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יהודה בן אחותה  
(Ish-shah el Achothah).

# A WIFE TO HER SISTER:

BEING A

TREATISE IN WHICH THE QUESTION, SO LONG AND  
WARMLY DISCUSSED, WHETHER MARRIAGE WITH  
A DECEASED WIFE'S SISTER IS PROHIBITED,  
UNDER THE MOSAIC LAW, IS, IN A CLEAR  
AND PRECISE MANNER, PLACED BEFORE  
THE ENGLISH READER.

BY

JACOB M. HIRSCHFELDER,

LECTURER IN ORIENTAL LITERATURE, UNIVERSITY COLLEGE, TORONTO.

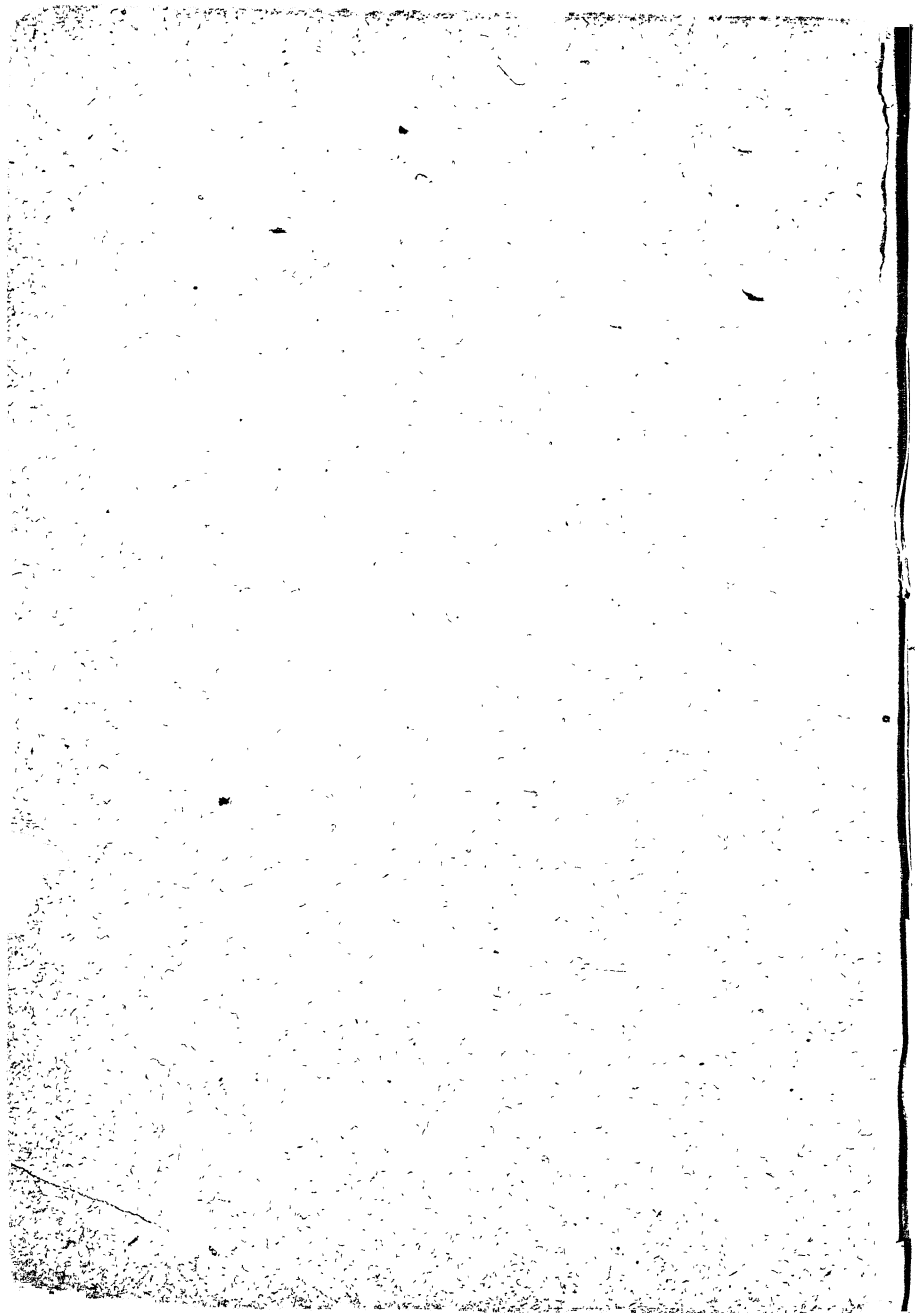
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"And thou shalt not take a wife to her sister to cause jealousy or enmity... in  
her life time."—Lev. xviii. 18.

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1878.



אשה אל אחותה  
(*Ish-shah el Achothah*).

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## A WIFE TO HER SISTER.

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“And thou shalt not take a wife to her-sister, to cause jealousy or  
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It may safely be asserted that few Biblical subjects have called forth such warm and lengthy discussions as the question relating to the legality of contracting marriage with a deceased wife's sister. It has been discussed by learned and astute commentators of all nationalities: it has formed the subject of debate in legislative halls, and yet apparently there exists as much doubt and diversity of opinion on this vexed question, as if the subject had never been alluded to. In England, especially, the question has for some years past attracted a great deal of attention, and has, year after year, been warmly debated in the halls of the Imperial Parliament, but so far with no further result than the repeated passing of a bill by the House of Commons legalizing such marriages, only to be as often rejected by the House of Lords.

The existence of so great a diversity of opinions seems clearly to indicate that the subject must be surrounded with very great difficulties, and seeing that already so much has been said and written upon this question, it would be presumption in me to hope of being able either to advance any arguments which may not already have been advanced, or to be able to change by any reasoning already deeply-rooted

opinions. Yet, whilst I may fail in these respects, I am still not altogether without hope of being at least able of laying the subject before the reader in such a clear and concise manner as will enable him after carefully reading the arguments that can be adduced on both sides, to form more readily and intelligibly an opinion of his own.

I may state here, that I approach the subject altogether with an unbiassed mind. I know of no relation, remote or near, who has married or is likely to marry a wife's sister; and, therefore, no consideration of this kind could likely induce me to lean more favourably to one side than the other in the discussion of the subject.

If we appeal to the earlier history of the Jews, we find at least one instance recorded of such a marriage having taken place. The patriarch Jacob not only married two sisters, but had them simultaneously as wives. It is true, that Jacob did not at first contemplate this double marriage; but only after having been deceived by Laban, who fraudulently substituted the elder sister Leah for the younger sister, that he agreed to serve another seven years in order to obtain Rachel, whom he loved. Still, we cannot for a moment suppose that, however deeply Jacob might have felt the fraud practised upon him, he would ever have consented to marry the sister also, had such an alliance been deemed sinful in his eyes. Indeed, it is quite evident, from other recorded marriages, that before the Mosaic laws were promulgated, the laws of affinity and consanguinity were not strictly observed, if observed at all. According to Gen. xx. 12, Sarah, the wife of Abraham, was his half-sister. "And yet indeed," says the patriarch Abraham, "*she is my sister; she is the daughter of my father, but not the daughter of my mother; and she became my wife.*" Josephus, in his *Antiquities*, b. i. ch. vi. par. 5, tells u

that Sarah was the daughter of Haran, Abraham's brother, and this opinion was likewise adopted by later Jewish writers, who urge that Sarah was adopted by Terah after her father's death, so that she was only his adopted daughter. But the language employed by Abraham himself, is too precise to admit of such a hypothesis. To this we may add, that Haran is distinctly spoken of, Gen. xi. 29, as "the father of Milcah, and the father of Iscah," but nowhere as the father of Sarah; and the supposition that Sarah is identical with Iscah, as some writers have supposed, is simply mere conjecture. Again, according to Exod. vi. 20, Amram, the father of Aaron and Moses, took Jochebed, his father's sister, to wife." It is, therefore, apparent that whatever natural disinclinations may have existed among the ancient Hebrews in contracting marriages with such near relatives, they were at least not looked upon as sinful, or the sacred writer in recording them, would certainly not have passed them over without uttering one word of censure against them.

