# THE SEMANTIC RELATIONSHIP BETWEEN נְחֲלָה AND יְרָשָּׁה AND IN JEREMIAH 32 AND RUTH 4

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#### **ABSTRACT**

In almost every case except late usage the word group מרשה and its derivatives refer to taking possession of the object named. The word group מחלה and its derivatives refer to the inheritance of household property. In late usage ירשה and share the semantic field of inheritance and have been considered to be synonymous. This interpretation is critically re-evaluated. The word group נחלה has the meaning of permanent possession of the inheritance of the family's wealth and יֵרְשֵׁה the possession of property involving acquisition without stipulating the mode of acquisition. The continued possession of the land, יֵרְשֶׁה, was dependent upon the covenant relationship with Yahweh and although the possession of the land could be lost the land was allotted as a permanent possession, נחֵלָה, to the household clans and tribes of Israel and restoration made on the grounds of the rights of inheritance. Land was the centre of the social system of Israel and it was the abuse of the rights associated with land that reflected a breakdown in the covenant relationship with Yahweh. A comparison is made of Jeremiah 32 and Ruth 4 in terms of the relation of יָרָשָה and מַחֵלָה to kinsman-redemption which was central to Israel's social system.

### INTRODUCTION

Certain parallels have been assumed between the narratives of Jeremiah 32 and Ruth 4. One such parallel is that both narratives clearly refer to the land as "family land". Both texts are about the redemption and transfer of land within the clan. The general view is that a distinction exists between these texts in that Jeremiah 32 is a case of a

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<sup>&</sup>lt;sup>1</sup> It is speculative, but it is probable that the land was taken in the settlement of a debt by a creditor and Jeremiah settles the debt of the clan. Jeremiah 32:8 is thus not a case of the purchase of the land.

transfer of ownership of land through a sale and Ruth 4 a case of the transfer of land between family members. It is this premise that is addressed in the article. The use of נָרָשָׁה (Jer 32) and נַחָלָה (Ruth 4) are both example of kinsman redemption within the clan. In Jeremiah 32:8 the use of יֻרָשָׁה (possession) indicates that the land again has become the possession of the clan. In Ruth 4:5 בַּחָלָה (inheritance) indicates the transfer of the land to a successive generation, i.e., it is Obed who is the rightful heir.

A socio-reconstruction of the economic situation of Jeremiah sets it in the peasantry of the pre-exilic era but it is uncertain whether Ruth is set in a pre-exilic or a post-exilic time. The similarities between Jeremiah and Ruth can be accounted for by the long compositional history of MT Jeremiah and Ruth which extended well into the Second Temple period. Max Weber endeavours to determine the precise nature of the peasantry of pre-exilic Israel (cf. Domeris 2011:137). In spite of the variant socioeconomic contexts between these narratives, they clarify the treatment of family land and give insight into "the alienation of land which was a very complex practice, since so many diverse interests are embedded within a single piece of land" (Domeris 2007:57). A certain tension exists between the idea of purchasing and that of redeeming the property in both Jeremiah 32 and Ruth 4. This article proposes a reexamination of the similarities and dissimilarities between these narratives that will give a revision of the scholarly perspective. The central idea of these passages is redemption and buying and selling as part of the transaction within the clan among members of the household. A critical re-evaluation of the semantic relationship between נְחֲלָה and נְחֲלָה makes possible new insights.

# נַחֲלָה AND יַרָשָּׁה בוּחָלָה AND נַחֲלָה AND נַחֲלָה

יָרָשָׁה

The Hebrew term יֵרְשָּׁה is used for the possession of property in DtH and in late usage for inheritance. It has been suggested that it is from the time of the exile that יֵרְשָּׁה came to mean inheritance and so synonymous with נַחֲלָה. The contention that there is

no agreement as to whether ירשה had a military origin in relation to taking possession through conquest and violence, or whether it was primarily connected with family inheritance (TDOT 6:378-379; cf. Wright 1997:547).<sup>2</sup> It can be explained by a specialised Deuteronomistic usage of "dispossession" in the context of the formulaic Dtn-Dtr presentation of the conquest.<sup>3</sup> The term ירשה has been translated as referring to inheritance of private property (Lohfink 1975:369). It was especially common in the period of the exile to form abstract legal terms. The central semantic element is possession in DtH and only in late usage does it come to mean "legal succession" and the legal realm is extended to the family. Earlier contexts always used ירשה for acquiring possession through family leadership or military conquest in which acquisition was by means of the right of conquest after a battle or war (cf. Deut 33:23; Josh 19:47; Judg 3:13; Ps 83:13(12); Mic 1:15; Hab 1:6; Isa 14:21; Oba 19). There is no reference to settlements in early contexts and so יֵרְשָׁה is used and מַחֵלָה does not occur as "inheritance" was not vet at stake. In almost every occurrence, early or late usage, an appropriate translation of יֵרָשָׁה is "take possession of the object named" (Lohfink 1975:372). The general semantic meaning of יָרָשָׁה is possession. The verb is used less in the sense of "become someone's heir, inherit from" than "acquire, take possession of, dispossession", with the idea of supplanting and taking someone's place. The word group יֵרְשָׁה and its derivatives are used for the possession of land that has taken place through an actual change of possession of land without distinguishing between those inside or outside of the family. In DtH there are

In its very earliest usage it was used in the limited sense of "inheritance" connected with family inheritance (Gen 15:3, 4; 21:10) (cf. Jennie & Westermann 1997:580).

Deuteronomy 2:12, 21, 22; 9:1, 5; 11:23; 12:2, 29; 18:14; 19:1: 31:3; Judg 11:23, 24. The object of the verb "to expel, force out of possession" is used of the Rephaim (Deut 2:21), Horites (Deut 2:12, 22), generally the people inhabiting the land (Deut 9:1, 5; 12:29; 18:14; 19:1) and the Amorites (Judg 11:23).

<sup>&</sup>lt;sup>4</sup> These passages, however, do not stipulate the specific mode of acquisition, usually purchase (cf. Lohfink 1975:372).

The "general" meaning must always be understood simply as the most common frequency of occurrence (Louw 1982:34).

