

## Ownership and Property in the Old Testament Economy

*Walter C. Kaiser Jr.*  
*President Emeritus and Distinguished*  
*Professor of Old Testament and Ethics*  
*Gordon-Conwell Theological Seminary*

It was at creation that God the Creator committed the world and its resources to humanity (Gen. 1:28–29). It was because the man and the woman were made in the image of God that they were commanded to subdue the created order and to exercise dominion over the whole of it. As a result, God granted *dominion* to this first human pair under his law, but he did not grant his *sovereignty* to them, for God alone is Lord and the only sovereign over all.

Along with creation, this dominion was reinforced in the Decalogue’s eighth commandment, “You shall not steal” (Ex. 20:15), which provided for property rights as well. With this command, not only was the principle of individual ownership recognized, but it also thereby regarded as criminal all attempts to take that property from a person in a fraudulent way and to then regard it as one’s own.

However, in an ultimate sense, in Israel all property belonged to the Lord, as Leviticus 25:23 (NIV, 1984) made clear: “the land is mine and you are but aliens and my tenants.” Because Yahweh is the one and only Lord and ultimate king over Israel, he was also Lord of the soil and its products. Accordingly, the Holy Land was God’s domain (Josh. 22:19) and that land was the land of Yahweh (Hos. 9:3; Ps. 85:1 [2]; Jer. 16:18). Indeed, this was the very land that had been promised to the Patriarchs—Abraham, Isaac, and Jacob (Gen. 12:7; 13:15; 15:18; 26:4; Ex. 32:13; Deut. 1:35–36). In this article, we will examine the case some have made for a duality of the material and the spiritual realms—a duality that was counter to biblical thought. Then we will examine scriptural themes related to property, theft, land, and Jubilee. We will find that the biblical picture is one in which absolute sovereignty is attributed to God alone, while stewardship

responsibilities are attributed to human beings who are accountable to God for the fulfillment of these responsibilities.

## **Manichaeism and Modernists**

In the past, a strong vein of Manichaeism in the early church led to a disregard of the material world in favor of the realm of the Spirit. Manichaeism was a system of religious and philosophical thought that originated in the teachings of an Iranian prophet Mani. Therefore, its adherents renounced the material and physical aspects of life in order to maintain a purity that was required to pass on into the realm of light. This dualism was not biblically derived. Because this world must perish in the eschaton, it therefore must be renounced, this group argued. The world and the flesh were just too hostile to be linked to the spiritual realm. Thus all calls to subdue the earth or the promise of a restored nature and of a resurrected body were usually disregarded by a Manichaean philosophy, or were just left untreated. There is little or no reality to history; history is completely irrelevant to time and eternity, or so this position claimed.

Today's modernists, however, tend to espouse the exact opposite. They choose the material order of creation rather than the spiritual aspects. Thus, for example, they turn the birth narratives of Jesus into a myth, for (they claim) we must be able to see physical evidences for such happenings and not assert divine intervention as the basis for what takes place. The reality that Jesus will come to claim his realm, his property, and his rule as sovereign over all in heaven and on earth is missed by both the Manichaeans and the modernists for opposite reasons. Scripture, however, affirms the reality of both the material and the spiritual realms. It is a true spirituality that also has a high regard for property and the whole of created order.

## **Acquisition of Property**

Scripture teaches that possessions and property may be acquired, for example, under certain conditions by way of reward. Thus even the ox is to remain unmuzzled as it tramps out the grain (Deut. 25:4) and mortals are similarly entitled to appropriate rewards for their labors (1 Cor. 9:9–11). Moreover, all deliberate withholding of wages that are due workers are roundly condemned (Lev. 19:13), because fairness and justice demands the proper pay for honest labor. On the other hand, any gains made through dishonesty must not be given any place in a believer's life (Eph. 4:28; Prov. 11:1; 21:6; Hos. 12:7; Mic. 6:10–11). That is exactly how stealing is defined.

Possessions and property may also be acquired through inheritance (Deut. 21:16; Prov. 19:14), but even here there is a warning against discrimination (Deut. 21:16). Later on in Israel, only the eldest son received a double portion according to the Mosaic legislation, but this seems to be roughly equivalent to our laws that allow for the executor of the will (in addition to being an heir) to receive a larger portion than the other heirs who are required to pay the executor for the work of distributing the contents of the parents' will.

