TWO TRADITIONS DIVERGED FROM ISRAEL’S LAND:
ONE WINDING AND ABSTRACT, ONE EXPOUNDED BUT INTACT,
BOTH MERITING THE COMPARISON AT HAND

by
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To Memom,

My biggest fan and a true servant of the Lord
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The Hebrew Bible contains numerous laws dealing with property and land. Many different areas of thought are worked into these laws. In addition, land/property laws were applied to many different aspects of the Israelites’ social life. However, when utilized by the authors of the New Testament and the Mishnah and Talmud, the Hebrew Bible concept of property was altered in drastically different ways. The first section of this thesis outlines key land and property laws found in the Hebrew Bible as they relate to divine ownership and inheritance, the monarchy, the poor, and the family within ancient Israelite society. The second section of this thesis addresses the concept of property, namely with respect to the poor, found in the Gospel of Luke and that found within several letters of the apostle Paul, namely with respect to divine inheritance. These concepts are outlined and compared with those found in the Hebrew Bible in order to understand the ways in which early Christianity adapted the laws of the Hebrew Bible, reinterpreting them which led to an abstraction of these concepts and a shift in focus toward riches and inheritance to be gained for the afterlife. Lastly, key concepts relating to land/property laws from rabbinic literature are outlined and analyzed in the third section of this thesis. Examples of property laws found within the Mishnah and Talmud are compared with their Hebrew Bible counterparts in order to understand how Rabbinic Judaism made use of the laws of the Hebrew Bible by organizing and reifying these laws,
making them more applicable for Jews during the Rabbinic Period. The thesis ends with an overview of all the property laws and concepts discussed and a brief comparison of the New Testament and rabbinic literature with regards to their adaptations of concepts and laws pertaining to property.
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INTRODUCTION

“A critical knowledge of the evolution of the idea of property would embody, in some respects, the most remarkable portion of the mental history of mankind.”¹

A large portion of the laws found within the Hebrew Bible pertain to the handling of property and land within ancient Israelite society. In many cases, the authors of the Hebrew Bible attempt to explain the underlying theologies surrounding certain land/property laws, including divine ownership of the land, the land as inheritance from Yahweh, and the Abrahamic and Mosaic covenants. Along with the narratives explaining these concepts, the first portion of the Hebrew Bible, called the Torah (lit. laws), contained hundreds of laws that were believed to have been given by Yahweh, God of the Israelites. When they were recorded in the Hebrew Bible, these laws and other teachings on land/property reflected ideal practices within ancient Israelite society. While Christianity and Rabbinic Judaism both developed out of the ancient Judaism represented by the Hebrew Bible during the start of the Common Era, these two sects utilized the Hebrew Bible’s land/property laws and the concepts of divine ownership/inheritance (namely the Christian interpretation of these concepts as they occurred in the Abraham story) in quite different ways when producing their own sacred texts and ideologies. This thesis provides a brief overview of several key concepts and laws regarding land/

property in the New Testament and rabbinic literature. Firstly, this thesis provides an overview of the concepts of divine ownership and the land as an inheritance from Yahweh, followed by a brief analysis of the various property laws that stemmed from these concepts within the Hebrew Bible. In the second section, an analysis of the Gospel of Luke, Acts, select letters written by the apostle Paul (Romans, Galatians, and Colossians), and, briefly, Hebrews and 1 Peter results in a better understanding of ways in which New Testament writers expounded on and even reinterpreted the concept of property found in the Hebrew Bible. Key changes in worldview, i.e. the belief in a positive afterlife and the inclusion of gentiles as God’s children, resulted in an overall abstraction of property and inheritance, as well as a shift in focus from physical, worldly riches and inheritance to “heavenly” (i.e. the positive afterlife) riches. The final section of this thesis addresses the changes made within rabbinic literature to the concept of property and the laws surrounding it within the Hebrew Bible. Since the Hebrew Bible often lacked precision on how land and property laws were to actually be put into practice, the early rabbis sought to organize, synthesize, expound on, and provide concrete forms for all of the laws from the Hebrew Bible in order to make them more practical. The rabbis who compiled the Mishnah, and later the Talmuds, utilized all of the laws of Torah; expounding on them and detailing their application to real-life situations, the rabbis, in turn, clarified the sometimes vague or contradictory Hebrew Bible laws in order to make them more applicable to the Jews during the Rabbinic Period.
The concept of land/property ownership, the laws dealing with land/property, and their role as a whole are key points throughout the Hebrew Bible. The Pentateuch tells of the promise of land made by Yahweh to Abraham and follows this promise through the Exodus and his covenant with Moses.

“Beyond the Pentateuch, the land remains a primary theme: its capture and division in Joshua; the struggle to survive on it in Judges; the eventual complete control of the whole territory under David and Solomon; the prophetic protest at injustices perpetrated on the land; the Exile as divine judgement and the people’s eventual restoration to the land as a token of renewed relationship with God.”

In order to better understand land/property laws in the Hebrew Bible, I will first address the concept of divine ownership and how this plays a role in the promise ideology found in the Abrahamic and Mosaic covenants; I will then move on to general property laws found in the Hebrew Bible, first addressing those for the monarchy/palace community and then those for the common, land-owning Israelite.

Firstly, it is important to address how Israelites viewed the land and the ownership of land in order to better understand their laws related to land and property. It is evident

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2 In this thesis, the term Israelites is applied generally to the people of Israel and Judah.
throughout the Hebrew Bible that Israelite property, namely the promised land, did not belong to them, but instead belonged solely to Yahweh. It seems that in the earliest traditions Yahweh was viewed as a territorial God and not a universal God. This is evidenced in Deuteronomy 32:8-9: “When the Most High apportioned the nations, when he divided humankind, he fixed the boundaries of the peoples according to the number of the gods; the Lord’s own portion was his people, Jacob his allotted share.”

According to these verses, Yahweh is the God of Israel only and other nations of people were allotted to other gods in the pantheon; the land given to the Israelites belonged to Yahweh alone because he was given the land by the Most High. In the same respect, Judges 11:23-24 shows Yahweh as a territorial God. When Jephthah sent messengers to the king of the Ammonites, he said, “So now the Lord, the God of Israel, has conquered the Amorites for the benefit of his people Israel. Do you intend to take their place? Should you not possess what your god Chemosh gives you to possess? And should we not be the ones to possess everything that the Lord our God has conquered for our benefit?” From these verses we can see that Yahweh is a territorial God who is able to gain more land for himself and his people by conquering the land of other gods.

However, over time, Yahweh transformed from a territorial God to a universal God. Deuteronomy 10:14-15 states, “Although heaven and the heaven of heavens belong to the Lord your God, the earth with all that is in it, yet the Lord set his heart in love on your ancestors alone and chose you, their descendants after them, out of all the peoples, as it is today.” In these verses, Yahweh is a universal God who owns the entire earth and

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3 All biblical citations are taken from the New Revised Standard Version unless otherwise noted.
all of the heavens. Yahweh’s identity as a universal God raises the question: “Why were
the Israelites his chosen people, and why did he give them a promised land?” Norman
Habel considers the acts of selecting a people and placing them in an allotted territory
“crucial steps in the public demonstration of YHWH’s sovereignty over all lands.”⁴ As
the tradents record it, Yahweh chooses Israel as his child and chooses the very best land
to give to them. As the ruler over all the earth and everything in it, Yahweh can place his
chosen people anywhere he wants, displacing other people groups as needed. Since
Yahweh specifies the land of Canaan as his chosen sanctuary and abode, for himself as
well as for the Israelites, some scholars believe “his ownership of Canaan to be more
direct than that of the rest of the earth.”⁵ Whatever the reason may have been, as W. D.
Davies put it, “The choice of Israel … and of the land was deliberate, the result of
Yahweh’s planning.”⁶

According to the tradents in Genesis 12, Israelite possession of the land is viewed
as the result of a divine promise made by Yahweh to Abraham. As shown above, Yahweh
was the owner of the land of Canaan, both in the earlier view of Yahweh as a territorial
God who was allotted Canaan by the Most High and in the later development where he
serves as the God of the entire earth. It was through Abraham that Yahweh would choose
his own people to occupy his land. This covenant between Abraham and Yahweh appears
in Genesis 12:

Now the Lord said to Abram, ‘Go from your country and your kindred and your father’s house to

the land that I will show you. I will make of you a great nation, and I will bless you, and make your name great, so that you will be a blessing. I will bless those who bless you, and the one who curses you I will curse; and in you all the families of the earth shall be blessed.’ So Abram went, as the Lord had told him; and Lot went with him. Abram was seventy-five years old when he departed from Haran. Abram took his wife Sarai and his brother’s son Lot, and all the possessions that they had gathered, and the persons whom they had acquired in Haran; and they set forth to go to the land of Canaan. When they had come to the land of Canaan, Abram passed through the land to the place at Shechem, to the oak of Moreh. At that time the Canaanites were in the land. Then the Lord appeared to Abram, and said, ‘To your offspring I will give this land.’ So he built there an altar to the Lord, who had appeared to him. (Genesis 12:1-7)

These verses make clear that “the promise of land is a constituent part of God’s covenant with Abraham.”7 After doing as Yahweh commanded him and leaving his homeland, Abraham is rewarded with the promise of land for himself and his offspring. Not only was Abraham to be the first recipient of the promised land, he was also to function as the first of Yahweh’s chosen people. In Genesis 18:17-19, Abraham is once again told by Yahweh that he will “become a great and mighty nation.” Habel sees this as indicative that Abraham functioned as a progenitor of Yahweh’s people. Habel states, “His responsibility as the progenitor of this great people is to make sure that his household (bet) keeps the way of YHWH by doing justice in the land. The promise charter is linked specifically to Abraham as progenitor, who has left his own ancestral house (bet ab, 12:1; 20:13) to become the founder of a new ancestral house.”8 Furthermore, the promise of land by Yahweh to Abraham is unconditional. The authors of Genesis depict Abraham as being skeptical at first, unsure as to whether he will actually possess the land or not.

7 Wright, God’s People in God’s Land, 4.
8 Habel, This Land is Mine, 121.
(Genesis 15:8). The narrative continues with Abraham performing ritual sacrifices to Yahweh, and then “the promise of land is intensified by a profound religious experience in the land and an overwhelming theophany by the host deity.” After this, Yahweh makes a covenant with Abraham to give the promised land to Abraham’s descendants (Genesis 15:18). “Here Abraham, the progenitor of the people of Israel and the representative of the ancestral households of Israel, is promised the land unconditionally and given control (yaras) over that land for the people.”

Much like the Abrahamic covenant, the Mosaic covenant found throughout Exodus, Deuteronomy, and Leviticus exemplifies how the tradents of these works saw the land as part of a divine promise between Yahweh and his people. This promise was lived out in the form of a covenant (similar to vassal treaties common in the Near East) with stipulations that the Israelites had to uphold in order for Yahweh to maintain his part of the covenant: the giving and protecting of the Holy Land. The Exodus is thus viewed as the first movement toward the fulfillment of Yahweh’s promise; in order for the people of Yahweh to reside in the land promised to them, they must first be called out of the land they currently live in. However, the Israelites are disobedient and turn from Yahweh while on their way to the promised land. Therefore, the period of wandering in the wilderness can be seen as a punishment from Yahweh on his people; a punishment for disobedience and for cowardice by not taking the promised land into their possession at first chance.

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9 Habel, *This Land is Mine*, 124.
10 Habel, *This Land is Mine*, 125.
11 Wright, *God’s People in God’s Land*, 4.
Furthermore, this promised land is recorded as being given to the Israelites as a gift. The idea of Yahweh being able to give the land as a gift presupposes that he owned it originally.\textsuperscript{12} As owner of the land, Yahweh is free to give it to anyone he wishes, and he chooses the Israelites as the recipients. The Israelites did nothing to earn the land. Furthermore, Habel notes:

“Israel is brought to this rich home of YHWH, not to be a slave, a household servant (Jer. 2:14), or a poor peasant. Rather, Israel is given a highly privileged position. Israel is described as a bride, a favorite child, and a choice vine. From YHWH’s point of view, Israel was accorded the highest status and given the best land, YHWH’s own nahalah.”\textsuperscript{13}

For this reason, the Israelites considered themselves to have a father-son relationship with their God, Yahweh. This is evidenced during the Exodus narrative when, just after Moses has first been introduced to Yahweh, he is commanded to go to Egypt and bring the Israelites out of captivity. Yahweh says to Moses, “Then you shall say to Pharaoh, ‘Thus says the Lord: Israel is my firstborn son. I said to you, “Let my son go that he may worship me.” But you refused to let him go; now I will kill your firstborn son’” (Exodus 4:22). Therefore, shortly after making himself known as a God to Moses, Yahweh also explicitly claims Israel as not only his chosen people but moreover as his son.

Christopher Wright sees this familial relationship between Yahweh and Israel as one-and-the-same with the covenant relationship. He states, “the demands of the Sinai covenant express one aspect of Israel’s sonship—namely, the imperative of loyalty and obedience and the threat of discipline. There was another aspect… the indicative, unconditional

\textsuperscript{12} Wright, \textit{God’s People in God’s Land}, 10.
\textsuperscript{13} Habel, \textit{This Land is Mine}, 79.
status of Israel as Yahweh’s firstborn son, tangibly experienced in the inheritance of the land.”¹⁴

Due to this, the Israelites are in total debt to Yahweh for the land.¹⁵ The need for a covenant treaty depends significantly on this concept of Israel’s indebtedness to Yahweh. Habel viewed their debt to and dependence on the divine owner of the land as “the motivation for accepting the conditions necessary for residence in the allocated land … Israel’s retention of the allotted territory of Canaan is conditional on keeping the stipulations of the landowner as articulated in the new polity for the land.”¹⁶ This conditional aspect to the promise of land found in the Mosaic covenant is starkly different from the unconditional promise made to Abraham. According to the Mosaic covenant, the Israelites had to uphold the conditions set out by Yahweh in order to receive the blessing of the land.

