

THE SPIRIT OF JUBILEE

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The Jubilee texts of the Hebrew Bible call for debts to be forgiven and slaves freed every seven years and for farmland to be restored to families every fifty years. Tightly interwoven into the legal, narrative, and prophetic vision of the text, the Jubilee tradition stands as a crucial and authoritative vision of socioeconomic justice for multiple religious traditions. Yet the American legal system, which purports to draw on its religious heritage for inspiration and moral authority, has not fully drawn on the Jubilee tradition for a contemporary vision of equality and justice. This Essay seeks to spark a new conversation in a small corner of the room. I pull together the Jubilee tradition from various texts in the Hebrew Bible and argue that the Jubilee represents a distinct and fundamental narrative in the text. I conclude that a jubilee goes far beyond debt forgiveness alone: a jubilee is a generational redistribution of the private property most central to economic creativity, to ensure equitable opportunity for every community. I then show how the Jubilee texts have inspired and encouraged American socioeconomic justice movements from independence to abolitionism to forgiveness of debt. Finally, I argue that while the Jubilee ideal of forgiveness of debt and restoration of land cannot be implemented literally in modern economies, the spirit of Jubilee calls for broad, sweeping reforms to ensure equal opportunity in contemporary economic life — a Third American Reconstruction.

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*At last! The tracks of liberty
 advance on blackened clay.
 Its citizens aspire to
 a higher doom today.
 The bugle sound on rebel ground
 proclaims the captive free.
 It's here! The Year of Jubilee!*

INTRODUCTION: AN AMERICAN JEREMIAD

The Jubilee texts of the Hebrew Bible call for debts to be forgiven and slaves freed every seven years and for farmland to be restored to families every fifty years. Tightly interwoven into the legal, narrative, and prophetic vision of the text, the Jubilee tradition stands as a crucial and authoritative vision of socioeconomic justice for multiple religious traditions — most directly Jewish and Christian, but indirectly the Muslim and Bahá'í faiths as well, both of which lay claim to the Abrahamic tradition. Yet the American legal system, which purports to draw on numerous religious traditions for inspiration and moral authority, has not fully drawn on the Jubilee tradition for a contemporary vision of equality and justice.

We have not always been so forgetful. As I'll uncover,¹ Americans have turned to the language and symbols of the Jubilee repeatedly across four hundred years during tectonic struggles for liberty, abolition, and civil rights, both domestically and globally.

The time may be ripe for a fresh look at the Jubilee. For the Catholic Church, the year 2025 is a Year of Jubilee focused on the theme of *hope*.² In the United States, wealth inequality has reached dramatic levels last seen during the Gilded Age,³ even as Americans struggle under unprecedented levels of educational and medical debt.⁴ The need to shift to a new economy

¹ See *infra* Section __-__.

² See Francis, Bishop of Rome, *Spes Non Confundit*, Bull of Indiction of the Ordinary Jubilee of the Year, 2025 (May 9, 2024).

³ See, e.g., K. Sabeel Rahman, *From Economic Inequality to Economic Freedom: Constitutional Political Economy in the New Gilded Age*, 35 YALE L. & POL'Y REV. 321 (2016); Estelle Sommeiller & Mark Price, ECONOMIC POLICY INSTITUTE, *The New Gilded Age* (July 19, 2018), <https://www.epi.org/publication/the-new-gilded-age-income-inequality-in-the-u-s-by-state-metropolitan-area-and-county/>. Today's renewed focus on inequality as a political and legal touchstone can be traced both to popular movements like Occupy Wall Street and to scholarly works like Thomas Piketty's *Capital in the Twenty-First Century*. See, e.g., Rahman, *supra*, at 324.

⁴ See, e.g., RICHARD FRY, PEW RESEARCH CENTER, YOUNG ADULTS, STUDENT DEBT AND ECONOMIC WELL-BEING (2014).

built on a warming planet presents both labor and capital with a transitional challenge that humanity has never before faced.⁵ None of this is ordinary. Yet one of the core features of the Year of Jubilee is that it is extraordinary. Unlike the Bankruptcy Code,⁶ which is limited to a case-by-case model,⁷ the Jubilee is a generational reset — once in a lifetime.

While most commentators think of a jubilee as a celebration, associated chiefly with the forgiveness of debt, a more fulsome reading of the Hebrew Bible reveals that a jubilee is better seen as a *reconstruction*. Understanding the Jubilee through that lens can help us appreciate what the Jubilee has meant to various legal movements across American legal history, as well as imagine what it might inspire today. By engaging in this discussion, I hope to contribute to several scholarly literatures — law, religious studies, biblical studies, history, and political theory — as well as to provoke a new conversation about the role of religion in American public life.

Let me add an important caveat, speaking as an American and as a Christian. For some readers, opening a sacred text seems a natural response to dark times. For others, scripture — perhaps especially Christian scripture — is cause for suspicion, even alarm. After all, terrible things have been done in the name of the Bible, including persecution, oppression, slavery, and genocide. Christian militants have carried the banner of Christ into unholy battles throughout history, from the Crusades to the Confederacy.⁸ For me,

⁵ See, e.g., Mike Haddad, THE ECONOMIST, *The Energy Transition Will Be Expensive But Not Catastrophically So* (Oct. 5, 2022), <https://www.economist.com/special-report/2022/10/05/the-energy-transition-will-be-expensive>.

⁶ 11 U.S.C. §§ 101 *et seq.* [hereinafter the “Bankruptcy Code” or the “Code”].

⁷ Professor David Skeel lists this kind of specificity as one of four requirements of bankruptcy. Indeed, in the recent *Purdue Pharma* case, the Supreme Court clamped down on efforts to extend bankruptcy’s protections to related entities, by ruling that the Bankruptcy Code does not authorize nonconsensual third-party releases of non-debtors. See *Harrington v. Purdue Pharma, L.P.*, 603 U.S. 204, 226 (2024). As Skeel notes, some scholars have proposed multi-firm bankruptcy procedures, something that gets closer to the scale of a jubilee. *Id.* at 2223 n.18; see Marcus Miller & Joseph Stiglitz, *Bankruptcy Protection Against Macroeconomic Shocks: The Case for a ‘Super Chapter 11’* (Apr. 16, 1999) (unpublished manuscript).

⁸ Today, a toxic brew of Christian iconography and nationalism continues to boil over into the American public square. Insurrectionists waved Christian flags and hoisted crosses at the attempted coup at the U.S. Capitol Building on January 6th, 2021. See, e.g., Elizabeth Dias & Ruth Graham, N.Y. TIMES, *How White Evangelical Christians Fused with Trump Extremism* (Jan. 11, 2021), www.nytimes.com/2021/01/11/us/how-white-evangelical-christians-fused-with-trump-extremism.html. Christian nationalists in the tradition of theologian R.J. Rushdoony advocate for a religious takeover of “seven mountains” of society: family, religion, education, media, arts & entertainment, business, and government. See LANCE WALLNAU & BILL JOHNSON, *INVADING BABYLON: THE 7 MOUNTAIN MANDATE* (2013). Christian nationalism resurgent has staked its claim to scripture. As the theological dogfight continues, no one knows who controls the skies.

this imperial vision of Christianity cannot be reconciled with the call of Jesus, whose entry into Jerusalem on the back of a donkey demonstrated that he would build the “Kingdom of God” by sacrificial love, not by the sword.⁹

For both religious and non-religious people alike, having in view a competing, peaceable vision of a religiously informed political ethics may be essential to securing the victory over Christian nationalism. Still, in these days, advancing any biblical reading can be a dangerous move, and I recognize I must lay down some guardrails first.

To start, I propose a liberal reading of the Bible. To be clear, I don’t mean reading the Bible in a Democratic or Progressive way, but in the older, classical sense of the word *liberal*. Under a liberal order, law and policy are justified not by reference to theology or revelation but by “public reason,” the set of arguments and evidence available to anyone in civil society.¹⁰ Yet religious communities often seek to influence public policy and to invoke their religious tradition as inspiration and authority, as in the Civil Rights Movement.¹¹ For American political theorist John Rawls, such movements present a puzzle for liberalism.¹² On the one hand, religious citizens should not be asked to step outside what he called “comprehensive worldviews” to debate public policy. On the other hand, decisionmakers in civil society (whether voters, officers, or judges) should not justify their decisions on religious grounds. How to resolve this problem of pluralism?

To solve this problem, Rawls extended what he called a “proviso.”¹³ Religious communities may advance visions for public life that are expressly religious so long as, “in due course,” they also advance justifications built on public reason.¹⁴ So, stepping into this provisional space, I will attempt to

⁹ See, e.g., JOHN HOWARD YODER, *THE POLITICS OF JESUS* (1972); HARVEY COX, *WHEN JESUS CAME TO HARVARD: MAKING MORAL CHOICES TODAY* (2006).

¹⁰ See JOHN RAWLS, *POLITICAL LIBERALISM* (1996).

¹¹ Political liberalism, or secularism, does not require philosophical or theological secularism; to the contrary, the western secular tradition was birthed in the blood of the Wars of Religion, invented by believing Christians — humbled by holy war — who wanted an end to the Christian-on-Christian violence. Since then, many other religions and philosophies have seen the wisdom in this political compromise.

¹² For Rawls, the best example is the Civil Rights Movement of the 1950s and 1960s, which united religious and non-religious communities together in the campaign for equality under the law for African Americans.

¹³ See John Rawls, *The Idea of Public Reason Revisited*, reprinted in *COLLECTED PAPERS* 573, 584, 591–92 (Samuel Freeman ed., 1999).

¹⁴ The Proviso avoids stripping the civic conversation of religious commitments (what Pastor Richard John Neuhaus criticized as the “naked public square,” RICHARD JOHN NEUHAUS, *THE NAKED PUBLIC SQUARE* (1984), but demands, in return, that religious movements build toward a conversation that could persuade fellow citizens of a different religion or no religion. For Rawls, liberalism must allow for an “overlapping consensus,”

spark a conversation that is inspired by the sacred text of my own religious tradition, the Bible, but one that works its way toward justifications that could be accepted by anyone.

Over the course of this Essay, I will pull together the Jubilee tradition from various texts in the Hebrew Bible and argue that the Jubilee represents a distinct and fundamental narrative in the text. I then show how the Jubilee texts inspired and encouraged American justice movements from independence to abolitionism to civil rights to debt relief. Finally, in step with the Poor People's Campaign, I argue that while the Jubilee ideal of forgiveness of debt and restoration of land cannot be accomplished in all modern economies, the spirit of Jubilee calls not only for reparations and redistribution, but also for broad, sweeping reforms to ensure equal opportunity in contemporary economic life: a Third American Reconstruction.

