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2. The Widow and Orphan in the Political Economy of Ancient Israel

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Introduction

The use of critical theory on the Bible wields an ironic double-edged sword. On the one hand, critical theory has redeemed much of the biblical tradition by exposing and relativizing many of the offensive and problematic parts of the Bible. Gender theory, for example, has been used to lay bare the patriarchal bias of numerous biblical texts and the social structures that produced them, and also to recover silenced and marginalized female voices. Gender theory has served to situate an ancient and archaic text within the context of contemporary gender sensibilities. On the other hand, critical theory may challenge and undermine those biblical texts whose use or relevance for modern contexts is accepted as unproblematic. The biblical injunctions concerning widows and orphans are just such texts.

For several decades, biblical scholars have recognized, thanks to critical theory, that the biblical texts are a product of the elite and upper class circles of ancient Judah and as such represent their interests and ethos. Laws on behalf of the vulnerable and prophetic

denunciations of oppression and injustice, in contrast, seem to challenge the interests of the elite. They have often been interpreted as remnants of a more communitarian and egalitarian ethos, the values of which persisted among the lower classes of Israelite society. However, in 1999, Mark Sneed argued with the use of critical theory that biblical texts expressing lower class values, most especially laws protecting the widow, orphan, and alien, may nevertheless serve upper class interests. Although he does not reject the possibility of altruism and his argument is theoretical, he successfully demonstrates that the laws are at least compatible with the upper class interests of the biblical writers.

Recently, Douglas Knight has pushed this argument further. Using critical legal studies, Knight argues that the biblical laws have their origin in the urban elite, who sought to secure the privileges of wealth and power. The laws protecting and benefiting the vulnerable are not simply compatible with the interests of the urban elite, as argued by Sneed, but were a means by which urban elite sought “to convince the masses that relief was imminent if they fell on hard times.” The laws allowed for the continuing oppression of the masses, while providing a measure of hope that was never realized. “In this manipulation, the royal and nonroyal elites were complicit since they both stood to gain from the ongoing exploitation and subjugation. It was,” according to Knight, “a cynical, devious practice . . .” (222). Although Knight does not single out the laws protecting widows and orphans (though he refers to the work of his student, Harold Bennett, who does), they are treated together with laws of manumission, remission of debt, and other humanitarian gestures.

The laws concerning widows and orphans are certainly compatible with the interests of the upper classes – the urban elite – who produced the biblical texts; they are not simply expressions of altruism. Yet, are they manipulative? Do they represent a cynical and devious practice? And if so, can these instruments of oppression in ancient Israel function as instruments of liberation today? I do not think so, but I also do not think that the exploitation and oppression is as bald as Knight’s interpretation would suggest. In fact, my criticism of Knight in the case of widows and orphans (or the other vulnerable persons he considers) is that his analysis is cursory or incomplete at best. His interpretation is based largely on the supposition that such laws were neither practiced nor enforced, and thus his analysis is primarily ideological and his conclusions, due to the lack of evidence,¹ are speculative. Moreover, while his analysis may fit the cases of the vulnerable who seek manumission or remission of debt, it does not fit the case of widows and orphans, for whom the laws prohibit oppression. Nor is it clear from Knight’s analysis how oppression of widows and orphans might serve the interests of the urban elite.

What Knight fails to consider is the role of the widow and orphan in the larger political economy, and how the laws concerning the widow and orphan function in relation to the multiple social relations of production. In this essay, the role of the widow and orphan in the political economy will be examined with the use of a Marxian analysis that provides a more

¹ Indeed, the historical evidence is silent on whether the laws on behalf of the vulnerable were ever practiced (with the one exception of Zedekiah’s manumission, which was soon cancelled; see Jeremiah 34:8-11), but the silence cuts both ways. Lack of evidence for the practice of these laws is not evidence that they were not practiced.

comprehensive analysis of the place of widows and orphans in Israelite society and the role of laws concerning them.