In addition, Habel finds the land as secondary in the relationship between the Israelites and Yahweh. The Israelites obeying the laws of Yahweh is most important.¹⁷ Only if they followed the commands given to them by Yahweh would he bless them with the land. The first half of Deuteronomy 28 reveals all of the blessing the Israelites are to receive for following the commandments of Yahweh. On the other hand, in the second half of the chapter, Yahweh warns the Israelites of the many curses that will befall them if they are disobedient. Many of these curses involve the land being used against the Israelites, instead of being the reward it was intended to be. The destruction of the temple.

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¹⁴ Wright, God’s People in God’s Land, 21.
¹⁵ Habel, This Land is Mine, 40.
¹⁶ Habel, This Land is Mine, 44.
¹⁷ Habel, This Land is Mine, 46.
in 586 B.C.E. and the mass exiles to Babylon in 597 and 586 B.C.E. are viewed by the exilic prophets as these curses being activated by Yahweh; the Israelites did not keep the covenant they had made with Yahweh and were therefore being punished for it. In Jeremiah, Israel’s primary sin is not the breaking of the law, but more so the defiling of the land (see also Leviticus 18:24-30 and Numbers 35:34). Examples of the ways in which the Israelites defiled the land include “taking the initiative in celebrating the cult of Baal [and] … Judah’s obsession with fertility cults.”18 (Yahweh was the ultimate source of fertility in the land of Canaan, and the Israelites entertaining the ideas of fertility cults could be seen as a direct attack on Yahweh’s power over his land.) In addition to this, the exile was also viewed as being due to the fact that the Israelites “had violated the land Sabbath laws and raped the land itself.”19 Lastly, Judah is also seen as polluting the land politically. By wanting to ally with other nations and be supported by them, Judah was saying that Yahweh was not enough; this deserved punishment.20

In light of the punishments enacted on his people due to their ill-treatment of the land, Yahweh also promises to restore the land to his people if they turn from their evil ways. Leviticus 26:40-45 states:

> But if they confess their iniquity and the iniquity of their ancestors, in that they committed treachery against me and, moreover, that they continued hostile to me—so that I, in turn, continued hostile to them and brought them into the land of their enemies; if then their uncircumcised heart is humbled and they make amends for their iniquity, then will I remember my covenant with Jacob; I will remember also my covenant with Isaac and also my covenant with

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18 Habel, *This Land is Mine*, 80-81.
19 Habel, *This Land is Mine*, 109.
20 Habel, *This Land is Mine*, 104.
Abraham, and I will remember the land. For the land shall be deserted by them, and enjoy its sabbath years by lying desolate without them, while they shall make amends for their iniquity, because they dared to spurn my ordinances, and they abhorred my statutes. Yet for all that, when they are in the land of their enemies, I will not spurn them, or abhor them so as to destroy them utterly and break my covenant with them; for I am the Lord their God; but I will remember in their favour the covenant with their ancestors whom I brought out of the land of Egypt in the sight of the nations, to be their God: I am the Lord.

Yahweh promised his people he would restore their land if they turned from their wickedness and upheld the covenant their ancestors had made with him. Therefore, it is clear that the land and the concept of divine ownership were key in the Israelite’s ancestral covenants, just as the upholding of these covenants played a vital role and also in the possession of the land at the time these texts were written. In total, Yahweh was the rightful owner of the land, and in order for his chosen people, the Israelites, to receive the blessing of the land promised to Abraham in his covenant with Yahweh, they had to uphold the stipulations set in place by Yahweh in his covenant with Moses.

With these divine promises in mind, one can move to the evaluation of the specific stipulations set in place by these covenants between Yahweh and his people. The Israelites were seen as accountable to Yahweh for the use of the land.21 Once again, this idea of accountability to Yahweh with regards to the land comes from the belief that Yahweh was the true owner of the land; he gives Israel a portion of the earth as their inheritance since they are his chosen people—his firstborn son. Therefore, the Israelites were expected to treat the land with respect and to obey the laws Yahweh set before them. The promise of this land by Yahweh was only legitimate as long as Israel followed

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21 Battle, “Property Rights,” 5.
the Mosaic covenant set before them by Yahweh. Therefore, when Israel did not follow
these laws regarding the land, Yahweh could send destruction into the land, or in an
extreme case (which later is evidenced in the exile) Yahweh could take the land away
from his people completely. These property laws are found all throughout the first five
books (but many are concentrated in Exodus 20-23). The following sections contain an
overview of key property laws and a discussion of the society in which they are found
starting with the royal community and moving to the laws pertaining to the common
Israelite family.

To start, the king is seen as Yahweh’s regent on Earth. However, Yahweh does
not appoint a monarch to oversee the land; therefore, the king is not directly linked to the
concept of divine ownership of the land or that of the Israelites as tenants of the land. Instead, “basic to this royal land ideology are the concepts of the land as the source of
wealth, the divine right of the monarch to appropriate that wealth, and the entitlement of
the monarch as God’s representative to have dominion over the whole earth as an
empire.” In order to understand the laws pertaining to the royal land, the biblical King
Solomon can be used as a model. Firstly, the land as a source of wealth for the monarchy
is highlighted in the narratives of Solomon since he himself is shown as being very
wealthy. According to Habel,

“This glorification of the accumulation of wealth by Solomon represents an ideal that is in sharp
conflict with the law of the monarchy in Deuteronomy, which warns against amassing wealth,
wives, and horses (Deut. 17:16-17, cf Ezek. 45: 7-8). The warning of Samuel extends this

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22 Chaya Halberstam, Law and Truth in Biblical and Rabbinic Literature (Bloomington: Indiana University Press, 2010), 45.
23 Habel, This Land is Mine, 100.
24 Habel, This Land is Mine, 17.
judgement to the royal appropriation of lands, lives, and harvests (1 Sam. 8:12-17). In 1 Kings 3-10, however, the acquisition of this wealth is a crowning glory of royal success as exhibited in the golden age of Solomon.”

Furthermore, Habel sees the use of land as a means to attain wealth as an exploitation of the land by the monarch and considers there to be an innate lack of regard for the land itself.

In addition to a means of acquiring wealth, the land also served as a tool of the monarchy’s power. “The monarch, as the extension of God’s authority on earth, is promoted as the locus of supreme power, with entitlement to rule the land by wisdom.”

Yahweh rules from Heaven, and the Davidic kings rule on earth. In addition, the king could do what he wanted to with the land in the name of Yahweh; the common Israelite then had to go through the king to access the land. This control was to be used by the monarch in order to ensure the well-being of the people and was to be used as the royal wisdom given by Yahweh dictated. Even though this royal policy is viewed negatively in 1 Samuel 8:10-18, the rule of King Solomon shows the policy in a positive light and is often understood as the model of the royal land ideology.

There was not always a smooth relationship between the monarchy and the Israelite family when it came to land, however. For example, the story of Naboth’s vineyard found in 1 Kings 21 reveals a clash between the royal ideology and the peasant ideology. According to Habel, the peasant ideology aims to keep the tribal allotment of

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25 Habel, This Land is Mine, 20.
26 Habel, This Land is Mine, 22.
27 Habel, This Land is Mine, 30.
28 Habel, This Land is Mine, 29-30.
land that was made in Numbers, but the royal ideology states that the monarch can do with the land whatever he sees fit. However, since ancestral property was of such extreme value, it was clung to even in the face of royal pressure. In this narrative, King Ahab kills Naboth and takes the land for the monarchy, but his actions are later condemned by Elijah: Ahab’s theft of land is just as bad as his murdering of someone else. However, by the time of Ezekiel, the king is no longer able to control the land in this way. Instead, it seems that over time the peasant ideology overtakes the royal ideology. Each family maintains the full rights of ownership to their ancestral land, and not even the king can infringe upon these rights.

Before moving on to the common Israelite family unit and the property laws pertaining to them, a discussion of what this family unit looks like is needed. Ancient Israelite society fits into a society based on an agrarian ideology, defined by similar ways of life including means of subsistence (farming and managing herds of livestock), gender roles (male-dominated political and economic spheres), religion (based on family traditions and practices), and positions/people of authority (the father functions as the key authority figure). The political order was set in place and constituted by customary laws and rules. “The ideology of Joshua establishes the ancestral households of Israel as the nucleus of the community and the heads of these groupings as the responsible leaders in the wake of Joshua’s example.” Furthermore, in Habel’s book, he discusses an agrarian ideology and says, “The proposed ideology does not promote a general principle of

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30 Habel, *This Land is Mine*, 31.
31 Habel, *This Land is Mine*, 70.
sharing the land, but specifies particular individuals as heads of traditional families, having the right to particular sections of God’s land.” Therefore, the Israelite society fits the mold of this traditional society based on evidence found in the Hebrew Bible; viewing their society through this lens is useful when discussing property laws.

John Goldingay states, “In a traditional society, the main source of income is land and the main economic unit is the household working the land and living off it.” In the Israelite society, this household unit in control of the land was known as the mispahah and was made up of smaller units called bet av (the father’s house). The mispahah is similar to a clan and is a collection of extended families. Seen as a restorative and protective organism, one of the main roles of the mispahah is to keep or recover land. Land was allotted by mispahah in the Hebrew Bible. According to the tradents, “the ‘entitlement’ of each ancestral family is explicitly identified ‘by lot, as the LORD has commanded Moses’ (14:2; cf. 19:51; Num. 26:53-56). Thus the distribution of the land by lot is promoted in this ideology as being by divine command with authority from Moses and through the agency of Joshua (Josh. 11:23; 23:4).” All of Canaan is the entitled land of the Israelites, but also each ancestral family has a lot that is entitled specifically to them. As discussed above, Yahweh is the owner of the land, and he gave it to the Israelites. According to Habel,

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32 Habel, This Land is Mine, 114.
33 Goldingay, Old Testament Theology, 437-8.
34 Wright, God’s People in God’s Land, 52.
36 Wright, God’s People in God’s Land, 48.
37 Habel, This Land is Mine, 57.
38 Habel, This Land is Mine, 57.
“The extent of YHWH’s own land promised to Israel seems to correspond to the territories that YHWH allocates to the designated families of Israel; YHWH’s land is the cluster of family lots to which ancestral families can lay claim. In the opening speech to Joshua, however, YHWH reports that Moses was once promised a much more extensive domain (Josh. 1:4), reaching to Lebanon and the River Euphrates and incorporating all the land of the Hittites. The lands promised to Israel, therefore, are depicted as greater than the land of Canaan, as represented by the lands conquered and allocated as Israel’s home.”

Descent and numerous family traditions were firmly rooted in the land and in the ideology of bet av. “The father, his wife or wives and their unmarried children but also their married sons with their wives and children, and the servants” made up the house of the father. The father himself was of course head of this household. He owned everything within the family and preserved the legal traditions. According to Westbrook, “The ‘father’s house’ represents a socio-economic reality in Israelite settlement, namely a cluster of dwellings forming a single household up to three generations.” Furthermore, these households and the men in charge of them represent a social power that act to allocate land and monitor Yahweh’s followers in the land. Therefore, it is not surprising that many laws found within the Hebrew Bible deal directly with the use and treatment of the land, since this was seen as a major concern to the head of the bet av and the mispahah as a whole.

39 Habel, This Land is Mine, 59-60.
40 Dutcher-Walls, The Family in Life and Death, 3.
41 Wright, God’s People in God’s Land, 81.
43 Habel, This Land is Mine, 70.
To start, the concept of divine ownership of the land plays directly into the law found in Leviticus 25:23. The Israelites are commanded not to permanently sell land because it is not truly their land. The Hebrew Bible refers to the Israelites as merely “aliens and tenants” (gerim and tosabim) in the land of Canaan (Lev. 25:23). Yahweh is the true owner of the land, and he simply allows the Israelites to live on and work the land. As Habel notes: “No one can alienate any portion of YHWH’s land by selling it, exchanging it, or transferring permanent tenure to others. YHWH controls the use of the land, ownership of the land, tenancy on the land, conditions of land usage, and the seven-year cycle of production.”\(^{44}\) While land could not be permanently sold, exchanged, or transferred, the Israelites were still able to have control of their land with regards to temporary transactions. Furthermore, the Hebrew Bible contains several important laws dealing with the land transactions among Israelites and their neighbors. These land laws were often also used to aid Israelites who belonged to low economic and social classes.

Foremost, the practices of Jubilee and the redemption of land served as major institutions for helping the poor and resetting the economic field of society. It is hard to say whether these practice were acted out by the Israelites or not, but nevertheless, Jubilee and redemption laws and regulations play a large role in the legal literature of the Hebrew Bible. Key examples of these laws are found in Leviticus 25:24-34:

Throughout the land that you hold, you shall provide for the redemption of the land. If anyone of your kin falls into difficulty and sells a piece of property, then the next-of-kin shall come and redeem what the relative has sold. If the person has no one to redeem it, but then prospers and finds sufficient means to do so, the years since its sale shall be computed and the difference shall

\(^{44}\) Habel, *This Land is Mine*, 98.
be refunded to the person to whom it was sold, and the property shall be returned. But if there are not sufficient means to recover it, what was sold shall remain with the purchaser until the year of jubilee; in the jubilee it shall be released, and the property shall be returned. If anyone sells a dwelling-house in a walled city, it may be redeemed until a year has elapsed since its sale; the right of redemption shall be for one year. If it is not redeemed before a full year has elapsed, a house that is in a walled city shall pass in perpetuity to the purchaser, throughout the generations; it shall not be released in the jubilee. But houses in villages that have no walls around them shall be classed as open country; they may be redeemed, and they shall be released in the jubilee. As for the cities of the Levites, the Levites shall for ever have the right of redemption of the houses in the cities belonging to them. Such property as may be redeemed from the Levites—houses sold in a city belonging to them—shall be released in the jubilee; because the houses in the cities of the Levites are their possession among the people of Israel. But the open land around their cities may not be sold; for that is their possession for all time.

