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Widow, Orphan, and the Poor in Ancient Near Eastern Legal and Wisdom Literature

F. Charles Fensham

In any civilized modern state the rights of widow, orphan, and the poor are protected. This protection is in many cases seen as a product of religious zeal and regarded as a religious duty. Indeed, the whole idea of Muslim charity, one of the pillars of that religion, is born from a realization of this duty. This religion requires kindness to orphans and widows and charity to the poor.¹ The same idea is present in Christianity. Through the influence of Christianity orphanages were erected for the protection of orphans and special laws were promulgated to protect the weak. It is thus of some interest to trace the roots of this disposition back to history, almost into the dark ages of prehistory.

The protection of widow, orphan, and the poor was the common policy of the ancient Near East. It was not started by the spirit of Israelite propheticism or by the spirit of propheticism as such.² From the earliest times on a strong king promulgated stipulations in connection with protection of this group. Such protection was seen as a virtue of gods, kings, and judges. It was a policy of virtue, a policy which proved the piety and virtue of a ruler. Great Mesopotamian kings like Urukagina, Ur-Nammu and Hammurapi boast in their legal inscriptions that they have accomplished this principle. Success was not possible if this principle was not carried through. It is also obvious that this policy was closely connected to social reform or a new legal promulgation. In bad

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times, in times of decay, the protection of widow, orphan, and the poor was neglected. Widows, orphans, and the poor were sold as credit-slaves³ and kept in a state of slavery for a lifetime. To obliterate this abuse, laws and also religious pressure were used as compulsory methods to protect the rights of this group.

The policy of protection of the weak occurs also in the wisdom literature of the ancient Near East. There exists a close link between style and contents of wisdom literature and the ancient legal codes. The wisdom literature was used as didactic material to instruct people how to behave.⁴ Legal material, on the other hand, comes with a casuistic stipulation on a transgression of normative conduct prescribed by wisdom literature. The punishment on the transgression is prescribed in the second part of the stipulation. Wisdom literature, optimistic or pessimistic, gives us a policy of conduct. It is noteworthy that this policy bears a close relation to certain parts of the prologue and epilogue of legal codes. To see how close this connection is we may turn to the Old Testament tradition concerning the combination of sound, impartial judgment and wisdom in the person of Solomon.⁵ It is therefore not surprising to find the policy of protection of widow, orphan, and the poor present in both legal and wisdom literature. We have narrowed the scope of our study down to these two genres of literature, because to include cultic psalms and prophetic literature would take us too far afield. It will suffice to draw attention to the fact that the plea of prophets for restoration of morality and protection of the weak points to times of absolute decay and negligence of the commonly accepted policy of the gods and strong kings; in case of the Israelite prophets, from the principles of the religion of Yahweh.

MESOPOTAMIA

We turn in the first place to Mesopotamia. The oldest witness to the policy is present in the reformatory measures taken by Urukagina, king of Lagash in the Ur I period, approximately 2400 B.C. We read that mighty people were not allowed to do injustice to the orphan and widow.⁶ The stipulations of this reformatory action were regarded as a treaty between the god, Ningirsu, and Urukagina. The mention of Ningirsu is surprising, because in later texts the protection of the weak is connected to the sun-god, Shamash or Sumerian Utu (Babbar).⁷ Our

knowledge of early Sumerian religion is, however, too fragmentary to make any far-reaching conclusions. All we know is that some connection existed between Ninurta, the weather god, and Ningirsu.⁸ In the legal code of Ur-Nammu (*ca.* 2050 B.C.) recently discovered by S. N. Kramer in the Istanbul Museum, the same idea as in the case of Urukagina is present, viz. in the prologue the protection of orphan, widow, and the poor (man of one shekel) is mentioned. The tablet is unfortunately broken and it is impossible to ascertain to which god the execution of justice is ascribed.⁹ It is interesting to note that the idea of protection is placed in the prologue where the religious background and general policy of the king is stated. A very important occurrence of this policy is found in the famous Code of Hammurapi (CH) (1728–1686 B.C.). In the prologue there is reference to justice executed by the king and the statement is made that the strong are not allowed to oppress the weak,¹⁰ so that the sun (Utu-Shamash, god of justice) may rise over the people.¹¹ Almost the same statement is made in the epilogue, but an important addition is present, viz. that justice might be given to the orphan and widow.¹² Lower down in this inscription Shamash is called in to maintain justice in the land. A few observations can be made at this stage. Important is the fact that Shamash is called judge of heaven and earth. This means that religious and social ethics are closely connected here.¹³ The protection of the weak is regarded vertically and horizontally. The vertical protection comes from the god Shamash, which therefore falls in the religious sphere, while the horizontal protection comes from the king, the substitute of the sun-god, which thus falls in the social sphere. This was the case with divine and royal policy, but is there any indication that the protection of widow and orphan was carried through in practical life? In his admirable study on Old Babylonian law of inheritance Klíma proves that this question must be answered in the affirmative. When a woman married a husband in Mesopotamia, she had left the house of her father and had no right whatsoever remaining. She had also no right of inheritance of the property of her husband. Yet she was not left without anything. In CH §§ 171–74 it is stipulated that she must receive the *šeriktu* and a gift of her husband (*nudunnû*) and has also the right to stay in her husband's house. A difference is made between a first wife (*hi-ir-tum*) and a widow (*almattum*), but in every case she was left with sufficient protection to ensure a comfortable life.¹⁴ Credit-slavery was a common phenomenon in Mesopotamia. This was

