

LAND OWNERSHIP IN THE PENTATEUCH

A THEMATIC STUDY OF GENESIS 12 TO DEUTERONOMY 34

by

Baskaran Jeyaraj

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LAND OWNERSHIP IN THE PENTATEUCH

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Baskaran Jeyaraj

ABSTRACT

The aims of this thesis are to study how the Pentateuch portrays land ownership and to answer some of the theological questions which arise from the study. By considering the Pentateuch as a literary work of art, relevant texts in their finished form are analysed in their contexts.

The first Part, examining the stories of Abraham, Isaac and Jacob in Gen. 12-50, deals with the idea of land ownership on two levels: (i) Yahweh's promise of the land to each patriarch and statements about a future owning of the land promised. The study of land promise accounts discusses issues such as the identity and extent of the promised land, the meaning of the giving of the land and the present and future owners of the land. (ii) The other aspect is the actual purchase of pieces of land and owning them, the cultivating of vacant land and appropriating it, and the digging of wells and claiming them.

The second Part, examining the stories of Liberation, the Sinai Covenant and the Conquest in Exod. 1--Num. 36, deals with the idea of the ownership of land by Yahweh and by the people of Israel. In the discussion of Yahweh's ownership is included his claim to the whole earth, agricultural land and a mountain sanctuary in the promised land. Regarding the ownership of land by the Israelites, different methods of possessing the land, rights and responsibilities of their tenancy, Levitical use of the pasture land and the priestly care of the dedicated land are discussed in detail.

The third Part is the Farewell Address of Moses in Deuteronomy. Three ideas of land ownership are discussed in detail: Yahweh's ownership of the entire heaven and earth; the Israelite ownership of the land possessed in Transjordan and the land to be possessed in west Jordan and the conditions of land ownership, and the ownership of land by other ethnic groups.

In the Conclusion, some important questions identified during the analysis of the texts are answered from the total perspective of the study.

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LIST OF ABBREVIATIONS

Anal. Bibl.	-	Analecta Biblica
AB	-	Anchor Bible
<u>AF</u>	-	<u>Altorientalische Forschungen</u>
<u>ATR</u>	-	<u>Anglican Theological Review</u>
<u>BA</u>	-	<u>Biblical Archaeologist</u>
<u>BAR</u>	-	<u>Biblical Archaeologist Reader</u>
<u>BASOR</u>	-	<u>Bulletin of the American School of Oriental Research</u>
<u>BB</u>	-	<u>Bible Bhashyam</u>
BBB	-	Bonner Biblische Beiträge
<u>BDB</u>	-	<u>A Hebrew and English Lexicon of the Old Testament</u>
BK	-	Biblischer Kommentar
<u>BS</u>	-	<u>Bibliotheca Sacra</u>
<u>BT</u>	-	<u>Bible Translator</u>
<u>BTB</u>	-	<u>Biblical Theology Bulletin</u>
<u>BZ</u>	-	<u>Biblische Zeitschrift</u>
BZAW	-	Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft
BZWANT	-	Beiträge zur Wissenschaft vom Alten und Neuen Testament
CB	-	Century Bible
CBC	-	Cambridge Bible Commentary
<u>CBQ</u>	-	<u>Catholic Biblical Quarterly</u>
<u>Comm.</u>	-	<u>Commentary</u>
COTTV	-	Commentary on the Old Testament in Ten Volumes
<u>EQ</u>	-	<u>Evangelical Quarterly</u>

- Ev. Th. - Evangelische Theologie
- Ges-K - Gesenius' Hebrew Grammar
- HBT - Horizons in Biblical Theology. An International Dialogue
- HUCA - Hebrew Union College Annual
- IB - Interpreter's Bible, 12 vols.
- ICC - International Critical Commentary
- IESS - International Encyclopedia of the Social Sciences
- IDB - Interpreter's Dictionary of the Bible: An Illustrated Encyclopedia, 4 vols.
- IDB Sup. - Interpreter's Dictionary of the Bible: An Illustrated Supplementary volume
- IJT - Indian Journal of Theology
- Imma. - Immanuel. A Bulletin of Religious Thought and Research in Israel
- Interp. - Interpretation
- ISBE - International Standard Bible Encyclopedia
- JAOS - Journal of the American Oriental Society
- JBL - Journal of Biblical Literature
- JJS - Journal of Jewish Studies
- JNES - Journal of Near Eastern Studies
- JQR - Jewish Quarterly Review
- JR - Journal of Religion
- JSOT - Journal for the Study of the Old Testament
- JSOTS - Journal for the Study of the Old Testament Supplement Series
- JTS - Journal of Theological Studies
- LBC - Layman's Bible Commentary

- LXX - Septuagint
- MT - Masoretic Text of the Hebrew Bible
- NCB - New Century Bible
- NICOT - New International Commentary on the Old Testament
- OTS - Oudtestamentische Studien
- PEQ - Palestine Exploration Quarterly
- RSV - Revised Standard Version of the Bible
- RTR - Reformed Theological Review
- SBL - Society of Biblical Literature
- SBT - Studies in Biblical Theology
- SE - Study Encounter
- Seme. - Semeia. An Experimental Journal for Biblical Criticism
- Semit. - Semitics. An Annual Monograph of the University of South Africa, Pretoria
- Shna. - Shnaton. An Annual for Biblical and Ancient Near Eastern Studies
- SJT - Scottish Journal of Theology
- SVT - Supplement to Vetus Testamentum
- SWJT - South Western Journal of Theology
- TB - Tyndale Bulletin
- TBC - Torch Bible Commentaries
- TDOT - Theological Dictionary of the Old Testament
- TGUOS - Transactions of Glasgow University Oriental Society
- THAT - Theologisches Handwörterbuch zum Alten Testament
- TOTC - Tyndale Old Testament Commentaries
- TT - Theology Today

- TZ - Theologische Zeitschrift
- VT - Vetus Testamentum
- WBC - Word Bible Commentary
- WC - Westminster Commentaries
- WTJ - Westminster Theological Journal
- ZAW - Zeitschrift für die alttestamentliche
Wissenschaft

INTRODUCTION

INTRODUCTION

The author's interest in studying what the Bible says about ownership of land rose out of his pastoral activities in villages around Madurai, South India. This research is an attempt to study the theme 'land ownership' in the Pentateuch.

A. DEFINITION AND AIMS

'Land ownership' is a modern socio-economic term. We do not find an equivalent Hebrew term in the Old Testament. However, the concept of land ownership is present and can be noticed throughout the Old Testament. We begin with a definition of land ownership from socio-economic studies.

The ownership of property is most usefully seen as consisting of a bundle of rights. For any particular piece of land these rights may be divided between any number of holders, whether they be real or corporate bodies. The most important of these rights confers upon the holder the power to occupy and to use the land, to improve it, to lease or sell certain rights to others, to sell it or to pass it on to one's heirs; and in the last three situations mentioned, to determine which rights are to be transferred, at what price and to whom. In these terms, land as a good may be regarded as having a dual nature. It consists of physical attributes, such as topography, mineral deposits and buildings, and the legal rights (and to a lesser extent obligations) attached to these/1/.

It is possible, one needs to remember, that the definition of land ownership could be influenced to a certain extent by the political system of a tribe, village or country. However,

the major elements, namely, the owner, the land and the sets of rights of the owner over the land are basic to the concept of land ownership. The owner could be an individual, family, a group of people, an institution or a government. In the Old Testament, the two important parties involved in land ownership, as we will notice, are God and the people of Israel. The two main Hebrew terms for 'land' are אֶרֶץ and אֲדָמָה; the former is used quite often in the Old Testament. Some attempts have been made to study the meaning and use of these two terms in the Old Testament/2/. Such studies point out that the word אֶרֶץ is used to refer to the whole earth/3/, to a vast territory which can be described as a country in a political sense or to a small piece of ground which can be cultivated, sold and bought as a property/4/. Besides these uses, the word אֶרֶץ is used in the theological sense of Yahweh's land/5/. The term אֲדָמָה is used to refer to a vast surface where people can dwell/6/ or to a piece of land which can be cultivated/7/, bought and sold/8/, but it is never used in the political sense of a country. It is also used in the theological sense of Yahweh's land/9/. While I make use of such studies, I will examine and identify what אֶרֶץ and אֲדָמָה mean in texts concerning land ownership in the Pentateuch. Other terms such as אֶרֶץ זָבֻחַ, אֶרֶץ זָבֻחַ, אֶרֶץ זָבֻחַ and אֶרֶץ זָבֻחַ are used to refer to either a vast area of land or a single piece of land. These terms express the meaning of ownership of landed property either by purchase or inheritance right or by driving out the inhabitants and occupying the land

or conquering and taking possession of the land, depending upon the context in which they are used. I shall point out the distinctive meaning of these words in their context without undertaking a detailed terminological study.

The aim of this study is two-fold. The primary aim is to find out what the Pentateuch says about land ownership - who owns the land, the identity of the land, the extent of the land, the way the parties come to own the land, the nature of the ownership and the rights and conditions of ownership. The other aim is to address some theological questions emerging from the study of the texts of the Pentateuch, such as: Is the land promise fulfilled? Is the promised land Yahweh's land? Is the promised land exclusively for the people of Israel? Does Yahweh give land only to those whom he elects as his own people?

Scholarly studies in the past have focused their attention on certain issues related to land ownership such as land promise, laws of land use, terms and practices of inheritance, means of land possession such as purchase, conquest, immigration and peasant revolt, and kinds of ownership. These studies have proceeded by selecting texts from here and there in the Old Testament and using different methods of interpretation to bring out historical, sociological, legal or ethical perspectives. As far as the author of this thesis knows, no effort has been made previously to study the

narratives of Genesis 12 to Deuteronomy 34, holding them in coherence and in their finished form in order to discern a sequential unfolding of land ownership in the Pentateuch. The following survey of scholarly literature will show this gap in the study of the theme of land ownership and the need for the present research.

B. SURVEY OF LITERATURE

The following survey of literature is organized in three groups according to the main focus of study rather than on the basis of methods used, for some scholars have used a combination of methods.

1. Traditions of the Land Promise

One of the main issues involved in land ownership in the Pentateuch is the land promise given to the patriarchs and their descendants. Most scholarly studies on land promise have focused their attention on the priority of the land promise over other promises; the form, origin and development of the land promise; and how the accounts of land promise are incorporated into the Pentateuch and the result of this incorporation on the patriarchal stories as well as on the Pentateuch.

For example, M. Noth/10/ believes that the land promise was given to the patriarchs and fulfilled in their own lifetime when they settled in Canaan from semi-nomadic life. Why, then, he asks, do the patriarchal stories speak of the land promise as a future fulfilment? He answers that the stories of the patriarchs existed independently and were added later to the story of the exodus and occupation of the land by the Israelites in order to identify the ancestors of the Israelites. The land promise in the patriarchal stories was changed to speak of future fulfilment of the promise in order to suit the story of the exodus and occupation which happened later. The incorporation of the patriarchal stories brought changes not only in the land promise itself but also in the whole Pentateuch. The whole Pentateuch was readjusted to the scheme of promise and fulfilment. Gerhard von Rad/11/ and W. Zimmerli/12/ also express a similar view that the whole Pentateuch was readjusted to the scheme of promise and fulfilment.

R. Rendtorff focuses his attention on the variations regarding the donee of the land in the land promise/13/. He thinks that the addressee of the promise and the donee of the land should have been the same patriarch as in the expression, 'to you I give' (Gen. 13:17; 15:7). But this is modified to include the descendants of the patriarch along with the patriarch himself, as we notice in the expression, 'to you I give and to your descendants' in Gen. 13:15 and 28:13. The

donee is changed finally to mean only the descendants of the patriarchs as in the expression, 'to your descendants I give' (Gen. 12:7; 15:18; 24:7; 26:4). The variations within the land promise concerning the donee of the land, according to Rendtorff, are due to the editing of the promise in different stages and the process of binding together the stories of the three patriarchs.

C. Westermann and J.A. Emerton deal with the question which one of the promises to the patriarchs is the oldest. Westermann, after studying the accounts of all the promises in Genesis, lists seven promises and comes to the conclusion that the promise of posterity has the priority; it is older than the land promise in Gen. 15, and is preserved in its oldest form in Gen. 18/14/. Emerton examines in detail the accounts of the land promise and suggests that the promises of son and land given to the patriarchs are older than the other promises, for the other promises could have been added to the patriarchal stories during the reign of Josiah or the exile/15/.

In his attempt to identify the Sitz im Leben and the development of the promise of land, W.M. Clark/16/ studies the characteristics of the land promise in Genesis and Deuteronomy, the form of the land promise and the covenant and conquest traditions. According to him, the land promise which regards the addressee and the donee as the same is the

original form; the other forms where the addressee and the donee are different are secondary expansions due to later historical development. The idea that the promised land belongs to Yahweh is not expressed in the land promise but rather is implied in the land gift tradition and in later institutions like Sabbath and Jubilee year. The Sitz im Leben of the land promise is the war of individual tribes or clans and not the making of a covenant because the relationship of the land promise with the idea of covenant is secondary. The idea of promise of the whole land is a secondary expansion brought about by combining various stories of conquests by individual groups.

R. E. Clements/17/, in his effort to answer through literary, textual and traditio-historical analyses how the covenant tradition of Abraham narrated by J in Gen. 15 is brought into the broader religious and historical traditions of Israel's origin, focuses his attention on the history of the content of the land promise. He points out that the original territory of Mamre promised and covenanted to Abraham by El is around Hebron. The reason for the expansion of a local dimension of the promised land in certain texts to include the territories from the Reed Sea to the Euphrates and all the land of the Canaanites is to authorize the expansion of the Davidic empire.

The above mentioned survey of scholarly works shows that they are mainly concerned with historical questions relating to the land promise and not with what the accounts of the land promise say about ownership of land. However, the study of the various elements of the land promise such as the addressee, the donee, the verb קָנָה and the identity of the land, particularly by Westermann, Clark and Clements, is useful and will be discussed later in this thesis.

2. Implications of Land Promise for Land Ownership

Another group of studies examines the implications of the land promise for land ownership. In his essay, von Rad points out that terms such as קָנָה , גִּזְרָה , קָנָה and קָנָה express the idea of ownership of land and the term קָנָה is especially important because it is used in all the four sources JEDP of the Hexateuch/18/. The meaning of the term קָנָה is 'inherited property' and it could be of a person, family, clan, tribe or a nation/19/. Von Rad notices that קָנָה is used mainly in the sense of hereditary land of the families as well as of the tribes and so the two prominent ideas of ownership of land in the Hexateuch are tribal ownership and family ownership. The land owned by the tribes and families in Israel, according to the land promise, belonged to the Canaanites and not to Yahweh. However, that Yahweh owned the land which he promised is a theological notion, according to von Rad, for Yahweh's ownership of land is acknowledged

through the cultic laws of offerings, festivals, returning of the land to the owner in the jubilee year and laying the land fallow in the sabbath year. This theological notion, he argues, finds a place in the historical tradition of the promise of land and its fulfilment because the texts and documents of the historical tradition are derived from the cultic circles where the idea of Yahweh's ownership of land was confessed and acknowledged constantly.

W.D. Davies' study of land in the Hexateuch focuses on the two lines of thought, namely, the promise of land and its fulfilment, and the notion of Yahweh's ownership of land/20/. In explaining the aspect of promise and possession of the promised land, he summarizes mainly the views of von Rad and Clements. But the idea of Yahweh's ownership of land, he argues, is expressed mainly in four ways, namely, in the allocation of land by lot, in the cultic statements about the harvest, in the institution of the Sabbath and in the idea of Yahweh's dwelling in the land.

Walter Brueggemann/21/ deals with the topic of land as the promised gift and the relationship of the people of Israel with the promised land. The Pentateuch, according to him, presents the land as a promise as well as a problem. The text of Genesis to Numbers 10 depicts the people of Israel moving from the status of landless people to land owners. Deuteronomy speaks of the responsibilities involved in owning

the land and the threat of becoming landless. The Torah sets forth guidelines and conditions for how to manage the land. Out of all the responsibilities listed in the Torah, the important responsibilities to own the promised land continuously, he considers, are three, namely, the Israelites should not worship idols, they should observe the sabbath rest to the land to acknowledge Yahweh's ownership of the land and his gift to them and they should take care of the poor people who live among them without land, power and dignity because they were once landless and sojourners in Egypt.

These studies help us to see two lines of thought running in the Pentateuch: promising the land to the patriarchs and their descendants and their owning of that promised land sometime in the future with certain responsibilities; and the idea of Yahweh owning the land and the expression of this notion through cultic laws and institutions in the Pentateuch. However, such questions as how Yahweh can promise and give someone's land to Abraham and his descendants when it is not said to belong to him, and in what sense the promised land could be considered as Yahweh's land, are left unanswered in the above mentioned studies. These questions will be discussed as they emerge in our study of the text.

3. Relationship between Land, Yahweh and Israel; Land Tenure and Inheritance Rights

Another group of scholarly works throw light on some aspects of land ownership such as the land tenure system, inheritance practices, property ethics and on the relationship between Yahweh, the land and the people of Israel. Roland de Vaux/22/ studies economic aspects such as landed property, legal rights, conveyance and inheritance, institutions of sabbath and jubilee. His study is not textual but a synthetic reconstruction of the economic life of the Israelites in the light of the ancient Near Eastern data.

S. H. Bess/23/ investigates the land tenure and inheritance rights practised in Israel in the light of ancient Near Eastern data. He discusses the changes that occurred in the system of land tenure in Israel. In the patriarchal period, according to him, the patriarchs owned land by purchasing a piece of land from its inhabitants, and transferred it to their heirs according to the inheritance practice prevalent in their period. During the period of settlement in Canaan and formation of tribal confederacy, the nature of land ownership was dual, that is, the territories were under the common ownership of the tribes but individual plots of land were owned by the families. This system of land tenure was different from the Canaanite feudal system because it treated the tribes as well as the families equally and considered the

Israelites as tenants of Yahweh and not of a human king or landlord. But the political change from tribal confederacy to monarchy brought changes in land tenure and resulted in making the king the feudal lord and in the growth of large estates in Israel. Though the divine ownership of land was a common feature in the ancient Near East, Bess finds that the Israelite concept of Yahweh's ownership is unique. For the Israelites understand that Yahweh owns not a limited geographical territory but the whole universe; Yahweh is the principal owner from whom each holder receives his portion of land. Bess's study of ownership of land by the patriarchs, the tribes, families and Yahweh is directly related to this research and we will examine his interpretation of some of the texts and discuss his views.

A. M. Brown/24/ studies the concept of inheritance in the Old Testament and discusses how the concept of inheritance explains the relationship between Yahweh and the people of Israel. He analyses the use of the verbs יָרַשׁ and נָחַל and their cognates in related languages and in the Old Testament and how these verbs express the idea of inheritance. He discusses the practices of inheritance such as ultimogeniture, primogeniture, adoption of the heir, and redemption and reinstatement of the heir in the ancient Near East and in the Old Testament and points out how these institutions of inheritance describe the relationship between Yahweh and the people of Israel. Brown's study of the terms יָרַשׁ and נָחַל and

inheritance customs and practices help us in our discussion of how the land was owned and conveyed to the heir.

C. J. H. Wright's thesis was a study of property ethics in the Old Testament, focusing its attention on ownership of land and persons, and on the relationship between the owners and their property/25/. He discusses Yahweh's ownership of land, the relationship between family and land, and the ownership of land by family. The discussion of land ownership includes a detailed study of the rights and responsibilities of the owners of the property and the laws and institutions which express those rights and obligations. Concerning the ownership of persons, he studies the status and rights of wives, children and slaves and the relationship between the head of the family and the rest of the family. His study shows how the family occupies a central place in the socio-economic and religious spheres of ancient Israel. In his recent book on the relevance of Old Testament ethics/26/, Wright expresses the valuable ideas he has mentioned in his thesis and discusses the ethics of land ownership in the light of 'creation economics' which is based on a twin concept of divine ownership and gift of land on the one hand, and the stewardship of the human owners on the other. His study of land ownership by family, tribe and Yahweh and the rights and responsibilities of ownership will be used in our discussion.

Although the above scholarly studies have explored some aspects of land ownership in the Old Testament and are useful to this research, they have focused their attention only on certain texts of the Old Testament and interpreted them mainly in the light of ancient Near Eastern information. This survey of scholarly literature indicates the need to study the relevant texts in their narrative context and to develop a sequential unfolding of the theme 'land ownership' in the Pentateuch.

C. METHODOLOGY AND PROCEDURE

The method employed in this thesis of studying the concept of land ownership portrayed in the Pentateuch is based on the idea that the Pentateuch is a 'literary work of art'.

D.J.A. Clines defines the phrase 'literary work of art' in terms of its two emphases, namely,

- (i) that the literary work should be primarily considered as a whole; (ii) that the literary work should be studied for what it is in itself, with relatively minor concentration on the historical circumstances of its composition/27/.

It is not possible to list here all the arguments for and against the question of the Tetrateuch or the Pentateuch or the Hexateuch raised by scholars in past years/28/. Some scholarly studies in recent years suggest different approaches, such as canonical and literary approaches, to study the Pentateuch as a whole/29/. It could be suggested on

the basis of content and form that the Pentateuch is a literary whole because, first, the concept of land ownership runs across the Pentateuch as a scheme of promise and possession of land. The characters of the literary work, beginning with Abraham, then Isaac, Jacob and their descendants are promised by Yahweh that they will be given a land to own as their property and to pass on as an inheritance to successive generations. The accounts of the land promise give details such as the extent of the land, its previous owners, the means of giving the land and the rights and responsibilities of owning the promised land. Second, the concept of land ownership is expressed in the form of a story of travel towards owning the promised land. It is not that the Pentateuch contains a number of itinerary accounts, but that the whole Pentateuch is a travel story and the significance of the travel is to possess the promised land. In reading the Pentateuch, one notices that the characters of the story travel in and out of the promised land. The travel of each patriarch and later the travel of their descendants from Egypt to the promised land in different stages could be considered as a series of travel stories. Several such travel stories make up one long story of travel towards owning the promised land. From the point of view of content and form, then, the Pentateuch could be considered as a whole.

In an effort to discover what the Pentateuch says about land ownership, we shall, first, analyse what the individual

parts of the Pentateuch in their finished form contribute to our theme. By 'parts', I mean either short texts or longer passages which are relevant to this research. Since the parts make up the whole, we study the parts in their contexts and in relation to the story which they make up, and we establish the meaning of each part. In moving from one story to the next, wherever necessary, the meaning of the parts already established will be used to discuss and interpret the parts of the other stories. Biblical quotations throughout this study are from the RSV but where it has been necessary to illustrate the meaning more clearly, I have modified the translation of the verse.

The present study of the theme of land ownership in the Pentateuch is organized as follows. Each story of the journey of the characters is considered as a Chapter. I shall point out briefly, first, how each story is a travel story and how the scheme of promise and possession of land appears in the story. This helps us to identify the beginning and ending of the story and also its context. Then, the constituent parts of the story which speak of land ownership will be analysed. The three patriarchal stories of Genesis considered together form the first Part of our study. The stories of the journey from Egypt to the plains of Moab narrated in Exodus to Numbers form the second Part. The third Part comprises the address of Moses summarizing the travel so far and encouraging the people of Israel to cross the Jordan, travel further and own the land

narrated in Deuteronomy. At the end of each Part, the portrayal of land ownership in that Part will be summarized. Finally, the perspective of all the three Parts will be brought together to attain a general idea of land ownership as it is portrayed in the Pentateuch.

D. LIMITATIONS

Since I am considering the Pentateuch as a whole and approaching the work primarily for what it is in itself, I am not raising questions of historical interest such as authorship, sources or historical setting; the historical development of the parts and their place in the Pentateuch; and the origin and development of traditions like land promise, covenant or conquest, or of institutions like sabbath and jubilee. I do not propose to enter into sociological analyses of terms such as 'family' (בֵּית), 'clan' (בְּיָהוּדָה) and 'tribe' (שֵׁבֶט, מִטְּבֵיָה) but I will make use of the scholarly studies on these terms to explain briefly the structure of Israelite society in connection with the distribution of land. While the merits and contributions of historical criticism, ancient Near Eastern studies and sociological approaches are valuable, the approach of this thesis is to consider each 'part' and the whole Pentateuch in its unity and finished form. Since this research focuses its attention on the two major parties involved in land ownership, namely, Yahweh and the people of Israel, what the accounts of

Gen. 1-11 say about land ownership, and what Gen. 41: 46-57 and 47: 13-26 inform us of the land tenure system of Egyptians at the time of Joseph in Egypt are not dealt with here. It is beyond the scope of this thesis to discuss the relationship between the promise of land and other promises given to the patriarchs and their descendants. The issue of inter-relationship of the various promises itself is a different topic. No effort is made to address the modern Jewish-Palestinian problem of the occupation of the land of Palestine. The theological questions that are addressed arise solely from the text of the Pentateuch itself.

PART ONE

LAND OWNERSHIP IN GENESIS 12-50

The first Part of our study consists of the stories of Abraham, Isaac and Jacob narrated in Genesis 12 to 50. Anyone who studies the narratives of these stories very soon becomes aware of the fact that the idea of land ownership runs on two levels, namely, i. the promise of the land and statements about a future owning of the promised land, and ii. the actual purchase and ownership of a piece of land by the patriarchs. We will study these two levels of land ownership in each story.

CHAPTER 1

THE STORY OF ABRAHAM

Concerning the extent, the beginning and the ending, of the story of Abraham in Genesis, different views are expressed by commentators/1/. The story of Abraham is a story of travel towards owning the promised land. At its beginning (Gen. 12:1) Yahweh commands Abraham to travel towards the land which he wants to show to him. As Abraham enters Canaan, Yahweh gives the promise of the land. Yahweh's purpose in asking him to travel to Canaan is to give the land to him and to his descendants. Abraham had travelled before with his father's house (Gen. 11:31-32) but the story begins at Gen. 12:1 because at that point Abraham starts a journey of his own, leaving his country, kindred and father's house under divine command. The land promise is repeated to Abraham during his travel up and

down the land of Canaan (Gen. 13:14-17; 15:7, 18-20; 17:8). His journey finally ends in Hebron because he purchases a piece of land to bury Sarah and settles down there till his death. The account of the transfer of Abraham's properties to his son Isaac, and of the death and burial of Abraham in his own landed property in 25:1-10 serves as the epilogue of the story.

In this Chapter, we will focus our attention first on the accounts of the land promise (12:1-9; 13:14-17; 15:7-21; 17:7-27) and then on the possession of a well (21:25-34), the purchase of a piece of land (23:1-20) and the transfer of the property to the legal heir (25:1-5). The study of the accounts of land promise deals with the issue of the present owners of the promised land, the identity and extent of the land, the meaning of giving the land to Abraham and his descendants and the heirs of the land. The examination of the account of the possession of a well and the purchase of landed property will reveal how Abraham came to own these properties. The question whether the purchase of a piece of land and owning it constitutes a fulfilment of the land promise or not will also be discussed.

A. LAND PROMISE

1. Giving the Land Promise (Gen. 12:1-9)

Scholarly opinions differ concerning the presence of the idea of the promise and gift of land in Gen. 12:1-3/2/. The first explicit reference to Yahweh's promising land to Abraham appears in vv. 6-7:

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 descendants (אֶלְעֵלֶיךָ) I will give (אֶתְּנֶה) this land (אֶתְּנֶה לְךָ אֶתְּנֶה לְךָ אֶתְּנֶה לְךָ)." So he built there an altar to the Lord, who had appeared to him.

A simple analysis of the various elements of the land promise shows that the addressee of the promise is Abraham and the donee of the promise is denoted by the term 'your descendants' (אֶלְעֵלֶיךָ) which presumably refers to successive generations of Abraham and not his son or sons only/3/. The direct object of the verb 'give' (אֶתְּנֶה) is the land of Canaan and not a small area near Shechem where the promise is given. Though Canaan is not mentioned in the promise, the demonstrative adjective (אֶתְּנֶה לְךָ אֶתְּנֶה לְךָ אֶתְּנֶה לְךָ) in the phrase 'this land' points to the context of Abraham's arrival in Canaan and his receiving the promise in that land (vv. 5-7). The exact geographical boundaries of Canaan are not given in the text and such details are spelled out later. However, we can presume

that the land of Canaan consists of the territory on the west side of the Jordan.

a. Canaanite Ownership of the Land

In the statement, 'At that time the Canaanites were in the land', the word 'Canaanites' is used in a general sense to refer to all the inhabitants of the land/4/. Their occupation of the land at the time of Abraham's arrival implies their ownership of the land. The mention of the Canaanite ownership of the land before the giving of the promise of the land is to point out that it is the land which now belongs to the Canaanites which is going to be given to Abraham's descendants. The verb 'to give' (ָתַן) has various nuances of meaning/5/. Since land is an immovable asset and cannot be handed over like a portable commodity, 'giving of the land' must be understood in terms of giving the right and power to occupy, use and control the land. Yahweh will transfer the right and power to occupy and keep the land in possession from the hands of the Canaanites to the hands of Abraham's descendants. The Canaanites, the present owners of the land, will be removed from the land and they will be replaced by the descendants of Abraham. Exactly how Yahweh is going to remove the Canaanites and cause Abraham's descendants to occupy and keep the land under their control, whether by gradual occupation and pushing the inhabitants out of the land or by military conquest and

driving the inhabitants from the land is not explicit at this stage.

b. Yahweh's Ownership of the Promised Land

Can Yahweh promise to give to Abraham's descendants the land of the Canaanites which is not said to belong to him? This question leads us to discuss the issue of Yahweh's ownership of the promised land. Von Rad's opinion is that the accounts of the land promise do not speak of Yahweh's ownership of the promised land and the idea of Yahweh's ownership of land is expressed by such laws as the land lying fallow in the sabbatical year and returning the land to the owner in the jubilee year/6/. Brown, on the other hand, thinks that Yahweh's calling Abraham to go to the land, blessing him and promising the land of Canaan to his descendants in 12:1-9 indicate his ownership of the land of Canaan/7/. Brown draws support from the custom of verbal conveyance of property in the ancient Near East and in the Old Testament (Gen. 25:5-6; 27:27-29; 48:3-7); these passages describe the owner of the property conveying the inheritance to the heir by choosing and blessing him/8/. According to Brown, Gen. 12:1-3 has all the basic components of verbal conveyance of inheritance such as Yahweh's choosing Abraham, blessing him and conveying the land of Canaan by promising it/9/. Although promising and blessing could be considered as actions of verbal conveyance of the right over the land of Canaan, such actions in 12:1-3 do not necessarily

presuppose Yahweh's ownership of the land. Yahweh's actions of calling, promising and blessing point to his plan to give the land of Canaan to Abraham and his descendants. The textual evidence, as we have noticed, indicates that the land belongs to the Canaanites and not to Yahweh. If so, how can we understand Yahweh's promise of the land if it does not appear that he owns it? Yahweh can promise the land owned by the Canaanites to Abraham not because he owns it already but because he can give it to whomever he wants. The phrase 'I will give' in the land promise shows that promising the land is Yahweh's initiative and underlines the certainty of giving the land. Yahweh has the power and ability to remove the Canaanites and their control over the land and enable Abraham's descendants to occupy, use and control it. When the appointed time comes, Yahweh will carry out his plan of giving the land by removing the Canaanites and enabling Abraham's descendants to occupy the land. From that time onwards, the Canaanites will no longer be the owners of the land. Their right to dwell, use and keep the land in their possession is taken over by Yahweh, so that Yahweh becomes the owner. As the owner of the land, Yahweh can transfer the right to occupy, use and keep the land in possession to Abraham's descendants and make them the new owners. Yahweh's ownership of the land occurs only at the period of transition, that is, taking the right and control of the land from the Canaanites and giving it to Abraham's descendants. Since Abraham's descendants receive the right to

occupy and use the land directly from Yahweh, the land is Yahweh's gift to them.

c. Abraham's Ownership of the Promised Land

Abraham's actions of building an altar, receiving the land promise (v. 7) and pitching the tent (v. 8) are considered by some scholars as actions of claiming the ownership of the promised land. Cassuto interprets Abraham's action of building the altar as a symbolic action of conquest and taking possession of the land/10/. But I would argue rather that building the altar is not to affirm Abraham's ownership of the land. Abraham builds the altar to express his response to Yahweh's revelation and promise of the land by worshipping him. D.J. Wiseman considers the act of erecting a tent and building an altar at the place of oak of Moreh as symbolic of assuming territorial possession or of adopting the territory for the tribe/11/. This view is however questionable. As against Wiseman's statement, we may note that Abraham did not pitch a tent at the oak of Moreh. He built only the altar there. The explicit reference to pitching a tent appears after the move from Moreh and the arrival in the area between Bethel and Ai (v. 8). The words דִּיּוֹקָן and יִיבֹלַע (v. 6) need not mean the oak of Moreh, a cultic sanctuary. The term דִּיּוֹקָן in this context refers to the general area to which Abraham has come and יִיבֹלַע refers to the specific spot rather than a sacred site or an existing sanctuary/12/. Pitching a tent is thus not

to claim the ownership of the land but to have a break and stay on his journey. So Abraham's actions of building the altar and pitching the tent cannot be said to prove his claim of ownership of the promised land.

After receiving the land promise and building the altar, Abraham travels further towards the south and then goes to Egypt because of a severe famine in Canaan. Although Abraham is promised that his descendants will be given the land of Canaan, he is not told that Canaan is the land Yahweh wanted to show to him. This is stated later when he returns from Egypt and the same land is promised to him personally as well as to his descendants (Gen. 13:14-17).

2. Showing and not Transferring the Land (Gen. 13:14-18)

After the return from Egypt to the land of Canaan and after Lot has separated himself from Abraham, Yahweh asks Abraham to lift up his eyes and look around the land of Canaan, gives again the promise of the land and tells him to walk through the land.

The Lord said to Abram, ... "Lift up your eyes, and look (וַיִּרְאֵהוּ) from the place where you are, northward and southward and eastward and westward; for all the land which you see I will give to you (לְךָ) and to your descendants for ever (וְלִבְנֵי עַד-עוֹלָם). I will make your descendants as the dust of the earth ... Arise, walk (וַיַּחַדְךָ) through the length and the breadth of the land, for I will give it to you". (Gen. 13:14-17)

Some scholars think that this text speaks of Yahweh transferring the ownership of the land to Abraham and of Abraham taking possession of the promised land. D. Daube, on the basis of his study of Roman practices of 'traditio', interprets vv. 14-18 as a viewing ceremony in which Yahweh as the owner of the land transfers his ownership to Abraham by pointing out and promising the land. Abraham, for his part as a buyer, takes possession of the land by viewing it and walking through it/13/. Daube's conclusion is that the land is legally transferred to Abraham by Yahweh and that Abraham now in fact owns the land. Clark accepts that vv. 14-15 is a viewing ceremony belonging to a legal transfer of ownership, but he, somewhat differently from Daube, understands that 'walking through the land' (v. 17) is a separate action having a military connotation of taking possession of the land/14/. According to Clark, the ownership is legally transferred to Abraham in the viewing ceremony but the actual possession by military conquest is yet to happen, in the period of Joshua.

However, these legal and military interpretations of the narrative are questionable. For, first, the narrative is being interpreted by these scholars in the light of legal customs of a very late period. Second, they fail to recognize that there could be other purposes behind Yahweh's causing Abraham to see the land. One such purpose is to confirm the earlier assurance, 'I will show you' (12:1) since hitherto Yahweh has not yet confirmed the assurance given to Abraham at Haran. The verb

'look' ($\overline{\text{ן}} \overline{\text{ל}} \overline{\text{ך}}$) which is used in the Hiphil imperfect form ('I will cause you to see the land', 12:1) appears in the Qal imperative form in 13:14. The verbal similarity shows a close link between 12:1 and 13:14 and indicates that Yahweh has now in fact caused Abraham to see the land he earlier wanted to show him. As Yahweh shows the land to Abraham, Yahweh promises the land to give it to Abraham as well. When the promise was given to him at Shechem (12:7), Abraham was not included as a donee. But this time, he is included as a donee. This is clear from the expression, 'for all the land which you see I will give to you and to your descendants for ever' (v. 15). So not only his descendants but Abraham himself will be given the land as a gift. This narrative is, thus, about confirming the earlier assurance to show the land and promising it to Abraham as well and not about transferring the ownership of the land to Abraham at this stage. We have noticed earlier that Yahweh will take the right of ownership of the land from the Canaanites to himself before transferring it to the one to whom it is promised. So far there is no indication in the story that he has taken the ownership of the land to himself, that the viewing of the land can be interpreted as transferring of the ownership to Abraham. Therefore, we can reject the interpretation of the viewing ceremony as the legal transfer of the land to Abraham. Furthermore, the purpose of asking Abraham to arise and walk through the land (v. 17) is not that he should conquer and take possession of the land. Rather, Yahweh is authorizing Abraham to explore the land which has been

promised to him and to his descendants and to live anywhere in it till, at some future date, Yahweh gives it to him. Even though the land is promised now, the actual transfer of the right to occupy the land to Abraham and his descendants will take place in the future. The time when the occupation of the land will begin is indicated at the covenant making with Abraham (Gen. 15: 7-21).

3. Confirming by a Covenant (Gen. 15: 7-21)

Gen. 15: 7-21 narrates the making of the covenant with Abraham. The land promise is repeated and the promised land is described during the covenant making (vv. 17-21):

On that day the Lord made a covenant with Abram, saying, "To your descendants I give this land, from the river of Egypt to the great river, the river Euphrates, the land of the Kenites, the Kenizzites, the Kadmonites, the Hittites, the Perizzites, the Rephaim, the Amorites, the Canaanites, the Girgashites and the Jebusites." (vv. 18-21)

We shall deal first with the description of the land promised and notice the extent and present owners of the land, and then discuss whether the covenant making is only for the ratification of the land promise or for the actual conveyance of the land.

a. The Promised Land: Its Extent and Owners

Gen. 15:17-21 describes the promised land in two parts. The first part of the description which is in poetic style (v. 18c. '... from the river of Egypt to the great river, the river of Euphrates') indicates the geographical extent of the promised land. The second part of the description which is in narrative style (vv. 19-21) tells us the inhabitants of the land to whom the land belongs.

In the description of the geographical extent, the expression, 'the river of Egypt' (נַחַל־מִצְרַיִם), refers to the natural boundary of the land on the south. Speiser thinks that the Nile, the river which flows through the middle of Egypt, could not be the border of the promised land and that נַחַל־מִצְרַיִם must be a misreading for נַחַל־לְבַיִת. So he suggests to read the expression 'river of Egypt' as 'brook of Egypt' (נַחַל־לְבַיִת־מִצְרַיִם) which is different from the Nile/15/. Y. Aharoni takes a similar view and points out that the brook of Egypt which flows in the desert region of southern Palestine is the only geographical obstacle besides the desert and for this reason it could be the border between Palestine and Egypt/16/. On the basis of the suggestions of Speiser and Aharoni, it could be said that the brook of Egypt and not the Nile is the extreme southern border of the promised land. The river Euphrates (נַחַל־פְּרָת) which flows in the northern region of Syria becomes the natural boundary of the land on the north-

east/17/. Since the boundaries on the west, east and the north are not mentioned here/18/, it is difficult to determine the full extent of the promised land from this text. What one can say at this stage is that the expression, 'from the brook of Egypt to the river of Euphrates' refers to the widest possible extent of the land which incorporates the entire territory on the west of the Jordan, Lebanon, Syria and Transjordan/19/. For our convenience, we can call this vast territory 'Greater Israel'.

