

## SOCIAL JUSTICE AND SOCIAL OUTLIERS IN ANCIENT ISRAEL, PART 2: PROVISION FOR WIDOWS, ORPHANS, AND RESIDENT ALIENS

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**Abstract:** *The Torah interweaves guidelines for social justice throughout. While covering all of Israelite society, three groups considered social outliers—widows, orphans, and resident aliens—are addressed collectively with special provisions because they had common needs. This two-part article examines how the community structure of ancient Israel’s agrarian culture produced key social norms for each interdependent community (part 1) and then shows how the three groups fell outside of those norms and thus needed special provisions (part 2). Part 1 describes the agrarian structure of a typical Israelite community, drawing on anthropological studies of analogous modern cultures in the same area. Part 2 clarifies the nature of the outliers and explains how the provisions of levirate marriage, gleaning, third-year tithes, and Sabbath-year garnering provided essential welfare support for those who needed it.*

**Key words:** *social justice, widows, orphans, resident aliens, immigrant, glean, tithe, inheritance, Ruth*

The first part of this article looked at Israelite culture during the Late Bronze Age (LBA), drawing from the OT text, archaeology, ethnoarchaeology, and somewhat from comparative cultures.<sup>1</sup> We observed that the Israelite culture of that period primarily consisted of villages (called “cities” in the text) of closely clustered dwellings surrounded by a common “field” or agricultural area that was divided into individually owned portions. Our premise was that this social structure produced the cultural norms that underlie many of the OT narrative accounts, noting especially the account of Ruth.

While God promised to bless the nation so that it would prosper, he also made it clear from the beginning that the nation would never reach that status—there would be always be outliers who struggled economically. This point of tension is exemplified by Deuteronomy 15 and its discussion of the Sabbath year, which both promises that “there will be no poor among you” (15:4),<sup>2</sup> albeit with the caveat that the people had to obey, and warns that “the poor will never cease *to be in the land*” (15:11, italics original). This tension demonstrates a dichotomy be-

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<sup>1</sup> Michael A. Harbin, “Social Justice for Social Outliers in Ancient Israel, Part 1: Cultural Background,” *JETS* 64.3 (2021): 471–94.

<sup>2</sup> All Bible citations are from the NASB, 1995 update, unless stated otherwise.

tween the ideal based on total obedience and the reality resulting from continued disobedience.<sup>3</sup>

In his mercy, God provided a social justice safety net in the Torah to assist individuals and families who face adversity, regardless of the reason. However, given the strong family ties and extended family groupings in the close residential proximity of a village, as we noted in part 1, one wonders why the OT singles out widows and orphans for special social justice provisions. Likewise, given the strict separation mandated with respect to non-Israelites, it seems curious not only that special social justice provisions were provided for these outsiders, but that they are regularly included with widows and orphans as a triad (hereafter collectively termed WORA). What did these three have in common that they should be given the same considerations? Scholars have suggested a variety of explanations.

Hiers includes the three groups with slaves as “classes of persons [who] were especially vulnerable because they lacked independent means of support.”<sup>4</sup> While that sounds reasonable, it seems to be looking through the Western cultural lens of the nuclear family. Yes, it appears that widows did not own land, but as noted in a number of studies, the expected pattern was that a widow would live with her married children who had inherited and were now working the family land.<sup>5</sup> While there were likely exceptions, why does the text give a blanket statement regarding widow provisions? And when one considers orphans, the issue is even more complicated. Given the close residential proximity and extended family ties presented in part 1, how could an orphan “fall through the cracks” so as to be entirely without support, necessitating the provisions cited in the text?

Matthews and Benjamin suggest that widows and orphans were “legally homeless, without any social, political, or economic status.” Actually, they categorize them with prostitutes as “liminal women.”<sup>6</sup> This is problematic for several reasons. First, it seems to assume that all orphans were female. Second, they never

<sup>3</sup> Eugene H. Merrill, *Deuteronomy*, NAC 4 (Nashville: Broadman & Holman, 1994), 244.

<sup>4</sup> Richard H. Hiers, “Biblical Social Welfare Legislation: Protected Classes and Provisions for Persons in Need,” *Journal of Law and Religion* 17.1–2 (2002): 49.

<sup>5</sup> Oded Borowski, *Agriculture in Iron Age Israel* (Winona Lake, IN: Eisenbrauns, 1987), 21–30; Avraham Faust, “Differences in Family Structure between Cities and Villages in Iron Age II,” *TA 26* (1999): 233–52; Avraham Faust, “The Canaanite Village: Social Structure of Middle Bronze Age Rural Communities,” *Levant* 37 (2005): 105; David C. Hopkins, *The Highlands of Canaan* (Sheffield: Almond, 1985), 235–51; Philip J. King and Lawrence E. Stager, *Life in Biblical Israel* (Louisville: Westminster John Knox, 2001), 12–35; Baruch A. Levine, “The Clan-Based Economy of Biblical Israel,” in *Symbiosis, Symbolism, and the Power of the Past*, ed. William G. Dever and Seymour Gitin (Winona Lake, IN: Eisenbrauns, 2003), 445–54; Lawrence E. Stager, “The Archaeology of the Family in Ancient Israel,” *BAJOR* 260 (1985): 1–35; Lucian Turkowski, “Peasant Agriculture in the Judean Hills,” *PEQ* 101 (1969): 21–33, 101–113.

<sup>6</sup> They list the orphan, the prostitute, and the widow without children and state they “were all liminal women.” Victor H. Matthews and Don C. Benjamin, *Social World of Ancient Israel 1250–587 BC* (Peabody, MA: Hendrickson, 1993), 133. See also Naomi Steinberg, “Romancing the Widow: The Economic Distinctions between the *’almanā*, the *’iššā-’almanā* and the *’ešet-hammēl*” (paper presented at “Women and Property in Ancient Near Eastern and Mediterranean Societies,” a conference at the Center for Hellenic Studies, Harvard University, 2003), 2–5; available at <https://classics-at.chs.harvard.edu/wp-content/uploads/2021/05/ca1.2-steinberg.pdf>.

address the third group, the resident aliens, who seem generally to have been males. Third, their categorization assumes all three were homeless.

As already noted, a widow likely lived with her adult children. Even if that were not the case, as noted in part 1, a widow was not necessarily homeless. But beyond this, the concept of homelessness itself is problematic. Homelessness was not unknown in the ancient world, but its characterization seems vastly different from the way we understand it today. Modern homelessness seems to be a product of urban, somewhat industrial societies.<sup>7</sup> In a predominantly agrarian society with large unpopulated regions, a “homeless” person could disappear into unsettled regions or wander from village to village working as an itinerant laborer. Biblical material suggests both scenarios occurred in ancient Israel with two key examples ascribed to the period we are studying. The first would be David when he fled from Saul. He, along with his followers, “went wherever they could go ... in the wilderness in the strongholds, and remained in the hill country in the wilderness of Ziph” (1 Sam 23:13–14). Today, we might say they were bivouacking or perhaps “roughing it.” In essence they were living off the land, often staying in caves, not bedding along streets in a city. The second example would be Jonathan ben Gershom, a Levite also from Bethlehem during the period of the Judges. Judges 17:8 relates how he left Bethlehem “to stay wherever he might find a place” (לָגוּר בְּאֶשֶׁר יִמְצָא) and ended up in the hill country of Ephraim, where he was given a place to stay and a job serving as a priest for Micah. In American culture, a hobo might be a modern analog. While not an alien, Jonathan does seem to exemplify the “resident alien” for whom the OT made provisions.<sup>8</sup>

Thompson simply categorizes widows, orphans, and resident aliens as “poor,” which seems rather obvious, since the provisions prescribed to ameliorate their status were economic. This characterization, however, does not address why they were poor.<sup>9</sup> McConville presents a slightly different nuance when he states that

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<sup>7</sup> While the study of the history of homelessness in the ancient world is essentially nonexistent, the studies that are available point in this direction. For example, the *Encyclopedia of Homelessness*, in its 126-page appendix on the “Documentary History of Homelessness,” basically begins with 16th-century England (although it does cite several Bible passages without comment). David Levinson, ed., *Encyclopedia of Homelessness*, 2 vols. (Thousand Oaks, CA: Sage, 2004), 2:639–764. Similarly, Briggs begins her study with the feudal period but limits her history to England. Tracey A. Briggs, “A History of Homelessness; or How Private Property Is Its Root Cause” (MA thesis, University of Toledo, 2002), 1–6.