usually inflicted on the poor or in certain circumstances on widows and orphans. One of the most humane laws of CH was promulgated to limit the severity of credit-slavery. In §§ 117–18 it is stipulated that credit-slaves must be released after three years, a very narrow limitation of the period of slavery in comparison with e.g., the Hebrew law where the period is six years.¹⁵ This limitation was fixed to discourage credit-slavery and the exploitation of the poor and unprotected.

The idea that the poor man is protected by Shamash and that this is expected as a way of life amongst his people occurs frequently in Babylonian wisdom literature.¹⁶ In the great majority of these texts reference is made to the poor in general but not specifically to the widow and orphan.¹⁷ In the Babylonian Theodicy (\pm 1000 B.C. according to Lambert), where a discourse takes place between a friend and a sufferer, the sufferer contrasts in ll. 265–75 the greedy life of the strong man with that of the weak whom he oppresses. In a pessimistic mood he shows that the strong man is assisted and enjoys success, while the weak has to suffer.¹⁸ The friend answers the sufferer by pointing out that from the creation of mankind they had been so perverse that the cause of the rich was advanced and the harm of the poor man plotted.¹⁹ Conduct over against the feeble and downtrodden is prescribed in the Babylonian precepts and admonitions, also called the Proverbs of Utnapishtim. Kindness must be shown to the feeble, and sneering at the downtrodden is forbidden. A transgressor of this way of life must expect punishment from Shamash.²⁰ Another interesting piece of evidence is the bilingual (Sumerian and Akkadian) hymn possibly addressed to Ninurta, in which various forbidden things are mentioned. In l. 11 the matter of oppression of the poor is stated.²¹ Interesting is the possibility that this tablet was intended as a hymn to Ninurta. The fact that some connection existed between Ninurta and Ningirsu and that the latter was linked with the reformatory measures of Urukagina points to the probability that these gods were regarded in some places of Mesopotamia as protectors of justice. A very important text is the hymn to the sun-god, Shamash, where assistance to the weak is mentioned as pleasing to Shamash.²² In another passage the cry of the weak for help and justice is mentioned.²³ It is obvious that the assistance of the poor was regarded as a virtue. Very important is the fact that kings were called on to carry through this policy. Hammurapi is pictured in front of Shamash in a gesture of adoration on the stelas on which the laws are inscribed. Another ex-

ample can be mentioned, viz. the foundation inscription of Iaḥdun-Lim of Mari, discovered in 1953 by Parrot and published by Dossin. This inscription is dedicated to Shamash, who is called king of heaven and earth, judge (*ša-pi-it*) of gods and men.²⁴ This discovery proves beyond doubt that a sanctuary of Shamash at Mari existed from the earliest times.²⁵ Important for our purpose is the fact that Shamash is called "judge" with a pure West Semitic word, viz. *šapîtu*. Words derived from the same stem were used to connote the judicial activities of a king in favor of widow and orphan, as we shall see further on.

EGYPT

Our material concerning widow, orphan, and the poor is much more restricted in Egyptian literature. This is due to the fact that no legal code has as yet been discovered, while the extant demotic code is still unpublished.²⁶ The absence of a legal code is attributed by various scholars to the fact that the word or command (*mdw, wd*) of the reigning king was regarded as actual law and no written law could have existed beside it.²⁷ This is, however, a hypothesis which is not yet proved.