The first section of these verses sets out the laws of redemption. The go ‘el or kinsman redeemer, a close relative who acts on behalf of his kinsman in order to bring them out of economic disparity, played a large role in this process. One of the main benefits of redeeming a relative was keeping the family land out of the hands of non-family members. Once the family member purchased the land, it is unclear if the redeemer then owns the land or if it went back to the original owner. In Jeremiah 32:6-15, Jeremiah appears to buy his kinsman’s land for himself. However, it is normally assumed that one redeems the land for the original owner’s sake. Although if the redeemer is a potential heir, he can be seen as actually redeeming the land for himself in the end.

In addition, as the last part of the verses denote, the year of Jubilee followed the same principle as redemption laws. In biblical law, every seventh year the land would lay fallow in honor of the Sabbath year. After seven Sabbath years, the fiftieth year would mark the year of Jubilee.\textsuperscript{47} During this time, slaves were freed, debts were cancelled, and land was returned to its original owner (Leviticus 25:38-55). The main purpose of the Jubilee year was “the reversion of all hereditary property to the family which originally possessed it, and the reestablishment of the original arrangement regarding the division of land.”\textsuperscript{48} The Hebrew Bible contains laws dealing with the numerous legalities surrounding Jubilee. For example, Leviticus 25:50-53 contains the laws that regulated the price of land based on how many years were left until the next Jubilee. Furthermore, according to Leviticus 27:16-24, instead of being sold, land could be dedicated to Yahweh. If it was part of the Israelites inherited land it would become holy on Jubilee if it was not redeemed before then. On the other hand, land that was being rented or leased and had been dedicated to Yahweh did not become holy on Jubilee but instead went back to the original owner.

Another significant aspect of land/property management dealt with by the Hebrew Bible pertains to the concept of charity. The Hebrew Bible contains several laws and proverbs dealing with charity and the accumulation of personal wealth. Deuteronomy 15:7-8 commands: “If there is among you anyone in need, a member of your community in any of your towns within the land that the Lord your God is giving you, do not be hard-hearted or tight-fisted toward your needy neighbor. You should rather open your

\textsuperscript{47} “Jubilee laws may be ‘a later development or an earlier survival’ and not actually something that was executed during the main biblical times.” Westbrook, Property and the Family, 40.

\textsuperscript{48} William Baur, Commentary.
hand, willingly lending enough to meet the need, whatever it may be.” Through these verses, one can see charity was not only something the Israelites should do, but it was a divine command from Yahweh. Furthermore, Israelites are often commanded to care for the widows and orphans who could not provide for themselves (Exodus 22:22; Psalm 82:3; Proverbs 23:10; Jeremiah 7:6; etc.). In addition to the commandments themselves, the Hebrew Bible also contained specific actions Israelites were to do in order to help the poor, such as leaving sections of their fields ungleaned so the poor could gather the remaining grain and eat (Deuteronomy 24:19-21). In addition to this command, Israelites were also commanded to gather all of their tithes in the town every three years, so that the poor and the Levites could have it (Deuteronomy 14:28-19). However, several passages point to situations when the ideal of caring for the poor, widows, and orphans was not always the reality. For example, Proverbs 18:23 states: “The poor plead for mercy, but the rich answer harshly” (NIV). Furthermore, the author of Isaiah warns that Yahweh’s anger has not turned away from those who have not helped the needy:

> You who make iniquitous decrees, who write oppressive statues, to turn aside the needy from justice and to rob the poor of my people of their right, that widows may be your spoil, and that you may make the orphans your prey! What will you do on the day of punishment, in the calamity that will come from far away? To whom will you flee for help, and where will you leave your wealth, so as not to crouch among the prisoners or fall among the slain? For all this, his anger has not turned away; his hand is stretched out still. (Isaiah 10:1-4)

In this passage, the author of Isaiah believes that caring for the poor is not only ideal, but is even worthy of divine punishment when not completed.
In addition to these commandments to help the poor and those who could not provide for themselves, the Hebrew Bible also addresses the accumulation of personal wealth. According to Goldingay:

“Proverbs does not imply that the mere existence of economic disparity between different people is evil. ‘The Old Testament does not present equality of wealth as an ideal.’ Its emphasis lies on the wealthy being generous and the faithless stopping being faithless. ‘The social ideal they [the prophets] project is that of a benevolently hierarchical society,’ indeed a benevolently patriarchal society. The male heads of households have the power to decide how the household’s wealth is used.”

In this regard, as long as one cares for the poor generously, it is acceptable for Israelites to accumulate a large amount of wealth for themselves. However, a warning against chasing after wealth is issued in Proverbs 23:4-5. Overall, the Hebrew Bible seems to waver on the topic of the accumulation of personal wealth; yet caring for the poor and the helpless proved to be an important ideal in ancient Israelite society. Israelites were often commanded to assist the poor and were warned of the punishments that would ensue if they failed to do so.

On a similar note, a number of property laws in the Hebrew Bible deal with how to treat other people’s property. One key aspect of this is the prohibition of theft throughout the Hebrew Bible. The commandment not to steal is listed eighth in the Ten Commandments found in Exodus 20. Not only is theft prohibited in the Hebrew Bible, but also many legal consequences are set in place if one does steal. Someone found guilty

50 “Do not wear yourself out to get rich; be wise enough to desist. When your eyes light upon it, it is gone; for suddenly it takes wings to itself, flying like an eagle toward heaven.”
of theft had to repay in full the amount of the goods they had stolen and then some, with a major fine charged for the theft of livestock (Exodus 22:1-4). In addition to the prohibition against theft, laws about boundary stones are found in passages all throughout the Hebrew Bible. These boundary stones were used to mark property lines that were set by ancestral lands and could be used to mark both personal property and national boundaries. Several passages in the Hebrew Bible outline the prohibition against moving these markers, namely: Deuteronomy 19:14 (“You must not move your neighbour’s boundary marker, set up by former generations, on the property that will be allotted to you in the land that the Lord your God is giving you to possess”), Hosea 5:10 (“The princes of Judah have become like those who remove the landmark; on them I will pour out my wrath like water”), Proverbs 23:10-11 (“Do not remove an ancient landmark or encroach on the fields of orphans, for their redeemer is strong; he will plead their cause against you”), and Job 24:2-4 (“The wicked remove landmarks; they seize flocks and pasture them. They drive away the donkey of the orphan; they take the widow’s ox for a pledge. They thrust the needy off the road; the poor of the earth all hide themselves”). These verses showcase the concept of moving boundary stones as falling under the canopy of theft and in turn being in extreme contrast to the commandments of Yahweh.

On a different note, the Hebrew Bible also maps out many ways in which land and property should be handled within the basic family unit. This includes laws and regulations for marriage and inheritance. Firstly, the laws of the Hebrew Bible require Israelites to marry within their tribe so that the land does not move out of that tribe. In the case of a husband dying and leaving behind no sons, the practice of levirate marriage is also laid out in the Torah. Deuteronomy 25:5-10 delineates this practice:
When brothers reside together, and one of them dies and has no son, the wife of the deceased shall not be married outside the family to a stranger. Her husband’s brother shall go in to her, taking her in marriage, and performing the duty of a husband’s brother to her, and the firstborn whom she bears shall succeed to the name of the deceased brother, so that his name may not be blotted out of Israel. But if the man has no desire to marry his brother’s widow, then his brother’s widow shall go up to the elders at the gate and say, ‘My husband’s brother refuses to perpetuate his brother’s name in Israel; he will not perform the duty of a husband’s brother to me.’ Then the elders of his town shall summon him and speak to him. If he persists, saying, ‘I have no desire to marry her’, then his brother’s wife shall go up to him in the presence of the elders, pull his sandal off his foot, spit in his face, and declare, ‘This is what is done to the man who does not build up his brother’s house.’ Throughout Israel his family shall be known as ‘the house of him whose sandal was pulled off.’

The practice of levirate marriage was set in place to ensure that the ancestral land stayed in the possession of the mispahah. According to Dutcher-Walls, “The emphasis on the tie to ancestral land (Ruth 4:4) is all about buttressing and solidifying the land-based communion of all kin-group members.”

Another large part of the laws dealing with marriage and property deal with the bride wealth, also known as the dowry or mohar. The mohar is the money given to a woman’s father by the husband at the time of their marriage and could take the form of service instead of money (Genesis 29; 1 Samuel 18:25). Since a husband had to pay his father-in-law for his wife, wives could be viewed as a type of property themselves. Further evidence of this claim is found in the 10th commandment listed in Exodus 20

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52 Wright, God’s People in God’s Land, 191.
when the wife is placed alongside other property.\textsuperscript{53} However, wives could not be inherited or given as a gift like other property, with the exception of the early monarchy when the king’s harem may have passed to his successor.\textsuperscript{54} Furthermore, according to Wright, wives “had no legal status, being the personal property first of their fathers, and then of their husbands.”\textsuperscript{55} In the Hebrew Bible, wives could only own property if her husband gave it to her or she inherited it. For example, in Ruth, Naomi owns her family’s property after her husband and sons die. In addition to the story of Ruth, 2 Kings 4:1-7 contains the story of a widow who is blessed by Yahweh. After her husband dies, all that is left to her and her sons is a jar of olive oil. However, the prophet Elisha instructs her to gather jars from others in the community and in the end, the jars are all filled. He then tells her to sell the jars of olive oil and live off the profits with her sons. Moreover, 2 Kings 8:1-6 tells of another woman who owned property and lived off of it herself with her son.

Now Elisha had said to the woman whose son he had restored to life, ‘Get up and go with your household, and settle wherever you can; for the Lord has called for a famine, and it will come on the land for seven years.’ So the woman got up and did according to the word of the man of God; she went with her household and settled in the land of the Philistines for seven years. At the end of the seven years, when the woman returned from the land of the Philistines, she set out to appeal to the king for her house and her land. Now the king was talking with Gehazi the servant of the man of God, saying, ‘Tell me all the great things that Elisha has done.’ While he was telling the king how Elisha had restored a dead person to life, the woman whose son he had restored to life appealed to the king for her house and her land. Gehazi said, ‘My lord king, here is the woman,

\textsuperscript{53} Wright, God’s People in God’s Land, 189.
\textsuperscript{55} Wright, God’s People in God’s Land, 189.
and here is her son whom Elisha restored to life.’ When the king questioned the woman, she told him. So the king appointed an official for her, saying, ‘Restore all that was hers, together with all the revenue of the fields from the day that she left the land until now.’

Based on this passage, it is evident that at least in some cases women were allowed to own and maintain property themselves. It is important to note that in both of the narratives found in 2 Kings, the women had sons and were widows. This may be a key part of the narratives; the women may be given control of property because their sons will one day inherit it.

This leads into another important topic in familial property laws in the Hebrew Bible: inheritance. Genesis laid out numerous inheritance laws, expressing the foundation of Israelite society, which Israelite families were required to follow. While all property could be given or inherited, the land and houses were most important in biblical law and tradition. Even though the Hebrew Bible calls for a division of inheritance by lot, the father could assign specific property to his heirs. Numbers 27:8-11 delineates the line of inheritance:

You shall also say to the Israelites, ‘If a man dies, and has no son, then you shall pass his inheritance on to his daughter. If he has no daughter, then you shall give his inheritance to his brothers. If he has no brothers, then you shall give his inheritance to his father’s brothers. And if his father has no brothers, then you shall give his inheritance to the nearest kinsman of his clan, and he shall possess it. It shall be for the Israelites a statute and ordinance, as the Lord commanded Moses.’

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56 Dutcher-Walls, The Family in Life and Death, 8.
57 Westbrook, Property and the Family, 18.
The first group to receive inheritance from the head of the household is the sons. Each son received an equal portion of the property except for the firstborn son who received a double portion. Deuteronomy 21:17 states, “He must acknowledge as firstborn the son of the one who is disliked, giving him a double portion of all that he has; since he is the first issue of his virility, the right of the firstborn is his.” This was a coveted position as we see in the story of Isaac’s sons Jacob and Esau, in which their mother helps Jacob trick his father into giving him the double portion that was reserved for the firstborn, Esau. Clearly, whoever the father gave the double portion to got to keep the inheritance even if it was not lawfully his. Therefore, the father did not have to, but was supposed to follow the law and give it to the firstborn son. We see in the story of Ishmael and Isaac that sons born of slaves or household maids counted in the line of inheritance just as sons born from wives did. This is why Sarah wanted Ishmael to be sent away, so that her son Isaac would be considered the firstborn and receive his due inheritance. In Judges 11:1-2, we see that Jephthah would have inherited from his father if his brothers had not intervened. Moreover, all of Jacob’s sons seem to inherit from him in Genesis 48:5-6 even though many of his sons were children of his wives’ servants.

Furthermore, as we see in the line of secession found in Numbers 27, daughters could also inherit from the father in special cases. For example, in Numbers 27: 1-7, Zelophehad did not have any sons so his daughters inherited his property (this story is also found in Joshua 17:3-6). Also, Rachel and Leah expected to get an inheritance from their father in Genesis 31. While women could inherit property, it seems that any property a woman did inherit became her husband’s. On a separate note, in certain

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passages from the Hebrew Bible slaves seem to be considered part of the family and also participate in inheritance. For example, in 1 Chronicles 2:34-35 Sheshan is recorded as having no sons; therefore, he gives his daughter in marriage to his servant Jarha, making Jarha his son. Furthermore, there is evidence in the Hebrew Bible of inheritance being reserved for grandchildren also. “Proverbs 13:22 says, ‘A good man leaves an inheritance to his children’s children.’ This proverb could mean leaving a bequest for granddaughters as well as grandsons.”

