debtors was to be moderated by ‘fear of Yahweh’ [v. 36] (cf. Deut. 23:20-21). The basis for this fear is found in v. 38 in the phrase, ‘to give you the land of Canaan.’ It indicates Yahweh’s purpose in giving Israel Canaan. ‘This purpose for Yahweh’s redemption of Israel is found only here. It stresses that the land is Yahweh’s, and in ceding it to Israel, Yahweh makes it incumbent on all the people to obey all the laws relating to the land’ (Milgrom 2000:2212).

c) Stage Three: ‘Slavery’

This stage in Milgrom’s three-stage scheme of destitution (vv. 39-55) provides for a debtor who cannot repay his loan as a tenant (vv. 35-38) to enter the household of his creditor as a ‘servant.’ ‘Nonetheless, his status is not that of a servant, but of a resident hireling; he receives wages, all of which pay off his debt. However, non-Israelites may become bona fide slaves (Milgrom 2000:2212-2213). He says that this stage makes no provision for redemption. And he says that the rabbis actually ‘declare that the relatives are under no obligation to redeem their indentured kinsperson [*b Qidd* 15b]. The pericope of vv. 39-43 ‘openly, univocally, and unambiguously looks forward to the dissolution of slavery’ (Milgrom 2000:2215). But it has been argued elsewhere that the absence of the mention of redemption does not mean that it does not apply here. If redemption were not provided here because this pericope anticipates the dissolution of slavery why is it that in vv. 47-55 it is a provision. Are not the pericopes of 39-46 and 47-55 dealing with the same problem, namely, debt that reduces a debtor to slavery? The only difference is that slavery in the former is to a fellow Israelite, while in the latter it is to a foreigner.

And what, for Milgrom, applies to the redemption of debt-slaves, applies also to self-redemption. ‘There is surprisingly no allowance for self-redemption...(because) the Israelite servant is not a servant...he is...a ‘hireling’...whose work amortizes the principal – a status to which redemption does not apply. The wages he earns may even provide him a surplus with which to free himself of his debt and his status’ (2000:2216). But if it does is this then not self-redemption? It may also be asked if there is no self-redemption does the hireling remain thus until Jubilee (v. 42)? Why?

What is quite clear in this pericope is that if a debtor sinks further into debt to his creditor, the latter can seize him as though he were a resident alien...(but)...the person of the Israelite is not for sale, only his work’ (Milgrom 2000:2220). And the reason why he cannot be a servant is ‘because he is God’s servant [v. 42; cf. v. 55]’ (Milgrom 2000:2220). As God’s servant he is only a hireling

to his creditor. The hireling 'is a free person...he could be redeemed by a relative' (2000:2223). Is this pericope not making provision for redemption since a relative can redeem him?

What, then, is the meaning of the emphasis provided by the repeated mention of the release of children [vv. 41, 54]?' (2000:2224). It is a polemic against Exodus 21:4 says Milgrom. This verse prescribes that when a servant-owner gave his servant a wife, both the wife and children became his property upon the release servant, but not in Leviticus 25. 'Even if the master provides him with a wife, she is entirely free of the master's control, and her children are released with the hireling at the Jubilee' (Milgrom 2000:2224). The fact that he returns to his family indicates that he had become a debtor to someone outside kin group. So that according to v. 42 the hireling is ultimately Yahweh's slave. 'Implied here is that Israel owes no obligations to any other power, but Yahweh' (Milgrom 2000:2226).

Therefore, Milgrom believes that a relative will not treat a family member harshly. But Gerstenberger (1996:397) understands from v. 43 that 'wherever human beings are subject to other human beings for better or for worse [even if they are 'brothers'], one will encounter harsh rule' (in Milgrom 2000:2228). Milgrom counters this by suggesting that the reason why there is legislation in vv. 45-46 relating to Israelites purchasing alien slaves is to emphasize that Israelites never became slaves because of debt, but aliens could, and that as a permanent possession. And it is for this reason 'that the Jubilee does not apply to non-Israelite slaves' (2000:2230). Milgrom is sharp to point out how 'this discrimination against non-Jews is a blatant contradiction on the part H redactor in the light of what Leviticus 24:22 teaches, namely, that there is one standard for both Jew and non-Jew' (2000:2231).

This discrimination is increased in vv. 47-55 when an Israelite falls 'into the hands of a non-Israelite creditor with the attendant risks of unobserved harsh treatment' (Milgrom 2000:2232). 'The people of Israel and its land belong solely to Yahweh; neither can be owned in perpetuity. Absolute ownership of natural property and Israelites is thereby abolished; persons and land may be leased, not sold' (2000:2233). This is in contrast to foreign slaves who may become the permanent slaves of Israelites (v. 46). Israelites as Yahweh's servants can never be permanent. They are Yahweh's slaves [vv. 42, 55] and must be returned to that status. In effect, they are on a 'mission' of the king of kings to fulfil his covenantal commands' (Milgrom 2000:2235).