If we turn to the existing material, a few interesting things turn up. The protection of the weak was also the ideal of kings and nomarchs (rulers of a district). At the beginning of Dynasty XII there lived a nomarch named Ameny who boasted that he ruled his province with justice, respecting the poor man's daughter and the widow.²⁸ If we take a glance at the occurrence of this ideal and policy in the wisdom of literature, it is obvious that the ideal of respecting the rights of the weak, widow, and the orphan flourished in times of decay or at the beginning of a new period. We have ample evidence of this policy at the end of the First Intermediate Period and the beginning of the Middle Kingdom (± 2000 B.C.). In the didactic discourses of the Eloquent Peasant, the peasant says to Rensi, the chief steward: "Because thou art the father of the orphan, the husband of the widow. . . ."²⁹ This statement by the peasant is of the utmost importance, because a married woman had no legal personality after her husband's death, as was also the case with minor orphans. It was, thus, the duty of the king or nomarch to protect their rights in the same way as the father of the family should have done. In the Instructions of Merikare the conduct of a king against his people is prescribed. One of the maxims indicates that, if the king desires long life

on earth, he must not oppress the widow and annex the property which someone has inherited from his father.³⁰ The latter part of the maxim clearly refers to the orphan. Another text which originated not long after this is the Instructions of King Amenemhet. In Pap. Millingen 1:6–7 the great acts of the king are enumerated. One of these is charity to the poor and the elevation of minors.³¹ Emphasis on this policy and ideal is quite understandable when we take into consideration the confusion and abuse of the general rights of the people during the First Intermediate Period. The following quotation may suffice: “A man smites his brother, his mother’s son. Men sit in the bushes until the benighted traveller comes, in order to plunder his load. . . . He who had no yoke of oxen is now possessor of a herd,” etc.³² In bad times the weak were unprotected and the widow and orphan bereaved of their rights. With the Eleventh and Twelfth Dynasties mighty kings stepped in and widow, orphan, and the poor were not mentioned in wisdom literature until the Twenty-first Dynasty *ca.* 1000 B.C. It is true that during the Second Intermediate or Hyksos Period chaos ensued, but a very important difference is to be noted, because this chaos was not instigated by a social revolution as in the First Intermediate Period, but came mainly from outside. It is true that during the Thirteenth Dynasty and later, numerous petty kings ruled in different parts of Egypt, but this is only a proof of weakness and not of a social upheaval and drastic changes.

Unfortunately the reformatory measures taken by Haremheb after the decay during the Amarna Period, which are inscribed on a defective stela from Karnak, are so difficult to interpret that no evidence can be gleaned from them.³³ The famous Instructions of Amenemope originated *ca.* 1000 B.C. Here again there is concern for the oppressed and disabled. A maxim declares that the oppressed must not be robbed and that no harshness may be inflicted on the disabled.³⁴

We have ample evidence that kings and rulers were encouraged to protect the weak. Is there any religious connection between this policy and the Egyptian gods? Surprisingly enough this connection existed and the sun-god, Re, or his supplanter, Amon, was regarded as protector of the weak *par excellence*.³⁵ In a Late Egyptian text, Anastasi II, 6:5 ff. Amon-Re is called vizier of the poor. His judgment is impartial.³⁶ This text has clearly something in common with the above-mentioned material in the Instructions of Merikare. The obligation felt by the king toward the god, to act righteously toward the poor, the widow, and the

orphan, is expressed in Papyrus Harris I, where Rameses III boasts to the god Ptah that he has given special protection to widows and orphans.³⁷ This protection is also reflected in the few legal documents of inheritance at our disposal. It is obvious from certain testaments that the wife of the deceased had also the right of inheritance. Obviously enough each of the children of the deceased obtained his part of his father's property.³⁸

In spite of the lack of legal material and the fact that we have mainly used wisdom literature as our source, the parallel trend between Mesopotamian policy of the protection of the weak and that of Egypt is clear. It is regarded as a virtue of kings and rulers and as an important part of the duty of the sun-god. As in Mesopotamia the religious ethics are closely intertwined in Egypt with the social ethics. It is to a certain extent, however, possible to trace the social policy of protection back to its very roots in Egyptian history. The conception of social justice started probably with the First Intermediate Period when almost a reversion of social classes took place.

UGARIT

Unfortunately no legal code or wisdom book is found in the Ugaritic literature which gives us a clear picture of Canaanite culture before the Iron Age. There is, however, in the epic of Aqhat something worthy of mention. While Daniel the king was waiting for the god of crafts, Kothar-waḥasis, to bring a bow for Aqhat, his son, he was busy judging (the stem *tp̄t*) the cause of the widow and orphan. Ginsberg translates:

Straightway Daniel the Rapha-man,
Forthwith Ghazir the Harnam[iyy]-man,
Is upright, sitting before the gate,
Beneath a *mighty tree* on the threshing floor,
Judging the cause of the widow,
Adjudicating the case of the fatherless.³⁹

Again the judgment in favor of widow and orphan is idealized. Important is the fact that the stem *tp̄t* is used to connote the exercising of justice.⁴⁰ We have seen above that this West Semitic stem is used to characterize the judicial activity of Shamash over gods and men. The idea of protection and of judging the case of the weak was, thus, not unfamiliar to the Western Semites.

