

THE LEVIRATE AND GOEL
INSTITUTIONS IN THE
OLD TESTAMENT
*With Special Attention to
the Book of Ruth*

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TO LINDA

אשת יראר יהוה

Proverbs 31:30b

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Introduction

IN recent years attention from different quarters has been devoted to the subject of the goel.¹ in Israel. Several important publications can be named. In 1940 Stamm published his work *Erlösen und Vergeben im Alten Testament*, which established that the verb גאל was a term taken from the sphere of family law, as over against פדה which belonged to the domain of commercial law.² In 1947 the stimulating work of Daube, *Studies in Biblical Law*, was published, in which considerable attention was devoted to the study of the goel concept and to the verb גאל. Daube made additional contributions to these topics in his later writings; in particular in his 1956 work, *The New Testament and Rabbinic Judaism*, and in the work published in 1963, *The Exodus Pattern in the Bible*. He presented very penetrating studies of the goel and opened serious discussion on the subject of Yahweh as the Divine Goel. He suggested that the specific functions of the human goel in Israel were applied in some instances to Yahweh, although he acknowledged that there were many general references to Yahweh as Goel where specific nuances could not be inferred. By studying the specific functions of the goel, Daube came to the conclusion that "גאל primarily suggests the return of men or things into their own legitimate place. . . The word simply denotes the

1. Throughout the course of this study the active participle of the verb גאל, "redeem," will be transliterated simply with the word goel and the noun גאלה, "redemption" with the word geullah.

2. J. J. Stamm (p. 45) concludes: "פדה ist ein Terminus des Handelsrechtes, welcher einfach den Loskauf durch Stellung eines Gegenwertes ausdrückt. גאל ist ein familienrechtlicher Begriff, der stets eine vor dem einzelnen Rechtsgeschäft zwischen dem Loskaufenden und dem Losgekauften bestehende, durch die Zugehörigkeit zu einer Sippe gegebene, Beziehung voraussetzt." Stamm dealt with Yahweh as Goel in pp. 31-44 and made one passing remark on the goel in Ruth (cf. p. 28).

rightful getting back of a person or object that had once belonged to one or one's family but had been lost."³ Daube proposed therefore that לָאָל means "to recover."

Jepsen concurred in the main with Daube in his article written in 1957. He wrote: "*Go'el* war der, der Besitz, Freiheit und Leben der Sippe und ihrer Glieder wiederherstellen sollte. . . . *Ga'al* bedeutet danach: das, was eine Sippe an Leben, Freiheit und Besitz verloren hat, wiederherstellen. . . . Die Mittel der Wiederherstellung, der *ge'ullah*, sind verschieden: Blutrache, Heirat, Rückkauf . . . immer aber ist das eine Ziel, die verlorene Lebenskraft der Sippe wiederzugewinnen."⁴

An opinion in general agreement with that of both Daube and Jepsen was Snaith's, who in 1961 argued that "primarily the root [לָאָל] is used with reference to the enforcement, the restoration of a right or claim that has lapsed. . . . Generally, whenever person or property is freed by purchase, the verb is *G'L* if it is reverting to the original owner. . . . The idea of reversion is essential to the root."⁵ The *goel* is the agent involved in securing this reversion to the original owner.

An article evoking wide interest on this subject was that of Johnson, who in 1953 advanced the idea that the basic idea underlying the varying activities of the *goel* was that of protection. "When a kinsman is slain or dies childless, or when he is forced to sell himself into servitude or to part with his property, there is a breach of continuity, and the normal life of both individual and society is upset. Disorder has been introduced into the life of each, and in the case of the corporate unit as in that of the ordinary individual, any weakness or disorder, whether brought about by actual physical death or not, involves a certain loss of vitality and it is the function of the לָאָל to "protect" the life or vitality of both the individual and the kin-group and thus preserve their

3. D. Daube, *Studies in Biblical Law*, 1947, pp. 3940.

4. A. Jepsen, "Die Begriffe des Erlösens im Alten Testament," *Solange es "Heute" heisst*, Festgabe für R. Hermann, 1957, p. 159.

5. N. H. Snaith, "The Hebrew Root G'L (1)," *ALUOS*, 3, 1961-62, pp. 60, 61.

standing in society by keeping intact their essential unity or integrity."⁶

Johnson pointed out that **גאל** in several places means "defile," and argued that the verb **גאל**, "to defile" may not be divorced, as is commonly done, from **גאל**, "to redeem, to lay claim to." In both cases the basic idea is that of "covering up" an object. He seeks support for his opinion from Job 3:5, which he translates: "Let darkness, let utter blackness cover it; Let a cloud settle upon it; Let the o'er-shadowings of day bring terror to it." By a process of semantic polarization the original thought of covering was employed both in the sense of protection from degradation as well as in the sense of causing degradation or defilement.⁷ Johnson's opinion on the root meaning of the verb did not receive widespread support⁸ although the article as a whole was a worthwhile contribution to the growing material on the goel in Israel.

Within more recent years, Holmgren,⁹ Baltzer,¹⁰ Stamm (for the second time),¹¹ Ringgren,¹² Stuhlmüller,¹³ and

6., A. R. Johnson, "The Primary Meaning of **גאל**," SVT, 1, 1953, pp. 71, 72.

7. A. R. Johnson, *op. cit.*, pp. 72-74. RSV translates the verb **גאלהו** in Job 3:5 with "claim" as does the NV, "beslag op hem leggen"; KJV translates with "stain" and the NEB with "sully."

8. Johnson's argument has been accepted for example, by A. Guillaume, "Unity of the Book of Job," *ALUOS*, 4, 1962-63, pp. 26-46, and R. de Vaux, *Ancient Israel*, 1961, p. 21, who comments that the root "means 'to buy back, or to redeem,' 'to lay claim to,' but fundamentally its meaning is 'to protect.'" It is disputed, in my opinion correctly, by J. Blau, "Über Homonyme und angeblich Homonyme Wurzeln," *VT*, 6, 1956, p. 243. Blau argues that the verb **גאלהו** in Job 3:5 is parallel with the verb **דרשהו** in Job 3:4 in an abc bca parallelism, in which case the thought is, God need not claim the day, for the darkness shall claim it for its own. **דרש** is used in a sense similar to **גאל** in Genesis 42:22 and Psalm 9:13 (12) which supports Blau's argument. Cf. also K. Koch "Der Spruch, 'Sein Blut bleibe auf seinem Haupt,' und die israelitische Auffassung vom vergossenen Blut," *VT*, 12, 1962, p. 410 n.l.

9. F. Holmgren, *The Concept of Yahweh as Go'el in Second Isaiah*, unpublished Ph.D. dissertation, Union Theological Seminary, New York, 1963.

10. D. Baltzer, *Ezechiel und Deuterocesaja* (BZAW, 121), 1971, pp. 84-99.

11. J. J. Stamm, "**גאל**," *THAT*, 1, pp. 383-397.

12. H. Ringgren, "**גאל**," *TWAT*, 1, pp. 884-895.

13. C. Stuhlmüller, *Creative Redemption in Deutero-Isaiah*, 1970, pp. 97-131.

Skiba¹⁴ have published materials relevant to the topic of the goel in Israel. In these newer studies the question of a basic root meaning for the verb has receded somewhat into the background and more emphasis has been given to an examination of the usage of the terms.

It was my intention initially to seek to handle the topic of the goel in Israel in its broadest sense, including the topic of Yahweh as Divine God. It soon became apparent that such a task was precluded by the sheer quantity of materials involved.

It also turned out that in the literature cited above relatively little was being said about the goel in the book of Ruth. Yet of the forty-four usages of the substantive goel, nine occur in Ruth; and of the fifty-one occurrences of the verb לָאָג in the qal form, twelve are found in Ruth.¹⁵ In the face of these statistics and the paucity of material to be found in the general works cited above dealing with the goel in Ruth, it seemed that a study which specialized in the role of the goel in Ruth was needed. Further research into the literature brought to light a considerable number of articles and other small works which discuss the specialized questions arising from the book of Ruth. These individual questions all have a bearing on the basic problem of how the marriage of Boaz as goel to Ruth is to be related to the levirate¹⁶ law of Deuteronomy 25:5-10, which requires only the marriage of "brothers dwelling together." It is necessary, therefore, as well as, we trust, useful to devote considerable space to presenting this literature and to sketching the views taken by various authors.¹⁷ In addition, a thorough study of the levirate

14. R. Skiba, "The Redeemer of Israel," *CBQ*, 34, 1972, pp. 10-18.

15. Cf. G. Lisowsky, *Konkordanz zum Hebräischen Alten Testament*, pp. 299, 300 and J. J. Stamm, "לָאָג," *THAT*, 1, p. 383.

16. The term "levirate" is derived from the Latin word *levir* meaning "a husband's brother."

17. The commentary of W. Rudolph, *Das Buch Ruth, Das Hohe Lied, Die Klagelieder*, KAT, 17, 1962, provides considerable literature as does especially the article by H. H. Rowley, "The Marriage of Ruth," in *The Servant of the Lord*,

institution in Israel is indispensable to the topic of the goel in Ruth. Some authors write that the book of Ruth has essentially nothing to do with levirate marriage,¹⁸ some find it necessary to coin the special term "ge'ullah marriage"¹⁹ to define the marriage of Boaz and Ruth, and others are convinced that this marriage is to be properly reckoned as a levirate marriage.²⁰ The strong majority of scholars seek to fit the data of the book of Ruth concerning the levirate-type marriage into a particular phase of the levirate development within Israel. It seems, therefore, that the book of Ruth is crucial to the understanding of the levirate and goel institutions in Israel. Tentatively, two conclusions affecting methodology were reached. In the first place, the commonly accepted methodology of tracing the historical development of the levirate by dating Ruth either before or after Deuteronomy was concluded to be faulty. In the second place, it was decided that the narrative sections of the Old Testament which tell of a levirate situation (Gen. 38; Ruth) should be given as serious consideration and weight in the study of the levirate as the levirate law of Deuteronomy 25.

In addition to studying the levirate institution as the background for the goel activity in Ruth it was deemed imperative to examine the sections of the Old Testament law where the duties of the goel are prescribed, to see if any correlation might exist between these duties and the levirate type-marriage undertaken by the goel, which was not prescribed in the Old Testament laws.

In the examination of the goel and levirate institutions in Israel a study of possible parallels to these institutions in the ancient Near East was felt to be of interest and importance.

1965², but many significant articles appeared in more recent times. See chapter 1 nn. 2, 4.

18. Cf. for instance, K. Dronkert, *Het Huwelijk in het Oude Testament*, 1957, pp. 68, 69.

19. L. Epstein, *Marriage Laws in the Bible and the Talmud*, 1942, pp. 86, 140.

20. Cf. the definition of the levirate given by J. Mittelman in chap. 2, n. 1.

Finally, because the book of Ruth occupies the central part of this study, it is necessary to give special attention to the question of the *date* (in spite of the first of the above-named conclusions affecting methodology) and the *purpose* of the book of Ruth.

Part One discusses the levirate and goel institutions in the Old Testament (excluding Ruth) with their Near Eastern counterparts. Part Two, after dealing with the date and the purpose of the book of Ruth, focuses the reader's attention upon the light this book sheds on these important institutions within Israel. Chapter 6 discusses Naomi's reference to the levirate in Ruth 1:11-13. Chapter 7 is a study of the data in Ruth 3 which centers on Ruth's night-time encounter with Boaz. An excursus tackles the question, Why did Naomi take the initiative and send the widow, Ruth, to Boaz instructing her to request marriage from him on the basis of his being a goel? Chapter 8 directs attention to Ruth 4: 1-8, the account of the completion of Ruth's request by Boaz in his meeting with the nearer kinsman and the subsequent shoe transaction ceremony. Chapter 9 centers on Obed, who is called Naomi's goel in Ruth 4:14, Naomi's son in Ruth 4:16, 17 and Boaz' son in Ruth 4:21. Part Three is given over to our conclusions on the levirate and god institutions, which have been drawn through integrating the results of the general study in Part One with those of the specific study of the book of Ruth in Part Two.

PART ONE

THE LEVIRATE AND
GOEL INSTITUTIONS

IN THE OLD TESTAMENT

(EXCLUSIVE OF THE BOOK OF RUTH)

1

The Levirate In the Ancient Near East

IN 1947, H. H. Rowley wrote, "The simple story of Ruth abounds in problems for which no final solution can ever be found, since the materials for this solution are denied us."¹ Anyone who seeks to penetrate beneath the surface of the book recognizes the validity of this remark. We may be grateful, however, that Rowley's essay has gone considerable lengths toward clarifying the issues, if not in providing a "final solution." Since the publication of his article a significant number of attempts have been made to solve the legal complexities of the book.² Burrows has well summarized the problem in the book of Ruth by saying, "We have in Ruth a combination of three institutions which are not elsewhere

1. H. H. Rowley, "The Marriage of Ruth," *HTR*, 40, 1947, p. 77 = *The Servant of the Lord*, 1965, p. 171. All references to Rowley's article will come from the latter.

2. Since the appearance in 1947 of Rowley's comprehensive discussion of the marriage of Ruth, the following articles more directly connected with the legal problems in the book have appeared: S. Belkin, "Levirate and Agnate Marriage," *JQR*, 6, 1969-70, pp. 284-287; J. R. Porter, "Legal Aspects of Corporate Personality," *VT*, 15, 1965, pp. 375-377; D. R. Ap-Thomas, "Book of Ruth," *ExpT*, 79, 1968, pp. 369-373; D. R. G. Beattie, "Kethibh and Qere in Ruth 4:5," *VT*, 21, 1971, pp. 490-494; H. A. Brongers, "Enkele Opmerkingen over het Verband tussen Lossing en Leviraat," *NedThT*, 2, 1947, pp. 1-7; W. McKane, "Ruth and Boaz," *GUOST*, 19, 1961-62, pp. 29-40; E. Robertson, "The Plot of the Book of Ruth," *BJRL*, 32, 1950, pp. 207-228; Th. and D. Thompson, "Some Legal Problems in the Book of Ruth," *VT*, 18, 1968, pp. 79-99; Th.C. Vriezen, "Two Old Cruces," *OTS*, V, 1948, pp. 80-91; D. Weiss, "The use of קנה in connection with Marriage," *HTR*, 57, 1964, pp. 244-248; B. M. Wambacq, "Le Mariage de Ruth," *Melanges Eugene Tisserant*, I, 1964, pp. 449-459. See also J. Schoneveld, *De Betekenis van de Lossing in het Boek Ruth*, 1956.

found together. Levirate marriage, redemption, and inheritance are all familiar to the reader of the OT, but only here do we encounter a transaction which involves all three of them."³ The background for our study of the activity of the goel in the book of Ruth must be the Old Testament institution of levirate marriage.⁴ Since the law of the levirate was not an uncommon feature of ancient Semitic jurisprudence, a summary of levirate marriage in the ancient Near East will be in order.⁵

Babylonia

There is general agreement⁶ that the CH contains nothing comparable to levirate marriage, though Neufeld suggests that

3. M. Burrows, "The Marriage of Boaz and Ruth," *JBL*, 59, 1940, p. 445. For a detailed list of the legal difficulties encountered in the book, cf. W. McKane, *op. cit.*, pp. 31-32.

4. Th. and D. Thompson, *op. cit.*, p. 79, remark, "The interpretation of Ruth depends on the understanding one has of the levirate." For an extremely comprehensive list of literature discussing levirate marriage in Israel, cf. W. Rudolph, *Das Buch Ruth, Das Hohe Lied, Die Klagelieder*, KAT, 17, 1962, pp. 60-61. In addition to the works cited therein, cf. J. R. Porter, *op. cit.*, pp. 375-377; S. Belkin, *op. cit.*, pp. 275-329; I. Mattuck, "Levirate Marriage in Jewish Law," *Studies in Jewish Literature in Honor of Kaufmann Kohler*, 1913, pp. 210-222; O. Baab, "Marriage," *IDB*, 1962; D. Jacobson, *The Social Background of the Old Testament*, 1942, pp. 290-300; Morgenstern, "The Book of the Covenant, Part II," *HUCA*, 7, 1930, pp. 159-185; I. Mendelsohn, "The Family in the Ancient Near East," *BA*, 11, 1948, pp. 30-31; G. R. Driver and J. C. Miles, *The Assyrian Laws*, 1935, pp. 240-249; R. de Vaux, *Ancient Israel*, 1961, pp. 37-38; H. Schaeffer, *Social Legislation of Primitive Semites*, 1915, pp. 57-65.

5. E. A. Speiser, "The Biblical Idea of History in its Common Near East Setting," *Oriental and Biblical Studies*, ed. J. J. Finkelstein and M. Greenberg, 1967, p. 188, correctly writes, "The Bible is first and foremost a unique distillation of history. Now no process of this kind and magnitude can unfold in a vacuum. The people of the Bible, who were to make history in more ways than one, were neither politically nor culturally isolated from other societies.... Hence the ultimate achievement that is the Bible cannot be properly understood, still less appreciated, except in terms of the setting in which this work originated, and of the initial values which it went on to transfigure and transcend." Some indication of the pervasiveness of this custom may be gleaned by consulting, E. Westermarck, *History of Human Marriage*, 3, 1925, p. 208 and J. Scheftclowitz, "Die Leviratsehe," *ARW* 18, 1915, 250 ff.

6. R. de Vaux, *op. cit.*, p. 38; E. M. MacDonald, *The Position of Woman as reflected in Semitic Codes*, 1931, p. 23; M. Burrows, "Ancient Oriental Background of Hebrew Levirate Marriage," *BASOR*, 77, 1940, p. 7 (hereafter cited as "Background"); G. R. Driver and J. C. Miles, *op. cit.*, p. 246. Generally this

the institution may have been outgrown in Hammurabi's days, or even before his time. He affirms that such a widespread custom could not have been unknown to the Babylonians although he acknowledges the conjectural nature of his conclusion.⁷ MacDonald concludes that "the Babylonian woman gained by its abandonment, both in personal freedom and economic relief, for her support was definitely arranged for in giving her the usufruct of her husband's property during her lifetime, and she was not forced to be dependent upon the precarious existence of her husband's male relatives, or, failing them, upon the charity of her own kin or the

absence of reference to levirate marriage is attributed to the practice of adoption in Babylon (CH §185-193) or to the practice of legitimation of issue by slave girls. Cf. M. Burrows, "Background," p. 5; D. Mace, *Hebrew Marriage*, 1953, pp. 116, 117; S. Belkin, *op. cit.*, p. 276. E. Speiser, "People and Nation of Israel," *JBL*, 79, 1960, p. 161, writes, "There is not a single attested case of adoption in the whole of the Hebrew Bible, in marked contrast to Mesopotamia. On the other hand, the levirate, much though its hold may have been loosed through progressive urbanization, is never completely eliminated." This difference, he attributes to a differing role of the family in relation to the state. In Mesopotamia, "the family played a part, inevitably, but its autonomy was severely restricted by political and economic considerations. Though blood was thicker than water, bread and taxes rated still higher. That is why adoption, which tends to loosen blood ties, became such a prominent factor in Mesopotamian society; contrariwise, the institution of the levirate, which stands guard over blood relationship, never took hold in Mesopotamia proper." Cf. W. Albright's remarks on Speiser's position in *Yahweh and the Gods of Canaan*, 1968, p. 58 n. 31. For a contrary view on adoption within Israel, see S. Feigin, "Some Cases of Adoption in Israel," *JBL*, 30, 1931, pp. 186-200. A. Phillips, "Some Aspects of Family Law in Pre-Exilic Israel," *VT*, 23, 1973, pp. 359, 360, maintains, in the light of the widespread practice of adoption throughout the ancient Near East, that it was also undertaken in Israel. It was a part of family law which "took place in the home and was a unilateral act of the adopter. It would also explain why no mention of adoption occurs in the legal sections of the Old Testament, for as a part of family law it did not concern the community at large, and therefore no resort was made to the courts." R. de Vaux, *op. cit.*, p. 52, writes, "We may conclude that the notion of adoption, in the juridical sense, was known in Old Testament times, but had little influence on daily life; it was unknown in later Jewish law."

7. E. Neufeld, *Ancient Hebrew Marriage Laws*, 1944, p. 49 (hereafter cited as *AHML*). Cf. also H. D. Bracker, *Das Gesetz Israels*, 1962, p. 36.

community at large."⁸ Despite occasional⁹ attempts at identifying comparable laws, the consensus of scholarly opinion is that no such institution as the levirate existed in Babylon. It would seem to be the case that the misfortune of having no son was solved through adoption customs.¹⁰

Assyria

A far better case can be made for the presence of the levirate custom in Assyria though even here there is room for dispute. The generally accepted date for the MAL, which are closely related to the CH, is from 1500 to 1100 B.C.¹¹ MAL §30, 33, and 43 from Tablet A have the most direct bearing on the question of the levirate. Meek cites MAL §30 as a law which the Assyrian code held in common with the levirate law in Israel.¹² It reads: "If a father has conveyed (or) brought the betrothal-gift to the house of his son's (prospective) father-in-law, with the woman not yet married to his son and another son of his, whose wife is living in her father's house, died, he shall give his dead son's wife in marriage to his other son to whose father-in-law's house he brought (the

8. E. M. Macdonald, *op. cit.*, p. 12. C. Lattey, *The Book of Ruth*, 1935, pp. XXII, XXIII, writes, "In the ancient Babylonian code of Hammurabi a widow is allowed under certain conditions to keep or inherit property from her husband (nos. 150, 171); this fact and the absence of any mention of the Goel appear to indicate a more developed social system than that of the Pentateuch or of the Book of Ruth."

9. Friedrich Delitzsch, *Babel und Babel*, 1902, pp. 14, 92. P. Koschaker, *Eheformen bei den Indogermanen*, 1937, p. 101, made reference to an unpublished Sumerian inscription, which he believes may contain a reference to the levirate. E. Neufeld, *AHML*, p. 50, remarks, "If so thorough an expert on Babylonian law as Koschaker knows of no further proof for the existence of levirate marriage than this doubtful inference no more reliable evidence is available at the moment."

10. M. Burrows, "Background," p. 5; G. R. Driver and J. C. Miles, *op. cit.*, p. 249.

11. T. Meek, "The Middle Assyrian Laws," *ANET*, 19693, p. 180, dates the tablets at the time of Tiglathpileser I in the 12th century though he states that the laws themselves may well go back to the 15th century. G. R. Driver, and J. C. Miles, *op. cit.*, p. 12, place the laws between 1450-1250. Cf. also E. F. Weidner, "Das Alter der mittel-assyrischen Gesetzestexte," *Archiv für Orientforschung*, 12, 1937, p. 50.

12. T. Meek, *Hebrew Origins*, 19602, p. 63.

gift). . ."¹³ On this law he comments, "The Levirate was to be enforced even though other marriage plans had been made for the deceased man's brother."¹⁴ Driver and Miles however, do not regard this as a case comparable to the Hebrew levirate, since the girl is not a widow in the strict sense. The marriage transaction has been legally completed but the bride has not yet been given to her husband. She is the "assatu" of her dead bridegroom, living with her father. "This, however, does not seem to be a case of the levirate, as there is nothing showing a legal duty on the second son to marry her apart from the duty to fulfill his father's wish."¹⁵

Burrows and Neufeld dispute the conclusion of Driver and Miles and contend that the law does constitute a genuine case of levirate marriage. The point under dispute between them is the fact that the widow is living in her father's house, while under the authority of her father-in-law. Two possibilities present themselves. One would be to explain the presence of the woman in her father's house as an "errebu" marriage, whereby the husband enters his wife's father's family, receiving only partial powers of a husband over her.¹⁶ While this

13. T. Meek, *ANET*, p. 182.

14. T. Meek, *Hebrew Origins*, p. 64. E. Neufeld, *AHML*, p. 51, agrees remarking, "It seems to follow from §30 of M.A.L. that a father-in-law can give his son's widowed bride—she is a bride although the text speaks of an Assatu—to another of his sons for whom he had already acquired a bride before the death of his previous son. In these circumstances the bride of the second son might become a second wife to her original bridegroom who has in the meantime married his widowed sister-in-law, or perhaps she could be given to another son by her prospective father-in-law." Cf. also, M. Burrows, "Background," p. 12.

15. G. R. Driver and J. C. Miles, *op. cit.*, p. 247. They further add (p. 173): "Here there is nothing to show whether the marriage of this girl who is described as the assatu of the dead son was a completed marriage, but it is almost inconceivable that it was so. For as she is still in her father's house, she is presumably of tender age, and moreover it would be expected that, if the marriage had been completed, she would have had issue, as no one would marry or at any rate keep a barren wife; but no issue is mentioned in the text."

16. M. Burrows, "Background," pp. 3, 5, 11-12. Cf. also M. Burrows, "The Complaint of Laban's Daughter," *JAOS*, 57, 1937, pp. 259-276. M. David, *Vorm en Wezen van de Huwelijksluiting naar de Oud Oostersche Rechtsopvatting*, 1934, pp. 4 f., 19 (hereafter cited as *Vorm en Wezen*); T. Meek, *Hebrew Origins*, p. 65; E. Neufeld, "Errebu Marriage amongst the Semites and amongst the Hittites," *ArOr*, 18, 1950, pp. 124-130.

would explain her presence in her own family, it does not seem likely under such circumstances that her father-in-law would have any control over her or responsibility toward her.¹⁷ It is more likely that the law is concerned with widows who have returned to their father's homes before or after the death of their husbands and the design of such a law is to establish the right of the father-in-law even where the widow is seeking to get out from under his control.¹⁸ There is, in any event, no mention of sons or of lack of sons in the law. Because of this Neufeld, who sees levirate marriage in this law, acknowledges that some sections of the MAL refer to the levirate custom in a rather confused manner.¹⁹

MAL § 33 has a bearing as well on a possible levirate custom in Assyria. There we read: "(If), while a woman is still living in her father's house, her husband died and she has sons, (she shall live where she chooses in)²⁰ a house of theirs. (If) she has no (son, her father-in-law shall marry her to the son)²¹ of his choice ... or if he wishes, he may give her in marriage to her father-in-law. If her husband and her father-in-law are both dead and she has no son, she becomes a widow; she may go where she wishes."²²

Four cases seem to be in view.²³ The first is that of a widow with at least one son. In such a situation she is to live with her son(s). The second is where there are no sons, but

17. M. Burrows, "Background," p. 12.

18. Ibid. Cf. E. Neufeld, *AHML*, pp. 51, 52.

19. E. Neufeld, *AHML*, p. 51.

20. G. R. Driver and J. C. Miles, *op. cit.*, p. 228, restore the missing words in the same fashion as Meek, "It seems then that 11.58-9 contained words to the effect that the woman may live with her sons and, of course, be supported by them."

21. G. R. Driver and J. C. Miles, *op. cit.*, p. 228, restore the text again in the same fashion as Meek, reasoning that the case here in view is where the woman "has no sons or only infant eons. For the statement in the last paragraph setting out what happens if she has neither sons nor father-in-law, coupled with that in 11.65-66 to the effect that under certain circumstances she is given in marriage to her father-in-law, makes it practically certain that the mutilated lines dealt somewhere with the case in which she had no sons but had only a father-in-law."

22. T. Meek, *ANET*, p. 182.

23. M. Burrows, "Background," p. 13.

the dead husband is survived by brothers as well as his father. Here the law states that the father-in-law of the widow may give the widow to his son, as we saw in MAL §30. The third case is where there are no sons or brothers, but where the father-in-law is living. Because of the brokenness of the text there is some question of interpretation. Driver and Miles comment, "The lines preceding the statement that she may be given to her father-in-law are missing, so that it is impossible to be certain that they did not deal with the case in which she had no sons or with that in which she was inchoately married."²⁴ How then are we to understand the statement "if he wishes, he may give her in marriage to her father-in-law"? In other words, Who gives the woman to her father-in-law? We have seen that MAL § 33 is one of the laws regulating the situation where the woman is living in her father's house. Driver and Miles infer from MAL §43, "that if there are no brothers of a deceased husband of an age to marry his wife, she reverts into the power of her own father."²⁵ Burrows agrees that the subject of the clause "if he wishes, he may give" is the woman's father. He is of the opinion, however, that "there must be some significance in the fact that the clause allowing the woman's father to give her to her father-in-law is preceded by the condition, 'or if he pleases.' This suggests that the missing portion of the text just preceding it allowed the father the option of retaining his daughter in his own household if he so desired. In other words, the wife's father even in an *errebu*-marriage had no responsibility for her support when her husband died, leaving no sons, but might either keep her at home or give her to her father-in-

24. G. R. Driver and J. C. Miles, *op. cit.*, p. 247. They use the phrase "inchoately married" to describe the situation in which the marriage transaction has been completed, but the bride has not actually gone over to the husband. "In the Assyrian laws there appear to be three classes of widows; the first is the completely married wife who has sons, the second is the *almattu*, who has neither grown-up sons nor father-in-law, and the third is the inchoately married bride who has lost her husband and of course has no sons"; *op. cit.*, p. 246.

25. G. R. Driver and J. C. Miles, *op. cit.*, p. 229.

law. In that case, the permission granted to the father-in-law to give the widow to one of his other sons in the second set of circumstances, may have been similarly conditioned upon her father's consent."²⁶

The fourth situation mentioned in, MAL §33 regulates the case where there are neither sons nor father-in-law. In this case "she may go where she wishes." She is free to dispose of herself as she sees fit, particularly now in her right to remarry whom she will.²⁷

From MAL §33 Neufeld affirms that "one may deduce with caution that in Assyria the levirate duty existed irrespective of the existence of children of the widow, who can be married by her own father-in-law where, for example, her husband has left no brothers. Whether the father-in-law married his daughter-in-law if there was issue remains an open question."²⁸

Another law possibly touching on the levirate in Assyria is MAL §43. It reads: "If the seignior either poured oil on (her) head or brought betrothal-presents (and) the son to whom he assigned the wife either died or fled, he may give (her) to whichever he wishes of his remaining sons from the oldest son to the youngest son who is at least ten years old. If the father died and the son to whom he assigned the wife also died, but the dead son has a son who is at least ten years old, he shall marry (her), but if the grandsons are younger than ten years, the girl's father, if he wishes, may give his daughter (to one of them), or if he wishes, he may make an equitable return (of the gifts)."²⁹ Here we see the case where a daughter has been conveyed from her father's house and has come

26. M. Burrows, "Background," p. 13.

27. G. R. Driver and J. C. Miles, *op. cit.*, pp. 224, 225: "This phrase obviously permits her to remarry but probably connotes something more than this.... She is free from both paternal and marital control, and this freedom includes the right to marry whom she will."

28. E. Neufeld, *AHML*, p. 52. T. Meek, *Hebrew Origins*, p. 64, comments on MAL §33, "In the light of this law we can see the justification for Tamar's trickery whereby she was enabled to marry her father-in-law, Judah."

29. T. Meek, *ANET*, p. 184.

under the authority of a man who is to give her to one of his sons. The son to whom she has been given disappears or dies before the consummation of the marriage. The father may then give her to another of his sons. If the bridegroom's father is dead, a son of the bridegroom not younger than ten years of age shall take the bride. If there are no such sons the girl's father may either give her to any sons of the bridegroom younger than ten, for whom she shall have to wait, or return the gifts he received.

Does this law, in any sense, reflect the Hebrew levirate? Once again there is a divergence of opinion among scholars. The negative position is taken by Driver and Miles, who maintain that there is no right or duty placed upon the brother of the deceased comparable to the Hebrew duty of the levirate. Furthermore, they note that this law clearly reflects a case of an inchoately married bride, which would set it apart from the Hebrew levirate, which governs the widow without children.³⁰ Neufeld, on the other hand, rather confidently affirms from this law that the Assyrian levirate was extended under certain circumstances beyond the brothers and father of the deceased, and contends that though it deals with a bride, it must also apply to a wife.³¹

The difficulty of evaluating the evidence for the levirate custom in Assyria may be seen in the conflicting opinions of scholars. The positions taken hinge upon how much importance is attached to the differences.³² Driver and Miles feel that "these laws then contain no certain instance in which the girl who is given to her brother-in-law had actually been the full wife of the dead man. The evidence then in favour of the existence of the Hebrew type of levirate is very slight, for

30. G. R. Driver and J. C. Miles, *op. cit.*, p. 247. See n. 24,

31. E. Neufeld. *AHML*. p. 52 n. 1. "This law also deals a bride; how much more must it apply to a wife?" M. David. *Vorm en Wezen*. p. 25 n. 14, also argues that this law is a true reflection of the levirate marriage institution.

32. For an enumeration of the differences, see E. Ring, *Israel's Rechtsleben zm Lichte der neuentdeckten assyrischen und hethitischen Gesetzesurkunden*, 1926, pp. 43-49.

the case where any inchoately married man or woman has died and another brother or sister takes their respective places is certainly not what is generally understood as the Hebrew levirate."³³ The laws which would seem to point to the existence of the levirate are explainable in terms of the Assyrian practice of buying a girl *ana kallatuti*, "for bride-ship."³⁴ Burrows, Neufeld, David, and Meek all speak of various Assyrian laws as exemplifying real cases of levirate marriage.³⁵ To a certain extent—as we have seen, only to a certain extent—the differences between scholars are semantic, since one may talk about "a real case of levirate marriage" as Burrows and Neufeld do, and yet go on to carefully distinguish between the purpose of the levirate law in Assyria as compared with the purpose in Israel.³⁶ One of the laws cited

33. G. R. Driver and J. C. Miles, *op. cit.*, pp. 247, 248. Their argument is also based on several laws (§25, 33, 36, 45, 46), which "inferentially are opposed to the existence of the levirate"; *op. cit.*, p. 248. H. Bracker, *op. cit.*, p. 36, states, "Also von einer Leviratsehe der Witwen war in Assyrien keine Rede."

34. G. R. Driver and J. C. Miles, *op. cit.*, pp. 163, 174, 248. Commenting on MAL § 30 they write, "The transaction then must resemble that in which a father acquires another man's daughter 'for the purpose of a daughter-in-law (Bab. *ana kalluttim* or *kallatuti*) in order to marry her to a specified son or, if that son dies, to another of his sons"; *op. cit.*, p. 175. H. Bracker, *op. cit.*, p. 35, writes, "Die Braut war eben nicht nur für ein spezielles Glied der Familie, sondern für die ganze Familie zum Heiraten gekauft oder 'adoptiert.'" For a similar custom at Nuzi and Ugarit, cf. C. Gordon, "The Status of Women Reflected in the Nuzi Tablets," *ZA*, 43, 1936, pp. 152, 153 (hereafter cited as "Status") and A. F. Rainey, "Family Relationships in Ugarit," *Or*, 34, 1965, p. 17.

35. M. Burrows, "Background," p. 12; E. Neufeld, *AHML*, p. 52, writes: "The Assyrian levirate law can thus be summarized as follows: (a) It applied whether the widow had sons or not; (b) it was in force even if there were no marriage but only an engagement; (c) all brothers of the deceased husband are subject to the obligation; (d) failing brothers, the deceased's father marries the widow; (e) failing brothers and father of the deceased, the levirate duty extended to the grandchildren born by another wife, and most probably also to children thus begotten." For reference to Meek and David, see nn. 28 and 31.

36. M. Burrows, "Background," p. 12, as against G. R. Driver and J. C. Miles, refers to MAL, §30 as a real case of the levirate practice. Yet when he summarizes, in terms of how this institution functioned in Assyria and Israel, he writes, "Except among the Hebrews and perhaps the Canaanites, levirate marriage was not in the ancient Near East a means of securing a son for the dead. It was rather a part of the whole system of family relationships, authority, and inheritance"; *op. cit.*, p. 15. This can also be observed as well in E. Neufeld, *op. cit.*, p. 54, who writes, "Levirate marriage was a common feature in Western Asia, but the

by Driver and Miles as inferentially opposed to the levirate in Assyria is MAL §33. As previously noted, the concluding section of MAL §33 concerns the widow living in her father's house who has no son and whose father-in-law is dead. The widow is free to go where she wishes; that is, to marry whom she will. For Driver and Miles, this law is the opposite of the Hebrew levirate, which would not allow the widow a similar freedom of choice if any male kinsman of her husband were living.³⁷ This objection presupposes that the marriage of Ruth to the goel was a levirate marriage. At this point this question can be set aside. Suffice it to say, that others might not see MAL §33 as inferentially opposed to a levirate custom, since they would not speak of the marriage of a Hebrew widow to a more distant relative as a levirate marriage.

More important than the inquiry into whether one should or should not speak of a levirate custom in Assyria is the consideration of the purpose of the levirate in Assyria and in Israel. On this point, there is little disagreement,³⁸ for it is quite evident that the laws functioned dissimilarly in the two places. In the Hebrew levirate, the emphasis is on the childless widow and the need for male progeny for the deceased. A connection between the much desired male issue and the succession to the family estate must be noted. So also the levirate in Assyria was intimately tied in with the family and inheritance.³⁹ Yet as Ring has noted, "Der Unterschied aber ist, dass in CA die Rücksicht auf den Toten and die berechtigte Forderung darauf, dass sein Name nicht aussterben

ancient Hebrew has stamped the custom in Israel with its own individual character. There are many points of difference between the Hebrew levirate and the Assyrian-Hittite levirate which are much more striking than their points of resemblance."

37. G. R. Driver and J. C. Miles, *op. cit.*, p. 248, maintain that "a childless widow could not do this by Hebrew law if she had either a brother-in-law or a male kinsman of her husband."

38. G. Morgenstern, *op. cit.*, p. 161, talks of the levirate in Israel as having "an altogether new motif ... entirely without parallel in Semitic practice." Cf. n. 36.

39. M. Burrows, "Background," p. 15.

möge, gar keinen Platz findet. Es handelt sich bloß um das Recht der ihn Überlebenden ihn zu beerben. Das assyrische Levirat hat daher sicherlich bezweckt das Eigentum innerhalb eines Geschlechtes zusammen zu halten, aber die Bestimmungen über dasselbe haben nicht, wie es in Israel der Fall war, es gleichzeitig und vor allem darauf abgesehen, dass der von Anfang an mit dem Eigentume verbundene Name auch weiterhin an dasselbe gebunden bleiben und auf diese Weise fortleben möge. In CA sind es nur die Interessen der Hinterbliebenen und deren erbrechtliche Forderungen gewesen, denen bei der Leviratsehe Beachtung geschenkt worden ist."⁴⁰ One can conclude, then, that while there are formal points of contact between the two practices, such as the role of the father-in-law and the brothers of the deceased, there are some rather basic differences. At least many of the cases adduced from the Assyrian laws have reference to the inchoate bride and not to the widow. It is unclear in others whether children are present or not. Ring is correct in calling attention to the fact that in Israel the law was primarily directed toward the dead, to continue his name, whereas in Assyria the exclusive focal point is the rights obtained by the family, in the marriage contract, which brings the bride into her husband's family. It is therefore understandable when Bracker concludes, "Kommt man vom ausserisraelitischen Levirat

40. E. Ring, *op. cit.*, p. 49. H. Bracker, *op. cit.*, p. 36, writes, "In *Israel* war die Leviratsehe etwas sehr viel anderes. In Israel handelte es sich nicht um die Versorgung oder Festhaltung der Witwe als eines gekauften Eigentums der Familie, sondern darum, dass dem ohne Sohn verstorbenen Ehemann für dessen Landbesitz, der in seinem Geschlecht forterben sollte, ein Erbe verschafft wurde.... Die Witwe ging in diesem Falle nicht wie eine Ware aus einer Hand in die andere, sondern sie handelte selbständig zu Ehren ihres verstorbenen Mannes und seines Geschlechtes." I. Price "The so-called Levirate marriage in Hittite and Assyrian Laws," *Oriental Studies Dedicated to Paul Haupt*, ed. C. Adler and A. Embler, 1926, p. 271: states, "The Assyrian laws uphold the sanctity of a betrothal on the part of the parents of both parties with all the detail that a complicated society would seem to require. If these features may be classed as a kind of levirate-marriage, they omit those phases of the question, *viz*: posterity, property and inheritance, that stand out so prominently in Hebrew legislation."

zum israelitischen, ist es, als ob man in eine ganz andere Welt tritt."⁴¹

Hittites

The Hittite law code⁴² contains one law, HC § 193, which resembles the levirate law in Israel. It reads, "If a man has a wife, and the man dies, his brother shall take his wife, then his father shall take her. If also his father dies, his brother shall take his wife (and also) the son of his brother shall (take her). (There shall be) no punishment."⁴³

There are variations in translation arising from an imperfect text,⁴⁴ which affect the order of responsibility in the levirate marriage situation. There is agreement among scholars that the first and second responsibility falls upon the brother of the deceased and the father of the deceased. Opinion is divided over the question of who assumes the responsibility for marrying the widow if the father of the deceased dies as well. Stated in another way, How are we to under-

41. H. Bracker, *op. cit.*, p. 37. This conclusion is also arrived at by P. Cruveilhier, "Le lévirat chez les Hébreux et chez les Assyriens," *RB*, 34, 1925, p. 542, "Si nous comparons entre eux le droit de Lévirat des Hébreux et celui des Assyriens, nous constatons que leur ressemblance est plus apparente que réelle.... En spécifiant que c'est uniquement, quand il n'y a pas de fils, que le droit de lévirat doit s'exercer, le Deutéronome marque clairement que le but de cette institution est d'assurer la perpétuité du nom et de l'héritage du défunt. En négligeant au contraire la question de l'existence d' enfants, le Recueil de lois assyriennes nous manifeste qu'un tel but n'a nullement préoccupé l'auteur de son droit de lévirate." E. M. MacDonald, *op. cit.*, p. 72, writes, "In Israel there was a religious motive behind Levirate marriage, in Assyria an economic motive...."

42. In connection with the dating of these laws A. Goetze, "State and Society of the Hittites," in *Neuere Hethiterforschung*, ed. G. Walser, 1964, p. 27, comments, "It is quite clear that they go back to the Old Kingdom.... A recent refinement of palaeography allows the statement that some of the law tablets that have come down to us in fact were inscribed during this early period (1800 B.C.)."

43. E. Neufeld, *The Hittite Laws*, 1951, p. 55.

44. I. Price, *op. cit.*, p. 269, translates, "If the second (husband) or his father die, then his first brother, although married, may take her; there is no penalty." J. Friedrich, *Die Hethitischen Gesetze*, 1959, p. 85, translates, "Wenn ein Mann eine Frau hat und der Man stirbt, nimmt seine Gattin sein Bruder; dann nimmt sie sein Vater. Wenn zweitens auch sein Vater stirbt und die Frau die er hatte sein Bruder nimmt, ist kein Anstoss."

stand the reference to "his brother" who takes the woman after the decease of the father? Does the phrase, "his brother," refer to the brother of the originally deceased man or to the father who has died?⁴⁵ Price⁴⁶ Ledersen,⁴⁷ and Ring⁴⁸ assert that a married brother of the deceased is the third in order of responsibility. The distinction between married and unmarried is inferred from the conclusion where it is expressly stated that in the instance of the latter assuming the obligation of the levirate "There shall be no punishment."⁴⁹

On the other hand, Koschaker⁵⁰ Nöetscher,⁵¹ Burrows,⁵² and Neufeld⁵³ understand the sequence as involving the brother of the deceased, the father of the deceased, and the

45. The translation of A. Walther in J. M. P. Smith, *The Origin and History of Hebrew Law*, 1931, p. 272, circumvents this problem by translating the disputed lines, "If again also his father die and one brother of his take the woman." This translation presupposes that the "his brother" has reference to the father's brother.

46. I. Price, *op. cit.*, p. 270.

47. J. Pedersen, *Israel, its Life and Culture*, I-II, 1926, p. 547, translates law § 193, "If a man marries a woman and then dies, then his brother may (or must) marry her; secondarily, his father. When the father dies, a brother may (or must) marry her, whatever his marital relations." He remarks (p. 548) on the concluding section of the law, "The latter remark might point in the direction that the first-mentioned brother is at any rate not under obligation to take over the widow, if already married."

48. E. Ring, *op. cit.*, pp. 137, 138, writes, "Eine besondere Eigentümlichkeit ist die ausdrückliche Vorschrift, dass ein verheirateter Bruder, wenn so erforderlich, die Leviratspflicht erfüllen kann. Er kommt dadurch in die Lage in Bigamie zu leben, and vermutlich hat man bigamische Verbindungen innerhalb des hethitischen Rechtsgebietes als nicht erlaubt angesehen, da besonders angegeben wird, dass er nicht hestraft werden soil. Seine neue Verbindung wird nämlich als eine durch besondere Verhältnisse veranlasste ausserordentliche Massnahme betrachtet, eine reine Ausnahme, welche das Gesetz, deshalb dulden kann."

49. I. Price, *op. cit.*, p. 270, remarks, "The levirate-marriage requirement should be carried out even if it involved polygamy of a brother of the deceased. This proceeding was an emergency case and was not punishable under a law which impliedly was in vogue at that time."

50. P. Koschaker, "Zum Levirat nach hethitischen Recht," *RHA*, 10, 1933, p. 77.

51. F. Nötscher, *Biblische Altertumskunde*, 1940, p. 88 n. 2, comments, "Der hethitische Levirat ist fakultativ, greift aber viel weiter als der israelitische. Levir ist der Reihe nach der Bruder, der Schwiegervater and sogar der Bruder des Schwiegervaters des Verstorbenen."

52. M. Burrows, "Background," p. 14.

53. E. Neufeld, *The Hittite Laws*, 1951, pp. 191, 192.

paternal uncle of the deceased. Meeks⁵⁴ and Gurney⁵⁵ believe the third party to be the nephew of the deceased.

It is not expressly stated whether this law is in operation only if the widow is childless. Koschaker believes it is highly probable that such was the case.⁵⁶ On the other hand, Price is of the opinion that the law "aims to provide a home for the bereaved widow among the kinsman of her late husband or husbands, and thus promotes humanitarianism in a wide sense."⁵⁷ Neufeld,⁵⁸ Pedersen,⁵⁹ Ring,⁶⁰ Brongers,⁶¹ and

54. T. Meek, *Hebrew Origins*, 1960, p. 63 n. 32. Cf. A. Goetze, *ANET*, p. 196, "If in turn also his father dies, one of his brother's sons shall take the wife whom he had. There shall be no punishment."

