

# PROPERTY RIGHTS AND RESPONSIBILITIES IN THE OLD TESTAMENT<sup>1</sup>

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## The Identification of Property

The concept of property permeates the entire Old Testament. The Hebrew language itself provides a variety of syntactical modes expressing ownership.<sup>2</sup> While many of these forms normally refer to ownership or a related concept (as authorship, in Psalm titles), the genitive relation, as in many languages, can include a wide spectrum of meaning, from the absolute ownership to absolute subjugation, as is illustrated by the well-known progression, “my boots, my dog, my child, my wife, my country, my God.” Hence, further clarification from the context is needed in each individual case.

Many Hebrew nouns identify in an absolute sense various types of property, such as land, houses, servants, cattle, and gold; but in addition several nouns describe property as such, as being owned by someone, and thus in a subordinate position to that person. The most prominent of these words are listed here.<sup>3</sup>

*Nachalah*—“possession, property, inheritance” (224 occurrences). While the KJV normally translates the word “inheritance” or “heritage,” that concept actually is indicated only 45 times.<sup>4</sup> Normally “possession” is best, as the possession of Canaan by Israel or by the various tribes,<sup>5</sup> the Lord’s possession of Israel,<sup>6</sup> the Levites’ share in the Lord and the tithes,<sup>7</sup> or the possession of hostile nations.<sup>8</sup> Sometimes “share” or “interest” is implied.<sup>9</sup>

Nouns derived from *chalaq*, “to divide, share”:

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<sup>1</sup> This article was originally published in *The Reformation Review* 26:1 (January 1981): 6-20. I have made some changes and additions to that article.

<sup>2</sup> As a “construct state” genitive construction with a noun (“the house of the king”), or a noun with a pronominal suffix (“his horse”), or a circumlocution using the preposition *le* with the owner (Ruth 2:3, “the portion of the field belonging to Boaz”), or with an addition of *asher* (Gen. 29:9, “the sheep which were her father’s”); *Gesenius’ Hebrew Grammar*, ed. by E. Kautzsch, trans. and rev. by A. E. Cowley (2<sup>nd</sup> Ed.; Oxford: The Clarendon Press, 1910), 108, 247, 381, 416, 419-420.

<sup>3</sup> Lexical and statistical information concerning these words was taken from the appropriate references in BDB and in Mandl.

<sup>4</sup> E.g., Num 27:7-11; Prov 19:14.

<sup>5</sup> Deut 4:21; Josh 19:51.

<sup>6</sup> Deut 4:20.

<sup>7</sup> Num 18:20-26.

<sup>8</sup> Ps 2:8.

<sup>9</sup> 1 Kgs 12:16.

*Cheleq* (Aramaic *chalaq*)—"portion, tract, territory" (69 occurrences). This term normally refers to the apportionment of land or booty,<sup>10</sup> often to God as his people's possession;<sup>11</sup> it may also refer to one's chosen life.<sup>12</sup>

*Chelqah*—clearly defined "portion" of ground (23 occurrences). It is always used for an individually owned field.<sup>13</sup>

*Achuzzah*—"(assigned) possession" (66 occurrences). It refers to permanent purchase or assignment of property, usually land.<sup>14</sup>

*Osher*—"riches" (37 occurrences). This term includes wealth and possessions, relatively more than those possessed by others.<sup>15</sup>

*Rekush*—"property, goods" (28 occurrences). This word always indicates movable property, normally domesticated livestock (cf. *rekesh*, "steed").<sup>16</sup>

Nouns derived from *yarash*, "to possess, inherit":

*Yerusshah* or *yeresshah*—"land" possessed or inherited (15 occurrences). This term normally refers to national possession of territory.<sup>17</sup>

*Morashah*—"possession" (9 occurrences). This word indicates national dominion over land or people.<sup>18</sup>

Nouns derived from *qanah*, "to get, acquire":

*Miqnah*—"purchase" (14 occurrences). This term can refer to the item purchased or to the purchase price; cf. *miqneh*, "cattle."<sup>19</sup>

*Qinyan*—"acquisition" (10 occurrences). This word refers to property or goods owned by right of purchase or creation.<sup>20</sup>

Nouns derived from *yathar*, "to remain over":

*Yithron*—"advantage, profit" (10 occurrences). This term is used only in Ecclesiastes. It can be excess of anything good, advantage, or material profit.<sup>21</sup>

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<sup>10</sup> Gen 14:24; Josh 18:5-9.

<sup>11</sup> Ps 16:5.

<sup>12</sup> Ps 17:14.

<sup>13</sup> Ruth 2:3; Amos 4:7.

<sup>14</sup> Gen 23:4; Lev 27:22.

<sup>15</sup> Gen 31:16; Prov 14:24.

<sup>16</sup> Gen 14:11-21; 31:18.

<sup>17</sup> Num 24:18; Deut 2:5, 9, 19; 3:20.

<sup>18</sup> Exod 6:8; Ezek 25:4.

<sup>19</sup> Item purchased in Gen 23:18; Jer 32:11-16; purchase price in Lev 25:16.

<sup>20</sup> Lev 22:11; Ps 104:24; Prov 4:7.