THE OLD TESTAMENT

Now we have to turn to the Hebrew world, where references to the protection of widow, orphan, and the poor are numerous. Professor Böhl protested against the fact that H. Bolkenstein in his book *Weldadigheid en Armenzorg* ("Charity and Care for the Poor") gives a few pages to Egypt and Israel and does not mention anything about Mesopotamia.⁴¹ It is true that other scholars working on social problems in the Old Testament have totally neglected the parallel material from Mesopotamia and Egypt. We cannot agree e.g. with H. Bruppacher that compassion for widow and orphan is something unique in the Old Testament over against other literatures.⁴² A welcome new interpretation is presented by C. van Leeuwen with necessary references to extra-biblical material, although the full scope of this material is not used.⁴³ It is, however, not our purpose to discuss the rich literature of modern scholars which grew around the concept "poor." The more important works are ably discussed in a study of J. van der Ploeg in *Oudtestamentische Studien*.⁴⁴

We desire to start our study with a discussion of certain trends of Psalm 82 which gives us the clue to a better understanding of the position of widow, orphan, and the poor in Israel. The interpretation and date of this psalm offer severe difficulties and are differently interpreted by modern scholars.⁴⁵ Various scholars place it in the period between the seventh and fourth centuries B.C.⁴⁶ This is not the place to argue on possible dates and interpretation of this psalm, but to my mind it is perfectly clear that it is strongly influenced by Canaanite mythology which is to a certain extent purged to fit in with Israelite conceptions and also to show the absolute domination of Yahweh over the heathen gods.⁴⁷ The possibility is not excluded that it was also used shortly after it was purged as a kind of missionary poem to convince the Canaanites that Yahweh is a God of justice and no other is beside him. The important part for our study is vv. 3-4 in which God challenges the gods to give justice (stem *šāpat*) to orphans and the poor and to save the wretched from the power of the evildoers. The gods fail to accomplish this command and the verdict of death is pronounced over them. The last verse of the psalm brings to God the victorious command to give justice to the world. Out of this we may deduce that the only One who can give justice and deliverance to the weak is God. The God of Israel is regarded as the

only true judge and protector of the weak. The important difference between this conception and that of Mesopotamia and Egypt is that the exercising of justice is narrowed down to one God and all the others are excluded. In light of this must we proceed to the legal and the wisdom literature.

In the Covenant Code we have two distinct pronouncements on justice to widow, orphan, and the poor. Oppression of widow and orphan is forbidden in Exod 22:21–24 and a severe punishment is pronounced. In 23:6 the command is given not to abuse the rights of the poor. The style of both is apodictic as a direct command from God to his people.⁴⁸ The vertical line is drawn and closely linked up with the horizontal responsibility to the poor. There is, furthermore, a special interest in the fate of the widow and orphan in Deuteronomy. In Deut 10:18 the protection of this group is linked with the Supreme Judge, Yahweh, who is not willing to accept bribery, but willing to do justice to widow, orphan, and *ger* (stranger). This text is the basis for all the later stipulations in this group. In Deut 14:28–29 the command is that widow and poor must be allowed to feast on the tithes. In 16:11, 14 the Israelite receives the command to let the widow, orphan, and *ger* partake in his feasts. In 24:17–22 special stipulations concerning this group are made, e.g., the rights of the widow must not be abused, and furthermore, food must be left on the land for them.⁴⁹ In 27:19 a person who abused the rights of *ger*, widow, and orphan is cursed. Every time the lead is given, Yahweh gives justice to this group and everybody has to do likewise. Something extraordinary in the Old Testament in contrast to other literatures is the balanced view on this policy. The command is given to execute justice to the weak, but at the same time the warning is given not to favor the poor in spite of their guilt (Exod 23:3, Lev 19:15). In the Covenant Code as in CH a protective measure is taken against the abuse of credit-slavery. In the Covenant Code it is stipulated that a credit-slave must go free after six years.⁵⁰ The just execution of this stipulation was neglected in times of decay as is illustrated by Jeremiah in the time of Zedekiah.⁵¹

