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The Social Integration of Under-Privileged People in the Old Testament

Abstract.

Social integration was and continues to be a vital need of all historical periods. Even from the Mosaic Period, God was extremely preoccupied with the way Jewish people would integrate socially under-privileged people (orphans, widows, poor people and strangers). Moreover, the Old Testament Law stipulated for a social integration of Levites and Priests. The current article aims to give an in-depth analysis of the way how all these under-privileged social categories ought to have been regarded and treated. In addition, within the same article it has been highlighted that there was a legal demand both in Antiquity (through the code of Hamurabi) and Semitic World to integrate the under-privileged people, this issue was often the responsibility of the acting king.

Keywords: city of refuge, social integration, orphans, widows, strangers, poor people.

Within the same study it has been emphasized the fact that in Jewish area (especially the one of the Old Testament) even the social reintegration of people who killed a man unintentionally was considered. These people could have been saved from death by fleeing to the city of refuge.

The social integration of the various under-privileged social categories, although it occurred only after the Church's establishment, was a frequently applied practice in the Old Testament period as well.

Within the Old Testament, social integration is an extremely present occupation, being especially focused on the most under-privileged members of society.

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It can be easily noticed that the Old Testament Law stipulated a few clear rules regarding the protection of the poor (Exodus 23:6, Deuteronomy 15:7–11), followed by the Old Testament prophets who wrote against those that exploited the poor and the needy (Isaiah 5:8; Amos 4:1; 8:4–6). The Old Testament reveals the way in which God established the layout of the Hebrew space taking into account the social group of the poor as well. The Old Testament laws regarding the Jewish way of cohabitation spoke even about the manner in which Jews were asked to farm their lands. The prescription was that during the harvesting, a part of their field would intentionally be left standing and the gleanings of their harvest would not be gathered (Leviticus 19:9; 23:22; Deuteronomy 24:19; Ruth 2:3).

The Jewish law further stipulated that if there was any Jew who did not have the physical capacity to work, and therefore could not sustain himself from a financial perspective (Leviticus 25:35), an alternative was created for him to sell himself as a servant to his richer brother, who would accept him in his administration, allowing him thus to survive in an decent manner (Leviticus 25:39–41). The same civil law outlined the fact that a man that had deliberately become a servant was under the obligation to serve his master up until the year of joy, while his master was responsible for treating this servant with great care, without oppressing him or mocking him in any way (Leviticus 25:42, 43).

One of the most solid arguments behind the social integration during the period of the Old Testament was underlined in the books of Deuteronomy and Leviticus, namely that love for the Jewish people had to be shown both God and towards one's neighbor². This love for one's neighbor required an active and constant involvement, from a social point of view, in the life said neighbor.

It is imperiously needed to highlight the fact that during the Old Testament era, along with the poor (those with financial needs) and the foreign, the widows and the orphans were also considered an under-privileged social category³. Moreover, the Old Testament describes God as being extremely interested in the widows' and orphans' standard of life. This also transpires from the way in which all of the Old Testament laws were issued with the purpose of protecting those in need and of taking great care of their needs⁴. In addition to the widow and the orphan, the Old Testament emphasized that God paid special attention to another social category, that of the foreigner (Deuteronomy 24:17–18). God

² Sinodul Diecezan, *Activitatea social-caritativă a Bisericii locale*, Episcopia Romano-Catolică din Iași, http://www.ercis.ro/cateheza/sinodteme.asp?id=125.

³ Ovidiu ȚIPRIGAN, "Poporul lui Dumnezeu și societatea: Responsabilitatea socială față de văduvă și orfan în Orientul Apropiat Antic și în Vechiul Testament", in Corneliu CONSTANTI-NEANU, Mihai HANDARIC, Iosif RIVIȘ-TIPEI, Mircea DEMEAN-DUMULESCU (coordonatori), Poporul lui Dumnezeu și societatea, "Aurel Vlaicu" University Press Arad, 2016, p. 348.

⁴ John CORRIE (ed.), *Dictionary of Mission Theology. Evangelical Foundations,* Downers Grove, Inter-Varsity Press, 2007, p. 295.

commanded the Jews to have mercy on the foreigners just as He had had mercy on Israel, while they were slaves (and implicitly foreigners) in Egypt⁵.