<sup>&</sup>lt;sup>6</sup> The verb יְרְשֵׁה occurs 258 times and the noun יְרָשֵׁה occurs 14 times.

instances of its use with נחלה to indicate that a change of possession has occurred.<sup>7</sup> There are rare occasions that ירשה refers to being a legitimate heir (Gen 15:4; Jer 49:1) (Lipinski 1975:321). In Genesis this is prior to a differentiation between נְחָלָה and ירשה, which had the dual meaning of possession and inheritance.<sup>8</sup> The verb vrš also came to specifically designate acquisition of property instead of the limited process of inheritance. The verb vrš in DtH is found in certain formulaic presentations on the basis of the land grant of Yahweh and grammatically as an infinitive construct, "the land the Lord your God is giving you to possess" or "Yahweh/the Lord your God has given you this land to possess it" (Deut 3:18; 5:31; 12:1; 15:4; 19:2, 14; 25:19; cf. 1:39; 4:1; 17:14; 26:2) and indicates purpose. 9 It is used for covenant requirements, 10 for possession of the land, "you will go in and take possession of the land" (Deut 4:1; 5:33; 6:18; 8:1, 11; 11:8) and for the actual taking into possession of the land, "the land you are going over (the Jordan) to possess it" (Deut 4:14; 26; 6:1;11:8, 11: 31:13; 32:47). 11 "Dtn understand the possession of the land as a realisation of the promise of the patriarchs (6:10, 18, 23, etc.)" (Jenni & Westermann 1997:732). There was no distinction between possession and inheritance until most probably גַּחַלֹּה, an Old Arabic term, was introduced. The possession of the land is always conditional (1 Kgs 9:4-7; 11:29-39; Ps 89:14; Prov 8:30; Isa 11:4-5) and centered on covenant obedience (Deut 17:14-20).

In Genesis 15:7 the meaning of יָרָשָׁה is in relation to the land of the Chaldeans, to indicate a change of ownership. God, the owner of the land, gives it to Abraham and his posterity as a possession. Abraham possesses the land and his descendants lose possession of the land for the duration that his descendants sojourned in Egypt. The land is given to his descendants as רְּנָהְלֵּלְ לְעֵלֶם an "eternal inheritance" (Exod 32:13) in fulfilment of the promise made to Abraham that his descendants will eternally possess

7 In Deut 1:38–39; 4:20–22; 15:4; 19:14; 26:1; 31:3, 7 both terms occur together, יָרָשֶׁה for change of possession and הַוֹלֶה used metaphorically.

Taking possession of the land was an act of faith and obedience.

These contexts "involve a play on words; the context contrasts a legitimate heir and a usurper" (Lipinski 1975:321).

<sup>&</sup>lt;sup>9</sup> The preposition <sup>-</sup>

indicates purpose.

<sup>&</sup>lt;sup>10</sup> מְצְוֹתָי (law), מְצְוֹתָי (commands), which are to be taught (לַמֵּד) so that they may do (עֲשָוֹת) them.

the land provided they keep the covenant (Gen 17:8–9). In Jeremiah the covenant and land are interdependent. Brueggemann (2002:111) writes of Jeremiah, "He understands the covenantal dimension of landholding, the fact that being in the land and possessing it depends on continual reference to Yahweh. He presents the grief of land-loss not from the perspective of Israel but from the view of Yahweh."

# נַחַלָּה

The term נחלה "signifies the permanent family property allocated to tribes, clans, and households of Israel" (Wright 1997:77). It implies a legal claim of ownership so that the one named as the owner of the נְחֵלָה is usually the one who directly represents the claim. In the case of Ruth 4, Naomi legally represents the claim as the widow of the deceased. "Legally or ideally, the field belongs to Naomi and to Ruth, her substitute" (LaCocque 2004:131). A semantic distinction exists between the verbs nhl and yrš, nhl (qal)<sup>12</sup> "to obtain something as a possession", (pi'el) "to make someone an owner", (hip'il) "to give something as a ינְחֵלָה" and yrš (qal) "to take into possession". The distinction is that נְחֵלָה is used for the divided land which is inalienable and יֵרְשָׁה used for land that is either given as a divine possession or human grants which had a limited nature – land that is actually possessed. The specific distinction is that the verb *nhl* (59 times) is used for property that is inalienable and occurs less than the noun, נַחֵלָה (222 times), used for the estate whereas the verb yrš (258 times) is used for the action of taking possession of property or an inheritance and is used more often than the noun, יָרְשָּׁה (14 times). We can infer from this that the way that the בְּחֵלָה is passed on is through the action of the verb yrš. The noun יָרָשָׁה indicates the legal right of possession and in pre-exilic texts does not imply ownership. In pre-exilic texts the interconnectedness of land policy and economics explains the predominance of נְחֵלָה

It occurs 59 times in the OT. In the *gal* is is used 30 times and 17 times in the *hip'il*.

<sup>&</sup>lt;sup>13</sup> It occurs 258 times in the OT. In the *qal* it is used 159 times and is translated in the majority of cases with "to take into possession". "It is used primarily in the context of statements concerning the conquest" (Jenni &Westermann 1997:579).

with ירשה occurring very sparsely. 14 The term נחלה occurs 50 times in Joshua, 46 times in Numbers, 25 times in Deuteronomy, 23 times in Psalms, 15 times in Ezekiel and in Jeremiah, 12 times. "The root does not occur in Hos, Amos, Obad, Jonah, Nah, Hag, Song Sol, Esth, or Ezra" (Jenni & Westermann 1997:731). The concept of family inheritance and the close association of kinsman redemption was an essential part of the proper functioning of the social system of Israel which was based on the division of land and the נחלה of households (Num 33:54; Josh 15:20; 18:28) until the time of the exile. The term ירשה describes the situation when someone came into possession of alien property and נַחֵלָה as the division of the entire patriarchal estate (cf. Lipinski 1975:320) and in post-exilic Israel came to represent private property. The term נְחֵלָה was used in association with the redemption of property by the next of kin קרב (Lev 25:25). In Numbers 27:11 נְחֵלָה is passed down to the next of kin of his family and is used for the possession of the inheritance. Inherent in the term נְּחָלָה is the relational dimension of the relationship of Yahweh, land and Israel (cf. Wright 1997:78). In Deuteronomy and certain texts נחלה is used in a metaphorical or figurative sense (2 Sam 20:1; 1 Kgs 12:16; 2 Chr 10:16; Job 20:29; 27:13; 31:2) and specifically for division and distribution of the estate.<sup>15</sup> "It was used in a metaphorical sense as that of Deuteronomy, where Yahweh either gave the land as an inheritance to Israel or where Israel was viewed as the inheritance of Yahweh" (Schmidt 2009:142). "The metaphorical interpretation of נְחֵלָה in Deuteronomy transforms the idea of land as a natural domain of legal property or entitlement to an abstract geographical epicenter of an obedient people owned by Yahweh" (Nel 2006b). "To be an heir, to have the inheritance, is to acknowledge the giver of the land and call him 'father' (Jer 2:27; 3:4, 19)" (Brueggemann 2002:113).