<sup>8</sup> One important item not covered in this study is the dispersion of the Levites across the land. While the high priest and a certain number of assistants would work with the central sanctuary (Num 1:50), most of the Levites would be dispersed throughout the land in forty-eight Levitical cities. The text assigns them pastureland (35:1–5), but no land for farming. R. Dennis Cole, *Numbers*, NAC 3B (Nashville: Broadman & Holman, 2000), 545. The dimensions in Num 34:4–5 are debated. The model developed in part 1 of the present article might indicate that the pastureland given to the Levites in those cities began one thousand cubits from the wall and extended to two thousand cubits. See Harbin, “Social Justice for Social Outliers in Ancient Israel, Part 1: Cultural Background,” 492–93n82.

<sup>9</sup> He places the gleanings directive under the category of protection for “the weak and defenseless” and then specifically calls them “the poor in Israel.” J. A. Thompson, *Deuteronomy: An Introduction and Commentary*, TOTC 5 (Downers Grove, IL: InterVarsity, 1974), 249.

“these are not strictly the same as the ‘poor,’ but rather those whose independent legal standing may not be recognized.”<sup>10</sup>

### I. WHO WERE THE WORA?

While other suggestions have been made, the question remains: What did the WORA have in common that merited special consideration? To answer this, we first define each group and then evaluate what the three had in common.

1. *Widows*. The English word *widow* denotes a “woman who has lost her husband by death and has not remarried.”<sup>11</sup> The Hebrew is more complex. While the word *widow* is most commonly a translation of the Hebrew word *’almānāb* (אַלְמָנָה),<sup>12</sup> Steinberg notes that, in actuality, three Hebrew terms are translated *ow*: *’almānāb* (אַלְמָנָה), *’iššā-’almānāb* (אִשָּׁה אַלְמָנָה), and *’ēšet-hammēt* (אִשְׁת־הַמֵּת). She distinguishes the three on the basis of property and economic resources.<sup>13</sup> The last two are both categorized as indicating a widow who has “inherited” property over which she had control. According to Steinberg, an *אִשָּׁה אַלְמָנָה* had “redemption rights in her husband’s ancestral estate which she exercise[d] through her son,” and the husband of an *אִשְׁת־הַמֵּת* had died “before fathering an heir to exercise the redemption rights to his ancestral holdings.”<sup>14</sup> In contrast, an *אַלְמָנָה* is deemed a widow in destitution “who may have had living male adult relatives, either too poor or *unwilling* to offer her economic support” (italics added).<sup>15</sup> Hoffner presents a similar understanding when he defines an *אַלְמָנָה* as a “woman who has no financial support from an adult male member of her family (husband or grown son).”<sup>16</sup> However, he then argues that an *אַלְמָנָה* could own land, which might be coveted or an object of fraudulent misappropriation.<sup>17</sup>

Steinberg’s distinctions do not answer all the questions. For example, what would one call a woman who had raised her family before she lost her husband and was now living with a married son and family, which seems to have been the social norm? Further, if the *אַלְמָנָה* had control of the family property (whether or not she had a grown son), why would there be such an imperative for the gleaning laws? If an *אַלְמָנָה* did not have control of the family property after the loss of her husband, would she (and any young children with her) truly be homeless in a village where

<sup>10</sup> J. G. McConville, *Deuteronomy*, ApOTC 5 (Downers Grove, IL: InterVarsity, 2002), 363.

<sup>11</sup> *Webster’s Third New International Dictionary* (Chicago: Encyclopaedia Britannica, 1971), s.v. “widow.”

<sup>12</sup> BDB, s.v. “אַלְמָנָה.”

<sup>13</sup> Steinberg, “Romancing the Widow,” 1.

<sup>14</sup> The difference would be whether she possessed a son who would inherit the land and then support her (in the case of an *אִשָּׁה אַלְמָנָה*) or whether she did not possess a son (in the case of an *אִשְׁת־הַמֵּת*). In the latter case, as she describes it, the “woman is part of the inheritance that passes to the nearest kinsman of the deceased.” Steinberg, “Romancing the Widow,” 7.

<sup>15</sup> Steinberg, “Romancing the Widow,” 1.

<sup>16</sup> Harry A. Hoffner, “אַלְמָנָה,” *TDOT* 1:289.

<sup>17</sup> Hoffner, *TDOT* 1:290.

she was part of an extended family and, since the marriage most likely had been endogamous, an even larger kinship group?<sup>18</sup>

It is suggested that the social baseline developed in part 1 is important background. A number of studies indicate that a typical family would have consisted of a man growing up in a given village, where he would have learned to work the land of his ancestors. He would have married a woman from the same kinship group, likely from either the same village or one nearby. The wife would have moved into the household of the husband. It seems likely the couple initially resided in the same compound house as his parents. Assuming both spouses survived to the point that their children reached adulthood and marriage with children of their own,<sup>19</sup> there would have been a change in the relationship as the (grand)parents aged. It might have been gradual if both parents survived but were no longer able to work as rigorously as earlier, or it might have been rather sudden with the death of one of the (grand)parents. Given what is viewed as a typical difference in ages between the spouses (scholars suggest that the wife normally would have been ten to fifteen years younger), the surviving spouse was most likely the widow.<sup>20</sup> Meyers especially notes as a key factor that both spouses would have had different responsibilities based on physical abilities—the husband would have performed the more physically rigorous tasks such as plowing, but the wife would have been equally (if not more so) employed in providing for the family, training the next generation, and continuing to support the previous generation in its old age.<sup>21</sup>

Consequently, the loss of a husband placed the family in a more precarious situation, since the primary food staple of the Israelites was the cereals (wheat and barley), which demanded the arduous process of plowing and sowing,<sup>22</sup> a process that demanded the greater physical strength of the male.<sup>23</sup> Even if the widow had control of the land, if she was not able to plow the land, it was essentially useless. On the other hand, if the wife died first (perhaps in childbirth), then the husband would likely have remarried (how he would have provided for domestic needs otherwise is beyond this study).<sup>24</sup>

One provision the OT law made for the case in which a man died and left his wife (here called אִשְׁת־הַמֵּת) without children was levirate marriage (Deut 25:5–10). This arrangement expected the “brother” (אָח) of the deceased to marry the widow

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<sup>18</sup> Carol Meyers, “The Family in Early Israel,” in Leo G. Perdue, Joseph Blenkinsopp, John J. Collins, and Carol Myers, *Families in Ancient Israel*, Family, Religion, and Culture (Louisville: Westminster John Knox, 1997), 13.

<sup>19</sup> Stager claims that “under premodern conditions, probably less than 30 percent of the families extended three generations.” Stager, “Archaeology,” 20.

<sup>20</sup> King and Stager, *Life in Biblical Israel*, 12. Meyers suggests that the household of Micah in Judges 17–18 would typify this situation. Meyers, “Family,” 17.

<sup>21</sup> Meyers, “Family,” 24–27.

<sup>22</sup> Borowski, *Agriculture*, 47–57.

<sup>23</sup> Meyers, “Family,” 24.

