

**HEBREW TRIBAL ECONOMY AND
THE JUBILEE AS ILLUSTRATED IN
SEMITIC AND INDO-EUROPEAN
VILLAGE COMMUNITIES**

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Hebrew tribal economy and the jubilee as illustrated in Semitic and Indo-European village communities by Henry Schaeffer

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BY

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MY PARENTS

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Preface

The work under the above title is a supplementary volume to the eleventh chapter of the present writer's *Social Legislation of the Primitive Semites* with special reference to Hebrew Land Tenure and the Poor Laws, published in 1915 by Yale University Press. The opinion there expressed regarding the origin of the institution of the jubilee has now been reenforced, after years of painstaking study, with an array of facts tending to show that the economic features of this institution are part and parcel of Israel's tribal inheritance. In the period of tribalism the tribe and its subdivisions have a solidarity in religion, in politics, in moral and social economy. There is abundant evidence, in the early literature of Israel, of the dominance of the feeling of religious, political, moral, and economic solidarity. Anciently, the feeling of solidarity, originating in the family group, was gradually extended to the clan, to the tribe, and finally, as among the Hebrews, to the nation. Under tribal rule, society in general is dominated by a communal conception of religion and of social ethics. Tribal modes of thought concern themselves with the family group, the clanship, and the tribal group rather than with the individual as such. The rights of the individual are merged for the most part in the interests of his respective group. How can it be otherwise in a state of society where the individual can hardly exist without the help and protection of his group? If attacked by an outsider, his group will protect him, and, if necessary, exact a manifold vengeance for the shedding of his blood, the group being responsible for every one of its members. According to the old communal conception of ethics, a murderous attack upon one member of the kindred is an attack upon the whole group.

since one and the same life-blood animates all its members. Such an attack leads to group action, as illustrated by the practice of communal vengeance. Thus the law of retaliation receives a communal application on the principle of group responsibility. In like manner, the nomadic tribe is responsible not only for the personal safety of its members but also for their property. The tribe is usually identified with a certain district, which it holds in common as its property as opposed to other tribal groups. Within the assigned limits the land is common to every member of the same tribe. But security of tenure depends upon the ability of the tribe to protect its property against the encroachments of rival tribes. Invasions or predatory incursions from without, leading to the appropriation of tribal property, call for corporate action against the invaders who have violated the property rights, not of any particular individual, but of the tribe as a whole.

With the transition from the tribal stage to the settled, agricultural life of the village community, the organization of the tribe may have to undergo some necessary modifications and changes, but the inherited customs of the past remain essentially the same. For example, the old principle of group ownership is carried over almost bodily and adapted to the changed conditions of agricultural life. Under tribal rule, the group may be the tribe or any of its constituent units, such as the clan, sept, or family group; in settled communities the group is the village within the familiar shell of a cluster of homesteads, surrounded by arable and waste lands, belonging to what was originally a group of related clansmen. As in the period of tribalism the landed possessions of the tribe are held as the common property of the tribal group, so now, the agricultural village clings tenaciously to its adjacent lands as over against every other village, many of these lands being held down to comparatively recent times by the body of villagers collectively. Thus the old nomadic principle of common tribal ownership is narrowed down to the village community, with its common arable and waste lands, the sense of identity with the soil having contracted into the smaller tribal units, — the family group, the sept, or the clan, residing in its midst. But permanent geographical or regional grouping does not necessarily

involve a complete break with the past, especially in view of the remarkable tenacity of tribal customs and usages. Economically, there is a line of continuity which may be traced in all its details. Ample evidence of this is afforded by the agrarian arrangements of the institution of the year of jubilee.

The jubilee, as described in the book of Leviticus, where archaic practices are frequently preserved, reflects tribal ideas of landownership in the subjection of the individual clansman to the rules and regulations of his respective group. That the group should assert its rights over the individual in the manner proposed by the law of the jubilee is quite in accordance with analogy, similar regulations and customs being met with elsewhere. Originally, the settled village community, in its ancient and modern manifestations, is really a tribal form of agrarian society, as may be seen from a comparative study of Semitic and Indo-European village communities.