Such a vast territory between the brook of Egypt and the Euphrates is not an empty land. A number of ethnic groups live in the territory. The second part of the description in vv. 19-21 mentions the names of ten groups of people who live in the vast promised land, namely, the Kenites, the Kenizzites, the Kadmonites, the Hittites, the Perizzites, the Rephaim, the Amorites, the Canaanites, the Girgashites and the Jebusites. Though, at times, terms like 'the Canaanites' (12:7), 'the Perizzites' (13:7), 'the Amorites' (15:6) are used interchangeably to refer to the inhabitants of the land in a general sense, the listing of the names individually in vv. 19-21 shows that the inhabitants are different ethnic groups. Besides these ten groups of people, some other ethnic groups such as the Zuzim, the Horites and the Amalekites also live in the land between the brook of Egypt and the Euphrates (Gen. 14: 1-12). Since these groups are only a minority, their names are ignored in the list in preference to the major

groups. We are not told here whether these ethnic groups live as a mixed population in a united country or occupy certain regions in the land between the brook of Egypt and the Euphrates. But we have a clue in Genesis 14:5-7 which mentions the location of some of the minor groups in that land. This helps us to infer that different ethnic groups are not living as a mixed population in a united country but live in certain regions between the brook of Egypt and the Euphrates. Since these ethnic groups have occupied and live in the land, they are the present owners of the land. Thus these two descriptions which stand as subordinate clauses and are attached to the expression 'To your descendants I give this land' (v. 18b) explain that the promised land is a vast territory from the brook of Egypt to the Euphrates and is owned by different ethnic groups.

b. Confirming and not Conveying

Some scholars have interpreted Yahweh's covenant with Abraham in the light of form critical study of the ancient Near Eastern decrees of grant or in reference to the legal meaning of the term $\int \int \int$ and have concluded that the real ownership of the land was transferred to Abraham at the time of making the covenant. Clark considers that vv. 18-21 express the form of a legal contract with all three usual elements of a contract, namely, the date formula, the name of the past owner and the border description of the land/20/. This view is, however,

questionable. The date formula 'on that day' (v. 18), which is closely linked with Yahweh's action of making the covenant, refers to the day on which Yahweh has made a covenant with Abraham rather than to the actual conveyance of the land on that day. The reason for giving the border description and details of the ethnic groups at this point is not to make a deed of contract but to give details of the extent of the land promised and details of the present owners of the land. The mention of Yahweh's name in v. 18 is not to indicate Yahweh as the owner initiating the deed but as the party who establishes the covenant. So we reject Clark's view that the land is here conveyed to Abraham under a legal contract.

Another view regards Yahweh's covenant with Abraham as a covenant of grant in reward for the loyalty of the donee. On the basis of ancient Near Eastern practices, M. Weinfeld has come to the conclusion that God as a suzerain commits himself in covenant, granting the unconditional gift of land to Abraham in reward for his obedience and loyalty/21/. P. Kalluveetil rightly questions Weinfeld's theory of grant and points out that loyalty is not mentioned in the text as a motive for the promise or gift of the land/22/. He notes that the genres of the land promise in the Old Testament and the royal grant of the ancient Near East are different because the land promise deals with a promise awaiting fulfilment in the future whereas the grant formula is concerned with an actual transfer of land. Moreover, the context here is not a royal court where Yahweh as

a king issues the grant decree of transfer of land. Instead, the context portrays Yahweh as the party initiating the covenant in order to ratify the promise which he has made earlier and to answer Abraham's question of the fulfilment of that promise. So on the basis of Kalluveettil's criticism we reject Weinfeld's view of covenant of grant.

N.M. Sarna, on the basis that the verb קָנָה occurs in the perfect tense (v. 18), suggests that the making of the covenant has already marked the transfer of real ownership, although the actual possession of the land will be at the time of the conquest under Joshua/23/. But it may well be argued that the use of the perfect tense of קָנָה in the context of vv. 7-21 does not mark the transfer of a right of ownership of the promised land to Abraham. It indicates rather the certainty of God's giving the land in the future/24/. Whereas the right of ownership of the land still remains at present with the Canaanites, the right to occupy and control the land will certainly be transferred to Abraham's descendants in the future. After Abraham's descendants have sojourned in a different land for four hundred years (v. 14) and when the iniquities of the inhabitants of the promised land have reached the point that they must be expelled from the land (v. 16), Yahweh will carry out his plan of bringing Abraham's descendants from their land of sojourning and enable them to enter, settle down in and appropriate the promised land. When

this happens, then, one can say that the right of ownership of the promised land will be transferred to Abraham's descendants.

Our study of Gen. 15:7-21 has shown that the land is at this point not yet conveyed to Abraham. What has been happening is that the land promise which still awaits fulfilment is here confirmed by a covenant. Furthermore, the southern and north-eastern boundaries of the promised territory extending from the brook of Egypt to the Euphrates are specified. The ethnic groups which had not previously been mentioned but live and own the land are spelled out.

4. Heirs of the Promised Land (Gen. 17:7-27)

Who are the heirs of the promised land? That the heirs of the promised land are those with whom Yahweh has established his eternal covenantal relationship is shown in Gen. 17:7-21. Scholarly interpretations of Gen. 17:1-8 differ^{25/}. One notes the repetition in Gen. 17 of the earlier mention of the promise of numerous descendants, with the further expansion of making Abraham a father of nations and kings (vv. 1-6), together with the renewed promise of land (v. 8) and the introduction of a new promise to establish a covenantal relationship between Yahweh on the one side and Abraham and his descendants on the other (vv. 7-8). Yahweh has already confirmed the promise of land by a covenant (Gen. 15:7-21). Here matters are carried further by the confirmation of the promise of numerous

descendants by means of a covenant (vv. 1-6)/26/. The rest of the chapter (vv. 7-21) focuses on the new promise of establishing a covenantal relationship between Yahweh and the Abrahamic group.

And I will establish (וְהִקְמֹתִי) my covenant between me and you and your descendants after you throughout their generations for an everlasting covenant (לְבְרִית לְדָוָם), to be God to you and to your descendants after you. And I will give to you, and to your descendants after you, the land of your sojournings, all the land of Canaan, for an everlasting possession (לְדָוָם יְהִי לְכֹל אֶרֶץ כְּנָעַן); and I will be their God. (17:7-8)

The text speaks of a promise of an everlasting covenant/27/. If we look at the promise of the everlasting covenant in the light of its purpose, we realize that the promise of the covenant concerns the establishment of a relationship between Yahweh and the Abrahamic group. In establishing a covenantal relationship with Abraham and his descendants, Yahweh makes the Abrahamic group his covenanted community and he becomes God to them. In entering into such a relationship with Yahweh, Abraham and his descendants become the people of Yahweh. The term 'People of Yahweh' is not used here, but the idea of people of Yahweh is present. A religious community of Yahweh is born in the covenant relationship. The covenantal relationship between Yahweh and Abraham is established by circumcision demanded for Abraham and all the male members of his family (vv. 9-14, 22-27)/28/.

What is the significance of repeating here the land promise to Abraham? The source critics considered the repetition of the land promise as the Priestly version of the promise to Abraham and ignored the significance of the repetition of the land promise in the context of establishing the covenantal relationship. By considering the text in its sequential unfolding, we observe that what is happening here is that the land promise is being brought within the legal framework of the relationship between Yahweh and the Abrahamic group. The earlier covenant to fulfil the land promise (Gen. 15: 18-21) did not establish the legal relationship by which Yahweh is made the God of the Abrahamic group and the Abrahamic group becomes Yahweh's people. As such the land promise stood outside the legal framework of the relationship between God and his people. The saying of the land promise here thus signifies that Yahweh is now promising the land to give to his own people and not to a people with whom he does not have any official relationship. This covenanted community becomes the legal heir of the promised land.

For the first time in the story of Abraham the name of the promised land, 'the land of Canaan', is mentioned in the land promise. It is described as the land of sojourning because Abraham did not occupy the land to the extent that a native would occupy with full right. But such a land will become 'an everlasting possession' ($\text{עַד \text{עַלְמֵי} \text{עַד}$). It is an everlasting property because Yahweh will enable Abraham's

descendants to occupy the land and keep it in their control for generation after generation.

According to this new dimension, Ishmael is also eligible for the promised land as the first descendant of Abraham and a circumcised member of the Abrahamic group. How great a share of the promised land will be given to Ishmael and to his descendants and where the location of his share of land will be are not divulged here. But the promised land will be divided between Ishmael and Isaac. However, Yahweh's covenantal relationship is going to continue with Isaac and his descendants rather than with Ishmael (vv. 19-21). Isaac and his group will be considered as the legal heir of the promised land after Abraham even though a share in the promised land is given to Ishmael.

B. LAND OWNERSHIP

Let us now study the narratives which speak of Abraham possessing certain properties such as a well (Gen. 21:25-34), a field with a cave in it (Gen. 23) and then transferring all his possessions to his heir Isaac (25:1-6).

1. Possession of a Well (Gen. 21:25-34)

We read of a dispute between Abraham and Abimelech's servants regarding a well in Beersheba in Gen. 21:25-34. Like a

cultivable field or a piece of land for housing, a well could be considered as landed property. So we have to consider what the narrative implies about well ownership. The dispute is concluded with a covenant between Abraham and Abimelech and a payment of seven ewe lambs to Abimelech. It is understood by some that the payment is to release Abimelech's right over the well and to transfer the ownership of the well to Abraham/29/. This assumption is questionable, for the text does not say that the well originally belonged to Abimelech or that it was situated in his land. Instead, the text points out clearly that the site of the well is in Beersheba, in the land of Canaan. The gift of seven lambs is a witness that Abraham found the spring beneath that site and brought the water out by digging the well on that spot and so it belongs to him. It is not paid to redeem it from Abimelech. Abimelech's acceptance of that gift proves that he has recognized Abraham's right over that well.

Furthermore, there is no indication in the text that Abraham purchased the site of the well from one of the inhabitants for a price in order to dig a well or that he used someone's land freely to dig a well and so was entitled only to the waters of the well and not really the well itself. The quarrel of Abimelech's men with Abraham's servants for the well implies that the well could have been situated in uninhabited land in the vicinity of Beersheba rather than in the property of someone else who could then claim it. That is why Abraham

appeals to the fact that he found the right site which has spring beneath it and dug the well. Such a use of land gives him the claim over the well. Thus, we learn that the ownership of the well here is not by purchase of the well from Abimelech or the site of the well from one of the local inhabitants but it is by use of the land and thereby claiming it.

2. Purchase of Land (Gen. 23)

Gen. 23 tells us that Abraham purchased landed property - a field with a cave - from Ephron for a price with the approval of the local Hittite community, in order to bury Sarah. There are two main interpretations of the purchase and ownership of the property and both of them attempt to explain the narrative in the light of ancient Near Eastern customs.

In the first place, M. R. Lehmann suggests that Abraham purchased the property and owned it according to the Hittite law. He thinks that Ephron offered the entire field in which the cave was situated and sold it to avoid his feudal duties rather than to make profit/30/. Abraham, knowing the feudal obligations connected with the owning of the whole property asked first for the cave of Machpelah only but he had to buy the whole property along with the feudal obligations attached to it. While one can agree with Lehmann's idea of sale of the property, his legal interpretation based on the Hittite law is questionable. For, first, there is no need to assume that the

transaction was based on the Hittite law only. It could be on the pattern of sale contract found in the ancient Near East generally/31/. Second, there is no evidence in the text that Ephron was under the feudal service of the Hittite king/32/.

The other explanation comes from G. M. Tucker who points out that Abraham purchased the property according to the sale contract found generally in the ancient Near East. Though the narrative of Gen. 23 itself is not a sale contract text, the technical elements of a sale contract are present in the narrative/33/. The sale is a legal transfer of ownership of the property with the approval and witness of the Hittites. Abraham now owns landed property consisting of a field and a cave in the land of Canaan.

While Lehmann and Tucker interpret the text in the light of the ancient Near Eastern customs, we can notice in the text itself that Abraham owned the field as his legal property by purchasing it. The narrative recounts the negotiation which went on between Abraham and Ephron regarding the purchase of the property (vv. 3-15), reports the payment of money (v. 16), and then states at the end that the field with the cave and all the trees in it were transferred to Abraham as his legal property (vv. 17-20). In the context of sale and purchase of property, the use of the term $\text{D}\text{.}\text{I}\text{P}$ in the Qal imperfect form ($\text{D}\text{P}^{\text{a}}\text{I}$) means 'made over' and thus indicates that the property is transferred to Abraham/34/. That the field with the

cave and all the trees in it became his legal possession is further denoted by the use of the term $\overline{\text{נ}}\overline{\text{ח}}\overline{\text{נ}}\overline{\text{ח}}$. Abraham has now the full right over the property and he can use it as he likes and transfer it to whom he likes.

Some scholars try to link the ownership of landed property by Abraham in the land of Canaan with the idea of fulfilment of the promise of the land. For example, von Rad thinks that the ownership of property in Canaan here is an initial fulfilment of the land promise/35/. Davidson and Brueggemann consider it as a sign of the future fulfilment of the land promise/36/. McEvenue points out that it is not the characters in the narrative but only the reader of the story who can conceive a link between the promise of the land and the purchase of the property in Gen. 23, and he suggests that the purchase of property could be considered a 'fulfilment *in nuce*'/37/. But it is difficult even for the reader to think of a link between the purchase of this property and the promise of the land. For there is no reference to the deity or to the land promise in the whole of Gen. 23/38/. Both ideas - the fulfilment of the land promise and the purchase of the landed property to bury Sarah - stand as two separate and unrelated ideas in the story of Abraham.

3. Transfer of Properties (Gen. 25:5-6)

We are not given any report of Abraham's movement after the purchase of the property in Hebron till his own burial in the cave of Machpelah (25:9). Concerning the disposition of family property, Gen. 25:5-6 reports:

Abraham gave all he had (כֹּל-אֲשֶׁר-לֵאָבְרָהָם) to Isaac. But to the sons of his concubines Abraham gave gifts, and while he was still living he sent them away from his son Isaac, eastward to the east country.

What is given to Isaac is expressed by the phrase 'all that Abraham owned' (כֹּל-אֲשֶׁר-לֵאָבְרָהָם) and this stands in contrast to 'gifts' (תְּרוּמָה) given to the sons of his concubines, Hagar and Keturah. Verse 5 does not give details of the possessions given to Isaac and the gifts to the sons of his concubines. One can guess here from the way the possessions given to Isaac are contrasted with the gifts only to the sons of concubines that Isaac's inheritance includes the landed property which Abraham owns at Hebron. Abraham takes a deliberate step and transfers the ownership of all his possessions to Isaac after clearing off other claims for the family possessions by sending away the sons of the concubines with gifts.

Abraham's action of transferring all the possessions including the land of the family to Isaac and sending away the sons of his concubines with gifts only is commonly interpreted

in the light of Near Eastern customs and practices of his day. Following the inheritance customs and practice of ultimogeniture in the ancient Near East, according to Brown, Abraham elected Isaac as his legal heir from among his sons and used the method of blessing to transfer the property to Isaac/39/. But, instead of explaining Abraham's action of giving all his possessions to Isaac and sending away the sons of his concubines with gifts only in the light of ancient Near Eastern customs, it is preferable to explain it from the data of the story itself. Yahweh's announcement that through Isaac, Abraham's descendants will be counted (Gen. 21:12) makes Isaac Abraham's legal heir. Abraham's action of giving the possessions to Isaac is based on divine announcements and not on social customs of his day.

How, then, did Abraham actually transfer the ownership of his property to Isaac? There is no evidence in the story that by blessing Isaac, Abraham transferred the property. But Gen. 24:36 contains a report by Abraham's servant that Abraham has 'given all that he has' to Isaac. That is why Abraham's servant is able to tell Rebekah's family that Abraham has decided to give all that he has to Isaac (Gen. 24:36). Even though Ishmael is the first son of Abraham, he is not given the family property. Sarah's insistence on separating Ishmael from the Abrahamic family and the divine approval of Isaac as Abraham's legal heir deprives Ishmael of inheriting the family property acquired by purchase but not his share in the promised land.

We can now summarize our study of Gen. 12:1--25:10. Yahweh promised a vast territory between the brook of Egypt and the Euphrates, which is the land of different peoples, to Abraham and his descendants, who became Yahweh's people by the covenant of circumcision and thus legal heirs of the promised land. While the promised land is shown to Abraham and the promise is confirmed by a covenant, the right of ownership of the land remains at present with the inhabitants of the land and is not yet transferred to Abraham. Yahweh can promise the land not because he owns it already but because he can give the land by removing the inhabitants, so enabling Abraham and his descendants to occupy and keep it in their possession. According to Yahweh's estimate, the iniquities of the 'Amorites' will take more than four hundred years to reach the point when they can be expelled from the land and replaced by Abraham's descendants and till then Abraham's descendants will sojourn in a foreign land. When that time comes, Yahweh will remove the Canaanites and bring Abraham's descendants to occupy the promised land. Although Abraham has the power to defeat and conquer certain territories (Gen. 14:13-24), he does not in fact conquer and take possession of the land. Ownership of the promised land will be achieved, according to the story of Abraham, not by military conquest but by later immigration of his descendants who will settle and appropriate the land for themselves. So the promise of land is not fulfilled in the lifetime of Abraham. But Abraham does own a well in Beersheba by digging it and a piece of land in Hebron by purchasing it.

Abraham transfers the purchased landed property to Isaac, his legal heir.

CHAPTER 2

THE STORY OF ISAAC

The narratives which speak of Isaac are few. We can list as the important accounts: the birth of Isaac (Gen. 21:1-8); his marriage (24:62-67); his role in burying his father and inheriting the family possessions (25:1-11); his sojourn in Gerar (26:1-16); his dwelling in Beersheba (26:23-33); the blessing of Jacob and Esau (27:1-40) and the sending away of Jacob (28:1-5). The first three accounts (21:1-8; 24:62-67; 25:1-11), as we have noticed earlier, are set within the story of Abraham. But the rest of the accounts (26:1-16, 23-33; 27:1-40; 28:1-5) make up a separate story of Isaac/1/. The Isaac story is also a travel story. The first account of Isaac's travel narrated outside the Abraham story is 26:1-5, which also begins the Isaac story proper. Isaac travels from the land of Canaan to the land of the Philistines and later returns to the land of Canaan (26:23-25). Isaac's story comes to an end in 28:5 with the account of Isaac blessing Jacob and sending him away.

The story of Isaac has close links with the story of Abraham. The land promise given to Abraham is repeated to Isaac. Isaac, as a descendant of Abraham, is one of the donees of the promised land and as the legal heir inherits the family property. We will focus our attention, in this Chapter, on the

account of the land promise to Isaac (26:1-5) and the account of the passing on of the land promise to Jacob (28:1-5). This will enable us to trace further developments in the promise and ownership of the promised land. We will study the accounts in order to see how Isaac comes to own landed property (26:12-14) and wells (26:17-33).

A. LAND PROMISE

1. Promise of Land (Gen. 26:1-5)

Isaac moves to Gerar, which is in the land of the Philistines, because of famine in the land where he has been living (26:1). Yahweh appears to Isaac while he is at Gerar, instructs him to sojourn in Gerar and not to go down to Egypt, and gives him a number of promises, particularly the multiplication of Isaac's descendants as the stars of heaven and the giving of the land to Isaac and his descendants (vv. 1-5):

Now there was a famine in the land ($\chi \gamma \alpha \beta$), besides the former famine that was in the days of Abraham. And Isaac went to Gerar... And the Lord appeared to him, and said, "Do not go down to Egypt; settle down in the land ($\chi \gamma \alpha \beta \psi$) of which I shall tell you. Sojourn in this land ($\chi \gamma \alpha \beta \theta$), and I will be with you, and will bless you; for to you and to your descendants I will give all these lands ($\chi \gamma \alpha \beta \iota$), and I will fulfil the oath which I swore to Abraham your father. I will multiply your descendants as the stars of heaven, and will give to your descendants all these lands ($\chi \gamma \alpha \beta \kappa$) ... because Abraham obeyed my voice and kept my charge ... and my laws."

The land promise which Yahweh gives to Isaac has two dimensions, namely, promising the land directly to Isaac in person (v. 3c 'for to you and to your descendants I will give all these lands' and v. 4b 'and will give to your descendants all these lands'), and renewing the earlier oath sworn to Abraham with Isaac (v. 3d 'and I will fulfil the oath which I swore to Abraham your father'). The land promised to Isaac in person is denoted in the MT by 'all these lands' כָּל־הָאָרְצוֹת אֵלֶּיךָ, vv. 3c, 4b)/2/. Gunkel understands the phrase 'all these lands' to refer to the state of Gerar/3/. But this is questionable and it is better to regard the phrase 'all these lands' as referring to the territories of different ethnic groups lying between the brook of Egypt and the Euphrates which comprise 'Greater Israel' as a whole, and not simply the territory of one ethnic group such as the land of the Philistines/4/. Therefore, we have to analyse first how the word אֶרֶץ is used and identify what the phrase 'all these lands' means in this text.

When אֶרֶץ is used with the definite article in v. 1 ('there was a famine in the land') and in v. 2c ('settle down in the land of which I shall tell you') or with the singular demonstrative adjective ('Sojourn in this land') in v. 3a, it refers to a particular territory and not to all the territories in 'Greater Israel'. That the word אֶרֶץ in v. 1 refers to the land of Canaan can be inferred from the

information about the former famine during the days of Abraham when he entered and stayed in Canaan (Gen. 12:10). Thus אֶרֶץ in v. 1 refers to a territory, the land of Canaan, which lies within the vast territory between the brook of Egypt and the Euphrates. When Yahweh informs Isaac that he shall tell him 'the land' to which he should move and settle down once the famine is over, he means presumably the land of Canaan whence he came to the land of the Philistines. So in v. 2c also אֶרֶץ refers to a territory within the vast promised land. The use of אֶרֶץ with the singular demonstrative adjective (הַזֶּה) in v. 3a ('Sojourn in this land') refers to the land of the Philistines because the emphasis of the demonstrative adjective 'this' in the context of Yahweh's revelation to Isaac at Gerar clearly indicates the land of the Philistines. Thus the word אֶרֶץ with the definite article or with the singular demonstrative adjective is used in this text to refer to one of the constituent territories of 'Greater Israel' such as the land of Canaan or the land of the Philistines, and does not refer to all the territories of the promised land. On the other hand the use of the plural of אֶרֶץ with the plural demonstrative adjective 'these' (אֵלֶּסֶה) in v. 3c ('to you and to your descendants I will give all these lands') and v. 4b ('and will give to your descendants all these lands') refers to more than one land such as the land of the Philistines or the land of Canaan. The phrase 'all these lands' refers to the territories of the different ethnic

groups which lie around Gerar including the land of the Philistines.

Second, that the phrase 'all these lands' refers to the territories of different ethnic groups which lie between the brook of Egypt and the Euphrates is clarified by the following sentence (v. 3d), which speaks of the oath sworn to Abraham. We have already noticed in Gen. 15:17-21 that Yahweh promised the land of different ethnic groups to Abraham and confirmed his promise by a covenant. So the phrase 'all these lands' should be understood as referring to the entire territory from the brook of Egypt to the Euphrates.

Possession of the promised land, here again, is achieved not by military conquest but by settling down in and occupying the land. When the time comes, Yahweh will remove the inhabitants who presently occupy and own all these territories, and give the land to Isaac and his descendants by enabling them to occupy the land. Isaac, with all his might, could conceivably have taken possession of the land, or at least some territories, by conquest. But he did not conquer any part of the land. Instead, he avoids confrontation with Abimelech and his people and moves to the valley of Gerar (v. 17) and then to Beersheba (v. 23). His actions confirm that he understood the promise of owning the land not in terms of conquest but in terms of increasing in number like the stars of heaven and thus occupying the entire promised territory.

In giving the promise to Isaac, the promise made to Abraham is renewed. Promises could lose their validity upon the death of the person to whom they were sworn. In the case of the promise sworn to Abraham, its validity continues after Abraham's death by means of the repetition of the earlier land promise to Isaac. When it is said that Yahweh will fulfil the oath sworn to Abraham, it means Yahweh will give to Isaac and his descendants the entire land which had been sworn to Abraham.

2. Passing on the Land Promise (Gen. 28:1-5)

The epilogue of the story of Isaac (Gen. 28:1-5) speaks of Isaac transferring the land promise while blessing Jacob and wishing him to return and possess the land of his sojournings.

Then Isaac called Jacob and blessed him, and charged him, "...God Almighty bless you and make you fruitful and multiply you, that you may become a company of peoples. May he give the blessing of Abraham to you and to your descendants with you, that you may take possession of the land of your sojournings which God gave to Abraham." (vv. 1-4)

The root meaning of the verb $\psi \text{ } \gamma \text{ } ^{\prime}$ is 'to take possession' or 'to dispossess', but its exact connotation is determined by its context. Since Isaac did not take steps to conquer even part of the land, it is doubtful that he wished Jacob to do so. Instead, the wish of Isaac is that Jacob should return with numerous descendants to occupy and thus possess the land.

B. LAND OWNERSHIP

1. Appropriation of Land (Gen. 26:12-14)

Isaac's ownership of a piece of land is not explicitly stated in the story because Isaac did not buy any land. This distinguishes it from the Abraham story which narrates how Abraham came to own some land. The nature of ownership of land by purchase itself needs a report about the negotiation between the two parties and the payment of money. But Isaac's possessions are limited to flocks (מִקְנֵי הַצֹּאן) and herds (מִקְנֵי הַבָּקָר). The word מִקְנֵי which is used in the sense of landed property owned by Abraham in Gen. 23:18, is specifically clarified in 26:14 to connote in this context flocks and herds and not land. However, there is a report that Isaac sowed and reaped in the land of the Philistines where he sojourned (v. 12). This reference is usually taken as evidence that the patriarch was a semi-nomad or a transhumant pastoralist/6/. But the action of cultivating land implies that Isaac came to own a piece of land through using and appropriating it. One can come to own a piece of land by means other than purchase or inheritance. For example, one can improve land which does not belong to anyone and claim it as one's own as a reward for the time and energy expended on it. Since there is no report about Isaac purchasing his land from one of the local inhabitants, or anyone objecting to him using the land, we may infer that the land he used was uninhabited,

probably in the fringe areas of Gerar. He spent his energy, time and money to cultivate and reap the harvest. This gives him automatically the right of ownership of the land. As long as he uses it, the land belongs to him.

2. Possession of Wells (Gen. 26:17-33)

The account in Gen. 26:17-33 states that Isaac came to own wells in two ways, namely, by claiming the right over the wells dug and owned by his father, and by digging new wells and claiming them. When Isaac needed water for his group and flocks, he dug the old wells once owned by Abraham. He had to redig these wells because the Philistines had stopped and filled the wells with sand, probably to nullify any claim to these wells by Abraham's descendants or simply to discourage their settling in the area. Isaac's digging of those wells and the absence of any objection to this from the Philistines show that Isaac has every right to claim the wells owned by his father. To give the wells the names which had been given by his father is to assert the right of the old owner (v. 18) and thereby, as the descendant of Abraham, Isaac's right over these wells.

Isaac's servants dig two new wells in the valley of Gerar and nearby Gerar (vv. 19-21), but they have to abandon them because the herdsmen of Gerar quarrel with them regarding the ownership of the wells. This implies that though one can dig a

well and claim it, if it lies within the region of a town or city the local inhabitants have the right over it. Perhaps that is why Isaac does not make any effort to prove his right over those wells but rather, moves on and abandons them. But the wells dug at Rehoboth (v. 22) and Beersheba (vv. 32-33) become the possession of Isaac without any claim from any other people. This is presumably because these wells were situated in the uninhabited outskirts of those places. There is no report that Isaac bought the site of these wells for a price from the hands of the local people in order to dig the wells. The account clearly points out that Isaac and his servants find the right site which had the spring beneath it, dig and bring the water out. This effort and toil give Isaac the right over these wells. He claims his right over them by giving them the names, Rehoboth and Shibah. Thus the ownership of the wells at Rehoboth and Beersheba is achieved by making use of the land for that purpose and claiming it.

The story of Isaac shows us that Isaac is promised all the land which has been promised to Abraham and that the promise made to Abraham is renewed to Isaac. The means of acquisition of the land is not military conquest but settling down in and occupying the land. Meanwhile, Isaac owns a piece of land by cultivating and appropriating it. He also owns the wells owned by his father, and two more new wells in Rehoboth and Beersheba, by digging and claiming them.

CHAPTER 3

THE STORY OF JACOB

While scholarly opinions differ regarding the extent of the story of Jacob/1/, it must include at least Gen. 28:10--50:26 because these narratives portray the journey of Jacob in and out of the promised land: Jacob leaves his parents and journeys towards Haran (28:10). After spending a few years there, Jacob returns to Canaan and settles down in Shechem (31:17--33:20). He moves on to Bethel (34:1--35:15), then to Ephrath (35:16-21) and finally to Mamre (35:22-29; 37:1). The request of Joseph to his brothers who came to him due to severe famine in Canaan to bring their father compels Jacob to travel to Egypt (45:13; 46:1-7, 28-34). Though Jacob dies in Egypt, his body is brought to the promised land and is buried with his fathers in the same burial place (50:1-14). The next travel story of Jacob's descendants journeying from Egypt to Canaan is narrated in Exodus.

Some scholars have given a separate identity to Gen. 37-50 rather than considering it as part of the Jacob story complex, and have designated the narratives of Gen. 37-50 as the story of Joseph/2/. But Gen. 37-50 is better regarded as an integral part of the Jacob story. First, Gen. 37-45 provides the general background (41:54; 43:1) and the specific reason (45:13) for

Jacob's travel to Egypt. Secondly, Gen. 48-49 focuses on Jacob and his arrangements for inheriting the promised land, such as the adoption of Joseph's sons which gives them equal land inheritance rights with the rest of his sons, and transferring the family property to Joseph. So Gen. 37-50 cannot be regarded as a separate story of Joseph. Moreover, we do not read of Joseph travelling from one place to another in search of the land or of Yahweh giving the land promise to Joseph. In the case of Abraham, Isaac and Jacob, the giving of the land promise is connected with their travel. That is to say, Yahweh gives the land promise to them during their journey and the pattern we observe in their stories is Travel-Land Promise-Travel (Gen. 12:1-9; 26:1-5; 28:10-17). Joseph's journey does not fit into this pattern. Since there is no report anywhere in Gen. 37-50 of Yahweh's giving a land promise to Joseph during his journey to Egypt, we do not consider these chapters to be a separate travel story of Joseph like those of Abraham, Isaac and Jacob. Here again, we shall study the accounts of land promise and the account of land purchased and owned by Jacob and then transferred to Joseph to find out what perspectives they contain on land ownership.

A. LAND PROMISE

The important texts we have to study here are the two accounts of Yahweh giving the promise of land to Jacob (Gen. 28:10-17; 35:9-15) and Jacob repeating to Joseph, in the

presence of Joseph's sons, the land promise given to him (Gen. 48:3-7).

1. Promise of the Land of Canaan (Gen. 28:10-17)

Yahweh appears to Jacob in his dream at Bethel and gives him in person a series of promises, namely, the promise of the land (v. 13), of numerous descendants (v. 14a), of spreading them abroad in all directions (v. 14b), of making Jacob and his descendants a blessing to all the families of the earth (v. 14c), the promise of his presence with and protection of Jacob (v. 15a) and the promise to bring Jacob back to the same land (v. 15b).

And behold, the Lord stood above it and said, "I am the Lord...the land on which you lie I will give to you and to your descendants; and your descendants shall be like the dust of the earth, and you shall spread abroad to the west and to the east and to the north and to the south...and will bring you back to this land; for I will not leave you until I have done that of which I have spoken to you." (28:13-15)

On the basis of historical study showing that Palestine was divided into many small city-states, H. Seebass suggests that this promise refers to the area immediately surrounding Bethel and not to the whole land of Canaan/3/. But the land promised to Jacob in this context must be regarded as the whole land of Canaan, for Jacob has not yet left Canaan. That is to say, even though he has left Beersheba and his parents, he is still within the land of Canaan when he receives the promise. Not

until Gen. 29:1 do we read that he has left Canaan and reached another land. Furthermore, that the promised land is the land of Canaan can be inferred from the promise to bring Jacob back to the land (v. 15). The phrase 'this land' in v. 15 refers not to the exact spot where he slept or the area of Bethel but to the land of Canaan generally.

Yahweh is not going to give the entire land of Canaan to Jacob and his descendants by means of military conquest, but by immigration and infiltration into all parts of the land. This is known to us from the other promises to Jacob. The promise to bring Jacob back to the land of Canaan indicates immigration into the promised land. The promises of multiplying his descendants and enabling them to spread out in all directions indicates gradual penetration into all parts of the land and occupation of the entire land. Becoming more numerous, spreading out in all directions as the need for more land grows and occupying more areas of the land indicate that the possession of the entire promised land will take place over an extended period of time.

2. Renewal of the Promise (Gen. 35:9-15)

Yahweh not only gives the land promise directly to Jacob but also repeats the land promise which he had given earlier to Abraham and Isaac.

And God said to him, "I am God Almighty...The land which I gave to Abraham and Isaac I will give to you, and I will give the land to your descendants after you."
(35:11-12)

In repeating the land promise to Jacob, Yahweh mentions not only the name of Abraham, who was its first recipient, but also the name of Isaac. This has a special significance not only for the understanding of the extent of the land promised to Jacob but also for the continuity of the promise. Mentioning the names of Abraham and Isaac together signifies that the scope of the land promised to Jacob includes the entire land from the brook of Egypt to the Euphrates promised to Abraham (Gen. 15:19) and Isaac (Gen. 26:1-5). By repeating to Jacob the land promise given to his forefathers, Yahweh renews that same promise with Jacob, thus giving the promise continuity and validity.

3. Adoption and the Heirs of the Promised Land (Gen. 48:3-7)

In Gen. 48:3-7, Jacob informs Joseph of the land promise given to him by Yahweh at Bethel (cf. Gen. 35:5-15), and expresses his hope that Yahweh will fulfil the promise and that all his sons will inherit the promised land. He then adopts the two sons of Joseph, Ephraim and Manasseh, by placing his hands on them (vv. 8-14) to be the heirs to inherit the promised land along with the rest of his sons (Gen. 48:3-7):

And Jacob said to Joseph, "God Almighty appeared to me at Luz in the land of Canaan and blessed me and said to me, 'Behold I will make you fruitful and multiply you and I will make of you a company of peoples, and will give this land to your descendants after you for an everlasting possession.' And now (וְעַתָּה) your two sons, who were born to you in the land of Egypt before I came to you in Egypt, are mine (הֵם לִי); Ephraim and Manasseh shall be mine, as Reuben and Simeon are. And the offspring born to you after them shall be yours; they shall be reckoned (equal) to their brothers (in inheriting land) in their inheritance (עַל שֵׁם אֲבוֹתֵיהֶם יִקְרָאוּ בְנֵיהֶם לְיָרְדֵן). For when I came from Paddan, Rachel to my sorrow died in the land of Canaan on the way... and I buried her there on the way to Ephrath (that is, Bethlehem)."

Scholarly discussions focus their attention on the reason for the presence of the narrative of adoption/4/, giving a double share of land to Joseph/5/, and preferring Ephraim, the youngest son, to Manasseh, the oldest/6/. But we will focus our attention on the basic issue that the purpose of adopting Ephraim and Manasseh is to make them equal with the rest of Jacob's sons to inherit the promised land. This is known to us, first, from Jacob repeating the land promise (vv. 1-4) in the context of adopting Ephraim and Manasseh. Westermann observes this and points out that the recollection of divine revelation and promise in Bethel has no motivation in vv. 1-4 but serves as the reason for adopting Joseph's sons (vv. 5-6)/7/. He also notices that repeating the land promise (vv. 1-4) is closely linked to the adoption of Joseph's sons (vv. 5-6) by the use of וְעַתָּה, 'and now', which introduces a consequence from what has preceded/8/. The phrase הֵם לִי, 'they belong to me', is used here as a formula of adoption/9/. By adopting Ephraim and

Manasseh and calling them his own, Jacob elevates them to a status equal to that of the rest of his sons. Secondly, that the adoption of Ephraim and Manasseh is to give them equal share of land in the promised land is known to us from the expression 'they shall be reckoned (equal) to their brothers (in inheriting land) in their inheritance' (v. 6). The Hebrew expression $\text{וְיִקְרָא עַל שְׁמֵי אֶחָיו בְּיָרְדְּנָם}$ cannot be understood in the literal sense of 'they shall be called upon/by/against the name of their brothers in their inheritance' (as RSV does), which is obscure and does not make the meaning clear. On the other hand, the combination of $\text{וְיִקְרָא עַל שְׁמֵי}$ וְיִשָּׂא , 'to call upon/by the name' could be regarded here as an idiom 'to reckon to' /10/, meaning that Ephraim and Manasseh will be counted equal to their brothers in getting their share of land 'in their inheritance', i.e. the promised land.

However, the narrative which speaks of adoption of Joseph's sons does not make it clear whether Ephraim and Manasseh are adopted in the place of Joseph or in addition to Joseph. According to the present narrative, the adoption of Ephraim and Manasseh brings the total number of Jacob's sons who will be inheriting the promised land to fourteen. This means the promised land shall be divided into fourteen territories until further change is reported as we will note later in Num. 18:21-24 and 26:57-62 which speak of no inheritance to the tribe of Levi and 26:28-37 which assumes that Ephraim and Manasseh are counted in the place of Joseph himself.

These fourteen heirs are not the only descendants who are going to share the vast territory promised to Abraham, Isaac and Jacob. Since the promises to each one of these three patriarchs clearly state that the land will be given to them and to their descendants (Gen. 13:14-18; 17:8; 26:3-5; 28:13; 35:12), we need to remember that their descendants like Ishmael, Esau and their sons also will have a share in the promised territory. How great their share of land will be is not revealed. However, whatever territory falls to the descendants of Abraham in the line of Isaac and Jacob, the fourteen sons of Jacob will share it among themselves.

B. LAND OWNERSHIP

1. Purchase of Land (Gen. 33:18-20)

On reaching the city of Shechem in Canaan on his return with his family from Haran, Jacob purchases a piece of land outside the city from the sons of Hamor (Gen. 33:18-20):

And Jacob came safely to the city of Shechem, which is in the land of Canaan, on his way from Paddan-aram; and he camped before the city. And from the sons of Hamor, Shechem's father, he bought (**אֶקֶל**) for a hundred pieces of money the piece of land (**חֶלְקַת הַשְּׂרָה**) on which he had pitched his tent. There he erected an altar and called it El-Elohe-Israel.

The text does not tell us how Jacob works out the deal for purchasing the land from the sons of Hamor, who are Hivites and members of the royal family (34:2). The size of the parcel of

land which he purchases is also not clear. Since the word הַשָּׂדֶה generally means a small portion of open field, what Jacob purchases could be a small piece of land from the private property of the royal family. Various reasons for buying the land are offered by scholars. Calvin thinks that Jacob had to buy the land because the inhabitants did not grant Jacob any land at Shechem in which to settle down/11/. Lowenthal suggests that Jacob's original plan in buying the land was to acquire a future burial ground for Rachel and himself/12/, but there is no evidence for this in the text. Noth believes that Jacob purchases the land in order to erect a pillar/13/. However, it seems to us that the reason why Jacob buys the land is not to erect an altar, but to pitch his tent and settle down in a locality where he will subsequently worship Yahweh. If Jacob had no intention of settling down and wanted to continue his journey after erecting a pillar and worshipping, then he need not have bought the land. Like Abraham (Gen. 12:8; 13:1-5), he could have erected an altar in the areas far away from the city, with no need of purchasing the land, and then continued his journey. Since Jacob wants to settle down in the territory which belonged to the people of Shechem, he has to buy a piece of land from one of the inhabitants of that region. He does not have any landed property of his own in Canaan in which to settle. We are also not told that Isaac transferred to Jacob the family property which he inherited from Abraham (Gen. 25:1-5). His 'landlessness' and his interest in settling down near Shechem leads Jacob to buy a piece of land from one of the

inhabitants of that territory. Instead of living inside the city and mixing with its inhabitants, Jacob prefers to live in a tent in a field outside the city. The technical term $\overline{\text{ק}}\overline{\text{נ}}\overline{\text{ן}}$ used here means that Jacob has acquired the property legally by paying a price. Jacob can transfer the legally acquired property as an inheritance to one or all of his sons.

