



Restitution and Land Issues in South Africa: Biblical and Ethical considerations based on the Jubilee year in Leviticus 25

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Abstract

The question of land is indeed a vexing one in contemporary South Africa. White control of land and the unequal distribution thereof was one of the pillars of the apartheid system. During colonial rule and under apartheid, numerous communities were simply expelled from their land. The Land Act of 1913 had a diabolical effect in dislocating communities and separated people from their traditional inheritance and from each other. Dispossession of land by its original inhabitants in waves of incessant forced removals proved to be highly distressing and ultimately led to enduring poverty for the masses. It is important in our predominantly Christian society to atone for past ills and to redress some of the ills relating to land which were in fact human rights abuses, by considering *inter alia*, Leviticus 25 as a starting point. Thus, a Christian stance is considered to be important from both a biblical and ethical perspective as land dispossession due to inhuman laws is addressed. We are stressing the fact that only in a liberating relationship with God can we consider and apply human rights and that in African thought social issues are viewed from a communitarian perspective in which the common good takes precedence.

Keywords: Land issue, expropriation of land, restitution, Biblical principles, ethics.

Introduction

From the advent of creation, humankind has been bestowed certain rights and has several responsibilities relating to these rights. When we ontologically consider the origin of the human rights as divinely ordained, they have been applied since the first written legislative code. "During the modern epoch, discussions about man's fundamental rights and freedoms emerged in the year 1948 at New York in the meeting of the U.N. General Assembly, to adopt the *Universal Declaration of Human Rights*. The objective of the Universal Declaration of Human Rights, elaborated by the U.N. General Assembly on 10 September 1948, is to encourage the respect for man's rights and freedoms. It promotes man's personal, civil, political, economic, social and cultural rights" (Florea, 2017:3). Our existence is largely borrowed since we are created beings and a measure of freedom given to us by the Creator and we are called to obey His Divine will. We are created in His image and expected to conduct ourselves in a manner which demonstrates that we observe His commandments and act ethically as Christians. God is, *inter alia*, love, justice, liberty, compassion, and faithfulness which means that since we are created in the *Imageo*



Dei, we too, must of necessity display the same features in our daily lives and interactions with our fellow human beings. Sadly, while rights are considered to be universal, and we are born equal in rights and freedoms, not all people have the possibility to exercise these rights and many across the globe are treated in pitiful ways and glaring inequalities manifest between people. This is particularly the case when we consider the issue of land ownership.

The Union of South Africa government under the leadership of Jan Smuts and Louis Botha passed legislation termed the 1913 Natives Land Act, (Act No. 27 of 1913). In terms of this Act, while blacks were permitted to own land in native reserves which comprised a mere 7% of the land, it was nor permissible for them to own land anywhere else in the country, and neither were they permitted to conduct any share cropping (Wickins, 1981). The latter term meant that they were able to reside on and cultivated sections of white-owned farms in return for paying a rental calculated as a percentage of their various crops, but this was now terminated as a practice by law. Thus, the acquisition of land in 93% of the country was denied to blacks. The main consequence of the Act other than being landless, was that blacks became mere labourers on white-owned farms (Wickins, 1981). Those who were previously share-croppers were simply evicted, throwing them and their families into utter despair and disarray. Blacks condemned the Natives Land Act since it assaulted the core of African way of life, land, and "...allowed them ownership rights in only seven percent (until 1936) of the country. The long-term results were worse than anyone anticipated. Rapid population growth among Africans and soil erosion in the reserves (partly due to over-grazing) seriously undermined African agriculture" (Feinberg, 1993:p?).

The situation was dire and was worsened in 1932 when a governmental Native Economic Commission was established which supported segregation by arguing that blacks were in essence rural people and very different to urbanised whites (Rheinallt Jones & Saffery, 1934). It was concluded that they would be better off living in tribal reserves and be led by their own chiefs, since city life was considered to be anathema to them (Fredrickson, 1981).

Matters worsened through the 1936 Native Trust and Land Act of South Africa. In terms of this Act, blacks could acquire up to 13 percent of land in the country, but they were restricted from buying or occupying land with the exception of serving as employees of whites. This 1936 Act thus permitted white ownership of 87 percent of the land, leaving black people very little possibility of owning land in their own country (Fredrickson, 1981). When the law was promulgated, the white controlled government began the relocation of masses of black people to impoverished areas termed homelands and to inadequately planned and serviced areas near cities termed townships. Blacks were generally forcibly removed from their lands and basically became 'tenants' and millions were relocated (SAIRR, 1978). They were apportioned land in fragments that were scattered over the country and strict controls were enacted on black movement into towns and cities (Davenport, 1969) and those employed in cities were obliged to live in areas that became termed black townships or locations on the peripheries of cities. From 1950 onwards at least 3 million people were relocated after forced eviction (IDAF, 1982).