59 Hiers, “Transfer of Property,” 151.
NEW TESTAMENT

While the Hebrew Bible contains numerous laws and regulations focused on how to manage land/property, the authors contributing to the New Testament have far less to say on the subject. For example, the subject of Yahweh’s granting Abraham and his heirs the land of Israel is largely absent from Jesus’ teaching. According to Davies, “Jesus, as far as we can gather, paid little attention to the relationship between Yahweh, and Israel and the land.”

Nevertheless, the author of the Gospel of Luke does include some teachings by Jesus about property and wealth. While it appears that the root of many of these teachings is similar to the Hebrew Bible’s general teaching to care for the poor and not to strive for wealth (see the Hebrew Bible section for a detailed discussion), unlike the tradition of the Hebrew Bible, Jesus’ teachings recorded in Luke focus on a heavenly reward instead of on acquiring land, wealth, and well-being on earth. This deferment of property possession until the afterlife in Luke may in part be explained by the different social and intellectual context of the early Christian movement when compared to that reflected in the Hebrew Bible. At the time the Hebrew Bible was written, the concern of an afterlife was not very prevalent. There is only one passage within the Hebrew Bible

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61 While all the synoptic Gospels and several other books in the New Testament address these issues as well, for the sake of this paper I have chosen to draw my evidence from the Gospel of Luke, Romans, Galatians, Colossians, and briefly from Hebrews and 1 Peter.
(Daniel 12:2\textsuperscript{62}) that addresses the idea of a positive afterlife for the pious. In all other Hebrew Bible passages dealing with the afterlife, all humans are understood to go to Sheol, or the underworld, in which they remain in a shadowy-type existence. At best, the ancient Israelites may have eventually conceived of a corporeal resurrection, but this ideology did not surface until the Second Temple Period and therefore did not significantly influence any of the writers of the Hebrew Bible (with the exception of the author of Daniel).\textsuperscript{63}

During the late Second Temple Period, possibly due to influences from the Persian religion Zoroastrianism as well as Hellenistic influences, the concepts of an evil counterpart to God and a hell-like realm to which the evil beings would be or had been cast rose in popularity within Judaism. By the 1\textsuperscript{st} century CE, this idea of an eternal realm of punishment had also be given a counterpart: a realm in which one could continue living a good life even after death in this world. This realm would be a type of utopian afterlife in which pious Israelites/Jews would reside for eternity. Most (if not all) of the New Testament writers share this notion of two possible destinations in the afterlife. Moreover, for several New Testament writers such as Luke, this utopian afterlife was a place where one would experience great riches earned by living properly while on earth. Therefore, many of these writers shifted their focus from the tangible property discussed by the authors of the Hebrew Bible to rewards and riches that would be received after death. This development altered the way in which the authors of the New Testament

\textsuperscript{62} This text dates to the 2\textsuperscript{nd} century BCE and is, therefore, much later than most of the other texts in the Hebrew Bible.

discussed property and inheritance. The acquisition of property and reception of an inheritance would mainly occur in the next life, and therefore, early Christians should not focus on acquiring wealth in this world. This deferment of property and inheritance allowed New Testament writers to interpret and apply the legal concepts and the property laws themselves found within the Hebrew Bible in a significantly more abstract manner.

Therefore, whereas the first section of this thesis on the Hebrew Bible focused on actual laws of land ownership and everyday practices regarding property possession and transmission via inheritance, the following discussion of the New Testament focuses more on abstract issues such as acquiring heavenly riches (in contrast to the accumulation of physical wealth) and an inheritance that reaches not only beyond the social boundaries of Israel but also outside the physical realm of this world. This abstraction of the concepts of property and inheritance will first be analyzed in the Gospel of Luke (and its companion volume, the Acts of the Apostles), followed by an analysis of the letters of Paul, and finally a brief discussion of 1 Peter and Hebrews.

**The Gospel of Luke**

From what we can gather from the Gospel of Luke, Jesus cared little about the accumulation of earthly wealth and more about charity. This is both similar to and contrary to the Hebrew Bible, which also stressed the need for charity but did not always consider wealth as a negative, i.e. as something prohibited that would lead to punishment by Yahweh. In many ways, the author of Luke-Acts uses the teaching of giving to charity
as a way to connect Jesus with the Hebrew Bible. Throughout Luke, Jesus commands his disciples to give up their property and other belongings to follow him. By giving up earthly possessions, Jesus’ followers were able to gain a heavenly reward; this was clearly seen as something worth more than anything this world could offer. Therefore, if they focused solely on gathering riches in this world, then they would end up losing it all when they died; however, if they spent their earthly life doing the work of God, they would be granted an eternity of riches in the afterlife. “Jesus’ words thus bring a consideration of death into human existence: A human being shall one day answer for the conduct of life beyond all the foresight exerted to enhance one’s physical well-being with abundance.” This thought is evidenced in the parable of the rich fool:

Someone in the crowd said to him, ‘Teacher, tell my brother to divide the family inheritance with me.’ But he said to him, ‘Friend, who set me to be a judge or arbitrator over you?’ And he said to them, ‘Take care! Be on your guard against all kinds of greed; for one’s life does not consist in the abundance of possessions.’ Then he told them a parable: ‘The land of a rich man produced abundantly. And he thought to himself, “What should I do, for I have no place to store my crops?” Then he said, “I will do this: I will pull down my barns and build larger ones, and there I will store all my grain and my goods. And I will say to my soul, Soul, you have ample goods laid up for many years; relax, eat, drink, be merry.” But God said to him, “You fool! This very night your life is being demanded of you. And the things you have prepared, whose will they be?” So it is with those who store up treasures for themselves but are not rich towards God.’ (Luke 12:13-21)

Here it is clear that Jesus found working one’s land and gathering the excess harvest to store for oneself to be foolish (This philosophy is similar to that found in Proverbs 23:4-

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Howard Marshall comments that “a disciple is one who has a true sense of values and recognizes that real life is not measured in terms of possessions.” While the man managed to gather riches for himself in this life, he did not do anything pleasing to God. Therefore, in the end, he had truly failed to gather riches for himself. Moreover, Clive Beed and Cara Beed also argue that the rich man did wrong by keeping his wealth for himself instead of giving it to the poor. In this way, one can view the parable of the rich fool as a teaching that highlights distributing wealth and caring for the poor. Instead of one man storing up his wealth for himself, Jesus instructs him to give his wealth to the poor and, in doing so, gain favor in God’s eyes. In sum, the author of Luke-Acts found the accumulation of physical wealth extremely negative and as preventing people from receiving a positive afterlife.

The Mosaic covenant contains numerous laws on caring for the poor, and this was still a key concern for many early Christians. The Gospel of Luke contains many parables that emphasize the need to take care of the poor in order to gain rewards in the afterlife. For example, in Luke 14:12-14, Jesus tells the towns people that if they host a dinner, then they should not invite their family and neighbors; instead, they should invite the poor so that they will not be repaid by their guests but will be “repaid at the resurrection of the righteous.” In this parable, rewards in the afterlife are more valuable than worldly

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66 “Do not wear yourself out to get rich; be wise enough to desist. When your eyes light upon it, it is gone; for suddenly it takes wings to itself, flying like an eagle toward heaven.”
riches, and therefore, Jesus’ urges his followers to do what is necessary to gain these other worldly rewards: caring for the poor.

In addition, the stories of Lazarus and the rich man (Luke 16:19-31) and of Zacchaeus (Luke 19:1-10) serve as examples of how not to manage one’s wealth and how to do so, respectively. In Luke 16, Jesus tells a parable about a rich man who failed to care for the poor man who laid at the foot of his gate. After both men had died, the rich man was sent to a place of eternal agony and punishment, whereas the beggar resided in a utopian afterlife. Fitzmyer comments, “Verses 19-26 depict the reversal of fortunes of this life in the hereafter; in the matter of material possessions there is a counterbalancing of the earthly with the afterlife.”

Therefore, this parable served as a warning to Jesus’ followers: if they did not care for the poor in this life, they would lose all of their riches and be punished greatly in the next life. On the other hand, the story of Zacchaeus exemplified how people should act in order to gain God’s favor. While Zacchaeus is regarded as an impious tax-collector at the beginning of the narrative, by the end he gains his salvation by turning from his selfish ways and giving half of his possessions to the poor. Whereas the parable of the rich man and Lazarus served as a warning to Jesus’ followers, Zacchaeus was depicted “as an exemplary rich person who has understood something of Jesus’ ministry and message and concern for the poor and the cheated.”

Both parables showed the importance of caring for the poor during one’s current lifetime; even though acquiring riches and living a prosperous life on earth might seem appealing, stories such as these served to remind early Christians that their focus should actually be

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on the more important afterlife and what they could do during this life to ensure it was a positive one.

In addition, while some of the teachings of Jesus recorded in the Gospel of Luke closely parallel several principles found within the Hebrew Bible regarding the treatment of the poor, others disregard the need for possessing physical property or even the
care of possessing it. Moreover, Jesus urged his followers to not only refrain from
collecting riches but also to give away their belongings all together. In Luke 12:33-34,
Jesus says to his followers, “Sell your possessions, and give alms. Make purses for
yourselves that do not wear out, an unfailing treasure in heaven, where no thief comes
near and no moth destroys. For where your treasure is, there your heart will be also.”
Here, Jesus makes clear that he is more concerned with his followers’ hearts than with
their earthly riches. Their hearts should not be set on things of this world but should be
focused on the riches they will receive in the afterlife. Furthermore, these riches can be
easily gained by selling one’s belongings and giving the proceeds to charity. An almost
identical teaching is found in Luke 18:18-25 when a rich man asks Jesus how he can gain
eternal life. Jesus’ final response is for the man to sell all his belongings and to give the
proceeds as alms, then he will gain treasure in the afterlife (18:22). Fitzmyer argues that
the treasure Jesus is referring to is not to be equated to eternal life, which seems to be
gained through obedience to the commandments (18:20). Instead, Fitzmyer argues that
this heavenly treasure is something more that is “promised for the distribution of one’s
wealth to the poor and the following of Jesus.”73 Moreover, Marshall notes:

“The significance of the story is brought out in the appended comment, that riches make it
impossible for a man to enter the kingdom … Its purpose is to reinforce this earlier teaching that
the way to the kingdom is by loving God and one’s neighbor, by showing concretely that this is
realised by obedience to the commandments and limitless charity.”74

Once again, people are encouraged to give up their earthly belongings to benefit the poor,
and in turn, these people will receive a greater reward from God: a positive, eternal life
after death and heavenly treasures.

Furthermore, the author of Luke-Acts give several accounts of the Christians
living out the commandments of Jesus in their everyday lives. In both Acts 2:45 and Acts
4:32-37, the author tells of communities of Christians living a communal type lifestyle by
selling their property and giving the proceeds to the apostles so that it could be used for
the poor. In addition to the author of Luke-Acts understanding charity as the key route to
a positive afterlife and the acquiring of a “treasure in Heaven,” he also warned his
audience against the negative consequences of not following through with this
commandment, much like he had with the parable of Lazarus and the rich man.
Throughout Acts, “Luke depicts the early Christian community, living out such counsel
in idyllic fashion (2:42-47;4:32-35), until it is disturbed by the deception of Ananias and
Sapphira.”75 In Acts 5:1-11, the author tells of a man and his wife who sell a portion of
their property but do not give the full proceeds as alms as they were supposed to.
Ananias, and later his wife Sapphira, was rebuked by the apostle Peter:

‘Ananias,’ Peter asked, ‘why has Satan filled your heart to lie to the Holy Spirit and to keep back
part of the proceeds of the land? While it remained unsold, did it not remain your own? And after

it was sold, were not the proceeds at your disposal? How is it that you have contrived this deed in your heart? You did not lie to us but to God!’ Now when Ananias heard these words, he fell down and died. And great fear seized all who heard of it. (Acts 5:3-5)

In this narrative, Ananias’ deed is deemed to have been motivated by Satan and fully contrary to how the author of Luke-Acts felt Christians should act. Simply selling one’s belongs and giving a portion of the proceeds to the poor was not sufficient in fulfilling the teachings of Christ. Keeping any of the profit for oneself was not only seen as negative but was even worthy of being killed by God himself. Later in the story, the narrator tells of Sapphira being questioned by Peter about the price of the land they had sold. She lies about the amount and in turn is rebuked by Peter; she too falls dead after this. This story likely served as a warning to other Christians at this time, motivating them to follow the teachings of Jesus to give up one’s property and give the full proceeds as alms. For if one did not do so properly, they would not just lose their heavenly reward, but they ran the risk of losing their life as well. Much like the parable of the rich man, even though Ananias and Sapphira tried to store up riches for themselves in this world, their lives were taken from them and then their worldly riches meant nothing. For the author of Luke-Acts, worldly riches were not something Christians ought to seek, and property was to be sold with all the proceeds given as alms, or else grave consequences would follow.