55. O. R. Gurney, *The Hittites*, 1954, p. 101.

56. P. Koschaker, "Zum Levirat nach hethitischen Recht," p. 80, remarks, "Sie ist noch-einleuchtender, wenn der Levir auch die Aufgabe hat, für die Fortsetzung der Familie und des Namens seines verstorbenen Bruders zu sorgen. § 193 gedenkt indessen dieser Voraussetzung nicht. Dass aber auch in diesem Punkte das hethitische Recht der allgemeinen Regel folgte, lässt sich meines Erachtens in hohem Grade wahrscheinlich machen." J. Morgenstern, *op. cit.*, p. 163, draws the parallel between Genesis 38 and this law and implies a similar purpose. O. R. Gurney, *op. cit.*, pp. 101, 102, maintains that the law is "remarkably similar to the Hebrew law of levirate marriage"; he argues that § 193 is not a full statement of the levirate.

57. I. Price, *op. cit.*, p. 271.

58. E. Neufeld, *The Hittite Laws*, p. 192, writes, "The Law makes no reference to the question of issue of the original marriage of the deceased. It seems certain, however, that this question does not affect the obligation of the persons involved in the levirate duty. As long as the widow's age permitted her to give birth to children, all the above persons were under an obligation to marry her."

59. J. Pedersen, *op. cit.*, p. 548, comments, "From the Hittite and Assyrian Laws it appears that the Levirate marriage was a common feature in Western Asia, but the Israelites stamped this custom with quite a different character."

60. E. Ring, *op. cit.*, pp. 138, 139, discusses the similarities and distinctions between Hittite levirate law and the levirate in Deut. 25. Mention is made of three similarities which take in the following points: both involve a moralistic responsibility make reference to the performance of the levirate by a brother of the deceased; both, in contrast with the Assyrian legal system, know nothing of the counterpart of the levirate in cases where the woman has died. The differences are noticeable, including the absence of any mention of the dead person dying without male issue and the prescribed sequence. The purpose of the institution is dissimilar: "Darum ist es vermutlich nicht, so wie im israelitischen Recht, in erster Linie die Sorge für das Fortleben des Namens des Toten gewesen.... Wahrscheinlich ist die in Frage kommende Einrichtung bei den Hethitern mit dem ganz allgemeinen Zwecke begründet gewesen, dass durch sie, ebenso wie im assyrischen Rechte, gewisse Garantien dafür gegeben werden sollten, dass das Eigentum fortdauernd in der Familie als deren Besitz erhalten bliebe and nicht nötig hätte in fremde Hände überzugehen."

61. H. Brongers, *Oud-Oosters en Bijbels Recht*, 1960, p. 129, remarks on

Meek⁶² draw a clear distinction between the practice of the levirate among the Hittites and in Israel.

Nuzi

One brief mention is made in the Nuzi texts of something similar to the levirate. A brother giving his sister in marriage for a purchase price agrees that if Hanaya, the husband, dies, Ithipsharru, the husband's father, who purchased her, shall give her to his other son.⁶³ Gordon refers to this as "levirate marriage in the crudest form."⁶⁴ The purchase of a bride with the attendant right of transfer to another son in case of de-
 cease is similar to what we saw in MAI. §43. There is also the case where, in a husband's will, provision was made to prevent the wife from remarrying. The children were to strip her and she was to go out naked. This has, in any case, nothing in common with the Israelite levirate, since the marriage in view had already resulted in children.⁶⁵

HL § 193, "We ontmoeten hier het instituut van het leviraat, dat ons ook uit het bijbels recht bekend is (Deut. 25:5 vv.). Er is echter enige nuancering. Zo wordt hier de kwestie of het huwelijk kinderloos was gebleven, niet aan de orde gesteld, terwijl dit voor de bijbelse wet op het leviraat een conditie sine qua non is. Bovendien schijnt de nadrukkelijke constatering dat een leviraatshuwelijk niet strafbaar is, crop to wijzen dat het niet wettelijk verplicht was."

62. T. Meek, *Hebrew Origins*, p. 63 n. 32, denies, as Brongers, cf. our preceding note, that the levirate was required among the Hittites. He bases this conclusion on the final word in the law, "There shall be no punishment," and remarks, "It is clear from this that the Levirate with the Hittites had become quite obsolete; so obsolete and out of favor that a law had to be formulated to make it legal if someone did follow it." For a different interpretation of the statement "There shall be no punishment," cf. nn. 48, 49.

63. Text 441 in E. Chiera, *Mixed Texts*, Publications of the Baghdad School, V, 1934. Cf. C. Gordon, "Status," p. 163.

64. C. Gordon, "Fratriarchy in the Old Testament," *JBL*, 54, 1935, p. 230. He feels that "in the Old Testament, a secondary, sentimental and purely fictitious phase of levirate marriage, to wit, that of supplying the deceased with an heir, has evolved into its '*raison d'être*.' The whole institution, which was originally the right of the levir, has developed into the widow's privilege."

65. E. Neufeld, *AHML*, p. 54; C. Gordon, "Status," p. 163.

Ugarit

The evidence from Ugarit is very scant, although several scholars are of the opinion that the levirate was known.⁶⁶ One text possibly bearing on the levirate is an Akkadian document uncovered at the excavation of the royal palace of Ugarit in 1952:

“To be effective immediately! Thus says Arihalbu, King of Ugarit:
 “Whoever, after my death, takes (in marriage) my wife, Kubaba,
 daughter of Takan (?) from my brother—
 May Baal crush him,
 May he not make great (his) throne,
 May he not dwell in a (royal) house,
 May Baal of Mt. Casius crush him!”⁶⁷

Due to its conciseness, there has been some difference of interpretation,⁶⁸ but a number of scholars are convinced that we have in this political testament of the Ugaritic King Arihalbu a reference to the levirate. According to M. Tsevat, Arihalbu "drew up the document when he felt his end near and he was not blessed with a son, for no man would provide for the levirate of his widow as long as he might hope for a male heir."⁶⁹

This text then is a political testament with the unusual added weight of the curse. Apparently, Arihalbu is anticipating a possible violation of the intended marriage of his brother to his wife by some would-be aspirant to the throne. The imprecations in the text are designed to thwart any attempt

66. R. de Vaux, *op. cit.*, p. 38; L. M. Muntingh, "The Social and Legal Status of a Free Ugaritic Female," *JNES*, 26, 1967, pp. 108, 111; M. Tsevat, "Marriage and Monarchical Legitimacy in Ugarit and Israel," *JSS*, 3, 1958, pp. 237-243; A. van Selms, *Marriage and Family Life in Ugaritic Literature*, 1954, p. 36.

67. M. Tsevat, *op. cit.*, p. 237. His translation is from R. S. 16.144. J. Nougayrol, *Le palais royal d'Ugarit*, III, 1955, p. 76, offers a similar translation except in line eleven. Nougayrol renders: "(Sa) maison ne florira pas!" Tsevat: "May he not dwell in a (royal) house."

68. Cf. M. Tsevat, *op. cit.*, p. 239, for the particular views.

69. M. Tsevat, *op. cit.*, p. 240. Also, L. M. Muntingh, *op. cit.*, p. 108 and G. Boyer, "La place des textes d'Ugarit dans l'histoire de l'ancien droit oriental," in *Le palais royal d'Ugarit*, III, 1955, p. 300.

to overthrow his purpose to secure the continuance of his line in the kingship of Ugarit.⁷⁰

Van Selms calls attention to two instances in the Ugaritic texts where the daughter-in-law is mentioned as present in the household of the master of the house (329:2, 3; 11, 12). He feels that these are best explained by the supposition that the daughter-in-law remained with the dead husband's family, in which case it is probable that "we have here something we could compare with the idea underlying the Levirate marriage: once married into her husband's family, the wife is regarded as belonging to that family, and on her husband's death she remains in the care of her father-in-law. Perhaps he detained her till the moment a younger son could marry her."⁷¹

It would appear then that the levirate did operate in some form in ancient Ugarit although again this conclusion is based more on inference than on direct statement.⁷² Summing up Ugaritic matrimonial law, Muntingh, who concurs with the opinion that R. S. text 16.144 is a political testament of King Arihalhu presupposing a levirate custom that there is too little material to come to definite conclusions.⁷³

70. M. Tsevat, *op. cit.*, p. 241, points out that the concern of the king was "a dynastic one: to retain kingship in his family, ideally to secure the uninterrupted hereditary line.... The brothers, far from entertaining suspicion of each other, acted in the fullest accord. The document is written to guard the interests of either brother as well as those of the dynasty." He then draws an interesting parallel with David (II Sam. 12:8), Ahithophel (II Sam. 16:21), and Adonijah (I Kings 2:13-25); in these texts the appropriation of the king's wives is connected with taking over his office.

71. A. van Selms, *op. cit.*, pp. 35, 36.

72. A. van Selms, *op. cit.*, p. 36.

73. L. M. Muntingh, *op. cit.*, p. 111. G. Boyer, *op. cit.*, pp. 300, 301, concludes, "malgré le fait que ce seul texte nous ne pouvons affirmer que le lévirat était de règle pour l'ensemble de la population. La famille royale a pu être soumise en matière matrimoniale à des usages différents de ceux appliqués au reste de la population. Si on peut raisonner par analogie avec les institutions hébraïques, le mariage de la veuve de l'ancien souverain a pu jouer un rôle dans la dévolution de la couronne." R. de Vaux, *op. cit.*, p. 38, tersely states that there is evidence for the levirate in Ugarit. M. Tsevat, *op. cit.*, p. 240, writes, "The institution of the levirate is attested in the ancient Near East for Israel, the Hittites, Assur, and Nuzi. In Biblical law, the condition for the levirate is that the

We have now finished our survey of the levirate in the ancient Near East. With the exception of the one text which contained the political testament of the Ugaritic King Arihalbu, the evidence suggests that the levirate was basically a matter of inheritance, a means whereby a piece of property, acquired through an act of purchase, is kept within the family because of the value for the family. This fact, in itself, must set it apart from the levirate in Israel, since it is not possible to regard the operation of the levirate in Israel in similar terms.⁷⁴ Moreover, as has been pointed out, the emphasis in the surrounding nations is on the rights of the living whereas in Israel the goal of the levirate is that the "name of the dead may not be blotted out" (Deut. 25:6). Other purposes may have been incorporated in the course of the history of this institution in Israel, but the emphasis remains throughout on the need for a male descendant, and it is this emphasis which we cannot find in the surrounding cultures. In commenting on Hebrew law and its relation to other ancient Semitic law codes, Meek concludes, ". . . What they did borrow, they made their own. It was no slavish imitation of an uncreative people, but an imitation that improved what it took, and in the end what it did take became definitely Hebrew and did not remain Babylonian or Hurrian or Canaanite."⁷⁵

husband has died without leaving a son; according to Koschaker it is likely that this applies to Hittite law as well. We may assume identical conditions for Ugarit, sandwiched as it was between Palestine and Hatti." J. Gray, *The Legacy of Canaan*, (SVT, 5), 1965', p. 251, makes the following comment on the political testament of king Arihalbu: "On this evidence alone it is not possible to argue for the regular practice of levirate marriage as in Hebrew society. The fact that marriage of a widow with any but her brother-in-law is here expressly forbidden by special deed suggests that even if levirate marriage was regular in Ugaritic society it was certainly not compulsory. Indeed, since this is a royal disposition where the marriage of the king's widow might have possible political consequences, to say nothing of the infringement of the 'divinity that doth hedge a king,' it may well be that levirate marriage in Ugarit was exceptional."

74. See chap. 8, nn. 59, 104.

75. T. Meek, *Hebrew Origins*, p. 81. D. Mace, *Hebrew Marriage*, 1953, p. 113, remarks: "Though it has parallels with the customs as it obtains in other lands, the Hebrew levirate is essentially an inherent product of the culture to which it belongs, and its antiquity marks it as having grown out of that soil." See also nn. 36, 40, 59-61.

2

The Levirate In Israel

MATERIALS for the study of the levirate custom¹ in the Old Testament are somewhat meagre, consisting of three main passages: the story of Judah and Tamar in Genesis law given in Deuteronomy 25:5-10, and the book of Ruth. In this chapter consideration is given to the first two passages.

The Levirate Incident, Genesis 38

In Genesis 38² we are told of Judah's marriage to Shua and the birth of three sons, Er, Onan and Shelah.³ The ac-

1. For our purposes we shall operate with the definition of levirate given by J. Mittelman, *Der altisraelitsche Levirat*, 1934, p. 1, who says, "Die moderne Rechtswissenschaft verwendet jedoch den Ausdruck Levirat für alle Fälle, in denen die Witwe einem Verwandten des Mannes zufällt, mag dies nun der Bruder oder irgendein anderer Verwandter des Verstorbenen sein." We recognize that some will strongly object to calling the marriage of Boaz and Ruth a levirate marriage. Cf. S. R. Driver, *Deuteronomy*, ICC, 19023, p. 285. K. Dronkert, *Het Huwelijk in het Oude Testament*, 1957, pp. 67, 68, writes, "Strikt genomen komen wij het leviraatshuwelijk in de practijk alleen tegen in Gen. 38 en als wettelijke bepaling in Dent. 25:5-10. In het boek Ruth hebben wij niet te doen met een leviraatshuwelijk.... Het geval Ruth heeft met het leviraatshuwelijk in wezen niet veel te maken." L. Epstein, *Marriage Laws in the Bible and the Talmud*, 1942, pp. 86, 140, prefers to use the term "geullah marriage" when referring to the marriage of Boaz and Ruth. While there may be some merit in using different terms for the purpose of more precisely defining the distinctions within the levirate development, most scholars would nevertheless employ the terminology "levirate marriage" when referring to the marriage of Boaz and Ruth.

2. D. Redford, *A Study of the Biblical Story of Joseph, Gen. 37-50* (SVT, 20), 1970, p. 18, states, "As for the insertion of 38 at exactly this point in the story ... , one can only protest (a) between chapters 37 and 39 there is a natural pause in the action, and (b) certain coincidental features of chapter 38 bind it to chapters 37 and 39. Among the latter one may note the similarity between Judah in 38 and Jacob in 37: both are patriarchs; both are deceived, both are obliged to give legal recognition to a piece of evidence."

3. S.R. Driver, *Genesis*, 1926¹², p. 326, finds two purposes in this narrative.

count goes on to mention the marriage of Er, the firstborn, to Tamar and the subsequent death of Er.⁴ Judah then tells Onan to go in to Tamar, his brother's wife, and perform the duty of a brother-in-law to her and to raise up offspring for his brother: **וַיְבֹרֵךְ אֱלֹהִים אֶת-יִשְׂרָאֵל וַיִּבְרָא לְיִשְׂרָאֵל בֶּן-אֶחָד וְשֵׁם-אֵת-אֵלֶּיךָ לְאֶחֶיךָ** (v. 8). Knowing that the offspring of such a union would not be his, when he went in to Tamar, he spilled the semen on the ground.⁵ For the

First, to explain the origin of Judah's tribal subdivisions and secondly, to stress the duty of marriage with a deceased brother's wife. M. Burrows, "Levirate Marriage in Israel," *JBL*, 59, 1940, p. 23, suggests that the story of Judah and Tamar should not be used in discussions on the levirate since it is not typical. "As an illustration of possible variations it may be relevant, but for information as to normal procedure it has little value." So also R. K. Harrison, *IOT*, 1970, p. 650, and H. Brongers, "Enkele Opmerkingen over het Verband tussen Lossing en Leviraat in Ruth IV," *NedThT*, 2, 1947-48, p. 4. S. Belkin, "Levirate and Agnate Marriage," *JQR*, 60, 1969-70, p. 278, writes, "This story of Tamar reveals the ancient practice of levirate, before the Sinaitic Revelation." W. McKane, "Ruth and Boaz," *GUOST*, 19, 1961-62, p. 3, and E. Neufeld, *Ancient Hebrew Marriage Laws*, 1944, p. 35 (hereafter cited as *AHML*) oppose Burrows. Neufeld argues that the case of Judah and Tamar represents not merely a local law as distinct from a general law, since "on comparison with the *C. Hitt.* and the *M.A.L.*, it will be seen that the duty of levirate marriage might devolve upon a father-in-law." D. Mace, *Hebrew Marriage*, 1953, p. 96, maintains that Gen. 38 "provides us with an interesting example of the levirate custom in action." L. Epstein, *op. cit.*, p. 80, calls Gen. 38 "the first case of levirate." D. Daube, "Consortium in Roman and Hebrew Law," *JurR*, 62, 1950, p. 72 (hereafter cited as "Consortium") remarks, "The narrative of Judah and Tamar confirms that the original and chief function of levirate marriage was among brothers still under the rule of their paterfamilias. . . . This state of affairs must unquestionably be considered typical of levirate marriage."

4. In contrast to the case of Onan, no particular crime is mentioned; nevertheless, Er incurred the displeasure of the Lord and the Lord slew him. C. F. DeVine, "The Sin of Onan," *CBQ*, 4, 1942, p. 334, maintains, "that both Er and Onan committed the same sin and so were killed by God." This conclusion he bases on the similarity of expression (**רָע בַּעֲיַי יְהוָה**) in Gen. 38:7 and Gen. 38:10 and the similar fates of the two brothers. Cf. n. 5. We cannot see that similar wording used to describe Yahweh's verdict on an action constitutes proof that the actions themselves were similar. G. Coates, "Widows Rights: A Crux in the structure of Genesis 38," *CBQ*, 34, 1972, p. 462, is probably correct when he writes, "Neither is 'Er's character a part of the narration. The exact nature of his violation, the act that angered Yahweh, is not set out. It is irrelevant for the developing plot. The only purpose of this stage is to explain that Tamar became a widow."

5. S. R. Driver, *Genesis*, p. 328, believes that Onan was "hoping perhaps selfishly to secure the rights of primogeniture in his father's family for himself..." D. Kidner, *Genesis*, TOTC, 1967, p. 188, writes, "The enormity of Onan's sin is in its studied outrage against the family, against the brother's widow

second time the story relates the reason behind his practice which was "lest he should give offspring to his brother" (v. 9). What he did was displeasing to the Lord and the Lord slew him. At this point, Judah tells Tamar to return to her father's house until Shelah, the younger son, grows up.⁶ Judah is fearful for the life of Shelah and sends Tamar home to her, house father's house.⁷

and against his own body." The standard English translations fail to make clear that this was his persistent practice. The repetitiveness of Onan's, sin is a factor in understanding the severe punishment which was meted out to him. **אם** (v. 9) should be translated "whenever." Cf. Num. 21:9; Judg. 6:3. Cf. GKC §112,gg. The NV brings out accurately the true meaning when it translates, "zo vaak hij tot de vrouw van zijn broeder kwam." C. F. DeVine, *op. cit.*, pp. 337-339, argues that the principle cause of Onan's punishment was his violation of the natural law. Secondly, his evasion of the levirate duty was a factor. This conclusion he seeks to support with several arguments. Emphasizing the **אשר עשה** in 38:10 he writes, "What Onan did was to waste his seed on the ground; this constituted an offence against the natural law, and for this was Onan killed." He goes on to suggest that "it Onan were killed by God simply because he failed in the levirate duty, we would be forced to admit that God punished Onan with severity beyond measure, and in fact, beyond the measure of the law which He later gave to Moses." He further argues that "if the penalty of death were inflicted on Onan simply and solely because of his levirate failure then we fail to see why Juda did not suffer the same penalty." Finally, he introduces reasons based on his belief that Er and Onan committed the same crime (cf. n. 4). If both committed the same crime and were visited by " the same fate and no levirate failure could be attributed to Er "this leads to the conclusion that Onan was not killed, principally because of the levirate failure but because he, like Her, did something wicked in the eyes of God. This something is recounted in detail of Onan and suggested as regards Her." Several things must be said in reply to De Vine. The meaning of **אשר עשה** cannot be restricted to the spilling of the seed but must include the remaining clause "lest he should give offspring to his brother" (Gen. 38:9b).

It is speculative to presume that the brothers, Er and Onan, committed similar crimes simply because in both cases it is stated they were evil in the eyes of the Lord. Nor can an argument be based on the unusual punishment of Onan in relation to his father, Judah, since the latter's levirate responsibility is open to question. Cf. nn. 14-19: For these reasons we must reject DeVine's position.

6. Cf. MAL §43. J. Morgenstern, "The Book of the Covenant, Part II," *HUCA*, 7, 1930, p. 164, writes, "A certain parallelism with the Assyrian practice exists in that the youngest brother had to reach a certain age, no doubt the age of puberty, before his union with his brother's widow could be effected."

7. According to G. von Rad, *Genesis*, OTL, 1961, p. S53, Judah's dishonesty "lay in considering this solution as really final for himself but in presenting it to Tamar as an interim solution." Cf. also A. van Selins, *Marriage and Family Life in Ugaritic Literature*, 1954, p. 36: "In sending her back to her father he made it clear to her—though he did not actually say so—that he no longer wanted her as a daughter-in-law. That looks like a legal figure for which we have

The second and main part of the story concerns Judah and Tamar. Judah has become a widower and Tamar has, by this time, become aware of his intent to be permanently rid of her. When she sees that sufficient time had elapsed for Shelah's maturation and yet Judah has not kept his promise (38: 14b), she resorts to a form of trickery, waylaying him in the disguise of a harlot.⁸

When it becomes evident that Tamar is pregnant and Judah is told, he, acting with authority as head of the family, immediately decides that she should be burnt.⁹ However,

not a proper name; a 'divorce' by the father-in-law! Nevertheless, when Judah hears that she is pregnant, he feels that his rights, or rather those of his son, have been infringed (rather illogically we should think), but as he never formally in words 'divorced' Tamar, he is still able to exert full authority over her."

8. According to Gen. 38a15, Judah took the woman for a harlot (לזונה). But when his friend goes to recover his pledge (38:21) he-asks for the cultic prostitute (הקדשה). The mention of the veil in 38:14 seems to point in the direction of the latter. Cf. M. Astour, "Tamar the Hierodule," *JBL*, 85, 1966, pp. 1921-1121 Porter, "Legal Aspects of Corporate Personality," *VT*, 15, 1965, pp. 370, 371, comments, "Heb. ZANAH, frequently, and perhaps more often than not, in the Old Testament, has the technical sense of becoming a sacred prostitute in the service of some female deity, whose worship would be considered apostasy to Yahweh. This is clearly the case with the use of the word in the story of Judah and Tamar, Gen. XXXVIII 24, since twice the word there used for prostitute is qedeshah, one devoted to a religious cult, and it is noteworthy that the punishment for Tamar's prostitution is to be burning." See also C. Vos, *Women in Old Testament Worship*, 1968, p. 97, who views the two words in Genesis 38 as "virtual synonyms." E. Speiser, *Genesis*, AB, 1964, pp. 299, 300, suggests that Judah's friend introduced the term הקדשה "in order to place the affair on a higher social level." E. Good, *Irony in the Old Testament*, 1965, p. 108, states, "Judah's readiness to go to a roadside prostitute increases the comic irony, as does her, insistence on a pledge of payment, which prepares us for the conclusion; we must also perceive the irony of the fact two words for 'prostitute' are used in the story.... Certainly the alternation of terms is not accidental. Judah is not about to inform strangers that he runs around after ordinary prostitutes while anyone would assume perfect respectability in the search for a cultic prostitute."

9. G. von Rad, *op. cit.*, p. 355, writes, "Judah assumes competence as judge; he thus reckons Tamar as part of his family, though Tamar's act proceeded from the assumption that Judah had released her permanently from the family...." Cf. H. J. Boecker, *Redejormen des Rechtslebens im Allen Testament*, 1964, p. 147, comments, "In dem Ehebruchprozess gegen Thamar wird von Juda, dem zuständigen Richter. caber die angeklagte Frau die Tatfolgebestimmung verhangt: ותשרף. S. Belkin, *op. cit.*, pp. 279, 319, 320, feels that the story is significant in ascertaining the legal status of the widow before the levirate is performed. From the mention of burning as punishment he concludes that her status was still that

Tamar has obtained from Judah the pledge, thereby positively identifying him as the father of her child. Accordingly, she is vindicated by Judah, who acknowledges¹⁰ that she is more in the right¹¹ than he, because he has not given his son,

of a married woman. "Her marriage ties were not considered dissolved by the death of her husband." S. R. Driver, *Genesis*, p. 330, holds that Tamar is treated as the betrothed of Shelah and consequently as an adulteress. We should note that burning is mentioned as the punishment of the priest's daughter who has committed fornication (Lev. 21:8, 9), death by stoning being the usual mode of execution for adultery. R. de Vaux, *Ancient Israel*, 1961, p. 36, believes that in very ancient times it may have been that burning was also employed as a more common means of execution. M. Astour, *op. cit.*, pp. 190-195, in an attempted reconstruction of the whole chapter, views Tamar in the role of a sacred prostitute of the kind allowed to marry but not to have children. The explanation of Tamar's burning then is that "she became pregnant while being a hierodule." His drastic reconstruction of the data, however, is not convincing. Nor can we accept the view of A. Phillips, *Ancient Israel's Criminal Law*, 1970, p. 129, who believes that "Judah's order that Tamar should be burnt ... may in fact be a priestly gloss reflecting this Babylonian type of punishment, which had been incorporated into the Holiness Code."

10. According to D. Daube, *Studies in Biblical Law*, 1947, p. 6, the verb נִכַּר (cf. vv. 25, 26) sometimes has the technical meaning of the "formal finding out of, and making a statement to the other party about, a fact of legal relevance; be it one on which a claim might be based, or one on account of which a claim must be abandoned, or one on account of which the other party's claim must be admitted." In the story of Judah and Tamar there is "the submission of formal evidence with a request to acknowledge it, and the acknowledgment." Cf. H. J. Boecker, *op. cit.*, pp. 126-128.

11. A. Jepsen, "צדקה und צדק im Alten Testament," in *Gottes Wort und Gottes Land*, Festschrift H. W. Hertzberg, 1965, pp. 81, 82, calls attention to the use of this term in the historical books (Gen. 30:33; 38:26; I Sam, 24:18; II Sam. 4:11; 15:4; 19:29; I Kings 2:32 and II Kings 10:9): "Bezeichnend ist das Vorkommen der Wurzel in den Geschichtsbüchern, wo es überwiegend auf das Verhalten der Menschen zueinander angewandt wird. Aber es sind doch nur wenige Stellen, die von der Gottesbeziehung absehen, wo nur der Unterschied der Menschen in bezug auf ihre צדקה festgestellt wird oder vom 'ordentlichen' Gericht gesprochen wird. Zu allermeist wird deutlich, das צדק etwas mit Gott zu tun hat." E. Gerstenberger, *Wesen und Herkunft des apodiktischen Rechts*, 1965, pp. 115, 116, writes: "In der Familie, Grossfamilie oder Sippe ist der Vater die Autoritätsperson, die im Zentrum des sozialen Gefüges steht.... Das Familienoberhaupt ist darum als der Urheber und Garant der das Sippenleben regulierenden Prohibitive und Gebote anzusehen. Die Einschränkung seiner Rechte ist jedoch dadurch gegeben, dass auch er sich innerhalb der ihm übergeordneten, durch Gott geschützten Rechte bewegt, die sich eben in der Familienordnung ausdrücken. So weiss sich Juda Gen. 38, 26 durch die 'höhere Gerechtigkeit' überführt...." It is possible that the phrase צדקה ממני expresses a contrast rather than a comparison in which case we should translate, "she is in the right as compared with me." Cf. GKC § 133 n. 2. H. J. Boecker, *op. cit.*, p. 127 remarks, "So muss er öffentlich

Shelah, to her. The incident ends with the affirmation that he did not have intercourse with her again (38:26b).

In the levirate incident in Genesis 38, primarily three things will be investigated: (1) the purpose of the levirate, (2) the parties involved in its execution, and (3) the pressures placed upon the involved participants to execute their responsibility toward the deceased. It is evident from Judah's command to Onan to go in to his brother's wife that the levirate duty consisted of raising up offspring for the brother (Gen. 38:84). This is reiterated in the statement that Onan knew the offspring would not be his own (Gen 38:9a) and in the comment that "whenever he went in to his brother's wife he spilled the semen on the ground, lest he should give offspring to his brother" (Gen. 38:9b). This threefold reiteration makes it abundantly clear that the child of such a union was reckoned as the legal offspring of the deceased, and that such was the purpose of the levirate as recorded in this story. Property succession is not expressly mentioned as being involved, though it may be possible to infer from the continued adamant refusal of Onan that such interests may also have been at stake in this incident.¹²

feststellen, class Tamar im Recht צדקה er selbst aber im Unrecht (ממני) ist." K. Koch, *Sdq im AT*, Diss. Heidelberg 1953, p. 71, cited by H. J. Boccker, *op. cit.*, p. 127, translates "Sic ist sdq-ich bin es nicht."

12. The relation between begetting a son for the deceased, and the property succession is one of the thorny questions of the levirate. This question becomes most acute in the marriage of Boaz to Ruth, where the property transaction is suddenly introduced in Ruth 4. J. Scheftelowitz, "Die Leviratehe," *ARW*, 18, 1915, p. 255, maintains that Onan, "der das Erbe des verstorbenen Bruders dauernd im Besitze haben wollte, darauf bedacht, dass diese kinderlos bliebe." Similarly, J. Mittelmann, *op. cit.*, p. 13. S. Belkin, *op. cit.*, p. 279, writes: "The child which Onan would have raised, were he to perform the levirate, would not have been reckoned as his. The inheritance of his deceased brother, too,—if there had been any—would have belonged, it seems, to the new-born child. Surely, these factors were deterrants to a willing moral performance of the levirate." Th. and D. Thompson, "Some Legal Problems in the Book of Ruth," *VT*; 18, 1968 pp.93, 94, reason: "If Onan had openly refused the levirate obligation, then Tamar would have been able to take her own independence, as well as, we must suspect, her dead husband's share of inheritance.... But when Onan ostensibly does accept his levirate obligation, Tamar is left without any way of proving her case. Onan (and this is of what his sin consisted) was trying to steal his dead brother's

The levirate duty first devolved on Onan, the brother of Er, whereupon it then was passed to Shelah. It would appear that the widow was to wait until the young brother was able to perform the levirate duty. The suggestion has been made, based on Ruth 1:11-14, that in ancient Israel even a later-born brother would have been obliged, as well, to marry the widow.¹³ It is more disputable how we are to understand Judah's responsibility. Basing their conclusions on comparisons with HL, § 193, many scholars believe that an obligation to marry the widow of his deceased son rested as well with the father-in-law.¹⁴ Such an inference, however, is debatable and there have not been lacking those who would resist drawing this conclusion.¹⁵ In discussing a possible father-in-law

inheritance, which, upon Judah's death, Onan, as *go'el* for Tamar, would control and keep in lieu of a possible future son of Tamar's." Because the right of inheritance was intertwined with the duty of the levirate, D. Mace, *op. cit.*, pp. 106, 108, feels there were two kinds of abuses. "First, the heir might try to take the property without marrying the widow.. The second possible abuse of the law was that the brother, having taken over both the property and the widow, might try to avoid his responsibility as levir by preventing the woman from becoming pregnant, so that he might keep the property for himself. It is possible that attempts of this kind were quite frequent; and the story of the tragic fate of Onan may well have been a cautionary tale to warn others who were tempted to employ a similar device."

13. E. Neufeld, *AHML*, p. 35. M. David, *Het Huwelijk van Ruth*, 1941, p. 4, writes, "Dit sluit evenwel niet uit, dat ook voor eventueel later geboren zonen van Juda de verplichting zou kunnen hebben bestaan, na den dood van de oudste broeders Tamar te trouwen."

14. J. Wijngaards, *Deuteronomium*, BOT, 1971, p. 285, remarks, "Het is zeer waarschijnlijk, dat de plicht om een mannelijke afstammeling te verwekken oorspronkelijk niet alleen op de broers, maar zelfs op de schoonvader en andere familieleden rustte." Similarly, E. Neufeld, *op. cit.*, p. 36; D. Mace, *op. cit.*, p. 103; C. Lattey, *The Book of Ruth*, 1935, p. XXVI; J. Morgerstern, *op. cit.*, p. 163; J. Mittelman, *op. cit.*, p. 15; H. H. Rowley, "The Marriage of Ruth," in *The Servant of the Lord*, 19652, p. 80; L. Epstein, *op. cit.*, p. 100; G. A. Smith, *Deuteronomy*, 1918, p. 287; Th. and D. Thompson, *op. cit.*, p. 94; S. Belkin, *op. cit.*, p. 278. G. von Rad, *op. cit.*, p. 354, believes that Tamar "can well have reckoned with Judah's taking her in marriage."

15. J. Skinner, *op. cit.*, p. 455, warns against concluding that it was the father-in-law's duty to marry his son's widow under all circumstances. This would ignore the exceptional nature of the circumstances which the writer wished to portray. Cf. W. Caspari, "Erbtochter and Ersatzhe in Ruth 4," *NKZ*, 19, 1908, p. 128, and D. Jacobson, *The Social Background of the Old Testament*, 1942, p. 296. F. Horst, "Leviratsehe," *RGG*, 4, 1960³, p. 338, writes, "Ob beim Ausfall

obligation two points in particular should be noticed: First, Judah's acknowledgment in verse 26 that Tamar more in the right than he, is explained¹⁶ in the words of the final clause "inasmuch as I did not give her to my son, Shelah." This acknowledged delinquency seemingly has to do with his failure to give Shelah to her upon his maturation. It is not an acknowledgment of his own failure to act personally on her behalf,¹⁷ but perhaps Judah's words, "She is more righteous than I, inasmuch as I did not give her to my son, Shelah" go beyond an admission of fault for not giving Shelah to Tamar. He may as well be saying that since he had not given her Shelah, "she had the right to obtain fulfillment of the duty of the levirate by him, if his sons failed."¹⁸ Judah's words "she is more righteous," are an acknowledgment of his delinquency in his responsibility toward Tamar in not giving her his grown son, but it could be that in the light of this omission the levirate was then his duty, which of course he also had not assumed. Through her cunning artifice she had managed to take what should have been hers but what was withheld from her. Secondly, the son born to the union is reckoned (Gen. 46:12)¹⁹ to be Judah's own, and not as belonging

von Brüdern wie im Hethitischen der Schwiegervater leviratsehepflichtig wurde, ist aus Gen. 38 nicht sicher zu entnehmen."

16. E. Jacob, *TOT*, 1958, p. 95, is far removed from the text when he explains Judah's remark as follows: "When Judah cries that Tamar is more righteous than himself he is saying that in the particular circumstances which are being narrated she has acted according to the rules and customs of prostitution while he himself has not respected them."

17. W. Rudolph, *Das Buch Ruth, Das Hohe Lied, Die Klagelieder*, KAT, 17, 1962, p. 63.

18. G. R. Driver and J. C. Miles, *The Assyrian Laws*, 1935, p. 242. They refer to MAL, A, §33, in their interpretation of the responsibility of the father-in-law. Cf. also T. Meek, *Hebrew Origins*, p. 64.

19. J. Morgenstern, *op. cit.*, pp. 182, 183, cites Gen. 46:12 as well as Ruth 4:11b, 12 and 4:17b, 22 as passages which reflect a late post-exilic attitude where the child is reckoned as belonging to the actual father and the institution is merely regarded in terms of the inheritance of property. D. Mace, *op. cit.*, p. 109, argues that in both Ruth and Gen. 38, "the fundamental point of the custom appears to have been overlooked in the telling of the story, because the children born are described as belonging to their actual fathers and not to the deceased husbands of their mothers." G. Coates, *op. cit.*, p. 462, writes, "Implicit in

to Er as would be expected if the father-in-law were regarded in the story as having validly performed the levirate.

We have reason to conclude from this incident that there was an order followed in the performance of the levirate. Such an order went from the oldest to the youngest of the brothers. Whether the father of the deceased was also legally involved, in the event of the nonfulfillment of the levirate by the brothers, is certainly debatable, though there are no insurmountable arguments that can be introduced against it.

From Genesis 38 it appears that the obligation to perform the levirate duty rested strongly upon the brother of the deceased.²⁰ The fact that Onan resorted to a secret act of defiance suggests that no other recourse was available by which he might have avoided his responsibility. God, himself,

the custom is protection for the widow's inheritance rights within the father-in-law's family. The concern is not simply, for 'Er's future line; in, fact, the children finally conceived within they frame of the story trace their paternity to their real father, not to 'Er (cf. Numb. 26:19-20). The concern is for Tamar's future." This is clearly contrary to the emphasis of Gen. 38:5, 8, 9 on giving offspring to the deceased brother. It is not valid to give precedence to later geneological references over the clear statements of the narrative. Because of the extreme difficulty in interpreting the genealogies of the Bible, the inclusion of Perez and Zerah as sons of Judah in Gen. 46:12 and Num. 26:19-20 should, not, in the absence of additional evidence, be regarded as a final evolutionary stage of the levirate. As a possible example within a genealogy the use of both the real father as well as the father by means of the levirate, note should be taken of Zerubbabel who is called the son of Pedaiah (I Chron. 3:19) and the son of Shealtiel (Ezra 3:2, 8; 5:2; Neh. 12:1; Hag. 1:12, 14). W. Rudolph, *Chronikbücher*, HAT, 21, 1955, p. 29, writes: "Beide Angaben werden so auszugleichen sein, dass Fedaja, als Schealtiel ohne Sohn starb, mit dessen Witwe eine Leviratsehe (Dt. 25:5ff) schloss, so dass sein Erstgeborener Serubbabel physisch sein Sohn, rechtlich aber der seines Bruders war." This is also considered to be distinctly possible by J. Myers, *I Chronicles*, AB, 1965, p. 21. For an explication of some of the obscurities in biblical genealogies, see A. Malamat, "King Lists of the Old Babylonian Period and Biblical Genealogies," in *Essays in Memory of E. A. Speiser*, ed. W. Hallo, 1968, pp. 163-172. See also, M. Johnson, *The Purpose of the Biblical Genealogies*, 1969, pp. 77-82.

20. I. Mendelsohn, "The Family in the Ancient Near East," *BA*, 11, 1948, p. 30, maintains that this incident suggests a revolt on the part of Canaanite society against an institution "economically and socially out of tune with the times." In an attempt to justify compliance with the law the new interpretation of "raising up seed" for the dead brother was advanced, but Onan refused such an innovation, even though his evasion was punishable by death.

severely punished²¹ this sin of "Lieblosigkeit gegen den verstorbenen Bruder."²² Judah's recognition of his culpableness in withholding Shelah similarly points to the seriousness with which such duties were regarded. While it might appear to be possible to argue that his failure to give his son to Tamar betrays the opposite, such reasoning would not sufficiently take into account the exceptional nature of the recorded incident. Furthermore, we must not overlook Tamar,²³ who

21. The lack of opportunity to opt out of this responsibility as well as the severe punishment meted out by Jahweh may be evidence for the most ancient phase of the levirate, at which time the levirate was an unavoidable obligation. We cannot speak with "complete certainty on this point. It is instructive to note the remarks of W. Rudolph, *op. cit.*, p. 62, who writes, "Dass in der sehr alten Erzählung Gn 38 die Leviratspflicht ganz streng ist, ergibt sich daraus, dass Onan, obwohl er möchte, sich dieser Pflicht nicht entziehen kann und dafür, dass er geheime Sabotage treibt, von Jahwe mit dem Tode bestraft wird." Comparing the obligation pictured here with that in the book of Ruth, he makes the following significant statement: "Nun hängt dieser Unterschied in der Verbindlichkeit offenbar mit dem Unterschied des Verwandtschaftsgrades zusammen: Der Bruder musste, der entferntere Verwandte konnte; dass zwischen Gn 38 und Ru kein Widerspruch besteht, folgt auch aus Ru I, 1 I ff., wo Noomi doch wohl als selbstverständlich voraussetzt, dass, wenn sie Söhne hätte diese ihre Schwiegertöchter pflichtgemäss ehelichen würden. Andererseits schliesst Gn 38 die Anschauung vom freiwilligen 'Levirat' entfernterer Verwandter nicht aus, nur dass dort kein Anlass war, davon zu reden."

Moreover, it may be that this severe punishment of Onan should be attributed to the exceptional nature of the means employed to circumvent the obligation and the deception involved in such a procedure. The repetitive nature of Onan's sin may also have been a factor. See n. 5.

22. H. Gunkel, *Genesis*, HK, 1, 1917³, p. 413. He writes further, "Man beachte die Gottesanschauung, die hier zu Grunde liegt: Jahves Augen sehen auch das Geheimste, was kein Menschenauge schaut; und er beschützt den, der sich selbst nicht helfen kann: den Verstorbenen, dessen Recht man verletzt."

23 C. F. Keil, *The Pentateuch*, 1, 1864, p. 343, explains Tamar's conduct as resulting not from lust but from "the innate desire for children." G. von Rad, *op. cit.*, p. 357, on the contrary feels that "the question of whether she was motivated more by the desire for a child than by her widow's duty is not raised in the story." While one must agree that there is no express statement on Tamar's motivation, there is also no reason to believe it to be anything other than that with which the entire narrative is preoccupied, which is the duty of the deceased's family to raise up seed to the dead brother. H. H. Rowley, *op. cit.*, p. 181, is of the opinion that of all the duties of the next-of-kin that of performing the levirate was the least pressing. In support of this opinion, he cites Judah's behavior in disregarding the levirate as well as Tamar's in resorting to trickery rather than appealing to public opinion. It is questionable, however, whether public opinion would have been a feasible means of counteracting the kind of subterfuge employed against Tamar. J. Pedersen, *Israel, its Life and Culture*, 1-11, 1926, p. 79,

keenly felt her obligation to her dead husband and whose persistence led her surreptitiously to seek for a son for her deceased husband.

One remaining point must be mentioned regarding the levirate in Genesis 38. This duty, as we say, consisted of raising up offspring to the dead brother. Such a purpose, however, did not necessarily require a levirate marriage. Judah ordered Onan to raise up offspring (Gen. 38:8), not to take Tamar as a wife. Furthermore, when Tamar had become pregnant, and subsequently was exonerated by Judah, we are told that "he did not lie with her again" (Gen. 38:26b). For this reason Belkin remarks, "In retrospect, one realizes that this story reveals only the duty of levirate, but not necessarily levirate marriage."²⁴ If this is the case, one can see a

writes, "Israelitic women have looked up to her as an example, a woman who knew how to show endurance and cunning and set aside all other considerations in order to attain the great victory, namely to give the husband progeny." G. von Rad, *op. cit.*, p. 357, remarks, "Only Tamar is unmistakably praised by the narrator." For rabbinic comment on Tamar, cf. M. Johnson, *op. cit.*, pp. 159-162. We cannot accept the verdict on Tamar expressed by E. Robertson, "The Plot of the Book of Ruth," *BJRL*, 32, 1950, p. 226: "That Tamar had my legal justification for her conduct I do not for a moment believe, yet Old Testament scholars have displayed extraordinary ingenuity in attempting to provide her with one." We prefer the verdict of D. Redford, *op. cit.*, p. 18, who describes Tamar as "an honorable woman faithful to the interests of her husband." This is also the verdict of A. van Selms, "The Canaanites in Genesis," *OTS*, 12, 1958, p. 205, who comments, "For later generations in Israel Tamar remained an admired example of complete devotion to first task, the procuring of offspring."

24. S. Belkin, *op. cit.*, p. 279; also G. R. Driver and J. C. Miles, *op. cit.*, p. 243. G. Coates, *op. cit.*, p. 463, comments, "Not tantamount to marriage, the duty of a brother-in-law (yabam) is only for production of a male heir. The widow remains the wife of the dead brother (cf. vs. 8a: Go in to your brother's wife)." Coates maintains that the goal toward which Tamar's scheme moves is the conception of a child, not marriage. His conclusion (p. 465) is that "the widow can look for marriage from the brother-in-law or whoever fulfills the levirate custom. But she has the right only for conception." His reasoning concerning the purpose of Tamar's deception may well be correct but his attempt to link Tamar and Ruth together in similar strategies must remain unconvincing. Cf. 7 n. 31. Cf. H. H. Rowley, *op. cit.*, p. 186, "The woman was still considered as the wife of the dead man, and the brother was merely a substitute for him for a single purpose. Again, levirate marriage had reference only to a single birth. The brother-in-law had completed his duty when he had provided the dead with a single heir." He feels (p. 187 n. 2) that the case of Judah, who was married and with children, is significant, confirming that "an institution whose only *raison d'etre* in Israel was to provide an heir for the dead would hardly function beyond the range

parallel to the custom of *niyoga* mentioned in the laws of *Manu* which reads: "But when the purpose of the appointment to cohabit with the widow has been attained in accordance with the law, these two shall behave towards each other like a father and daughter-in-law."²⁵ Yet we must also take notice of Genesis 38:14, "For she saw that Shelah was grown up and she had not been given to him as wife"²⁶ (אֵל לַאֲשֶׁה לֹא נָתַןָהּ לְוֵי אִשָּׁה). Such terminology, however, may have been employed to emphasize that the "obligation of the levir_ does

of its purpose." Later, however, (p. 192) he remarks, "it neither required nor excluded full marriage."

25. E. Bühler, *The Laws of Manu, Sacred Books of the East*, 25, 1886, p. 339. Such a parallel is viewed by M. Burrows, "The Ancient Oriental Background of Hebrew Marriage," *BASOR*, 77, p. 6 (hereafter cited as "Background") as being too remote to be of any significance in interpreting the Hebrew levirate. Similarly, J. Mittelman, *op. cit.*, pp. 10, 11. Th. and D. Thompson, *op. cit.*, p. 95, mention the parallel in the laws of *Manu* as being far afield but valuable! They maintain that "because of its closeness to incest, it was felt necessary to limit the levirate relationship to what was necessary to fulfill its purpose. It was certainly not considered equivalent to marriage." Chamberlayne, *Man in Society*, 1966, p. 65, refers the laws of *Manu* on the basis of which he regards it as probable that the levirate duty was finished when a single son was born.

26. The same phraseology is to be seen in Deut. 25:5. G. R. Driver and J. C. Miles, *op. cit.*, p. 243, argue that marriage is not required in the Deuteronomic law of the levirate or in the Tamar incident. J. Mittelman, *op. cit.*, p. 11, writes, "Weiter finden wir im A. T. an keiner den Levirat betreffenden Stelle ein Verbot der Fortsetzung des Geschlechtsverkehrs nach der Zeugung des Leviratssohnes." His reasons are interesting, in that they provide an example of the circular reasoning which is at times involved in this issue. Considering the data from *Ruth* as implying levirate marriage, he is able to argue that the levirate duty involved marriage for at least two reasons. One would be the clear statement of *Ruth* 4:13. "So Boaz took *Ruth* and she became his wife." The second is the goel's reluctance to redeem the property (for fear of impairing his own inheritance). This reluctance may be reasonably explained, according to Mittelman, on the grounds that a number of sons will come from the union which, when combined with his own sons, will lead to the dismemberment of his estate, *ibid*, p. 13. There can be little doubt that in the book of *Ruth* we have a full marriage taking place between Boaz and *Ruth*. For this reason, our discussion of whether the levirate duty involved marriage or merely cohabitation for the purpose of procreation is of some relevance in the analysis of the goel marriage in *Ruth*. If the levirate duty were merely to produce a son, and were not a levirate marriage, this would be an additional argument in favor of differentiating between the levirate duty and the goel marriage in *Ruth*. Noting this, H. H. Rowley, *op. cit.*, p. 192, remarks, "Indeed, if in the case of a brother-in-law such marriage [full marriage] would have been excluded, it is hard to see how *Ruth's* marriage could have been brought within the framework of the levirate custom at all."

not stop short at furnishing a son to perpetuate the name of the dead, but extends to the future security and status of the woman.