These Acts, *inter alia*, precluded blacks from owning any reasonable tract of land. It made it very difficult for them to provide a livelihood for themselves and their families. The result was the millions of people were obliged to seek employment far away from their homes (Wolpe, 1972). When they did find employment, they were invariably paid very little as they were considered to be unskilled labourers. The fact was that many were not educated, and they were scattered in thousands of farms and villages or obliged to migrate to cities and then



periodically travel back to their families with meagre support for them. In the process of all the aforesaid, huge slums developed near cities and landownership became an increasingly volatile issue (Maathai, 2010). From 1948 to 1979 more than 400 000 black people were removed from black areas which were then allocated to whites, and they were obliged to move into bantustan areas (House of Assembly Debates, 1980). In 1956 legislation was passed which effectively outlawed black tenancy. Between 1960 and 1974, about 1,500,000 tenants and their families were removed from agricultural lands and sent to Bantustans, and by 1981 there were approximately 2,000,000 blacks living on land that had been deserted by white farmers (IDAFSA, 1983).

The Native Urban Areas Act (1930, 1937, 1944, 1952, 1957, 1964 and 1971) was a portmanteau law which was aimed at clearing blacks out of mixed residential areas, mainly in Johannesburg, and relocating them to other locations. However, many “Africans evicted from backyards often preferred to move into other backyards” (Davenport, 1969:340). In Johannesburg, the South-Western Native Township (Soweto) created by the Johannesburg municipality and supported by financing from a mining house resulted in the growth of small little box houses for about 750,000 black residents. Similar areas were established outside inter alia Cape Town and Port Elizabeth (Davenport, 1969:341). The bottom line was that the policy of segregation severely restricted the power of black people in urban areas and restricted the basic human rights. For example, under the Natives Resettlement Act -1954, hundreds of thousands of black residents in Johannesburg's western suburbs of Sophiatown, Martindale and Newclare were relocated to Meadowlands in what was an act of social engineering and a new white suburb was created called Triomf (Triumph). Trevor Huddleston, an Anglican Bishop and anti-apartheid activist in his book *Naught for Your Comfort* derided apartheid laws, which were progressively systematised by the Nationalist government which was elected in by the white minority electorate in 1948. He was especially alarmed about the Nationalist Government's 1955 decision to bulldoze Sophiatown and forcibly evict and relocate all its inhabitants to Meadowlands which was about 30 kilometres away from Johannesburg. Nelson Mandela (1994) labelled Trevor Huddleston as one of the leaders of the opposition to the forced removals. Similar events occurred in District Six in Cape Town and elsewhere.

Stringent controls over the movement and residential rights of blacks were exercised through what were termed ‘pass laws’ and the Group Areas Act of 1950. The law was so severe that even Indians were prevented from moving from one province to another and they were in fact not even allowed to live in the Orange Free State province (Horrel, 1956). Coloured people by way of contrast did not face any controls and could live in any province and did not need to carry a pass at all to enable them proceed from one area to another (Davenport, 1969).

District Six was initially established in 1867 as a community of freed slaves, merchants, artisans, labourers and immigrants. By 1901, the history of removals and side-lining had begun and blacks were forcibly relocated in 1901 and coloureds were allowed to stay. District Six was declared a white area under the Group Areas Act in 1966 (which was repealed in 1991) and demolition began under apartheid and the last residents only left in the mid-1970s. “After the 1994 democratic election, claims for restitution were made by families, which had been forced out of District Six. A large number of them have been given the option to resettle in District Six, or accept financial compensation” (Cape Town History, n.d.). The Land Act was finally rescinded when The Abolition of Racially Based Land Measures Act, 1991 (Act No. 108 of 1991) was enforced in June 1991. Most people regard land ownership as being a significant provider of identity and gives them a sense of “autonomy and rootedness, an opportunity for personal self-realisation, access to the broader economy, bargaining power and social space” (Vorster, 2019:p?). The events briefly described, all played a large part in the current situation of blacks in South Africa and were the start of myriad of socio-economic challenges the country



is now facing including landlessness which still persists, huge poverty and social inequality despite the gap closing somewhat in recent decades.

Current Land Reform Issues

The current land reform initiatives in South Africa are geared to provide restitution for land that blacks were dispossessed of, and they are also aimed at reducing the still high levels of inequality (Keefer & Knack, 2002). Land Claims of people still need to be addressed by those who were forcefully separated from their homes in areas that were declared to be whites only areas, by the apartheid government's Group Areas Act and others (Kloppers & Pienaar, 2014).

Restitution, including government compensation for those forcefully removed, has not been successful, and current initiatives are now focussed on redistribution with secure land tenure so that people have control over their land which is purchased from a willing seller by the government as a willing buyer. It is then redistributed (Deininger, 1999). This policy has unfortunately not been working very well. Consequently, the government started expropriating land, but started to compensate those whose land is expropriated. Then in 2017, the government began to amend Section 25 of the South African Constitution concerning property rights. It decided to implement land expropriation without compensation. It was decided to award ownership of traditional land to the relevant communities (Merten, 2017).