In sum, the teachings of Jesus found in the New Testament reflect an abstraction of the concept of riches, namely regarding the promised reward of heavenly treasures to come for those who follow Christ’s example while on earth. With an ever-increasing emphasis on a life after death, some Jews, especially those familiar with the apocalyptic
worldview out of which Christianity would develop, became less and less concerned with worldly matters of land/property ownership. Instead, they shifted their focus onto the rewards that would be given to them in the after-life. These heavenly rewards were promised to be greater than any possession this world had to offer, and were, therefore, a more righteous pursuit, even in this life. By turning away from the concerns of the world, giving up their property, and giving to the poor, followers of Jesus were able to ensure heavenly treasures for themselves and riches in God’s eyes. This marks a significant development in the worldview of the Hebrew Bible and that of what would eventually become the New Testament. Since the ancient Israelites had virtually no concept of a positive afterlife, they focused their attention on physical property and having an enjoyable life on earth. However, by the time the Gospel of Luke was written, the belief in this positive afterlife and gaining riches there was prevalent among Apocalyptic Judaism and early Christianity. Therefore, in the first century CE, Christians were to divorce themselves from this world and to focus their hearts and lives on God alone. In doing so, they would receive “an unfailing treasure” so much greater than anything this world had to offer.

The Apostle Paul

While the Gospel of Luke deemphasizes property acquisition (and thus is largely unconcerned with literal inheritance) and instead focuses on the treatment of the poor and accruing heavenly wealth, in other parts of the New Testament, one finds further examples of early Christian writers abstracting concepts relating to property in the
Hebrew Bible but doing so in a different manner and with different emphases. For example, the concepts of divine sonship and the inheritance it entails showcase a major development in theology compared to that found in the Hebrew Bible, in which sonship was granted to Israelites alone who followed the laws of Moses, in turn receiving the promised inheritance of the land of Canaan. The apostle Paul, in his letters canonized in the New Testament, strives to explain this subject to the church members to whom his letters are written. (For the sake of this paper, the discussion has been narrowed to the letters to the churches in Rome, Galatia, and Colossae.\textsuperscript{76}) Much like with the teachings of Jesus in the Gospel of Luke, an abstraction of certain concepts prevalent in the Hebrew Bible occurs in Paul’s writings (e.g. “inheritance” is no longer referring to a tangible inheritance), alongside a complex reinterpretation of key narratives, namely the story of Abraham, within the Hebrew Bible. Furthermore, the apostle Paul writes letters to local churches urging them to live in the Spirit and not in the flesh; in other words, he wants the members to focus on following God and not on the things of the world, e.g. accumulating property and wealth. Paul also makes great efforts to share a Gospel message that is open to all people, not just Jews. For this reason, a change in many concepts found in the Hebrew Bible is made in order to accommodate the inclusion of all people groups into the Kingdom of God.

To start, within his letters, Paul outlines a reinterpretation of human sonship to God. Unlike in the Hebrew Bible, Paul no longer held the belief that Israelites alone were elected to the sonship of God. Instead, he interpreted sonship to extend to all people who

\textsuperscript{76} While not all scholars consider Colossians to be Pauline, it is included among the other Pauline material since it was at least attributed to Paul and still contains beliefs common to many first century Christians and is therefore relevant to this thesis.
believed in God and the Messiah, Jesus. The first step in this understanding was the reinterpretation of the Abrahamic covenant. Near the start of his letter to the Romans, Paul teaches that Abraham was not considered righteous due to his works but rather on account of his faith:

He received the sign of circumcision as a seal of the righteousness that he had by faith while he was still uncircumcised. The purpose was to make him the ancestor of all who believe without being circumcised and who thus have righteousness reckoned to them, and likewise the ancestor of the circumcised who are not only circumcised but who also follow the example of the faith that our ancestor Abraham had before he was circumcised (Romans 4:11-12)

In these verses, Paul argues that Abraham’s circumcision was an effect of his faith not the cause of his righteousness. His righteousness was not achieved by the act of circumcision; in the same respect, he would not have been granted righteousness for adhering to the law in any way. Instead, it is Abraham’s faith that grants him righteousness (c.f. Galatians 3:6). “The principle on which God thus dealt with Abraham extends to his descendants”—not those who have circumcision and adherence to the law in common with him, but those who have faith as he did. Thus, all people can potentially be heirs to the inheritance promised to Abraham (c.f. Galatians 3:7-9).

Continuing his letter to the Romans, Paul details the topic of sonship further as part of his re-conceptualization of the Abraham story:

For the promise that he would inherit the world did not come to Abraham or to his descendants through the law but through the righteousness of faith. If it is the adherents of the law who are to be the heirs, faith is null and the promise is void. For the law brings wrath; but where there is no

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law, neither is there violation. For this reason it depends on faith, in order that the promise may rest on grace and be guaranteed to all his descendants, not only to the adherents of the law but also to those who share the faith of Abraham (for he is the father of all of us, as it is written, ‘I have made you the father of many nations’)—in the presence of the God in whom he believed, who gives life to the dead and calls into existence the things that do not exist. (Romans 4:13-17)

Several important points can be drawn from these verses.

Firstly, Paul wants to make clear that the heirship of Abraham did not apply exclusively to his biological descendants, Jews; rather, his heirs included any person who believed as Abraham had.\(^79\) This thought stands in stark contrast to the promise of Abraham found in the Hebrew Bible to which many Jews looked to for the sake of establishing their sonship to God. For, as discussed in the Hebrew Bible section, those who fell under the canopy of the nation promised to Abraham developed into the children of God bound by the Mosaic covenant and sharing in the inheritance of the promised land. However, in Paul’s letters, this nation of Abraham is now open not to his biological heirs but to those adopted into the nation by means of their faith: “spiritual descendants” of Abraham.\(^80\) “For not all Israelites truly belong to Israel, and not all of Abraham’s children are his true descendants; but ‘It is through Isaac that descendants shall be named for you.’ This means that it is not the children of the flesh who are the children of God, but the children of the promise are counted as descendants” (Romans 9:6b-8).

\(^79\) Also reference Romans 16:25-26, “Now to God who is able to strengthen you according to my gospel and the proclamation of Jesus Christ, according to the revelation of the mystery that was kept secret for long ages but is now disclosed, and through the prophetic writings is made known to all the Gentiles, according to the command of the eternal God, to bring about the obedience of faith”

Furthermore, in these verses, Paul’s intent is to shift the focus off of the law of the Hebrew Bible and onto faith alone as the means of becoming descendants of Abraham and children of God. Paul continues to stress that, contrary to what seems to be found in the Hebrew Bible, “if the inheritance comes from the law, it no longer comes from the promise; but God granted it to Abraham through the promise” (Galatians 3:17). According to his teachings, Paul found that the promised inheritance could not be received by means of adherence to the law but by faith instead (Galatians 3:11). Davies notes that “since the fatherhood of Abraham rests on the promises and on faith, these are also the grounds of sonship to Abraham. It is those who share in the Patriarch’s faith who inherit the promise and the divine blessing.” Since the law was no longer the required way to share in the blessings of Abraham, it somewhat fell out of importance in Paul’s theologies. Now instead of adhering to the laws of the Hebrew Bible, Christians were to be justified and become children of God through faith and not by works. According to Fitzmyer, Abraham’s faith served as the “pattern for Christian faith” and through this type of faith, Christians would be credited righteousness at the final judgement.

In the closing of his discussion of the story of Abraham, Paul explains how Abraham’s justification by faith instead of works and the acceptance of all who share in his faith as children of God plays directly into the lives of the church members to whom he is writing. As a people group living under the control of the Roman Empire, Paul wanted to assure this church that even though many of them did not own land or property in Rome and were separated from the promised land of the Hebrew Bible, they should not

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82 Fitzmyer, *Romans*, 388.
despair because their inheritance was not of this world anyway. Instead, however, Abraham had been made righteous by his faith and promised the entire world, not only for himself, but also for all of his descendants (Romans 4:23-24). The church of Rome had been adopted into the sonship by their faith and were now entitled to the promises and blessings given to Abraham (Romans 8:14-17). As heirs of God, those adopted into the sonship are beneficiaries to the inheritance of God. Bruce clarifies that “in the Roman world of the first century AD an adopted son was deliberately chosen by his adoptive father to perpetuate his name and inherit his estate.”

On the one hand, in the Hebrew Bible, the promise God made to Abraham was that he would be blessed with a nation and given the land of Canaan. On the other hand, just as Paul shed a light on a new understanding of the nation of Abraham, the inheritance promised to Abraham is also reimagined. The inheritance Paul imagined Christians gaining was not limited to physical land or property as it had been in the Hebrew Bible.

On the one hand, Paul did not see the promise of God to Abraham as just the promised land; instead, Paul wrote that Abraham was given “the promise that he would inherit the world” (Romans 4:13). Fitzmyer argues that in the Hebrew Bible, the inheritance of Abraham “meant an inheritance of ‘the land’ as a permanent possession (Exod 32:13; Num 26:52-56; cf, Deut 6:10); in time, however, Abraham’s inheritance was expressed as ‘the earth’ or ‘the whole world.’”

Therefore, the children of God as descendants of Abraham are now recipients of a divine inheritance that includes not only the land of Canaan but the entire world. It is important to note that Paul uses the noun

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84 Fitzmyer, *Romans*, 384.
κόσμος (cosmos) in Romans 4:13 instead of the usual γῆ (land). The Greek noun κόσμος is translated into English as “order,” “world,” or “universe.” Therefore, Paul’s exact meaning is unclear. La Grange Du Toit argues that this phrase can be viewed in an abstract, spiritual context by taking the noun to mean “order”: “It points to the restoration of the whole created order that transcends a territorial understanding of the promise of the land to Israel.” Through this lens, the inheritance of Abraham is not only the physical land of the entire world but is also an abstract inheritance that entails the restoration of the natural or spiritual order of the universe. Katerina Koci also chooses to view the inheritance of the world in not only a territorial lens but also a socio-political lens by noting that the Greek word refers more to the abstract universe than to physical land. By abstracting the concept of land as inheritance, the promises of Abraham are reinterpreted so that they accommodate a society in which most Jews and early Christians were not able to live in the physical promised land of Canaan (specifically, Judea and surrounding territory in the 1st century CE).

On the other hand, Paul also reinterprets the promises of Abraham to consist of blessings apart from the land. Christians who did not directly inherit land were still recipients of a divine inheritance—one that was interpreted by Paul in very abstract terms. Throughout Paul’s letters to the Romans and the Galatians, the promises of Abraham are seen as having spiritual and eschatological qualities. According to Wright, “This inheritance is understood as the promise of the Spirit (Gal. 3:14), whose precise purpose it is to witness to the given status of sonship enjoyed by the redeemed (Gal. 4:5-

Similarly, Martin finds the inheritance to be the “church-creating Spirit of Christ.” Through the Spirit, the heirs of God are also able to take part in freedom from the law and from the ways of the flesh. This freedom, gained only through faith and the subsequent gift of the Spirit, may also be considered part of the inheritance granted to children of God. In a similar respect, in his letter to the church in Colossae, Paul writes of an “inheritance of the saints in the light” (Colossians 1:12). This saintly inheritance is “the mystery that has been hidden throughout the ages and generations but has now been revealed to his saints” (Colossians 1:26). He writes further, it is “the riches of the glory of this mystery, which is Christ in you, the hope of glory” (Colossians 1:27). “I want their hearts to be encouraged and united in love, so that they may have all the riches of assured understanding and have the knowledge of God’s mystery, that is, Christ himself, in whom are hidden all the treasures of wisdom and knowledge” (Colossians 2:2-3). From this, one can conclude that the inheritance of sonship includes not only the promised Spirit, but also even more abstract riches such as those of freedom, wisdom, and knowledge. By reinterpreting the inheritance in more abstract terms, Paul gives the promises a spiritual quality that they did not have in the Hebrew Bible. In doing so, these abstract, spiritual promises are still applicable even to the Christians who are not able to live in the physical promised land of Canaan.

In sum, the apostle Paul looked at the laws and narratives of the Hebrew Bible with the 1st century understanding of a life after death and his faith in the resurrected Messiah and found new meaning in the Abrahamic promises which in turn reshaped his

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understanding of divine sonship and inheritance. Paul wrote of Abraham’s righteousness being reckoned to him on account of his faith instead of his adherence to the law. Therefore, in the same respect, the multitude of descendants that was promised to Abraham would also be adopted into the sonship through faith; to be a child of God one no longer had to be a biological Jew who followed the laws of the Hebrew Bible but instead a person made righteous by their faith. Jews and Gentiles alike could be adopted into the sonship of God and become heirs to the divine inheritance. Furthermore, Paul did not conceive of this inheritance as merely the land of Canaan as it was made out to be in the Hebrew Bible. Instead, Paul wrote of the promised Spirit as part of the inheritance of the children of God, along with abstract wisdom, freedom, and knowledge. In addition to these, Paul declared that Abraham had indeed been promised the entire world, and that his descendants would share in this inheritance as well.