<sup>14</sup> It occurs 14 times and predominantly in pre-exilic texts (Deuteronomy 7 times, Joshua 3 times).

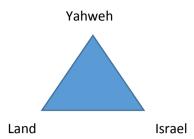
In the *hip'il* it was used for the distribution of the estate (Deut 21:16; Ezek 46:18; Prov 13:22), with a double accusative specifying the recipients of the inheritance and property (Lipinski 1975:322). In the *qal* it was used with a singular object (Num 34:17; Josh 19:49) and the *pi'el* with a plural object (Num 34:29; Josh 13:32; 14:1; 19:51) are used in the same sense, while the *hitpa'el* serves as the reflexive of the *pi'el* without any additional nuance of its own (Lev 25:46; Num 32:18; 33:54; 34:13; Isa 14:2; Ezek 47:13 (Lipinski 1975:322).

Israel's possession of the land was dependent upon recognising the sovereignty of Yahweh to give or take away the land. In order for the inheritance of the land to continue from generation to generation each generation had to demonstrate covenant fidelity and the term "my father" used of Yahweh demonstrated covenant intimacy with God. "Keeping land depends on saying  $\bar{a}b\hat{i}$ , on knowing that life is rooted in dialogue, of speaking and having answer, of being surprised and precarious in the exchange that gives life" (Brueggemann 2002:114). It is this relationship that Jeremiah depicts as over (Jer 2:5-7; Hos 9:10), and the poet says, "O land, land land" (Jer 22:29). The possession of the land can be lost but Israel will be restored to the land after God's righteous judgment and cleansing of her through punishment (Jer 33:6–9) because the land was given as a permanent inheritance to Abraham, Isaac and Jacob (Gen 15:7–8) and so Yahweh vows to bring Israel back to the land (Jer 33:7, 11–16). The covenant God makes with Abraham in Genesis 15:9–16 is a promise of the land given as a possession and circumcision in Genesis 17 is a sign and promise given to Abraham that his descendants will possess the land of Canaan as an everlasting possession (v. 8). "The land is Israel's inheritance only insofar as it is managed in adherence to Yahweh's instruction" (Schmidt 2009:138).

In DtrH it is only in Deuteronomy that land is the content of the inheritance. The diagram below summarises the conceptualisation of inheritance in DtrH (Schmidt 2009:136).

	Deuteronomy	Joshua	Judges	1–2 Samuel	1-2 Kings
Semantic Concept	Metaphorical	Literal	Literal	Metaphorical	Metaphorical
Subject (Giver)	God	Leader	Leader	God	God
Object (Receiver)	Israel	Tribe	Tribe	Person	Person
Content of Inheritance	Land	Property	Property	Israel	Israel

The diagram below illustrates that land is an integral component of the covenant relationship between Yahweh and Israel.



## **JEREMIAH 32**

Jeremiah 32 stands at the centre of two histories, the exile that ends history and a new history that is anticipated (cf. Brueggemann 2002:119). It is in this space that "an alternative history had begun, an alternative open only to trusting exiles who would receive land they could not seize" (Brueggemann 2002:120).

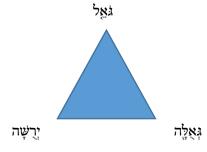
The term בְּחָלָה occurs 8 times in Jeremiah (Jer 12:8–9, 14–15; 16:18; 17:4; 50:11; 51:19) whereas one of the two occurrences of יָרָשָׁה in Jeremiah is found in 32:8. The occurrence in Jeremiah 32 conveys the idea that the author recognised that a semantic difference existed between יַרָשָׁה and בַּחָלָה In the book of Jeremiah Yahweh is in possession of the land and gives it to anyone He pleases (Jer 27:5). "The sovereignty of Yahweh to give the land to a nation is not limited to Israel." He has "multinational sovereignty" (Wright 1997:548). The term בַּחָלָה is generally used for the relationship of Yahweh, the land and Israel. In Jeremiah the economic system is collapsing (cf. Breuggemann 2002:191) indicated by the predominant use of בַּחָלָה and the warnings of land loss. Israel had failed to understand what inheritance was all about. Jeremiah "understands the covenantal dimension of landholding, the fact of being in land and possessing it depends on continual reference to Yahweh" (Brueggemann 2002:111–112).

The occurrence of יֻרְשָׁה in Jeremiah 32 instead of נְחֲלָה indicates that the point of the narrative is not about the inheritance of the hereditary property by Jeremiah but the possession of the family property. <sup>16</sup> It was only in the case that a man had no sons or

It is the use of אַלָּה with אַלָּה that indicates that Jeremiah's kinsman-redemption is involved in the possession of the land. The phrase מִשְׁפֵּט הַיֵּרְשָׁה indicates that it was not a right of inheritance.

Yahweh is Israel's אָאָל and he "affirms a bond between himself and Israel that is as close and as committed as any kinship bond" (Wright 2006:267). As Israel's אָגָּאָל, Yahweh gives the land as יָרָשָׁה, a possession, and acts to redeem his people, אָאָלָה, from situations of threat, loss, poverty, or injustice. Israel loses possession of the land but when they turn again to Yahweh and seek him in the foreign land to which they had been exiled as Israel's אָל they are restored. He restores them to a right and proper situation, freed from slavery and oppression and to the land which had vomited them out. The human אָל prefigures Yahweh as Israel's אָל and affirms God's love and compassion for his people.

