

Andrews University

Digital Commons @ Andrews University

Faculty Publications

8-25-2022

Levirate Marriage

Roy E. Gane

Andrews University, gane@andrews.edu

Follow this and additional works at: <https://digitalcommons.andrews.edu/pubs>



Part of the [Biblical Studies Commons](#), and the [History of Art, Architecture, and Archaeology Commons](#)

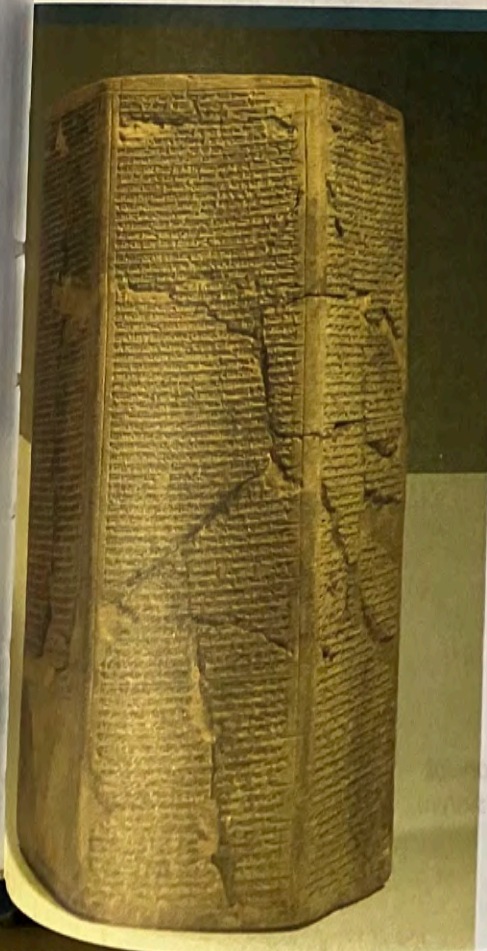
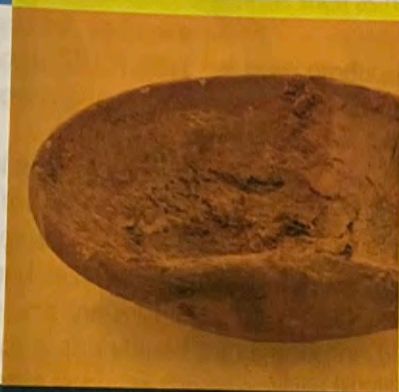
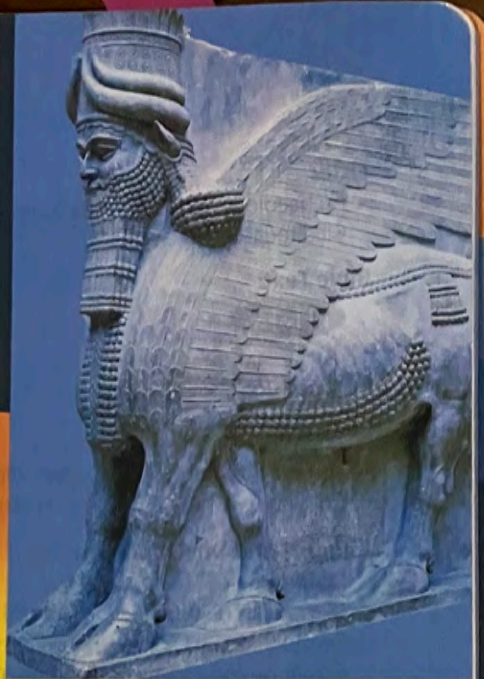
Recommended Citation

Gane, Roy E., "Levirate Marriage" (2022). *Faculty Publications*. 4880.

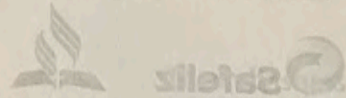
<https://digitalcommons.andrews.edu/pubs/4880>

This Contribution to Book is brought to you for free and open access by Digital Commons @ Andrews University. It has been accepted for inclusion in Faculty Publications by an authorized administrator of Digital Commons @ Andrews University. For more information, please contact repository@andrews.edu.