I. THE JUBILEE TEXTS OF THE HEBREW BIBLE

We cannot understand law apart from narrative and prophesy. Narrative: where we came from.¹⁵ Prophesy: who we are and where we are going.¹⁶ In the same way, we cannot hope to understand the Jubilee texts if we try to read them the same way we would read a code or a case. This is because the Jubilee texts span multiple books of the Hebrew Bible and are cast in various literary genres. In this Part, I will examine the key passages, analyze their function as law, and set them within their narrative and prophetic context.

where those of different comprehensive worldviews agree on law or policy, even if they disagree about why. That sort of consensus may be the best we can hope for in a pluralistic society.

¹⁵ The centrality of narrative to legal understanding was a feature of Cover's scholarship, as well as Judge Posner's. See Robert M. Cover, *Foreword: Nomos and Narrative*, 97 HARV. L. REV. 4 (1983); RICHARD A. POSNER, *LAW & LITERATURE* (1998). Narrative as an ethical concept features prominently in the theological ethics of Stanley Hauerwas, among many others.

¹⁶ For a classic treatment of biblical prophecy that frames the prophets as laying bare the present, rather than predicting the future, from rabbi and theologian Abraham Heschel, see ABRAHAM JOSHUA HESCHEL, *THE PROPHETS* (1962). Put another way: "The poor show us who we are and the prophets tell us who we could be, so we hide the poor and kill the prophets." See John Dear, *The School of Prophets* (Nov. 17, 2009), <https://johndear.org/the-school-of-prophets/> (ascribing quote to activist and Catholic priest Philip Berrigan).

A. The Law of the Jubilee

The Jubilee laws are scattered across the three law codes in the Hebrew Bible (Exodus, Leviticus, and Deuteronomy)¹⁷ and are connected by the repetition of the number seven.

The first set of laws provides for a rest from labor on the seventh day, known as the Sabbath. Leviticus 23 provides as follows:

For six days work may be done, but on the seventh day there is a Sabbath of complete rest, a holy convocation. You shall not do any work; it is a Sabbath to the LORD in all your dwellings.¹⁸

Exodus 20, which sets forth the Ten Commandments, expands on the law by connecting it to God's act of creation in Genesis.¹⁹

Building on the weekly cycle, the second set of laws provides for rest of the land, forgiveness of debt, and release of slaves every seventh year. Leviticus provides that the land itself is "to have a year of rest," and that God's people may not sow or reap during that year.²⁰ Also at the seven-year mark, Exodus requires the release of all slaves.²¹ Deuteronomy, too, provides for forgiveness of debts and emancipation of any slaves or indentured servants and requires God's people not to "send [former slaves] away empty-handed" but to provide for them "generously."²²

Exodus contains different provisions for women, reflecting the vulnerability of women in an ancient system that did not afford them the same

¹⁷ I will refer to them by chapter and verse, but critical scholars also refer to the various law codes in the Hebrew Bible as the Covenant Code (*Exodus*, or "E"), the Priestly Code (*Leviticus* and *Numbers*, or "P"), and the Deuteronomic Code (*Deuteronomy*, or "D"). Since Wellhausen, diachronic analysis has made significant advances on the textual history of each code, but that approach is not our focus here. *See infra* notes ___ - ___ and accompanying text.

¹⁸ *Leviticus* 23:3.

¹⁹ *See Exodus* 20:8–11 ("Remember the Sabbath day by keeping it holy. Six days you shall labor and do all your work, but the seventh day is a sabbath to the LORD your God. On it you shall not do any work, neither you, nor your son or daughter, nor your male or female servant, nor your animals, nor any foreigner residing in your towns. For in six days the LORD made the heavens and the earth, the sea, and all that is in them, but he rested on the seventh day. Therefore the LORD blessed the Sabbath day and made it holy."). The Restatement of the Law in Deuteronomy contains a similar provision, but instead of creation, it cites God's emancipation of the Hebrew people from slavery. *See Deuteronomy* 5:12–15 ("And you shall remember that you were a slave in the land of Egypt, and the LORD your God brought you out of there by a mighty hand and an outstretched arm; therefore the LORD your God commanded you to celebrate the Sabbath day.").

²⁰ *Leviticus* 25:1–7.

²¹ *Exodus* 21:1–7.

²² *Deuteronomy* 15:1–18.

legal status as men.²³ And both codes have express carveouts for foreigners, something we will grapple with later.²⁴

The third and last set of laws provides for the Year of Jubilee. The Jubilee law resides only in Leviticus and takes place after seven cycles of seven years, on the fiftieth year.

You are also to count off seven Sabbaths of years for yourself, seven times seven years, so that you have the time of the seven Sabbaths of years, that is, forty-nine years. You shall then sound a ram’s horn abroad on the tenth day of the seventh month; on the Day of Atonement [*Yom Kippur*] you shall sound a horn all through your land. So you shall consecrate the fiftieth year and proclaim a release throughout the land to all its inhabitants. It shall be a jubilee for you, and each of you shall return to his own property, and each of you shall return to his family.²⁵

The Year of Jubilee, the fiftieth year, takes its name from the words for the ram’s horn in Hebrew (יִבְלִי or *yobel*) and Latin (*iobelēus*). The phrase “proclaim release” (sometimes translated “proclaim *liberty*”) becomes a shorthand for the proclamation of the Jubilee.

In colloquial use, the term *jubilee* has come to mean an extraordinary celebration, particularly a recommitment upon a significant anniversary, like a fiftieth wedding anniversary celebration or Queen Elizabeth II’s celebration of seventy years on the throne of England.²⁶ Yet the Year of Jubilee means more than the passage of time alone. It captures the elements of the Sabbath Day and the Sabbath Year — rest from labor, rest for land, forgiveness of debt, and emancipation of slaves — and adds a major one: a once-in-a-generation return to the family’s ancestral farmland.

B. A Lawyer Jumps Ahead

On a first pass, then, the Jubilee laws call for remission of debt, standing alongside the provisions in the Hebrew Bible that require lenders to treat their debtors with dignity.²⁷ The Jubilee laws provide for what American

²³ It seems ambiguous whether Deuteronomy follows these provisions or not. Compare *Exodus* 21:7–11, with *Deuteronomy* 15:17.

²⁴ See *infra* at notes ___–___ and accompanying text.

²⁵ *Leviticus* 25:8–10.

²⁶ See, e.g., Mark Landler, N.Y. TIMES, *Queen Elizabeth Celebrates 70 Years on the Throne as Britons Honor Her* (June 2, 2022), <https://www.nytimes.com/2022/06/02/world/europe/queen-elizabeth-jubilee.html>; Historic Royal Palaces, *A History of Royal Jubilees*, <https://www.hrp.org.uk/tower-of-london/history-and-stories/a-history-of-royal-jubilees/>.

²⁷ See *Exodus* 22:25; *Deuteronomy* 24:10–13. In his Wythe Lecture at William & Mary Law School, Professor David Skeel drew the connection between the dignity of debtors, the

insolvency lawyers would call *discharge* or *lien stripping* — not for individual debtors, but for all of society.

This reading supports the colloquial meaning of the word *jubilee* as debt forgiveness. Unlike bankruptcy, though, a debt jubilee is not specific to a particular debtor; it is a sweeping remission of debts across society.²⁸

But the meaning of the Jubilee goes far deeper than that. Any lawyer reading these passages will realize that parties to commercial transactions will account for the Jubilee *ex ante*, something we might call “bargaining in the shadow of the law,” after an influential law review article by Law Professors Robert Mnookin and Lewis Kornhauser.²⁹ Any lender who knows that the Jubilee is seven years away will design a seven-year maturity schedule. Any buyer who knows that the Jubilee is seven years away will be unwilling to pay more than the rental value of the land over a seven-year term.

This observation, while clever, is not particularly modern. Leviticus itself anticipates that private parties will bargain in the shadow of the Jubilee, noting that the sale of land subject to the jubilean return is really a lease for years³⁰ and that the labor of a slave or indentured servant is really an employment contract — one that can be redeemed or repurchased, *pro rata*, based on the number of years remaining until the Year of Jubilee.³¹ And that “right of redemption” (a concept that still exists in American law³²) can be invoked not only by the debtor, but also by the debtor’s family. Leviticus provides that when someone falls into poverty and conveys their ancestral property for cash, a close family member (sometimes called a “kinsman-redeemer”) should buy back the land if possible, before it reverts in the Year of Jubilee.³³

Let us dig deeper still. The Jubilee laws are not only about forgiveness, freedom, family, and farmland — they are also about inalienable property.³⁴

biblical Jubilee, and the abolishment of slavery and involuntary servitude in the Thirteenth Amendment. See David A. Skeel Jr., *When Should Bankruptcy Be an Option (for People, Places or Things)*, 55 WM. & MARY L. REV. 2217, 2236 (2014).

²⁸ See *supra* note 6 and accompanying text.

²⁹ Robert H. Mnookin & Lewis Kornhauser, *Bargaining in the Shadow of the Law: The Case of Divorce*, 88 YALE L.J. 950 (1979).

³⁰ *Leviticus* 25:14–17.

³¹ *Leviticus* 25:50–54.

³² When a debtor defaults on their home mortgage, they may have both equitable and statutory rights to “redeem” their home by paying the amount owed. The right of redemption is short — ten days in some states — and when it runs out, the secured creditor can “foreclose” the right of redemption and pass title to a purchaser.

³³ *Leviticus* 25:25–31. The redemption period differs for houses in walled cities, which can be redeemed for a period of one year, after which they pass permanently to the purchaser. *Id.*

³⁴ While restraints on the alienation of property are disfavored in the common law of

The Jubilee would make farmland and labor inalienable in perpetuity.³⁵

The property and contractual rights subject to the Jubilee thus form part of what lawyers might call an initial bargaining endowment. This endowment, notably, is limited to working farmland. Houses in walled cities do not revert in the Jubilee, nor do other forms of wealth: gold, silver, livestock, equipment, and so on.³⁶ The connection to economic productivity is evident from the text. Leviticus provides that houses in cities without a surrounding wall “shall be regarded as open fields” and revert in the Jubilee.³⁷

Through its generational reset, the Jubilee also promotes accurate valuation of property. As attorneys working in fields from bankruptcy to mergers and acquisitions know, placing values on productive enterprises is both challenging and contentious.³⁸ By requiring that labor contracts terminate in the Sabbath Year and that farmland revert in the Year of Jubilee, Leviticus narrows the time scale for valuation and makes it easier for parties to consummate fair transactions. “[Y]ou shall not wrong one another,” the text states:

Corresponding to the number of years after the jubilee, you shall buy from your friend; he is to sell to you according to the number of years of crops. In proportion to a greater number of years you shall increase its price, and in proportion to fewer years you shall decrease its price, because it is the number of crops that he is selling to you.³⁹

property, contracts, and trusts and estates, the legal system has long resisted the commercialization of certain aspects of the human experience, such as selling organs or contracting for sex work — usually on dignitarian grounds. *See, e.g.*, REST. (2D) OF CONTRACTS § 186 (1981) (providing that promises unreasonably in restraint of trade are unenforceable as against public policy).