The Widow and Orphan in the Biblical Tradition

Although the biblical tradition shares the same concern for the widow and orphan as found in other Near Eastern traditions, the formulation of the biblical concern is notably different. In the Mesopotamian law codes, for example, the care of widows and orphans is the responsibility and virtue of the king (cf. Fensham). In the biblical tradition, however, the king is generally absent in relation to the widow and orphan. Rather, God is the “father of the orphan and the protector of the widow” (Psalm 68:5), and where responsibility is assigned to provide for them, the burden falls upon the people rather than its leaders.

In the biblical tradition, the widow and the orphan occur together as a defined social group of vulnerable people in ancient Israel. In over half of the occurrences of this pair, they are joined by the alien (or immigrant). They are further joined by the Levite in several passages in Deuteronomy. In two prophetic texts, they are joined with the poor, but it does not appear to be their poverty as such that is the basis of their classification. Although the widow and the orphan are clearly without a husband² and a father, respectively, scholars disagree on what else might constitute the makeup of this social group. Naomi Steinberg’s analysis is particularly helpful in this regard. She observed that the Bible uses three distinct expressions for the widow, each of which designates a distinct social status. The *’iššā-’almānā* (“widow-wife”) is a widow “who has redemption rights in her husband’s ancestral estate which she exercises through her son.” King Jeroboam’s mother (1 Kings 11:26), for example, is a widow of this status. The *’ēšet-hammēt* (“wife of the dead”) is a widow “whose husband had died before fathering an heir to exercise the redemption rights to his ancestral holdings.” The law of the Levirate (Deuteronomy 25:5-10), for example, applies to a widow of this status, and Ruth is described this way (Ruth 4:5). And finally, the *’almānā* is the destitute widow, whose deceased husband had no ancestral land. It is the *’almānā* that is linked with the orphan, and for whom the biblical laws addressing the widow are concerned.³ Similarly, the orphan is not simply one without a father, but one who will not inherit ancestral land. That the *’almānā* is also linked with the alien and the Levite, neither of whom

² Paula Hiebert compares the biblical *’almānā* with the Mesopotamian *almattu* and concludes that both represent a woman with no males (husband, father-in-law, and son) who are responsible for supporting her. Hiebert is less definitive about the widow’s possession of property, moveable or immovable, largely because the evidence for dowry is so meager in ancient Israel. In any case, she does not believe that such property would be sufficient to sustain the widow.

³ Karel van der Toorn argues that the *’almānā* is not necessarily poor, without a means of subsistence, and marshals the widow of Tekoa (2 Samuel 14:4-7), who has two adult sons to support her, as a counter example (5-6). But the widow of Tekoa is not simply an *’almānā*, but an *’iššā-’almānā*, and these two social statuses should not be conflated. Frank Frick points out that the ethnographic record indicates that widows may control material resources and are often economically self-reliant (140-41). This observation, however, is an indication of how the biblical presentation of the *’almānā* may function ideologically rather than as evidence for an understanding of the Israelite widow.

possesses ancestral land, further confirms this interpretation: the widow and the orphan are destitute members of a landless social group in ancient Israel.⁴

The biblical laws concerning the widow and orphan are rather straightforward, but vary according to the legal corpus in which they are set. The earliest corpus, the Book of the Covenant, addresses the widow and orphan at the beginning of a series of laws (Exodus 22:21–23:9) that are concerned with the poor and vulnerable and bracketed by consideration for the alien:

Do not afflict any widow or orphan. If you do afflict them, when they cry out to me, I will surely hear their cry; I will become angry and kill you with the sword, and your wives will become widows, and your children orphans (Exodus 22:22-24).

According to this law, God is the protector of the widow and orphan, who without a husband or father might easily fall victim to maltreatment from others. However, the law makes no provision for the widow and orphan. In fact, the law requires nothing from the Israelites; even the enforcement of the law remains with God. One might implicitly assume that God will provide for the widow and orphan, but this is neither stated nor expected in the law.

