

The Credibility of Liberty: The Plausibility of the Jubilee Legislation of Leviticus 25 in Ancient Israel and Judah

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Abstract: Leviticus 25 details legislation for the jubilee, the year concluding seven cycles of seven years in which real property returns to its original family allotment. Many understand the jubilee as an impracticable fantasy while others have sought to uncover evidence of its observance in ancient Israel. In this essay, I move the conversation away from this binary of scholarly perception and instead engage the jubilee from the horizon of its plausibility as an institution in ancient Israelite society. By “plausible,” I do not mean that this legislation’s enactment was likely or actual; evaluating the institution’s “plausibility” is a determination of whether it was credible within the structures of Israelite and Judahite society. I contend that the jubilee was theoretically conceivable in this society because of analogous practices in the ancient Near East and the agrarian society that the Levitical jubilee presumes and in which it makes sense as a plausible institution.

Keywords: Jubilee • Leviticus • economy and society • debt release

LEVITICUS 25 details legislation for the institution of the jubilee, a year concluding seven cycles of seven years in which real property returns to family

I dedicate this article to the memory of my late teacher, Lawrence E. Stager. Earlier versions were presented at the 2016 Association for Jewish Studies Annual Conference and the Ancient Mediterranean Religions Colloquium at the University of Texas at Austin. I would like to thank the participants in those sessions for their salient comments and questions. In addition, Brian R. Doak, Steven J. Friesen, Jo Ann Hackett, John Huehnergard, G. Anthony Keddie, Philip Yoo, and two anonymous reviewers read earlier drafts and provided extensive and thought-provoking comments (as well as corrections!). I am grateful for their engagement with my work. All remaining deficiencies in this essay are, of course, my own.

allotments putatively made during the Israelite settlement of Canaan. The institution seems to many scholars an idealistic and impracticable fantasy. Seth Schwartz observes, “No one has ever seriously suggested that the most far-reaching piece of Pentateuchal legislation about land . . . was ever, or could ever have been, put into practice.” Raymond Westbrook characterizes it as “academic and theoretical.” Julius Wellhausen describes it as an “artificial institution,” and Roland de Vaux assesses it similarly as “a Utopian law” and “a dead letter.”¹ In contrast, other scholars have sought to uncover evidence of the jubilee’s observance in ancient Israel.² Ultimately, answering the question of whether the Levitical jubilee was actually enacted is impossible, absent new evidence, despite the best efforts of any number of scholars. I would like to move the conversation about the Levitical jubilee away from either dismissal of it as an idealistic fantasy or a quixotic quest to prove that it was actually practiced. In this essay, I engage the jubilee legislation from the horizon of its plausibility or credibility as an institution in ancient Israelite society. By “plausible,” I do not mean to imply that the enactment of this legislation was likely or actual. Rather, I understand evaluating the institution’s “plausibility” as a determination of whether the legislation was credible within the structures of ancient Israelite society. I contend that the jubilee was an entirely credible practice that made sense as an institution that was (at least) theoretically conceivable in ancient Israelite society. To support this contention, I first examine analogous though distinct practices in the ancient Near East. I then turn to explore the agrarian society that the Levitical jubilee presumes and in which it makes sense as a plausible institution. Ultimately, the Jubilee’s credibility as a plausible practice contributed to its endurance as a prominent ideal in later Jewish and Christian thought and as an inspiration for innovations in chronography, law, and eschatology.

¹ Seth Schwartz, *Were the Jews a Mediterranean Society? Reciprocity and Solidarity in Ancient Judaism* (Princeton, NJ: Princeton University Press, 2010) 3; Raymond Westbrook, “Jubilee Laws,” in idem, *Property and the Family in Biblical Law* (JSOTSup 113; Sheffield: JSOT Press, 1991) 36–57, here 50; Julius Wellhausen, *Prolegomena to the History of Israel* (reprint of 1885 edition; preface by W. Robertson Smith; foreword by Douglas A. Knight; Scholars Press Reprints and Translations; Atlanta: Scholars Press, 1994) 119; Roland de Vaux, *Ancient Israel* (trans. J. McHugh; New York: McGraw-Hill, 1961) 177.

² Lisbeth S. Fried and David N. Freedman understand Jer 34:8–9 as evidence for the proclamation of a regular Israelite jubilee (“Was the Jubilee Year Observed in Preexilic Judah?,” in Jacob Milgrom, *Leviticus 23–27: A New Translation with Introduction and Commentary* [AB 3B; New York: Doubleday, 2001] 2257–70). This passage describes Zedekiah’s enactment of a covenant with the people of Jerusalem that includes the public proclamation of liberty in language evocative of Lev 25:10. It should not, however, be taken as sure evidence for the regular enactment of the jubilee legislation of Leviticus 25. These events should be understood, following Joseph Blenkinsopp, as “a desperate ad hoc measure, one rescinded as soon as the immediate danger was thought to be over” (“The Family in First Temple Israel,” in *Families in Ancient Israel* [ed. Leo G. Perdue; Family, Religion, and Culture; Louisville: Westminster John Knox, 1997] 48–103, here 56),

I. The Levitical Jubilee and Ancient Near Eastern Practices of Economic Liberation

With the decipherment and publication during the nineteenth and twentieth centuries of cuneiform texts from the ancient Near East, scholars began to propose connections between the Levitical jubilee and similar descriptions of practices of release and manumission found throughout the region. These texts revealed that the Hebrew word *דָּרוֹר* in Lev 25:10 (often translated as “liberty” or “release”) shares the same root with the Akkadian *andurārum* or *durārum*, which has a basic meaning of “to flow freely.”³ The Akkadian term is related to the even earlier Sumerian term, *ama-ar-gi*.⁴ The word *דָּרוֹר* appears in the Hebrew Bible six times: once in our verse from Leviticus and five times in prophetic texts that refer to an institution similar to the Levitical jubilee (Isa 61:1; Jer 34:8, 15, 17; Ezek 46:17). In five of these six instances, *דָּרוֹר* is the object of the verb “to proclaim or announce” (*לְקַרָּא*), thus indicating the public character of the jubilee declaration. The Akkadian term *andurārum* appears in a wide range of texts dating as far back as the second millennium B.C.E. The term is used to refer both to singular acts of slave manumission or forgiveness of debts and to more expansive and public declarations of release by monarchs.⁵ One of the earliest attestations of a royal edict declaring liberty, using the related Sumerian term, is found in an inscription of King Entemena of Lagash (ca. 2400 B.C.E.).⁶ Entemena’s decree provides release from debts for the inhabitants of several cities in what is now southeastern Iraq.

Appearing alongside *andurārum* in many Akkadian royal decrees is the public declaration of *mīšarum*, or “justice.”⁷ The Hebrew word *מִישָׁרִים* appears more

³ On the meaning of the root *דָּר*, see BDB, 204; and Ludwig Koehler and Walter Baumgartner, *The Hebrew and Aramaic Lexicon of the Old Testament, Study Edition* (trans. M. E. J. Richardson; 2 vols.; Leiden: Brill, 2001) 1:230, 233.

⁴ Moshe Weinfeld, *Social Justice in Ancient Israel and in the Ancient Near East* (Minneapolis: Fortress, 1995) 78; Dominique Charpin, “Les décrets royaux à l’époque Paléo-Babylonienne à propos d’un ouvrage récent,” *AfO* 34 (1987) 36-44, here 38.

⁵ Niels Peter Lemche, “*Andurārum* and *Mīšarum*: Comments on the Problem of Social Edicts and Their Application in the Ancient Near East,” *JNES* 38 (1979) 11-22, here 15-18. For a more recent treatment of this material, with particular focus on its Neo-Assyrian exemplars and their relationship to Deuteronomy, see Eckart Otto, “Programme der sozialen Gerechtigkeit. Die neuassyrische (*an*-)*durāru*-Institution sozialen Ausgleichs und das deuteronomische Erlaßjahr in Dtn 15,” *ZABR* 3 (1997) 26-63, here 31-51.