The diagram below illustrates the relationship between Yahweh as גֹּאָל, the possession of the land, יָרָשָׁה, and redemption, גְּאָלֶה.



## יַרשָה

One of the reasons that יֵרְשָׁה is used in Jeremiah 32 instead of נַחֵלָה is that the property changes possession: the possession changes from debtors to Jeremiah. Hanamel is the oldest son who has the right of נְחֵלָה but Jeremiah takes over possession of the land. Jeremiah comes to the rescue of his cousin to ensure that it continues as part of the family inheritance and Hanamel will eventually receive the land as his נַחֵלָה in the Year of Jubilee. In Jeremiah נַחֵלָה is used for Israel's permanent inheritance and contemplates the loss of the בַחֵלָה of the land (Jer 3:19; 12:14f; 17:4) (cf. Jenni & Westermann 1997:732) which implies the loss יֵרָשָׁה of the land. The central semantic element of יָרְשָׁה is not transference of private ownership, legal succession (cf. Lohfink 1975:371) but the legal possession of the land. The right or obligation of possession belongs to Jeremiah. "Inheritance in the usual sense is not involved" (Lofhink 1975:371). In Jeremiah 32 the use of יְרָשׁה indicates that Jeremiah is not the legal heir but the person who takes possession of the property by the act of redemption and the purchase of the property back for the family. Lipinski (1975:327) asserts that in Jeremiah 32 יַרֶשָּׁה is not yet synonymous with גַּחֲלָה. It supports the view that the term ירשה in Jeremiah 32 is not to be understood to mean "take ownership of the land", which would have been the case if the two terms, נַחֵלָה and נַחֵלָה, were synonymous and used interchangeably. Possession in the context is to be distinguished from ownership as Jeremiah is a Levite priest and could not own land. The term יֵרָשָׁה is used for Jeremiah legally taking possession of the land on behalf of the family and occurs only in Jeremiah 8:10; 30:3; 32:8, 23 and 49:1-2 in the book.  $^{17}$  In Jeremiah 32:8 it was the temporary usufruct which Jeremiah purchased by the settlement of an outstanding debt that had been incurred against the land. Jeremiah is approached to settle the debt and pay the debtors to protect the family inheritance from being confiscated in settlement of the outstanding debt. Holladay (1989:214) raises the possibility of inheritance rights and that Hanamel had no sons, or he would not have

In Jeremiah 8:10 it refers to possession through military conquest, in Jer 30:3 as fulfilment of the promise to the patriarchs and for the Promised Land in Jer 32:23.

approached Jeremiah. It is not inheritance rights but the right of possession that Jeremiah receives. The point of the narrative, however, is not simply the handing down of land from generation to generation, the transfer of property from cousin to uncle; the decisive point is that Yahweh himself will bring Israel back to the land and that the loss of the land is not permanent. Just as Jeremiah ensures that land remains the inheritance of the family, Yahweh ensures that Israel is his eternal inheritance and that the nation will return to the land. Israel is bonded to Yahweh as his מַחָלָה and Jeremiah, as a priest (and therefore a Levite), had no territorial מַחָלָה and so could only possess the usufruct of the land. Jeremiah is consumed by his belief in God's eternal love of Israel and concludes that redemption of Israel as a permanent possession would be solely the work of God (Jer 31:27–37; 32:37–41; 33:1–26; 50:17–20). The terms מַחָלָה and מַּחָלָה are not synonymous; they occur in different semantic fields, מַרָּשָׁה are related by means of association.

# נאל, הנאלה

The term בְּאָלֵה occurs twice in Jeremiah 32, in v. 7 and v. 8. It has the meaning of kinsmen-redemption in verse 7 in the phrase בְּיִשְׂרְשֵׁל עֵל־ הַגְּאוֹלֶה which refers to the social institution and obligation of redemption in Israel, to which Hanamel appeals. The socio-historical context Jeremiah addresses is a breakdown in the traditional system of exchange entitlement, a breakdown in the kinsmen-redemption concept and consequently a breakdown of social-justice for the poor, especially the widows and fatherless. The actions of Jeremiah reaffirm kinsmen-redemption as a social-practice instituted by Yahweh. The concept of kinsmen-redemption disappears in post-exilic Israel. The second occurrence, in verse 8, has in view the redemption of the land, the state of the land being set free from temporary ownership through settlement of the debt. Kinsmen-redemption precedes the legal redemption of the land indicating that precedence is given to family relations. The redemption of the land is of secondary importance to the redemption of a family member. Jeremiah reclaims control over the

The term הַּבְּאָלֵה occurs in the semantic field of kinship in the *qal* (Gen 48:16; Exod 6:6; 15:13; Lev 25:25; 25:26; Num 5:8; 35:12, 19, 21, 24, 25, 27; Deut 19:6; 19:12; Josh 20:3; 20:5, 9; Ps 103:4; 106:10; 107:2; 119:154; 69:19; 72:14; 74:2; 77:16; Isa 35:9; 43:1; 44:22). The verb נְּאֵל is used in Exodus 6:6 and 15:3 in reference to the exodus of the Israelites from Egypt and it is Yahweh who acts as נְאֵל to redeem his people from social and economic oppression. In Luke 2:38 and 24:21 it is used for the hope and the expectance of the liberation of Israel. The "powerful tradition of land redistribution can be understood as the center of Luke's presentation of Jesus" (Brueggemann 2002:193). Jesus challenged the abuses of the social system of his time.

## קנה

The verb קְּנֵה has in view acquisition by means of a financial transaction. Yahweh as redeems, rescues and buys back Israel as the גָּאֵל in Israel had to redeem and rescue the impoverished family member. The verb קְּנָה in Exodus 15:16 indicates that

<sup>&</sup>lt;sup>18</sup> The נְחֲלָה was the special privilege of the first born son, could include not just a piece of property (Ruth 4:3), but also possibly a vineyard (1 Kgs 21:1–19), a "field and a vineyard" (Num 16:14) or more generally "landed property" (Mic 2:2) or "slaves" (Lev 25:44–46) "money" (Ecc 7:11–12a) or "chattels" (Pro 19:14)" (Forman 2011:65).