We must accept Rowley's plea for a greater flexibility in our approach to the details of the levirate. He writes: "The scanty evidence we have thus suggests that we ought to recognize a much greater degree of looseness than some writers allow Levirate marriage was not in early times limited to a brother-in-law it neither required nor excluded full marriage; it neither required nor excluded the unmarried condition of the levirate partner."²⁸

We have been discussing Genesis 38 as background material for the goel marriage in Ruth. A comparison between the two is drawn by the elders and people who say to Boaz, "May your house be like the house of Perez, whom Tamar bore to Judah, because, of the children that the Lord will give you by this young woman" (Ruth 4:12). We shall now proceed to Deuteronomy 25 which is generally regarded as the key passage in discussions of the Hebrew levirate.

27. W. McKane, "Ruth and Boaz," p. 30.

28. H. H. Rowley, *op. cit.*, p. 192.

The Levirate Law, Deuteronomy 25:5-10

The Persons Involved In the Levirate, Deuteronomy 25:5, 6.

The law reads: "If brothers²⁹ dwell together,³⁰ (כִּי יִשְׁבוּ) and one of them dies and has no son,³¹ the wife of יְחָדָו אֶחָיִם

29. Many kinship terms in the Bible have both a specific and a more general usage. See F. I. Anderson, "Israelite Kinship Terminology and Social-Structure," *BT*, 20; 1969, pp. 29-39. אָח according to the meaning of a blood brother of the same parents, as well as the more general meaning of a blood brother of the same clan, cf. Gen. 13:8; 19:7; 29:4; Lev. 25:25; Judg. 19:23. The later usage is at the basis of the levirate as practiced by the Samaritans and the Jewish Karaite sect. These groups held that the duty devolved not upon the blood brother but the intimate friend, believing that the performance by the blood brothers of the levirate violated the Levitical prohibition in Lev. 18:16 and Lev. 20:21. Cf. L. Epstein, *op. cit.*, pp. 89, 92. A. van Praag, *Droit matrimonial assyro-babylonien*, 1945, p. 109, remarks, "Si dans Deut. XXV 5-10, 'la loi fondamentale du levirat', le term frère avait un sens classificatoire, la clause que les frères doivent habiter ensemble serait plus clairement un résidu de l'époque patriarcale où les différents fils mariés d'un patriarche continuaient d'habiter, avec leurs femmes, chez leur père; ainsi, les fils de ces fils, en grandissant ensemble, étaient regardés comme des frères." He goes on to appeal to Lev. 25:25 and Ruth 4 to support his opinion that אָח should be interpreted as brother in the wider sense.

30. Cf. J. C. De Moor, "Lexical Remarks concerning Yahad and Yahdaw," *VT*, 7, 1957, pp. 350-355. Cf. Gen. 13:6; Gen. 36:7; and Ps. 133:1 for יִשְׁבוּ יְחָדָו. J. Pederson, *op. cit.*, p. 508, interprets the living together as meaning "in the same town" since the matter is an affair of the city. E. Neufeld, *AHML*, p. 40, writes, "The word 'together' no doubt means here living on the same family estate at the same time." The rabbinic tradition took יְחָדָו temporally; thus: when they lived contemporaneously. Any later born son would be thereby excluded. A. Ehrlich, *Randglossen zur Hebräischen Bibel*, 2, 1909, p. 323, writes, "יִשְׁבֵּי" kann an dieser Stelle nur heissen: da sein, lehen, und der Ausdruck den Fall ausschliessen, wo der verstorbene Bruder nicht Zeitgenosse des lebenden war." He gives the following explanation for interpreting יְחָדָו temporally: "Der Grund dieser Beschränkung unserer Vorschrift liegt auf der Hand. Denn im Falle der verstorbene Bruder starb, noch ehe der lebende zur Welt kam, ist die Witwe des erstern im gewöhnlichen Verlauf der Dinge zur Zeit, wo letzterer die geschlechtliche Reife erlangt hat, zu alt, um Kinder zu gebären und so den Zweck der Leviratsehe zu erfüllen. Dabei kann aber auch der Umstand mitwirken, dass das Verwandtschaftsgefühl gegen einen Bruder, den man nie gesehen und nie sehen konnte, für ein so grosses Opfer zu gering ist. Denn die Leviratsehe war seitens des Mannes ein sehr grosses Opfer."

31. בָּרָא; LXX: σπέρμα. Josephus, *Antiquities*, IV, 8, 23, uses the term a childless (ἄτεκνος) wife; so also Luke 20:28; Matt. 22:24; and Mark 12:19. The word used by Judah in Gen. 38:8 is יָרַע. If the inheritance of the family property is in some way connected with levirate, Neufeld's observation that "in interpreting the word בָּרָא in its relation to the levirate the state of the law of inheritance at different stages in the history of Israel becomes, the decisive factor," would be valid (*AHML*, p. 45).

the dead shall not be married outside the family (החוצה)³² to a stranger; her husband's brother (יבמה)³³ shall go in to her, and take her as his wife, and perform the duty of a husband's brother to her (ויבמה). And the first son whom she bears shall succeed to the name (יקום על שם) of his brother who is dead, that his name may not be blotted out of Israel."

The key phrase in our understanding of who is affected by the law is the phrase "brothers dwelling together."³⁴ It is generally assumed that this law presupposes the existence of the patriarchal family with the father as authority over his wife and children, even over the married sons living with him

32. See Judg. 12:9 for a comparable use of this word. J. Mittelman, *op. cit.*, p. 30, concludes from this word "dass hier die Rede ist von einem in örtlicher Gemeinschaft lebenden Verwandten - Verbands, dem sämtliche Brüder mit ihren Familien angehören und aus dem die Witwe nicht ausscheiden soll." R. Merendino, *Das Deuteronomische Gesetz*, (*Bonner Biblische Beiträge*, 31), 1969, p. 319, comments on חוצה: "Das Wort setzt eine scharfe Grenze zwischen der Familie und den nicht dazu Gehörigen."

33. יבם, is used in Deut. 25:5, 7 to refer to the dead husband's brother: יבמה, is used in Deut. 25:7, 9 to refer to the brother's widow and further alone in Ruth 1:15 where it refers to the widow of the brother of a wife's husband. J. Vesco, "La Date du Livre de Ruth," *RB*, 1967, p. 243, cites this as a possible linguistic argument for a late date for Ruth: "Si le livre de *Ruth* emploie ce nom sans lui donner son sens précis mais en lui accordant une signification plus large, n'est-ce pas l'indice que le livre de *Ruth* a été écrit, à une époque où la législation léviratique n'était plus d'un usage fréquent et où le vocabulaire de la parenté devenait plus large?" See also, M. David, "The Date of the Book of Ruth," *OTS*, 1941-42, p. 62; C. Rodd, "The Family in the Old Testament," *BT*, 18, 1967, p. 20. One need not assume imprecise usage in Ruth 1:15. For a similar usage which parallels the twofold use of יבמה, one can point to דודה in Exod. 6:20, meaning father's sister and in Lev. 18:14, meaning wife of father's brother. Hebrew has a special verb for the performing of the levirate (יבם) which may be evidence of the importance of the levirate duty; cf. S. R. Driver, *Deuteronomy*, pp. 282, 283. For a discussion of the root cf. E. Neufeld, *AHML*, p. 231. M. Burrows, "Background," pp. 6, 7, following a suggestion of Albright's, calls attention to the epithet "ybmt limm" for the goddess Anat in the Ras Shamra texts. W. Albright, "Recent Progress in North Canaanite Research," *BA*, 70, 1938, p. 19 n. 6, suggested that "ybmt limm" means "progenitress of the peoples." The word developed the meaning brother-in-law and sister-in-law because of their involvement in the yibbum, the levirate marriage. C. Gordon, *UT*, 1965, p. 408, suggested that "progenitress of heroes" may be a correct rendering of "ybmt limm." Th. and D. Thompson, *op. cit.*, p. 85, write, "We ought not to translate yibbum as levirate' but as 'progenitor marriage' or the like. It is the progeny rather than any previous relationship between the couple that is significant in this custom." Cf. J. Gray, *The Legacy of Canaan* (SVT, 5), 1965², pp. 40, 271, 272.

34. Cf. n. 30.

and their wives.³⁵ Furthermore, it is commonly asserted that this law is operative *only* where brothers are dwelling together.³⁶ Mittelman is representative when he writes, "Da das Gesetz die Erfüllung der Leviratspflicht nur von zusammenwohnenden Brüdern fordert, ist der Gegenschluss gerechtfertigt, dass nach dem Willen des Gesetzgebers der nachgeborene Bruder nicht der Leviratspflicht unterliegen soll, da er mit dem Verstorbenen nicht zusammengewohnt haben kann, dass ferner Brüder, die in verschiedenen Orten, Ländern oder Erdteilen wohnen, nicht leviratspflichtig sein sollen."³⁷

Our understanding of this phrase "dwell together" takes on significance when the question is posed, "Is the levirate connected with the laws of inheritance?" As we shall presently see, the phrase "succeed to the name of the dead brother" has some connection with the rights of inheritance.³⁸ Should

35. R. de Vaux, *Ancient Israel*, 1961, p. 20. He believes the proper word to describe the Israelite family is **בית אב**, "the house of one's father." T. Mitchell, "Family," *NBD*, 1962, p. 415, regards Josh. 7:16-18 as instructive in understanding the relation between the tribe, clan and house. "Conceptually the members of a tribe can be pictured as a cone with the founding ancestor at the apex and the living generation at the base." See also F. I. Anderson, *op. cit.*, pp. 29, 30.

36. G. von Rad, *Deuteronomy*, 1966, pp. 154, 155; D. Mace, *op. cit.*, p. 110; G. R. Driver and J. C. Miles, *The Assyrian Laws*, 1935, p. 243; I. Mattuck, "Levirate Marriage in Jewish Law," *Studies in Jewish Literature in Honor of Kaufman Kohler*, 1913, p. 211; H. Schaeffer, *Social Legislation of the Primitive Semites*, 1915, p. 59; S. R. Driver, *Deuteronomy*, p. 282. According to L. Epstein, *op. cit.*, p. 88, "Dwelling together, which alone permits the levirate situation, presupposes a patriarchal family structure, and where there is no patriarchal family there is no levirate." This is in accord with the very strong distinction which he draws between levirate marriage and geullah marriage. Both existed at the same time. "Brothers dwelling together performed levirate, when not dwelling together, they performed the ge'ullah courtesy." Levirate marriage was rare and came to an end with the breakdown of the patriarchal family.

37. J. Mittelman, *op. cit.*, p. 31.

38. In later Jewish writing the meaning of "to succeed to the name" is "to inherit the property." According to Tannaitic tradition the child of the levirate union was the levir's and the levir was the inheritor of the property, cf. S. Belkin, *op. cit.*, p. 289. Such an understanding is contrary to the literal intent of the text "and the first son whom she bears shall succeed to the name of his brother who is dead." I. Mattuck, *op. cit.*, p. 217, refers to the "forced interpretation" of **בכור** which "is made to mean that the duty of the marriage devolves first upon the oldest of the surviving brothers." He adds: "The reason for transferring the inheri-

we then see in the phrase "brothers dwelling together" an additional indication that inheritance is an important factor in the levirate? Epstein answers in the negative since he believes that "the levirate situation arises while the patriarch is still alive and heads his corporate family. It is one of the sons who has died childless and left a widow. There is no question of disposing of an estate, because the patriarch is still alive. It is a matter of conserving property right in the childless widow and perpetuating the name of the deceased."³⁹ This is the complete opposite of the opinion held by Driver and Miles, who call attention to the absence in this law of any inclusion of a duty on the part of the father (similar to the duty of Judah). They feel that he must be dead, in which case the brothers are sharing the inheritance.⁴⁰ They see the situation pictured in the phrase "dwelling together" paralleled in the MAL by the phrase "brothers who have not divided the inheritance"⁴¹ which would indicate their living on a joint estate.

Such a family pattern described in the phrase "brothers

tance from the son to the brother-in-law is the recognition of his right to inherit his brother's property at the same time that he inherits the widow." S. Belkin, *op. cit.*, pp. 290, 291, explains the change remarking: "Our sages could not and would not visualize that the son born from the levies seed should legally be recognized as, the seed of the deceased.... If the levir's son exclusively inherited the property of the deceased, the levirate union would oftentimes not be consummated, due to the financial complexities inherent.... On this account the Rabbis explained the biblical law, establishing therewith the legality of the natural father (the levir) to be also the legal heir of the deceased's estate. Under these conditions, the usual ground for objecting to the fulfilment of the levirate duty was removed."

39. L. Epstein, *op. cit.*, p. 86.

40. G. R. Driver and J. C. Miles, *op. cit.*, p. 243. Cf. n. 18.

41. G. R. Driver and J. C. Miles, *op. cit.*, p. 243. See Meek's translation of MAL, B, §2, 3 (*ANET*, p. 185): "If one among brothers who have not divided (the inheritance) took a life, they shall give him up to the next-of-kin; if he chooses, the next-of-kin may put him to death, or if he chooses, he may spare (him) (and) take his share. If one among brothers who have not divided (the inheritance) uttered treason or ran away, the king (shall deal) with his share as he thinks fit." A. F. Puukko, "Die altassyrischen und hethitischen Gesetze und das Alte Testament," *StOr*, 1, 1925, p. 132, comments, "Die Wendung [the brothers of an undivided estate] ist dieselbe wie Dt 25:5 wenn Brüder beisammen (d. h. in der ungeteilten Hinterlassenschaft) wohnen."

dwelling together" is indisputably ancient.⁴² Neufeld remarks, "Although the Deuteronomic levirate law had in view a restriction of the levirate obligation, the way in which the law is framed leaves little doubt that it bears the traces of an ancient custom of Hebrew family law which was no doubt out of date in Deuteronomic times."⁴³ Driver and Miles reflect on the consortium of brothers and ask why such a wording is included in the Deuteronomic law. They see the phrase "dwelling together" as reflecting the ancient situation where inheritances were impartible. They maintain that "when the law which now stands in Deuteronomy was originally laid down, brothers generally did dwell together, and the Deuteronomic compiler has left the phrase where it is either *per incuriam* or because he wished to restrict the custom as far as possible."⁴⁴ The latter explanation seems somewhat artificial, since it is doubtful whether the lawgiver would deliberately legislate a situation he knew to be virtually nonexistent in order to restrict the practice of the levirate.⁴⁵

Daube argues convincingly that in Deuteronomy 25, "the legislation about levirate marriage, as conceived by its author, dealt with consortium, brothers who on their father's death remained together on the paternal estate.... In this case, if one died without leaving children and the survivor refused to raise seed for him in order that his place in the consortium should be filled again, the widow could summon the traitor before the elders."⁴⁶ As over against the situation reflected in

42. Cf. Z. Falk's review of R. de Vaux's *Les Institutions de l'Ancien Testament*, in *JJS*, 9, 1958, p. 202, where he comments on the levirate law, "Our passage, however, seems to be based on an earlier law. It was formulated when 'brethren dwelt together,' i.e. during the patriarchal stage."

43. E. Neufeld, *AHML*, pp. 41, 42.

44. G. R. Driver and J. C. Miles, *op. cit.*, p. 243.

45. Cf. A. Noordtzijs, *Het Boek Levitikus*, KV, 1940, p. 16, who comments: "Die onderstelde wetgevers waren toch zeker geen archeologen! Ze schreven toch voor hun eigen tijd, wilden hun wetten toch door hun tijdgenooten gehoorzaamd zien. En dan toch voorschriften geven, die in hun tijd ten eenenmale onuitvoerbaar waren?!"

46. D. Daube, "Consortium," pp. 89, 90, J. Mittelmann, *op. cit.*, pp. 30, 31, is of a similar opinion when he remarks that "der Gesetzgeber bei der Form-

Genesis 38, in which the father was alive, Daube maintains that the Deuteronomic lawgiver refers to a situation in which the estate had not been partitioned after a father's death but the inheritance held in common. As evidence to support his view that the phrase "brothers dwelling together" refers to consortium, Daube cites Psalm 133:1. He finds references to the consortium institution in early Hebrew law in the stories of Abraham and Lot and Jacob and Esau (Gen. 13:1 ff., 6; 36:6, 7) where the phrase "to dwell together" is found.

Daube gives several reasons for believing that the law operates in the situation where the father is dead. "If the lawgiver had in mind the ordinary case where the *paterfamilias* is still alive,

(1) the expression 'if brethren dwell together and one of them die' would be strange, and one would expect something like 'If a man take a wife for his son and this son die. . . .'

(2) Similarly, the expression 'her husband's brother shall go in unto her and take her to him to wife' would be strange, and one would expect something like 'the *paterfamilias* shall send her husband's brother in unto her and give her unto him. . . .'

(3) If the *paterfamilias* were still alive, one would expect him to be strong enough to force the remaining brother to marry the widow even if he did not wish to do so. . . .

(4) At least, one would expect the *paterfamilias* to play some part in the proceedings laid down in the case of disobedience on the part of the survivor."⁴⁷

Daube appears to be arguing for the original *Sitz im Leben* of the levirate law and his argument is cogently presented. The application of the levirate law to additional cases (where the father is alive or where the father is dead and the brothers separate, taking their own inheritance portion) is a later

ulierung des Gesetzes in erster Linie an Brüder gedacht haben, die als Bauern in fortgesetzter Erbengemeinschaft auf dem väterlichen Grund und Boden gemeinsam leben." Similarly, H. Brongers, *Oud-Oosters en Bijbels Recht*, 1960, p. 199.

47. D. Daube, "Consortium," pp. 72, 73. Cf. also Daube's review of L. Epstein, *Marriage Laws in the Bible and the Talmud* in *BiOr*, 3-4, 1947, pp. 32-35.

development "when the primitive consortium had become obsolete and forgotten."⁴⁸

At the beginning of our discussion of the phrase "brothers dwelling together," we noted that most scholars assume that the levirate law operates *only* where brothers are dwelling together; that the law provides the exclusive conditions under which the levirate duty was to be in effect, but it is questionable whether the levirate law is to be understood in such a fashion; that is, as prescribing exhaustively the situation in which the levirate operated. Rather, as Th. and D. Thompson state, "When Deuteronomy speaks of brothers dwelling together, it is not specifying the limits under which the law is binding. It is describing the typical situation under which the law would normally be used."⁴⁹ The law is then legislating how the responsibility toward the deceased and the deceased's widow customarily operated. Normally, the brother⁵⁰ of the deceased, being the nearest of kin and best suited to act for the deceased, will be called upon to raise up seed for the deceased. However, it should not be understood as if the levirate was performed only under the conditions and through the specific parties mentioned in the Deuteronomic law.

The Purpose of the Levirate, Deuteronomy 25:6.

We must now enter into the very heart of the levirate marriage institution and to the crucial question of its purpose as construed by the Deuteronomic legislation. In particular, we must inquire into the meaning of Deuteronomy 25:6. There it is stated that the first-born of the levirate union

48. D. Daube, "Consortium," p. 90. H. H. Rowley, *op. cit.*, p. 175 n. 3, objects to Daube's position and remarks, "This would seem to distinguish the marriage of Ruth too sharply from levirate marriage, and would make the references to Deut. 25:5-10 and Gen. 38 in the book of Ruth hard to explain." Rowley's objection does not sufficiently take into consideration, however, that Daube is arguing for the primitive life setting contained in the phrase "brothers dwelling together."

49. Th. and D. Thompson, *op. cit.*, p. 90.

50. J. Pedersen, *op. cit.*, p. 78: "When the brother is mentioned as the one to take this obligation upon himself, it is because he is the nearest of kin to the

"shall succeed to the name of his brother who is dead, that his name may not be blotted out of Israel." What is the meaning of the phrase **שם על יקום**? What is meant by the statement of purpose "that his name may not be blotted out of Israel"? We find similar phraseology in verse 7 where the widow's accusation against the levir is that "he refuses to perpetuate his brother's name in Israel" (**מאן יבמי להקים** (לאחיו שם בישראל)). In the halisah ceremony the brother-in-law who rejects his duty is referred to as the one who is not willing to build up his brother's house (v. 9). We must enquire into these statements relating to the distinctive purpose of the levirate in Israel. There can be little doubt that, according to Deuteronomy, the purpose of the levirate was to provide the dead man with a son," which in Israelite think-

deceased and best suited to act in his name, just as he is the man from whom it is most fair to exact the fulfillment of this duty."

51. It is difficult to believe that in v. 5 "son" is not the intended meaning despite any apparent conflict with Num. 27. However, M. Kline, *Treaty of the Great King*, 1963, p. 117, writes, "In view of the provision of Numbers 27:4 ff., there would be no need for the levirate marriage if the deceased had daughters. Hence the AV seems preferable to RSV in rendering in verse 5 no child, rather than no son." Cf. also R. K. Harrison, *IOT*, 1970, p. 650, "The levirate law did not apply if daughters had been born, and regulations for the inheritance of such individuals constituted an early concern of codified Hebrew law (Num. 27:1 ff.)." Cf. S. Belkin, *op. cit.*, p. 280, for a similar interpretation. G. A. Smith, *Deuteronomy*, 1918, p. 287, on the contrary, remarks: "P, by allowing daughters to inherit (Num. xxvii 1-12), abolished part of the need for Levirate marriages; but obviously, D knows nothing of P's law: for his own is limited to sons: This is generally the position taken by those more inclined to see development within the laws of the Pentateuch. L. Epstein, *op. cit.*, p. 81, states: "Leviticus and Numbers at times ignore the levirate institution and at times legislate it out of existence.... If a man dies childless, according to the ruling of the Book of Numbers, his estate goes over to the brothers or uncles, as if a levirate institution did not exist at Critical scholars see historical development in the institution and successive biblical legislation in respect to it." A. Geiger, "Die Leviratsehe," *Jüdische Zeitschrift für Wissenschaft and Leben*, 1, 1862, pp. 19-39, believes that the two biblical statements are explainable on the basis of the divergent geographical locations of the lawgivers; levirate being, according to Geiger, known only in the south. The author of the Numbers 27 tradition, which revolves around the daughters of Zelophehad who was of Manasseh, would have been from the north and either did not know of or was free to ignore the southern tradition of the levirate. This argument is rejected by J. Mittelman, *op. cit.*, p. 37, whose interpretation of the two passages in Num. and Deut. follows the common critical source approach. In the Exile, the Israelites came under Babylonian influence. "Die Folge des exilischen Rechtsangleichungsprozesses war eine Vereinheitlichung

ing was extremely important. The son, born of the union between the levir and the widow is reckoned- as belonging to the deceased.⁵² The phrase **יְקוּם עַל שָׁם**, obviously does not

and Reformierung des jüdisch—isaclitischen Rechtes, die manche Spuren in der Queue P. des Hexatuches hinterlassen . . . Die Tatsache, dass gerade P., also eine Quelle aus dem ausgehenden 6. Jh., mit grosser Emphase das Tochtererbrecht predigt, lässt darauf schliessen, dass es sich hierbei für die jüdischen Exulanten um etwas Neues handeln muss, das mit grossem Nachdruck befohlen und gut begründet werden muss, um Wurzeln schlagen zu können." Several things should be said about this matter. First of all, it is evident that some of the Pentateuchal laws show traces of a process of development. A clear example is the further amplification of the law of Num. 27 in Num. 36. J. Weingreen, "The Case of the Daughters of Zelophchad," *VT*, 16, 1966, pp. 519, 520, maintains that in this incident we have a significant pointer toward legislative procedure in Israel, "by which a new law may emerge out of the ruling of a judicial authority in a case of unprecedented circumstances, for which the law had made no provision." He argues that "such phenomena, surely, would not be unusual in any ancient organized society and may be seen as manifestations, through evolving law, of social growth and widening experience." We acknowledge that the laws of the Bible are divinely revealed, yet given in concrete historical circumstances, and therefore accept the principle of development where the Bible points in that direction. Cf. W. H. Gispen's interesting discussion of development within the Pentateuchal laws, "De Soepelheid der Mozaïsche Wet," *GTT*, 57, 1957, pp. 106-111. In the case under discussion, however, the Old Testament legal traditions are being interpreted in the light of the Wellhausen source analysis with a post-exile date for the P document. This dating has recently come under some suspicion, cf. e.g. Y. Kaufman, *Religion of Israel*, 1961, pp. 175-200, and E. Speiser, "Leviticus and the Critics," in *Oriental and Biblical Studies*, ed. J. Finkelstein and M. Greenberg, 1967, pp. 123-142 = *Yehezkel Kaufmann Jubilee Volume*, ed. M. Haran, 1960, pp. 29-45. Apart from these considerations, we note that not all are agreed that the incident in Num. 27 demonstrates that the so-called P document did not know or disapproved of the levirate. N. Snaith, "The Daughters of Zelophehad," *VT*, 16, 1966, p. 126, holds that "the story of the daughters of Zelophehad has actually nothing to do with the general rules and laws as to the inheritance of property, but that primarily it is a story told to account for the fact that the tribe of Manasseh held land to the west of the Jordan, Jos. xvii 1-6." Since we do not know all of the specifics for which this law was enacted it could be covering a situation where a wife without a son had predeceased her husband, where the wife remained without a son after levirate marriage or a case where the deceased's brother had refused to marry the widow. See J. S. Wright, "Marriage," *NBD*, 1962, p. 789.

52. Since the biblical statement is that "the firstborn is to succeed to the name of the deceased" in any levirate union, such a unique arrangement would apply only to the firstborn son. It is difficult to understand the ground on which I. Benzinger, "Marriage," *EB*, 1903, p. 2950, sees a "not unimportant alteration" between Gen. 38 and Deut. 25. He remarks, "In Gen. 38:9 all the children (not only the first son) are to be reckoned to the dead man." Surely, **הַזֶּרֶעַ** in Gen. 38:9 does not refer to a plurality of offspring. On the relation of **זֶרַע** in Gen. 38 to 7: in Deut. 25:5, L. Epstein. *op. cit.*, p. 97 n. 55, remarks that seed

mean that the child shall assume, in the literal sense, the name of the deceased since this was not so in either of the two incidents of the levirate narrated in the Old Testament (Gen. 38, Ruth 4). Pedersen explains the phrase when he writes, "If a man, after having contracted a marriage, dies without sons, then he dies entirely. It is this blotting out of life which is to be avoided. His nearest of kin, the brother, must perform this office of love in order to protect him from extermination. The wife, whose object in life it is to bear him a son in whom his life is resurrected, must be enabled to do her duty towards him."⁵³

The desire for children and in particular for male children was very strong in Old Testament times. Barrenness was a dire misfortune (I Sam. I) and it was considered to be the highest blessing from God to have sons (Ps. 127:3-5). "Give me children or I die," was the distressed plea of the wife (Gen. 30:1). In many places the Old Testament makes a connection between having descendants, particularly sons, and

"is only a general expression for offspring and may be used even when one has in mind only sons," pointing to the employment of the term seed in connection with circumcision in Gen. 17. Since the phrase *ולקחה לו לאשה*, Deut. 25:5, points in the direction of a more permanent marital, union, it would be likely that either children would be produced. The most natural explanation of the term firstborn would also suggest other children and permanent marriage, though Rowley argues that "when the law of Deuteronomy speaks of the firstborn child it is not implied that the union would normally continue and that there would be other children who would take the name of the dead man, but rather that levirate marriage was only, concerned with a first birth"; *op. cit.*, p. 187.

53. J. Pedersen, *op. cit.*, p. 78. See also A. R. Johnson, *The One and the Many in the Israelite Conception of God*, 19612, p. 3: "Thus, to the Israelite, when the time comes for that dissolution of the personality which is known as death, it is in this particular 'extension' that he may continue to live most powerfully. Hence the extermination of the name is regarded as the greatest disaster which can befall a man, and various measures are adopted to preserve his memory. The need of male offspring for this particular purpose finds typical expression in the legislation providing for the so-called levirate marriage...." W. Rudolph, *op. cit.*, p. 62, commenting on the meaning of the phrases under discussion, writes, "Dieses Wertlegen auf die Erhaltung des Namens ist bei dem Fehlen einer Auferstehungshoffnung durchaus begreiflich, so dass wir es nicht nötig haben, nach einem anderen als dem im AT angegebenen Motiv für den Levirat zu suchen...." J. R. Porter, *op. cit.*, p. 377, states, "The principal aim of the Levirate marriage, as the Biblical texts plainly show, was that a son might be born who would take the dead husband's name and so keep him alive."

the continuation of the name (I Sam. 24:22; II Sam. 14:7; 18:18; Isa. 56:5; 66:22; Jer. 11:19; Ps. 45:17 f.; 109:13). It is not proper to conclude from this that in Israel the levirate was connected with ancestor worship,⁵⁴ but it seems evident that the descendants, and especially sons in Israel, were viewed as the ones who keep in remembrance the name⁵⁵ of the father.⁵⁶

In addition to the idea of the continuance of the name of the father through his son, more must be said about the concept of "succeeding to the name." From additional passages now to be mentioned it seems likely that "succeeding to the name" must be linked as well with inheriting the property.⁵⁷ Genesis 48:5, 6 makes mention of Jacob's adoption of Ephraim and Manasseh, the two sons of Joseph born in Egypt before Jacob's arrival. This privilege is restricted to the two

54. M. Burrows, "Levirate Marriage in Israel," *JBL*, 59, 1940, p. 32, believes that it is "entirely likely that the levirate had some connection with ancestor-worship among the Hebrews." I. Benzinger, "Family," *EB*, 1903, p. 1502, calls it "the essential consideration in levirate marriages." For a critique of this idea, see W. Eichrodt, *TOT*, 2, 1967, pp. 219, 220.

55. On the distinctive Israelite understanding of the name, see G. von Rad, *Studies in Deuteronomy*, 1953, pp. 37-44; J. A. Motyer, "Name," *NBD*, 1962, pp. 861-864; J. Pedersen, *op. cit.*, pp. 245-259; Th. and D. Thompson, *op. cit.*, pp. 84-88.

56. H. W. Robinson, "The Hebrew Conception of Corporate Personality," *BZAW*, 66, 1936, pp. 49, 52, has sought to explain the levirate in terms of his well-known concept of corporate personality. The levirate is the result of Israel's unique "unitary group conception." This is defined as follows: "The whole group, including its past, present and future members might function as a single individual through any one of the members conceived as representative of it." The extension into the future of the living group is "best illustrated by the dominant aspiration of the Hebrew to have male children to perpetuate his name, the name that was so much a part of himself that something of him died when his name ceased." The application of the corporate personality concept to the levirate law is questioned by Porter, *op. cit.*, p. 377, who writes, "Here indeed, as also with the obligation of blood-revenge, there is a very strong awareness of the solidarity of the family, but this is based on ties of kinship and the bond of property and does not require the postulate of 'corporate personality'...."

57. W. Rudolph, *op. cit.*, pp. 62, "Nur spielt neben der Erhaltung des Namens auch noch der Gedanke an die Erhaltung des Grundbesitzes mit." J. R. Porter, *op. cit.*, p. 377, affirms that the principal aim of the levirate was to continue the deceased's name and life in a son but goes on to say, "Closely linked with this, as is implied in Deut. xxv 5, and the story of Ruth, was the object of preserving the family property intact." For a contrary view, cf. H. H. Rowley, *op.*

sons: "and the offspring born to you after them shall be yours; they shall be called by the name of their brothers in their inheritance" (v. 6). In other words, later born sons will not form tribes of their own, with a special inheritance, but will be incorporated into Ephraim and Manasseh. Here it appears that "being called by the name" includes being made a partaker of the inheritance.

Numbers 27 points to a direct connection between **שם** and the family property. The daughters of Zelophehad asked Moses, "Why should the name of our father be taken away from his family, because he had no son? Give to us a possession among our father's brethren" (v. 4). When a decision is rendered to meet this situation⁵⁸ we see that the daughters are to be given possession of an inheritance among their father's brethren (v. 7).

This same idea is also found in Ruth 4:10. Boaz remarks, "Also Ruth the Moabitess, the widow of Mahlon, I have acquired to be my wife, to perpetuate the name of the dead in his inheritance (**להקים שם המת על נחלתו**), that the name of the dead may not be cut off among his brethren."

It thus appears that through the levirate, the name and the estate of the deceased were continued in the son of this union, who was considered to be the son of the deceased. As such, he was the one who ultimately came into possession of his father's property. Undoubtedly this would be a duty of love on the part of the deceased's brother, who would stand

cit., p. 185, "There is no reference to property in the law of levirate marriage in Deuteronomy."

58. R. de Vaux, *op. cit.*, p. 166, writes, "If a man dies without male heirs, the land is bequeathed to his daughters (Nb 27:7-8), but they must marry within their tribe, so that their portion may not be transferred to another tribe (Nb 36:6-9). If the owner dies childless, the inheritance reverts to his brothers, his uncles or his nearest kinsman (Nb 27:9-11)." According to S. Belkin, *op. cit.*, pp. 321-324, this episode in Numbers 27 and 36 "is the reflection of agnate marriage, meaning marriage *within* the family, tribe or clan." This is to be sharply distinguished from the levirate and was not obligatory. These laws provided that daughters inherited the property, where there were no sons, when they married within the family tribe. They are reflected with some significant variations in the marriage of Tobias to Sarah, mentioned in the book of Tobit.

to gain personally in case his dead brother remained without children.⁵⁹ It is important to recognize that the levirate duty entailed a sacrifice of love. From the examples of Onan and the god in Ruth, as well as from the ceremony whereby the refusing brother is shamed, we have confirmation that some in Israel were not adequate to this sacrifice of love. Such responsibilities were rejected where love had grown cold. However, because of the close bond of kinship which united the Israelite clan, the levirate law was one of the concrete ways in which the law of love within the Israelite family often came to expression. The levirate had in view, then, the raising up of descendants for the deceased, but, in addition, was designed to prevent the alienation of the family property.⁶⁰

59. According to J. Pedersen, *op. cit.*, p. 91, to maintain the name implies the continuation of the deceased's life, but includes as well the taking over of his property. "It always expresses an office of love on the part of the brother. If he is actually the natural heir, it is clear that it is a great sacrifice on his part; for then he might let the deceased be blotted out and take over the inheritance for himself and his progeny.... The presupposition is that it is really a great sacrifice he is making." Cf. D. Mace, *op. cit.*, pp. 106, 108. We must assume that the property of the deceased was under the control of the levir until such time as a male child was born and able to assume control. If the levir was married and had children by a first wife and had additional children from the second, difficulties in his estate may well have resulted. See J. Morgenstern, *op. cit.*, pp. 174-175.

60. D. Mace, *op. cit.*, p. 105, remarks, "We may therefore suppose that even where its primary purpose was limited to the propagation of a son to the deceased, as among the Hebrews, it may at the same time have subserved the ends of inheritance." This dual purpose is also affirmed by G. R. Driver and J. C. Miles, *op. cit.*, p. 243; O. Baab, "Marriage," *IDB*, 1962, p. 283; C. Steuernagel, *Deuteronomium and Joshua*, HK, 1900, p. 92. Sometimes an effort is made to distinguish between primary and secondary purposes. Cf. R. de Vaux, *op. cit.*, p. 38: "The essential purpose is to perpetuate male descent, the 'name,' the 'house,' and therefore the child (probably only the first child) of a levirate marriage was considered the child of the deceased man.... A secondary, but similar, purpose was to prevent the alienation of family-property." A few scholars believe that the levirate serves an additional purpose; i.e., to provide for the care and protection of the widow in society. If such were the case, then the levirate duty must be understood as involving full marriage, not merely cohabitation for the purpose of impregnation. D. Mace, *op. cit.*, p. 108, calls this nothing more than an "incidental element." L. Epstein, *op. cit.*, pp. 79, 80, describes it as a later development. E. Neufeld and I. Mattuck see it as the primary and fundamental object of the levirate. Cf. E. Neufeld, *op. cit.*, pp. 29-33, 46, 47. I. Mattuck emphatically repudiates the idea that the maintenance of the dead man's estate could have been the central purpose in the legislator's mind. The central purpose can be discerned,

The Ceremony of Refusal, Deuteronomy 25: 7-10.

We must now examine the ceremony in Deuteronomy which followed the refusal of the levir to fulfill his duty to the widow. We have seen from Genesis 38 that there were occasions when the duty of the levirate was evaded by the brother-in-law. The Deuteronomic law recognized that there would be those who refuse to perform the duty, although the reasons for such refusal are not directly mentioned.⁶¹ The prescribed ceremony may be an indication that it was felt to be in the interests of both parties to exert some pressure so that evasions of this pious duty would be kept at a minimum. It is true that in this, as in all the laws of God, obedience is the response of love, and love cannot be coerced. Nevertheless, some pressure can be beneficial. This law recognizes the very real possibility of that to which Genesis 38 points as well: the levir's rejection of his responsibility. It would be wrong to see in the halisah ceremony merely a legalization of this rejection. We should not imagine that the law is designed to provide the brother-in-law with the occasion for escaping his duty.⁶² Rather, the intention of the ceremony is primarily

he asserts, by asking the question "Whom did the law benefit?" The widow alone benefited by it, as can be seen also from the story of Tamar and Ruth. Taken in combination with the humanitarian concern in Deuteronomy for widows and orphans, the combination of these arguments can lead to no other conclusion than that the purpose of the law is to benefit the widow. This purpose is also the explanation for the lawgivers' preoccupation with an heir. Where there was a son surviving the husband, the widow's maintenance was secure. Thus Mattuck, *op. cit.*, p. 214, concludes that "by the law of levirate marriage, Deuteronomy sought to ensure the welfare of the childless widow by obtaining for her through a son a claim on her deceased husband's property." Mattuck's opinion has been echoed in recent times by W. Williams, *Archeology in Biblical Research*, 1966, p. 159. Cf. also the position of H. Brongers in chap. 5, n. 95.

61. The phrases used in v. 7 to describe the brother-in-law's response to the widow do not touch on the specifics in back of the refusal as is the case in Gen. 38:9.

62. Cf. J. Morgenstern, *op. cit.*, p. 166: "The performance or non-performance of this duty was naturally a matter of strictest secrecy, known only to the two of them. And of course, if the brother-in-law had no desire to perform this duty, there was obviously no need nor occasion for him to make the matter public."

to protect the widow, not the unwilling brother.⁶³ It will be well, at this point, to investigate the procedure which the law stipulates in the circumstance of refusal of duty. The first step taken by the widow is to go up to the gate to inform the elders⁶⁴ of the levir's uncooperative stand, and thereby make formal declaration of the brother-in-law's refusal. When due attention is paid to the woman's initiative, it does not appear likely that the law was intended to furnish the deceased's brother with an escape mechanism, for "if the purpose of this *mispāt* was the protection of the brother-in-law from the necessity of performing a formal duty disagreeable to him, the first condition thereof would hardly have been to compel the sister-in-law to comply with a provision which must have been extremely distasteful and humiliating to her; namely to voluntarily take the initiative and go before the legal authorities of the town and make formal charge of neglect of duty against her brother-in-law in regard to a matter of extreme privacy and delicacy."⁶⁵

63. Ibid.

64. There are references to judicial procedures taking place at the gate throughout the Old Testament. In Deut. the phrase "elders of his" occurs in 19:12; 21:3; 4, 6, 19, 20; 22:15, 18; 25:8. We shall encounter one of the most important examples of the every day operation of justice at the gate in Ruth 4. Other important incidents furnishing examples of judicial process in Israel are the incidents mentioned in Judg. Jer. 26 I Kings 21; cf. F. I. Anderson "The Socio-Juridical Background of the Naboth Incident," *JBL*, 85, 1966, pp. 46-57. One of the pioneering works on judicial procedure appeared in L. Köhler's work, *Der Hebräische Mensch*, 1953, pp. 143-171. For additional literature on the subject of elders in the Old Testament, cf. J. L. McKenzie, "The Elders in the Old Testament," *Biblica*, 40, 1959, pp. 522-540; J. van der Ploeg, "Les Anciens dans l'Ancien Testament," *Lex Tua Veritas*, Festschrift für Hubert Junker, ed. H. Gross and F. Mussner, 1961, pp. 175-191; C. Umhau Wolf, "Traces of Primitive Democracy in Ancient Israel," *JNES*, 6, 1947, pp. 98-108; E. A. Speiser, "Coming and Going at the City Gate," *BASOR*, 144, 1956, pp. 20-23; G. Evans, "Coming and Going at the City Gate, a discussion of Professor Speiser's Paper," *BASOR*, 150, 1958, pp. 28-33; D. A. McKenzie, "judicial Procedure at the Town. Gate," *VT*, 14, 1964, pp. 100-104. For a recent full scale treatment, cf. J. Salmon, *Judicial Authority in Early Israel*, unpublished Ph.D. dissertation, Princeton University, 1968.

65. J. Morgenstern, *op. cit.*, p. 166, E. Neufeld, *op. cit.*, p. 42, makes the statement, "To enable the levir to escape from his levirate obligations, the law recognized the ceremony of *Halizah*," but this does not adequately take into account the woman's initiative within the proceedings.

The woman's initiatives make it likely that her interests were being protected by this procedure. The plight of the widow is a prominent theme in the Old Testament⁶⁶ and we have already seen that some scholars suggest that it was the principal motive behind the levirate.⁶⁷ If the widow waited a reasonable period without any sign that the brother-in-law was disposed to perform his duty toward her, she might, as a final measure, seek to be free from his authority and to either return to her own father or make her own way.⁶⁸ This ceremony would then constitute a kind of release similar to the bill of divorcement.⁶⁹

66. F. C. Fensham, "Widow, Orphan and the Poor in Ancient Near Eastern Legal and Wisdom Literature," *JNES*, 21, 1962, pp. 129-139:

67. See

68. Based upon analogies with some Near Eastern and Bedouin circles, where a widow and her children have the right to return to the house of her father., F. C. Fensham, *op. cit.*, p. 136, asks, "What about the levirate marriages? Was this marriage only contracted when the widow had no remaining family ties?" He does not believe that the levirate was in effect only where the woman had no family ties and gives two reasons: "The married wife was bought by her husband from the house of her father.... After her husband's death his family had the right to keep her in the family or else they would suffer damage. This is the basis of levirate marriage...." A second reason is found in the Tamar-Judah incident which demonstrates that there is "one case in the Old Testament where the levirate took place in spite of family ties." In my opinion there is some truth in Fensham's first reason, but his formulation is not quite right, cf. the discussion of the verb *קנה*, used in connection with marriage in chap. 8, "The Double Responsibility," as well as chap. 8, n. 104. The levirate incident in Gen. 38 is sufficient evidence, however, to support the position that the levirate was operative regardless of whether members of the woman's house were alive.

69. We have seen from the Tamar incident (cf. n. 9) that the widow was considered to be married to Shelah even though she was not given to him. I. Mattuck, *op. cit.*, p. 216, remarks, "The widow becomes the wife of the brother-in-law at the death of her husband. There are no preliminaries necessary.... When, however, he refused to retain her as his wife a ceremony of release was prescribed. This could be nothing else than a form of divorce." Cf. also, E. Neufeld, *AHML*, p. 48, who believes it, to be highly likely that "the widow became the legal wife of the brother-in-law immediately on, and by virtue of, the husband's death, and her new husband received, together with this automatic acquisition of a wife, the right to disclaim her and dissolve the union which had been thrust upon him." R. Yaron, "Ad Secundas Nuptias Convolare," in *Symbolae Ivredicae et Historicoe Martino David Dedicatae*, 1968, p. 265 n. 2, comments in a somewhat different vein, "Biblical law (Deut. 25:5-10) provides that she is to become the wife of a brother of the deceased, unless a ceremony of 'unshoeing' has taken place, which dissolves the tie between the widow and the brothers of the deceased."

The elders, upon being presented with the widow's statement, attempt to persuade the brother-in-law to fulfill his responsibility. They speak to him, but beyond that they cannot go. If, in the face of their entreaties, he remains adamant and refuses to enter into the levirate union with her, no more can be done, for it appears that the elders had no power of compulsion, only that of persuasion.

The culmination of the widow's initiative took place in the events of the ceremony itself, in which she went up to the levir in the presence of the elders, pulled off his sandal (וַחֲלָצָה נְעִלָּו מֵעַל רַגְלָו) and spit in his face (v. 9). During this time the woman recited the formula, "So shall it be done to the man who does not build up his brother's house" (v. 9).⁷⁰ His house is subsequently referred to as the house of the one who had been unsandalled (v. 10).

From the appellation "the house of him that had his sandal pulled off" (v. 10) can be seen the seriousness with which this lack of affection for the dead brother was conceived. The label attached to the house of the recalcitrant brother perpetuated the remembrance of this unkindly act toward the brother, and must have been deeply felt by the offender and his house. Nor should one lose sight of the fact that this is the only law in the Pentateuch with a punishment consisting of public degradation.⁷¹

70. D. Daube, "Consortium," pp. 77, 78, writes, "The guilty party is publicly disgraced, with the words 'So shall it be done unto that man that will not build up his brother's house.' It is interesting that much later, in the case of Mordecai, who is to be publicly honored, the formula employed is 'So shall it be done unto that Man that the king delighteth to honor.' Clearly, 'So shall it be done unto that man' was the customary opening of public exaltation or degradation..." R. Yaron, "Forms in the Laws of Eshnunna," *RIDA*, 9, 1962, p. 152, refers to Deut. 25:9 and Esther 6:9-11 as examples of proclamation forms in the Old Testament "in which the proclamation is not in anticipation of an occurrence, but in consequence. . . . In both cases an element of public policy is discernible: in the former a person is held up for contempt, so as to discourage others from behaving in such a reprehensible manner; in the latter the person rewarded is made an example to be emulated."

