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Land Grabs, Unjust Exchange, and Bribes: Economic Opportunism and the Rights of the Poor in Ancient Israel

Edd S. Noell
Professor of Economics
Westmont College
noell@westmont.edu

Introduction

Scholarship on the economic ethics of the Old Testament has highlighted the creation values and concern for the poor embedded in the wisdom and prophetic literature.¹ It has also explored the institutional arrangements and norms respecting property rights and exchange and the innovations that impacted them over the history of ancient Israel.² This study seeks to extend these lines of research by exploring the development of several specific economic practices that undermined the norms of transparency and honesty governing property rights and exchange expressed in the Pentateuch. Examples of arbitrary taking of land and produce, deceit in exchange, and economic compulsion with respect to lending arrangements are explored in light of the economics of opportunism. Opportunism occurs when there is renegeing on fulfillment of a promise by either party to an economic exchange; it means there is a lack of a credible commitment as promises between the participants break down.³ Elements of deceit, fraud, and in some cases coercion may be involved. Often it occurs when one party to an exchange is at an informational or bargaining disadvantage, so that the other party is able to secure economic gain at their expense. With respect to labor, opportunism can include both withholding of worker's wages and shirking by employees as a form of moral hazard.

Transaction cost and contracting analysis sheds light on the dynamics of exchange relationships and the problem of poverty in Israel's ancient economy. Given the kinship basis for the division of the land, reciprocity in exchange relies upon mutual obligation as a means to reduce transactions costs. Personal economic interaction and kinship relations mean that in the

¹Christopher J.H. Wright, *Old Testament Ethics for the People of God* (Downers Grove: IVP, 2004).

²Edd Noell, "Exchange and Property Rights in Light of Biblical Values," *Journal of Private Enterprise*, (2007).

³Oliver E. Williamson, *The Economic Institutions of Capitalism* (New York: The Free Press, 1985), 32.

absence of a formal enforcement mechanism, an implicit contractual obligation is upheld to come to the aid of a fellow peasant villager in the face of a drought or flood. With a greater division of labor and expansion of Israel's territory under Solomon, market relations come to be more prominent. Yet the developing agrarian economy suffers from inadequately defined or enforced property rights, lack of credible commitments, and unequal bargaining power. These features become the basis upon which economic injustice is practiced. Bribes and other measures by the wealthy are used to extract from civil authorities numerous economic advantages over the poor. Examples include the seizure of the peasant's land arbitrarily by wealthy landowners and merchants engaging in lopsided lending and trading practices. Old Testament prophets expose the corruption in the courts and the ruling Israelite bureaucracy that takes the form of "favoritism towards those in power and mistreatment of the disenfranchised."⁴

Through an examination of the prophetic and wisdom literature in the pre-exilic era, it becomes evident that the rights of the poor extend far beyond "welfare relief" in the form of charitable actions. The poor are also to receive justice by the civil authorities in terms of fair exchange for products, loans, and their labor. Said another way, the property rights of the poor are not to be subject to opportunistic predation. The just monarch will support the position of those economically disadvantaged with respect to administrative oversight and court rulings respecting property holdings, loan foreclosures, and weights and balances used in economic exchange. The study also considers the manner in which formal methods of governance (the elders at the gate and the monarchy) explicitly and implicitly back these forms of opportunism via the role of bribes and other economic mechanisms.

The article is organized around five sections. Section 2 examines the relevant provisions of the Pentateuchal case law that provide for just economic exchange and proscribe particular instances of economic opportunism. In Section 3 the particular responsibilities of Israel's civil authorities towards the poor are shown to include economic impartiality in judgment and incorruptibility. Economic injustice towards the poor through actions by the wealthy to obtain the backing of civil government authorities in seizing land and engaging in lopsided lending and trading practices is discussed in Section 4. Section 5 concludes by overviewing "the rights of the poor" to be defended by the just ruler in Israel and briefly considers their responsibility towards minimizing income inequality.

Economic Case Law and the Rights of the Poor

Its evident that the Decalogue is the moral foundation for economic life in ancient Israel. Yet it also enables specialization and exchange by constraining opportunistic behavior. Consider the eighth and tenth

⁴Erika Moore, "Ruth 2: Ancient Near Eastern Background," in *Dictionary of the Old Testament: Wisdom, Poetry & Writings*. (Downers Grove: IVP, 2008), 692.

commandments Israel receives at Mount Sinai, “You shall not steal” and “You shall not covet your neighbor’s house . . . [including] anything that belongs to your neighbor” (Exod 20:15, 17). In these commands and the subsequent limitations upon moving a neighbor’s boundary marker (Deut 19:14; 27:17), the foundations of respect for property rights are laid. Secure property rights protect families from social and political arbitrariness, families that are broader than the “nuclear family.”⁵ More generally, property rights are part of the economic institutions of ancient Israel that serve to diminish the uncertainty of exchange and reduce the cost of transacting. In general, such institutions “consist of both informal constraints (sanctions, taboos, customs, traditions, and codes of conduct), and formal rules (constitutions, laws, property rights).”⁶

Respect for property rights is linked to the just way fellow Israelites are to be treated. In a broad way, the people of Israel are told “not to oppress your neighbor” but rather “to love your neighbor as yourself” (Lev 19:13, 18). These injunctions from Moses present a “moral trajectory” for economic behavior that is not subject to explicit sanctions (unlike the laws regarding murder, for example). The land is initially distributed among the clans and families of Israel’s tribes. In this setting, when personal “kin” relations characterize exchange and “people have an intimate understanding of each other,” North observes that personal relations in effect keep transactions costs relatively low.⁷ He adds “reciprocity societies can be considered as a least-cost trading solution where no system of enforcing the terms of exchange between trading units exists.”⁸ Working the land in a context of kinship-based reciprocal obligations between households in a village network, the Israelite family faced shame and dishonor if they did not come to their neighbor’s aid, for they triggered the implicit enforcement provision of “an essentially person-to-person agreement among long-term neighbors.”⁹

Numerous specific economic applications of the Mosaic case law provide evidence of its moral trajectory. This part of the Pentateuchal code, as found for example in Exodus 21–24, applies the Decalogue’s standards to everyday life.¹⁰ Of particular relevance for this study is how the standards of the second table of the law (the last six commandments) find specific

⁵See Noell, “Exchange and Property Rights in Light of Biblical Values,” 71–94, for a more detailed discussion of the significance of secure property rights in the Mosaic law code.