*Yithrah*—“riches” (2 occurrences). Both passages refer to the captured booty of Moab.<sup>22</sup>

*Segullah*—“possession, property” (8 occurrences). This word normally denotes God’s ownership of Israel; it can also refer to the treasure of kings.<sup>23</sup>

*Nekasim*—“riches” (5 occurrences). This word refers to vast wealth gathered by kings or armies.<sup>24</sup>

The following table summarizes these findings, showing which definitions of property are the most significant for each Hebrew term, and in turn, which terms most precisely describe each property concept.

Term	1	2	3	4	5	6	7	8	9	10
<i>Nachalah</i>	**	*				X	*	*	?	X
<i>Cheleq</i>	**				X		X	X	*	X
<i>Chelqah</i>		**								
<i>Achuzzah</i>	*	**						X		
<i>Osher</i>				**						
<i>Rekush</i>			**							
<i>Yerusshah</i> <i>Yereshah</i>	**					X				
<i>Morashah</i>	**					X				
<i>Miqnah</i>		X	**		*					*
<i>Qinyan</i>			**							
<i>Yithron</i>					X					**
<i>Yithrah</i>				**						
<i>Segullah</i>							**			X
<i>Nekasim</i>				**						

Key	Number Code
** most frequent definition for the word	1. Land possessed by tribes or nations
* frequent definition for the word	2. Land owned by individuals
x occasional definition for the word	3. Movable property (including slaves)
? possible definition for the word	4. Riches, treasures
	5. Profit, price, reward
	6. Hostile people possessed
	7. Israel possessed by God
	8. God possessed by Levites (tithes, etc.)
	9. God possessed by people (spiritually)
	10. Miscellaneous

<sup>21</sup> Eccl 2:13; 1:3; 5:9 (5:8 in Hebrew).

<sup>22</sup> Isa 15:7; Jer 48:36.

<sup>23</sup> Exod 19:5; 1 Chr 29:3.

<sup>24</sup> Josh 22:8; 2 Chr 1:11-12.

Many of these terms have found their way into modern Hebrew usage, and today property is classified as being either non-movable (land) or movable, including produce, utensils, animals, coins, and deeds.<sup>25</sup> These are possessed either by direct ownership or by other proprietary rights, as seen with rents, loans, and other arrangements.<sup>26</sup>

The Old Testament also provides the backdrop for several modes of property acquisition, as direct purchase by money, purchase of a written deed, and symbolic property exchange.<sup>27</sup> These property terms have different shades of meaning, which sometimes indicate various concepts and levels of property ownership in the OT.

## God's Relation to Property

In Scripture God consistently is viewed as the owner of all the earth and everything in it. In a particular way he is the owner of Canaan and of the people of Israel. These two aspects of God's ownership of people and property stem from his two relations to the world and Israel as Creator and Redeemer.

### God's interest as Creator

The OT uniformly views the world as God's possession by right of his creation and sustaining providence.<sup>28</sup> God's sovereign rights over the earth and its inhabitants are forcefully demonstrated by the Flood, the dispersement at Babel, and the destruction of Sodom and Gomorrah. In these cases people and their property were drastically redistributed or destroyed by unilateral divine action. The OT acknowledges God's continuing possession of the earth and humanity.

However, the OT also indicates that God has created humans in God's image, thus suited for exercising a similar sovereignty over nature.<sup>29</sup> While humanity's control over property is not absolute, it is real, placing human beings over nature as owners under God, as vice-regents. This concept opposes the ideals of the rest of the Ancient Near East, which pictured humans as merged into nature.<sup>30</sup> Moreover, this ownership is originally individualistic. Property is to be acquired and consumed on the basis of individual labor.<sup>31</sup> The diverse offerings of Cain and Abel and the subsequent development of specializations require individual ownership.<sup>32</sup> The OT considers individual prosperity a mark of divine favor, as indicated by the concept of *shalom* as a wish for peace and material welfare, and by several examples.<sup>33</sup> The prosperity of wicked

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<sup>25</sup> Shalom Albeck, "Property," *EncJud* (1971) 17:1146.

<sup>26</sup> *Ibid.*, 1147-1148.

<sup>27</sup> Gen 23:16; Jer 32:11; and Ruth 4:7, respectively.

<sup>28</sup> Gen 1:31; Job 38-41; Ps 33:1-10; 50:10-12; 104; 135:6; Isa 40:12-31; Jer 10:10-16; Dan 4:34-35.

<sup>29</sup> Gen 1:26-28; Ps 8:4-8.

<sup>30</sup> Henri Frankfort, *Kingship and the Gods* (Chicago: University of Chicago Press, 1948), 6, 342-344.

<sup>31</sup> Gen 3:19.

<sup>32</sup> Gen 4:2-4, 20-22.

<sup>33</sup> Job in Job 42:10-13; Abraham in Gen 24:1; Solomon in 1 Kgs 3:13.

people is an anomaly which is viewed as temporary, certain doom awaiting them, either in this life or in the judgment.<sup>34</sup>

Genesis records a most interesting transaction in Egypt during Joseph's exaltation there sometime during the nineteenth century B.C.<sup>35</sup> Having gathered, either through taxation or purchase, immense quantities of grain during the seven prosperous years, Joseph in Pharaoh's name sold it during the famine years to all buyers, including the Egyptians. Eventually the Egyptians sold all their possessions and their land and even themselves to Pharaoh, who thereafter claimed 20% of all their produce. This account preserves the origin of Pharaoh's ownership of the people and land of Egypt, as being from a historical business transaction, not from any divine grant. Hence, the OT considers that even in Egypt property originally belonged to individuals.