<sup>24</sup> Cf. the case of Abraham and Keturah after the death of Sarah (Gen 25:1). However, note that both Jacob and Esau are presented as being able to cook (Gen 25:29; 27:31).

with the explicit purpose of providing a child.<sup>25</sup> Given that expectation, the obvious assumption is that levirate marriage only applied in the case of a widow who was still of childbearing age. The foremost levirate marriage criterion in Deuteronomy is that it involved brothers. Given the semantic range of אָהֵיִם, the question here is whether levirate marriage would be limited to a literal brother, or whether it could involve a close relative or even an Israelite generally speaking. Commentators seem to agree that this passage applies to “those who share the same parent (or parents).”<sup>26</sup> However, other considerations need to be addressed. The word *brother* is used ambiguously in the Torah, especially within Deuteronomy. In Deuteronomy 15:2–3, for instance, it is applied to the creditor’s neighbor as opposed to a foreigner, suggesting an Israelite living nearby.<sup>27</sup>

Other passages give mixed evidence. Although presented as a pre-Mosaic event, Genesis 38 cites Judah telling his son Onan to perform his duty “as a brother-in-law” (Piel imperative of גָּבַם) to Tamar after Onan’s brother Er was struck dead, seemingly pointing to the narrower meaning. On the other hand, in Ruth 3:9, Ruth seems to request that Boaz serve in that role because he was גָּאֵל even though he was a more distant relative.<sup>28</sup> In Ruth 3:2, Naomi described him as a “close relative,” a מְדַעַת, which Campbell translates as one from “our covenant circle.”<sup>29</sup> The fact that Boaz had already determined another kinsman was closer and had the first responsibility might suggest a responsibility sequence. However, Deuteronomy does not indicate that this levirate obligation would devolve to the גָּאֵל who was merely the next of kin with other responsibilities.<sup>30</sup> Regardless, according to Deuteronomy, the brothers were to be living together, and Merrill suggests this differentiates the Ruth account from the legal guidelines.<sup>31</sup> The issue here is what “living

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<sup>25</sup> Samuel Belkin, “Levirate and Agnate Marriage in Rabbinic and Cognate Literature,” *JQR* 60.4 (1970): 278.

<sup>26</sup> McConville, *Deuteronomy*, 369. So also Merrill, *Deuteronomy*, 326; Jeffrey H. Tigay, *The JPS Torah Commentary: Deuteronomy* (Philadelphia: The Jewish Publication Society, 1996), 231; Gerhard von Rad, *Deuteronomy: A Commentary* (Philadelphia: Westminster, 1966), 154. Deere takes a narrower view, arguing that levirate marriage in Deuteronomy 25 applies only to physical brothers who “inherited their father’s property jointly.” Jack S. Deere, “Deuteronomy,” in *The Bible Knowledge Commentary*, ed. John F. Walvoord and Roy B. Zuck (Wheaton, IL: Victor, 1985), 1:306.

<sup>27</sup> This could explain why in Deuteronomy 13:6, the word is clarified as “your mother’s son.” Brueggemann states that the term refers to “fellow members of the covenanted community who participate in the socio-economic experiment that is Israel.” Walter Brueggemann, *Deuteronomy*, AOTC (Nashville: Abingdon, 2001), 164.

<sup>28</sup> Campbell states that “the Moabitess Ruth ... presumes a connection between what is clearly some levirate marriage responsibility and the responsibilities of a redeemer.” Edward F. Campbell Jr., *Ruth*, AB 7 (New York: Doubleday, 1975), 132.

<sup>29</sup> Campbell, *Ruth*, 117. The word is derived from the verb יָדַע, meaning “to know,” and appears only in Ruth 3:2. Jack P. Lewis, “מְדַעַת,” *TWOT* 848–49.

<sup>30</sup> Hubbard disassociates the Ruth passage from a *go’el* action and places it entirely in the locus of redemption, but the overall picture suggests otherwise. Robert L. Hubbard Jr., “The Go’el in Ancient Israel: Theological Reflections on an Israelite Institution,” *BBR* 1 (1991): 5.

<sup>31</sup> Merrill, *Deuteronomy*, 327–28.

together” should be taken to mean. Given the demographics presented above and in part 1, it seems that in this context, it would mean living in the same village.<sup>32</sup>

Second, while it would seem from Ruth that levirate marriage was one aspect of the *לֵוִי* responsibilities, when Deuteronomy specifically addresses the levirate marriage responsibility it uses the verb *יָבַם*, the term used in Genesis 38. *TWOT* states that “the primary meaning of this denominative verb is ‘to assume the responsibility to marry one’s widowed sister-in-law in order to raise up a male heir to the deceased brother.’”<sup>33</sup> This meaning is clearly drawn from the passage in Deuteronomy, which indicates that the primary purpose of levirate marriage was to provide a child for a widow who was still of childbearing age and had no children (Deut 25:5–10). Levirate marriage then seems intended to preserve the inheritance (specifically the land) for the family.<sup>34</sup> Since the primary function of the land was to provide economic support for the family, it seems that another key issue was economic provision for the widow. As such, it then seems likely that “brother” is used here in the broader sense of a relative.

Regardless, because the purpose was to provide an heir, levirate marriage would not seem to be a factor if the widow did have children or if the widow was past childbearing age. Rather, the older widow with an adult son would be part of the extended family.<sup>35</sup> If the child was underage, then the widow provisions in Leviticus might be viewed as a bridge until the child was old enough to take care of his mother. If the childless widow was past childbearing age, this would be a different situation. Naomi would thus seem to be outside of the levirate marriage criteria and consequently would not come under the widow provisions, although the disposition of Elimelech’s land might be an open question.<sup>36</sup>

Ruth’s case would be much more complicated. Although debated, it does appear that her situation was an example of levirate marriage.<sup>37</sup> However, the actual widow of the landowner was Naomi, who had lost not only her husband, but both sons.<sup>38</sup> Further, Naomi’s sons had married Moabitesses. Ruth, who had been mar-

<sup>32</sup> Tigay suggests that they were “in the same vicinity.” Tigay, *Deuteronomy*, 231.

<sup>33</sup> Ralph H. Alexander, “יָבַם,” *TWOT* 836

<sup>34</sup> Eryl W. Davies, “Inheritance Rights and the Hebrew Levirate Marriage, Part 1,” *V/T* 31.2 (1981): 141–42.

<sup>35</sup> Stager, “Archaeology,” 29. Antoun states in his sociological study that in Kufir al-Ma, following the death of the father, “the previous spouse moves into the house of her eldest son, who provides for her from then on.” He then observes that twenty-two nuclear families include “a mother in addition to the spouses and the children.” Richard T. Antoun, *Arab Village: A Social Structural Study of a Transjordanian Peasant Community* (Bloomington, IN: Indiana University Press, 1972), 53–54.

<sup>36</sup> Donald A. Leggett, *The Levirate and Goel Institutions in the Old Testament with Special Attention to the Book of Ruth* (Cherry Hill, NJ: Mack, 1974), 216. This would also seem to provide some insight for Paul’s admonition to Timothy regarding “widows indeed” (1 Tim 5:3–5). Paul’s category would involve women who had lost their husbands and who did not have children or grandchildren to take care of them, and Paul adds in that text that they must be sixty years of age or older.

<sup>37</sup> Leggett, *Goel Institutions*, 294; Eryl W. Davies, “Inheritance Rights and the Hebrew Levirate Marriage, Part 2,” *V/T* 31.3 (1981): 140n9. See also Merrill, *Deuteronomy*, 327.

<sup>38</sup> This seems to be the case presented in Ruth 4, although from our perspective, it would seem that the land would have been inherited by the sons, specifically Mahlon the husband of Ruth. Leggett notes that this is an issue that has puzzled commentators. Leggett, *Goel Institutions*, 211–22.

ried to Naomi's son Mahlon, was also a widow. Despite the declaration in Deuteronomy 23:3 that no Moabite could enter "the assembly of the Lord," Ruth's return to Bethlehem with Naomi apparently allowed unspecified legal rights. Tentatively, the land situation might be put together as follows. According to the English text in 4:3, Naomi was going to "sell" some of the land that had belonged to Elimelech, although what that means is not clear. In any case, according to the text, for Naomi to regain the use of the land, she had to "redeem" it.<sup>39</sup> This would suggest that as Elimelech's widow she had control of the land.<sup>40</sup> In a practical sense, it really did not matter, since they arrived in Bethlehem at the beginning of the barley harvest (Ruth 1:22), which meant that the land was basically useless to Naomi until the following planting season, regardless of whether she would be able to till it.