This was broadly supported within the ANC, South Africa's ruling party and was based on the fact that land was previously taken by whites without just compensation. The South African government set aside R60 billion for land reform projects since 1994. Despite this investment, the land reform programme has not boosted development in the selected rural areas. A 2017 government audit found that 72 percent of the nation's private farmland is held by white people, who make up only 9 percent of the total population (The Washington Times, 2018). Thus by 2018, the government began the process of taking some white-owned farmlands. In February 2018, Parliament passed a motion to appraise the property ownership clause of the constitution to permit for the expropriation of land without compensation to those living on it or owning it (Minutes of Proceedings of National Assembly. No 3 of 2018, 27 February). All land restitution initiatives should provide opportunities for especially black people and strive to eradicate the gross imbalances of the past.

Value of land ownership and some African perspectives

Land is critical to people for a variety of reasons. Land is considered by some to be a bequest from God.

Others view its ownership as property passed on by ancestors. For some, it is a necessity for prosperity to result in their lives and is viewed as a sacred personal space with which they identify and have a sense of history, belonging and deep roots. For others, it is a means of obtaining money through a sale or through leasing it to others. It is of course extremely important for food security for a country.

For the Voortrekker settlers, they mostly considered the Israelites and their ordeals and believed that land was endowed to them by God as their 'Promised land'. It was thus their task to conquer the land and forcibly remove the inhabitants. The British colonisers viewed their colonisation as being a self-aggrandisement exercise but it was additionally a missionary enterprise to spread Christianity to the agnostics of the world (Vorster, 2006).

Traditional communities in South Africa believe in the spiritual and material realms, ancestors, spirits and living beings and all are deemed to be part of one interactive reality. Land is considered to be an inheritance from God who provides land to tribe or ethnic grouping



(Vorster, 2006). Ancestors are guardians of families and their possessions including land (Nel, 2018) and the bond between a group and their land is very sacred (Vorster, 2006). Unfortunately for millions of blacks in South Africa, it is also symbolic of dispossession and inhumane social alienation (Vorster, 2019). The government of South Africa clearly has a challenging, but essential responsibility of ensuring that land reform is promptly addressed in order to meet the socio-economic and developmental needs of all people, especially those residing in rural areas (Makhado & Masehela, 2012). To this end the South African government has demonstrated a commitment to eliminate the inequalities and injustices of the past and has introduced a comprehensive land reform programme which has a strong constitutional basis of three pillars namely, restitution, land redistribution and tenure security. (Kloppers & Pienaar, 2014). Land alienation on a perpetual foundation would fly in the face of the notion that land is given to people by God.

Furthermore, from an African perspective each person in society is dialogically related to other people, and kinship relationships play a critical role in daily living. From a social thesis point of view, individuals are not important and the community is the locus of deontology (Wiredu, 1992). A person arrives at the state of personhood depending on the manner in which they contribute to the common good. All arguments about morality and reason in African indigenous societies occur within the space of traditions (Coetzee, 2000).

There is a sense of corporate relationship which manifests in the African community and this must be maintained, or fragmentation and devastation occur. Mbiti (1969) suggests that the majority of African people recognize that God is the final judge of all ethical and moral issues and He is also the definitive custodian of necessary law and order in society. Thus, when whites 'broke the law 'so to speak by imposing apartheid, this condemned the collective body of society.

Magezi and Khlopa (2021) cite Magezi (2017:116) who suggests "a shift from traditional ubuntu to liminal ubuntu that entails Christ as the bond for all humanity. The Christ bond promotes inclusiveness, responsibility and moral duty, values, and accountability to public structures, among others. It entails transcending the boundary of community and relationship that is often defined by blood relationship and geographical location in popular and general ubuntu discussion." The community can and should develop into a healing community where agony and broken hearts become possibilities for a new vision of sacrifice and love towards others including erstwhile antagonists (Kholopa, 2016).

Menkiti (1984) argues that in an African perspective the community defines the person as a person and not any isolated static quality of rationality or even will or memory. He also says that personhood is something that a person needs to strive for which implies that individuals could fail in such an endeavour (1984:173). Nonetheless all people in African societies are intrinsically communal in orientation and they do not live in isolation as they are generally all united through interpersonal relationships (Mbigi & Maree, 1995). Dickson (1984:p?) relates "it is commonplace that the sense of community is strong in Africa".

Radebe (2019) states that the 54th national conference of the African National Congress in South Africa determined, amongst others, to review the country's constitution so as to enable the government to carry out land expropriation without compensation to current owners. This resolution faced an assortment of contestations, ranging from the question of the original ownership of the land to that of ownership based on title deeds. He argues that the contestations appear to have been premised on an understanding of identity as fixed, and of land as being a commodity. There is clearly a need for a new Ubuntu spirit-drive to reconcile South Africans and bring needed stability to the country.