In addition to Paul’s letters, several other authors of the New Testament further develop the concept of inheritance from that which it was in the Hebrew Bible. Much like Jesus’ teachings in the Gospel of Luke, the author of Hebrews and the author of 1 Peter understand the true inheritance of followers of Christ to not be of this earth but of heaven. In these texts, the children of God are born “into an inheritance that is imperishable, undefiled, and unfading, kept in heaven for you, who are being protected by the power of God through faith for a salvation ready to be revealed in the last time” (1 Peter 1:1-5). According to the author of Hebrews, this is actually the same inheritance promised to Abraham and all of the ancestors of Israel:

By faith Abraham obeyed when he was called to set out for a place that he was to receive as an inheritance; and he set out, not knowing where he was going. By faith he stayed for a time in the
land he had been promised, as in a foreign land, living in tents, as did Isaac and Jacob, who were
heirs with him of the same promise. For he looked forward to the city that has foundations, whose
architect and builder is God. … All of these died in faith without having received the promises,
but from a distance they saw and greeted them. They confessed that they were strangers and
foreigners on the earth, for people who speak in this way make it clear that they are seeking a
homeland. If they had been thinking of the land that they had left behind, they would have had
opportunity to return. But as it is, they desire a better country, that is, a heavenly one. Therefore
God is not ashamed to be called their God; indeed, he has prepared a city for them. (Hebrews
11:8-10; 13-16)

This “promised eternal inheritance” is referring to what in the Hebrew Bible was more
literally the promise of physical territory: the promised land. However, by the 1st century
CE, “such an expectation in a physical land is eclipsed by looking forward to a ‘city that
has foundations, whose designer and builder is God’ (v. 10, ESV) and by the
eschatological vision where the patriarchs ‘desire a better country, that is, a heavenly
one’ that includes the heavenly city (v. 16, NRSV”). Therefore, while the land of
Canaan served as an earthly inheritance for the children of God, something greater was
awaiting them in the afterlife: “the city of the living God, the heavenly Jerusalem”
(Hebrews 12:22). La Grange Du Toit argues, “The concept of the promised land has thus
now been caught up into a new understanding that includes, but fulfills and eclipses its
former role within God’s purposes.” Furthermore, the author adds that this inheritance
is not merely land, or even a city, but it is a heavenly kingdom reserved for the heirs to
the sonship of God. “The author of Hebrews ends off this eschatological vision with a

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90 The aforementioned Abel, Enoch, and Noah along with Abraham, Isaac, and Jacob
Perspectives, pp. 81–120, Apollos, Leicester/InterVarsity Press, Downers Grove, IL.
reference to the receiving of ‘a kingdom that cannot be shaken’ (12:28), a kingdom that clearly supersedes one that is confined to the land of Israel.”\footnote{La Grange Du Toit, “Christian Zionism,” 5.} In all, the land promised to Abraham includes the land of Canaan but also supersedes this earthly, territorial understanding of the land to include an eternal “heavenly” kingdom that will be inherited in the next life.

**Conclusion**

While property and the concepts surrounding it (i.e. charity and inheritance) remain prevalent in the New Testament, the concepts themselves and the theology surrounding them have been significantly reconfigured. The main theme of this reconfiguration involved an abstraction of these concepts and a redirected emphasis on the heavenly realm as opposed to this earth. Throughout the Gospel of Luke, Jesus’ teachings on the treatment of the poor and the management of earthly possessions resembled that of the teachings found in the Hebrew Bible. However, a new stress is placed on doing these things in order to be rich in God’s eyes and to receive a treasure in heaven that is greater than any earthly treasure. Furthermore, an even greater contrast is found in the reinterpretation of the sonship and the subsequent abstraction of inheritance found in the letters of Paul. Per the New Testament, the heirs of God promised to Abraham are adopted into the sonship by means of their faith; they are in turn recipients of the inheritance of God, be it the promised Spirit, freedom from the flesh, or wisdom and knowledge. Lastly, this new theological approach to sonship and inheritance opened

\footnote{La Grange Du Toit, “Christian Zionism,” 5.}
the doors for another redirection toward the heavenly realm, this time regarding the
promised land. While God did promise an earthly land to his people, he also prepared for
them an unshakeable, heavenly kingdom to which they are all entitled on account of their
faith.
After the destruction of the second temple by the Romans in 70 CE, Jews within the Roman Empire were left shaken in the aftermath. The Sadducees were removed from power and while the Pharisees remained, they were in a muddled state. However, around the turn of the 1st century, some of the remaining Pharisees regrouped. This council of rabbis formed a new Sanhedrin, canonized the Tanakh, and thus began the formation of a new strand of Judaism: Rabbinic Judaism. Within Rabbinic Judaism, Torah observance rose in emphasis. Since the written Torah (the Tanakh) had already been established, the early rabbis dedicated their efforts toward compiling the oral Torah (the Mishnah). According to these early rabbis, the oral Torah had also been given to Moses on Mt. Sinai and was a necessary tool for understanding the written Torah.\(^1\) The Mishnah, written around 200 CE, answered questions left unanswered by the written work and helped Jews know how to better apply the laws of Torah in their daily lives. “The Mishnah supplements, complements, clarifies, and systematizes the commandments of the Torah.”\(^2\) The Mishnah was thus designed to help Jews (at least those Jews associated with the early rabbinic movement) fully understand the laws of the Hebrew Bible and better follow them. By the start of the 4th century CE, certain rabbis in Palestine had compiled a commentary on the Oral Torah. This commentary, called the Gemara, was combined with the Mishnah itself into a work called the Palestinian (Jerusalem) Talmud. Another Talmud was comprised by rabbis in Babylon about a century later– c. 400 CE.\(^3\)

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When looking at rabbinic literature compared to the Hebrew Bible, we find a much more concrete, precise, and often more expansive version of the biblical laws, including those on property. One of the main goals of the rabbis compiling and organizing the Mishnah was to break down the laws of the Written Torah and to provide precise guidance as to how they could be lived out practically. This may be due to the fact that the social setting in which the property laws of the Hebrew Bible were written differed greatly from that experienced by Jews in Roman Palestine during the first centuries of the Common Era. Even though recent scholarship rejects the notion that tannaitic laws were in fact followed by most Jews in Palestine, Milgram notes nonetheless that the laws reflected current social norms in some way.\(^4\) “The principles and parallels integrated into the tannaitic corpus are often appropriate to the social and economic contexts in which the rabbis function historically: a state in which the nuclear family structure with private landholdings in urbanized centers predominates.”\(^5\) While the laws in the Hebrew Bible reflect the “model of an extended family in an agrarian economy, residing on its jointly owned ancestral estate and populated by subordinate daughters, invisible wives, and the firstborn at its head,” tannaitic literature “supposes a situation in which the nuclear family is predominant, land is privatized, and rabbinic society is urbanized.”\(^6\) Due to this change, the early rabbis needed to focus more on property laws dealing with individual ownership and the treatment of others and their property. For many Jews, the laws regarding large family owned plots of lands used

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\(^6\) Milgram, *From Mesopotamia*, 1-2. Milgram also notes that “the nuclear family was most likely made up of parents with unmarried children and perhaps elderly grandparents living in the same household.”
mainly for harvesting crops did not apply directly to the social and economic setting they lived in. Instead, the early rabbis emphasized laws regarding personal property and outlined specific situations that many Jews might find themselves in in order to better fully pin down the application of these laws in everyday life.

Even still, the land itself played a large role in the Mishnah; in fact, around “one-third of the Mishnah … is connected with the land.”\(^7\) However, during the first centuries of the Common Era, many Jews did not live within the bounds of their traditional homeland. Therefore, the rabbis had to mold the property laws of the Hebrew Bible to fit a people group who was dispersed widely in two different foreign empires. In the end, they concluded that duties not dependent on the land could be observed anywhere, but those that did depend on the land had to be observed in the ancestral land of Israel only.\(^8\)

Davies states, “The implication is that Jewish sanctity is only fully possible in the land: outside the land only strictly personal laws can be fulfilled, that is, the moral law, sexual law, Sabbath law, circumcision, dietary laws, etc. Of necessity, outside the land, the territorial laws have to be neglected.”\(^9\) During this time, many Jews moved away from Palestine and into neighboring countries, such as Syria. Therefore, rabbis made new laws that stated that Jews living in Syria had to follow the same rules regarding tithes and the sabbatical year. This way people were less likely to move away from Palestine. However, others did not want these laws, but instead wanted Syrian land to be exempt, which became the reality.\(^10\) Still, many rabbis found the promised land to be extremely

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important and wanted Jews living in the Diaspora to return to it. Rabbi Simlai wrote, “Why did Moses our teacher yearn to enter the land of Israel? Did he want to eat of its fruit or satisfy himself from its bounty? But thus spake Moses, ‘Many precepts were commanded to Israel which can only be fulfilled in the land of Israel. I wish to enter the land so that they may all be fulfilled by me.’”\textsuperscript{11} It is clear from this passage that Rabbi Simlai considered many of the land laws from the Hebrew Bible to only be able to be fulfilled within the promised land itself; therefore, Jews should want to return to the promised land to reside permanently. Unfortunately, this was not a plausible option for many Jews during the third through eighth centuries of the Common Era.

Therefore, the rabbis had to adapt these laws to fit a people in diaspora. When looking at certain aspects of property laws, such as the concept of ownership, regulations around a bride’s dowry, charity, and inheritance, one can see that the rabbis took the laws from the Hebrew Bible, expounded on them, and applied them to real-life situations. As a result, Tannaitic and Amoritic rabbinic laws were often more concrete and pragmatic, as will be demonstrated in what follows. This third section of this thesis will thus explore select examples of property laws and practices outlined in the Mishnah and the Talmuds in order to showcase how property laws from the Hebrew Bible were implemented in rabbinic literature.

\textsuperscript{11} Passage taken from Davies, \textit{The Gospel}, 60.
General Property Laws

Like the Hebrew Bible, “the rabbinic tradition too emphasizes the gravity of acts that violate another’s property as well, equating them with the destruction of the foundations of society.”\(^\text{12}\) For example, just as it is in the Hebrew Bible, theft was prohibited by the early rabbis. The teachings in the Babylonian Talmud take the laws of the Hebrew Bible even further by noting that stealing dooms all Israelites, equating theft with murder, and addressing specific situations such as who is liable for a flooded field that was unlawfully possessed. Firstly, the flood in the time of Noah, for example, was depicted as punishment for the sins of his generation against the property of others; the rabbis stated: “Come and see how great is the power of thievery, for behold, the generation of the flood transgressed all, and yet they were not doomed until they stretched out their hands to steal (TB Sanhedrin 108a).”\(^\text{13}\) Moreover, “the rabbis of the Talmud pushed the matter to the point of hyperbole: ‘To rob a fellow man even of the value of penny,’ the Talmud asserts, ‘is like taking away his life from him’ (TB Bava Kama 119a).”\(^\text{14}\) While these two passages showcase how the rabbis took concepts found in the Hebrew Bible and added emphasis to them, other passages show the rabbis adapting the concepts in order to fill them out and make them more concrete and specific to real-life situations. Not only were the rabbis concerned with the act of theft itself, but they were also concerned with pinning down regulations related to all aspects and situations pertaining to land possessed unlawfully. Even though the Hebrew Bible had laws prohibiting theft, many questions were left unanswered as these laws were applied

\(^{13}\) Taken from Lifshitz, “Welfare, Property, and Charity in Jewish Thought,” 74.
within society. For example, while theft was warned against, the Hebrew Bible did not include guidance for what to do in specific situations, such as who was responsible for stolen property that was later damaged. Therefore, the early rabbis were sure to note other legalities dealing with property taken lawlessly and then damaged by natural causes, e.g. if a field possessed lawlessly is flooded by a river, the one who now possesses the field is not liable for its value even though the way in which he came to possess the field was unlawful (Bava Kamma 117b). In this specific example, the rabbis took the Hebrew Bible prohibition of theft, expanded it, and added provisions regarding the liability of stolen property. This example and many others provided unique situations that dealt with stolen property and through them, the rabbis were able to expound upon the prohibition against theft found in the Hebrew Bible and provide Jews with regulations specific to unique circumstances and situations.

On occasion, these teachings contradicted normal societal practices. For example, Sheinson notes that “Talmudic scholars are baffled by the statement in the eleventh Mishna of the second chapter of Baba Batra concerning the permissibility of planting a tree near a pit that is on one's neighbor's property,”¹⁵ because normally a person could not plant a tree near his neighbors pit for fear of the roots growing into the pit. This law fell into a larger category of tannaitic laws that dealt with taking preventative cautions in order to not bring harm to one’s neighbors property. It seems that the early rabbis felt that any action that harmed another’s property and therefore lowered its value could be seen as a type of theft. This is why it is strange that, in this passage in the Mishnah, Rabbi

Yose states that the tree should not be cut down even if the neighbors’ pit existed first. Sheinson suggests that Rabbi Yose may have made an exception to the expected ruling since trees are more valuable to society. Here it seems that the composers of the Talmud were writing in a time in which the economic benefit of certain trees was more important than the protection of one’s neighbor’s pit. If this is the case, then this is a perfect example of early rabbis molding not only the concept of theft found in the Hebrew Bible, but also the laws of the Mishnah, in order to better suit their unique social circumstances. Sheinson comments: “Indeed, the general duty to prevent harm to another is a flexible goal that Jewish law balances against other social utility considerations such as economic development. This flexibility permits Jewish law to respond to social changes.”

In this example, it is clear that the Amoritic rabbis discussed laws and rulings based on the specific society in which they were writing. By doing so, they were able to add to the laws found in the Hebrew Bible and in the Mishnah and apply them in their specific social context.

In addition to the ruling on planting trees near one’s neighbors’ property, the rabbis addressed other issues that came into question in very specific circumstances. For example, the rabbis “answer that in all cases in which a person ‘saves himself by means of his fellow’s property’—that is, destroys someone else’s property in order to save his own life—he must nonetheless pay damages”.

Another example is that “if one loaned a house to another and it was destroyed by fire, the loanee is not liable.” In both of these examples, one can imagine real cases in which these events took place and Jews did not

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know how to proceed legally since the Hebrew Bible did not provide them with specific enough laws. Therefore, the rabbis aimed to fill these gaps in the Written Torah by means of their Oral Torah. By collecting rulings on the practices of the Hebrew Bible as they were applied in everyday situations, the rabbis were able to take away much of the ambiguity surrounding property laws in Judaism and make them more applicable to Jewish life in doing so.