What may be implicit in the Book of the Covenant is made more explicit in a confession that precedes the Deuteronomic Code. In the middle of a Deuteronomic sermon, YHWH is praised as the one who “executes justice for the orphan and widow, and loves the alien, providing him food and clothing” (Deuteronomy 10:18). Expressed in the form of a poetic couplet, YHWH’s two roles as protector and provider are distributed across the triad of orphan, widow, and alien. In the laws of the Deuteronomic Code, however, it is not YHWH but the people who ostensibly provide for the widow and orphan. Along with the alien and the Levite, the widow and orphan are given the full tithe of the people every third year (Deuteronomy 14:29; 26:12-13); the widow, orphan, and alien are given the gleanings of the grain, olive, and grape harvests (Deuteronomy 24:19-21); and during the pilgrimage festivals of Weeks and Booths, the widow, orphan, alien, and Levite will celebrate with the people in Jerusalem (Deuteronomy 16:11, 14).

Three observations about the widow and orphan in the Deuteronomic Code are noteworthy. First, the requirement of the people to provision the widow and orphan was probably a result of the Deuteronomic concern to centralize the worship of YHWH in Jerusalem. In the Mesopotamian cities, widows and orphans found refuge in the temples, finding employment in the mills and comestibles from their storehouses (van der Toorn: 3-4). The temples functioned as a social safety net, but in this way the gods of the temples were also credited with providing for this economically disenfranchised group. Perhaps also in Israel, YHWH provided for the widow and orphan through benevolence found at shrines and high places throughout the land. The elimination of these shrines, as mandated by the Deuteronomic reforms, however, would also have devastated those who depended on the shrines for their well-being. Rather than expecting widows and orphans to relocate in

⁴ Anderson argues that the laws concerning the widow and orphan function to construct a marginalized class in ancient Israel (54).

Jerusalem, the Deuteronomic laws set up the means by which they could continue to be provisioned in their hometowns and villages.

Second, it is thus not surprising that the widow, orphan, and others are given the tithe every third year. The tithe, which belongs to God, is his to give to the widow and orphan, and is a concrete expression of how God provides for them. Furthermore, the Deuteronomic sermon that precedes the laws acknowledges that “the heavens and the heavens of heavens, and the earth and all that is in it, belong to YHWH” (Deuteronomy 10:14). Thus, even the Israelite farmer’s grain, olives, and grapes belong to YHWH, the gleanings of which are but another way that YHWH provides for the widow and orphan even as he commands the people to do so.

Third, although the widow and orphan are listed with the alien and the Levite, they are never listed with the poor and needy. Norbert Lohfink has argued that the Deuteronomic Code distinguishes 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, ‘ānī*) who are subject to the repeatable and cyclical processes of indebtedness and debt slavery. 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). The widow, orphan, and the rest of their group, however, experience poverty as a condition of their socio-economic status: they are those who are unable to subsist off their own land. The Deuteronomic Code, therefore, requires those who do have land to provide for them. The widow and orphan will subsist on the labor and production of others.

The widow and orphan, as an economically disenfranchised pair, are not mentioned in the third legal corpus of the Bible, the Holiness Code (Leviticus 17-26). Instead, when the law prohibits a farmer from fully harvesting his grain or grapes, the gleanings are to be left for the poor (*‘ānī*) and the alien (Leviticus 19:9-10; 23:22). The widow and orphan might not be perceived as a social problem that needs to be addressed through law, or they might be included in the “poor.” If the latter is the case, then the distinction in the Deuteronomic Code between the landless poor and those impoverished because of debt is no longer maintained. In any case, the widow and orphan are not treated as a distinct socio-economic group.