Another ~~issue~~ issue connected with the purchase of property in Canaan is the fulfilment of the land promise. Fokkelman's view is that by purchasing a piece of land in the vicinity of Shechem, Jacob has made the land of Canaan his own and that this purchase constitutes the fulfilment of Yahweh's promise to Jacob at Bethel (28:10-17)/14/. However, the same arguments which we raised against such a view of Abraham's purchase of a field and cave at Machpelah (Gen. 23) are relevant here. First, there is no reference to the land promise in the text such as might suggest that the purchase has anything to do with the divine promise of the land. Secondly, there is no hint from the narrator that the purchase of the land is the fulfilment of the land promise. Thirdly, purchasing a piece of land is not the way Yahweh wanted to give the land to Jacob when he left for Haran. It is by enabling Jacob and his descendants to immigrate back safely into the land and to occupy it freely, without purchasing any of it, that Yahweh wanted to give the land and fulfil the land promise. So the purchase and owning of a piece of landed property in Canaan cannot be regarded either as a partial or a complete fulfilment of the land promise; it is a

temporary arrangement for Jacob to settle down till the land promise can be truly fulfilled.

2. Transfer of Property (Gen. 48:21-22)

Gen. 48:21-22 narrates how Jacob transfers to Joseph the right of ownership of the landed property which he has taken from the Amorites:

Then Israel said to Joseph, "Behold, I am about to die, but God will be with you, and will bring you again to the land of your fathers. Moreover I have given to you rather than to your brothers (אֶת־אֶחָד־הַבָּנִים) one mountain slope (אֶת־אֶחָד־הַבָּנִים) which I took from the hand of the Amorites with my sword and with my bow."

What has been transferred to Joseph is denoted as אֶת־אֶחָד־הַבָּנִים. The masculine noun אֶחָד־הַבָּנִים literally means 'shoulder'. The same noun refers to the city of Shechem as well. Attempts to explain the phrase אֶת־אֶחָד־הַבָּנִים and to identify the property transferred to Joseph have not been satisfactory. So it is necessary to discuss such attempts, pointing out their weaknesses, in order to make clear the meaning of the text.

Speiser separates the two words אֶת־אֶחָד־הַבָּנִים because the construct is obscure and he considers that אֶחָד־הַבָּנִים refers to the city of Shechem and the adjective 'one' אֶת־אֶחָד־הַבָּנִים refers to Joseph/15/. His view is that Jacob makes Joseph number one above all his brothers by giving him the city of Shechem. Some others interpret אֶת־אֶחָד־הַבָּנִים as 'one mountain slope' and

identify that 'one mountain slope' as the slope of Mt. Gerizim and not Mt. Ebal. They associate the word דָּשֻׁשׁ with the slope of Mt. Gerizim because Shechem was situated there/16/. Lowenthal rejects the view that $\text{גַּרְזִים דָּשֻׁשׁ}$ refers to the city of Shechem or to a mountain slope, because Jacob did not own the whole city or its mountain slope except for the small piece of land which he purchased from the Hivites. He argues that it is not possible for Jacob to give what he does not own. The word דָּשֻׁשׁ , according to him, means 'shoulder' and it is used as a pun/17/. He thinks that this word refers not only to the piece of property purchased but also refers to Joseph as a shoulder, implying that the transfer of the property to Joseph has elevated him above all his brothers. While one can agree with Lowenthal that the word דָּשֻׁשׁ does not refer to the city or the mountain slope but to the land purchased, his interpretation of it as a pun referring to the elevation of Joseph is questionable. It is the preposition בְּ which refers to the elevation of Joseph and not the word דָּשֻׁשׁ . Lowenthal, moreover, fails to explain how the report can refer to the property as being possessed by sword and bow, while the story in 33:18-20 relates that it was purchased for a price.

Mendelsohn tries to explain the word דָּשֻׁשׁ in its context. He thinks that the text speaks of the election of the first born of the family and his special right to get an additional share of land/18/. So, according to him, the word דָּשֻׁשׁ means 'an extra share of land'. But the word דָּשֻׁשׁ cannot be

interpreted as 'an extra share of land'. The story does not say that some other landed property has been given already to Joseph, so the transfer in v. 22 can hardly mean an extra or additional share of land. Moreover, he fails to identify what that extra portion of land might be. Westermann, differing slightly from Mendelsohn, interprets $\aleph \aleph \aleph \text{ } \text{D} \text{ } \text{D}$ as 'one small portion'. This 'one small portion', according to him, does not refer to the land purchased by Jacob in the vicinity of Shechem but is an allusion to the city of Shechem itself/19/. In response to this position we must ask, how can a city like Shechem be considered a small portion of land? His interpretation of the phrase $\aleph \aleph \aleph \text{ } \text{D} \text{ } \text{D}$ as 'a small portion of land' contradicts his suggestion that it is an allusion to the city of Shechem.

Since the above explanations are not satisfactory, we have to interpret the account of the transfer of property to Joseph in the light of the information available to us from the story. The only property Jacob owned is the land purchased in the area of Shechem (Gen. 33: 18-20). Since the word $\text{D} \text{ } \text{D}$ is used already in the account of the purchase of the land, we can say that it refers to the vicinity of Shechem and not to the city proper or mountain slope or shoulder. The word $\aleph \aleph \aleph$ as the cardinal number 'one' refers to the one property which Jacob owns. If so, the two words $\aleph \aleph \aleph \text{ } \text{D} \text{ } \text{D}$ together mean 'one property in the vicinity of Shechem'. The problem of incompatibility of the account of the purchase of property from

the Hivites in Gen. 33:18-20 with the account of taking the property from the Amorites with the sword and bow in Gen. 48:22 needs to be addressed. First, it appears that the Hivites and the Amorites are different ethnic groups. So an explanation is needed here to reconcile these two different pieces of information. It could be argued that the Hivites are a subgroup of the Amorites and that Gen. 33:18-20 is interested in mentioning the name of the particular people from whom Jacob purchased the property, whereas Gen. 48:22 refers to the same ethnic group by using the generic term 'the Amorites'.

Secondly, the account in Gen. 33:18-20 states that the land was purchased for a price, and Gen. 48:22 speaks of taking possession of the land with the sword and bow. But there is no evidence in the story for Jacob or his sons owning the land by conquest. Even though Gen. 34:25-29 reports that Simeon and Levi, the two sons of Jacob, took revenge on the people of the city and plundered all their wealth, it does not say that they took possession of the land and went on controlling it. One possible method of resolving the tension between Gen. 33:19 and Gen. 48:22 is to regard these texts as presenting the different points of view of the narrator and the character. In Gen. 48:22 Jacob would then be exaggeratedly claiming that he took the land with his sword and bow whereas in Gen. 33:19 the narrator is reporting how Jacob came to own a piece of land by purchasing it from the Hivites. However the fact remains that the two texts are at odds with one another.

Jacob transfers the landed property which he purchased for a price to Joseph by a simple verbal conveyance saying to him, 'I have given to you' (v. 22). The verb ִתַּתַּת is used here in its legal sense, meaning the official transfer of the right of ownership of the property from Jacob to Joseph/20/. This action of the verbal conveyancing of the property to Joseph only indicates that Joseph is chosen as the legal heir to the family property in the area of Shechem.

The story of Jacob shows that Jacob is promised all the land sworn to Abraham and Isaac and that all the descendants of Jacob (his own sons and Ephraim and Manasseh by adoption) will spread all over the land and occupy it. Jacob owns only a single parcel of land which he purchased in the vicinity of Shechem for his family to settle down in and transferred it to his legal heir Joseph.

SUMMARY OF PART ONE

Our study of Genesis 12-50 shows that the idea of land ownership runs on two levels - (1) the ownership of the promised land, and (2) the ownership of properties bought and transferred to the next heir in the family.

1. The promised land is described mainly in three ways. First, by its name 'the land of Canaan' (Gen. 17:8; 48:3-4) and in other places by reference to the land of Canaan using the definite article ('the land', 26:1), the demonstrative adjective ('this land' 12:7; 'all the land' 13:14) and with the noun 'sojourning' in the construct ('the land of sojourning' 17:8; 28:4). Such expressions refer to the land on the west side of the Jordan. Second, the promised land is described in terms of its extent 'from the brook of Egypt to the river of Euphrates' (15:18-19) embracing the entire territory west of the Jordan, Lebanon, Syria and Transjordan. Third, in terms of the land of the peoples such as the Kenites, the Kenizzites, the Kadmonites, the Hittites, the Perizzites, the Rephaim, the Amorites, the Canaanites, the Girgashites and the Jebusites (15:19). We have noticed that there are other ethnic groups (14:1-6) living in the territory between the brook of Egypt and the Euphrates in addition to the above ten listed ethnic groups and one such group mentioned later is the Philistines (26:1-5). What we can conclude from these data is that the promised land

is described on the one hand as the land of Canaan, referring to the territory on the west side of the Jordan, and on the other hand as 'Greater Israel', referring to the vast territory extending from the brook of Egypt in the south to the Euphrates in the north-east. Thus we get two portrayals of the extent of the promised land.

2. The accounts of the land promise show that the present owners of the promised land are the above mentioned ethnic groups occupying and living in their respective regions. They are generally known as 'the Canaanites' or 'the Amorites' or 'the Perizzites'. It is not reported in the stories of the patriarchs that Yahweh owns the land of these people but Yahweh's promising of the land to each of the patriarchs in person is clearly mentioned. He can promise it to the patriarchs and their descendants because he has the power to remove the inhabitants and enable Abraham and his descendants to occupy and own the land. Yahweh can thus transfer the right of ownership of the land from these peoples to the patriarchs and their descendants. Yahweh owns the land during the period between taking away the right of ownership of the land from the inhabitants and transferring it to the patriarchs and their descendants. Yahweh transfers the right to occupy the land not to the people who have no legal relationship with him. He gives it to his own people - Abraham and his descendants who became Yahweh's people by the covenant of circumcision (Gen. 17:7-21).

As Yahweh's legal heirs, they will be the new owners of the land. The promised land is a gift to them from their God.

The timing of Yahweh's transfer to his people of the right to occupy the promised land is also revealed in the narratives. Yahweh decides to give the land after the iniquities of the inhabitants of the land have increased so that they can be expelled from the land and replaced by his own people (15:12-16). So they have to sojourn in Egypt till Yahweh brings them to the promised land. Yahweh will give the land by bringing the descendants of Abraham, Isaac and Jacob after the period of sojourning is over and enabling them to immigrate into the promised land, spread out through the land and settle down. Though the patriarchs received the promise, they did not receive the right to occupy the land in their own lifetime in the sense of settling down and claiming the land or by conquering the land and claiming possession of it. But in hope Isaac passed on the land promise to Jacob and Jacob wished his own sons and the adopted sons, Ephraim and Manasseh, to inherit the promised land. We also noted that the promised land is not exclusively for the descendants of Abraham in the line of Isaac and Jacob. All the other descendants of Abraham such as Ishmael and Esau and their sons are also eligible to have their share of land in the promised territory because Yahweh's promise is to give the land to Abraham and to all of his descendants.

3. The other idea of ownership of landed properties is the actual purchase of a piece of land, the possession of wells and the appropriation of a piece of agricultural land.

a. Abraham owned the field with its cave and trees in Hebron (Gen. 23) by purchasing it for a price, and he transferred it to his legal heir Isaac. Similarly Jacob owned a piece of land by purchasing it in the vicinity of Shechem which is known as $\overline{\overline{\tau}} \overline{\overline{\pi}} \overline{\overline{\lambda}} \overline{\overline{\delta}} \overline{\overline{\psi}}$, and he transferred it to Joseph (48:21-22). However, Isaac came to own a piece of land not by purchasing it but by appropriating it through cultivation (Gen. 26:12-14). The toil, time and money Isaac had spent to plough, sow and reap gave him the right of ownership over that land.

b. The landed properties bought for a price and transferred to the heir in the family are known as $\overline{\overline{\tau}} \overline{\overline{\pi}} \overline{\overline{\lambda}}$, family property or ancestral possession. Only one of the sons is chosen to be the legal heir to the ancestral possession in contrast to the heirs to the promised land. The purchase and owning of a piece of land by Abraham or Jacob is not the sign of fulfilment of the promise of the land. The idea of owning the promised land by settling down and claiming it in the future and the idea of actually owning a piece of land by purchasing it stand apart as two different categories.

c. In addition to the owning of land, Abraham and Isaac owned wells not by purchasing the site of the wells but by

making use of the land in the uninhabited regions of the promised land. They claim their right over the wells by appealing to their effort of founding the well (21:25-34) and by giving names to the wells (26:17-33). Thus, we notice two kinds of ownership regarding landed properties, namely, ownership by direct purchase of land from the inhabitants and ownership by using and appropriating the land.

PART TWO

LAND OWNERSHIP IN EXODUS, LEVITICUS AND NUMBERS

The second Part of our thematic study of land ownership consists of the stories of Liberation, the Sinai Covenant and the Conquest which are narrated in Exodus 1 to Numbers 36. Concerning land ownership, the two main notions which run through these stories are Yahweh's ownership of land and the Israelites' ownership of land. We will study in detail how these ideas are portrayed in these stories.

CHAPTER 4

THE STORY OF LIBERATION

The narratives of Exod. 1:1--15:21 can be called the story of Liberation because they deal with the liberation of the people of Israel from Egyptian bondage which results in their freedom and their status as owners of the promised land. The story of the liberation is closely linked with the stories of the patriarchs narrated in Genesis, for the Israelites are the descendants of Abraham, Isaac and Jacob. Even though Exod. 1:1 does not pick up exactly where Gen. 50:26 left off, the introductory text of Exod. 1:1-7 recapitulates some of the information given in the story of Jacob such as the list of the sons of Jacob, their settlement in Egypt and the death of Joseph /1/. In addition to this information, Exod. 1:1-7 adds that all the brothers of Joseph and all that generation died (v. 6) and the descendants of

Israel were fruitful and increased greatly (v. 7).
Furthermore, the story of Liberation is closely linked with the patriarchal stories because the land promise and the covenant to confirm the promise with the patriarchs are referred to in the story (Exod. 2:24; 6:4, 8; 12:25; 13:5, 11). Yahweh's action of remembering his covenant with the patriarchs (2:24; 6:2-8) indicates that the promise is going to be fulfilled and that the people of Israel are going to own the promised land. The land promised to the patriarchs is described as a good and broad land; a land flowing with milk and honey and the land of the people (3:8, 17; 13:5).

The story of Liberation is a travel story - the Israelites are travelling from Egypt to the promised land. Though their journey to Canaan is not mentioned until Exod. 3:8, the narratives of Exod. 1:1--3:7 give background information about the miserable situation of the Israelites, their cry for freedom, the necessity to leave Egypt and the fulfilment of the land promise. Their dramatic journey from Egypt is reported in Exod. 12-15. The liberation from Egyptian bondage is over as the people of Israel cross the Reed Sea. They rejoice that Yahweh is leading them to the land where he is going to dwell (15:13-18). Another stage in their journey through the wilderness region begins at this point (15:22).

Within this narrative we come across an explicit

reference to Yahweh's ownership of the earth (9:29), and his dwelling place as being in the land promised to the Israelites (15:13-18). In this Chapter, therefore, the ideas of Yahweh's ownership of the earth and of his dwelling place will be discussed.

1. Yahweh's Ownership of the Earth (Exod. 9:29)

A series of manifestations of Yahweh's power to Pharaoh is narrated in Exod. 7:10--11:10. A reference to Yahweh's ownership of the earth appears in the narrative of the hail plague (9:13-35):

Moses said to him, "As soon as I have gone out of the city, I will stretch out my hands to the Lord; the thunder will cease, and there will be no more hail, that you may know that the earth ($\Upsilon\text{רָאָה}$) is the Lord's...you do not yet fear the Lord God." (9:29-30)

Two kinds of opinion are expressed by commentators regarding the meaning of the word $\Upsilon\text{רָאָה}$ in v. 29. One opinion is that it refers to the land of Egypt and accordingly v. 29 speaks of Yahweh's ownership of Egypt/2/. Another view is that it refers to the earth in the sense of the world and means Yahweh's ownership of the whole earth/3/. The latter view is preferable because, first, throughout the narrative, with one exception in v. 33, whenever the narrator refers to Egypt, he uses the word $\Upsilon\text{רָאָה}$ in conjunction with the noun with which it is in construct, 'Egypt' ($\Upsilon\text{רָאָה} - \text{מִצְרַיִם}$).

vv. 22-25). Secondly, since the idea of the whole earth is present in the narrative and denoted by the term יְדָוָא , we can regard יְדָוָא which appears in v. 29 as referring to the whole earth. This view is supported by v. 15 which speaks of being 'cut off from the earth'. This expression means not existing any more in this world. Thirdly, since the idea of the whole earth in contradistinction to the land of Egypt is present elsewhere in the narrative, we can regard יְדָוָא in v. 29 as referring to the whole earth and not to the land of Egypt. Such an idea of the whole earth appears in relation to the idea that Pharaoh 'may know' that there is no one like Yahweh in the whole world ($\text{יְדָוָא הָאֵלֹהִים כָּמוֹתָיִךָ}$, vv. 14-16)/4/. The incomparability of Yahweh to anyone else is on the universal level. Since the word יְדָוָא in v. 29 appears in relation to a similar idea that Pharaoh 'may know', it could be said that it refers to the whole earth. Pharaoh must know that Yahweh owns the whole earth including the land of Egypt. That is why he could bring forth natural plagues like thunder and hail on Egypt exclusively, leaving the region of Goshen unaffected by the plagues, as well as being able to remove the plagues from Egypt/5/.

The idea of ownership is expressed by using the preposition בְּ with the name of the person or suffixed pronominal particles (e.g. Gen. 23:9 where בְּיָד is used to speak of the ownership of the cave of Machpelah by Ephron, or by the construct state/6/. In Exod. 9:29, the preposition

בִּי is used with the name of Yahweh (יְהוָה) to mean the ownership of the earth by Yahweh.

2. Yahweh's Ownership of a Sanctuary (Exod. 15: 13-18)

The song of the people of Israel in Exod. 15:1-18 has two concerns, namely, the victory over the Egyptians (vv. 1-12) and the entry into the land where Yahweh is going to own his dwelling place (vv. 13-18). The latter part of the song speaks of Yahweh's ownership of a dwelling place in the promised land:

Thou hast led in thy steadfast love the
people whom thou hast redeemed,
thou hast guided them by thy strength
to thy holy abode (יְהוָה קִדְשֶׁךָ). (v. 13)

Thou wilt bring them in, and plant them
on thy own mountain (בְּהַר יְהוָה),
the place (מְכוּן), O Lord, which thou hast
made for thy abode (לְשִׁבְתְּךָ),
the sanctuary (מִקְדָּשְׁךָ), O Lord, which thy hands
have established. (v. 17)

The divine dwelling place is described as 'your holy abode' (יְהוָה קִדְשֶׁךָ) in v. 13; 'mountain of your inheritance' (בְּהַר יְהוָה); 'place for your dwelling' (מְכוּן) and 'the sanctuary' (מִקְדָּשְׁךָ) in v. 17. Some scholars understand these descriptions of Yahweh's abode as referring to the whole land of Canaan and as expressing his ownership of it. For example, Noth takes terms

such as 'mountain', 'place' and 'sanctuary' in this way, conveying the idea that the whole land is a divine sanctuary which Yahweh possesses (v. 17); thus it can be said that Yahweh owns Canaan/7/. Following ancient Near Eastern mythology which speaks of sacred mountains and the territory around them as properties of the deities, Lohfink also believes that vv. 13-17 speak of Canaan as Yahweh's property/8/. Clements, on the other hand, considers that terms such as 'mountain' and 'sanctuary' refer strictly to Mt. Zion. He, too, in the light of ancient Near Eastern mythology, where the sacred mountain represents the land, understands the divine sanctuary in Mt. Zion as representing the whole land of Canaan and thus as symbolizing Yahweh's ownership of Canaan/9/. On the basis of his terminological study of הַרְיָרְיָ , 'inheritance' which conveys the idea of possession, Brown also interprets the phrase 'thy own mountain' in v. 17 as Yahweh's ownership of Canaan/10/, regarding the proclamation 'The Lord will reign for ever and ever' in v. 18 as a further indication of the idea of Yahweh's ownership/11/.

The above mentioned mythological and terminological explanations of vv. 13-18 conclude that Yahweh owns the land of Canaan. However, a closer look at the text calls into question such a view. The descriptions of the divine dwelling place in vv. 13-17 such as 'abode', 'mountain', 'place' and 'sanctuary' most naturally refer to a particular location

where Yahweh is going to dwell and not to the entire land. Even though the name of the mountain is not given, the word 'mountain' here suggests that it is a particular location and not a hilly region or a vast territory. The words $\text{הַר} \text{הַיְהוָה}$ and $\text{הַר} \text{שֵׁנִי}$ point to the specific mountain as the place of Yahweh's dwelling. Yahweh's action of making it his abode and establishing it (v. 17) does not mean constructing a temple or a building for his abode, but that Yahweh has selected a mountain and is going to use it as his dwelling place. So the mountain itself is his dwelling place. It will be a holy sanctuary because he will dwell on it. He is going to bring the people of Israel to the land in which this mountain is situated and settle them around it/12/. When they settle down throughout the land, it will appear as if they are planted around the sanctuary where Yahweh dwells.

Since the mountain is situated in the land, there is a geographical relationship between the mountain and the promised land, but there is nothing to suggest that the mountain represents the whole land. In the story so far, the whole land has been represented in terms of natural boundaries like 'from the brook of Egypt to the river Euphrates' (Gen. 15:18), or in terms of ethnic groups living in it (Gen. 15:19), or in terms of its natural abundance, e.g. 'the good and broad land', 'the land flowing with milk and honey'. One single part, such as a mountain or hilly region has never been used to describe the whole entity. So

the mountain in Exod. 15:17 represents only the divine sanctuary and not the entire promised land. The phrase 'thy own mountain' in v. 17, therefore, does not mean that the land of Canaan is Yahweh's property, but means specifically that the mountain sanctuary is Yahweh's landed property within the land/13/.

Equally questionable is the understanding that the proclamation in v. 18, 'The Lord will reign for ever and ever', speaks of Yahweh's ownership of Canaan. Verses 13-18 do not portray Yahweh as the king and Canaan as his kingdom in the sense that Canaan belongs to Yahweh. Instead, it speaks of him as having his mountain sanctuary in the land where his people will be living. The statement of Yahweh's everlasting rule should be interpreted in the context of Yahweh liberating the people of Israel and living in the land with them. It means that Yahweh will for ever protect them by being with them and doing mighty deeds as he did in Egypt and in the crossing of the Reed Sea, so that they need not be afraid of other people any more.

One could raise the issue of how Yahweh can own a dwelling place in the promised land when the land has not yet been declared to belong to him. To answer this we must discuss Yahweh's ownership of the mountain sanctuary in connection with his ownership of the promised land. It has been noted earlier that the time for Yahweh to take away the

right of ownership of the land from the inhabitants is when the iniquities of the Amorites increase to the point that they can be expelled and replaced by the liberated Israelites. When they are expelled and the people of Israel are settled down in the land, then one will know that these signs are fulfilled and that Yahweh has taken over the ownership of the promised land. This gives him the right to assign a mountain as his dwelling place and keep it as his property. Once he has given the whole land to the people of Israel, Yahweh will be left only with the property of his mountain sanctuary. The mountain sanctuary will continue to be the property of Yahweh while the rest of the promised land is owned by the Israelites.

Why should Yahweh own a dwelling place in the land which he gives to the people of Israel? The reason for this is that he might dwell in the midst of his people. Yahweh's presence is not going to end once the liberation and settling down in the land are achieved but is going to continue with them as they live in the land. The divine dwelling in the mountain sanctuary is a sign or symbol of Yahweh's continuing presence with his covenanted community.

Thus, the story of Liberation portrays Yahweh's ownership of the earth in general and of a particular mountain sanctuary in the promised land as his dwelling place.

CHAPTER 5

THE STORY OF THE SINAI COVENANT

The story of the Sinai Covenant extends from Exod. 15:22 to Num. 10:10. Exod. 15:22 marks the beginning of the next stage in the journey of the people of Israel through the wilderness region. After staying for a period of time in the vicinity of the mountain in Sinai, they set out on their travels again (Num. 10:10). Since the main focus of the complex of Exod. 15:22 to Num. 10:10 is on the covenant making at Sinai and receiving the laws and ordinances, I shall call this complex the story of the Sinai Covenant. This story is also closely linked with the previous stories because the land promise given to the patriarchs (Exod. 32:13; 33:1-2; Lev. 26:42) and Yahweh's deliverance from Egypt (Exod. 19:4; 20:2; Lev. 25:55; 26:45) are referred to in the story of the Sinai covenant.

In this Chapter I shall discuss what sort of land Yahweh owns (Exod. 19:5; Lev. 25:1-7, 20-24) and how the people of Israel are going to possess the entire promised territory (Exod. 23:20-33). The study of Lev. 25-27 will show that families as tenants have certain rights and responsibilities which govern their use of the land (Lev. 25:1-31), the families of the Levites will be given cities with pasture land (25:32-34) and the priest, on behalf of the sanctuary, takes care of

the dedicated land which is not redeemed by the one who dedicated it (27:16-25).

A. YAHWEH'S OWNERSHIP OF THE LAND

1. Yahweh's Claim to the Whole Earth (Exod. 19:5-6)

There are two references in the story of the Sinai Covenant which speak of Yahweh's ownership of land: Exod. 19:5-6 describes his ownership of the whole earth whereas Lev. 25:23 his ownership of the agricultural land. Let us focus our attention first on Exod. 19:5-6:

Now therefore, if you will obey my voice and keep my covenant, you shall be my own possession among all peoples; for all the earth is mine (כִּי-לִי כָּל-הָאָרֶץ), and you shall be to me a kingdom of priests and a holy nation. These are the words which you shall speak to the children of Israel.

Concerning the meaning of the word $\forall \text{ר} \text{ל}$ in v. 5c, 'for all the earth is mine', two views have previously been expressed. On the one hand, Cassuto understands that this word refers to all the people of the world rather than to the earth/1/. This is because the purpose for electing the people of Israel as Yahweh's special possession, according to him, is that the people of the world belong to Yahweh and they need to be redeemed by the spiritual task of his special possession. Cassuto draws support for interpreting the word $\forall \text{ר} \text{ל}$ as referring to people from Gen. 11:1 where, he thinks, this word

is used in the sense of all the people. This interpretation is questionable. First, the phrase כָּל־הָאָרֶץ in the context of Gen. 11:1 need not be translated as 'all the people' as he does. It makes sense even if it is read as 'all the earth' or 'the whole world'. Secondly, to denote distinctively the two aspects, the whole earth and all the people of the world, two different terms are used in Exod. 19:5. The word כָּל־הָאָרֶץ in construct is used to refer to the whole earth whereas the word $\text{כָּל־בְּנֵי־הָאָדָם}$ is used to refer to all the people of the world. The phrase כָּל־הָאָרֶץ is distinguished from the word $\text{כָּל־בְּנֵי־הָאָדָם}$ to refer to the entire physical earth together with all its people. Third, although there must be some purpose in electing the Israelites as Yahweh's special possession, the text does not mention that redeeming the people of the world is the task of Yahweh's special possession. Therefore, it cannot be assumed that the word כָּל־הָאָדָם in v. 5c refers to the people of the world.

On the other hand, on the basis that the earth is created by Yahweh, some scholars suggest that כָּל־הָאָרֶץ in v. 5c refers to the earth/2/. It is true that the earth is created by Yahweh and therefore belongs to him, but there is no reference to creation in the text which would support reading כָּל־הָאָרֶץ as the earth. Dumbrell understands כָּל־הָאָרֶץ in a slightly different manner than does Cassuto, as referring to the whole earth because he thinks that the purpose of electing the people of Israel is to redeem the whole earth including the people and

nature/3/. Since the text does not spell out the task for which the people of Israel are elected, the same objection raised against Cassuto's suggestion is applicable to Dumbrell's also. However, that the אָרֶץ in v. 5c means the earth can be explained on the basis of a particular idiom used and by explaining how Yahweh can elect the Israelites as his special possession, a kingdom of priests and a holy nation.

First, the word אָרֶץ when used with כָּל in the construct is an idiom which refers to the whole earth/4/. One such use, we noted, is in Exod. 9:13-35 where the whole earth is differentiated from the land of Egypt by the idiom כָּל־הָאָרֶץ . Apart from this idiomatic expression, when the word אָרֶץ is used with the preposition בְּ , connected to either the name of Yahweh (בְּיְהוָה) or the first person pronominal suffix (בִּי), as in some places in the Pentateuch, then it refers to the earth/5/. For example, we discussed Exod. 9:29 in the previous Chapter and noted that the word אָרֶץ used in conjunction with בְּיְהוָה refers to Yahweh's ownership of the whole earth. Since the word אָרֶץ appears in a similar formula in Exod. 19:5, one can say that the phrase כָּל־הָאָרֶץ refers to the whole earth.

Second, there is some link between Yahweh's election of the people of Israel as his own special possession, a kingdom of priests and a holy nation on the one hand, and Yahweh's claim that כָּל־הָאָרֶץ is his own on the other, which helps us to

understand the above phrase as the whole earth. One way of looking at the link, as Cassuto and Dumbrell suggest, is from the perspective of Yahweh's purpose in electing the people of Israel. However, their suggestion that it is a redemptive task for the whole world that is the reason for electing them has been questioned because such a task is not spelled out in the text. The other alternative to explain the link between the election of the people of Israel and Yahweh's claim to יְהוָה אֱלֹהֵינוּ is not why Yahweh elects them but how or on what basis Yahweh can elect them to be his special possession and make them a kingdom of priests and a holy nation. While opinions differ about the meaning and function of 'special possession', 'a kingdom of priests', and 'a holy nation' /6/, one can say that if they are to fulfil their status as Yahweh's special possession and their function as a kingdom of priests and a holy nation, then they will require land. If the phrase יְהוָה אֱלֹהֵינוּ refers only to the people of the world, then how can Yahweh provide for his special possession a land where they can function as his kingdom of priests and a holy nation? The answer is emphasized by the causal כִּי clause, 'for the whole earth is mine'. It is because Yahweh owns the whole earth that he is able to elect the people of Israel out of all the peoples and make them his kingdom of priests and a holy nation. The very nature of owning the whole earth gives Yahweh authority and power and freedom to elect the Israelites and provide them with a territory on his earth so that they can function as a

kingdom of priests and a holy nation. Therefore, the phrase כְּלֵךְ
יְרֵאָה must be understood as referring to the whole earth.

2. Yahweh's Claim to the Agricultural Land (Lev. 25:23-24)

An explicit claim of Yahweh to the agricultural land within the Sinai material is found in Lev. 25:23-24:

The land (יְרֵאָה) shall not be sold in perpetuity, for the land is mine (כְּלֵךְ יְרֵאָה); for you are strangers and sojourners with me. And in all the country (כָּל־אֶרֶץ) you possess, you shall grant a redemption of the land (פְּדוּתָא).

Concerning the meaning of the phrase 'for the land is mine' in v. 23b, two different views have been expressed. One view is that the word יְרֵאָה refers in general to the ground or territory of the land which the people of Israel are going to possess and dwell in/7/ and so it here signifies Yahweh's ownership of the promised territory. Another view is that it refers to the farm land or agricultural fields of the families/8/. According to this view, v. 23b signifies Yahweh's ownership of the agricultural land within the promised territory. Since scholarly opinions differ regarding the meaning of the word יְרֵאָה in v. 23b and the same word appears four times in vv. 23-24, it is necessary to make clear how this word is used in the text.

The word יְרֵאָה which appears in v. 23a, 'The land shall not be sold in perpetuity' and in v. 24b, 'you shall grant a

redemption of the land', refers to the agricultural land of the families. This is known to us from the main focus of Lev. 25: 1-24. Such details as giving rest for the fields in the seventh year (vv. 1-7, 20-22), selling and buying fields according to the number of years for crops (vv. 13-16), abundant yields of the field (vv. 18-19), redeeming the land by the kin and returning the fields in the jubilee year (vv. 10, 24, 28) are concerned with agriculture. So the word אֲדָמָה which is used in connection with selling, buying, redeeming and returning must refer to the fields of the family. Since v. 23a and v. 24b speak of selling and returning the land, this word in these places also refers to the agricultural land of the families.

However, when the word אֲדָמָה appears in v. 24a, 'and in all the land you possess' $\text{בְּכָל־הָאֲדָמָה־אֲשֶׁר־תִּשְׁכַּחְוּ}$, it refers to the territory which they are going to possess and settle down in and live as Yahweh's sojourners and strangers. The use of the preposition בְּ , 'in' which usually refers to a location, and the instruction to grant redemption for the agricultural land in the territory which has been possessed by them, indicate that the word אֲדָמָה means the territory of the promised land. Thus, it is noticeable that both meanings - agricultural land and the promised territory - appear in the text. But regarding the meaning of אֲדָמָה in v. 23b, 'for the land is mine', I agree with the view that it refers to the agricultural land within the promised territory. For, the phrase in which it appears is closely linked to v. 23a by the

causal 'ו particle. Yahweh's claim of agricultural land as his own stands as the direct reason for the prohibition of permanent sale of agricultural land. This logical connection leads us to regard אֲדָמָה in v. 23b as agricultural land rather than promised territory.

What is the significance of Yahweh claiming the ownership of the agricultural land in the legislation covering the selling and buying of agricultural land? The significance is that the Israelites cannot sell the ownership of the land which they farm to anyone, because they are not the owners of the land. It is Yahweh who owns the land. The Israelites receive the land from Yahweh as a tenant-peasant would receive it from a landlord and work in it. The land is given to them for their use. They can settle down in it and cultivate it as tenants would do. The idea that the people of Israel are not the owners of the land is further made clear by describing their landless status as sojourners and strangers who could be employed by the landlord to cultivate his land/9/.

The above theological idea of the tenancy of Israel is unique in the Pentateuch because it is expressed only in vv. 23-24 in relation to the selling, buying, redeeming and returning the land in the jubilee year and it stands at odds with the other parts of the same chapter, particularly with vv. 1-7, 20-22 which speak of the Israelites as the owners of the land:

The Lord said to Moses on Mount Sinai, "Say to the people of Israel, When you come into the land which I give you, the land shall keep a rest (וְשָׁבַת הָאֲדָמָה), a resting period (שָׁבַת) for the Lord. Six years you shall sow your field ... and gather in its fruits; but in the seventh year (וּבַשְּׁנָה הַשְּׁבִיעִית) there shall be a sabbatical period of solemn rest (שָׁבַת שְׁבִיעִית) for the land, a resting period for the Lord (לַיהוָה); you shall not sow your field or prune your vineyard. What grows of itself in your harvest you shall not reap...it shall be a year of solemn rest (שְׁנַת שְׁבִיעִית) for the land. The resting period of the land shall provide...food. (Lev. 25:1-7)

The expressions such as 'the land which I give you', 'your field' and 'your vineyard', indicate that the land, fields and vineyards are regarded as belonging to the Israelites. They are here required to give rest to their agricultural land which Yahweh will give them to own. The root meaning of the word שָׁבַת is 'to rest' or 'to cease'. The year in which the people of Israel are asked to give rest for the land is the seventh year in v. 4. Such a resting period (שָׁבַת) or a year of solemn rest (שְׁנַת שְׁבִיעִית) for the land is described as a sabbatical period for Yahweh (שָׁבַת לַיהוָה) in vv. 2 and 4. One has to raise the question what is the significance or relevance of giving rest for the land in the seventh year?

In Exod. 23:10-11 the main reason for leaving the land fallow in the seventh year after cultivating it for six continuous years is so that it can be used by the underprivileged people among the Israelites. The 'rest' (שָׁבַת, 'to let drop or fall') and 'fallow' (שָׁבַת, 'to leave fallow') in Exod. 23:10-11 are not called 'a resting

period for Yahweh' (יְהוָה לְשָׁנַת שְׁמִרָה), and the fallow year is not called 'a year of solemn rest' (שְׁנַת שְׁמִירָה) as in Lev. 25:1-7. The absence of these descriptions in Exod. 23:10-11 implies that the fallow year is not for religious purposes but for humanitarian reasons. A corollary may be that the seventh year need not be the same for all the fields throughout the country and indeed will probably not serve its function if all the fields are left fallow in the same year.

But in Lev. 25:1-7 the purpose of leaving the land fallow in the seventh year is neither for the use of the poor nor for the use of the people of Israel in general. No one is allowed to sow, plough, harvest or use the land in any way in the seventh year (vv. 2-5). The expressions such as 'a resting period for Yahweh' (יְהוָה לְשָׁנַת שְׁמִרָה), 'a sabbatical year of solemn rest' (שְׁנַת שְׁמִירָה) and 'a year of solemn rest' (שְׁנַת שְׁמִירָה) to the land envisage one sabbatical year for all the fields throughout the country/10/. The land must be left completely to its rest in that period. The humanitarian dimension is replaced by a religious dimension in that the resting period of the land is called a resting year for Yahweh. This is to emphasize the religious idea that Yahweh gave the land to the people of Israel (v. 2) and they received and own it as Yahweh's gift. By observing the rest for the land in the seventh year throughout the promised territory, the Israelites are made to realize that it is because Yahweh gave the land to them that they own it. It is worth noting here that while the

law of releasing the land in the jubilee year reminds the Israelites that Yahweh is the owner and the Israelites are the tenants of the land, the law of rest for the land in the sabbath year reminds them that the land is Yahweh's gift to the Israelites in order that the families can have land of their own/11/.

Failure to observe the condition of giving rest to the land could result in losing the land. In Lev. 26:34-35, the word אֲדָמָה is used in two ways. First, in the general sense of the land not being used for several years (v. 35a) and secondly, in the particular sense of rest for the land in the sabbath year (v. 35b and v. 2). If the Israelites fail to acknowledge that they received the land from Yahweh as a gift by the practical demonstration of refraining from using the land once in seven years, and if they continue to cultivate it in that year (26:2, 35b), then Yahweh will have to take the Israelites away from the land. They could be prevented from cultivating the land for several years and scattered in the land of their enemies. Their right to own the land could be transferred to their enemies (vv. 34-35). This will make them realize that they cannot own the land continuously because Yahweh is able to take the land and give it as a gift to others. Once the Israelites repent of their failure and are willing to acknowledge Yahweh's gift of the land by observing the sabbatical year law, Yahweh will remember the covenant which he made with their forefathers to give the land to them and to their descendants for ever. So he

will bring them to the land and restore again the right of their ownership of the land (vv. 42-45).

B. ISRAELITE OWNERSHIP OF THE LAND

1. Penetration and Occupation of the Land (Exod. 23:23-33)

Exod. 23:23-33 portrays the people of Israel gaining possession ($\text{בָּרַחַבְּ} \text{, v. 30}$) in two stages of the entire land between the Red Sea and the sea of the Philistines and from the wilderness to the Euphrates (v. 31) which is occupied by the six major ethnic groups, namely, the Amorites, the Hittites, the Perizzites, the Canaanites, the Hivites and the Jebusites.