The land laws of Leviticus are strongly reminiscent, to say the least, of the old clan notions of landed property. Whatever may be said concerning the literary form of the twenty-fifth chapter of Leviticus, the fact remains that the regulations of the year of jubilee presuppose a tribal background. Full details of all the economic factors involved in our discussion of the subject will be found in the body of the book, beginning with chapter V.

Henry Schaeffer

Chicago, Illinois

Contents

	page
Chapter I	
Tribal Organization	
The patriarchal household and the twelve tribes — Household — Clan — Tribe — Nation	I
Chapter II	
Tribal Solidarity and Religion	
Communal conception of religion — The patriarchs and their descen- dants — Iniquity of the fathers — The nation, the tribe, the clan, the household have a religious solidarity	11
Chapter III	
Tribal Solidarity and Politics	
Religion and politics — The political solidarity of the tribe and its subdivisions	43
Chapter IV	
Tribal Solidarity and Social Morality	
Collective responsibility — Nation — Tribe — Clan — Household	60
Chapter V	
Tribal Solidarity and Social Economy	
The economic solidarity of the tribe and its subdivisions — Land allotted to the tribe, the clan, the household — The restoration of clan property in the jubilee — Hebrew clan customs and Amorite civilization — The term 'brother' — The jubilee aims to bridge the gap between the group ownership of the old Hebrew clan brotherhoods and the Amorite institution of private land- ownership	64
Chapter VI	
The Hebrew Village Community	
The jubilee enacted in the interests of settled, agricultural clans — The settlement in Canaan and the persistence of clan notions of landed property — Village site — Farmhouses — Agriculture — Periodical redistribution — The group as the unit of landholding — Agrarian laws — The internal administration of the village community	98
Chapter VII	
The Palestinian Village Community	
The organization of the family group, clan, and tribe — These groups have a solidarity in religion and in the affairs of common life — The sanctity of tribal blood and communal vengeance — The	

sacrificial system of pagan Arabia is based on a communal conception of religion — The autonomy of the tribe — Pre-Islamic politics — The tribe and social economy — The communal clan and the republican clan — The village as the unit of settled tribal life — Village site — Farmhouses — The custom of holding village lands in common — Periodical redistribution of arable lands — Method of communistic division preferred to holding in fee simple — The elders 119

Chapter VIII

The Babylonian Village Community

In ancient Babylonia the land belongs to the deity — The settlement of the Tigris-Euphrates valley and the tribal system — Survivals — The economic solidarity of the family group — Pre-emption and redemption — Kassite tribes — The co-existence of individual landownership with the property of the tribe in the Kassite period — Kassite villages — Common lands — The elders 152

Chapter IX

The Tribal Villages of India

Laws of Manu — Co-sharing family groups in early Aryan society — Settlement of India subject to tribal rules — Joint village of Northern India — Location of houses — Principle of equality preserved in the distribution of arable shares — Plough lands — The north-west frontier tribal villages and periodical redistribution — Improvements on the land — Pasture and woodland held in undivided commonalty — Council of village elders 140

Chapter X

Homeric Land Tenure

A boundary dispute occasioned by the precarious character of the landmarks — Common fields — Fallow land — Family property inalienable 144

Chapter XI

Roman *Ager Publicus*

Gentile system already disintegrating at dawn of history — Portion of Roman territory anciently reserved by state as *ager publicus* — Virgil — The substitution of individual for family property 146

Chapter XII

Russian Village Communities

Cossack villages — Grazing husbandry — Land regarded as common property — Periodical re-allotments — Mode of distribution — The Russian *Mir*, or peasant commune — Village houses — The village council and the distribution of communal land among the villagers — Method of apportionment — Agricultural lands subject to redivision — Meadows and their distribution — The origin and antiquity of the Russian village communities 147