Mokgoro (1998:p?) states that “The values of ubuntu, I would like to believe, if consciously harnessed can become central to a process of harmonising all existing legal values and practices with the Constitution. Ubuntu can therefore become central to a new South African jurisprudence and to the revival of sustainable African values as part of the broader process of the African renaissance.” The philosophy of Ubuntu clearly motivates the behaviour of Africans towards each another and also towards those of foreign extraction with whom they live in society; and its fundamental sense representing notions of personhood, compassion, humaneness and morality is the essence of being human as promoted in Christianity and evidenced in the teachings of Jesus Christ and the Holy Scriptures.

A Christian perspective

The Holy Bible supports the notion of property rights. Personal land ownership of private property is fundamentally important to a person’s capability to express their best possible nature as a reflection of being created in God’s image. Property rights are also vital for personal and national prosperity. The Holy Bible informs us that God is the definitive proprietor of the earth and all that is in it. He calls on all individuals to be stewards of His creation: “The earth is the Lord’s, and all it contains, the world, and those who dwell in it” (Psalm 24:1). There are of course ethical values that are theologically basic and implicit in the Old Testament and its principled teachings concerning land.

God has basically made us custodians of that which is His. He is the proprietor, and mankind, who, is created in His image as is expressed in Genesis 1:26–28:

“Then God said, ‘Let Us make man in Our image, according to Our likeness; and let them rule over the fish of the sea and over the birds of the sky and over the cattle and over all the earth, and over every creeping thing that creeps on the earth.’ God created man in His own image, in the image of God He created him; male and female He created them. God blessed them; and God said to them, ‘Be fruitful and multiply, and fill the earth, and subdue it; and rule over the fish of the sea and over the birds of the sky and over every living thing that moves on the earth.’”

We are bound to serve God ethically in how we deal with others and His creation and need to strive to serve our brothers and sisters who are downtrodden. Evdokimov (1995:p?) states: “Liberty has to do with the spirit, with the person. When the spirit or the person is lifted (elevated), at the end of the road he does not wish for anything else but good and truth”.

This is important when grappling with the idea of property rights because there are numerous fundamental principles we must consider if we wish to take a stance on the issue of land ownership. The issue of Property rights and the management of land took numerous forms in Biblical periods. In Numbers 32:22–29 and also in Joshua 18:1, Israel is instructed to placate the land of Canaan to serve Israel who are His individual stewards. God thus gave land to individuals, but He also passed down the Decalogue as a guide for ethical living. In Exodus 20:15 it is clear that if people own something it can possibly be stolen, but then we are instructed not to steal. In Exodus 21:29 we are urged to be responsible owners of property that is ours and not that of other individuals or groups. After all, all belongs to God: “Behold, to the Lord your God belong heaven and the highest heavens, the earth and all that is in it” (Deuteronomy 10:14).

Millions of Black South Africans, like the Aborigines of Australia, the Maori of New Zealand and the indigenous peoples of the Americas and various other indigenous tribes across the globe, lost their land during violent confrontations with white colonial settlers who were supposedly spreading the Gospel. Colonial governments of course used and abused the Church as a tool to mask their ultimate colonial ambitions. Nonetheless, given that in terms of



Christianity all people are created in the image of God, this should form the basis of the responsibilities they have and guide them into the future as well As for those who come off to them (Moltmann, 1977). Whatever we do should take into account the principle of love, and all our interpersonal relations must be driven by love. This is the bond between human rights and Christian ethics (Florea, 2017). In any event as people of God's nation we are to respect and love our fellow human beings at all times (Nicolaidis, 2010).

Fee (1991) asserts that in the New Testament there is a strong sense of continuity with Israel, and a basically corporate nature. He states that "the New Testament knows nothing about individual 'saints,' only about Christian communities as a whole who take up the Old Testament calling of Israel to be 'God's holy people' in the world" and this is communally oriented driven, living in which we are called to love our neighbours.

For any act to be ethical, it must be driven by a person's love for the Creator. Every person's very existence, actions in daily life and disposition must be grounded on the love of God because he is the one whom our lives should revolve around because God is righteousness itself (Babcock, 1991). We are called to be dutiful to His will; furthermore, people have a duty to do the will of God because His will is our deepest will too. Augustine argues that for people to become honourable, prudent and sacred in eternity like God, they must seek to grow in virtue, understanding and above all love (O'Donovan, 1980).

The story of Naboth's vineyard, a land issue - which is found in 1 Kings 21 and also discussed in 1 Kings 22 and 2 Kings 9 -10, is one of the key texts. In this story the most important lesson of Naboth's vineyard is that there is finally only one type of injustice and Ahab's iniquities come down to a singular issue of injustice in that he fails to honour God and loses sight of God as a God who is just by coveting and taking the land of others. The biblical narrative while being a case of an abuse of power, also speaks to collusion by agents and also economic considerations concerning land issues. Naboth, like the black population in South Africa, was an innocent man and a victim of greed and he was powerless to stand against Ahab. There were definitely no checks and balances, or room for any type of appeal to be made. (Shamase & Nicolaidis, 2022).