³⁵ In a way, then, the Jubilee is consistent with the policy behind the common law’s Rule Against Perpetuities. The Rule Against Perpetuities was designed to ensure that past generations could not impose tight limits on real estate, and it requires future interests in real estate to vest within a certain period. We might recast the Jubilee in the same mold, as providing that no interest in real estate is valid unless it *re-vests* within fifty years of its creation. At that point, the owner would be free to turn around and re-alienate it for another fifty-year period.

³⁶ *See Leviticus 25:29–31.*

³⁷ *Leviticus 25:31.* It also provides that the houses of the priestly tribe (Levi) are subject to the Jubilee despite not being farmland: since the Levites are priests and not farmers, their houses are the only inalienable property they have and become subject to Jubilee reversion for that reason. *Leviticus 25:32–34.*

³⁸ *See, e.g.*, Kenneth Ayotte & Edward R. Morrison, *Valuation Disputes in Corporate Bankruptcy*, 166 U. PA. L. REV. 1819 (2018); Stuart C. Gilson, Edith S. Hotchkiss & Richard S. Ruback, *Valuation of Bankrupt Firms*, 13 REV. FIN. STUDS. 43 (2015); Christopher S. Sontchi, *Valuation Methodologies: A Judge’s View*, 20 AM. BANKR. INST. L. REV. 1 (2012).

³⁹ *Leviticus 25:14–16.* This passage aligns with numerous other provisions in the Hebrew Bible calling for honesty in weights and measures. *See, e.g., Leviticus 19:35–36.*

Notice how the Jubilee simplifies the valuation problem. No longer do parties have to project value long into the future. Instead, the Jubilee asks parties to transact for fifty years, cuts off any remaining terminal value, and assigns it to the original seller; if the parties want to transact for that future value, they have to wait until after the Jubilee, when they would have better information or a stronger bargaining position.

C. Narrative & Prophetic Setting

We have already plumbed the Jubilee's legal texts. But biblical narrative and prophecy can help us understand the Jubilee at an even deeper level.⁴⁰ The repetition of the number *seven* should already have the reader thinking back to the creation narrative and the story of Joseph in Genesis. Plus, as if we needed additional authorization to reflect on those stories, both Exodus⁴¹ and Deuteronomy⁴² cross-reference them expressly.

In the beginning of the Book of Genesis, God creates the world in six days and rests on the seventh.⁴³ The sabbatical and jubilean cycles (all built on the number seven) recall God's act of creation, punctuated by God's declaration that each day of creation was "good" and, by the end, "very good."⁴⁴ God then invites humanity to join God in further cultivation and development of the new earth.⁴⁵ The literary connection of Sabbath and

⁴⁰ In this Essay, I undertake a synchronic analysis of the Jubilee texts, following Professor Robert Alter, who advanced the approach in his seminal work *The Art of Biblical Narrative* (1981). This means that, for now, I will focus on the received texts as literary artifacts, rather than attempting to articulate their original setting, or *Sitz im Leben*, or their sociological or historical underpinnings, through a diachronic approach.

⁴¹ *Exodus* 20:11 ("For in six days the LORD made the heavens and the earth, the sea and everything that is in them, and He rested on the seventh day; for that reason the LORD blessed the Sabbath day and made it holy.").

⁴² *Deuteronomy* 5:15 ("And you shall remember that you were a slave in the land of Egypt, and the LORD your God brought you out of there by a mighty hand and an outstretched arm; therefore the LORD your God commanded you to celebrate the Sabbath day.").

⁴³ The two creation accounts are found in Genesis 1:1–31 to 2:3 and Genesis 2:4 to 2:25. Diachronic analysis has underscored the differing etiology of these two accounts, as well as offered various theories for how they came to be stitched together. As discussed above, *see supra* notes ___-___ and accompanying text, we are focused here on a synchronic analysis.

⁴⁴ *Genesis* 1:31.

⁴⁵ *See Genesis* 1:28 ("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.'"); *Genesis* 2:15 ("Then the LORD God took the man and put him in the Garden of Eden to cultivate it and tend it."). Some Christians interpret these passages, particularly the word *subdue*, to greenlight an aggressive form of domination over the earth that is insensitive to sustainable, ecological development. That interpretation puts significant weight on Genesis 1:28 and has been the focus of sustained criticism.

Jubilee to the seven days of Creation is no accident: we should understand those legal institutions as ensuring that every community among God's people can participate fully on the ongoing act of cultivating God's earth. Likewise, the Sabbath and the Jubilee focus not on equalizing wealth but ensuring access to creative potential. This point reinforces our observation that the Jubilee reversion applies only to land and labor — not to their fruits.⁴⁶ The Jubilee is about equalizing opportunity, not wealth.

But there's more. Later in Genesis, we come to understand the nature of the threat against which Jubilee protects. The key is in the story of Joseph. Famous for his coat of many colors, Joseph can interpret dreams.⁴⁷ His jealous brothers sell him into slavery,⁴⁸ and Joseph finds himself in Pharaoh's prison, incarcerated for a crime he did not commit.⁴⁹ While he is in prison, Pharaoh has two dreams, each of which repeat the number seven:

Now it happened at the end of two full years that Pharaoh had a dream, and behold, he was standing by the Nile. And behold, from the Nile seven cows came up, fine-looking and fat; and they grazed in the marsh grass. Then behold, seven other cows came up after them from the Nile, ugly and thin, and they stood by the other cows on the bank of the Nile. Then the ugly and thin cows ate the seven fine-looking and fat cows. Then Pharaoh awoke. But he fell asleep and dreamed a second time; and behold, seven ears of grain came up on a single stalk, plump and good. Then behold, seven ears, thin and scorched by the east wind, sprouted up after them. And the thin ears swallowed the seven plump and full ears. Then Pharaoh awoke, and behold, it was a dream. Now in the morning his spirit was troubled, so he sent messengers and called for all the soothsayer priests of Egypt, and all its wise men. And Pharaoh told them his dreams, but there was no one who could interpret them for Pharaoh.⁵⁰

Joseph correctly interprets the two dreams as a single prophecy of seven years of abundance, followed by seven years of famine.⁵¹ He recommends that Pharaoh collect a fifth of the food during the good years as a reserve.⁵²

What happens next places Joseph high on the leaderboard for righteous men who ended badly. Impressed by Joseph's prophetic and political acumen, Pharaoh makes him his lieutenant.⁵³ During the years of abundance, Joseph implements the first stage of his plan, collecting grain until he can no

⁴⁶ See *supra* note ___ and accompanying text. The scholarly distinction between productive and consumption goods traces back to seminal thinkers like Thomas Aquinas.

⁴⁷ *Genesis* 37:1–11.

⁴⁸ *Genesis* 37:12–36.

⁴⁹ *Genesis* 39:6–20.

⁵⁰ *Genesis* 41:1–8.

⁵¹ *Genesis* 41:25–32.

⁵² *Genesis* 41:33–37.

⁵³ *Genesis* 41:38–46.

longer measure it.⁵⁴

When the bad years come, though, Joseph does not dole out the grain to the people of Egypt. While Joseph welcomes his family back in a famous act of forgiveness,⁵⁵ he sells grain back to the people of Egypt until they run out of money.⁵⁶ When they run out of money, Joseph takes their livestock (“since your money is gone”), then their lands, and lastly their liberty:

So Joseph bought all the land of Egypt for Pharaoh, for every Egyptian sold his field, because the famine was severe upon them. So the land became Pharaoh’s. As for the people, he relocated them to the cities from one end of Egypt’s border to the other.⁵⁷

Joseph then institutes a sharecropping or peonage system, where the people of Egypt — now landless, city-dwelling slaves of Pharaoh — could work the land so long as they gave the government one fifth of their produce.⁵⁸

The Jubilee is an express repudiation of Joseph’s tyranny. The repetition of the number seven in the narrative underscores that while God’s Creation was “very good,” the world now suffers cycles of boom and bust. There will come times of abundance and times of famine. But Joseph abuses his power to exploit the people during good times and to oppress them during bad times. The Jubilee rejects that approach, ensuring that families can never be shut out from their creative potential upon threat of starvation.⁵⁹

We have discussed how the Jubilee protects an initial endowment or inheritance.⁶⁰ How was that property to be divided? The Book of Numbers indicates that, after the conquest of the land of Canaan — the “Promised Land” — God’s people would divide the land equitably.

⁵⁴ *Genesis* 41:46–49.

⁵⁵ *See Genesis* 42:1–45:28.

⁵⁶ *See Genesis* 41:50–57; 47:13.

⁵⁷ *Genesis* 47:20; *see also Genesis* 47:13–19. The people of Egypt first offer the proposal of selling themselves into slavery to Joseph, who accepts the deal. To my mind, the deal history does not wash away the moral repugnance of the policy. The Egyptians made the offer under duress, and Joseph retained moral agency: he could have simply given them the food.

⁵⁸ *See Genesis* 47:23–26.

⁵⁹ As Dr. Rick Lowery puts it, the Jubilee implements a “national redistribution of land ownership to correct the economic inequities that accrue over the decades.” Rick Lowery, *The Prophetic Word is Political*, in *REVIVE US AGAIN: VISION AND ACTION IN MORAL ORGANIZING* 3, 9–10 (William J. Barber, Liz Theoharis & Rick Lowery eds., 2018).

⁶⁰ *See supra* notes __ - __ and accompanying text.

You shall maintain the land as an inheritance by lot according to your families; to the larger you shall give more inheritance, and to the smaller you shall give less inheritance. Wherever the lot falls to anyone, that shall be his. You shall pass on land as an inheritance according to the tribes of your fathers.⁶¹

The initial endowment, then, has several notable features: it is disinterested (by lot); it is equitable (by size); and it is communitarian (by family).⁶²

This biblical endowment is jealously defended. Indeed, the prophets reserve some of their most fiery preaching for those who violate or ignore the Jubilee. On the eve of exile, God sends the prophet Jeremiah to “proclaim release” to God’s people — to free their slaves.⁶³ Although the people initially obey, they turn around and take their slaves back.⁶⁴ Because God’s people did not observe the Jubilee, God sends them into exile:

You have not obeyed Me in proclaiming release, each one to his brother and each to his neighbor. Behold, I am proclaiming a release to you . . . to the sword, to the plague, and to the famine; and I will make you a terror to all the kingdoms of the earth.⁶⁵

As Jeremiah prophesizes, the exile lasts seventy years.⁶⁶ Those seventy years represent the Sabbath Years that had been ignored over the centuries by God’s people.⁶⁷

Even after the exile, the prophets continue to rail against oppression. During another famine, when the people are forced to mortgage their lands and sell their children into slavery, because they could not afford both food and the heavy taxes, Nehemiah denounces the wealthy for lending at interest and grabbing the lands of their countrymen.⁶⁸ The prophet Amos rails against those who, like Joseph, “trample on the poor and take from them levies of

⁶¹ *Numbers* 33:54.