As no matrimonial laws then existed, and as the Hebrews at that time were a nomadic people, wandering about from place to place with their flocks in search of pasture, and, therefore, were necessarily cut up in small communities, we can easily understand how marriages such as those above mentioned should have taken place, especially when we take into consideration the great disinclination that existed of contracting alliances with other tribes (See Gen. xxiv. 3, 4; xxvi. 34, 35; xxvii. 46). In course of time, however, when the Hebrew people assumed a nationality of a more marked character, though not yet possessed of a country of their own, the Almighty, not merely as their God, but also as their King and Ruler, gave his chosen people, by his servant Moses, both religious and civil laws, by which their duties to God, and their duties regulating their intercourse with their



neighbours, were distinctly and definitely defined. Of these, the laws regulating the degrees of relationship with which marriages are prohibited, form a prominent part: and are recorded in Lev. xviii. 6-18, xx. 11-21; Deut. xxvii. 20, 22, 23. These matrimonial laws were, however, entirely based upon the fundamental principle already announced at the creation of Eve, namely, that the husband and wife should be "one flesh;" and, therefore, it is of the utmost importance in discussing any question relating to affinity, that this fundamental principle shall on no account be lost sight of, otherwise it would not easily be seen what relationship there existed, for instance, between a man and his uncle's wife, his brother's wife, or his wife's sister, coming as they do altogether from a different family, or, as the case may be, even from a different race. The relationships in the above cases are, therefore, no blood-relationships, but merely contracted by marriage; but as the uncle's wife, according to the fundamental principle, becomes one with the uncle, hence she stands in the same relationship to the nephew as does the uncle; and so, according to the same principle, the brother's wife becomes the sister of the brother, and the wife's sister becomes the sister of the husband.

Having made these preliminary remarks, we may now proceed to enquire what is recorded in the Mosaic law regarding the marriage with *a deceased wife's sister*.

On turning to Lev. xviii. 18, we find the following prohibition:—"And thou shalt not take a wife to her sister, to cause jealousy (or enmity), to uncover her nakedness, beside her, בְּחַיֶּיהָ (*bechay-yeha*), in: her life *time*." Now nothing can be clearer than that according to the plain wording of the text, a man is only prohibited from marrying the sister of his wife so long as the latter is still alive. There is not the slightest allusion that he may not do so after her death. On

the contrary, from the use of the expression "in her life *time*," it may safely be assumed that the text rather intends to convey that such a marriage may then be consummated. To place any other construction upon the text would render the use of the word "בְּחַיֶּיהָ" (*bechay-yeha*), "in her life *time*," altogether meaningless.

But it will now be asked, if the sacred text is so plain, wherein then lies the difficulty with which the subject is said to be beset? The reply to this question is furnished by verse 16, where we read, "Thou shalt not uncover the nakedness of thy brother's wife; it is thy brother's nakedness." This prohibition is repeated again, ch. xx. 21, with the addition of the punishment for violating this law, that "they shall be childless." It is proper to remark here, that the expression "they shall be childless," has by many commentators been explained merely to mean that the children born of such a marriage should find no place in the public registers, so that in a civil point of view they would in reality be childless. This view is adopted by Sir J. D. Michaelis, in his "Commentary on the Laws of Moses." He remarks: "*They shall be childless.*" This does not mean that God would miraculously prevent the procreation of children from such a marriage; for God nowhere promises any continual miracle of this nature; but only that the children proceeding from it should not be put to their account in the public registers, so that in a civil-sense they would be childless." (Vol. ii. p. 114, Eng. Edit. London.)

So, in somewhat a similar manner, Fred. Cardiner, D. D., in his Commentary on Leviticus\*:—"In the

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\* Dr. Cardiner is Professor of Literature and Interpretation of the O. T. in the Berkeley Divinity School, Middletown, Conn., and his Commentary on Leviticus forms part of Lange's great Commentary on the Bible. J. P. Lange, D.D., is Professor of Theology in the University of Bonn, and Chief Editor of the Commentary bearing his name.

punishments described in ch. xx., against the sins here prohibited, it will be found that a distinction is made in the degrees of guilt. One, the larger class is to be capitally punished (in one case even the bodies of both parties are to be burned), while in the other class the penalty is simply that 'they shall be childless.' It cannot be supposed that a perpetual miracle was to be maintained through all the ages of Israel's history, but the meaning evidently is, that the children of such marriages should be reckoned not to their actual father, but to the former husband of the woman. In the strong feeling of the Israelites in regard to posterity, this penalty seems to have been sufficient."

In this manner, has the phrase "they shall die childless" been explained by many modern writers. The Rabbinical interpreters, on the contrary, explain the phrase, either that they shall remain childless, or if they have children, that they will prematurely die. And this view is also adopted by many of our modern commentators. Dr. Kalisch, for example, says: "It is evidently meant as a heavenly and supernatural retribution; and the term childlessness is to be taken literally, implying that such an union will not be blessed with offspring." (Com. on Lev. p. 450.) Keil and Delitzsch merely explain, that "God would reserve the punishment to Himself." (Com. vol. ii., p. 428.)

We do not generally lay so much stress upon the opinions of commentators—especially as orthodoxy is not always the order in our days—but rather place our chief reliance upon the usage of words in Scripture. If a word in a certain passage presents any difficulty as to its proper meaning, we generally endeavour to trace the force of it by comparing other passages in which it occurs, thus making Scripture as it were its own interpreter. In the present case, we fear, however, we cannot obtain much assistance from that

source. The word ערירים (*Aririm*), childless, occurs only *four times* in the Old Testament, namely, Lev. xx. 21, 22, in reference to one taking his uncle's wife, "they shall die childless"; and in reference to one taking his brother's wife, "they shall be childless." But these are precisely the two passages in which the meaning of "childless" is not quite clear, and about which, as we have seen, different opinions exist. We have, therefore, only two other passages to fall back upon. In Gen. xv. 2, Abram says, "Lord God, what wilt thou give me, seeing I go childless." In this passage, the meaning is perfectly clear, as the context plainly indicates, for in verse 3, Abram says, "Behold to me hast thou given no seed." But in the remaining passage, viz., Jer. xxii. 30, the term "childless" is applied to Coniah, who evidently had children,— "Write ye this man childless, a man *that* shall not prosper in his days; for no man of his seed shall prosper, sitting upon the throne of David." And in verse 28, it is distinctly stated, "Wherefore are they cast out, he and his seed, and are cast into a land which they know not?" In modern history, too, we have, for example, the marriage of Henry the VIII. with his brother's widow, Catharine of Arragon, a marriage which, although unfortunate, was certainly not childless. On the whole, however, it appears to me that the expressions "they shall die childless," "they shall be childless," point to a supernatural retribution, that God would visit such alliances with punishment Himself. In the Septuagint version, the Hebrew word ערירי (*Ariri*) is rendered always by ἄτεκνος, *i.e.*, childless, or bereaved of children. I have dwelt upon this point at some length, since from the severity of the punishment we may generally infer the degree of guilt, and as it likewise brings the importance of the prohibition more prominently before us.