Theology should guide us to comprehend that there is a close relationship between the land and what one's forefathers leave for future generations. The fury of God on those who forcefully take the land of others was demonstrated when God pronounced a judgement in 1 Kings 21:19, which was ultimately fulfilled in 1 Kings 22:37-38 (Resane, 2015). While Naboth's life could not be restored, justice manifests itself but more importantly repentance, forgiveness and reconciliation are the products. Ahab took bad advantage of his position of authority and used it to acquire what he wanted through greed, and by force of arms (Shamase & Nicolaidis, 2022). It is clear that no person will have any exemption for the manipulative pursuit of land or its "inheritors!". We read: "11 But the meek shall inherit the earth; and shall delight themselves in the abundance of peace. 12 The wicked plotteth against the just, and gnasheth upon him with his teeth. 13 The Lord shall laugh at him: for he seeth that his day is coming" (Psalm 37:11-13). Also in Matthew 5:5 we find "5 Blessed are the meek: for they shall inherit the earth." God envisioned the earth and with all in it for the use of all peoples. Consequently, we need to be cognisant of the fact that all we possess is also common in the sense that what we have should also be able to benefit us and also others with whom we interact (Shamase & Nicolaidis, 2022).

It is evident that when people attempt to commodify creation, they willingly or even involuntarily contribute to its demise. Nonetheless creation is God given and received by people who are its custodians. We are called to rather be "submitting to one another in the fear of God" (Ephesians 5:21) and not to seek self-aggrandisement. Moses instructed in the



Torah that: "Thou shalt not covet thy neighbour's house, thou shalt not covet thy neighbour's wife, nor his man-servant, nor his maid-servant, nor his ox, nor his donkey, nor anything that is thy neighbour's" (Exodus 20:17).

Morality is entrenched in the humility, charity and unity of the triune Godhead. Those who perpetrate human rights violations need to seek after the Truth rather than self-aggrandisement. Augustine argues that If we say we are Christians and confess that Christ is the Son of God but do not adopt him as such, and do not love our fellow human beings, we become arrogant like the demons who have knowledge of Christ but do not love him at all (Augustine, 1983). Humanity should embrace the *Decalogue* (Ten Commandments) in order to ascertain what is right and what is wrong and live life accordingly. Love must of necessity be evident in all our dealings with people (Matthew 22:34-40). "Man is meant for an existence according to the Trinitarian model (the communion of love) with God and his fellows, to observe one's neighbour's rights and to promote his freedom is a genuine humanist act in its Christian sense, a perfecting act" (Zizioulas, 1978).

Baloyi (2022:) informs us that:

If God wanted people to be landless He would not have placed them on land and instructed them to subdue it (Gen.1:28). The creation was all perfect when the inclusion of human being placed on the land was part of the creation story. In other words, the statement that it was very good in Genesis 1:31 was vocalised after the placing of human being on land was included as part of the plan of God. The author's interpretation is that the creation story is incomplete or imperfect without the man being given the land to subdue it. For that reason, it became a painful part of history when human beings were expelled from the allocated land after the disobedience of Genesis 3.

Ethical dilemmas should be faced with a pervading sense of Christian realism so that we do not exacerbate wrongs by imprudent actions. The Holy Bible is in any case replete with instructions from God on how we should treat other human beings, for example we are called to protect the rights of widows, orphans, the poor in our communities as well as strangers (see *inter alia* Leviticus 24: 22; Isaiah 1:17; Proverbs 22:22; Deuteronomy 25:4). Interestingly, St. Thomas Aquinas asserted: "In like manner a rich man does not act unlawfully if he anticipates someone in taking possession of something which at first was common property, and gives others a share: but he sins if he excludes others indiscriminately from using it" (Aquinas 1981). This suggest we should allow others to reasonably use land as needed. Thus, land is considered to be common, despite it being privatised.

The Jubilee Year

The social laws of the Pentateuch (*Torah*) motivate notions of equality, independence, freedom from all oppression and exploitation, and generally a good life of high quality for all. It was common practise for Ancient Near Eastern societies to have periods when debts were voided. The Jubilee year was an extension of the Sabbatical year so that instead of waiting for the 50th or 49th year, the Deuteronomic Code (Deuteronomy 15:12) required that Hebrew slaves be set free during their 7th year of service. In the Year of the Jubilee which came about every 50 years there was a releasing of people from all their debts as well as the release of slaves and the returning of property to people who owned it previously. It was a year also dedicated to resting and families could spend more time together. The Jubilee year was announced by the blowing of a shofar (ram's horn) which indicated its commencement (Numbers 36:4). This was "a trumpet-blast of liberty" (ἀφέσεως σημασία) according to the Septuagint.



It was a period when people were emancipated from slavery and released from their debts thus giving them an opportunity to start the forthcoming year afresh. Every Jubilee was to incorporate the return of land to the families that owned it previously. Therefore, property sales were a sort of leasehold agreement which ended at the following Jubilee when people could once again enter their ancestral land.