71. D. Daube, "Repudium in Deuteronomy," in *Neotestamentica et Semitica, Studies in honor of M. Black*, 1969, p. 236. D. Daube, "Consortium," pp. 78, 80, 81 affirms, "No doubt a man branded as 'he that bath his shoe loosed'

Some have seen the ceremony of the shoe as a form of divorce, noting the Bedouin divorce formula, in which the husband says, "She was my slipper and I have cast her off."⁷² Mattuck suggests that there is a reversal of normal procedure, whereby the woman "takes off his shoe instead of allowing him to throw it at her. This would no doubt be an act of contempt toward the man because it signified that she freed herself from him rather than that he as the superior discarded her."⁷³

Hoffner cites a Hittite parallel to the case of "the man whose sandal has been removed" which "demonstrates that the connotation attributed to this action by Deuteronomy is by no means either isolated or late but completely at home in

was avoided by the better citizens, excluded from higher offices and not much trusted in any business transactions.... A breach of trust by one brother *vis a vis* the other, even if it does not amount to a proper crime, is a grave moral offence. It deserves public censure ... ; hence the public degradation of the faithless consors in Deuteronomy." This law is cited by Daube, as part of the evidence for his contention that "Deuteronomy contains a notable shame—cultural ingredient," "The Culture of Deuteronomy," *Orita*, 3, 1969, pp. 27-28, 35-36. J. Pederesen, *op. cit.*, p. 91, speaks of the levir's refusal as "a serious ignominy."

72. W. Robertson Smith, *Marriage and Kinship in Early Arabia*, 1903², p. 105. S. Nystrom, *Beduinentum and Jahwismus*, 1946, p. 57, remarks on this custom, "Vermutlich dürfte irgendein Zusammenhang zwischen diesen Sitten bei Beduinen und Israeliten bestehen." He reconstructs the ceremonies, with the first stage based on the Bedouin custom leading to a final stage presented in Deuteronomy. "Ursprünglich zog der Betreffende den Schuh ziemlich verachtungsvoll vom Fusse und warf ihn von sich mit den Worten: Sic ist mein Schuh, ich habe sie fortgeworfen.... 'Schliesslich vergass man den Sinn der Sitte fast ganzlich, und nun war es auf einmal die Frau, die dem Manne den Schuh vom Fusse zog, und die ganze Zeremonie wurde zu einem Hohn ihrerseits," *ibid.* p. 58. Cf. J. Nacht, "The Symbolism of the Shoe with Special Reference to Jewish Sources," *JQR*, 6, 1915-1916, p. 6: "In disputes the term shoe designates an insult in the highest degree. Thus the Arab women in their mutual quarrels and altercations call to one another: 'My shoe upon thy head.'" T. Gaster, *Myth, Legend and Custom in the Old Testament*, 1969, p. 450, cites what he calls "a curious interpretation advanced by some Jewish authorities to the effect that the drawing off of the shoe was a mourning custom. When the potential heir refused to 'raise up seed' for his deceased brother the latter was indeed dead, and the widow signified this by drawing off the levir's shoe." He rejects this explanation maintaining that the true explanation lies in the fact that "the shoe was a symbol of authority; the ceremonial removal of it therefore indicated that such authority had been surrendered."

73. I. Mattuck, *op. cit.*, p. 217.

the legal literature of the late second millennium B.C."⁷⁴ It comes from the Hittite protocol for the royal guard. "If a guard deserts (his post) and carries off a lance from the postern, and the gateman catches him in the sin, he (the gateman) shall remove his (the guard's) shoe" (I BoT I 36: 53-54).⁷⁵

He concludes: "From the text before us we can see that all four of the above factors in Deuteronomy 25 are present in the Hittite passage. (1) The guard has been remiss in the performance of his duty; (2) one of his shoes is removed by the man who apprehended him in the flight from duty; (3) the gateman thus acts as a witness against him; (4) the action constitutes a public stigmatization."

We conclude then that the ceremony of the shoe symbolizes that the woman is free, no longer bound by her dead husband's family.⁷⁷ Having been rejected, she is now in full control of her affairs. In addition, it may be that in taking off the shoe in the presence of the elders,⁷⁸ she was barring the

74. H. Hoffner, "Some Contributions of Hittitology to Old Testament Study," *TB*, 20, 1969, p. 43.

75. *Ibid.* p. 44.

76. *Ibid.*

77. R. de Vaux, *op. cit.*, p. 169, "He is dispossessed of the right he had over his brother's widow." E. Neufeld, *op. cit.*, p. 42.

78. The judicial proceedings in Ruth 4 and Deut. 25 are commented on by H. J. BOecker, *op. cit.*,—"Die Funktion des im Tor versammelten hebraischen Gerichtsforums besteht nicht nur in der Schlichtung und Beendigung von Streitfällen der verschiedensten Art. Bei erb-, familien- und sachenrechtlichen Vorgängen ist oft eine offizielle Bestätigung für die sachgemäße Ahwicklung eines Rechtsgeschäftes erforderlich. Als die offizielle Vertretung der Bewohnerschaft des Ortes hat das Gerichtsforum auch eine notarielle Funktion wahrzunehmen." He draws a comparison between the phrase "I am not able to redeem it" (Ruth 4:6) and the levir's words "I do not wish to take her" (Deut. 25:8). He remarks (pp. 160, 161), "Zu dieser Verzichtserklärung [Ruth 4:6] ist Dt. 25:8 zu vergleichen, wo in der deuteronomischen Bestimmung über die Leviratehe eine ähnliche Formulierung mitgeteilt ist, mit der sich der zur Leviratehe Verpflichtete vor der Ortsgerichtsbarkeit von seiner Verpflichtung lösen konnte." The widow's words are understood as an "Anklagerede." "Denn die Witwe versteht das Verhalten des Schwagers als eine gegen ihren verstorbenen Mann gerichtete unkorrekte Handlungsweise, die vor dem Gericht geklärt werden soll," *ibid.*, p. 163. No defense against the charges is supplied in the context of the Deuteronomic law though in the living legal process itself, such would have been normal procedure as Ruth 4:6 makes evident. After their seeking to reason with the

brother from any further right to her dead husband's estate.⁷⁹

If this is so, it is apparent that the juridicial procedures outlined were not ineffectual symbolic acts intended simply to insult the brother. The element of insult is not lacking,⁸⁰ as the related act of spitting⁸¹ also makes clear. Too often,

unwilling brother-in-law without result, "haben die Ältesten die ihnen bei familien-bzw. sachenrechtlichen Verfahren zukommende Funktion zu erfüllen, Zeugen und Bürgen eines zwischen zwei Partnern rechtskräftig abgeschlossenen Vertrages zu sein," *ibid.*, p. 164. D. Daube, "Consortium," p. 81, remarks: "In the procedure laid down in Deuteronomy, though the State, the elders, plays an important role, yet the actual disgracing measures—the *halisa* and the pronouncement 'So shall it be done,' and so on—are taken by the aggrieved widow.... The State regulates, makes possible and takes note of the infliction of infamy on the faithless partner, but the decisive action is still left to the victim."

79. H. J. Boecker, *op. cit.*, p. 164, writes, "Indem diese Zeremonie 'vor den Ältesten' vollzogen wird, verliert der Schwager rechtskräftig alle Erbrechte am Grund und Boden seines Bruders." J. Scheftelowitz, "Die Leviratehe," *ARW*, 18, 1915, p. 255: "Der Schuh wird ihm ausgezogen zum Zeichen, dass dem Bich Weigernden das Recht auf das Eigentum des Bruders genommen ist.... Der Schuh gilt nämlich als Symbol des Rechts, des Besitzes." Similarly, G. R. Driver and J. C. Miles, *op. cit.*, p. 244, L. Epstein, *op. cit.*, p. 114. D. Mace, *op. cit.*, p. 104, writes, "There is reason to believe that he lost the property by refusing to marry the widow on the one hand, and he also lost it by begetting a child by her on the other." M. Burrows, "Levirate Marriage in Israel," *JBL*, 59, 1940, p. 29, is opposed to this, maintaining that "in Deuteronomy 25, as a matter of fact, there is no indication that the brother-in-law was the heir, or that he would be the heir if there were no levirate marriage. If this is to be assumed, in view of the fact that there was no son to inherit the estate, it is at least noteworthy that the penalty imposed for refusal to take the widow does not include forfeiture of the inheritance." As we have been saying, many see the forfeiture of the inheritance implied in the ceremony of the shoe. Th. and D. Thompson, *op. cit.*, p. 93, consider it possible, not only that the brother was debarred, but that the widow assumed, through these proceedings, her dead husband's estate. "The primary right taken by the widow, in taking the shoe, is the right to her dead husband's estate." This, they believe, is more probable in the light of Gen. 38. "If Onan had openly refused the levirate obligation, then Tamar would have been able to take her own independence, as well as, we must suspect, her dead husband's share of the inheritance."

80. D. Jacobson, *The Social Background of the Old Testament*, 1942, p. 298, goes too far when he says that the symbolic act of untying the shoes "was not in the nature of a disgrace to the man, but simply a sign of the conclusion of a commercial transaction by which property passed from one to another." Cf. n. 71.

81. References in the Old Testament to the act of spitting in one's face are few. The only other use of the verb employed in our passage is Num. 12:14 where in response to Moses' prayer to the Lord for Miriam's healing the reply comes "If her father had but spit in her face should she not be shamed seven days?" Other Old Testament references confirm the highly shameful effect of the act of expect-

however, the meaning of the ceremony of the removal of the shoe has been seen merely as an act by which the brother-in-law is disgraced for being derelict in his duty.

toration. Cf. Isa. 50:6 and Job 30:10. According to later Jewish interpretation, the woman spits before the elders. The halisah document given to the woman, certifying the legality of her release, included the phrase "the spittle on the floor as seen by the Court." By this later period the ceremony of halisah was no longer considered to be a disgrace but contrariwise in some instances superior to the performance of the levirate. The highly disgraceful act of spitting in the face was removed; cf. S. Belkin, i., pp. 327, 328, who points to Yebamoth 39b. J. Pedersen, *Der Eid bei den Semiten*, 1914, p. 96 f., believes that spitting in the face was intended as a curse upon the uncooperative brother.

3

The Goel In the Ancient Near East

BEFORE beginning an examination of the Old Testament laws in which the duties of the goel are prescribed it will be helpful to bring the light of extra-biblical materials to bear upon our subject. In doing so, however, it must be noted that the Hebrew root **גאל** has not been found thus far outside the Old Testament.¹ Thus as we look for parallels to this concept in the ancient Near East we still be seeking evidence which suggests parallel functions to those of the goel in Israel.

Parallels to the Goel-Redemption of Property

For something resembling the Old Testament property redemption, law in Leviticus 25:23-28 attention should be directed to §39 of the Laws of Eshnunna which reads: "If a man became impoverished² and sold his house--the day the buyer will sell, the owner of the house may redeem."³ This law has been discussed by several scholars. David remarks, "Weliswaar kent de Bijbelse wet, en wel Leviticus XXV vs. 25 v.v. een recht van 'lossing' voor onroerend goed, derhalve ook voor huizen. Maar dit recht bestaat volstrekt en onvoor-

1. J. J. Stamm, "**גאל**," *THAT*, I, p. 383. Outside of the Old Testament the root appears only in an Amorite personal name, *Ga'ilalum*, cf. H. Huffmon, *Amorite Personal Names in the Mari Texts*, 1965, p. 179.

2. A. Goetze, "The Laws of Eshnunna," *AASOR*, 31, 1956, p. 108, notes the correspondence between the verb *eneium* with the verb **גאל** in Lev. 25 which he calls "the exact equivalent in Hebrew law." Cf. chap. 4, n. 4.

3. R. Yaron, *The Laws of Eshnunna*, 1969, p. 41. The translation of A. Goetze, *ANET*, p. 163, is similar to that of Yaron.

waardelijk, is dus niet, zoals in §39 van de nieuw-gevonden wet, afhankelijk van het feit, dat de koper van plan is het gekochte veld of huis van de hand te doen.”⁴ There is, however, still more Old Babylonian material. Greenberg writes: "Old Babylonian legal writings contain a law (Eshnunna 39; Pritchard Texts 163) and a number of contracts showing the right of an owner of real property to redeem it after he had been forced by financial need to sell it. One of the contracts suggests that the right may have existed even when the property was not up for sale (as in Lev. 25:25-32)."⁵

Concerning the price paid for redeeming the property nothing can be stated with certainty. Whether it was the original price paid by the buyer or whether the law allowed for the improvement of the property or possible changes in land value, and thus for more than the original sale price, is left unmentioned.⁶

Yaron asks whether redemption as envisaged in the Laws of Eshnunna was a continuous liability, in other words, whether the first owner lost right to subsequent recovery of the property when it passed into the hands of a third party of redemption. He answers in the negative since if so "the through his failure, due to lack of funds, to exercise his right provisions concerning redemption would have been all too

4. M. David, *Een nieuw—ontdekte Babylonische wet uit de tijd vóór Hammurabi*, 1940, p. 15. H. Brongers, *Oud-Oosters en Bijbels Recht*, 1960, p. 31, comments on § 39, "Hier hebben we een geval dat in de verte aan het bijbelse begrip lossing herinnert en toch niet hetzelfde is. In de eerste plaats behoeven hier nog geen familie-belangen in het spel te zijn. De bepaling ligt geheel en al in het sociale vlak.... Een belangrijk verschil met Lev. 25:25 vv. is echter dat hier het recht volstrekt en onvoorwaardelijk bestaat en dus niet, zoals in dit artikel, afhankelijk is van het feit dat de koper van plan is het gekochte huis van de hand te doen."

5. A. Greenberg, "Sabbatical Year and jubilee," *EJ*, 14, 1971, pp. 577, 578. Cf. R. Yaron, *op. cit.*, p. 153, who comments on §39: "No time limit for redemption is mentioned, but the occasion to exercise the power depends on the buyer's intention to alienate the property. As long as the buyer holds on to it, he is secure in his possession. It is probable, however, that the parties were free to make different arrangements."

6. R. Yaron, *op. cit.*, pp. 153, 154.

easy to circumvent, by the simple device of a fictitious transfer, following immediately upon the true original sale."⁷

The right of redemption regardless of the original buyer's intention to sell is implied in Khafajah text, 82, which mentions a field belonging to Kalarum: "Whenever he (Kalarum) will acquire money of his own, he may redeem, the field. He cannot redeem the field with money belonging to another person."⁸ There is an important restriction herein mentioned, in other words, Kalarum may redeem his field but he must not borrow the money for that purpose, but rather it must be his own.⁹ The examples, thus far cited, seem to be generally similar to that section of Old Testament property redemption law which allows the impoverished Israelite, if able, to redeem his property (Lev. 25:26b).

A possible example of the family right of redemption in ancient Babylon is found in Meissner text 42 which reads: "Wegen 28 GAN Feldes vom Gefilde der Stadt Amurri, des Besitztums des Ibni-Ramman, des Kaufmanns, klagte Arad-Siri, der Sohn des Etiru, vor den Richteren also: Das Feld, welches ich von meinem väterlichen Hause erworben babe, haben Ibku-Sala und sein Bruder, die Söhne des Samar-nasir, dem Kaufmann Ibni-Ramman für Geld verkauft Addatu und Basisu, die Söhne des Kaufmanns Ibni-Ramman, brachte man vor die Richter.... Am Eingang (?) von Sippar werden sie und gemass der Besitztafel des Samar-nasir und des Ibku-Annunitu wird Arad-Sin sein Haus empfangen und zu seinem

7. Ibid., p. 154.

8. R. Harris, "The Archive of the Sin Temple in Khafajah," *JCS*, 9, 1955, pp. 96, 97. According to Harris (p. 36), "the archive of Tutub (modern Khafajah) is the first known example of an Old Babylonian official archive."

9. According to Harris (pp. 96, 97), the purpose of the final clause was to exclude outsiders from acquiring the fields cheaply. "The field has obviously been undersold and the buyer wishes to protect himself against the possibility of a third party robbing him of his profit." R. Yaron, *op. cit.*, p. 153, explains the restriction in the final clause as resting on a legal notion "widespread in ancient systems of law: the ownership in property acquired with a third person's money rests in that third person, not in the actual buyer. Consequently, repurchase of the field with money belonging to an outsider would not result in true redemption, merely in the substitution of a new alienee for the earlier one."

Felde hinzu nehmen."¹⁰ This text deals with a case brought by Arad-Sin against Ibni-Ramman. A field which had belonged to Arad-Sin's father, through unknown circumstances had come into the possession of Samas-nasir, who had sold the field to Ibni-Ramman. This text suggests that the court recognized, in this instance at least,¹¹ the right of a descendant to regain the possession of the family property which happened to have fallen into a stranger's hands.

Babylonian sale documents often¹² contain a statement which excludes the seller from making a claim upon the property. Schaeffer cites a text wherein a piece of property was sold by *Nannar-idinna* and *Sin-bani* his brother, to *Ilushu-bani*. After a description of the property the text reads, "He has paid the money. . . . They are content. They shall not say, 'We have not received the money'—they have received it before the elders. At no future time shall *Nannar-idinna* and *Sin-bani* make claim upon the field. If their brothers or sisters should make claim, then *Nannar-idinna* and *Sin-bani* shall pay an indemnity. By *Shamash*, *Marduk* and *Zabium* (the king) they swore!"¹³ The right of redemption is not directly mentioned in this text, but rather the text basically contains solemn assurances that the sale price has been paid. However, from the clause excluding the sellers and their brothers and sisters from making claim upon the field it is perhaps possible to conclude, as Schaeffer has done, that "the right of buying

10. B. Meissner, *Beitrage zum altbabylonischen Privatrecht*, 1893, p. 42.

11. B. Meissner, *op. cit.*, p. 126, remarks, "Nun behauptet Arad-Sin dass dieses Feld in Wirklichkeit ihm gehöre, and in der Gerichtsverhandlung wird es ihm auch wirklich zugesprochen; jedoch ist, wie gewöhnlich bei solchen Prozessverhandlungen, gar kein Grund für die Handlungsweise der Richter angegeben."

12. R. Yaron, *op. cit.*, p. 153 n. 33, writes, "Such a clause [by the owner waiving his right of redemption] is very frequent in documents from Susa: *ul iptiru ul manzazanu S'imu gamru*—'not (subject to) redemption, not (given as a) pledge, complete sale.'" Cf. also E. Ginzberg, "Studies in Biblical Economics," *JQR*, 22, 1931-32, p. 376.

13. The text was originally published by Daiches, "Alt babylonische Rechtsurkunden aus der Zeit der Hammurabi Dynastie," in *Leipziger Semitistische Studien*, I, 1907, p. 38 n. 5, and cited in H. Schaeffer, *The Social Legislation of the Primitive Semites*, 1915, pp. 72, 80.

back such property must have existed on the seller's side. otherwise neither he nor his closest relations would have been called upon to obligate themselves not to interfere with the transaction."¹⁴ On the basis of the evidence from Old Babylonian sale documents as well as from §39 of the Laws of Eshnunna, Stamm makes the statement: "Die *ge'ulla* als Recht oder Pflicht, verlorenen Familienbesitz and versklavte Personen zurückzukattlen, war nicht Israel beschränkt. Das babylonische Recht kennt sic sowohl hinsichtlich verkauften Landes als auch hinsichtlich verkaufter Personen, wobei im Bab. das Verbum *pataru* 'lösen, auslösen' die Stelle des hebr. *g'l* einnimmt."¹⁵

Schaeffer even goes as far as suggesting that it is possible to infer the goel's right of preemption¹⁶ but this of course is only an inference. The available evidence suggests a general correspondence between Israelite and Babylonian law. This is what we may expect in the light of the *historical* nature of Old Testament revelation, but as in so many other points of comparison between Israel and the "Umwelt" there are significant differences in the laws as well. Again, this is to be expected if we do not ignore the fact that the Old Testament is a historical *revelation*.

First, the laws of property redemption in Leviticus operate where property is lost to the family on account of poverty. In Leviticus 25 it is not simply a case of a regular sale of property, but one necessitated by dire economic conditions.¹⁷ Sometimes this was also the case in Babylon (see Eshnunna § 39, also the quotation of Greenberg, n. 5), but we have the impression that it was not so in every case.

14. H. Schaeffer, *op. cit.*, p. 80. E. Ginzberg, *op. cit.* p. 376, explains the final clause which excludes the seller or his descendants from attempting to repurchase the land as follows: "Likely attempts at redemption of family estates were common occurrences previous to this date and more or less sanctioned by custom; and the law is now trying to get away from this procedure."

15. J. J. Stamm, "גא," *THAT*, I, p. 385.

16. H. Schaeffer, *op. cit.*, p. 79.

17. Cf. chap. 4, "Goel-Redemption of Property."

Secondly, the property redemption laws in Leviticus 25 are based on Yahweh's ownership of the land," and it is this fact which provides the motivation for the specific outworkings of the laws.

Parallels to the Goel-Redemption of Person

In the ancient Near East persons may be said to be in need of redemption either as a result of a legal transaction or through captivity in war.¹⁹ Legal transactions may be of two basic kinds; either of sale or of seizure due to defaulting on a debt. When we think of redemption necessitated by a legal sale transaction several possibilities must be considered, that is, either self-sale or the sale of children by parents, or of a slave by his master.²⁰ In Leviticus 25:47 ff. we have a situation involving voluntary self-sale and subsequent redemption either by the seller himself or his goel. We shall therefore confine ourselves to Near Eastern evidence bearing on this rather than on texts relating to the other redemption situations.²¹

In Sippar, during the reign of Rim-Sin a female slave regained her freedom by paying ten shekels to her owner. We would call attention to Schorr number 28, which reads: "Dusubtum, die 'Gottesschwester' des Gottes Suzianna, die Tochter des Dugga, hat der Istar-rabiāt, ihrer Sklavin, Freilassung gewährt. Ihre Stirn hat sie gereinigt. Die Auflösung (?) ihrer Sklavenschaft hat sie erklärt. Eine Urkunde über ihre

18. Cf. chap. 4, "Goel-Redemption of Property," and nn. 12-17. J. J. Stamm, "לגא," *THAT*, I, p. 386, writes, "Die Eigenart der isr. *ge'ulla* gegenüber der babylonischen liegt ihrer Beziehung zu Jahwe."

19. R. Yaron, "Redemption of Persons in the Ancient Near East," *RIDA*, 6, 1959, P. 155 (hereafter cited as "Redemption of Persons"). For documentary evidence on redemption from captivity, cf. R. Yaron, "Redemption of Persons," pp. 159, 171.

20. *Ibid.*

21. CH § 119 and §281 are cited by R. Yaron, "Redemption of Persons," pp. 157-159, and J. J. Stamm, "לגא," *THAT*, I, p. 385, as examples of extra-biblical material bearing on the redemption of slaves by their masters.

Reinigung hat sic ihr ausgefertigt. Istar-rabiat hat der Dusubtum, ihrer Herrin, 10 Sekel Silber eingebracht."²²

Several Babylonian documents mention loans transacted for the purpose of redemption. One is Schorr number 52 which reads: "1/3 Minc 4 Sekel [Silber], Zehnt (abgabe), hat vom (Gotte) [Samar] Kisusu entlichen. Dem Anum—abi hat er es zu seiner Auslosung gegeben. Zur Zeit der Ernte wind er Getreide dem (Gotte) Samas geben."²³

Schorr interprets this to mean that Kisusu has borrowed money in order to redeem Anum-abi. The money is given to the person in bondage that, he may be able to redeem himself.²⁴ Since there is another old Babylonian document which we shall be examining which clearly mentions a case of borrowing for the purpose of redemption, this interpretation may be correct. However, Yaron believes that "this is unnecessarily complicated: payment to the person having another in his power would be expected." "Zu seiner Auslösung (*ana ipterisu*)" refers, according to Yaron, to the redemption of Kisusu From Anum-abi.²⁵

A clear case of redemption by a relative can be seen in Khafajah text 88 which reads: "17 shekels of silver for the redemption of Hagaliga his father, Zagagan has received (as a loan). (But.) he had no silver (with which to repay the loan), (so) he sold himself to the *enum* priest....,"²⁶

Here can be clearly seen the case of a son acting in fulfillment of his responsibility toward his father. The son borrows

22. M. Schorr, *Urkunden des altbabylonischen Zivil and Prozessrechts*, 1913, pp. 52, 53.

23. M. Schorr, *op. cit.*, p. 84.

24. Ibid. A similar interpretation is given by R. Harris, *op. cit.*, p. 99, "In a Sippar loan contract (CT VI 40c) one Kisusu borrows 24 shekel of silver from the Samas temple ... he gave (the money) to Anum-abi for his (the latter's) redemption."

25. R. Yaron, "Redemption of Persons," p. 170.

26. R. Harris, *op. cit.*, p. 99. Harris believes (p. 43) that "self-sale was not a socially accepted institution, for the contract states the circumstances which led to the sale."

the needed funds, but being unable to repay the loan, he sells himself into bondage.²⁷

Mention should be made of legal documents from Mari, published by G. Boyer, particularly text 77: "Hatni-iluma, citoyen de . . . , relevant de Sin-mustal, que Napsi-Dagan, son frère, a li [bé] ré; Gahsu, citoyen de Sasran, que Talli, son père, a libéré. L'argent de leur li[bé] ration Bunuma-Addu a recu. . . 9/28

This text is complicated by the combination of what appears to be the unrelated redemption of two people. Yaron ventures the opinion "that the document is merely a receipt evidencing the payment of the redemption money to Bunuma-Addu. The two men ransomed were strangers to Mari, and on their release may perhaps have been furnished with proper documents stating that fact. Since the present document was found in Mari that suggests that it may have been executed for some third person, a resident of that city, who had assumed responsibility for the payment of the ransom money. Since the relatives have indeed paid up, as expected, the present document will establish the fact that the creditor has no claim against the surety who is not named."²⁹

Finally, we would call attention to MAL, A, §48, which reads: "If a seignior, whose debtor's daughter is living in his house as (pledge for) a debt, asks her father, he may give her to a husband, (but) if her father is not willing, he may not give (her). If her father is dead, he shall ask one of her brothers and the latter shall speak to her (other) brothers; if a brother says, 'I will redeem my sister within one full month,' if he does not redeem her within one full month, the creditor, if he wishes, may declare her quit (of all claim and) give her to a husband. . . ." ³⁰

27. R. Yaron, "Redemption of Persons," p. 170. R. Harris, *op. cit.*, p. 42, writes, "We find that the *enum*—priest purchased people only under special circumstances, namely, when a debt to the *enum*—priest could not be paid."

28. G. Boyer, *ARM*, VIII, 1958, p. 113.

29. R. Yaron, "Redemption of Persons," p. 172.

30. T. Meek, *ANET*, p. 184.

This law concerns the proper giving in marriage of a debtor's daughter held in pledge by the creditor of the girl's father. The creditor must obtain the permission of the girl's father before she can be given in marriage. Driver and Miles comment, "Nor presumably can her father give her in marriage unless he redeems her or makes some arrangement with his creditor whereby her husband takes over his debt."³¹ With the death of the father, the brothers do not retain their father's right to prohibit the marriage. They do have, however, a limited right of redemption for one month, and if they do not redeem their sister within that period the creditor may free her and marry her to whom he will.³²

Parallels to the Goel-Redemption of Blood

Though there is considerable evidence in the ancient Near East for the exercise of blood-vengeance,³³ there are only a limited number of specific references to the performance of the duty of blood-vengeance by a relative.

There is a difference of opinion as to whether blood-vengeance was practiced in Babylon during the time of Hammurabi.³⁴ Whatever the answer to this question, it is true

31. G. R. Driver and J. C. Miles, *The Assyrian Laws*, 1935, p. 278.

32. *Ibid.*

33 Cf. J. Jolluck, *Blood Vengeance among the Israelites in the light of its Near Eastern Background*, unpublished Ph.D. dissertation, Vanderbilt University, 1966, p. 140-188; vanOeveren, *De Vrijsteden in het Oude Testament*, 1968, pp. 21-57.

34. These differences are to be seen in the varying opinions of M. David and G. R. Driver and J. C. Miles. M. David, "The Codex Hammurabi and its Relation to the Provisions of the Law in Exodus," *OTS*, 7, 1950, p. 169, writes, "With the Babylonians the whole penal law is regulated by the state; law courts of the state acted autonomously and saw to it that the laws were observed. No traces whatsoever are to be found of blood-vengeance." See esp. David, n. 71. G. R. Driver and J. C. Miles, *The Assyrian Laws*, 1935, p. 33, on the contrary write, "As neither the Babylonian code nor the Assyrian laws deal generally with the offence of murder, it must be supposed that it still came under the rules of the ancient blood-feud as among other Semites; and it is remarkable that this custom is not regulated by legislation as is the case with the Hebrews. The desire indeed and right of the family to seek vengeance dies hard and the state, even though it may disapprove, dares not interfere, at any rate until the central authority is very strong." It is their opinion that "if the blood-feud was recognized in the time of Hammurabi it

to say that there are no specific references to any relative³⁵ who performs a duty comparable to that of the avenger of blood in Israel.

In Assyria we do find direct mention of the next-of-kin who is involved in the duty of blood-vengeance. We would call attention first of all to MAL, A, §10, which reads: "[If] either a seignior or a lady entered a(nother) seignior's [house] and killed [either a man or a woman, they shall give] the murderers [to the next-of kin] , and if he chooses he may put them to death, or [if he chooses] he may spare (them but) take [their property] . [However, if] the murderers have nothing at home [to give] , either a son or [a daughter] . . . in the house . . . belonging to . . ." ³⁶

In the place where Meek translates: "the next-of-kin," the text is corrupt. Meek restores: "the master of life," and translates: the "next-of-kin."³⁷ Driver and Miles write: "The person who has this choice can hardly be anyone else than the 'owner of the life' (Ass. *bel napsate*), of whom mention has just been made, or 'the owner of the dead persons' (Ass. *bel mitute*) as the avenger of blood is called in one Assyrian document."³⁸ The Assyrian document where the term *bel*

was probably limited to cases of intentional killing...." *The Babylonian Laws*, 1, 1952, p. 314. Cf. further B. van Oeveren, *op. cit.*, pp. 24-31.

35. G. R. Driver and J. C. Miles, *The Assyrian Laws*, p. 33, refer to § 153 of Hammurabi as the "sole case" of murder mentioned in the Babylonian code. It reads: "If a seignior's wife has brought about the death of her husband because of another man, they shall impale that woman on stakes." T. Meek, *ANET*, p. 173. Driver and Miles, *op. cit.*, p. 33 n. 3, explain the law as follows: "The wife does not herself commit the murder at all but 'causes him to be murdered' (Bab. *usdik*), namely procures another, presumably the lover on whose account the crime is committed, to kill her husband; the law deals with her offence alone, i.e., procuring his death, while it leaves the punishment of the actual murderer to the blood-feud."

36. T. Meek, *ANET*, p. 181.

37. *Ibid.* Cf. also H. Brongers, *Oud-Oosters en Bijbels Recht*, 1960, p. 138, who restores with "naaste bloedverwant." He feels that it is clear "dat hies de bestraffing van een moord nog niet tot de competentie van de rechter behoort, maar aan de naaste bloedverwant wordt overgelaten...."

38. G. R. Driver and J. C. Miles, *The Assyrian Laws*, p. 34. They add, "Another possibility is to supply 'the owner of the house' (Ass. *bel bitu*), who of course would usually be identical with the *bel napsate* or *bel mitute*, and this is

mitute is found in text 660 in Kohler and Ungnad. It reads: "Siri ist der Eigentiimer der Toten, (bel mitute) die Silim—ili getötet hat. Vor ihnen (d.h. 'vor den obengenannten Leuten') wird entweder sein Weib oder sein Bruder oder sein Sohn wer es auch sei, der sich erhebt, —die Toten ersetzen."³⁹ Driver and Miles comment on text 660: "The murderer has to deliver up his wife, brother, or son to the 'owner of the dead persons' (Ass. *bel mitute*), and whoever of them is surrendered 'makes good, i.e. compensates for, the dead persons' (Ass. *mittite us'allum*), and presumably the murderer is put to death if he fails to deliver a substitute."⁴⁰

MAL, B, §2 refers very clearly to the next-of-kin's responsibility in the area of blood-vengeance. It reads: "If one among brothers who have not divided (the inheritance) took a life, they shall give him up to the next-of-kin; if he chooses, the next-of-kin may be willing to settle [and] take his share."⁴¹

From both these texts it is apparent that in Assyria there was one who could be called the avenger of blood, who was authorized to take the life of the murderer. However, the Assyrian law knows of the alternative of compensation in exchange for the life of the murderer. An arrangement could be made for taking some form of goods belonging to the guilty party or, failing that, it is likely that the murderer had to surrender a son or daughter.⁴² This, it will be seen, is strikingly different from the Old Testament law (Num. 35: 31), which allows only the life of the murderer to be taken rather than any kind of substitute.⁴³

There is no mention of the avenger of blood in the Hittite

given in the transcription since it is a shorter phrase and seems therefore to suit the gap shown in the autographed text..."

39. J. Kohler and A. Ungnad, *Assyrische Rechtsurkunden*, 1913, pp. 388, 389.

40. G. R. Driver and J. C. Miles, *The Assyrian Laws*, pp. 35, 36.

41. T. Meek, ANET, p. 185.

42. G. R. Driver and J. C. Miles, *The Assyrian Laws*, p. 35, cite MAL, A, § 2, 50, 55 as evidence of vicarious punishment in Assyria.

43. See chap. 4, n. 159.

laws, but this does not mean that blood-vengeance was non-existent among the Hittites.⁴⁴ Of importance is the Edict of Telipinus, which mentions "the lord of blood." It reads: "The rule of blood is as follows. Whoever commits a deed of blood, whatever the 'lord of blood' says—if he says 'Let him die,' he shall die; but if he says 'Let him make restitution,' he shall make restitution: the king shall have no say in it."⁴⁵ It is likely that the "lord of the blood" is comparable to the goel of blood. He is the head of the family of the murdered victim or one of the heirs of the murdered victim."

Of importance, as well, is a letter written by Hattusilis III to the Babylonian king Kadasman-Enlil II, in which the Hittite king complained of the murder of his merchants in Ugarit and in North Syria and assured the Babylonian king that when a case of murder occurred among the Hittites the murderer was given over to the relatives of the victim. The text reads: "Betreffend das, was mir mein Bruder geschrieben hat:

44. Cf. B. van Oeveren, *op. cit.*, pp. 31-38. The homicide laws in the Hittite code (§§ 1, 2, 3, 4) make a clear distinction between killing in anger and killing accidentally. Cf. R. Haase, "Zum Tatbestand der vorsätzlichen Tötung eines Menschen in der hethitischen Rechtssammlung," *BiOr*, 18, 1961, pp. 14-16. There is also a possible correspondence between the statement found in the homicide laws, "but if his hand (alone) is at fault," and Ex. 21:13, cf. E. Neufeld, *The Hittite Laws*, 1951, p. 1 n. 4, and B. van Oeveren, *op. cit.*, p. 34 n. 14. There is also a formal correspondence between HL §6 and Deut. 21:1-9 which specifies procedures to be followed to discharge the guilt of innocent blood when a murdered man is found in the fields and his murderer is not known. Cf. B. van Oeveren, *op. cit.*, pp. 35, 36 and O. R. Gurney, *The Hittites*, 1954², pp. 97, 98.

45. O. R. Gurney, *op. cit.*, p. 98. Gurney (p. 216) dates Telipinus from 1525-1500.

46. *Ibid*; B. van Oeveren, *op. cit.*, pp. 37, 242; E. Neufeld, *The Hittite Laws*, p. 130 n. 6. Cf. also, M. San Nicolò, *Reallexikon der Assyriologie*, 2, 1938, s. v. "Blutrache" who remarks, "Die Vergeltung der Bluttat liegt in den Hamden des 'Blutsherrn' (des Oberhauptes der Familie oder des Erben des Getotenen). Dieser bestimmt, ob der Mörder sterben soll oder ob er mit der Zahlung des Wergeldes die Tat sühnen darf. Die staatliche Intervention wird dabei ausdrücklich abgelehnt." This is disputed by E. P. Matter, *Die Bedeutung der Hethiter für das Alte Testament*, 1936, pp. 26, 27, who writes: "Nach dem Edikt des Telepinui gab es einen obersten Gerichtshof, an dessen Spitze als Präsident der 'Blutsherr' stand. Der Entscheidung dieses Gerichtshofes musste sich der König beugen, and niemand durfte um Intervention bei ihm einkommen." V. Korosec, "Die Kollektivhaftung im hethitischen Recht," *ArOr*, 18, 1950, p. 190, interprets the "Blutsherrn" as a judge.

'Meine Kaufcutte pflegt man im Lande Amurru, im Lande Ugarit (und in) zu töten.' Im Hethiterlande tötet man keine Seele. Wenn der König hurt, class irgend jemand eine Seele getötet hat, so nimmt man den Mörder dieser Seele gefangcn und liefert ihn den Brtidern des Getöteten aus..."⁴⁷

It would appear then that among the Hittites the blood-feud existed, and the relative of the murdered party played a role in avenging the death of the victim. However, as was the case in Assyria, it was possible to settle the blood-feud by means of a money payment or possibly by the substitution⁴⁸ Of the life of someone other than that of the murderer. Again, it must be emphasized that such a possibility is expressly forbidden in the biblical regulations (Num. 35:31).

We shall conclude our study of parallels, to the goel-redemption of blood with a survey of the customs of the pre-Islamic nomadic Arabs.⁴⁹

In Arabia there is no blood-revenge, strictly speaking, when a kinsman kills another kinsman. In such an event, the slayer is either formally excluded from the kin-group or is the

47. Text K Bo, I, 10, 14-25 as found in R. Haase, *Der privatrechtliche Schutz der Person und der einzelnen Vermögensrechte in der hethitischen Rechts-sammlung*, 1961, p. 28. Haase dates the Hittite king Hattu.S"ig III from 1298-1266. Cf. also E. Neufeld, *op. cit.*, p. 130 n. 66.

48. Vicarious punishment was practiced in Assyria, cf. n. 42. Commenting on the phrase "Let him make restitution" O. R. Gurney, *op. cit.*, p. 98, writes, "The practice of giving 'persons' as part of the composition for manslaughter is remarkable. The expression is that generally used for slaves. Perhaps such slaves were slain at the tomb of the deceased, as in some other ancient societies."

49. B. van Oeveren, *op. cit.*, p. 50, correctly observes that it is sometimes difficult to precisely date some of the Arabic customs on blood-vengeance. Cf. also M. J. L. Hardy, *Blood Feuds and the Payment of Blood in the Middle East*, 1963, pp. 13, 14. For additional literature on blood vengeance in Arabia, cf. D. S. Attema, *Arabia en de Bijbel*, Exegetica, 3:4, 1961, pp. 54-56; S. Nystrom, *Beduinentum und Jahwismus*, 1945, pp. 31-40; J. A. Montgomery, *Arabia and the Bible*, 1934; II. Schaeffer, *op. cit.*, pp. 80-84; W. Patton, "Blood-Revenge in Arabia and Israel," *AJT*, 5, 1901, pp. 703-731; W. Robertson Smith, *Kinship and Marriage in Early Arabia*, 1903²; O. Procksch, *Über die Blutrache bei den vorislamischen Arabern*, 1899. S. Nystrom, *op. cit.*, p. 34, stresses the importance of the Bedouin custom of blood-vengeance for understanding the practice in Israel. "Eine voile Erklärung für die Stärke der Pflicht für Blutrache, Licht über dunkle Punkte in der Ausübung dieser Pflicht schenkt tins der Vergleich mit den Gesetzen der Blutrache bei den Beduinen."

subject of a judicial execution by the community.⁵⁰ The obligation of blood-revenge arises in cases of homicide in which the common blood of a kin has been shed by one of a different kin. In this instance, the slaying of a man of another tribe is not viewed as a moral issue,⁵¹ for sacred blood is that of a kinsman alone. The principle that the shedding of the blood of an individual within the group is the shedding of the blood of the community is stated by Smith: "All the members of the group regarded themselves as of one blood. . . . A kindred group is a group within, there is no blood-feud. If a man kills one of his own kin, he finds no one to take his part. Either he is put to death by his own people or he becomes an outlaw and must take refuge in an alien group. On the other hand, if the slayer and slain are of different kindred groups, a blood-feud at once arises, and the slain man may be avenged by a member of his own group on any member of the group of the slayer."⁵²

In addition to motives of kinship, blood-vengeance in Arabia was also based on religious motives. "The rights of the tribal god have been violated, and he joins the dead man's kin in seeking vengeance. His displeasure will cause him to break off communion with them, should they not avenge the shed blood. Moreover, the spirit of the dead must be propitiated."⁵³

It is true that in many cases the religious motive was lost

50. W. Patton, *op. cit.*, pp. 703, 704, 730.

51. *Ibid.*, p. 704; M. J. L. Hardy, *op. cit.*, pp. 20, 21.

52. W. Robertson Smith, *op. cit.*, p. 25. According to Smith blood-revenge is the primary test of kinship. He writes (p. 26), "The ultimate kindred group is that which always acts together in every case of blood-revenge."

53. W. Patton, *op. cit.*, p. 704. On pp. 712, 713 he writes, "The spirit of an unrevenged man ... finds no peace in the grave until the *hama* or *sada*, 'the death bird,' which hovers at the head crying, 'Give me to drink,' has been satisfied...." M. J. L. Hardy, *op. cit.*, p. 18, speaks of the tribal structure as well as the religion of the period as sources of equal potency in the encouragement of the blood-feud. He remarks, "The soul of the murdered man was imagined to flutter around the tomb in the form of an owl, crying with thirst and unable to find rest until vengeance, was taken. If that vengeance was not pursued, some form of blood guilt was thought to fall upon the remaining kin."

sight of and was replaced by the more natural motives of private passion and tribal hostility.⁵⁴

As to the question of responsibility for blood-revenge, it appears that the obligation to avenge a death rested basically with the *raht* which included descendants to the fifth generation.⁵⁵ Among the males within the *raht* the heaviest responsibility rested upon the brother and son of the deceased.⁵⁶ There are instances of the father of the victim assuming the responsibility,⁵⁷ though this was perhaps not common.⁵⁸ If, for any reason, a brother or the eldest son did not assume his role as avenger, the duty passed to the younger sons, and eventually to the sons of a brother.⁵⁹

Procksch concludes, "So dürfen wir sagen, class die Blutrache der Regel nach Angelegenheit des *raht*, also Familienrache war and zwar so, dass der n'ächste Verwandte auch der nächste Blutracher ist.... Die Bluträcher waren also schon damals die Familienglieder. Erst wenn diese die Rache nicht Übernehmen wollen, wird diese zur Pflicht des Stammes. Des Stammes (*hajj*) eigentliche Sache ist der Krieg, der Familie (*rapt*) Sachc die Blutrache."⁶⁰

54. W. Patton, *op. cit.*, p. 704, quotes a saying of the Bedouins, "I will have my revenge if I should be cast into hell for it."

55. W. Patton, *op. cit.*, p. 705; M. L. Hardy, *op. cit.*, p. 16.

56. W. Patton, *op. cit.*, p. 705, believes that though the brother and eldest son of the deceased were nearly equal in their responsibility, "the greater responsibility rested upon the brother rather than the son. These two were the first heirs of a man, as well. In fact there seems to be some kind of relationship between these two things, inheritance and blood-revenge. This is suggested by the sharing of brother and son, not only in the inheritance, ... but in the bloodwit, where that was accepted instead of revenge." O. Procksch, *op. cit.*, p. 26, comments, "Daraus entsprang denn auch für den Bruder in erster Linie die Pflicht der Blutrache." According to M. J. L. Hardy, *op. cit.*, p. 17, however, "the apparent order was sons, brothers, cousins and uncles...."

57. O. Procksch, *op. cit.*, pp. 27, 28.

58. W. Patton, *op. cit.*, p. 705.

59. *Ibid.*, p. 706.

60. O. Procksch, *op. cit.*, pp. 28, 29. So also, W. Patton, *op. cit.*, p. 707; J. M. L. Hardy, *op. cit.*, p. 17; S. Nystrom, *op. cit.*, p. 35. H. Schaeffer, *op. cit.*, p. 81, writes, "The duty of retaliation was an immediate concern of the 'family' and not of the community at large. It was only when the 'family' was in no position to carry out the obligation that the duty fell to the lot of the tribal group to which 'the family' belonged." The opinion of W. Robertson Smith, *op. cit.*, pp.

The avenger of blood is referred to as the *wali* or as the *waliy-ad-damm*. *Wali* is the term applied as well to marriage and inheritance.⁶¹ Schaeffer asserts that "the functions of the Hebrew *goel* . . . are assumed to a very large extent by the *wali* of Arabic literature."⁶²

So pressing⁶³ was this duty that it was considered legitimate to use any ruse or strategy to deceive the one who was to be put to death, though apparently it was not permitted to strike a man in his sleep.⁶⁴ According to Hardy, "at the moment of striking the mortal blow the avenger had to cry aloud that he was taking vengeance for his murdered kinsman, so as to inform any witnesses that this was a judicial killing and not itself an unjustified attack."⁶⁵

Vengeance threatens not only the killer himself but any member of his tribe as well.⁶⁶ Certain restrictions were observed in an attempt to curtail the disastrous results of the exercise of unbridled revenge. Slayers were safe from the

26, 27 varies somewhat from the above position. He writes, "In Arabia this group [kindred group] was not the family or household, not the relatives of the slayer and the slain within certain degrees of kinship as we reckon kinship, but a definite unity marked off from all other groups by the possession of a common group-name. Such a group the Arabs commonly call a *hayy*. . . The call to vengeance is no doubt felt more strongly by the father, the son or the brother of the slain. . . . But this has nothing to do with the principle of the blood-feud. No man who is within the group can escape responsibility merely because he is not a close relation of the slayer or the slain. . . . Kinship then among the Arabs means a share in the common blood which is taken to flow in the veins of every member of a tribe. . . ." Cf. also B. van Oeveren, *op. cit.*, pp. 51, 52, 242, and R. de Vaux, *Ancient Israel*, 1961, p. 11. Note should be taken of the remarks of W. Patton, *op. cit.*, p. 709, who acknowledges that it is impossible from the available evidence to trace the stages of the institution of blood-vengeance in Arabia.

61. W. Patton, *op. cit.*, p. 706; H. Schaeffer, *op. cit.*, pp. 82, 83; See n. 56.

62. H. Schaeffer, *op. cit.*, p. 80.

63. D. S. Attema, *op. cit.*, p. 55, remarks, "Men ervoer dit als een wet, waaraan onvoorwaardelijk gehoorzaamd moest worden, en als een plicht die tot geen prijs mocht worden nagelaten."