Now, as it is clearly forbidden for a man to marry the widow of his brother, why then should a woman be permitted to marry the widower of a deceased sister? The degree of relationship in both cases are precisely the same. It is true, that, according to Deut. xxv. 5-10, the marriage with a brother's widow is under certain circumstances not only clearly and emphatically commanded, but the refusal to obey this injunction was even to be visited with a lasting disgrace.\* And there have not been wanting writers who have charged the Hebrew lawgiver with inconsistency in solemnly enjoining here what he elsewhere has strictly forbidden. But these writers have evidently overlooked two important points, namely, in the first place, that these are Divine laws, and that Moses was only the mouthpiece; and secondly, the necessity that may have existed of guarding against evils, the pernicious results of which we are perhaps, at this distance of time unable to fathom. The granting of an exception in a special case does by no means imply inconsistency, but rather presupposes the existence of circumstances which render a deviation from a general law imperative. Kalisch need not, therefore, have come to the rash conclusion that "the prohibition and the custom cannot have existed simultaneously, they must belong to different periods," and that the levitical author must have lived in the post-Babylonian period.†

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\* The custom of marrying the brother's childless widow has been adopted from the Mosaic law by other Eastern nations, who still practise it. Olearius, speaking of the Circassians, says, "When a man dies without issue, his brother is obliged to marry the widow." (Ambassador's Travels in Persia, p. 417.) Volney also remarks, that the Druses retain to a certain degree, the custom of the Hebrews which directed a man to marry his brother's widow (*Voyage en Syrie*, Tom ii. p. 74).

† Commentary on Leviticus, p. 362.

From Gen. xxviii, 6-11, it appears there existed already in the days of the patriarchs the custom that if a man died without children it was the duty of the next brother to marry the widow of his deceased brother. This ancient custom was afterwards engrafted into the Mosaic code; but as there had already been laid down a law forbidding such a union, the sacred writer assigns the reason why this exception is made, namely: "And it shall be, *that* the first-born which she beareth shall succeed in the name of his brother which is dead, that his name be not wiped out of Israel." Deut. xxv., 6. It is quite plain that the provision was made to guard against the extinction of Hebrew households.\* Why this should have been so carefully guarded against, as I have already stated, we may probably not understand now in all its bearings. Still, there can be no doubt, that to a great extent it was intended to protect and preserve the agrarian rights of Hebrew families. To preserve as much as possible the equilibration of the portions of landed property as originally allotted when they took possession of the Holy Land.

To this may be added another and even higher motive why this natural desire, inherent in man for the immortality of name, should have existed with the ancient Hebrews to such a very high degree. The promise of the Messiah, the seed of women, who was to bruise the serpent's head, was well calculated to inspire them with an earnest longing for the perpetuating of their families, and may have been the chief cause which led to the promulgating of this provision in order to guard as much as possible against the entire extinction of Hebrew families.

We can, however, easily imagine of many cases arising in which such a marriage would be distasteful

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\* Compare Ruth iv.

to the brother, and hence the law does not actually compel him, but provides rather an easy mode by which he may free himself from the obligation by merely publicly declaring before the assembled elders that he was not disposed to marry his brother's widow. Such an easy mode of escaping from an unwelcome obligation would have tended to render the injunction to a great extent nugatory had not provision been made to brand the man as a traitor to his brother's family for allowing personal consideration to outweigh a solemn duty he owed to a deceased brother. As the ceremony was public, and the disgrace which it entailed was to last as long as the person lived, it would, no doubt, have the effect of deterring many from shirking the duty on mere trivial grounds. The mode of conducting the ceremony is laid down with such great precision as altogether to preclude the possibility of any undue harshness being exercised, whilst, on the other hand, the importance of the preservation of family name is in the most impressive manner brought before those witnessing the ceremony. We may remark, that the loosing of the shoe, which formed the chief part of the ceremony on such an occasion, had, no doubt, its inception from the custom of any one taking possession of landed property by going to it, and standing upon it in his shoes, and so asserting his right to it. In this way it became the custom of renouncing any claim to property to take off the shoe, and handing it to him who was to become the owner of it.\* This custom prevailed also among the ancient Germans. By the taking off of the shoe is therefore symbolized, that the brother, by refusing to marry the widow, has likewise forfeited every claim to his brother's property, which might now go to the next nearest relative, upon whom devolved

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\* Compare Ruth iv. 7.

the duty, according to the existing custom, to marry the widow.\* The widow was also to spit out before him, which, among the Orientals, was an expression of extreme detestation or contempt; and is even now so among the Arabians of the present day, and that not only among the common people, but also among the better classes. It may not be out of place to remark here too, that whilst the rendering in the English version "and spit in his face" is certainly quite admissible, yet it is by no means necessary, as "and spit out before him" would afford just as correct a rendering, as every Hebrew scholar will admit. Indeed the Hebrew word בִּפְנֵי (Bephanav), "in his face," is over and over again rendered in our version by "before him." This arises from the idiom that in Hebrew *in his presence*, or *before him*, can only be expressed by "*in his face*."

But all this merely shews, that under certain circumstances it was regarded in those days of such great importance for a man to marry his childless brother's widow that an exception to the general rule forbidding such a marriage was deemed very desirable, but still leaves the main problem unsolved, why a woman should be allowed to marry her deceased sister's husband, whilst a man is strictly forbidden to marry his deceased brother's wife.

That this difficult subject should have awakened a good deal of discussion might well be imagined, and that from the nature of the question various theories should have been advanced and different conclusions arrived at is no more than might naturally be expected. It is, therefore, but reasonable if we would avoid forming a one-sided opinion, that all that can be said either for or against should be carefully considered.

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\* Compare Gen. xxxviii. Ruth iv.



It is highly satisfactory to see, that notwithstanding so much having been said and written on the subject, the discussions have generally been carried on in a very kindly spirit. It would appear as if all writers were duly impressed with the difficulty with which the subject is surrounded, and have accordingly shewn due regard to the conscientious opinions of those holding different views. Keeping, then, this praiseworthy example always before us, we will proceed to examine carefully, and as briefly as circumstances will admit of, the various arguments that have been advanced on both sides of the question.

In the first place, it has been suggested by Dr. Kalisch, in his "Commentary on Leviticus," p. 364, published only a few years ago, that the word "בְּחַיֶּיהָ (*bechayyeha*), in her life time," may not originally have existed in the text, but might be an interpolation of later times. This is altogether a new hypothesis, not having before been hinted at, as far as we are aware, by any previous interpreter. But the leaving out of the word in question would still not materially alter the sense of the verse, and would then read: "Neither shalt thou take a wife to her sister, to cause jealousy or enmity, to uncover her nakedness beside her," for the words "לְצַרְרָה (*litzror*), to cause enmity, עֲלֶיהָ (*aleha*), beside her," would still imply that the sister was yet living, for, if dead, the marriage of her sister with her husband could not possibly be said "to cause enmity," nor could it be said to be "beside her." There remains therefore no other alternative but to expunge these two words also. To this Dr. Kalisch apparently has no objection, for he says, "so that the command would read thus: Thou shalt not take a wife to her sister, to uncover her nakedness." The omitting of the three words would certainly convert it into a distinct prohibition, and thus remove at once the existing difficulty. But the expunging of *three*

*words* out of *ten* is, to say the least, applying the pruning knife with a vengeance, and what makes it still worse, the words do not even occur consecutively in the verse. This interpolation hypothesis has, however, so very little in its favour, and so much against it, that we cannot wonder that it has never before been even thought of. The very fact, that all ancient and modern versions agree in their rendering with the original Hebrew clearly proves the genuineness of the words.

The ancient versions, we may safely assume, were made from the most carefully executed and authenticated manuscripts that could be procured. We may further also take it for granted that in doubtful passages the translators would consult different manuscripts and adopt the reading which had the greatest preponderance of evidence in its favour. These versions, therefore, have been always justly appealed to when necessary in establishing the authenticity of the sacred text, and we can in the present case do no better than to follow the established practice likewise.

The Greek version, generally called the Septuagint, is no doubt the oldest version. It is now generally supposed that it was begun in the time of the early Ptolomies, about 280 or 285 B. C., and that the translation of the Pentateuch alone was first made, whilst the translation of the other books followed at uncertain intervals afterwards. Aristobulus, who wrote in the second century before the Christian era, says, "that the Pentateuch was translated very early." This version was very highly esteemed both by the Egyptian and Palestine Jews, who seemed to have read it in their Synagogues. Philo Judæus carried his regard for this version so far as to believe it to have been inspired. Now on referring to this version it will be found that it perfectly agrees with the present Hebrew text.