ARCHAEOLOGY AND CULTURAL BACKGROUND STUDY BIBLE



Special thanks to the scholars of the
General Conference of Seventh-
Day Adventists for their support towards the
future of Archaeology from Andrews Uni-



Special thanks to the scholars of the
General Conference of Seventh-
Day Adventists for their support towards the
future of Archaeology from Andrews Uni-

May 2022, 1st Edition

ISBN: 978-84-7508-893-1 PU

ISBN: 978-84-7508-894-8 Genuine Leather (blue)

ISBN: 978-84-7508-895-5 Genuine Leather (brown)

PRINTED IN CHINA

IMP 12

All rights reserved. No part of the additional resources

may be transmitted, reproduced in any form or by any means

including photocopying and recording, without permission in writing from the publisher.

Title:

Archaeology and Cultural Background Study Bible
©Editorial Safeliz, S. L.

Bible Text:

NKJV

NEW
KING
JAMES
VERSION®

The Holy Bible, New King James Version®

Copyright © 1982 by Thomas Nelson, Inc. All rights reserved.

Concept and Development:

Editorial Safeliz team
Mario Martinelli, CEO
Sergio Mato, CFO
Esther Amigó, Production coordinator
Andrada Oltean, Editor
José David Pallas, Editor
Javier Zanuy, Designer
Larisa Ciocan, Assistant CEO

Design, Layout, and Edition:

Bezalel&Aoliabe Design
Editorial Safeliz Team

Biblical Tools and Resources:

©Editorial Safeliz, 2022

Illustrations:

Infographics, spreads, and maps: ©Editorial Safeliz

Photos:

Please see list on contributor's page

Editorial Safeliz S. L.
Pradillo, 6 • Polígono Ind. La Mina
E-28770 • Colmenar Viejo, Madrid, Spain
Tel.: [+34] 91 845 98 77
admin@safeliz.com • www.safeliz.com • www.safelizbibles.com



Special thanks to the scholars of the Institute of Archaeology from Andrews University and the Biblical Research Institute of the General Conference of Seventh-day Adventists for their support towards this project.

May 2022: 1st Edition

ISBN: 978-84-7208-893-1 PU
ISBN: 978-84-7208-894-8 Genuine Leather (blue)
ISBN: 978-84-7208-895-5 Genuine Leather (brown)

PRINTED IN CHINA
IMP12

All rights reserved. No part of the **additional resources** (text, images or layout) may be transmitted or reproduced in any form or by any means, electronic or mechanical, including photocopying and recording, or by any information storage and retrieval system, without permission in writing from the publisher.

Contributors

General Direction and Executive Production

Mário Paulo Martinelli

ADDITIONAL MATERIALS TO THE BIBLICAL TEXT

The articles of this Bible were prepared by contributors from many parts of the world. The entries were edited according to the original manuscripts. The publishers assume full responsibility for the overall content of this Study Bible and thank the contributors for their outstanding participation.

Introductions to the Books of the Bible

David Merling, Ph.D., Andrews University (USA)

Main writers

Christie Chadwick, Ph.D., Andrews University (USA)

Efraín Velázquez, Ph.D., Andrews University (USA)

Luiz Gustavo Assis, M.A., Trinity International University (USA)

Martin Pröbstle, Ph.D., Andrews University (USA)

Michael Hasel, Ph.D., University of Arizona (USA)

Writers

Abelardo Rivas Santini, Ph.D. Candidate,
Andrews University (USA)

Ademar Quint Cámara, M.A., University College London (UK)

Alberto R. Timm, Ph.D., Andrews University (USA)

Alejo Aguilar Gómez, Th.D.,
International Christian University (Japan)

Amanda McGuire, Ph.D., Andrews University (USA)

Barna Magyarosi, Th.D., University of Bucharest (Romania)

Bruno Alves Barros, M.A., Andrews University (USA)

Carina Prestes, Ph.D. Candidate, Andrews University (USA)

Christopher Chadwick, Ph.D., Andrews University (USA)

Clinton Wahlen, Ph.D., Cambridge University (UK)

Constance Ellen Gane, Ph.D., University of California (USA)

David Merling, Ph.D., Andrews University (USA)

Dayana de Oliveira Formiga, Ph.D.,
Sao Paulo University (Brazil)

Douglas R. Clark, Ph.D., Vanderbilt University (USA)

Edward M. Allen, D.Min. and Ph.D.,
Fuller Theological Seminary (USA)

Ekkehardt Mueller, D. Min., and Th.D.,
Andrews University (USA)

Elder Hosokawa, M.A., University of Sao Paulo (Brazil)

Elías Brasil de Souza, Ph.D., Andrews University (USA)

Enrique Báez, Ph.D., Andrews University (USA)

Fábio Augusto Darius, Th.D.,
Superior Theology School (Brazil)