Yahweh as גֹאל redeems his people as the kinsman redeemer had to make a financial outlay to rescue, protect, defend and avenge a family member. Its occurrence in the phrase הגאלה קנה in Jeremiah 32:8 (Lev 25:29, 31, 32, 48) indicates that it is the right of kinsman-redemption that is being exercised by a transaction of purchase rather than a change of ownership. The act of redemption through settlement of debt is the obligation of the kind and it is to Jeremiah that the right of kinsman-redemption, to rescue the family land, is committed. "Jeremiah's actions is [sic] easily misunderstood as the purchase of the field, but this would be an anachronistic reading of the passage" (Domeris 2007:56). The issue is not the outright purchase and ownership even though money is given, "there is no sense in which the land becomes the private property of Jeremiah for him to use at will" (Domeris 2007:56) but inherited use-ownership (Kautsky 1974:273). "For Jeremiah there could be no question of the ownership of property in the modern sense" (Domeris 2007:57). A parallel exists between the actions of Jeremiah and Boaz (Ruth 4) in that they redeem the land but in the case of Jeremiah he "takes" or "acquires" a share in the usufruct of the land and does not obtain ownership of the land. 19 The application of the verb "acquire" to both the land and marriage transactions underlines the intimate connection between rights and obligations (cf. Sakenfeld 1999:73-74). It is a rental agreement that is entered into and in the case of both Jeremiah and Boaz inheritance actually belongs to another family member. The basis of the use here can hardly be taken in a narrow sense to mean "to purchase" but more broadly to mean "to acquire (as wife)" (cf. Bush 1996:217).20 In the case of the land Jeremiah purchases, it will revert back to Hanamel in the Year of Jubilee even though Jeremiah receives the title deeds to the land. There is no indication that Jeremiah owns the land and that it becomes his permanent possession. The concept of נחלה has been shown to mean inheritance, property, and permanent possession (cf. Forman 2011:64). The absence of the term נַחָלָה in Jeremiah 32 is very

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The verb is used in the same sense in Ruth for Boaz who "takes" Ruth to be his wife and does not "buy" or pay a bridal price to the nearer kinsman redeemer. The bridal price is always paid to the father which continues to be the practice in the African context.

<sup>&</sup>lt;sup>20</sup> "In these passages, the verb is then also used to acquire a wife, though it is never used elsewhere with such a meaning" (Bush 1996:218).

deliberate and indicates that permanent possession or inheritance is not intended; what is in view is אָרָשָׁה, that is, temporary possession by Jeremiah. "The land that belonged to an individual Israelite and his family, within the tribal division of territory, was therefore his ינַחֲלָה (Forman 2011:65). Christopher Wright points out that the prophets strongly attacked those whose actions threatened the family נַחֲלָה, because everyone should have a share in the land, and they even wanted to ensure that the aliens had a share in the blessing of Israel by being allotted their own בַּחֲלָה (Forman 2011:65; cf. Wright 1990:104–109). The verb אָר בִּוֹב is "a verb of general acquisition and does not necessarily imply purchase" (Wright 1992:193). The right of redemption is exercised by Jeremiah but the בַּחֲלָה continues to belong to Hanamel and so what we have is an act of redemption and not the sale of private property.<sup>21</sup>

## PRIVATE OWNERSHIP - A LATE DEVELOPMENT

In Jeremiah 32:7 it appears that Jeremiah is purchasing a field; he pays an amount of silver (which is weighed out, v. 9) and receives the title to the land (v. 11) in the presence of witnesses (v. 12). Redemption was usually made with silver or gold (Ringgren 1975:353).<sup>22</sup> Later, Baruch is instructed to place the written deed in a clay jar for safety's sake (v. 14). Domeris (2011:137) points out that "all of these details would suggest that private ownership of land was possible in pre-exilic Israel, and that Jeremiah has gone through the process of concluding the purchase of a field for his private possession" (Domeris 2011:137). But it was only in the later periods (especially Persian and Hellenistic times) that property could be sold by deed for

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A purchase in the sense of a sale of private property would mean that the "right of redemption" is transferred. It is only in case of a special nuance that the verb means "the transfer of the obligation-right of redemption" which Bush (1996:213), Westbrook (1971:375) and Brichto (1973:15) understand the transaction to be in Ruth 4. It is if the idea of "sell" and "buy", respectively (cf. Campbell in Bush 1996:213), are understood in a limited sense of a commercial "cash" transaction "then such a meaning for these verbs seem difficult to maintain" (Bush 1996:213).

It states in Isaiah 52:3 that Israel will be redeemed (ransomed) "without money", which implies that redemption was usually made with silver or gold (Ringgren 1975:353).

money and no longer be treated as the fixed share of the household (cf. Deist 2000:144). The absolute right of land-ownership which made possible private ownership was first found in Roman law (cf. Rodison 1973:64). The private ownership of individuals dissolved the share of the household in the land and the land usufruct, which from time to time could be distributed among the poor and disadvantaged household members for cultivation. The right of private land ownership introduced a social and economic hierarchy into the household which was detrimental to the socio-economic system of Israel which was built upon an interdependence of land and kinship. The household was the basic unit of the Israelite social system, kinship structure, land tenure, and inheritance (cf. Wright 1990:104). Israel's social system tied land and kinship inseparably together and intended to protect fellow Israelites from economic abuse and promote economic equality. The breakdown of the relationship between land and kinship` resulted in a breakdown of the social system of Israel which was rooted in something deeper, a breakdown of the national concept of sin. The consequence was that the whole nation was exiled for breaking the covenant. Restoration was promised in the promise of a new covenant (Jer 32:30) and the national concept of sin was replaced by an individual concept of sin. The social and economic system vested in kinsman-redemption in Israel and the old covenant intended to protect the vulnerable is taken up by the church in the new covenant. God is concerned with the rights of the vulnerable in society. Ben Sirach holds to Israel's old conventional notions of responsibility and reliance upon the purposes of Yahweh. "While he teaches individual accountability, he also affirms social solidarity in which the more fortunate must care for the others" (Brueggemann 2002:153). It indicates a struggle of Jewish consciousness of the old economic arrangement in which the land and kinsmen-redemption were part of the Jewish heritage with the political-economic individualism of Hellenistic liberalism.<sup>23</sup> The theocratic political-economic arrangement of Israel was intended to create hope for the poor and oppressed in comparison to the Hellenistic ordering which created situations of economic and