Yet humans are not supreme. As Creator and Judge, God continually exercises his prerogatives over the lives, welfare, and wealth of people and nations;<sup>36</sup> and therefore all people are held accountable to him for their use of their own property.

### **God's interest as Redeemer**

Most of the property laws in the OT are adapted particularly to the nation Israel, to which God claims a special sovereignty through the theocracy. In order to distinguish special laws from permanent ones, one must first determine God's relation to property within his elect nation.

God's initial promise of the land of Canaan to Abraham and to his seed is pictured as a purely gracious act.<sup>37</sup> However, its initial conveyance to them is conditioned on a separate act of judgment upon the native Canaanites.<sup>38</sup> Because of their extreme wickedness God declares the Canaanites and their property to be *cherem*, "devoted" to himself for destruction.<sup>39</sup> The severity of this curse is emphasized by the experience of Achan in Joshua 7. Even the private possession of a devoted object contaminates the owner.<sup>40</sup> By a special judgment God intervenes and claims Canaan as "devoted" to himself; he thus becomes its direct owner.<sup>41</sup> The Israelites are God's appointed instruments to exterminate the Canaanites and claim the land for Yahweh.<sup>42</sup> This particular ownership appears to be the theme of Lev 25:23, "The land shall not be sold forever, for the land is mine."<sup>43</sup> The OT thus emphasizes to the Israelites that they possess their land by grace, not by merit, nor by right of purchase, nor by right of labor and development.<sup>44</sup>

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<sup>34</sup> Esth 6:13; Job 8, 24; Ps 37, 73.

<sup>35</sup> Gen 41:47-57; 47:13-26.

<sup>36</sup> E.g., Deut 32:8-9.

<sup>37</sup> Gen 12:7; 15:16; 17:8; 28:13; 35:12; 46:4; Exod 3:8, 17; Deut 7:1-8.

<sup>38</sup> Gen 15:16; Deut 18:24-28.

<sup>39</sup> Cf. Deut 7:2; 20:17; Josh 10:40.

<sup>40</sup> Deut 7:26.

<sup>41</sup> Cf. Lev 27:21, 28; Num 18:14; Josh 6:19; Ezek 44:29.

<sup>42</sup> Exod 23:31-33; 34:12-16; Deut 7:1-4.

<sup>43</sup> Cf. Ps 68:16; 132:13-14; Isa 8:8; Ezek 38:16; Joel 2:18.

<sup>44</sup> Deut 6:10-11.

In a similar fashion the people belong to Yahweh, not only as his creatures, but as the objects of his election and redemption.<sup>45</sup> Because of this redemption God claims the Israelites as his slaves.<sup>46</sup> This doubly exceptional condition—God’s ownership of the land and of the people—explains a number of property concepts unique to that nation and time. It also accounts for the principle of “theocratic brotherhood,” which excludes the foreigner (*nakri*), as opposed to the sojourner (*ger*), from the benefits of much of that unique legislation.<sup>47</sup> Some have considered these property laws as typical of the Messianic Age,<sup>48</sup> although it might be better to explain them as preparatory and initiatory.<sup>49</sup> Others have taken the poor laws to be symbolic of Israel’s spiritual and physical poverty prior to the nation’s redemption, which poverty was alleviated by God.<sup>50</sup> Certainly God wishes his people to show extra mercy in light of their former slavery;<sup>51</sup> however, this attitude need not be symbolical or typical to be appropriate in the theocratic nation—a redeemed people in a devoted land.

## The Rights of Property

As has been shown in the previous two sections, individual property ownership is the norm throughout the OT.<sup>52</sup> Normally one could purchase perpetual ownership of land or property<sup>53</sup> or of non-Hebrew slaves.<sup>54</sup> People were able to keep and enjoy the fruit of their own labor and investment.<sup>55</sup> And heirs had the right to receive their estates intact.<sup>56</sup>

In the OT the individual’s property did not at the same time belong to the king. The money the king received through taxation was considered as his own, for his expenses and for payment for his responsibility as national chief judge and defender. Otherwise, his relation to property was equivalent to that of a private citizen.<sup>57</sup> Hence one sees the injunction to limit his wealth,<sup>58</sup> the prophetic warning of Samuel decrying excessive royal extractions from the

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<sup>45</sup> Deut 7:6-8; Ezek 16:6-8; Amos 3:1-2.

<sup>46</sup> Lev 25:55; J. Barton Payne, *The Theology of the Older Testament* (Grand Rapids: Zondervan Publishing House, 1962), 335.

<sup>47</sup> Exod 12:43; Lev 22:25; Deut 17:15; 23:20; see Edward Neufeld, “The Prohibition Against Loans at Interest in Ancient Hebrew Laws” (hereinafter referred to as “Prohibition”), *HUCA* 26 (1955): 383-387; cf. the critical approach of David Daube, *Studies in Biblical Law* (New York: Ktav Publishing House, Inc., 1969), 45-62.

<sup>48</sup> Payne, *Theology of the Older Testament*, 332.

<sup>49</sup> Lev 26:1-13; Deut 30-33; see George N. H. Peters, *The Theocratic Kingdom* (3 vols.; reprinted; Grand Rapids: Kregel Publications, 1952), 1:216-225.

<sup>50</sup> Richard D. Patterson, “The Widow, the Orphan, and the Poor in the Old Testament and the Extra-Biblical Literature” (hereinafter referred to as “The Widow”), *BSac* 130:519 (July-September 1973): 232-233.