In a legal sense, however, it would appear that since Elimelech had sons, they had a right of inheritance and subsequent passing the land on even though they were deceased. Although neither son had children, both had married. Thus, by returning to the land, Ruth entered into the picture as the childbearing-aged widow of the legitimate heir. This would seem to be the reason that in this complicated situation Boaz asserted to the unnamed relative that while the land needed redemption (i.e., required a  $\text{לָקַח}$ ), the  $\text{לָקַח}$  would also be required to marry Ruth. The normal expectation would be that through levirate marriage, he would need to marry Naomi. Since Naomi was beyond childbearing years, the relative apparently assumed that the levirate marriage requirement no longer held, but Boaz asserts that the requirement then devolved on Ruth.<sup>41</sup> When Boaz then agreed to buy the land,

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<sup>39</sup> There are several obscure practices and nuances in the account of Ruth that are hard to follow because of ambiguity in the words translated "sell" and "redeem." It is generally understood that Elimelech possessed land in Israel (Ruth 4:3), which he left to go to Moab because of a famine (1:1). What he did with the land he left is not clear. One possibility is that he had abandoned it. If so, it likely had lain fallow during the years he and his family were gone. In that situation, it may be supposed that when Naomi returned, she would try to "sell" it (i.e., lease it out), since she was not able to farm it. But another possibility is that Elimelech had himself "sold" it (i.e., leased it out) prior to leaving for Moab. In that case, however, the use of the land (although not legal ownership) would belong to someone else until the year of Jubilee, and Naomi would not be able to farm it unless it was *redeemed*. Both terms are used in the passage. In either case, when they returned at the beginning of the barley harvest, it was too late in the year to farm. This means that the land question would need to be settled ("redeemed") prior to the fall planting season. Michael A. Harbin, "Jubilee and Social Justice," *JETS* 54.4 (2011): 694.

<sup>40</sup> Campbell says, "We simply do not know all that we would like about a widow's right of ownership." However, he also asserts that "a widow would at least have the right of disposal." Campbell, *Ruth*, 158.

<sup>41</sup> The question of redemption here is somewhat vague. Generally, redemption in this context seems to be thought of in terms of buying back land prior to the Year of Jubilee. F. Duane Lindsey, "Leviticus," in Walvoord and Zuck, *The Bible Knowledge Commentary*, 1:210. However, Ruth 4:3–4 informs us that Naomi, Elimelech's widow, had to "sell" the land of Elimelech, and the nearest relative is asked to "buy" it. As expressed here, the text seems to indicate that by "buying" the land, the relative would prevent further "sale" of it, although in the next sentence, the observation is made that he would be redeeming ( $\text{לָקַח}$ ) the land. This would suggest that Elimelech had abandoned the land before he left, and that it had lain fallow during their absence. If that were the case, it would seem that Naomi could start farming the land herself, although there are several factors that militate against that. One would be her age. Other factors might be the lack of a farm animal to draw a plow, or her physical status as a woman (see below). In any event, they returned at the start of the barley harvest which meant that it would be a



he acquired the estate of both Mahlon and Chilion, and Ruth as a wife “to raise up the name of the deceased on his inheritance.” It is this last statement that most strongly indicates that the marriage was functionally a levirate marriage in that Boaz was agreeing that the inheritance would be Elimelech’s.<sup>42</sup>

Only after the birth of a son from Boaz and Ruth is Naomi praised by the local residents because she is now “not ... without a redeemer” (4:14). In essence, these neighbors point out that a function of this son is to be “a sustainer of [her] old age.”

To this point, the assumption has been that the widow being addressed is an Israelite widow. As we have seen, this assumption presents problems regarding the baseline situation, which presumes that a widow would be supported by her son or relative who inherited the family land. We also noted that the separation of the domicile from the actual farmland produced the possibility that the widow would remain in the house of her husband regardless of the land status.

One alternative that is virtually ignored is the possibility that neither the אֶלְמֵנָה nor her late husband was Israelite. Sulzberger argues that the גֵּר (*ger*) was a descendant of the resident Canaanites who remained in the land after the conquest.<sup>43</sup> While the Israelites were not allowed to sell their land, the same did not hold true for the Canaanite remnant (although that may have become the case as they were assimilated into the Israelite culture). Sulzberger suggests that the אֶלְמֵנָה would be the widow of a landless Canaanite, which would put her in a truly precarious situation economically.<sup>44</sup> If that were the case it would explain why this person did not fit the expected community support criteria. It would also make the admonition for Israelites to provide the opportunity for economic support even more profound (and might even be suggestive regarding the acceptance of Ruth when she took advantage of those opportunities and gleaned).

2. *Orphans*. While the term *orphan* seems straightforward, the English translation carries a different connotation than the Hebrew. The English word *orphan* normally denotes a child who has lost both mother and father,<sup>45</sup> which is the connotation that many English commentators take.<sup>46</sup> Consequently, while at first glance the situation seems obvious, there are several questions.

year before they would see any produce from the land, since they would need to wait until the fall to sow the next year’s crop. Given their financial straits, the question would have been how they would survive until then.

<sup>42</sup> One question that arises out of this scenario is why the genealogy lists Boaz as the ancestor of David rather than Elimelech. The probable explanation is that although the land remained in the name of Elimelech, the line of heritage would pass through the actual father. Since this man would be a relative of the deceased on the paternal side, one would trace the same line as one worked back a generation or so.

<sup>43</sup> Mayer Sulzberger, “The Status of Labor in Ancient Israel,” *JQR* 13.4 n.s. (1923): 424.

<sup>44</sup> Sulzberger, “Labor,” 430.

<sup>45</sup> *Webster’s Third New International Dictionary of the English Language Unabridged* (Chicago: G. & C. Merriam, 1971), defines *orphan* first as “a child deprived by death of both father and mother.” None of the subsequent definitions mentions a child with the loss of only one parent.

<sup>46</sup> A variety of sources gloss over the idea of “orphan” as if it does not need explanation. See, for example, John E. Hartley, תּוֹסֵף, *TWOT* 934a; Merrill, *Deuteronomy*, 204.

From a practical perspective, if an Israelite child had lost both parents, where did that child live? If he or she was taken in by relatives, then why would those relatives not be expected to provide for the child instead of requiring the child to glean to procure food? Since one of the provisions for orphans was gleaning, at what age would a child be expected to perform that arduous work? Under those conditions, what hope did that child have in life should he or she ever reach adulthood? Given these questions, a deeper look is required.

The Hebrew word translated *orphan* is better understood as describing a child who has lost his or her father, a connotation that gets lost in translation. For example, *TWOT* translates **יתום** as “orphan, fatherless,” although its discussion does not address the difference and seems to view the person primarily as a child who had lost both parents.<sup>47</sup> While *BDB* gives just the translation of “orphan” for **יתום**, at the end of its entry it states: “in no case [is it] clear that both parents are dead.”<sup>48</sup> From a sociological perspective, in ancient Israelite culture it seems “fatherless” and “orphan” would carry much the same weight, referring to a child who has no one to defend him or her. Contextually, it is interesting that orphans appear to be connected with widows.<sup>49</sup> This suggests a situation where a woman had lost her spouse but had minor-aged children and was trying to raise them herself. In light of earlier discussion, this woman would technically not be eligible for levirate marriage, since she had children who would be expected to care for her in her old age. Consequently, it is concluded that the consistent connection of orphans with widows indicates a single-parent family (headed by the mother) working together to gather food to survive.

What is not clear in the issue of orphans is the matter of the land. It would seem that even if the father died, the land would remain in the family, likely under the legal control of the widow (such as was suggested above for Naomi). Zelophehad’s daughters provide a precedent (Num 27:1–11). Zelophehad had no son, and his daughters were concerned that their father not lose his inheritance in the land. The outcome was a directive from God: “If a man dies and has no son, then you shall transfer his inheritance to his daughter. If he has no daughter, then you shall give his inheritance to his brothers. If he has no brothers, then you shall give his inheritance to his father’s brothers. If his father has no brothers, then you shall give his inheritance to his nearest relative in his own family, and he shall possess it” (Num 27:8b–11a). In a case like that, the expectation would have been that when the “orphan” reached adulthood, he or she would inherit the land and continue to work it. However, if that were the case, then why would the orphan be gleaning?

Here may be evidence of how physical abilities affected matters such as gender roles within that culture. According to the Centre for Economic Policy Re-

<sup>47</sup> Hartley, *TWOT* 934a.

<sup>48</sup> *BDB*, s.v. “**יתום**,” *DCH*, s.v. “**יתום**,” gives only “orphan.”