Exodus 20:17 informs us that: "You shall not covet your neighbour's house; you shall not covet your neighbour's wife or his male servant or his female servant or his ox or his donkey or anything that belongs to your neighbour." By taking land that belongs to others we are coveting and taking for ourselves what rightfully belongs to another person. In the Old Testament period, the patriarch legitimately owned the land of his ancestry because he and his clan held it from God. In Leviticus 25: 23, God's authority over land is clear: "The land shall not be sold in perpetuity, for the land is Mine; for you are strangers and sojourners with me". Thus, in Leviticus 25:23-28 we find the principles and guidelines for the inalienability of family land. God gave his people a perpetual bequest, and the right to offer property for sale. In the Old Testament period when one became impoverished and was obliged to sell his land, it had to be transferred by way of land recovery by someone saving, through the subsequent recovery by the seller himself when he had the ability to do so.

It is important for us to note according to Hebrew beliefs that God is the owner of everything. Consequently, whatever He gives to people such as resources, farming land etc, all belong to him. So, the jubilee year was in a sense a dedication to God, acknowledging that he would ultimately provide for the needs of his people. From an agricultural perspective the institution of the jubilee rest period was important as he also gave time for land to recover which would ultimately lead to improve harvests in future years. In Leviticus 26, It is conceivable that the Israelites went into captivity because they failed to observe this important rest period. Kaiser (1983) asserts that the effect of the Law was to give owners some private property while preserving the permanent common inheritance of the people of God. We also see here in terms of the Old Testament that there is no opportunity for property to be privately owned because God is the owner of all. In fact, in the New Testament and especially in the Gospel writings we find numerous warnings about property and riches which stress that we should be empathetic and sympathetic by voluntarily using our property and wealth for the good of others in society.

The Jubilee year posed some problems in land transactions and aspects like banking, as is evident from Leviticus (25: 15-16). Everybody was nonetheless expected to have some opportunity to produce goods, as this was not the preserve of only an elite group in society (Leviticus 19: 9-10). Unfortunately, numerous wealthy entities were not willing to accept what in their minds were dire economic and social implications that could arise due to the implementation of the Jubilee year (Wright, 2006). Leviticus speaks of holiness which is important for the sake of a community that wishes to prosper. It is also important when people wish to reconcile with each other and God. For one to be holy one needs to think carefully about what one does and how this is likely to affect other people and the work they do. Jesus Christ teaches us that we should be perfect role models of neighbourly love because our Father in heaven is perfect (Matthew 5:48). People have a collective responsibility to care for the welfare of all in society and when one does harm to others, a simple apology is definitely insufficient towards making the wrong thing right. When people have been harmed, the offenders should do all that is needed to right the wrongs and the often-huge distress they have caused their victims. Offenders need to do everything in their power to reconcile with fellow human beings since this is the only way the relationship with God can be restored. An offender might not be able to undo all the damage of sentence committed but they should do as much as they can. Social biases are contrary to the word of God.



What are the implications for us today? From a theological perspective the story of the Jubilee makes it abundantly clear that God owns everything and that we are obliged to be obedient and trust fully in him since He provides for us (Wright, 2006). A solution needs to be found to assist black people in South Africa today who still face economic calamity and a wide range of social ills which have at least some links with the oppressive past under apartheid. Economically speaking the Jubilee was in a sense a societal critique against excessive privileged accumulation of land and wealth, but it was also against nationalisation and collectivism because families should ultimately have a chance and resources to provide for themselves. Where gross human rights have been violated we need to work hard to change the systems and structure of society so that it effectively reflects the holiness of God.

Jewish law as is evidenced in the Torah promoted the notion that the welfare of all people is far more important than inhuman and oppressive controls created by selfish individuals or groups. The Torah, the five books of Moses, is an all-inclusive scheme for a fair and justice laden society. The Ten Commandments (or Decalogue) are still very important to adhere to as they are the basis of righteous behaviours and thus a guide for treating people ethically and with justice. Every Hebrew family had its own plot of land, and all land was fairly apportioned. A family had the right to work on their land and to pass it on to their heirs. Every seventh year was a Sabbatical year of rest and the produce of the land was freely distributed to others in society at no cost. In the Jubilee or fiftieth year servants were released from their labours and were able to return to their hereditary properties as free men. They could make a living off their land. Land was not permitted to accumulate in the hands of a mere handful who could use it to oppress and exploit the masses. Where such injustices have existed and exist in the world, internal decay and destruction invariably result (Davidmann, 1996).

Moving forward

Masenya and Ramatswana (2015) argue that the issue of “land” in South Africa remained a political and emotive one as the country reached the centenary of the Native Land Act of 1913. The latter Act was aimed at limiting blacks their rights to land. Even today, the majority of black South Africans are still awaiting the fulfilment of the promise for the Promised Land.” Gibson (2009) states that there is a belief that land is an irreconcilable issue because of a clash of cultural values that rest on the values of individualism and communalism in Africa, whereas in Western thinking, land rights are grounded on liberal individualism and individualistic values. In Western thinking, land ownership is exclusive, whereas in African Society, it is inclusive and communitarian and local chiefs may be trustees (Asabere, 1994).