⁶ Entemena #79. For a text and translation, see Horst Steible, *Die altsumerischen Bau- und Weihinschriften* (2 vols.; Freiburger altorientalische Studien 5; Wiesbaden: F. Steiner, 1982) 1:267-70. See also John Sietze Bergsma, *The Jubilee from Leviticus to Qumran: A History of Interpretation* (VTSup 115; Leiden: Brill, 2007) 22.

⁷ For a more extensive survey of declarations of *mīšarum* and *andurārum* in Mesopotamia, see Robert Grady North, *Sociology of the Biblical Jubilee* (AnBib 4; Rome: Pontifical Biblical

frequently than דָּרוֹר in the Hebrew Bible (though notably not in Leviticus 25) and comes from the same root as *mīšarum*, which means “to be smooth, straight, right.”⁸ The word מִישָׁרִים is often used in contexts to emphasize the just rule of divine or human sovereigns (e.g., Ps 99:4). In the Mesopotamian texts, the royal declaration of *andurārum* is a visible enactment of the king’s commitment to *mīšarum* within his kingdom. For instance, in King Lipit-Ishtar’s law code (ca. 1934–1924 B.C.E.), published to lionize his reign, he proclaims an *andurārum* in which the debt slaves in the cities of Nippur, Ur, Sumer, and Akkad are manumitted.⁹ The more expansive character of *mīšarum* is also seen in the prologue to the Laws of Hammurabi in which the author describes the laws therein as representative of his work to establish “law and justice [*mīšarum*]” in the lands of Sumer and Akkad.¹⁰

Perhaps the most extensive declaration of *mīšarum* and *andurārum* from the ancient Near East is the Edict of Ammisaduqa (1646–1626 B.C.E.), made at the onset of his reign.¹¹ The text of the edict begins with a general statement that it records “a *mīšarum* for the land” that “the king established” (*aš-šum šar-rum mi-ša-ra-am a-na ma-tim iš-ku-nu*). The edict then proceeds to specify which debts are remitted and which are not under the terms of this declaration of *mīšarum*. For instance, in one case, the edict remits interest-bearing loans to Akkadians or Amorites (in other words, loans to citizens).¹² While the male freeborn citizens and

Institute, 1954) 62-66; and Weinfeld, *Social Justice*, 75-96. For a discussion of the concept of *mīšarum* in relation to other ancient Near Eastern concepts of justice, see Philip J. Nel, “Social Justice as Religious Responsibility in Near Eastern Religions: Historical Ideal and Ideological Illusion,” *JNSL* 26 (2000) 143-53, here 145-49.

⁸ In Hebrew, the root is יָשַׁר. Notably, *√mšr* appears in Ugaritic texts. According to DUL³ (Gregorio del Olmo Lete and Joaquín Sanmartín, *A Dictionary of the Ugaritic Language in the Alphabetic Tradition* [trans. and ed. Wilfred G. E. Watson; 3rd rev. ed.; HdO 112; Leiden: Brill, 2015] 586), the root *√mšr* I means “justice, justification.” A similar interpretation is advocated in Gregorio del Olmo Lete, “Ug. *mšr* (KTU 1.40:1) y el edicto *mīšarum*,” *AO* 8 (1990) 130-34. In their translation of *KTU* 1.40:26, Pierre Bordreuil and Dennis Pardee render the root as “rectitude” (*Manuel d’Ougaritique*, vol. 2, *Choix de textes et glossaire* [Paris: Librairie orientale Paul Geuthner, 2004] 203).

⁹ See Francis R. Steele, “The Lipit-Ishtar Law Code,” *AJA* 51 (1947) 158-64; and idem, “The Law Code of Lipit-Ishtar,” *AJA* 52 (1948) 425-50. The translation is reproduced in *ANET*, 159b. For a more recent text and translation based on Steele’s edition, see Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor* (SBLWAW 6; Atlanta: Scholars Press, 1995) 23-35.

¹⁰ *ANET*, 165b; Martha T. Roth, “The Laws of Hammurabi (2.131),” in *The Context of Scripture* (ed. William W. Hallo and K. Lawson Younger Jr.; 4 vols.; Leiden: Brill, 1997–2017) 2.131:336-37. See Law 117, *ANET*, 170b-171a; *Context of Scripture*, 2.131:343. See also Roth, *Law Collections*, 71-142.

¹¹ The critical edition is found in F. R. Kraus, *Ein Edikt des Königs Ammi-Šaduqa von Babylon* (Studia et Documenta ad Iura Orientis Antiqui Pertinentia 5; Leiden: Brill, 1958). All cited translations are from *ANET*, 526-28.

¹² *ANET*, 526b.

indentured servants of Ammisaduqa's lands are afforded both manumission and remission of debts, the house-born slave women and permanent male slaves of the country are unaffected by the decree. This edict highlights that manumission and debt release function as a subset of the more general declaration of *mīšarum*. In the case of this edict, the scope of the decrees is limited to one particular social group in ancient Mesopotamian society.

The legislation in Leviticus 25 also describes the jubilee using a term (יובל), for which there are no clear analogues in ancient Near Eastern literature and whose meaning has engendered diverse interpretations since antiquity. The word appears elsewhere in the Hebrew Bible in descriptions of a ram's horn and thus has been associated with the use of the horn as a musical instrument, whose blast inaugurates the jubilee year.¹³ An alternate explanation, perhaps originating in the LXX, understands יובל as meaning "release."¹⁴ In this regard, the term functions as a synonym of דרור.¹⁵ I have argued elsewhere that the term יובל is, in Leviticus 25, "a polyseme" that "takes on the technical meaning of 'a period of agriculture release inaugurated by the blast of a ram's horn.'"¹⁶ It is notable that the lack of clear attestation of יובל in related passages in the broader corpus of ancient Near Eastern literature with the same meaning as in Leviticus 25 has, however, focused scholarly attention on parallels between the biblical דרור and the Mesopotamian decrees of *mīšarum* and *andurārum*.

As one might expect, the Levitical jubilee and other neighboring Mesopotamian institutions were both similar to and different from one another.¹⁷ First, as I noted earlier, *andurārum* and דרור are terms that share the same roots and both

¹³ See Exod 19:13; Josh 6:4, 5, 6, 13. *Targum Jonathan* on Joshua 6 renders יובל as "horn of a ram" (קרן דכרא). The association of the Levitical יובל with a ram's horn is also found in *b. Roš Haš.* 26a and in later Jewish interpretative literature such as in the commentaries on Lev 25:10 by Rashi and Nachmanides, and in the traditions cited in Ibn Ezra's commentary. As Robert North notes, the use of the word in the Phoenician Marseilles Tariff, which was discovered in 1844–45, also supports the understanding of יובל as ram's horn (*The Biblical Jubilee, after Fifty Years* [AnBib 145; Rome: Pontifical Biblical Institute, 2000] 15).

¹⁴ The LXX consistently uses a form of ἀφεσις ("release") to translate יובל. This translation suggests that the LXX understands the Hebrew word as a nominal form of the root יבל. Both Ibn Ezra and Nachmanides define the Hebrew term using the Hebrew word for "manumitted" (שלוה), suggesting a similar interpretation to the one found in the LXX. As Milgrom points out, the root is frequently employed in C-Stem forms in the Hebrew Bible in contexts in which it means "bring/brought" (see Isa 55:12; Jer 31:9; Zeph 3:10; Pss 60:11; 68:30; Job 10:19) (*Leviticus* 23–27, 2169). Milgrom also notes that this interpretation is supported by the Akkadian cognate *abālu/wabālu* ("bring"). See also North, *Sociology of the Biblical Jubilee*, 105–6; idem, *Biblical Jubilee*, 14–15; and Niels Peter Lemche, "The Manumission of Slaves—The Fallow Year—The Sabbatical Year—The Jubel Year," *VT* 26 (1976) 38–59, here 50.

¹⁵ North, *Biblical Jubilee*, 14–15.

¹⁶ Jonathan Kaplan, "יובל, A New Proposal," *Bib* 99 (2018) 109–16, here 110.