The next, both in point of antiquity as well as in importance, come the *Targums*. The term *Targum* is a Chaldee word and signifies simply a *translation or version*. The name was, however, in course of time restricted in its use so as to apply only to the Chaldee version or *Paraphrases* of the Old Testament.

The necessity of a Chaldee version soon made itself felt after the Babylonian captivity. The Jews had, during their long intercourse with the Babylonians, to a great extent, if not in many cases altogether, forgotten their own language. It was, however, imperative that the law and other portions of Scripture should be read in their Synagogues in the original Hebrew, as it is even to the present day. It became, therefore, necessary, in order that all might understand what was read, to have it immediately translated into Chaldee. These translations, although at first made orally, were, in course of time, committed to writing, and thus they have come down to us. These translations, according to the best supported opinions, were made either a little before or about the Christian era. The translation of the Pentateuch is ascribed to Onkelos, who is said to have been a pupil of the celebrated Hillel, whilst the translation of the other books of the Old Testament is ascribed to Jonathan ben Uzziel, who, according to some authorities, was a disciple of Gamaliel, the teacher of St. Paul.

From the foregoing remarks the reader may now form some idea of the importance of the Chaldee version in Biblical criticism, and especially in assisting us to set at rest any doubt that may arise as to the correctness or authenticity of the Hebrew text since this version bears the stamp of authority of the ancient Jewish Church. If we now appeal to this version, as evidence of the correctness and authenticity of the sacred text in the passage under consideration, we find that it also agrees, word for word, as it is now found in the Hebrew Bible.

A few centuries later the Syriac version, which, from its close adherence to the original Hebrew, is called "the Pshito," *i. e.*, *the literal*, likewise affords its testimony to the authenticity of the Hebrew text, as the rendering in this version also agrees, word for word, with the original. This version was in common use among the Christians throughout Syria, and hence Ephraim, the celebrated Syrian divine and writer, who flourished in the fourth century of the Christian era, speaks of it as "our version."

Still a few centuries later, about the beginning of the sixth century, we have a most overwhelming testimony furnished, in the revision of the Biblical text undertaken by a celebrated body of Jewish scholars from the principal seats of learning in Palestine. It was found that during the many centuries in which the Hebrew Scriptures had to be multiplied by manuscript, a great many errors had gradually crept into the sacred text. These errors may have originated either from the paleness of the ink in the manuscripts from which the transcriptions were made, or from the carelessness of transcribers. In order to free the text from such errors, the scholars, above referred to, collected the best manuscripts extant, and by a careful collation were thus enabled to detect any faulty reading. Still so great was the veneration in which they held the sacred text that they would not take upon themselves the responsibility of making any alteration; they, therefore, suffered such erroneously written words, no matter how faulty or how evident the error, to remain in the text, and placed the emendation in the margin, merely placing a little *circle* or *asterisk* above the word in the text in order to draw the reader's attention to the, existing mistake, and to direct him to look at the bottom of the page. These emendations are very numerous, and are now found in the margin of all Hebrew Bibles. Among these

marginal notes are noted also a great many various readings which were found in the different manuscripts. Thus, for example, in Isa. liii., 4, a marginal note indicates that in another manuscript the pronoun **הוא** (*hoo*), *he*, occurred, but which is not at present found in the text in any edition of the Hebrew Bible.\* It is worthy of notice that in the five books of Moses the marginal notes are not nearly so numerous as in some of the other books, which would indicate that greater care was exercised in transcribing them, probably owing to the fact that the reading of these books formed an important part in the Divine service of the Hebrews.

The very great importance of these marginal notes is universally admitted, since without them the text would in many cases be very obscure, and hence the authors of these notes in appreciation of their labours obtained the appellation *Masorites*, **מוסררים** (*Moserim*), *i. e.*, *handers down*, as having thus handed down o posterity the correct reading of the text.

Now, as we find no marginal emendations noticed in Lev. xviii. 18 (indeed there is only one in the whole chapter, and that one merely in regard to an accent), we can come to no other reasonable conclusion than that all manuscripts, which were examined in the revision, agreed with the reading of the present text.

Here, then, we have the implicit testimony of all ancient versions, and of the best ancient manuscripts, clearly establishing the authenticity of the present text in the passage under consideration; and yet, in the face of this overwhelming evidence, what arguments

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\* For the information of those who may not be familiar with the contractions occurring in the marginal notes, I may state, that the various readings of manuscripts are accompanied with the letters **נסח**, **נ**, which are the initials of the words **נְסַחָה**, **אֲחֵרָנָה** (*noscha*, *acharena*), *i. e.*, *another copy or manuscript*.

does Dr. Kalisch bring forward to establish his interpolation theory? Let us hear:—"We appeal," he remarks, "to every one familiar with the Hebrew idiom, whether the term 'in her life *time*,' בַּחַיִּיהָ, which chiefly causes the difficulty, does not read like an addition hardly standing in its right place. In the Koran, the corresponding command is simply, 'you are also forbidden to take to wife two sisters.'" (Com. on Lev. p. 364.)

To these objections of Dr. Kalisch, we answer, if the word "בַּחַיִּיהָ, in her life *time*," did exclusively relate to the first clause of the verse, its position at the end of the verse would certainly be somewhat isolated—though there are other examples where the words do not exactly follow in their logical order\*—but here it refers evidently to all the different constituent parts of the verse, namely, "Thou shalt not take a wife to her sister *in her life time*, to cause enmity *in her life time*, to uncover her nakedness, beside her, *in her life time*," and therefore the word unquestionably stands in its right place. We have precisely a similar construction in Gen. vii. 13: "In the self same day entered Noah, and Shem, and Ham, and Japhath, the sons of Noah, and Noah's wife, and the three wives of his sons, with them, into the ark." Here the words "into the ark" are rightly placed at the end of the verse, since they do not only refer to Noah, but to all that are mentioned in the verse, who came with him.

As regards the corresponding command in the Koran, where the words, "in her life *time*," do not occur, we may merely say, that the laws laid down in chapter iv. are by no means a literal transcript of the

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\* Compare (in the Hebrew Bible) Gen. xli. 57: "And all the countries came into Egypt to buy corn unto Joseph," instead of "into Egypt to Joseph to buy corn," as given in the Eng. vers. Compare also Lev. xviii. 5; Isa. xxxix. 6.

Mosaic laws, and from the fact that the marriage with a deceased brother's wife is not mentioned at all among the prohibited decrees there given, would indicate that the command, "you are forbidden to take to wife two sisters," simply means *whilst both are alive*. We shall hereafter, however, have occasion to refer to more reliable authorities than the Koran to shew how the verse under consideration was interpreted.

Enough, I think, has now been said to convince the reader that there does not exist the slightest foundation upon which this *interpolation theory* could be based. Indeed, Dr. Kalisch himself seems not to have been very deeply impressed with the soundness of his theory, for he says: "It need not be remarked that this suggestion is no more than conjecture; but if the received reading is considered authentic, unity of principal and harmony of detail are destroyed in the Levitical lists of forbidden-degrees" (p. 364).

It is, of course, quite legitimate for a critic to leave the beaten path, and strike out a new theory for himself, but in doing so it is unquestionably of the highest importance that it should be placed before the ordinary reader in such a manner as to enable him to form an intelligent opinion regarding its soundness. This we regret Dr. Kalisch has not done in suggesting his interpolation theory, and it is not at all unlikely that many of his readers—who are not capable of judging of its soundness for themselves, or who will not go to the trouble of investigating it—may be influenced to adopt it, coming as it does from a Hebrew scholar and commentator of well known ability. The emendation proposed by Dr. Kalisch changes the command into a positive prohibition, whereas, according to the plain text, the prohibition is limited to the sister's lifetime. In England, where the subject has attracted so much attention, both in and out of Parliament, and where so many families are

affected by the existing law, a question of so much importance ought not to have been dealt with in such a summary manner.