Félix H. Cortez, Ph.D., Andrews University (USA)

Flavio Prestes Neto, Th.D.
Candidate, Andrews University (USA)

Patrick Mazani, Ph.D., Andrews University (USA)

Robert Bates, Ph.D., Andrews University (USA)

Rodrigo Pereira da Silva, Th.D., Pontifical Catholic University
(Puerto Rico), and Ph.D., University of São Paulo (Brazil)

Sherry Manison, D.Min., Andrews University (USA)

Gerald Klingbeil, D.Litt.,
Stellenbosch University (South Africa)

Gerald Wheeler, M.A., Andrews University (USA)

Gerhard Pfandl, Ph.D., Andrews University (USA)

Gotthard G.G. Reinhold, Ph.D.,
Johann Wolfgang Goethe-University (Germany)

Hanna Klenk, M.A., Universität Berne (Switzerland)

Helena Gregor, Ph.D., Andrews University (USA)

Jacques Doukhan, Th.D., Andrews University (USA)

Jan Sigvartsen, Ph.D., Andrews University (USA)

Jeffrey Paul Hudon, Ph.D., Andrews University (USA)

Jiri Moskala, Th.D., Protestant Theological Faculty
of Charles University (Czech Republic),
and Ph.D., Andrews University (USA)

Joaquim Azevedo Neto, Ph.D., Andrews University (USA)

Jody Washburn, Ph.D., UCLA (USA)

John Reeve, Ph.D. Candidate,
University of Notre Dame du Lac (USA)

Jonathan Gardner, M.A., Wheaton College (USA)

Karl Boskamp, M.A.,
Universidad Adventista del Plata (Argentina)

Keldie Paroschi, M.A., Andrews University (USA)

Kent Bramlett, Ph.D., University of Toronto (Canada)

L S Baker Jr., Ph.D., Andrews University (USA)

Lael Caesar, Ph.D., University of Wisconsin (USA)

Leandro Velardo, Ph.D. Candidate,
Universidad Adventista del Plata (Argentina)

Marcos Blanco, Ph.D., AILAS University (Filipinas)

Marcos de Benedicto, D.Min., Andrews University (USA)

Mário Paulo Martinelli, D.Min., Andrews University (USA)

Martin Klingbeil, D.Litt.,
Stellenbosch University (South Africa)

Matheus Grillo, Ph.D. Candidate, McGill University, (Canada)

Merling Alomia, Pd.D., Andrews University (USA)

Milton Luis Torres, Ph.D., University of Texas (USA),
and Ph.D., Sao Paulo University (Brazil)

Néstor H. Petruk, Ph.D., Universitat de Barcelona (Spain)

Oystein S. LaBianca, Ph.D., Brandeis University (USA)

Paolo Benini, M.Th., Faculté Adventiste de Théologie (France)

Paul Gregor, Ph.D., Andrews University (USA)

Paul J. Ray, Ph.D., Andrews University (USA)

Pedrito Maynard-Reid, Th.D., Andrews University (USA)

Ranko Stefanovic, Ph.D., Andrews University (USA)

Richard Choi, Ph.D., Fuller Theological Seminary (USA)

Rivan Menezes dos Santos, Ph.D.,
University of Grenoble (France)

Robert Johnston, Ph.D.,
The Hartford Seminary Foundation (USA)

Robert McIver, Ph.D., Andrews University (USA)

Rodrigo Galiza, Ph.D. Candidate, Andrews University (USA)

Roy Gane, Ph.D., University of California (USA)

Ruben Aguiar Santos, Ph.D., Sao Paulo University (Brazil)

Sarah Gane, M.A., Andrews University (USA)

Sergio Enrique Becerra, Th.D.,
Université de Strasbourg (France)

Stefanie Elkins, Ph.D., Andrews University (USA)

Teófilo Correa, Ph.D.,
Universidad Adventista del Plata (Argentina)

Tom Shepherd, Ph.D., Andrews University (USA)

Traian Aldea, Ph.D., Bucharest University (Romania)

Trisha Eulene Brody, Ph.D., Andrews University (USA)

Udo Worschech, Ph.D., University of Frankfurt (Germany)

William James Ackland, AASA,
Australian Society of Accountants (Australia)

Wilson Paroschi, Ph.D., Andrews University (USA)