64. M. J. L. Hardy, *op. cit.*, p. 19.

65. *Ibid.*, S. Nystrom, *op. cit.*, p. 36, remarks, "Doch ist es sowohl bei Arabern wie bei Israeliten meistens dass der Bluträcher, ehe er seinem Opfer den Todesstoss versetzt, kundtut, für wen er die Blutrache fordert." He cites Judg. 8:18-21 as an illustration of his point.

66. D. S. Attema, *op. cit.*, p. 55, writes, "Zij moesten er zorg voor dragen dat de moordenaar of een van zijn naaste verwanten met de dood gestraft werd."

avenger during holy months. There were also places of asylum.⁶⁷ An unusual custom was the protection provided by a woman who placed her cloak-over a threatened man.⁶⁸ The most widely employed practice was that of seeking the protection of a powerful tribe.⁶⁹ Such measures, however, did not effectively prevent the recurring vendetta.⁷⁰ The blood-feud could have been arrested by handing the murderer over but "since there was no moral judgment of the deed, there was no decisive motive for surrendering the murderer. As a practical means to solve this problem, resort was had to the payment of compensation."⁷¹

We have seen that the practice of compensation in the ancient Near East, excluding Israel,⁷² was common. In Arabia a weak tribe would likely settle the blood-feud by payment of blood-money. Yet there are cases of weak tribes waiting for protracted periods of time in order to execute vengeance.⁷³ The choice of exacting vengeance or receiving compensation belonged to the offended kinsman.⁷⁴ On occasion men resorted to the oracle for an answer to the vengeance or compensation choice.⁷⁵

67. Cf. B. van Oeveren, *op. cit.*, pp. 55-57.

68. M. J. L. Hardy, *op. cit.*, p. 20. Cf. also W. Patton, *op. cit.*, pp. 713-715.

69. M. J. L. Hardy, *op. cit.*, p. 20.

70. W. Patton, *op. cit.*, p. 768, writes, "When the tribe took part in blood-feud, the common result was a war which ever increased-the feud between parties, because every man killed began-a-new quest for revenge." D. S. Attema, *op. cit.*, p. 56, writes, "Men bemerkt hier duidelijk waartoe de bloedwraak leidde. Daaruit ontstonden vaak hele bloedveten tussen de stammen, hele clans werden soms uitgemoord."

71. M. J. L. Hardy, *op. cit.*, pp. 21, 22.

72. See chap. 4, n. 159 and below nn. 79 and 80.

73. W. Patton, *op. cit.*, p. 710; D. S. Attema, *op. cit.*, p. 55.

74. M. J. L. Hardy, *op. cit.*, p. 22. Cf. however, W. Patton, *op. cit.*, pp. 715, 716. He affirms that in some instances an arbitrator was used. "He might be of one of the two tribes involved. He decided whether the bloodwit offered or the revenge insisted on by the other party should prevail; and in cases of dispute as to the amount of the bloodwit he occasionally settled the sum."

75. W. Patton, *op. cit.*, p. 714. He cites the case (p. 714) "of one man who sought the oracle, and who, not getting the answer he desired when he wished to know whether he should avenge the blood of his father or accept an alternative, threw the arrows at the image and cried out: 'You wretch!' If your father had been killed, you would never have forbidden me to avenge him."

Patton suggests that compensation as a method of settlement was "theoretically just as complete a satisfaction and as honorable an adjustment as the execution of vengeance. Practically, however, the question of tribal honor enters in at this point. . . . One condition of the acceptance of blood-money was that a full acknowledgment of the ability of the accepting party to accomplish revenge should be made. The slayer was delivered up to the avenger. He entered the avenger's tent saying: "Here I am; kill me or accept ransom." By saying this he renounced his claim to the protection of the tent and might have been slain. Actually, however, it was not often the case that one who did this was slain. The purpose of the renunciation is merely to satisfy the avenger's pride, and this purpose of the act is always respected by the latter."⁷⁶

Certain differences between blood-vengeance in Arabia and in Israel have now become evident. We have noted that in Arabia there seemed to have been an absence of moral judgment on a killing outside of the kin group.⁷⁷ The same cannot be said to be true in Israel. We have also seen that the avenger of blood enacts vengeance not only upon the perpetrator of the evil deed (this may or may not be the case) but upon any of the kin members of the murderer. This is forbidden in the Old Testament.⁷⁸ A final difference is that of compensation, which was excluded by the Israelite law,⁷⁹ compare Numbers 35:31.

76. W. Patton, *op. cit.*, p. 715.

77. Cf. W. Patton, *op. cit.*, p. 730, who calls the absence of any moral feeling toward the killing of a man of another tribe "the most striking difference between the blood-revenge of the Old Testament and that of the Arabs."

78. B. van Oeveren, *op. cit.*, p. 242, writes, "Was de moordenaar onbereikbaar, dan moest een lid van zijn familie worden gedood. Dit laatste wordt in de Mozaïsche wetgeving uitdrukkelijk verboden, Deut. 24:16."

79. S. Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law*, (SVT, 18) 1970, p. 82, correctly states: "Composition is applicable only in a system which is motivated entirely by economic presuppositions: the family has suffered a loss, thus payment in kind must be made and is acceptable. In the Bible, however, homicide is an unpardonable offense, since it is considered to be, in addition to everything else, a flouting of the divine will; hence, no matter nor manner of composition is acceptable."

It is clear from our discussion that blood-vengeance was practiced by many peoples in the ancient Near East in addition to the Israelites. As has already been pointed out, such similarities should occasion no particular surprise in the light of the *historical* nature of biblical revelation. In the final analysis, the basic difference in outlook and in operation between Israel and the surrounding nations can be explained only from Israel's unique view of man as made in the image of God;⁸⁰ see further our discussion of the Old Testament data in chapter 4 under "Goel-Redemption of Blood." No compensation for the life of the murderer was possible, for he had shed the blood of one made in the image of God. However, it was *only* the murderer's life which was to be taken. A clear distinction between premeditated and accidental slaying was laid down in Old Testament law. Moreover, the goel of blood in Israel, rather than acting out of motives of personal vengeance, was intended to be the instrument of divine justice with a mandate from Yahweh, the Ultimate Seeker of the blood of the murdered victim. An attack upon man made in the image of God was an attack upon the Lord, himself.

80. On the differences between Israelite and Near Eastern laws of homicide cf. M. Greenberg, "Some Postulates of Biblical Criminal Law," *Yehezkel Kaufmann Jubilee Volume*, 1960, pp. 5-28. The main differences between biblical and cuneiform law, according to Greenberg, are that compensation of any kind is ruled out and vicarious punishment is excluded in the biblical law. There is also a striking distinction between biblical and cuneiform law in the treatment of offenses against property. Greenberg (p. 18) writes: "This unparalleled leniency of biblical law in dealing with property offences must be combined with its severity in the case of homicide, just as the leniency of nonbiblical law in dealing with homicide must be taken in conjunction with its severity in dealing with property offences. The significance of the laws then emerges with full clarity: in biblical law life and property are incommensurable; taking of life cannot be made up for by any amount of property, nor can any property offense be considered as amounting to the value of a life. Elsewhere the two are commensurable: a given amount of property can make up for life, and a grave enough offense against property can necessitate forfeiting life.... A basic difference in the evaluation of life and property separates the one from the others. In the biblical law a religious evaluation; in nonbiblical, an economic and political evaluation, predominates." Cf. chap. 4, n. 159.

4

The Goel In Israel

Goel-Redemption of Property, Leviticus 25:23-28

THE law of property redemption in Leviticus 25¹ forms an important part of the Old Testament teaching on the role of the goel in Israel. It is this law which most directly relates to the interpretive problems of the book of Ruth.² Despite the difference between the property transaction in Ruth and the law of property redemption in Leviticus 25, it is generally accepted that in the book of Ruth we have an application of the property redemption law which is formulated in Leviticus 25. The law in Leviticus 25:25-28 states, "If your brother³ becomes poor,⁴

1. Lev. 25 forms part of the so-called Holiness Code, which is taken by some scholars as being very late. On the question of the separate existence of such a code, cf. W. H. Gispen, *Het Boek Leviticus*, COT, 1950, pp. 17-27. For more recent discussions on this subject, cf. H. G. Reventlow, *Das Heiligkeitsgesetz. Formgeschichtlich Untersucht*, 1961, and W. Thiel, "Erwägungen zum Alter des Heiligkeitsgesetzes," *ZAW*, 81, 1969, pp. 40-73. J. van der Ploeg, "Studies in Hebrew Law," *CBQ*, 13, 1951, p. 39, comments, "There can be no doubt indeed, that most of the contents of the Law of Holiness must be very old, and must have been practiced in ancient times." Cf. also, H. Brongers, *Oud-Oosters en Bijbels Recht*, 1960, p. 191. As far as the content of Lev. 25 itself is concerned there is good reason to see a reflection of very ancient practices. The antiquity of the laws regulating indebtedness in Lev. 25:35-54 has been demonstrated by E. Speiser, "Leviticus and the Critics," *Oriental and Biblical Studies*, ed. J. Finkelstein and M. Greenberg, 1967, p. 135, (hereafter cited as "Leviticus and the Critics") who has cited parallels from Alalah and Nuzi and remarks, "The cuneiform analogues demonstrate, among other things, that the long passage in Leviticus had its roots in life rather than in cultic speculation. These roots, moreover, reach far back into the past."

2. See chap. 8, "The Sale of the Property."

3. **אֶחָיו** should be taken in its wider meaning of fellow clan-member.

4. A similar verb can be found in the Ugaritic texts which C. Gordon, *UT*, 1965, p. 433, translates "to be vanquished." The verb **אָוַח** is unique to Lev. 25

and sells part of his property,⁵ then his next of kin shall come⁶ and redeem what his brother has sold. If a man has no one to redeem it, and then himself becomes prosperous⁷ and finds sufficient means⁸ to redeem it, let him reckon the years since he sold it and pay back the overpayment⁹ to the man to whom he sold it; and he shall return to his property. But if he has not sufficient means to get it back for himself, then what he sold shall remain in the hand of him who bought it until the year of jubilee;¹⁰ in the jubilee it shall be released,¹¹ and he shall return to his property."

Basic to the laws of land tenure in the Old Testament is the conviction that Yahweh is the true owner of the land.¹²

apart from its use in Lev. 27:8. In Lev. 25, the laws concerned all begin similarly: **כִּי יִמֹךְ אֶחָיִךְ**. H. G. Reventlow, *op. cit.*, p. 141, regards them as part of an independent complex of laws, "der nur sachliche Beziehungen zur Einrichtung des Halljahrs besitzt.... Hier finden wir Bestimmungen sozialer Art, die sich einerseits mit der **גַּאֲלָה**, von Land (v. 25 ff.) und Mensch (v. 47 ff.), andererseits mit bundesgemäßem sozialem Verhalten gegenüber armen Mitbürgern (v. 35 ff.) und Schuldsklaven (v. 39 ff.) befassen."

5. **מֵאֲחֻזְתּוֹ**--the most general term for property in the Old Testament as over against **נַחֲלָה** and **יְרֵשָׁה** which refer to inheritance. Cf. the unusual usage in Lev. 25:45, 46, where the word refers to persons rather than to property.

6. **וּבֵא**—here used as a technical term meaning to appear on behalf of, to be responsible for. Cf. K. Elliger, *Leviticus*, HAT, 4, 1966, p. 355.

7. **וְהִשִּׁיגָה יָדוֹ**—to reach, to be able to afford. Cf. Lev. 25:47, 49.

8. **כַּדִּי גַאֲלָתוֹ**—KB, "sufficient to his redemption." Cf. Lev. 25:28: **לֵדִי הַשִּׁיב לוֹ**—KB, "enough for repurchase."

9. **הַעֲדָף**—that which remains over. The word is used in connection with food (Ex. 16:23) and people (Num. 3:46) as well as money (Lev. 25:27).

10. **יֹבֵל**—the word means ram (Josh. 6:5) or ram's horn (Ex. 19:13). The year of the **יֹבֵל** was inaugurated with the blowing of the ram's horn.

11. **יִצָּא**—a technical term for release. Cf. Lev. 25:28, 30, 31, 33, 41, 54.

12. In addition to the fundamental notion of Yahweh's ownership of the land, Lev. 25:38 stresses Yahweh's redemptive intervention at the Exodus as a basis for the economic laws in Israel. G. von Rad "Promised Land and Yahweh's Land," in *The Problem of the Hexateuch and Other Essays*, 1966, p. 85, believes that "the fundamental notion expressed in Lev. xxv 23 is very ancient, and had cultic significance in ancient Israel. It was as a primary consequence of this basic conception that the great sacral sabbatic year was appointed." Against this cultic notion, von Rad contrasts the historical outlook involved in the promise of the land made to the patriarchs. The two are "of a totally different order.... The theological statements in the Hexateuch concerning the land derive from two basically quite distinct viewpoints," *ibid.*, pp. 88, 89. Von Rad denies that the cultic notion was originally derived from Canaanite sources and was a later development than the more ancient historical conception of the Yahwist. He remarks,

"The land shall not be sold in perpetuity, for the land is mine, for you are strangers and sojourners with me" (Lev. 25:23).¹³ Because the land was conceived of as belonging to Yahweh, religious and moral considerations were involved in questions of land ownership and transfer.¹⁴ One of the outworkings of this idea of God's ownership of the land was that no Israelite could lose his property permanently.¹⁵ These

"The notion that Yahweh is the true owner of the land can be traced back to the very oldest commandments of Yahweh, and was evidently current at a time when syncretism with the features of Canaanite religion had not even begun to appear," *ibid.*, p. 88. Cf. also G. von Rad, *OTT*, 1, 1962, p. 300. On the concept of Yahweh's ownership of the land, cf. R. North, *Sociology of the Biblical Jubilee*, 1954, pp. 158-175. Cf. also A. Alt, "The Origins of Israelite Law," in *Essays on Old Testament History and Religion*, 1966, p. 128 n. 118. See also below, nn. 13, 14.

13. For references to the divine ownership of the land in the Old Testament, cf. Josh. 22:19; Jer. 16:18; Ezek. 36:5; Hos. 9:3; Ps. 85:2(1). This concept was not unique to Israel. For data from the ancient Near East and particularly Ugarit where there seems to be a strong emphasis on the land belonging to the Deity, cf. A. M. Brown, *The Concept of Inheritance in the Old Testament*, unpublished Ph.d.dissertation, Columbia University, 1965, pp. 183, 184. He comments: "In all the Biblical passages which refer to Yahweh's inheritance of the land either in terms of the whole area of Canaan or in terms of the concept of Jerusalem and the Temple, we have a vitally significant combination of the concept of divine ownership, a view held by other Near Eastern cultures and particularly evident in Ugaritic literature, with the more specifically Hebraic concept of Yahweh's involvement in history. This involvement was the existential vehicle for expressing Yahweh's relationship with Israel, and the land of Canaan was the focal point around which that history was enacted."

14. K. H. Hervey, "Land Tenure in the Old Testament," *PEQ*, 1954, p. 5, points out that there were actually two competing schools of thought in Israel, concerning land ownership and related problems. "The one saw the land as belonging to Yahweh, and demanded—in His name—the application of religious and moral considerations to land ownership and transfer. To the other, dealing in land was partly business, partly governed by certain customs (and no doubt laws) which were influenced by those prevailing amongst the surrounding peoples. The two principles were impossible to reconcile...." F. Horst, "Das Eigentum nach dem Alten Testament," in *Gottes Recht*, 1961, p. 205, writes, "So gewichtig and beachtlich dieses religiöse Eigentumsverständnis ist, so ist es doch nicht das im Alten Testament alleinbestehende and vorherrschende gewesen. Ein anderes, rein profanrechtliches Eigentumsverständnis steht daneben."

15. On the term **ל צמחה**, in Lev. 25:23 cf. J. E. Hogg, "The Meaning of **ל צמחה** in Lev. 25:23-50;" *AJSL*, 42, 1925-26, pp. 208-210. In place of forever" or "in perpetuity" he suggests "without right of redemption" or "in derogation of the seller's right of redemption," *ibid.*, p. 210. F. Horst, *op. cit.*, p. 220, understands the word as meaning "mit unwiderruflicher Gultigkeit." J. J. Rabinowitz, "A Biblical Parallel to a Legal Formula from Ugarit," *VT*, 8, 1958, p. 95, writes: "In a large number of conveyances of property it is stated that the transfer is

laws were intended to ensure the freedom of the small landowner in Israel. According to Eichrodt, "the significance of these regulations lies in the fact that by blocking, speculation in landed property they make it easier for that peasant class which springs from the soil to preserve its independence."¹⁶ In addition, as Brown remarks, "the fact that the Israelites were legally prohibited from making any permanent sale of their property would be a constant and sometimes frustrating reminder to them of their link with the divine provenance of their possession and the divine sovereignty of the real owner of the land."¹⁷

Three separate situations are contemplated in Leviticus 25:25-28. All involve the selling of a portion of property due to extreme poverty. In verse 25 the law envisages the recovery of the land through the intervention of the goel. In verse 26 the law allows for the possibility of the land being recovered by the seller who finds himself, at a later date, financially able to repurchase his property.¹⁸ Such a situation may

made in perpetuity, the formula being *samid adi dariti* . . . This formula is strikingly similar to לדרתיו . . . לצמיתה of Lev. xxv 30." Rabinowitz sees this as speaking "volumes against those who would assign a late date to the sections of Leviticus relating to the year of the jubilee."

16. W. Eichrodt, *TOT*, 1, 1961, pp. 96, 97, who goes on to remark, "The basic idea of this law constitutes a consistent and energetic attempt to guarantee the independence and liberty of each individual Israelite."

17. A. M. Brown, *op. cit.*, p. 214. According to Brown, this law "involved more than the integrity of the social structure of an ancient society. In the biblical material, the law is linked to Yahweh's gift of the land and to the covenant relationship between, Yaliweh and Israel."

18. D. Daube, *The Exodus Pattern in the Bible*, 1963, p. 85, (hereafter cited as *Exodus Pattern*) regards this section which allows the impoverished person to free his land as a later development and writes, "That these clauses contemplating a decisive financial improvement in the affairs of the impoverished man are a relatively late amendment is evident from the way they are stuck on to the principal legislation; they are an afterthought." In *Studies in Biblical Law*, 1947, p. 44, (hereafter cited as *Studies*) Daube calls the provision allowing redemption by the impoverished person himself "a Biblical innovation" which had not existed in prebiblical legislation. His position is controverted by E. Neufeld, "Socio-Economic Background of Yobel and Semitta," *RSO*, 33, 1958, p. 77 (hereafter cited as "Socio-Economic Background"). He writes: "We have evidence that, e.g., in Sippar, during the days of King Rim Sin, a female slave regained her freedom by paying the amount of ten shekels to her mistress. Such cases were obviously not frequent, but the practice of allowing the impoverished man himself to buy

take place where the impoverished person has no goel. The absence of a goel¹⁹ does not imply the absence of the relative as such but of one with the necessary means²⁰ and willingness to act for the impoverished debtor. A third situation can be seen from verse 28. Here the property is sold and there is no goel to recover the property, and the impoverished man is not able to repurchase the land. In this case, it remains with the buyer until the year of jubilee,²¹ when it returns to the one who had been forced to sell his possession.

back his freedom or property, and the rules governing such a practice existed long before the Biblical legislation." Cf. also, J. de Moor, "De vrijkoop van slaven in het Oude Nabije Oosten," *Vox T.*, 34, 1963-64, pp. 74, 75. See chap. 3, "Parallels to the Goel-Redemption of Person."

19. Cf. A. B. Ehrlich, *Randglossen zur hebraischen Bibel*, 2, 1909, p. 92. The goel's duty was not absolute, cf. Ruth 3:13. It is this fact which lies behind the phrase **כִּי לֹא יִהְיֶה לוֹ גֹאֵל**, v. 26a. K. Elliger, *op. cit.*, p. 355, commenting on writes, "schwerlich= überhaupt vorhanden ist, eher= in der Lage ist." E. Neufeld, "Socio-Economic Background," p. 77, remarks: "In reality, therefore, the debtor could be saved by the *ius redemptionis* when his *go'el* was a wealthy person and was willing to fulfill his social obligation."

20. W. H. Gispen, *Het Boek Leviticus*, COT, 1950, p. 360, comments, "Met **גֹאֵל** is hier bedoeld een verwant, die rijk genoeg is, om to lossen."

21. For a thorough study of the, year of jubilee in the Old Testament, cf, R. North, *Sociology of the Biblical Jubilee*, 1954, and the extensive article by E. Neufeld cited in n. 18. R. North, *op. cit.*, pp. 176, 189, maintains that "the ultimate significance of the jubilee was as a bankruptcy law. . . . The Hebrew conviction 'Land must remain in the family' involves as its corollary 'The bankrupt must be rehabilitated.'" North (pp. 207, 210) argues that "the legislator intended the 50-year respite for *once*: a single fresh start for the bankrupt Israelite. He does not exclude the desirability of its repetition at fifty-year intervals forever after. Indeed, it may be said that he virtually prescribes this insofar as the economic situation would show continuing need of such measures.... Thus the fifty-year release prescribed once for all by the lawgiver is now carried along on the books as a legislated ideal." North (p. 212) suggests a 12th century origin for the jubilee law and remarks: "The jubilee law presumes an agrarian economy of primitive simplicity. . . . The jubilee law was not the original composition of an author, but a rearrangement of existing Semitic economic and calendar usages by an authority of the Occupation era." R. de Vaux, *Ancient Israel*, 1961, p. 177, believes that "the Law of jubilee was a late and ineffective attempt to make the sabbatical law more stringent by extending it to landed property, and at the same time to make it easier to observe, by spacing out the years of remission. It was inspired by ancient ideas, and made use of the framework of an archaic calendar. . . . But it was a Utopian law and it remained a dead letter." So also E. Ginzberg, "Studies in Biblical Economics," *JQR*, 22, 1931-32, p. 368. E. Neufeld, "Socio-Economic Background," p. 122, reacts strongly against the view that the Jubilee laws are principally the imaginary work of the exilic period. "Its main elements, such as the inalienability of land, the *ius redemptionis*, the release of slaves, the penta-

In summary, we see that either the land reverted to its original owner through the activity of the goel, or the recovery was effected through the original seller when he acquired sufficient means, or the land was released at the jubilee year.

We must now examine in more detail the situation envisaged by the law of Leviticus 25:25. It seems clear from the Old Testament that no Israelite would have parted with his inheritance except under the direst circumstances. It was when he became hopelessly in debt²² and was forced to relinquish his property that the need arose for the goel to act. Several questions present themselves under closer scrutiny of this law. First, it may be asked whether the property has already been sold and is therefore to be obtained by the goel from the buyer. In the light of the two other cases in Leviti-

contial system, are part and parcel of the real life factors of ancient Israel's framework and, therefore, it cannot even remotely be regarded as a utopian idea." Neufeld (p. 118) argues for the antiquity of the ideas involved in the jubilee and believes that the "recurrent application of these institutions was an endeavour to safeguard the preservation of old socio-economic forms by regularly repeating a new economic programme and thus arresting and suppressing the development of city life and its economy." A. Jirku, "Das Israelitische Jubeljahr," Reinhold Seeberg Festschrift, 2, 1929, p. 178, maintains "dass der Gedanke des Jubeljahres in Israel bald nach der Einwanderung in Palastina aufgekommen sein wird." In discussing the real and practical character of the laws in the Pentateuch J. van der Ploeg, "Studies in Hebrew Law," *CBQ*, 13, 1951, p. 171, comments, "The law of the Jubilee must be an ancient law meant to be kept in a society of still simple social and economic structure." S. Stein, "Laws on Interest in the Old Testament," *JTS*, N. S. 4, 1953, p. 164, believes that the jubilee regulations along with the ordinance of the sabbatical year "can best be understood as belonging to a group of half sedentary people who were on the point of settling permanently but who, for the time being, were assured of their livelihood by their pastoral mode of life." J. Lewy, "The Biblical Institution of Deror in the Light of Akkadian Documents," *Eretz Israel*, 5, 1958, p. 29, remarks, "The Biblical legislation relating to the 'proclaiming' of releases reflects and perpetuates the influence which the Amorite states of the Holy Land and their institutions exerted upon the tribes of Israel prior to their unification under monarchs." The biblical law differs from the Akkadian in setting fixed intervals for release. Lewy maintains that this "is likewise indicative of the ancientness of the principles transmitted to us in Lev. 25:10 ff. For such a regulation which offered the advantage of making the proclamations of releases independent of an absolute ruler's arbitrariness ... was obviously imperative in states not headed by a monarch." Cf. also M. Noth, *Leviticus*, *OTL*, 1965, p. 185. For a more recent treatment of this subject cf. R. Westbrook, "Jubilee Laws," *ILR*, 6, 1971, pp. 209-226.

22. M. Noth, *op. cit.*, p. 187, writes, "The separation from the 'property' was caused by a sale of the stake in the soil—made necessary as a rule by debt."

cus 25:26-28 this would appear to be the case. It is obvious in these that the property had passed out of the control of the original owner. In the one instance, the property was recovered by the seller, himself, when he came into sufficient means, and in the other it reverted to the original owner in the jubilee year. These latter cases have been cited by the majority of scholars to support the idea that in Leviticus 25:25 the goel, intervenes to recover the property which has already been lost to the family. On the other hand, we shall see that in the two applications²³ of the property redemption law (Ruth 4, Jer. 32) we do not find the repurchase of an already sold, property, but a prior right to purchase a property which is being offered for sale.²⁴ For this and other reasons, some have argued that it is the right of preemption which is legislated in Leviticus 25:25. Thus Buhl comments on this verse: "Freilich liegt hier die gewöhnliche Auffassung, wonach es sich um den Rückkauf eines schon verkauften Grundstückes handelt insofern etwas näher, als man

23. While there are only two passages in which we find a direct and obvious application of the laws of property redemption, it should be noted that a more obscure reference to such may be found in Ezek. 11:14-20. In Ezek. 11:15 following the MT (גאלתך), rather than the LXX (גלותך), as the RSV translation "your fellow exiles" does, we find the term "the men of your redemption." This is best explained by the previous double mention of the word "your brethren" (אתיך). NV therefore renders Ezek. 11:15: "Mensenkind, het zijn uw broeders, uw broeders, uw verwanten en het ganse huis Israels in zijn geheel, tot wie de inwoners van Jeruzalem zeggen: blijft verre van den Here, aan ons is dit land in bezit gegeven." W. Brownlee, "The Aftermath of the Fall of Judah according to Ezekiel," *JBL*, 89, 1970, p. 393, portrays the following situation: "What is referred to is the obligation of the OW to redeem or to hold in custody the property of the near kinsman. Some of Ezekiel's kinsmen have been sent into exile, and Ezekiel, if anyone, should have the right to occupy their vacated property. However, persons without any natural right are crowding in and with great glee are taking possession. What they say by their attitude, though not perhaps in explicit words, to the unfortunate exiles is, 'Get you afar from Yahweh, this is ours!' Instead of replying in the same selfish vein, 'No, this is mine, since it belonged to a brother of mine,' Ezekiel directed himself rather to the underlying spiritual assumption that exile meant expulsion from the presence of Yahweh (v. 16)."

24. There can be little doubt that such is the case in Jer. 32. Ruth 4 is subject to dispute, but the majority of scholars maintain that Naomi is offering the property for sale in Ruth 4:3. Cf. chap. 8, "The Sale of the Property."

auf die Analogie von v. 47f., wo ein schon verkaufter Sklave zurückgekauft wird, verweisen könnte. Aber trotzdem ist diese Auffassung auch hier unrichtig, wie der Wortlaut deutlich lehrt. Es heisst nämlich, dass der Goel zu dem verarmten Israeliten kommen soll um seine Geulla—Pflicht zu erfüllen, während es widrigenfalles natürlich heissen müsste: er soll zu dem gehen, der das Feld gekauft hat. Erst v. 26 handelt von dem, was geschehen soll, wenn der arme Israelit thatsächlich seinen Besitz verkauft hat."²⁵ Buhl translates verse 25, "wenn dein Bruder verarmt und etwas von seinem Grundbesitze verkaufen muss, so soll sein nächster Verwandter zu ihm kommen und das lösen, was er verkaufen will." His argument largely revolves around the phrase **וּבֹא גֹאֵל וְהִקְרַב אֵלָיו**. Elsewhere he comments, "The consecutive perfect **וּמָכַר** can just as easily signify *if he must sell*, and that this is in fact the thought in this place is clear from the statement: 'his redeemer shall come *to him*,' while at the redemption he must go to him who had previously bought the property."²⁷ It is only the law in Leviticus 25:26 which presupposes that the property has already been sold.²⁸

25. F. Buhl, *Die Socialen Verhältnisse der Israeliten*, 1899, p. 61 (hereafter cited as *Verhältnisse*).

26. F. Buhl, *Verhältnisse*, p. 62.

27. F. Buhl, "Some Observations on the Social Institutions of the Israelites," *AJT*, 1, 1897, p. 738 (hereafter cited as "Social Institutions"). A similar argument is introduced by R. de Vaux, *op. cit.*, p. 167, who writes, "If an Israelite falls into distress and has to sell his land, his nearest go'el comes 'to his house' (generally omitted by translators) and buys what he has to sell." J. Kohler, "Gemeinderschaft [sic] und Familiengut im israelitischen Recht," *Zeitschrift für Vergleichende Rechtswissenschaft*, 17, 1905, p. 218, distinguishes between "Erbenretrakt" and "Wiederkaufsrechts." He complains that Lev. 25:25 is often inaccurately translated. The proper meaning is, "wenn dein Bruder verarmt und etwas von seinem Landgut verkauft (verkaufen will), so soll sein Löser, der Verwandte, zu ihm kommen und den Verkauf (die zu verkaufende Sache) seines Bruders lösen. Das will heissen: er soll rechtzeitig eintreten und durch den Kauf der Sache, welche in Gefahr steht, aus der Familie zu fallen, der Familie das Erbgut erhalten." J. Pedersen, *Israel, its Life and Culture*, 1-11, 1926, p. 93, comments that the law mentioned in Lev. 25:25 relates to "the redemption of a field which is on the point of passing out of the family." However, cf. his translation of the law, *ibid.*, p. 83.

28. F. Buhl, *Verhältnisse*, p. 61. Similarly, J. Kohler, *op. cit.*, p. 221.

This interpretation has the advantage of harmonizing with the two situations in the Old Testament which apply the property redemption in law, and it is certainly desirable to give adequate emphasis²⁹ to the specific applications of biblical law. "There is some question, however, whether Buhl's interpretation of the crucial phrase is correct. It may be that **אֵל יוֹ** should be taken with **הִקְרָב** rather than with the verb as is the case in passages such as Leviticus 21:2, 3 and Numbers 27:11.³⁰ If so, then **וְבֹא** stands alone and is probably a technical term³¹ signifying the entrance of the goel as the one who defends and guarantees the well being of his kinsman, whether in person or in property. As such, the principal support for Buhl's argument disappears.

According to Rudolph, "Aus dem Wortlaaf von Lev. 25, 25 geht nicht eind'utig hervor, ob der Besitz schon verkauft ist oder erst zum Verkauf steht (**מִמְכָר** 'zu Verkaufendes' oder 'Verkauftes'? , d. h. ob es sich um Vorkauf oder um Rückkauf handelt." He goes on to add, "Ich glatte, dass die Ausdrucksweise a sichtlich unbestimmt ist, um beide Möglichkeiten einzuschliessen.... Das Normale war wohl der Vorkauf; aber für den Fall, dass keiner der Löser augenblicklich bei Gelde war, sollte der Rückkauf nicht ausgeschlossen sein."³²

It seems more likely that Leviticus 25:25 is dealing originally with the recovery by the goel of a piece of property which had already been sold by an impoverished Israelite. This will allow us to understand the verb **גָּאֵל** in verse 25 in the same way as in verse 26. However, it is clear from Jeremiah 32 that the goel function included the preemption as

29. Citing the two instances of property redemption in Ruth 4 and Jer. 32, R. de Vaux, *op. cit.*, p. 17, remarks, "These are the only concrete cases recorded in the Bible and it is in their light that the law of Lv. 25:25 must be interpreted."

30. Cf. Z. Falk's review of R. de Vaux' *Les Institutions de l'Ancien Testament* in HS, 9, 1958, p. 03.

31. Cf. n. 6.

32. W. Rudolph, *Das Buch Ruth, Das Hohe Lied, Die Klagelieder*, KAT, 17, 1962, pp. 63, 64.

well as the redemption of property. The latter is probably the original function from which the prior right of purchase (pre-emption) duty originated.³³

A second question which must be considered in connection with Leviticus 25:25 is the purpose behind such a law. Does the goel act in order to return the property to the one who has lost it or is the property retained by the goel himself? Pedersen expresses himself very strongly on this problem when he remarks, "The law contains no sentimental³⁴ regulations that the kinsman should assist the needy by keeping the property for his person. If he has not the strength to keep it for himself, he must lose it. The centre of gravity passes from him to a relative; he loses in importance what the relative gains, but the family, as family, lose nothing."³⁵ Pedersen sees a fundamental difference between the workings of the property redemption law and the jubilee year law. The first "provides for the property, so that, if it comes to one who is inefficient and cannot hold it, it is directed into other channels of the stream of kindred. . . . The object of the law of the *yobhel* year is, by might and main, to preserve the property for the person into whose hands it has come, whether he is worthy or not."³⁶

33. Z. Falk in *JJS*, 9, 1958, p. 203, writes, "The *go'el* always demands something back from a foreigner, be it the blood of his clansman, his body, where he has sold himself into slavery, or his real property. The original meaning (*geullah*) is, therefore, *redemption* rather than *pre-emption*, though the latter right may have arisen quite early."

34. Cf. the strictures made by R. North, *op. cit.*, p. 166, against Pedersen's use of the term "sentimental."

35. J. Pedersen, *op. cit.*, p. 84. So also, F. Buhl, "Social Institutions," p. 738. W. McKane, "Ruth and Boaz," *GUOST*, 19, 1961-62, p. 35, supports the view of Pedersen that the goel acquires the land for himself in order to keep it in the family. His agreement is based on the phrase קנה לך in Jer. 32:8.

36. J. Pedersen, *op. cit.*, p. 88. This same divergence of purpose is seen by Buhl, "Social Institutions," p. 738, as being present within Lev. 25:25-28. Cf. also R. de Vaux, *op. cit.*, p. 167. J. Pedersen, *op. cit.*, p. 88, asks, "If the property, in any case, must return to the original owner, why then should a relative in the meantime go and buy it?" This establishes to his satisfaction that the law of redemption "was made entirely unnecessary by the law of the *yobhel* year." Such reasoning ignores two things: first, that the land only reverted back to the one who lost it after fifty years. This is a sufficiently long period to supply a reason

One of the most stimulating discussions on geullah law in the Old Testament comes from Daube.³⁷ He maintains that the account of the Exodus was patterned after familiar legal concepts. It was "construed as an application of the social laws, as a 'recovery' by God of an enslaved son, relation or friend or of property fallen into the hands of strangers. Under the social regime of Old Testament times, an enslaved son, relative or friend who was redeemed, 'recovered,' by the person nearest to him came into the power of the redeemer; and similarly, family land redeemed by a member of the family became the redeemer's property. . . . Just so, in the view of the Old Testament writers, the Hebrews, as a result of their redemption from thralldom by God, became his subjects—as sons or slaves—or his property. . . . Liberation by God, in analogy to 'recovery' prescribed by the social laws, means, not liberation pure and simple, but a change of master. It means a passage from a distressing, foreign and arbitrary yoke to contentment and security under the rightful authority."³⁸ Daube affirms that the property redeemed by

why a relative should "in the meantime go and buy it"; second, that these laws were not simply economically motivated but also religiously oriented. It is the religious and moral factor of the union of person and property which we see in the story of Naboth and which is at the basis of the prophetic condemnations of Isaiah (5:8) and Micah (2:1, 2). The moral principle of the union of the person with his property, and the duty of family solidarity, makes it understandable why a relative should "in the meantime go and buy the land." M. Noth, *op. cit.*, p. 189, commenting on the relation between geullah redemption and the release at the jubilee remarks: "This redemption, not in general tied down to any particular time, was something quite different from the jubilee-year provision for the reversion of land every forty-ninth year, which automatically involved a redemption. On the other hand the law of redemption, especially when it was a question of land, had material contacts with the year of jubilee; and so it was natural for Lev. 25 to deal also with the law of redemption."

37. D. Daube, *Studies*, pp. 39-61, 122-125, Idem, *The New Testament and Rabbinic Judaism*, 1956, 'p. 268-284; Idem, *Exodus Pattern*, pp. 27-29, 42-46.

38. D. Daube, *The New Testament and Rabbinic Judaism*, 1956, pp. 272, 273. Idem, *The Exodus Pattern*, p. 16, sees three stages of interaction between the laws and the Exodus. "There is the ancient social practice, there is the exodus depicting God as acting in conformity with that practice, and there is social practice advancing under the stimulus of the story." D. Daube, *Studies*, p. 61, sees at least two implications from the fact that this key term for redemption should have originated from the sphere of social legislation: "In the first place, the

the goel became the possession of the goel. The other view, that the property reverted to the former owner, is in conflict with the texts and even if correct "it would still remain true that the actual redeemer of a slave or of family property must be the one to gain effective control, no matter where control might reside in theory: as he proved able to recover what had got [sic.] lost, it is he who would continue being looked up to as the real protector."³⁹

Sikkema is strongly opposed to the idea that the goel retained the property for himself. He comments, "Dit is uiteindelijk het doel, dat de man, die arm werd en moest verkopen, het zijne terugkrijgt. Het jubeljaar bewerkstelligt dat, en zo mogelijk al eerder de lossing. Het lijkt mij daarom, dat de lossen het land los koopt ten behoeve van zijn verarmde verwant; de lossen brengt hem terug op het land, dat hij moest verkopen. . . . Het lijkt niet aannemelijk, dat de lossen he land vrij koopt en het behoudt tot het jubeljaar. Dit zou niet 'lossen' zijn, het zou voor de verkoper niet veel verschil maken, of de koper het genot van het land had dan wel de lossen."⁴⁰

There is a certain consistency then, according to Sikkema, in the three situations described in Leviticus 25:25-28. In each case, the land returns to its -original owner either through the goel, through self purchase, or through the jubilee.⁴¹ The verb לָקַח in verse 25 may then be understood in

prominent part played in the visions of final deliverance by this legal-social element, redemption, by the idea of God reclaiming His own as relative or master, may well be one of the causes, and effects, of a great feeling of confidence that we come across time and again. Salvation is not a vague myth: there is absolute certainty, as within a good family and one the head of which is very powerful, that God will and can and must act. In the second place, the prominent part played by this legal-social element, redemption, no doubt is one of the causes, and effects, of that constant stressing, in the leading religious literature of Judaism and Christianity, of the tremendous importance attaching to our practical work, here and now, by being merciful to the weak, for the final deliverance of the world."

39. D. Daube, *The New Testament and Rabbinic Judaism*, p. 273.

40. R. Sikkema, *De Lening in het Oude Testament*, 1957, pp. 96, 97.

41. R. Sikkema, *op. cit.*, p. 101. Cf. also M. Noth, *op. cit.*, p. 189, who remarks that the goel entered into the distressful situation "to preserve the soli-

the same sense as in verse 26. Sikkema seeks to buttress his case by an appeal to the laws concerning redemption of slaves. He writes: "Is het mogelijk, dat de lossen zijn verwant uit de slavernij los koopt ten eigen behoeve, zodat dus de slaaf verlost zou worden van zijn schuldeiser, maar dan de slaaf van zijn verwant zou zijn? Dit zou geen lossen zijn, het zou in strijd zijn met vers 54: Indien hij op deze wijze niet gelost wordt, d.w.z. indien hij niet gelost wordt door zijn verwant en niet door zichzelf 'dan komt hij vrij in het jubeljaar.' Wat een lossen doet en wat de slaaf niet zelf doet, dat doet het jubeljaar; het bevrijdt de slaaf. Dit vers stelt het gevolg van lossing door verwant en eigen lossing gelijk aan het gevolg van het jubeljaar, het is de bevrijding. Dan moet bij lossing van land en huis ook de lossing door de verwant hetzelfde gevolg hebben als de eigen lossing en het jubeljaar, nl. de terugkeer van de verkoper op zijn goed."⁴²

This is admittedly a difficult question and one on which the Old Testament is not as explicit as we might wish.⁴³ If, as some believe,⁴⁴ we have two sets of laws in Leviticus 25, that is, an originally independent body of, *geullah* regulations as well as jubilee laws, then Sikkema's argument is invalid, for in such a case there would be no original connection between the three situations described in Leviticus 25: 25-28, but on the other hand, we must seek to understand the texts as we have them, and in that case the preference should go to the view that the god intervened on behalf of his relative and obtained the property which reverted to the kinsman.

darity of the family group or kindred by paying the purchase-price to the buyer on his own account and thus getting back the piece of land that had been sold. This was not in order to retain it himself, but only to return it to the original owner."

42. R. Sikkema, *op. cit.*, p. 101.

43. E. Neufeld, "Socio-Economic Background," p. 76, remarks, "Nor do we know whether when property was redeemed, the *go'el* returned it to the impoverished debtor or kept it for himself.

44. M. Noth, *op. cit.*, p. 189, see above n. 36; cf. also H. G. Reventlow, *op. cit.*, p. 135.

From the circumstances described in Jeremiah 32 we see that the goel also had a right of preemption, of buying the property before it was placed upon the open market. It seems clear from this incident that the property was retained by the goel who purchased it.⁴⁵ This prompts the question: How are the two passages related? There are clear differences between the incident in Jeremiah 32 and the law in Leviticus 25. Sikkema differentiates sharply between the two. The sale of the land in Leviticus 25 is to be understood as a "verkoop wegens schuld" whereas that in Jeremiah 32 is an example of a "vrijwillige verkoop."⁴⁶ In Jeremiah 32 Hanamel is not selling the land out of need.⁴⁷ He receives the selling price whereas "in Leviticus XXV betaalt de lossers de prijs aan de koper, aan wie het land wegens schuld verkocht was."⁴⁸ The deed of purchase is lacking in Leviticus as is to be expected in a debt sale. "Bij vrijwillige verkoop gaat het land over in andere handen; dit wordt vastgelegd in koopbrieven, er zijn getuigen bij, die de koopbrieven tekenen; de brieven worden zorgvuldig bewaard. De koper moet in het volgend jubeljaar kunnen aantonen, dat de akker hem toebehoort en niet dient terug te komen aan de verkoper."⁴⁹ Land, which is not sold out of necessity, as in Jeremiah 32, is not restored in the jubilee. The buyer is able to prove, by means of the deed of purchase, that his land need not revert to the original owner.⁵⁰

45. W. McKane, "Ruth and Boaz," p. 35, writes, "It is plain (קנה לך) that Jeremiah is not redeeming the field in order to rehabilitate Hanamel, but is taking possession (ירשה) of the land by buying it from him. Being no longer able financially to effectively possess his land Hanamel offers it to his cousin as his nearest effective kinsman." Cf. also R. Sikkema, *op. cit.*, p. 105.

46. R. Sikkema, *op. cit.*, pp. 105-107. He makes this same sharp differentiation between Lev. 25 and Ruth 4.

47. R. Sikkema, *op. cit.*, p. 105, comments, "Uit nets blijkt, dat Hanameël arm geworden is en uit noc,d verkoopt; de slotwoorden tonen aan, dat Hanameël niet gedwongen is zijn goec om schuld te verkopen, integendeel, hij ontvangt de koopsom, Jeremia weegt die af."

48. R. Sikkema, *op. cit.*, p. 106.

49. R. Sikkema, *op. cit.*, p. 107.

50. R. Sikkema, *op. cit.*, p. 107, remarks, "Deze overwegingen maken het aannemelijk, dat het jubeljaar de vrijwillige verkoop niet ongedaan maakt."

By differentiating sharply between "verkoop wegens schuld" and "vrijwillige verkoop" Sikkema is able to draw a clear distinction between redemption as a duty and redemption as a right. "Zij is een plicht van de naaste verwant ingeval van verkoop van huis of land wegens schuld of ingeval van schuldlavernij. Bij vrijwillige verkoop heeft dezelfde verwant het voorrecht de akker voor zich te kopen."⁵¹ The question may be raised: How is it possible, in the case of a "vrijwillige verkoop," to speak of the buyer as a redeemer? Sikkema comments, "Bij vrijwillige verkoop bevrijdt de lossen het goed in zoverre, dat hij het behoedt voor overgang in vreemde hand; hij neemt het bezit over van een erfgenaam van de oorspronkelijke bezitter en behoudt het als afstammeling van diezelfde oorspronkelijke bezitter, wiens naam hij doet voortleven."⁵²

The sharp distinction drawn by Sikkema between Leviticus 25 and Jeremiah 32 is questionable. The mention of a deed of purchase⁵³ is the kind of detail one expects from an account of an application of a law in an historical section of the Old Testament. As such, it cannot be regarded as evidence for the distinction between a forced sale and a freely chosen commercial transaction. The same applies to the phrase "and weighed out the money *to him*" (Jer. 32:9). In view, of the impending Babylonian invasion it would be plau-

51. R. Sikkema, *op.cit.*, p. 106.

52. R. Sikkema, *op. cit.*, pp. 110, 111.

53. R. de Vaux, *op. cit.*, p. 168, cites as parallels to these procedures contracts of sale drawn up in Assyria dating from the 7th century B.C. The closest parallels, however, he believes, come from Egypt from the Hellenistic period: "On the same sheet of papyrus two copies of the contract were written, separated by a blank space. The first copy was rolled up and sealed, the other rolled up but not sealed: this is the 'open' copy of which Jeremias speaks. It could be consulted at will but was liable to be falsified; if a dispute arose the sealed copy was opened." Cf. L. Fisher, "Die Urkun en in Jer. 32: 11-14 nach den Ausgrabungen and dem Talmud," *ZAW*, 28, 1910, pp. 136-142. E. Hammershaimb, "Some Observations on the Aramaic Elephantine Papyri," *VT*, 7, 1957, p. 25, writes, "The procedure corresponds in principle to the Babylonian case-tablets, where the outer one serves to give information about the content and the inner one is only taken out if a dispute about the content arises.... In accordance with older Babylonian practice the contract is drawn up by the purchaser, in Jer. XXXII, not by the vendor."

sible to assume that the property was being offered for sale because of the economic hardships which accompanied such a situation.⁵⁴ If such were the case, Jeremiah's purchase of the land would serve all the more convincingly as a sign of his own trust in the God of Israel, the Lord of history, whose message through this transaction was, "Houses and fields and vineyards shall again be bought in this land" (Jer. 32:15).