<sup>49</sup> “Orphan” is used 12 times in the Mosaic law and with one exception, it is coupled with “widow” (“orphan and widow” or “widow and orphan”). The one exception is Deuteronomy 24:17 which couples “orphan” with “alien,” but then adds “widow” with a slightly different nuance: “You shall not pervert the justice due an alien *or* an orphan, nor take a widow’s garment in pledge.”

search, a factor in gender roles historically was the use of a plow to till soil because it requires “significant upper body strength, grip strength, and burst of power, which are needed to either pull the plough or control the animal that pulls it.”<sup>50</sup> It may be then that a single woman (i.e., widow) or a minor child was not expected to have the physical ability to prepare the fields for planting, thus requiring other assistance. Later we will see that one of the provisions for the widow and orphan was gleaning. While certainly physically demanding, it did not require the same upper body strength that plowing required.

Deuteronomy 14:29 may contain another factor when it mentions “the orphan and the widow who are in your town” (literally, “in your gates”). That the two are mentioned together here seems to corroborate the conclusions above that the reference is to the fatherless as opposed to true orphans. The phrase “in your town” as opposed to “in your land” might anticipate a more complex culture in the future where some elements of society no longer made their primary living by farming.<sup>51</sup> If that were the case, then the orphan (and widow) being addressed might be from a family that had no land to farm.<sup>52</sup>

3. *Resident aliens.* The last group addressed is that of the גֵּר, translated variously as “stranger” (KJV), “sojourner” (ESV, RSV), and “alien” (NASB, NIV). A גֵּר should be distinguished from a “foreigner” (גֵּרִי, or גֵּר) in that he or she would be residing in the land as opposed to visiting it; hence, the term “resident alien” is preferable. Resident aliens have privileges and responsibilities beyond those of foreigners, but fewer than those of natives. Baker expands on this, stating, “The status of resident aliens is somewhere between that of natives and foreigners, and individual aliens may be incorporated into the community by becoming dependent members of an Israelite family, under the protection of the household head (cf. Exod 20:10; 23:12).”<sup>53</sup> This may explain the situation of Ruth.

In terms of ethnicity, the OT presents several categories of individuals who permanently lived in the land but who were not descendants of Jacob. The first group was the mixed multitude that went up from Egypt (Exod 12:38). As Stuart puts it, the verse in Exodus “confirms that the Israelites of the exodus (and thereafter) were actually a mixed people ethnically.”<sup>54</sup> Other ethnic strands of the exodus

<sup>50</sup> Alberto Alesina, Paola Giuliano, and Nathan Nunn, “Women and the Plough,” VOX, CEPR Policy Portal, July 2, 2011, <https://voxeu.org/article/modern-gender-roles-and-ancient-farming>.

<sup>51</sup> Brueggemann characterizes those who are “within your towns” as “disadvantaged” in that they have no land from which they could bring their own tithes. Brueggemann, *Deuteronomy*, 162. King and Stager note several trades that seem to require more extensive resources than a small family settlement. King and Stager, *Life*, 85–122, 129–76. Perhaps the most resource-intensive trade would be metalworking. While 1 Samuel 13:21 notes Philistine smiths at the time of Saul, we do not have record of Israelite smiths in the early conquest period. However, as early as the exodus, we read of skilled metal workers who made the golden calf (Exod 32:4) and contributed to the tabernacle (Exod 35–37).

<sup>52</sup> That leaves open an interesting variety of possible situations, such as a family whose land had been sold (i.e., leased until Jubilee), perhaps due to extended illness; or the family of a Levite who had not received land in the settlement; or the family of a resident alien without any land.

<sup>53</sup> David L. Baker, *Tight Fists or Open Hands? Wealth and Poverty in Old Testament Law* (Grand Rapids: Eerdmans, 2009), 180.

<sup>54</sup> Douglas K. Stuart, *Exodus*, NAC 2 (Nashville: Broadman & Holman, 2007), 303.

included Egyptians (cf. Lev 24:10), Cushites (Num 12:1), and Kenizzites (Josh 14:6), and apparently others not named.<sup>55</sup> While not descendants of Jacob, it would appear that these groups had been absorbed into the ethnic tribes at Sinai. They then shared in the land division after the conquest, and thus their descendants were included with the “native Israelites” in later citations. For example, Caleb is described as a Kenizzite, but he also represents the tribe of Judah as part of the scouting party of Canaan at Kadesh Barnea (Num 13). Subsequently, in Joshua he has a key role in Judah acquiring its land and as such seems to model assimilation.

A second group would be the tribes that dwelt in the land at the time of the conquest. The OT clearly points out that, contrary to the common perception, the nation of Israel did not eradicate all of the inhabitants of the land during the conquest. The Gibeonites formed an alliance with Israel by deceit. They were consigned to a position of servitude—specifically, they were to be “hewers of wood and drawers of water” both for Israelites individually and for “the altar of the Lord” (Josh 9:21–27). There are indications that some of them intermarried with the Israelites.<sup>56</sup> Other tribes did not form alliances but were not driven out. For example, Benjamin could not drive out the Jebusites, and they continued to dwell with the Israelites.<sup>57</sup> Other Canaanite tribes are noted as remaining in the regions of Manasseh, Ephraim, Zebulun, Asher, and Naphtali (Judg 1:27–36). According to the early chapters of Judges, those tribes were problematic for the nation subsequent to the conquest. Their ultimate fate is unknown, although we find hints of intermarriage, such as Samson marrying a Philistine woman (Judg 14).<sup>58</sup> It may be that the bulk of the 153,600 resident aliens that Solomon numbered and conscripted to help build the temple descended from these tribes who occupied the land at the time of conquest (2 Chr 2:17–18). It seems likely that as Israel became more organized through the monarchy, those Canaanite tribes that remained became Hebrew speakers, intermarried, and ultimately lost their ethnic identity, i.e., assimilated like the mixed multitude. While it is likely that at least some of those resident aliens were absorbed religiously, this diverse population may help explain the mixed archaeological message regarding worship (as well as the tension seen throughout the OT regarding other gods). With respect to the issue at hand, it would appear

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<sup>55</sup> Stuart argues that Numbers 12:1 indicates that Moses took a second wife from the Cushites who had come with Israel in the exodus. He also argues that Phineas (Num 25), while a descendant of Aaron, was a descendant on the maternal side from the Cushites. Stuart, *Exodus*, 303–4. According to Genesis 15:19, the Kenizzites were one of the tribal groups occupying the land at the time of the Abrahamic covenant who would be disinherited when God gave the land to the nation of Israel. One would have to wonder if an unidentified group might have included “Hyksos,” but it is impossible to say. K. A. Kitchen, “Hyksos,” *ZPEB* 3:232–33.

<sup>56</sup> The Gibeonites are reported as still existing at the time of Saul and David. Chronicles indicates that King Saul’s great-grandfather was Gibeonite (1 Chr 8:29; 9:35). This rather obscure reference would seem to indicate that the Gibeonites had begun an intermarrying process with the Israelites.

<sup>57</sup> First Chronicles 11:4 notes that it was David who eventually subdued Jerusalem and the Jebusites. Even then, however, the Jebusites dwelt among the Israelites, as David later bought the threshing floor of Araunah the Jebusite on which to erect an altar to YHWH (2 Sam 24:14).

<sup>58</sup> While Samson’s marriage apparently did not produce offspring, it does suggest the possibility of others that did.

that these prior residents continued to live on the land that they had possessed prior to the conquest, and thus generally did not need the resident alien provisions. If that was the case, it also raises the possibility that a Canaanite might have sold land to a non-Israelite, perhaps a later immigrant, but it seems most later immigrants would have been landless.