Executive Editor

Mário Paulo Martinelli

Editor

Gerald Wheeler

Associate Editors

Abelardo Rivas Santini Patrick Mazani

Christie Chadwick Robert Bates

Efraín Velázquez

Reviewers

Abelardo Rivas Santini Luiz Gustavo Assis

Christie Chadwick Patrick Mazani

Efraín Velázquez Robert Bates

Enrique Báez

Theological Review

Clinton Wahlen

Theological Review Coordinator

Marli Timm

Production Coordinator

Esther Amigó

Editorial Coordinator

Andrada Oltean

Translations Coordinator

Adela Rotaru

Translators

Andreea Preda

Cristina Popescu

Dorothy Herrick

Vivienne Martinelli

Text Reviewers

Andrada Oltean

José David Pallas

Proofreaders

Luv Talibong

Tompaul Wheeler

Graphic Design of the Project

Bezalel&Aoliabe Design

Illustrator

Kaleb Gabriel Pires de Carvalho

Infographic Designer

Flávio Carvalho

Photos

Andrews University

Chang-Ho Ji

Editorial Safeliz

Getty Images

Gunter and Hanna Klenk

Penn Museum

Robert Bates

Rhonda Root

and MPP-Umayri

Z. Radovan/

BibleLandPictures

Wheaton College

Wikimedia

Wikipedia

Photo and Illustration Captions

Gerald Wheeler

Designer

Javier Zanuy

MANNERS AND CUSTOMS

Levirate Marriage—Genesis 38

"Levirate marriage" was an ancient Israelite custom according to which a *levir* (Latin), "brother-in-law" (Hebrew *yabam*, "husband's brother") would marry the childless widow of his deceased brother to produce a surrogate child for his brother. That would perpetuate the dead brother's name, that is, the memory of him and a place within the extended family community of dead and living members, by supplying him with a line of descendants who could inherit his share of ancestral property. Ancient society regarded people as living on through their descendants. In addition, the custom would also provide support for the widow and keep her in the family. Some ancient Near Eastern texts discovered by archaeologists show partial parallels with the Israelite practice.

Three biblical passages attest to levirate marriage: Genesis 38; Deuteronomy 25:5-10; and Ruth 4. In Genesis 38, Judah told his son Onan to perform the duty of a brother-in-law for widowed Tamar, but Onan short-circuited the process through *coitus interruptus*. When Judah failed to give Tamar to his third son, Shelah, she disguised herself as a prostitute and obtained pregnancy, her right, from Judah himself.

Judah was not Tamar's brother-in-law in the narrow sense, but he was her kinsman, "brother" in the broader sense. Compare Hittite Laws §193, in which a man is to marry his widowed sister-in-law, but if he dies, his father should marry her. If the father dies, his brother is to marry her. While the Hittite procedure provides financial support for the widow, it has no specification that she remains childless or, consequently, that the purpose is to continue the "name"/legacy of her dead husband.

The law of Deuteronomy 25:5-10 regulates the pre-existing Israelite custom of levirate marriage, thereby affirming its validity, as an exception to incest (Lev. 18:16; 20:21; its penalty: childlessness). Deuteronomy 25 addresses a case in which a brother-in-law, likely a younger brother who has been living in the house of his now-deceased older sibling, does not want to marry his widowed sister-in-law. He can refuse but must submit to public shaming for failing to "build up his brother's house."

- Campbell, *Marriage and Family in the Biblical World*.
- Davidson, *Flame of Yahweh: Sexuality in the Old Testament*. Peabody.
- Hallo and Lawson Younger, *The Context of Scripture*, 1997-2002.
- Westbrook, *Property and the Family in Biblical Law*.

Ruth 4 recounts the marriage of Ruth, a situation that was levirate in the broader sense involving a relative who was not a literal brother-in-law. Naomi's nearest kinsman did not want to marry Ruth to perpetuate Elimelech's name on his ancestral land (cf. Num. 27:1-8, through inheritance by daughters) by begetting a surrogate child for Elimelech's dead son through his widow. The first son of such a union would belong to the line of Elimelech, which would somehow affect the kinsman's inheritance. Therefore, he passed the right of redemption to Boaz, another kinsman, who was happy to marry Ruth.

Possible evidence for levirate marriage in Ugarit appears in a curse by King Arihalbu (who was childless when he died) against anybody who would subsequently take his widow from his brother. It is unclear whether his widow and his brother were expected to produce a son as his successor.