Ownership and Lost Property

One shift in the concept of property and the laws surrounding it occurs in the rabbinic idea of ownership and ownerless property. Firstly, in the Hebrew Bible, ownership is always intact, even when an object is lost; someone who finds it must take possession of it in order to return it to its original owner.19 Halberstam notes:

“The notion of property always annotates a relational status—an object belongs to someone—and the absence of an identifiable owner does not disturb the relationship of ownership; the object is still considered possessed, even if its owner is lost. Lack of knowledge about the owner’s identity does nothing to mitigate the unremitting imperative to restore the lost property to him.”20

However, “it is here that the rabbis break most notably from the biblical precedent, creating the legal category of ownerlessness, and allowing a finder to acquire the object rather than requiring him or her to return it;” this concept of property without an owner is not mentioned in the Hebrew Bible and therefore was an innovation by the tannaim.21

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The Mishnah also strays from biblical law in saying that some objects that are found do not have to be returned while some others do.\textsuperscript{22}

Moreover, according to Halberstam, “a fundamental change has occurred between the Bible and the Mishnah in conceiving of ownership: Deuteronomy appears to rely upon personal knowledge and intuitive experience for claims of ownership while the Mishnah turns external signs into basic requirements for ownership.”\textsuperscript{23} In the Oral Torah the rabbis conclude that ownership must be evidenced in two different ways: by a physical sign on the object (simanim) or by the owner being able to identify something unusual about the item (shinuy).\textsuperscript{24} In the first case, signs are used by the rabbis both to “legally classify objects” and also “as evidence of a particular person’s prior relationship with the object. Signs no longer simply establish one side of a legal binary (owned or unowned); they now function as the only means by which a claimant can establish his ownership.”\textsuperscript{25} By using signs to determine ownership in these ways, the rabbis were able to combine both the legal side of property ownership with personal and lived experiences.\textsuperscript{26} The rabbis who commented on the Mishnah strived to clarify the laws regarding ownership even more: the Palestinian Talmud contained teachings that reflected the moral ideal of people adhering to the practices of the Hebrew Bible as closely as possible, however impractical, and thus required one to find the owner of the lost property; the Babylonian Talmud, in contrast, focused more on the legal certainty of ownership of the lost property.\textsuperscript{27} Once again, rabbinic literature works to bridge the gaps

\textsuperscript{22} Halberstam, \textit{Law and Truth}, 54.
\textsuperscript{23} Halberstam, \textit{Law and Truth}, 56.
\textsuperscript{24} Halberstam, \textit{Law and Truth}, 43-44.
\textsuperscript{25} Halberstam, \textit{Law and Truth}, 56.
\textsuperscript{26} Halberstam, \textit{Law and Truth}, 56.
\textsuperscript{27} Halberstam, \textit{Law and Truth}, 74.
between the sometimes impractical laws found in the Hebrew Bible and the actual social needs and practices of the society they found themselves in. In sum, by creating the category of ownerlessness, the Mishnah and Talmuds redeveloped the laws of the Hebrew Bible. In doing so, the laws regarding lost property were made more legalistic and concrete by creating specific qualities the supposed owner must know about the lost object in order to prove he is in fact the owner; now the uncertainty around claiming lost property that was left by the laws found in the Hebrew Bible had been rectified.

Charity

Another important aspect of property regulation in the Hebrew Bible that was reworked by the rabbis during the first half of the first millennium CE was the concept of charity. In his article “Welfare, Property, and Charity in Jewish Thought,” Lifshitz notes, “The impulse to help the weak and give to the poor does not end with the famous rhetoric of the Hebrew Prophets … it is essential for our purposes to distinguish this ethos from the underlying facts of Jewish law with respect to private property. Indeed, the giving ethos requires and is in turn the natural complement to a rather strict regime of private property rights.”28 During the Hellenistic Period and on into the Roman Era, giving to the poor remained an essential part of Judaism. Therefore, the need for rabbis to expound on the laws found in the Hebrew Bible concerning acts of charity was great. However, it is important to note that “Jewish law encourages acts of giving and mutual aid only in so far as they are consistent with recognized boundaries around established property rights.”29

In short, this means that one’s right to do what he saw fit with his own property trumped the laws and regulations set in place with charitable ends. This topic was important during the Rabbinic Period since most Jews at that time did not live an agrarian lifestyle in which entire extended families (mispaḥah) owned and worked large plots of land as they did in ancient Israel. Instead, most Jewish nuclear families lived on smaller tracks of privately owned land. Therefore, each individual household had the right to control their property and was more free from familial obligations than was once the case. However, with this freedom also came the lack of support from ones extended family. The nuclear family of the Rabbinic Period controlled their own property, but they were also expected to be fully sufficient. Therefore, when this was not possible, the obligation to support struggling Jews was shifted from the mispaḥah onto society as a whole.

Furthermore, other social differences from ancient Israel made the laws and practices of the Hebrew Bible impractical or incomplete when applied during the Rabbinic Period, such as leaving portions of the family land unharvested for the poor. Therefore, new regulations and organizations were created by the rabbis as an attempt to bridge this gap. For example, the Torah has laws about leaving parts of the fields unharvested from which the poor could glean. However, in the Hellenistic Period, this custom was no longer sufficient to feed the poor. Thus, a community charity organization was formed. “The organization of Jewish communal life paralleled that of the Hellenistic polis and its public functionaries, and thus enabled the provision of assistance to the needy in a centrally organized fashion. Thus we see the new public posts of communal charity collectors and disburser (gabbaim) and the procedures they must follow.”30 As

part of this system, everyone had to participate, even the poor, but personal charity could still take place as individuals saw fit.\textsuperscript{31} “Communal financial support was required under Jewish law, and the rabbinical governing council of a town had the power to mandate the amount of charity that each person in the town was required to give. Giving more was praiseworthy; giving less was punishable.”\textsuperscript{32} Nevertheless, the Babylonian Talmud rules that the rich can be forced to give to charity but the poor cannot (TB Bava Batra 8b). In the Middle Ages, one of the greatest Jewish jurists Maimonides would write, “Someone who does not want to give charity or gives only a fraction of what he should, the court forces him and lashes him until he gives what they estimate he should give, and they go to his property in his presence and they take from him what he should be giving, and they collect even on Fridays” (Maimonides, Mishnah Torah, the Laws of Gifts to the Poor, Chap. 7, Law 10).\textsuperscript{33}

Rabbinic literature as a whole does not seem to understand wealth as a negative. In some ways, the early rabbis found that wealth can reflect one’s godliness and also note that “one who enjoys the fruits of his own labor is greater than one who fears heaven” (TB Brachot 8a).\textsuperscript{34} Lifshitz comments that while everyone has the right to be rich, they are still obligated to help the poor. Jews were required by the early rabbis to give 10% of their earnings, but they could not give over 20%. A maximum percentage was placed on charitable giving most likely because the rabbis did not want people giving up everything they had and becoming a burden on others themselves.\textsuperscript{35} Certain passages from the

\textsuperscript{31} Lifshitz, “Welfare, Property, and Charity in Jewish Thought,” 75-76.
\textsuperscript{33} Lifshitz, “Welfare, Property, and Charity in Jewish Thought,” 77-78.
\textsuperscript{34} Passage taken from Lifshitz, “Welfare, Property, and Charity in Jewish Thought,” 74.
Babylonian Talmud make this point seem like a plausible reason for this rule. The rabbis were opposed to members of society being poor and dependent on others. At one point, Rabbi Akiba goes as far as saying, “Treat your Sabbath like a weekday rather than be dependent on men” (TB Pesachim 112a). This statement appears to suggest that violating the Sabbath was preferable to being poor. Other rabbis note that this should only be applied with regards to food and drink and that “one must [still] prepare something trifling at home” (TB Pesachim 112a), and stress that even the poorest people should still try to observe the Sabbath. Nonetheless, being dependent on others for one’s livelihood was still seen at least by some rabbis to be even more deplorable than breaking the laws of Sabbath. Furthermore, “in the rabbinic teachings, poverty is first of all considered a form of pointless suffering. ‘There is nothing worse than poverty,’ we find in Exodus Rabba. ‘One who must weigh every penny—it is as though he bears all the suffering of the world upon his shoulders, and as though all the curses from Deuteronomy have descended upon him’ (Exodus Rabba 31:14).”

In this passage, being poor is equated with other sins listed in Deuteronomy that could bring about the curse of God. Since rabbinic teachings greatly stress the atrocity of living in poverty, the rabbis continued to set in place numerous regulations and laws in order to protect and aid the poor.

Overall, rabbinic literature does not modify the laws of the Hebrew Bible that deal with assisting the poor. Instead, the rabbis focused on expounding on these laws and giving precise guidelines for the Jews to better apply these laws in their daily lives. This included creating a community organization to oversee and enforce the charitable laws of Judaism and to ensure that the poor received the aid they were entitled to in the Hebrew

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Bible. The rabbis also set up a minimum and maximum amount that Jews were required to give to charity to ensure that they did their part but did not give so much that they made themselves dependent. Furthermore, the rabbis did not find wealth to be a negative thing but instead felt that Jews should do all that they can to keep themselves from poverty and from being dependent.

**Property in Marriage and Betrothal Regulations**

The rabbis also expounded on the Hebrew Bible’s laws regarding the transfer of property in a marriage and the bride’s dowry. While most of the passages in the Hebrew Bible concerning marriage (e.g. Deuteronomy 22:13-30; 24:1-5) focus on sexual intercourse, adultery, and means for divorce, husbands are often required to pay some amount to the wife’s father if the husband wrongs the woman in some way (e.g., according to Deuteronomy 22:28-29 and Exodus 22:16-17, if a man rapes an unengaged virgin, he must then marry her and pay her father a set price). However, the laws surrounding marriage actually pertaining to property were few. Therefore, many questions were left unanswered, which allotted the early rabbis ample room to expound on these laws. Geller notes that “the changes which were instituted in Jewish marriage in the first century B.C.E. represented a break from traditional models and formulae.”

Like many other areas of their lives, Jewish marriage customs had been influenced by foreign empires, such as the Babylonians and the Seleucids. In order to meet the needs of these new traditions, rabbis during the Rabbinic Period worked to systemize all the regulations

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regarding marriage, including the laws dealing with property transfer and dowries.

Furthermore, Judith Hauptman and Jacob Neusner argue “that the rabbis did what they could for women, and that they improved women’s lot in comparison with biblical provisions.”³⁸ This section addresses the role of property within a Jewish marriage and the specific laws in rabbinic literature which helped regulate property ownership and the dowry in Jewish marriages.

To start, during the Talmudic Era, many Jews used a ketubah, “a document recording the financial obligations which the husband undertakes toward his wife in respect of, and consequent to, their marriage, obligations which in principle are imposed on him by law,”³⁹ during the marriage process. In a Jewish marriage during the Rabbinic Period, the bride never participated in the contract. It was always between the groom and the bride’s father, or the groom’s father and the bride’s father.⁴⁰ Within this contract, the husband agreed to maintain his wife, received a mohar (dowry), and pledged his property as a type of collateral.⁴¹ It is noted in the Talmud that these marriage contracts changed significantly over time:

“the first stage being the husband’s payment of the mohar to the bride’s father, which he retains. In the second stage, the mohar was converted into household utensils, such as vessels of gold, silver, or bronze… the third stage by ruling that the mohar of 200 zuzim was to be paid by the husband only in case of divorce, with the husband’s property as security for the wife’s mohar and dowry.”⁴²

Geller further notes that, when transitioning into the second stage of the ketubah’s history, since the dowry was no longer given to the father-in-law but converted into moveable property, the wife could use the property for her personal uses. Furthermore, after the ketubah transitioned into the third stage of its history, the dowry “was considered as the amount owed to the wife, payable upon divorce. … Since the bride’s family was no longer directly involved in receiving the mohar, the ketubah became a contract exclusively between husband and wife.”

The Talmud notes that the changes in the ketubah were meant to help protect the wife and insure that her husband did not find it easy to get a divorce.

However, it is also noted that “in the case of the insubordinate wife, whatever the exact nature of this rebellion or disobedience, the Jewish wife loses her ketubah, but she does get the divorce.”

By including this stipulation, the rabbis are once again ensuring that they have left little to be disputed or questioned by Jews who are applying these laws to their everyday lives. By including regulations about what to do in the case of an insubordinate wife, the rabbis were able to answer this question that was left unaddressed in the Hebrew Bible. Throughout the laws dealing with the entire marital process, the rabbis expounded on the traditions and laws of the Hebrew Bible and made sure the needed regulations existed so that the laws could be applied in all situations.

In addition to hammering out the logistics behind the marriage contract, the early rabbis also wrote several laws about the ownership of wives’ property. While Geller argues that the husband had no real right to his wife’s property since he had to return it in

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45 Elman, “Marriage and Martial Property,” 257.
the case of divorce, Elman maintains the view that “Mishnaic legislation gave the husband both usufruct and control over his wife’s property.” Therefore, while the husband never truly owned his wife’s property, he did, at least, gain control of it once they were married. In some cases, however, the wife was able to sell property that she was given as part of an inheritance. The Mishnah lays out specific regulations regarding a wife’s property that are dependent upon when the property became hers. If the wife owns property before she is betrothed, she may sell it or give it away. However, if she receives property while she is betrothed, it is disputed what she can do with it. After she is married, if she did sell the property, the husband may buy it back. The rabbis noted further that the wife cannot sell property that the husband knows about before their marriage. (She is not supposed to sell property that is unknown to him either. However, if she does, it is not considered illegal). During their marriage, if the wife acquires money or produce, then she should sell it and buy land that would then belong to the husband. Geller argues that even though it is mainly the husband who controls the land during the marriage and he reaps it’s produce, the title of the land is still credited to the wife. These types of clarifications were made by the rabbis to ensure that the laypeople understood the laws and regulations regarding property within marriages and were able to aptly apply them to their everyday lives. In all, the Mishnah and the Talmuds contain marital property laws that were taken from the Hebrew Bible, adapted to fit the traditions of the Rabbinic Period, and expounded upon so that they could be applied in the current society in which Jews lived.