References to the widow and orphan are also found in a few prophetic books and in Psalms and Job (Proverbs refers to the widow and orphan separately). These references further emphasize that God protects the widow and orphan and that they were easily oppressed, but they add no additional information that is not also found in the legal corpus.

The Political Economy of Ancient Israel

The biblical text, as the primary informant on ancient Israel, is limited in the information it preserves, not only because of the selectivity of the text, but also because of its inherent prejudices. A critical theory is thus necessary to uncover and clarify inner connections that stand behind or are concealed by the outward appearance of the text. This essay uses the Marxian concept of mode of production (or social formation) and the

interdisciplinary approach of political economy in order to place the biblical laws on the widow and orphan within a more comprehensive treatment of ancient Israelite society.

Mode of production, as an analytical concept, may refer to abstract epochal structures or to historically specific relations, inequalities, and powers, and the former provides the social context for understanding the concrete specificity of the latter (see the theoretical formulation by Donham). In terms of the former, ancient Israelite society participated in the general agrarian mode of production that had developed for thousands of years in the ancient Near East (on agrarian societies, see Lenski: 189-296). In terms of the latter, however, ancient Israel's mode of production reflected its own unique historical, social, geographical, and environmental conditions.

A dominant mode of production works to integrate all production and social relations within its own functioning, and capitalism does so quite effectively in contemporary industrialized societies. In pre-capitalist societies, however, integration was incomplete, and residual modes of production continued to function, often in opposition to the dominant mode (see Williams: 121-27). It is not surprising, therefore, to find the Israelite agrarian mode of production encompassing multiple sets of social relations (or productive inequalities), some of which resisted integration and were articulated within a residual mode of production.

In ancient Israel, the dominant mode of production consisted of a hierarchy of productive relations, the base of which, and on which all other productive inequalities were built, was the relationship between the deity (or deities) and the people (cf. Boer: 39-41). This is a productive inequality that the Israelites shared with all other Near Eastern peoples, and it perhaps had its origin during the Paleolithic period when humans were wholly dependent on the natural world as they foraged for their subsistence. Although production in ancient Israel was no longer limited to the deity, as it was for earlier foragers, all human production continued to be dependent on the work of YHWH who owned the land, brought rain and fertility, opened human and animal wombs, and otherwise blessed human production. This productive relationship between YHWH and the people was expressed materially through the cult – whether household shrines, regional sanctuaries, or state temples – with offerings and sacrifices, tithes, and festivals. Indeed, this productive inequality was the foundation of Israelite religion.

The household was the primary production unit in ancient Israel, for both the dominant mode of production and the residual mode. Constructed around a marital couple, the household varied from a small nuclear family to a multigenerational family, including servants and other non-familial members. The productive inequalities of the household corresponded to the gendered division of labor. Although primarily men were engaged in agricultural labor and women bore and cared for children (see Burton, Brudner, and White; Burton and White), ethnographic studies from similar agrarian societies suggest that husbands and wives contributed their labor to many shared activities (see Murdock). Nevertheless, the ideology of the dominant mode of production served to legitimize and naturalize the gendered household division of labor by likening the process of procreation (and hence, the labor of each) to agriculture (see Simkins 1998). The husband is the possessor of seed. Whether in sowing a field or impregnating his wife, the husband controls

production; the wife, like a field, must be labored upon in order to produce. She is dependent on her husband to participate in the household production. Moreover, the wife's dependence on her husband is structurally similar to the productive inequalities between YHWH and the people, which the household has built on and incorporated into its own production, thus placing the gendered division of labor also within a sacred order.

