



*Journal of
Religion & Society*
Supplement Series

The Kripke Center

Supplement 14 (2017)

Religion and Politics

Edited by Ronald A. Simkins and Zachary B. Smith

1. Care for the Poor and Needy

The Bible's Contribution to an Economic and Social Safety Net

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Abstract

Although some form of economic safety net is generally assumed in current political conversations, debate over the nature and extent of the safety net is perhaps the source of the great divide in American politics at the beginning of the twenty-first century. At issue, for any aspect of the safety net, are the questions of who is protected or supported, from what, and to what extent? The agent of the safety net is generally assumed to be the government. The concern expressed through the construct of a safety net – to protect or support the economically disenfranchised when they are most vulnerable – is evident throughout the biblical tradition. Yet, as with today, there is no unanimity. This paper will explore the various visions presented through the legal traditions, asking the questions with regard to those who are vulnerable: who is protected or supported, from what, and by whom?

Keywords: poor, poverty, safety net, biblical law, economy

Introduction

As we entered the 2016 election year for President, the primary issues with which the American public was concerned became clear early in the year. Immigration, spurred on by the bombastic and offensive rhetoric of Donald Trump, and income equality, championed by Bernie Sanders, were at the forefront and were highly contested issues. In past election cycles, issues regarding a social and economic safety net have played a central role, especially welfare reform and universal healthcare; Social Security and Medicare, often treated as a “third rail of politics,” are generally ignored during election cycles, but emerge during non-election years when the ramifications of the politicians’ controversial stances might have less impact on their careers. Although the safety net issues did play a prominent role in the 2016 election, they quickly emerged after the election in what promises again to be a highly divided and polemical Congress.

Although some form of social and economic safety net is generally assumed in political conversations, debate over the nature and the extent of the safety net is perhaps at the center of the great divide in American politics at the beginning of the twenty-first century. At issue, for any aspect of the safety net, are the questions of who is protected or supported, by whom, from what, and to what extent, but also the critical question of does it work. Unsurprisingly, the Bible has been marshaled into the debate on both sides. It has been used, for example, by those who would emphasize the role of individual responsibility and private action in helping the poor, and by those who see a necessary role for the government and social programs.

Some would argue, of course, that the Bible has no place in political debates, whether over safety net issues or not. And certainly, the Bible cannot and so should not function as a divine authority that precludes debate; it does not have ready-made answers for our time and for our concerns. But the role of the Bible in political debates is inevitable simply because the Bible has and continues to play a significant role in so many people’s thoughts and actions; it is part of their discourse on what is good, just, and true, and thus worthy of commitment or devotion. Given its prominent role for so many people, it is not surprising that the Bible has been used to support so many different political positions, on both safety net and other issues. This is due in part to the inherent multivalence of the biblical texts, but also to the natural human tendency for readers to impose on the biblical texts their own values and worldview. The Bible can confirm our convictions – political, social, or otherwise – as well as challenge us to think and act differently; much is dependent on the reader.

Although in this essay we cannot adequately deal with the problem of how the historically and socially specific biblical texts might speak in our contemporary political and social contexts, we can at least get the Bible right by understanding it within its own literary, historical, and social contexts. This is a prerequisite before the Bible can be used legitimately in contemporary political conversations. Therefore, in this essay I will focus on what the biblical texts, especially the law codes, might contribute to the discussion of a social and economic safety net.

The Traditional Near Eastern Safety Net

The contemporary social and economic safety net is not a single entity but a social construct encompassing multiple institutions, social programs, and legal provisions that provide for the poor and needy and ensure that those who are doing well do not become poor and needy. Although it would be anachronistic to expect to find similar institutions, programs, and regulations in the biblical tradition – the historical and social distance between the ancient and contemporary societies is simply too great – the safety net, as a social construct, is an appropriate heuristic model for addressing how the biblical tradition expected the ancient Israelites to care for the poor and needy in terms that are comparable to our social system.