46 Geller, “New Sources,” 244.
47 Elman, “Marriage and Martial Property,” 234.
Inheritance Laws

The inheritances laws found in the Hebrew Bible reflected the agrarian, *mispahah*-based society in which ancient Israelites lived. Many of these laws were based around the desire to keep land within the family unit.\(^{50}\) However, in the Rabbinic Period, familial ties to land were not as prominent. The Jews were no longer living in their ancestral land under their own rule, instead most Jews lived in diaspora under the rule of a foreign empire. Therefore, the rabbis shift their focus away from familial, ancestral land toward private property, often adopting customs from their neighboring societies who were already well-equipped to function in this nuclear, privatized economic and social system. Milgram argues that within the Mishnah, “the innovation is not the result of the rabbinitc imagination and its penchant for inventive interpretation of Scripture. Rather, it is a consequence of embracing well-attested ancient legal categories and their Roman terms, which are appropriate to the family structure and landholding patterns that the tannaim experience.”\(^{51}\) The early rabbis expounded on the inheritances laws found in the Hebrew Bible (for this thesis namely Deuteronomy 21:15-17; Numbers 27:8-11; 36:6-9) and molded them to fit the customs and traditions of the society in which Jews lived. In doing so, the laws of inheritance were made more concrete and applicable to the new family system in which Jews found themselves.

One of the major adaptations made by the early rabbis was the development of the concept of gift giving with regards to property and inheritance. Due to this development, the Hebrew Bible ideal of the firstborn son inheriting a double portion is reworked in the

\(^{50}\) For example, the practice of levirate marriage and kinsman redemption as mentioned in the section on the Hebrew Bible.

\(^{51}\) Milgram, *From Mesopotamia*, 69.
Mishnah. According to the rabbis, “a single portion can be gifted to the firstborn and implies that a double portion can be gifted to another son or to no one at all.” However, overall, the Mishnah still maintained the biblical principle to award the firstborn son a double portion of the inheritance. Yet when looking at the gifting laws of the Mishnah, the firstborn laws can at least be seen as flexible. Moreover, Milgram argues that this flexibility may be due in part to the fact that the firstborn did not play the same role within the family that he did in ancient Israel. During the Rabbinic Period, since the main family system was that of a nuclear family on private property, the firstborn son did not possess the leadership role that he once had within the mispahah. Milgram argues that in the Hebrew Bible, “the appointment of a ‘firstborn’ [arises] because a family leader is required. In the later tannaitic approach, flexibility even leads to the possibility of no recognized ‘firstborn’ at all.” This is once again due to the fact that Jews during the time of the rabbis did not live under the same familial structure that the ancient Israelites had. Whereas, the ancient Israelite family system of mispahah-based land ownership and dwelling required a son, namely the firstborn, to take on a large leadership role within his extended family and to do his part in caring for all of the ancestral land, the nuclear family structure prevalent during the Rabbinic Period allowed sons to move away from their extended families and did not bear any ties to family land. Therefore, the need for a firstborn son to inherit a double portion was not always relevant.

Next, the Mishnah also address the issue of intestate succession. On one hand, some rabbis hold to the model given in Numbers 27:8-11 and argue that no changes should be made to this line of succession (mBB 8:2). On the other hand, other rabbis

52 Milgram, From Mesopotamia, 69.
53 Milgram, From Mesopotamia, 81.
wanted to follow the model of testate succession found within other Near Eastern societies. Rabbi Yohanan ben Beroka supported the idea of appointing an heir from within the line of inheritance by “an oral declaration through which preference is given unilaterally to one among several heirs, promoting a potential heir to the status of immediate heir.” While this differed from the line of succession recorded in the Hebrew Bible, testate succession reflected common practices of the society in which the early rabbis lived. Therefore, it is not surprising that practices such as these were adopted into Jewish law.

Another law pertaining to inheritance that is reworked by the rabbis is that of inheritance by daughters. In the Hebrew Bible, daughters were only given an inheritance when the father had no sons (Numbers 27:8). The daughter would then marry within her mispahah in order to ensure that the ancestral land stayed within the family. However, as noted above, Jews during the Rabbinic Period no longer lived with their extended families on the ancestral land; in turn, daughters no longer needed to marry within their mispahah to maintain the ancestral land. Instead, a man’s daughter would receive an inheritance that would be controlled by her husband once she was married. Daughters could inherit property indirectly through their dowry, which would remain in the care of their husband unless they got divorced. In a similar way, the father could also leave his daughters an inheritance that was intended to be used to maintain the daughters until they were married. Unlike in the Hebrew Bible, providing for unwed daughters seems to have been a major concern for the early rabbis. This is evidenced by the law within the Mishnah that if a man dies leaving behind only a small estate, the majority of the estate is

54 Milgram, *From Mesopotamia*, 86.
to be dedicated to the upkeep of the man’s unwed daughters.\textsuperscript{56} This expansion of the laws regarding inheritance by daughters only briefly mentioned in the Hebrew Bible once again likely reflects the family system prevalent during the Rabbinic Period. Since most Jews lived on privately owned property with only their nuclear family, a man’s daughter did not have the support network that the daughters of ancient Israelites had. Due to this, the rabbis needed to add to the laws found in the Hebrew Bible and mold the laws to better support Israelite daughters, especially those who were not yet wed and therefore not supported by a husband. In sum, inheritance by daughters exemplifies the ways in which the early rabbis took the laws of the Hebrew Bible, expounded on them, making them more concrete and more applicable to the specific social and cultural situations Jews lived in during the Rabbinic Period.

Conclusion

In sum, the development of Rabbinic Judaism was marked by the growing power of the early rabbis and their interpretations of the Hebrew Bible, the Mishnah, and the later commentaries on the Mishnah, the Talmuds. The early rabbis compiled these works in order to bridge the gap between the laws found within the Hebrew Bible and their application to everyday life. In an attempt to resolve some of the issues left unaddressed by the authors of the Hebrew Bible, rabbinic literature contained numerous real-life examples of property laws, such as determining the liable party in the case of a stolen field that had later been flooded. The early rabbis expounded on the property laws of the Hebrew Bible making them more concrete and through. For example, while it maintained

\textsuperscript{56} Milgram, \textit{From Mesopotamia}, 113-4.
the concept of wealth and charity from the Hebrew Bible, the Mishnah also outlined several mandatory requirements to ensure Jews cared properly for the poor. Furthermore, the Mishnah contained detailed marriage contracts and numerous laws and regulations regarding the ownership of property within a Jewish marriage, since the Hebrew Bible did not contain many laws on the subject. Marriage and inheritance laws also serve as an example of how the early rabbis molded the Hebrew Bible laws to better fix the society of the Rabbinic Period by incorporating customs and laws from their surrounding neighbors, such as the Babylonians, the Seleucids, and the Romans. In all, rabbinic literature did not reflect a transition away from the concepts of property found in the Hebrew Bible, but instead represent an effort to make the Hebrew Bible laws and concepts more concrete and applicable to Jewish society at the time the rabbis were writing.
CONCLUSION

Land and property occupy significant space in the worldview of most of the authors of the Hebrew Bible. As Yahweh developed from a territorial God to a universal God, the concept of land was brought to the forefront of religious thought. The authors of the Hebrew Bible held the belief that Yahweh was the true owner of Israelite land, and the property laws of the Hebrew Bible conformed to this theology. For instance, the king was seen as Yahweh’s regent on earth; the land served the monarchy as a means for acquiring wealth and as a tool for power. Through the promise to Abraham, Yahweh promised the Israelites the land of Canaan as their divine inheritance. They would be able to keep this inheritance as long as they followed the terms of the Mosaic covenant.

However, when the Israelites did not keep their treaty with Yahweh, they were punished and their inheritance of the land was compromised (e.g. the exile in 586 B.C.E. was seen by some as punishment for breaking the Mosaic covenant). Diverging from this theme of a land-based inheritance, within the New Testament, the apostle Paul reinterpreted many of the Hebrew Bible concepts of divine inheritance and the promise to Abraham, leading to the abstraction of the concepts of inheritance found within the Hebrew Bible. Paul wrote that the promise to Abraham was based on faith and therefore applied to all who have faith in God, not just biological Jews. Furthermore, Paul understood the promised inheritance to encompass more than the land of Canaan. Instead, Paul often talked of the inheritance in abstract terms (such as wisdom, freedom, and the Spirit). In all, Paul’s
writings in the New Testament took the concepts of divine inheritance and the Abraham story found in the Hebrew Bible and redeveloped it, resulting in an all-encompassing sonship and an abstract inheritance that molded to the society in which they were developed.

Another aspect of the concept of divine ownership was reflected in the general property laws of the Hebrew Bible. For instance, Israelites were not able to buy or sell land permanently since they did not actually own the land. They were also commanded to respect others’ property, which included prohibitions against moving boundary stones and against theft. During the Rabbinic period, the early rabbis expounded on the prohibition of theft in an attempt to resolve the issues left open by the Hebrew Bible, such as who was liable for stolen property that was later damaged by natural causes. They were successful in doing this because they developed the laws further, applied them to specific, real-life situations, and molded the laws to be more easily applied in those situations. Other key ways in which rabbinic literature redeveloped the laws of the Hebrew Bible include creating the category of ownerlessness and elaborating on the ways in which to verify ownership. In all, the early rabbis utilized the existing laws and concepts of land/property from the Hebrew Bible and molded them to fit their societal needs by expounded on and providing concrete forms of the laws surrounding the land/property.

In addition to the general laws of managing land/property for one’s own sake, the Hebrew Bible contained numerous laws concerning the management of land as a means of helping others and honoring Yahweh. For example, the land was to be left fallow every seven years by analogy with the Sabbath: the land had to rest as well. Moreover,
after every seventh seven-year-period of rest, the Israelites overserved the festival of Jubilees. The practice of Jubilee not only allowed for the rest of the land, but was also a time of resetting debt within Israelite society. This and many other commands and traditions from the Hebrew Bible were implemented as an effort to support the poor and needy in society. The authors of the Hebrew Bible often commanded the Israelites to give to charity, and if they did so generously, then the accumulation of personal wealth was not viewed negatively. In concordance, Jesus’ teachings on the treatment of the poor and the management of earthly possessions in the Gospel of Luke resembled those of the Hebrew Bible; however, a new stress was placed on doing these things in order to be rich in God’s eyes and to receive a treasure in heaven that is greater than any earthly treasure. This development in the idea of wealth accumulation was made possible by the belief in a positive afterlife that was common among the authors of the New Testament. Since early Christians believed they would one day receive riches in another realm, the focus was taken off of worldly possessions and put on pleasing God in order to have a positive afterlife. In contrast to this abstraction made by the author of Luke-Acts, the rabbis who compiled the Mishnah and the Talmuds expounded on the charity laws of the Hebrew Bible and implemented programs to assist Jews in following them. This included creating a community organization to oversee and enforce the charitable laws of Judaism and to ensure that the poor received the aid they were entitled to in the Hebrew Bible. The rabbis also set up a minimum and maximum amount that Jews were required to give to charity to ensure that they did their part without giving so much that they made themselves dependent. Furthermore, the rabbis did not find wealth to be a negative thing
but instead felt that Jews should do all that they can to keep themselves from poverty and from being dependent.

Lastly, land/property played an important role within the family unit. During the time the Hebrew Bible was written, Israelites lived on their ancestral land with their *mispahah*. The firstborn son often took over as head of his immediate family and was awarded a double inheritance according to the Hebrew Bible. Overall, the Mishnah maintained this biblical principle, yet allowed room for some flexibility. Through the application of giving gifts, the line of inheritance and requirement for a double portion given to the firstborn could be bi-passed. Furthermore, within the Hebrew Bible, daughters were not given an inheritance unless they did not have any brothers. Normally within ancient Israelite society, daughters were given in marriage and were then cared for by their husbands. In addition, the Hebrew Bible outlines the practice of levirate marriage in the case of a woman’s husband passing away. Through levirate marriage, a widow could marry her husband’s brother, or the closest kinsman redeemer, and would be provided for in this way. This also served to ensure that the ancestral property did not transfer out of the ownership of the *mispahah*. However, during the Rabbinic Period, Jews lived on privately owned property with their nuclear families only. Therefore, the concern to marry daughters within their *mispahah* to maintain the ancestral land was no longer relevant. To rectify this, the rabbis adapted the Hebrew Bible laws significantly in order to better suit their community. One reason that the rabbis were able to do this was that the Hebrew Bible did not actually contain many laws on the topic of marital property. In contrast, the Mishnah and the Talmuds contained detailed information about marriage and property. For example, the early rabbis outlined several ways in which a
daughter could gain an inheritance and be provided for, such as receiving an inheritance controlled by her husband upon marriage, retaining the dowry in the case of divorce, and being left an inheritance by her father if she was unwed at the time of his death. Rabbinic literature outlined marriage contracts similar to those of neighboring nations that would be easily applied to Jewish society within the Rabbinic Period. Through these contracts, the early rabbis laid out numerous regulations on matters such as dowries and divorce. In addition, the early rabbis also addressed the issue of the ownership of wives’ property. All of these issues were addressed with regard to the specific society Rabbinic Jews lived in.

Overall, the land/property laws within the Hebrew Bible were written for and applied to the society of the ancient Israelites. Therefore, during the first several centuries of the Common Era, Jews and Christians alike began reworking the teachings of the Hebrew Bible in light of their own worldviews and societal needs. Christian writers deemphasized the possession of physical property in expectation of a future heavenly inheritance while the rabbis provided legal precision, and at times innovative adaptations, to the property laws in the Hebrew Bible. In the end, both Christian writers and the early rabbis were able to utilize the land/property laws and the concepts surrounding them within the Hebrew Bible and to adapt them to better serve their societies.
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