When this gender ideology emerged is uncertain. It may be as old as the Neolithic revolution, when humans learned to domesticate cereals and vegetables and practiced a simple agriculture. At that time the Near Eastern household emerged with a distinct gendered division of labor, and the metaphorical relationship between agriculture and procreation is expressed in the earliest literature and across the ancient Near East. Nevertheless, this ideology does not necessarily belong with an archaic household mode of production, for household relations in ancient Israel or elsewhere do not function independently but serve and are articulated into the dominant productive inequalities of the agrarian mode of production (against an independent domestic mode of production, see Roseberry 1986, 1988). As such, it is important to note that the gender ideology serves to conceal the woman's labor and other ways in which she might participate in the production of the household, and also the ways in which the man might be dependent on her. Instead, the gender ideology emphasizes dependence within the social hierarchy of ancient Israel (cf. Frymer-Kensky: xiii-xvii).

The dominant social relations in ancient Israel's agrarian mode of production are patron-client relations, which may vary toward bureaucratic relations or tributary relations (see further, Simkins 1999; Eisenstadt and Roniger). Patron-client relations are personal relations based on the reciprocal exchange of goods and services, and entail mutual obligations between the parties. When the relationship is institutionalized and depersonalized, it becomes bureaucratic. The relationship becomes tributary when it is no longer reciprocal and goods and service flow in only one direction, generally under compulsion.

Patron-client relationships are reciprocal and unequal. Patrons have access to goods, resources, and centers of power, whereas clients are in need of such access. Patrons protect and provide for their clients, while clients respond with service, honor, and loyalty. Although the value of such intangibles should not be underestimated, the patron also benefits from his clients through debt service, rent, and a share of the products of their labor. The relationship may be exploitive, but the shared personal commitment to the relationship limits the exploitation; both patron and client benefit from the continuation of the relationship. Thus, the personal relationship is expressed through household terminology. The patron is a "father" to the client, who honors him as a "son" or faithful "servant."

The relationship between patrons and clients may be characterized as one of material dependence: the client's own production is dependent on the material goods and resources that the patron provides. The productive inequalities between patrons and clients are thus structurally similar to the gendered productive inequalities between husbands and wives. By incorporating the gendered division of labor of the household into its own production, the

productive inequalities of patron-client relations become gendered.⁵ Because the relationship between patrons and clients is similar to the relationship between husbands and wives, the ideology of gender thus serves to legitimate and naturalize the inequities in each relationship (on patron-client relations in ancient Israel, see Lemche 1994, 1995, 1996, 1999; Hobbs).

Finally, the political economy of ancient Israel included residual and emergent modes of production, in addition to the dominant mode (Williams: 121-27). A residual mode of production consisting of extended kinship relations was never fully integrated into the dominant mode of production. With productive inequalities between elder and junior kin, this mode sought to exploit the production of the household for the benefit of the clan or tribal group. The productive relationship between elder and junior kin functioned similarly to that of patron-client relations, though guided by a different, more restricting ideology. Productive patron-client relations sought continuously to integrate more households into their social production (see Simkins 2004), whereas productive kin relations resisted this integration and were content to function within the limits of the kinship group. This residual mode of production, which was not limited to ancient Israel, was found primarily in the villages and rural areas, and was parasitical to and competed with the dominant mode of production. During periods of political fragmentation and with the collapse of the state, it would emerge as a dominant mode of production.

An emergent mode of production in ancient Israel was characterized by mercantile relations. This included both the state's control of transit trade, largely from Arabia to the western seaports and beyond, and the many social relations established at nodes of the international trade networks between merchant traders and local producers. Although the mercantile mode never dominated the ancient Israelite political economy, as it did the Phoenician city-states to the north, and largely functioned alongside the dominant mode, a growing body of evidence suggests that during a few limited periods during the history of Israel and Judah (e.g., the second half of the eighth century BCE), the mercantile mode subsumed significant segments of the dominant mode within its own functioning. In other words, some local patrons would seek to extract as much surplus as their client base could produce to sell on the international market, without regard for the clients' own subsistence. The dominant patron-client relations, based on mutual obligations, were transformed into exploitive tributary relations controlled by debt in order to serve the emerging mercantile relations. The royal houses of both Israel and Judah and some of the elite landowners appear to have been engaged in this exploitation, but the extent and depth of the exploitation across the society is debated (see Chaney, in this volume, and the citations therein).