Finally, possessions or property could be gained by industriousness (Prov. 10:4; 13:4; 14:23), wisdom (Prov. 3:16; 24:3), or by the development of insight (Prov. 14:15). The book of Proverbs, in particular, stressed the merits of doing a job with pride, satisfaction, and excellence (Prov. 12:24).

## Theft of Possessions and Property

Theft is both a shortcut to obtaining possessions and property by means of avoiding any work to gain such, as well as by an outright denial of God's law. Wealth, if it comes to a person, will come either as a result of labor, inheritance, or a gift, but it is easy for either the rich or the poor to violate God's law, because humans are sinners as well.

The eighth commandment, while one of the two shortest in the Decalogue (Ex. 20:15; Deut. 5:19), taught that stealing was not only taking another person's property, but it also included all forms of coercion, fraud, or taking another person's possessions or property without consent, along with all forms of cheating or harming property by destroying its value in one way or another. Thus theft involved the following: robbing victims directly; using indirect and legal means of gaining benefits not deserved; or by being part of a corporate group that steals, even though you are not a knowing party of all that is going on.

Some have tried to argue on the basis of Proverbs 6:30–31 that thievery in times of necessity is not morally wrong.<sup>1</sup> That, however, is to misunderstand this text in Proverbs, for while it compares the sin of adultery over against that of thievery, it argues that the sin of stealing to satisfy one's hunger brings less dishonor and public shame than one who commits adultery receives—even though both are violations of the law of God. The thief in this case is to be pitied, but the adulterer earns scorn and contempt; his acts of disgrace violate both the law of God and his own marriage vows.

Private property is both a gift and a certain type of power God has entrusted to humanity as *stewards*. It was God's intention that mortals should be equipped with this gift and power and that under God they should exercise dominion over the earth. An attack on the rights to private property in recent centuries has denied

God's law and design by weakening those same property rights. Some people, known as "robber barons," used their power as corporate bosses to trample the law of God underfoot and appealed instead to evolution with its "struggle for the survival of the fittest," in what became known as "the law of competition." Oftentimes, the theory of evolution became an excuse for justifying massive theft in all too many instances where the weak or the poor were the victims. Sensing that property was a form of power, the totalitarian state sought to gain more and more power over private property to be able to subjugate the people. Therefore, private property understood as a gift, given to mortals by God to be used for his honor and glory, was often confiscated in increasing portions to ensure the power of the state or of the corporation. This, too, received criticism and judgment from heaven because God did not intend for his gift to be abused in this manner. This can be seen especially in what the state calls "the right of eminent domain."

## Eminent Domain

The right of eminent domain is the claim of sovereignty by the state over all property within the state. This right is appropriately used when, in the view of the state, a part or a whole of that property was necessary for public, state, or federal use, such as in obtaining the right of way to build a highway through one's property or to erect some state building on what had been one's private property. Usually some type of compensation is given to the original property owner, but this was not regarded as a binding limitation on the state.<sup>2</sup> Moreover, it is an assertion of sovereignty by the state or the legislative body, which Scripture has declared to exist solely in and for God alone.

It is for this reason that God brings judgment on the land; he is the only one with the right of eminent domain (e.g., Ex. 9:29: "so you may know that the earth is the LORD's"). In fact, God claimed that "the whole earth is mine" (Ex. 19:5), which Deuteronomy 10:12 repeated: "To the LORD your God belong the heavens, even the highest heavens, the earth and everything in it."

R. J. Rushdoony observed that the concept of eminent domain originated in the idea of pagan kingship, even though the term was not generally known and utilized in modern times until the time of Grotius in 1625.<sup>3</sup> Eminent domain is located in the concept of natural law, which attributes ultimate law to nature—not to God. As a result, sovereignty is then granted to a temporal power of ruling officials, such as a king or the state. However, the American colonies and states did not at first claim or use this power, but it came about as natural-law concepts grew and English law affected American law. Thus Americans adopted and began

to use the concept of the right of eminent domain as natural-law thinking tended to take over in the United States.