⁶² See, e.g., JOSEPH WILLIAM SINGER, *THE EDGES OF THE FIELD* 51 (2000). Moses’s successor, Joshua, presides over the conquest of Canaan and the equitable division of the land. See *Joshua* 13:1–22:9. The Bible contains three notable exceptions to the disinterested division of the land inheritance. First, the priestly tribe of Levi, as discussed above, receives cities, not farmland, as its inheritance. See *Joshua* 13:33. Second, the tribes of Reuben, Gad, and part of Manasseh request (and receive) land on the east side of the Jordan River. See *Numbers* 32:1–42; *Joshua* 13:8–31; *Joshua* 22:1–9; see also *Deuteronomy* 33:21. Third, a man named Caleb asks for the land of Hebron, assuming he could conquer it. See *Joshua* 14:1–15.

⁶³ *Jeremiah* 34:8–10.

⁶⁴ *Jeremiah* 34:11.

⁶⁵ *Jeremiah* 34:17.

⁶⁶ *Jeremiah* 25:11.

⁶⁷ See *2 Chronicles* 36:21 (“The land enjoyed its sabbath rests; all the time of its desolation it rested, until the seventy years were completed in fulfillment of the word of the LORD spoken by Jeremiah.”).

⁶⁸ *Nehemiah* 5:1–13.

grain,”⁶⁹ who fix prices so that they can “buy[] the poor for silver and the needy for a pair of sandals,” selling even “the sweepings of the sweat,” in direct violation of gleanings law.⁷⁰ The prophet Micah condemns those who “covet fields, and seize them; houses, and take them away; they oppress householder and house, people and their inheritance.”⁷¹ The prophet Isaiah declares:

Who to those who attach house to house and join field to field,
Until there is no more room,
And you alone are a landowner in the midst of the land!⁷²

These prophetic statements underscore what we have already discerned from the historical setting and from the laws themselves. The Jubilee is about far more than just debt forgiveness or accurate valuation of property. At its core, the Jubilee preserves for every family a meaningful stake in society, especially during bad times. As Law Professor Joseph Singer puts it in *The Edges of the Field*, the Jubilee “ensures that the inequalities associated with ownership are mitigated by multiple strategies to allow others access and that inequalities that emerge over time are counteracted by periodic redistribution intended to ensure that each one has a home and a means of livelihood.”⁷³ From here, we can now state what a “jubilee” is, in abstract form: A jubilee is a generational redistribution of the private property most central to economic creativity, to ensure equitable opportunity for every community.⁷⁴

The next set of questions aim at what the Jubilee might inspire, and it is

⁶⁹ *Amos* 5:11. Amos also wrote, “let justice roll down like waters, and righteousness like an ever-flowing stream.” *Amos* 5:24.

⁷⁰ *Amos* 8:5–6. For an extended analysis of gleanings law in Torah, see SINGER, *supra* note 62, at 49–50.

⁷¹ *Micah* 2:1–2. The prophet Micah is also well-known for *Micah* 6:8: “He has told you, O mortal, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?”

⁷² *Isaiah* 5:8.

⁷³ SINGER, *supra* note 62, at __.

⁷⁴ The legal literature has already explored this idea of jubilee as a redistribution or remix. See, e.g., Bruce Ledewitz & Robert D. Taylor, *The Law of the Jubilee in Modern Perspective*, 22 VT. L. REV. 157, 166 (1997) (“The Jubilee dissolves the petrification, clearing a new empty space and calling for acts of originating creativity itself.”); *id.* at 165 (observing that law is not “routine” and “[o]nce a generation ... the political/social/economic organization of society is to be utterly smashed”) Lee Anne Fennell, *Remixing Resources*, 38 YALE J. REG. 589, 607 (2021) (“Carrying out a reset of some kind is essential to both distribution and efficiency.”). One of the most befitting examples of a Jubilee in contemporary legal literature is Law Professor David Ziff’s offer to scatter attribution rights in eighty-six of his papers to “anyone who wants them” and calling for a “copyright jubilee.” David J.S. Ziff, *A Legal Scholarship Jubilee*, 1 NW L.J. DES REFUSÉS 73, 75 (2024) (reattributed from Brian L. Frye).

to those questions we now turn.

II. JUBILEE MOVEMENTS IN AMERICAN LAW

The Bible is an ancient text, but its language has inspired and infused numerous political movements throughout modern American history.⁷⁵ And the Year of Jubilee stands out for its influence in American public life. Indeed, one could argue that the Jubilee is the single most prominent biblical metaphor in four hundred years of American public discourse.

This Part catalogues some of the movements that have carried the banner of the biblical Jubilee and uncovers how the Jubilee has featured in American legal imagination and discourse. I lay out, in broad brushstrokes, the role of the Jubilee from the Abolitionist Movement in the late eighteenth and nineteenth centuries, to the Civil Rights Movement of the 1950s and 1960s, to amnesty movements today.

Let me add a few caveats. First, political movements are complex engines, so I don't mean to suggest that the Jubilee was a necessary or sufficient inspiration for any of the movements I discuss here. Even for people of faith, economic arguments matter tremendously, as do cross-cutting arguments about fairness, dignity, efficiency, and other values.⁷⁶

Second, Christianity is not the only religion or philosophy to have influenced American public life. And if scholars are unfamiliar with the Bible, they are similarly unfamiliar with the Qu'ran or the Book of Mormon. Atheists and humanists, too, have played a prominent role in the long struggle for liberty in this country. My focus on the Jubilee tradition should not be misinterpreted as a call to ignore the contributions of other communities. To the contrary, I suspect that deepening our understanding of the Jubilee will promote better understanding of other traditions too.

And third, a short piece like this one can only provoke a conversation; it cannot hope to complete the work. Future work, by myself and other

⁷⁵ The influence of the Bible can be easy to miss. We are less religious than we were even a generation ago. As a result, scholars are less likely to catch biblical references in the archive and thus less likely to appreciate how people with religious worldviews become motivated to take political action. Even for those who are religious, the prominence of the Religious Right over the past fifty years has obscured the way that the Bible has driven movements for social change on the political left. The disciplines of law, religious studies, biblical studies, history, and political theory should be in constant conversation, if only for the sake of accuracy. And when we work in separate silos, we miss important parts of the story.

⁷⁶ Similarly, part of the reason Americans banned debtors' prisons beginning in the 1830s is that they began to seem inefficient compared to alternative forms of debt collection. See Christopher D. Hampson, *The New American Debtors' Prisons*, 44 AM. J. CRIM. L. 1, 23 (2016).

scholars, can build on this foundation (and correct anything I've gotten wrong).

A. Liberty

The Jubilee's first inspirational moment in American political history came at the dawn of independence. In 1751, the Pennsylvania Assembly commissioned a bell for the tower of the Pennsylvania State House, known originally as the State House Bell. That bell, featuring an iconic crack down the side, carries an inscription from Leviticus 25: "Proclaim Liberty Throughout All the Land Unto All the Inhabitants Thereof." The word "liberty" on the bell, from the King James Version, translates the Hebrew word that the NASB translates as "release" and comes directly from the core Jubilee text, Leviticus 25.

We don't know much about why the Pennsylvania Assembly chose that inscription, or how tightly they associated the "liberty" of the founding with the "release" of the Jubilee. But we do know that the many thinkers in the young Republic began to associate slavery and debt as entwined evils. In the early days of the American Republic, debtors could be imprisoned for failure to repay their debts, under the old writ of *capias ad satisfaciendum*. As an abolitionist movement began to gather steam in the late 1700s and early 1800s, it used the imagery of debtors as slaves.⁷⁷ A newspaper called the *Forlorn Hope*, published by William Keteltas from a debtors' prison in New York, had as its masthead the image of a black slave and a white debtor, both in irons, with the banner "Liberty Suspended But Will Be Restored."⁷⁸

Slaveholders understood that the biblical Jubilee presented a countervailing vision dangerous to their regime.⁷⁹ Anti-literacy laws, passed by white supremacists throughout the American South, prevented slaves from obtaining an education — and especially from reading the Bible.⁸⁰ In 1807, the Society for the Conversion of Negro Slaves published an abridged Bible

⁷⁷ See BRUCE H. MANN, *REPUBLIC OF DEBTORS* 130 (2002); Hampson, *supra* note 76, at 18, 28.

⁷⁸ *Id.* at 110. As Law Professor Bruce Mann notes, "while Keteltas meant to condemn both slavery and imprisonment for debt equally, others saw in the comparison a reduction of the white man to the status of a slave, adopting slavery as a base state into which the law should not allow a white man to fall." *Id.* at 144.

⁷⁹ See, e.g., Timothy Tyson, *Blues, Gospel, and Jazz Visions for God's Own Prisoner of Hope*, in BARBER ET AL., *supra* note 59, at 84, 86–87 ("The masters carefully taught the slaves a highly selective version of Christianity, which stressed obedience and long suffering.").

⁸⁰ See, e.g., OUR DAILY BREAD MINISTRIES, *JUNETEENTH: FAITH & FREEDOM* 9:34–10:52 (discussing anti-literacy laws and the Slave Bible), <https://www.youtube.com/watch?v=YmjuDxKTzzg>.

entitled *Select Parts of the Holy Bible for the Use of the Negro Slaves in the British West-India Islands*, also known as the “Slave Bible.”⁸¹ This unholy redaction of the Bible sliced away passages that could have inspired the new faithful to seek freedom. The Society expunged almost the entirety of what I’ve called the Jubilee Texts. Gone is the narrative of the Hebrews’ escape from slavery, with Moses’s cry to “Let My People Go.” The Book of Exodus begins after the flight from Pharaoh, as the children of Israel receive the law on Mount Sinai. But it then cuts off before the law requiring the Sabbath Year, with its forgiveness of debts and release of slaves. Leviticus and Numbers are completely gone, and with them the call to “proclaim release throughout the land.” Deuteronomy is reduced to passages about obedience; its fifteenth chapter — which had required the Hebrews to furnish their freed slaves with property — is missing.