Widows and Orphans in the Political Economy

Returning to the widow and orphan, several observations can be made regarding their role and the function of the laws concerning them within the political economy of ancient Israel. First and foremost, the status of the widow and orphan as an economically

⁵ According to Haug, gender relations should not be reduced to the relationship between men and women, but should rather reflect the many diverse relations that account for the formation of social actors and the reproduction of the social whole. In other words, "gender relations are relations of production" (2002; see also 2005; Frymer-Kensky: xx-xxii).

disenfranchised group is a product of the dominant mode of production. The productive inequalities of patronage sought to exploit the household for its own production. Cutting across kinship loyalties, patron-client relations pitted households in competition with each other for access to resources, and thus tended to weaken and even sever extended kinship ties (Simkins 2004: 7-12). Consequently, the creation of widows and orphans through the tragic death of the household patriarch would leave such widows and orphans without the support of an extended kinship network. Moreover, because the widow (as an *'almānā*) and orphan also had no access to ancestral land, the dead patriarch's household had possibly subsisted as a tenant or sharecropper on his patron's land, perhaps as the result of indebtedness or some other hardship, or had otherwise not subsisted on his own land. The death of the patriarch would thus also leave the widow and orphan without an economic base on which to subsist. The agrarian mode of production with the productive inequalities of patronage created the conditions for the impoverishment of widows and orphans, which it also sought to remedy through the laws concerning this vulnerable disenfranchised group.

The laws in the Book of the Covenant and the Deuteronomic Code may be understood in this context. Although the laws seek to protect and provide for the widow and orphan, the laws do not address the conditions by which such disenfranchised widows and orphans are created.⁶ The laws provide no familial or social network upon which the widow and orphan may depend. In contrast, the Holiness Code, which does not mention the widow and orphan, perhaps does not need to. If the Holiness Code, along with other Priestly texts, is a product of the exile or the period after the collapse of the Judahite state, then perhaps the residual kinship-based mode of production had reasserted its dominance. Widows and orphans would not need to be singled out for special treatment, for they would undoubtedly be incorporated into larger kinship networks. The concern of the Holiness Code is thus only for those who are poor.

A second observation is that the biblical laws concerning the widow and orphan treat them as non-productive individuals in Israelite society. This is a consequence of the ideology of gender, in which the wife, and her minor children by extension, is dependent upon the labor of the husband. Thus, widows and orphans were assumed to be unable either to form their own household or to join in patron-client relations. Widows and orphans would be unable to subsist on their own labor, and would consequently be an economic drain on the resources of a benevolent patron. Unfortunately, we are unable to determine the extent of the economic problem posed by widows and orphans: Had widows and orphans, for example, become an excessive burden on the economy of Judah, perhaps in the wake of the Assyrian wars at the end of the eighth century? In any case, the laws place the social and economic burden for widows and orphans on YHWH, who protects and provides for them. Ostensibly, the burden is placed on the people who supply the widows and orphans with their tithes and allow them to glean on their land. But these are provisions that are produced by YHWH, belong to YHWH, and would otherwise not be used by the landowners; the laws make no claim on the landowners' provisions or surplus. It is YHWH, then, who feeds the widows and orphans, perhaps initially through shrines, but also through an agricultural bounty in which they could share. Although the laws seek to limit any abusive treatment of

⁶ Anderson argues that the laws maintain rather than eliminate class differences (56).

widows and orphans and provide a modest safety net of comestibles, the laws thereby also functioned to limit the integration of widows and orphans into Israelite society. They were forever to remain on the fringes of society, dependent on YHWH for their protection and provision.