Nevertheless, there is no express delegation of eminent domain in the United States Constitution. It is only by assuming with Grotius, as a prior right found in the law of nature, that such authority can be identified and used. In fact, nowhere in the Constitution of the United States is the word *sovereignty* found, for it deliberately avoided the use of the term *sovereignty*. In the Puritan tradition, that word was reserved for exclusive use by God, therefore, it was not shared with mortals, even if they were kings, presidents, and the like.

George Mason, drafter of the Virginia Declaration of Rights, singled out that the right of eminent domain was to be excluded from the authority of the state of Virginia. The declaration states: “That no part of a man’s property can be taken from him, or applied to public uses, without his consent, or that of his legal representatives.”<sup>4</sup> It was this very same principle that the Fifth Amendment to the US Constitution was attempting to introduce. However, the amendment is worded so poorly that it is ineffectual in controlling this concept.

Rushdoony goes on to note that it was not surprising, therefore, that the humanistic concept of the sovereignty of the state was later rivaled by a counter-assertion of the sovereignty of the individual, also on humanistic grounds.<sup>5</sup> Against such natural-law philosophies, the Bible announces the unique sovereignty of the triune God who alone had the sole right to eminent domain over property and persons. If it is asked, “Then how can roads and buildings be built by the state without the tool of eminent domain?” the answer is to use procedures that come from other areas of authority rather than from a statist doctrine of sovereignty.

## The Case of Naboth’s Vineyard

There is little doubt that the promise of the *land* was one of the three major elements in the Abrahamic promise (Gen. 12:7; 15:7; 18–21; 17:8; the other two being the *seed* and the *gospel*). Christopher Wright showed how this concept of the centrality of the land was so in pure statistical terms. Out of forty-six references to the promise-plan of God from Genesis to Judges, only seven of the forty-six references do not mention the *land*. Moreover, twenty-nine have it as the *sole* feature of its content (cf. Gen. 28:4).<sup>6</sup>

In the days after Solomon, especially, the land of Canaan becomes the focus of an ongoing struggle between the forces of greed, land grabbing, and exploitation. As such it became one of the constant issues mentioned by the prophets as they warned against “add[ing] house to house and join[ing] field to field” (Isa.

5:8)<sup>7</sup> or other forms of abuse, such as tearing the land away from those who were weak, poor, or disadvantaged in their rights.

One of the best-known cases in Scripture was the case where the prophet Elijah confronted King Ahab and Queen Jezebel over their treatment of poor landowner Naboth. King Ahab coveted Naboth's land, adjacent to the summer palace in Jezreel, for his own garden. Naboth, however, stood his ground and argued that this was impossible: "The LORD forbid that I should give you the inheritance of my ancestors." (1 Kings 21:3). His appeal was to the Lord himself who in Leviticus 25:23 had said, "The land must not be sold permanently, because the land is mine."

When King Ahab was rebuffed by Naboth, he went into a sulk until his wife promised to fix everything and get the land for him. This she did by arranging for damaging false testimony against Naboth, which resulted in his being falsely accused, tried, and then executed. Thus Ahab grabbed the land that had formerly belonged to Naboth and his family. In the estimation of Scripture, "There was never anyone like Ahab, who sold himself to do evil in the eyes of the LORD, urged on by Jezebel his wife" (1 Kings 21:25). No wonder, then, that Harry Orlinsky noted that the land was "the cornerstone of the covenant between God and Israel."<sup>8</sup>

## Removing Boundary Markers on the Land

In at least five major passages, there was a divine injunction against moving or shifting the ancient boundary markers on any land. For example, it was clearly stated in Deuteronomy 19:14: "Do not move your neighbor's boundary stone set up by your predecessors in the inheritance you receive in the land the LORD your God is giving you to possess."

This warning was also repeated in Deuteronomy 27:17: "Cursed is the man who removes his neighbor's boundary stone"; in Job 24:2: "Men move boundary stones; they pasture flocks they have stolen"; in Proverbs 22:28: "Do not move an ancient boundary stone set up by your ancestors"; and in Proverbs 23:10: "Do not move an ancient boundary stone or encroach on the fields of the fatherless."