⁶Elio Lo Cascio, “The Role of the State in the Roman Economy: Making Use of the New Institutional Economics,” in *Ancient Economies, Modern Methodologies: Archaeology, Comparative History, Models and Institutions* (Bari: Edipuglia, 2006), 219.

⁷Douglass C. North, “Institutions,” *Journal of Economic Perspectives* (1991): 99.

⁸Douglass C. North, “Markets and Other Allocation Systems in History: The Challenge of Karl Polanyi,” in *Economic Sociology*, edited by R. Swedberg (Cheltenham: Edward Elgar, 1996), 165.

⁹Kurt C. Schaefer and Edd S. Noell, “Contract Theory, Distributive Justice, and the Hebrew Sabbatical,” *Faith and Economics* (2005): 9.

¹⁰The case laws range from matters such as an accidental goring of a neighbor’s ox (Exod 21:28–32) to having a parapet (fence) around one’s housetop (Deut 22:8).

expression in case laws governing economic relations between the poor and the rest of the community. In the Hebrew Bible, the poor are identified either as those living at society's margin as widows, orphans, or strangers (*ebyon*), those personally negligent (*atsel*), and those economically oppressed (*ani*).¹¹

Israel's God, the just Israelite, and the just King each attend to the rights of the poor (Exod 23:6; Deut 27:19; Ps 140:12; Prov 29:7; Job 36:6; Isa 10:2; Jer 5:28). The "rights of the poor" to economic provisions include in-kind benefits such as allowance for gleaning in the field for each harvest time in sheaves and fruit left for them by the landowner and the receipt of a particular tithe (Deut 14:28–29).¹² In various passages, those who are facing economic destitution due to natural calamity, as well as those who are in the status of "widow, orphan, and stranger" also receive an interest-free loan and the cancellation of debts. When one household's harvest is meager, another village neighbor makes them a commodity loan.¹³ For much of Israel's economic history, most loans were made for consumptive (and not investment) purposes to those who need food for their family or seed corn, hence the ban on lending at interest, particularly to the poor (Exod 22:25).¹⁴ The Pentateuch instructs Israelites to have compassion in lending to the poor. In the treatment of collateral pledges, the creditor must respect the rights of the debtor. Wright explains "On the one hand, there is the debtor's right to daily bread, so the creditor must not deprive him of the means of making it (the domestic millstone). On the other hand, there is the debtor's need for shelter

¹¹The *atsel* is consistently identified in the book of Proverbs as the negligent one who is not to be given provisions from the community. There is some fluidity in the use of Hebrew terms regarding those economically oppressed. Both the *ani* and *ebyon* are identified this way in Ezek 22:29; Amos 8:4 similarly depicts the needy (*ebyon*) and the poor of the land (*ani*) as being devoured by the exploitative merchant. J. David Pleins, *The Social Visions of the Hebrew Bible: A Theological Introduction* (Louisville: Westminster John Knox, 2001), 372.

¹²The various provisions of the Pentateuch's "safety net" for the poor are discussed in more detail in Schaefer and Noell, "Contract Theory, Distributive Justice, and the Hebrew Sabbathical."

¹³Douglas E. Oakman, "The Ancient Economy" in *The Social Sciences and New Testament Interpretation*, edited by Richard L. Rohrbaugh (Peabody: Hendrickson, 1996); John D. Mason, "Biblical Teachings and the Objectives of Welfare Policy in the U.S.," *Bulletin of the Association of Christian Economists* (1993); Karl Polanyi, Conrad M. Arensberg, and Harry W. Pearson, *Trade and Market in the Early Empires: Economies in History and Theory* (New York: Free Press, 1957).

¹⁴Barry J. Gordon raises the likely possibility that it is only interest-taking for consumption loans that is banned here, suggesting that investment loans in ancient Israel were "the almost exclusive preserve of foreign traders and merchants," making loans to a foreigner identical to a commercial loan. This of course overlooks the possibility of making a consumption loan to a foreigner, for Israelites were to treat them with compassion. At the same time, Gordon is on target in affirming, "The law does not necessarily preclude taking interest from a fellow Israelite should he have borrowed for commercial purposes. The only clear ban is on a demand for a surplus over and above the principal in the case of a consumption loan." Barry J. Gordon, "Biblical and Early Judeo-Christian Thought: Genesis to Augustine," in *Pre-Classical Economic Thought: From the Greeks to the Scottish Enlightenment* (Dordrecht: Springer 1987), 50.

and warmth, so the creditor must not take basic clothing as security.”¹⁵ Loans were repaid in the form of agricultural produce out of a subsequent harvest.

Lending is framed by the values of Israel’s covenant at Sinai. While lenders certainly can abuse their powers by unscrupulous demands, they are thereby challenging the Lord who takes a special interest in the plight of the poor.¹⁶ The Hebrew Bible issues an apodictic call (Thou shalt . . .) to provide these loans. It is placed upon the conscience of the Israelite as a responsibility, for which they are motivated by God’s special concern for the powerless (Ps 146:9), and by placing themselves in the poor’s position (Exod 22:21; Deut 24:14–15).¹⁷ It seems evident that the laws cancelling debts operate on the same basis. The creditor supports them, knowing that he might find himself in need of a loan being cancelled at some point in his own financial struggle. Indeed, these voluntary laws are codified because “there is an obvious incentive for all parties to eliminate as much moral hazard as possible by restricting shirking behavior, by which those with no legitimate need might file a claim against the system.”¹⁸ These particular economic institutions are tied to “the rights of the poor.”