The first stage is to penetrate into the land and occupy those regions whose inhabitants have been driven out by Yahweh in preparation for the initial settlement. Yahweh's action of driving out the inhabitants little by little (v. 30) begins as the Israelites enter the land. The Hiphil form $\text{אֶרְחֹקֵם} \text{,}$ 'blot out' or 'make them disappear' (v. 23), shows Yahweh taking the initiative to remove these people from the land. He will make them disappear by sending the spirit of fear (רוּחַ פַּחַד) and panic ($\text{רוּחַ מְדַבֵּר} \text{/12/}$, and by confusing them (רוּחַ מְדַבֵּר) and driving them (רוּחַ מְדַבֵּר) out of their territory. Since some of these terms are associated with the notion of Holy War, some commentators think that this text speaks of the Holy War and conquest /13/. But there is no indication in the present text

that Yahweh is going to fight and kill the inhabitants or ask the Israelites to fight and so make the land vacant for their initial settlement. The method by which the inhabitants will be driven out is fear, confusion and panic, that is, their fear at confronting and resisting the entry of the Israelites. We are not told how the inhabitants will come to know about the Israelites. One explanation is that they may be envisaged as having learned what had happened to the Egyptians and that a large crowd of people were travelling towards their land/14/. Whatever the answer may be, what is portrayed here is that the people of Israel will find some parts of the territory left vacant, as if prepared for them to enter, settle down and occupy.

The second stage in gaining possession of the rest of the land is to penetrate gradually into these parts by defeating the remaining inhabitants and driving them out of the land. The reason why Yahweh did not drive all the inhabitants from the land and left the land completely empty is stated in vv. 29-30. The people of Israel are not numerous enough at present to occupy the entire territory. They have to enter and settle down first in the regions made vacant for them, and then as they increase in number, they can occupy and make use of the rest of the land. If all the inhabitants were to be driven out now, then the land would become desolate and wild beasts could multiply against the Israelites. Therefore, the land will be occupied little by little. Yahweh has assured them that all the

remaining inhabitants are left at their disposal (v. 31). The handing over of the inhabitants, expressed by the formula of וַיִּתֵּן with וְיָצֵא means the giving over of the remaining inhabitants to be defeated and driven out of the land by the Israelites/15/. The people of Israel should not be satisfied with the regions they have occupied initially. As they increase in number and need more and more land for their own settlement, they should go on penetrating other regions until the entire land comes into their possession. As they penetrate more and more into other parts of the land, they may come across severe opposition and confrontation from the remaining inhabitants. But the people of Israel should not be afraid of them because they have already been handed over to the Israelites to be defeated and driven out of the land. Failure to drive the inhabitants out of the land by defeating them or by entering into friendship with them will jeopardise the plan of possessing the whole land.

2. Rights and Responsibilities of Tenancy (Lev. 25:/3-28)

Lev. 25:1-28 presupposes that families possess land/16/. But we are not told whether the families gained possession of the land wherever they penetrated and settled or whether the lands were initially allocated to them. Whatever the method by which the families come to possess the land, they are not the owners of the land but tenants only. The reason, we noted earlier, is that the *land* belongs to Yahweh and so the

families are authorized to use the land like tenants. Such a tenancy has certain rights and responsibilities.

a. Selling and Buying the Right of Use

Lev. 25:14-17 gives details concerning selling and buying the land:

And if you sell to your neighbour or buy from your neighbour, you shall not wrong one another. According to the number of years after the jubilee, you shall buy from your neighbour, and according to the number of years for crops ($\overline{\text{ן}} \text{ל} \text{א} \text{ב} \text{ש} \text{נ}$) he shall sell to you. If the years are many you shall increase the price, and if the years are few you shall diminish the price, for it is the number of the crops that he is selling to you. You shall not wrong one another, but you shall fear your God; for I am the Lord your God.

Families are allowed to sell the right of use of only part of the land which is under their tenancy to other families in times of poverty (v. 25); they may not sell the ownership of the land. This is known to us, first, from the expressions 'according to the number of crops after the jubilee you shall buy', 'according to the number of years for crops he shall sell' (v. 15) and 'the number of crops that he is selling' (v. 16). The word $\overline{\text{ן}} \text{ל} \text{א} \text{ב} \text{ש} \text{נ}$ literally means 'revenues', 'harvests' or 'yields' /17/, but it could be translated here as 'crops' in the sense of series of cultivations. This word indicates that only the use of the land is sold and not the ownership of the land. One can sell the land after the jubilee year is over up to the forthcoming jubilee year for a maximum

period of forty nine years. The period between one jubilee year and the next is considered to be the calendar for selling and buying the land. If one wants to sell the land in the middle of this calendar period, one can do so, but the sale is until the next jubilee year. Also one has the right to redeem the land in the middle of the sale period, as we will see below. For our convenience, we can call this kind of sale of the right to use the land for a number of years a 'mortgage' and define it as an arrangement in which the right to use the land is conveyed by the seller to the buyer for money and the right to use the land reverts to the seller when he redeems it in the middle of the sale period, if not in the next jubilee year/18/.

Connected to selling and buying is the price fixation for the period of mortgage. The following discussion on calculating the price for mortgage is necessary to explain later the aspect of redeeming the land by the seller. Since the emphasis in this transaction is on the number of years of sale, it can be assumed that the sale price is first calculated per year and then multiplied by the number of years for which the sale is valid to get the total value. It is a normal practice to take into account the number of crops possible in the land in a year when fixing the price/19/. This is shown by the expression, 'the number of crops that he sells' in v. 16. Although there is not much difference between this expression and the other expression in v. 15, the former one reveals that the number of years alone is not the most important factor but the number of

cultivations or harvests in a year and thereby for the total period of sale is equally important in price fixation. The price for land where three cultivations per year are possible because of its fertile soil or good irrigation facility will naturally be more than for a piece of land where only one or two cultivations per year are possible. But a reasonable price must be fixed, taking into consideration all these factors, so that the seller does not get too low a price and the buyer does not pay too much. Neither should the seller cheat the buyer nor the buyer exploit the seller taking advantage of his poverty to gain a great bargain. This is shown in the warning against doing wrong to one another, placed in close connection with selling and buying the field (vv. 14, 17).

That families can only mortgage the land is expressed, secondly, by a prohibition 'Do not sell the land for annihilation' (וְהִדְאַרְצָהּ לֹא תִמְכֹּר לְצַחֲמֵתוֹ, v. 23). The term לְצַחֲמֵתוֹ literally means 'for annihilation, or, extermination'. When it is used in the above prohibition clause, it points out that the sale of land must not cancel the right of recovering the land/20/.

b. Redeeming and Returning the Right of Use

Two kinds of redemption of the land are outlined in Lev. 25:25-28, namely, redemption by the nearest kin of the family which sold the land (v. 25) and redemption by the seller

himself (vv. 25-28):

If your brother becomes poor, and sells part of his property (וְיָמַדְתָּ אֵת חֵלקוֹ), then his next of kin shall come to him (וְיָבִיאוּ אֵלָיו הַקְרִיבִים) and redeem (לְקַדְּמוּ) what his brother has sold. If a man has no one to redeem it, and then himself becomes prosperous and finds sufficient means to redeem it, let him reckon the years since he sold it and pay back the balance of payment (וְהָשִׁיב אֵת הַעֲדָתוֹ) to the man to whom he sold it; and he shall return to his property. But if he has not sufficient means to get it back for himself, then what he sold shall remain in the hand of him who bought it until the year of jubilee; in the jubilee it shall be released (וְיָצֵא בְיָבִיבוֹ), and he shall return to his property.

There are two different opinions concerning the redemption by the nearest kinsman mentioned in v. 25. On the one hand, some scholars believe that the kin-redeemer (לְקַדְּמוֹ) pays the money to the one who bought the land, presumably some time in the middle of the sale period, and thus reclaims the right of use and restores the land to the seller/21/. But this interpretation raises several questions such as, why should the kinsman redeem the land and return it to the seller? why does the redeemer not come forward and buy the land rather than redeeming it from the third party? why does the seller not approach his kinsman at the beginning and sell it to him?

Building on these objections, some scholars think that v. 25 is not speaking of the redemption of the land from the buyer in the middle of the sale period. Rather, it refers to the kinsman coming forward to buy the land and fulfilling his responsibility. This saves the land from being sold to another

family and keeps it in his possession until the next jubilee year/22/. While the purchase of land by Jeremiah (Jer. 32:6-12) is cited to prove this interpretation, it can be seen in v. 25 itself. First, v. 25 does not say that the land is already sold to the third party. The verb כָּרָה in the Qal perfect with $\text{אֵל$ indicates that the poor brother is going to sell the land. Secondly, the phrase 'the nearest kin will go to him' ($\text{אֵלֶיךָ יֵלֵךְ הַקָּרִיבִים מֵאֵלֶיךָ}$) indicates that he will go to his brother's house/23/ and not to the buyer, because the two parties mentioned in v. 25 are his brother who sells the land and the kinsman. Third, v. 25 does not speak of the 'balance of payment' ($\text{בְּשֵׁלֶמֶת הַכֶּסֶף}$) to mean that it is a redemption from the buyer in the middle of the sale period. The aspect of returning the 'balance of payment' appears in vv. 26-27 as an action of the seller and not the kinsman. So in the light of the above explanation, one can say that when the kinsman buys the land, it cannot be regarded as redemption proper. By buying the land he stops the land from being sold to the third party and keeps it within the clan.

The other kind of redemption is by the seller as stated in vv. 26-27. The person who sold the land either to the kinsman or to another third party (if the kinsman is unwilling or not in a position to buy the land), is expected to redeem the land when his financial situation improves/24/. The seller can get back his right to cultivate the land within the sale period by returning the balance of the payment. The Qal participle הַיֹּשֵׁב

means 'the remaining' or 'the balance' /25/. So the phrase $\text{וְהָיָה הַשְּׂכֵרִים}$ means returning the money for the remaining period in which the buyer cannot use the land. This phrase could be regarded as the Hebrew idiom for the English equivalent 'balance of payment' /26/. It is possible to work out the balance of payment because, as explained above, the price is calculated first for one year and then multiplied by the total number of years of sale.

Whoever the buyer may be (a kinsman or a third party), he has the responsibility of returning the land in the middle of the sale period if the seller wants to redeem his right by paying the balance amount. If the seller is unable to redeem his land by paying the outstanding balance, then the land must be returned to the seller in the jubilee year /27/. The selling and purchasing of landed properties for an unlimited period of time is controlled by the law which releases the right of use of land to the seller in the jubilee year (vv. 10, 13, 29). This law restores to a family that part of the land which has been lost for a period of time. Everyone who has lost the right to cultivate his land can do so again after the jubilee year (v. 11).

3. Levitical Use of the Land (Lev. 25: 32-34)

Lev. 25: 32-34 speaks of the Levitical use of land:

Nevertheless the cities of the Levites, the houses in the cities of their possession, the Levites may redeem at any time. And if one of the Levites does not exercise his right of redemption, then the house that was sold in a city of their possession shall be released in the jubilee; for the houses in the cities of the Levites are their possession among the people of Israel. But the fields of common land belonging to their cities (מִגְרַשׁ עִרְיָהּ) may not be sold; for that is their perpetual possession (כִּי - אֲדָמָה לְעֹלָם לָהֶם).

The above account presupposes that the Levitical families, rather than having agricultural lands to cultivate, will be given cities in which to have their dwelling houses (cf. Num. 18:23; 26:62). Within the Pentateuch, Num. 35:1-8 gives details about the Levitical cities/28/. According to Num. 35:1-8, forty eight cities will be formed throughout the promised land for the Levitical families to dwell in and each city will have pasture lands (שְׂדֵה מִגְרָשׁ, Lev. 25:34; מִגְרַשׁ יְהוּדָה, Num. 35:3) outside the four walls of the city. The size of such pasture land on each side of the wall will be two thousand cubits. These lands are not to be confused with the rest of the agricultural lands scattered outside the cities/29/.

The houses of individual Levitical families within the cities, like the lands of the other Israelite families, could be mortgaged to other Levitical families, redeemed by the seller and if not redeemed in the middle of the sale period then returned to the seller in the jubilee year/30/. The pasture lands of the cities, however, cannot be mortgaged because such lands belong to the cities and the Levitical

families residing in the cities can only make use of them to keep their flocks and herds.

Snaith thinks that the giving of the cities to the Levites contravenes the idea that the Levites were never to own landed properties/31/. So, the question arises as to whether the Levites own the cities or not. Even though such cities are spoken of as their possession ($\text{וְעָרֵיהֶם יִשְׁבּוּן}$, v. 32; $\text{וְעָרֵיהֶם יִשְׁבּוּן}$, v. 33)/32/, the Levites do not own the land on which their cities are built because the land belongs to Yahweh. His claim to the whole earth in v. 23 is applicable to the Levitical cities also as these cities are not in a different territory but are also part of the promised land. Yahweh has given it to the Levites to use for their dwelling and pasturing as he has given the land to other families for their dwelling and cultivation.

4. Priestly Care of the Dedicated Land (Lev. 27: 16-25)

Lev. 27: 16-25 speaks of the involvement of 'the priest' in the dedication of land to Yahweh and explains how he could come to take care of a piece of cultivatable land:

If a man dedicates to the Lord part of the land ($\text{וְיָדָה אֶת חֵצְרוֹ לַיהוָה}$) which is his by inheritance, then your valuation shall be according to the seed (כְּעֵשֶׂת הַחֵטָה) for it; a sowing of a homer of barley shall be valued at fifty shekels of silver. If he dedicates his field from the year of jubilee, it shall stand at your full valuation; but if he dedicates his field after the jubilee, then the priest shall compute the money value for it according to the years that remain until the

year of jubilee, and a deduction shall be made from your valuation. And if he who dedicates the field wishes to redeem it, then he shall add a fifth of the valuation in money to it and it shall remain his. But if he does not wish to redeem (וְלֹא יִרְדֹּם) the field, or if he has sold the field to another man, it shall not be redeemed any more... when it is released in the jubilee, shall be holy to the Lord... the priest shall be in possession of it... Every valuation shall be according to the shekel of the sanctuary: twenty gerahs shall make a shekel. (vv. 16-25)

A person has a right to dedicate part of his inherited family land ($\text{אֶרֶץ אֲבוֹתָיו אֲשֶׁר יִרְדֹּם לַיהוָה}$) to Yahweh as a special vow. The word אֶרֶץ אֲבוֹתָיו in this context means not only that the land is the property of the family but also implies that it has been inherited from the father and not purchased from another Israelite (vv. 16, 22). The dedicated land is valued by the priest according to the amount of seed needed to cultivate that land. Scholarly interpretation of the valuation differs. Some scholars think that the valuation is according to the amount of yield the land can produce in a year/33/. Another understanding is that the valuation is according to the amount of seed needed to sow that part of the dedicated land/34/. While the word אֶרֶץ אֲבוֹתָיו is used in both ways in the Old Testament, I prefer here the latter suggestion since that is likely to be have been the more stable figure/35/. The calendar for the dedication of land begins from one jubilee year and extends to the next jubilee year, and so the full period of dedication is for fifty years (v. 17)/36/. However, one can dedicate after the jubilee year but the dedication terminates at the next jubilee year (v. 18). If the land which needs a homer of seed for sowing is dedicated

for the full period of fifty years, then the value of the dedicated piece of land is calculated as fifty shekels of silver/37/. This implies that the value is one shekel per year for such a land. For example, if a land which requires three homer of seed for sowing is dedicated for the full period of fifty years, then the value stands at one hundred and fifty shekels. Or if the same land is dedicated ten years before the next jubilee year, then the value is thirty shekels.

Kennedy understands that the ownership of the land passes on to the sanctuary authorities once the land is dedicated/38/. This view is questionable because first, the possibility that the owner of the land can mortgage the land to another Israelite during the dedicated period indicates that the right of the land remains with the person who dedicated it (v. 20). Second, the year of jubilee is spoken of as the time for transferring the right of ownership to the sanctuary (v. 21). So the right of ownership of the land remains in the hands of the person who dedicated it and he cultivates it as usual. He can keep it for fifty years but loses it once and for all to the sanctuary in the forthcoming jubilee year. If he wants to redeem the land before the jubilee year, he is permitted to do so but he must pay the total value of the amount plus an additional amount of one fifth of the total value (v. 19). If the valued amount is not paid before the next jubilee year or if the land is mortgaged to another family while the land is in the dedication period, the right of ownership of that part of

the land will be transferred to the sanctuary in the next jubilee year.

However, if a buyer who took a mortgage on someone's land and then dedicated it to Yahweh failed to redeem it, then the ownership of such a land goes back to the owner in the jubilee year. The buyer is required to pay the valuation money for the full period to the sanctuary for his misuse of the mortgaged land (vv. 22-24). A person can voluntarily dedicate and lose the dedicated part of the land from his ancestral property due to his failure to redeem it but the buyer cannot make another person lose his land because he bought the right to use it.

The dedicated land which is not redeemed before the jubilee year becomes the property of the sanctuary and not of the priest/39/. This is because the land is dedicated not to the priest but to Yahweh and that is why such a land is called 'holy to Yahweh' (v. 21). The priest acts on behalf of the sanctuary in valuing the field and taking it from the person who fails to redeem the land. Moreover, the priest is also from the Levitical family and he is not given the right to own any landed property (Num. 18:1-20). Therefore, the priest does not own the land but takes care of it. We are not told what the priest does with it. But the dedicated land being agricultural land ($\overline{\pi} \overline{\gamma} \overline{\psi}$, v. 16), one can assume that it is cultivated by someone authorized by the priest and that the produce of the dedicated land is presumably used to support the priesthood.

Thus the story of the Sinai Covenant shows that Yahweh owns the whole earth. Yahweh claims the agricultural land in particular as his own in order to remind the Israelites that they are only tenants with certain rights and responsibilities. The Israelites will come to possess the land by entering into the land and occupying initially the vacant regions left for them and then they will gradually penetrate into other parts of the land by defeating and driving out the inhabitants, eventually possessing the entire land over a longer period of time. The Levitical families are given cities with pasture lands for their use and they do not own any landed property. The priest, on behalf of the sanctuary, is expected to make valuation for the land to be dedicated and to be in charge of it if it is not redeemed.

CHAPTER 6

THE STORY OF THE CONQUEST

After receiving the statutes and ordinances, making covenant with Yahweh at Sinai and taking a census of all males who are able to go to war, the people of Israel begin their journey again towards the land of Canaan (Num. 10:11). They arrive at the plains of Moab by the Jordan at Jericho (Num. 36:13) after travelling through Transjordan. Num. 10:11--36:13 describe various events which take place between leaving Sinai and arriving at the plains of Moab. Study of the accounts of exploring the land of Canaan (Num. 13-14), the conquest of some territories in Transjordan (Num. 21), the dividing and allocating of conquered land on the east of the Jordan as an inheritance to the tribe of Reuben, Gad and the half tribe of Manasseh (Num. 32) and the land to be conquered on the west of the Jordan to the rest of the nine and a half tribes (Num. 33-34), will throw some more light on land ownership. This complex of Num. 10:11--36:13 where much attention is given to the conquest of the land (21:21-35; 32:16-32 and 33:51-54) could be called the story of the conquest/1/.

A. METHODS OF POSSESSING THE LAND

Concerning the question of how the people of Israel will come to possess the promised land, we note two different methods of possessing the land, namely, penetration and occupation of the land (Num. 13: 1--14: 25) and conquest and allocation of the land (Num. 21: 1-35; 26: 52-56; 27: 1-11; 32: 33-42; 33: 50-55; 34: 13-29; 36: 1-4).

1. Penetration and Occupation of the Land (Num. 13: 1--14: 25)

While Clark thinks that the narrative of sending out the tribal representatives to explore the land (Num. 13: 1--14: 25) reveals the idea of military conquest of the land^{2/}, the narrative itself avoids the idea of conquest and emphasizes the idea of penetration and occupation of the land. This is seen, first, in the reason for sending out the tribal representatives, which is to find out what sort of land they are going to enter and settle down in. The verb רָחַק in 13: 1 has various nuances such as 'to seek out', 'to select', 'to spy out' and 'to explore'^{3/}. It need not necessarily mean spying out for military conquest. Rather, it means here to explore and get a preview of the land which Yahweh is going to give to the Israelites. We have examples in the story which show that Yahweh has taken the initiative in showing the promised land to people such as Abraham (Gen. 13: 14-17) and later Moses (Dt. 34: 1-4), so that they may have a view of the

promised land. Yahweh's instruction to Moses to send out tribal representatives is another means to this same end rather than being a preparation for conquest. Even Moses' explanation of the purpose of viewing the land (vv. 17-20) puts more emphasis on the nature of the soil by asking the representatives to bring the fruits of the land and information about the settlement of the inhabitants, particularly their camps and cities, presumably to have an idea of vacant regions where the Israelites can enter and settle down. The idea that they will be confronted by the inhabitants and defeated arises only after the return and report of the representatives. Thus, the reasons Yahweh and Moses have for sending out the group is to explore the territory with a view to knowing the land and entering and settling down in it, and not as a preparation for conquest.

Secondly, the idea of confronting the inhabitants and facing defeat is the view of one group of representatives. But Caleb and Joshua look at the exploration from a different perspective and brush aside this idea of military defeat. According to them, the issue is not whether conquest is possible or impossible but rather that of entering and occupying the land. Caleb emphasizes that they should certainly go up into the land and occupy it (13:30):

But Caleb quieted the people before Moses and said,
 "We indeed go up (עלה נעלה) and we will occupy
 (נשכננו) it for we are surely able to do (כל יכול)
 (נשכננו) it".

Some commentators have interpreted this verse as going up and conquering the land/4/. However, a closer examination of the verse shows that it speaks of penetration and occupation rather than going up in war and conquering the land. The word הָלַךְ means here 'to go up' into the land peacefully and not for war. This is demonstrated in vv. 17 and 21 where the same verb is used in the sense of going up into the land, unlike its use in v. 31 where the direct object of the verb is the people, conveying the meaning of going up in war against the inhabitants. It can be said in the light of the meaning of הָלַךְ as 'to go up into the land', and in the context of opposing the view of battle against the inhabitants expressed by other representatives, that the word $\text{וַיִּשְׁׁוּׁ$ means occupation of the land and not taking possession of it by conquest/5/. The word $\text{כָּׁ$ also has various meanings such as 'be able to', 'to prevail', 'to endure' and 'to have power'/6/. Since the idiomatic expression combining the Infinitive absolute form כָּׁ with the Qal perfect כָּׁ , 'we will indeed make it', refers back to what has been said in the previous clause, the sense must be that of entering the land and occupying it rather than conquering or overpowering it/7/.

In spite of knowing that the inhabitants are stronger than the people of Israel, and that their cities are fortified, Caleb and Joshua encourage the Israelites not to be afraid, countering the assumption of the other group of

representatives that they will have to engage in war and face defeat by the inhabitants of the land. Even if such a situation arises, Israelites need not fear the inhabitants, for Yahweh is with them and will remove any protection from the inhabitants/8/, thus enabling the Israelites to destroy the inhabitants (14:7-9)/9/. There is no need to be afraid of the inhabitants and return to Egypt (14:4). What Caleb and Joshua are trying to say is that the Israelites should penetrate the land and settle down, presumably in the vacant regions, and not to worry about whether they will be drawn into battle with the inhabitants or not.

Thirdly, the idea of entering and occupying the land is illustrated in the narrative when Yahweh reveals his plan of bringing in only Caleb and his descendants and settling them in the land (14:24):

But because my servant Caleb has a different spirit and followed me fully, I will bring him (וְהָבִיאוֹ) into the land into which he went and his descendants will occupy (וְיָשְׁבוּ) it.

The notion of Yahweh bringing the people of Israel into the land and settling them in it is not new. We have noted this idea in Exod. 23:23-33 where the verb וְהָבִיאוֹ is used in the Hiphil form to express the idea of Yahweh bringing the Israelites into the vacant regions and settling them down initially in such regions. Such an idea is repeated in Num. 14:24 but here it is not all the people of Israel but only

Caleb and his descendants who will occupy the land because Caleb encouraged the people of Israel to trust Yahweh and to enter and occupy the land/10/. In the light of Yahweh appreciating Caleb and his view of entering and occupying the land, one can say that the Hiphil imperfect form יָרַשׁ־הָאָרֶץ means the occupation of the land by settling in it and not taking possession of it by conquest.

2. Conquest and Allocation of Land

The other method by which the people of Israel will come to possess the land is by conquest and the subsequent allocation of land. Our discussion will be divided into two parts: first the conquest of the land of Sihon and Og in Transjordan and the allocation of these territories to the tribe of Reuben, Gad and the half tribe of Manasseh; secondly, the conquest and the allocation of the west Jordan territory to the rest of the nine and a half tribes. We will note a difference between allocating the land on the east and west of the Jordan. This discussion will show that the families inherit land in their tribal territory.

a. Transjordan Territory

After the people of Israel failed to go up, enter and occupy the land of Canaan, they took a different route to enter Canaan by going through Transjordan. Their request to

the king of Edom to allow them to pass through his land peacefully was rejected. Instead of conquering and taking possession of the land of Edom, the Israelites went around Edom and entered Transjordan by another way (20:14-21). The accounts of the conquest of the land of Sihon (21:21-32) and the land of Og (21:33-35) inform us of the ethnic group which owned these territories and the extent of the land which the Israelites took possession of in Transjordan.

1. Conquest of the Land of Sihon (Num. 21:21-32)

According to the view of the narrative, it was not the intention of the Israelites to fight against and conquer the land of Sihon. But they had to fight in order to defend themselves when Sihon, refusing to allow the Israelites to pass through his land, approached them with an army (21:21-23). It is clear from the expression 'Israel slew him with the edge of the sword and took possession ($\psi\text{רָר}$) of his land' that the Israelites conquer the land of Sihon and bring it under their control. The Amorites, the inhabitants of the land of Sihon lose their cities and villages to the Israelites (v. 25). Thus, the Israelites possess the entire land of Sihon which extends from the Arnon to the Jabbok, as far as the territory of the Ammonites. The mention of the two rivers, the Arnon and the Jabbok, is to mark out the southern and northern borders of the land of Sihon. The expression '...as far as to the Ammonites, for the border of the Ammonites was strong' (v.

24)/11/ suggests that the eastern boundary of the land of Sihon extended as far as the land of the Ammonites, and the Israelites did not take possession of the land of the Ammonites. It was because the border of the land of the Ammonites was so strong that the Israelites found it difficult to penetrate. Since the borders of the territories are spoken of in terms of natural boundaries like the rivers Arnon and Jabbok, the Ammonite border adjacent to the land of Sihon could possibly be a mountain range. This is another indication that there were other ethnic groups apart from the Edomites in Transjordan and the people of Israel did not conquer and take possession of the entire Transjordan.

After conquering and taking possession of the entire land of Sihon, the Israelites made further advancement towards Jazer. It is reported that the villages of Jazer were occupied by the Amorites. Leaving a section of the Amorites undefeated near the land of Sihon posed the threat of a counter attack against the Israelites. So they went up against the Amorites, conquered the villages of Jazer and took possession of the villages (v. 32).

11. Conquest of the Land of Og (Num. 21: 33-35)

Num. 21: 33-35 is a brief report of the conquest of the land of Og. Here again, the Israelites fought in order to defend themselves when Og came out against them, the battle

resulted in his defeat and in the Israelites taking possession of his land. This account does not say anything about the border limits or the ethnic groups within the land of Og. Some scholars think, in the light of geographical studies, that the land of Bashan lies in the most northerly area of Transjordan, including the fertile plains on both sides of the river Yarmuk, and that the inhabitants of this territory were also Amorites/12/. However, it can be suggested on the basis of the Israelites' travel further north after the conquest of the land of Sihon, whose northern border was the Jabbok, that the land of Og is the adjacent land north of the land of Sihon and extends from the northern plains of the Jabbok.

Though these conquests were not planned intentionally to take possession of the land of Sihon and Og, they resulted in giving the Israelites a vast territory in Transjordan. It is important to note that the conquest of these lands is here nowhere described as Yahweh's giving of the land to the people of Israel. No reference is made to any instruction of Yahweh to conquer and take possession of the land or to any promise of his help in the war. The possession of the land of Sihon and Og by conquest is described as being purely the effort and decision of the people of Israel. We should also note that the conquest was directed mainly against the Amorites, one of the ethnic groups listed in the promise of land to Abraham (Gen. 15: 17-20); the territory of Edom and Ammon was not conquered.

iii. Allocation of Territory to the Two and a Half Tribes

(Num. 32: 33-42)

Num. 32: 1-42 portrays the allocation of territories by Moses to the tribes of Reuben, Gad and the half tribe of Manasseh. The land allocated to the two and a half tribes is described in the request by the tribe of Reuben and Gad as 'the land of Jazer and the land of Gilead' (v. 1). In the instruction of Moses to the leaders of Israel, it is described as 'the land of Gilead' (v. 29), and in the words of the narrator as 'the kingdom of Sihon and the kingdom of Og' (v. 33). These different expressions are not due to the combination of different sources/13/ but represent different ways of referring to the same conquered territories of Sihon and Og on the east of the Jordan from the varying points of view of the tribe of Reuben and Gad, of Moses and of the narrator.

Moses gives the territories of Sihon and Og to the tribe of Reuben, Gad and the half tribe of Manasseh (v. 33)/14/. The tribe of Manasseh is not considered as a full tribe here because only three clans, Machir, Jair and Nobah, belonging to the forefather Manasseh, are given land/15/. Instead of following the principle mentioned in Num. 26:52-56, that is, dividing the land according to the size of the tribe and casting lots to decide the location of the territories of the two and a half tribes, Moses independently allocates the

region of Gilead with its villages and Kenath with its villages to the half tribe of Manasseh and the rest of the land to the tribe of Reuben and Gad. This is indicated by the expression, 'Moses gave to them', in v. 33. The term לָקַח has to be understood here as referring to the allocation or distribution of land. The reason why Moses did not follow the principle of dividing the land according to the size of the tribe and also the lot system to decide the location of their territories can be seen in the story. The tribe of Reuben and Gad persuaded, or rather one might say compelled, Moses to give the land of Sihon and Og to them as their legal property ($\text{לְקַח$) because that fertile land was suitable for their cattle (vv. 1-5). They wanted Moses to allocate this territory as their inheritance ($\text{לְקַח$) as he would distribute inheritance to the rest of the tribes on the other side of the Jordan (vv. 17-18). Moses understands their request and distributes the land not only to the tribe of Reuben and Gad but also to the half tribe of Manasseh/16/.

On the basis of the geographical location of the cities such as Dibon, Ataroth, Aroer, Atroth-shophan, Jazer, Jogbehah, Bethnimrah and Bethharan built by the tribe of Gad (vv. 34-36), Noth points out that the families of Gad occupied the southern, northern and north-western regions between the Arnon and the Jabbok/17/. He notices that cities such as Heshbon, Elealeh, Kiriathaim, Nebo, Baalmeon and Sibmah built by the tribe of Reuben (vv. 37-38) lie in the middle of the

territory between the Arnon and the Jabbok, and suggests that the families of Reuben occupied the central region/18/. Since the city of Gilead and its villages and Kenath and its villages were conquered after travelling beyond the Jabbok, these regions given to the few clans of Manasseh lie to the north of the Jabbok. The regions of Gilead and Kenath which had been occupied by the half tribe of Manasseh fell in the territory of Og whereas the cities built and occupied by the tribe of Reuben and Gad fell in the land of Sihon. The absence of details concerning boundaries between the territories of these two and a half tribes suggests that their territories were not clearly divided and marked out at this time except that they settled down in cities and towns and used the land around them. Although the whole land of Sihon and Og was granted by Moses to the two and a half tribes, within the vast Transjordan territory they owned only the cities and their surrounding regions at the time the land was granted to them.

Nothing is said about the matter of how the families of the two and a half tribes come to own agricultural land for cultivation. One can surmise, under the circumstance of receiving a vast area, building cities and settling down in them, that the families of the two and a half tribes might come to gain possession of land by cultivating a plot in the surrounding area outside their cities and thus have a claim to it. The size of the land thus appropriated by cultivation depends upon the need of the family and how much land they can

cultivate. This narrative reflects the historical plausibility of allocation of land to the two and a half tribes and how the families of these tribes could come to own agricultural land rather than an idealistic distribution of land as mentioned in Num. 26:52-56 to the tribes and families.

b. West Jordan Territory

The aspect of allocating land on the west side of the Jordan after conquering it (32:6-7, 18-23) has two stages. The first stage is dividing the vast promised land into broad territories for the rest of the nine and a half tribes. Num. 26:52-56 speaks in general of the principle and means of allocating the promised land to the various tribes of Israel and 33:50-56 repeats this principle in particular reference to the west Jordan territory. The second stage is the further dividing of those broad territories into small individual portions and distributing them to individual families in each tribe. Such a process can be inferred from the example of the demand of Zelophehad's daughters for a portion of land due to their father (Num. 27:1-11).

1. Principle and Means of Allocation (Num. 26:52-56)

The principle and the means of dividing and allocating the promised land according to Yahweh are stated in Num. 26:52-56:

The Lord said to Moses: "To these the land shall be divided ($\text{קָטַח$) for inheritance ($\text{בְּרֵחָה$) according to the number of names. To a large (tribe) you shall give a large inheritance, and to a small (tribe) you shall give a small inheritance; every tribe (שֵׁבֶט) shall be given its inheritance according to its numbers ($\text{לְפִי מִסְפָּרָם$). But the land shall be divided by lot (בְּגֹרֵל); according to the names of the tribes (שְׁמֵי אֲבוֹתָם) of their fathers they shall inherit. Their inheritance shall be divided according to lot between the larger and the smaller."

Some commentators think that Num. 26:52-56 speaks of dividing the promised land into tribal territories/19/. On the other hand, Bess understands Num. 26:52-56 as speaking of dividing the already appropriated tribal land into portions for the families according to the size of the family, and deciding the location of the family land by casting lots/20/. He assumes that the people of Israel had already divided the land into tribal territories and that 26:52-56 is concerned with the dividing and allocating of tribal territories to families. This view is not acceptable because the people of Israel are still on the east side of the Jordan, waiting to conquer and divide the land among themselves.

The principle of land allocation must be explained in the light of the story so far and from the census list in 26:1-51 to which vv. 52-56 are attached/21/. The purpose of the census list is not only to up-date the number of male warriors among the people of Israel but also to present a simple structure of Israel for the purpose of distributing the land. The census

list in Num. 26:1-51 speaks of the structure of Israel in terms of tribes, clans and families. This is shown by the various terms used in the census list. The use of the term 'father's house' (בֵּית אָבִי, v. 2) refers to the individual family. While the families are the basic unit in Israel, they are identified and grouped according to their kin relationship with their forefathers as clans and tribes. The grouping of families as clans and tribes is brought out by the use of the term בֵּית אָבִי. This word in the singular can refer to a family or a clan composed of several 'father's houses' as the primary division of the tribe, and in the plural (בְּתֵי אָבוֹת) refers to several clans of the forefather/22/. For example, it is used in the singular noun construct form with the name of the descendants of Reuben such as Hanoch (בֵּית חֲנֹךְ) and Pallu (בֵּית פָּלּוּ) in v. 5 to refer to the clan of Hanoch and Pallu. When it is used in the plural noun construct form with the name of the forefathers such as Reuben (בְּתֵי רְעֻבֵן) v. 7) or Simeon (בְּתֵי שִׁמְעוֹן, v. 14), it refers to the collection of clans belonging to Reuben or Simeon and thus the collection of primary divisions as a whole means the tribe of Reuben or Simeon. A collection of clans of the forefather could be called a 'tribe' by using other terms such as מִטְבֵּל and שֵׁבֶט. For example in 33:54, the word בְּתֵי אָבוֹת and מִטְבֵּל are used interchangeably to refer to a tribe. The word מִטְבֵּל is preferred in 26:55 to refer to the tribes like Reuben, Simeon or Gad. These different expressions give us an idea

that the people of Israel are organized on the basis of kinship as tribes and each tribe is divided into various clans and each clan has a number of families.

Moses is asked to divide the promised land 'according to the number of names' (v. 53). The term פְּהָרָה means 'to apportion' or 'to divide' the land. The expression 'according to the number of names' refers to the names of the forefathers like Reuben, Simeon or Gad and not to all the names mentioned in the list/23/, for all the other names are arranged in the census list under the name of the twelve ancestors on the basis of their kin relationship. This shows that the twelve names are given importance in indicating the tribal divisions of Israel. Moreover, that the phrase 'the number of names' refers to the twelve names of the forefathers is shown by the phrase 'according to the names of the tribes of their fathers' in v. 55. So we learn from v. 53 and v. 55 that the promised land will be divided into twelve broad territories for the families of the twelve forefathers. Such an apportioned territory is denoted an 'inheritance' (נַחֲלָה) for the tribes/24/ in the sense that it is the property of the tribe and the members of the tribe can use and pass it on to the future generations of that tribe.

The size of each tribe's territory is to be decided according to the number of members within it, as is expressed in v. 54 'every tribe shall be given its inheritance according

to its numbers' ($\text{וְאֵלֶּיךָ יָשָׁב׃ פְּקֹדֵי יִשְׂרָאֵל כְּמִסְפַּר בְּנֵי טֵיבֵי הָאָרֶץ׃$). The word וְאֵלֶּיךָ in this context refers to each tribe. The noun with the suffix פְּקֹדֵי whose root meaning is 'to muster' or 'to number', in this context refers to the number of members of each tribe, because the same word is used in the census list to indicate the number of members of each tribe (vv. 7, 18, 22, 25, 27, 34, 43)/25/. According to the census list, the order of the tribes from large to small is this: Judah (66,500), Dan (64,400), Issachar (64,300), Zebulun (60,500), Asher (53,400), Manasseh (52,700), Benjamin (45,600), Naphtali (45,400), Reuben (43,730), Gad (40,500), Ephraim (32,500) and Simeon (22,200). Although the figures are obviously rounded and the total of the number of members (591,730) does not tally with the other statistics of the total population (601,730) mentioned in v. 51, the list gives us an idea of the size of each tribe. One can guess roughly which tribe will be inheriting a large territory and which a small territory. This idea of proportionate distribution of land to all the tribes illustrates the ideal that in Israel there is to be no inequality concerning the distribution of land.

Verses 55-56 speak of dividing the land between the twelve tribes by casting lots. This raises the question: How can the promised land be divided on the one hand by the rational principle of the size of the tribe and on the other hand by casting lots?/26/ The only way of resolving this conflict is to suppose that the division by lot should be understood as

deciding the location, not the size, of each tribe's territory/27/.

While the focus is on dividing the vast promised land proportionately into twelve tribal territories, the same account makes a note about family land. In the expression 'according to the names of the tribes of their fathers they shall inherit' (v. 55), the third person plural verb אֲבֹתָם יִרְשׁוּ refers to the families. Each family will inherit a piece of land. Since families are considered in relation to the forefathers, they are not going to inherit their share of land here and there in Canaan but through their tribe and in the territory allotted to their tribe/28/. This indicates that, though the promised land is first divided into twelve broad territories, each territory will be further divided into several portions of land and given to the families.

However, we are not told on what principle the tribal territory will be divided and distributed to families. One can presume here that the principle of dividing the land according to the size of the tribe has an implication for the distribution of land to the families in each tribe. It could be suggested that because there is a principle already involved in dividing the land according to the size of the tribe, a similar principle of dividing according to the size of the families may be applicable in this present case. In principle, all families will receive a proportionate share of

land according to their size. One family is not given more or less land according to this principle of distribution than another family within its own tribe or compared to families in other tribes.

The above discussion has shown that the territory and all in it in general belong to the tribe and the individual plots of land within the territory in particular belong to the families. However, the idea that the territory belongs to the tribe does not suggest communal ownership of the territory as some scholars have pointed out from sociological and anthropological studies of primitive societies/29/. For, the divided territory is not handed over to a central body of the tribe to hold the land in common and redistribute it periodically to families. Nor we are told that all the families hold the territory collectively and make use of it without dividing and distributing it to be owned by the families. On the contrary, as we noted, the territory will be divided and handed over to the families. While the territory is given to the tribe, it is the individual families who own the plots of land and make use of the rest of the land such as pasture lands, vacant regions, waters of the rivers and streams in common. This suggests that a combination of private ownership of land by families and a common use of the territory by all the members of the tribe has been envisaged from the beginning and the ownership of land by families is

not a change that happened later from the practice of communal ownership of territory and its periodic reallocation.

ii. Allocation of Territories to the Nine and a Half Tribes

(Num. 33:50-55; 34:13-29; 36:1-4)

While the conquered territories in Transjordan were distributed according to Moses's own arrangement, the land to be conquered on the west side of the Jordan is to be allocated to the rest of the nine and a half tribes on the rational principle of dividing the land according to the size of the tribe, and by casting lots to decide the location of the territories (34:13-15). We notice this, first, in Yahweh's instruction to Moses (Num. 33:50-55) and then in Moses' instruction to the people of Israel (34:13-15).