<sup>51</sup> Deut 15:15; 16:12; 24:18, 22.

<sup>52</sup> Cf. Payne, *The Theology of the Older Testament*, 332.

<sup>53</sup> As Abraham did in Gen 23 and Jeremiah did in Jer 32.

<sup>54</sup> Lev 25:44-46.

<sup>55</sup> Gen 31:38-42; Prov 13:11.

<sup>56</sup> The general inheritance laws were well established, with special legislation dealing with exceptional cases; Num 27:1-11; 36:1-12; Deut 21:15-17; 25:5-6; Josh 17:3-6; cf. Job 42:15; see Charles Foster Kent, *Israel’s Laws and Legal Precedents* (New York: Charles Scribner’s Sons, 1907), 72.

<sup>57</sup> E.g., 2 Sam 9:7.

<sup>58</sup> Deut 17:14-20.

citizens,<sup>59</sup> the liberty of Solomon and others to spend their wealth,<sup>60</sup> the sinfulness attributed to arbitrary appropriations,<sup>61</sup> and the folly attributed to exorbitant royal claims on property.<sup>62</sup>

While there are many positive assurances for private property, the strongest arguments arise from OT prohibitions against all forms of stealing. The clearest one is the eighth commandment, “You shall not steal.”<sup>63</sup> This emphatic prohibition ensures the security of each person’s possessions, as the term *ganav* describes the taking of another’s possessions without his consent or specific legal justification.

Several particular injunctions carefully define the intent of this commandment. Israelites were forbidden to steal land by moving the stone border markers.<sup>64</sup> Detected theft of money or movable goods required repayment in full plus an additional percentage; if the thief could not meet this requirement, he was to be sold into slavery, the proceeds going to the person robbed.<sup>65</sup> The added percentage varied with the nature of the theft. Malicious refusal to return property held in trust required an additional one-fifth retribution.<sup>66</sup> If stolen property was recoverable, the thief was required to repay double.<sup>67</sup> If livestock was stolen and then sold, lost, or killed, the thief had to repay four sheep per sheep or five oxen per ox;<sup>68</sup> this more severe penalty reflects the Israelites’ dependence upon their domestic animals. It should also be noted that the OT’s penal enforcement is eminently fair, with the punishments suited to the crimes.

In addition to standard enforceable regulation, the OT often appeals to the people to be honest in all dealing in property. It enjoins honest and true weights and measures.<sup>69</sup> It demands prompt payment of wages or other financial obligations.<sup>70</sup> It condemns as morally reprehensible artificial market manipulations that take advantage of extreme necessity.<sup>71</sup> In many of these cases, God himself assumes responsibility for enforcement, through providential judgment for disobedience or blessing for obedience. This nonhuman enforcement is even more striking in the property laws respecting the theocracy as such.<sup>72</sup>

The OT laws respecting property enforce the concept of individual ownership not only by prohibiting all forms of theft, but by commanding positive effort toward maintaining the property

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<sup>59</sup> 1 Sam 8:11-17.

<sup>60</sup> Eccl 2:1-10.

<sup>61</sup> 1 Kgs 21:19; cf. 2 Sam 12:1-9.

<sup>62</sup> 1 Kgs 12:14-15.

<sup>63</sup> *Lo tignov*; Exod 20:15; cf. Lev 19:11. The force of *lo* plus the imperfect has been emphasized by the study of John Bright, “The Apodictic Prohibition: Some Observations,” *JBL* 92:2 (June 1973): 186-198.

<sup>64</sup> Deut 19:14; 27:17; Job 24:2; Prov 22:28; 23:10; Hos 5:10.

<sup>65</sup> Exod 22:3.

<sup>66</sup> Lev 6:2-5.

<sup>67</sup> Exod 22:4, 7-9.

<sup>68</sup> Exod 22:1; cf. 2 Sam 12:6.

<sup>69</sup> Lev 19:35-37; Deut 25:13-16; Prov 11:1; 16:11; 20:14, 23; Ezek 45:10; Amos 8:5-7; Mic 6:10. Similar passages may be found in other ANE literature, as the Assyrian “Hymn to Shamesh,” 2:51-56, trans. by Ferris J. Stephens, in *ANET*, 388; C. M. Carmichael, “Deuteronomic Laws, Wisdom, and Historical Traditions,” *JSS* 12:2 (Autumn 1967): 201-206, tenuously ties the origin of these Hebrew laws to the dishonesty and cruelty of the Amalekites related in Exod 17 and Deut 25.

<sup>70</sup> Lev 19:13; Prov 3:27-28.

<sup>71</sup> Prov 11:26.

<sup>72</sup> Cf. Hag 1:2-11.

of others. Damage caused to another's property is to be made good. Carelessness leading to another's property loss requires equal compensation.<sup>73</sup> Precautions are required to ensure the safety of employees.<sup>74</sup> Loss, damage, injury, or death caused by one's own livestock likewise requires equal or equivalent compensation, especially if caused by negligence.<sup>75</sup> Furthermore, if one finds lost property belonging to another, he is obligated to return it to its rightful owner, and in the case of an animal, to relieve any suffering it may experience in the interim.<sup>76</sup> This requirement is emphasized by its expressed applicability even to one's personal "enemy."<sup>77</sup>

These laws, injunctions, and exhortations respecting the rights of property are based on permanent principles inherent in the relation humans sustain to each other as created in the image of God. However, along with these rights, the OT recognizes corresponding responsibilities and limitations. While some of these appear to be likewise permanent, others are dependent on the particular relation Israel sustained to Yahweh as Redeemer.