Yet it is also true that the Old Testament points to a different dimension of the rights of the poor, rights with respect to making fair exchanges in the market. The strong presence of reciprocity did not exclude the importance of reliance upon price-based exchange mechanisms. Contrary to Polanyi, in pre-monarchic Israel we find a degree of recognition of market institutions alongside of reciprocity and redistribution.¹⁹

Exchange practices provide a cogent example of how the vulnerable position of the poor is respected in Pentateuchal law. Justice is to govern the exchange of goods. This is stated succinctly in Leviticus 25:14, “And if you make a sale, moreover, to your friend, or buy from your friend’s hand, you shall not wrong one another.” This norm in effect is “the Mosaic law statement of the just-price law.”²⁰ It is applied in the determination of just and

¹⁵Wright, *Old Testament Ethics for the People of God*, 313.

¹⁶*Ibid.*, 170–71.

¹⁷Mosaic laws requiring gleanings for the poor and interest-free loans have as their purpose not merely to provide sustenance. Rather, because of the Scripture’s high view of personal economic agency, the goal is “to assist them to begin again to help themselves and so to regain their dignity.” Craig M. Gay, “Poverty,” in *The Oxford Handbook of Christianity and Economics* (Oxford: Oxford University Press, 2014), 620–36. See also, Hans Eberhard von Waldow, *Social Responsibility and Social Structure in Early Israel* (Washington D.C.: Catholic Biblical Association, 1970); Donald E. Gowan, “Wealth and Poverty in the Old Testament: The Case of the Widow, the Orphan, and Sojourner,” *Interpretation*, (1987).

¹⁸See Schaefer and Noell, “Contract Theory, Distributive Justice, and the Hebrew Sabbatical,” 9, for a discussion of the parallels between the sabbatical laws and modern bankruptcy laws.

¹⁹Karl Polanyi, *The Great Transformation* (New York: Farrar & Rinehart, 1944); Karl Polanyi, *Trade and Market in the Early Empires*; Santhi Hejeebu and Deirdre McCloskey provide evidence for the pervasive nature of market-based exchange relations in the ancient Near East. Santhi Hejeebu and Deirdre McCloskey, “The Reproving of Karl Polanyi.” *Critical Review* (1999): 285–314.

²⁰Dov Paris, “An Economic Look at the Old Testament,” in *Ancient and Medieval*

unjust gain in connection to the measures of exchange in ancient Israel's agrarian economy. In regards to exchange, the Mosaic codes presume that rates may fluctuate but make no attempt "to establish a fixed structure of prices for goods and services of every-day trade."²¹

In regards to market exchange, ancient Israel often relied upon implicit contracts. Opportunism in exchange becomes more likely with implicit agreements, in contrast to explicit contract arrangements that can increase the likelihood each party will fulfill their particular responsibility. Due to the incompleteness of the implicit contract, participants may not reliably disclose true conditions upon request or self-fulfill all promises. Thus "contract as mere promise, unsupported by credible commitments, will not be self-enforcing."²² In these situations economic participants take advantage of each other in both product markets, by failing to deliver goods or services, and labor markets, as when employees mislead employers and shirk or employers fail to pay employees in a timely way.

Consider how the Mosaic case law addresses instances of opportunism with respect to commutative justice (justice in exchange).²³ The directive to each party is to respect the standards regarding exchange, "You shall not cheat in measuring length, weight, or quantity. You shall have honest balances" (Lev 19:35). Likewise, in his repetition of the law Moses tells Israel, "you shall not have in your bag differing weights, a large and a small. You shall not have in your house differing measures, a large and a small. You shall have a full and just weight; you shall have a full and just measure" (Deut 25:13–16).²⁴ These weights then serve as the practical measure for fair transactions and just gains in exchange. Wiseman notes, "weights were carried in a pouch or wallet (Deut 25:13; Mic 6:11; Prov 16:11) in order that the purchaser could check with the weights current among the merchants at a given place (Gen 23:16)."²⁵ Promises of each party to fulfill their part of the

Economic Ideas and Concepts of Social Justice (Leiden: Brill, 1998), 87.

²¹Roman A. Ohrenstein and Barry L.J. Gordon, *Economic Analysis in Talmudic Literature: Rabbinic Thought in the Light of Modern Economics* (Leiden: Brill, 1992), 30.

²²Oliver E. Williamson "The New Institutional Economics." *Journal of Economic Literature*. (2000): 601.

²³E.C. Beisner provides a helpful discussion of the biblical vocabulary regarding justice. E.C. Beisner, "Justice and Poverty: Two Views Contrasted," in *Christianity and Economics in the Post-Cold War Era: The Oxford Declaration and Beyond* (Grand Rapids: Eerdmans, 1994), 57–80; cf. Andrew Hartopp, *What is Economic Justice? Biblical and Secular Perspectives Contrasted* (Eugene, OR: Wipf and Stock, 2007).

²⁴Two examples of measures often referred to in discussions of exchange in the Old Testament are the "bath" and the "ephah." Leslie C. Allen explains that they are "respectively liquid and dry measures of the same capacity, about five gallons." Leslie C. Allen, *The Books of Joel, Obadiah, Jonah, and Micah*, *The New International Commentary on the Old Testament* (Grand Rapids: Eerdmans, 1976), 378.

²⁵Donald J. Wiseman, "Weights and Measures," in *The New Bible Dictionary*, 3rd ed. (Downers Grove: IVP, 1996), 1245; Thomas E. McComiskey notes that "ancient weights had flat bases, and often inscribed their weight." He adds that "because of restricted technology ancient balances had a margin of error of up to 6 percent." Thomas E. McComiskey, "Micah," in *The Minor Prophets: An Exegetical and Expository Commentary*, Vol 2 (Grand Rapids: Baker,

bargain are reinforced by the standard of adherence to commonly accepted weights and balances. This attempt to achieve a credible commitment on each side becomes more significant as Israel eventually makes the transition from barter to a monetized economy.

