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Levirate Marriage

25: 5-10

Levirate marriage DIG: Where does the name Levirate come from? What does it mean? What was the purpose of this mitzvah? What did the birth of a son signify? What did it guarantee the mother? What happened if the *kinsman* was already married? What happened if *the relative* she asked to perform this duty refused? What did the sandal have to do with it?

REFLECT: How do you think a family should care for a widowed member? Why? How should a Messianic congregation or church take care of a widowed member? Why? Would you step in for your brothers' or sisters' children if they died and there was no one else to take care of them? How about your grandchildren? What does the B'rit Chadashah say about this?

The Levirate marriage declared that a man should accept responsibility for his deceased brother's childless widow by marrying her and producing a son as his heir.

Deuteronomy 19:1 to 26:15 (to see link click [DI](#) - The Social and Family Mitzvot) deals with individual mitzvot, and to today's readers they might appear irrelevant at first, but the very principles behind these commandments were the ones that have brought dignity to mankind. We need to examine these mitzvot in depth to discover the spirit in which they were given, so that we can still live in obedience to **God's Word** today. For example, in **Numbers 18**, the **Israelites** were to bring **their tithes** to the Tabernacle because **the priests** and **Levites** had **no inheritance**. But today we have no Temple and no priesthood; however, we bring our tithes to our place of worship. That is the spirit of the mitzvah.

From **23:15 to 26:15**, **Moses** deals with **twenty** real life situations that the nation would need to function in a godly manner, and valuable lessons for us today as well: **number seventeen**.

This mitzvah is set in the context of the centrality of the family in **Isra'el's** life and faith.

The practice of Levirate marriage comes from the Latin word *levir*, meaning *brother-in-law*, was not particular to Isra'el, for it was practiced among the Hittites and Assyrians as well as in countries such as India, Africa and South America. Among the Assyrians it was extended also to one who was engaged. This mitzvah delineates that **YHVH** intends both to allot certain parts of the Land of Promise to each of the tribes (and the clans and families of each tribe) and to make sure that all the land remain "connected" to the families to whom it was given originally. This mitzvah was intended to keep the inherited land in the family.⁵⁴⁹

In addition, the custom was to ensure that a man who died before he had produced a male heir might nevertheless have an heir. The deceased man's brother would perform the duty of *the levir* to her. This was done for the purpose of raising a child to inherit his **dead** uncle's name and property as well as provide materially for the widow since women were pretty much dependent on the husbands and sons to provide for them. Therefore, the first child of this new union was to be regarded as the offspring of the deceased husband (**Genesis 38:9; Matthew 22:24**). In this way the marriage of **the dead man's** widow to a **stranger outside** the clan would be prevented, and **the dead man's** name was **not blotted out of Isra'el**.⁵⁵⁰



If the brother-in-law accepts (25:5-6): When brothers dwell together and one of them dies and has no son, the dead man's wife is not to be married outside the clan to a stranger. The Hebrew word **brothers**, *achim*, can be translated *brothers from the same mother, kinsmen, countrymen, or relatives*. Obviously, the best-case scenario would be to have **the brother** of her deceased husband **take her as his wife, and perform the duty of a brother-in-law (25:5-6)**.

In such a scenario, however, it is theoretically possible that the widow's deceased husband

either had no siblings, had only sisters, or had a brother that was already married. Would **the brother** of the deceased then be forced to engage in polygamy to uphold this mitzvah? No. The Torah of Moses did not encourage or endorse polygamy. There has never been a joyful polygamist marriage. In this scenario, then, the duty of the Levirate would be fulfilled by the nearest of kin, a kinsman, from the same clan. **Now the firstborn son that she bears is to carry on the name of his dead brother, so that his name will not be blotted out of Isra'el (25:5-6).** It also ensured that the widow would continue to be provided for. Obviously, then, if **the brother-in-law** was married and already had a family, this could have put an economic strain on *the levir*. He would have to support his deceased brother's wife and son until that child was old enough, and independent enough, to carry on the name of his "father" on his own, or that his sister-in-law remarried.