Although the contemporary social and economic safety net is made up of multiple and varying institutions, social programs, and legal provisions that evolved over time or have been created to deal with new situations, the meaning of the social construct has remained rather stable. The safety net is a public good, which may be delivered through private means, involving both corporate and individual acts for the benefit of, or to prevent one from becoming, poor and needy. For example, the government supplies food subsidies for those below a defined income level, but it also funds private soup kitchens that feed the homeless. The safety net is a corporate expression of concern for the poor by all those who pay taxes, but individuals also contribute directly to the safety net through their mandated purchase of private automobile and health insurance. Individuals may contribute to the safety net when following a public mandate, but the safety net should not be confused with individual acts of charity, which are privately motivated.

When we read the biblical tradition and especially the laws in reference to this social construct, a social and economic safety net is represented imprecisely and inconsistently in the biblical tradition's earliest collection of laws, the so-called Book of the Covenant (Exodus 20:23–23:33). Although there are explicit laws that make reference to the poor, it is not evident that such laws would constitute a safety net. On the one hand, it is peculiar that the laws make reference to the poor at all; this is not true of other Near Eastern law codes. Although the prologues and epilogues of such law codes describe how the king defends and cares for the poor, the law codes themselves do not mention the poor (Lohfink). This discrepancy between the laws and their framework is not found in the biblical laws, yet even so the biblical laws make only modest mention of the poor.

On the other hand, where the laws mention the poor, it is not always evident how the laws provide for the poor in the sense of a safety net. In the Book of the Covenant, God's concern for the poor is unambiguous:

You shall not wrong or oppress a resident alien, for you were aliens in the land of Egypt. You shall not abuse any widow or orphan. If you do abuse them, when they cry out to me, I will surely heed their cry; my wrath will burn, and I will kill you with the sword, and your wives shall become widows and your children orphans (Exodus 22:21-24).

But the laws do not command the people to do anything on behalf of the poor – here singled out as the widow, the orphan, and the alien (see further, Simkins). The people should

simply not take advantage of the poor's plight by doing anything that would be oppressive. Examples are given in the following laws: If one lends to the poor, one should not charge interest, which would further impoverish the poor person, and if one takes a cloak in pledge of such a loan, it should be returned by evening because it may be the person's only cloak (Exodus 22:25-27). God will punish those who oppress the poor – no other sanction is given – but in these laws God does not command care for the poor.

The failure of the Book of the Covenant to include provisions for the care of the poor is perhaps not surprising given that its Near Eastern analogues fail to mention the poor at all. Yet, it does beg the question of who does care for the poor. In the prologues and epilogues of the Near Eastern law codes, it is the king who establishes what the Bible labels as “justice and righteousness,” which includes care for the poor and needy. The laws do not require the people to care for the poor because it is the king's role to ensure that their needs are met. A summary of David's reign as king states that he “administered justice and righteousness (*mišpāṭ ūšēdākā*) for all the people” (2 Samuel 8:15). Moshe Weinfeld has argued that *mišpāṭ ūšēdākā*, when used in the prophets and Psalms, refers “primarily to the improvement of the conditions of the poor, which is undoubtedly accomplished through regulation issued by the king and his officials” (35). The king's role in upholding “justice and righteousness” and his role in caring for the poor is made explicit in Psalm 72:

Give the king your justice, O God,
and your righteousness to a king's son.
May he judge your people with righteousness,
and your poor with justice.
May the mountains yield prosperity for the people,
and the hills, in righteousness.
May he defend the cause of the poor of the people,
give deliverance to the needy,
and crush the oppressor (Psalm 72:1-4).

The king is the agent of God's justice and righteousness, and so cares for the poor and needy on behalf of God. As Weinfeld has made clear, judging “with righteousness” and “with justice” is not about the proper execution of judicial proceedings, but rather “social justice and equity, which is bound up with kindness and mercy” (36). For the poor and needy, this would entail providing the social and economic security and support that we would identify with a safety net.

The only law in the Book of the Covenant that explicitly indicates the presence of a safety net on behalf of the poor is the law concerning a debt slave: “When you buy a male Hebrew slave, he shall serve six years, but in the seventh he shall go out a free person, without debt” (Exodus 21:2). Debt servitude, as it is better called, was a common means of collateral used to secure and repay loans for an economically struggling household. For example, when a household had insufficient resources to sustain itself through the next agricultural cycle – due to low crop yield caused by drought or pestilence, or to a multitude of other unexpected causes – the head of the household might sell his children, or even himself, into debt servitude in order to secure sufficient resources for the household and for

the following year's plantings. Ideally, the next agricultural cycle would produce sufficient bounty to repay the loan, support the household, and include enough seed for the following season, but this was often not the case. A household could be trapped in an endless cycle of debt, with the agricultural season producing enough for the household's survival or for repayment of the loan, but not for both. The law of the debt slave, however, put a limit on how long the debt cycle could continue: in the seventh year, the ledger is cleared and the head of the household or his son is freed from servitude (see Chirichigno: 186-255).¹ In this way, the law of the debt slave functions as an economic safety net and is analogous to our laws on personal bankruptcy.