## The Responsibilities of Property

Limitations on property and its uses are imposed throughout the OT. These can be divided into categories reflecting the various relations people sustained to God.

### **General humanitarianism**

The OT requires a general attitude of kindness and civility to others.<sup>78</sup> Along with this attitude God expects justice toward the defenseless members of society,<sup>79</sup> and even humane treatment for animals.<sup>80</sup> In short, these laws, along with the spirit of those following, enjoin a spirit of kindness and love to others. Jesus' Golden Rule provides an elegant summary of the OT attitude: "In everything, do to others what you would have them do to you."<sup>81</sup>

### **Special laws for God's land**

As demonstrated above, God in the OT considers his ownership of Canaan to be more direct than that of the rest of the earth.<sup>82</sup> To emphasize his sovereignty to the nation of Israel and

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<sup>73</sup> Exod 21:33-36; 22:10-15; cf. Lev 24:18.

<sup>74</sup> Deut 22:8.

<sup>75</sup> Exod 21:28-32. The relative guilt of master to animal increases with subsequent incidents. For comparisons with other ANE laws, see Reuven Yaron, "The Goring Ox in Near Eastern Laws," *Jewish Law in Ancient and Modern Israel*, ed. by Haim H. Cohn (New York: Ktav Publishing House, Inc., 1971), 50-60.

<sup>76</sup> Exod 23:4-5; Deut 22:1-4.

<sup>77</sup> Neufeld, "Prohibition," 396.

<sup>78</sup> Lev 19:17-18, 32; Deut 10:18-19; Prov 18:24; cf. the good relations of David and Solomon with foreign kings, and the behavior of Daniel in Babylon.

<sup>79</sup> Exod 22:21-24; Lev 19:14, 33; Deut 24:14; 27:18-19.

<sup>80</sup> Deut 25:4; cf. Num 22:28-33.

<sup>81</sup> Matt 7:12.

<sup>82</sup> Lev 25:23. This verse appears to rest on more than God's right as Creator, as advanced by Payne, *The Theology of the Older Testament*, 332.

to maintain a distinct separation of the twelve tribes, thus insuring the fulfillment of his prophetic and redemptive purposes,<sup>83</sup> God determines that each tribe and family should receive a specific allotment of territory in Canaan. They are to hold this property as stewards, working it and managing it for their own sustenance and profit.

Israel's peculiar real estate laws can be traced to these two principles: God's ownership and tribal perpetuation. God's ownership of the land comes to the fore in the assignment of the sacred dues and in the land-rest regulations. Every Israelite is required to bring to Yahweh the first-fruits of the harvest<sup>84</sup> and the tithe of all his produce or income.<sup>85</sup> Voluntary offerings also are required.<sup>86</sup> Of special interest are the land-rest laws, which are unique to Israel. Every seventh year and every fiftieth year the Israelites are to allow their land to lie fallow; and the poor, the strangers, and the animals are to be allowed to eat whatever voluntary crops appear. The seventh year is the Sabbath year and the fiftieth the year of jubilee.<sup>87</sup> This commandment apparently was observed at least partially until the time of the later judges, for seventy years of Sabbath years had been ignored by the time of the third Babylonian Captivity in 586 B.C.<sup>88</sup> The Sabbath land-rest apparently was resumed after the Captivity, for Josephus mentions its observance in the time of Alexander, and the Maccabees had to take it into account in their battle with Lysius, about 162 B.C.<sup>89</sup> In the legislation God promises that he will providentially make up for any lack, through extra bountiful crops in the sixth year.<sup>90</sup>

Other real estate laws are designed to maintain tribal identification and function in the theocracy. Each tribe is allotted its particular inheritance or possession (*nachalah*, *cheleq*, or *achuzzah*) in Canaan. Reuben, Gad, and half of Manasseh receive their portions through Moses east of the Jordan,<sup>91</sup> the other tribes, excluding Levi, are granted their sections west of the Jordan through Joshua;<sup>92</sup> the Levites receive "the Lord" as their possession, with particular material privileges in place of a defined territory.<sup>93</sup> Particular laws maintaining these tribal and family

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<sup>83</sup> Gen 49; Ezek 37.

<sup>84</sup> Exod 23:19; 34:26; Lev 2:14-16; 19:24; 23:10-11; Num 15:17-21; Deut 18:4; 26:1-11.

<sup>85</sup> Lev 27:30-33; Num 18:25-32; Deut 14:22-27; 26:12-15; Mal 3:8-9. The tithe itself may be more extensive than Mosaic legislation; cf. Gen 14:20; 28:22.

<sup>86</sup> Exod 22:29; 34:20; Lev 22:17-20; Deut 12:5-8; 16:10, 16-17.

<sup>87</sup> Exod 23:10-11; Lev 25:2-9, 11-12, 20-22.

<sup>88</sup> 2 Chr 36:21; Lev 26:27-35, 43.

<sup>89</sup> Josephus, *Ant.* 9:8:5-6; 1 Macc 6:48-54.

<sup>90</sup> Lev 25:21.

<sup>91</sup> Num 32:33.

<sup>92</sup> Josh 15-19.