But, apart from this consideration, this interpolation theory involves a practice which cannot be too strongly resisted. Where one might well ask, would be the end, if every critic were allowed to tamper with the sacred text in order to gratify some whim of his own? There would be an end to all sound criticism; for the Hebrew language is certainly not so inflexible as not to be capable of being made to say anything.

For our part, we have no hesitation in saying that if the English law prohibiting marriage with a deceased wife's sister has no more solid foundation to rest upon than the interpolation theory, the sooner it is expunged from the statute book the better.

The second theory which we shall now proceed to consider is, that which holds that our verse under consideration does not relate to a marriage with a deceased wife's sister at all, but that it contains a law prohibiting polygamy. The origin of this theory may probably be traced back to the year 1575, when Iman. Tremellius, and Franc. Junius, in their Latin translation of the Bible from the Hebrew, rendered our verse: "Thou shalt not take one wife to another," which rendering is also given in the margin of the authorized English version. This rendering has also been adopted by many commentators, but who, notwithstanding, maintain a marriage with a deceased wife's sister was unlawful, such a marriage being already forbidden by the prohibition of marriage with a deceased brother's widow.

Now, in order to form an adequate idea of the soundness or unsoundness of this theory, it is necessary to examine it from two different standpoints, and enquire, first, does the Hebrew text philologically admit of its adoption? and secondly, if so, would it



also harmonize with other portions of Scripture bearing upon this point? As regards the first question, it is necessary for the information of those who may not be familiar with Hebrew idioms to state, that the English phrase *one to another*, if referring to masculine objects, may be expressed by אִישׁ אֶל אָחִיו (ish el achiv), literally *a man to his brother*. So, for example, Gen. xxxvii, 19, "And they said a man to his brother," *i. e.*, one to another, "Behold, this dreamer cometh." So again, Exodus xvi. 15, "And when the children of Israel saw it, they said, a man to his brother," (Eng. vers.: "one to another.") And so very frequently in other places. Hence, by the same idiom, when the phrase refers to feminine objects, it is sometimes expressed by אִשָּׁה אֶל אָחֹתָהּ (Ish-shah el achothah), *i. e.*, a wife to her sister, as for example Exodus xxvi. 3, "The five curtains shall be coupled together one to another," Hebrew, "a woman to her sister"; "and *other* five curtains shall be coupled one to another," Hebrew again, "a woman to her sister." So Ezek. i, 9, "Their wings *were* joined one to another." Hebrew, "a woman to her sister." Compare also Exod. xxvi. 5, 17, Ezek. iii. 13. Many commentators have therefore assumed that the Hebrew words might, in our verse, be likewise rendered, *one wife to another*. On examining, however, the various passages where this idiom occurs, it will be found that in all cases it is only used in a reciprocal or distributive sense, and hence, it is always preceded by a plural noun with a plural verb, or by a plural verb alone referring to some previously mentioned subjects, as may be seen in the above quoted passages. Such is not the case in Lev. xviii, 8, where the words "ish-shah el achothah" are neither accompanied by a plural noun nor a plural verb, but by the singular verb לֹא תִקַּח (lo thikkach), thou shalt not take, referring to no precise person, and hence no mutual action is there indicated, as in

the above cited passages. Besides, it would be quite against the spirit of the Hebrew idiom to translate the first noun, literally *a wife*, and the second noun (*achothah*), figuratively *another*. We have here no alternative, but must either translate both nouns literally or both figuratively, and as the rendering *one to another* would make no sense, we have no choice but to adopt the rendering of the text given in our authorized version, which rendering has also been adopted by all ancient versions.

But objectionable as the marginal rendering is in a philological point of view, it will be found even more so when we come to examine its bearing upon other portions of Scripture, since the verse would then afford a distinct law against polygamy, whilst we have, on the contrary, undeniable proofs that no such law could have existed among the ordinances of the Pentateuch, although we have certainly reasons to believe that the prevailing feeling among the Hebrews seems to have been in favour of monogamy. We can never for one moment suppose that Moses would be guilty of such an inconsistency as instituting in one place a positive prohibition against the plurality of wives, and immediately afterwards laying down such a law, that in case "a man have two wives, one beloved and one hated; and they have born children," he was on no account to confer the privilege appertaining to the first born upon a son of the favourite wife, if by rights it belonged to a son of the hated one. (Deut. xxi. 15-17.) So in Deut. xvii. 17, where Moses lays down rules for the guidance of Kings, he does not say that a King may not have more than one wife, but that he was not to "multiply wives to himself," which is immediately followed by the injunction, "neither shall he greatly multiply to himself silver and gold." Nay more, according to 2 Sam. xii. 8, God Himself mentions as one of the favours vouchsafed to David that

he gave him, besides those he already had, *his master's wives unto his bosom*. (Compare also I Sam. xxv. 40-43.) The pious Elkana, too, the father of Samuel, had two wives, Hannah and Peninnah. (I Sam. i. 2.) Solomon had "seven hundred wives." (I Kings xi. 3.) Gideon had "many wives." And so we might adduce other examples from the Old Testament. From the Talmud any number of passages might be quoted to show that polygamy was not considered among the Jews, as prohibited under the Mosaic law. In the *xxivth Treatise*, called *Ketuboth*, which contains laws regulating dowries, marriage contracts, &c., in ch. x., rules are laid down in case a man having two, three, or four wives. Here is one of the rules: "Of him who had married four wives and dies, the first wife has priority (*i. e.*, to receive her dower) before the second, the second before the third, and the third before the fourth."

In July, 1806, there assembled in Paris, in accordance with an Imperial decree, one hundred and ten Jewish deputies from France and Italy. The object of the Congress was, to reply to a number of questions that would be submitted to them by Imperial Commissioners in regard to some doctrines of the Jewish Church. On Tuesday the 29th, the Imperial Commissioners appeared before the Assembly, and submitted twelve questions, the first of which was as follows: "*Are the Jews allowed to marry several wives?*" To which the following reply was given: "*The Jews, in accordance with the common custom prevailing in Europe, can only have one wife. This has become, since the Synod held at Worms in the year 1030, under the presidency of R. Goschon, an established law, although Moses did not prohibit polygamy.*" We must, however, here repeat, that although the Jews held that polygamy was not prohibited under the Mosaic law, it is nevertheless certain that the general feeling has been always against the practice.

As another objection against the adoption of the marginal reading we may urge, that Moses, in the chapter, speaks of affinity and consanguinity, and it is therefore reasonable to conclude that he speaks in our verse of *one sister* to another, and not of *one woman* to another. The rendering of the text in our authorized version, "a wife to her sister," stands then so far yet unshaken.

But nothing tends to sharpen the mind so much as difficulties, for the greater these are, the more active is the mind to find a way to overcome them. This natural propensity of overcoming obstacles is more or less inherent in every person, and exhibits itself in every walk of life, in the pursuit of science as well, as in other occupations. Difficult questions naturally call forth a variety of opinions, and the more abstruse the point the greater the scope for the exercise of ingenuity. Hence, one can hardly be astonished at the strange theories sometime met with in the endeavour to solve some knotty questions.

The Old Testament, from its antiquity, its idiomatic and peculiar expressions, its figurative language, its reference to ancient customs and practices, and not least, from its language being now a dead language, offers a large and fertile field to commentators and critics for the display of their acumen and the exercise of their ingenuity. That these qualities have not been allowed to lie dormant, will be found sufficiently evident on reference to different critical commentaries on the Bible. It is to one of such ingenious renderings that I now wish to draw the reader's attention. Dr. Pusey, whose name is no doubt familiar to most of the readers, has endeavoured to surmount the difficulty by rendering our verse: "Thou shalt not take a woman besides her sister as long as she (the former) lives," by which we are to understand that *a man should never marry a second sister*. But we may well

ask why the sacred writer should couch such a simple command in such ambiguous and uncommon language, which certainly would not have been understood by the generality of the people, if, indeed, even by the learned. That it has never been so understood by those to whom the Hebrew was a living language, or by those who made the Hebrew a life-long study, is evident from the ancient versions, and that not one, either of the ancient or modern Rabbinical writers, have ever adopted it. Indeed, we may safely assert, that had there not existed such a law prohibiting marriage with a deceased wife's sister, Dr. Pusey himself would never have thought of adopting such a strange rendering. But then, according to the laws of England, such a marriage is forbidden, whilst, according to the plain wording of Scripture, it is only prohibited during the sister's lifetime; we ought, therefore, not to wonder that writers should strain a point to bring the Hebrew text into harmony with the existing law of the country, and, as all other means failed, this rendering was no doubt resorted to as a last resource.