Although most of the laws that address the poor in the Book of the Covenant do not function as, or give reference to, a social and economic safety net, the social context of the law code makes the explicit reference to a safety net unnecessary in most cases. The authority behind and responsibility for the safety net that provided for the poor and needy in ancient Israel was the king as the agent of God. The Book of the Covenant is probably the product of the monarchic period and it assumes the role of the king as the administrator of justice and righteousness. The king ensured the social and economic safety net for the poor and needy. The exception is the law of the debt slave, which does spell out the safety net. Because the poor person in this context is subject to a third party, the patron to whom he has been sold (or sold himself) for debt service, the law limits the extent of such servitude. The patrons to whom impoverished Israelites became indebted thus shared in the responsibility for the safety net through the divine mandate to release their indentured servants after six years of servitude. The safety net becomes explicit when the role of the king can no longer be assumed.

Reform and Counter-Reform

When we turn to the Deuteronomic and Priestly legislation, the laws that provide for the poor and needy explicitly define a social and economic safety net. Perhaps, this was due in part to the harsh criticism of the monarchy and its officials by the seventh century prophets, who point out their failures to administer justice and righteousness on behalf of the poor and others. According to these prophets, the royal establishment had not been fulfilling its responsibility for the safety net to care for the poor and needy. However, changes regarding the articulation of a safety net are probably due more to the changes forced upon the monarchy. Under Assyrian hegemony in the seventh century, the power and role of the monarchy had been circumscribed by this foreign domination (see Levinson; Dutcher-Walls). Then, shortly into the sixth century, the monarchy ceased to exist with the sack of Jerusalem and exile of the people by the Babylonians. The Deuteronomic and Priestly scribes lived in a very different world vis-à-vis the monarchy than the scribes of the Book of the Covenant, and this is evident in their articulation of the social and economic safety net. The authority behind and responsibility for the safety net could no longer be the

¹The situation of a daughter subjected to debt servitude is more complicated because of her sexuality. She becomes a secondary wife in the household into which she is sold, and so is not freed in the seventh year. However, she cannot be sold like a slave, and if she is not properly treated as a wife, then she may go free (Exodus 21:7-11).

king. The authority is now the legislation itself, which God communicates through Moses to the people, and the responsibility for the safety net is now placed in the hands of the people.

The relationship between the Deuteronomic and Priestly works is highly contested, and I cannot address the issues in this essay. Nevertheless, some framework is needed to put their different laws in context. Although both works draw upon earlier legal and customary traditions, the formulations of the Deuteronomic and Priestly works date to the seventh and sixth century respectively. Thus, the Deuteronomic work includes the role of a king, circumscribed though it is, whereas no king is present, or assumed, in the Priestly work. Both works are constructive, utopian, and reform oriented, but the Priestly work also seems to be responding in part to the Deuteronomic work, and thus I consider it to be a counter-reform.

The Deuteronomic legislation includes multiple laws providing food for the poor and systematic debt relief. Norbert Lohfink has argued that the Deuteronomic laws distinguish two economically disenfranchised groups: a group that does not possess landed property – the widow, orphan, alien, and Levite – and a second group referred to as the poor and needy (*'ebyôn*, *'ānî*) who are subject to the repeatable and cyclical processes of indebtedness and debt servitude. This latter group may experience poverty for numerous social, economic, or environmental reasons, and so the Deuteronomic reform seeks to limit the poverty to seven years and to protect the person who has been impoverished (Deuteronomy 15:1-18; 24:10-15). In a radical expansion and revision of the earlier law concerning a debt slave, the Deuteronomic law commands: “Every seventh year you shall grant a remission (*šēmīttā*) of debts” (Deuteronomy 15:1). In the explanation of the law that follows, it is clear that the remission should occur every seventh year, regardless of when the loan was acquired, and that only debts to fellow community members (“his neighbor and his brother”) are subject to remission. Foreign debts, which presumably involve commercial loans, are not released. As with the earlier law concerning the debt slave, the Deuteronomic law also commands the release of debt slaves after six years, but includes daughters as well as sons (Deuteronomy 15:12-18). Moreover, the patron is commanded to send out the debt slave with a share of the bounty from his or her labor, providing a modest foundation on which to build economic security (see Chirichigno: 256-301).