A final observation is that the laws concerning the widow and orphan function to resolve a fundamental contradiction within the dominant mode of production. The agrarian mode of production in ancient Israel, because of its ideology of gender, emphasizes the productivity of male labor, whether that of the patriarch of a household or of the male members in a patron-client relationship. Yet, this labor builds on the base of YHWH's productivity and so is contingent on God's work. Without YHWH's labor, all human labor, including male productivity, is ineffective (cf. Psalm 127:1-2). The social relations of production between YHWH and the people are thus at the same time both an archaic mode of production that had been surpassed through the use of new technologies and evolving social organizations, and the governing relationship for all modes of production that subsume them. The laws concerning the widow and orphan resolve this contradiction by placing the burden of non-productive widows and orphans directly on YHWH, who causes the crops to grow for the tithes and gleanings, while at the same time freeing household patriarchs and patrons to continue their production largely unburdened. YHWH demonstrates his productive powers by providing for those who cannot provide for themselves.

Conclusion

Although the biblical laws regarding the widow and orphan do not represent “a cynical, devious practice,” neither are they unproblematic. In the face of the social and economic challenges posed by widows and orphans, the laws functioned in the political economy of ancient Israel to maintain the dominant mode of production, while at the same time reducing the potential for abuse. The laws failed to address the conditions of their disenfranchised status – to do so would undermine the dominant mode of production – nor did the laws seek to integrate widows and orphans into the society so that they might subsist on their own labor – to do so would undermine the gendered hierarchy of the society. The laws singled out widows and orphans as a special group to whom YHWH gives protection, yet the laws are not fully redemptive. The laws sought only to maintain the existing socio-economic order rather than transform it.

Although the biblical laws concerning the widow and orphan have generally been interpreted as an expression of divinely sanctioned altruism and as an exemplar of God's preferential concern for the poor, the oppressed, and the downtrodden, in their historical context the laws simply reproduced the gendered and social hierarchies of ancient Israelite society. They were a product of ancient Israel's political economy, and as such, they reproduced the very conditions that they sought to mitigate.

The historical context of the laws makes it clear that they are not altruistic, but does their historical context undermine their value in addressing God's concern for the poor in contemporary contexts? The answer is complex. On the one hand, the historical context of the laws concerning the widow and orphan should caution us against any simplistic reading and appropriation of the laws. The laws have embedded within them historically specific

understandings of class and gender, and the function of law was to uphold rather than challenge these understandings. Therefore, any recourse to these laws must be done critically. On the other hand, the laws concerning the widow and orphan no longer function within the Israelite political economy; they are read today in a new and different context. Rather than as law, these texts function as scripture, as a communally accepted, prophetic proclamation of God's desires and values for his people, and as such they may proclaim God's preferential concern for the poor, the oppressed, and the downtrodden.

Specifically, the biblical laws affirm God's concern for and care of the widow and orphan, who are but a particular representation of those who cannot provide for themselves. Moreover, the biblical laws emphasize that those who can provide for themselves should share their abundance with those who cannot, for it is God, as the creator and sustainer of the world, who provides for everyone.

What the biblical laws do not address are the conditions by which the widow and orphan become an economically disenfranchised group. Rather, the laws sustain those conditions. The laws concerning the widow and orphan sustain a gender ideology that denies the productivity of women; they envision no economic role for widows and orphans. Furthermore, the laws objectify the plight of the widow and orphan, offering some measure of relief, but providing no means by which they may alter their situation. In the context of ancient Israel's political economy, the laws functioned to inhibit the abuse of widows and orphans, while maintaining the social status quo. The conditions of their economically disenfranchised status were irrelevant, and in any case remained unchallenged. In the prophetic context of scripture, however, these conditions are subject to critique. If God does indeed "execute justice for the orphan and widow" (Deuteronomy 10:18), then the conditions that resulted in their economically disenfranchised status must also be redeemed. Rather than undermining the value of the biblical laws concerning the widow and orphan, understanding their function within the political economy of ancient Israel exposes the historically particular problems posed by the laws so that their value may be critically appropriated in a new context.

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