God-Redemption of Person, Leviticus 25:47-55

In the Old Testament as well as in the rest of the ancient Near East, the practice of slavery was widespread.⁵⁵ Several sources existed for the supply of slaves, the taking of captives in war being the earliest.⁵⁶ Not only were foreigners captured in war enslaved, but the native population itself was also reduced at times to slavery. Mendelsohn comments, "Although captives of war and imported foreign slaves made up a substantial part of the slave population of the ancient Near East, the bulk of the Babylonian, Assyrian, Canaanite, and Hebrew slaves originally came from the ranks of the freeborn

54. A. Weiser, *Das Buch des Propheten Jeremia*, ATD, 21, 19604, pp. 294, 295, writes, "Der Grund, weshalb der Vetter Jeremias ihm seinen Acker zum Vorkauf anbietet, wird nicht genannt; doch liegt die Vermutung nahe, dass die längere Anwesenheit des babylonischen Belagerungsheeres mancherlei Not für die Bewohner der Umgebung von Jerusalem mit sich gebracht hat, die zum Verkauf von Besitz zwang." So also W. Rudolph, *Jeremia*, HAT, 12, 19683, p. 209, writes, "Was den Vetter zum Verkauf trieb, hält Jer zu sagen nicht für nötig; es ist klar, dass die Nähe des chaldäischen Belagerungsheeres den Dörfern um Jerusalem, zumal im Norden, viel Not brachte."

55. For literature relating to the topic of debt and enslavement, cf. E. Neufeld, "Ius Redemptions in Ancient Hebrew Law," *RIDA*, 1961, pp. 29-40 (hereafter cited as "Ius Redemtionis"); idem, "Socio-Economic Background," pp. 72-80; R. K. Sikkema, *op. cit.*, pp. 72-112; B. Maarsingh, *Onderzoek naar de Ethiek van de Wetten in Deuteronomium*, 1961, pp. 99-112. For Near Eastern materials, cf. I. Mendelsohn, "Slavery in the Ancient Near East," *BA*, 9, 1946, pp. 74-88 = *Biblical Archeologist Reader* 3, ed. E. F. Campbell and D. N. Freedman, 1970, pp. 127-143 (hereafter cited as "Slavery"); E. Speiser, "Leviticus and the Critics," pp. 131-135, J. C. de Moor, *op. cit.*, pp. 73-79; R. Yaron, "Redemption of Persons in the Ancient Near East," *RIDA*, 6, 1959, pp. 155-176 (hereafter cited as "Redemption of Persons").

56. Cf. R. de Vaux, *op. cit.*, p. 80; I. Mendelsohn, "Slavery," p. 127. For Old Testament data bearing on the enslavement of war enemies, cf. Deut. 20: 10 ff.; Judg. 5:30; I Sam. 4:9; 30:3; II Chron. 28:8.

native population. The native-born slaves were recruited from three sources: sale of minors by their parents, voluntary self-sale by adults and enslavement of defaulting debtors."⁵⁷

Old Testament evidence for the sale of minors by their parents can be found in the law regulating the sale of daughters in Exodus 21:7-11. In addition, we learn from II Kings 4:1 that creditors seized the children of deceased debtors. It seems clear that in the postexilic period (Neh. 5:5) farmers who were experiencing economically disastrous times were forced to relinquish their sons and daughters as slaves. Interesting in this connection is the statement in Isaiah 50:1: "Where is your mother's bill of divorce, with which I put her away? Or which of my creditors is it to whom I have sold you? Behold, for your iniquities you were sold, and for your transgressions you: mother was put away." Here the "you" is likely the Lord's children with the allusion being to the sale of children into bondage.

Economic adversity sometimes necessitated the individual voluntarily selling himself into slavery. In the Old Testament such a situation is reflected in the law codes (Ex. 21:2-6; Deut. 15:16-17) which mention the refusal of a slave to go out after his six-year term of service. He may opt for slavery with economic security rather than for freedom with economic insecurity. Voluntary self-sale is also seen in Leviticus 25:39 ff. which will be presently examined.

Voluntary servitude has been documented in Babylonia and Nuzi, though some differentiation in the status of the enslaved person is apparent between the two. Mendelsohn comments, "Legally most of the Habiru self-sale cases in Nuzi differ fundamentally from the self-sale documents of Babylonia. In Babylonia the person who sold himself received his purchase price and as a result became a slave, the property of another man. But in Nuzi no purchase price is paid to those who 'sell themselves.' The Habiru enter voluntarily into the

57. I. Mendelsohn, "Slavery," p. 128. Cf. also R. Yaron, "Redemption of Persons," p.155, who distinguishes between legal transactions involving self-sale and cases where "there may be seizure subsequent to the nonpayment of a debt."

state of servitude in exchange for food, clothing, and shelter."⁵⁸ As we saw earlier, there is some evidence that in addition to self-sale in Babylon there also existed an obligation to redeem the enslaved person.⁵⁹

The most basic source for slaves in the ancient Near East was the defaulting debtor.⁶⁰ Insolvency was caused by various factors such as drought and other adverse climatic conditions, and by war; but the primary factor was high interest rates.⁶¹ Seizure of the insolvent debtor and sale into slavery is reflected in certain passages within the prophets. In Isaiah 52:3, we read, "You were sold for nothing (נמכרתם) and you shall be redeemed (תגאלו) without money."⁶² With less certainty, we might so interpret Amos' complaint against the

58. I. Mendelsohn, "Slavery," pp. 131, 132. B. Cohen, "Civil Bondage in Jewish and Roman Law," *Louis Ginzberg Jubilee Volume*, 1945, p. 114, makes the following distinction between bondage and slavery: "A bondman is a legal person capable of rights and obligations but bound by law to render service to another, whereas a slave is the absolute property of the master, possessed as chattel, or owned as a thing. . . . The chief difference between slavery, pure and proper, and bondage, consists in the status, treatment, and duration of service."

59. See the remark of Stamm in chap. 3, n. 15.

60. Cf. n. 55. In addition to the literature therein cited cf. E. Neufeld, "The Emergence of a Royal Urban Society in Ancient Israel," *HUCA*, 31, 1960, pp. 45-47; idem, "The Prohibition against Loans at Interest in Ancient Hebrew Laws," *HUCA*, 26, 1955, pp. 355-412 (hereafter cited as "Prohibition"); idem, "Inalienability of Mobile and Immobile Pledges in the Laws of the Bible," *RIDA*, 9, 1962, pp. 33-44; R. North, *op. cit.*, pp. 135-157; H. Gamoran, "The Biblical Law against Loans on Interest," *JNES*, 30, 1971, pp. 127-134.

61. I. Mendelsohn, "Slavery," pp. 132, 133, remarks: "The average rate of interest in ancient Babylonia was 20-25% on silver and 33 1/3% on grain. Assyria had no fixed or average rate. In Late Assyria the usurer had a free hand in determining the rate of interest. Interest on money varied from 20% to as high as 80% per annum. In addition to this general type there were two other kinds of loans current in Babylonia and Assyria. These were loans granted without interest by the temples and the landlords to their tenant-fanner, and loans on which interest was charged only after the date of maturity. In the latter case the interest was enormous. In Babylonia, the double of the principal, that is, 100% was charged; in Neo-Babylonia we find 40% and also 100%; and in Late Assyria 100% and even 141% v as charged.... There is no information in the Old Testament as to the rate of interest charged in Palestine. From the injunction against the taking of interest from a fellow Hebrew we may infer that a higher interest rate was charged and that Palestine was no exception to the rule."

62. E. Neufeld, "Ius redemptionis," p. 31, suggests translating the niph'al verb reflexively, "you have sold yourselves," and so he finds this to be "a distinct allusion to the redemption of self-sold debtors."

rich that "they sell the righteous for silver and the needy for a pair of shoes" (2:6).

We must now undertake to examine the law of slave redemption found in Leviticus 25:47-55. This law reflects the situation where the Israelite, due to dire economic factors, has sold himself in to the hands of a resident alien in Israel. It reads:

"If a stranger⁶³ or sojourner⁶⁴ with you becomes rich,⁶⁵ and your brother beside him becomes poor⁶⁶ and sells himself to the stranger or sojourner⁶⁷ with you, or to a member of the stranger's family, then after he is sold he may be redeemed; one of his brothers⁶⁸ may redeem him, or his uncle, or his cousin may redeem him, or a near kinsman belonging to his family⁶⁹ may redeem him; or if he grows rich he may redeem himself. He shall reckon with him who bought him from the year when he sold himself to him until the year of jubilee, and the price of his release shall be ac-

63. גר is best expressed by the term resident alien, cf. R. de Vaux, *op. cit.*, pp. 74-76 and R. North, *op. cit.*, p. 141, who comment, "Perhaps the most accurate translation would be 'non-Israelite resident' or (as a collective noun) 'racial minority'; but this is clumsy, a 'alien' provides a tolerable substitute." E. Neufeld, "Prohibition," pp. 392, 393, comments, "The *gerim* constituted a social class in an intermediate position between the free Hebrew and the Hebrew slaves They were a half-way house on the road to full legal equality and complete absorption in the Hebrew community." As H. Gamoran, *op. cit.*, p. 130, writes, a distinction is to be made between the "*nokri*, the foreigner who came to the land for a limited period of time, and the *ger*, the alien who permanently settled among the Israelites."

64. תושב found in combination with גר in Gen. 23:4; Lev. 25:23, 35; I Chron. 29:15 and 39:13, and in combination with שכיר (hired servant) in Lev. 25:40. It would seem that the status of the toshab was similar to the *ger* though not identical. R. de Vaux, *op. cit.*, 76, remarks, "He seems less assimilated, socially and religiously (Ex. 12:45; cf. Lev. 22:10), less firmly rooted in the land and also less independent: he has no house of his own, but is some man's toshab (Lev. 22:10; 25:6)." Cf. R. North, *op. cit.* pp. 141, 142.

65. תשיג יד Cf. n. 7.

66. See n. 4.

67. Either the ם of possibly ול has been omitted in MT between לגר and

68. In contrast with v. 47 where אח has a general meaning, it should be understood here in the literal sense. This is made clear by v. 49.

69. משאר בשרו found only here and in Lev. 18:6 means literally "from his bodily flesh." The phrase is best translated as blood relation or near-of-kin.

according to the number of years; the time he was with his owner shall be rated as the time of a hired servant.⁷⁰ If there are still many years, according to them he shall refund out of the price paid for him the price for his redemption.⁷¹ If there remain but a few years until the year of jubilee, he shall make a reckoning with him; according to the years of service due from him he shall refund the money for his redemption. As a hired servant year by year shall he be with him; he shall not rule⁷² with harshness⁷³ over him in your sight. And if he is not redeemed by these means, then he shall be released in the year of jubilee, he and his children with him. For to me the people of Israel are servants, they are my servants whom I brought forth out of the land of Egypt: I am the Lord your God."⁷⁴

The question of the relation of the various laws in the Old Testament dealing with slavery is very complex,⁷⁵ and

70. שָׂכִיר, cf. v. 40. One of the free wage earners who hired himself out for a period of time. Cf. Deut. 24:14.

71. גְּאֻלָּתוֹ—here and in v. 52 employed in a special sense referring to the price of redemption. Cf. K. Elliger, *Leviticus*, HAT, 1966, p. 337.

72. יִרְדְּנוּ Cf. also Lev. 25:43, 46.

73. בְּפֶרֶךְ. Found only in Ex. 1:13, 14; Ezek. 34:4; and in Lev. 25:43, 46. Because of its use in Ex. 1:13, 14, M. Noth, *Leviticus*, p. 192, suggests that "it can well be rendered 'forced labour', and apparently means something like oppression." The phrase "to rule with harshness" probably has reference to normal slavery. Cf. M. Noth, *Leviticus*, p. 191.

74. E. Speiser, "Leviticus and the Critics," p. 132, sees in Lev. 25:35-54 three stages reflecting the status of an Israelite debtor: "(a) the creditor is a fellow-Israelite who is enjoined from exacting interest from his brother (35-38); (b) the debtor has been driven to self-enslavement (*nimkar*), yet the master shall not treat him as slave (39-46); (c) the debtor has fallen into the hands of a resident alien and must be redeemed." In case (a) above, Speiser (p. 141) has produced interesting comparisons from Alalakh to show that "the arrangement to which Lev. 25:35 ff. alludes is one of antichretic pledge; that is to say, the debtor's person (and this may include various members of his family) secures the loan, while his labor covers the interest. Accordingly, no other interest may be charged, whether discounted in advance or compounded eventually."

75. Cf. R. North, *op. cit.*, pp. 135-157; M. David, "The Manumission of Slaves under Zedekiah," *OTS*, 5, 1948, pp. 63-79; H. L. Ellison, "The Hebrew Slave: A Study in Early Israelite Society," *EQ*, 45, 1973, pp. 30-35. I. Mendelsohn, *Slavery Ancient Near East*, 1949, p. 18, commenting on the laws in Leviticus remarks, "The law of Leviticus 25:39 ff. is of an entirely different character. This law has nothing in common with those of Exodus and Deuter-

the differences are well-known. One of the differences which distinguishes the Levitical law from the others is the fact that in Leviticus the individual is spoken of as voluntarily selling himself.⁷⁶ The law in Leviticus 25:39-46 concerns the Israelite who voluntarily sells himself to a fellow-Israelite. He is not to be treated as a slave but rather as a hired servant and as a sojourner (Lev. 25:40). He is to remain until the year of the jubilee when he goes out along with his children and returns to his family and to his land (Lev. 25:41). The law-giver supplies the rationale for this in terms of the great exodus deliverance.

The law in Leviticus 25:47-55 concerns the impoverished Israelite who sells himself to a resident alien who has become

onomy. There the subject is the defaulting debtor enslaved by his creditor; here it is the free Hebrew who voluntarily enters into the state of slavery because of adverse economic circumstances." S. R. Driver, *Deuteronomy*, ICC, 1902³, p. 185, makes the following comment on the differences between the slavery laws: "The discrepancy between the laws of Ex., Dt., and the law of Lev. can be satisfactorily explained only by the supposition that the latter is a provision for the mitigation of the servitude of Israelites, designed without reference to the former, and originating at time when experience had shown (cf. Jer. 34:11, 14b-16) that the limit of service fixed by Ex. and Dt. could not be enforced. The law of Lev. lengthens the legal period of service, but offers, in some measure, compensation for this by insisting (in phrases borrowed from H that the Israelite slave is to be treated, whilst in servitude, as humanely as if he were a free man."

76. וְנִמְכַר, Lev. 25:39, 47. It is true that Deut. 15:12 uses –יִמְכַר–, but this has reference to a forced sale. Other differences are the term of servitude and the fact that the law in Leviticus makes no mention of giving gifts to the departing slave. H. Ellison, *op. cit.*, pp. 33, 34, argues that the laws of slavery in Exodus and Deuteronomy which use the term "Hebrew slave" contain the relics of a pre-ethnic use of the term Hebrew. "So the 'Hebrew' was the landless man without hope of acquiring land.... The landless man was always in danger of falling into debt and of being in a position where he could not repay. He would then be sold as a Hebrew slave, or would have to allow sons or daughters to be so sold. It is this submerged stratum of Israelite society which the law takes under its special protection, demanding that its members be given the opportunity of a new start, when they were freed (Deut. 15:13 f.) The position in Lev. 25:39 ff. is essentially another one. Here the man owns land, but has alienated it in one way or another. In the year of Jubilee, however, it will return to him. To pay his debts, or for some equally cogent reason, he sells himself to a neighbour, but it is clear that he is only a semi-slave, for he retains control over his family, something denied to the slave. When he leaves, he does not need largesse from his master, for he returns to his land."

affluent.⁷⁷ In this instance he is to be redeemed.⁷⁸ The responsibility devolves first upon one of his brothers, then his uncle, cousin, and finally another fellow kinsman. This duty to act on behalf of the fellow kinsman and to redeem him from slavery is based, like each of the other duties of the goel, on the solidarity of the tribe and family.⁷⁹ In connection with the redemption of property, we have seen that the law stated that the nearest kinsman⁸⁰ was to act in behalf of his impoverished kinsman. We can see from Boaz' initial reply to Ruth (3:12) "And now, it is true that I am a near kins-

77. Cf. Deut. 28:43, which also recognizes the heights to which the resident alien was able to rise.

78. R. Sikkema, *op. cit.*, p. 99, disputes the apparent sense of the two laws whereby, on the one hand, when the Israelite becomes debtor to an Israelite he has no right of redemption, but on the other when he becomes debtor to the alien he does. He comments, "De letter van de tekst geeft alle aanleiding tot deze opvatting, de zin van lossing verzet zich er tegen. Zal de vreemdeling aan de Israeliët het recht van lossing toestaan en zou de volksgenoot het hem onthouden? Dit kan haast niet waar zijn." He argues (pp. 99,100) that the directions given in Lev. 25:48:52 relate not only to the case where the Israelite has sold himself to the resident alien but to the preceding case (25:39) is-well. His arguments however, are weak. It is not accurate to state that v. 47 is connected to v. 39 "met de woorden 'en wanneer' " for the Hebrew ך introduces many of the laws in Lev. 25. Furthermore, it is unconvincing to state, "de vele bijzonderheden over de lossing, die nu volgen in de verzen 49-52, maken ook eerder de indruk, dat zij betrekking hebben op beide gevallen dan alleen op het laatste." We prefer the explanation of J. C. de Moor, *op. cit.*, p. 78, who remarks, "De israëlitische heer mocht zijn volksgenoot volstrekt niet als slaaf behandelen (Lev. 25:39-40, 43, 46). Van een in Palestina woonachtige vreemdeling kon men zulks niet verwachten en daarom gold voor een hebreeuwse slaaf in dienst van een vreemde de lossingsplicht." R. Yaron, "Redemption of Persons," p. 156, remarks, "There are no redemption-provisions attached to self-sale to an Israelite (Lev. 25:39-43). A nationalistic approach to the matter, regarding bondage to an alien as particularly undesirable, may have been involved."

79. E. Neufeld, "Ius Redemptions," pp. 32-34, suggests that the goel's obligation was social and not legal. "The ius redemptionis rested on the solidarity of the tribe and family. The obligation of the kinsman was a liability of kinship. A debt or other obligation or responsibility of any member of the clan was a liability of the group." Cf. also A. R. Johnson, "The Primary Meaning of גאל," SVT, 1, 1953, p. 71, "The responsibility of the גאל is primarily a responsibility towards the kin-group as an extension in time as well as space." J. Pedersen, *op. cit.*, pp. 353, 354, comments, "The most fundamental law is that of *kinship*.... He who infringes upon the right of a man, strikes his family, and if the person stricken cannot himself repair the breach, then the kinsman must come to his assistance and restore the family; this is the most elementary claim of justice."

80. גאל ו הקרב אליו, Lev. 25:25.

man, yet there is a kinsman nearer than I," that there is an *order* of responsibility to be followed in the performance of the duties of the goel. This is clearly indicated in verses 48 and 49. The goel must be both willing and able to act on behalf of his weakened relative. It is therefore not surprising that, in verses 48 and 49, an order of responsibility exists for the performance of this duty. If for any reason the responsibilities of the goel were not assumed, the impoverished Israelite had the opportunity, should his circumstances change, of redeeming himself. Such an opportunity was also prescribed in the property redemption law (Lev. 25: 26).⁸¹ Gispen remarks, "Dat deze mogelijkheid, dat de Israëliëtische slaaf zichzelf kon lossen, hier wordt gesteld, bewijst wel, dat hij een tamelijk zelfstandige positie bleef innemen en loon moest verdienen (zie vs. 50). Daarnaast bestaat natuurlijk de mogelijkheid, dat hij geld of bezit in handen kreeg doordat iemand hem die naliet of gaf."⁸² The redemption of the enslaved Israelite in Leviticus 25 was by purchase.⁸³ The redemption money paid was to be in proportion to the number of years remaining until the year of jubilee. The original sale had been based on the number of years available to serve until the jubilee. The man selling himself was selling his labor over a number of years just as the man selling his property was actually selling a number of harvests.⁸⁴ If the enslaved Israelite were not released⁸⁵ by his kinsman, or through his own activity, then he

81. Cf. n. 18.

82. W. H. Gispen, *Het Boek Leviticus*, COT, 1950, p. 368.

83. According to I. Mendelsohn, *Slavery in the Ancient Near East*, 1949, p.

85, there were "five ways by which a Hebrew slave could obtain his freedom.

These were: (1) a defaulting debtor was to be freed in the seventh year (Ex. 21, Dt. 15); (2) he who sold himself into slavery was to be released in the year of the jubilee (according to Lev. 25); (3) a freeborn girl who had been sold by her father on condition that her master marry her or give her into marriage to one of his sons must be freed if the master should refuse to live up to the conditions of the sale (Ex. 21:7-11); (4) by purchase (Lev. 25:47 ff.); and (5) by injury (Ex. 21: 26-7)."

84. R. Sikkema, *op. cit.*, p. 100, "Bij koop van land koopt de schuldeiser een aantal oogsten, bij koop van een slaaf koopt hij de arbeid van een aantal jaren."

85. Earlier, when considering the redemption of property, we discussed

went out in the year of jubilee, he and his children with him (Lev. 25:54). No Israelite was to be held permanently in bondage since he is a slave of Yahweh. He belongs to Yahweh, having been brought out of the land of Egypt (Lev. 25:55). It is this important principle which is the basis for the prescriptions concerning redemption of slaves, even as the laws regulating the redemption of property are governed by the principle that the land is owned by Yahweh (Lev. 25:23). There is an integral connection between the person and his property. The responsibility of the goel extends to the relative's person and property. Mendelsohn's comments are noteworthy: "It would have been highly inconsistent with its own high ideal if the law had demanded the return of the land while leaving its rightful owners in servitude. Hence, both the land and its former possessors were to be freed at the same time."⁸⁶ We shall see later in our study of the book of Ruth that the principle of the integrality of the person and his property explains one of the perplexing questions of the book of Ruth.⁸⁷

whether the property became the goel's or was recovered for the one who had lost it. Cf. Chap. 4, "Goel-Redemption of Property." The same question may be posed in connection with redemption of slaves, Did the redeemed slave become responsible to the god or was his freedom absolute? E. Neufeld, "Ius Redemptionis," p. 34, comments, "If the *go'el* redeemed his kinsman debtor, the latter probably became responsible to the *go'el* but nothing is known of the implications of this responsibility." R. Yaron, "A Document of Redemption from Ugarit," *VT*, 10, 1960, p. 89, calls attention to the Ugaritic text 16.191 which he translates: "From today *Iwr-kl* has ransomed *Agdn*, son of ... , and *Ynhm*, his brother, and *B'ln*, his brother, and *Httm*, his son, and *Btsy*, his daughter, and *Istrmy*, daughter of *'bdmlk*, and *Snt*, daughter of Ugarit. And there has ransomed them *Iwr-kl* for 100 (shekels of) silver from the hand of the Beyrouthians. An estate they do not have, until they repay the silver of *Iwr-kl*. And (then) they will return to their estate." R. Yaron, "Redemption of Persons," p. 167, makes the following comment on this text: "What is particularly of interest is that redemption does not itself imply recovery of all rights previously enjoyed. Only after having reimbursed their redeemer will the redeemed return to their *unt*" [estate]. Two things should be noted in this connection. In the first place, when the enslaved Israelite, himself, is the acting agent in the redemption there can be no doubt that his freedom was absolute. Secondly, **בְּאֵלָהּ** (v. 54) points in the direction of complete freedom, for redemption which comes through the relative or the enslaved Israelite himself is equated with the total freedom which comes through the jubilee release.

86. I. Mendelsohn, *Slavery in the Ancient Near East*, 1949, p. 91.

87. See chap. 8, n. 106.

**Goel-Redemption of Blood, Numbers 35;
Deuteronomy 19:1-3; Joshua 20:1-9**

The duty of blood-vengeance may well be the oldest⁸⁸ and most pressing⁸⁹ responsibility of the goel in Israel. We find this duty mentioned in Numbers 35:12, where the single term גאל is found, and in Numbers 35:19, 2:1, 24, 25, 27; Deuteronomy 19:6-12; Joshua 20:3, 5, 9, where the term גאל הדם is found. In the historical books we find reference to the latter term in II Samuel 14:11. In order to understand this particular duty which rested upon the next-of-kin it will be necessary to investigate briefly the concept of vengeance in the Old Testament.⁹⁰

Various motives have been suggested as underlying the practice of blood-revenge in the ancient world. According to Battenwieser, "Blood revenge among Semites was gov-

88. B. van Oeveren, *De Vriesteden in het Oude Testament*, 1968, p. 160. Extensive reference to this important work will be made throughout the course of our discussion. H. Schaeffer, *The Social Legislation of the Primitive Semites*, 1915, p. 77, maintains that the duty to avenge the blood of a relative was the oldest and that "the transition from 'the avenger of blood,' charged with the duty of avenging the wrongs of a fellow clansman, to a vindicator of family rights (in property) would seem to be a natural one."

89. H. H. Rowley, "The Marriage of Ruth," in *The Servant of the Lord*, 1965², p. 179, believes it probable that in ancient times "this obligation always rested with especial weight on the next-of-kin." He comments (p. 181), "It is probable that in the absence of a brother the duty of blood revenge would be more pressing on a more distant relation than the duty, of redeeming property, and there was no need to legislate for the case when the next-of-kin, whoever he was, should refuse." R. de Vaux, *op. cit.*, p. 11, writes, "The most solemn responsibility of the Israelite go'el was to enforce blood-vengeance...."

90. For literature on this topic of blood-vengeance reference should be made to B. van Oeveren, *op. cit.*, pp. 227-245. Three other newer studies of the subject are J. Tullock, *Blood Vengeance among the Israelites in the light of its Near Eastern Background*, unpublished Ph.D. dissertation, Vanderbilt University, 1966; J. Salmon, *Judicial Authority in Early Israel*, unpublished Ph.D. dissertation Princeton University, 1968, pp. 60-189; A. Phillips, *Ancient Israel's Criminal Law*, 1970, pp. 99-109. also E. Merz, *Die Blutrache bei den Israeliten*, BWAT, 20, 1916; D. Daube, *Studies*, pp. 59-58, 123-125; W. Patton, "Blood Revenge in Arabia and Israel," *AJT*, 1901, pp. 703-731; J. Morgenstern, "The Book of the Covenant, Part II," *HUCA*, , 1930, pp. 56-84; idem, "The Book of the Covenant, Part III," *HUCA*, 8-9, 1931-32, pp. 79-121; J. Pedersen, *op. cit.*, pp. 376-410.

erned by the same primitive belief as in ancient Greece—the belief that the souls of those who have met a violent death . . . cannot find rest in the nether world but are condemned to haunt the earth as wretched spirits until their deaths have been duly avenged on their slayers."⁹¹ Böhl adds two additional motives. "Een stam, een geslacht heeft geen kostbaarder bezit dan zijn mannen: het verlies, door een manslag geleden, moet in het evenwicht gebracht worden door het geslacht van den moordenaar hetzelfde verlies te doen lijden. Het 3^{de} motief is het verlangen naar wraakneming, waarop ons woord 'bloedwraak' te eenzijdig den nadruk legt."⁹²

Pedersen explains blood-vengeance in terms of restoration and retaliation. "The greatest infringement that can be made upon men is that they are robbed of life. If a man is killed, then life is taken away, not only from him, but also from the family with which he has life in common. This breach must be healed by life being taken from him who robbed him, and this is done by means of blood-vengeance. . . Vengeance is the real restoration of the violated. His name has been lessened, his righteousness has been infringed upon, but the name revives when vengeance is done."⁹³ The function of the goel as avenger of blood is similar to the other functions

91. M. Bittenwieser, "Blood Revenge and Burial Rites in Ancient Israel," *JAOS*, 38-39, 1918, p. 306. He further remarks, "Though we have no express statement to that effect, there can be no doubt that the same belief prevailed in Israel," but this opinion must be rejected.

92. F. M. Th. Böhl, "Bloedwreker," in *BKW*, 1, Het Oude Testament, 1919. Cf. also E. Merz, *op. cit.*, pp. 41-57. D. Jacobson, *The Social Background of the Old Testament*, 1942, pp. 275-285, speaks of a number of deeply rooted impulses which were involved in blood revenge. These include "simple passion," which he calls the "psychological motive," exemplified in passages such as Judg. 16:28; Isa. 1:24; Ps. 58:11; Num. 35:26; Deut. 19:6; the motive of compensation for the material loss of a clan member; the numinous motive, which is "the chief compulsion for blood revenge" and which leads to blood revenge as a form of human sacrifice. On blood-vengeance as a form of human sacrifice, cf. R. H. Pfeiffer, *Religion in the Old Testament*, ed. Charles Forman, 1961, p. 37, "Blood revenge is therefore an expiation a human sacrifice intended to atone for an offence against the deity and to placate its anger."

93. J. Pedersen, *op. cit.*, pp. 378, 389, 390.

prescribed in the law. "He is the upholder of the family, its restorer. His task as an avenger is of exactly the same kind: he restores the name of the offended, and thus maintains the family of which he himself is a member."⁹⁴ However, there is an additional principle operating in Israel which parallels the older law of restoration and is assimilated by it. It is the law of retaliation. "The law of retaliation does not place the point of gravity in the offended and his claim to have a breach healed. The point of gravity lies outside or, rather, above both parties, in a power maintaining justice for its own sake. Every action which deviates from the right must be balanced; it is just as necessary for the sake of justice that he who commits injustice should suffer a loss, as that he who suffers an unjust loss should receive satisfaction."⁹⁵

Daube explains the laws of blood-vengeance in terms of the principles of restoration and compensation. "The murderer gets hold of the murdered man's strength. But by taking vengeance and killing the murderer, the victim's family in turn seizes the strength of the offender. Where this belief prevails, retaliation does imply compensation."⁹⁶ Daube explains the expressions **דַּרְשׁ דָּם** or **דַּרְשׁ דְּמַיִם** "to require the blood" and the term **גָּאֵל הַדָּם** in terms of the principle of compensation. Concerning the first term he writes: "It is used of God's requiring the murdered man's blood from his

94. J. Pedersen, *op. cit.*, p. 390.

95. J. Pedersen, *op. cit.*, pp. 392, 393. According to Pedersen (p. 395) the restoration law was original to ancient Israel, the law of retaliation was of foreign origin. The history of the blood-vengeance concept is that of the interplay between the two principles. "Thus the inner development of the Israelites tends toward the assimilation of the extraneous principle of retaliation.... Retaliation becomes a claim on the part of the violated, a definitely apportioned restoration. The old principle of restoration also has a negative side, viz. to strike him down in whom the wrong originates, to free oneself of him in whom one's misfortune is seated.... In the law of retaliation this is regulated in the direction of the offender losing what he has taken. It is a kind of negative restoration for the injured. The offender has lessened the other, and now himself is to be made just as small. Instead of the positive object of the old law, i.e., that the righteous is to be made whole, stress is laid on the opposite, i.e., that the unrighteous is to be broken."

96. D. Daube, *Studies*, p. 123.

murderer. This phrase, however loosely we may employ it nowadays, and however loosely it may be employed even in some passages of the Bible, could come into existence only on the basis of the belief that the murderer is in control of the murdered man's blood; only on the basis of this belief would people see in vengeance a demanding back, a 'requiring' of the blood that was shed. We have also to consider that the way in which God 'requires' the murdered man's blood is invariably by killing Dr having killed the murderer."⁹⁷

With regard to the second term Daube remarks: "As **גאל הדם**, as 'taker back of the blood,' the 'redeemer,' I submit, wins back the blood of his murdered kinsman from the murderer. . . . The murderer has obtained control over the murdered man's soul. So the **גאל הדם** has to redeem the dead man from the power of the murderer. By killing the murderer, he takes back the victim's soul. Vengeance is compensation."⁹⁸

In understanding the operation of the goel of blood we must give attention to the biblical terminology on the shedding of blood and blood-vengeance.⁹⁹ In doing so, we will be able to see the religious motive¹⁰⁰ behind the practice of vengeance in the Old Testament. We shall conduct our study without going into questions related to the dating of the texts, which would be beyond the scope of our inquiry.

97. Ibid.

98. Ibid., p. 124. Cf. also, J. Porter, "Legal Aspects of Corporate Personality," *VT*, 15, 1965, p. 375.

99. For a classification of the usages of the term "blood" in the Bible, cf. L. Moms, "The Biblical Use of the Term Blood," *JTS*, N.S. 3, 1952, pp. 216-221. For discussions of various terms having a connection with blood-vengeance, cf. K. Koch, "Der Spruch 'Sein Blut bleibe auf seinem Haupt' and die israelitische Auffassung vom vergossenen Blut," *VT*, 12, 1962, pp. 1-42; H. Kosmala, "His Blood on us and on our Children," *Annual of the Swedish Theological Institute*, 7, 1968-69, pp. 104-108; H. G. Reventlow, "Sein Blut komme über sein Haupt," *VT*, 10, 1960, pp. 311-327.

100. J. Salmon, *op. cit.*, pp. 143, 144, writes, "The obligation of the family unit to avenge an injury or death caused to one of its members is not merely a matter of family pride, nor even of a family solidarity necessitated by the exigencies of nomadic existence; it was elevated to the level of a religious demand, a demand of the God of the household, clan, or tribe...."

From our standpoint it is not strictly necessary to deal with these questions; in our opinion there is less development in the Old Testament ideas concerning the shedding of blood and blood-vengeance than many authors presuppose.

Genesis 4:10 speaks of Abel's blood crying to God from the ground. In Genesis 9:5, 6, we read "For your lifeblood I will surely require a reckoning (אֲדַרְשׁ); of every beast, I will require it and of man; of every man's brother I will require the life of man. Whoever sheds the blood of man, by man shall his blood be shed; for God made man in his own image." Job 16:18 gives us a similar thought, "O earth, cover not my blood and let my cry find no resting place." Job's appeal in this context is to his witness in heaven to whom he appeals for justice, cf. Ezekiel 24:6-8. In Genesis 42:22, we find Reuben saying, "Did I not tell you not to sin against the lad? But you would not listen. So now there comes a reckoning for his blood" (גַּם דָּמוֹ הִנֵּה נֹדֵרֶשׁ).

The Psalmist (9:13 [12]) speaks of the Lord himself as the Divine Avenger of Blood¹⁰¹ (דָּרֵשׁ דָּמִים) who does not forget the cry of the afflicted. The Lord is portrayed as Divine Avenger in II Kings 9:7 26, "And you shall strike down—the house of Ahab your master, that I may avenge (וְנִקְמַתִּי)¹⁰² on

101. NEB translates the term דָּרֵשׁ דָּמִים/with "Avenger of Blood."

102. D. Daube, *Studies*, p. 47, suggests that the concept of God as redeemer of the blood of Israel is particularly common in the Old Testament. He cites Isa. 47:3 ff.) 59:17-20; 63:4. Regarding the use of the verb נָקַם Daube comments, "Maybe a considerable number of texts representing God as avenging Israel—נָקַם, etc.—such as Deuteronomy XXXII. 43 are intended to suggest the idea of redemption of blood even though they do not use the term 'to redeem.'" Ibid., p. 55. Regarding the employment of vengeance terminology in the prophecies of final salvation in the Old Testament, Daube (p. 47) remarks: "It must now be added that of those texts which emphasize the spiritual side of salvation the majority seem primarily to allude to redemption of a murdered man's blood. The reason for this may be that in the case of spiritual salvation, salvation from sin, the destruction of the opposing party, of sin, is even more requisite than in the case of salvation from human enemies." Daube (p. 58) cites Hosea 13:14 as illustrating his argument and writes, "As death and grave are to be utterly destroyed, the parallel with the redemption of a murdered man's blood, carried out by killing the murderer, is particularly appropriate." He gives a second reason: "When God redeems man from sin, He redeems not so much his body or property as his נַפְשׁ, his soul.... Just so it is the soul which, in the case of murder, has to be redeemed

Jezebel the blood of my servants the prophets, and the blood of all the servants of the Lord. . . . As surely as I saw yesterday the blood of Naboth and the blood of his sons—says the Lord—I will requite (ושלמת¹⁰³) you on this plot of ground."

According to Numbers 35:33 ff. blood pollutes the land: "You shall not thus pollute the land in which you live; for blood pollutes the land, and no expiation can be made for the land, for the blood which is shed in it, except by the blood of him who shed it. You shall not defile the land in which you live, in the midst of which I dwell." Compare Psalm 106:38.

Before we leave this subject of the shedding of blood, we must make mention of several additional terms which have

by the גאל הדם, the redeemer of blood. It may be recalled that the old law of retaliation begins, נפש תחת נפש, soul for soul." Ibid., p. 58. For an extensive discussion on God as Avenger, cf. John Tolluck, *op. cit.*, pp. 263-294. Tolluck discusses the use of the verb נקם in the Old Testament and finds (p. 105) that "the idea of God as the avenger is not just an exilic or postexilic creation, but that it has a basis in much earlier times." He believes (p. 70) that "some of the clearest cases of blood-vengeance never mention ׀ד or the avenger of blood. They are present by inference rather than specific designation." Tolluck makes the suggestion that the Suffering Servant in the second half of Isaiah is the reversal of the figure of the goel. "Deutero-Isaiah uses g'l not only in the broader sense of redemption, but specifically in relation to Jahweh as Goel who carries out נקם for his people. It may be that Deutero-Isaiah has reversed the figure of the goel taken from blood vengeance terminology and used it to set forth his conception of the Suffering Servant," p. 294. "Jahweh as avenger was believed to carry out vengeance through agents such as men, nations, or natural forces. In a word, they were his servants. What is being proposed here is that Jahweh, the Goel of Israel, has done an astonishing thing through his agent, the Suffering Servant. Through the Servant, he has brought expiation and salvation to his sinful people, the transgressors of the covenant. But the transgressor does not die. Instead, through a reversal of roles, the Servant, who normally would carry out Yahweh's vengeance, submits himself to the avenging action...." pp. 290, 291. According to J. Morgenstern, "The Book of the Covenant, Part II," p. 59, נקם is "clearly the technical term for 'to exact blood revenge.'" For a list of the references to Yahweh as the Divine God, with the specific nuances of Yahweh as Redeemer of Blood, as well as the Redeemer from slavery and the Divine Goel who comes to the aid of the widow Israel, cf. the literature cited in the Introduction.

103. The piel of the verb שלם is also found with the Lord as subject in Deut. 32:41 and II Sam. 3:39. In the former passage the verb שלם is parallel with נקם. Very interesting is Deut. 32:43, "He takes vengeance on his adversaries, and makes expiation for the land of his people." In these passages the claims of justice are being executed by Yahweh, who functions as the goel. Cf. W. Eisenbeis, *Die Wurzel שלם im Alten Testament* (BZAW, 113), 1969, pp. 310-315.

some connection with blood-vengeance. In the Deuteronomic passage dealing with the avenger of blood, mention is made of the shedding of innocent blood (19:10). Sufficient cities of refuge are to be established "lest innocent blood (דָּם נָקִי) be shed in your land which the Lord your God gives you for an inheritance, and so the guilt of bloodshed be upon you." This term is also found in Deuteronomy 21:1-9 where ceremonies are prescribed for the case in which one is found lying slain in the open country whose killer is not known. "And all the elders of that city nearest to the slain man shall wash their hands over the heifer whose neck was broken in the valley; and they shall testify 'Our hands did not shed this blood, neither did our eyes see it shed.'¹⁰⁴ Forgive, O Lord, thy people Israel, whom thou hast redeemed, and set not the guilt of innocent blood in the midst of thy people Israel; but let the guilt of blood be forgiven them.' So you shall purge the guilt of innocent blood from your midst" (Deut. 21:6-9).¹⁰⁵ From these passages we learn that guilt resulting from a murder contaminates the murderer and cries out for vengeance. Moreover, the blood contaminates the land, city (Jer. 26:5) and the people;¹⁰⁶ and measures must be taken to

104. D. Daube, "Direct and Indirect Causation in Biblical Law," *VT*, 11, 1961, p. 250, (hereafter cited as "Causation") writes, "The second half embraces any manner of participating or condoning."

105. Additional passages where the term "innocent blood" is found are I Sam. 19:5; II Kings 21:16; 24:4; Isa. 59:7; Jer. 2:34; 7:6; 19:4; 22:3, 17; 26:15; Joel 4:19; Jonah 1:14; Ps. 94:21; 106:38; Prov. 1:11; 6:17. G. R. Driver and J. C. Miles, *The Babylonian Laws*, 1, 1952, p. 317, see the elders in Deut. 21 acting as the goel of blood, requiting the blood of the slain by means of the blood of the heifer. G. von Rad, *Deuteronomy*, OTL, 1966, pp. 136, finds in this passage a combination of very ancient as well as late materials. It contains points which make it difficult to compare the ceremony with a sacrifice. These include the killing of the animal, not at a place of worship but at a waste plot of ground; the method of killing: by breaking the neck. "It was on the contrary, a magical procedure for getting rid of sin, possibly to be compared with the sending away of the scapegoat into a desert place.... But the whole procedure has been given a new interpretation by the prayer to Yahweh in v. 8. Now it is no longer a magical procedure, efficacious in itself, which diverts the calamity towards an uncultivated area, but it is God who in his mercy purges the guilt."

106. K. Koch, *op. cit.*, p. 405, writes, "Wo Blut vergossen wird, bildet es eine 'Blutsphäre,' die den Urheber der Tat einhüllt, vor allem an seinen Händen

counteract the contamination. The term "innocent blood" then applies to those slain without cause or justification, and not in accordance with the duty of blood-vengeance.¹⁰⁷

The discharging of the duty of blood-vengeance is sometimes expressed by the phrase **בְּקֵשׁ אֶת הַדָּם מִיָּד**. When Rechab and Baanah slew Ishbosheth and came to David to report what they had done, he asks them, "Shall I not now require his blood at your hand ... ?" (II Sam. 4:11). Similar phrases may be seen in I Samuel 20:16 and Ezekiel 3:18, 20.¹⁰⁸

A final reference to blood-vengeance is found in the phrase **דָּמְךָ עַל רֵאשֶׁךָ** and **דָּמִי בֹ**.¹⁰⁹ Passages containing this phrase are numerous (Lev. 20:9, 11, 12, 13, 16, 27; Josh. 2:19, II Sam. 1:16; I Kings -2:37; Ezek. 18:13; 33:4, 5).

und seinem Haupt haftet, aber auch die Menschen ergreift, mit denen er zusammenlebt."

107. J. Morgenstern, "The Book of the Covenant, Part II," pp. 59, 60. In II Sam. 3:28, David makes the following statement regarding Joab's killing of Abner: "I and my kingdom are for ever guiltless (נָקִי) before the Lord for the blood of Abner the son of Ner." There the words **מִדָּמִי . . . נָקִי** may mean "not subject to the penalty of blood revenge."

108. In Ezek. 3:18, 20, the prophet is spoken of as the watchman who must warn the wicked concerning their sin; otherwise "that wicked man shall die in his iniquity; but his blood I will require (אֲבַקֶּשׁ)." In Ezek. 33:6 there is a similar reference to the watchman, "but his blood I will require at the watchman's hand" (וְדָמֹו מִיַּד הַצֹּפֵה אֲדָרֵשׁ). K. Koch, *op. cit.*, p. 410, states, "So steht hinter diesem Brauch [Blutrache] eine zwiefältige Vorstellung vom vergossenen Blut. Einerseits wirkt diese Blutsphäre an dem Menschen *Unheil*, den sie nun umgibt; andererseits aber ist dieses Blut—vom Erschlagenen her gesehen—*unter fremder Botmässigkeit* und 'schreit' nach Rückkehr zur angestammten Gemeinschaft." The phrase **בְּקֵשׁ נַפְשׁ** occurs often in the Old Testament (Ps. 35:4, 38:13 [12]; 40:15 [14]; 63:10 [9]; 70:3 [2]; 86:14; Prov. 29:10; II Sam. 16:11; I Kings 19:10, 14; Jer. 11:21) and signifies death by violent means.

109. On the distinction between the prepositions, Koch, *op. cit.*, p. 413 n. 2, writes: "Zu beachten ist, dass die Preposition n in der Regel mit dem Singular **דָּם**, die Präposition **עַל** dagegen mit dem Plural **דָּמִים** verbunden wird. Anscheinend denkt man im ersten Fall an einen noch geschlossenen Blutkreislauf, er soll nach der Tötung nicht den Körper des Getöteten verlassen und auseinanderspritzen, sonder *in* ihm erstarren. Beit, **עַל דָּמִים** dagegen hat der Sprecher das in Blutspritzer und-sphären verteilte Blut vor Augen und wünscht, dass es *auf* den eigentlichen Besitzer zurückgeht (oder auf den schuldigen Mörder übergeht)." It should be noted that in Jer. 51:35 there is similar blood terminology but with the preposition **אֶל**: "'The violence done to me and to my kinsmen be upon Babylon,' let the inhabitant of Zion say. 'My blood be upon (אֶל דָּמִי אֶל) the inhabitants of Chaldea,' let Jerusalem say."

Koch comments, "Sie will *bei gewaltsamer Tötung die Übertragung der Blutsphäre ausschliessen*. Vermutlich hat jeder Blutracher diesen Satz ausgerufen, ehe oder nachdem er seinen Gegner niederstreckte. Durch einen solchen fluchähnlichen Spruch verhinderte der Tötende oder (in den kulturellen Gebotsreihen z.B.) sein Auftraggeber, dass das Blut des zu Tötenden nicht nur sichtbar, sondern auch unsichtbar auf den Tater übersprang und sich als Blutsphäre auf ihm verteilte."¹¹⁹

There can be no doubt that Koch is correct in relating the phrase in question to the sphere of blood-vengeance. There is a question, however, as to whether these words were spoken by the goel of blood or by the judicial authorities. According to Boecker the original function of these phrases seems to have been that of a verdict formula¹¹¹ used in the judicial¹¹² process. The formula was a pronouncement by the judge that the accused was guilty of murder. Additional light is thrown upon this expression where we note its use in Leviticus 20, where the phrase **מֵתוּ יוֹמָתוֹ . . . דָּמֵיהֶם בָּם** occurs (vv. 9, 11, 12, 13, 16). Reventlow suggests that the expression should be understood in connection with two other punishment pronouncements: **עֲוֹנוֹ יִשָּׂא** "he shall bear his iniquity" (Lev. 20:17, 19, 20) and the **כָּרַת** pronouncements, "they shall be cut off" (Lev. 17:4, 9, 10, 14).³ He remarks: "Auch die Formel **בָּ דָּמֵיּוֹ** ist eine kultrechtliche Disqualifikations-

110. K. Koch, *op. cit.*, p. 413.

111. Other examples of verdict formulae are **הוּא רָצַח הוּא** in Num. 35:16, 17, 18, 21, and **שָׂךְ דָּם** in Lev. 17:4.