Similar remissions of debt were not uncommon in the ancient Near Eastern world, with the Edict of Ammisaduqa being the most well-known, which, like the remission in Deuteronomy, makes the distinction between personal and commercial debts and also includes the release of debt slaves. Such remissions were enacted by kings, generally when they came to power, as a proclamation of the character of their rule. The Deuteronomic remission, however, is proclaimed by YHWH – it is the “remission of YHWH” (Deuteronomy 15:2) – rather than the king, and it is scheduled every seven years in contrast to the ad hoc proclamations of the Near Eastern kings. Through YHWH’s proclamation of remission, the Deuteronomic scribes have transferred to the people the responsibility of debt relief – and so the safety net – that had previously belonged to the king.

In contrast to the poor and needy, the widow, orphan, alien, and Levite experience poverty as a condition of their socio-economic status: they are those who have no land on which to subsist. The Deuteronomic laws, therefore, require those who do have land to

provide for them. Every third year, the tithe should be given to this impoverished group (Deuteronomy 14:28-29). During the pilgrimage festivals of Weeks and Booths, the widow, orphan, alien, and Levite will share in the people's food in Jerusalem (Deuteronomy 16:9-15). Finally, the widow, orphan, and alien should be given the gleanings of the grain, olive, and grape harvests (Deuteronomy 24:19-21). Without land, the widow, orphan, alien, and Levite are permanently unable to provide for their own subsistence and so are dependent on others. Although these provisions are the result of individual acts, they should not be confused with private acts of charity. In the Deuteronomic formulation, each provision is an expression of Israel's covenant with YHWH; each is commanded as a fitting response to God's blessing and prior deliverance of Israel from bondage in Egypt. The Deuteronomic laws thus provide a minimum safety net for the widow, orphan, alien, and Levite's survival; they are provided subsistence through the labor and production of others.

The Priestly scribes do not distinguish between two groups of poor people, as do the Deuteronomic scribes. Otherwise, the Priestly legislation similarly prohibits farmers from fully harvesting their grain or grapes so that the gleanings left behind may provide subsistence for the poor and the alien (Leviticus 19:9-10; 23:22). Elsewhere, the Priestly scribes make provision for the Levites, who will subsist off of the tithes (Leviticus 27:30-33; Numbers 18:21-24), but the plight of the widow and orphan is not mentioned. Their conspicuous absence in relation to the Deuteronomic legislation may become clear from the Priestly scribes' primary legislation on the safety net: the jubilee.

Comparable to the Deuteronomic remission (*šēmittā*), the Priestly jubilee (*yôbēl*) is concerned with the redemption (*gē'ullā*) of the Israelites' land and persons (Leviticus 25:8-55): every fifty years the (male) Israelites should return to their property (*'āhuzzā*) and their family (*mišpāhā*). Because the land belongs to YHWH, only a certain number of harvests, rather than the land itself, can be sold up to the year of jubilee when the land should return to the one who originally possessed it. The jubilee legislation also makes provision for the redemption of persons who may experience increasing levels of impoverishment. If an Israelite sells his property because of impoverishment, then a near-kinsmen (*gô'ēl*) should redeem his land. If the Israelite is unable to provide for himself, he may become dependent on a patron with whom he will live as an alien (*gēr*). And if the Israelite needs to sell himself into servitude, he should not be treated as a slave but as a hired laborer with the right of redemption: he may redeem himself through his wages, or his kin may redeem him. In any case, an Israelite's dependence or servitude should last only until the year of jubilee when we would be freed and restored on his land (see further, Fager; Chirichigno: 302-43).