In the pre-monarchic period Israel relies first on barter but moves eventually to gold and silver ingots. De Vaux describes this transition:

The earliest form of trade was bartering merchandise, and payment was made, at first, in goods which could be measured or counted—so many measures of barley or oil, so many head of cattle, etc. For the sake of convenience, metal was soon adopted as the means of payment; sometimes it was wrought, sometimes in ingots, the quality and weight of which determined the value in exchange.²⁶

Until the seventh-century, gold and silver ingots are widely utilized for monetary exchange in ancient Near Eastern economies. By the pre-exilic prophetic era, the gold and silver ingots are spoken of in units of shekels in Israel. Smith explains that “Before the use of minted coins, a shekel served as a standard weight by which to measure the silver used to purchase commodities.”²⁷

Thus obligations and constraints are placed on merchants and consumers in monetary exchange to avoid the use of false weights and balances (Lev 19:36). As McComiskey notes, “Balances could be falsified by inaccurate pans, a bent crossbow, or mishandling.”²⁸ Through misleading measures of weight, consumers of foodstuffs and other necessities would be overcharged and farmers would be underpaid for their produce by wholesalers. The poor can be particularly the objects of such opportunistic behavior. How does one know for sure that their trading partner will live up to their promises of a fair price grounded in well-known customary measures of the product exchange, or a fair quality grounded in customary standards? How would their grievances be addressed? Waltke explains, “Standard weights and measures require legal sanction to enforce their authority.”²⁹ Ultimately the enforcement of the Mosaic law and its provisions for just exchange is the responsibility of the rulers of Israel.

1993), 738.

²⁶Ronald de Vaux, *Ancient Israel: Its Life and Institutions*, translated by John McHugh (New York: McGraw-Hill, 1961), 206.

²⁷Billy K. Smith and Frank S. Page, *Amos, Obadiah, Jonah*, The New American Commentary (Nashville: B&H, 1995), 145.

²⁸McComiskey, “Micah,” 739.

²⁹Bruce K. Waltke, *The Book of Proverbs: Chapters 15–31* (Grand Rapids: Eerdmans, 2005), 18.

The Responsibility of the Governing Authorities: Defending the Rights of the Poor

For most of its existence ancient Israel is governed by decentralized authorities. God/Moses allows for Israel to have a future king, but he must meet God's approval (Deut 17:14–20). By the period following the rule of the Judges, Israel is desirous of a king so as to follow the lead of other nations around it. Yet God warns Israel through Samuel about the consequences of a centralized monarchy. At the same time there is a set of norms found in the Mosaic law which serves as Israel's unique wisdom (Deut 4:8) but also will be a light for the Gentile nations.³⁰ Mason affirms that prior to the establishment of the monarchy we find a "centralized ethical/legal canon, but the absence of a centralized state or temple to enforce and interpret it. Interpretation and enforcement of this 'constitution' was to be accomplished at the local level by the community elders (heads of extended families) gathered typically at the administrative/judicial 'common' of the time, the main gate into and out of the city ('elders at the gate')."³¹ Village elders sitting at the gates oversee the administration of fair exchange arrangements. The particular responsibilities of the elder at the gate for the poor in this era are reflected in Job 29:7–17. Job and the elders were to be guided by the compassionate norms towards the poor found in the Mosaic law. Indeed, they "actively intervened to make sure that righteousness and justice characterized the community."³² They are responsible to administer justice for the poor. In Exodus 23:2–3, 6–8, the manner in which the poor are to be treated in Israel's courts is named. Elders who act as judges are instructed:

You shall not fall in with the many to do evil, nor shall you bear witness in a lawsuit, siding with the many, so as to pervert justice, nor shall you be partial to a poor man in his lawsuit. You shall not pervert the justice due to your poor in his lawsuit. Keep far from a false charge, and do not kill the innocent and righteous, for I will not acquit the wicked. And you shall take no bribe, for a bribe blinds the clear-sighted and subverts the cause of those who are in the right.

If the poor has brought a lawsuit, the judge is not to begin with a presumption in the favor of the poor. At the same time, the judge is not to

³⁰John D. Mason and Karl Schaeffer offer a helpful presentation of how the Mosaic law provides the basis for normative biblical values that remain relevant in embodying God's revealed concerns for righteously ordered economic life. John D. Mason and Karl Schaeffer, "The Bible, the State, and the Economy: A Framework for Analysis," *Christian Scholar's Review*, (1990): 45–64.

³¹John D. Mason, "Centralization & Decentralization in Social Arrangements: Explorations into Biblical Social Ethics," *Journal of the UK Association of Christian Economists* (1992): 11.

³²Mason, "Biblical Teachings and the Objectives of Welfare Policy in the U.S.," 14.

disregard the rights of the poor by unfavorably ruling against the poor, as when the judge is swayed by a payment from the other party. Israel's judges are not to subvert the rights of the economically vulnerable (Deut 24:17).

In Deuteronomy 16:19, the instruction to Israel concerning judges emphasizes the need for their integrity. Judges "in all the towns" are to rule with righteousness. Block observes, "Moses qualifies 'towns' as those that 'the LORD your God is giving you,' assuming that kinship-based tribal structures and a settled agrarian life will coexist in Israel."³³ Yet this mandate also suggests a reoccurring pattern of temptations facing judges. Block adds, "The frequency with which the Old Testament speaks about bribery attests to its prevalence in ancient Near Eastern life."³⁴ Nonetheless, God's normative guidance is for bribes not to skew the decision of the judge; they must rule rightly, particularly with respect to the poor.

Presumably the poor would appeal to these judges if they believe their rights have been violated. This might involve denial of their rights to glean in a field or borrow money at zero interest. Yet the rights of the poor are to be respected in the marketplace as well. The standards for fair exchange are passed down verbally and through customary practice. Once the monarchy begins in Israel, the King and priests take on responsibility for enforcing just exchange, thus "in practice the king (2 Sam 14:26) and the priests (Exod 30:13) set the standard."³⁵ Whether they act to defend or deprive the rights of the poor becomes even more significant due to the economic and social changes occurring in Israel's divided kingdom in the period between 800–600 B.C.