The Lord paid so much attention to the orphan, the widow, the stranger and the Levite⁶ that he commanded that they should have a part of the tithe resulted from the third-year's income (Deuteronomy 14:28–29; 26:12)⁷.

Not only within the Pentateuch were there various requisitions regarding the social reintegration of the under-privileged, but also within the prophecies of the Old Testament. For instance, the prophet Isaiah points out as an untired conveyor of social peace: "Learn to do good, seek justice, reprove the ruthless, defend the orphan, plead for the window".⁸

Patterson⁹ stated that "the Old Testament comes from a wider cultural environment, whose habits, institutions, linguistic features and literary patterns have been widely shared mostly during the fertile moon". The Ancient Near East holds old legal sources showing similar care towards helping the poor and a fair reaction to the weaker members of society. A considerable number of clay tablets from the Ancient Near East describe a sufficiently clear perception of the legal practices of Assyria and Babylon. "The protection of the widows, the orphans and the poor was a common policy among the ancient kings in the East-ern neighborhood"¹⁰. This protection has been labeled as a virtue and at the same time as a prerogative of the kings, the judges and the gods. "However, during times of social decline, the protection of the widows, the orphans and the poor has been neglected. These social classes were vulnerable, sometimes even being sold as slaves"¹¹. The primary purpose of the legal and religious prerogatives was to protect the rights of these individuals and to diminish the abuses committed against them. This policy of providing protection for the most socially under-privileged is also supported in the ancient literature of wisdom in the Near East. Frank C. Fensham correctly wrote that "Literary wisdom is intended to teach people

Extra-Biblical Literature." BibliothecaSacra 130, no. 519, 1973 , 223.

⁵ John H. WALTON (ed.), *The IVP Bible Background Commentary. Old Testament,* Downers Grove, IVP Academic, 2000, p. 198.

⁶ The Levites and Priests did not own land to support themselves, thus falling into the category of those who were maintained with/from the tithe.

⁷ Daniel L. CHRISTENSEN, Deuteronomy 1–11, (WBC, vol. 6A), Dallas, Word Books, p. 206.

 ⁸ Predica în Vechiul Testament: câteva repere, http://ebooks.unibuc.ro/Teologie/omiletica/13.pdf, 4.
⁹ PATTERSON, Richard D. "The Widow, Orphan, and the Poor in the Old Testament and the

¹⁰G. LANECZKOWSKI, "Ägyptisher Prophetismus", Zeitschrift Für Die Alttestamentliche Wissenschaft 70, 1958, p. 38.

¹¹ Isaac MENDELSOHN, *Slavery in the Ancient near East*, Oxford, Oxford University Press, 1978, pp. 14–25.

how to behave"12. Falkenstein and Sonden13 said that the reform brought on by Urukagina, king of Lagash around 2400 BC, is one of the oldest models of social protection. Urukagina had come to an agreement with Ningirsu that the strong would protect orphans and the widows and would not in any way harm them. He decides to punish the unjust judges and to praise those judges who mediated on behalf of the weak. Even in the epilogue of the Hammurabi Code he inserts a sentence according to which the leader offers protection to the weak and the poor "so that the strong ones do not make mistakes against the poor and the widows"14. The laws in their content did not have clear provisions which offered protection to the widows, the orphans and the poor. "The only proof is the treatment of these groups and the King's statements regarding the establishment of the mandate of justice"15. "Egyptian pharaohs were also concerned about those in vulnerable social categories"¹⁶. In an ancient historical brook (still existing today), the leader of an Egyptian neighborhood, named Ameny, who lived in the 12th dynasty (1991–1788 B.C.), proudly pointed out: "I led the province justly, I did not use anyone's daughter in an abusive manner, there is no widow that I oppressed, I have not ignored any peasant, I did not make into servants those with unpaid taxes, there was no wretched person in my community, no one suffered hunger in my time"¹⁷. The ancient Egyptian literature of wisdom clearly promoted the honest treatment of the poor. An old tablet of one of Sesostris I's managers revealed the same level of ethics about him, a fact resulted from his statement: "I was a father to the orphans and a help to the widows"¹⁸.

¹² Frank C. FENSHAM, "A Few Aspects of Legal Practices in Samuel in Comparison with Legal Material from the Ancient Near East", Pp. 19–27 in *Proceedings of the Third Meeting of Die Oud-TestamentlieseWerkgemeenskap in Suid-Afrika*. Pretoria, Aurora Drukpers, 1960, pp. 19–21.