This free rendering of *בְּחַיֶּיהָ*, (*bechayyeha*), by "as long as she lives," instead of "in her life *time*," was no doubt suggested by the poetical use of the word in a few instances in the Psalms where such a free rendering is admissible, as it in no wise alters the sense in those passages. Thus, for example, David says: "Thus I will bless thee, *בְּחַיֶּיךָ* (*bechayay*), in my life," *i. e.*, "all the days of my life," or, as the English version has it, "while I live," (Ps. lxxiii., 5, Eng. vers. v. 4). So again, "I will sing to the Lord, *בְּחַיֶּיךָ* (*bechayay*), in my life," Eng. vers.: "as long as I live," (Ps. civ., 33); similar also, (Ps. cxlvi., 2). But in all these cases "*בְּחַיֶּיךָ* (*bechayay*), in my life," is only poetically used for the sake of brevity instead of the fuller expression "*כָּל יְמֵי חַיֶּיךָ* (*kol yemei chayay*), *i. e.*, all the days of my life," and the reason is quite obvious. If the reader

will refer to the Hebrew Bible, he will find that in the passages just quoted in each case the verse contains two clauses of three words each, thus, by the use of the sententious expression, the regular form of the construction of the lines is preserved, whilst by using the fuller expression the first clause would then have two words more than its parallel clause. Hence, in longer verses where the difference in the length of the clause is not so perceptible the full expression is always employed. Thus, for example, (Ps. xxiii, 6), "Surely goodness and mercy shall follow me all the days of my life; and I will dwell in the house of the Lord for ever." (Compare also Ps. xxvii, 4). In such a purely prose composition as we have in Lev. xviii. such a poetic expression would be altogether out of place.

Besides, if the sacred writer merely wished to convey the command that a man may not marry his deceased wife's sister, why employ such ambiguous and circumlocutory language? By omitting the words "to cause enmity," and "beside the other in her lifetime," the command would at once have been intelligible and emphatic, "*Neither shalt thou take a wife to her sister.*" Or it might have been given in the same manner as in verse 17, where it is forbidden to marry a woman and her daughter, "*Thou shalt not uncover the nakedness of a wife and her sister.* Expressed in this manner, there would be no longer any doubt as to its meaning.

We can come, therefore, to no other conclusion than in as much as the words, "to cause enmity" (or jealousy) and "beside her, in her lifetime," were used by the sacred writer, he intends to convey to us the permission, that after the death of one sister, when the marriage with another sister can no longer "cause enmity," such a union is permissible.

Then we must also not omit to notice that the Hebrew word *לצרור* (*litzror*) rendered in the English

version "to vex *her*"—the reader will observe that the pronoun "*her*" is in italics, and therefor not in the original—primarily means *to pack, to bundle together*, and is here evidently used in reference to packing or bundling together in matrimonial union, so as to cause jealousy or enmity; and it is worthy of notice, that the synonymous Arabic verb *zarra* denotes both *to be jealous* and *to take a second wife*. In 1 Sam. i. 6, we have also the synonymous word צרה (*tsarah*) distinctly employed in reference to a rival wife, and in the Mishna the term צרות (*tsaroth*), lit. *troubles or adversities*, is always used to designate *the wives of one man*.

We think enough has now been said to show, that so far as the plain reading of the text is concerned, marriage with a deceased wife's sister is not forbidden under the Mosaic law.

As to the question why a marriage with a deceased wife's sister should be allowed, whilst according to verse 16 and ch. xx. 21, it was prohibited to take a brother's widow, is quite another matter, and it is very probable that at this distant period of time we may not be in a position to explain altogether in a satisfactory manner this apparent incongruity. It is, however, quite possible that among the ancient Hebrews for various cogent reasons the relationship between *a man and his brother's widow* was considered much closer than that between *a man and his wife's sister*, since the wife becomes actually incorporated into the husband's family, she takes her husband's name. "We will eat our bread, and wear our own apparel, only let us be called by thy name," (Is. iv. 1), but the husband never becomes incorporated into the family of his wife. The widow, too, became the ward of the surviving brother, and if she had no children the brother was obliged to marry her. This opened a wide field to intrigue and avariciousness, if the brother happened to be an unprincipled, or scheming person; who can

tell what such a man might not do in order to gain possession of his brother's property, which would certainly fall into his hands with the marriage of the widow. There may also be some force in the suggestion of Sir J. D. Michaelis. This well known writer remarks: "Before this time, brothers were probably in the practice of considering a brother's wife as part of the inheritance, and of appropriating her to themselves, if unable to buy a wife, as the Mongols do, so that this was a very necessary prohibition. For a *successor præsumptivus in thoro*, whom a wife can regard as her future husband, is rather a dangerous neighbour for her present one's honour; and if she happen to conceive any predilection for the younger brother, her husband, particularly in a southern climate, will hardly be secure from the risk of poison."\*

There may have existed other reasons at the time when these laws were given which rendered the prohibition necessary, but which we cannot now discover;—and we do not by any means wish to underrate in the least the difficulty that some interpreters experience in reconciling this apparent incongruity in the Mosaic law—still whatever difficulty may exist on this particular point, there is not the slightest doubt that the marriage with a deceased wife's sister was by the ancient Hebrews not only held as allowable, but was even encouraged by them.

Now, we think, it will generally be conceded that since such a practice existed among the Jewish people, it is very strong evidence that it could not have been prohibited by the Mosaic law. We must not forget that those laws were first given to that nation; that they had to be regularly read in their public services, and as the people at that time did not possess those facilities which we now have of studying

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\*"Michaelis on the Laws of Moses," vol. ii. p. 30, Eng. ed.



the Scriptures privately, it was the duty of the Levites to instruct the people in them, and we may rest assured that such important laws as those appertaining to marriages with near relatives were most prominently brought before the people by their teachers. The customs among the Egyptians, among whom the Israelites had so long sojourned, and with whose practices they may easily have become imbued, were so exceedingly loose in these respects that they did not even hesitate to contract marriages with their own sisters, a practice which was by no means confined only to the common people, since we have instances on record of even their Kings having contracted such incestuous alliances; as for example, Ptolemy Philadelphus with his sister Arsinoe, and Ptolemy Euergetus with Berenice. The surrounding idolatrous nations with whom the Israelites might constantly come into contact after their having taken possession of the promised land, were no less conspicuous for their incestuous intercourse than the Egyptians. The awful depravity of the Canaanites is frequently spoken of in Scripture, and the record of the awful fate of Sodom and Gomorrah stands as an everlasting memorial of the fearful wickedness of that people. Among the enlightened Persians the marriages called *quaet-vodatha*, embracing even those with mothers and daughters, were considered as most pleasing to the Gods.

No wonder, then, that the Mosaic matrimonial laws were introduced with the solemn exhortation, "Speak unto the children of Israel, and say unto them, I am the Lord your God. After the doings of the land of Egypt, wherein ye dwelt, ye shall not do; and after the doings of the land of Canaan, whither I will bring you, shall ye not do; neither shall ye walk in their ordinances." (Verses 2, 3.) Considering then that these laws were not only given for the purpose of

eradicating any incestuous practices that the people may have adopted during their stay in Egypt, but that they were likewise to serve for their future guidance after having entered the promised land, we cannot for one moment doubt that the Israelites were carefully instructed in all the laws appertaining to forbidden degrees.