Economic Opportunism: The Deprivation of the Rights of the Poor

The seventh and eighth centuries are a period in which Israel experiences a series of social disruptions related to battles with Syrian and Assyrian forces and there is a consolidation of Israel's monarchy.³⁶ Kings centralize power, and this "reorganization of the state cut across kinship groupings."³⁷ In addition, peasant hillside farms begin to specialize in food products such as wine and olives, increasing the extent to which their yields vary (in part due "to the vicissitudes of the environment").³⁸ With regional specialization,

³³Daniel I. Block, *Deuteronomy*, The NIV Application Commentary (Grand Rapids: Zondervan, 2012), 403.

³⁴*Ibid.*, 273.

³⁵McComiskey, "Micah," 738–39.

³⁶W.A.L. Elmslie, "Ethics," in *Record and Revelation* (Oxford: Clarendon, 1938), 283.

³⁷Christopher J.H. Wright, *God's People in God's Land: Family, Land, and Property in the Old Testament* (Grand Rapids: Eerdmans, 1990), 107; Gerald W. Brock provides a good discussion of the institutional features of Solomon's reign and the changes in Israel's governance. Gerald W. Brock, "The New Institutional Economics," *Faith and Economics* 2002).

³⁸Marvin L. Chaney, "Bitter Bounty: The Dynamics of Political Economy Critiqued by the Eighth-Century Prophets," in *Reformed Faith and Economics* (Lanham: University Press of America, 1989), 24.

peasants found it more difficult to make loans to each other, further eroding kinship ties.³⁹

Writing in this same era, with Israel's kingdom divided and ruled by a monarchy that has implemented a bureaucratic structure, the prophets explicitly declare that justice in exchange is the responsibility of Israel's rulers. Mays explains that "When the prophets spoke of justice, they frequently addressed specific groups whom they called 'officials,' 'chiefs or heads,' 'leaders,' 'elders,' all titles for persons who had roles of authority and power in the social and administrative structure of Judah and Israel."⁴⁰ They held vital responsibilities for maintaining social order. Mays observes that to administer justice, "the courts, the local assembly in the gate of each town and the legal apparatus created by the monarchy, were crucial social institutions because, through them, the conflicts of all kinds in Israel's society were settled."⁴¹ Yet the prophets charge the royal courts and priestly authorities of the divided kingdom with malfeasance, "At every level those in leadership have failed to serve justice and righteousness. Their loyalties have been turned from God to the lure of wealth and power. From rulers and nobles to prophet and priest—at every level the covenant has been forgotten and corruption is evident."⁴² We consider here significant examples of economic opportunism found in the prophets, historical writings, and wisdom literature.

In the seventh century B.C., Habakkuk in Judah pronounces "woes to the one who gains unjustly for his house" (2:9). Literally this refers to the one who is "cutting off an evil (material) cut"; as Bailey observes, "An 'evil cut' was shorter than promised and so involved cheating the customer. It is used more widely of making profits by cheating and violence."⁴³ It stems from the idea of the weaver's term "to cut off the threads."⁴⁴ Bailey adds that the "evil cut" likely refers to gains obtained by "the house or family of the king along with his political advisors, military leaders, and economic powers. These built their 'house' by taking unfair advantage of others. They and members of the family benefited from the unjust gain."⁴⁵ This unjust gain is obtained through land and property seizures and "raw deals" in product exchanges and loans.

Opportunistic behavior in the form of fraud or deceit with respect to the provision of credit particularly has an adverse impact on the economically

³⁹Marvin L. Chaney, "The Political Economy of Peasant Poverty: What the Eighth-Century Prophets Presumed But Did Not State," in *The Bible, the Economy, and the Poor*, Journal of Religion & Society Supplement Series, vol. 10 (2014).

⁴⁰James L. Mays, "Justice: Perspectives from the Prophetic Tradition," *Interpretation* (1983): 9.

⁴¹*Ibid.*, 12.

⁴²Bruce C. Birch, *Let Justice Roll Down: The Old Testament, Ethics, and the Christian Life* (Louisville: Westminster John Knox, 1991), 265.

⁴³Waylon Bailey and Kenneth L. Barker, *Micah, Nahum, Habakkuk, Zephaniah*, The New American Commentary (Nashville: B&H, 1998), 334.

⁴⁴Ralph L. Smith, *Micah-Malachi*, Word Biblical Commentary (Waco: Word, 1984), 111.

⁴⁵Bailey, *Habakkuk*, 334.

vulnerable in ancient Israel. Wealthy urban creditors form private coalitions with the backing of the governments of Israel and Judah to take advantage of economically vulnerable persons or groups by misleading them or limiting their ability to fully bargain or compete, or renege on promises. As peasants turn outside of kinship sources for loans, they face increasing difficulty in making payments and the prospects of property loss and debt servitude. Lenders demanding repayment exercise their discretion to foreclose “on family land and/or the indentured labor of family members pledged as collateral.”⁴⁶ The seizure of land and property violates the provision not to seize the source of one’s livelihood established by Mosaic law (Deut 24:6).⁴⁷

Ancient Israel’s poor face economic duress in several other related forms. Economic compulsion occurs with respect to the royal treatment of both landholding and labor. Hay states, “In warning the people of Israel against a king, Samuel predicts that a king will accumulate land for himself, and will require forced labor to work it.”⁴⁸ Arbitrary taking of land is evident when King Ahab seizes Naboth’s vineyard (1 Kgs 21). The prophets also rebuke the practices of monarchial officials who draw profit from their positions and the favors granted to them by the king.⁴⁹ They enable the wealthy to arbitrarily seize the land of the poor. In Judah, Isaiah 5 depicts this practice, “they add house to house and join field to field til there is no room left” (5:8). Pleins observes, “the establishment and extension of the monarchy supplied the base for this economic development.”⁵⁰

As Palestine under the pre-exilic prophets experienced growth in its urban areas, both craft industries and the royal courts of Judah and Israel expand. Jeremiah 22 depicts the manner in which the king seizes the labor of individuals arbitrarily to be employed on royal projects. Hay delineates the particular lines of employment, “Part of the population would be officers of the king, both in the army and in civil administration. The great building projects of Solomon required a body of skilled labor in Jerusalem, as well as the levies that were sent to Lebanon to collect timber and to the hill country to cut stones (1 Kgs 5:13–18; 9:15–22). International trade was also a monopoly of the king (1 Kgs 9:26–28).”⁵¹

⁴⁶Marvin L. Chaney, “Micah—Models Matter: Political Economy and Micah 6:9–15,” in *Ancient Israel: The Old Testament in Its Social Context* (Minneapolis: Fortress, 2006), 148.