<sup>93</sup> Deut 10:9; 18:1-2. Kent, *Israel's Laws and Legal Precedents*, 175-177, 191-192, 198-202, has collected the following items contributing to the material support of the Levites and the priests. For the Levites: parts of the offerings (Deut 18:1-5), traveling privileges (Deut 18:6-8), nine tenths of the annual tithe (Num 18:21-24; Deut 12:19; 14:22-27; cf. Neh 13:10-13), a share in the feast of weeks (Deut 16:10-12), a share in the feast of tabernacles (Deut 16:13-14), part of the triennial poor tithe (Deut 14:28-29), a share in the spoils of war (Num 31:28-30, 47), forty-eight cities with their suburbs (Num 35:1-8; includes six cities of refuge), and a perpetual right to inherited possessions, including city-houses (Lev 25:29-34). For the priests: offerings at the feast of weeks (Lev 23:15-20), parts of peace offerings (Lev 7:11-14, 28-36), private contributions (Exod 29:27-28; Lev 10:14-15; Num 18:9-10), parts of grain offerings (Lev 6:14-18; 10:12-13; 7:9-10), parts of Nazirite offerings (Num 6:19-20), one tenth of the annual tithes (Num 5:9-10; 18:25-32), all special contributions (Num 15:20-21; 18:11, 14, 19), first fruits of the ground, family, herd, flock (Num 18:11-18), the showbread (Lev 24:5-9), guilt offerings (Num 5:5-8; 150% if no one available), the hides of burnt offerings (Lev 7:8), and part of the spoils of war (Num 31:25).

distinctions are numerous. Female heirs are to marry within their own tribe, thus preserving their property for the tribe.<sup>94</sup> If land should be sold to another outside the family, the purchaser or his kinsman has the option of buying back the land at any time, or city houses within one year.<sup>95</sup> If the land is not redeemed, it automatically reverts to the original owner or his family in the jubilee year.<sup>96</sup> The sale price of land is thus to be adjusted according to the number of years the buyer will own the land.<sup>97</sup> This uniquely Israelite form of ownership is evident in Lev 27:22, “a field of his purchase (*miqnah*) which is not of the fields of his possession (*achuzzah*),” which shows the two layers of ownership, that of divine apportionment and that of purchase; normally in the OT purchase of movable property represents transfer of all claim to ownership.<sup>98</sup>

### **Special laws for God's people**

Just as Yahweh claims special interest in Canaan,<sup>99</sup> so he considers the Israelites as his special possession (*segullah*) and his slaves by redemption from Egypt,<sup>100</sup> with the first born of each family originally devoted to himself by the Passover miracle.<sup>101</sup> The people recognize this obligation through several of their sacred dues, including the double substitution of the Levites, the redemption price for each first-born son,<sup>102</sup> and the offering of the first born of the flock or herd.<sup>103</sup> Other ways this obligation is shown are the annual tax of half a shekel per person,<sup>104</sup> as well as voluntarily vowed or devoted offerings.<sup>105</sup> In addition, Israelites are to recognize God's sovereignty over them by offering 1.1% of all war spoils to him, the congregation giving up 2% of their half and the soldiers 0.2% of theirs.<sup>106</sup>

The Israelites' consequent relation to each other is a close “theocratic brotherhood,”<sup>107</sup> which includes the Israelite and the resident alien who honors Yahweh (the *ger*).<sup>108</sup> This unique bond accounts for many OT injunctions concerning the relationship of superiors to inferiors in society.

The OT, while approving slavery, elevates and modifies its conception far above that of other cultures. A Hebrew slave is to be treated as a hired servant,<sup>109</sup> and is to be released after

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<sup>94</sup> Num 36:1-12.

<sup>95</sup> Lev 25:24-27, 29-31; cf. Ahab's wickedness in 1 Kgs 21.

<sup>96</sup> Lev 25:13, 23, 28, 31; cf. Num 36:3-4.

<sup>97</sup> Lev 25:14-17.

<sup>98</sup> Cf. city houses after one year, Lev 25:29-30.

<sup>99</sup> Lev 25:23.

<sup>100</sup> Lev 25:55.

<sup>101</sup> Exod 13:2.

<sup>102</sup> Exod 13:1-2; 22:19; 34:10-20; Num 3:11-13, 33-51; 8:16-18.

<sup>103</sup> Exod 13:11-13; 22:30; 34:19; Lev 27:26-27; Num 18:15-18; Deut 14:23-27; 15:19-22.

<sup>104</sup> Exod 30:11-16; cf. Neh 10:32.

<sup>105</sup> Lev 27; Num 6:13-21; 30:2-15; Deut 12:26; 23:21-23.

<sup>106</sup> Num 31:25-31. Cf. Muhammad, who declared that 20% of war spoils “belongs to God and to the Apostle and to the near of kin and to orphans, and to the poor and to the wayfarer,” evidently reserving 80% for the soldiers (Qur'an 8:2).

<sup>107</sup> Neufeld, “Prohibition,” 383-387.

<sup>108</sup> E.g., Exod 12:49; 23:9; Lev 19:33-34; Deut 10:18-19; 24:17-18; Lev 25:35; see Hillel Gamoran, “The Biblical Law Against Loans on Interest” (hereinafter referred to as “Interest”), *JNES* 30:3 (April 1971): 130.