An interesting and illuminating discussion of the legal status and the protection of widow and orphan in Bedouin society in comparison with Israelite society is given by Samuel Nyström.⁵² He points out that widows and orphans are legally protected, because the widow has the right to go back to the house or family of her father. The same is applicable

to the orphans. If the nearest relatives are dead, they have the right to claim protection from remote relatives. Insofar the position in Bedouin society. Do we have the same kind of conception in Israelite and Near Eastern circles? The whole idea of the levirate marriage is important, of which the Book of Ruth is sufficient evidence. The difference between the Bedouin idea and that of Israel is that in Israel (as in Mesopotamia) the widow was assimilated to the family of her husband and not to that of her father. A woman was usually sent back to the house of her father in certain circumstances, e.g., when she was divorced by her husband on legal grounds, and she had the right to reclaim her dowry which she had received from the house of her father. M. David, however, makes the point that a widow in the ancient Near Eastern connotation means that she or her children has no direct family ties. He holds the view that the common practice was that the wife of a deceased man and her children must go back to the house of her father, where they are protected.⁵³ This view is in accord with the common practice in Bedouin society. The problem, however, is not solved. What about the levirate marriages? Was this marriage only contracted when the widow had no remaining family ties? The position becomes a little more illuminated when we bear in mind that the married wife was brought by her husband from the house of her father (bride's price in Akkadian *tirhatu* and in Hebrew *mohar*). After her husband's death his family had the right to keep her in the family or else they would suffer damage.⁵⁴ This is the basis of levirate marriage, as is also the case with the other kind of levirate in which the husband of a deceased wife has the right to marry one of her sisters.⁵⁵ In the case of Naomi and Ruth, the former went back from Moab to her own people for protection, the latter accompanied her and was allowed before her marriage to Boaz to enjoy the favors of a widow as prescribed in Deuteronomy (24:17-22).⁵⁶ In other words, Ruth was regarded as a widow according to law until she was assimilated to the family of Boaz.⁵⁷ We may argue, however, that Ruth might have had no family ties. We have one case in the Old Testament where the levirate took place in spite of family ties. In the story of Tamar we have evidence that the levirate marriage was contracted; but after the death of Onan, Tamar's second husband, brother of Er, her former husband, Judah had sent her back to the house of her father until the youngest son should reach marriageable age (Gen 38). We have, thus, definite evidence to the fact that a widow was allowed to go back to the house of her father in

certain circumstances and with the consent of the head of the family of her deceased husband. I do not think that with all this evidence we can narrow the meaning of widow and orphan down to people without family ties.⁵⁸ It is true that the common policy of protection was mainly concerned with the poor widow and orphan, but it may also include those who were temporarily without legal protection as was the case with Ruth.

The prescribed way of life in Old Testament wisdom literature takes care of the weak. It is definitely regarded as the policy of God to protect the widow and poor. God maintains the borderline of a widow's property (Prov 15:25). Anybody who abuses the rights of widow, orphan, and the poor acts contrary to the will of God. The oppressor of the weak reproaches his Maker (Prov 14:31). The oppression of widow, orphan, and the poor is carried out by evildoers and, according to a pessimistic attitude, they are prosperous in spite of their sins (Job 24:1-4). Anyone who assists the weak will receive blessings from the Lord. The man who gives bread to the poor (Prov 22:9), who has compassion with the weak (Prov 19:17) is blessed by God. A command is issued to respect the rights of this group. E.g., one is forbidden to enter the property of the orphan, viz. to claim it as his own (Prov 23:10).⁵⁹ Another command, also in the corpus related to Amenemope, is not to rob the poor because of his poverty (Prov 22:22, cf. Amenemope, Chap. 2:IV).⁶⁰ Another important fact is that in Old Testament wisdom literature the protection of the poor is described as a virtue of kings (Prov 29:14)

This policy was regarded as the will of God, the virtue of kings, and the duty of the common people. The execution of the policy is embodied in the Old Testament legal literature. Severe punishment is pronounced on those who have transgressed this principle. In the wisdom literature protection of the weak is regarded as the correct way of life.

CONCLUSIONS

We have remarkable similarities and analogies between the conception of protection of the weak in Mesopotamian, Egyptian, and Israelite literature. Still some minor differences occur, as we have pointed out in a few cases.

1. The basic conception in all the literature discussed is that the

protection of the weak is the will of the god. In polytheistic religions this characteristic is ascribed to a special god in the pantheon; in Mesopotamia Shamash, the sun-god, is regarded as the protector of the poor, although in some instances Ningirsu and Ninurta are mentioned. This divine protector is also held as judge of heaven and earth, of gods and men. In Egypt the protection is also ascribed to the sun-god, Re (or Amon-Re). He is also held as judge. In one special text, the Destruction of Mankind, he is shown as the one who exacts punishment on mankind and orders Hathor to obliterate the human race.⁶¹ In some circles Ptah is regarded in the same role as god of justice. Yahweh is described in Old Testament literature as the protector of the weak par excellence. With direct apodictic style of command and prohibition Yahweh takes the weak under his protection. This is one of the important ethical doctrines of the Old Testament, but definitely not unique in comparison with conceptions in neighboring cultures. The only basic difference is that Yahweh is regarded as the only protector. He is even placed in opposition to the gods of foreign nations and hailed as the only true Supreme Judge of the world (Psalm 82). This fact might have been emphasized annually by a cultic festival. In all the material discussed the vertical line is drawn to emphasize the protection. This was done to sanction the protection of the weak in society.