⁴⁷Job describes property stolen by the moving of boundary markers and theft of flocks (24:2–3). The widow who borrows finds her ox, set forth as pledge, taken from her by the creditor (Job 24:3). This opportunism could take extreme forms, as Job speaks of an orphaned infant taken from its mother as security for a loan to its widowed mother, with the child then seized to be a slave when the widow could not pay (Job 24:9). See August H. Konkel and Tremper Longman III, *Job, Ecclesiastes & Song of Songs*, Cornerstone Biblical Commentary (Carol Stream: Tyndale House, 2006), 157.

⁴⁸Donald A. Hay, *Economics Today: A Christian Critique* (Vancouver: Regent, 2004), 40–41.

⁴⁹De Vaux, *Ancient Israel: Its Life and Institutions*, 73.

⁵⁰Pleins, *The Social Visions of the Hebrew Bible*, 254.

⁵¹Hay, *Economics Today*, 41.

Israel's prophets identify the linkage of the wealthy oppressors of the poor with royal connections. Micah states that if these wealthy with government approval "covet more fields they seize them; if houses they take them" (Mic 2:2). Here Micah depicts a violent seizure of property that is depicted verbally as "an illegal action that manifests power" most likely referring to land taken due to foreclosure on a loan.⁵² Hosea 5:10 also points to the actions of Israel's princes in backing the seizure of property, declaring "Judah's leaders are like those who move boundary stones." Violation of the prohibition against farmers attempting to extend their property surreptitiously is applied by Hosea. It is a charge against Israel's bureaucratic establishment of engaging in political power moves that destabilize the nation in the form of "land accumulation by the court officials."⁵³

The rights of the poor are violated when a landowner, merchant or lender leverages their economic advantage over a poor Israelite who is a tenant on the land, a farmer selling his crop, a consumer buying grain, or a borrower of basic foodstuffs. These rights are trampled by landowners and merchants who have the backing of the civil government. We find here the phenomenon of judicial malpractice for "the mortgaging of and foreclosure upon family lands, members, and property involved court action."⁵⁴ Thus Amos 2 states that judges are bribed by the wealthy, and thereby the righteous poor are "sold for silver" (2:6). Amos ridicules the practice of selling persons into debt slavery for defaulting on very small loans as selling "the needy for a pair of sandals."⁵⁵ The economically disadvantaged Israelite who goes into debt faces economic compulsion, having little leverage in setting the terms of repayment.⁵⁶

The writing prophets explicitly identified commercial dishonesty in both the Northern Kingdom and Judah. The capitals of both regions, Samaria in the North and Jerusalem in the South, had "begun to enjoy immense material prosperity."⁵⁷ The prophets targeted urban merchants and traders for making use of deceitful scales.⁵⁸ For example, Hosea singles out "A merchant,

⁵²Bruce K. Waltke, *A Commentary on Micah* (Grand Rapids: Eerdmans, 2007), 95–96.

⁵³Pleins, *The Social Visions of the Hebrew Bible*, 355–56; D.N. Premnath, *Eighth Century Prophets: A Social Analysis* (St. Louis: Chalice, 2003), 107.

⁵⁴Chaney, "Bitter Bounty," 27.

⁵⁵Victor H. Matthews, *Social World of the Hebrew Prophets* (Peabody: Hendrickson, 2001), 69–70.

⁵⁶Economic compulsion in the form of leveraging an advantage over the poor is condemned consistently by the Scriptures, Patristics, Scholastics, and Protestant Reformers. Often it is associated with creditor/debtor relationships, though lending of funds does not necessarily have to produce this outcome. Edd S. Noell, "Bargaining, Consent and the Just Wage in the Sources of Scholastic Economic Thought," *Journal of the History of Economic Thought* (1998); Idem, "In Pursuit of the Just Wage: A Comparison of Reformation and Counter-Reformation Economic Thought," *Journal of the History of Economic Thought* (2001).

⁵⁷David Prior, *The Message of Joel, Micah & Habakkuk: Listening to the Voice of God*, The Bible Speaks Today (Downers Grove: IVP, 1998), 104.

⁵⁸Morris Silver, "Prophets and Markets Revisited," in *Social Justice in the Ancient World* (Westport: Greenwood, 1995), 183.

in whose hands are false balances, [who] loves to oppress" (12:7); as it is expressed in some translations, this is the trader who "overreaches" and receives "riches" as unjust gain (12:8). Here the prophet speaks of a merchant who "totals the payment he receives for his goods with deceptive scales. The altered scales work to his benefit, of course, but this merchant is not just a cheat; he loves to extort as well [as the Hebrew term used here tells us that] he is not beyond the use of force and intimidation to gain wealth."⁵⁹ In the second half of the eighth century B.C., the prophet Micah also rebukes unjust exchange. Micah says that the man who uses a short measure receives "treasures of wickedness" (6:10). In Micah 6:11 God asks, "Can I justify wicked scales and a bag of deceptive weights?" In the face of biased balances and fraudulent weights, the impoverished buyer of grain is operating at a disadvantage, being essentially dependent on the merchant's honesty. It is probably true that "The fact that Micah complains of false weights indicates a lawless period" that lacks the impartial enforcement of the law in line with the law of the covenant.⁶⁰ In general the prophetic complaint about false weights and balances indicates the extent to which economic participants, particularly the poor, found a lack of credible commitment in monetary exchanges.