The Holy Bible demonstrates clearly principles from both Judaism and Christianity which echo the practices of indigenous cultures and their philosophical stances such as, inter alia, Ubuntu, Harambee and Nyayoism when it comes to dealing with people fairly and with a spirit of care. The current Western approaches to land issues do not align in all ways with Biblical teachings. The National House of Traditional Leaders (2018) views land as an ancestral inheritance to the traditional communities. They also maintain that they should be the custodians of land which greatly resembles the notion of the Jubilee year. There are some who uphold that there should be expropriation of land without any compensation paid because the dignity of rightful owners who are now dispossessed must be restored. In the indigenous religious space, land is considered to be divine gift and thus many blacks maintain that their land is an inheritance from their ancestors. “The sacral bond between land and people cannot be alienated. Dispossessed land should therefore be returned to its rightful owners” (Vorster, 2019).

Viewed legastically, people do have rights over land notwithstanding the belief that land is a gift from God and it is not the preserve of only a few people, because all are created in the *imageo dei*. This does however call for impartial treatment and respect for the equal dignity of all people including past and current owners of land. Bruegemann (2002) advises that caution



must be exercised when dealing with such issues as there may well be unscrupulous role-players who use land issues to unduly enrich themselves. Having said this, in terms of Section 25 of the Bill of Rights, and Act 126 of 1993 and its amendments in 1998 and 2008 – the Minister of Rural Development and Land Reform accepted that any person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices should be entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress. (Keep & Hall, 2016).

Verhoef and Rathbone (2015:169) argue that:

A more encompassing ontology of land (by the farmer, the claimer and the state) –informed by theologies of creation – will lead to a much more responsible approach towards land redistribution throughout the process. An example of this is evident in claims where the development of the land as agricultural resource and cultural heritage is respected. In cases like these, current owners of agricultural land and communities that laid claims for the land, work together in a process of training, development and respect that service the purpose of production and justice.

A related but critical point on land redistribution is raised by Kepe and Hall (2016:11):

Land redistribution used to involve one process of land acquisition – land passed directly from private owners (sellers) to beneficiaries (buyers, with state support). Since the advent of PLAS, acquisition of farms by the state is a separate process from allocation of land to beneficiaries. In many cases we have found that the state has managed to spend budgets and acquire hectares – but not to redistribute the land to beneficiaries, or to conclude leases on the land. In this sense, the delivery data on ‘redistribution’ may not refer to land that is redistributed, but rather to land acquired by the state. What remains to be seen is how much of the land acquired by the state has in fact been redistributed.

The same researchers state that land redistribution is moving very slowly and that the rate of delivering access to land has degenerated because available funds have been diverted to purposes excluding acquiring land and securing rights. Furthermore, there are many other considerations. For example, *inter alia*, when beneficiaries are given land they need to be far more productive or land should only be given to people with skills and ability to produce or to commercial strategic partners to farm. Should land be given to the rural poor, skilled individuals or those who have been dispossessed? What of women receiving land and entrepreneurs? What types of farming should be conducted? Where is land to be redistributed? The market, state officials, or rural communities themselves? What of land value and the notion of ‘just and equitable’ compensation be defined? What rights should exist over land? etc. (Kepe & Hall, 2016). Land restitution should ultimately commence with state-owned properties which comprise the bulk of the land in any event.

Vorster (2006:689) suggests that:

The issue of land reform is a sensitive topic of current interest. Land reform has the potential to develop into national and international conflict, not only if it is not addressed, but also if it is addressed wrongly. Christian ethics can shed light on the solution of this problem by minding us that the ownership and the use of land are deeply related to humankind's calling to



stewardship. Ownership and stewardship are two sides of the same coin. Land restitution is essential in countries going through a transition from an unjust past to a constitutional democracy. The purpose of this restitution should be to redress the injustices of the past and to build a peaceful, prosperous, and reconciled society.

Land is an imperative issue that clearly impacts on the human rights of many people globally. For many it is a source of income and is fundamental to basic economic rights. Land is of course also intimately interconnected with peoples' identities, and their social and cultural rights. Possession of land invariably affects efforts to reduce poverty, food insecurity and community development; efforts at maintaining peace and stability, urban and rural planning and additionally causes serious socioeconomic polarization in cities. Ubuntu is generally aligned to Christian teaching on how to deal with strangers and kinsmen and women, but despite the numerous links between Ubuntu and Christianity, Ubuntu is not perfect and "...should be transformed by Christianity to embrace an ubuntu that views people as connected by the bond of Christ, which provides a perspective where one should view all humanity as their neighbour and community" (Magezi & Khlopa, 2021).