Now, what do we find to have been the practice among the ancient Jews, as far back as we are able to trace it, in regard to marriage with a deceased wife's sister? We have already stated that the Septuagint version, executed several centuries before the Christian era, and the Targum of Onkelos, or Chaldee paraphrase, made about the Christian era, have both rendered the eighteenth verse in such a manner as leaves no doubt that such a union was allowed. These translations were made by learned Jews not only thoroughly familiar with Hebrew, but no doubt also thoroughly familiar with the laws and practices of their nation. Had there existed any difficulty as to the proper meaning of the original, they would doubtless in this instance, as they indeed have frequently done in other places, have rather given a free rendering, such as would have removed all doubt as to its meaning, than adhered so closely to the original text. Their not having done so must be accepted as a proof that the Hebrew text appeared perfectly clear to them, and that it admitted of but one interpretation.

Philo Judæus,—sometimes called the Jewish Plato, or Pythagoras,—who flourished in the first century of the Christian era, and who is the oldest writer on the laws of Moses whose writings have come down to us, remarks: "Again, He does not permit the same man to marry two sisters, neither at the same time nor at different periods, even if he have put away the one whom he previously married, for while she is living, whether she be living with him, or whether she be put

away, or if she be living as a widow, or if she be married to another man, still he did not consider it holy for her sister to enter upon the portion of her who had been unfortunate, by this injunction teaching sisters not to violate the requirements of justice towards their relations, nor to make a stepping stone of the disasters of one so united to themselves by blood, nor to quiesce in or to pride themselves in receiving attention from those who have shewn themselves enemies to their relations, or to reciprocate any kind offices received from them." Then he goes on to say: "For from such things as these arise bitter jealousies and quarrels, and enmities which scarcely permit of reconciliation."\* Thus it will be seen that Philo, himself a Jew, and living at a time when those laws must have been well understood, interprets this prohibition as applying only to the sister's life time, since it would endanger the love and harmony that ought ever to exist between sisters, and as it would surely tend to give rise to bitter jealousies and the most implacable enmities.

Before we proceed to give quotations from the Mishna, it will be necessary to offer a few brief explanatory remarks upon that work, since the ordinary reader can hardly be supposed to be familiar either with the scope of the work or with the high position it occupies in the Jewish Church.

The term מִשְׁנָה (*Mishna*) denotes *second law*, and was so named in distinction to the first or written law in the Pentateuch. The Mishna, according to the popular belief of the Hebrews, contains the oral instructions which Moses is said to have received on Mount Sinai, and which he commanded to be taught to the people by their religious teachers. They are thus said to have been handed down orally from

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\* Philo Judæus, vol. iii. pp. 9, 10.

Moses to Joshua, from Joshua to the elders, from the elders to the prophets, until they were finally committed to writing about the middle of the second century by Rabbi Judah, surnamed "the Holy." According to the general received opinion of at least the greatest portion of the Jewish people, the Mishna contains God's explanation of the Written Law and is held by them of equal sanctity, but having been handed down orally, it is hence called the Oral Law. The explanations or precepts contained in the Mishna enter into the minutest detail how the various commandments in the Pentateuch are to be observed. Thus, for example, with respect to the proper observance of the Sabbath day, the Mishna contains a *treatise* of no less than twenty-four chapters, in which are enumerated thirty different kinds of principal occupations, and subdividing itself in innumerable minor works which are forbidden to be performed on that day.

Now in a similar manner in the treatise *Yebamoth*, which treats on the obligations of a brother marrying the childless widow of a deceased brother, and of the ceremony connected with it, and on other matrimonial laws in general, a vast number of regulations are laid down explanatory of the Mosaic laws recorded in Lev. xviii. xx. and Deut. xxv., and among them in chapter x. § 4 of that treatise the following rules are laid down, which are no doubt intended to be explanatory of Lev. xviii. 18. "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 now dead,

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*, tom v., p. 94, Amsterdam Ed.) In this treatise there occur even several passages where such marriages are encouraged, as, for example, chapter iv., § 13, p. 49. So also the celebrated and voluminous writer, Rabbi Maimonides, held the same views.

The Caraites, however, who reject altogether the Oral Law and the Talmudic traditions, and are therefore regarded as heretics by the other Jews, do not allow such marriages in their community. They argue that if the law forbids one degree of consanguinity, that which is equal or nearer ought to be forbidden also. There exists a great diversity of opinion as to the antiquity of this sect. According to their own writers they belong to the ten tribes that were led captives by Shalmaneser, but as neither Philo nor Josephus make mention of this sect, some writers infer from it that they could not then have existed in their times, and place their origin in the fourth or fifth century. Some of the Rabbies maintain that they sprung from the Sadducees. If this be true, they evidently must be a reformed sect, since the Caraites believe fully in the immortality of the soul. There are still some members of this sect existing in Poland, Russia, Constantinople, Cairo, and other places in the Levant.

But with the exception of this sect, the Jewish people as a whole held marriage with a deceased wife's sister not only permissible, but in some cases desirable. Upon this point all Jewish commentators and critics are perfectly agreed. Even the celebrated Maimonides and his followers, who denied the Divine origin of the Oral Law, and held other liberal views, and were therefore looked upon as schismatics, were, on this subject, in perfect harmony with their brethren.

In the early times of the Christian Church, however, it appears that marriages with a deceased wife's sister

were not deemed allowable ; the words of the text were indeed taken in a literal sense, but still such alliances were looked upon as against the spirit of the law. Hence the Council of Illiberis, about the year 305, excluded from holy communion for five years those persons who had contracted such a marriage. St. Basil was even more severe in punishing such persons, he visited them with the ecclesiastical penalties fixed for adultery. According to his letter on this subject, "a custom equivalent to a law, and handed down by holy men," had been established in the Church against such marriages. Bishop Diodorus of Tarsus, on the contrary, held that these marriages were not prohibited. Influenced by the opinions of the Bishops some of the Christian emperors likewise enforced this law. Yet dispensations were readily granted in the Roman Church from time to time, from which one would infer that the Popes themselves did not look upon such marriages as absolutely forbidden by Holy Writ. In England, marriage with a deceased wife's sister, was forbidden, in 1603, in a Canon by the Convocation of the Province of Canterbury. Martin Luther was of opinion that only those prohibitions in the marriage laws were binding which were expressly set forth in Scripture,\* and his opinion, no doubt, had great influence in the Protestant Churches. Hence Frederick the Great, at the very beginning of his reign, in the year 1740, allowed marriages in ten cases which hitherto had been prohibited, because they had been thought to be against the spirit of the law. One of these is marriage with a deceased wife's sister.

Philip Jacob Spener, born in 1635, and who is regarded as the founder of the sect of Pietists following the opinion of Luther, also maintained that marriages with a deceased wife's sister was allowed, since it was not unequivocally forbidden in the Bible.

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\* "Vom ehelichen Leben" (Of married life), 1522.

Sir John David Michaelis, Professor of Philosophy in the University of Göttingen, remarks, in his Commentaries on the Laws of Moses: "Marriage with a deceased wife's sister he permits, but prohibits on the other hand the marrying of two sisters at once. The words of the law, Lev. xviii. 18, are very clear, "*Thou shalt not take a wife to her sister, to be her rival, and to uncover her nakedness along with hers in her lifetime.*" After so distinct a definition of his meaning, and the three limitations added, 1. As to one being the other's rival (to express which we may observe, by the way, that the same word is used, as in 1 Sam. i. 6, where two wives have but one husband; 2. As to the man's uncovering the nakedness of both, and 3. As to his doing so in the life time of the first, I cannot comprehend how it should ever have been imagined that Moses also prohibited marriage with a deceased wife's sister,—that very connection which we so often find a dying wife entreating her husband to form." Vol. ii. pp. 112, 113.