¹³ Adam FALKENSTEIN and Wolfram VON SODEN, *Sumerische und Akkadische Hymnen und Gebete*, Zürich, Artemis-Verlag, 1953, p. 243.

¹⁴ Martha T. ROTH, ha T. *Law Collections from Mesopotamia and Asia Minor*. 2nd ed. Atlanta: Scholars Press, 1997, p. 133.

¹⁵ Christiana Van HOUTEN, The Alien in Israelite Law: A Study of the Changing Legal Status of Strangers in Ancient Israel, JSOT Supplement 107, Sheffield, Sheffield Academic Press, 1991, p. 35.

¹⁶ François DAUMAS, *La civilisation de l'Égypte pharaonique*, Collection Les Grandes Civilisations 4, Paris, Arthaud, 1965, p. 413.

¹⁷ James Henry, BREASTED, Ancient Records of Egypt: The First through the Seventeenth Dynasties, Ancient Records of Egypt 1, Champaign, University of Illinois Press, 2001, p. 518.

¹⁸ William C., HAYES, *From the Earliest Times to the End of the Middle Kingdom*. Vol. 1 of The Scepter of Egypt: A Background for the Study of the Egyptian Antiquities in the Metropolitan Museum of Art. Cambridge: Cambridge University Press, 1960, p. 182.

The book of Proverbs by Solomon (Proverbs 1–9, 21–28) holds entire passages containing social sensibilities and wisdom, inside which a great concern for the poor and the oppressed can be observed. These passages were probably used in a time of socioeconomic crisis, after Ramses the Third, and they contain the following exhortations:

- "Do not enjoy the wealth acquired by theft, and do not complain that you are poor."¹⁹
- "Do not be greedy for a cubit of land, nor interfere with the widow's ambit. Be aware that anyone who does such a thing on earth is an oppressor of the weak."²⁰
- "Beware of robbing a poor man and do not attack a cripple."²¹
- "God appreciates the one who respects the poor."²²

Semitic Attitudes towards the Poor

Archaeologists have discovered legal documents in Akkadian language, which was the official language of the ink slingers from Hazor and Megiddo which forgoes the period of Israeli occupation, even though Canaan was under the Egyptian influence during that time.²³

The texts from the city of Caraanite from Ugarit mirror the arrangements from Mesopotamia and Egypt which depict the leaders as being responsible for administration of justice for widows and orphans. For instance, *Aqhat's Story* (14 BC) tells Aqhat's father, Dan'el, being among elders from the gate of the city, where "he is pleading for the widow [and] defending the necessity of the orphan"²⁴. Not fulfilling this responsibility could have negative consequences on a leader. In the *Kirta Epic*, after the king Kirta's decay and his sending to his death bed, his eldest son, Yassib, accused him unjustly for not being justified to have a word as he had neglected and abandoned his responsibilities for widows, orphans and the poor:

¹⁹ LICHTHEIM, Miriam. *Ancient Egyptian Literature: The New Kingdom*. Berkeley: University of California Press, 1976, p. 153.

²⁰ LICHTHEIM, Miriam. Ancient Egyptian Literature, p. 151.

²¹ LICHTHEIM, Miriam. Ancient Egyptian Literature, p. 149.

²² LICHTHEIM, Miriam. Ancient Egyptian Literature, p. 161.

²³ VAN HOUTEN, Christiana. *The Alien in Israelite Law*, JSOT Supliment 107. Sheffield: Sheffield Academic Press, 1991, p. 25.

²⁴ Simon B. PARKER, "Aqhat" in *Ugaritic Narrative Poetry*, Edited by Simon B. Parker, Society of Biblical Literature Writings from the Ancient World 9, Atlanta, Scholars Press, 1997, pag. 58.

"You do not plead for the widow; do not consider the need of ruthless. You feed neither the orphan who is looking at you nor the widow who is behind you."²⁵

These western-Semitic texts mirror the same preoccupation for the under-privileged of the Old Testament society and advocate the same cultural values, calling the leaders to ensure that the poor and needy people are correctly treated.

The Old Testament reserves few passages (Numbers 35:6–8 and 9–15) for describing another form of social integration, namely cities of refuge.