The prophet Amos identifies the same practice in the markets in the eighth century B.C. Samaria and reproves merchants for deceiving the poor in trade through capitalizing on imperfect information. Amos highlights how the poor are defrauded by merchants employing dishonest scales. These merchants seek to "open the wheat market, to make the bushel smaller and the shekel bigger, and to cheat with dishonest scales, so as to buy the helpless for money and the needy for a pair of sandals" (8:5–6). McConville observes that "the traders [here] want to make the ephah [bushel] small when selling grain, and the shekel large, being a measure of the weight of the silver in which they will be paid."⁶¹ "Making the shekel bigger" means that a poor grain buyer would overpay. Smith states, "If one pays three shekels of silver for a product, the merchant can quickly increase his profit by setting on one side of a scale a three-and-a-quarter pound weight, which the buyer must balance with his silver."⁶² Moreover, merchants dilute the quality of the product they sell without informing the consumers through "selling the refuse of the wheat" (8:6) as wheat itself. This form of unjust gain through deceit was truly at "the bottom of the barrel," as B.K. Smith claims, "To sell the sweepings with the wheat was as low as greedy merchants could go in their oppression of the poor. Putting chaff and trash with good grain to sell to desperately hungry poor people was the ultimate in greed."⁶³ Moreover,

⁵⁹McComiskey, "Hosea," 205.

⁶⁰John H. Walton, Victor H. Matthews, and Mark W. Chavalas, *The IVP Bible Background Commentary: Old Testament* (Downers Grove: IVP, 2000), 786.

⁶¹J. Gordon McConville, *Deuteronomy*, *Apollos Old Testament Commentary* (Leicester: Apollos, 2002), 372.

⁶²Gary V. Smith, *Hosea, Amos, Micah*, *The NIV Application Commentary* (Grand Rapids: Zondervan, 2001), 556.

⁶³Smith and Page, *Amos, Obadiah, Jonah*, 146.

Amos states that these traders “buy the helpless for money, and the needy for a pair of sandals” (8:6). Evidently the pair of sandals is the collateral the poor person has offered for their loan. Niehaus explains, “the net effect of the people’s deceit is that the poor and needy must pay the going rate for adulterated goods, and thereby become so impoverished that they must sell themselves to the very ones who have impoverished them.”⁶⁴ Again the poor, with unequal bargaining power, are the objects of opportunistic predation.

The book of Proverbs also highlights instances of unjust gain in the form of economic opportunism. Proverbs affirms God detests dishonest scales, as when there are differing weights and measures; thus 11:1 states, “A false balance is an abomination to the Lord, but a just weight is his delight”; 20:10 adds, “Differing weights and differing measures, both of them are abominable to the Lord.” The need for fair exchange to protect the poor is to shape decisions made on economic matters by the village elders, “Do not rob the poor because he is poor, or crush the afflicted at the gate; for the Lord will plead their case, and take the life of those who rob them” (22:22–23). Proverbs describes the problem of unjust gains coming at the expense of lower-income individuals. Thus we read, “A poor person’s farm may produce much food, but injustices sweeps it all away” (Prov 13:23). While the specific injustice is not named here, another proverb suggests it may very well be due to the cornering of the market for grain.⁶⁵ At several points in the Old Testament, the power of wealthy buyers (with likely backing by corrupt members of the monarchy) to pay poor farmers inordinately low values for their crop is named. Wholesalers who in turn corner the market in order to gain a higher price for their grain are chastised with a “public censure” according to Proverbs, “He who withholds grain, the people will curse him, but blessing will be on the head of him who sells it” (11:26).⁶⁶ Along these same lines Proverbs states that ultimately economic gains obtained fraudulently will generate elusive and transient wealth.⁶⁷

As we have seen, prior to the monarchy in ancient Israel, the poor were to find “justice at the gate” from the elders who ruled the village. Even when Israel is governed by a king, the local determination of just gains was administered through the elders in the gate, as Hoppe observes, “With the rise of the monarchy, royal appointees sat with the elders to dispense justice. The

⁶⁴Jeff Niehaus, “Amos,” in *The Minor Prophets: An Exegetical and Expository Commentary*, Vol 1 (Grand Rapids: Baker, 1992), 471.

⁶⁵Bruce K. Waltke explains that grain here “refers to precious cereals/grain of the field (Pss 65:13[14]; 72:16) brought to the threshing floor (Joel 2:24), from which food was made; it is the opposite of inedible straw (Jer 23:28),” Bruce K. Waltke, *The Book of Proverbs: Chapters 1–15*, 508.

⁶⁶Gary North, *Tools of Dominion: The Case Laws of Exodus* (Tyler: Institute for Christian Economics, 1990), 793.

⁶⁷For example, Prov 10:2 states “Ill-gotten gains do not profit”; 13:11 tells us “wealth obtained by fraud dwindles”; and 21:6 says “The getting of treasures by a lying tongue is a fleeting vapor, the pursuit of death.” Such gains provide temporary material benefits, but no lasting value.

system depended on the veracity of witnesses and the honesty of the elders who sat in judgment.”⁶⁸ The particular economic vulnerability of the poor frames the affirmation of just exchange practices in the wisdom literature. Thus the book of Proverbs speaks of those who are righteous and do not take a bribe at the gate; they rule with righteousness when they enforce just transactions; they don’t rule in favor of the rich at the expense of the poor. In this sense the “rights of the poor” are to be upheld by the elders of the village.

Likewise the Old Testament highlights the righteous practices of a king who ensures there is economic justice by defending the rights of the poor. Does this mean the king is enjoined to minimize income inequality in Israel? By way of conclusion we reflect on this question through a brief discussion of the manner in which the economic responsibility of Israel’s civil authority towards defending the rights of the poor is portrayed.