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Hengel views Ben Sira as a protector against Hellenistic liberalism (Hengel 1966:137). Compare Hengel (1966:137) with Sir 13:2–5; 15–20; 11:10; 31:5; 34:24–37.

political despair for Jews.<sup>24</sup>

# אַל – KINSMAN-REDEEMER

Deliverance through kinsman-redemption was in terms of four areas, political, economic, social and spiritual. Jeremiah acts as גֹאל and takes possession of the property of his nearest relative (cf. Num 27:11) (Lipinski 1975:326). The גֹאַל was always the nearest adult male relative, responsible for the economic, social and spiritual well-being of his kin. It is a legal term "highly charged socially because it focuses on the preservation of family and community" (Sakenfeld 1999:59). He redeems kin from their oppressors, suffering and hopelessness and restores hope (cf. Ruth 4:1–12). The household was at the centre of Israel's welfare system and the גֹּאַל provided the final form of protection to vulnerable family members. Kinsmanredemption was part of God's great act of redemption in the Old Testament and the practical outworking of the exodus. "It has been pointed out that Leviticus 25:25, 35, 39 and 47 all begin with or contain the phrase "if one of your countrymen becomes poor and probably represents the original series of redemption regulations, unconnected, at first, with Jubilee regulations" (Wright 1990:121). The kinsman who had the means was to act as redeemer, it was a moral and social responsibility and ultimately an obligation to Yahweh.

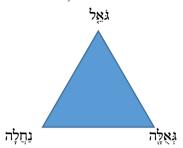
### **RUTH 4**

In Ruth 4 the term נְּחָלָה does not occur and instead we find נַחֲלָה in relation to the task of the גָּאָל In Jeremiah 32 redemption, גָּאָל is a symbolic prophetic act of גּאָל as a future picture of Yahweh's promise to act as Israel's גָּאַל who will redeem them from exile. Yahweh ironically will use the family social system of redemption which had

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The land held in covenant which 1 Maccabees 2:19-22, 27 has in view is the land that the peasantry rose up in revolt for.

failed in Israel to redeem his family. In both passages קְנֵה occurs and the financial transaction is secondary, primary is redemption from a situation of hopelessness (Jer 32:15; 34:11–14, 26; Ruth 4:14–15).



# נַחַלַה

Naomi did not acquire the permanent possession of the property of her deceased husband, since the Old Testament laws precluded an inheritance by a widow. "The Israelite widow had no right of succession on the inheritance of her late husband" (de Vaux 1961:67). "For the duration of her widowhood, Naomi ceded the usufruct of the parcel that belonged to her deceased husband" (Ruth 4:3-6) (Lipinski 1975:325). Naomi was unable to sell the גַּחֲלָה, it remained the property of her husband and decedents (Lipinski 1975:325). In Numbers 27:8-11 a sequence of heirs of the deceased man is given and the widow is not mentioned. The term נְחֶלָה in its meaning of "inheritance, property, or permanent possession" was not applied to a widow since the headship of the household was entrusted to the male. The land and family leadership was bound together so that legal succession was passed on from generation to generation through the first son who became the father's legal successor. Patriarchal leadership over the clan included the management of the land as part of the responsibilities of the head of the clan to whom was given the obligation for the welfare of the household. The head of the family had to ensure that every family member had a share in the benefit of the land. The domestic jurisdiction of the head of the household was to ensure the continuance of the נַחֲלָה of the family and was not intended to be a patriarchal headship. The relationship with Yahweh was bound up with the family and the land by means of the covenant so that the נַחֲלָה of the family

was dependent on obedience and loyalty to the covenant (cf. Wright 1990:109). The בַּחָלָה of the family was inseparable from the נַחֲלָה of Israel as a whole so that the stability of the nation and the well-being of the family and land were ultimately dependent upon obedience to the covenant (cf. Wright 1990:78). The prophetic pronouncements were made against economic and judicial actions that threatened the family and land and the society at large (Mic 2:2; cf. Wright 1990:104–109). Israel is Yahweh's בַּחְלָה but already present in the OT is the idea of all the nations and the earth being the *nhl* of the Lord (Ps 82:8).

# גאַל – Kinsman-Redeemer

The book of Ruth employs the term גאל in the context of Boaz's action as kinsmanredeemer (Ruth 4:4-5:8). Elimelech had sold the usufruct in a time of economic hardship and Naomi did not have the right of redemption of the land which placed her in a precarious position. The אָאֵל was supposed "to raise up the name of the deceased upon his property" by legally acquiring "the wife of the deceased" (Ruth 4:5, 10; Deut 25:5-6) and raising male children who would inherit the leadership of the family and the property of the deceased. The responsibility of the גאַל was to ensure and protect the well-being of the family as the primary obligation. Boaz accepts both responsibilities of buying back the piece of property and marrying Ruth, which was part of the responsibility of raising a male descendent for the deceased and redeeming the life of the widow (cf. Ringgren 1975:352). The acquisition of the land was not intended to be a transaction of purchase but a source of financial protection and provision for the vulnerable members of the household. The גאָל redeemed the land by buying it back from indenture or slavery, or possession and control, as an obligation to help the destitute widow (Ruth 4:6). It was the redemption of the vulnerable family member that is at stake as opposed to simply the redemption of the land. Redemption involved more than merely a financial transaction; it was essentially a demonstration of covenant loyalty and worship of Yahweh. Boaz is not merely a "conservative fundamentalist" (LaCoque 2004:135) even though he is careful to observe the Law.

