

DOCTRINE OF LEVIRATE MARRIAGE

Levirate marriage: From *Levir*, the Latin for brother-in-law. This was God's gracious provision in the Mosaic Law to preserve the inheritance in the family, even when the father was childless. Part of that inheritance, in fact a major portion of it, was the land He had given Israel in the Promised Land. This supported divine institution number 3, the family. The basis for the Levirate doctrine is found in Deut 25:5-10; Gen 38:8.

- Deut. 25:5 “When brothers live together and one of them dies and has no son, the wife of the deceased shall not be married outside the family to a strange man. Her husband's brother shall go in to her and take her to himself as wife and perform the duty of a husband's brother to her.
- Deut. 25:6 “And it shall be that the first-born whom she bears shall assume the name of his dead brother, that his name may not be blotted out from Israel.
- Deut. 25:7 “But if the man does not desire to take his brother's wife, then his brother's wife shall go up to the gate to the elders and say, ‘My husband's brother refuses to establish a name for his brother in Israel; he is not willing to perform the duty of a husband's brother to me.’
- Deut. 25:8 “Then the elders of his city shall summon him and speak to him. And if he persists and says, ‘I do not desire to take her,’
- Deut. 25:9 “then his brother's wife shall come to him in the sight of the elders, and pull his sandal off his foot and spit in his face; and she shall declare, ‘Thus it is done to the man who does not build up his brother's house.’
- Deut. 25:10 “And in Israel his name shall be called, ‘The house of him whose sandal is removed.’”

1. The widow is not to marry outside the family (Deut 25:5).
2. The brother-in-law was to take his brother's wife as his wife, and if she had a son to raise him up as the son of the first husband, his dead brother (25:5-6). The ML went to great lengths to ensure the property stayed with the family it had originally been given. It was to be a perpetual inheritance. The word “inheritance” has as its primary connotation, possession. The land was to be their primary possession. The Land was broken down tribe by tribe and each tribal allotment was further broken down into clans and families. Therefore, each individual family had a piece of land that was theirs and theirs in perpetuity. This was so even if the family came into financial straights and had to sell off the land. During the year of Jubilee, which occurred every 50th year, all land would revert

to its original owner. In this way the family never lost the family land. The ML had very definite guidance to support the family. This allowed the family name to continue and the inheritance to continue in the family even in the case of an early death of one of the men.

3. Some think there is a contradiction between Lev 18:16, 20:21 (a prohibition against promiscuity), but those passages forbid intercourse with a sister-in-law when the brother is still alive. If the brother was unable to have a son, then while he lived he could not call in his brother to take his place. The failure for the marriage to produce an heir in that case was seen as an act of God (Gen 29:31; 30:2, 22; 1 Sam 1:6).

4. Although not specifically stated, many Bible scholars believe the widow was to pass to an unmarried brother. This assumption is founded on the principle that God would not pointedly prohibit adultery in one part of the Law (Ex 20:14; Deut 5:18; 17:17) (the marriage relationship being a symbol of faithfulness) and then authorize multiple sexual relationships in another part of the Law. In the examples in the Bible of Levirate responsibility, we have no indication that Onan (Gen 38:7) or that Boaz (Ruth 4) was previously married.

5. Refusal of this obligation was considered a slight on the family and the nation. It showed the brother had little regard for the family and the inheritance God had given them. The refusal is indicated through the removal of the sandal ceremony. The ceremony of *chalisa* was a public demonstration of the family going before the elders at the town gate which was considered the local magistrate for the conduct of civil trials where legal decisions were made. If the brother said he was not going to assume his responsibility, then the woman was to come pull his sandal off his foot and “spit in his face”, although this phrase is probably more accurately translated “in front of him” or “in his presence” (indicating this was an irresponsible and shameful act). She then was free to remarry whomever she wanted. The first option was to go to the brother-in-law.