You shall inherit the land by lot according to your tribes ($\text{דָּוָן־בְּיָמֵי־לְבָבְךָ}$); to a large (tribe) you shall give a large inheritance, and to a small (tribe) you shall give a small inheritance; wherever the lot falls for a tribe (לֵב) that belongs to it (לֵב); according to the tribes ($\text{בְּיָמֵי־אֲבוֹתֵיכֶם}$) of your fathers you shall inherit. (33:54)

This verse is a shorter version of Num. 26:52-56/30/ and our explanation of 26:52-56 is applicable to 34:54. In the phrase 'according to your families' in 34:54, the plural noun $\text{בְּיָמֵי־אֲבוֹתֵיכֶם}$, 'collection of clans', refers to the nine and a half tribes of Israel. This is clarified further by the phrase 'according to the tribes ($\text{בְּיָמֵי־אֲבוֹתֵיכֶם}$) of your fathers you shall inherit'. The people of Israel are expected to

inherit the land according to the tribe to which they belong. The principle of proportionate distribution of land is to be upheld and accordingly larger tribes receive larger territories and smaller tribes receive smaller territories. The location of the territories of the tribes is to be decided by casting lots. It is interesting to note here that while ב is used prepositionally with the third person pronominal suffix (יב , 'for a tribe') in the first occurrence, the same ב is used possessively with the suffix (יב , 'belongs to it') in the second occurrence, indicating that the divided territory is the property of the tribe/31/.

Secondly, it can be seen in Yahweh's instruction to take one representative from each of the nine and a half tribes to co-operate with Eleazar the priest and Joshua in dividing the land and deciding the location by lot, that the land of Canaan is going to be divided into broad territories for the nine and a half tribes (34:16-29). The notion that they are chosen to represent their tribes in dividing the land implies that the land of Canaan is going to be divided first into broad tribal territories. They are not chosen to form a central body to administer the whole land or to administer the territory of each tribe. Their function is to represent their tribes, probably providing the details of the size of their tribe and witnessing the casting of the lot, and helping in future apportioning and distribution of land to families.

Thirdly, it is known to us from the fear expressed by the families of the tribe of Manasseh (36:1-4), that the promised land will be divided initially into broad territories. The families of the tribe of Manasseh fear that if the daughters of Zelophehad who will receive a portion of land in their territory marry someone belonging to another tribe, then their land would be taken away from the inheritance of the tribe of Manasseh (v. 3) and added to the tribe of the person whom they marry. This would reduce the territory of Manasseh and enlarge the size of the territory of the tribe of the person whom they marry/32/. This kind of adding of family land belonging to one tribe to another tribe cannot be reverted even by the law of the jubilee year because this law deals only with land sold and purchased and not with land transferred by marriage/33/. The phrase 'our inheritance' in v. 3 ('so it will be taken away from the lot of our inheritance') does not refer to individual family plots but to the territory of the tribe of Manasseh, the term בְּרִיחַ being used in connection with dividing the land into tribal territories (cf. 26:52-56). Thus, the conversation which the family leaders from the tribe of Manasseh have with Moses shows that there would be broad tribal territories which would be shared by the tribal families.

111. Allocation of Land to Families (Num. 27:1-11)

We noticed earlier in examining Num. 26:55 that the vast territory allocated to the tribes will be further divided and given to their constituent families. This can be seen in the giving of land to Zelophehad's family in Num. 27:1-11:

And they stood before Moses...saying, "Our father died in the wilderness...and he had no sons. Why should the name of our father be taken away from his family, because he had no son? Give to us a possession among our father's brethren"... And the Lord said to Moses, "The daughters of Zelophehad are right; you shall give them possession of an inheritance among their father's brethren and cause the inheritance of their father to pass to them...as the Lord commanded Moses." (vv. 2-11)

The daughters of Zelophehad are afraid that because their father died without sons he will not be given his share of land when the people of Israel cross over the Jordan and the land is divided into tribal territories, and those territories in turn into smaller portions of agricultural land for each family. If this occurs, his name will be omitted from the list of family heads, the size of which will in turn determine the size of the tribe and thus he will not receive a share of land. Therefore, they demand that their father's name should be counted and the share of land which is due to him should be given to them. Their case tells us that each head of the family will inherit a portion of land in the territory allocated to his tribe/34/.

The family land is called a 'possession of an inheritance' (הַיְרֵשָׁתָא דְּבֵיתֵיכֶם). This means the apportioned land is the legal property of the family, and gives them the right to own it and pass it on to future generations. While Yahweh approves the demand of Zelophehad's daughters, he does not tell what principle is to be used in dividing the portion of land to families and how much land is to be given to the family of Zelophehad. It is probable, as it has been suggested earlier (Num. 26:52-56), that the size of the land divided to the family depends upon the size of the family.

3. Law of Inheritance of Land (Num. 27:5-11)

Once the families come to own a piece of agricultural land, the ownership of landed property continues within their families. The ownership of the family land passes from one generation to another according to the law of inheritance instituted by Yahweh:

And you shall say to the people of Israel, "If a man dies, and has no son, then you shall cause to pass (וְעָבַדְתָּ אֵת יְהוָה) his inheritance to his daughter. And if he has no daughter, then you shall give his inheritance to his brothers. And 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 his kinsman that is next to him of his family, and he shall possess it. And it shall be to the people of Israel a statute and ordinance, as the Lord commanded Moses". (27:8-11).

According to the law of inheritance in Num. 27:5-11/35/, the son of the father inherits the family property. The son is given the first preference because he will become the head of the family after the death of the father. If the father does not have a son to inherit the family land, then the daughter of the father inherits the property. The example is the case of Zelophehad's daughters. Up to this stage, the ownership of the land continues within the same family, in the hands of the direct descendants of the father. If the father has no son or daughter to inherit the land, then the brother of the father or the nearest kin of the father inherits the land. According to the law of inheritance the father has no right to give the family land to whom he likes, unlike the patriarchs who could elect their legal heir from their descendants and transfer the family property to the chosen heir. Abraham could choose Isaac and transfer his property to him (Gen. 25:1-5) and Jacob could choose Joseph and transfer the piece of land he owned in Shechem to him (Gen. 48:21-22). They could do this because they bought the land and they had the right to transfer their property to whom they liked. But in the case of the Israelites, the head of the family receives the agricultural land as a gift according to Yahweh's scheme in which every tribe gets a territory which in turn is shared between the families in the tribe. Whether the father likes his son/daughter or not, he/she inherits the family land automatically according to the law of inheritance and passes it on later to their descendants. If penetration and

occupation on the one hand, and conquest and allocation on the other, are essential means of possessing the promised land, then the law of inheritance is another essential means of inheriting the family land by the descendants of the father after his death.

B. THE LAND OF CANAAN: ITS EXTENT

Although the name 'land of Canaan' is quite often mentioned in the story, the borders of Canaan have not yet been stated. Num. 34: 1-12 describes the borders of the land of Canaan. The southern border begins from the end of the Salt Sea and runs across the wilderness of Zin including Kadesh-barnea, Hazar-addar and Azmon to the brook of Egypt. The western border is the Mediterranean Sea and its coast, extending from where the brook of Egypt runs into the sea to Mount Hor. The northern border runs from Mount Hor to Zedad, Ziphron and Hazar-enan beyond the entrance of Hamath. The eastern border runs from Hazar-enan to Shepham, Riblah, Ain, the sea of Chinnereth and runs along the Jordan river to the Salt Sea. These boundaries embrace the entire territory of the west Jordan, Lebanon, and Syria and Bashan to the north-east of the Jordan, leaving out the territories of Sihon, Moab, Ammon and Edom to the east of the Jordan/36/.

In summing up the the story of the Conquest, we can say that it portrays two different methods of possessing the

promised land, namely, penetration and occupation of the land, and conquest and allocation of the land. The conquered land in Transjordan is divided and allocated by Moses to the two and a half tribes. The territory to the west of the Jordan will be conquered and allocated to the nine and a half tribes according to the principle of proportionate division of land. Families will inherit their share of land in their tribal territories. The law of inheritance takes care of passing on the family land to the heirs of the family. Also, this story indicates the full extent of the land of Canaan with its borders.

SUMMARY OF PART TWO

The two ideas of land ownership noted in the stories of the Liberation, the Sinai Covenant and the Conquest are, namely, the land ownership by Yahweh and by the people of Israel.

1. Three different aspects of Yahweh's ownership of land emerge from our study of Exodus 1 - Numbers 36:

a. One dimension is that Yahweh owns the whole earth. In Exod. 9:29 the idea of Yahweh's ownership of the whole earth is linked to his showing his power over nature and thus proving to Pharaoh that there is no one like Yahweh in the whole world. In Exod. 19:5-6, the same idea is stated as the basis for electing the people of Israel as Yahweh's own special possession and providing them with a land to function as a kingdom of priests and a holy nation.

b. The second portrayal is that Yahweh owns the agricultural land within the promised land. In Lev. 25:23-24, Yahweh's ownership of the agricultural land is connected to the notion of land tenancy in Israel and the prohibition of selling the ownership of land. It has been pointed out elsewhere that this theological idea is unique and appears only in vv.23-24 in the whole of the Pentateuch and stands at

odds with the idea of Israelites as the owners of the land given by Yahweh. (e. g. vv. 1-7 and 20-22).

c. The third dimension in Yahweh's ownership of land is that Yahweh owns a mountain sanctuary as his dwelling place (Exod. 15:13-18), so that he can dwell in the midst of his people and keep his presence in that land.

There is no explicit claim that the promised land as such belongs to Yahweh. The stories speak of the promised land as the land of the Canaanites. But the implication of Yahweh's claim to the whole earth is that all the lands including the land of Egypt and ~~and~~ the promised territory and all the agricultural land in it belong to him.

2. Two different ways in which the Israelites could possess the promised land are portrayed, namely, through penetration and occupation (Exod. 23:23-33; Num. 13-14), and through conquest and allocation (Num. 21:21-35; 26:52-56; 32:33-42; 33:54).

a. Exod. 23:23-33 foresees that the people of Israel will enter the regions which will be left vacant because its inhabitants will flee away in panic before them. Then, from there, they will penetrate into other parts of the promised land. They will come to possess the entire promised land as

they increase in number and continuously penetrate and drive out all the inhabitants from the land. Possessing the entire land by this means will take a longer time. Num. 13:1--14:25 portrays how the opportunity to penetrate and occupy the land has come, but that the people of Israel missed that opportunity because of their fear of the inhabitants, in spite of the encouragement from Caleb and Joshua.

b. The second method is the conquest and allocation of the land. According to one presentation, the entire land on the west side of the Jordan will be conquered first (Num. 32:6-27) and then divided into broad tribal territories (Num. 26:52-56; 33:54). The size of each territory of the tribe will be decided according to the number of members in each tribe, so that the land can be distributed proportionately to each tribe. The location of the territory is decided by casting lots. An ideal tribal territorial division is envisaged by this view. The territory given to each tribe will be owned neither by a central body of the tribe nor collectively by the families of the tribe. Instead, each tribal territory will be divided further into small portions of land and each family will own a piece of agricultural land, and in common make use of the pasture lands in their tribal territory.

According to another presentation, the land of Sihon and Og is conquered by the Israelites (Num. 21:21-35) but the rational principle of dividing the territory in proportion to

the size of the tribe or casting lots to decide the location of the territory has not been applied in giving the conquered territory in Transjordan to the tribe of Reuben, Gad and the half tribe of Manasseh. The two and a half tribes receive the conquered territories in Transjordan following their allocation of the land of Sihon and Og by Moses, but they occupy only certain cities within the vast territory allocated to them. This kind of allocation and settlement reflect a historical plausibility of possessing the land.

3. a. Concerning how families will receive their share of land, we noted an indication in Num. 26:52-56 that the families of the nine and a half tribes will be given their share of land in their respective tribal territories because the territories will be divided and distributed to them, presumably according to the principle of the size of the families. Regarding the land for the families of the two and a half tribes, a plausible suggestion is that they could come to gain a piece of agricultural land by cultivating a plot of land in the regions outside the cities and thus appropriating it as their own. The size of the land, under these circumstances, varies according to their needs and their ability to cultivate.

b. There are two different portrayals concerning the issue of ownership of land by families:

On the one hand, the families are described as tenants and not owners of the land (Lev. 25:23-24). Land tenancy has certain rights and responsibilities. In times of financial need, families can mortgage part of their land to another Israelite family for the period between successive jubilee years, up to the full period of forty nine years or for a lesser period which terminates with a jubilee year. The mortgage value is calculated according to the number of years the land is sold for cultivation and paid by the one who buys it to the seller. The nearest kin of the seller has the responsibility to buy the mortgage and if he is unable to buy it, then a third party can buy it. The seller has the responsibility to redeem the land, if his financial situation improves, by paying the balance due to the buyer. Otherwise, the buyer of the mortgage has the responsibility to return the mortgage to the seller in the forth coming jubilee year. Thereby, families will not be permanently estranged from their land.

On the other hand, according to Num. 26:52-56; 27:1-11, the families are regarded as the owners of the land which has been allocated to them. They can own it and pass it on to their descendants. Whether the ownership of land is conditional or unconditional is not revealed at this stage.

c. Families have the right to dedicate part of their land to Yahweh as a special vow from one jubilee year to the next

for a full period of fifty years, or for a certain number of years terminating with the next jubilee year, and to pay the valued amount to the sanctuary. The value is calculated by the priest, according to the amount of seed needed for sowing the land, multiplied by the number of years for which it is dedicated. During the period of dedication the land remains with the family which dedicated it and the family has the responsibility to redeem it by paying the full value before the next jubilee year. If the family wants to redeem it in the middle of the dedicated period then they have to pay the full value plus one fifth of the full value to the sanctuary. Failure to redeem the land will result in losing the land to the sanctuary in the jubilee year.

d. The family lands pass on to the descendants of the family according to the law of inheritance (Num. 27:5-11; 36:5-9). The son of the father automatically receives the family land. If there is no son in the family, then the daughter inherits it. If there is no son or daughter then the nearest kin of the family inherits the land. If the daughter inherits the family land, then she should marry within the same tribe in order to keep the land within the tribe and to avoid such fields becoming the property of another tribe. Thus altering the size of the tribal territory should be avoided because the territory is divided proportionately between the tribes.

4. Levitical families are given cities in which to dwell and the surrounding pasture lands in which to keep their flocks and herds (Lev. 25:32-34). The land of the Levitical cities belongs to Yahweh and the levitical families do not own any land at all.

5. The priest is also not given any land but he is in charge of any dedicated land which is not redeemed by the person who dedicated it to Yahweh (Lev. 27:16-25).

6. This study has clarified the meanings of words such as אֶרֶץ and אֲדָמָה in their narrative context.

a. The word אֶרֶץ means the whole earth in Exod. 9:29; 19:5-6, the agricultural fields in Lev. 25:1-7, 23a, 23b, 24b, and the promised territory in v. 24a. It is used to refer to the land of Canaan whose full extent includes the entire territory of Palestine and Syria excluding the territory immediately east of the Jordan (Num. 34:1-4).

b. Israelite ownership of land is expressed by the words אֲדָמָה and אֲדָמָה . The word אֲדָמָה is common in Leviticus and it is used to refer to the agricultural land in three different ways: the land possessed by the family even though it appears in a context which describes the families as tenants rather than owners (Lev. 25:10, 13, 28); the family land inherited from the father and passed on to his heirs and not purchased

from another family (Lev. 27:16, 22), and the land possessed by the priest on behalf of the sanctuary (Lev. 27:21). The word $\overline{\text{לְבַיִת}}$ is commonly used in Numbers to refer to the apportioned field of the family which can be passed on as family inheritance to descendants (Num. 27:7-8; 36:2-8), and the apportioned territory of the tribe (Num. 26:52-56; 33:54; 36:4-7) to be passed on to tribal members.

7. The full extent of the land of Canaan embraces the entire territory on the west of the Jordan, Lebanon, and Syria and Bashan in the north-east and not the land of Sihon, Moab, Ammon and Edom in Transjordan. According to the description of Num. 34:1-12, the land of Og is included in the land of Canaan.

PART THREE

LAND OWNERSHIP IN DEUTERONOMY

CHAPTER 7

THE FAREWELL ADDRESS OF MOSES

The third Part of our thematic study of land ownership concentrates on of the farewell address of Moses narrated in Deuteronomy. Moses addresses the people of Israel in the plains of Moab, shortly before his death, looking back at their journey towards the promised land and encouraging them to cross over the Jordan, conquer the land and live in it. Moses appears as a speaker from chapter 1 to chapter 33 and the address is presented as his farewell speech delivered in an exhortatory style/1/. Chapter 34 narrates that Moses views the promised land from Mount Nebo before his death. Even though no actual travel is reported after arriving at the plains of Moab, Dt. 1-34 which contains the farewell address of Moses and the report of his death is part of the travel story because it occurs in the middle of the Israelites' journey to the promised land, and the address looks at their travel retrospectively and prospectively.

The issues of the ownership of land by the people of Israel, by Yahweh and by other ethnic groups recur commonly in Deuteronomy. In this Chapter, we will discuss how Deuteronomy portrays these ideas and make a note of the difference, if any, between its portrayal and that of the earlier narratives.

A. ISRAELITE OWNERSHIP OF THE LAND

1. The Extent of the Promised Land

We notice three different descriptions of the extent of the promised land in Deuteronomy, namely, the territories of Palestine and Syria (1:6-8), West and East Jordan (34:1-4) and West Jordan (6:18; 9:4-5; 11:8-9; 30:15-20).

a. The Territory of Palestine and Syria (1:6-8)

Moses' address to the people of Israel on the plains of Moab begins with a reference to Yahweh's promise of land to the patriarchs and the descriptions of that land (1:6-8):

The Lord our God said to us in Horeb, "You have stayed long enough at this mountain; turn and take your journey, and go to the hill country of the Amorites, and to all their neighbours in the Arabah, in the hill country and in the lowland, and in the Negeb, and by the seacoast, the land of the Canaanites, and Lebanon, as far as the great river, the river Euphrates. Behold, I have set the land before you; go in and take possession of the land which the Lord swore to your fathers, to Abraham, to Isaac, and to Jacob, to give to them and to their descendants after them."

The promised land here is the land of the Amorites who live in the hill country and of their 'neighbours', which refers to other ethnic groups who live in the territories of the Arabah, the Negeb, the hilly regions, the valleys and in the region of the sea coast. The name of the 'Amorites' is

particularly spelled out here because they are probably regarded as the largest ethnic group in the land. The names of the other ethnic groups who are called here the 'neighbours' of the Amorites are not spelled out but they are known to us from Gen. 15:17-21. The topographical terms 'Negeb' and 'Arabah' refer to the southern extent of the promised land, and the 'sea coast' refers to the Mediterranean coast on the west side of the land/2/. 'Lebanon' is specially mentioned here as the most northern region of the land. The phrase, 'as far as the great river, the Euphrates', refers to the north-east extent of the land. The territory directly east of the Jordan is not mentioned by any topographical term and it is left out of this description of the promised land by Moses. According to this description of the land in 1:6-8, the promised land includes the entire west Jordan territory, Lebanon, and Syria. We may describe this extent as the 'Territory of Palestine and Syria'. This extent of the promised territory, according to the description of Moses, is slightly smaller in comparison with the description of 'Greater Israel' in Gen. 15:17-21/3/.

However, this does not mean that Moses does not acknowledge Transjordan as part of the promised land. Even though the reason why Moses does not mention Transjordan as part of the promised land is not stated in 1:6-8, plausible reasons could be suggested from the context of his address and in the light of the earlier narratives. First, the people of

Israel are in the context of looking forward to crossing the Jordan and possessing much larger territory on the west of the Jordan. So Moses describes the extent of the promised land in terms of remaining territories of Greater Israel promised to the forefathers. Secondly, in the light of Num. 21:21-35 and 32:33-42, the reader can say that having possessed, divided and distributed territories in Transjordan, there is no necessity for Moses to mention Transjordan except to focus his attention on the extent of the remaining promised land to be possessed.

b. The Territory of West and East Jordan (34:1-4)

The promised land is shown to Moses after he finishes his address (34:1-4):

And Moses went up from the plains of Moab to Mount Nebo... And the Lord showed him all the land, Gilead as far as Dan, all Naphtali, the land of Ephraim and Manasseh, all the land of Judah as far as the Western Sea, the Negeb, and the Plain, that is, the valley of Jericho the city of palm trees, as far as Zoar. And the Lord said to him, "This is the land of which I swore to Abraham, to Isaac, and to Jacob, 'I will give it to your descendants.' ... but you shall not go over there."

The description of the promised land by the narrator goes in an anti-clockwise circle starting from Gilead in Transjordan to the northern region as far as Dan, from the northern limit to the Mediterranean sea on the west, and then, from the west to the southern regions of the Negeb, the valley

of Jericho and Zoar. Since Dan is mentioned as the northern limit, the north west region beyond Dan, that is, the Lebanon, and the north eastern region between Dan and the Euphrates are not included. What we note in this description is a slightly more reduced territory than the vast extent mentioned in Dt. 1:6-8. This description embraces mainly the regions on the west and east of the Jordan. This does not mean that the narrator rejects the rest of the land in the north west and north east in Greater Israel as part of the promised land. The reason, according to the narrator, for describing the promised land only in terms of the territory in west and east Jordan is that Moses is able to see only that much of the promised land from Mt. Nebo.

Another interesting feature in the description of the land here is that the names of the former inhabitants such as the Amorites and Canaanites are dropped, and instead, the names of certain tribes of Israel, namely, Naphtali, Ephraim, Manasseh and Judah are used. We have not been told so far where the location of the territories of these tribes will be in the promised land except that the half tribe of Manasseh has received a territory in Transjordan (Dt. 3:13). It is difficult to explain the basis on which the names of these tribes only are selected. However, it can be suggested that these tribal names are used symbolically to represent all the tribes of Israel, implying that the land is no longer the land

of the Canaanites but has now become the land of the people of Israel.

c. The Territory of West Jordan (6: 18; 11:9; 30: 15-20; 31: 20)

While the promised land is described on the one hand as covering the widest possible area (1:6-8) and on the other hand as being slightly reduced yet still a vast territory on both sides of the Jordan (34:1-4), it is also very often spoken of as the West Jordanian territory alone. This can be seen in the narratives which describe the nature of the land ('a good land which I swore to give to your fathers', 6:18; 'a land flowing with milk and honey', 11:9; 31:20), the reason for giving the land ('that he may confirm the word which Yahweh swore to your fathers', 9:4-5), and the conditions for entering, possessing the land and living long in it (11:8-9; 30:15-20). Here again, Moses is not rejecting Transjordan as part of the promised land, but rather focusing his attention on the remaining vast land on the west of the Jordan yet to be possessed/4/.

The above three different portrayals of the extent of the promised land are not contradictions to the description of the full extent of the land promised to the forefathers or to the portrayals within Deuteronomy. Rather, these are the ways in which Moses describes the remaining parts of the promised land

yet to be possessed and the narrator describes the extent of the promised land as seen by Moses.

2. Ownership of Land in Transjordan (2: 24--3: 22)

The narrative of Dt. 2: 24--3: 22 speaks of Yahweh's giving the land of Sihon and Og to the people of Israel, the Israelites taking possession of these territories by military conquest, and Moses allocating the conquered territories to the tribe of Reuben, Gad and the half tribe of Manasseh.

a. Land Giving by Yahweh

We know from 2: 24-36, particularly from v. 24, that Yahweh has given the land of Sihon to the people of Israel and commanded them to conquer and possess it:

Rise up, take your journey, and go over the valley of the Arnon; behold, I have given into your hand (׳ַתַּתִּיךָ) Sihon the Amorite, king of Heshbon, and his land; begin to take possession (׳ַחֲזֵק), and contend with him (׳ַתְּגַרְגֵּר) in battle.

The Qal perfect 'I have given' (׳ַתַּתִּיךָ), having as its direct objects the king of Sihon and his land, indicates that Yahweh has already given over the king to be defeated and apportioned his land to the people of Israel. The legal transfer of the right of ownership of the land of Sihon, by taking it from Sihon and putting it in the hands of the Israelites, is expressed by the formula of ׳ַתַּתִּיךָ with ׳ַחֲזֵק/5/

and such a transfer takes place before the Israelites cross over the river Arnon.

Yahweh has not only given them the right over the land of Sihon but also tells them how they can realize their right and possess that land. Yahweh's instructions such as, 'Rise up, take your journey and go over the valley of Arnon', 'begin to take possession' (שָׁרָץ הַיַּרְדֵּן), 'contend with him' (וְהִתְגַּרְתָּ בּוֹ), indicate that the people of Israel should not hesitate to enter the land of Sihon, engage in battle with him and take possession of his land. The instruction, 'rise up and go' could be understood as meaning to provoke war/6/. The Hithpael imperative וְהִתְגַּרְתָּ בּוֹ, 'engage yourself with him in strife', clearly demands that the Israelites contend with Sihon. It is further made clear in the expression 'begin to conquer to occupy his land' (וְהִתְגַּרְתָּ בּוֹ לְשֵׂרֵץ אֶת-אֶרְצוֹ) in v. 31, that the purpose of rising up, going to the land of Sihon, and provoking and engaging themselves in war with him is to conquer and occupy the land. Yahweh has authorized the Israelites to begin the conquest of the land of Sihon so that they can realize the right of the land which has been transferred to them.

Yahweh's giving of the land of Og to the people of Israel is reported in Dt. 3:1-7.

But the Lord said to me, 'Do not fear him; for I have given (' יִתְּנֶה) him and all his people and his land into your hand (יָרַד); and you shall do to him as you did to Sihon the king of the Amorites, who dwelt at Heshbon'. (v. 2)

The expression 'I have given...into your hands' in 3:2 is similar to the one we have noted in 2:24. Here again, this expression indicates that Yahweh has given over Og and his people to be defeated and he has transferred the right of the land of Og to the Israelites. It is now the responsibility of the Israelites to conquer the territory and possess it.

b. Land Possession by the Israelites

Since Moses now knows that Yahweh has given the Israelites the right over the land of Sihon and Og, and that the Israelites have to engage in battle with them to possess and occupy their land, he provokes Sihon by requesting him to allow the Israelites to pass through his land. Reacting to this provocation, Sihon comes up against the Israelites, is defeated and loses his land to the Israelites (2:26-34). By marching further, the Israelites provoke Og and engage in battle and defeat him (3:1-3). Expressions such as 'we captured (יָרַדְנוּ) all his cities' (2:34), 'we took (יָרַדְנוּ) all his cities' (3:4), 'we took (יָרַדְנוּ) the land at that time out of the hand of the two kings' (3:8) and 'we took possession (יָרַדְנוּ) of this land' (3:12), indicate the

Israelites' initiative in realizing by military conquest the right transferred to them.

The full extent of the land possessed by the Israelites is described in 3:8-10. Other references such as verses 12, 16, 17 in the same chapter give further details of the boundaries:

So we took the land at that time out of the hand of the two kings of the Amorites who were beyond the Jordan, from the valley of the Arnon to Mount Hermon (the Sidonians call Hermon Sirion, while the Amorites call it Senir), all the cities of the tableland and all Gilead and all Bashan, as far as Salecah and Edrei, cities of the kingdom of Og in Bashan. (3:8-10)

According to this description, the full extent of the land is from the river Arnon in the south to Mt. Hermon in the north. The western boundary is the Jordan stretching from the sea of Chinnereth to the sea of the Arabah, the Salt Sea (v. 17). The eastern border is the boundary of the land of Ammon (v. 16). The vast territory which lies within these borders is described in terms of its three major regions (3:10), namely, the 'tableland' referring roughly to the adjacent region north of the Arnon, 'Gilead' referring to the adjacent hilly region stretching south and north of the Jabbok/7/ and 'Bashan' referring to the immediate region beyond the Yarmuk. However, we notice here incidentally that the possessed territory extends beyond Bashan up to Mt. Hermon which differs from the descriptions in Num. 21:21-35 where the extent of the possessed territory is from the Arnon to Bashan. According to

Num. 21:21-35, the people of Israel have possessed only the territory immediately east of the Jordan. But, according to Dt. 3:8-14, the Israelites have not only possessed the territory east of the Jordan but also some territory in the north-east of the Jordan as far as Mt. Hermon. Here, the extent of the possessed territory is larger than what is reported in Num. 21:21-35.

c. Land Allocation by Moses

Dt. 3:12-17 portrays Moses allocating the land given by Yahweh to the tribes of Reuben, Gad and the half tribe of Manasseh. The expression, 'I gave', which is repeated several times in this account (vv. 12, 13, 15, 16), indicates clearly that the selection of the tribe of Reuben, Gad and the half tribe of Manasseh, and the allocation of the territory to them, is the decision and action of Moses. For, in contradistinction to Num. 32:1-5, 18, 22, there is no reference to the request of the tribe of Reuben and Gad to be given the conquered land as their inheritance and legal property. No pre-condition is laid down that they should go with the rest of the tribes to conquer the west Jordanian territory if they want to receive the conquered territories in Transjordan. The question which arises here concerns the basis for Moses' allocation of this land to them. Although the selection of the tribe of Reuben, Gad and the half tribe of Manasseh is Moses' own decision, the allocation of the land to them is based upon

the fact that Yahweh has transferred the right of those territories in Transjordan to the Israelites and they have realised their right by conquering those territories. Therefore, Moses can allocate the land which now by right belongs to the Israelites/8/. But Moses prefers to allocate these territories to the two and a half tribes only because a much larger territory across the Jordan is yet to be conquered and shared between the Israelites.

d. Land Owned by the Two and a Half Tribes

Out of the vast territory between the Arnon and Mt. Hermon, the tribe of Reuben and Gad received the land from the Arnon to half of the hill country of Gilead with its cities (3:12). The rest of the half of the hill country of Gilead and all Bashan were given to the half tribe of Manasseh (v. 13).

While v. 12 describes the extent of the land given to the tribe of Reuben and Gad from south to north, it does not tell how much half of the hill country of Gilead is or where the line dividing the hill country of Gilead is drawn. It has been pointed out from geographical studies that the region of Gilead is divided into northern and southern Gilead by the river Jabbok/9/. What has been given to the tribe of Reuben and Gad is the territory stretching southwards from the Jabbok. The river Jabbok could be considered the boundary mark

dividing the land of Reuben and Gad from the land of the half tribe of Manasseh.

The vast territory given to the tribe of Reuben and Gad is further divided between them. Verse 16 mentions 'the middle of the valley' as a boundary mark between the land of the Reubenites and the Gadites:

To Machir I gave (northern) Gilead, and to the Reubenites and the Gadites I gave (the southern) part of Gilead (מִן־הַגִּלְעָד) as far as the river of the Arnon, with the middle of the valley as a boundary (תְּוֹךְ הַנַּחֲלָל וְגַבֵּל), as far over as the river Jabbok, the boundary of the Ammonites; the Arabah also...on the east. (vv. 15-17)

P.C. Craigie, taking מִן as a partitive particle, suggests that the phrase מִן־הַגִּלְעָד should be understood as 'part of Gilead' /10/. This suggestion is acceptable because it agrees with vv. 12-13 which speak of the allocation of the northern part of Gilead to the half tribe of Manasseh and the southern part of Gilead and the rest of the territory south of it to the tribe of Reuben and Gad. He also notices the problem in translating the phrase תְּוֹךְ הַנַּחֲלָל וְגַבֵּל and suggests that the Hebrew ו could be an error for ו and so it could be translated as 'the middle of the valley as a boundary' /11/. His suggestion to read ו as ו makes sense in this place as well as in v. 17 where the Jordan is mentioned as the boundary. Driver thinks that וְגַבֵּל in the above phrase refers to a stream which runs in the valley, but he does not identify the stream /12/. The word וְגַבֵּל need not necessarily always mean

a river or a stream. It could mean a river bed or a valley/13/. Since no other river or stream is mentioned running between the Arnon and the Jabbok (vv. 15-16), the word בְּנֵי in the phrase בְּנֵי בְּנֵי יַרְדֵּן should be understood as referring to the valley which lies between these two rivers. This valley is a border mark dividing the land of Reuben and Gad. We are not told who among these two tribes received the northern southern parts of the valley. But we note here that their territories are divided by a natural boundary.

Northern Gilead and the territory of Bashan which were allocated to the half tribe of Manasseh are divided between the clans of Machir and Jair. The term 'Gilead' in v. 15 should be understood as referring to northern Gilead which stretches from the north of the Jabbok to the Yarmuk. This region which has the Jabbok in the south and the Yarmuk in the north as its natural borders, is given to Machir. The territory of Bashan which is also known as the region of Argob has marked out borders. The territory of Bashan stretches from the Yarmuk to the borders of the Geshurites and the Maacathites in the north (3:14) and as far as Salecah and Edrei in the south east (3:10). The reason why Bashan is given to Jair is because its families played a significant role in conquering that part of the territory (3:14). The region beyond Bashan to Mt. Hermon is not given to anyone. In contradistinction to Num. 32:33-42 which does not speak of a clear territorial division between the two and a half tribes

except that they occupied only cities and their surrounding territories in Transjordan, Dt. 3:12-17 speak of a vast territory divided between the tribe of Reuben and Gad and the clans of Jair and Machir, and marked out by borders.

The territory divided and allocated to these tribes is denoted as the $\pi \psi \gamma$ of the tribe. This is known to us from Moses' instruction to the members of these two and a half tribes that every man can return to his possession $\langle \eta \pi \psi \gamma \rangle$ which he has been given (v. 20). By 'possession', Moses means the tribal territory and not the land of individual members of the tribe, because Moses did not allocate land to individual families, but territories to the two and a half tribes. The tribal territory is called $\pi \psi \gamma$ in particular because it became their possession through conquest. Regarding the distribution of land to individual families, one can only presume again that while the territory is given to these two and a half tribes as tribes, individual families will come to own their share of land in their territory by cultivating a piece of land and appropriating it as their property.

Another issue concerning the ownership of land in Transjordan is the fulfilment of the land promise. There is no reference to the land promise in the narrative. Nor does the narrative suggest anywhere that at this juncture Yahweh has given part of the land which he has promised to the patriarchs or that Moses distributes the land to the two and a half

tribes because the territory is part of the promised land. The two notions, land promise and land-giving, do not intersect here. But we have noted that Transjordan is part of the promised land in Dt. 34:1-4. So only in the light of the description of the promised land in Dt. 34:1-4, can one say that Yahweh's giving of the land of Sihon and Og to the people of Israel and enabling them to conquer and possess those territories constitutes the partial fulfilment of the land promise.

3. Ownership of Land in West Jordan

Let us now focus our attention on the various aspects of ownership of land in west Jordan, the method of possessing the land, the reason for Yahweh giving the land and the conditions of possessing the given land.

a. Conquest and Possession of the Land

Dt. 7:1-2, 17-24 and 9:1-3 tell us that it is by means of conquest that the people of Israel will possess the land on the west side of the Jordan. But these two narratives differ regarding how long it will take to conquer and possess the entire territory. Let us study first Dt. 7:1-2, 17-24 and note how this narrative speaks of conquest and possession of the land:

When the Lord your God brings you (בְּבִרְיֹתָיִךְ) into the land which you are entering to take possession of it (לְבִרְשׁוֹתָהּ), and clears away (וַיִּסְרֹף) many nations before you...and when the Lord your God gives them ($\text{וַיִּתֵּן$) over to you (בְּיָדְךָ), and you defeat them ($\text{וַיִּכְרֹתֵם$); then you must utterly destroy them ($\text{וַיִּמְדֹּדְתֶם אֹתָם}$)...and show no mercy to them. (7:1-2)

If you say in your heart, 'These nations are greater than I; how can I dispossess them (וַיִּסְרֹף אֹתָם)?' you shall not be afraid of them... Moreover the Lord your God will send hornets among them, until those who are left and hide themselves from you are destroyed... The Lord your God will clear away these nations before you little by little; you may not make an end of them at once, lest the wild beasts grow too numerous for you. But the Lord your God will give them over to you, and throw them into great confusion, until they are destroyed. And he will give their kings into your hand, and you shall make their names perish from under heaven; not a man shall be able to stand against you, until you have destroyed them. (7:17-24)

Verse 1a, 'When the Lord your God brings you into the land which you are entering to take possession of it', refers to the Israelites' crossing the Jordan and entering the land and to Yahweh's transferring the right of the land from the earlier inhabitants to the Israelites. Although the transfer of the land to the people of Israel is not expressed by using the legal formula of בְּבִרְיֹתָיִךְ with בְּיָדְךָ , the idea of Yahweh bringing the Israelites into the land implies the transfer of the land to them.

The idea of conquest is expressed first of all in v. 1b, 'and clears away many nations before you...'. How Yahweh will clear away the inhabitants is shortly disclosed: it will be by

handing them over into the hands of the people of Israel to be defeated and utterly destroyed. The military surrender of the inhabitants to the Israelites is expressed by using two interchangeable formulae, namely, לְיַדְּךָ with לְפָנֶיךָ (vv. 2, 23) and לְיַדְּךָ with בְּיָדְךָ (v. 23) having the inhabitants and their kings as the direct objects/14/. Not only the military surrender formulae, but also the expression that Yahweh will throw them into confusion ($\text{מְהֵרָה וְהֵמַחְתָּם}$) that they will lose heart in resisting the Israelites and surrender themselves to be defeated indicates conquest (vv. 23-24).

While Yahweh hands the inhabitants over to the Israelites, the Israelites are required to defeat and destroy the inhabitants. We can note this in the expressions such as 'defeat them' (וְהִכִּיתָם), 'utterly destroy them' ($\text{וְהָרַגְתָּם אֶתְכֶם}$) in v. 2 and 'until they are destroyed' ($\text{עַד שֶׁיִּהְיוּ מְהֻרָגִים}$) in v. 23 and 'you shall make their name perish' ($\text{וְהָרַגְתָּ אֶת־שְׁמֵם}$) in v. 24. However, the people of Israel are required to destroy the inhabitants little by little. For the Israelites are not yet numerous enough to occupy the entire territory and the wild beasts would cause difficulties for them in occupying the land (v. 22).

While the focus here is on military surrender, defeat and destruction of the inhabitants, we also note that the people of Israel are not at every point regarded as engaging in military conquest (vv. 17-22) in order to dispossess the

inhabitants. Yahweh is able to clear away some of the inhabitants by doing signs and wonders like those which he did when he delivered the Israelites from Egypt. He will send 'hornets' (הַיָּסוּדִים) which will throw into panic those who are in hiding to avoid being killed by the Israelites and will drive them out of the land.

A note should be made here on the relationship between Yahweh's giving the land and his choosing the people of Israel. Verses 6-16 speak of the reason for Yahweh choosing the Israelites as his own people and the condition of keeping the covenant as his elected people. It is not reported in these verses that Yahweh's election of the Israelites is the reason for giving the land to them. On the other hand, it is because he swore an oath (v. 8) on account of the land promise (v. 13), that Yahweh is going to give the land. This indicates that the idea of election of Israel has nothing directly to do with the notion of Yahweh giving the land to them and these two ideas stand aloof in the narrative.