F. E. C. Rosenmüller, the distinguished orientalist and profound scholar and commentator, whose opinions are always highly esteemed, in his learned production "Scholia in Vetus Testamentum," in explaining Lev. xviii. 18, has the following remarks: "*Uxorem ad sororem ejus ne ducas*, duas sorores ne ducas in matrimonium, scil. בְּחַיֶּיהָ, *in vita ejus*, ut in fine versus additur, *i. e.*, uxore tua vivente. Non igitur prohibet Moses matrimonium cum sorore uxoris mortuæ. לְצַרֵּר. *Ad infestandum, s. infestando*, quod Onkelos bene sic reddidit: *ad dolorem ei creandum*, ita ut oriatur æmulatio sive lis inter eas, ut in matrimonio Jacobi."

Dr. Alex. McCaul, late of Trinity College, London, likewise decidedly held that marriage with a deceased wife's sister was not prohibited under the Mosaic dispensation.\*

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\* "The ancient interpretation of Lev. xviii. 18," pp. 36-38.

Dr. Cardiner observes, in his preliminary remarks on Lev. xviii.: "Marriage with a deceased wife's sister is clearly allowed under the Levitical law, not merely by not being prohibited, but being prohibited during the life time of the sister first taken to wife, it becomes doubly certain that it was permitted afterwards. It is even made still more clear by the reason assigned; the relation of two wives of the same man are not apt to be friendly, and Moses would not allow, either that the natural affection of sisters should be subjected to this strain, or that the inevitable animosities of the harem should be increased by previous familiar relation of sisters.\*

Keil and Delitzsch observe: "No punishment is fixed for the marriage with two sisters; and, of course, after the death of the first wife, a man was at liberty to marry her sister: Com. on Leviticus, vol. ii., p. 410.

Samson Raphael Hirsch, Rabbi of the religious community of Israelites in Frankfort-on-the-Main, remarks on our verse: "*Es ist nun gesagt: du kannst nicht zwei Schwestern zugleich heirathen dass sie in einem Ehebund zusammen vereinigt seien. Wenn du daher eine geheirathet hast so kann die andere, so lange die erste lebt, nicht deine Gattin werden.*†

"It is now said here, you are not permitted to marry two sisters at the same time, so that they would be united in one marriage bond; if you, therefore, have married one, then the other may not become your wife as long as the first lives."

We might yet adduce a host of similar opinions of the best critics and commentators of America and Europe, but, we think, those above quoted are sufficient

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\* "Commentary on Leviticus," published in "Lange's Commentary on the Bible."

† "The Pentateuch translated and interpreted." Frankfort-on-the-Main, 1873.



to shew the views generally entertained upon this vexed question. Indeed, within the last and present centuries, there are comparatively few writers of note who have looked on the subject in any other light than that marriage with a deceased wife's sister is unquestionably lawful.

Leaving then the exegetical path, and for a moment taking a glance at the subject from a utilitarian point of view, here no mist any longer dims the prospect, but all is clear and serene ; for we venture to say, there is no one, however great his conscientious scruples regarding the lawfulness of such marriage may be, but who will admit that such alliances from this standpoint are most desirable.

The lifelong misery which is often entailed upon children by a second marriage is, alas, only too well known.

Far be it from us, even to hint, that there are not many stepmothers to be found who are kind and loving towards their little charges ; but we fear these are the exception, and not the rule.

How often are children driven from their happy homes and sweet associations, driven into the wide world among strangers, just at the time when they most need the counsel and fostering care of parents. The father, only too often swayed by the will of the stepmother, perhaps for his own peace and comfort sake, becomes gradually indifferent to the feelings and sufferings of his children, and at last entirely forgets his duties as a parent.

Need we, then, wonder that a mother, concerned for the welfare of the dear ones she leaves behind, should be solicitous that her loss, though it can never be fully replaced, should yet in a measure be deprived of the sting which such a bereavement inflicts. This she can best hope for from a loving sister who, thus doubly united in the sacred bond

of relationship to her children, will make them feel that—

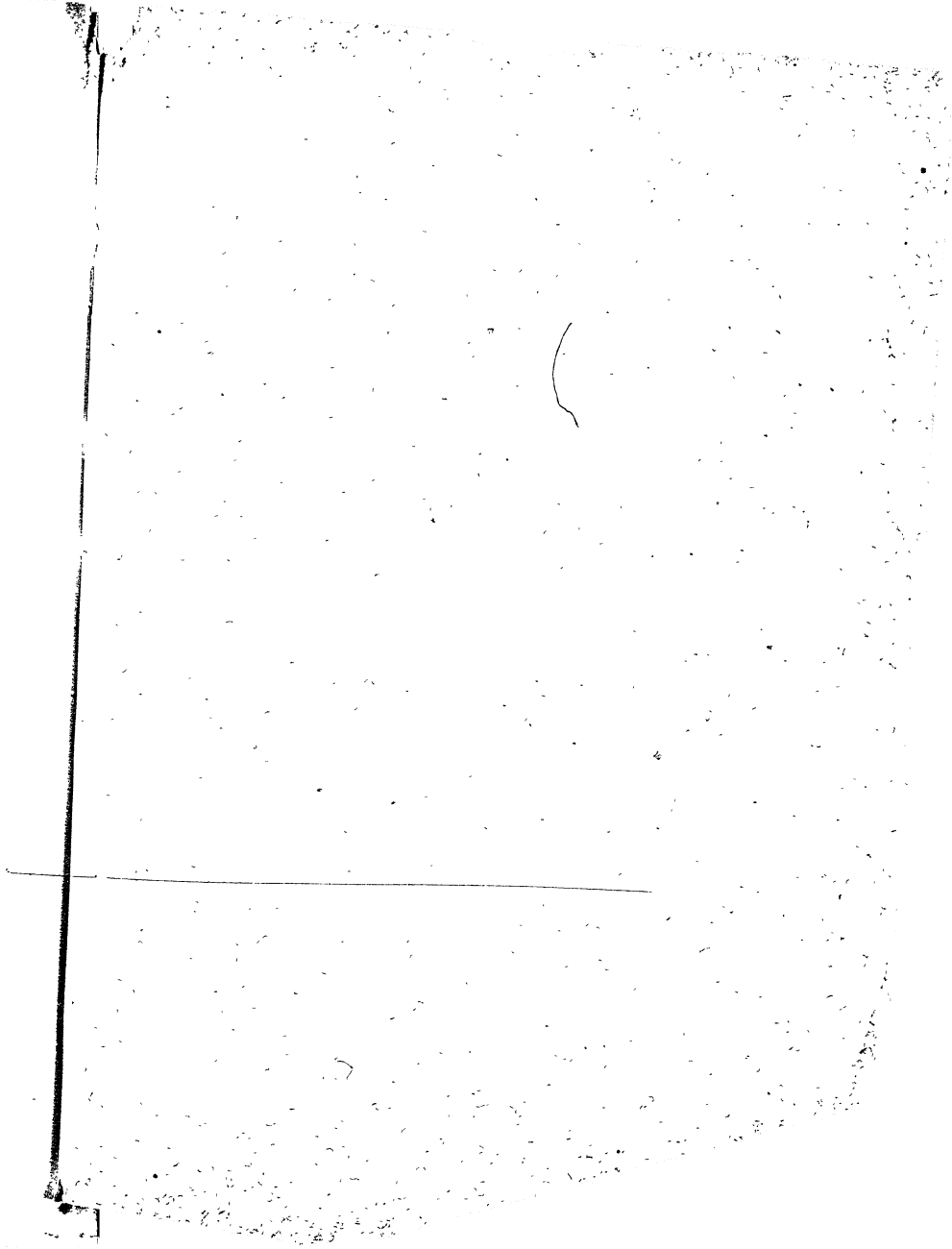
“All are not taken ; there are left behind  
Living belov'ds, tender looks to bring,  
And make the daylight still a happy thing,  
And tender voices, to make soft the wind.”

I have now fulfilled my promise, made at the beginning of this treatise, and placed the subject in an impartial manner before the reader, and now leave it for his serious consideration.

THE END.

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