Those future immigrants compose our third group. Noting the complexity of people movements throughout the Ancient Near East, it is likely that a significant number of immigrants entered the land throughout the history of the nation. Since Torah guidelines prohibited Israelites from selling their land to these immigrants, then unless they were able to find work, they would be the resident aliens who needed these welfare provisions.<sup>59</sup> Two primary types of work are suggested. First, they might be either skilled craftsmen or merchants who could perform jobs located in the larger communities or cities. Second, they might work anywhere as hired hands. Subsistence farming was arduous work and available manpower limited the amount of land a farmer could work. As noted elsewhere, hiring individuals to help the farmer manage the land he possessed was a common practice in the ANE.<sup>60</sup>

Immigration is difficult in this context for several reasons. First, national boundaries were ambiguous, as was “citizenship.” People could move around rather freely, but at the same time travel was difficult, generally on foot. The biggest issue likely would be communication when entering a region with a different language. Second, life was essentially lived on a local level, which means that in most cases, acceptance was determined within a village. An outsider who showed up in an Israelite village, whether he was Israelite or alien, would have to find work. It is likely through that means he would also find a place to stay.<sup>61</sup> The migrant likely would be homeless for some time, but as noted above, this meant that he generally would be sleeping and foraging in the wild, as opposed to begging on the street in the city. Third, an alien would likely go someplace where he or she could find work in order to support himself or his family, and that work would generally involve manual labor.

There would be a variety of reasons why these immigrants might not have work, such as having just arrived, or having been let go by the farmer for whom he had been working, or the presence of a famine. Whatever the reason, social justice provisions supplied a means by which they could survive.

4. *Summation.* Widows, orphans, and resident aliens seem to have had two points in common. First, they were subject to serious economic difficulties. Second, these economic difficulties seem to have resulted from a lack of resources, primari-

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<sup>59</sup> Circumcision was not required of resident aliens, but if they submitted to it, then they were allowed to partake of the Passover. While not specifically spelled out, it would thus appear that they were able to assimilate into the nation if they “converted” to the worship of YHWH. Regardless, in general, they were required to keep many of the same laws as the Israelites (e.g., observe the Sabbath [Exod 20:10 and 23:12]). L. L. Walker, “Sojourner,” *ZPEB* 5:468.

<sup>60</sup> Harbin, “Jubilee and Social Justice,” 693.

<sup>61</sup> This is an area that needs more work. We do have a few examples of individuals who illustrate some of the issues, such as Jonathan ben Gershom, the Levite in Judges 17–18, and Elimelech in Ruth 1, but we are given little in the way of details.

ly agricultural land. While we often view the situation as lack of land, we noted that in the case of widows, the issue may have been the inability to till it. The same might be true of orphans. In the case of resident aliens, the lack of land seems to have been a result of the prohibition against Israelites selling their inheritance. While a resident alien may have worked as a laborer, he was thereby vulnerable to unemployment.<sup>62</sup> Having explored what we suggested might be social norms, and having evaluated how these groups lay outside of those norms, we now need to evaluate the directed provisions designed to serve as a safety net for those outliers.

## II. WORA PROVISIONS

We have suggested that these three groups in common lacked agricultural resources in a culture where most people were directly dependent upon such resources, and they thus required special social justice provisions. The next step is to explore how this worked. While incorporating a number of social justice provisions, the OT reveals just four “programs” specifically intended for the WORA. As already discussed, levirate marriage applied uniquely to widows, and apparently specifically widows still of childbearing age. The other three provisions seem appropriate for all three groups: widows of whatever age who had not remarried, the fatherless (who were likely living with their widowed mothers), and unemployed resident aliens.

1. *Gleaning*. The primary WORA provision was the process of gleaning. Gleaning entails going back through a field or orchard after it has been harvested to find produce the harvesters missed. While this would be a fraction of the harvested produce, it could be a sizeable amount.<sup>63</sup> Although the only illustration we have of OT gleaning is Ruth in the grain fields, which is the image that comes to mind, the OT gives guidelines not just for grain but for all other crops, specifically mentioning vineyards (Lev 19:10) and olive trees (Deut 24:20).

Gleaning depends on creating intentional margins. While having such margins in a subsistence culture would be difficult, the underlying premise was that if the people demonstrated trust in God, he would provide a surplus. This may be indicated by the situation of Boaz who apparently remained in the village that Elimelech had left because of the famine, and had prospered.<sup>64</sup> While agricultural gleaning is far removed from most people today, the idea of developing intentional

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<sup>62</sup> Harbin, “Jubilee and Social Justice,” 693.

<sup>63</sup> When Ruth gleaned in Boaz’s field, she finished the first day with an *ephah* (estimated to be approximately a half bushel to a bushel) of threshed barley (Ruth 2:17). While Naomi seemed surprised at the quantity that she brought home in one day, it should be noted that she then continued following the harvesters through the entire barley and wheat harvests (2:23), which would have provided a significant “harvest” for her and Naomi over the harvest period of about seven weeks. Modern reports of gleaning (including the writer’s personal experience as part of charity operations) support this perception.

<sup>64</sup> One of the more interesting observations that Antoun makes is that farmers within the same village might experience differential crop yields because of “micro-ecological differences in landscape and soil.” Antoun, *Arab Village*, 8.

margins to provide for one's personal future and to share with others would be readily accessible for most.

Israelite landowners are given guidelines in Leviticus 19:9–10; 23:22; and Deuteronomy 24:19–22 designed to provide the greatest possible opportunity for would-be gleaners. Succinctly, they are as follows.

- When landowners harvested grain, they were not to reap to the corners.<sup>65</sup> The grain left standing was intended for the gleaners—i.e., the WORA.
- If a harvester dropped a sheaf, he or she was to leave it behind. In this case, the produce would already have been harvested and bound together. The harvester likely would be carrying it to where it would be gathered for threshing or subsequent storage when the loss occurred. In that case, the sheaf was to be left on the ground.
- The harvesters were not to go back through looking for produce that had been missed. As noted, beyond grain, olive trees and vineyards are specifically mentioned, emphasizing how the gleaning directive covered the entire harvest and not just grain.

The produce left behind provided an opportunity for the “needy” (cf. Lev 19:10) to gather the residue for their own use. It is significant that the gleaning process provided an opportunity for a WORA to gather food from land which she or he did not own, and on which she or he had not sown or tended the crops, but she or he was required to put in the labor to gather this produce, as well as to thresh it, and then take it home to process.<sup>66</sup> Given the scope of the crops listed, it would seem then, based on the example of Ruth, that a WORA would be able to follow the harvest, which began with the barley harvest (April–May), on into the fall with the grape and olive harvests (October–November).<sup>67</sup>

2. *Third-year tithes.* The Israelites were directed to tithe all of their produce, which by definition meant to return to God one tenth of their harvest (Lev 27:30–33; Num 18:21–32; Deut 14:22–27). While the initial declaration of the tithing requirement in Leviticus 27 prescribed that the tithe belonged to the Lord, the subse-

<sup>65</sup> We discussed in part 1 the question of fenced fields; see Harbin, “Cultural Background,” 482–83. In cases of unfenced fields, we suggested that the harvesters would likely leave a fringe of standing grain that would separate the portions of the fields “owned” by various farmers. A practical feature in this situation would be less disagreement on where each farmer’s portion ended. If the field were surrounded by a stone fence this provision would be a practical safety feature so that the reaper who would be swinging a sickle or scythe would not work him- or herself into a corner and risk damaging the implement.

<sup>66</sup> In this light, it is perhaps worth recalling that Naomi and Ruth had a home “in the city” (Ruth 2:18), presumably what we call “the town” of Bethlehem (1:1). Another example of a widow in a home, although outside actual Israelite culture, would be the widow in 1 Kings 4, who had debt and two children who were about to be taken by creditors, but who also had a house, although apparently no land. There Elisha performed a miracle that provided oil she could sell to dissolve the debt.

<sup>67</sup> In the case of Ruth, the text notes that she harvested through the barley and wheat harvests, which would have included the period between Passover and Pentecost (Deut 16:9–12). It was at this point that Ruth 3 takes place, which sets the stage for Boaz’s intervention as לָאֵל. Apparently, the barley harvest began right after Passover. The olive harvest would have been in the fall, probably in the October–November timeframe. Borowski, *Agriculture*, 31–44.

quent clarification in Numbers 18 shows that the Levites represented the Lord in this case as their part of the national inheritance.<sup>68</sup>

This tithe portion was to be taken annually to the designated location where it would both be given to the Levites, and “eaten in God’s presence,” although an option is given that it be sold and replacements purchased at “the place where [God] chooses to establish His name.” Given the amount of material a full corporate tithe would include, Thompson is likely correct when he suggests that a representative portion would be taken to the central sanctuary for a feast, and the rest stored in the local cities.<sup>69</sup> If so, everything beyond the celebratory meal was to be given to the Levites to be deposited in the Levitical cities, where the Levites would manage and use it. In fact, it would appear that the feast served as an encouragement for the Israelites to provide the overall tithe.