Dt. 9:1-3 also speaks of dispossessing the inhabitants of their territory by military conquest:

Hear, O Israel; you are to pass over (וְעָבַדְתָּ) the Jordan this day, to go in to dispossess nations (וְעָבַדְתָּ) greater and mightier than yourselves ... and of whom you have heard it said, 'Who can stand before the sons of Anak?' Know therefore this day that he who goes over before you as a devouring fire is the Lord your God; he will destroy them

(יִשְׁמְרוּם) and subdue them (יִכְרִיעוּם) before you; so you shall dispossess them (וְהִרְשַׁתֶּם) and destroy them quickly (וְהִאֲבִדְתֶם מְהֵרָה), as the Lord has promised you.

Verse 1 describes how the people of Israel will go over the Jordan with the clear aim of dispossessing the nations through conquest. This is done by linking the infinitive construct לְיַרְשׁוּ with the participial clause of 'crossing over' (עָבְרוּ) the Jordan' /15/; in addition v. 3 speaks of Yahweh's help in dispossessing the nations. The verb יָרַשׁ , which can mean either 'to possess' or 'to dispossess', is used in vv. 1-3 in the sense of dispossessing the nations because it takes the nations as its direct object/16/. The nations will be dispossessed through battle and their destruction is first revealed to us in the rhetorical statement 'Who can stand before the sons of Anak?' (v. 2), which implies that no one has fought and defeated the Anakim so far. Second, the idea of dispossessing the nations is seen in the language of v. 3 which speaks of Yahweh going before the Israelites like a devouring fire destroying the inhabitants and causing the nations to humble or subdue themselves before the Israelites. The precise meaning of the metaphor of destroying fire is not made clear in the text. As it is used in the context of dispossessing the nations of their land, it could mean that Yahweh would act in war against the enemies of Israel, destroying their spirit of courage and strength to fight against Israel and thus causing them to subdue themselves and not to overpower the Israelites. The Hiphil form וְהִרְשַׁתֶּם

in v. 3 indicates that the Israelites will dispossess the nations. But how can they do so? Only by fighting and destroying them. Dispossessing the nations and thus taking possession of their land will be a rapid event. The word מִהֵרָא is used in v. 3 in the sense of destroying the nations quickly in contradistinction to destroying slowly as is found in Dt. 7:22/17/. This implies that taking possession of the land will take a shorter rather than a longer period of time.

b. Yahweh's Giving of the Land (9:4-6)

That Yahweh is going to give the land on the west side of the Jordan to the Israelites is expressed mainly by using the participle אֲרֶזְקָה ('the land which Yahweh your God is going to give you for an inheritance', 4:21; 21:23; 24:4; 26:1; 'the land which Yahweh is going to give them/you to possess', 5:31; 9:6; 15:4). In certain parts of Deuteronomy, the verb אֶרְזַק is used in the Qal perfect (8:10; 12:1) or imperfect with waw consecutive (21:9), as if Yahweh has already given the land. This does not mean that from the perspective of Deuteronomy Yahweh has indeed already 'given' the land; it is rather that the texts in which the past tense of אֶרְזַק is used speak from the standpoint of Israel having settled in the land.

While references which announce that Yahweh is going to give the land to the people of Israel occur in many parts of Deuteronomy, the reasons for giving the land is explained in

9: 4-6:

Do not say in your heart, after the Lord your God has thrust (**בָּקַרְךָ**) them out before you, 'It is because of my righteousness that the Lord has brought me in to possess this land;' whereas it is because of the wickedness of these nations that the Lord is dispossessing them (**מִשְׁרִימָם**) from before you. Not because of your righteousness or the uprightness of your heart are you going in to possess their land; but because of the wickedness (**בְּרָשָׁעָם**) of these nations the Lord your God is dispossessing them (**מִשְׁרִימָם**) from before you, and that he may confirm the word which the Lord swore to your fathers, to Abraham, to Isaac and to Jacob. Know therefore, that the Lord your God is not giving you (**כִּי לֹא**) this good land to possess because of your righteousness; for you are a stubborn people.

Two reasons are stated why the Israelites are going to possess the land. One reason is the wickedness of the inhabitants and not the righteousness of the people of Israel (v. 4). The other reason is the earlier land promise given to the patriarchs (v. 5). If the wickedness of the inhabitants, which is emphasized by repeating it in v. 5, is the reason for driving away the inhabitants from the land and giving it to the Israelites, why should the land promise be stated as the reason? On the other hand, if the land promise is the reason for giving the land, why should the wickedness of the inhabitants be stated as the reason? Either the former or the latter reason is sufficient to explain the giving of the land to the people of Israel. The reason why both reasons are given is to explain that Yahweh gives particularly the land of the Canaanites because of their wickedness but he gives it to the

Israelites and not to some others because of his earlier promise to their forefathers (Gen. 15:12-21).

Even though the people of Israel do their part of fighting and destroying the nations (9:3), they cannot boast that it is because of their righteousness that Yahweh has helped them to enter, conquer and possess the land. Rather, it is because of the above reasons that Yahweh has taken the land from the nations and given it to the Israelites to possess. Thus the land is a free gift to the people of Israel from Yahweh, but it is a conditional gift.

c. Land Ownership is Conditional

A number of statutes and ordinances of Yahweh to be fulfilled by the Israelites before and after possessing the land are mentioned several times in Deuteronomy. It is not possible to discuss here what these conditions are, except to point out briefly that entering and taking possession of the land itself is conditional as is the possibility of owning it for ever.

1. Taking Possession of the Land is Conditional

One can note, for example in Dt. 6:16-18, that observing the laws and statutes of Yahweh is necessary if the people are to cross the Jordan, and enter and possess the land immediately. This can be seen in the permanent prohibition of testing Yahweh, expressed by לֹא תִּנְסֶהוּ (לֹא תִּנְסֶהוּ אֱלֹהֵי יְהוָה, v. 16), in the exhortation to keep all the commandments of Yahweh, expressed by the infinitive absolute שָׁמֹר תִּשְׁמְרוּן אֶת־מִצְוֹתַי (שָׁמֹר תִּשְׁמְרוּן אֶת־מִצְוֹתַי, v. 17), and in the instruction to do what is right and good in the sight of Yahweh expressed by the Hiphil perfect with waw consecutive וַיִּשְׁרְךָ וְהָעוֹבֵד (וַיִּשְׁרְךָ וְהָעוֹבֵד אֶת־יְהוָה, v. 18a). The instruction to do what is right and good in v. 18a alone is linked to the purpose of entering and taking possession of the land in vv. 18b-19 by the preposition לְמַעַן/18/. But that does not mean that the above prohibition or demand to keep the law are unrelated to the notion of entering and possessing the land. Since such a prohibition and demand are stated in the account which speak of taking possession of the land; they are also necessary conditions to be observed. A similar idea of keeping all the commandments in order to enter and possess the land is repeated in 11:8.

Not only is the immediate goal of entering and conquering the land conditional, but continuing to possess more land of the promised territory is conditional (11:22-25). The outlook

of the account in 11:22-25 is that Yahweh will go on driving out the inhabitants as the Israelites advance and until they possess the entire promised territory. But they should certainly observe all the commandments of Yahweh (v. 22). This is expressed by linking the conditional clause, 'For if ('־) you will be careful to do all this commandment which I commanded you to do...' (v. 22), with the clause, 'then Yahweh will cause to drive out all these nations before you...' (v. 23) referring to Yahweh's action of giving more and more of the promised territory /19/.

11. Perpetual Possession of the Land is Conditional

Obedience to the statutes does not end once the conquest and possession of the entire promised land have taken place. The people of Israel are instructed to observe all the statutes for ever in order to have that land as their permanent possession and for their perpetual inhabitation (12:10; 16:20; 25:17-19). Their failure to observe the conditions will result in the loss of the land to their enemies (28:1; 30:1-10). Restoration of the land to them is possible but it is also conditional. I will now look at the various ways in which Deuteronomy expresses the idea of perpetual possession of the land/20/.

Living and Possessing

One such expression is the use of the idiom יִרְשׁוּ אֶרֶץ . This phrase is usually used elsewhere in Deuteronomy (2:24, 31; 3:12, 18; 9:1) in the sense of 'to conquer' or 'to dispossess' the land. But in 16:20 the same idiom is employed to mean the perpetual possession of the land by fulfilling the condition of pursuing justice/21/. This is linked to the idea of perpetual possession of the land ('you may live and possess, i. e. go on possessing, the land', $\text{תִּחְיֶה וְיִרְשׁוּ אֶרֶץ}$) by the preposition כִּי .

Justice, and only justice, you shall follow, that you may live (תִּחְיֶה כִּי) and go on having possession of the land (וְיִרְשׁוּ אֶרֶץ) which the Lord your God gives you. (16:20)

That this idiom means perpetual possession of the land after settling down and does not carry its usual meaning of conquest and taking possession is shown, first, from the instruction to appoint judges in the towns to pursue justice. Creating cities and appointing judges to administer justice in day to day life envisage a period subsequent to the conquest and settling down in the land. Second, placing the idiom 'and you possess, i. e. will go on possessing, the land' after the clause, 'that you may live' and not the other way round conveys the concept of 'live and continue to possess it' as a reward for doing justice, rather than 'possess it and live in it' in a purely chronological sequence.

Living Long in the Land

That the people of Israel can have the land permanently in their possession could be inferred from the notion of living long in the land. In a number of places in Deuteronomy, the idiom 'lengthen (or multiply) one's days upon the land'

תִּאָרְךָ יָמֶיךָ עַל־ (וְהֵאָרְכְּתָם יָמֶיךָ בְּאֶרֶץ), 5:33; תִּאָרְךָ הָאָרֶץ, 4:40; 11:9; 25:15; 30:19-20) is used. This idiom

is connected to the condition of fulfilling the commandments by the preposition לְמַעַן in the above accounts. The idiom usually means that Yahweh will lengthen the span of one's life/22/. It need not necessarily mean possessing the land for

a longer period of time. But, when the same idiom is used with the negative particle לֹא as in 4:26 (לֹא־תִאָרְךָ יְכֹן יָמֶיךָ עַל־הָאָרֶץ, 'you will not live long upon it') and is addressed to

the entire nation, it means that the people of Israel will not be able to live for ever in that land/23/. They cannot keep the land under their control and live in it perpetually but will have to lose it to their enemies and be driven out of it (vv. 26-27). The important condition for living for ever in the land is not to have graven images or worship them (v. 25).

Rest in the Land

The idea of 'rest in the land' is related to the notion of continuous possession of the land. Von Rad has noticed that the notion of rest (וַיָּנַח) in 12:10 and 25:17-19 does not

refer to spiritual peace of mind but political peace and freedom from enemies around about/24/. 'Rest' to the people of Israel is necessary if they are to live and own the land continuously without the threat of losing their land to enemies. However, such a rest is conditional. The people of Israel have to fulfil certain conditions if they want to enjoy continuously the political rest given by Yahweh. In 12:10, rest in the land is linked to the observance of cultic requirements. Dt. 25:17-19 demands that the Israelites blot out Amalek who caused problems to them on their way to the promised land. The consequences of failing to fulfil the above conditions are not stated in 12:20 and 25:17-19. But one has to understand in the light of the general demand to obey all the statutes and ordinances that their failure to follow the statutes could bring an end to their rest and perpetual possession of the land (28:1, 7, 25-26, 47-52).

Restoration of the Land

The continuous possession of the land and living in it could be interrupted temporarily because of the disobedience of the Israelites. However, this does not mean that the people of Israel have lost their land for ever. Yahweh can bring them back to their land and restore the ownership of the land to them, but it is conditional. In order to possess it again and live in it continuously, they must repent, return to Yahweh and obey the statutes and ordinances (30:1-10).

d. Land Ownership by Families

It is known to us from the law prohibiting the removal of the boundary mark of a neighbour's land (19:4; 27:17), and the law of inheritance right of the first born (21:15-17), that families own land.

1. Removal of the Boundary Mark (19:14)

The law in Dt. 19:14 says:

In the inheritance (יְרֵכָה) which you will hold in the land (אֶרֶץ) that the Lord your God gives you to possess, you shall not remove (לֹא תִסֶּר) your neighbour's landmark, which the men of old have set.

We know from this text, first, that the ancestors of the Israelites who enter, settle down and divide the promised land between themselves, set the boundaries (גְּבֻלֹתָם) of their fields. Setting the boundary means not only marking the size of the land to differentiate it from adjacent land but also to claim that land as one's own/25/. Thus the boundary mark stands as a sign of land ownership by the ancestral families. Such land is passed on to their descendants as the landed property of the family. So it is denoted 'inheritance' (יְרֵכָה) and the descendants who inherit their family land are expected to keep it and pass it on to their descendants so that future generations can own and

make use of it for their living, rather than becoming landless.

Secondly, we know that the inheritance of a family should never be stolen or bought by a neighbour. This can be seen in the prohibition that no one in Israel should remove the boundary (אֶת־גְּבוּלֵי־יְקָרְבָנֶךָ לֹא־תִסְרֹף, 'do not remove the boundary of your neighbour'). Since a 'boundary mark' is the sign of ownership, removing the boundary means taking away the ownership of the land from that family. The text does not say how one might remove the boundary of a neighbour's field. But one can envisage that it can happen in at least two ways: one, by removing the landmark from its original place and placing it slightly inside the previous boundary, without the knowledge of the owner of the land, thus encroaching on that part of the land/26/. The other way is that by putting pressure upon the poor, taking advantage of their plight and acquiring their land/27/, the rich can remove the boundary of the field permanently and annex it with his own and make it a large estate, or the person who is in power and authority can exercise his privilege to acquire somebody's land by putting pressure on him and eventually removing the ancestral boundary (e.g. Ahab and Naboth's vineyard in 1 Kings 21). The former way of removing the landmark from its original place, reducing the original size of somebody's land and encroaching it is stealing. The latter way of removing the landmark by acquiring somebody's inheritance constitutes an illegal purchase. We

notice in Dt. 27:17 and elsewhere in the Old Testament (Job 24:2; Prov. 23:10; Isa. 5:8; Hos. 5:10) that no matter how a boundary is removed or land added to, such a practice is condemned.

This law which prohibits stealing a part of the land or purchasing the ownership of an entire piece of land from a family is important because it protects the inalienability of the family land which is the source of the family's life. Dt. 19:14, unlike Lev. 25:23-24, portrays the family as owners and not as tenants because the notion of Yahweh's ownership of the whole earth is not put forward here as the reason for prohibiting the removal of the boundary mark. Rather, the law implies that Yahweh wants each family in Israel to continue to own a piece of land. While Lev. 25:23 focuses more on the responsibility of the family not to sell the ownership of the land, Dt. 19:14 focuses more on the responsibility of the neighbour not to steal a part of somebody's inheritance or to buy the ownership and make another family and its descendants landless.

11. Inheritance Right of the First Born (21:15-17)

Dt. 21:15-17 speaks of a father transferring the right of the family land to his descendants and the first born of the father inheriting a double share of the property:

If a man has two wives, the one loved and the other disliked, and they have borne him children, both the loved and disliked, and if the first-born son is here that is disliked, then on the day when he assigns his possession as an inheritance (הֵרַחֵם יָלֵד) to his sons, he may not treat the son of the loved as the first-born in preference to (עַל־פְּנֵי) the son of the disliked, who is the first-born, but he shall acknowledge the first-born, the son of the disliked, by giving him a double portion (פֶּי שְׁנַיִם) of all that he has, for he is the first issue of his strength; the right of the first-born is his.

The transfer of the father's property to his sons is expressed by the Hiphil form הֵרַחֵם יָלֵד, 'he causes him to inherit (his property)' (v. 16). While the use of the causative verbal form indicates that the father has the right and power to transfer the land, it is not known how he transfers his land to his sons, nor whether he actually divides and marks the portions of land which are to go to each of his sons or carries it out in some other way/28/. The problem of transferring the land is more complicated if he has more than one son/29/. All that one can say here is that the father takes the initiative in transferring the right of his land to his sons while he is alive, so that his sons become legal owners of the land.

In causing the family land to be inherited by his sons, the father should take note that his first born (בְּכֹרֶת) gets a double share of the property. The phrase פֶּי שְׁנַיִם which literally means 'a mouth of two' is an idiom for 'a double share'/30/. The reason for giving a double share to the first

born is that he is 'the first issue of his strength' and this status gives him the right to receive a double share/31/.

However, if he has more than one wife, the father cannot elect from his sons whomever he likes as the first born of the family to receive the double share of property. The phrase עַל־פְּנֵי 'over against' or 'in preference to' (v. 16) indicates that the father cannot prefer the son of the loved wife to the son of the disliked wife/32/. The one who is the father's first born, regardless of which wife gives birth to him, must be regarded as the first born. Thus this law safeguards the right of the first born/33/.

B. YAHWEH'S OWNERSHIP OF THE LAND

1. Ownership of the Heaven and the Earth (10: 14)

We have noted so far that in the Pentateuchal material the whole earth is regarded as belonging to Yahweh (Exod. 9: 29; 19: 5; Lev. 25: 23). Here in Dt. 10: 14-15, it is envisaged that not only the whole earth but also heaven belongs to Yahweh:

Behold, to the Lord (כִּי הוֹדוּ) your God belong heaven and the heaven of heavens (הַשָּׁמַיִם וְהַשָּׁמַיִם), the earth (הָאָרֶץ) with all that is in it; yet (כִּי) the Lord set his heart in love upon your fathers and chose their descendants after them, you above all peoples, as at this day.

The words 'heaven' and 'earth' are mentioned as two distinct spheres. The word 'heaven' refers to nothing other than the sky above/34/. But concerning the interpretation of the phrase, 'the heaven of heavens' (שָׁמַיִם שְׁמַיִם), scholarly opinions differ. Eichrodt points out that like other nations in the ancient Near East, the Israelites also conceived of more than one sphere in the sky and that is why they speak of 'the heaven of heavens', but they did not give much importance to such a division of heaven because they understood that all the divisions of heaven are under the rule of one God, Yahweh, and not under the rule of different deities/35/. This interpretation is arguable from the perspective of ancient Near Eastern studies. But whether v. 14 implies such a cosmology is doubtful. The phrase 'the heaven of heavens' in v. 14 does not mean divisions in the sky but refers to the entire sky. This can be seen from the style of v. 14. Craigie points out that v. 14 has a poetic character and so it would be artificial to make a distinction between words like 'heaven' and 'the heaven of heavens'. According to him, all these words mean heaven/36/. Some other commentators stress the style of the superlative expression, 'the heaven of heavens', and understand it as the idiomatic way of saying 'heaven itself' rather than referring to divisions in heaven/37/. Thus the language of v. 14 points to the entire sky which stretches above the earth, and not to various cosmological divisions as in some ancient Near Eastern texts.

The idea of the whole earth is expressed here not by the usual idiom, כָּל־הָאָרֶץ but by the expression, 'the earth and all in it' (כָּל־אֲשֶׁר־בָּהּ). According to v. 14, the realms of both heaven and earth belong to Yahweh. The possessive particle לְ appears here with the name of Yahweh (לַיהוָה), to describe Yahweh's ownership of heaven and the whole earth.

The mentioning of Yahweh's ownership of heaven and earth and everything in it is not presented as the reason or basis for his electing the Israelites as his own people. There is a difference between the use of לְ in Exod. 19:5-6 where Yahweh's ownership of the whole earth is the basis for electing the people of Israel, and the use of כִּי־בָּרָא in Dt. 10:14. Mayes points out that the adverb כִּי־בָּרָא could mean 'only', 'yet' or 'in spite of' and it is used here to restrict and contrast something previously mentioned/38/. Therefore, it is to stress that in spite of (כִּי־בָרָא , v. 15) owning the entire heaven and earth, and having a wider choice before him to elect any people whom he likes, Yahweh elected the people of Israel only because of his love for their forefathers and their descendants.

Furthermore, since the idea of Yahweh's ownership of the entire heaven and earth is mentioned here in relation to the notion of election, it has nothing to do with the idea of Yahweh's ownership of the promised land. That is, to say, one

cannot assume here that the idea of Yahweh's ownership of heaven and the earth implies automatically his ownership of the promised land. These two ideas stand separate. Yahweh's ownership of the promised land is to be seen only in the accounts which speak of Yahweh taking the promised land from the different ethnic groups (2:31; 3:2; 7:1-2; 9:1-6) and giving it to the people of Israel.

2. Use of a Place for His Name (12:5)

Another issue related to the idea of Yahweh's ownership of land in Deuteronomy is whether or not Yahweh owns the place where he chooses to put his name to dwell. The notion of Yahweh choosing the place where his name will dwell is first stated in Dt. 12:5:

But you shall seek the place which the Lord your God will choose out of all your tribes to put his name to make it dwell there (לִשְׂוֹב אֶת־יְהוָה שָׁם לְשֹׁכֵן); thither you shall go...in which the Lord your God has blessed you. /39/

Some scholars understand that the expression 'to put his name to make it dwell there' (לִשְׂוֹב אֶת־יְהוָה שָׁם לְשֹׁכֵן) indicates Yahweh's ownership of the place which he chooses to put his name, while others disagree. According to de Vaux, the expression 'to put his name to make it dwell there' means Yahweh claims the ownership of the place/40/. First, de Vaux believes that the expression, 'to put his name to make it dwell there', is not an abstract expression, and to say that

Yahweh dwells in heaven but only his name dwells on the earth, as von Rad suggests/41/, makes a sharp distinction between the two which does not accord with the view of Deuteronomy. De Vaux points out that Deuteronomy presents Yahweh as dwelling in heaven and on the earth and that is why Deuteronomy speaks of the Israelites coming to the place and worshipping before Yahweh (12: 11-12; 26: 13). Secondly, he thinks that the idea of only Yahweh's name dwelling on the earth is a later development, citing 1 Kings 8: 16, 29 as an example. He draws our attention to the change in the expression from 'to put his name to make it dwell there' to 'my name shall be there' (בְּיָמֵי יְהוָה, 1 Kings 8: 16; אֲשֶׁר יִשְׁחַבְּדָהּ יְהוָה, 1 Kings 8: 29; 2 Kings 23: 27). He considers that the former expression is earlier and conveys the idea of Yahweh's claim to own the place but this earlier meaning is reduced in the latter expression, 'my name shall be there', to mean simply that Yahweh's name dwells there. Thirdly, in interpreting the expression, 'to put his name to make it dwell there', in the legal sense of claiming the ownership of the place, de Vaux draws support from the ancient Near East, where a similar expression is used when the kings inscribe their names on stones as a sign of claiming the conquered territory as their own. Wenham agrees with de Vaux that the expression, 'to put his name to make it dwell there', can mean Yahweh's ownership of the sanctuary/42/. Mayes also believes that v. 5 speaks of Yahweh's ownership of the sanctuary because a similar idea is expressed in Exod. 15: 17 and points out that what is new in

Deuteronomy is that the idea of Yahweh owning the sanctuary is integrated into an election theology, that is, Yahweh not only elected the people of Israel but also chose for his possession a dwelling place for his name/43/.

However, it is questionable whether in Deuteronomy the idea of Yahweh choosing the place and making his name to dwell there refers to Yahweh's ownership of the sanctuary. First, the expression 'to put his name to make it dwell there' has legal connotations, as seen from ancient Near Eastern texts where it is used in the context of conquest and taking possession of a vast territory. But the general outlook of Deuteronomy 12 where the idiom is used is cultic and not military. It speaks of choosing the place for worship, bringing offerings to the place (vv. 11-14), taking care of the cultic personnel like the Levites (v. 19), and destroying Canaanite cultic centres (vv. 2-4, 29-31). Therefore, the expression, 'to put his name to make it dwell there' in Dt. 12:5 does not carry any legal meaning of claiming the ownership of the sanctuary. Secondly, de Vaux's view concerning the two forms of the idiom, noted above, is questionable. Weinfeld argues that the idea of Yahweh's name dwelling on the earth is present in Deuteronomy itself and proves that there is no difference in meaning between the phrase 'to put his name to make it dwell there' found in Deuteronomy and the phrase, 'my name shall dwell there' found in 1 Kings 8:16, 29 and 2 Kings 23:27/44/. He believes,

following von Rad, that Deuteronomy is interested in giving a new theological shift to the notion of the divine abode by emphasizing the dwelling of Yahweh's name rather than Yahweh himself, in the sanctuary /45/. This shift in Deuteronomy's understanding makes the relationship between Yahweh and the sanctuary too vague and, therefore, it is not possible to establish the idea of Yahweh's ownership of the sanctuary.

Third, Mayes' view that Dt. 12:5 speaks of Yahweh choosing the place as his possession is not attested by the presence of any property terms like בְּיָמֵי יְהוָה , אֶת־יְהוָה , יְרֵשׁ־הוּא , or by the possessive particle ל with the name of Yahweh to describe his ownership of the sanctuary. While Exod. 15:17 clearly uses the term בְּיָמֵי יְהוָה and speaks of Yahweh's ownership of a mountain sanctuary, Dt. 12:5 does not speak of Yahweh's ownership of the sanctuary. The expression, 'to put his name to make it dwell there', in Deuteronomy, refers to Yahweh's use of the place to as the dwelling place of his name rather than to his ownership of the place.

C. OTHER PEOPLES' OWNERSHIP OF LAND

In his address to Israel in Deuteronomy, Moses not only focuses his attention on the ownership of the promised land by the Israelites but also refers to the ownership of land by other ethnic groups, particularly, by the Edomites (2:1-8a,

12, 22), the Moabites (2:8b-11) and the Ammonites (2:16-23). We will study these accounts to find out why and how Yahweh gave land to these people and why the Israelites were not allowed to possess their territories on their way to Canaan. Dt. 32:8-9 is another text which speaks in general of the ownership of land by different ethnic groups including the Israelites.

1. Ownership of Land by the Edomites (2:1-8, 12, 22)

The phrase 'sons of Esau' in 2:2-8, 12, 22 refers to the descendants of Esau who was one of the sons of Isaac (Gen. 25:23-28; 36:1-19, 40-43). The name of the land of the sons of Esau is called 'Mt. Seir' (Dt. 2:5) or 'Seir' (vv. 4, 8, 22). The same land is spoken of as 'the land of Edom' in Num. 21:4/46/. The extent and border details of the land of the Edomites is not given in these accounts. However, we are told how the descendants of Esau came to own the land of Seir which had been occupied by the Horites.

According to v. 5, the Edomites owned the land because Yahweh had given the land to them. The expression 'I have given' (ָּיָתַתְּנִי) indicates that Yahweh has taken the right of ownership of land from the Horites and has given it to the Edomites. But v. 5 does not say how Yahweh transferred the land from the Horites to the Edomites. On the other hand, we read a note in v. 12 that the Edomites dispossessed ($\text{ָּיָרְשׁוּ$)

the Horites, destroyed them and settled in their place without any reference to Yahweh's involvement. These two ideas, namely, Yahweh's giving of the land and the Edomites' possessing the land by conquest, are brought together in v. 22. This signifies that Yahweh has given the land to the Edomites to possess it by conquest. Since the conquest is the means by which Yahweh gave the land to the Edomites, the land is spoken of as their legal possession ($\text{רָשָׁה} \text{לָהֶם}$, v. 5).

At first sight, it is perhaps strange to read of the Edomites coming to possess land in the same language as is used of the Israelites coming to possess the land. Why Yahweh gave the land to the Edomites is not explicitly stated in the text. Perhaps we are meant to infer that Yahweh gave it because of his promise to the patriarchs that he would give the land to them and to their descendants (Dt. 1:8). The sons of Esau, being the descendants of Isaac, are eligible to have a share of land in 'Greater Israel'.

The people of Israel were not allowed to take possession of even a square foot of the land of the Edomites when they passed through Transjordan. Sumner thinks that the reason why the people of Israel are ordered not to conquer the land of the Edomites is because they are the kinsmen of the Edomites (2:4, 8)/47/. But although the Edomites are indeed spoken of as the kinsmen of the Israelites (2:4), their kinship is not stated as the explicit reason in the text. Rather, it is

Yahweh's giving of the land to them that is stated as the reason. The prohibition expressed by the use of לֹא with the Hiphil imperfect form לִּיָּדְעוּ that the Israelites should not enter into strife with the Edomites in order to conquer their land, is not linked with the notion of kinship in v. 4 but with the reason that Yahweh has given the land to them as their legal possession in v. 5, by the כִּי particle. So the emphasis is on Yahweh's giving of the land rather than on kinship.

2. Ownership by the Moabites and the Ammonites (2:9-11, 16-23)

How the Moabites and the Ammonites, the descendants of Lot (Gen. 19:37-38), came to own land in Transjordan is narrated in Dt. 2:9-11, 16, 23. The land given to the Moabites is called Ar (v. 9). Mayes thinks that Ar is the name of Moab's capital city and the name is used here to refer to the country/48/. The extent of Ar is not given. Verses 18-19 tell us that the boundary of Moab ends at Ar and the territory of the sons of Ammon begins after Ar. The extent of the land of the Ammonites is also not clear but its location is said to be on the banks of the river Jabbok (v. 37). The former inhabitants of the territories of the Moabites and the Ammonites were the Rephaim who were called Emim by the Moabites (vv. 10-11) and Zamzummim by the Ammonites (vv. 20-21).

The expression, 'I have given...to...for a possession', as we noticed in v. 5, is repeated in vv. 9 and 19 to point out that Yahweh has given the land where the Rephaim lived to the Moabites and the Ammonites as their legal possession. The actual conquest of the Rephaim by the Moabites is not reported in the account except by the Ammonites (v. 21). However, one can understand in the light of the general outlook of ch. 2:1-25 which speaks of conquest and taking possession of the land, that Moabites also actually fought against the Rephaim and possessed part of their territory. The two ideas, namely, Yahweh's giving of the land and the actual conquest, taking possession of, and settling down in the land by the Moabites and the Ammonites are brought together in v. 21. Here again, it is clear that the conquest is the means by which Yahweh has given the land to the Moabites and the Ammonites and so the land of the Moabites and the Ammonites is noted as their legal possession (הָיָה לְיָדָם , vv. 9, 19).

Why did Yahweh give a share of land to the descendants of Lot in the territory promised to the patriarchs and their descendants? This question might be answered from the reader's perspective of the story of Abraham. Abraham allowed Lot to select a region and Lot selected the valley of the Jordan in the direction of Zoar (Gen. 13:8-13), without knowing that the region he selects will be included within the boundaries of the land promised to Abraham and his descendants (Gen. 15:17-21). Since Abraham has already allowed Lot and his descendants

to settle within 'Greater Israel', Yahweh has to allow the descendants of Lot a territory within 'Greater Israel'. However, when the earlier region selected by Lot is destroyed and later his descendants grow into two larger groups (Gen. 19:24-38), Yahweh gives land in Transjordan by allowing Lot's descendants to conquer the land of the Rephaim and possess it. Since Yahweh has given the land to them, the Israelites are not allowed to conquer their land. This is clearly stated in vv. 9 and 19 by linking the prohibition of conquest with the reason that Yahweh has given the land to them by means of the 'D particle.

3. Ownership of Land by Ethnic Groups (32:8-9)

A general declaration that Yahweh has given land to various ethnic groups including the Israelites is found in the song which praises Yahweh's nature and mighty deeds, and describes the relationship between Yahweh and the people of Israel (Dt. 32:8-9):

When the Most High gave to the nations
their inheritance,
when he separated the sons of men,
he fixed the boundaries of the peoples
(he fixed the boundaries of the sons of Israel)
according to the number of the sons of Israel.
For the Lord's portion is his people,
Jacob his allotted heritage.

We will study first the concern that Yahweh has fixed the

boundaries of different ethnic groups and secondly the concern that Yahweh has fixed a territory for the Israelites.

The terms 'nations' (גוֹיִם) and 'peoples' (עַמִּים), used interchangeably in v. 8, mean various ethnic groups in general without referring to any number or list of nations in Gen. 10 or nations round about Canaan/49/. The Hiphil infinitive construct form $\text{וַיִּתֵּן$ in v. 8a, 'When the Most High gave inheritance to the nations', emphasizes that it is Yahweh (who is here given the title *Elyon*), who gave land to the nations. This does not mean that Yahweh gave the whole earth to humans in general but he gave specific territory to each ethnic group. This is made more clear and specific in v. 8b, 'when he separated the sons of men' and in v. 8c, 'he fixed the boundaries of the peoples'. The Hiphil *infinitive* with *suffix* $\text{וַיִּפְרֹד$ indicates Yahweh's action of separating the people from each other in terms of ethnic groups and the Hiphil imperfect וַיַּצֵּב means Yahweh's action of fixing specific territory for the ethnic groups he has separated. Thus v. 8a-c clearly points out that Yahweh has given specific land to each ethnic group.

However, the time at which Yahweh accomplished this separation of groups and giving of allotted areas is not clear. Regarding this, two different suggestions are mentioned: at the beginning of all human history (Gen. 10:32) and at Babel (Gen. 11:8)/50/. Since we have not come across

any reference in the story so far which speaks of dividing the land to different peoples at one particular time in history, it is difficult to identify such a moment. Even the accounts of land-giving to the Edomites, Moabites and Ammonites (Dt. 2-3) do not state the period at which Yahweh gave the land to them. But when the sons of Edom and the sons of Lot grew into recognizable ethnic groups, Yahweh considered that they should have land of their own and he gave it to them. This suggests that one particular period for separating the people and giving land cannot be fixed. Rather, at different periods of history, Yahweh gives land to different people. Also we are not told in v. 8 why Yahweh gave the land to different ethnic groups. But what v. 8 points out clearly is that different ethnic groups including the Kenites, Kenizzites, Kadmonites, Hittites, Perizzites, Rephaim, Amorites, Canaanites, Girgashites and the Jebusites listed in Gen. 15:17-21 and the Philistines (Gen. 26:1-5) were given land of their own and their possession of it is traced to Yahweh's act of giving it to them.

Let us turn now to the aspect of Yahweh giving land to the people of Israel mentioned in vv. 8d-9. We noted that the MT reads, 'according to the number of the sons of Israel $\text{לְכֹל־בְּנֵי־יִשְׂרָאֵל}$ בְּאֵלֵי־יְהוָה ' whereas LXX reads, 'according to the number of the angels of God' ($\text{κατὰ ἀριθμὸν ἀγγέλων θεοῦ}$)/51/. Some commentators such as von Rad, Craigie and Mayes consider the LXX reading to be the original rather than the MT reading.

They understand it to refer to the heavenly protectors or guardian angels/52/. According to these scholars, Yahweh gave land to different ethnic groups and assigned each of them to one guardian angel, but the people of Israel to himself. This interpretation is rejected by some other commentators who consider that the LXX reading is an arbitrary interpretation based on the later Jewish notion of guardian angels of different nations, while the MT reading makes good sense, conveying the idea that Yahweh gave land to the people of Israel/53/. On the other hand, other commentators such as Phillips and Thompson follow the MT reading but try to identify the number as seventy because Gen. 46:27 speaks of seventy descendants of Jacob/54/. According to these commentators, the number of different ethnic groups which received land corresponds to the seventy sons of Jacob. However, this view is also questionable. First, the phrase 'sons of Israel' need not necessarily always mean the sons of Jacob. As in many places in the Old Testament/55/, it refers simply to all the people of Israel. Secondly, the phrase 'sons of Israel' in v. 8d stands parallel to 'his people' and 'Jacob' in v. 9. The title 'Jacob' appears here as an idiom referring to the people of Israel as it does in some poetic sections in the Old Testament/56/. The phrase 'his people' is also used in the Old Testament to refer to all the people of Israel. Therefore, the phrase 'sons of Israel' refers to all the people of Israel in this text.

The people of Israel as an ethnic group is given land as other ethnic groups are. But what is special about giving land to the people of Israel is that Yahweh fixed the size of the territory according to their number. The phrase 'according to the number' (לְכִּלְמֵי) is mentioned in connection with the people of Israel and not with the peoples (לְכִּלְמֵי). Verse 8c, 'he fixed the boundaries of the peoples', stands as a general idea that when Yahweh separated the peoples, he fixed the boundaries of the peoples including the Israelites. But v. 8d, 'according to the number of the sons of Israel' which also takes the verb לִפְיָו, 'he fixed' from the previous clause, makes a specific reference concerning fixing the boundaries of the people of Israel. When we are told that Yahweh fixed the boundaries of the people of Israel 'according to their number', it means that he allocated land commensurate to the needs of such a large group/57/. This interpretation is possible because, first, the idea of such a distribution of land is presented in the census list of Num. 26:1-56. Secondly, the people of Israel are given such special treatment in being given adequate land because they are Yahweh's portion and heritage. This reason is stated in v. 9, linking it with v. 8 by the causal ' לְכִּלְמֵי ' particle. Other people are given land, and their land could be smaller or larger, but when the people of Israel are given land their population is taken into consideration.

SUMMARY OF PART THREE

Let us now summarize the above discussions and list the different portrayals of land ownership in Deuteronomy.

1. The three different portrayals of the extent of the promised land are the territories of the whole of Palestine and Syria (1:6-8); west and east Jordan (34:1-4); and west Jordan only (6:18; 9:4-5; 11:8-9; 30:15-20). As we noted earlier, the first and the third portrayals are the ways in which Moses describes the remaining extent of the promised land which has to be possessed and the second portrayal is the way in which the narrator describes the extent of the promised land seen by Moses from Mt. Nebo. So Deuteronomy does not present these descriptions as contradictory to each other or to the full extent of the promised land portrayed in the earlier land promise to the forefathers.

2. Concerning the ownership of land in Transjordan, the narrative of 2:24--3:22 portrays Yahweh giving the land of Sihon and Og into the hands of the people of Israel. The legal right which was transferred to the people of Israel was realized by military conquest. Neither the land promise nor anything else is mentioned in the narrative as the reason for giving the land in Transjordan to the Israelites. The full extent of the land possessed by the people of Israel is from

the Arnon to Mt. Hermon. Moses selects the tribes of Reuben, Gad and the clans of Machir and Jair from the tribe of Manasseh, and distributes the land to them as he thinks best rather than following the principle of allocation of land in proportion to the size of the tribes. He divides the land between these two and a half tribes and marks out the rivers or valleys as the boundaries of their territories.

3. a. Regarding the possession of the territory on the west Jordan, we noted that it will be by military conquest after crossing over the Jordan (7: 1-2, 17-24; 9: 1-3). According to the former narrative, the possession of the entire territory will take a much longer time, but according to the latter narrative the possession of the entire land will be completed in a very short period.

b. The reason for giving the land to the people of Israel is not because Yahweh elected them as his own people or because of their righteousness but because of the earlier land promise Yahweh has sworn to their forefathers (7: 6-16; 9: 4-6), which he has an obligation to fulfil, and because of the wickedness of the inhabitants that they have to be

expelled from the land. However, the special status of the Israelites as Yahweh's own portion and inheritance (32:8-9) helped them to gain a vast area in proportion to their population when Yahweh decided to give land to them.

c. Yahweh's gift of land to the people of Israel is a conditional gift. The people of Israel have to observe Yahweh's statutes and ordinances in order to enter and possess the land (6:16-18) and to gain more land after entering and settling down (11:22-25). Perpetual possession of the land, which is expressed by the use of the idioms לְרִשׁוֹת אֶרֶץ (16:20), 'not lengthening one's days in the land' (4:26) and the notions of 'rest' for the people of Israel from their enemies (12:10; 25:17-19) and restoration of the land after repentance (30:1-10), is also conditional, depending upon their keeping of Yahweh's commandments.

4. Families are the owners of the land and not tenants. Every family is given a land of its own with the boundary mark. Removing the boundary mark of someone's land permanently by buying the ownership of the entire piece of land or by stealing part of the land by altering the original place of the boundary mark are prohibited by law (19:14). This law safeguards the inalienability of the entire or part of the land from the family. When the family land is passed on to the sons, the first born of the father receives a double share of the property.

5. Yahweh owns the entire heaven and earth (10:14). In the narrative of 10:14, this idea is not directly related to the notion of Yahweh's ownership of the promised land but with the notion of election of the Israelites out of his love for their forefathers. On the other hand, the reader can only infer that if the whole heaven and earth belong to Yahweh, then the promised land which is part of the earth also belongs to him.