<sup>109</sup> Lev 25:39-46.

six years' service or on the year of jubilee.<sup>110</sup> He also is to be released for sustaining permanent injury.<sup>111</sup> His explicit consent is required before his servitude becomes permanent,<sup>112</sup> and slave concubines cannot be sold.<sup>113</sup> The OT demands that foreign owners of Hebrew slaves treat them well, and permit their redemption at any time.<sup>114</sup> A uniquely OT law requires that escaped fugitive slaves be protected and allowed their freedom.<sup>115</sup> This humane legislation directly opposes that of other nations.<sup>116</sup> The explanation for this especially generous treatment is found in God's ownership of his people and his redemption of them from the slavery of Egypt.<sup>117</sup> Slaves are considered part of the household,<sup>118</sup> and as such they participate in the material and spiritual life and welfare of the family.<sup>119</sup> Slaves are permitted to rise to honorable positions, some even marrying into the family.<sup>120</sup>

Another peculiar feature is the prohibition against loaning on usury,<sup>121</sup> consistently viewed as evil.<sup>122</sup> The terms for this forbidden "interest" are *neshek* and *tarbith*; they probably refer to interest on loans for money for general purposes and to interest on loans for food, respectively.<sup>123</sup> Interest loans are approved and regulated in other Ancient Near Eastern literature.<sup>124</sup> Rates were high, Babylonian rates varying from 20% to 100%, and Assyrian rates reaching 140% for overdue payments.<sup>125</sup> Egyptian standard rates were 30% for money loans and 33⅓% for food loans.<sup>126</sup> Since the prohibitions in Exodus and Leviticus mention loans necessitated by poverty, and the one in Deuteronomy approves such loans to foreigners, it appears that commercial business loans are not in view—rather, "charitable" loans to the poor.<sup>127</sup> The debated significance of Neh 5:11 can likewise be clarified by the plausible suggestion that the term *m't* ("hundredth") represents the term *msh'th* ("loan, pledge"), thus restoring to the people their mortgaged property and the paying of interest.<sup>128</sup> All such debts are to be cancelled every Sabbath year; yet loans are not to be refused to the poor, even though they soon will be

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<sup>110</sup> Exod 21:2-4; Lev 25:10; Deut 15:12-18; cf. Jer 34 8-22.

<sup>111</sup> Exod 21:26-27.

<sup>112</sup> Exod 21:5-6; Deut 15:16-17.

<sup>113</sup> Exod 21:7-8; cf. Gen 25:1-6.

<sup>114</sup> Lev 25:47-55.

<sup>115</sup> Deut 23:15-16; cf. 1 Kgs 2:36-46.

<sup>116</sup> E.g., the Code of Hammurabi requires death for assisting a fugitive slave; as trans. by Theophile J. Meek, *ANET*, 166-167, #15-20.

<sup>117</sup> Lev 25:42.

<sup>118</sup> Gen 17:12-13; Exod 20:10, 17.

<sup>119</sup> Cf. Exod 12:43-44; Deut 12:17; 16:10-11.

<sup>120</sup> Gen 24:2; Job 31:13-15; 1 Chr 2:35.

<sup>121</sup> Exod 22:25; Lev 25:35-38; Deut 23:19-20.

<sup>122</sup> Ps 15:5; Prov 28:8; Ezek 18:8, 13, 17.

<sup>123</sup> Samuel Loewenstamm, "Neshek and M/Tarbit," *JBL* 88:1 (March 1969): 78-80.

<sup>124</sup> Laws of Eshnuna, #14, 20-21 (trans. by Albrecht Goetze, *ANET*, 161-162); Code of Hammurabi, #48-51, 66, 88-91, 94-95, 99-101 (*ANET*, 168-170); cf. Hymn to Shamesh, 2:47-49 (*ANET*, 388).

<sup>125</sup> Edward Neufeld, "The Rate of Interest and the Text of Nehemiah 5:11" (hereinafter referred to as "Nehemiah 5:11"), *JQR* 44:3 (February 1954): 194-195.

<sup>126</sup> Kent, *Israel's Laws and Legal Precedents*, 130.

<sup>127</sup> Gamoran lists sixteen relevant OT passages, thirteen of which are clearly non-commercial, the remaining three being unclear, "Interest," 131; he also lists several Egyptian Jewish papyri which demonstrate interest on business loans in the intertestament period, pp. 133-134; cf. Neufeld, "Prohibition," 371-372, 398.

<sup>128</sup> Neufeld, "Nehemiah 5:11," 200-201.

cancelled.<sup>129</sup> The OT demands mercy from the loaner, returning pledges when needed and respecting the debtor's privacy and dignity.<sup>130</sup>

Along with mercy for debtors, the OT enjoins many practical ways for helping all poor people in Israel, including the orphans and the widows. They are to be respected and helped;<sup>131</sup> Hebrew farmers are to leave them the corner crops, the gleanings, and the Sabbath year crops.<sup>132</sup> In addition, the poor are to share in sacrificial meals;<sup>133</sup> and every three years the annual tithe is earmarked for the poor.<sup>134</sup> While other nations claimed to honor the poor, the orphan, the widow,<sup>135</sup> the OT makes Yahweh the supreme patron of these dependent people.<sup>136</sup> They are protected by precept and persuasion.<sup>137</sup>

## The Proper Attitude toward Property

Perhaps the simplest description of the proper attitude would be *diligence of labor and enterprise complemented by contentment and generosity*. The OT assumes and approves of a society in which rich and poor dwell together.<sup>138</sup>

Without overturning the basic economic system which brought about the existence of rich and poor, Hebrew law sought to raise the needy from the deepest and most severe type of economic distress.<sup>139</sup>

Or, as the Jewish scholar Harry Orlinsky has described the prophets (he assumes they helped formulate Hebrew law),

(They) were nevertheless reformers within, rather than of, their social system. . . . Thus it was not social inequality but social injustice which they denounced, not the existence of rich and poor within the same society but the abuse of the poor by their richer brethren which they decried, not the creation of a new society but the infusion of the Israel they knew with a new spirit which they demanded.<sup>140</sup>

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<sup>129</sup> Deut 15:1-11.