Rome made this crime one that was punishable by death, so seriously did they view such an action. John Calvin found removing the boundary stone to be an act of double deceit, for it was both an act of theft and one of false witness.<sup>9</sup> Likewise, the Talmud commented on land laws at length, for in the view of the Rabbis, the land was sacred to the Lord.<sup>10</sup>

So sacred was property that there is a complete absence of any land or property taxes in biblical law. God clearly intended that these land laws should

give stability to society, thus he protected the land from any, and all, taxation. Taxation on property later became a means for ultimately destroying property, and, therefore, it became a form of civil robbery. For example, often beautiful areas of residential living became so heavily taxed that many of those homes and estates, because of their enormously increased taxation, had to be torn down or be sold to a nonprofit organization to escape paying the taxes.

The problem with taxation on the land is that it provides opportunities for the speculative use of land, which often upsets the stability of a community. Thus, in our day, new forms of community or governmental objections, and even hostility, have been raised against religious groups by those wanting to extend property taxes to places of worship. In the end, this form of taxation by the community downgrades the community and its properties as one of the chief anchors in society. The church, then, is blocked from being a part of that community and of being able to insert the needed civility and respect for God, persons, and property among those same people.

In the Bible, the basic tax laws were head taxes or poll taxes, as they were known (Ex. 30:11–16), which was a uniform tax for all. All men over the age of twenty (and only men) paid this tax, which was collected by the civil authority. The cry then arose that the rich should be taxed more heavily, and a more intricate tax code was developed to the point where most were not able to decipher it with any level of equanimity.

## Land and the Jubilee Year

The year of “Jubilee” (Hebrew, *yobel*, Lev. 25) is deeply rooted in the theology and practice of Israel’s concept of land tenure. The Jubilee year occurred at the end of seven sabbatical years (Lev. 25:8–10), which may have coincided with the forty-ninth year. Some contend that it was the year following the seventh seven-year cycle, that is, the fiftieth year, which would mean that the land would lay fallow and the Israelites would have planted nothing for two years. However, this does not seem to be realistic and practical, for Pentecost, another fifty-sequence (although it was fifty days and not years), came on the Sunday that was fifty days after the resurrection Sunday.

One of the central affirmations of the faith of Israel was that the land they occupied belonged exclusively to the Lord; it did not belong to Israel even after they occupied it (Ex. 15:13, 17). Therefore, the land could not be sold permanently, for it belonged to the Lord, and the people of Israel were only residents or “guests” and “tenants” (Hebrew, *gerim* and *toshabim*) there (Lev. 25:23). The chief landlord was Yahweh.

Leviticus 25:1–7 opens with an expansion of the fallow-year law (stated also in Ex. 23:10–11). This concept is enlarged in Deuteronomy 15:1–2 into a year in which debts (pledges given for loans) were to be released or redeemed. In Leviticus 25:8–12, the Jubilee is introduced. Two concepts mentioned in 25:10 were at the heart of the whole institution of the Jubilee year: *liberty* (from the burden of debt and the bondage it had embodied) as well as the *return* of all ancestral property that had been mortgaged to a creditor.

Verses 13–17 of Leviticus 25 go on to spell out the financial implications of this transaction, for what appeared to have been the sale of the land was in fact only the sale of the *use* of the land. Therefore, as the year of Jubilee approached, and the years were few, it diminished the value and the cost of the land to the purchaser, depending on the number of harvests the land could produce until the Jubilee.

A theological note is introduced in Leviticus 25:18–22 that encouraged the observance of the Sabbath law. The implication was that obedience would mean that the users of the land trusted the Lord, who could not only control nature but also history. God would reward faithfulness to the Sabbath requirements. This, then, sets us up well for the central verses in this chapter, verses 23–24: “The land must not be sold permanently, because the land is mine and you are but aliens and my tenants. Throughout the country that you hold as a possession, you must provide for the redemption of the land.”