Cities of refuge

From God's perspective, Canaan is not only a promised land, but also the Holy Land because God Himself lives amid His People (Leviticus 24:11–12). For this reason, it is extremely important to keep these lands clean and particularly not to desecrate them by the shedding of blood. It is a paradox the fact that in a positive context, blood is the most effective purifier, and in a negative setting, blood desecrates the strongest. Because God is holy, He cannot live in a desecrated land without judging the guilty. The people of God must protect the purity of the earth from the guilt of blood. God sends a very clear message that man-slaughter can have a very disastrous effect on the people of Israel and on the Promised Land. This law regulated existing habits to prevent crime and the desecration of the Promised Land. When a man was killed, the duty of revenge fell on the closest male relative, who was responsible for killing the guilty one. In another Hebrew context the word "Go'el" is translated as "Savior" or "relative", the one who is supposed to save his relative from trouble. According to the Hittite laws 1-5²⁶, other laws near the Orient allowed bail, which was the payment of ransom instead of the death penalty. However, God's law insists that no monetary bail is possible. The person who deliberately killed must be killed himself, while the one who unintentionally killed someone had to live in a city of refuge that he would not be able to leave until the death of the High Priest in the service. According to the standard practice in the Orient²⁷, one witness was insufficient for a conviction, so at least two witnesses were always needed. So, the cities of refuge had a double purpose: one, to protect those who not yet convicted by the avenger of the blood, and two, to serve as a place of exile for the condemned. As M. Greenberg points out²⁸, the exile itself is not perceived as making atonement for the blood that was shed, but that this atonement was done by the death of the High Priest. This fact proves the prohibition to redeem life with material things, which can only be accomplished by the death of another man (the High

²⁵ GREENSTEIN, Edward L., Kirta, in Simon B. PARKER (ed.), Ugaritic Narrative Poetry. Writings from the Ancient World, *Atlanta, Scholars Press.* 1997, pag. 41–42, compare to Job 22:1–9; 29:7–17; 31: 16–21.

²⁶ ANET, p. 189.

²⁷ Legile lui Hamurabi 5; 9–11– ANET, p.166.

²⁸ M. GREENBERG, Concepția biblică a azilului, JBL, 78, 1959, pp. 125–132.

Priest in this case). As such, it is not the exile but the death of the High Priest that accomplishes the atonement. According to Numbers 35:22, death is not counted as a crime, unless the action is part of an earlier fight.

These cities of refuge were spaces established as places of refuge for those who accidentally committed murder. Although the Hebrew noun used for the term "refuge" (La miql) is rarely found in the Bible (it is only used for these localities), its meaning is clear enough. It is surprising that in the passage mentioned before (Num. 35), the same Hebrew term is used (namely RoseaH) for both "killer" and "criminal", the only difference being the fact that one of them is accompanied by the phrase "who killed someone by mistake". This verb appears also in the sixth commandment (in Exodus 20:13), but it is also used in the sense of violent killing and without legal agreement. The Hebrew term used for "accidental" (Bisgagah) is translated as "unintentionally". Because the concept of vengeance was found in other societies of that historical period, the Bible clearly emphasizes this practice in the Hebrew space by issuing a law of refuge that will make a clear distinction between the ways and the contexts in which bloodshed occurred. This was a clear support for Western jurisprudence. As Deuteronomy 19:12 states, the trial would take place in the city where the crime was committed, and the religious leaders ("the elders of the city of refuge") where the perpetrator was intended to be accepted for refuge, were asked to cooperate in the juridical process (Joshua 20:4-6). The basic judicial proceeding was carried out in the city of refuge.

This haven place or city of refuge allowed those who killed someone unintentionally to escape the law of blood revenge (as it is called *lex talionis*) Exodus 21:12–14. These cities had an altar, too. The Old Testament presents several situations in which people use the right to flee in a city of refuge. Among these cases, we choose to mention one of them: Adonijah, the son of David, who declared himself king and whose life was spared by David's descendant, the king Solomon (I Kings 1:50–53 and David's general whose name is Joab, who did not receive a refuge place due to the fact that he had killed a lot of people (I Kings 2:28–34). According to the book of Joshua 20:4, before giving a place of refuge, there was always a preliminary audition held by the local authorities and later on an audition in front of the congregation. If during these auditions the local authorities admitted that the murderer acted unintentionally, then the later would continue to stay in the city of refuge where he had fled.