As with the Deuteronomic remission, the responsibility for the safety net is placed on the patrons on whom an impoverished Israelite might become dependent for provisions or to whom he might become indebted into servitude. In both cases, the patron should treat the impoverished man as his "brother," providing for him without profit and treating him with the respect of a laborer who earns his keep. But the Priestly scribes also placed the responsibility on the man's *mišpāhā*, his extended family beyond the household, who are charged with redeeming the man and his land. It is this emphasis on the family that perhaps accounts for the legislation's silence with regard to the widow and orphan. For the Priestly scribes, the recipients of the safety net are the Israelite landowners, and the safety net is

constructed to ensure their redemption on their land. The widows and orphans, presumably, were expected to be cared for by their extended families, the landowners of their *mišpāhôt*.

Conclusion

The biblical legislation is ideological and utopian; it does not correspond directly with actual customs or legal practice in ancient Israel (Houston: 169-203). Nevertheless, does the biblical articulation of a social and economic safety net reflect an actual functioning safety net in ancient Israel, however it was conceived? Perhaps in part, but the evidence is meager. Most likely, the ancient Israelites relied on the traditional Near Eastern safety net, with responsibility primarily in the hands of the king to care for the poor and needy, though we are uncertain by what tangible means, or how effectively or thoroughly, this was accomplished. The Deuteronomic and Priestly provisions that the poor could glean in fields and orchards may reflect actual rural customs, as depicted in the story of Ruth. Little burden would have been created for the farmers, and such a custom did not need a royal administration to implement.

Other provisions in the legislation, especially those concerning debt relief, do not appear to reflect actual practices – at least not as formulated. The Bible gives two examples of systematic debt relief in other texts. The Book of Jeremiah describes how Zedekiah issued a proclamation of liberty (*děror*) to set free all Hebrew slaves, male and female, but afterwards the officials and the people reneged on their covenant and returned the slaves to their former status (Jeremiah 34:8-22). Although Zedekiah's remission has some similarities with the Deuteronomic formulation of debt remission, it differs in notable ways: it is promulgated ad hoc rather than after a seven-year interval, it is issued by the king's authority, and its purpose is to free all Judeans permanently from servitude rather than simply end a cycle of debt. Although Jeremiah alludes to the Deuteronomic legislation, his critique also suggests that Zedekiah's proclamation was unprecedented, and thus was unlikely to be based on the Deuteronomic legislation.

Later, Nehemiah faces a situation of Judeans falling into debt, losing the usufruct of their land, and encumbering their sons and daughters with debt servitude – problems that the Deuteronomic and Priestly legislations aim to prevent (Nehemiah 5:1-13). Nehemiah blames the problem, in part, on the taking of interest on the antichretic loans, and he demands that the nobles and officials restore the interest taken and the usufruct secured by the loans, essentially remitting the people's debt (see Fried). Although the nobles and officials agree to his demands, they do so because of this authority as the Persian governor; Nehemiah does not appeal to the Deuteronomic or Priestly legal traditions. The text gives no evidence that Nehemiah's reform was based on common custom or the earlier legal traditions.

From the three legal traditions in the Bible, a social and economic safety net is clearly articulated. All three traditions, each in its own distinctive way, provide for the subsistence of the poor and include measures for debt relief. The social and economic safety net presented in the Book of the Covenant is quite modest and perhaps the most realized in ancient Israel. It largely assumes the role of the king in providing for the poor and needy – for administering justice and righteousness – but it explicitly gives responsibility for limiting debt servitude to the patrons to whom such service was owed. The Deuteronomic and Priestly

legislations build on these two aspects of the safety net with multiple laws providing subsistence for the poor and diverse methods of debt relief, but responsibility for the safety net is put in the hands of the people – whether the subsistence farmer whose fields and orchards could be gleaned, the patron who provides food and loans, or the extended family who redeems lost land and indebted kin. Moreover, both the Deuteronomic and Priestly legislations broaden the extent of the safety net, though in different and competing ways.

As ideological and utopian proclamations, the biblical formulations of a social and economic safety net contribute primarily to the Bible's teaching on social justice. Rather than present a pragmatic plan on how to care for the poor and needy, the biblical presentation of the safety net, in its various forms, lays out a vision of what should be rather than what is. God cares for the poor and needy, and they should be provisioned out of the bounty that God supplies his people. The consequences of poverty, especially those produced by debt, should be limited.

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