The term "attestation" (הְעוּדֶה) appears again in Isa 8:16, 20, where the sense is close to the "Torah" (NRSV "testimony" and "instruction") (cf. LaCoque 2004:135). "Here the word has become more general in its use, thus following a semantic development of vocabulary toward secularization" (LaCoque 2004:135). We see a reluctance by the closer גאל to take up his right of redemption, "take my right of redemption [for] yourself" (LaCoque 2004:132). Jeremiah 32 and Ruth 4 have in common redemption accomplished through the purchase of land not as a means of personal acquisition.<sup>25</sup> Boaz proposes the redemption from its present occupants of Elimelech's land sold before fleeing to Moab with his family as refugees during a severe famine in Israel to the nearer גֹּאל. The right of redemption of the land rather than the legal transference of property is transferred from the nearer גאל to Boaz by means of taking off the sandal.<sup>26</sup> The removing of the sandal indicated that the right of inheritance was transferred, not a transference of the בְּחַלֹּה. In the case where there was no direct heir a legal transfer of the right of redemption was required. It was a ceremony that indicated not merely a transference of rights but a change of social position. "Van Gennep analyses the ceremonies which characterise individual's [sic] life crises and states: The life of an individual in any society is a series of passages from one age to another ... for every one of these events there are ceremonies whose essential purpose is to enable the individual to pass from one defined position to another ..." (Kruger 1996:536; Van Gennep 1909; 1960:2–3).<sup>27</sup> The redemption price was probably calculated by determining the number of years of usufruct that remained until the Jubilee. The focal point of the narrative is the redemption of a vulnerable family by the גֹאל and the levirate marriage to Ruth was the means of accomplishing the redemption. Boaz's marriage to a Moabite was the only possible means of assuring the family נְחֵלָה because Naomi was past child bearing age. The marriage to a Moabite would have

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<sup>25</sup> It is the heir in whom redemption is realised (Ruth 4:14–15, 21).

The language of taking off the sandal is technical language of redemption, which applies to the land but not to marriage (cf. Sakenfeld 1999:75).

Kruger (1996:536) argues that Legget (1974:57) is correct in viewing this ceremony as "a kind of release similar to the bill of divorcement, but that he could have reached his conclusion in a more convincing fashion if he approached the matter from an anthropological perspective.

placed Boaz in a precarious position if Ruth is set in post exilic Israel in light of the reforms instituted by Ezra which prohibited marriage to a Moabite (Ezra 10). Ezra favoured the peasantry and valued the "notion of Jewishness, commitment to historical particularity and the traditional rights of inheritance" (Brueggemann 2002:152). He endeavoured to restore tribal land and inheritance and to define Jewishness in terms of covenant and Torah obedience. The program of reform by Ezra was based on the vision of an alternative land and homeland, the restoration of Israel, a call for separatism and the forbidding of intermarriage with foreign women in the interest of the retention of the land (Ezra10:10-11; 44; Neh 13:23-25). Ezra endeavours to address the social order in which the poor were dispossessed of fields and tribal inheritance. Ezekiel re-appropriates the promise presented after the land distribution of Joshua (cf. Brueggemann 2002:134). The word נחלה is used repeatedly in Ezekiel 47:13–48:29 to affirm the generation coming out of the exile as recipients of the old covenant promises (cf. Brueggemann 2002:134). "The use of נחלה obviously serves to link the generation of the exile to the most formative and fundamental images of Israel's memory" (Brueggemann 2002:134). The term נְחַלָּה represents the old tribal tradition (cf. Brueggemann 2002:135).

The point of the story of Ruth does not demonstrate that a property acquisition could have a marriage clause attached to it where a man left property and a childless widow. The point of the story of Ruth is a demonstration of the redemption of a childless widow and a land clause attached to a marriage. The first reason is based on the proposition that women in the ancient period had no legal position or rights. "It is not at all certain that the woman was regarded at any stage in Israel's history as a piece of property to be inherited" (Legget 1974:242). A contrast in Ruth 4 is made between Boaz who honours the levirate law and the other אָלָל who is concerned with the purchase of the land and has no or little regard for the levirate law of continuing the name of the deceased man. In Ruth 3:9 the term אָלָל is a figurative extension of being a slave or property, implying a relationship of humility and service to a superior. 28 The

<sup>&</sup>lt;sup>28</sup> In Ruth 3:9 the term אָמָה is a figurative extension of being a slave or property, implying a relationship of humility and service to a superior.

act of redemption by the אָשָׁ is also a deliverance of Ruth and Naomi from a low social status. The reluctance of the nearer kinsman redeemer to take up the obligation may be indicative of the time of Ruth in which there was a breakdown in the function of kinsman-redemption resulting in breakdown of the social system upon which national well-being was dependent and grounded in the relationship with Yahweh. The breakdown in the social system would place Jeremiah 32 and Ruth 4 in a similar historical milieu. The act of redemption had an economic, social, and juridical implications but it also had a missional nature.<sup>29</sup>

## The relation to the New Testament

The terms τριφα and τριφα are translated with κληρονομία but also with κληρος in the LXX. The distinction between κληρονομία and κληρος is that κληρος emphasises the aspect of allotment and κληρονομία the sure and lasting nature of the possession (Kittel, Bromiley, & Friedrich 1964:760). In the LXX the terms are interchangeable, but generally κληρος is used for Israel as God's possession and κληρονομία for the permanent possession of the land as an inheritance. Israel's is God's portion; κληρονομία, the sense is obviously very different when it is said that Israel is God's κληρος (Kittel, Bromiley, & Friedrich 1964:760). Although both terms are used for the concrete portion of land assigned to Israel, to a tribe, to a family or to an individual, they are not absolute equivalents (cf. Kittel, Bromiley & Friedrich 1964:759). The term κληρος in the NT means "a rightful possession (often in the sense of an inheritance)—'possession, what is possessed is used for being made capable of having

<sup>29</sup> It has a missional nature as it is part of the unfolding of God's plan of redemption. It may also be that the episode in Ruth is connected to the case in Exodus 21:8 (פַּרָה) of the daughter sold as a maidservant/concubine. In both Exodus 21:7 and Ruth 3:9 the term אָמָה (slave, handmaid or concubine) is used.

<sup>30</sup> The word κλῆρος is found 129 times in the LXX, 62 times for גּוֹרֶל, 49 for נַחֲלָה, 11 for words of the stem פּוּר, two for פּוּר, which means the same as גּוֹרֶל, two for derivatives of the stem הַלְּק, and one each for הֶּלֶר מֶרְבֶּן and sit sit is twice rendered κληρονομία (Ps 15:5; Isa 17:14), and 4 times in Joshua its equivalent is ὅριον in the sense of the portion of the tribes.