Every third year the tithe was to be handled differently.<sup>70</sup> Instead of having the celebration before God and giving the rest to the Levites, the tithe was to be stored in the local “town” (Deut 14:28–29). These third-year tithes were to provide produce for the WORA as well as the Levites. Again, this produce would seem to have been stored in each local city.<sup>71</sup> It appears that these goods were to be available on an as-needed basis for the WORA in that region (as well as Levites).

The text states that it would be “reckoned as the grain from the threshing floor or the full produce from the wine vat” (Num 18:27), suggesting that the produce was processed and ready for storage before it was given.<sup>72</sup> While not amplified, that could explain why this tithe was given only every third year; that is, its purpose was essentially to be a welfare pantry, for the Levite “and the alien, the orphan and the widow who are in your town” (Deut 14:29).<sup>73</sup> Unlike gleaning, there does not

<sup>68</sup> Ashley, *Numbers*, 354–57. The Numbers passage also directs that the Levites in turn were to tithe what they had been given, which tithe was to be given to “Aaron the priest.” It would seem that in future generations, this portion went to the priests who served in the tabernacle/temple. Cole, *Numbers*, 280–301. It is not clear whether Deuteronomy gives amplifying information on this tithe (i.e., how to give it), or whether it is a second tithe on the ninety percent which had been left to the farmer. Deere, “Deuteronomy,” 1:289.

<sup>69</sup> Thompson, *Deuteronomy*, 182. Thompson goes on to suggest that an issue being addressed in this command is that the Israelites were to avoid any association with pagan Canaanite deities by avoiding any shrines associated with them, hence the phrase, “where [the Lord your God] chooses to establish His name.” While he does not take this to the logical conclusion, this would seem to allow for this type of sacrifice to be performed locally (as in the case of Samuel in 1 Samuel 9). It should be noted that this would be an occasion for a communal offering where God’s faithfulness would be celebrated before the community. Merrill, *Deuteronomy*, 241.

<sup>70</sup> Craigie suggests that this would be in years three and six of the seven-year/Sabbath-year cycle. Peter C. Craigie, *The Book of Deuteronomy*, NICOT (Grand Rapids: Eerdmans, 1976), 233–34.

<sup>71</sup> Literally, the text says “your gates,” which would suggest “walled cities.” The gates of walled Israelite cities contained chambers (generally four or six). While references suggest that the city elders sat there on stone benches, some indications are that the chambers had doors. King and Stager, *L’Jé*, 234–36. If so, what was enclosed behind those doors? Could these be the storehouses for the tithes?

<sup>72</sup> Earlier in the Numbers passage when addressing what was to be given to the priests, the phrase used is “the best of the fresh oil” (Num 18:12).

<sup>73</sup> McConville maintains that it was not “properly speaking a ‘welfare’ provision,” but rather was intended to make sure that these four groups “can participate fully in Israel’s enjoyment of Yahweh’s



seem to be any requirement that the recipients must work for what they receive through the third-year tithe. The distributions from the third-year tithe seem to be rather minimal, giving just a short-term provision to bridge a temporary need. The gleaning already mentioned would then provide for a longer period. If that is the case, this is an aspect of social justice that tends to get lost in the discussion.

3. *Sabbath-year garnering*. The last provision involves the use of the land during the Sabbath year. The specifics of the Sabbath year are difficult to follow and highly debated. Three related primary issues are involved. First, by definition and the explicit directions given in Leviticus 25:3–4, the Sabbath year was every seventh year (a six- and seventh-year cycle). But how could subsistence farmers survive two years on one crop if no one grew a crop? Second, was the purpose of the Sabbath year to let the land rest (Lev 25) or provide for the poor (Exod 23:10–11)? Third, tied into the second question, could Israelites eat from the Sabbath-year volunteer produce? Leviticus 25:4–5 seems to say no, but then verses 6 and 7 seem to say yes.

With respect to the straightforward six- and seventh-year cycle, various alternatives have been suggested. One proposal is that each individual farmer would let one portion (one seventh) of his land lay fallow each year; thus while each plot enjoyed a Sabbath, the farmer worked all seven years.<sup>74</sup> Another perspective is that the concept was only an ideal and never actually practiced.<sup>75</sup> A third approach is that farmers rotated each year so that only the land of certain farmers was fallow at any specific time.<sup>76</sup> Probably the key argument against the universal seventh-year Sabbath is the issue of practicality.<sup>77</sup> Could all the farmers in a village live two years on one year's crop? Two other factors must be considered. First, Sabbath-year directions in the Exodus passage are followed immediately by six- and seventh-day directions for the Sabbath day, suggesting a correlation in the author's mind. Second, 2 Chronicles 36:21 asserts that the failure to observe the Sabbath year was a cause for the exile or at least its length. Admittedly, the traditional understanding is difficult and impractical, but that seems to be the point.<sup>78</sup> The text warns the people not to be apprehensive in the seventh year because God would give provisions in the sixth year adequate to bring them to the harvest in the eighth (Lev 25:20–22). In other words, the people would receive the extra *in advance*. This could serve to reduce apprehension when not sowing in the Sabbath year. Consequently, if they did not observe the Sabbath year, it was not just a lack of faith, but rather open defiance of God. Thus, it appears that Kiuchi is correct when he states that the

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blessing." McConville, *Deuteronomy*, 252. However, it would seem more likely that if that were the intent, the tithe would be an annual tithe.

<sup>74</sup> Borowski, *Agriculture*, 144–45.

<sup>75</sup> Eli Ginzberg, "Studies in the Economics of the Bible," *JQR* 22.4 (1932): 362; and Robert Gnuse, "Jubilee Legislation in Leviticus: Israel's Vision of Social Reform," *BTB* 15 (1985): 43–44.

<sup>76</sup> Christopher J. H. Wright, "What Happened Every Seven Years: Part I," *EnQ* 56.3 (1984): 130–31.

<sup>77</sup> A. Noordtziĳ, *Numbers*, trans. Ed van der Maas, BSC (Grand Rapids: Zondervan, 1983), 250–51.

<sup>78</sup> This may be a situation where we should emulate the text-critical dictate of going with the harder reading. Ernst Würthwein, *The Text of the Old Testament: An Introduction to the Biblia Hebraica*, trans. by Erroll F. Rhodes (Grand Rapids: Eerdmans, 1979), 109.

Sabbath year was to be “universal and simultaneous, extending to all the fields in every seventh year.”<sup>79</sup>

Regarding the last two questions, the purpose of the Sabbath year seems to have been primarily to give the land rest (Lev 25:4–5). This would automatically provide rest to the farmer and his animals, since they were not to plow or sow or reap. A problem with understanding the Sabbath year as primarily providing for the needy is that it was just one year out of seven. However, although Exodus 23:10–11 indicates that any volunteer produce is primarily for the needy, Leviticus 25:6 allows the farmer to participate as well. So it seems Wenham is correct that the key is *organized* harvesting is forbidden.<sup>80</sup> As such, the apparent conflict between Leviticus 25:5 and 25:6–7 would be resolved by noting that the basic principle of the Sabbath year was not to be business as usual.<sup>81</sup> Specifically, during the year the land rested, everyone was put on an equal basis of trust in God’s provision. The Sabbath year, like the Sabbath day (see Exod 20:11), reminded the people that God was the creator and their provider.<sup>82</sup> It also reminded landowners that the land was God’s as they returned it to him in the Sabbath year.<sup>83</sup>

### III. UNDERGIRDING CONCEPTS

As we evaluate WORA provisions, it appears that two key concepts embedded in the social structure, noted in part 1 of the study, provided their foundation and gave them much of their strength. However, a third emerges from the common religious structure of the nation. These three will be addressed individually.