There are two examples of Levirate marriage given in the Bible. The first is with Judah's son Er and daughter-in-law **Tamar**. The second is with **Ruth** and Boaz. In both cases, when Er and Ruth's husband died, Tamar and **Ruth** were both attempted to be remarried to Er's younger brother Onan and to Boaz respectively, both of whom were unmarried. You might ask, "If all the brothers were married, how would this get resolved?" Let's remember that the word brother didn't necessarily mean a brother in the sense of a brother from the immediate family. In the case of Boaz, he is referred to as a *relative* or *kinsman*. So, **brother** probably means someone in the same clan as the deceased husband. This is attested to in other laws as well (See Numbers 36:8). Surely there would be one unmarried man in the entire clan.

It is also recorded that in the case of Onan and **Tamar**, Onan is struck **dead** because he did not fulfill this duty, and so his younger brother Shelah was chosen to fulfill it. However, Shelah was not of age to be married at that time, and so **Tamar** remained a widow at her father's house until such a time that she could be married to Shelah (see the commentary on **Genesis Jd - Judah said to Tamar: Live as a Widow Until My Son Grows Up**). So, it seems that even if all the men were married, the woman would remain a widow until someone else became of age to marry.

If the brother-in-law refuses (25:7-10): But if the brother-in-law does not want to take his brother's widow, his brother's widow is to go to the elders at the gate of justice and say, "My brother-in-law refuses to carry on his brother's name in Isra'el - he is unwilling to perform a brother-in-law's duty for me" (25:7). The brother of the deceased man could, however, refuse to take the widow as his wife, although he would have to go through a humiliating process in which everyone saw his selfishness in being more concerned for himself than for his extended family (verses 9-10). In the case of Ruth in the

biblical book bearing her name, her deceased husband's closest relative refused to marry her (see the commentary on **Ruth Ba - Bo'az Obtains the Right of Redemption**), so that Boaz, the next in line on the kinship list, was free to do so (see the commentary on **Ruth Bb - Bo'az Redeems Ruth the Moabitess**).

Then the elders of his town are to summon him and speak to him. And if he stands firm and says, "I do not desire to take her," then his brother's widow is to come to him in the sight of the elders, pull his sandal off his foot, spit in his face, and curse him saying: So, will it be done to the man who does not build up his brother's house (25:8-9).⁵⁵¹ **Spitting in the face** is a strong symbol that someone deserves to be shunned (**Numbers 12:14; Job 30:10**). This legal action is called *the chalizah*, and was essentially a renunciation of the heritage by a symbolic act. The action was not simply one of anger, but publicly reflected her feelings and those of the community about **her brother-in-law's** refusal. **Then his name is to be called in Isra'el "the House of the Pulled-off Sandal" (25:7-10).** To go barefoot was a sign of distress and humiliation (**Second Samuel 15:30; Isaiah 20:2-4**).⁵⁵² In this way the man who refused was considered a worthless fellow. The embarrassment to him, along with the stigma of being known for his refusal, illustrates how **God** used social pressure to motivate His people to obedience.⁵⁵³

The reason why the brother might refuse to marry the widow probably is to be found in a desire for personal gain. If he married his brother's widow and a male child was born, that child, who would legally be the son of the deceased man, would inherit his "fathers" property. In the absence of such a child, however, the surviving brother might hope to inherit the property of his deceased brother (**Numbers 27:9** would apply only if the widow had no children at all, male or female). If such was his motive, he deserved the severe disapproval of the entire community.⁵⁵⁴ The B'rit Chadashah brings the same intense feelings to bear on believers by describing those who will not care for their families in need: **If anyone does not provide for his own, especially those in his own house, he has denied the faith and is worse than an unbeliever (First Timothy 5:8).**

*Dear Heavenly **Father**, Praise **You** for being such a kind and caring **Father** for all. **You** even care for **the orphan** and **the widow**. **Pure and undefiled religion before our God and Father is this: to care for orphans and widows in their distress, and to keep oneself unstained by the world. (James 1:27).** I desire to live pleasing to **You** and so I will care for **orphans** and **widows** in **their** distress. I look forward to worshipping and praising **Your** name for all eternity in heaven. In **Yeshua's** holy name and the power of **His** resurrection. Amen*