Conclusion: Just Civil Rule for the Poor in Ancient Israel

The rights of the poor in the Old Testament include being free to engage in exchange in the face of minimal economic opportunism. The civil authorities, whether court elders, administrative officials in the monarchy, or the king himself, are challenged to defend the rights of the poor throughout the Hebrew Bible. This means directed oversight of the process by which particular economic participants engage in exchange. As Wright observes, “Israel’s law lays its primary responsibility to act justly on those who have some form of economic advantage, rather than their counterparts who are in an economically vulnerable position.”⁶⁹ It requires employers to not act in an opportunistic manner by withholding the wages of laborers who are poor, but instead pay them promptly (Deut 24:14–15). It demands that lenders not take advantage of borrowers by seizing key capital goods or possessions as collateral (Deut 24:6, 10–13).

Once Israel is ruled by a monarchy, they are expected to act with compassion towards those who are economically disadvantaged. The prophet Jeremiah outlines this task of ensuring economic justice for the civil rulers, “Hear the word of the Lord, O king of Judah, you who sit on David’s throne—you, your officials, and your people who come through these gates. This is what the Lord says: Do what is just and right. Rescue from the hand of his oppressor the one who has been robbed. Do no wrong or violence to the alien, the fatherless or the widow . . .” (Jer 22:2–4). Doing right means not giving special advantage to those who can leverage economic power over the poor. They could gain this advantage by judicial rulings, but also by the King’s legal decrees. Jeremiah contrasts the exploitative greed of King Jehoiakim with the justice and generosity of King Josiah towards the poor

⁶⁸Leslie J. Hoppe, *There Shall Be No Poor Among You: Poverty in the Bible* (Nashville: Abingdon, 2004), 69.

⁶⁹Wright, *Old Testament Ethics for the People of God*, 174.

(22:13–17).⁷⁰ Jehoiakim is a ruler whose “eyes are set on dishonest gain, on shedding innocent blood and on oppression and extortion” (Jer 22:13–14, 17). This orientation clearly challenges the norms of the Mosaic law. Therefore kings such as Jehoiakim face the prophetic warning against oppressing the poor, “Woe to those who make unjust laws, to those who issue oppressive decrees, to deprive the poor of their rights and rob my oppressed people of justice, making widows their prey and robbing the fatherless” (Isa 10:1–2).

Are Israel’s monarchs charged to reduce the gap between the poor and the rich? Some modern Christian activists read the pre-exilic Hebrew prophets and wisdom authors this way, because the Hebrew Bible highlights examples of the exploitation of the poor by the wealthy. One commentator argues that private property holders exploit the economically disadvantaged in ancient Israel to such a degree that the prophets call for the abolishment of property rights and abolition of all income inequality.⁷¹ An evangelical activist goes so far in his reading of the latter prophets (e.g., Isaiah, Jeremiah, Amos, and Micah) to declare “God hates income inequality.”⁷²

No doubt the civil authority is charged with ensuring that the poor do receive the provisions of gleanings and interest-free loans. However, reading the Old Testament as if God makes it the King’s responsibility to directly eliminate or even lessen income inequality is an error.⁷³ What has been overlooked is that the rights of the poor also include freedom from economic opportunism and compulsion that is backed by the power of the civil authority. Just rule will minimize fraud, seizure of property, and unjust exchange.

The standard with respect to governing economic activity the King is to follow is found in the Mosaic laws regarding secure property rights and credible commitments in exchange. As Mason observes, “He was to protect property rights so that each family could sit under its own vine and fig tree (Mic 4:4).”⁷⁴ The righteous king of Psalm 72 ensures that the poor is rescued from economic oppression and is not the victim of opportunism (Ps 72:14).

For most of ancient Israel’s economic history, economic activity beyond simple cash market exchanges took place in relatively small groups (as was true for most of human history).⁷⁵ By the period of 800–600 B.C. Israel’s territorial expansion and economic specialization is contributing to economic

⁷⁰Ibid., 176.

⁷¹Birch, *Let Justice Roll Down*, 1991.

⁷²Jim Wallis, *Rediscovering Values: On Wall Street, Main Street, and Your Street* (New York: Simon & Schuster, 2010).

⁷³This remains true for the discussion of wealth and poverty in the church fathers. Daniel K. Finn observes that there is no discussion of income inequality per se when the obligation of the wealthy towards the poor is preached by the Patristics. He adds “the key issue is always whether or not people’s needs are met, not whether some are less wealthy than others,” Daniel K. Finn, *Christian Economic Ethics: History and Implications* (Minneapolis: Fortress, 2013), 100.

⁷⁴Mason, “Biblical Teachings and the Objectives of Welfare Policy in the U.S.,” 14.

⁷⁵David C. Rose, *The Moral Foundation of Economic Behavior* (New York: Oxford University Press, 2011), 10.

growth. As Rose observes, “societies that grow in this manner have realized the need for institutions to combat opportunism that would otherwise raise transactions costs and impede economic development. This puts a particular focus on the need for generating pervasive social trust that will undergird more widespread exchanges realizing the gains from specialization.”⁷⁶ Reflection on the best ways to disseminate social trust more widely would seem to be an appropriate application of the prophetic vision of securing of the rights of the poor.

Israel’s eschatological hope is for economic flourishing on the Day of the Lord. Isaiah fashions a detailed picture of vibrant economic life in the eschaton, “They will build houses and dwell in them; they will plant vineyards and eat their fruit. No longer will they build houses and others live in them, or plant and others eat. For as the days of a tree, so will be the days of my people; my chosen ones will long enjoy the works of their hands” (Isa 65:21–22). A close reading of Isaiah makes clear that this is in fact the Hebrew Bible’s vision for the Gentiles as well, so that the rights of the poor are ensured and all of mankind, being made in God’s image, enjoys the possibility of economic flourishing. With this vision in mind, there is the possibility for Christian economists to profitably explore the institutional dynamics of measures that constrain economic opportunism and promote economic gains both for the poor and across society as a whole.

⁷⁶Ibid.