¹⁷ See also Yairah Amit, "The Jubilee Law—An Attempt at Instituting Social Justice," in

appear in specific descriptions of economic liberty and manumission. *Mīšarum* and מִישָׁרִים, similarly, share the same root but are not as limited in their scope as *andurārum* and דָּרוֹר. Additionally, whereas *mīšarum* and *andurārum* frequently are paired concepts in Akkadian literature, מִישָׁרִים and דָּרוֹר never appear in the same passage in the Hebrew Bible.¹⁸ Second, like *mīšarum* or *andurārum*, דָּרוֹר is initiated through a decree. The earlier Mesopotamian decrees are initiated by royal edict (though with some religious justification or mandate), generally near the start of a sovereign's reign. דָּרוֹר, in contrast, is an injunction made, according to Leviticus, at Mount Sinai by divine legislation.¹⁹ Third, whereas the Mesopotamian declarations are infrequent (a Mesopotamian monarch might only decree *andurārum* once in his reign), Leviticus 25 describes God enacting a cyclical announcement of release every fifty years.²⁰ Fourth, the specific content of the various decrees is very different. The examples of Mesopotamian *mīšarum* or *andurārum* decrees concentrate primarily on manumission from debt slavery and the remission of debts. In the case of the Edict of Ammisaduqa, the king invokes the decree for the sake of the land, but this declaration should be understood as benefiting the inhabitants of his realm, not the land in and of itself as in the practice of דָּרוֹר described in Leviticus 25 (see particularly v. 5). Fifth, and conversely, whereas the *mīšarum* and *andurārum* decrees concentrate on debt cancellation and manumission of debt slaves, the legislation in Leviticus 25 focuses on the termination of loans and the regularized return of land to its original inheritors.²¹ The similarities and differences between the Mesopotamian and Levitical practices demonstrate that these practices share common features while having unique attributes. It would thus be a misstatement to argue that the Levitical דָּרוֹר is simply a translation of the Mesopotamian *andurārum* into Hebrew. But the exact relationship between the literary descriptions of these similar practices has rightly been a subject of debate.

Niels Peter Lemche has raised questions concerning the time when the Akkadian term *andurārum* could have entered Hebrew as a loanword in the form דָּרוֹר. He proposes two possible *termini post quem* for the impact of the Mesopotamian practices on Israelite thought, either “in the course of the first half of the second

Justice and Righteousness: Biblical Themes and Their Influence (ed. H. Graf Reventlow; JSOTSup 137; Sheffield: JSOT Press) 47-59, here 51-52.

¹⁸ Note that דָּרוֹר and הִישָׁר (from the same root as מִישָׁרִים) do appear together in Jer 34:15.

¹⁹ The instances of דָּרוֹר in Jeremiah and Isaiah appear not as a part of divinely given legislation but rather as singular prophetic announcements.

²⁰ Weinfeld suggests that we cannot foreclose the possibility of a cyclical enactment of liberty in Mesopotamia (*Social Justice*, 175), though he offers little evidence for its existence. For a more circumspect discussion of the possibility, see Bergsma, *Jubilee*, 26.

²¹ Philippe Guillaume, *Land, Credit and Crisis: Agrarian Finance in the Hebrew Bible* (Bible World; Sheffield: Equinox, 2012) 193-94, 210.

millennium B.C. or in the seventh or sixth century B.C.”²² He opts, in the end, for the later date range. His argument, however, is based not on linguistic evidence but primarily on his conviction that “these laws depend on social thought which originated late in Israel.”²³ The linguistic evidence presents three significant problems for his conclusion. First, if דָּרוֹר entered Hebrew in the seventh or sixth century B.C.E. from the Akkadian *andurārum*, we would not expect the word to have undergone the Canaanite shift.²⁴ Words entering Hebrew from Akkadian after the Canaanite shift had ceased to function would have retained long *a* vowels. Thus, we would expect Akkadian *andurārum* to enter Hebrew as דָּרָר rather than דָּרוֹר.²⁵ This point suggests that, if דָּרוֹר entered the Northwest Semitic lexicon from Akkadian, as Lemche proposes, the loan would have occurred substantially earlier, before the Canaanite shift occurred. Second, Lemche’s argument also assumes that דָּרוֹר is a loanword from Akkadian without exploring the possibility that the term is simply a cognate of *andurārum*, which would obviate Lemche’s entire line of argument. Third, Lemche also suggests that his proposed late date for transmission is confirmed by the absence of the *an-* prefix in the Hebrew דָּרוֹר. Akkadian attests, however, to such a limited number of words that begin with *an-* that there is hardly enough evidence to make an argument based on the presence or absence of such a prefix.²⁶ Thus, Lemche’s linguistic argument is not sustainable.

Lemche’s work also proceeds from a myopic focus on charting major lexical connections between Akkadian and Hebrew such as *andurārum*/דָּרוֹר and *mīšarum*/מִישָׁרִים that inhibits him from looking at other lexical and syntactic connections between Leviticus 25 and cuneiform literature.²⁷ There are in fact other linguistic parallels between Leviticus 25 and sources written in Akkadian that are important for situating the legislation of Leviticus 25 in the context of the ancient Near East. For instance, as Moshe Weinfeld points out, the Hebrew phrase וַיֵּצֵא בַיּוֹבֵל (“it shall go out in the jubilee year”) in Lev 25:28 mirrors the Akkadian phrase *ina durāri ašû* (“they shall go out during the release”).²⁸ Second, the phrase “in perpetuity”

²² Lemche, “*Andurārum* and *Mīšarum*,” 22.

²³ Ibid.

²⁴ On the Canaanite shift, see Angel Sáenz-Badillos, *A History of the Hebrew Language* (trans. John Elwolde; Cambridge: Cambridge University Press, 1993) 45.

²⁵ See Paul V. Mankowski, S.J., *Akkadian Loanwords in Biblical Hebrew* (HSS 47; Winona Lake, IN: Eisenbrauns, 2000) 50-51; and Stephen A. Kaufman, “A Reconstruction of the Social Welfare Systems of Ancient Israel,” in *In the Shelter of Elyon: Essays on Ancient Palestinian Life and Literature in Honor of G. W. Ahlström* (ed. W. Boyd Barrick and John R. Spencer; JSOTSup 31; Sheffield: JSOT Press, 1984) 277-86, here 285 n. 7.

²⁶ John Huehnergard (personal communication, September 1, 2015) observes that only two words clearly have *an-* as a prefix (*andurārum* and *andunānum*). The remaining words that begin with *an-* “are mostly words of uncertain origin.”

²⁷ E.g., Lemche, “*Andurārum* and *Mīšarum*,” 11 n. 1.

²⁸ Weinfeld, *Social Justice*, 158-59. Weinfeld here follows J. N. Postgate, *The Governor’s*

(לדרתיו . . . לצמיתת) in Lev 25:30, which is used to prohibit the sale of land in perpetuity, is parallel to an Akkadian formula (*šamid adi dārīti*) that is found in a contract from the Mediterranean city of Ugarit dating to the second millennium B.C.E. and is used there to limit the sale of property.²⁹ Third, Lev 27:16-25 describes the procedures for dealing with land consecrated to the temple when the jubilee arrives. Leviticus 27:23 instructs, “The priest shall evaluate הערכך until the year of the jubilee, and he shall designate הערכך on that day as holy to Yhwh.” Jacob Milgrom renders הערכך as “proportionate valuation.” In essence, the person who consecrates his land must commit the value of the produce of the land until the year of jubilee as a sacred donation. What is important for my discussion here is that the word מכסת (“proportionate”) is related to the Akkadian word *miksu*,³⁰ which appears in similar contexts in which it describes the “share of the yield of a field (due to tenant and owner or paid to the palace as the owner of a field).”³¹ While the word does not appear in contexts exclusively related to *mīšarum* or *andurārum*, its technical usage, found in both Akkadian and Hebrew, provides further support for the contention that the Mesopotamian practices of *mīšarum* and *andurārum* are part of the same cultural and legal discourse as the Levitical jubilee, though they differ in their specific cultural instantiations.³²

In addition to the strong similarities between the legislation in Leviticus 25 and cuneiform literary material in terms of lexemes and technical formulae, these texts also employ formulae for announcing their practices of release that are also shared with other biblical texts that describe the invocation of a דרור. In Lev 25:10,

Palace Archive (Cuneiform Texts from Nimrud 2; London: British School of Archaeology in Iraq, 1973) no. 248 line 14. See also a similar phrase in Old Babylonian as discussed in J. J. Finkelstein, “Some New Misharum Material and Its Implications,” in *Studies in Honor of Benno Landsberger on His Seventy-Fifth Birthday* (AS 16; Chicago: University of Chicago Press, 1965) 233-46, here 234 line 9.