Chapter 25 closes in verses 25–55 with practical details connected with the Jubilee year. They treat three types of situations: (1) those who have come onto hard times (25–28); (2) a brother whose lot worsens despite several such sales and who needs to be rescued by a kinsman with interest-free loans (35–38); and (3) where there is a total economic collapse of a man so that he and his whole family have had to enter into bonded service to a wealthier family member (39–40). These rules do not apply to houses in a walled city (29–31), nor did they apply to the Levites as a tribe because they did not have an inherited share in the land but were allotted towns and dwellings in Israel (32–34). It is also noted that these rules of redemption and Jubilee provisions applied only to Israelites and not to foreign slaves or resident aliens (44–46).

The Jubilee became the main instrument that preserved the socioeconomic fabric of both the multiple-household land tenure as well as the smallest family land units. Of course, a relative could have redeemed the land at any time, depending on the action of one’s kinsfolk, but the Jubilee occurred only twice a century as a national event. If redemption functioned by itself, without the stabilizing effect of the Jubilee, it could have meant that the land could have fallen into the hands of few wealthy families and the rest of the families in the clan were bound

by debt-servitude. The year of Jubilee erased all of that and purposely returned everything back to where it had been before the poorer families got into debt.

## Conclusion

The year of Jubilee is very interesting theologically. First, to observe the fallow-year principle required strong faith in God's care and providence. Second, Jubilee pronounced God's sovereignty over time, nature, and all the earth. Finally, to remember that the year of Jubilee was proclaimed on the Day of Atonement meant that Israel, with its significance of redemption, and with the remission of all debt and bondage, was not indebted to anyone else but to God himself.

Just as the anticipation of the Jubilee affected all economic values and set a limit on unjust social relationships, so these economic terms became terms of hope for the future, for with the blast of the "trumpet" (*yobel*), God's decisive act at the conclusion of time and history would be announced once more (Isa. 27:13; 1 Cor. 15:52). In that day, liberty and release and return and restoration would be offered to God's people worldwide.

Yet, sovereignty belonged to God alone; mortals and governing officials were merely given dominion over the earth for which they answered to God as steward.

## Notes

1. Joseph F. Delany, "Theft," in *The Catholic Encyclopedia*, vol. 14 (New York: Encyclopedia Press, 1913), 564–65: "Thus one in danger of death from want of food, or suffering any form of extreme necessity, may lawfully take from another as much as is required to meet his present distress...."
2. See the detailed analysis of R. J. Rushdoony, *The Politics of Guilt and Pity* (Vallecito, CA: Ross House Books, 1995), sec. 4, chap. 5, for a discussion of eminent domain.
3. R. J. Rushdoony, *The Institutes of Biblical Law* (Chicago: Craig Press, 1973), 499–503.
4. See the Virginia Declaration of Rights (1776), art. 6.
5. Rushdoony, *The Institutes of Biblical Law*, 502.
6. Christopher J. H. Wright, *Old Testament Ethics for the People of God* (Downers Grove: IVP Academic, 2004), 78.
7. See the article by Heath A. Thomas, "Building House to House (Isaiah 5:8): Theological Reflection on Land Development and Creation Care," *Bulletin for Biblical Research* 21 (2011): 189–212. Thomas, however, compares the vineyard

message with others in Mark 12:1 and Matthew 21:33 and emphasizes the spiritual kingdom to the disadvantage of the material realm.

8. Harry M. Orlinsky, "The Biblical Concept of the Land of Israel: Cornerstone of the Covenant Between God and Israel," in *The Land of Israel: Jewish Perspectives*, ed. L. A. Huffman (Notre Dame: University of Notre Dame Press, 1986), 27–64.
9. John Calvin, *Commentaries on the Last Four Books of Moses*, trans. C. W. Bingham, vol. 3 (Edinburgh: Calvin Translation Society, 1854), 121.
10. See *The Babylonian Talmud, Seder Nashim*, ed. I. Epstein, *Gittin*, trans. Maurice Simon, vol. 4 (London: Soncino Press, 1936), 47a at 27–31, 155–98, 206–7; and *The Babylonian Talmud, Seder Nashim*. ed. I. Epstein, *Kiddushin*, trans. H. Freedman, vol. 4 (London: Soncino Press, 1961), 38b, at 246.