112. H. J. Boecker, *Redeformen des Rechtslebens im Alten Testament*, 1964, p. 138, states that the phrase **בָּ דָּמֵיּוֹ** is a "Urteilsformel, und zwar als Schuldigerklärung anzusehen ist: 'er hat Blutschuld.'" J. Salmon, *op. cit.*, p. 178, comments on this phrase, "It has obvious reference to the practice of blood-vengeance. By this formula the public judicial authorities declared themselves not responsible for the death of the criminal and thereby precluded any future act of blood-vengeance for him, at the same time absolving the family of any responsibility to take such action."

113. H. G. Reventlow, *op. cit.*, p. 318.

formel mit selbstwirkender Folge, von einem bevollmächtigten Kultbeamten nber einen Kultteilnehmer ausgesprochen."¹¹⁴

Leviticus 17:4 shows very clearly the connection between the shedding of blood and the bloodguilt—**דַם יִחַשֵׁב לְאִישׁ**

114. H. G. Reventlow, *op. cit.*, pp. 318, 319. Reventlow's designation of the phrase **בְּדַמּוֹ** as a declaration made by a cultic official brings to our attention his area of disagreement with Koch, who in his article, "Gibt es ein Vergeltungsdogma im Alten Testament," *ZThK*, 52, 1955, pp. 1-42, (hereafter cited as "Vergeltungsdogma") argued that in the Old Testament there is no concept of a "vergeltenden Gottes" but rather of a "schicksalwirkender Tat." This basic thrust Koch relates to the theme of bloodguilt in the Old Testament. Commenting on Judg. 9:24, he writes: "Der Gedanke der schicksalwirkenden Tat ist hier mit dem anderen verbunden, dass bei einem Mord das Blut des Gemordeten auf den Mörder übergeht, an ihm hz.ften bleibt.... Der Tod des Mörders entnimmt seine Umgebung der Sphäre seiner schicksalwirkenden Tat. Die Wendung 'sein Blut komme auf sein Haupt' soil bei der Tötung eines Mörders verhindern, dass diese wieder zum Mord wird, sich gleichsam zur Sphäre erhebt, die einen anderen blutdurchwaltet 'umhüllt.'" "Vergeltungsdogma," pp. 23, 24. H. G. Reventlow, *op. cit.*, p. 322, argues against Koch "dass die Fluchformel **בְּדַמּוֹ** einen lebendigen Herrn als die hinter ihr stehende und ihre Straffolge ausführende Instanz voraussetzt." His argument is twofold: (1) that this curse pronouncement is offered in a context of prayer. He cites I Kings 2:32 as one example and comments, "Jahwe is die eigentliche Macht, die auf eine Tat die ihr gebührende Strafe folgen lassen kann. Das Gebet nimrat die Stelle des Fluches ein"; *op. cit.*, p. 323. (2) The use of the curse pronouncement by the prophets in connection with "des göttlichen Ichs." He cites Ezek. 9:10; 11:21; 22:31; Joel 4:2, 4 (3:2, 4) and writes: "In der prophetischen Verkündigung tritt aber auch in der Form das göttliche Ich als der eigentliche Mittelpunkt hervor; wir können beobachten, wie das Ich Yahwes sich machtvoll Bahn bricht und der göttliche Richter sich selbst als die alles in der Hand habende und die Dinge lenkende Macht prasentiert"; *op. cit.*, p. 324. He summarizes his disagreement with Koch as follows: "Was uns als das israelitische Denken von der schicksalwirkenden Tatsphäre und der unlöslichen Verhaftung von Handeln land seiner Folge klargeworden ist, stellt nur *eine* Schicht, und zwar eine sehr altertümliche, ins Unterbewusstsein abgesunkene Urstruktur des israelitischen Denkens dar.... Eine andere Sphäre ist die des Kultrechts, in der der deklaratorische Wahrspruch des Kultbeamten **בְּדַמּוֹ** zu hause ist: kultisch mächtiges Handeln, das in sich die Kraft trägt, geheime Zusammenhänge in Bewegung zu setzen.... Kultische Rituale und kultisches Recht, alles wird auf den Gott hin ausgerichtet, der sein persönliches Sein und seinen persönlichen Willen auf dem Bundesfest offenbart"; *op. cit.*, pp. 325, 326. It is beyond the scope of our inquiry to go any deeper into the view of Koch and of the critique which Reventlow and others have offered. We believe that Reventlow has given, in principle, a valid criticism of Koch.

שֹׁפֵךְ דָּם הֵהוּא—"Bloodguilt¹¹⁵ shall be imputed¹¹⁶ to that man who has shed blood." For that matter, Leviticus 17:4 is for our argument not the best example of the connection between דָּם and bloodguilt, since it refers to cultic violations rather than to the sin of murder. There are other cases where the plural דָּמִים refers clearly to the guilt which comes from shedding blood (cf. Ex. 22:1-2 [2-3]; Num. 35:27; I Sam. 25:26, 33; Hos. 12:15 [14]). It is possible that some of the denunciations by the prophets of the "blood" on the hands of judges, priests, and other cultic officials refer to instances in which a slayer should have been put to death because of his bloodguilt, but was allowed to offer compensation for his crime or perhaps to bribe a judge from whom the legal decision would come. Perhaps such was the basis for the words in Isaiah 26:21, "For behold, the Lord is coming forth out of his place to punish the inhabitants of the earth for their iniquity; and the earth will disclose the blood shed upon her, and will no more cover her slain," compare also Isaiah 1:15; 33:15; 59:3, 7; Ezekiel 7:23; 9:9; 16:36; Hosea 4:2, 6:8; 12:15 (14); Micah 3:10; Habakkuk 2:12, 17.

We can therefore conclude that in Israel there is a distinctive emphasis on the sanctity of human life. Human life is sacred, for man is created in the image of God. The crime of murder is a particularly heinous crime since it constitutes an attack on God himself, for which the murderer's life is to be

115. The connection between דָּם and bloodguilt may be seen as well in Deut. 17:8 which mentions legal cases regarding homicide (בֵּין דָּם לְדָם). H. G. Reventlow, *op. cit.*, pp. 319, 320, notes the use of the phrase לְמַעַן שֹׁפֵךְ דָּם in Ezek. 22:6, 9, 12: "Der Ausdruck dienit dort [v. 6] als Überschrift für jeweils eine ganze Reihe von Vergehen, von denen keines eigentlich mit Blutvergiessen zu tun hat." Because of this and other texts he concludes that the best translation of בְּדָמָיו בָּ, "Seine Verschuldung komme über ihn." "Das Bewusstsein, dass es sich dabei ursprünglich um die Bezeichnung für 'Blutschuld' gehandelt hat, ist mehr and mehr verschwunden."

116. G. von Rad, *The Problem of the Hexateuch*, 1966, p. 126, writes, "Here, too, the word שָׁח denotes a declaratory act which the priest performs on behalf of Yahweh, although in this case it concerns a capital offence with regard to the cultus, for blood-guilt is to Yahweh the most heinous of all sins. Accordingly it attracts the extreme punishment, that of being 'cut off from among the people.'"

taken by the goel of blood. The goel acts as the agent of the Lord himself. Correctly does van Oeveren describe the duty of the goel of blood when he remarks, "Alleen de moordenaar moet sterven. Niet door de willekeurige wraak van een enkeling, maar in het belang van de gemeenschap en op grand van Goddelijk gezag, Dese 'bloedwraak' is dan ook meer clan een recht; ze is een door God geboden plicht."¹¹⁷

The goel was the, instrument for the administration, of justice in the early period, of Israelite history. According to Tolluck, "Blood-vengeance was the oldest form of criminal justice since it provided a means to make sure that a criminal was punished when there was no other way to assure that such punishment would be carried out. . . . Blood-vengeance thus was law, but law in a most imperfect, yet most necessary manifestation. When there was no other law, the imperfect form of law had to suffice."¹¹⁸

Both van Oeveren and Morgenstern, though with differences, sketch the historical development of blood vengeance in ancient Israel in three Thases.¹¹⁹ In the earliest stage, vengeance was enacted upon the slayer without, regard to his motive or perhaps upon some other, member of his clan. This was followed by a second phase during which the state became active in regulating blood-vengeance and in which a clear distinction was made between murder and unintentional homicide. In this intermediate stage blood-revenge was carried out by the family, under the supervision of the state, which regulated the conditions under which vengeance might be enacted. In the third stage, according to Morgenstern, "the practice of blood-revenge, at least in its most literal and primitive form has given; way to execution by the state."¹²⁰ Van

117. B. van Oeveren, *op. cit.*, p. 232. See chap. 3, nn. 79, 80.

118. J. Tolluck, *op. cit.*, pp. 231, 232. Cf. also G. von Rad, *TOT*, 1, 1962, p. 31, "In Israel the blood-feud was in certain cases a legitimate institution for the repression of violence."

119. B. van Oeveren, *op. cit.*, pp. 228-232; J. Morgenstern, "The Book of the Covenant, Part II," p. 57 n. 52.

120. J. Morgenstern, *op. cit.*, p. 57 n. 52.

Oeveren sees the third phase as a further broadening of stage two. There is still a clear distinction between the intentional and unintentional taking of life, but now the cities of refuge are designated as an asylum, and there is evidence from II Samuel 14:8-11 that the state is seeking to curtail the practice of blood-vengeance.¹²¹ These phases may be accepted as providing us in a *broad* way with some understanding of the practice of blood-vengeance in Israel.¹²²

A major factor in controlling and limiting blood-vengeance was the rise of a constituted legal authority in the form of a state government.¹²³ The *ius talionis* of Exodus 21:23-25¹²⁴ restricted the retaliation to that which was consistent with the crime itself. The family must remain content with that measure of retaliation which was allowed it by the state. The principle of one life in place of one life restricts the exercise of vengeance. Of course, this was not always carried out, as can be seen in the case of Jehu, who acted as God's agent in avenging Naboth's death but who showed no restraint in his slaughter of Ahab's family (II Kings 9 and 10).

Unrestrained vengeance was limited as well by the practice of asylum at the altar. In the law of Exodus 21:12-14, there is a clear distinction drawn between intentional and

121. B. van Oeveren, *op. cit.*, pp. 230, 231.

122. A detailed study of the practice of blood vengeance in Israel would require attention to be given not only to the legal materials but to the following passages from the historical books: Judg. 8, 9:56; II Sam. 2:12-23; 3:12-29; 4:8-11; 14:1-4; 16:5-8; 18:9-15; 20:4-10; 21:1-14; I Kings 2:28-28-34; I Kings 14:5, 6. Cf. B. van Oeveren, *op. cit.*, pp. 234-237. He comments (p. 237), "Het O. T. vermeldt bijzonder weinig gevallen van de uitoefening van de bloedwraak. Maar we moeten wel als zeker aannemen, dat de bloedwraak in Israel vaker is uitgeoefend, dan het O. T. vermeldt."

123. G. Ch. Aalders, *Genesis*, KV, 19603, p. 233, comments on Gen. 9:6, "Ongetwijfeld mogen we daarom ook wel aannemen, dat Gen. 9:6 in keim het optreden van de overheid bevat. De door God gestelde rechtsregel van de doodstraf voor de moordenaar leidt met noodzakelijkheid naar het optreden van de overheid heen."

124. Cf. D. Daube, *Studies*, pp. 102-152. In more recent times, cf. S. Paul, *Studies in the Book of the Covenant in the light of Cuneiform and Biblical Law* (SVT, 18), 1970, pp. 70-77, and B. Jackson, "The Problem of Exod. XXI 22-5 (*Ius Talionis*)," *VT*, 23, 1973, pp. 273-30 (hereafter cited as "*Ius Talionis*").

unintentional slaying. "Whoever strikes a man so that he dies shall be put to death. But if he did not lie in wait for him, but God let him fall into his hand,¹²⁵ then I will appoint for you a place to which he may flee. But if a man willfully attacks another to kill him treacherously, you shall take him from my altar, that he may die." Examples of asylum at the altar in Israel occur in I Kings 1:50-53; 2:28-34 and possibly in passages like Psalm 27:4-6¹²⁶ and Obadiah 17.¹²⁷ Here as well we see that homicide is no longer exclusively a private matter to be settled between families. The state has intervened and a clear distinction is drawn between premeditated slaying and the accidental taking of life. It is only legal to take the life of a murderer (Deut. 24:16). An important question connected with the interpretation of this law is: Who is the one to put to death the intentional killer? In verse 12, we have the well-known formula **מוֹת יוֹמֵת**. Because this

125. On the phrase, "God let him fall into his hands," cf. B. van Oeveren, *op. cit.*, p. 70, who gives the general interpretation of this verse, i.e., the unintentional slayer is an instrument in God's hand and thus God ensures his protection. Of interest is the explanation of D. Daube, "Causation," pp. 264-269, who interprets the verse in the light of I Sam. 24:14 (13), "As the proverb of the ancients says, 'Out of the wicked comes forth wickedness'; but my hand shall not be against you." Daube suggests that the one who was delivered by the Lord into the hand of the accidental slayer was himself an evildoer. The passage in I Sam. 24 deals in general with the theme of divine justice. In addition, there is similar terminology in the verb "to lie in wait," found only in Ex. 21:13 and I Sam. 24:12 (11). Daube writes (p. 268), "Here is Saul, a murderous "character, who cannot be summoned before an earthly tribunal, but whom God will deliver over to vengeance. The wicked man—and only he—will end by others sinning against him. In fact, in a way, the judgment is beginning even at this moment: Saul in the cave could easily be dispatched by David, whose men advise him: 'Behold, the day of which the Lord said, I will give thine enemy into thine hand' (Remember that in Exod. XXI 13 God delivers the criminal into the homicide's hand). And David himself calls out to Saul: 'Thine eyes have seen how that the Lord hath given thee today into mine hand.'

126. Cf. B. Dinur, "The Religious Character of the Cities of Refuge and the Ceremony of Admission into Them," *Eretz-Israel*, 3, 1954, pp. 135-146 (Heb. with a resume in English).

127. B. van Oeveren, *op. cit.*, pp. 130-135, lists Ps. 5:5; 27:4-6; 61:5; and Obad. 17 as texts which point toward the right of asylum by temple and altar.

128. For a comprehensive study of this term, cf. H. Schulz, *Das Todesrecht im Alten Testament* (BZAW, 114), 1969. Cf. also H. Boecker, *op. cit.*, p. 144, who understands the formula as a "Tatfolgebestimmung."

formula is used in Numbers 35:16 18, 21, and 31, where the goel of blood was the one who took the murderer's life (vv. 19, 21) some have assumed that such was also the case in Exodus 21:12. Thus Pedersen writes, "Now the question is: Who shall slay the slayer and possibly drag him from the altar? There can be no doubt that it is the *go'el*, the avenger."¹²⁹ Others see the execution as being performed by the state and not by the goel of blood.¹³⁰ In favor of the latter position, we may cite Exodus 21:15-17, where the death verdict was enacted through the state.¹³¹ One might also argue that the "you" in Exodus 21:13 and 14 probably refers to Israel.¹³² Against this it can be said, with Jackson, "that Exod. 21:12 is formulated from the point of view of the killer, and is not concerned with the procedure to be followed by the family of the deceased. But it is clear from the text that he must flee from someone, presumably a kinsman."¹³³ We referred above to the argument that the use of **מוֹת יוֹמָת** in Exodus 21:15, which involved execution by the state, suggests that such was the case as well in Exodus 21:12. We also saw (n. 130) that Morgenstern regards the phrase as a technical one for execution by the state. He feels compelled, however, to make an exception in the case of the law

129. J. Pedersen, *op. cit.*, p. 396.

130. So, for instance, J. Morgenstern, "The Book of the Covenant, Part II," p. 60 n. 52, writes: "Our contention seems well established that *mot yumat* technically implies execution only by the state and not at all by the avenger of the blood, and that therefore, when used to designate the punishment for wilful murder, as in Ex. 21:12, it implies that the old institution of blood-revenge, even in its second stage of evolution, has been outgrown, and that in cases of murder or manslaughter the determination of the guilt, degree of responsibility and corresponding character of the crime, the fixing of the penalty and its actual execution are all matters of the state alone." Morgenstern (p. 59) regards Ex. 21:13-14 as assuming the institution of blood-revenge and not state execution.

131. M. Lohr, *Das Asylwesen im Alten Testament*, SKGG, 1930, p. 211, comes to a similar conclusion as Morgenstern based on Ex. 21:15-17, "Die Formel **מוֹת יוֹמָת** gilt immer von der offiziellen Urteilsvollstreckung, hier etwa Steinigung durch die Gemeindemitglieder. Ist das bei v. 15-17 sicher, so muss es auch in v. 12 gelten." In Ex. 21:15-17, where the same term is employed, the law would not have required the parents to put their own children to death.

132. B. van Oeveren, *op. cit.*, p. 69.

133. B. Jackson, "Criminal Law," p. 33 n. 176.

of the homicidal ox. "But if the ox has been accustomed to gore in the past, and its owner has been warned but has not kept it in, and it kills a man or a woman, the ox shall be stoned, and its owner also shall be put to death. If a ransom is laid on him, then he shall give for the redemption of his life whatever is laid upon him" (Exod. 21:29, 30). In this instance, according to Morgenstern, "the death of the owner was likewise not a mere matter of state execution, in punishment for his negligence, but was also an act of blood-revenge, although apparently under the supervision of the state. . . . The provision for ransom money in redemption for the life of the owner of the ox, in verse 30, likewise points to the conclusion that this was a case of execution in blood-revenge, and presumably by the family or clan of the slain man, and not yet by the state; for it is clear that the ransom money is paid entirely to the family or clan of the slain man, and that it is the family or clan which fixes, or at least takes the initiative in fixing, the amount of the ransom money."¹³⁴ If the interests of the family came to expression in the case where someone was killed by a goring ox, can such interests be excluded in regular cases of homicide?¹³⁵ The involvement of the family in the legal matters incorporated in the covenant code can also be seen in Exodus 21:22 where the law regulating a miscarriage caused by a blow, stipulates that a fine is laid upon the offending party by the woman's husband.¹³⁶ In this instance we see the private family parties involved in an active way in the judicial process.¹³⁷

134. J. Morgenstern, *op. cit.*, p. 92. On the goring ox law see n. 159.

135. See the remarks of A. van Selms in n. 159.

136. The RSV translates Ex. 21:22b, "The one who hurt her shall be fined according as the woman's husband shall lay upon him; and he shall pay as the judges determine." The latter phrase "and he shall pay as the judges determine" presents a problem coming directly upon the statement which apparently gives the husband the right to determine the ransom (cf. the same verb "to lay upon" in Ex. 21:30). For the various interpretations of the final clause **ינתן נפלים** cf. B. Jackson, "Ius Talionis," pp. 277, 278. Jackson (p. 278) sees the final clause as "an interpolation, representing the growth of state authority at the expense of self-help." S. Paul, *op. cit.*, p. 72, believes that it can be translated "the payment to be based on reckoning."

137. Cf. F. C. Fensham, "Aspects of Family Law in the Covenant Code in

There were occasions when the family probably was unable to play a role in the enactment of justice. This can be seen in the law of Exodus 21:20: "When a man strikes his slave, male or female, with a rod and the slave dies under his hand, he shall be punished." The latter clause **וְנִקְם** is too weakly rendered by the RSV, "he shall be punished." Rather it should be translated, "he shall surely suffer vengeance." We must undoubtedly see here the sentence of the court for blood-vengeance.¹³⁸ It is likely that the execution of the verdict in this instance would have been through the instrumentality of public justice,¹³⁹ since the relatives of the slave would not have been in a position to avenge the slave's death.¹⁴⁰

Perhaps it is best to say that the law of Exodus 21:12-14 presupposed involvement by both the avenger (from whom the murderer has fled to the altar) and, to some extent, the state (which has laid down the guidelines for distinguishing between premeditated and unpremeditated homicide). Thus

Light of Ancient Near Eastern Parallels," *DI*, I, 1969, p. XIX: "Although most of the laws discussed have parallels and sometimes close parallels in ancient Near Eastern legal material, the legal approach is different. In some cases a spirit of sympathy with the situation of inferiors occurs. The value of the human life is also accentuated. The most striking peculiarity, however, is the strong sense of family solidarity."

138. U. Cassuto, *A Commentary on the Book of Exodus*, 1967, p. 490. The view of M. Sulzberger, *The Ancient Hebrew Law of Homicide*, 1915, p. 137, that "the man whose slave died under his rod was punished by imprisonment and this is what is meant by *nakom yinnakem*," is unlikely.

139. J. Salmon, *op. cit.*, p. 174, comments, "There are already signs in BC (Book of the Covenant) that public judicial authority was taking some of the responsibility for the punishment of murderers when there was no possibility of familial action." M. Greenberg, "Crimes and Punishments," *IDB*, I, p. 738, thinks that a foreign slave is in view and writes, "The last law is unparalleled for its interest in the slave as human being rather than chattel: because he has no kin to avenge him—a foreign slave is intended—the law demands that he 'be avenged' (**וְנִקְם**) by Israelite justice." On the basis of this law of Ex. 21:20 ff. A. Phillips, *Ancient Israel' Criminal Law*, 1970, p. 88, remarks, "Further, it may be deduced from this enactment that if a foreigner was murdered while in Israel, the community would exercise blood-vengeance on his behalf." Cf. also H. W. Wolff, "Masters and Slaves," *Interpretation*, 27, 1973, p. 267.

140. Contra, J. Pederson, *op. cit.*, p. 402, who thinks fiat in Ex. 21:20 "it must be a question of an Israelite slave, whose kin may claim a penalty."

Falk, citing Exodus 21:12 along with other verses, writes: "A murderer, on the other hand, was still extradited to the kinsman of the victim, who was to avenge the blood after the official judgment had been passed."¹⁴¹

The law of Exodus 21:12-14 points¹⁴² in the direction of a further institution which placed limitations upon the unrestrained practice of blood: the institution of the cities of refuge. This institution presupposes in the clearest way a moral distinction between premeditated and unpremeditated killing. Six cities of refuge were appointed¹⁴³ where the acci-

141. Z. Falk, *op. cit.*, pp. 40, 41.

142. Some interpreters identify the place (מקום) in v. 13 with the altar in v. 14. Cf. B. van Oeveren, *op. cit.*, p. 73, for the varying opinions. J. Salmon, *op. cit.*, p. 162, writes, "Clearly this place is not the altar, since vs. 14 shows that the fugitive slayer was already at the altar. Rather the law appears to refer to another place, to which the fugitive could presumably go in safety.... But there is implied in this law the existence of places of asylum, complementing the practice of altar sanctuary and providing for fugitives before the altar a more practical and permanent place of refuge from the avenger of blood.... Thus already 'in the premonarchic period ... there were appointed places (probably cities) of asylum for the manslayer.'" M. Greenberg, "The Biblical Conception of Asylum," *JBL*, 78, 1959, p. 130, writes, "It appears, then, that the city of refuge as conceived in Numbers is the necessary adjunct to, rather than a replacement of, the local altars. The altar gives temporary asylum from the immediate danger of pursuit by the avenger; the city alone provides for the expiation of bloodguilt which every stratum of biblical law associates with homicide." G. von Rad, *Deuteronomy*, OTL, 1966, p. 128, writes, "In the course of abolishing the local sanctuaries the system of asylum has to be regulated anew. But it is open to question whether the establishment of cities of refuge was an innovation first required by the Deuteronomist. For what happened to those who sought protection at the altar? (Cf. I Kings 1:50 f.; 2:28 ff.) It is difficult to imagine that they all remained for the rest of their lives in the confined area of the sacred precincts." B. van Oeveren, *op. cit.*, p. 153, distinguishes "the place" from "the altar" and says that the word מקום in Ex. 21:13 "een vage heenwijzing is naar de instelling der vrijsteden." Cf. also his remarks on p. 74.

143. B. van Oeveren, *op. cit.*, p. 226, reaches the following conclusions: "(a) Mozes zondert drie steden af in het Oostjordanland; na de verovering van Kanaän heiligt Jozua nog drie steden in het Westjordanland. (b) De vrijsteden hebben hoofdzakelijk hun functie als toevluchtsplaatsen kunnen uitoefenen ongeveer vanaf de periode der Richteren tot de scheuring van het rijk. Zolang de steden nog Kanaänitisch waren, was de regeling nog niet uitvoerbaar en ook na de splitsing van het rijk was de regeling niet uitvoerbaar. (c) Al zijn de vrijsteden meer ideaal dan werkelijkheid geweest, deze erkenning behoeft niets af te doen van de historiciteit van dit instituut. (d) De pericopen in de Pentateuch, welke over de vrijsteden handelen (Ex. 21:12-14; Num. 35:6, 9-34; Deut. 4:41-43; 19:1-13), zijn in hoofdzaak Mozaïsch." N. H. Ridderbos, "Cities of Refuge,"

dental manslayer might flee for refuge. Deuteronomy 19:4 deals with the question of intent: "If any man kills his neighbor unintentionally (בבלי דעת) without being at enmity with him in time past," compare verse 6. Compare, too, Joshua 20:3, "that the manslayer who kills any person without intent or unwittingly (בשגגה בבלי דעת)"; Joshua 20:5, "because he killed his neighbor unwittingly having had no enmity against him in times past." The type of instrument involved in the death (Num. 35:16-18) is important in establishing intent as is as well the previous enmity of the one performing the act. "And if he stabbed him from hatred, or hurled at him, lying in wait, so that he died, or in enmity struck him down with his hand, so that he died, then he who struck the blow shall be put to death. . . . But if he stabbed him suddenly without enmity, or hurled anything on him without lying in wait, or used a stone, by which a man may die, and without seeing him cast it upon him, so that he died, though he was not his enemy, and did not seek his harm" (Num. 35:20, 21a, 22, 23).¹⁴⁵ The accidental slayer gains

NBD, 1962, p. 235, regards the regulations governing the cities of refuge as coming in essence from the time of Moses. J. Tolluck, *op. cit.*, p. 251, says the cities of refuge—"come from a period no later than the united monarchy." A. Phillips, *Ancient Israel's Criminal Law*, 1970, p. 102, argues that Hos., 6:89, contains a direct allusion to two of the cities of refuge, Ramoth Gilead and Shechem: "Thus as Hosea knew as cities of refuge two of those named in Josh. 20:7 ff. they cannot have been the product of Josiah's reform. In fact, their establishment must be attributed to the period of the united monarchy for only then would all these cities have been in Israel's possession. Since it will be shown that the גאל הדם, was specifically connected with the cities of refuge, II Sam. 14:4 ff. *prima facie* indicates that David rather than Solomon established them."

144. Cf. D. Daube, *The Sudden in the Scripture*, 1964, p. 3.

145. For a discussion of the Hebrew terms used relating to intent cf. B. van Oeveren, *op. cit.*, pp. 81-85, 141-142. Cf. also D. Daube, "Causation," pp. 246-249; *idem*, "Error and Accident in the Bible," *RIDA*, 2, 1949, pp. 189-211. B. Jackson, "Ius Talionis," pp. 288, 289, writes: "Premeditation means that the action in question was the result of a preconceived design, not of a desire formed on the spur of the moment. Thus not every intentional act is premeditated.... An ambush was clear evidence of premeditation, but it was not the only possible evidence. Exod. XXI 14 used a more general test, whereby a man who plots against his neighbor to slay him *craftily* is denied the privilege of asylum. To this Deut. XIX 4, 6 adds the test of previous hatred between parties.... Unpremeditated homicide is illustrated in Num. XXXV:22-3.... It is abundantly clear from

entrance to the city of refuge through a preliminary decision made by the elders of that city (Josh. 20:4). "He shall flee to one of these cities and shall stand at the gate of the city, and explain his case to the elders of that city; then they shall take him into the city, and give him a place, and he shall remain with them."

The elders of the city then bring the case before the congregation (הַדָּע) for final judgment (Josh. 20:6, 9; Num. 35:12).¹⁴⁶ The הַדָּע is best understood as "de wettige vertegenwoordigers van het district, waarbinnen de vrijstad lag."¹⁴⁷ If the decision is in his favor, he may stay and the elders of the city of refuge will not give the manslayer into the hand of the goel of blood (Josh. 20:5). If the decision rendered by the congregation is unfavorable, "then the elders of his city [the murderer's] shall send and fetch him from there, and hand him over to the avenger of blood, so that he may die" (Deut. 19:12).¹⁴⁸ There is no bloodguilt involved if

v. 22 that intentional but unpremeditated homicide was not regarded as murder. In legal terms there was no difference between it and accidental homicide, as v. 23 and Deut. XIX 5 well show." Cf. also Z. Falk, "Sociological Notes on Deuteronomy," *DI*, 3, 1972, pp. XLI-XLIII for a discussion on the connection between the type of material employed in causing a death and the question of premeditation.

146. B. van Oeveren, *op. cit.*, p. 125, writes, "De oudsten lichten zo spoedig mogelijk de 'eda in over het feit, dat een naar hun oordeel onopzettelijke doodslager de toevlucht heeft genomen in de vrijstad en dan komt de 'eda bijeen om de zaak nader te onderzoeken en een definitief vonnis te vellen." Josh. 20:6 appears to be saying that the one granted a temporary asylum may stay until his case comes before the congregation for judgment or until the death of the high priest, but, as van Oeveren (pp. 125, 126) has rightly pointed out, "de bepalingen van Num. 35 zijn hier heel kort en beknopt samengevat. We moeten a.h.w. tussen de regels door lezen: *de laatste bepaling is alleen van kracht, wanneer de 'eda eveneens het onopzettelijk karakter van de doodslag bewezen acht en de doodslager naar de vrijstad heeft doen terugkeren.*"

147. A. Noordtj, *Het Boek Numeri*, KV, 19572, p. 352. Because of the verb (וְהִשְׁבִּיבוּ—restore) in Num. 35:25, it is not likely that the הַדָּע sat within the city of refuge. A. Phillips, *op. cit.*, p. 107, argues that "the הַדָּע was the central appeal court in Jerusalem, now presided over in criminal matters by the high priest (2 Chr. 19:8 ff.)." For other views, cf. B. van Oeveren, *op. cit.*, pp. 85-88.

148. B. van Oeveren, *op. cit.*, p. 111, comments, "Deut. 19:12 vermeldt echter alleen, dat de *zigne ha'ir* (deze zijn de plaatselijke overheden van de stad, waar de doodslager thuis hoort) de opzettelijke doodslager vanuit de asylstad (laten) halen, opdat hij zijn gerechte straf ontvange. Dit veronderstelt, dat reeds

the avenger of blood overtakes the manslayer and slays him before he can gain entrance to the city of refuge (Deut. 19:6). The responsibility is placed upon the community to "prepare the roads ... so that the manslayer can flee to them" (Deut. 19:3) and to situate them in various areas within the land so that the manslayer may find refuge (Deut. 19:6, "because the way is long").¹⁴⁹ If the manslayer ventures beyond the bounds of the city of refuge and is slain by the goel of blood, there is no bloodguilt involved in this killing (Num. 35:26, 27). The homicide must remain in the city of refuge until the death of the high priest (Num. 35:25; Josh. 20:6). The slaying of the homicide under the above mentioned circumstances and his exile in the city of refuge is understandable from the fact that an innocent man's blood, even when shed unintentionally, involves bloodguilt for which the manslayer was responsible. "The accidental homicide is, then, guilty, though not guilty of death."¹⁵⁰ A very difficult question which has perplexed scholars has been that of the significance of the death of the high priest. Why was the unintentional slayer to remain in the city of refuge until the death of the high priest? Many have understood the death of the high priest as having an expiatory value.¹⁵¹ Others see

een vonnis is geveld: de boze opzet van de dader is vast komen te staan. Hier vullen o.i. de bepalingen van Deut. 19 die van Num 35 am.... *De ziqne ha'ir* hebben nu niets anders to doen, dan de *go'el haddam* de gelegenheid te geven het reeds gevelde vonnis uit te voeren."

149. Cf. B. van Oeveren, *op. cit.*, pp. 113, 114, for discussion of the details. He writes (p. 147): "Deut. 19 legt er de nadruk op, dat de Israëlieten er zorg voor moeten dragen, dat voor een onopzettelijke doodslager het bereiken van een vrijstad niet te moeilijk is, vss. 3, 6v." So also M. Greenberg, *op. cit.*, p. 127.

150. M. Greenberg, *op. cit.*, p. 128. He comments, "The most striking legal expression of the objectivity of bloodguilt—i.e., its incurrence even without criminal intent—is the law of Exod. 21:28 ff. concerning the homicidal ox. Here, where there can be no intent since the killer is a brute, the law nonetheless regards the animal as bloodguilty and requires that it be stoned."

151. A. Phillips, *op. cit.*, pp. 107, 108, commenting on the death of the high priest remarks: "This provision must be connected to the fact that the high priest had acted as president of the פִּתְּוֵי which determined the question of the killer's responsibility. By deciding that the killer was not a criminal, the high priest must have been understood in some way to have taken upon himself responsibility for the inadvertent act and its expiation. His death was evidently understood to have

the death of the high priest as bringing about a general amnesty.¹⁵² Still others see in the death of the high priest the conclusion of a definite period of time.¹⁵³ A fourth idea is advanced by Delekat on the basis of extrabiblical sources. He writes, "Der Hohepriester könnte dann ursprünglich als Schutzpatron die Sicherheit des zunächst zum Altar geflüchteten Totschlägers garantiert habeas, der sich nun in der Levitenstadt als Schutzbürger niederlassen konnte. Es ist vorstellbar, dass nach dem Tode des Hohenpriesters—dessen Übernahme des Patronats als Pflicht zu denken wäre—der Nachfolger, etwa um das Asyl zu leeren, die Garantie im allgemeinen nicht verlängerte, und dass dies auch nicht notwendig war, weil die öffentliche Meinung die Bluttat durch die lange Trennung von der Heimat als gesühnt ansah."¹⁵⁴ According to Delekat the one fleeing for sanctuary in the city of refuge is contracted to the high priest in a relationship which provides him with protection. "Der Flüchtling begibt sich zum Heiligtum, bittet Jahwe um Schutz, indem er sich ihm dediziert, und wird nach Anhören der Gegenpartei bzw. Prozess in der Heimatstadt von dem Oberpriester in ein Paramoneverhältnis genommen oder richtiger entlassen, das ihm zunächst eine Anstellung im (niederen) Tempeldienst und ein Auskommen verschafft und weiterhin die Aussicht eröffnet, beim Tod des Hohepriesters, u.U. auch schon früher, ganz frei zu werden."¹⁵⁵

atonement power for all unintentional shedding of blood for which during his life he had no means of offering expiation." For others holding to this view, cf. B. van Oeveren, *op. cit.*, pp. 162-165.

152. Cf. B. van Oeveren, *op. cit.*, pp. 165, 166, for those accepting this idea.

153. B. van Oeveren, *op. cit.*, pp. 166, 167.

154. L. Delekat, *Asylie und Schutzorakel am Zionheiligtum*, 1967, p. 303.

He appeals (p. 304) to the *παράμυθη* relationship existing in the ancient world between an "Arbeitsnehmer" who pledges himself to an "Arbeitsgeber" until his death, "d.h. in dessen Hause zu bleiben, alle ihm aufgetragenen Arbeiten willig zu verrichten.... Der Paramone—Herr gibt ihm dafür Wohnung, Kleidung, und Nahrung." He appeals as well to the evidence in the ancient world for the practice of "den Freilassungs—Adoptionsvertrag"; *op. cit.*, pp. 305-307.

155. L. Delekat, *op. cit.*, p. 307. Of interest to his argument is the phrase in Num. 35:25b, "the high priest who was anointed with the holy oil" (**אֲשֶׁר מִשָּׁח** **אֶתוֹ בְּשֶׁמֶן הַקֹּדֶשׁ**) which he explains (p. 317), "Der Totschläger soll im Asyl

Sometimes the mention of the high priest is understood in connection with the altar. Thus Gispen writes, "Met deze dood en door deze dood komt voor zulk een doodslager een bevrijding tot stand, omdat de hogepriester de grote bedienaar van het altaar was, dat asyl bood."¹⁵⁶

Finally, some have explained the significance of the high priest's death from the fact that the cities of refuge were also Levitical cities (Num. 36:5). Gispen writes, "Wonende in een der steden der Levieten genoot hij gastvrijheid van die stam, die Israel verving en die zelf weer vervangen werd door de hogepriester, die men met de heilige olie gezalfd had."¹⁵⁷ Van Oeveren as well argues, "Wanneer nu het hoofd van deze stam sterft, d.i. de hogepriester, dan raakt ook de band met de asylstad los en kan de onopzettelijke doodslager naar huffs en familie terugkeren."¹⁵⁸ Of all the above cited opinions on the meaning of the high priest's death the last, as given by Gispen and van Oeveren, is to be preferred.

The purpose of the cities of refuge was to give asylum to the one who had unpremeditatedly taken the life of another. He was not to die; otherwise innocent blood would be shed and bloodguilt would be upon the community (Deut. 19:10). On the other hand, if a murderer sought refuge there the elders of the city were to hand him over to the goel of blood. (Deut. 19:12) and thereby purge Israel from the guilt of innocent blood (Deut. 19:13). "Blood pollutes the land and no expiation can be made for the land, for the blood that is shed in it, except by the blood of him who shed it" (Num. 35:33).

Israelite law forbade the taking of ransom money either for the life of a murderer (Num. 35:31) or for allowing the

bleiben bis zum Tode des Hohenpriesters, der ihn mit heiligem öl gesalbt hatte." The anointing of the homicide serves as a visible proof of his relationship with the high priest. Cf. B. van Oeveren, *op. cit.*, p. 169, for arguments against Delekat's position.

156. W. H. Gispen, *Het Boek Numeri*, 2, COT, 1964, p. 304.

157. *Ibid.*

158. B. van Oeveren, *op. cit.*, pp. 169, 170.

manslayer to prematurely leave the city of refuge before the death of the high priest (Num. 35:32). In this the Israelite law stands apart from that of other Near Eastern cultures which followed the practice of blood money. In Israel the taking of life was not merely something which affected individual families, but shed blood was seen as polluting the land in which Yahweh dwelt (Num.35:34) and accordingly had an effect on the whole community. No blood money was therefore allowed.¹⁵⁹

Note should be taken of the specific use of the verb **רצח** in Numbers 35. The participle of this verb is sometimes used without intent specifying n (35:6); sometimes it is employed with specific denials of murderous intent (35:11, 12). In both instances it is best translated by a neutral term such as manslayer. In other cases it is used in a context where intent is clearly present (35:16-19, 21, 30, 31), and the word is best

159. B. van Oeveren, *op. cit.*, pp. 173-178. The law of Ex. 21:28-31 which concerns the homicidal ox specifies that under certain circumstances the owner shall be put to death. In exchange for the owner's life, however, a ransom may be paid. However, as Greenberg, *op. cit.*,—p. 128, notes an "exception is here made only because the owner of the ox did not personally and with malice commit the slaying" A. vanSelms, "The Goring Ox in Babylonian and Biblical Law," *ArOr*, 18, 4, 1950—P. 329, writes: "By killing the ox it was proclaimed that nobody from the community could be involved in a blood-feud. In this connection it also becomes clear why the ox has to be stoned. Stoning is never a private act, but always an action by the totality of the population.... Everybody who has taken part in the stoning is afterwards a witness in case the relatives of the dead man would try to lay the bloodguilt on the owner of the goring ox." Regarding the ransom allowed the owner, Van Selms comments (p. 329); "In reality the owner can only ransom himself because the ox will be killed. If the ox were not stoned, the owner would have been considered a murderer, who had to bear the burden of the bloodguilt." For a detailed argument that there was a period in which composition for homicide was permitted, cf. B. Jackson, "Reflections on Biblical Criminal Law," *JJS*, 24, pp. 21-26 (hereafter cited as "Reflections"). For an additional study of this law in the light of other ancient Near Eastern codes, cf. R. Yaron, "The Goring Ox in Near Eastern Laws," *ILR*, I, 1966, pp. 396-406. J. Tolluck, *op. cit.*, p. 238, argues that "the story of the Gibeonites (II Sam. 21:1-14) and the sons of Saul would seem to suggest that compensation was accepted during David's time. He asked the Gibeonites what he could do for them. They replied it was not a matter of silver or gold but had to be settled by the death of Saul's descendents. The question and the reply seem to imply that such was the practice of the time, but as in other Near Eastern societies, the choice of vengeance or compensation was left to the avenger." We cannot accept this conclusion, cf. B. van Oeveren, *op. cit.*, p. 178.

translated "murderer." The preponderant usage of this verb shows it to be connected with the institution of asylum, or of blood-vengeance.¹⁶⁰

The goel of blood is the nearest male relative who functions on behalf of the deceased in avenging his death. It is possible that an order similar to that of Leviticus 25:48, 49 existed for the performance of this duty. From the limited examples of blood-vengeance in the Old Testament we see this duty being performed especially by a brother of the victim (Judg. 8:19 ff.; II Sam. 3:27) or by a son of the victim (II Kings 14:5), though undoubtedly a more distant relative was involved at other times (Sam. 14:11; I Kings 16:11), as was the entire family in one instance (II Sam. 14:7).

160. According to some scholars there is a connection between the use of the verb רצח in the asylum passages and its employment in the commandment, לא תרצה. E. Nielsen, *The Ten Commandments in New Perspective*, SBT, 7, 1968, p. 111, believes "that the seventh commandment of the decalogue in the form in which...we have it today is directed particularly against blood-vengeance and not merely against in general." This verb has been the subject of intensive study by J. J. Stamm who concludes that in contrast to the other verbs for killing in the Old Testament רצח is "illegal killing inimical to the community," *The Ten Commandments in Recent Research*, SBT, 2, 1967, p. 99. Cf. also J. J. Stamm, "Sprachliche Erwagungen zum Gebot 'Du sollst nicht tOten,'" *ThZ*, 1, 1945, pp. 81-90. This seems to best explain its use in cases of both premeditated and unpremeditated killing since both were inimical to the well-being of the community. It leaves unanswered the use of this verb in connection with the punitive activity of the goel of blood toward the murderer (Num. 35:27, 30) for such cannot be conceived of as "an illegal killing inimical to the community." H. G. Reventlow, *Gebot und Predigt im Dekalog*, 1962, pp. 73, 75, notes the unusual use of this verb to describe the action of the goel of blood in Num. 35:27, 30. "An beiden Stellen wird namlich nun auch das strafende Tun des Blutrachers, des גאל הדם mit dem er die Tat an dem רצח racht, mit dem Ausdruck רצח bezeichnet: רצח גאל הדם את הרצח אין לו דם. Also auch der Totschlag, der nun im Rahmen der Blutrache auf den zuerst begangenen Totschlag antwortet, ist ein רצח, und am Ende des Satzes wird in einer Deklarationsfonnel ausdrucklich festgestellt, dass diese Rache nicht als דם, Blutschuld, angerechnet werden soil.... רצח ist der erste Schlag und der Gegenschlag, auf den im ursprunglichen Institut ein neuer Schlag folgen kann, mit dem wieder die von der Rache betroffene Partei antwortet. Wo die Blutrache in ungebrochener Geltung steht, ist das eine Kette ohne Ende. Es gibt nur den Ausweg des Asyls.... Der Ausdruck רצח blieb aber fur alle diese Falle erhalten; er bezeichnet sowohl die vorsatzliche Tat wie die unvorsatzliche, sowohl die auslosende Tat wie die Vergeltung. Aber immer bezeichnet er eine Tat, die in die Kette von Schlag und Gegenschlag, in den Bereich der Blutrache fallt." This is indeed a satisfying solution to the difficulty which was raised above.

The laws regulating the activity of the goel of blood make it evident, however, that the interests of the entire community were also involved, since the shedding of innocent blood brought bloodguilt upon the entire community (Deut. 19:10; 21:1-9). The "innocent blood" of these passages may be that of the one slain by a murderer or unjustly slain by the avenger of blood. From Deuteronomy 19:6, it seems that the near relative may have succumbed to improper passions on some occasions. Therefore the state has intervened to assure that justice is enacted for all parties involved through the cities of refuge. Van Oeveren gives an excellent summary of the institution of the cities of refuge in relation to the goel of blood: "Allereerst bevestigt ze de rechtvaardige uitoefening van de functie van de *go'el* wanneer hij iemand zijn gerechte straf moet doen ondergaan; in de tweede plaats beteugelt ze het misbruiken van die functie. De onopzettelijke doodslager ontving door dit instituut bescherming, maar deze zelfde instelling maakte de kans groter, dat de schuldige inderdaad zijn verdiende straf onderging."¹⁶¹

A question must be asked about what happened to the murderer if the goel did not act on behalf of the murdered kinsman. Was the punishment of the murderer the exclusive prerogative of the avenger of blood? Since the family structures within Israel became progressively weaker after the period of the settlement in Canaan,¹⁶² could it have been possible that Israelite society depended entirely on the avenger of blood for the execution of murderers? There must have been periods in Israel's history when indeed this was the case: we think particularly of the period of the Judges when the structures of public justice were weak. Pedersen writes, "Where kinship ends, there is no longer an avenger. The lonely and the kinless is like the accursed; anyone who comes

161. B. van Oeveren, *op. cit.*, p. 161.

162. For the effects of urbanization on kinship ties, cf. E. Neufeld, "The Emergence of a Royal-Urban Society in Ancient Israel," *HUCA*, 31, 1960, pp-31-31.

across him may slay, him,"¹⁶³ In the opinion of Falk, "cases of murder ... were not originally considered to be of public concern but only of consequence to the relatives of the victim."¹⁶⁴

The laws governing blood-vengeance show clearly an involvement of the public authorities, whose task it was to limit and regulate blood-vengeance in the interests of public justice. There is a responsibility which rests on the community to see that the land is not defiled through the shedding of innocent blood, but that expiation be made by the blood of the murderer. It is most likely then that in those cases where there were no relatives or where relatives were unwilling to undertake this duty, the judicial authorities intervened. The laws of Numbers 35 which speak of the involvement of the goel of blood in the executing task do not militate against this conclusion, for they apply to the case; where blood-vengeance is being actively pursued. We must say then with van Oeveren: "Ook wanneer de bloedwreker niet in staat zou zijn om in eigen kracht de bloedwraak uit te oefenen, zullen zij op zijn verzoek zeker handelend zijn opgetreden. Want zelfs afgedacht hiervan, of de bloedwreker zijn plicht vervult, heeft de volksgemeenschap de plicht dáávoor te zorgen, dat de moordenaar de opzettelijke doodslag met zijn leven boet. Want anders komt er een bloedschuld op het volk."¹⁶⁵

Salmon suggests that public intervention where the relatives were inactive can be seen in the execution of Joab for the slaying of Abner (I King 2) and in the execution of Saul's sons for the extermination of the Gibeonites (II Sam. 21). "In both cases murder goes unpunished for a long time, in both cases this is probably to be attributed to the power of the murderer and his family and the relative weakness of the family of the victim and in both cases, the intervention of

163. J. Pedersen, *op. cit.*, p. 390.

164. Z. Falk, *op. cit.*, p. 79. He writes, "Biblical law, in fact, represents the transition from tribal revenge to judicial procedure."