²⁹ Jacob J. Rabinowitz, “A Biblical Parallel to a Legal Formula from Ugarit,” *VT* 8 (1958) 95. On the precise meaning of the term in the Akkadian documents from Ugarit, see John Huehnergard, *Ugaritic Vocabulary in Syllabic Transcription* (rev. ed.; HSS 32; Winona Lake, IN: Eisenbrauns, 2008) 397-98. Note also לצמיתת in Lev 25:23 without the qualifying phrase לדרתיו.

³⁰ As observed by Milgrom, *Leviticus* 23–27, 2387. See *CAD* 10.2:63. Note that הערכך poses a number of interpretive difficulties. For a detailed discussion of this word, see Milgrom, *Leviticus* 23–27, 2369-70. The word מכסת appears also in Exod 12:4. The masculine form of the word (מכס) appears in Numbers 31 in numerous places; ערכך is found in Leviticus 5 and 27 in numerous places as well as in Num 18:16. Mankowski argues that מכס is a loanword from the Akkadian *miksu* and that מכסת is a secondary development (*Akkadian Loanwords*, 92-93). *Miksu* was also loaned into Aramaic and Arabic.

³¹ *CAD* 10.2:63-64.

³² Stephen C. Russell has also recently argued for the dependence of Leviticus 25 on Neo-Babylonian and Achaemenid contract law for its notion of long-term lease of agricultural land (“Biblical Jubilee Laws in Light of Neo-Babylonian and Achaemenid Period Contracts,” *ZAW* 130 [2018] 189-203).

God commands Israel, “you shall proclaim release” (וְקִרְאתֶם דְּרוֹר). Similarly, in Jeremiah 34 and Isaiah 61, the prophet “proclaims release” for the Judeans using דְּרוֹר with forms of the root קָרָא (Jer 34:8, 15, 17; Isa 61:1). The similarity in phrasing of Isaiah, Jeremiah, and Leviticus should not be taken to imply a genetic connection among the three works. Rather, I point out the similarity in phrasing in these three passages in order to highlight that all three are part of a larger constellation of discourse that employs certain formal conventions that are similarly found in the Mesopotamian material. In those corpora, the king “establishes justice [*mīšarum šakānum*]” or “establishes release [*andurārum šakānum*]” through similar public proclamations.³³

While the linguistic and syntactical connections between the Mesopotamian edicts and the Levitical jubilee and other biblical release passages are clear, it is difficult to trace the lines of contact between the Mesopotamian cultural practices and those of ancient Israel and Judah as described in biblical literature. Earlier scholarship assumed that the biblical material was in some way dependent on the Mesopotamian antecedents. In the case of the Levitical jubilee, the lines of transmission are, however, a bit unclear. The textual evidence for the practice of *mīšarum* and *andurārum* has been dated, on the one hand, to the Old Babylonian period (twentieth to sixteenth centuries B.C.E.) and, on the other, to the significantly later Neo-Assyrian and Neo-Babylonian periods (eighth to sixth centuries B.C.E.). Those who contend that we must have strict literary dependence of the Levitical jubilee on Mesopotamian texts look to the Neo-Assyrian and Neo-Babylonian times as the period during which Israel learned of the practice, which led to the creation of the biblical legislation only in the Persian period.³⁴ Lemche argues further that, by the Neo-Assyrian and Neo-Babylonian periods, *mīšarum* and

³³ See F. R. Kraus, *Königliche Verfügungen in altbabylonischer Zeit* (Studia et Documenta ad Iura Orientis Antiqui Pertinentia 11; Leiden: Brill, 1984) 6-8; Weinfeld, *Social Justice*, 75-77, 157-58.

³⁴ On Persian-period dating of Leviticus 25, see Baruch A. Levine, *Leviticus ויקרא: The Traditional Hebrew Text with the New JPS Translation* (JPS Torah Commentary; Philadelphia: Jewish Publication Society, 1989) 273-74; Jean-François Lefebvre, *Le jubilé biblique: Lv 25—exégèse et théologie* (OBO 194; Göttingen: Vandenhoeck & Ruprecht, 2003) 331; and Peter Altmann, *Economics in Persian-Period Biblical Texts: Their Interactions with Economic Developments in the Persian Period and Earlier Biblical Traditions* (FAT 109; Tübingen: Mohr Siebeck, 2016) 196-200. Levine, Lefebvre, and Altmann base their judgments on both literary (the contention that Leviticus 25 revises and updates Deuteronomy 15 and Exodus 21) and sociohistorical (affinity with the economic situation described in Neh 5:1-13) factors. Esias E. Meyer also dates this chapter to the Persian period but on the basis of the coherence between the chapter and his understanding of the sociocultural context of Judah during this period (*The Jubilee in Leviticus 25: A Theological Ethical Interpretation from a South African Perspective* [Exegese in unserer Zeit 15; Münster: LIT, 2005] 221-55). See also Russell, “Biblical Jubilee Laws.” On the relationship of Leviticus 25 to Exodus 21 and Deuteronomy 15, see Bernard M. Levinson, “The Birth of the Lemma: The Restrictive Reinterpretation of the Covenant Code’s Manumission Law by the Holiness Code (Leviticus 25:44-46),” *JBL* 124

andurārum were no longer actually practiced but were merely scribal fictions that imitated the earlier Old Babylonian evidence.³⁵ If the Judeans had acquired knowledge of these practices during the Neo-Assyrian and Neo-Babylonian periods, it would have been at the level of scribal archaizing rather than actual practice. Lemche's argument is wrong on linguistic grounds, and thus his analysis of the period during which these traditions might have influenced Levitical legislation also deserves reevaluation.

At the other end of the spectrum are scholars who position the Levitical jubilee as a practice rooted in the rhythms of premonarchic, tribal Judah. John Sietze Bergsma, for instance, advances such a position:

This argument was based on the similarity of elements of the jubilee with laws and practices already present in the second millennium B.C.E., the instances of rare and ancient terms used in the text, the close correspondence between the type of society projected by Lev 25 and contemporary understandings of early Israelite society, and the widespread recognition . . . that many if not all of the components of the *institution* have their origin in tribal society.³⁶

Even if the *text* of Leviticus 25 and the Holiness Code (Leviticus 17–26) of which it is a part are dated relatively late, even as late as the Persian period (an assignment Bergsma rejects), he argues that the jubilee is a much older institution in Israelite and Judahite society. In this regard, the text of Leviticus 25 preserves the institution of jubilee as a cultural memory of idealized tribal practice. Such a position obviates the problems posed by the temporal disjunction that Lemche and others note. But it does leave open the issue of how we make a historical judgment about the antiquity of a practice in Israel if all of the evidence for it stems from literature that reached its final form in the sixth century B.C.E. and later.

Moshe Weinfeld has attempted to obviate this temporal issue by situating the Levitical jubilee and other practices of social justice in ancient Israel and Judah within a broader matrix of ancient Near Eastern and Mediterranean declarations, edicts, and social institutions extending from the Bronze Age down to the Hellenistic era.³⁷ Weinfeld does not limit his points of comparison simply to *mīšarum*, *andurārum*, and the various expressions of דָּרֹר in Leviticus, Isaiah, and Jeremiah. There is merit in his approach because, as I noted above, even in the case of Leviticus 25, a narrow focus on these lexemes has distracted some scholars from seeing other lines of connection between the Mesopotamian and Levantine practices. With his wider scope, Weinfeld is able to examine a broader range of

(2005) 617–39. On evidence for and against the connection of the Levitical jubilee and Neh 5:1–13, see Bergsma, *Jubilee from Leviticus to Qumran*, 205–7, and the sources he cites.