Without the law, a slave reading (or taught from) the Slave Bible would not have known what the Jubilee was. But the Society excised even the narratives and prophets that could have provided glimpses of the Jubilee’s call for justice and economic opportunity. Joseph’s story ends when he forgives his family, ignoring his abuses of power during a time of famine. Joshua, Judges, and Ruth are gone, and with them the concept of a “Promised Land.” The prophets who deliver fiery denunciations for failing to observe the Sabbath and the Jubilee — Jeremiah, Nehemiah, Amos, and Micah — are silenced. Practically the only Jubilee text that the Society left untouched is 1 Kings 21, in which King Ahab slaughters Naboth for refusing to sell him his ancestral vineyard.⁸²

But the word got out. Slave Spirituals were shot through with Jubilee imagery, so much so that they are also known as “songs of Jubilee.”⁸³ As Andrew Ward surmises, “the ministers who admonished slaves to be loyal and truthful to their masters and accept their bondage as the will of God must have strayed from their text often enough for slaves to have equated jubilee with emancipation.”⁸⁴ Some of these lyrics were metaphorical, focused on spiritual freedom. “Steal Away,” for example, sings that the “trumpet sounds within my soul.” But others were more literal: “Deep River” and “Go Down, Moses” invoke the Exodus and the Promised Land. In a song from the low

⁸¹ SOCIETY FOR THE CONVERSION OF NEGRO SLAVES, *SELECT PARTS OF THE HOLY BIBLE FOR THE USE OF THE NEGRO SLAVES IN THE BRITISH WEST-INDIA ISLANDS* (1807).

⁸² Of course, the Society omitted the prophetic warnings against the many evils of kings.

⁸³ See, e.g., ANDREW WARD, *DARK MIDNIGHT WHEN I RISE: THE STORY OF THE JUBILEE SINGERS WHO INTRODUCED THE WORLD TO THE MUSIC OF BLACK AMERICA* 109–10 (2000). The modality of jubilee music is both celebration and lament, a double emotion conveyed well by bluegrass singer Alison Krauss in “Jubilee,” a wistful song from the 2004 documentary *Paper Clips*.

⁸⁴ *Id.* at 139; see also *id.* at 112–114 (recounting the origins, history, and sociological importance of the spiritual).

coast, recorded by W.E.B. DuBois in his *The Souls of Black Folk*, the lyrics go:

Michael, haul the boat ashore,
Then you'll hear the horn they blow,
Then you'll hear the trumpet sound,
Trumpet sound the world around,
Trumpet sound for rich and poor,
Trumpet sound the Jubilee,
Trumpet sound for you and me.⁸⁵

Indeed, the connection between the spiritual and the biblical Jubilee is so tight that it is reflected in the name of the vocal ensemble that brought the musical genre to the world: the Fisk Jubilee Singers.⁸⁶

In the early 1800s, African-Americans and abolitionists resurrected the imagery of the Jubilee, renaming the old State House Bell the “Liberty Bell” and reclaiming the language of freedom for the campaign against slavery.⁸⁷ In 1845, abolitionist William Lloyd Garrison published this stanza in his newspaper *The Liberator*:

⁸⁵ W.E.B. DUBOIS, *THE SOULS OF BLACK FOLK* (1903).

⁸⁶ In 1865, John Ogden, Rev. Erastus Milo Cravath, and Rev. Edward P. Smith founded what would become Fisk University in Nashville, with a mission of educating young black men — including many who had been newly freed. In 1871, Fisk’s vocal ensemble was touring the country in a last-ditch effort to save the university from bankruptcy. See FISK UNIVERSITY, *Fisk University History*, <https://www.fisk.edu/about/history/> (last visited Sept. 17, 2024). On tour in Ohio, facing limited funds and racial prejudice, the group determined they needed a name. Their pastor, Reverend Henry Bennett, spent the night in prayer and came back glowing the next morning: the name would be the “Jubilee Singers in memory of the Jewish year of Jubilee.” WARD, *supra* note 84, at 139; see also Gabriel Milner, *The Tenor of Belonging: The Fisk Jubilee Singers and the Popular Cultures of Postbellum Citizenship*, 15 J. GILDED AGE & PROGRESSIVE ERA 339, 406 (2016).

⁸⁷ While “jubilee” could also mean a *celebration*, examples of the abolitionist usage abound. See, e.g., Letter from Laura S. Haviland to Frederick Douglass (Nov. 30, 1854) (“How long will it be ere the triumph of jubilee shall be sounded throughout all the land, and liberty be proclaimed to ALL the inhabitants thereof?”).

God speed the year of jubilee,
 The wide world o'er!
 When from their galling chains set free,
 Th' oppressed shall vilely bend the knee,
 And wear the yoke of tyranny,
 Like brutes, no more;—
 That year will come, and Freedom's reign
 To man his plundered rights again
 Restore.⁸⁸

Abolitionist and orator Frederick Douglass used the word liberally. In his famous 1852 speech, “What to the Slave is the Fourth of July?”, Douglass played off the double meaning of the word, lamenting the “mournful wail” of the enslaved while a joyous nation celebrated with “jubilee shouts.” Yet he closed by reciting Garrison’s poem, calling for another kind of Jubilee — one that would free the slaves.⁸⁹

By 1861, the nation was embroiled in civil war. As the war dragged on, President Abraham Lincoln determined to use his war powers to free the slaves in uncaptured Confederate Territory. In late 1862, Frederick Douglass, anticipating the “glorious morning of liberty about to dawn,” delivered a speech in Rochester, New York, called “The Day of Jubilee Comes.”⁹⁰ The Emancipation Proclamation of 1863 does not use biblical imagery,⁹¹ but the newly freed slaves understood it as a Jubilee.⁹² On January 1, 1863, Watch Night services took place across Confederate States as the Emancipation Proclamation went into effect.⁹³

Union troops, many of whom were black, marched forward to enforce the Jubilee. “Marching Through Georgia,” composed by Henry Clay Work, recounted General Sherman’s 1864 “March to the Sea,” the military campaign toward the end of the Civil War that cleaved the Confederacy in two. The song contained the chorus:

⁸⁸ Indeed, the newsletter *Radical Abolitionist*, edited by William Goodell, was previously known as the *American Jubilee*.

⁸⁹ Frederick Douglass, *The Meaning of July Fourth for the Negro*, Rochester, NY (July 5, 1852).

⁹⁰ Frederick Douglass, *The Day of Jubilee Comes*, Rochester, NY (Dec. 28, 1862).

⁹¹ See Abraham Lincoln, *The Emancipation Proclamation* (1863).

⁹² Today, Reverend Barber calls the proclamation the “Jubilee of 1863.” WILLIAM J. BARBER II, *THE THIRD RECONSTRUCTION: HOW A MORAL MOVEMENT IS OVERCOMING THE POLITICS OF DIVISION AND FEAR* 16, 45 (2016).

⁹³ These services continue to this day. See, e.g., William J. Barber II, *Standing Down Is Not an Option* (Watch Night Service, Dec. 31, 2016), in BARBER ET AL., *supra* note 59, at 177–85.

Hurrah! Hurrah! we bring the Jubilee!
 Hurrah! Hurrah! the flag that makes you free!
 So we sang the chorus from Atlanta to the sea,
 While we were marching through Georgia.⁹⁴

After General Sherman had reached the Atlantic Ocean, 6000 union troops traveled around the peninsula of Florida, through the Gulf of Mexico, and landed in Galveston Bay, Texas.⁹⁵ The Civil War was already over: General Robert E. Lee had surrendered to General Ulysses S. Grant in May, and after trying to carry on the war alone, the Texas Confederates had already surrendered too.⁹⁶ But slaveholders were still rioting and looting across the island of Galveston.⁹⁷

There, on June 19, 1865, General Gordon Granger arrived with his troops to consolidate Union forces, proclaim the Emancipation Proclamation, and enforce the good news of freedom.⁹⁸ As Galveston genealogist Sharon Batiste Gillins puts it, “As soon as the dock workers saw that ship pull in, there was dancing on the docks.”⁹⁹

The people of Texas are informed that, in accordance with a proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of personal rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and hired labor. The freedman are advised to remain at their present homes and work for wages. They are informed that they will not be allowed to collect at military posts and that they will not be supported in idleness either there or elsewhere.¹⁰⁰

The trumpet had sounded in Galveston, a town of some 10,000 people, as 6000 union troops landed on the docks — 4000 of whom were black men.¹⁰¹ African American communities, radiating out from Texas, began to celebrate

⁹⁴ HENRY CLAY WORK, *Marching Through Georgia*, in SONGS 17, 19–20 (1974); DENT & PETERS, *supra* note __, at 19; *see also* JUNETEENTH: FAITH & FREEDOM, *supra* note 80, at 23:10–23:13 (Prof. Carey Latimore IV: “But after that January 1st date when it goes into order, where the Union Army goes, it’s like a freedom force.”).

⁹⁵ *See id.*

⁹⁶ General Kirby Smith had surrendered the Confederate Army of the Trans-Mississippi in Galveston earlier that month. *See* ANNETTE GORDON-REED, ON JUNETEENTH 123 (2021).

⁹⁷ *Id.* at 122–23.

⁹⁸ Lore says that Granger read his General Order No. 3 from a balcony of Ashton Villa, but his troops actually read it multiple times at strategic points through Galveston. *Id.* at 123; *see also* D.J. NORMAN-COX, JUNETEENTH 101: POPULAR MYTHS AND FORGOTTEN FACTS (2020); JUNETEENTH: FAITH & FREEDOM, *supra* note 80, at 18:06–18:21.

⁹⁹ *Id.* at 24:08–24:28.

¹⁰⁰ Maj. Gen. Gordon Granger, General Order No. 3 (June 19, 1865), *available at* <https://www.archives.gov/news/articles/juneteenth-original-document>.

¹⁰¹ Juneteenth: Faith & Freedom, *supra* note 80, at 24:29–24:58.

the holiday as Juneteenth or, less commonly, as “Jubilee Day.”¹⁰²

Once the war was over, the Jubilee influenced the country’s vision for Reconstruction.¹⁰³ After the abolition of slavery, free Blacks and Radical Republicans began a project of rebuilding the American South, which had been ravaged by five years of war and hundreds of years of bondage. New state constitutions enshrined the abolition of slavery, and new state legislatures, led by free Black men, began to inscribe their vision for a free and fair society into law. The Freedman’s Bureau founded schools for education and voluntary societies for social services.¹⁰⁴ At the heart of America’s First Reconstruction was a Jubilee-inspired vision for a newly free Black community to work the land and enjoy the fruits of their own labor.¹⁰⁵

On January 12, 1865, twenty Black leaders, mostly ministers, met with General Sherman and Secretary of War Edwin M. Stanton in Savannah, Georgia, a meeting later called the “Savannah Colloquy.”¹⁰⁶ The general and the secretary asked them what the newly free community needed, and they responded: “to have land, and turn it and till it by our own labor ... and we can soon maintain ourselves and have something to spare.”¹⁰⁷

That vision became military command — and the source of the famous promise to freed slaves of “forty acres and a mule.” Sherman’s Special Field Order No. 15 set apart for newly freed slaves a swath of Atlantic coastline beginning south of Charleston, reaching the rice fields thirty miles back from the ocean, and stretching down through Georgia to the Saint Johns River.¹⁰⁸

¹⁰² *Id.* at 1:12:03–1:12:25 (Prof. Carey Latimore IV: “Juneteenth, Emancipation Day, Jubilee Day, all these things are about freedom. And on June 19th, 1865, somebody got freedom. Somebody’s child got freedom. Somebody’s mama got freedom. Somebody’s grandmama got freedom. And when that happened, that’s like an Exodus experience all over again.”). For a masterful account of Juneteenth that combines autobiography with history (and historiography), see GORDON-REED, *supra* note 96. In 2021, Congress passed, and President Joseph R. Biden signed, the Juneteenth National Independence Day Act, making Juneteenth a national holiday. *See* Pub. L. 117-17, 135 Stat 287 (2021) (codified at 5 U.S.C. § 6103).