Other ancient Near Eastern partial parallels to levirate marriage are related to family relationships and property but not the production of sons for the dead, apparently because people solved problems of childlessness through other strategies such as polygamy, adoption, or legitimization of children produced through concubines or servant women. For example, Middle Assyrian Laws A §30 provides for the return of a marriage gift to a father who has given it to the father of a woman whose betrothal he (the first man) has contracted for his son in the event that another son of his dies and he arranges for his surviving son to marry the widowed sister-in-law instead of his original fiancée. In law A §43, if a father has negotiated for a woman to marry one of his sons, who then dies or disappears, he is to give her to one of his remaining sons (implying that her father would not return the marriage gift).

God mercifully condoned levirate marriage for ancient Israelites so that death without children would not deny them continued identity within the covenant community and in the Promised Land through lines of descendants. Levirate marriage is unnecessary for modern people because death does not cause the loss of identity in the covenant nation and its land. We properly deal with problems of childlessness, widowhood, and memory of the dead in different ways.

38

It ca

part

tain Adulla

2 And Jud

naanite wh

and went i

3 So she c

his name E

4 She con

called his r

5 And she

called his i

she bore hi

6 Then Jud

her name w

7 But Er, Ju

of the LORD

8 And Jud

er's wife ar

your brothe

9 But Ona

and it came

er's wife, tl

should give

10 And the

therefore H

11 Then Ju

"Remain a v

Shelah is gr

his brothers

ther's house

12 Now in t

Judah's wife

went up to

his friend H

13 And it w

father-in-la

sheep."

14 So she t

herself with

an open pla

for she saw

not given to

15 When Ju

lot, because

16 Then he

"Please let n

that she was

So she said

come in to n

38:29 "Literally Breach

God will surely require it of you, and it would be sin to you.

22 But if you abstain from vowing, it shall not be sin to you.

23 That which has gone from your lips you shall keep and perform, for you voluntarily vowed to the LORD your God what you have promised with your mouth.

24 "When you come into your neighbor's vineyard, you may eat your fill of grapes at your pleasure, but you shall not put *any* in your container.

25 When you come into your neighbor's standing grain, you may pluck the heads with your hand, but you shall not use a sickle on your neighbor's standing grain.

Law Concerning Divorce

24 "When a man takes a wife and marries her, and it happens that she finds no favor in his eyes because he has found some uncleanness

in her, and he writes her a certificate of divorce, puts *it* in her hand, and sends her out of his house,

2 when she has departed from his house, and goes and becomes another man's wife,

3 if the latter husband detests her and writes her a certificate of divorce, puts *it* in her hand, and sends her out of his house, or if the latter husband dies who took her as his wife,

4 then her former husband who divorced her must not take her back to be his wife after she has been defiled; for that is an abomination before the LORD, and you shall not bring sin on the land which the LORD your God is giving you as an inheritance.

Miscellaneous Laws

5 "When a man has taken a new wife, he shall not go out to war or be charged with any business; he shall be free at home one year, and bring happiness to his wife whom he has taken.

6 "No man shall take the lower or the upper millstone in pledge, for he takes *one's* living in pledge.

MANNERS AND CUSTOMS

Divorce—Deuteronomy 24

God ordained marriage as an eternal "one flesh" union (Gen. 2:21-24). However, after the Fall into sin (Gen. 3), one or both partners might want to dissolve their union. People ended their marriages for several reasons, as attested by the Bible and ancient Near Eastern texts found by archaeologists. In ancient Egypt, childlessness was probably a common factor for husbands to divorce their wives, but the *Instruction of Ankhsheshonq* asserts that it would be wrong for them to do so. The apostle Paul refers to another situation: If an unbeliever abandons their Christian spouse, the latter is free to remarry, because the marriage no longer exists (1 Cor. 7:15).

Ancient Near Eastern law differentiated between divorce with or without grounds. A man with grounds could divorce his wife simply by formally stating, "You are not my wife," but without grounds, he had to return her dowry to her and provide her with additional compensation. Marriage contracts often specified penalties against the one who initiated divorce without legal grounds.

Old Testament law does not directly address divorce but regulates some circumstances related to it to protect people. Deuteronomy 24:1-4 prohibits a man from remarrying his former wife if he has expelled her, and she remarries, but then her second husband divorces her, or he dies. The law indicates that remarriage is not ideal, because it causes a kind of

(sexual) defilement, and a husband should think twice before divorcing his wife because he can never get her back again.