³⁵ Lemche, “*Andurārum* and *Mīšarum*,” 21–22.

³⁶ Bergsma, *Jubilee from Leviticus to Qumran*, 77–78 (emphasis original).

³⁷ Weinfeld, *Social Justice*.

practices in the region that have not heretofore been discussed in relation to the jubilee, such as the various exemptions given to temple cities and hieratic holdings from the corvée, military service, and other forms of taxation.³⁸ In this context, Weinfeld discusses the jubilee in relation to a wide range of texts, including the earlier-mentioned Edict of Ammisaduqa (1646–1626 B.C.E.) and Ptolemy VIII's proclamation of liberty, which dates to 118 B.C.E. Weinfeld's analysis is, of course, open to the charge of parallelomania, or an overreaching perception of parallel features without historical basis.³⁹ Weinfeld's analysis may tend toward establishing genetic connections between the jubilee and a myriad of ancient Near Eastern and Mediterranean practices of social justice where they may or may not exist. Nevertheless, his approach does rightly challenge scholarship to look at the Levitical jubilee in a much broader context rather than in historic, linguistic, or geographic isolation.

One significant problem with establishing a specific genetic connection between the Levitical jubilee and the Mesopotamian *mīšarum* and *andurārum* stems from the large time gap between the last of the extant Mesopotamian decrees in the Late Bronze Age and Early Iron Age and the earliest proposed dates for the Levitical jubilee legislation. These concerns could be addressed by more recent research into the dating of the Akkadian material. Øyvind Bjøru has argued in an unpublished paper that there is substantial evidence for the practice of *andurārum* in the kingdom of Ḫana, whose capital Terqa was located in far eastern Syria near the Euphrates River.⁴⁰ The relevance of the material depends, according to Bjøru, on the recent redating of the history of Ḫana by Amanda H. Podany to the sixteenth through eleventh centuries B.C.E., precisely in the period in which there is a gap in the Mesopotamian evidence as noted by Lemche and others.⁴¹ If Podany is correct in her dating, the Ḫana material supports the contention that there is continuity between the descriptions of ancient Mesopotamian social practices of *mīšarum* and *andurārum* and the Israelite and Judahite material, as Weinfeld argued. In this regard, the Ḫana material supports those who date the emergence of the practice

³⁸ Ibid., 97-132.

³⁹ Samuel Sandmel, "Parallelomania," *JBL* 81 (1962) 1-13.

⁴⁰ Øyvind Bjøru, "Jubilance across the Ancient Near East: New Evidence for the Near Eastern Context for the Biblical Jubilee Legislation" (paper presented at the Society of Biblical Literature International Meeting held in Helsinki, Finland, in 2018). Bjøru observes that most discussions of *andurārum* in this material appear in texts dating from the reign of Tiglath-Pileser I (1114–1076 B.C.E.).

⁴¹ Amanda H. Podany, "A Middle Babylonian Date for the Ḫana Kingdom," *JCS* 43-45 (1991-1993) 53-62; eadem, "Some Shared Traditions between Ḫana and the Kassites," in *Crossing Boundaries and Linking Horizons: Studies in Honor of Michael C. Astour on His 80th Birthday* (ed. G. Douglas Young, Mark William Chavalas, and Richard E. Averbeck; Bethesda, MD: CDL, 1997) 417-32; and eadem, "Ḫana and the Low Chronology," *JNES* 73 (2014) 51-73.

of jubilee in Israelite society to either the tribal or early monarchic periods rather than those who would view it as a scribal fiction of the exilic or postexilic periods.

While the Hana material evinces another description of the Mesopotamian practices and perhaps supports an early date for the jubilee legislation in Leviticus, it also highlights a significant problem of asymmetry between Mesopotamia and the Levant for those who would advocate for an early, tribal-period date for the jubilee in Israelite practice. Specifically, ancient Mesopotamia, with its large urban centers, differs greatly from the largely agrarian society of ancient, premonarchic Israel.⁴² This difference is greater when one recognizes that those who locate the jubilee in a nonurban, agrarian, tribal, and premonarchic ancient Israel also point to evidence for the same practice in the royal edicts and documents produced in urbanized Mesopotamian kingdoms. Bergsma, for example, rightly notes the resonance of the jubilee with proposed Israelite tribal society of the second millennium B.C.E. but fails to notice the lack of equivalence between ancient Israel and Judah and ancient Mesopotamia.⁴³ The differing size and structure of ancient Israelite tribal society, on the one hand, and the various kingdoms of ancient Mesopotamia, on the other, should not inhibit us, however, from comparing the descriptions of the practices of the two regions and their societies, particularly in the case of the jubilee described in Leviticus 25, which relies so heavily on technical terms and concepts also seen in cuneiform literature. Rather, the differences between these societies should challenge us to pay careful attention to the unique expressions of similar practices in ancient Near Eastern societies.

How, then, should we view the affinities between the description of the Levitical jubilee in Leviticus 25 and the Mesopotamian edicts of *andurārum* and *mīšarum*? In one sense, I believe Weinfeld was correct to view these practices as part of a broad ancient Near Eastern discourse about social justice. His analysis, as I have noted, remains open to the charge of not discriminating enough between the unique instantiations of these diverse practices in their own cultural contexts. In this respect, I think that we should view the jubilee legislation and the Mesopotamian *andurārum* and *mīšarum* decrees as having affinities in terms of their features and practices while their particular enactments are distinct. Ultimately, viewing the distinct descriptions of the Levitical jubilee and the Mesopotamian

⁴² Oded Lipschits estimates the total population of the entire kingdom of Judah at the end of the Iron Age (seventh century B.C.E.) at 108,000 persons (*The Fall and Rise of Jerusalem: Judah under Babylonian Rule* [Winona Lake, IN: Eisenbrauns, 2005] 270). In contrast, Nineveh, the capital city of the Neo-Assyrian Empire at the end of the seventh and beginning of the sixth centuries B.C.E., comprised an area of seven square kilometers and contained a population of over 100,000 persons. For these numbers, see Eckart Frahm, "The Great City: Nineveh in the Age of Sennacherib," *Journal of the Canadian Society for Mesopotamian Studies* 3 (2008) 13-20.

⁴³ Bergsma, *Jubilee from Leviticus to Qumran*, 71-75.

andurārum as part of a broader set of socioeconomic practices in the ancient Near East is a significant prerequisite for evaluating the viability of the jubilee legislation in ancient Israelite society. It is important to note that I am not arguing that either the legislation detailed in Leviticus 25 or the descriptions of the various Mesopotamian decrees were ever enacted. It may be the case that all of these texts were purely rhetorical statements designed to support particular sociopolitical agendas. The existence, however, of these descriptions of analogous practices in other ancient Near Eastern societies supports my contention for the credibility of the Levitical jubilee in ancient Israelite and Judahite society. These analogous practices imply that large-scale debt release and manumission were conceived of as plausible economic practices in the ancient Near East. The Levitical jubilee should similarly be understood as equally credible. I now turn to examine the other pillar of my argument for the credibility of this institution: its plausibility as a socioeconomic practice within the structures of the society of ancient Israel and Judah.

II. The Levitical Jubilee and Israelite Agrarian Society

Though we are unable to establish if the legislation of Leviticus 25 was ever enacted in ancient Israel or Judah, we can explore whether the Levitical jubilee could have been enacted in this society. We should be careful when exploring the economic viability of the jubilee that we are aware of our modern preconceptions about how a given economy should function. Indeed, we should attempt to distance ourselves from our modern preconceptions about property rights, the portability of capital, individual responsibility, secularization, industrialization, and urbanization in order to ask whether the Levitical jubilee was a plausible practice in ancient Israel and Judah.⁴⁴ There is certainly ample evidence for descriptions of practices similar to the jubilee throughout the ancient Near East in the second and first millennia B.C.E., and such evidence supports the possibility of the enactment of a similar practice in ancient Israelite society. To explore further the plausibility that something like the legislation of Leviticus 25 could have been enacted in ancient Israel and Judah, I turn in this section to discuss the agrarian, tribal society that the jubilee legislation of Leviticus 25 presumes and in which it makes sense as a plausible institution.

