

The levirate, named from the word *levir*, a husband's brother, is in brief the customary right and obligation combined of a brother—normally the eldest surviving brother—to marry the widow of his deceased brother. Prof. E. B. Tylor reports that this law appears among one hundred and twenty peoples—i. e., in about one in three of the distinct peoples of the world. It was almost universal among the Indians, sometimes with additional duties and privileges. A widow, as a rule, could not marry any one but her deceased husband's brother except on his refusing to marry her, nor until after a long time of mourning, or more properly of ordeal, after which she could be freed from the *tabu*.

In several tribes marrying an elder sister gave to the husband rights over all the other sisters of the wife. Sometimes the son-in-law, especially when he married the eldest daughter, became entitled to all the younger sisters of his wife at his option. Other men could not take them except with his formal consent. This right of the son-in-law to all the unmarried younger sisters sometimes continued after the death of the first wife. Not unfrequently a man married a widow and her daughters at the same time.

Among the Israelites it was common to have several wives of equal status, who often were sisters. A widow had a right to appeal to her brother-in-law, or some member of her husband's family, to provide her with a second husband, and an evasion of the duty *in personam* was a gross offense. Deuteronomy xxv shows the degrading terms of the formality by which alone the brother-in-law could be freed from the obligations of marriage and the widow be allowed to marry another man. Judah admitted that Tamar's conduct was perfectly correct. It was but a legitimate extension of the levirate law.

There is the clear statement in Leviticus that the Egyptians and the Canaanites formed such marriages as were in accordance with the totemic system, but which were made incestuous by the Israelite law. The laws of incest given in Leviticus are probably later than the code of Deuteronomy, in which the prohibition is directed against marriage by a man with his father's wife. That precept denounces the practice in Arabia by which the son inherited his father's wife.

In the framework of the Deuteronomic code there were three incestuous prohibitions, viz., father's wife, sister, and wife's mother. To these offenses Ezekiel adds marriage with a daughter-in-law. According to the prophets, all those forms of *quasi*-incest were practiced in Jerusalem; and the history indicates that all at some time were recognized customs. The taking in marriage of a father's wife was not wholly obsolete in the time of David.

As regards the Israelite system of descent in the female line, it may be noticed that the children of Nahor by Milkah were dis-