In laying out the situation under which the prohibition of remarriage applies, Deuteronomy 24:1 refers to the acceptable procedure for divorce: (1) the husband has significant (not frivolous) grounds, such as his wife has been indecent (short of adultery), (2) he writes and gives her a document stating that she is divorced, and (3) he sends her from his house. Thus, she is free to remarry, and the certificate protects her and her next husband from any charge of adultery. According to Egyptian texts, sometimes a man provided his wife with a document certifying that she was free to remarry. But Deuteronomy 24 was unique in acknowledging that the divorce certificate was an essential element of any expulsion of an Israelite woman from her marriage, and she could not be divorced without grounds.

Several Old Babylonian marriage contracts state that a wife who wishes to leave her husband will be put to death. However, there is evidence which indicates that some ancient Near

Watch
Video Here



www.qr.safeliz.com/dtSen

DEUTERONOMY 24

7 "If a man is found kidnapping any of his brethren of the children of Israel, and mistreats him or sells him, then that kidnapper shall die; and you shall put away the evil from among you.

8 "Take heed in an outbreak of leprosy, that you carefully observe and do according to all that the priests, the Levites, shall teach you; just as I commanded them, so you shall be careful to do.

9 Remember what the LORD your God did to Miriam on the way when you came out of Egypt!

10 "When you lend your brother anything, you shall not go into his house to get his pledge.

11 You shall stand outside, and the man to whom you lend shall bring the pledge out to you.

12 And if the man is poor, you shall not keep his pledge overnight.

13 You shall in any case return the pledge to him again when the sun goes down, that he may sleep in his own garment and bless you; and it shall be righteousness to you before the LORD your God.

14 "You shall not oppress a hired servant who is poor and needy, whether one of your brethren or one of the aliens who is in your land within your gates.

15 Each day you shall give him his wages, and not let the sun go down on it, for he is poor and has set his heart on it; lest he cry out against you to the LORD, and it be sin to you.

16 "Fathers shall not be put to death for their children, nor shall children be put to death for their fathers; a person shall be put to death for his own sin.

17 "You shall not pervert justice due the stranger or the fatherless, nor take a widow's garment as a pledge.

18 But you shall remember that you were a slave in Egypt, and the LORD your God redeemed you from there; therefore I command you to do this thing.

19 "When you reap your harvest in your field, and forget a sheaf in the field, you shall not go back to get it; it shall be for the stranger, the fatherless, and



(comes from the previous page)

Eastern women could divorce their husbands. While the first millennium BC marriage contracts that were written in demotic Egyptian include the provision that the husband may divorce his wife if he comes to hate her or wants another woman, such contracts occasionally permit the wife to leave if she desires another man. Some Assyrian marriage contracts also grant the right of divorce to both the husband and the wife. Women could divorce their husbands in the fifth-century BC Jewish settlement at Elephantine in Egypt.

The fact that Deuteronomy 24 concerns only the expulsion of a wife does not necessarily mean that Israelite women could not divorce their husbands. The law sought to protect women because they were more vulnerable than men in a society that tolerated polygamy: A husband could have women other than his wife, but a wife could never have another man.

Certain Hittite laws concern the dissolution of marriages between free and unfree individuals, including division of belongings and children between the parties, which likely would be specified by a marriage contract if the spouses were both free. But Israelite law uniquely protected especially vulnerable servant-concubines by freeing them and thereby

MANNERS AND CUSTOMS

ending their marriages if their husband-masters either passively or actively mistreated them (Exod. 21:10-11, 26-27—any servant, implicitly including a servant-concubine).

Some other protections of women are unique to biblical law. An unwanted captive bride was free to go wherever she wanted (Deut. 20:14). A man forfeited the right ever to divorce his wife if he falsely accused his bride of not being a virgin (22:19) or if he was obligated to marry and thereby support a virgin whom he had raped (verse 29). Presumably, in the latter case, the girl would not be required to marry him (cf. Exod. 22:17).

God mercifully and patiently works with and protects fallen humans where they are. He did not allow expulsion of one's spouse without grounds or for just any reason, but in the Old Testament, He permitted it for indecency. In the New Testament, Jesus further protected marriage by making sexual immorality the only legitimate ground for divorce while also affirming the ideal of a lifelong union (Matt. 19:3-9; Mark 10:2-12, including a wife divorcing her husband). Thus, God progressively leads people back in the direction of His Creation ideal for human happiness.

• Campbell, *Marriage and Family in the Biblical World*.
 • Davidson, *Flame of Yahweh: Sexuality in the Old Testament*.
 • Sasson, *Civilizations of the Ancient Near East*.
 • Westbrook, *Old Babylonian Marriage Law*.