Even a cursory glance at Leviticus 25 makes clear that its legislation presumes a society organized along kinship lines. According to this legislation Israelites hold title to individual allotments of land at divine bequest (v. 2). If their economic straits become dire, they may “sell” their land (more properly the usufruct of the

⁴⁴ Guillaume, *Land, Credit and Crisis*, 10-13.

land), but the legislation assumes that the sale may be transacted only with a fellow Israelite (עמית, v. 14; see also 18:20; 19:17) or kinsman (אח, e.g., 25:25).⁴⁵ In the jubilee year, the land is reclaimed by its owner as “each person shall return to his holding [אחזתו] and . . . to his kin group [משפחתו]” (v. 10). These kinship and tribal groupings and their respective associations with particular territories are given further definition in Numbers in the narrative of Israel’s preparations to settle the promised land (see Num 33:50–35:8). The specific connection between the jubilee and tribal land allotments is seen clearly in the story of the five orphaned daughters of Zelophehad petitioning Moses and the other leaders of Israel for a land inheritance within their family’s tribal allotment in Manasseh (27:1–11). The inheritance is granted to them (and any future Israelites who face similar circumstances) provided that the daughters only marry within their tribe (36:1–12).⁴⁶ This tribal-based structure of land ownership and the return of the land to tribal and specifically smaller family/kin group allotments during the jubilee year contrasts with the Mesopotamian descriptions of *andurārum*. In the royal edicts discussed earlier, liberty is granted to lands and property. The Levitical legislation is more egalitarian, affecting the entire population of ancient Israel rather than being limited to particular cities and their citizens.

Whereas the descriptions of the manumission practices of *andurārum* and *mīšarum* center on debt release for individuals, the Levitical jubilee has at its core the practice of rest for the land itself and return of land to its patrimony at the end of a cyclical forty-nine-year period (Lev 25:4, 10). In a declaration that evokes tenancy practices on royal lands found in the broader ancient Near East, Yhwh declares emphatically in Leviticus 25, “the land is mine” (v. 23).⁴⁷ Israel holds title to the land at divine bequest. They are only “alien tenants” (גרים ותושבים) of

⁴⁵ I disagree with Guillaume’s analysis (*Land, Credit and Crisis*, 201–2, 206–7, 216) that אח should be understood as a brother, not in the sense of genetic or fictive kin but rather as “a co-member in a commercial corporation.” Guillaume rightly notes that אח does mean “kinsman” elsewhere in pentateuchal legislation, particularly in Deuteronomy 15. His redefinition of the term in Leviticus 25 is hard to sustain, as he bases his judgment purely on the term’s usage in this chapter without comparative evidence. Nor does his analysis cohere with the usage of אח in this chapter. For instance, in vv. 48–49, אח is listed as the first circle of kinship relationships who can effect redemption followed by “his uncle or his uncle’s son” (אֲרִידֹו אוֹ בֶן־דֹּדֹו) and finally by the nearest person who is “of his own flesh” (בִּשְׂרֹו). In this context, אח is not “a co-member in a commercial corporation” but rather a kinship term. In addition, as Lefebvre notes, in Lev 25:46, אחִיכֶם appears in apposition to בני־יִשְׂרָאֵל (*Le jubilé biblique*, 182). This apposition suggests that the terms are understood to be synonymous, and אח should be understood as a kinship term.

⁴⁶ For a discussion of the meaning of נחלה in this passage in relation to other passages, see T. M. Lemos, *Marriage Gifts and Social Change in Ancient Palestine, 1200 BCE to 200 CE* (New York: Cambridge University Press, 2010) 196–98.

⁴⁷ As Milgrom notes (*Leviticus* 23–27, 2184), the notion of divine ownership of a land is found throughout the ancient Near East (e.g., Chemosh’s relationship to Moab as described in the Mesha Stone, lines 5–6) and, indeed, even the ancient Mediterranean basin (e.g., Plato *Laws* 6.741b).

Yhwh's land and can lease the usufruct of the land only to other members of their kinship group.⁴⁸ Unlike the descriptions of the Mesopotamian practices, the Levitical jubilee presumes a stable family-based structure in which individual Israelites are rescued from dire poverty through the sale of their lands to a fellow Israelite or closer kinsman. The land, however, returns to the individual Israelite or his kin group at the end of a given jubilee period. The stable, family-based context for the Levitical jubilee is one of the features that led Eduard Neufeld to propose that priests legislated it during the eighth century B.C.E. in response to economic injustices such as those decried by the prophets Amos and Hosea.⁴⁹ Whether or not one follows Neufeld's hypothesis and locates the jubilee's origins in the destabilization of economic life in ancient Israel and Judah, his argument highlights the legislation's presumption of a stable, family-based, and agrarian economy.⁵⁰

The rural and agrarian context for the jubilee that pervades Leviticus 25 might lead one to assume that the original legislation presumed a predominantly rural society with little developed city life in either Israel or Judah. Indeed, cities play a minor role in this legislation and are only the focus of vv. 29-34. Milgrom reiterates a dominant scholarly conception that these verses "[reflect] the attempt of the H [Holiness Code] legist to update the agricultural holdings of the tribes to the reality of the subsequent occupation and development of urban communities."⁵¹ His assessment is particularly apt as vv. 33-34 presuppose the existence of the Levitical cities, which are not even discussed until Num 35:1-8.⁵² The argument that Milgrom advances here, although not positing a sharp disjunction between urban and rural life in Leviticus 25, still assumes that these two modes of living were disconnected in ancient Israelite society.⁵³ Certainly, there is increasing "urbanization" in eighth-century Israel and Judah. Jerusalem alone grew substantially in size and population as it absorbed refugees from the north in the wake of the Assyrian destruction of the northern kingdom of Israel in 722 B.C.E.⁵⁴ An

⁴⁸ For the translation of גרים ותושבים as "alien tenants," see Joram Mayshar, "Who Was the *Toshav*?,⁴⁸" *JBL* 133 (2014) 225-46, here 236-37. See also Guillaume, *Land, Credit and Crisis*, 202-3. Note also the discussion of the singular form of this phrase in Lev 25:35-38 in Bruce Wells, "The Quasi-Alien in Leviticus 25," in *The Foreigner and the Law: Perspectives from the Hebrew Bible and the Ancient Near East* (ed. Reinhard Achenbach, Rainer Albertz, and Jakob Wöhrle; BZABR 16; Wiesbaden: Harrassowitz, 2011) 135-55, here 142.

⁴⁹ Eduard Neufeld, "Socio-Economic Background of *Yōbel* and *Šemittâ*," *RSO* 33 (1958) 53-124, here 118.

⁵⁰ Guillaume rightly cautions against seeking the origins of the jubilee legislation and other legal and economic practices in crises in ancient Israel and Judah (*Land, Credit and Crisis*, 2-3, 227-46).

⁵¹ Milgrom, *Leviticus 23-27*, 2197.

⁵² *Ibid.*

⁵³ *Ibid.*, 2244; contra Neufeld, "Socio-Economic Background," 118.