Conclusions

The forced evictions of millions of black people in South Africa by the ruling minority under apartheid, resulted in people being homeless, landless, living in extreme poverty and destitution. Considering land redistribution and restitution in the biblical times the Israelites recognised the Jubilee Year or the Sabbatical year as in Leviticus 25 and Luke 4:16-30 as being periods of pride and happiness, a time of atoning for past wrongs. Leviticus 25:10 states it should be a joyous time of pronouncing liberty throughout the land and to all the people. It is in the same spirit that land should be restored to entities that were dispossessed during apartheid in South Africa. However, whatever is done should not compromise the security of others, but rather promote a sense of sharing, inclusion and above all be carried out responsibly. Thus, a drive of an ethical and equitable property rights should be sought which means that no single individual or groups of people should benefit at the expense of the broader community. An Ubuntu spirit is needed since Ubuntu aligns with Christian life in biblical times and is pervaded by a deep sense of kinship which directs the life and thoughts of individuals and society. It regulates social relationships and defines the behaviour of one towards others. In Africa, kinship is based on an extended family and land and possessions are passed down through the ages to following generations. It is not like the Western nuclear family. We all belong to God as our heavenly Father, and to each other as brothers and/or sisters and need to respect each other.

Land clearly has huge emotional and religious attachment to African people, and this implies that theology cannot be left out in the issue of land; in any case, the struggle for land is a struggle for justice because these two are linked (Mlambo, 2020).

We are expected to live redemptively. We must strive to be cognisant of the needs of our fellow South Africans and as far as possible assist them to be freed from the servitude that immoral land grabs of the past has placed them in, in perpetuity. The time of Jubilee taught the Israelites that they were eternally dependent on the grace of God. Given this model, we are also expected to be gracious towards others. It is essential to recognize that to live redemptively, is to live life in truly Christian manner so that we bring respite to others. St. Paul teaches us that we should also live to serve others and help to diminish their burdens (Galatians 6:1-ff). From a Christian ethical perspective, "man's capacity to be a subject of the liberty or of law is given by man's quality of being a person, namely, to have openness towards



the other, the openness of a social being” (Evdokimov, 1995), and in African terms, a spirit of *Ubuntu*.

The Jubilee year as proclaimed in Leviticus is an important example for South African situation. It is time to redress the past wrongs relating to land acceptably and amicably. The minority that has advanced itself at the expense of the majority must be conciliatory and support those who were dispossessed in their efforts to regain their lands. All South Africans should strive to live in fellowship with one another in a spirit of reconciliation towards the socio-economic benefit of the community in general. Clearly, redressing inequalities concerning land ownership does not mean that all people should simply be given land. It should be given specifically to those from who it was taken. However, all citizens should have the right of access to land and ethical standards must be utilised in all land distribution initiatives failing which other problems may arise which compromise the society at large. Consequently, fair compensation must be paid to those whose land is taken. Resane (2015) calls for an inclusive approach when addressing the sensitive issue of land redistribution because there is evidence that the processes of land are often frustrated by a lack of appropriate consultation with all the interested parties, including both black and white people in South Africa.

One cannot penalise current generations for what some of their forefathers have done. Nonetheless, “The eternal jubilee will make all things new, especially a completely new social order of freedom and bliss (Revelation 21:23—22:5). The evils remedied by the Jubilee Year were debt, slavery, destitution, and exhausting toil (Ross, 2002). It seems that indigenous approaches to land use resound strongly with Judaistic and Christian holy scriptures and more so than do the Western legal precepts. We need to carefully consider that land remains a critical element in the post-apartheid context given that New Testament contains rebukes concerning property which stress that there should be voluntary use of property for the good of others (Wright, 1995).

After the ANC's electoral victory, President Mandela explained that the end of an era had come and a new one was beginning, but has it dawned yet? The right to personal property is fully reinforced by the Word of God. Christianity must always be characterised by believers having humility, spreading love and supporting unity as it was proclaimed and revealed by Jesus Christ and do so publicly and in all their actions. We must thus continually and reliably live in the knowledge of what God has done for us through Jesus Christ; and as we truly understand our redemption, we will become predisposed to be redemptive towards all others with whom we come into contact in our lives. The restitution of land to those dispossessed and solid property rights for all citizens represents a fundamental part of nation-building and is essential in the desire to forge a unified and strong socio-economic South Africa. After all, as people of God, we must cast off all kinds of injustice, discrimination, indifference, self-interest, and apathy and embrace the unity that God calls us to as His people.

Jubilee in the New Land Structure?

The ultimate land ownership structure is seen to come up in the final inheritance where the Land Owner is calling on us to LOVE ONE ANOTHER irrespective of continent, country, race, society, city, town, village, etc., We can be sure that the whole earth (with its various elements) can fit into the final land structure ready for occupation. Divisional structures with the characteristic power, kingship, must be absent. The human anger, pain, sadness, must be absent. The white, black, brown colours must be absorbed into one GREAT COLOUR, the people of God. The Jubilee is thus endless – forever and ever. So, the call is to fight the good fight with all thy might!



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