<sup>130</sup> Deut 24:6-13.

<sup>131</sup> Exod 23:6; Lev 25:35.

<sup>132</sup> Exod 23:10-11; Lev 19:9-10; 23:22; Deut 24:19-22.

<sup>133</sup> Deut 16:11-14; 26:11.

<sup>134</sup> Deut 14:28-29; 26:12-13.

<sup>135</sup> The Ugaritic "Tale of Aqhat, A," 5:9 (trans. by H. L. Ginsberg, *ANET*, 151); this was commonly boasted also in Mesopotamia and Egypt; cf. F. Charles Fensham, "Widow, Orphan, and the Poor in Ancient Near Eastern Legal and Wisdom Literature," *JNES* 21:2 (April 1962): 130-134; and Patterson, "The Widow," 223-228.

<sup>136</sup> Ps 82:3-4; for a defense of this Psalm from an unusual critical perspective, see Roger T. O'Callaghan, "A Note on the Canaanite Background of Psalm 82," *CBQ* 15:3 (July 1953): 314.

<sup>137</sup> E.g., Lev 19:15; Deut 1:17; 10:18; 16:18; 24:17; 27:19; Job 5:15-16; 24:1-10, 14; 29:12-16; Prov 14:31; 15:25; 17:15; 19:17; 22:9, 22; Isa 1:17; 5:23; 10:1-2; Jer. 22:3; Amos 2:6-7; 5:11.

<sup>138</sup> E.g., Judg 6:15; 2 Sam 12:1.

<sup>139</sup> Gamoran, "Interest," 128.

<sup>140</sup> Harry M. Orlinsky, *Understanding the Bible through History and Archaeology* (New York: Ktav Publishing House, 1972), 259-260.

Thus property rights and responsibilities are viewed as inseparable from the Hebrew's dignity as a human created in God's image and as a member of God's chosen nation.<sup>141</sup>

The importance of this fact is evidenced by the tenth commandment, "You shall not covet."<sup>142</sup> While other cultures also express such sentiments,<sup>143</sup> the OT is much more consistent in its treatment. Some have attempted to redefine coveting (*chamad* in Exodus) or its prototype as an outward crime.<sup>144</sup> But the traditional understanding of mental coveting is best, as shown in the use of the synonymous term *awah* for coveting in Deut 5:21b (*awah* consistently means mental coveting).<sup>145</sup>

While the godly attitude with its resulting actions is not always enforceable by men, God declares that he will enforce it by other means, either individually,<sup>146</sup> or collectively within the theocracy.<sup>147</sup> Having enough, each person is to be content,<sup>148</sup> yet he is to labor in order to enjoy prosperity from God.<sup>149</sup> Cyrus Gordon is mistaken to think that these motives are contradictory.<sup>150</sup> Labor, prosperity, contentment, and generosity are all compatible in a godly man, as they are in God himself, as he is pictured throughout the OT.

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<sup>141</sup> Ibid., 258.

<sup>142</sup> Exod 20:17; Deut 5:21.

<sup>143</sup> Egyptian "Protestation of Guiltlessness," B3 (trans. by John A. Wilson, *ANET*, 35); "Instruction of Amen-em-opet," ch. 7 (trans. by John A. Wilson, *ANET*, 422-423); Assyrian "Hymn to Shamash," 2:32 (*ANET*, 388).

<sup>144</sup> "Depriving an elder of his status," is suggested by Anthony Phillips, *Ancient Israel's Criminal Law, A New Approach to the Decalogue* (New York: Schocken Books, 1970), 149-152; or "attempting to forcibly appropriate" is suggested by Eduard Nielsen, *The Ten Commandments in New Perspective*, trans. by David J. Bourke, in *Studies in Biblical Theology, Second Series: 7* (Naperville, Illinois: Alec R. Allenson, Inc., 1968), 84-85, 91-92, 104-105; this latter view is promoted also by J. J. Stamm and M. E. Andrew, *The Ten Commandments in Recent Research*, in *Studies in Biblical Theology, Second Series: 2* (London: SCM Press, Ltd., 1967), 101-107.

<sup>145</sup> Cf. the good discussion by Bernard S. Jackson, "Liability for Mere Intention in Early Jewish Law," *HUCA* 42 (1971): 198-207.

<sup>146</sup> Cf. Ps 73; Hag 1:2-11.

<sup>147</sup> Exod 19:4-8; Deut 5:33.

<sup>148</sup> 1 Kgs 4:25; Prov 30:8.

<sup>149</sup> Prov 13:11; 31:13-22, 27).

<sup>150</sup> Gordon concludes that the tenth commandment is only a reaction against Baal's covetousness as illustrated by two Ugaritic texts: Cyrus H. Gordon, "A Note on the Tenth Commandment," *JBR* 31:3 (July 1963): 208-209; and "The Ten Commandments," *Christianity Today* 8:14 (April 10, 1964): 628.