⁵⁴ Lawrence E. Stager observes that the population of Jerusalem in the tenth century B.C.E.

increased population residing in cities should not, however, be taken as evidence of urbanization in ancient Israelite society, like the urbanization that the West experienced throughout the nineteenth and twentieth centuries and that China is undergoing in the twenty-first century.⁵⁵ This picture of sharp social disruption leading to urbanization assumes that the spheres of economic activity between urban and rural sectors were distinct. The urbanization in Jerusalem in the eighth and seventh centuries B.C.E. was not accompanied, however, by a transformation in the means of economic production. People did not transition from farmer to factory worker. The vast majority of the population remained engaged in agricultural production even as the overall population increased and the population of the cities swelled.⁵⁶

Another factor that influences our impression of “urbanization” in ancient Israelite and Judahite society is our vision of the nature of rural agricultural production. Ancient Israel and Judah did not have individual, nuclear families living on their own homestead of forty acres with a farmhouse and a barn. The dominant model for life outside of cities, particularly in the premonarchic period, was for multiple families who constituted a kinship group to live in one compound. Lawrence E. Stager describes the predominant settlement type during the twelfth and eleventh centuries B.C.E. in the central hill country of ancient Israel: “Iron Age villages” were organized “along kinship lines from multiple family households through larger lineage segments.”⁵⁷ Such villages might comprise upwards of twenty households and have at best a population of around two hundred persons.⁵⁸ These villages may be the “unwalled” settlements described in Leviticus 25, whose houses, in contrast to those in “walled cities,” may be redeemed during the jubilee

numbered no more than one thousand (“The Archaeology of the Family in Ancient Israel,” *BASOR* 260 [1985] 1-36, here 25). The long-standing consensus is that Jerusalem’s population peaked in the eighth century B.C.E.; see, e.g., Magen Broshi and Israel Finkelstein, “The Population of Palestine in Iron Age II,” *BASOR* 287 (1992) 47-60. Some have dated the settlement peak later to the seventh century B.C.E.; e.g., Avraham Faust, “Settlement Dynamics and Demographic Fluctuations in Judah from the Late Iron Age to the Hellenistic Period and the Archaeology of Persian-Period *Yehud*,” in *A Time of Change: Judah and Its Neighbours in the Persian and Early Hellenistic Periods* (ed. Yigal Levin; LSTS 65; London: T&T Clark, 2008) 23-51, here 28.

⁵⁵ Jeffrey G. Williamson, “Migrant Selectivity, Urbanization, and Industrial Revolutions,” *Population and Development Review* 14 (1988) 287-314; Wang Fenglong and Liu Yungang, “How Unique Is [the] ‘China Model’? A Review of Theoretical Perspectives on China’s Urbanization in Anglophone Literature,” *Chinese Geographical Science* 25 (2015) 98-112.

⁵⁶ Stager, “Archaeology of the Family,” 25-28.

⁵⁷ *Ibid.*, 23.

⁵⁸ *Ibid.* See also J. David Schloen, *The House of the Father as Fact and Symbol: Patrimonialism in Ugarit and the Ancient Near East* (Studies in the Archaeology and History of the Levant 2; Winona Lake, IN: Eisenbrauns, 2001) 155. On the household as an economic unit, see Blenkinsopp, “Family in First Temple Israel,” 53-57.

(vv. 29-31). The agricultural land, which was bequeathed as an inheritance to individual kinship groups with accompanying usufruct rights, constituted the land surrounding such settlements. People in ancient Israel did not live on individual farms but instead went out to farm the land surrounding their villages, returning to their settlements at night. The same modes of social organization and indeed household architecture persisted, albeit in modified form, on a larger scale in the cities of the region during the premonarchic period.⁵⁹

The transition from tribal to monarchic society in ancient Israel should not be construed as a wholesale destabilization of earlier modes of social organization and land use. As David S. Vanderhooft notes, many scholars argue for precisely such a destabilization in social organization. This “devolutionary paradigm,” as he calls it, “asserts that the centralization of governmental authority under the monarchy eradicated a presumed tribal and egalitarian social organization.”⁶⁰ While there is certainly evidence of some attempts by the monarchy to destabilize the existing tribal organization, a process that the Books of Kings assign to the reign of Solomon, tribal organization persisted well into the monarchic period if not later.⁶¹ Land-ownership practices and modes of agricultural production likewise continued in similar fashion in the transition from tribal society to monarchic state, as is evidenced by remonstrances in the prophetic literature against unjust seizure of land by the monarch (e.g., 1 Sam 8:14; 1 Kings 21; Hos 5:10). The persistence of tribal structures of social organization even after the emergence of new modes

⁵⁹ See Schloen, *House of the Father*, 135-83; contra Milgrom, *Leviticus* 23-27, 2244, following de Vaux (*Ancient Israel*, 72-73), who sees evidence for social segmentation in the difference in house sizes at Tirzah. Walter J. Houston wrongly rejects the existence of “a communal system of landholding” (*Contending for Justice: Ideologies and Theologies of Social Justice in the Old Testament* [LHBOTS 428; London: T&T Clark, 2006] 201). As Guillaume argues, communal land tenure and cultivation systems in the ancient Near East persisted into the Ottoman period (*Land, Credit and Crisis*, 28-55).

⁶⁰ David S. Vanderhooft, “The Israelite *mišpāhā*, the Priestly Writings, and Changing Valences in Israel’s Kinship Terminology,” in *Exploring the Longue Durée: Essays in Honor of Lawrence E. Stager* (ed. J. David Schloen; Winona Lake, IN: Eisenbrauns, 2009) 486-96, here 486. His assessment builds on the work of Stager, “Archaeology of the Family,” 24, as well as Schloen, *House of the Father*, 101-4. See also Albrecht Alt, “Der Anteil des Königtum an der sozialen Entwicklung in den Reichen Israel und Juda,” in *Kleine Schriften zur Geschichte des Volkes Israel* (3 vols.; Munich: Beck, 1953-59) 3:348-72; pace Blenkinsopp, “Family in First Temple Israel,” 86-88.

⁶¹ See 1 Kgs 4:1-19. Note also the appearance of clan names found in the Bible as toponyms in the eighth-century B.C.E. Samaria ostraca. On the correspondence between the clan names and toponyms, see Stager, “Archaeology of the Family,” 24-25; and Schloen, *House of the Father*, 159-65. As Blenkinsopp (“Family in First Temple Israel,” 88) notes, however, the centralization of the state in the monarchic period did erode kinship and family structures and their ancestral holdings, resulting in “the corresponding development of royal and aristocratic estates (latifundia) attested in later sources, biblical and nonbiblical.”

of state organization is clearly visible in any number of modern societies.⁶² Post-exilic literature also testifies to the persistence of tribal and kinship groupings as an ideal mode of social organization in Yehud (see Ezra 4:3). The persistence of tribal organization both in practice and as an ideal throughout the Iron Age and into the Achaemenid period supports the credibility of the Levitical jubilee as a plausible institution in Israelite and Judahite society.

The agrarian and patrimonial society of ancient Israel and Judah and its persistence throughout much of the first millennium B.C.E. provide a suitable context for situating the septennial and fifty-year practices of Sabbath for the land, debt release, and return of property described in Leviticus 25. While the descriptions of these practices are indeed idealized and utopian (a point to which I will return), they nonetheless make sense within the society that I have outlined above. An economy dependent on rainfall will certainly have inconsistent crop yields and a corresponding instability in economic production. Such economic instability will lead to situations in which a kinsman will face economic adversity and will need to become indentured to another Israelite or wealthy resident alien in order to survive (vv. 25, 35, 39, 47). The fifty-year practice of release described in Leviticus 25 provides a regularized opportunity for a reset of land tenancy relationships. Despite its apparent egalitarianism and provision for the return of control over the land's usufruct to its "original" inheritors, the structure of the jubilee inherently favors the creditor, who reaps benefit from the land of which he has assumed custodianship over a long duration.⁶³ In addition, if the land and its residents are to be redeemed before the jubilee year, the calculation of redemption price is made "according to the years involved" (כפי שנים; v. 52). Creditors who lend in the years closer to a pending jubilee would presumably lend smaller amounts in the assumption that they would receive less benefit from a given parcel's usufruct in that shortened time. All of these practices, however, assume a society organized around kinship relationships and whose economic practices center on farming.

Despite its tone of verisimilitude in ancient Israelite and Judahite society, the Levitical jubilee is, however, a utopian institution.⁶⁴ I am using the term "utopian"

⁶² Guillaume, *Land, Credit and Crisis*, 151. For instance, after the U.S. invasion of Iraq in 2003, tribal modes of regional social organization reemerged in the power vacuum created by the collapse of Saddam Hussein's regime. See, e.g., Katherine Blue Carrol, "Tribal Law and Reconciliation in the New Iraq," *Middle East Journal* 65 (2001) 11-29.

⁶³ On the legislation of Leviticus 25 favoring the creditor, see Wells, "Quasi-Alien," 135, 152-53.