6. The other ethnic groups such as the Edomites belonging to the descendants of Abraham, and the Moabites and Ammonites belonging to the descendants of Lot, were given land by Yahweh, as the Israelites also were given land, and they came to own their respective territories in Transjordan through conquest (2:1-25).

7. Yahweh gives land to different ethnic groups including the Edomites, Moabites, Ammonites and the Israelites (32:8-9). The general principle one can note in Deuteronomy is that Yahweh does not own any land himself but he takes the land from one ethnic group and gives it to another ethnic group for his own reasons, owning the land only in the transitional moment, as he did in the case of giving the territory of the Horites to the Edomites, the territory of Rephaim to the Moabites and Ammonites, and the territory of the Amorites (that is, the land of Sihon and Og) to the people of Israel.

8. Our study shows that the word הַיְשֵׁבֵי is commonly used in Deuteronomy to mean that the territory conquered and possessed is the legal property of the two and a half tribes of Israel (3:20), the Edomites (2:5), the Moabites (2:9) and the Ammonites (2:19). The word הַיְשֵׁבֵי is used to refer to the family land inherited from the ancestors (19:14) and passed on to the future generations (21:15-17).

CONCLUSIONS

CONCLUSIONS

In this thesis I have studied the different texts which are related to the theme of land ownership, in their context and from the perspective of their sequential unfolding. The portrayals of the various aspects of land ownership such as the identity and the extent of the promised land, the methods of possessing it, the principles and means of distribution of land to the tribes and families, the different laws of inheritance of family land, the rights and conditions of ownership of land, the different dimensions of Yahweh's ownership of land and the ownership of land by other ethnic groups, presented by the narratives are discussed in detail in the above seven chapters. The findings are summarized at the end of each Part. What I would like to do here is to draw some conclusions by raising some questions and answering them from the total perspective of our study.

1. Is Canaan the entire promised land or only part of the promised land? It is true that the promised land is referred to by the name 'land of Canaan' in some places in the story (Gen. 17:8; 48:3-4; Exod. 6:2-9; Num. 13:1; 14:23). But this does not mean that Canaan is the entire promised land. For, the full extent of the promised land is described as being from the brook of Egypt to the Euphrates; this embraces the entire territory on the west of the Jordan, Lebanon in the

north, Syria in the north-east and the territory on the east of the Jordan (Gen. 15:17-21). Even Deuteronomy which presents three different portrayals of the promised land, as we noted above, does not contradict the ideal extent promised to the forefathers, but rather points to different parts of the ideal extent. So in the light of the full extent of the promised land, we can conclude that whether the land of Canaan is only the west Jordan territory or includes also some parts of the north east of the Jordan as described in Num. 34:1-4, Canaan is not the entire promised land but only part of it. However, Canaan covers the major area of the land promised to the patriarchs and their descendants.

2. Does the promised land belong to Yahweh? Nowhere in the story is the promised land spoken of as Yahweh's land. On the contrary, the accounts of land promise describe the land as belonging to different ethnic groups such as the Kenites, the Kenizzites, the Kadmonites, the Hittites, the Perizzites, the Rephaim, the Amorites, the Canaanites, the Girgashites, the Jebusites (Gen. 15:18-21), the Philistines (Gen. 26:1-5) and the Hivites/1/. In addition, we noted that the accounts which speak of Yahweh's ownership of the whole earth (Exod. 9:29; 19:5-6), or of the entire heaven and the earth (Dt. 10:14) or of agricultural land (Lev. 25:23-24), do not state that the promised land belongs to Yahweh. Yahweh's claim to the earth in these references simply expresses the incomparability of Yahweh to anyone else (Exod. 9:29), the

basis on which Yahweh could elect the people of Israel to be his own special possession, a kingdom of priests and a holy nation (Exod. 19:5-6). Yahweh's claim to the agricultural land is stated as the reason for prohibiting the sale of ownership of land (Lev. 25:23-24). These references do not explicitly speak of the promised land as Yahweh's land, and it is only the reader of the story who can relate the notion of Yahweh's ownership of the whole earth to the notion of the ownership of the promised land, and draw an implication that if Yahweh owns the whole earth, then the promised land also belongs to him. Furthermore, the accounts of land giving (Dt. 2:24--3:11; 7:1-2, 17-24; 9:4-6), do not report that Yahweh is giving the land which already belongs to him. Rather, they underline the fact that Yahweh takes the land from the inhabitants and gives it to the people of Israel. Therefore, the conclusion is that the promised land does not belong to Yahweh himself except at the moment of taking it from the inhabitants and transferring it to the Israelites.

But he continues to own only a mountain sanctuary as his dwelling place after giving the land to the Israelites (Exod. 15:13-17). However, the other notion that he uses some place to put his name to dwell in the promised land (Dt. 12:5) stands separate from the notion of Yahweh owning a mountain sanctuary. These two notions are not reconciled within the story, i. e. that the mountain sanctuary mentioned in Exod. 15:13-17 is the same place which is going to be used by

Yahweh for the dwelling of his name in the promised land is not mentioned anywhere in the story.

3. Does Yahweh give land to the people of Israel because he elected them? What is the relationship between election and land-giving? The election of the Israelites as Yahweh's own people is not stated as the reason for giving the land to them anywhere in the story. For, first, the narratives which describe the election of the people of Israel do not make any reference to land-giving. For example, Exod. 19:5-6 which speaks of electing the Israelites as Yahweh's own special possession and making them a kingdom of priests and a holy nation, does not say anything about giving the land to them, rather it emphasizes that the basis for electing them is Yahweh's ownership of the whole earth. Dt. 7:6-16 which narrates Yahweh's election of the Israelites as his own people together with their covenantal responsibilities necessary for their continuing as the elected people of Yahweh, points to the land promise and not election as the reason for giving the land to them (v. 13). Secondly, the eternal relationship established with Abraham and his descendants by the covenant of circumcision (Gen. 17:1-14) only indicates that Yahweh gives the land to those to whom he has already promised the land. Repeating the land promise in the context of establishing the covenantal relationship indicates that the land promise is the reason for giving the land and not the covenant itself. However, the special status

as Yahweh's inheritance and heritage helps them to gain a vast area sufficient for their population (Dt. 32:8-9). Thirdly, that the reason for giving the land in particular to the Israelites is the land promise is shown by Dt. 9:4-6. This text does not speak of the election or covenant with the people of Israel as the reason for giving the land. Fourthly, election or covenant need not be the criterion for Yahweh giving the land to them; rather, the land promise is the important criterion for giving the land. This can be illustrated from the case of the Edomites sharing the promised land. Yahweh did not elect the Edomites as his own people or make a covenant with them. Yet, he gave land to them (Dt. 2:1-8, 12, 22) because of his land promise to Abraham that he would give the land to him and to all his descendants. While the election and covenant bring the people of Israel to a special relationship with Yahweh and show that the land is given to the people who are closely related to Yahweh, they are not the reasons for giving the land to the Israelites but Yahweh's promise and fulfilling it is the reason for land giving.

4. When does Yahweh give the promised land? We have discussed the views of some scholars that Yahweh has already given the land to Abraham when he called him and promised it to him and that Abraham realized this by building altars, pitching tents, viewing it and walking through it (Gen. 12:1-9; 13:14-17)/2/. Some others regarded the covenant-making

with Abraham (Gen. 15:17-21) as the time when Yahweh granted the land to him/3/. But my study has shown that Yahweh transferred the right to possess part of the promised land, i.e. Transjordan, into the hands of the people of Israel just before crossing the Arnon (Dt. 2:24--3:11), and he is going to transfer the right to the rest of the territory west of the Jordan at the time of crossing the Jordan (Dt. 7:1-2; 9:1-3).

5. How and when will the entire promised land be possessed? Though Yahweh transfers the right of the land to the people of Israel, the Israelites have to do their part if they are to possess the entire promised land. The Israelites have to enter the vacant regions and penetrate into other parts of the land gradually as they increase in number and drive the inhabitants out of the land or destroy them with Yahweh's help (Exod. 23:23-33). Following this method, the possession of the entire promised land will take an extended period of time. Another method is entering the land, conquering it either little by little (Dt. 7:1-2, 17-24) or rapidly (Dt. 9:1-3), as they did the land of Sihon and Og in Transjordan (Num. 21:21-35; Dt. 2:24--3:11), and thus possessing the territory across the Jordan. But the method of penetration and occupation over an extended period of time on the one hand, and the rapid conquest and possession of the land on the other are irreconcilable, and they stand as two

different models of possessing the promised land presented by the story.

6. What are the kinds of land ownership portrayed in the story? Apart from purchasing a piece of land directly from another person or appropriating a piece of land by cultivating it as reported in the patriarchal narratives (Gen. 23:1-20; 26:12-14; 33:18-20), the major kinds of land ownership portrayed in the story are the tribal ownership of the territory and the family ownership of a piece of land. While in a certain sense families are considered to be the owners of the land, a point expressed by certain laws such as the prohibition of the removal of border marks (Dt. 19:14), and safeguarding the inheritance rights (Num. 27:1-11; 36:5-9; Dt. 21:15-17), in another theological sense families are only tenants of the land which has been granted to them by Yahweh. This latter concept is found only in the cultic laws of sabbath rest to the land (Lev. 25:1-7) and the jubilee year (Lev. 25:13-28) in the story.

7. What is the relationship between Yahweh's ownership of land and the Israelite ownership of land? According to Lev. 25:23-24, the relationship is that between the landlord and tenants with certain conditions of tenancy. Yahweh's claim to the agricultural land in the context of prohibiting the sale of ownership of land (vv. 23-24), as discussed elsewhere, shows him as the owner of the land and the people of Israel

the tenants of his land. However, we note a different portrayal in the other parts of the Pentateuch. Once Yahweh has taken the land from the inhabitants and transferred it to the people of Israel with statutes and ordinances, then Yahweh is no longer depicted as the owner of the land; rather it is the Israelites who are described as the owners of the land. They can divide and allocate the land to different tribes and families. Families can pass on the land to the heirs of the property.

8. Is the land promise fulfilled partially or completely?

We have already pointed out that neither the narratives of purchasing a piece of land by Abraham (Gen. 23:1-20) and Jacob (Gen. 33:18-20) nor the narratives of conquest and possession of Transjordan (Num. 21:21-35; Dt. 2:24--3:11) make any reference to the land promise. So this does not suggest that in purchasing a piece of land or in conquering part of the promised land, the land promise is fulfilled even partially. However, the idea of conquering and possessing Transjordan comes closer to the idea of the fulfilment of the land promise because it speaks of possessing a territory larger than a small piece of land and that the conquest is suggested as one of the methods of possessing the promised land. Only the reader of the story can relate the incident of conquest and possession of the Transjordan territories to the land promise, and by comparing the possessed territory against the full extent of the promised land can conclude

that the land promise is fulfilled partially. However, it should be mentioned here in passing that Deuteronomy envisages the fulfilment of the land promise as coming into effect once the people of Israel cross over the Jordan and enter the land. This is noticeable in 1:8, for example, where the idea of going in and taking possession of the land is linked to the notion of Yahweh's promise of the land to the patriarchs (cf. 8:1; 11:8-9).

9. Is the promised land exclusively for the people of Israel? My study shows that it is not exclusively for the Israelites but other ethnic groups also share the promised land. According to the land promise (Gen. 12:7; 13:14-18; 15:17-21; 17:8; 26:1-5), all the descendants of Abraham whether they come from Ishmael or Isaac, and all the descendants of Isaac in the line of Esau and Jacob will inherit the promised land. That the Edomites, the descendants of Esau have inherited a territory in Transjordan which is part of the promised land, is shown by Dt. 2:1-8, 12, 22. In addition to this, we note that the Moabites and Ammonites, the descendants of Lot also have inherited their share of territory in Transjordan, and the Israelites are not allowed by Yahweh to conquer their territories, which would have resulted in the entire promised land being exclusively in the possession of the Israelites.

10. It is not possible here to discuss how the literary approach of studying the texts in their final form and in the sequential unfolding of the story relate to other critical methods such as source criticism, traditio-historical investigation or form criticism. Comparing the literary approach used here with other methods and finding out where our literary study agrees and disagrees with the rest, as far as the theme of land ownership is concerned, is a task in itself. However, I would like to highlight some of the distinctive contributions of the approach used here.

First, studying Gen. 12--Dt. 34 as a literary whole has led to identifying the land promise and its fulfilment as an important unifying factor and a central thread in the whole work. The land promise is a unifying factor not simply because it initiates the idea of land ownership at the beginning of the story (Gen. 12:7) and stands as a note of hope at the end of the story (Dt. 34:1-4), or is referred to often elsewhere in the story, but also because it addresses crucial theological questions such as those we pointed out above, Does the land promise speak of Yahweh's ownership of the promised land? Does Yahweh give the land because of his election of and covenant with Israel, or because of the land promise? What is the basis for other ethnic groups such the Edomites, Moabites and Ammonites having a share of land in the promised land?

Secondly, while source criticism looks at the repetitions of the accounts of giving the land promise to Abraham as presentations of different Pentateuchal sources such as J (Gen. 12:7; 13:14-18; 15:17-21) and P (Gen. 17:1-8), our literary approach regards these repetitions as the sequential unfolding of the development of the promise in the story, namely, giving the promise (12:7), showing and not transferring the land (13:14-18), confirming the promise by a covenant (15:17-21) and bringing the promise into the legal framework of the relationship between Yahweh and the Abrahamic group (17:1-8).

Thirdly, while our approach recognizes that there is a link between the land promise and land giving in the sense that the land promise speaks of giving the land and the land giving account speaks of the land promised to the forefathers (Dt. 9:4-6), it also points out that they are two different traditions standing apart in the sense that the accounts which speak of actual giving of the land (Dt. 2:24--3:11; 7:1-2, 17-24; 9:1-3; 32:8-9) do not confirm that it is the land which has been promised, which is being given to the people of Israel.

POSTSCRIPT

Some of the models and principles of land ownership, noticed in this study, which are particularly pertinent to my situation in India are:

1. The model of Isaac who was landless, claiming a piece of land in an uninhabited area as his own by cultivating it (Gen. 26:12-14).

2. The ideal principle of proportionate distribution of land according to the size or need of the tribe and family (Num. 26:52-56; 33:54).

3. The principle of the inalienability of the land from the families and safeguarding it by the law of jubilee year (Lev. 25:13-28) and the prohibition of the removal of the boundary mark (Dt. 19:14).

4. The model of penetrating and settling in vacant regions and making use of it for dwelling or cultivation (Exod. 23:23-33) by the landless Israelites.

Finally, this study puts forth a challenge to compare the idea of land ownership in the Old Testament with the Gandhian

philosophy, the Marxist ideology of land ownership and with the portrayals of major Indian religions.

NOTES

NOTES TO INTRODUCTION

1. R. Goodchild and R. Munton, Development and the Landowner: An Analysis of the British Experience (London: George Allen and Unwin, 1985), p. 10.

2. M. Ottosson, 'אֶרֶץ 'erets', TDOT (ed. G.J. Botterweck and H. Ringgren, tr. J.T. Willis, Grand Rapids: Eerdmans, 1974), vol. 1, pp. 388-405; J.G. Plöger, 'אֶרֶץ: 'adhāmāh', TDOT (1974), vol. 1, pp. 88-98; W.M. Clark, 'The Origin and Development of the Land Promise Theme in the Old Testament' (unpublished Ph.D. dissertation, Yale University, 1964), pp. 32-36.

3. Ottosson, op. cit., pp. 393-97. Cf. Exod. 9:14-16, 29; 19:5-6; Dt. 10:14.

4. Ibid., pp. 397-401. For a vast territory in general: Gen. 13:9, 15; Exod. 3:17; Num. 34:2. For a country in a political sense: Gen. 41:56; Exod. 9:9, 22; Num. 32:33. For a small piece of land: Lev. 25:4-6, 23a.

5. Ibid., pp. 401-403. Cf. Lev. 25:23b; Hos. 9:3.

6. Plöger, op. cit., pp. 90, 93f. Cf. Gen. 6:1, 7; Num. 12:3; Dt. 7:6, 14:2.

7. Ibid., pp. 90-92. Cf. Gen. 2:5; 3:23; 4:2, 12; 2 Sam. 9:10; Zec. 13:5.

8. Ibid., pp. 92f. Cf. Gen. 47:23.

9. Ibid., p. 97 (cf. Isa. 14:2).
10. M. Noth, A History of Pentateuchal Traditions (tr. & Introduction by B.W. Anderson; Chico: Scholars Press, 1981), pp. 54-58, 79-87, 102-14.
11. G. von Rad, Old Testament Theology: The Theology of Israel's Historical Traditions (tr. D.M.G. Stalker; London: Oliver and Boyd, 1963), vol. 1, pp. 165-75.
12. W. Zimmerli, 'Promise and Fulfillment', Essays on Old Testament Interpretation (ed. C. Westermann, tr. J. Wharton; London: SCM Press, 1963), pp. 89-113.
13. R. Rendtorff, Das Überlieferungsgeschichtliche Problem des Pentateuch (BZAW 147; Berlin: Walter de Gruyter, 1977), pp. 42-45.
14. C. Westermann, The Promises to the Fathers: Studies on the Patriarchal Narratives (tr. D.E. Green; Philadelphia: Fortress Press, 1980), pp. 1-163.
15. J.A. Emerton, 'The Origin of the Promises to the Patriarchs in the Older Sources of the Book of Genesis', VT 32 (1982), pp. 14-32.
16. Clark, op. cit., pp. 22-222.

17. R. E. Clements, Abraham and David: Genesis XV and its Meaning for Israelite Tradition (SBT 5; London: SCM Press, 1967), pp. 1-46.

18. G. von Rad, 'The Promised Land and Yahweh's Land in the Hexateuch', The Problem of the Hexateuch and Other Essays (tr. E. W. T. Dicken; London: SCM Press, 1984), pp. 79-93.

19. BDB, p. 635, lists the different uses of $\begin{matrix} \text{ל} & \text{ב} & \text{א} & \text{ר} \\ \text{ר} & \text{ל} & \text{ב} & \text{א} \end{matrix}$ in the Old Testament.

20. W. D. Davies, The Gospel and the Land: Early Christianity and Jewish Territorial Doctrine (Los Angeles: University of California Press, 1974), pp. 3-35.

21. W. Brueggemann, The Land: Place as Gift, Promise and Challenge in Biblical Faith (Overtures to Biblical Theology, London: SPCK, 1978).

22. R. de Vaux, Ancient Israel: Its Life and Institutions, (tr. J. McHugh; London: Darton, Longman and Todd, 1961), pp. 164-77.

23. S. H. Bess, 'Systems of Land Tenure in Ancient Israel' (unpublished Ph.D. dissertation, University of Michigan, 1963).

24. A. M. Brown, 'The Concept of Inheritance in the Old Testament' (unpublished Ph.D. dissertation, Columbia University, 1965).

25. C.J.H. Wright, 'Family, Land and Property in Ancient Israel: Some Aspects of Old Testament Social Ethics' (unpublished Ph.D. Thesis, University of Cambridge, 1976).

26. Wright, Living as the People of God: The Relevance of Old Testament Ethics (Leicester: Inter-Varsity Press, 1983).

27. D.J.A. Clines, 'Methods in Old Testament Study', Beginning Old Testament Study (ed. J.W. Rogerson; London: SPCK, 1983), pp. 26-43.

28. For a brief summary of the discussion on the ending of the Pentateuch, cf. D.A. Knight and G.M. Tucker (eds.), The Hebrew Bible and its Modern Interpreters (Chico: Scholars Press, 1985), pp. 288f. For a detailed discussion of the views of Noth, von Rad and Mowinckel on the ending of the Pentateuch, cf. A.G. Auld, Joshua, Moses and the Land: Tetrateuch-Pentateuch-Hexateuch in a Generation since 1938 (Edinburgh: T. & T. Clark, 1983), pp. 1-36.

29. J.A. Sanders, Torah and Canon (Philadelphia: Fortress Press, 1972), pp. 1-10; B.S. Childs, Introduction to the Old Testament as Scripture (London: SCM Press, 1979), pp. 127-35; D.J.A. Clines, The Theme of the Pentateuch (JSOTS 10; Sheffield: JSOT Press, 1984).

NOTES TO CHAPTER 1

1. For the various opinions concerning the beginning and ending of the story of Abraham refer to S. R. Driver, The Book of Genesis with Introduction and Notes (WC; London: Methuen, 7th edition, revised 1909), p. 140; J. Skinner, A Critical and Exegetical Commentary on Genesis (ICC; Edinburgh: T. & T. Clark, 1912), p. xxxiii; U. Cassuto, A Commentary on the Book of Genesis, Part II (tr. I. Abrahams; Jerusalem: Magnes Press, 1964), pp. 291-96; G. von Rad, Genesis: A Commentary (OTL; tr. J. H. Marks, revised by J. Bowden; London: SCM Press, 1984), p. 262; E. A. Speiser, Genesis: Introduction, Translation and Notes (AB; New York: Doubleday, 1964), p. lviii; D. Sutherland, 'The Organization of the Abraham Promise Narratives', ZAW 95 (1983), pp. 337-43.

2. There are three kinds of opinion. Scholars like Clements, Clark and Wright believe that the land promise is present in vv. 1-3. According to Clements, one element of the threefold promise to Abraham in vv. 1-3 is the promise of land. Clark thinks that the land promise is present in vv. 1-3 because they function as J's introduction to the entire patriarchal narrative and set forth the main themes which J wants to emphasize. Wright understands that the land promise and the promise of blessing in vv. 1-3 serve as God's answer of redemption in contrast to the curse of confusion and scattering of people in Gen. 11. Another opinion is that the land promise is not explicit in vv. 1-3 but lies behind it as a secondary feature. To Zimmerli, it is placed in the shadow of the promise of blessing but, to H. W. Wolff, the land promise lies behind the assurance to show the land to Abraham. The notion that the land promise is present in vv. 1-3 explicitly or implicitly behind the promise of blessing or assurance to show the land

has given way to the assumption that vv. 1-3 speak of Yahweh's ownership of the promised land. This assumption needs explanation and will be dealt with in the study of vv. 1-9. Another group of scholars altogether deny the presence of the land promise. Von Rad points out that the promise of land is missing in vv. 1-3. Westermann thinks that the nomads would prefer the promise of a new pasturage to a new settled land. Cf. Clements, Abraham and David, pp. 15, 71; Clark, op. cit., p. 56; Wright, Living as God's People, pp. 33f. Zimmerli, op. cit., pp. 92f.; H. W. Wolff, 'The Kerygma of the Yahwist', Interp. 20 (1966), pp. 140f.; von Rad, 'The Promised Land and Yahweh's Land in the Hexateuch', p. 84; Westermann, The Promises to the Fathers, pp. 138-40, 143-47.

3. M. Z. Brettler, 'The Promise of the Land of Israel to the Patriarchs in the Pentateuch', Shna. 5/6 (1978/79), p. 19.

4. For details on the use of the term 'Canaanites' refer to A. van Selms, 'The Canaanites in the Book of Genesis', OTS 12 (1958), pp. 182-92; J. C. L. Gibson, 'Observations on Some Important Ethnic Terms in the Pentateuch', JNES 20 (1961), pp. 217-20.

5. For details, see Clark, op. cit., pp. 36-38.

6. Von Rad, 'The Promised Land and Yahweh's Land in the Hexateuch', p. 85.

7. Brown, op. cit., p. 192.

8. Ibid., pp. 102-14.
9. Ibid., pp. 128f., 132f.
10. Cassuto, Genesis, pp. 294, 328f.
11. D.J. Wiseman, 'They lived in Tents', Biblical and Near Eastern Studies: Essays in Honor of William Sanford LaSor (ed. G.A. Tuttle; Grand Rapids: Eerdmans, 1978), p. 196.
12. N. Wagner, 'A Literary Analysis of Genesis 12-36' (unpublished Ph.D. dissertation, University of Toronto, 1965), p. 30.
13. D. Daube, Studies in Biblical Law (New York: KTAV Publishing House, 1969), pp. 33-39.
14. Clark, op. cit., pp. 88-90.
15. Speiser, op. cit., p. 114.
16. Y. Aharoni, The Land of the Bible: A Historical Geography (tr. A.F. Rainey; London: Burns & Oates, 2nd edition, revised, 1979), pp. 64f.
17. Ibid., p. 65.

18. But from the geographical studies and information from other accounts in the Old Testament, one can say that the western boundary is the Mediterranean Sea. The northern boundary of the land is Lebanon. This implies that the entire territory in the west side of the Jordan which includes the land of Canaan, the land of the Philistines and Lebanon, is promised. The eastern extent of the promised land includes the territory in Transjordan. This is possible because the 'Amorites', one of the ethnic groups listed in the promise (vv. 19-21), as we will notice later (Num. 21:21-35; Dt. 2:26--3:10), have spread in the territories in Transjordan.

19. Aharoni, op. cit., p. 67.

20. Clark, op. cit., pp. 63-67.

21. M. Weinfeld, 'The Covenant of Grant in the Old Testament and in the Ancient Near East', JAOS 90 (1970), pp. 184-94.

22. P. Kalluvettil, Declaration and Covenant: A comprehensive Review of Covenant Formulae from the Old Testament and the Ancient Near East (Anal. Bibl. 88; Rome: Biblical Institute Press, 1982), pp. 180-85.

23. N. M. Sarna, Understanding Genesis (New York: McGraw-Hill Book Company, 1967), p. 124.

24. C. Westermann, Genesis 12-36: A Commentary (tr. J. J. Scullion; Minneapolis: Augsburg Publishing House, 1985), p. 214; Ges-K, 106 m 3(a), p. 312.

25. On the basis of source critical theory, some scholars think that the covenant making in Gen. 17:1-8 is P's version of the covenant making narrated by J in Gen. 15:7-21. Cf. S.E. McEvenue, The Narrative Style of the Priestly Writer (Anal. Bibl. 50; Rome: Biblical Institute Press, 1971), pp. 148-60; J. Van Seters, Abraham in History and Tradition (New Haven: Yale University Press, 1975), pp. 279-85; von Rad, Genesis, p. 197; Skinner, Genesis, p. 290; Speiser, Genesis, p. 126. Some others think that the covenant making in 17:1-8 is a reaffirmation of the same covenant made earlier; cf. R. Davidson, Genesis 12-50 (CBC; Cambridge: University Press, 1979), p. 56; C.F. Keil and F. Delitzsch, The Pentateuch: Three Volumes in one (COTTV; tr. J. Martin; Grand Rapids: Eerdmans, 1980), vol. 1, p. 223. Another view is that Gen. 15:7-21 and 17:1-8 describe the same covenant making in two stages; cf. D. Kidner, Genesis: An Introduction and Commentary (TOTC; London: Tyndale Press, 1971), p. 128.

26. So far the promise of posterity is not confirmed by a covenant. It is repeated as the subject of Gen. 17:2-6 with some amplification. Though the technical expression $\text{קָרַבְתִּי אִתְּךָ}$ is not used in 17:1-4 and a ritual ceremony is not reported, the use of phrases 'giving the covenant' ($\text{קָרַבְתִּי אִתְּךָ}$, v. 2) and 'behold my covenant is with you' (v. 4) which are semantically equivalent to $\text{קָרַבְתִּי אִתְּךָ}$ indicate God's making a covenant to confirm the promise of posterity; cf. J. Barr, 'Some Semantic Notes on the Covenant', Beiträge zur Alttestamentlichen Theologie: Festschrift für Walther Zimmerli zum 70. Geburtstag (ed. H. Donner, R. Hanhart and R. Smend; Göttingen: Vandenhoeck & Ruprecht, 1977), p. 28 and W. Eichrodt, Theology of the Old Testament (tr. J.A. Baker; London: SCM Press, 1964), vol. 1, p. 56; von Rad, Genesis, p. 199, not only considers the use of 'giving the covenant' ($\text{קָרַבְתִּי אִתְּךָ}$) and 'behold my covenant is with you' means the actual

covenant making but also notices that the silent gesture of Abraham means that the covenant is made.

27. Westermann understands that P uses the expression 'the covenant' or 'everlasting covenant' (v. 7) in the technical sense to mean Yahweh's covenantal relationship with Israel begins not at Sinai but with Abraham. Cf. his book, The Promises to the Fathers, pp. 159f.

28. T.D. Alexander, 'Genesis 22 and the Covenant of Circumcision', JSOT 25 (1983), pp. 17-22, considers circumcision as only a sign of the promise of an eternal relationship and not a ratification of the covenant. The actual ratification of the promise of an eternal relationship by a covenant took place at the time of testing of Abraham narrated in Gen. 22. But we notice in Gen. 17:9-14 that circumcision is spoken of as the covenant between Yahweh and the Abrahamic group. Once the circumcision is done, the covenant is established between Yahweh and the Abrahamic group.

29. Z.W. Falk, 'Forms of Testimony', VI 11 (1961), pp. 90f. and see Commentaries.

30. M.R. Lehmann, 'Abraham's Purchase of Machpelah and Hittite Law', BASOR 129 (1953), pp. 15-18.

31. G.M. Tucker, 'The Legal Background of Genesis 23', JBL 85 (1966), pp. 77-84.

32. Van Seters, op. cit., p. 99.

33. Tucker, 'The Legal Background of Genesis 23', pp. 77-83.

34. Tucker, ibid., p. 83, notices that the word דָּקָה is used in the technical sense of transfer of property; Ges-K, 111 k., p. 328, translates the construction $\text{הַשָּׂדֶה הָיָה לְדָקָה}$ as 'the field became (legally) the property'.

35. Von Rad, Genesis, p. 250.

36. Davidson, op. cit., p. 101; W. Brueggemann, Genesis: A Bible Commentary for Teaching and Preaching (Interpretation; Atlanta: John Knox Press, 1982), p. 196.

37. S.E. McEvenue, 'Word and Fulfilment: A Stylistic Feature of the Priestly Writer', Semit. 1 (1970), pp. 108-10.

38. Van Seters, op. cit., pp. 294f.

39. Brown, op. cit., pp. 103f., 262.

NOTES TO CHAPTER 2

1. Concerning a separate identity for the Isaac story, scholarly opinions differ. Westermann sees Gen. 26-28 as the Jacob-Esau story rather than the Isaac story because the focus of these chapters is on Jacob's act of deception and events related to it. Cf. The Promises to the Fathers, p. 74. Another group of scholars, e.g. J.P. Fokkelman and von Rad, regard Gen. 26 only as the Isaac story. Cf. J.P. Fokkelman, Narrative Art in Genesis: Specimens of Stylistic and Structural Analysis (Studia Semitica Neerlandica 17; Amsterdam: Van Gorcum, 1975), p. 113; von Rad, Genesis, p. 269.

2. Westermann, Genesis 12-36, pp. 421f., notices a difference between MT and LXX reading and points out that LXX uses singular demonstrative adjective rather than plural demonstrative adjective in v. 3c (...δῶσω πᾶσαν τὴν γῆν ταύτην) and in v. 4b (καὶ δῶσω...πᾶσαν τὴν γῆν ταύτην). Since these expressions stand parallel to 'this land' in v. 3a (καὶ παροίκει ἐν τῇ γῆ ταύτῃ), LXX version could imply that the land promised to Isaac refers to the entire territory of the Philistines only. Cf. A. Rahlfs, Septuaginta (Stuttgart: Privilegierte Württembergische Bibelanstalt, 1st edition 1935, 5th edition 1952, vol. 1, p. 37.

3. H. Gunkel, Genesis: Übersetzt und erklärt (Göttingen: Vandenhoeck & Ruprecht, 1964), p. 300.

4. Keil and Delitzsch, op. cit., vol. 1, p. 270, point out that the only peculiarity in the words is the plural 'all

these lands' which refers to all the territories of the different Canaanite tribes mentioned in Gen. 15:19-21.

5. Ges-K, 34 b., p. 109, notes that the form לְאֵלֶיךָ is not the common form of plural demonstrative adjective (לְאֵלֶיךָ) and occurs only in the Pentateuch.

6. J. Bright, A History of Israel (London: SCM Press, 3rd edition, 1981), pp. 80f.; N.K. Gottwald, The Tribes of Yahweh: A Sociology of the Religion of Liberated Israel 1250-1050 B.C.E. (London: SCM Press, 1980), pp. 451-53.

NOTES TO CHAPTER 3

1. M. Fishbane, 'Composition and Structure in the Jacob Cycle (Gen. 25:19--35:22)', JJS 26 (1975), p. 18, considers Gen. 25:19--35:22 as the Jacob story; Westermann considers Gen. 25-36 as the Jacob - Esau cycle; cf. The Promises to the Fathers, p. 74. W.M.W. Roth, 'The Text is the Medium: An Interpretation of the Jacob Stories in Genesis', Encounter with the Text: Form and History in the Hebrew Bible (ed. M. J. Buss; Philadelphia: Fortress Press, 1979), pp. 103-15, considers Gen. 25:12--Exod. 1:7 as the Jacob tradition.

2. D.B. Redford, A Study of the Biblical Story of Joseph (Gen. 37 - 50) (SVT 20; Leiden: Brill, 1970), pp. 16-25; E.I. Lowenthal, The Joseph Narrative in Genesis (New York: KTAV Publishing House, 1973), p. 1; G.W. Coats, From Canaan to Egypt: Structural and Theological Context for the Joseph Story (CBQ Monographs 4; Washington: Catholic Biblical Association of America, 1976), p. 8.

3. H. Seebass, 'Landverheissungen an die Väter', Ev. Th. 37 (1977), p. 212.

4. C. Westermann, Genesis 37-50: A Commentary (tr. J.J. Scullion; Minneapolis: Augsburg Publishing House, 1986), pp. 184f., points out that vv. 3-6 interrupt the existing continuity of the narrative and vv. 3-6 were inserted subsequently by P to legitimate the autonomy of the tribes of Ephraim and Manasseh. Davidson, op. cit., p. 293, thinks that this narrative reflects the complex history of the twelve tribe federation.

5. Keil and Delitzsch, op. cit., vol. 1, p. 382, suggest that the reason for giving a double share of land to Joseph by adopting his two sons is to honour Rachel. But von Rad points out that the reference to Rachel's death has no relation to what follows or precedes. Cf. his Genesis, p. 415. So the suggestion that the purpose of adoption of the two sons of Joseph is to honour Rachel is questionable.

6. Brown, op. cit., pp. 267-69, looks at this narrative as an evidence for the practice of ultimogeniture in Israel.

7. Westermann, Genesis 37-50, p. 184.

8. Ibid., p. 185.

9. Ibid., p. 185.

10. $\begin{matrix} \aleph & \gamma & \rho \\ & \tau & \tau \end{matrix}$, BDB, p. 896.

11. J. Calvin, A Commentary on Genesis: Two volumes in One (tr. J. King; London: Banner of Truth Trust, 1965), p. 213.

12. Lowenthal, op. cit., pp. 141f.

13. Noth, A History of Pentateuchal Traditions, p. 80.

14. Fokkelman, op. cit., pp. 229f.

15. Speiser, op. cit., pp. 356, 358.
16. Driver, Genesis, p. 378f.; Skinner, op. cit., p. 507.
17. Lowenthal, op. cit., p. 143.
18. I. Mendelsohn, 'On the Preferential Status of the Eldest Son', BASOR 156 (1959), p. 39.
19. Westermann, Genesis 37-50, p. 192.
20. Clark, op. cit., p. 102.

NOTES TO CHAPTER 4

1. On the question of the relationship of Exodus to Genesis refer to M. Greenberg, Understanding Exodus: The Heritage of Biblical Israel, Part I (Melton Research Centre Series 2; New York: Behrman House, 1969), p. 2; M. Fishbane, Text and Texture: Close Readings of Selected Biblical Texts (New York: Schocken Books, 1979), pp. 63f.; B. S. Childs, Exodus: A Commentary (OTL; London: SCM Press, 1982), pp. 1f.

2. Keil and Delitzsch, op. cit., vol. 1, p. 492.

3. U. Cassuto, A Commentary on the Book of Exodus (tr. I. Abrahams; Jerusalem: Magnes Press, 1967), pp. 115, 121; Childs, Exodus, p. 159; Ottosson, op. cit., p. 393.

4. The idea that Pharaoh and his people 'may know' who Yahweh is as a result of the plagues is a very important motif in the accounts of the plagues. Cf. C. J. Labuschagne, The Incomparability of Yahweh in the Old Testament (Pretoria Oriental Series 5; ed. A. van Selms; Leiden: Brill, 1966), pp. 74-79.

5. G. M. Landes, 'Creation and Liberation', in Creation in the Old Testament (Issues in Religion and Theology 6; ed. B. W. Anderson; London: SPCK, 1984), pp. 137-139, points out that the idea of creation and God as the Creator lies behind the concept of Yahweh's ownership of the whole earth, because Yahweh uses natural elements like water, earth, hail and thunder. But this idea is not explicitly mentioned in the

context of liberation because the focus is more on Yahweh's action of liberation than on creation.

6. J. Weingreen, A Practical Grammar for Classical Hebrew (Oxford: Clarendon Press, 1969), pp. 72f. For details of the use of the Hebrew possessive particle ה in the Old Testament: Ges-K, 129, pp. 419f.

7. M. Noth, Exodus: A Commentary (OTL; tr. J.S. Bowden; London: SCM Press, 1962), pp. 125f.

8. N. Lohfink, The Christian Meaning of the Old Testament (tr. R.A. Wilson; London: Burns and Oates, 1969), p. 80.

9. R.E. Clements, 'Temple and Land: A Significant Aspect of Israel's Worship', TGUOS (Series No. 19; ed. C.J. Mullo Weir; Leiden: Brill, 1961/62), pp. 20-24. However, there is a difference of opinion regarding the identity of the mountain. R.J. Clifford, The Cosmic Mountain in Canaan and the Old Testament (Cambridge, Massachusetts: Harvard University Press, 1972), p. 139, identifies the mountain as being at Gilgal and not Zion.

10. Brown, op. cit., pp. 34-37.

11. Ibid., pp. 185f.

12. J.I. Durham, Exodus (WBC; Waco: Word Books, 1987), p. 209, understands the expression, 'plant them on thy own

mountain', as settling the people of Israel around the mountain.

13. A different analysis of the use of הַר הַיְהוָה suggests that in Exod. 15:17 it means the possession of the mountain and not the land. Cf. F. Horst, 'Zwei Begriffe für Eigentum (Besitz): הַר הַיְהוָה und הַר הַיְהוָה ', Verbannung und Heimkehr: Festschrift für W. Rudolf (ed. A. Kuschke; Tübingen: J.C.B. Mohr, 1961), p. 141.

NOTES TO CHAPTER 5

1. Cassuto, Exodus, p. 227. See also E. A. Martens, Plot and Purpose in the Old Testament (Leicester: Inter-Varsity Press, 1981), p. 104.

2. Bess, op. cit., p. 83; Keil and Delitzsch, op. cit., vol. 2, p. 96. Various others also regard the phrase כָּל־הָאָרֶץ as referring to the whole earth, but they do not state any reason for their view. Cf. Noth, Exodus, p. 157; Childs, Exodus, p. 367; Durham, Exodus, p. 256; G. A. F. Knight, Theology as Narration: A Commentary on the Book of Exodus (Grand Rapids: Eerdmans, 1976), p. 129.

3. W. J. Dumbrell, Covenant and Creation: An Old Testament Covenantal Theology (Exeter: Paternoster Press, 1984), p. 89.

4. It is not possible to list all the references here since they are many. To mention a few from the story so far: Gen. 18:25; 19:31; Exod. 9:14-16. However, it must be mentioned here that the same phrase is also used to mean the whole land in a general sense of vast territory in certain Old Testament contexts (e.g. Gen. 13:9, 15; 41:56). So the context determines whether it is used in the idiomatic sense of the whole earth or in a general sense of a vast territory.