2. The principle of protection of the weak is regarded in Mesopotamian, Egyptian, and Israelite literature as the virtue of a great king. The king was the direct representative of the god on earth. In some cases he was regarded as a substitute for the god, but still a human being, as in Mesopotamia. In other cases he was regarded as a divine being, as in Egypt, where the king was the son of the sun-god. In Israel he was regarded as the representative of Yahweh with granted powers to rule the nation. The close link between the god and the king is obvious from the above-mentioned examples. Therefore, if protection of the weak is the will of the god, it is the duty of the king to execute it in practical life. In the early Israelite community this was done almost in the way of a Bedouin sheikh who sits down to hear the complaints of his people. Cf. e.g. in 2 Sam 14 in which David listened to the complaints of the woman of Tekoah. In later Israelite times the principle of protection of the weak was abandoned by kings and this was more than anything else responsible for the ethical and moral preaching of the prophets on this point.

The kings had failed in one very old, deep-rooted principle, viz. to protect as representative of God the widow, orphan, and the poor (Isa 1:17).

3. The general conception of protection of the weak is, furthermore, expanded as a common way of life of ordinary people. They have to respect the rights of the poor or else receive punishment, if not through legal means, then through direct punishment of the god. That these rights were abused is true especially of decadent society as in the First Intermediate Period of Egypt and in Israelite society during the times of the prophets. The vertical command and prohibition by the god is to be executed in horizontal relations.

4. The similarities are not restricted to common policy but are also observable in parallel ideas. Thus a clear parallel between the Babylonian Theodicy and Job exists. The Babylonian sufferer complains that the strong man succeeds in oppressing the poor, and the weak has to suffer. This complaint originated out of the pessimistic conception that the evildoer succeeds, but the pious is oppressed without hope of assistance.⁶² The same idea occurs in the Book of Job where the sufferer complains about acts of oppression by evildoers exacted on orphan, widow, and the poor. He says: "Yet God layeth not folly to them" (AV). Another parallel is that a long reign of life is promised to the king or man (judge) who protects the weak. This appears in the Maxims of Merikare, the Hymn to Shamash, and in Proverbs.⁶³ Another similarity occurs in the hymn to Amon-Re in which he is regarded as the vizier of the poor whose judgment is impartial. In the Hymn to Shamash the judge is encouraged to be impartial in his judgment, as this would be pleasing to Shamash. The same idea occurs in Deut 10:18 where the impartial judgment of Yahweh is stressed. An interesting parallel between Egyptian and Israelite material is the following. The Maxims of Merikare forbid one to eject another from the property of his father, referring here to the orphan. The same idea occurs in Prov 23:10 where one is forbidden to enter the property of the orphan.

5. The attitude taken against widow, orphan, and the poor is to be looked at from a legal background. These people had no rights, no legal personalities, or in some cases possibly restricted rights. They were almost outlaws. Anyone could oppress them without danger that legal connections might endanger his position. To restore the balance of society these people must be protected. Therefore, it was necessary to

sanction their protection by direct command of the god and to make it the virtue of kings.

It is, however, surprising at what early stage in the history of the ancient Near East the compulsion was felt to protect these people. I do not think that it is correct to speak of borrowing of ideas concerning our subject. It was a common policy, and the Israelites in later history inherited the concept from their forebears, some of whom had come from Mesopotamia, some had been captive in Egypt, and others had grown up in the Canaanite world. In the Israelite community this policy was extended through the encouragement of the high ethical religion of Yahweh to become a definite part of their religion, later to be inherited by Christians and Muslims.