¹⁰³ *See, e.g.*, Cassandra R. Coopman, *African-American Jubilee: A Recurring Fifty-Year Rejuvenation* (unpublished manuscript at 161) (2010), available at <https://minds.wisconsin.edu/handle/1793/53372>.

¹⁰⁴ *See, e.g.*, GORDON-REED, *supra* note 96, at 129–131.

¹⁰⁵ *See* BARBER, *supra* note 92, at 52–53.

¹⁰⁶ *See* Henry Louis Gates Jr., THE ROOT, *The Truth Behind ‘40 Acres and a Mule’* (Jan. 7, 2013), <https://www.theroot.com/the-truth-behind-40-acres-and-a-mule-1790894780>.

¹⁰⁷ A report of the Savannah meeting was published on page 5 of the *New-York Daily Tribune* (Feb. 13, 1865).

¹⁰⁸ This region became central to the promise of Reconstruction and the backlash that came swiftly on its heels in South Carolina. As Professor Anthony Kreis puts it, “[o]ne cannot understand the postwar Constitution without understanding the politics of the rice fields of South Carolina,” where “the promise of a radically reconstructed American

This “Jubilee Coast” would have comprised some 400,000 acres, stretching across three southern states, including the cities of Hilton Head, Savannah, Jacksonville, and St. Augustine.¹⁰⁹

But America’s First Reconstruction was incomplete and impermanent. After the assassination of President Lincoln in 1865, President Andrew Johnson rescinded Special Field Order No. 15 and returned the land to the former slaveholders. That broken Jubilee promise set the country on a darker path. As historian Eric Foner puts it,

Try to imagine how profoundly different the history of race relations in the United States would have been had this policy been implemented and enforced; had the former slaves actually had access to the ownership of land, of property; if they had had a chance to be self-sufficient economically, to build, accrue and pass on wealth. After all, one of the principal promises of America was the possibility of average people being able to own land, and all that such ownership entailed. As we know all too well, this promise was not to be realized for the overwhelming majority of the nation’s former slaves, who numbered about 3.9 million.¹¹⁰

In a painful irony, the blowback to Reconstruction also cast itself in biblical language, calling for the “Redemption” of the American South from the newly freed slaves.¹¹¹ The federal government withdrew its troops from the

constitutional order drew brief breath in the 1860s and 1870s.” ANTHONY MICHAEL KREIS, *ROT & REVIVAL* 56 (2024).

¹⁰⁹ William T. Sherman, Special Field Order 15 (Jan. 16, 1865); *see also* Gates, *supra* note 106. The extension of the Jubilee Coast down to St. Augustine is particularly poetic because it was in that town, as Professor Annette Gordon-Reed points out, that “racially organized slavery, as an organized system, began on American soil, established by the Spanish as early as 1565.” ANNETTE GORDON-REED, *ON JUNETEENTH* 61 (2021). Yet the Jubilee Coast also encompassed Fort Mose, a settlement near St. Augustine that the Spanish had established in 1738 as the first free black settlement in what would later become the United States. Gordon-Reed notes that the history of African Americans in Florida is obscured by narrative frameworks that only start the historical clock when Anglo-Americans arrive, white-washing over indigenous, Spanish, and French origin stories. *Id.* at 62–63. Beneath such frameworks, of course, Gordon-Reed points out that the historical archive itself is not neutral: “the tyranny of ideas about ‘the archive,’ or what constitutes the official record, all too often, has buried their knowledge and rendered it suspect.” *Id.* at 37.

¹¹⁰ ERIC FONER, *RECONSTRUCTION: AMERICA’S UNFINISHED REVOLUTION, 1863–1877* (2002).

¹¹¹ *See, e.g.*, Daniel Farbman, *Redemption Localism*, 100 N.C. L. REV. 1527 (2022) (analyzing the redemption era as well as the promise of fusion politics in North Carolina); *see also* Anthony Michael Kreis, *The New Redeemers*, 55 GA. L. REV. 1483, 1488–1500 (2021) (describing the period leading up to the attempted coup on January 6, 2021, as a “Second Redemption” period). I used the term *redemption* in a very different way in a 2023 article on harsh debt collection, to refer to “third parties with a familial or quasi-familial relationship to civil debtors who have reason to pay on their behalf.” *See* Christopher D.

South in 1877, and white mobs launched a decades-long regime of terror and violence.

B. Equality

A few generations later, leaders of the Civil Rights Movement once again infused their speech with the language and imagery of the Jubilee. Martin Luther King, Jr. repeatedly invoked the concept of debt to describe what the nation owed its black citizens.¹¹² And in his famous *I Have a Dream Speech*, King concluded with a rousing crescendo based on Samuel Francis Smith's "America." Smith and King were both seminarians, and Smith had written the lyrics while studying at Andover Theological Seminary. The verses once again evoke the Liberty Bell, and one hears a distinct poetic parallel between Deuteronomy's "proclaim release / throughout the land" and Smith's "from every mountainside / let freedom ring."

By 1967, King had become convinced that civil rights for black Americans was an insufficient end for the movement. The failure to observe Jubilee in 1877 echoed into 1968.

In 1863 the Negro was given abstract freedom expressed in luminous rhetoric. But in an agrarian economy he was given no land to make liberation concrete. After the war the government granted white settlers, without cost, millions of acres of land in the West, thus providing America's new white peasants from Europe with an economic floor. But at the same time its oldest peasantry, the Negro, was denied everything but a legal status he could not use, could not consolidate, could not even defend.¹¹³

Civil rights were empty without socioeconomic rights, a thesis King advanced in a speech and a subsequent book entitled "Where Do We Go From Here?"¹¹⁴ To implement civil rights, not only for black Americans but also for the millions of poor Americans of every race, King envisioned a full-scale restructuring of the economic "edifice" of the country,¹¹⁵ a "radical

Hampson, *Harsh Creditor Remedies and the Role of the Redeemer*, 92 *FORDHAM L. REV.* 935, 959 n.141 (2023).

¹¹² See, e.g., Martin Luther King, Jr., *Remaining Awake Through a Great Revolution*, delivered at the National Cathedral, Washington, D.C. (Mar. 31, 1968), <https://www.seemeonline.com/history/mlk-jr-awake.htm>; *I Have a Dream*, ("In a sense we've come to our nation's capital to cash a check.")

¹¹³ MARTIN LUTHER KING, JR., *WHERE DO WE GO FROM HERE: CHAOS OR COMMUNITY* 84 (1968).

¹¹⁴ Martin Luther King, President, Southern Christian Leadership Conference, Presidential Address at Ebenezer Baptist Church, Atlanta, GA, *Where Do We Go From Here?* (Aug. 16, 1967), in *I HAVE A DREAM: WRITINGS & SPEECHES THAT CHANGED THE WORLD* 170 (James M. Washington ed. 1986).

¹¹⁵ *Id.*

restructuring of the architecture of American society.”¹¹⁶ Put differently, a Jubilee.

Movement leaders have resurrected the language of Jubilee while calling for a massive re-investment in the poor. Led by the Reverend Dr. William J. Barber II, the Poor People’s Campaign frames the Civil Rights Movement of the 1960s as America’s Second Reconstruction and is now currently advocating for a Third Reconstruction.¹¹⁷ The Poor People’s Campaign has expressly adopted the language of the Jubilee, describing its campaign against systemic racism, poverty, environmental degradation, and militarism as a “Jubilee Platform.”¹¹⁸

C. Amnesty

Finally, the sweeping language of the Jubilee has inspired waves of amnesty movements, both in the United States and globally. Anthropologist David Graeber concluded his sweeping monograph *Debt: The First 5,000 Years* by arguing that “we are long overdue for some kind of Biblical-style Jubilee; one that would affect both international debt and consumer debt.”¹¹⁹ Not long afterward, in the wake of the Occupy Wall Street movement, an American movement called the “Rolling Jubilee” purchased debt for cents on the dollar and forgave it.¹²⁰ More recently, in February 2024, Connecticut rolled out a plan to erase \$1 billion in medical debt using \$6.5 million in American Rescue Plan Act funds.¹²¹ In July 2024, North Carolina launched a partnership with the federal government that would route additional Medicaid dollars to its hospitals if they wipe away \$4 billion in medical debt and take measures to ensure its poorest patients aren’t subject to harsh debt collection activities.¹²² And legal scholars and politicians have called for a jubilee to wipe away student loans, most notably Law Professors John Patrick

¹¹⁶ KING, *supra* note 113, at 141.

¹¹⁷ BARBER, *supra* note 92, at 56–57, 188, 121–26.

¹¹⁸ Poor People’s Campaign, A Moral Police Agenda to Heal and Transform America: The Poor People’s Jubilee Platform (July 2020), <https://www.poorpeoplescampaign.org/about/jubilee-platform/>. Barber invokes the language of the Jubilee as foundational for moral organizing. See BARBER ET. AL., *supra* note 59, at 22.

¹¹⁹ DAVID GRAEBER, *DEBT: THE FIRST 5,000 YEARS* 390 (2011).

¹²⁰ See, e.g., Anya Kamenetz, NAT’L PUB. RADIO, *These People Can Make Student Loans Disappear* (Sept. 17, 2014), <https://www.npr.org/sections/ed/2014/09/17/348036877/these-people-can-make-student-loans-disappear>.

¹²¹ See, e.g., Meredith Deliso, ABC News, *Connecticut Will Be 1st State to Cancel Medical Debt for Eligible Residents* (Feb. 2, 2024), <https://abc7ny.com/connecticut-medical-debt-ned-lamont-canceling/14380807/>.

¹²² See, e.g., Lucille Sherman, AXIOS RALEIGH, *99 Hospitals Opt into N.C. Medical Debt Relief Program* (Aug. 12, 2024), <https://www.axios.com/local/raleigh/2024/08/12/north-carolina-hospitals-medical-debt-relief>.