5. Ref: Exod. 9:29 (כָּל־הָאָרֶץ); Lev. 25:23 (כָּל־הָאָרֶץ); Dt. 10:14 (כָּל־הָאָרֶץ).

6. See Commentaries and R. B. Y. Scott, 'A Kingdom of Priests (Exodus 19:6)', OTS 8 (1950), pp. 213-19.

7. A. R. S. Kennedy, Leviticus and Numbers: Introduction, Revised Version with Notes, Index and Map (CB; Edinburgh: T. C. & E. C. Jack, n. d.), p. 166; J. R. Porter, Leviticus (CBC; Cambridge: University Press, 1976), p. 201; Ottosson, op. cit., p. 401; N. Micklem, The Book of Leviticus (IB; ed. G. A. Buttrick; Nashville: Abingdon-Oakesbury Press, 1953), vol. 2, p. 123; G. J. Wenham, The Book of Leviticus (NICOT; London: Hodder and Stoughton, 1979), p. 320.

8. R. North, Sociology of the Biblical Jubilee (Anal. Bibl. 4; Rome: Pontifical Biblical Institute, 1954), p. 158; N. H. Snaith, Leviticus and Numbers (CB; London: Nelson, 1967), p. 164; R. K. Harrison, Leviticus: An Introduction and Commentary (TOTC; Leicester: Inter-Varsity Press, 1980), p. 226.

9. It is not our purpose to discuss in detail the meaning of the terms גֵר, 'sojourner' and זָרָא, 'stranger' or their status and rights except to point out in general that they do not own any land and dwell in somebody's land with the permission and protection of the local people. For details on 'sojourners' and 'strangers': de Vaux, Ancient Israel, pp. 74-76; T. J. Meek, 'The Translation of Gēr in the Hexateuch and its Bearing on the Documentary Hypothesis', JBL 49 (1930), pp. 172-80; D. Kellermann, 'גֵר gūr; זָרָא gēr; זָרָא gērūth; זָרָא megūrīm', TDOT (ed. G. J. Botterweck and H. Ringgren, tr. J. T. Willis; Grand Rapids: Eerdmans, 1977), vol. 2, pp. 439-49; T. M. Horner, 'Changing Concepts of the Stranger in the Old Testament', ATR 42 (1960), pp. 49-53; Wright, 'Family, Land and Property in Ancient Israel', pp. 61f.

10. H. Wildberger thinks that one particular year as a sabbatical rest for all the fields throughout the country is a theologization of the writer to underline that Yahweh is the national God, in contrast to the local deities in Canaan, where the rest for the land is observed in different years according to the local agricultural and cultic calendar. Yahweh as the national God and the Lord of the land, demands one sabbatical year for all the fields in the country to acknowledge his ownership of the land. Cf. his 'Israel und sein Land', Ev. Th. 16 (1956), pp. 411f. C.J.H. Wright, 'What Happened Every Seven Years in Israel? Old Testament Sabbatical Institutions for Land, Debts and Slaves', EQ 56 (1984), p. 131, regards the change from 'your land' (Exod. 23:10) to 'the land' (Lev. 25:1-7) as referring to one sabbatical year for the whole land.

11. Von Rad, 'The Promised Land and Yahweh's Land in the Hexateuch', pp. 85f., thinks that the law of the sabbath year also speaks of Yahweh's ownership of land and fails to see the distinction between the portrayal of the law of jubilee year and the law of sabbatical rest.

12. The meaning of 'hornet' (חַרְצֵי) is not certain. Cf. A.H. M'Neile, The Book of Exodus with Introduction and Notes (WC; London: Methuen, 1908), p. 145; G.H. Davies, Exodus: Introduction and Commentary (TBC; London: SCM Press, 1967), p. 191; R.A. Cole, Exodus: An Introduction and Commentary (TOTC; London: Tyndale Press, 1973), p. 183 considers that hornet signifies a plague. Cassuto, Exodus, p. 308, thinks that it means a dread or panic. J.P. Hyatt, Commentary on Exodus (NCB; London: Oliphants, 1971), p. 251, and Keil and Delitzsch, op. cit., vol. 2, p. 153, suggest that it is a wasp. It could be understood as panic because this meaning stands in parallel to the other two words, 'fear' and 'confusion' in the context.

13. Childs, Exodus, p. 487; Hyatt, op. cit., pp. 251f.; Noth, Exodus, p. 193; Durham, Exodus, p. 336. Although terms such as דָּוָר הַקֹּדֶשׁ , הַקֹּדֶשׁ הַזֶּה appear in the accounts of the Holy War elsewhere in the Old Testament, it does not mean that they are used in the same sense everywhere. According to von Rad, the proper period of the Holy War was the period of the judges. Other basic elements of the Holy War are consulting the deity, blowing the trumpets and consecration of warriors. Cf. his Studies in Deuteronomy (SBT 9; tr. D. Stalker; London: SCM Press, 1953), pp. 46-49.

14. Keil and Delitzsch, op. cit., vol. 2, p. 153.

15. When the verb הִשָּׁבַע appears with אֶת הָאָדָם in military contexts and takes the people only as its direct object, then it functions as the military formula of surrendering the people than legal formula of transferring the land. However, surrendering the people can have implications for giving the land. But in the case of Exod. 23:23-33, the legal transfer of the land should have taken place as the Israelites enter and settle down initially in the vacant regions. The military surrender of the remaining inhabitants enhances the possession of the rest of the land.

16. This is noticeable in the expressions 'each of you shall return to his property' ($\text{וְכָל אֶחָד מֵכֵם יָשׁוּב אֶל אֲדָמָתוֹ}$, vv. 10, 13) and 'he shall return to his property' ($\text{וְשָׁב אֶל אֲדָמָתוֹ}$, vv. 27, 28). The word אֲדָמָה indicates that the land is the property of the family. It is interesting to note that such a legal term for property ownership crops up in the context which speaks of the family as tenants and not owners of the land.

17. הַחֲרִיבָה, BDB, p. 100.

18. Definition of 'mortgage' differs from country to country and period to period. The word 'mortgage' is preferred here rather than the word 'lease' because 'lease' has the commercial connotation of the rich landlord leasing out his land to be used by others in order to get more income, rather than the owner mortgaging it out of a situation of poverty. North, op. cit., p. 173, suggests the word 'rent' but points out that it is not a satisfactory term, for it does not reconcile with the idea of returning the property in the jubilee year.

19. Besides the number of crops, other factors such as the size of the land, quality of the soil, location and irrigation facility are presumably taken into account in determining the price. Cf. M. Noth, Leviticus: A Commentary (OTL; tr. J.E. Anderson; London: SCM Press, 1981), p. 188, points out some of these factors.

20. הַחֲרִיבָה, BDB, p. 856; Rui de Menzes, 'The Pentateuchal Theology of Land', BB 12 (1986), p. 23. For a brief survey of the interpretation of this word, see Wright, 'Family, Land and Property in Ancient Israel', p. 56.

21. Noth, Leviticus, p. 189, thinks that the redeemed property is returned to the seller after the redemption by the kinsman. North, op. cit., pp. 165f., lists other scholars who take a similar view and points out that it is disputed whether the redeemer himself keeps the land till the next jubilee year, or returns it to the seller as soon as the kinsman redeems it from the buyer.

22. De Vaux, Ancient Israel, p. 167; Wenham, Leviticus, p. 320; Harrison, op. cit., p. 226; Wright, 'Family, Land and Property in Ancient Israel', pp. 111-16, discusses in detail the aspect of redemption of sold property in Lev. 25. He points out that the redeemer-kinsman buys the land before it is sold to another person and keeps it with him till the next jubilee year. He prefers to call this action 'pre-emption' (i.e. 'buying property from a kinsman before it is put on the open market') rather than 'redemption proper' (i.e. 'buying back property already sold to a third party') and supports his view by quoting the case in Jer. 32 as pre-emption and the case in Ruth 4 as redemption proper, arguing that Elimelech's family has sold it before going to Moab.

23. De Vaux, Ancient Israel, p. 167, emphasizes the word $\chi' \underset{\text{F}}{\text{J}} \cdot \dot{\text{A}}$, 'and he comes' and understands it as conveying the idea of going to the house of his kin in order to buy the land.

24. Since only part of the land is allowed to be mortgaged, the family has a chance to cultivate the rest of the land and improve their financial situation and redeem the land. However, the text does not say how much land can be mortgaged. So it depends upon how much area of land he keeps for his use.

25. $\text{ף} \text{ן} \text{ו}$, BDB, p. 727.
- 7

26. RSV translates it as 'overpayment' which does not make the meaning clear. So the modern commercial term 'balance of payment' is preferred.

27. Snaith, Leviticus and Numbers, p. 164, points out that there is no further payment when the land is returned in the jubilee year but he does not explain the reason. No further payment is necessary because the price is worked out according to the number of years for cultivation, taking into consideration the marginal gain of the buyer and the money received by the seller for the number of years he could not cultivate his land. If the whole capital or part of it has to be returned after the completion of the sale period, then the buyer gets a great bargain. He enjoys the produce for the full period of mortgage as well as getting back some money. That is why Lev. 25:13-28 does not say that money should be returned after the completion of the sale period in order to get back the right of use but the 'balance of payment' when the land is redeemed by the seller in the middle of the sale period.

28. Dt. 18:1-8 states that the Levites will not be given land and that they will be supported by the offerings of the people but it does not say anything about Levitical cities. For a detailed discussion on this text, see J.G. McConville, Law and Theology in Deuteronomy (JSOTS 33; Sheffield: JSOT Press, 1984), pp. 135-153. Other main references outside the Pentateuch which speak of Levitical cities are Josh. 21:1-42; 1 Chron. 13:2; 2 Chron. 11:14. For details on Levitical cities, see de Vaux, Ancient Israel, pp. 366f.; M. Haran, 'Studies in the Account of the Levitical Cities', JBL 80 (1961), pp. 45-54 and pp. 156-65, and Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School (Oxford: Clarendon Press, 1978), pp. 116-131.

29. J.R. Porter, Leviticus (CBC; Cambridge: University Press, 1976), p. 203, uses the term 'agricultural land', which is misleading and does not make the meaning of ד'שן.

clear and specific. But Haran points out that אֲשֶׁר־לְךָ are not to be confused with the agricultural lands around the city. Cf. his Temple and Temple-Service in Ancient Israel, p. 117.

30. Wenham, Leviticus, p. 321; Harrison, op. cit., pp. 226f. However, regarding the interpretation of v. 33, Noth's opinion differs. Noth understands that it speaks of the city house of an Israelite who is not a Levite but bought by the Levite and the redemption of such a house by the Israelite from the Levitical family. Cf. his Leviticus, p. 191. This view is not acceptable because the outlook of Lev. 25:32-34 is that the city is exclusively for the Levites and the transaction is between the Levitical families. Laws relating to the selling and buying of the houses of non-Levitical families is stated separately in vv. 29-31. The translation of v. 33, as RSV does, following the Vulgate, inserting 'not' and reading the clause as 'if one of the Levites does not redeem' makes clear that the redemption is done by the Levite from another Levite. However, the MT as it stands 'and which he shall redeem from the Levites and the sale of the house in the city of their possession will return in the jubilee...the people of Israel', also makes sense that one Levite redeems the house from another Levite to whom he sold and if not it reverts to the seller in the jubilee year.

31. Snaith, Leviticus and Numbers, p. 342.

32. Once again אֲשֶׁר־לְךָ , the legal term for property ownership crops up in the text which denies any right of ownership of land to the Levites.

33. De Vaux, Ancient Israel, p. 168; Wenham, Leviticus, p. 340, points out that the same word שָׂרֵף is used in the sense of yields in v. 30; Bess, op. cit., p. 121.

34. Kennedy, op. cit., p. 179; Harrison, op. cit., p. 237; Keil and Delitzsch, op. cit., vol. 2, p. 482.

35. The quantity of the seed required for sowing a particular area of land remains the same for any cultivation, whereas the yield could vary from one cultivation to another depending upon the weather, irrigation facility and care. Moreover, in valuing according to the amount of seed needed for sowing, the person who dedicated the land would be able to have a surplus and he could use part of the surplus for the next cultivation. He can sell another part to pay the value and redeem the land. But in valuing according to the yields, the person will not be left with a surplus to redeem the land. Whatever he gets from the land equals the value which has to be paid if he wants to redeem the land and he will not be left with anything to spend for the next cultivation. While the former valuing encourages the person to redeem the land, the latter one discourages its redemption.

36. Harrison, op. cit., p. 237, thinks that the full period of dedication is forty nine years. But v. 17 clearly states that the period begins from the jubilee year. It extends up to the next jubilee year. Moreover, the value of fifty shekels indicates that the full period is fifty years.

37. Scholarly explanation about the value of a 'shekel' and the measure of a 'homer' varies. See Commentaries. De Vaux,

Ancient Israel, p. 168, points out that these terms give us a certain order of values, but nothing exact.

38. Kennedy, op. cit., p. 180.

39. Harrison, op. cit., p. 237, thinks that the land becomes the property of the priest at the next jubilee year. The use of the term $\overline{\text{ל}} \overline{\text{ל}} \overline{\text{ל}} \overline{\text{ל}}$ in v. 21 leads us to think that it is the property of the priest. On the other hand, Noth points out that it is the property of the sanctuary. Cf. his Leviticus, p. 206.

NOTES TO CHAPTER 6

1. Scholarly opinions differ concerning the presence of the conquest theme in Numbers. M. Noth, Numbers: A Commentary (OTL; tr. J.D. Martin; London: SCM Press, 1980), p. 101, points out that the conquest theme begins with the account of spying out the land in Num. 13. But G. Coats questions Noth's view and points out that the conquest is not presented as the primary theological theme in Numbers. Cf. his 'Conquest Tradition in the Wilderness Theme', JBL 95 (1976), pp. 178-90.

2. Clark, op. cit., pp. 206-12, regards the narrative as a military spy story for conquest because he notices elements such as an initial report in the cohortative urging the people to attack or not to attack (Num. 13:30, 31), a report on the desirability of the land (13:27; 14:7), an exhortation to the people in the second person urging them to attack (14:9), a tactical report on their enemies' strength (13:28, 30, 31; 14:9) and a reference to a war oracle (14:8). He questions the presence of two kinds of report in the narrative and points out the report of Caleb in 13:30 interrupts the report of the other spies and could have been placed at a later stage.

3. ר.אן, BDB, p. 1064.

4. Keil and Delitzsch, op. cit., vol. 3, pp. 90f.; G.B. Gray, A Critical and Exegetical Commentary on Numbers (ICC; Edinburgh: T. & T. Clark, 1903), p. 150; P.J. Budd, Numbers (WBC; Waco: Word Books, 1984), p. 141, translates the phrase כִּי־נִצְחָנוּ as 'we are able to conquer it'.

5. Ibid.

6. בְּצֵל , BDB, p. 407.

7. Budd, op. cit., p. 141.

8. Gray, op. cit., pp. 153f., believes that the word בְּצֵל , 'shadow' is used in a figurative sense to refer to the god or gods of the Canaanites, and the phrase 'their shadow has departed from them' is an idiom to mean that their protection given by their deities is removed and now they are defenceless.

9. The phrase, 'they are bread for us' is another figurative use to mean that Israelites shall conquer the inhabitants as easily as they eat bread. Cf. Gray, op. cit., p. 153; Budd, op. cit., p. 156.

10. Caleb is appreciated because he has a different spirit. The phrase 'different spirit' (רוּחַ אֲחֵר) here is to be understood as the spirit of trusting and obeying Yahweh. Cf. Keil and Delitzsch, op. cit., vol. 3, p. 94.

11. The word יָזַר is used in v. 24 by the MT whereas Ιαζηρ is used by LXX. Cf. Rahlfs, op. cit., vol. 1, p. 253. Gray, op. cit., p. 297, prefers the LXX version of Ιαζηρ (יָזַר) because יָזַר is not suitable linguistically; Jazer is mentioned elsewhere in the Old Testament and יָזַר is a textual corruption of יָזַר . This view is questionable. The link between the clause '...and took possession of his land from

the Arnon to the Jabbok, as far as to the Ammonites' and the clause 'for Jazer was the boundary of the Ammonites' is not clear. To say that the Israelites came as far as the border of the Ammonites because Jazer was the boundary of the Ammonites does not make sense. Moreover, the location of Jazer whether it was in the Ammonite territory or somewhere else is not clear and scholarly opinions differ about its location (see commentaries). The MT makes sense because it indicates that the reason why the Israelites did not capture any Ammonite land is because the Ammonite border was too strong for them to penetrate. However, another reason is stated in Dt. 2:16-23.

12. Noth, Numbers, p. 166; J. R. Bartlett, 'Sihon and Og, Kings of the Amorites', VT 20 (1970), pp. 265f.; Aharoni, op. cit., p. 37. Dt. 3:8 informs us that the inhabitants of the land of Og were the Amorites.

13. Gray, op. cit., p. 427, thinks that the combination of sources explains the different expressions.

14. The expressions 'sons of Reuben' (בְּנֵי רְאוּבֵן) and 'sons of Gad' (בְּנֵי גָד) here are used in the sense of the tribe of Reuben and Gad as a whole.

15. Scholarly opinions differ concerning the identity and relationship of Machir, Jair and Nobah with Manasseh. Gray, op. cit., p. 439, thinks that Machir, Jair and Nobah are the sons of Manasseh but he also points out that Jair is described as the great grandson of Machir in 1 Chron. 2:23f.; Keil and Delitzsch, op. cit. vol. 3, pp. 240f., suggest that Jair and Nobah are the sons of Machir; Aharoni, op. cit., p. 209, believes that Jair could have been a separate tribe but later

included as a son of Machir. It is difficult to trace the relationship between these names. Since they appear in the context of giving the land to the half tribe of Manasseh, we can only presume that Machir, Jair and Nobah are clans belonging to the tribe of Manasseh.

16. The half tribe of Manasseh is included by Moses to receive land because the families of Machir, Jair and Nobah played a leading role in conquering the region of Gilead and Kenath. This is indicated by the special note in vv. 39-42.

17. Noth, Numbers, p. 240.

18. Ibid.

19. Noth, Numbers, pp. 208f.; G. J. Wenham, Numbers: An Introduction and Commentary (TOTC; Leicester: Inter-Varsity Press, 1981), p. 191; Snaith, Leviticus and Numbers, p. 307.

20. Bess, op. cit., p. 56.

21. Noth, Numbers, p. 202, believes that vv. 52-56 is attached to the census list of vv. 1-51 and relates the census results for dividing the land; J. Marsh, The Book of Numbers, (IB; ed. G. A. Buttrick; Nashville: Abingdon-Oakesbury Press, 1953), vol. 2, p. 269; Auld, op. cit., pp. 72f., points out that vv. 52-56 is closely connected to the census list, and states that such a link is to provide a factual basis for the distribution of the promised land to Israel.

22. J. Pedersen, Israel: Its Life and Culture (tr. not mentioned, London: Oxford University Press, 1926), vol. 1-2, pp. 46-50, points out the fluidity of the term בְּתָרֵי־אֲבוֹתָם , its function of connecting the families with the forefathers and its various meanings in the Old Testament; C.U. Wolf, 'Terminology of Israel's Tribal Organization', JBL 65 (1946), pp. 47f., lists the different uses of the word בְּתָרֵי־אֲבוֹתָם in the Old Testament; C.S. Rodd, 'The Family in the Old Testament', BT 18 (1967), p. 25, notices that the word בְּתָרֵי־אֲבוֹתָם is used not only to mean a family and clan but also tribe; F.I. Andersen, 'Israelite Kinship Terminology and Social Structure', BT 20 (1969), pp. 31-36, analyses the census account in Num. 26 and points out that the Israelite society was basically divided into tribe (בְּתָרֵי־אֲבוֹתָם), sub-tribe or phratry (בְּתָרֵי־אֲבוֹתָם) and father's house (בְּתָרֵי־אֲבוֹתָם) and gives a chart of this structure. He observes that the sons of Jacob are consistently designated ancestors of tribes and his grandsons are ancestors of clans. He suggests that a clan might have had at least ten thousand members.

23. Gray, op. cit., pp. 394f., considers that the expression 'according to the number of names' refers to the persons in the several tribes on the basis that a similar expression is used in Num. 1:2. It is true that in the context of Num. 1, such an expression refers to the male members in Israel, but that does not mean that it is used in the same sense in Num. 26:52-56. When Gray comes to interpret a similar expression in 26:55, he contradicts himself and agrees with Dillmann's interpretation that it refers to the names of the twelve forefathers.

24. Von Rad, 'The Promised Land and Yahweh's Land in the Hexateuch', pp. 80f., points out that the word בְּתָרֵי־אֲבוֹתָם is used

to refer to the inheritance of the tribe in 26:52-56 and thinks that it means tribal ownership.

25. The phrase $\text{לְמִנְיֵן הַלְוִיִּם}$, 'their numbers' does not refer to the clans but to the members of the tribe as a whole. For example, the first part of v. 7, 'these are the collection of clans', refers to the clans of Hanoch, Pallu, Hezron and Carmi, and the second part of v. 7, 'their number was forty three thousand seven hundred and thirty' refers to all the members in the above four collection of clans.

26. Brown, op. cit., pp. 160-64, observes that the two principles of dividing the land according to the size of the tribe and by casting lots were practised in the ancient Near East when different types of land were involved, such as orchards with wells, cultivated fields, family inheritances; and he points out that this is not the case in 26:52-56, which deals only with the vast promised land. So casting lots has to be interpreted as deciding the location of the tribal territory.

27. Gray, op. cit., p. 394; Budd, op. cit., p. 292; Snaith, Leviticus and Numbers, p. 307; Brown, op. cit., pp. 160-64.

28. Gray, op. cit., p. 395, cites Dillmann's understanding that v. 55 divides the land into twelve territories, and individuals gain their portion of land through their tribe and in the territory allotted to their tribe.

29. Wright, 'Family, Land and Property in Ancient Israel', pp. 63-67, discusses in detail the theory of communal ownership of land by the tribes and periodic re-allotment of the tribal land to families suggested by some scholars such as K.H. Henry, M.J. Lauré, Schaeffer and the counter arguments put forth by Fustel de Coulanges and Veblen, and concludes with his own arguments that there is no evidence for such a theory in the Old Testament. His reasons for rejecting the theory are namely, the theory is partly based on the postulation of nomadic origins of the Israelite tribes; there was the fundamental principle of inalienability of the territory from the tribe and individual plots of land from the families; there was a strong attachment to the land particularly with ancestral burial place, and some of the earliest laws (Exod. 22:4f., 23:10) already presuppose a settled individual possession of land. He points out that a combination of private ownership of land by families and common use of the pasture lands existed in ancient Israel but there was no communal ownership or a development from communal ownership to private ownership.

30. Budd, op. cit., p. 360.

31. RSV's translation, 'wherever the lot falls to any man' (15) that shall be his (15)' is misleading and gives the idea that casting lots is to decide the location of the land of individual families rather than the territories of the tribes.

32. Noth, Numbers, p. 258.

33. Gray, op. cit., p. 478; J. Weingreen, 'The Case of the Daughters of Zelophehad', VT 16 (1966), p. 519.

34. Weingreen, 'The Case of the Daughters of Zelophehad', pp. 518-22, discuss not only the growth of some special legislation regarding landed property, but also points out that land is given to families if the head of the family is not involved in a sinful act, as in the case of Zelophehad who dies a natural death and not because of the sin of joining the rebellion of Korah against the authority of Moses and Aaron. Land is also confiscated from the convicted person in the later period as in the case of Naboth who was accused by two false witnesses of cursing God and the King (1 Kings 21:1-16).

35. N.H. Snaith, 'The Daughters of Zelophehad', VT 16 (1966), pp. 124-27, takes a different view and suggests that the accounts of Num. 27:1-11 and 36:1-13 have nothing to do with the law of inheritance of property, but that they are primarily concerned with noting that the tribe of Manasseh held land on the west side of the Jordan apart from their earlier settlement on the east of the Jordan.

36. Aharoni, op. cit., pp. 69-77, has identified the location of the places mentioned in the border descriptions and drawn a map to show the extent of the territory covered by these borders. He regards the name 'Canaan' given to the described territory as the official title of the region under Egyptian authority in the fourteenth and thirteenth centuries B.C.

NOTES TO CHAPTER 7

1. Different opinions are expressed about the number of addresses given by Moses and the extent of each address. For details refer to E.W. Nicholson, Deuteronomy and Tradition (Oxford: Basil Blackwell, 1967), pp. 18f.; R. Polzin, Moses and the Deuteronomist: A Literary Study of the Deuteronomic History, Part I (New York: Seabury Press, 1980), pp. 36-72; Dumbrell, op. cit., p. 114. While these scholars discuss and identify the accounts of Moses' address, Yahweh's speech and the narrator's report, von Rad and Weinfeld speak of the style of Moses' address as exhortatory. Cf. von Rad, Deuteronomy: A Commentary (OTL; tr. D. Barton; London: SCM Press, 1984), pp. 15-23 and his article, 'Ancient Word and Living Word: The Preaching of Deuteronomy and Our Preaching', Interp. 15 (1961), pp. 3-7; M. Weinfeld, Deuteronomy and the Deuteronomic School (Oxford: Clarendon Press, 1972), p. 10.

2. For details of these topographical terms see Aharoni, op. cit., p. 41.

3. It has been pointed out in our discussion on Gen. 15:17-21 that the description of the promised land includes Transjordan because there is no topographical description except the mention of the brook of Egypt as the southern border and the Euphrates as the northern border. So all the land between these two rivers is considered as promised territory. But in Dt. 1:6-8, the extent of the promised land is clarified by topographical descriptions and no reference is made to Transjordan by use of a topographical term. So Transjordan is not included.

4. J. N. M. Wijngaards, The Dramatization of Salvific History in the Deuteronomic Schools (OTS 16; Leiden: Brill, 1969), pp. 94f., thinks that the material in Deuteronomy has come from two main traditions, namely, the Shechemite and Gilgalite traditions. According to him the reason for portraying the west Jordan territory alone as the promised land is that this is the view of the Shechemite tradition.

5. P. D. Miller, 'The Gift of God: The Deuteronomic Theology of the Land', Interp. 23 (1969), p. 455, discusses the use of $\underbrace{\text{לְתַתְּנָה}}_{-7}$ with $\underbrace{\text{לְתַתְּנָה}}_{-7}$ as a legal formula of transfer of land.

6. M. Weinfeld, 'The Extent of the Promised Land - The Status of Transjordan', Das Land Israel in biblischer Zeit: Jerusalem Symposium 1981 (Göttinger Theologische Arbeiten 25; ed. G. Strecker; Göttingen: Vandenhoeck & Ruprecht, 1983), p. 67.

7. Aharoni, op. cit., pp. 38f.

8. Weinfeld, 'The Extent of the Promised Land - The Status of Transjordan', pp. 68f., points out that the reason for allocation is that Transjordan is part of the promised land to be shared between the Israelite tribes. I agree that Deuteronomy speaks elsewhere (34:1-6) of Transjordan as being part of the promised land. However, nowhere in the text of Dt. 3:12-17, is Transjordan mentioned as being part of the promised land. So we cannot assume here that Moses distributes the land because it has been promised earlier.

9. Aharoni, op. cit., pp. 37-39.

10. P.C. Craigie, The Book of Deuteronomy (NICOT; London: Hodder and Stoughton, 1976), p. 123, quotes Ges-K 119 w, to take ׀ in the sense of partitive.

11. Craigie, ibid., p. 123, points out that the Hebrew consonants ׀ and ׀ were easily confused in early Hebrew script because both were characterized by a strong vertical stroke. He notices a similar occurrence in v. 17.

12. S.R. Driver, A Critical and Exegetical Commentary on Deuteronomy (ICC; Edinburgh: T. & T. Clark, 1908), p. 57.

13. ׀׀׀, BDB, p. 636.

14. Miller, op. cit., p. 455, n. 9.

15. Ges-K, 114 f, p. 348, points out that infinitives with ׀ express the idea of purpose or aim and are used to introduce the object of an action.

16. Driver, Deuteronomy, p. lxxix n. 10.

17. Keil and Delitzsch, op. cit., vol. 3, p. 335.

18. Ges-K, 119 c, p. 377.

19. Another reference is Dt. 19:8-10. This also repeats the idea that possessing more and more of the promised territory is conditional. The condition in this case is that the Israelites should create cities of refuge as a provision for the man-slayer.

20. Since the conditions for perpetual possession of the land are spoken of in the context of crossing over the Jordan and possessing the territory on the west side, it may appear as if they are applicable only to the west Jordan territory. However, since the conditions are addressed to all of Israel, they are to be observed by the whole of Israel, including the two and a half tribes who possessed Transjordan territory.

21. Weinfeld, Deuteronomy and the Deuteronomistic School, p. 315.

22. For example, in Exod. 20:12; Dt. 22:7; 1 Kings 3:14, the verb וַיִּלְחַץ is used to mean lengthening one's span of life.

23. Weinfeld, Deuteronomy and the Deuteronomistic School, p. 315.

24. Von Rad, 'There Remains still a Rest for the People of God: An Investigation of a Biblical Conception', The Problem of the Hexateuch and Other Essays (tr. E. W. T. Dicken; London: SCM Press, 1984), pp. 94f.

25. J. A. Thompson, Deuteronomy: An Introduction and Commentary (TOTC; Leicester: Inter-Varsity Press, 1976), p. 216, points out that in many societies still a heap of stones or a long piece of stone is placed at the corners of the land as a boundary mark. A. Phillips, Deuteronomy (CBC; Cambridge: University Press, 1973), p. 131, notes that boundary stones acted as witnesses to the ownership of land.

26. Driver and Thompson seem to understand לָחַץ , 'to move back a boundary mark' (cf. BDB, p. 691) in the literal sense of the removal of a landmark by pushing back the boundary of some one's land without the knowledge of its owner. Cf. Driver, Deuteronomy, p. 235; Thompson, op. cit., p. 217.

27. Craigie and Phillips understand the removal of a boundary mark in the sense of putting pressure on the poor neighbour and acquiring the land from him. Cf. Craigie, op. cit., p. 268; Phillip, op. cit., p. 131.

28. Brown, op. cit., p. 104, notices that the use of the Hiphil form וְיָרַשׁ אָבִי indicates that a father exercised some kind of 'testamentary power', and thinks that the transfer of property is by verbal conveyance.

29. In the case of having only one son, the question of the right of the first born and giving a double share does not arise. The whole property could be passed on to that son and the land need not be divided. But in the case of having more than one son, the text does not say whether the family land is passed on to all the sons so that they hold it jointly and share the produce of the land, giving a double share of the yields to the first born, or whether the family land is

actually divided into several portions of land and given to the sons.

30. Driver, Deuteronomy, p. 246. Cf. 2 Kings 2:9.

31. Mendelsohn, op. cit., pp. 38-40, points out that the practice of giving a double share to the first born by the father was common in many parts of the ancient Near East, but any son in the family could be chosen by the father to have the status of the first born. He makes a note that Dt. 21:15-17 differs from the practice of choosing the favourite son as first born and safeguards the right of the one who is born first to the father.

32. For discussion on the phrase 'יָדוֹן בְּיָדָאֵם' see: A. D. H. Mayes, Deuteronomy (NCB; London: Oliphants, 1979), pp. 166, 304; Thompson, op. cit., p. 229.

33. It has been pointed out by some commentators that the law in Dt. 21:15-17 is not intended to initiate the rights of the first born but to safeguard the rights already belonging to him. The fact that the first born enjoyed certain rights and privileges is already reflected in Gen. 25:31, 34; 27:36; 48:14. Cf. Driver, Deuteronomy, p. 247; Craigie, op. cit., p. 283; Brown, op. cit., p. 285.

34. T. H. Gaster, 'Heaven', IDB (ed. G. A. Buttrick; Nashville: Abingdon Press, 1962), vol. 2, p. 551.

35. W. Eichrodt, Theology of the Old Testament (tr. J. A. Baker; London: SCM Press, 1967), vol. 2, p. 94.

36. Craigie, op. cit., p. 204.

37. J. Gray, 1 & 2 Kings: A Commentary (OTL; London: SCM Press, 1964), p. 205, studies the occurrence of the phrase 'the heaven of heavens' in 1 Kings 8:27, and points out that it signifies 'heaven itself' and does not reflect the Mesopotamian cosmology of successive strata; cf. also A. A. Anderson, The Book of Psalms (73-150) (NCB; Grand Rapids: Eerdmans, 1972), vol. 2, pp. 949f.

38. Mayes, op. cit., p. 209. Also Thompson, op. cit., p. 148.

39. I prefer to read the MT noun form $\dot{\text{י}}\dot{\text{י}}\dot{\text{ו}}\dot{\text{ו}}\dot{\text{ל}}$ as Piel infinitive construct with suffix $\dot{\text{י}}\dot{\text{י}}\dot{\text{ו}}\dot{\text{ו}}\dot{\text{ל}}$ to make the meaning clearer. On the other hand RSV, following the MT, translates the phrase $\dot{\text{י}}\dot{\text{י}}\dot{\text{ו}}\dot{\text{ו}}\dot{\text{ל}} \dot{\text{ו}}\dot{\text{ו}} \dot{\text{י}}\dot{\text{ו}}\dot{\text{ו}}\dot{\text{ו}}\dot{\text{ל}} \dot{\text{ו}}\dot{\text{ו}} \dot{\text{י}}\dot{\text{ו}}\dot{\text{ו}}\dot{\text{ו}}\dot{\text{ל}}$ as 'to put his name and makes his habitation there' which is a bit awkward and questionable. First, the suffix $\dot{\text{י}}$ in the noun form $\dot{\text{י}}\dot{\text{י}}\dot{\text{ו}}\dot{\text{ו}}\dot{\text{ל}}$ needs to be understood as referring to the name of Yahweh, in accordance with the preceding direct object $\dot{\text{י}}\dot{\text{ו}}\dot{\text{ו}}$, rather than Yahweh himself as RSV translates. It is an antithesis to say that Yahweh will choose the place to put his name to dwell there and make it for his dwelling. On the other hand, a different meaning is conveyed by saying that Yahweh will choose the place to put his name for its dwelling. Here, only his name dwells in that place as a symbolic representation and not Yahweh himself. So RSV is not clear at this point. Rather it tries to justify the notion that both his name and he

himself dwells in the place. Second, the Piel infinitive construct form $\text{לְשִׁבְּ}^{\text{ה}}$ is preferable because it appears in other parts of Deuteronomy ($\text{לְשִׁבְּ}^{\text{ה}} \text{לְפָנָיו}^{\text{ה}}$, 'to make dwell his name there', 12:11; 14:23; 16:2, 6, 11; 26:2) rather than the noun form $\text{שִׁבְּ}^{\text{ה}}$ which appears only in 12:5. Third, some commentators prefer the Piel form because it is attested by other manuscripts and it is used as an idiomatic expression in other parts of Deuteronomy as shown above. Cf. Craigie, op. cit., p. 217; Mayes, op. cit., p. 225; Thompson, op. cit., p. 166.

40. I was made aware of this view of de Vaux from the articles of Wenham and Weinfeld, who deal in detail with the issue of 'to put his name to make it dwell there'. Cf. G. J. Wenham, 'Deuteronomy and the Central Sanctuary', TB 22 (1971), pp. 112-14; Weinfeld, Deuteronomy and the Deuteronomistic School, pp. 194-96.

41. Von Rad, Studies in Deuteronomy, pp. 37-44.

42. Wenham, 'Deuteronomy and the Central Sanctuary', pp. 112-14.

43. Mayes, op. cit., p. 224.

44. Weinfeld, Deuteronomy and the Deuteronomistic School, pp. 194f.

45. Ibid., pp. 194-96. Not only Weinfeld, but some other scholars also take the same view. Cf. R.E. Clements, 'Deuteronomy and the Jerusalem Cult Tradition', VT 15 (1965), pp. 302-305; Nicholson, op. cit., pp. 55f.

46. J.R. Bartlett, 'The Land of Seir and the Brotherhood of Edom', JTS 20 (1969), pp. 1-20, studies the relationship of Seir, Edom and Esau to one another.

47. W.A. Sumner, 'Israel's Encounters with Edom, Moab, Ammon, Sihon and Og according to the Deuteronomist', VT 18 (1968), p. 219.

48. Mayes, op. cit., p. 137.

49. E.J. Hamlin discusses the meaning of the terms 'nations' (ḏ' ḵā) and 'people' (ḏ' ḵō y) in his article "Nations", IDB (ed. G.A. Buttrick; Nashville: Abingdon Press, 1962), vol. 3, pp. 513-23, and points out that ḏ' ḵō y in the plural could mean groups of people based on kinship whereas ḏ' ḵā stresses the political aspect. Whether this distinction is strictly applied in Dt. 32:8-9 is doubtful. These terms used in 32:8-9 could simply mean groups of people organized or united either on the basis of kinship, politics or territory. For further details on the terms 'people' or 'nation', see E.A. Speiser, 'People and Nation of Israel', JBL 79 (1960), pp. 157-163; G.W. Anderson, 'Israel: Amphictyony: 'AM; KĀHĀL; 'ĒDĀH.' in Translating and Understanding the Old Testament: Essays in Honor of H.G. May (eds. H.T. Frank and W.L. Reed; Nashville: Abingdon Press, 1970), p. 150; R.E. Clements, ' ḵō y gōy', TDOT (ed. G.J. Botterweck and H.

Ringgren, tr. J.T. Willis; Grand Rapids: Eerdmans, 1977), vol. 2, pp. 426-33.

50. Since the verb פָּרַד , which appears in Gen. 10:32 in connection with the spreading of the people all over the earth, is used in Dt. 32:8, Driver thinks that the period after the Flood is the time Yahweh separated the people and allocated land. Other commentators such as Thompson and von Rad also take a similar view. Cf. Driver, Deuteronomy, p. 355; Thompson, op. cit., p. 299; von Rad, Deuteronomy, p. 196. But Keil and Delitzsch, op. cit., vol. 3, p. 470, consider the Babel incident in Gen. 11:9 as the period for separating the people.

51. Rahlfs, op. cit., p. 347; Craigie notices that the earlier Hebrew text could be 'sons of God' or 'sons of gods' based on the reading of the LXX, 'angels of God' and such a text could have been altered to read 'sons of Israel'. Cf. his Deuteronomy, p. 378.

52. Von Rad, Deuteronomy, pp. 196f., Craigie, op. cit., p. 379; Mayes, op. cit., pp. 384f.

53. Driver, Deuteronomy, pp. 355f., Keil and Delitzsch, op. cit., vol. 3, p. 470.

54. Phillips, op. cit., p. 217; Thompson, op. cit., p. 299.

55. To quote a few occurrences of בְּנֵי יִשְׂרָאֵל in the Pentateuch, used in the sense of 'people of Israel': Exod. 2:25; 3:9-11; 6:11; Lev. 10:11; 15:31; Num. 5:2; Dt. 31:19, 22.

56. Num. 23:7; 24:5, 17; Dt. 33:10; Isa. 14:1; Ps. 14:7; 44:4; etc. Note that Ps. 14:7 uses all the three words 'Israel', 'Jacob' and 'his people' interchangeably.

57. Driver, op. cit., p. 355.

NOTES TO CONCLUSION

1. Exod. 3:8, 17; 13:5; 23:23; Dt. 7:1-2 which do not quote the land promise but assume and speak of bringing the people of Israel into the land which has been promised earlier, mention the name of the Hivites, a sub-group, in addition to the names of some of the major ethnic groups.

2. Cassuto, Genesis, pp. 294, 328f.; Wiseman, op. cit., p. 196; Daube, op. cit., pp. 33f.; Clark, op. cit., pp. 88-90.

3. Weinfeld, 'The Covenant of Grant in the Old Testament and in the Ancient Near East', pp. 184-94; Clark, op. cit., pp. 63-67; Sarna, op. cit., p. 124.

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