NOTES

1. Alfred Guillaume, *Islam* (1954), p. 64.
2. Cf. G. Lanczkowski, "Ägyptischer Prophetismus," *ZAW* 70 (1958), 38.
3. Cf. I. Mendelsohn, *Slavery in the Ancient Near East* (1949), pp. 14 ff., 19ff., 23 ff.; cf. also my "A Few Aspects of Legal Practices in Samuel in Comparison with Legal Material from the Ancient Near East," in *Studies in the Book of Samuel* (Die Ou Testamentiese Werkgemeenskap in Suid-Afrika 1960), pp. 19 ff.
4. Cf. H. Gese, *Lehre und Wirklichkeit in der alten Weisheit* (1958), pp. 5–6, for a definition of the *Gattung* of wisdom literature taken over from Van Dijk. E.g. exhortation concerning moral life and a maxim concerning the norm for morals and prudence. Cf. also S. du Toit, *Bybelse en Babilonies-Assiriese Spreuke* (1942), pp. 128ff.
5. For the evaluation of wisdom and Solomon cf. J. Bright, *A History of Israel* (1959), pp. 198–99.
6. A. Deimel, "Die Reformtexte Urukaginas," *Or* 2 (1920). Cf. for a translation by Moortgat Scharff-Moortgat, *Ägypten und Vorderasien im Altertum* (1950), pp. 242–43.
7. Cf. F. M. Theo de Liagre Böhl, *Godsdiensten der Wereld*, I (1948), 119, and his very important article "De Zonnegod als Beschermer der Nooddrufftigen," *Opera Minora* (1953), pp. 188–206. I want to thank him for drawing my attention to this article.
8. Cf. J. Bottéro, *La religion babylonienne* (1952), p. 45.
9. Cf. S. N. Kramer, "The Oldest Laws," *Scientific American* (Jan. 1953) pp. 26–28, and *idem*, *History Begins at Sumer* (1958), pp. 91 ff.
10. Cf. A. Deimel, *Codex Hammurabi*, III (1950) *dan-nu-um, en-sa-am a-na la ha-ba-li-im*.

11. CH. §§37-41.
12. Cf. Meek's translation in *ANET* (1955), pp. 164, 178.
13. Cf. Böhl, "De Zonnegod," p. 193.
14. J. Klíma, *Untersuchungen zum altbabylonischen Erbrecht* (1940), pp. 52 ff.
15. For a discussion of these stipulations cf. Driver-Miles, "Code of Hammurabi," §§ 117-19, *SD* (1939), pp. 65-75; W. F. Leemans, *The Old-Babylonian Merchant* (1950), p. 17, note 60; F. R. Kraus, *Ein Edikt des Königs Ammi-Saduqa von Babylon* (1958) pp. 167-72.
16. Cf. the latest works on Sumerian and Babylonian wisdom, van Dijk, *La sagesse suméro-accadienne* (1953); A. M. van Dijk, "Culture sumérienne et bible," in *L'Ancien Testament et l'Orient* (1957) pp. 17 ff.; S. du Toit, *op. cit.*; F. M. Böhl, "De Zonnegod"; and the admirable work of W. G. Lambert, *Babylonian Wisdom Literature* (1960).
17. In *Shurpu*, II, 19, 45, 46 reference is made to a widow, but the position is not clear, cf. du Toit, *op. cit.*, p. 162.
18. Cf. Lambert, *op. cit.*, pp. 86-87, Gese, *op. cit.*, pp. 51 ff.
19. Ll. 276-86. Cf. Lambert, *op. cit.*, pp. 88-89.
20. *Ibid.*, pp. 100-101 and also B. Gemser, *Spreuken II, Prediker, Hooglied van Salomo* (1931), pp. 51 ff.
21. Lambert, *op. cit.*, p. 119.
22. Cf. *ibid.*, pp. 132-33 (ll. 99-100) and Böhl, "De Zonnegod," p. 203.
23. Lambert, *op. cit.*, pp. 134-45 and Böhl, *op. cit.*, p. 204.
24. G. Dossin, "L'inscription de fondation de Iahdun-Lim, roi de Mari," *Syria*, 32 (1955), 12.
25. Dossin, *op. cit.*, pp. 1-2.
26. To be published by Girgis Matta, as Professor W. F. Albright has informed me.
27. Cf. J. A. Wilson, *The Culture of Ancient Egypt* (1956), p. 49.
28. Cf. Sir Alan H. Gardiner, *Egypt of the Pharaohs* (1961), p. 129.
29. For the text cf. E. Suys, *Étude sur le conte due fellah plaideur* (1933), pp. 24-25 and *8; for a translation, J. A. Wilson in *ANET*, p. 408 and cf. Lanczkowski, *op. cit.*, p. 38.
30. Aksel Volten, "Zwei altägyptische politische Schriften," *Analecta Aegyptiaca* 4 (1945), pp. 22-23.
31. *Ibid.*, p. 107.
32. Gardiner's translation in *op. cit.*, p. 109.
33. *Ibid.*, pp. 244-45.
34. Cf. A. E. Wallis Budge, *The Teaching of Amenem-apt* (1924), p. 188, and Wilson in *ANET*, pp. 421-24 for a good translation. The book of Lange was not available.
35. For a discussion cf. J. H. Breasted, *Development of Religion and Thought in Ancient Egypt* (1912), pp. 353 ff.
36. Cf. for the text A. H. Gardiner, *Late-Egyptian Miscellanies*, "Bibliotheca Aegyptiaca," 7 (1937), p. 16; a translation by R. A. Caminos, *Late Egyptian Miscellanies* (1954), pp. 9-10.