<sup>31</sup> The LXX does not make a distinction by using the term κλῆρος for אָרָשָׁה and using κληρονομία exclusively for בַּחָלָה. The reason maybe that by NT times a distinction no longer existed between these terms.

a share in what the people of God possess" (Col 1:12) (Louw & Nida 1984:567). The LXX uses the same NT word group κληρονόμος for ירשה (Deut 3:20; Josh 1:15; 12:6– 7; Jer 32:8; 2 Chr 20:11; Ps 61:6[Eng. V. 5]; 1QS 4:24) and נְחֵלָה which obscures the semantic distinction that ירשה conveys possession and inheritance and בחלה permanent possession and inheritance. The LXX makes no apparent distinction between ירשה and as it translates both terms with κληρονομία. In the occurrences of נחלה and בחלה in pre-exilic Hebrew texts a distinction between these terms is evident in that ירשה is predominantly translated by κληρονομία (Deut 2:12; 3:20; Jos 1:15; 12:6-7; Judg 21:7; 2 Chr  $20:11)^{32}$  and נְחֵלָה by both κληρονομία and κλῆρος. In its pre-exilic occurrence נחלה is generally used for the division or allotment of the land, inheritance, a possession which has been received from an estate and for the people of God as his own heritage or possession (Exod 19:5; Deut 4:20; 7:6; 9:26, 29; 14:2; 26:18; 32:9; 1 Sam 10:1; 2 Sam 14:16; 1 Kgs 8:51, 53; Ps 28:9; 33:12; 74:2; 79:1; 94:14; 106:5, 40; Isa 19:25; 63:17; Jer 10:16; 51:19; Mic 7:18) and so it is translated by both κλῆρος and κληρονομία.<sup>33</sup> The LXX is correct in its use of the word group which includes κληρονόμος, κληρονομέω, κληρονομία, κατακληρονομέω, and συγκληρονόμος for and ירשה and ירשה (cf. Forman 2011:64). In the LXX κλῆρος and κληρονομία coincide when the form in which the Israelites took possession of Canaan, and the land itself as their own special, God-given possession, are described (cf. Josh 17:4) (Kittel, Bromiley & Friedrich 1964:759). The LXX does not reflect the distinction between and does not reflect that נחלה is used for the inalienable connection between the social unit and the land that endures in perpetuity.

The LXX uses κλῆρος for the fixed rendering of κήτ in the non-historical books of the OT (Kittel, Bromiley, & Friedrich 1964:760); in the later books there develops the idea of a κλῆρος assigned to each individual: τὸν ... σὸν κλῆρον βάλε ἐν ἡμῖν ("share

<sup>&</sup>lt;sup>32</sup> There are certain exceptions, Deuteronomy 2:5, 9 and 19, which are translated with κλῆρος. In Genesis and Deuteronomy ½; is predominantly translated by κλῆρος (Gen 31:14; 48:6; Deut 4:21; 5:31; 9:29; 10:9; 11:31; 12:1, 12; 14:27, 29; 15:4; 17:14; 18:1–2; 19:10, 14; 20:16; 21:13; 24:4; 25:15, 19; 26:1; 29:7) and relatively few times by κληρονομία (Deut 12:9; 19:14; 32:9). The LXX also uses κλῆρος in Numbers for 元ঢ়ঢ় (Num 18:21, 24, 26; 26:53–54, 56; 26:62; 27:7; 32:19; 33:54; 34:14–15; 36:2–3; 9) more times than κληρονομία (Num 18:20, 23; 27:8, 9, 10, 11; 32:18; 34:2; 35:8; 36:4, 7–8; 36:12).

thy life with us," "make common cause with us"). In the earlier historical contexts there was an interconnectedness between the social unit and the land and in later contexts a disconnectedness, rather than the use of different terms that determines the reading of κλῆρος. In comparison נַחֲלָה is used for the interconnectedness of the social system and the land and and יֻרָשָׁ for the actual possession of the land. The land can be seized but eventually it will be returned because it is Yahweh who ensures the נַחֲלָה of his people, Israel. In the exilic and post-exilic period the terms אוֹדֶל and κλῆρος came to have special significance for the rise of hope in the resurrection and applied to the portion allotted to man after death. The term אוֹדְל developed a metaphysical meaning of "portion allotted after death". In post-exilic Israel, although Ezra endeavours to reapportion the land according to the old, enduring promises, the old tribal land arrangements, a metaphysical development takes place. The interconnectedness of the social unit and land is never recovered, and the institution of kinsmen redemption is lost.

## **CONCLUSION**

There are only two clear cases of land redemption in actual operation in the Old Testament, one in Jeremiah 32 and the other in Ruth 4. A comparison was made of Jeremiah 32 and Ruth 4 in terms of the relation of יָרָשָׁה to land and the social economic function of kinsman-redemption. The relationship between these terms is that יַרְשָׁה is passed down to the next of kin of a person's family and יַרְשָׁה is used for the possession of the inheritance. The term יַרְשָׁה in Jeremiah 32 is to be understood to mean to take possession and not a transfer of ownership of the land. The land was divided according to tribal division and the stewardship of the land was given to the male who as head of the family to whom was given the יַבְּחַלָּה, permanent possession and inheritance which involved the obligation for the welfare of the household. The Israelite vision of social organisation was based on בַּחַלָּה Israel's theory of land was

<sup>&</sup>lt;sup>34</sup> Dan 12:13: יְתַעֲמֹד לְגֹדֶלְךְ לְקֵץְ הַּיָּמִין: καὶ ἀναστήση εἰς τὸν κλῆρόν σου (LXX: ἐπὶ τὴν σόξαν σου) εἰς συντέλειαν ἡμερῶν.

that it was a gift from Yahweh, a covenant partner, and for the proper functioning of the social system the אַבּאָל was integral for the preservation of the family בַּחָלָה. A breakdown occurred in Israel's social system and Jeremiah 32 presents the grief of land-loss and the promised hope of land in possession again, אַרָשָׁה, symbolised by the prophetic action of the prophet. Boaz in a time of social decline acts as אַב and demonstrates the proper function of the kinsman redemption institution receiving the promise of the future redemption of Israel by the Messiah. A relationship exists between Jeremiah 32 and Ruth 4 in that the proper functioning of social and economic systems are an integral part of the covenant relationship.

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