⁶⁴ Notably, Guillaume argues that the Levitical jubilee is not a utopian institution because it does not enact liberty for all but rather is "not relevant to the poor" because "it regulates credit among a closed circle of patrons belonging to a particular elite that borrowed from each other amounts much larger than they lent to farmers" (*Land, Credit and Crisis*, 210; see also 198-99, 244). Lefebvre rightly acknowledges the utopian tone of Leviticus 25 (*Le jubilé biblique*, 332-33).

here in the sense of an idealized practice rather than as an uncritical term used to dismiss it as an impracticable fantasy.⁶⁵ The first hint of its idealistic nature occurs at the outset of the chapter, which begins with a statement that Yhwh revealed this legislation on Mount Sinai (Lev 25:1). The narrative frame of the chapter locates the jubilee in an anachronistic position in the narrative progress of the Torah as Yhwh had already transitioned to communicating with Moses in the tent of meeting and no longer from Mount Sinai (1:1). This narrative problem has long been recognized in the history of this chapter's interpretation. Already in a third-century C.E. rabbinic commentary on Exodus, *Mekhilta de-Rabbi Ishmael*, a tradition attributed to Rabbi Ishmael considers the laws found in Leviticus 25 as the first laws that Israel receives at Sinai, even preceding the giving of the Ten Commandments.⁶⁶ For my purposes here, the location of this legislation's disclosure at Sinai situates it in a time just after the exodus from Egypt. The second-century B.C.E. work known as *Jubilees* elaborates on this association by locating the exodus in the fiftieth jubilee cycle and the entrance of the Israelites into the promised land in the fiftieth jubilee year after creation (*Jub.* 50:25).⁶⁷ Thus, *Jubilees* characterizes Israel's settlement of the land of Canaan as a jubilee of jubilees. This context portrays the jubilee as an ideal institution in Israelite society enacted at a seminal moment of Israel's history. The idealization of the jubilee as a Sinaitic institution endorsed by the authority of Moses and knitted into the fabric of creation enhances its authority and prominence in biblical law.⁶⁸

In addition to its location as Sinaitic legislation, Leviticus 25 includes a number of other features that can be understood as utopian. The first is its structuring

⁶⁵ On this point, see Houston, *Contending for Justice*, 191. I disagree with Houston's assessment (pp. 202-3) that Leviticus 25 had to project a utopia because "its understanding of justice is entirely discordant with society as it currently exists: as it existed then, or as it exists now." Thomas Hieke describes the jubilee legislation in Leviticus 25 as a "positive utopia" (*Leviticus* [2 vols.; HTKAT; Freiburg: Herder, 2014] 2:984 and 1001; also 1005, 1007, 1015) but ultimately raises doubts about its practicability and its rooting "in historical reality." As Lyman Tower Sargent notes, however, utopianism necessarily entails the possibility that a utopia could be enacted ("Three Faces of Utopianism Revisited," *Utopian Studies* 5 [1994] 1-37, here 1). See also Alfred Marx, "Les recherches sur le Lévitique et leur impact théologique," *RHPR* 87 (2007) 415-33; Marx views all of Leviticus, including the legislation of chap. 25, as portraying a utopian vision adapted for the postdiluvian world, analogous in scope to modern utopian visions.

⁶⁶ Bahodesh 3 (H. S. Horowitz and I. A. Rabin, eds., *Mekhilta d'Rabbi Ismael* [Jerusalem: Shalem, 1997] p. 211, line 13-p. 212, line 1).

⁶⁷ On this point, see Ernest Wiesenberg, "The Jubilee of *Jubilees*," *RevQ* 3 (1961) 3-40, here 4; James C. VanderKam, "Studies in the Chronology of the *Book of Jubilees*," in *From Revelation to Canon: Studies in the Hebrew Bible and Second Temple Literature* (JSJSup 62; Leiden: Brill, 1999) 522-44, here 522; Bergsma, *Jubilee from Leviticus to Qumran*, 233-38.

⁶⁸ On the notion of authority-conferring strategies, see Hindy Najman, "Interpretation as Primordial Writing: Jubilees and Its Authority Conferring Strategies," *JSJ* 30 (1999) 379-410.

around cycles of seven and fifty years. In this construction, the progress of years has a regularized, orderly character to it, which evokes the heptadic structure of creation in Priestly literature (see Gen 1:1–2:3). Another idealized feature of the Levitical jubilee is its proclamation on a fixed date in the annual cycle of Israelite holidays (the Day of Atonement; Lev 25:9), thus incorporating this practice into the Israelite ritual calendar. For the Priestly strata of the Torah (P and H), the Day of Atonement holds pride of place in Israel's ritual calendar, as the rituals associated with it ensure Yhwh's continued presence in the midst of Israel (see Leviticus 16). The failure of Israel to observe the Levitical sabbatical year and jubilee legislation would lead, in the analysis of the Holiness Code, to Israel's exile from the land and a withdrawal of the divine presence from Israel's midst (see chap. 26). A fourth feature in the utopian vision of the Levitical jubilee is the characterization of Yhwh as the royal land owner of Canaan who grants the inheritance of the usufruct of particular plots of land to specific tribal groups (25:23). The jubilee is thus a regularized feature of an ideal practice of Israel's polity. These four features—Sinaitic revelation, heptadic and fifty-year structuring, proclamation of the Day of Atonement, and Yhwh as royal land owner—are some of the features that mark the Levitical jubilee as a utopian economic practice. This utopian practice is consistent with the broader utopian character of the Holiness Code, which presents a vision of an idealized Israelite society. Of course, conceptualizing an ideal society is believable only if such a society could have been enacted within the environmental, political, and social constraints faced by ancient Israel and Judah. At its most basic level, if the jubilee could not have been conceived of as plausible, both by those who wrote this legislation and by those who would eventually receive it, it would not have been perceived as a legitimate practice in ancient Israel and Judah or regarded by later Jews as a plausible practice that should be renewed in Jewish society.

III. The Credibility of Liberty

Although we may not have affirmative evidence for the observance of the Levitical jubilee in ancient Israel, I have argued in this article that we do have evidence that it was an institution that was (at least) theoretically conceivable in ancient Israelite and Judean society. This assessment is supported by descriptions of analogous though distinct practices in the ancient Near East as well as the agrarian society that the jubilee presumes and in which it is a plausible institution. Despite the difficulties in locating it in any given period in the history of early Israel and Judah, it is clear that it served as plausible legislation in any number of centuries in Israel's history. The perception of the jubilee legislation in Leviticus 25 as plausible is ultimately what contributed to its emergence and endurance as

a force in shaping ancient Jewish thought. A wide range of biblical and postbiblical texts assume the plausibility of the jubilee legislation decreed in Leviticus 25 as a utopian ideal.⁶⁹ Indeed, it is the credibility of the practice that led later Jews and Christians to appropriate the jubilee as a powerful inspiration for their utopian visions for a restored Israel and for a just society in the world.

⁶⁹ Prominent examples of this interpretive trajectory include the following: (1) The reinterpretation of Jeremiah's prophecy of seventy years for the exile (25:11-12; 29:10-14; 2 Chr 36:21; Ezra 1:1) in Daniel 9 also makes extensive use of Leviticus 25. (2) The writer of *Jubilees* understands Israel's abandoning of the jubilee (along with Sabbaths, festivals, and other laws) as the reason for the exile (1:14). (3) Similarly, in the sectarian literature found among the Dead Sea Scrolls, the notion of the jubilee's plausibility appears in a number of texts for historiographic (1QapGen ar; 4QapocrJosh^b [4Q379]; 4QAgos of Creation B [4Q181]), cultic-calendrical (1QDM [1Q22]; 4Q319; 4Q320), and eschatological purposes (4Q463; 6Q12; 4Q383-391; 11Q13). And (4) one finds extensive halakic exegesis of Leviticus 25 in *Sifra*. For recent discussions of much of this interpretive tradition, see Bergsma, *Jubilee from Leviticus to Qumran*; and David Hamidović, *Les traditions du Jubilé à Qumrân* (Orientis Sémitiques; Paris: P. Geuthner, 2007).