37. Cf. Günther Roeder, *Die ägyptische Götterwelt* (1959), p. 55.
38. Erwin Seidl, *Einführung in die ägyptische Rechtsgeschichte bis zum Ende des Neuen Reiches* (1951), pp. 57–58.
39. H. Ginsberg in *ANET*, p. 151. Cf. for the text Gordon, *Ugaritic Manual* (1955), p. 179.
40. Cf. my "The Judges and Ancient Israelite Jurisprudence," in *Die Oud Testamentiese Werkgemeenskap in Suid-Afrika* (1959), pp. 15–17.
41. Böhl, "De Zonnegod," pp. 194–95.
42. H. Bruppacher, *Die Beurteilung der Armut im Alten Testament* (1924), p. 16.
43. C. van Leeuwen, *Le développement du sens social en Israël avant l'ère chrétienne* (1955), e.g. p. 27 where the Code of Hammurapi is used.
44. Cf. J. van der Ploog, "Les pauvres d'Israël et leur piété," *OTS*, 7 (1950), 237–42.
45. We refer to the "Thronbesteigung" theory of Mowinckel, where this psalm is interpreted in light of the battle myth in which Yahweh annually overcomes the rival gods of foreign nations. Cf. S. Mowinckel, *Das Thronbesteigungsfest Jahwäes und der Ursprung der Eschatologie* (1920) and J. Ridderbos, *Die Psalmen*, II (1958), pp. 325–27.
46. Cf. G. Ernest Wright, *The Old Testament Against its Environment* (1950), p. 37, although he admits that there is no certain means to date it.
47. Cf. for the Canaanite background R. T. O'Callaghan, "A Note on the Canaanite Background of Psalm 82," *CBQ*, 15 (1953), 311–14.
48. Cf. for stylistic analysis A. Alt, *Die Ursprünge des israelitischen Rechts* (1934). Alt's view that the apodictic style is typically Israelite is challenged by a few scholars, e.g. Landsberger and Meek; B. Landsberger, "Die babylonische Termini für Gesetz und Recht," *SD* (1939), p. 223, n. 19; T. Meek in *ANET*, p. 183, n. 24. The latest article on the subject is by Stanley Gevirtz, "West-Semitic Curses and the Problem of the Origins of Hebrew Law," *VT* 11 (1961), 137 ff. and p. 138 for a criticism of Alt's view.
49. Robert North, S. J., *Sociology of the Biblical Jubilee* (1954), pp. 118–19.
50. For a discussion cf. my "A Few Aspects," p. 20.
51. Cf. M. David, "The Manumission of Slaves under Zedekiah," *OTS* (1948), pp. 63–79.
52. Samuel Nyström, *Beduinentum und Jahwismus* (1946), pp. 139–47.
53. M. David, *Vorm en Wezen van de Huwelijksluiting naar Oud-Oostersche Rechtsopvatting* (1934), pp. 7–9.
54. Cf. e.g. P. Koschaker, *Quellenkritische Untersuchungen zu den altassyrischen Gesetzen* (1921), p. 46.
55. *Ibid.*, p. 47.
56. Cf. for the legal position in Ruth, M. David, *Het Huwelijk van Ruth* (1941), *passim*.
57. For stipulations concerning levirate in Israel, cf. Deut 25:5 ff.
58. Also against J. Pedersen, *Israel*, I–II (1926), 44–46.
59. Some scholars conjectured 'olām to 'almānā. Cf. C. H. Toy, *Proverbs*, (ICC,

1948), pp. 431–32; but cf. du Toit, *op. cit.*, p. 161. B. Gemser, *Sprüche Salomos*, (HAT, 1937), pp. 66–67 accepts *ʾalmānā* because of the parallel with Amenemope VII.

60. The whole question of the relation between Prov. 22:17 ff. and Amenemope is very difficult. The majority of scholars hold the view that the author of Prov 22:17 ff. borrowed from Amenemope. Cf. A. Erman, "Das Weisheitsbuch des Amenemope," *OLZ* 27 (1924), 241–52; H. Gressmann, "Die neugefundene Lehre des Amenemope und die vorexilische Spruchdichtung Israels," *ZAW* 42 (1924), 272–96. Other scholars hold the opposite view, that Amenemope borrowed from Israelite wisdom. Cf. W. O. E. Oesterley, *The Wisdom of Egypt and the Old Testament* (1927); recently E. Drioton, "Sur la sagesse d'Aménémopé," *Mélanges bibliques rédigés en l'honneur de André Robert* (1957), pp. 254 ff.
61. Cf. J. Vandier, *La religion égyptienne* (1949), pp. 37–38.
62. Cf. Gese, *op. cit.*, pp. 62 ff.
63. Volten, *op. cit.*, pp. 22–23, Lambert, *op. cit.*, pp. 132–33, and Prov 29:14.