

two of the many provisions laid down in the Mishna. The following is a literal translation, made by myself from the work in the University library:—"If a man whose wife is gone to a country beyond the sea, is informed that his wife is dead, and he marries her sister, and after that his wife comes back, she may return to him. . . . After the death of the first wife he may, however, marry again the second wife." And again:—"If, on being told of the death of his wife, he had married her sister, but being afterwards informed that she had been alive at the time (he had married the sister), but is dead now, then any child born before the death of the first wife is illegitimate, but not those born after her death." (See Babylonian Talmud Treatise Yebamoth, Tam. v., p. 94, Amsterdam, Ed.)

In this treatise, which chiefly treats on questions of marriage, there are found even passages where such marriages are encouraged, as for example, cap. iv., sec. 13, p. 49:

As this subject is now attracting a great deal of attention both here and in England, you will oblige me by inserting the above remarks in your widely circulated journal.

I am, Sir,

Yours truly,

J. M. HIRSCHFELDER.

Toronto, April 10, 1880.

But what must be astonishing to those Christians who advocated that the Bill in question is against the Old Testament will be found in the fact that the Jews believe in it and act in accordance with its principles. This is established in a most remarkable letter addressed by the learned Rabbi of the Jews of Montreal, Rev. Mr. de Sola, and also Professor of Hebrew in McGill University. He writes:

"MONTREAL, March 19, 1880.

DEAR MR. GIROUARD,

I reply to your favour of yesterday. I have much pleasure in stating that your Bill, intended to legalise marriage with the sister of a deceased wife, or the widow of a deceased brother, has my most decided approval. As regards Jewish authoritative opinion, this, unquestionably, has always been in favour of such marriages, because the Synagogue (the *ecclesia docens* of Judaism) from the time of Moses to our own day, has always regarded them as in accordance with the will of God, and as instituted in the law which he commanded Moses, his servant. The propriety of such marriages has, therefore, never been questioned by Jewish teachers, ancient or modern. The marriage with the widow of a deceased brother *who was childless*, has always been authoritatively declared obligatory, except when exemption acquired by the means indicated in the Levitical Law, and more fully explained in the Talmud, Treatise "Yebamoth." I shall, therefore, add nothing in respect to this kind of marriage. As regards marriage with a deceased wife's sister, this has always been permitted by the Jewish Church and practised by the Jewish people. The passage in Leviticus xviii., 18

sometimes appealed to as prohibiting such marriages, according to received Jewish interpretation, and also in accordance with strict grammatical analysis, should read thus: "And a wife to her sister shalt thou not take to vex her, by uncovering her nakedness beside her, during her life time." Putting aside Jewish interpretation for the nonce, and bearing in mind that polygamy, although not originating in, or recommended by, the law of Moses, was yet tolerated by it, we may legitimately infer that the words "during her life time" are used simply to limit the period during which such a marriage might not take place, and at the same time, to indicate when it might; to wit, after the wife's death. In this sense has the passage been rendered in the Chaldaic Targumim (translations or paraphrases of the biblical text), in that of Onkelos, written before the commencement of the Christian era, and in that of Jonathan, for which even a greater antiquity is claimed. The Talmud, as old as the Gospel and which contains not merely the orally received laws and precepts regarded as obligatory by the Hebrew people, but also their system of jurisprudence and traditional, or historical, exposition of the Hebrew Scriptures, while prohibiting (Treatise Yebamoth iv. 13) the marriage with a wife's sister, even "though he may have divorced his wife," most explicitly states, at the same time, that there is no prohibition of such a marriage, no objection thereto, *after* the death of his wife, but that it may then be celebrated. Throughout all the writings of the later Casuists, the same doctrine is taught, and, as a consequence, marriage with a deceased wife's sister has ever been, and is yet, practiced by the Jewish people everywhere.

The Hebrew commentators all unite in giving glosses in accordance with the teachings of the Synagogue. They point out to us that the expression "during her life time" limits the prohibition of such a marriage to the wife's life time only, but does not extend beyond it. They also point out to us (*inter alia* Rashi) that the term "Litsror" (to vex her) is a word, the primary acceptation of which is to trouble, to annoy, and, in a secondary sense, means to create or produce trouble or vexation through jealousy—so, in the kindred dialects also,—and they add that the limitation to these marriages was instituted because it is neither natural nor proper that sisters, who ought to love each other, should be placed in a position where jealousy or enmity would probably be excited. And, in this connection, I may note that the Mishna (the text of the Talmud), applies a word derived from the very same root, to the polygamist's additional wives, which it styles "tsaroth," or troubles. As a *résumé* of the Hebrew exposition of this text, I will quote from the eloquent and philosophical Don Isaac Abarbanel. He aptly remarks: "The reason assigned for the prohibition is the 'vexation' which the first wife would suffer, but there can be no such vexation in the case of her death, and, therefore, is the marriage with the sister then allowed. It is not allowed, however, if he divorce his wife, because, as she still lived, her