A few cities of refuge were chosen on this side of the Jordan, namely Beter, Ramoth of Gaalad and Golan, and in Canaan three more cities of refuge were chosen: Khedesh of Galilee, Shechem and Hebron. As a geographical location these cities were divided as follows: one in the south, one in the center and one in the north, located on either side of the Jordan. It is important to underline the fact that the Hebrew legislation stated that these cities were for both the Jewish citizens and the foreigners living among them. The isolation of the perpetrator "until the death of the High Priest" highlighted the seriousness of the deed, even if it was done unintentionally. From this perspective, the death of the High Priest visibly marked visibly the end of an era, and thus the exiles could be released.

Regarding the fact that the unintended murderer should stay in the city of refuge until the death of the acting High Priest, it is legitimate to ask ourselves "Why until the death of the acting High Priest?"

One of the hypotheses that may answer our question according to Nicolsky²⁹ and Greenberg³⁰ is that: "the guiltiness pours onto the High Priest and is atoned by his death" due to the fact that this view has been already anticipated in Talmud (Makkoth 2b)

Another point of view affirmed by Van Oevren is that: "the places of refuge being among the cities that belong to Levites, and the unintended murderer living in a city of refuge, was actually living in a city of Levites and therefore being attached to the tribe of Levi. In this respect, the death of the High Priest, namely the death of the tribe's leader had the mission to declare this attachment removed.

Gray provided in this context three perspectives that this law can be interpreted from, which in fact implies a relatively late modification of the old habit.

First, under the ancient law, no distinction was made between unintentional and deliberate homicide. Next, the old legislation accepted compensation through the death of a member of the perpetrator's family, whereas in the Jewish law, only the one that committed the murder could lose his life. The third distinction was that this law did not allow the redeeming of the life of the killer through any cash payment. These cities, according to Greenberg, would have been necessary before Josiah dismantled the local spaces and that the holy shelters would have never been able to provide permanent shelter. In Greenberg's perception "the establishment of the city of refuge is likely to intersect with the period of the united monarchy." Also, H. McKeating³¹ wrote that "Josiah's reform did not intend to eliminate the ancient system of refuge but rather to regulate it, putting more emphasis on the role of the city than that of the tribe."

J. de Valux (396–403) highlights five general stages of refuge:

- 1. The perpetrator had to take shelter in the sanctuary and to hold on to the horns of the altar (I Kings 1:50-53; 2:28-31; Psalms 27:2-5; 31:2-4).
- 2. The Book of Exodus (of the Covenant) emphasizes the importance of a place of refuge in situations of unpremeditated killing (Exodus 21:13) but does not accept that the refuge would constitute a permanent protection in the event of a murder.
- 3. With the centralization of worship (Deuteronomy 4:41-43) and the removal of local sanctuaries, the provincial cities lost their sacred character,

²⁹ N.M. NICOLSKY, Das Asylrecht in Israel, ZAW 48, 1930, pag. 146–175.

³⁰ M. GREENBERG, The Biblical Conception of Asylum, JBL 78, 1959, pag. 125–132.

³¹ MCKEATING, H., "The development of the law on homicide in Ancient Israel", *VT* 25, 1975, pp. 46–68.

but some of them continued to still function as places of escape in the event of an unintentional homicide. The central role in these cities was held by the elders of the city, who had the power to release the murderer from the wrath of the blood avenger (Deuteronomy 19:12).

- 4. In Deuteronomy a slight change is observed in the fact that the elders of the city could question the fugitive's declarations before accepting him in the city of refuge. This procedure was probably intended to ensure that death really happened accidentally.
- 5. Regarding the post-exile regulation, we can say that it has made considerable progress, for example:
 - a specific term of "city of refuge" is described;
 - the law applies to both foreigners and temporary residents;
 - the authority descends from the leaders (elders) towards the community;
 - the perpetrator has the obligation to remain in the city of refuge for the duration of the life of the High Priest in office, and the breach of this rule would result in death from the avenger of the blood;
 - both for the accidental and the deliberate murder, money is not accepted as a reward.

N. H. Snaith (343) stated that the principle of refuge found its origin in the ancient world and was practiced in different cultures, and in order to support this idea, he turns to evidence according to which this practice still works between the Marsh Arabs in Mesopotamia.

Thus, the social laws of the Old Testament saw the social integration of under-privileged people (widows, orphans and aliens) and the respective social reintegration of those who had accidentally committed homicide, as extremely important, by adhering closely to terms clearly defined by law.

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