1. *Integrated extended family.* The embryonic nation of Israel entered Egypt with a social structure based on thirteen tribes descended from the twelve sons of Jacob. When the exodus occurred approximately four hundred years later, that family structure was basically still intact, though with a couple of ramifications. While a mixed company came out of Egypt, ethnic outliers apparently had been largely absorbed into the existing tribal units by the time of the conquest. We noted Caleb as a key example. While not as clear, it would seem that a similar process occurred subsequently with the native tribes who were not eradicated during the conquest. For example, the Gibeonites preserved their existence through deceit and became servants of the nation, serving the altar of God (Josh 9:22–27). Under David, Ishmaiah the Gibeonite was a noted leader, and later Melatiah the Gibeonite is noted

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<sup>79</sup> Nobuyoshi Kiuchi, *Leviticus* ApOTC 3 (Downers Grove, IL: InterVarsity, 2007), 454. See also Sklar, who stresses that letting the land rest every seventh year would “be a bold proclamation of faith.” Jay Sklar, *Leviticus*, TOTC 3 (Downers Grove, IL: InterVarsity, 2014), 300.

<sup>80</sup> Gordon Wenham, *The Book of Leviticus*, NICNT (Grand Rapids: Eerdmans, 1979), 318.

<sup>81</sup> Hartley states, “All members of a household may eat from that produce thanking God for their daily food, but they may not harvest the yield either to sell or to stockpile.” John E. Hartley, *Leviticus*, WBC 4 (Dallas: Word, 1992), 433–34. The two keys are “daily” and “not to sell or to stockpile.”

<sup>82</sup> Kenneth A. Mathews, *Leviticus: Holy God, Holy People*, Preaching the Word (Wheaton, IL: Crossway, 2009), 221–22.

<sup>83</sup> John W. Kleinig, *Leviticus*, ConC (Saint Louis: Concordia, 2003), 552.

for assisting Nehemiah to rebuild the wall after the exile.<sup>84</sup> As such, there seems to have been a willingness on the part of Israel to allow assimilation, as exemplified by Ruth.<sup>85</sup>

However, with respect to assimilation as well as social justice, the smaller units of the social hierarchy would be important: the *משפחה*, which we understood in part 1 as “clan,” and *בית אבות*, which we labeled “extended family.” While what differentiated the two groups is not clear, Joshua 15–19 appears to show the basic division by “clan,” which would seem to incorporate “extended families.” This suggests that the settlement essentially placed kinship groups within a given location such as a “city and its villages.”<sup>86</sup> While clearly that kinship structure would underlie the practice of levirate marriage and the *גאל* responsibilities, it seems likely that it also affected the practice of gleaning in terms of location and associated practices. For example, when Boaz gave generous instructions to his steward regarding Ruth’s gleaning, it is tempting to tie this to romantic interests, but it may be that he was aware of the *גאל* possibilities, since he was cognizant of the closer relative (Ruth 3:12). Given the interrelatedness of the entire village, family ties would likely have heightened social pressure in terms of conformity and provision.

2. *Integrated land parcels.* Part 1 noted how an individual “farm” in the modern village of Kufr Al-Ma consisted of several portions of land distributed throughout the “field” surrounding the housing area. It would appear that having smaller parcels intermingled throughout the tilled area would promote (dare we say force) cooperation between farmers. At a minimum, given that apparently there were no walls, the admonition not to harvest to the “corner” of their field (Lev 19:9) would have enhanced gleaning opportunities.

3. *Third-year tithes.* The third-year tithe is our third undergirding concept, which was not addressed in part 1. The Israelites were expected to tithe each year (Lev 27:30–33; Num 18:21–32; Deut 14:22–27), and during two of those years, the tithe was to be taken to the Levites at one of their forty-eight Levitical cities, kept regionally for ready access. It is interesting that this provision in particular was to be administered by the Levites. While this might suggest that a religious system should be the framework around which social justice is built, it also should be noted that when set up, the Levite system was the only “national” system Israel had. During the third year the tithe was handled differently in that it was placed in a

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<sup>84</sup> This is an area that needs more work. Clearly, early in the history of the nation, some of the Canaanite tribes had maintained their existence in the land. At the time of Solomon, these included Amorites, Hittites, Perizzites, Hivites, and Jebusites (1 Kgs 9:20). But they later disappear from the records. The Jebusites are a case in point. They maintained their separate existence until David conquered the city of Jerusalem, and then they apparently continued to live in “David’s city” (1 Chr 11:5–7; cf. 21:18–25).

<sup>85</sup> Another study would be to evaluate her assimilation process. Clearly the fact that she returned with Naomi and adopted the Israelite culture were factors. Her character was also clearly a factor and so, undoubtedly, was her acceptance of Israel’s God.

<sup>86</sup> It seems likely that what Antoun described as a village in modern Jordan was commensurate with what Joshua described as “city.” Antoun, *Arab Village*, 9.

storage facility in each town to be distributed to those who had special needs (Deut 14:28–29), which we suggested in part 2 were short-term needs.

#### IV. CONCLUSIONS

As the Torah sets up a governing process for the nation of Israel, a key portion involves several strands of social justice. While summed up in the general statement “you shall love your neighbor as yourself” (Lev 19:18), the concept is spelled out in the last six of the Ten Commandments. But the Torah goes beyond this as it recognizes human frailties in a fallen world. Although its social fabric was designed to support all members of society through a network of relationships including extended families and interrelated communities, it also provided Israel means by which the tragedies of life could be ameliorated. For the most part, this social fabric provides limits and protections for the entire Israelite society. But the Torah gives special attention to outliers on the frayed edge of society who might have special needs, providing a safety net for three categories of people who historically have tended to be abused, the WORA.<sup>87</sup>

This study explored how several special provisions were made for the WORA against the backdrop of the social norms of that LBA agrarian society. In the process, we noted a balance in these provisions. Three provisions were applicable to all three groups, and two required that the recipient must work to avail him- or herself of the assistance. In the case of gleaning, he or she had to get out into the field and labor to bring in the produce. The same is true of the case of Sabbath-year garnering.

At the same time, a second observation is that provision needed to be made for short-term emergency needs. The third-year tithes seem to have been for a welfare pantry in the local city, where food was stored for distribution to needy WORA and Levites. No obligations are apparent with respect to this provision, but since it was the tithe of just one out of three years, it seems that it was not designed for large distributions.

A third observation might be that a significant part of the social justice structure would require intentional margin on the part of the overall community, or to put it in contemporary terms, living below their means in order to have a surplus to share. For Israel, a farmer would need to plant enough grain, for example, so that a normal harvest would provide for him and his family, but at the same time there would be plenty left for gleaners.<sup>88</sup> This would be a balance to the requirement that the WORA put in effort (burden) to accrue the benefit. However, it also anticipated that God would give a benefit to the farmer in response to his effort (or burden).

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<sup>87</sup> Several works show that this was a concern throughout the ANE, including Moshe Weinfeld, *Social Justice in Israel and the Ancient Near East* (Jerusalem: Magness, 1995), 25–44; and H. G. M. Williamson, *He Has Shown You What Is Good: Old Testament Justice Here and Now* (Eugene, OR: Wipf & Stock, 2012), 22–43.

<sup>88</sup> Milgrom notes that rabbinic tradition held that the “corner” left should be at least one-sixtieth of the field. Jacob Milgrom, *Leviticus 17–22*, AB 3A (New Haven: Yale University Press, 2000), 1625–26.

A fourth observation is that social justice provisions were embedded at a local level. In the case of a widow and orphan, the person would have been living in the village before the husband or father passed away, and it is unlikely the person would have left. It also is likely that the extended family had a significant role to play in addressing the situation. The third-year tithe also involved the local level. All these factors indicate that in essence we see neighbors helping neighbors—not just somebody living next door, but someone they really knew.

The OT provisions for social outliers we have looked at were given for a particular social structure and historical context. Specifically, they were oriented toward an extremely homogeneous agrarian society, very different than our own. They focused on community action within a largely interrelated population. They also built on a single religious system in which the entire community was expected to participate. Still, keeping these provisions in mind, the underlying principles noted can serve as a springboard for developing contemporary social justice provisions.