Chapter Five

Conclusion

The hypothesis of this study presumes that six Old Testament scholars differ in their theological perspectives on land restoration in Leviticus 25 because of the impact of their different theological trends on their perspectives. This is conducive to scientific study of the Bible because ‘two perspectives (*or more*—my own words) can give us a closer approximation of truth than one on its own’ (Deist 1981:8). Thus the method of this study described and compared the commentaries of six different recent scholars through the lens of their different theological trends. The only valid conclusion from their perspectives is that each has a perspective to offer that would not only provide a perspective of land restoration in an ancient context, but that each has a lesson to teach about land restoration in present-day South Africa.

5.1 Gordon Wenham

Wenham’s evangelical point of view is that Leviticus 25 is the word of God that was given to ancient Israel long before they entered the promised land of Canaan. It was given to prevent the utter ruin of debtors and to restore some semblance of equality between humans; such as they had at creation. But it appears to him that its Jubilee was not celebrated in ancient Israel. What was supposed to have been a celebration to Yahweh for redemption from Egypt and the gift of land turned out to be nothing more than a festival that had lost its significance for people who in their serious attempt to address a legitimate need had become selfish and full of greed in the process.

Wenham’s evangelical trend constrains him to understand the restoration of land in Israel as a celebration to God for redemption from Egypt and the intimate religious relationship Israel enjoyed with God. God is at the center of his understanding.

5.2 Baruch Levine

Levine’s ‘realistic’ interpretation of land restoration in Leviticus 25 appears to be a compromise between his Jewish tradition and the critical trend. He is somewhat aggrieved that Leviticus 25 is the only major text on land restoration in the Old Testament since land is a prominent subject in it. But he does allow for an actual practice of the religion outlined in Leviticus in some periods of Israelite history. And this means that there might have been a time when Jubilee was actually practiced in Israel. However, it became ‘an attempt to deal with a radically new situation’

(1989:273-274) after the exile when Israel was forced to share Canaan with other communities, especially non-Israelites. It was probably Israel's concern with the care of itself that causes Esias Meyer to view Leviticus 25 as an oppressive text.

5.3 John Hartley

Hartley locates the origin of Leviticus 25 with its Jubilee prescriptions before Israel entered Canaan. So he links it with Moses, but it is a 'two-edition' adaptation after Moses by the Israelites for the new setting of a new land. So that while Wenham emphasizes an evangelical perspective that focuses on Israel's relationship with God, Hartley focuses on Israel's relationship with one another in Canaan. Hartley understands that land restoration legislation in Israel was a time of liberty in the land. It anticipated the settlement of Israel in Canaan and sought to ensure their equality under their covenant with God so that there would be no class distinctions as a result of a common economic base through the land they would each inherit from God.

5.4 Walter Kaiser Jr.

Walter Kaiser is an evangelical in who acknowledges that there are many sources available for an interpretation of Leviticus 25. By entertaining this view he submits that the debate about land restoration in Israel cannot be final. For this reason even though he is open to what others are saying he views Leviticus 25 as instructions for Israel to follow in their new land of Canaan to prevent an elitist class of wealthy Israelites emerging in Canaan, marrying social and religious concerns, and showing love and mercy in a way similar to God's care for all His creatures.

5.5 Erhard Gerstenberger

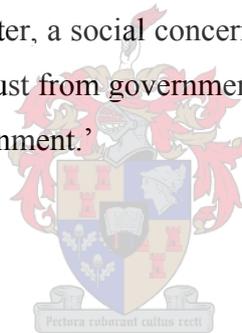
Since Gerstenberger understands that the message of Leviticus 25 derives from a number of different authors during the postexilic period of Israel's history. He tends to regard some of it as idealistic theory and even utopian. However, he notes the value of this chapter as attesting 'to a strong social engagement not present in the other preserved holiday prescriptions in Ex. 23; 24; Deut. 16; Lev. 23' (1996:369). It is a text that centers on the community of Israel, both in a collective and individual sense.

5.6 Jacob Milgrom

Milgrom resorts quite a bit towards rabbinic literature to make his point. His view is that Leviticus 25 together with the rest of H is pre-exilic (2000:1361), and that it is traced to anonymous authors within the Torah from Moses. This leads to the conviction that these authors adapted Mosaic

principles to their new situation. For example, they could have felt that Moses' Jubilee laws could have remedied the serious economic conditions of the eighth century Judah. And since revelation did not stop with Moses others were involved in interpreting and formulating His will. This was particularly so during the exile when Israel was trying to come to terms with being landless once more. And in doing so they gave Jubilee it's meaning, a meaning that was influenced by the exilic community of Israel.

It is quite obvious from this study that an understanding of land restoration in Leviticus 25 cannot be conclusively reduced to anything final. However, its hypothesis has been validated in that we have been able to show how recent scholarship in their commentaries understand land restoration in Leviticus 25 through the influence of their different theological traditions. So that while they agree at some points, particularly that relating to its authorship and date, which in their final form for most of them originate after the exile, they do differ on how poverty in Israel developed and how it was dealt with. This is because some of the prescriptions tend to be 'utopian.' Nevertheless they all sense a strong social concern in the chapter, a social concern that needs to be more visible in South Africa from all South Africans, and not just from government. The whole of Leviticus addresses the people to be involved and not just 'government.'



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