Hunt and Luke Herrine.¹²³

On a global level, the Jubilee has inspired forgiveness of debts owed by third-world countries. The Jubilee 2000 movement expressly invoked the biblical jubilee to call for first-world countries to forgive the unpayable sovereign debt of fifty-one developing countries, calling for a “radical one-off debt remission.”¹²⁴ By the end, the campaign had procured billions of dollars of debt relief and inspired multiple successor movements, such as the Jubilee USA Network, which has worked on issues from Puerto Rico’s financial crisis to student debt.¹²⁵ Last year, as part of his Year of Jubilee agenda-setting, Pope Francis called for nations of the global North to forgive the “ecological debt” owed by the global South, rooted in “commercial imbalances” and resulting in “unjust and unpayable debts.”¹²⁶

Those kinds of large-scale remission of debts can be seen as a sort of modern-day Jubilee — especially when the remission is a once-in-a-generation reset for the purpose of restoring the economic footing of communities that have been shut out of creative economic activity by crippling debt.

III. THE LETTER & THE SPIRIT

The Year of Jubilee has infused the thought and rhetoric of multiple American political movements with one of the most powerful metaphors in the biblical canon. As we have seen, from independence to abolition to civil rights, the Jubilee has been invoked time and again in the battles over liberty in the United States.

But what might the Jubilee inspire today? To answer this question, we

¹²³ See John Patrick Hunt, *The Failed Legal Case Against Student Debt Jubilee*, 2022 U. ILL. L. REV. ONLINE 84, 84 (2022) (arguing that “no jubilee legality skeptic has made a compelling argument that the Secretary of Education lacks constitutional and statutory jubilee authority.”); John Patrick Hunt, *Jubilee under Textualism*, 48 J. LEGIS. 31 (2021); Luke Herrine, *The Law and Political Economy of a Student Debt Jubilee*, 68 BUFF. L. REV. 281, 281 (2021). As we know now, the Supreme Court in 2023 indicated that the statute cannot sustain a student debt jubilee in *Biden v. Nebraska*, 600 U.S. 477 (2023).

¹²⁴ See DENT & PETERS, *supra* note __, at 16. As Dent and Peters frame it, the Jubilee is a “periodic sweeping away of inequalities and injustices that ha[ve] accrued over the years through debt.” *Id.*

¹²⁵ See, e.g., Joshua William Busby, *Bono Made Jesse Helms Cry: Jubilee 2000, Debt Relief, and Moral Action in International Politics*, 51 INT’L STUDS. Q. 247 (2007). As Busby argues, the religious imagery of Jubilee 2000 helped persuade some decisionmakers in the United States to support the movement. *Id.* at 267–68; see also Assoc. Baptist Press, Christianity Today, *Jubilee 2000: Grassroots Activism Delivers Debt Relief* (Dec. 4, 2000).

¹²⁶ Francis, Bishop of Rome, *Spes Non Confundit*, Bull. of Indiction of the Ordinary Jubilee of the Year 2025 ¶ 16 (May 9, 2024) (quoting Francis, Bishop of Rome, Encyclical Letter, *Laudato Si’* ¶ 51 (May 24, 2015)).

have to tease apart the letter of the Jubilee from its spirit. The letter of the law cannot be implemented in twenty-first century America. The land isn't the same land, the people aren't the same people, and the economy isn't the same economy.¹²⁷ But a jubilee, as I have argued, is a generational redistribution of the private property most central to economic creativity, to ensure equitable opportunity for every community. And if we understand the motivating principle of Jubilee in light of the sordid history of Joseph's administration and the fiery denunciations of the prophets, we can discern the spirit of the law: to preserve for every family a meaningful stake in society, especially during bad times.¹²⁸

A. Jubilee as Repair

First, while a jubilee could take different economic shapes, it must be grounded in the promise of economic opportunity and manifest through sweeping, structural reform. Anything different, or lesser, is not a jubilee — even if it is worth doing.

For example, the logic of jubilee is distinct from the logic of repair. Reparations are debts owed for historic injustices, requiring evidence of wrongdoing. They are tort-like. But a jubilee, as a generational reset, requires no evidence of harm. Of course, that doesn't mean reparations aren't worth pursuing. In the United States, reparations could begin to address the historic injustices committed against African Americans, evidenced by an ongoing and growing wealth gap between white and Black Americans. Reparations to tribes could begin to compensate for the genocide and forced relocation of Native Americans.¹²⁹

¹²⁷ Some Christian ethicists have relied on this point to argue that the Jubilee laws are a dead letter. As discussed above, I do not share that view. *See supra* notes ___–___ and accompanying text. Nor do I think that the Jubilee could be literally applied to the same land today. *See infra* notes ___–___ and accompanying text.

¹²⁸ *See supra* Section I.D.

¹²⁹ And as with remission of debt, reparation policy is subject to substantial questions about *who* and *how*. Yet as Ta-Nehisi Coates pointed out in his influential article “The Case for Reparations,” a long-ignored bill in Congress would begin the process by simply studying the matter. Ta-Nehisi Coates, *THE ATLANTIC*, *The Case for Reparations* (June 2014) (discussing H.R. 40, the Commission to Study Reparation Proposals for African Americans Act). And we have some precedent for racial reparations. In 1923, a violent white mob from Cedar Key, Florida, became enraged by the allegation that a Black man had escaped from a prison chain gang and assaulted a white woman. The mob burned the nearby Black town of Rosewood to the ground, as hundreds of residents fled on foot and by train to Gainesville, where the University of Florida now sits. In 1994, over seventy years after the violence, the Florida legislature appointed a commission to study the Rosewood Massacre and consider reparations. Upon completion of the commission's work, Florida provided reparations to the

Similarly, the logic of jubilee is distinct from the logic of release.¹³⁰ In international law, for example, the doctrine of odious debt seeks to define situations where countries need not repay sovereign debt because it was incurred by an illegitimate regime and the proceeds were not expended for the benefit of the people. On the domestic front, the Department of Education sometimes releases student loan borrowers who were defrauded by a fake college or university. These doctrines sound in contract, and require evidence of a broken promise. A jubilee hinges on no such showing. To the contrary, where jubilee principles require releasing debt, the unstated premise is that the debt was otherwise due and payable.

We should repair past wrongs, or at least try. Those efforts will sometimes involve debt, whether reparations or odious debts, but that doesn't make remedying them a jubilee. That said, an implicit principle underlying the Year of Jubilee could be that unrepaired injustices and unremitted debts are likely to accrue over time, especially when courts fail to accept evidence of wrongdoing or bad faith by lenders.¹³¹ After decades, a generational reset is required: one premised on equal opportunity rather than rectifying wrongs, but which helps set the world aright.

B. Jubilee as Rights

Second, the Jubilee can be invoked to buttress our historic limits on the commercialization of human relationships: No slavery or indentured

descendants of the Rosewood victims in the form of cash (\$150,000 to share among 143 descendants) and a scholarship to attend state college free of tuition. See Robert Samuels, WASHINGTON POST, *After Reparations: How a Scholarship Helped — and Didn't Help — Descendants of Victims of the 1923 Rosewood Racial Massacre* (Apr. 3, 2020), <https://www.washingtonpost.com/graphics/2020/national/rosewood-reparations/>. While California has just issued a massive report on reparations, see California Department of Justice, California Task Force to Study and Develop Reparation Proposals for African Americans, Final Report (2023), <https://oag.ca.gov/system/files/media/full-ca-reparations.pdf>. Florida — a former Confederate state — remains the only U.S. state to award reparations for slavery or racially motivated violence against black Americans.

¹³⁰ For a big-picture analysis of when governments should forgive debts, see MARTHA MINOW, *WHEN SHOULD LAW FORGIVE?* (2019).

¹³¹ See, e.g., Alfreda Robinson, *Corporate Social Responsibility and African American Reparations: Jubilee*, 55 RUTGERS L. REV. 309, 310 (2003).

servitude.¹³² No imprisonment for debt.¹³³ No punishment for poverty.¹³⁴ Like the Jubilee itself, these restrictions prohibit the alienation of labor and liberty in perpetuity. Other rights, like those enshrined in labor law, support and empower laborers to negotiate effectively and peacefully to receive the fruits of their labor,¹³⁵ or forbid the sorts of discrimination that undercut the jubilean concept of equal opportunity.¹³⁶

What could that look like today? Most literally, it means continuing the battle against slavery and human trafficking, both in the United States and abroad. Similarly, for more than ten million undocumented immigrants in the United States, the spirit of Jubilee could look like deferred action, work permits, or even a path to citizenship. Absent such policies, we will continue to see a dark market in undocumented labor, spawning economic exploitation.

The spirit of Jubilee might even look like a rollback of mass incarceration, particularly its abuses of prison labor. Law Professor Frank O. Bowman observed that some commentators saw the Supreme Court's ruling in *United States v. Booker*,¹³⁷ making the Federal Sentencing Guidelines advisory, as heralding a sort of "juridical Year of Jubilee."¹³⁸ And while the Thirteenth Amendment carved out prison labor from its ban on slavery and involuntary servitude,¹³⁹ the rise of the for-profit prison model has generated deep concerns that the profit motive, not the traditional policies of criminal law, is

¹³² See U.S. CONST. amend. XIII, § 1 ("Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.").

¹³³ Beginning in Kentucky in 1821, Americans enacted bans on imprisonment for debt in forty-one state constitutions. The other states barred the practice via statute. See Hampson, *supra* note 76, at 18–19; see also Note, Christopher D. Hampson, *State Bans on Debtors' Prisons and Criminal Justice Debt*, 129 HARV. L. REV. 1024 (2016). For an appendix collecting all forty-one state constitutional provisions, see Appendix, *State Bans on Debtors' Prisons and Criminal Justice Debt*, 129 HARV. L. REV. F. 153 (2016). And, as I have argued elsewhere, the timing of the state bans, prior to the enactment of the Fourteenth Amendment, suggests that protection against imprisonment for civil debt may be incorporated into the federal constitution as well. See Hampson, *supra* note 111, at 974–977.

¹³⁴ See, e.g., *Bearden v. Georgia*, 461 U.S. 660 (1982); *Williams v. Illinois*, 399 U.S. 235 (1970); *Tate v. Short*, 401 U.S. 395 (1971).

¹³⁵ See, e.g., Mary Kay Henry, *Fighting Together for \$15 and a Union*, in BARBER ET AL., *supra* note 59, 149, 151–52.

¹³⁶ See Equal Employment Opportunity Act of 1972, Pub. L. 92-261 (amending 42 U.S.C. §§ 2000e–2000e8, 5 U.S.C. § 5108).

¹³⁷ 543 U.S. 220 (2005).

¹³⁸ See Frank O. Bowman II, *The Year of Jubilee ... or Maybe Not: Some Preliminary Observations about the Operation of the Federal Sentencing System after Booker*, 43 HOUS. L. REV. 279 (2006).

¹³⁹ U.S. CONST. amend XIII.

driving the system.

C. Jubilee as Reconstruction

Understood in its grandest sense, though, the Jubilee’s call for a generational reset sweeps far beyond reparations, remission, or rights. The only word in the American legal tradition big enough to capture the spirit of Jubilee is *reconstruction*. The spirit of Jubilee could also include massive investments in the broader economy, and those investments do not have to be about farmland. In a new economy and a new ecosystem, ensuring that communities can enjoy the fruits of their labor would require a very different form of reconstruction. The initial jubilean endowment, if implemented today, could look very different on its face, as the American economy is no longer a predominantly agrarian economy but a manufacturing and knowledge economy. A Jubilee-inspired reconstruction today might focus on delivering education, re-training, or even cash — whether through a universal basic income (“UBI”) or savings bonds.¹⁴⁰

CONCLUSION: AN AMERICAN JUBILEE

I’ve argued that the Jubilee is central to the Hebrew Bible and that, understood in its foundational sense, a jubilee is a generational redistribution of the private property most central to economic creativity, to ensure equitable opportunity for every community. We have seen how, over four hundred years of American political history, the Jubilee has been invoked by freedom fighters, abolitionists, radical reconstructionists, and civil rights leaders. And for those who find the Jubilee inspiring or authoritative, its trumpet blast for a generational reset may sound like a call for us today.

And yet, before we end, we need to see our situation clearly, that is, prophetically. Both American jurists and American theologians (especially those of my own faith tradition, Evangelical Christianity) suffer from what Soong-Chan Rah calls “triumphalism”¹⁴¹ — the cloying insistence that all will be well. Just as the nation’s law reviews are bursting with the over-

¹⁴⁰ This way of thinking is not particularly new. King envisioned a full-scale investment against poverty on both the national and international scales, something he called a “Marshall Plan for the disadvantaged.” KING, *supra* note 113, at 39; *see also id.* at 188–91 (describing King’s vision for a Marshall Plan to combat global poverty). His notion included a guaranteed income. *Id.* at 171. Indeed, we already do some of this through the Social Security program, a retirement benefit designed to provide stability and security after a lifetime of work. Indeed, the Spanish “jubilar” means *to retire* and the noun “jubilación” means both *retirement* and *pension*.

¹⁴¹ SOONG-CHAN RAH, *PROPHETIC LAMENT: A CALL FOR JUSTICE IN TROUBLED TIMES* (2015).

optimism of a thousand Part IVs, the nation's churches are resounding with the rosy celebration of a thousand Verse IVs, both groups jumping effortlessly to a world in which all is made right. And yet the arc of the moral universe sometimes feels so long that its true bent cannot be made out. Prophetic lament, Rah offers, may be a necessary medium for our age, an age where justice has been too long delayed for too many. I do not think the Jubilee call is easy to obey. And from the Scriptures to the South, the Jubilee has been broken as often as it has been declared. Not only that, even if one agrees that we should celebrate a labor jubilee, a medical debt jubilee, a student loan jubilee, or an odious debt jubilee, we are left with major questions, like who decides and on what authority.¹⁴² In the battle between good and evil, the details are contested ground.

Let me conclude with three points of concern and one whisper of hope:

First, the Jubilee sits uneasily at the edge of spiritualism and social gospel. This problem may be particularly felt by Evangelical Christians, who underscore God's saving work in the heart, often to the exclusion of economic or social justice.¹⁴³ In contrast to Evangelicals, Catholics have long understood the biblical Jubilee to stand as a basis for social thought.¹⁴⁴ To be clear: this interplay between the spiritual and social is not limited to Christians: people of every faith and philosophy struggle with this question. How much can religious motivation push earthly social reform, when faith is

¹⁴² For example, Professor Christopher Robertson expresses skepticism that debt remission would work and proposes a new federal lending program for medical debt, to parallel those in higher education, farms, and small businesses. See Christopher Robertson, *An Overdue Solution: Federal Loans for Medical Debt* (unpublished manuscript at *3) (on file with author).

¹⁴³ Christians sometimes fast-forward through the Hebrew Bible as a sort of prelude. Of course, the Jubilee sounds in the New Testament too: in *Luke 4*, Jesus inaugurates his ministry by announcing the arrival of the Year of Jubilee, quoting the Prophet Isaiah. See, e.g., Joseph, *supra* note 147, at 182; JUNETEENTH: FAITH & FREEDOM, *supra* note 80, at 1:02:07–1:02:21 (Rev. Dr. Michael W. Waters: “That’s the Jesus we espouse. That’s the Jesus we uplift, who came to liberate the captive, open up the eyes so that we all see, and bring equity to the world through Jubilee.”). And yet, in the context of the spiritual dimensions of Jesus’s ministry, some Christians struggle with how to understand such a call. I have not attempted to engage with New Testament theology here, especially because it raises a slew of other questions, and so the problem stands.

¹⁴⁴ Pope John Paul II’s apostolic letter *Tertio Millennio Adveniente*, issued in anticipation of a Jubilee in the year 2000, encapsulates the tension between the spirituality and the sociality of jubilee. On the one hand, the Pope acknowledged that Catholic social thought is “rooted in” the biblical Jubilee. See Pope John Paul II, *Tertio Millennio Adveniente* ¶ 13 (Nov. 10, 1994) (“The social doctrine of the Church, which has always been a part of Church teaching and which has developed greatly in the last century, particularly after the Encyclical *Rerum Novarum*, is rooted in the tradition of the jubilee year.”) (citing Pope Leo XIII, *Rerum Novarum* (May 15, 1891)). On the other hand, the Pope’s plans for the jubilee focused on Trinitarian theology, see *id.* at ¶¶ 40–54, not Catholic social thought.

so frequently about eternal matters of the soul?

Second, the Jubilee forces us to ask hard questions about who receives the initial endowment. In its biblical form, the Jubilee was ethnocentric: “Jubilee for me but not for thee.” This problem, which I flagged earlier,¹⁴⁵ is a foundational one. It reminds me of the question posed to Jesus: “Who is my neighbor?”¹⁴⁶ After Reconstruction, white slaveholders claimed the language of Redemption, casting themselves as the only true heirs to America’s promise. And today, biblical literalists — both Jewish and Christian — deploy the language of Jubilee to buttress the claims of Israeli settlers to contested land in Palestine. I worry that simply calling this narrow application of the Jubilee literalistic or anachronistic won’t suffice.¹⁴⁷ I worry too that a progressive call for “Jubilee for everyone” won’t overcome the grievances and suspicions of a world in pain. And I wonder what moral force can launch Jubilee beyond this downward gravitational pull.

Third, the Jubilee raises tough questions about the role of religious institutions and the state. If Jubilee is law, then it is founded on force. We write down so much of our law that we are perennially tempted to collapse law into interpretation, to reduce the enterprise of understanding law into a cerebral puzzle over meaning. But as Professor Robert Cover reminded us forty years ago, “[l]egal interpretation takes place in a field of pain and death.”¹⁴⁸ No law enforces itself. We pick it up, feel its heft and balance, and then slash away at a living world. Whether the cuts we make are fair, efficient, or formative — whether they are *just* — turns not only on the form the law takes, but also on the shape and color of the world that bears its scars. And this is no less true of the Jubilee. When Union troops landed in Galveston, Texas, it was not to announce the Jubilee, but to enforce it.

But not all faithful people believe that they should take up the sword of the state. In his *The Politics of Jesus*, Mennonite theologian John Howard Yoder argued that Jesus’s call was to a radical restructuring of social life through nonviolent action. And theological ethicist Stanley Hauerwas has long insisted that the first task of Christian ethics is for the church to *be the church*, not to direct how federal and state institutions wield their power.¹⁴⁹

¹⁴⁵ See *supra* notes ___–___ and accompanying text.

¹⁴⁶ *Luke* 10:29.

¹⁴⁷ Simon J. Joseph, “*The Land is Mine*” (*Leviticus 25:23*): *Reimagining the Jubilee in the Context of the Palestinian-Israeli Conflict*, 50 *BIBLICAL THEOLOGY BULL.* 180, 185 (2020) (“[t]o speak of Jubilee in this context is to risk both political and religious offense by re-locating an ancient biblical tradition in(to) a contemporary arena that may seem irrelevant or one-sided at best.”).

¹⁴⁸ Robert M. Cover, *Violence and the Word*, 95 *YALE L.J.* 1601 (1986).

¹⁴⁹ In a way, this problem is the inverse of the liberalism problem discussed above, see *supra* notes ___–___ and accompanying text.

It might be, then, that the call of the Jubilee is on religious institutions only — not the liberal governments in which they live.

I don't want to cheapen these questions with facile answers, but here is the whisper of hope. We can, I think, find great encouragement in institutions like the Black Church, which saw and claimed a promise in ancient texts despite the preaching of the religious elites of their day that they stood outside the scope of the promise. And even when they were denied power and resources, free Black communities found ways to live out Jubilee principles in their own communities.

These initiatives led the way for other Christians, other citizens — and even the state. Minister John M. Perkins grew up in a family of sharecroppers in Mississippi. After escaping to southern California and converting to Christianity, Perkins moved his family back to Mississippi in 1960 and began establishing institutions to take care of the poor. In 1976, he published a book called *A Quiet Revolution*, outlining a method for Christians to meet the needs of their communities.¹⁵⁰ He called for “three R's” — relocation, redistribution, and reconciliation.¹⁵¹ That strategy became the foundation for the Christian Community Development Association (“CCDA”), which exists to this day as a national network of organizations living out Jubilee across the country. Without fanfare, organizations from the West Side of Chicago to Charleston, West Virginia are overcoming poverty, prejudice, and structural racism to reconnect communities with their creative potential.¹⁵²

A quiet revolution indeed. To be sure, the loud revolution may yet come. Yet even though the Jubilee takes its name from the clarion call that rings freedom from every mountainside, nothing can stop those who believe in its principles from living out a Quiet Jubilee until the trumpet sounds.

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¹⁵⁰ JOHN M. PERKINS, *A QUIET REVOLUTION: THE CHRISTIAN RESPONSE TO HUMAN NEED, A STRATEGY FOR TODAY* (1976).

¹⁵¹ Together, Perkins and his colleague Wayne Gordon of Lawndale, Chicago, founded the Christian Community Development Association (“CCDA”). Lawndale, of course, was also the neighborhood in Chicago's West Side to which Martin Luther King moved in the late 1960s, with the aim of protesting discriminatory real estate practices and slum conditions.

¹⁵² See, e.g., JEFF BIDDLE JR., JAMES JESSUP, CHRIS LAHR & JEFF THOMPSON, *PLAYING FOR THE CITY: THE POWER OF SPORTS FOR CHRISTIAN COMMUNITY DEVELOPMENT* (2020) (describing the work of the Midian Leadership Project).