165. B. van Oeveren, *op. cit.*, p. 160. Also J. Salmon, *op. cit.*, p. 165.

public authority is required to settle the matter.”¹⁶⁶ At this point we would call attention to the statement of Daube: "The sources show that the moral leaders of the Hebrew people were fully awake to the inadequacy and iniquity of the system of redemption described. At some period, it appears, they demanded that where a man had no relatives who could protect him from oppression, the state should intervene in his behalf. One Psalm contains a description of the ideal king, and it is said of him that he undertakes to redeem you if you are without relatives able to do it: 'He shall redeem their (the needy's) soul from deceit and violence, and precious shall their blood be in his sight. . . .' The state ought to see to it that the laws concerning redemption be really carried out.”¹⁶⁷

An extreme exponent of the idea of state intervention in the area of murder is Phillips, who argues "that from the inception of the covenant itself murder constituted a crime, and was therefore of no concern to the family or clan of the deceased....”¹⁶⁸ Phillips believes that the goel of blood is not to be identified with the goel who acts as a protector of family rights. The goel of blood is therefore not the deceased's nearest male relative who exercises blood-vengeance on his behalf, but rather "the officer appointed to act on behalf of the murderer's city.”¹⁶⁹ Elsewhere he is called by Phillips "the duly appointed official of the court.”¹⁷⁰ He is not a relative of the deceased but the guardian of the commu-

166. J. Salmon, *op. cit.*, p. 166.

167. D. Daube, *Studies*, pp. 45, 46. According to Daube (p. 46), "In consequence of the failure of the law on the matter, the social reformers pinned their faith on God.... They now declared that a man whose relatives were incapable of redeeming him, his land or his blood, would be helped by God Himself."

168. A. Phillips, *op. cit.* p. 84. Cf. also p. 104.

169. *Ibid.*, p. 104.

170. *Ibid.*, p. 105. Cf. also the position of M. Sulzberger, *The Ancient Hebrew Law of Homicide*, 1915, p. 55, who sees as one of the new remedies introduced by Deuteronomy, "the abolishment of the ancient right of the family *go'el* to receive the warrant of execution from the *zikne ha'ir*, and the compulsory duty of the latter to entrust it to a newly created federal officer for each canton—the *go'el ha-dam*—who is not the family *go'el*."

nity's interests against the bloodguilt associated with murder. The legislation instituting the cities of refuge was to ensure that "the final decision as to whether or not the killer had acted intentionally should he removed from the elders of his city."¹⁷¹ This would ensure an impartial trial. When the effective decision on the nature of the killing (whether premeditated or not) was removed from the killer's own city and became the prerogative of the elders of the city of refuge, then the elders of the killer's city "needed a representative who could plead their case at the city of refuge, and inflict execution on their behalf. This was the function of the **גאל הדם**. In choosing this title a well-known legal term has been borrowed to which had been added **דן**, thereby indicating that like the **גאל**, this official, who may be designated the Protector of blood, had the duty of restoring something, namely the blood of the murdered man, to its legitimate owner, Yahweh (the Seeker of blood)."¹⁷²

Phillips gives what he calls "insuperable difficulties" to identifying the goel of blood and the goel. The first is that the Old Testament knows nothing of a blood-feud exercised upon fellow members of the covenant community. Second, the recovery of the blood of the deceased was the concern of Yahweh, the Seeker of the blood, and not the relatives. Third, no other qualifying word has been added to the term "goel" in respect of his other duties, as is the case with goel of blood."¹⁷³

Certain points must be raised in reply to Phillips. Concerning his first point it should be noted that II Samuel 14: 1-24, in which the term "avenger of blood" is used, indicates that blood-vengeance was practiced against fellow members of the covenant community.¹⁷⁴ Furthermore, to say that

171. A. Phillips, *op. cit.*, p. 106.

172. *Ibid.*, pp. 103, 104.

173. *Ibid.*, p. 103.

174. J. Tolluck, *op. cit.*, p. 199, comments, "Just as surgery is often needed to restore the body to health, so blood-vengeance was used at times, as public execution was used later, to remove the family member whose presence was

Yahweh was the ultimate Seeker of the blood, the one to whom the blood belonged and to whom it was released, proves nothing concerning the nature of the agent that He employs in the recovery of the blood. It does not supply any reason why the agent should be a public official rather than a relative of the deceased. It is also questionable whether any major significance can be attached to the qualifying designation "goel of *blood*." It is true that when it comes to the other responsibilities of the goel there is no additional qualifying of the responsibility. Possibly since blood had a well defined meaning it was a convenient designation. Of course it should be noted that in at least one place (Nunn. 35:12) and possibly another (I Kings 16:11)¹⁷⁵ the single term "goel" is used to designate the avenger of blood. This fact unfortunately is not incorporated into Phillip's discussion at all. We see therefore no compelling reason, following Phillips, for believing that the goel of blood was not a family relative but an officer of the court.¹⁷⁶ In rejecting his idea that murder was the exclusive concern of the community, which is at the basis of his view that the goel of blood was a public official and not a relative of the deceased, we have no intention of denying the early entrance of the state into the area of murder and blood-vengeance. Such became clear above when we studied Exodus 21:12-14, see especially verse 12. It is best to say then that the goel of blood operates in the interests of the kin group and as the agent of the state. We conclude with the summary given by Salmon of the interplay of private and public justice in Israel. He writes: "The crime of murder, whoever the victim, had indeed become a public offence by the time of BC [Book of the Covenant] . Not that the practice of blood-vengeance had been abolished; we have already

bringing sickness to the whole family. Only by that removal could the family be restored to wholeness."

175. J. Pedersen, *op. cit.*, p. 390, interprets גאל י' in I Kings 16:11 as avenger. So also J. Salmon, *op. cit.*, p. 66; B. van Oeveren, *op. cit.*, p. 160 n. 9.

176. Cf. B. Jackson, "Reflections," p. 33 n. 176, for a critique of Phillips' attempt to distinguish the goel from the goel of blood.

seen that this was not the case. But the community became the guarantor that, whether by private or public action, the innocent blood should be avenged and the murderer punished. More accurately, it was not that the community became the guarantor, but rather that the identity of the 'community' shifted. In the presettlement period, and even to some extent thereafter, the 'community' which was the guarantor of vengeance and punishment was a familial group: the household, clan, or tribe. But the settlement established new patterns of life and relationships, and the primacy of the family group gave way increasingly to other patterns of organization—primarily to that of the city. These other judicial structures, these other 'communities,' were forced in many cases to assume responsibilities formerly borne by familial groups. One of these was that of guaranteeing the punishment of murderers and the attendant expiation of the pollution caused by the shedding of innocent blood. Where family structures were still capable of executing these responsibilities, they were both allowed and expected to do so. But where they were not able to do so, the responsibility fell on the shoulders of the 'new community,' principally the city."¹⁷⁷

177. J. Salmon, *op. cit.*, p. 173. According to Salmon the Book of the Covenant is premonarchic (p. 163) and places of asylum must be allowed for "soon after the settlement" (p. 180). On the date of the Covenant Code see chap. 10 nn. 21, 22. We see no reason to date these laws later than the Mosaic period. Certainly the juridical content is pre-Mosaic. As S. Paul remarks, "The legal collection of Exodus emerges as an integral component of a vast juridical canvas which extended throughout the ancient Near East. All indications point to an eclectic adaptation of native and fringe Mesopotamian legal traditions," *op. cit.*, p. 104. The observations of A. van Selms on Pentateuchal law in relation to other Near Eastern law codes are important: "The historical setting of biblical law is the more remarkable because at the same time there is a prophetic and even eschatological tendency in the laws of the Pentateuch; these are the laws given with an eye to a future event, the invasion of Canaan where the theocracy is still to be founded. The laws regulate everything which is of importance for this theocracy." "Law," *NBD*, p. 720. On the date of Ex. 21:12-14, cf. B. van Oeveren, *op. cit.*, pp. 74, 75. He comments (p. 223), "Ex. 21:12-14 wordt wel algemeen voor oud gehouden. O.i. past deze pericoop zeker het best in de tijd, toen Israel nog niet in Kanaän woonde. Het is i miners duidelijk, dat de tekst, zoals hij voor ons licht in betrekkelijk vage termen de aanwijzing van een asylnaam, wil men van een

Restitution to the Goel, Numbers 5:8

The law in Numbers 5:5-10 is connected with the law in Leviticus 5:20-26 (6:1-7). The law in Leviticus deals with the procedure to be followed in cases where a man commits a breach of faith against the Lord (5:21a [6:2a]). From the list which follows (Lev. 5:21b, 22 [6:2b, 3]), it becomes apparent that the sins are those which a man commits against his neighbor (בַּעַמִּיתוֹ)¹⁷⁸ showing that sins against the neighbor are also reckoned as against the Lord. Specifically, they are sins connected with the neighbor's property and concern the mishandling of human property. According to Noth these cases have more to do with deceptive ways of appropriating property than with forcible robbery or theft.¹⁷⁹ In such cases, the guilty party "shall restore it in full and shall add a fifth to it and give it to him to whom it belongs on the day of his guilt offerings (Lev. 5:23, 24 [6:4, 5])." Naturally 'this type of sin would disrupt the internal fellowship and unity of the people and restitution would be a necessity.

Two new dimensions are added in Numbers 5:5-10. There is the specific statement in Numbers 5:7, "he shall confess his

vrijstad *beloof*." Further, he remarks (p. 221), "M.i. valt te aanvaarden, dat de pericopen in de Pentateuch, (Ex. 21:12-14; Deut. 19:1-13; Num. 35:9-34) die over de vrijsteden handelen, in groote hoofdzaak uit de Mozaische tijd gammen.... Deze bepalingen werden gegeven met het oog op het leven in Kanaän; er is o.i. geen bezwaar te aanvaarden, dat ze reeds op de woestijntocht en tijdens het verblijf in het Oostjordaans zijn uitgesproken." See further n. 143.

178. The word occurs in Lev. 18:20; 19:11, 15, 17; 24:19; 25:14, 15, 17; Zech. 13:7. M. Noth, *Leviticus*, OTL, 1965, p. 49, writes, "It appears from its occurrence to be near in sense to the idea of 'fellow man,' 'neighbour' (*rea* ') and to designate the man living in one's circle, to whom therefore in practice it is one's duty to behave in the human fashion required by God."

179. Ibid. W. H. Gispen, *Het Boek Leviticus*, COT, 1950, p. 98, comments on בַּפְּקֹדֶיךָ (Lev. 5:21 [6:2]): "De bedoeling zal wel niet zijn, dat dit een panel is of iets, dat geleend wordt, doch dat het, b.v. in onzekere tijd, aan iemand ter bewaring is toevertrouwd. Zijn naaste komt het terugvragen en dan loochent hij, dat het hem ooit is gegeven." בַּגְּזֹל (Lev. 5:21 [6:2]) may point more clearly toward forcible robbery (cf. Gen. 21:25; Judg. 21:23; Job 20:19; 24:2) but according to Noth, *op. cit.*, p. 49, "the context scarcely suggests a forcible robbery or a regular theft, but rather some deceptive way of appropriating someone else's property."

sin,"¹⁸⁰ and the added regulation in Numbers 5:8, "But if the man has no kinsman (goel) to whom restitution may be made for the wrong, the restitution for wrong shall go to the Lord for the priest. . . ." We must assume in all likelihood the death of the one against whom the sin had been committed and to whom the restitution was to be made.¹⁸¹ In this event, restitution came to the deceased's goel who, as the responsible head of the family, acted in the interests of the family.¹⁸² In the event of the goel's death, restitution goes in principle to Yahweh though in practice to His representative, the priest.

180. Cf. W. H. Gispen, *Het Boek Numeri*, 1, COT, p. 86.

181. Cf. G. B. Gray, *Numbers*, ICC, 1903, p. 43; W. H. Gispen, *Het Boek Numeri*, 1, p. 88; J. Marsh, "Numbers," *IB*, 2, 1953, p. 166. M. Noth, *Numbers*, OTL, 1968, p. 47, however, is of a different opinion and writes, "The mention of the 'redeemer' presupposes that the wronged person has lost his legal and economic independence—either by incurring debt or by emigration—and thus is apparently no longer entitled to receive the restitution money." J. P. Lange, *Numbers*, 1874, p. 35, also suggests that the offended person may not be dead: "It is nearer the mark to see a goel (redeemer) in the qualified receiver of the debt (be it the offended person himself or a kinsman). The redeemer or receiver becomes here, in some measure, the freer of the guilty person that has confessed the consciousness of his guilt."

182. A. Jepsen, "Die Begriffe des 'Erlösens' im Alten Testament," *Solange es "Heute" heisst*, Festgabe für R. Hermann, 1957, p. 158, writes, "Umgekehrt scheint es auch zu den Aufgaben des go'el gehört zu haben, veruntreute Vermögenswerte für die Sippe in Empfang zu nehmen and damit ihren Vermögensstand wieder zu stärken." H. Ringgren, "גֹּאֵל," *TWAT*, 1, p. 887, remarks, "Em einziges Mal, Num. 5,8 erscheint der go'el als Empfänger von Sühnegeld, hier natürlich in seiner Eigenschaft als verantwortliches Haupt der Familie (Sippe)."

PART TWO

THE LEVIRATE AND
GOEL INSTITUTIONS
IN THE BOOK OF RUTH

The Date and Purpose of the Book of Ruth

IN discussions on the goel marriage in the book of Ruth and its relationship to the levirate law in Deuteronomy 25, the question of the date of the book is of some importance. The problem of dating the book of Ruth is linked to some extent with the purpose of the book. This will be particularly evident when we discuss the widely held opinion that the book of Ruth has a polemical purpose, that is, to counteract the rigid nationalism becoming prominent during the time of Ezra and Nehemiah. We must therefore examine the arguments about the date and the purpose of the book,¹ and give particular, though not exclusive, attention to the view which dates the book in the postexilic period.

The Date of the Book of Ruth

Arguments for a Preexilic Date

In the ensuing discussion of the arguments for a post-exilic date for the book of Ruth we shall have occasion to

1. For a survey of this question in the early 1900's, reference should be made to two articles by Wolfenson, "Purpose of the Book of Ruth," *BS*, 69, 1912, pp 329-344, (hereafter cited "Purpose") and "The Character, Contents and Date of Ruth," *AJSL*, 27, 1911, pp. 285-300 (hereafter cited as "Character"). For amore recent survey cf. H. H. Rowley, "The Marriage of Ruth," *The Servant of the Lord*, 19652 pp. 171-194 and B. Vellas, "The Book of Ruth and its Purpose," *Theologia Athens*, 25, 1954, pp. 201-210. For other articles worthy of note, cf. G. Glanzman, "The Origin and Date of the Book of Ruth," *CBQ*, 21, 1959, pp. 201-207; O. Loretz, "The Theme of the Ruth Story," *CBQ*, 22, 1960, pp. 391-399; M. David, "The Date of the Book of Ruth," *OTS*, 1, 1941-42, pp. 55-63 (hereafter cited as "Date") J. L. Vesco, "La Date du Livre de Ruth," *RB*,

introduce certain counterarguments which suggest a preexilic date for the book. We begin here with a brief survey of authors who propose a preexilic date.

Several scholars are of the opinion that the book of Ruth has gone through several stages of transmission. Myers believes that "the book of Ruth as it now stands may thus be said to be the work of an exilic or early postexilic writer who set down in prose form an old poem transmitted orally for several centuries."²

In place of the twofold process as suggested by Myers, Glanzman sees three phases in the total process. "At first there was an Old poetic tale which circulated for some time in oral form.... Later on, in preexilic days, in the 8th or possibly 9th century, this story was put into prose and given a precise coloring of locale, religion, law, and custom which involved some expansion of the original nucleus. Finally, in the postexilic period, it was resurrected and put into the form in which we have it today."³

Margaret Crook has offered another solution, arguing that Ruth "is a twice-told tale, surviving in the form of a single document. . . . The Old Story is pre-Davidic; the Second Telling is associated with the Yahweh-purist reforms of the ninth century B.C. in the southern kingdom."⁴ The book was circulated around 832 after the overthrow of Athaliah (II Kings

74, 1967, pp. 235-247. For a recent full length treatment cf. J. Myers, *The Linguistic and Literary Form of the Book of Ruth*, 1955.

2. J. Myers, *op. cit.*, p. 64. He further remarks, "It is not claimed that the book of Ruth in its present form is poetic, but that its original poetic form is visible through its present transparent prose form. That original poetic form served as the vehicle for its oral transmission"; *op. cit.*, p. 2, Cf. A. Bruno, *Die Bücher Joshua, Richter, Ruth,—Eine Rythmische Untersuchung*, 1955. For a criticism of the work of Myers, cf. S. Segert, "Zum Problem der metrischen Elemente im Buche Ruth," *ArOr*, 25, 1957, pp. 190-200, and D. R. Ap-Thomas, "The Book of Ruth," *Exp.T*, 79, 1968, p. 369. J. H. Kennedy, "Ruth," *BBC*, 2, 1970, p. 465, suggests an approach similar to Myers. W. F. Albright has suggested a possible 9th century date for the underlying poem. Cf. "The Old Testament and Archaeology," in *Old Testament Commentary* ed. H. C. Alleman and E. E. Flack, 1954, p. 147.

3. G. Glanzman, *op. cit.*, p. 203.

4. M. Crook, "The Book of Ruth," *JBR*, 16, 1948, p. 155.

11), and the story of Ruth provided the people with-a.-revealing contrast to Athaliah.

Cannon suggests that the book originated in the time of Hezekiah. It was at this time that the prophetic voice proclaimed that a king would arise to rule over Israel from Bethlehem Ephrata (Mic. 5:1-5). Around this same time, in another oracle, Isaiah was saying that from the stump of Jesse would come the ruler in the power of the Divine Spirit to establish a kingdom of righteousness and peace (Isa. 11:1-10). This expectation "may possibly have aroused in the author of Ruth a desire to make known to his countrymen generally some of the local tradition of Ephrata about the ancestors of Jesse. ... He was most likely to write about the family history of Jesse at Ephrata at a time when the family and the village were prominent in prophetic aspiration."⁵

In more recent times a view which commends itself to some is that which dates the book during the reign of Solomon and sees it to be linked with the literature of the Solomonic enlightenment. Von Rad thus calls the story of Ruth "an extremely artistic guidance story" showing similarities of style and content to other literature coming from the period of the united monarchy.⁶

Gerleman agrees with the opinion of von Rad. He feels that the Moabite ancestry of David could not have been invented in the postexilic period. "So unbefangen, wie es in der Rutherzählung geschieht, hat man in der exilischen oder nachexilischen Zeit von David und seiner Herkunft nicht mehr reden können. . . . Es muss ein ganz bestimmter, Behr zwingender Grund gewesen sein, der den Rutherzähler veranlasst hat, seine Geschichte zu erzählen. Dieser Grund kann kein anderer sei- als eine alte Tradition von Davids Herkunft aus Moab. Die Notiz, die David mit Boas und Ruth verbindet,

5. W. W. Cannon, "The Book of Ruth," *Theology*, 16, 1928, p. 315.

6. G. von Rad, *OTT*, I, 1962, p. 52. Von Rad speaks of three major historical works coming from this period, "the history of David's rise to power (I Sam. XVI—II Sam. V.12), the history of the succession after David (II Sam. VI.12, 20 ff.—I Kings II), and the Jahwist history"; *op. cit.*, p. 49.

ist kein sekundärer Zusatz zu einer alten Erzählung. Im Gegenteil, diese scheinbar beiläufige Notiz ist als der ursprüngliche Kern zu betrachten, um dessentwillen die Rutherzählung entstanden ist."⁷ Hals also rejects the arguments for a postexilic date and concludes, "In summary then while compelling evidence fixing the date of the Book of Ruth is difficult to find, none can be brought which demands a late date, and at least one powerful argument, i.e., that based on the picture of David, makes the date in the Solomonic era likely. When this is combined with the way in which the theology and style of the Ruth narrative are so closely linked to the literature of the Solomonic enlightenment, the conclusion that the Book of Ruth is indeed to be dated in this same period commends itself highly."⁸

Arguments for a Postexilic Date

It will be well, at this point, to consider more specifically the arguments that have been advanced for a postexilic dating⁹ of the book of Ruth. They can be grouped under the following headings:¹⁰

7. G. Gerleman, *Ruth Dos Hohelied*, BK, 18, 1965, pp. 7-8.

8. R. Hals, *The Theology of the Book of Ruth*, 1969, p. 73. For the implication of the Davidic genealogy on the date of the book see n. 89. Similar arguments to those of Hals are presented by M. Lamparter, *Das Buch der Sehnsucht*, BAT, 16, 1962, pp. 15, 16. C. Goslinga, *Het Boek Ruth*, KV, 19522, p. 120, dates the book during the reign of Solomon and comments, "Misschien heeft Salomo zelf wel direct of indirect medegewerkt tot het doen beschrijven van de in ons boek vervatte gebeurtenissen." G. Ch. Aalders, *Oud-Testamentische Kanoniek*, 1952, p. 336, writes, "Misschien is het geschreven in den tijd van David zelf of onmiddellijk daarna." Others holding to a date in the early monarchy include L. Morris, *Ruth*, TOTC, 1968, p. 239; J. Mittelman, *Der altisraelische Levirat*, 1934, p. 16.

9. The following scholars express themselves in favor of a postexilic date: D. Harvey, "Ruth," *IDB*, 1962, p. 132; L. Smith, "Ruth," *IB*, 2, 1953, p. 830; O. Eissfeldt, *The Old Testament: An Introduction*, 1965, p. 483; G. Fohrer, *IOT*, 1970, pp. 251, 252; A. Weiser, *The Old Testament: Its Formation and Development*, 1961, p. 304; J. Gray, *Joshua, Judges, Ruth*, CB, 1967, p. 400; and many others. See below n. 11.

10. J. L. Vesco, *op. cit.*, pp. 235-247, talks about the evidence for dating in terms of "arguments litteraires, arguments juridiques et arguments théologiques."

(a) Arguments from a specific "Tendenz"--in particular that the book was written to counteract the narrow exclusivist marriage policies at the time of Ezra and Nehemiah.

(b) Arguments based on the fact that Ruth takes its place in the Hebrew canon not in the prophets, but in the third division, among the five Megilloth.

(c) Arguments from the language; in particular, the presence of Aramaisms and words characteristic of late Hebrew.

(d) Arguments based on the social and legal customs of the book.

Argument from Purpose

The view which sees the book of Ruth as a polemical work designed to refute and redress Jewish nationalism at the time of Ezra and Nehemiah has had many adherents.¹¹ The exponents of the polemical view say that the book was composed to counteract the one-sided particularism coming to expression in Ezra's policy of rooting out foreignly contracted marriages. It is, of course, true that the argument "for

11. Cf. H. H. Rowley, *op. cit.*, p. 173 n. 1 and L. Wolfenson, "Purpose," pp. 336-340 for older writers holding this view. L. Bettan, "The Book of Ruth," in *The Five Scrolls*, 1950, pp. 51, 52, writes, "Then, too, as to the purpose of the book, Geiger's supposition that it was written in protest of the stringent decrees of Ezra and his associates makes a strong appeal. It gives to the charming tale a direct and practical aim. It also satisfies our modern spirit of liberalism to know that the severe measures of Ezra, apparently devoid of religious toleration, did not go unchallenged in our literature." J. H. Kennedy, *op. cit.*, p. 466, refers to the emergence of "an enduring literary form superbly suited to make the Moabitish ancestry of David a challenge to racial arrogance and religious particularism in Israel." E. B. Cross, *The Hebrew Family*, 1927, p. 142, believes that "the book is a bit of fiction produced during the troublesome days following the exile.... Its motive is not to be denounced by those who stop to consider the grave injustice which was done to the foreign women and to their children by the purists who caused them to be suddenly cast adrift from home, father and husband. Behind the beauty of this idyl of the days of antiquity lies the defence of marriages with peoples of other tongues." B. Anderson, *The Living World of The Old Testament*, 1958, p. 450, places the book in the postexilic period, affirming that "even if the author did not intend a direct attack upon the policy of Ezra and Nehemiah, his delightful story, with its human interest and its spacious view of Yahweh's sovereignty, shows that tendencies other than narrow exclusivism were at work in postexilic Judaism." Similar opinions are held by A. Weiser, *op. cit.*, p. 304; G. A. Barton, "Ruth," *JE*, 1905, p. 577; J. Morgenstern, "The Book of the Covenant, Part II," *HUCA*, 7, 1930, pp. 177, 178; G. Knight, *Ruth and Jonah*, 1966², p. 10.

a postexilic date does not depend entirely on the question of purpose. Rather, it is combined with other evidence such as has been suggested above. It seems obvious that the strength of the additional arguments will be gauged by whether the book is *clearly* seen to be composed as a polemical attack on Jewish provincialism. If so, then additional arguments for a postexilic date will be viewed as solidifying the case. Some who date the book in the postexilic period, however, reject the idea that it was written to combat the harsh measures of Ezra and Nehemiah. Thus Eissfeldt argues, "Nor, as has often happened, may it be concluded from the fact that the narrator reports a mixed marriage and so evidently looks with favor on the foreign women (ii, 10), that we have here an explicit protest against the rigorous measures against mixed marriages which were carried out by Nehemiah and Ezra (Ezra X; Neh. 23-27). . . . For it is hardly possible to speak of a pronounced bias in the story. We may only say that the breadth of outlook towards another nation which appears here as in the book of Jonah is more readily intelligible in a later than in an earlier period."¹² This position should be carefully distinguished from that which sees the book, more directly, as a polemical tract. It is universalist without being polemical.¹³

12. O. Eissfeldt, *op. cit.*, p. 483. Similarly J. Gray, *op. cit.*, p. 400, writes, "Quite apart from the purpose of the book as a protest against the racial policy of Nehemiah and Ezra, which we do not admit, the liberal tone is related to the practical issues of the times, and we find that it has more relevance to the exilic or postexilic period than to any other." E. Würthwein, "Ruth," in *Die Fünf Megilloth*, HAT, 18, 1969, p. 5, maintains that the book had a purpose. The author's story was not merely told to entertain the hearer or reader. "Dieser [Zweck] ist gern dahin bestimmt worden, dass der Vf. mit seiner Erzählung von der treuen und tüchtigen Moabiterin gegen die rigoröse Praxis des Esra und Nehemia in der Mischehenfrage (Esra 9 f., Neh. 13:1 ff., 23 ff.) protestieren wolle. Aber diese Tendenz tritt nirgends so stark hervor, dass man Rt als Tendenzschrift in diesem Sinne erklären könnte."

13. N. Snaith, "The Historical Books," in *The Old Testament and Modern Study*, ed. H. H. Rowley, 1951, p. 96. See also A. S. Herbert, "Ruth," *PCB*, 1962, p. 31-6, who thinks of the book as a parable. "Its purpose was to awaken the people of God to their high privilege, and responsibility. The very exclusiveness of Israel's monotheism has as a necessary correlative the compulsion to, receive the Gentiles into the community of Israel. They have received the great revelation of

More recent opinion has reverted from the polemical view.¹⁴ In fact, some of the strongest opposition to it emanates from those who, themselves, hold to a postexilic date.¹⁵ Among opponents of this theory are those who view the book as having no particular purpose. R. Pfeiffer, who prefers a postexilic date for the book, suggests that the exclusivism in the postexilic community may have had an unconscious influence upon the author; yet "he simply set out to tell an interesting tale of long ago, and he carried out his purpose with notable success."¹⁶ Gunkel reacts very strongly against the search for any hidden lesson, other than the simply told one of human faithfulness: "So haben die Forscher nach einer verborgenen 'Tendenz' gesucht und dadurch—so sind wir überzeugt—die reizende Erzählung grausam miss-handelt. . . . Eine 'Tendenz' hat die Geschichte überhaupt nicht."¹⁷

God which must be kept free from the contaminations and dilutions of paganism, yet must be available for all, even a Moabite woman."

14. N. Snaith, *op. cit.*, p. 96.

15. O. Eissfeldt, *op. cit.*, p. 483, rejecting the idea of an explicit protest, thinks that "it is hardly possible to speak of a pronounced bias in the story." G. Fohrer, *op. cit.*, p. 251, reacts strongly against it, saying, "Not a single sentence suggests such a purpose." Cf. P. Joüon, *Ruth*, 1953², p. 6.

16. R. Pfeiffer, *IOT*, 19525, p. 719. Cf. N. Gottwald, *A Light to the Nations*, 1959, p. 519, "It is certainly better to accept it as a warmhearted story than to strain after occult meanings." Cf. H. Gressmann, "Ruth," *SAT*, 1922², p. 279: "Die meisten Forscher suchen im Buche Ruth nach einer verborgenen Tendenz... Und so wird man das Suchen nach einer besonderen Tendenz als überflüssig betrachten, ja als geschmacklos. Der Erzähler will nichts weiter als erzählen und ergötzen, und empfängliche Herzen werden sich noch heute der Schönheit dieser vom zarten Duft der Poesie umflossenen Sage freuen." See also H. Gunkel, "Ruth," *RGG*, 1930, p. 2182, "Die noch gegenwärtig häufig geäußerte Vermutung, das Buch wolle in den Kämpfen zu Esras und Nehemias Zeit, da alle Ehen mit Ausländerinnen getrennt werden sollten, für diese Partei nehmen, schießt vorbei. Solche Mischehen werden in der Erzählung nicht verteidigt, sondern nur als zuweilen vorkommend vorausgesetzt: R. muss eine Moabiterin sein, weil der Verfasser auf diese Weise eine wahrhaft heroische Treue, die selbst das Volkstum überschreitet, darstellen kann."

17. H. Gunkel, "Ruth," in *Reden und Aufsätze*, 1913, pp. 88, 89. He concludes on this point, somewhat facetiously, "Wer aber ausser der einfachen Wahrheit vom Lohn der Treue schlechterdings noch eine 'Lehre' mitnehmen will, dem möchten wir diese empfehlen, dass Manner gut tun, sich vor schönen und klugen Frauen, die ihren Willen durchsetzen wollen, in acht zu nehmen." Cf. L. Wolfenson, "Purpose," p. 341, "There is, accordingly, no acceptable theory of the purpose of

The book, is remarkably restrained if it is to be understood as a piece of protest literature. Cooke writes, "We may question whether Jewish readers in the time of Nehemiah would have detected a protest against his policy any more readily than we do in such a guileless piece of literature."¹⁸ Morris aptly states, "Moreover, it is not easy to see how the story effects the postulated polemic. After all, Ruth was not simply a foreigner. She was devotedly attached to an Israelite mother-in-law and she was a convert to the Jewish religion."¹⁹

A further objection to the polemical view is to be found in the reply the near kinsman when he refuse to marry Nehemiah such would have, been the time to introduce the Ruth. In any attack upon the narrow approach of Ezra and Moabite lineage of Ruth, which would then have provided the opportunity for Boaz to repudiate such prejudices.²⁰

Bewer has a different objection to the polemical view. The book dealing with a very special case in which Boaz marries Ruth, according to the ancient levirate custom. The case of Boaz was extraordinary and would not have served to make a case for intermarriage under normal circum-

our book which has thus far been proposed. It has, in fact, no set purpose any more than any other historical narrative." D. Harvey, *op. cit.*, p. 134, feels that "it is precisely this lack of polemic which makes the book of Ruth a positive and lasting witness on the side of universalism in any human situation." R. K. Harrison, *IOT*, 1969, p. 1061, remarks, "If one of the sons of Joiada son of Eliashib the High Priest, had been able to appeal to Ruth as a recently written 'tract for the times,' the Samaritan situation at that particular period would probably not have taken the course which it did subsequently."

18. G. A. Cooke, *Judges and Ruth*, 1918, p. XIII.

19. L. Morris, *op. cit.*, p. 240. Cf. also H. H. Rowley, *op. cit.*, p. 173. See also, by the same writer, *Israel's Mission to the World*, 1939, p. 46 f.

20. Cf. H. W. Hertzberg, *Die Bücher Josua, Richter, Ruth*, ATD, 9, 1965, p. 258: "Der 'Löser' lehnt nicht aus dem Grunde, weil Ruth eine Moabiterin sei—obwohl ihm das von Boas gesagt wird—, die Heirat mit ihr ab. Lage das Thema des Buches in dieser Richtung, so wäre hier der Ort gewesen, das anzubringen. Der Löser hätte so einen besseren Grund für seine Ablehnung als den jetzt angegebenen gefunden, und an Boas wäre deutlich zu machen gewesen, dass es recht und gut sei, sich über solche Vorurteile hinwegzusetzen." M. Weinfeld, "Ruth," *EJ*, 14, 1971, p. 519, writes, "If the story intended to imply such a tendency this would have come to expression in one way or another in the story itself, for instance, as a reason in the mouth of the kinsman for not marrying Ruth or as an opposition to this reason in the mouth of Boaz."

stances. Thus "it does not seem possible that the author who wrote the story for this polemic purpose should have laid himself open to such an objection."²¹

Cannon writes similarly: "If the book was meant for a polemic against Ezra's rule, it was singularly unsuited for that purpose, as it did not deal with a parallel case. The men rebuked by Ezra were residents in Judah who brought foreign wives there. But in the story in Ruth, Machlon, when resident in Moab, married there a woman of the country, and when she came to Judah as Machlon's widow, the *goel* was *obliged* to marry her, Moabite or not, or he could not redeem Machlon's land, as he was bound by social rules to do. It is quite a different situation from one combated by Ezra, and no use at all as an argument."²²

Bertholet notes the sixfold repetition of the term "Ruth the Moabitess" (1:22; 2:2, 6, 21; 4:5, 10) by the author as well, as his description of her as a "foreigner" (2:10). From these references, he believes a case can be made for dating the book in a period when the question of the permissibility of foreign marriages was a burning issue, which he sees as the time of Ezra and Nehemiah.²³ However, we must ask whether the terms noted by Bertholet constitute an emphasis. In any case, it is questionable whether the blessing of the Lord upon this special case of intermarriage would argue for a general liberalizing trend. Wolfenson caustically points out that "to cite the case of the happy marriage of Ruth and Boaz, who live long before even David, ... when David and Solomon and many others had-foreign wives in still later times and were censured therefore, would have had as much effect on the minds of the people of the of Ezra and Nehemiah as it would have now, i.e., none at all."²⁴ We believe there-

21. J. Bewer, "The Goel in Ruth 4:14, 15," *AJSL*, 20, 1903-1904, p. 206. Bewer's arguments for the dating of the book and for the levirate passages as late interpolations are discussed in chap. 8, "The Double Responsibility."

22. W. Cannon, *op. cit.*, p. 315.

23. A. Bertholet, *Das Buch Ruth*, KHC, 17, 1898, p. 52.

24. L. Wolfenson, "Purpose," pp. 339, 340. W. W. Cannon, *op. cit.*, p. 315,

fore, that the book cannot be understood as having been composed for the specific purpose of counteracting the marriage policies of Ezra and Nehemiah.

Before leaving this point we wish to devote some further attention to the opinion of those who believe that the book of Ruth is universalist without being polemical, and who seek to argue for a postexilic date from the universalistic character of the book; see above especially notes 12-15. It is certainly valid to speak of a universalistic tone in the book, but from this it is hardly possible to argue conclusively for a postexilic date. It must be noted that already during the reign of David there is evidence of a spirit of friendliness toward foreigners.²⁵ We do not accept all of von Rad's argument for linking the book of Ruth with the other so-called "Solomonic enlightenment" literature, but such a view certainly has worthwhile elements. In our opinion it is not possible to state precisely during which period of Israel's history a book with a universalistic tone may have been written.

Argument from the Place of the Book in the Canon

A second argument adduced as proof for a late date of the book is its place in the canon of the Old Testament. In the Hebrew Bible the book is found in the third division of the canon, among the Megilloth. It is important to note that the arguments on the date of the book are cumulative, and so this point must be seen as one among others.²⁶ Weiser be-

remarks, "If the book were regarded as polemical at all it would rather have to be regarded as directed against the severe enactment of Deut. XXIII:4 forbidding a Moabite from ever being admitted into the community of Jahweh as Ruth was. But we are quite unable to see any indication that the book has any controversial design of any sort." J. Schoneveld, *De Betekenis van de Lossing in het Boek Ruth*, 1956, p. 17 n. 40, asks, "Er blijkt immers nergens iets van een tegenstand, die overwonnen moet worden. Waarom zou de schrijver bovendien een onderwerp gekozen hebben, waarbij lossing en leviraat de hoofdaandacht vragen!"

25. Cf. I Sam. 22:3; II Sam. 6:10; 8:18; 10:2; 15:19 ff., 32 ff.; 11:27; 23:37.

26. Cf. D. Harvey, *op. cit.*, p. 132: "The combined evidence of the author's view of the past, the language of the book, its content and its place in the canon, points clearly to a postexilic date."

believes that the book's "position in the canon also suggests the period after the reform of Ezra and Nehemiah when a place could no longer be found for it in the second part and it was admitted amongst 'the writings . . .'"²⁷ Late acceptance as canonical Scripture, however, does not necessarily mean an equally late composition.²⁸ Apart from this, one must reckon with the very real possibility that the tradition preserved in the LXX, placing the book immediately after Judges, may have equal claim to be considered the earliest tradition.

Josephus, in his enumeration of the twenty-two canonical books, probably reckoned Judges and Ruth as one book.²⁹

The early canonical list of Melito of Sardis places Ruth after Judges.³⁰ Audet has published an old Hebrew-Aramaic list of the books of the Old Testament in which Ruth is reckoned not among the "Writings" but as one of the historical books.³¹ The difficulty of assessing this complex question may be seen in other evidence cited by Rudolph, who writes, "Fügen wir noch hinzu, dass im Prophetentargum, dem sogen. Targum Jonatan, Ru und Thr fehlen, also nicht zu den Tropheten' gerechnet wurden, so haben wir eine vom 1. nachchristlichen Jahrhundert nicht abreissende Tradition, dass im hebräischen Kanon Ru und Thr unter den Ketubim

27. A. Weiser, *op. cit.*, p. 304. Also G. Fohrer, *op. cit.*, p. 51.

28. J. Gray, *op. cit.*, 1) 398. L. Wolfenson, "Implications, of the Place of the Book of Ruth in Editions, Manuscripts, and Canon of the Old Testament," *HUCA*, 1924, p. 175, writes: "It is perfectly possible that a book could have been written in the times of David and then have been placed in the last division of a collection of books made as late as 100 or 150 of the present era, whose arrangement is as arbitrary as the relatively late Jewish classification into Prophets and Hagiographa."

29. Contra Apionen, I. 8

30. Eusebius, *The Ecclesiastical History*, IV, 26, 13-14, translation and notes H. Lawlor and J. Oulton, 1954, P. 133.

31. J. P. Audet, "A Hebrew-Aramaic list of the Old Testament in Greek Transcription," *JTS*, NS, I, 1950, pp. 135-154. This list was given in MS. 54 of the library of the Greek patriarchate in Jerusalem and is believed by Audet (p. 143) to go back to the first half of the 2nd century. The list begins: Genesis, Exodus, Leviticus, Joshua, Deuteronomy, Numbers, Ruth, Job, Judges. P. Kahle, *Cairo Geniza*, 19592, p. 218, calls it "possibly the oldest list available to us."

standen."³² Eissfeldt, in discussing the tradition represented by the LXX, writes, "Ruth, which in the canon of Jamnia was incorporated in the third part, the 'Writings,' here occupies its ancient position after the book of Judges."³³ The transfer from the ancient position to the "Writings", may be understood in the light of its liturgical use at major festivals, in common with the other books found in the "Writings."³⁴ Enough has been said to demonstrate that no far-reaching conclusion of dating can be drawn based on the book's presence in the third section of the Hebrew canon.

Argument from Language

Any assessment on the date of Ruth must take note of two undisputed factors: (1) that in general the vocabulary, syntax, and style are classical³⁵ and (2) that the book contains some Aramaisms. It has sometimes been suggested that the author, the postexilic period, may have deliberately attempted to archaize.³⁶ Myers rejects this, pointing out that in Ruth "regular forms and spellings predominate and that archaic forms are sporadic, a situation that would be just the reverse had there been a conscious attempt to archaize. Spelling, morphology, syntax, vocabulary, idiomatic phrases and expressions all appear to place Ruth in the same broad

32. W. Rudolph, *Das Buch Ruth, Das Hohe Lied, Die Klagelieder*, KAT, 17, 1962, p. 24.

33. O. Eissfeldt, *op. cit.*, p. 570.

34. W. Cannon, *op. cit.*, p. 318, writes, "For a period of at least 500 years Ruth was included in the 'Prophets.' But at some late time, which cannot be defined, a practice grew up among the Jews of reading liturgically certain books upon solemn occasions every year. These books were called 'the five Megilloth' and were read: the Song of Songs at Passover, Ruth at Pentecost, Lamentations at the 9th of Ab, Ecclesiastes at Tabernacles, Esther at Purim."

35. S. R. Driver, *Introduction to the Literature of the Old Testament*, 1912, p. 426, (hereafter cited as Introduction) comments, "The general Hebrew style (the idioms and the syntax) shows no marks of deterioration; it is palpably different, not merely from that of Esther and Chronicles, but even from Nehemiah's memoirs or Jonah, and stands on a level with the best parts of Samuel." See also R. H. Pfeiffer, *op. cit.*, p. 718.

36. G. C. Cooke, *op. cit.*, p. XV, M. David, "Date," p. 61. R. H. Pfeiffer, *op. cit.*, p. 718, acknowledges the style, syntax and vocabulary to be classical but goes

category with JE in the Pentateuch, Joshua, Judges, Samuel and Kings."³⁷

David has argued³⁸ for a probable date of writing during the exile, basing his view on two main pieces of data: social customs and legal regulations, and linguistic considerations. The first will be referred to at a later point, but it will be well to examine his latter arguments. He acknowledges that the style of the book of Ruth is noticeably different from that of Esther, Chronicles, Nehemiah, and Jonah; but this he attributes to the fact that the writer was well-versed in Hebrew literature and imitated the classical style. There are peculiarities of language in Ruth which belong to the vocabulary of a later period.³⁹ These make it certain that the classic style noted by Driver⁴⁰ and others was consciously imitated. Primarily, David refers to two Aramaisms:⁴¹ לְהַלֵּךְ (therefore) in 1:13 and וַיִּשְׁמַע (to confirm) in 4:7. Lattey and Harrison point out that there are only three places where *lahen* occurs in biblical Aramaic (Dan. 2:6, 9; 4:24) and both agree that it is open to question whether it does occur in Aramaic in the sense of "therefore."⁴² It is possible that *lahen* should be

on to say, "On the other hand the literary excellence of the book and the occurrence of a number of archaic verbal terminations may well be the manifestation of a gifted author's good taste and wide reading." In a review of Pfeiffer's book, in *JBL*, 61, 1942, p.124, W. F. Albright expressed himself strongly against a postexilic date: "It is true that the orthography is sometimes pretty bad, but neither vocabulary nor syntax suggests any Aramaic influence on the writer's Hebrew, so a post-exilic date is impossible, in the reviewer's opinion. Moreover, the background of custom and law is not only not post-exilic, but actually points to a pre-Deuteronomic The- reviewer would tentatively attribute the original composition of Ruth to about the 8th century B.C. and assume that the story was based on Bethlehemite oral tradition, which would account for the archaism of the customary law which it describes."

37. J. Myers, *op. cit.*, p. 32.

38. M. David, "Date," pp. 55-63.

39. M. David, "Date," p. 61.

40. See n. 35.

41. It is true that additional words are suggested as Aramaisms on the part of other scholars, but many recent commentators have argued that the number of late words are relatively few. Cf. P. Joüon, *op. cit.*, p. 11, who sets the number at four and W. Rudolph, *op. cit.*, p. 28, who argues that these four are not necessarily late.

42. C. Lattey, *The Book of Ruth*, 1935, p. XXXVII, "The case for a *lahen*

emended to *lahem*, as recommended by various scholars.⁴³ G. R. Driver maintains that *lahen* is a combination of a preposition and a pronoun and renders, "for those things would ye tarry till they (my still unborn sons) were grown? for those things would ye stay from having husbands?"⁴⁴ Gerleman similarly believes "[es] ist weder die aramäische Partikel 'deshalb' (Dan. 2:6, 9; 4:24) noch eine ungenaue Schreibung für הלהם (etwa mit einem auf בנים gehenden Suffix), sondern fem. plur. mit neutrischem Sinn und bezieht sich auf die von &oomi gerade erwähnten Bedingungen. 'Könntet ihr darauf warten', d.h., dass alle diese unsicheren und unwahrscheinlichen Dingen wirklich eintreffen werden."⁴⁵

Myers, discussing קים in 4:7, notes the several middle weak forms in the piel in early documents. He denies the relevance of this fact for a date of the original composition: "Since it is in an explanatory insertion, an Aramaic borrowing would not affect the question of date of the original, but only that of its final prose edition."⁴⁶

Many scholars today are expressing caution on the use of Aramaisms in the dating of a book.⁴⁷ We must therefore say,

meaning 'therefore' in Biblical Aramaic is thus so weak that it appears safer to treat it as a mistake here, no less than in Hebrew." R. K. Harrison, *op. cit.*, p. 1061, "There is, in any event, some doubt as to whether *lahen* ever occurs in Aramaic in the sense of 'therefore' and the reading in Ruth 1:13 is probably a corruption of *lahem*, 'to them,' which some versions adopted."

43. P. Joüon, *op. cit.*, p. 40; C. Lattey, *op. cit.*, p. XXXVII; R. K. Harrison, *op. cit.*, p. 1061; J. Mittelman, *op. cit.*, p. 17; J. Myers, *op. cit.*, p. 27.

44. G. R. Driver, "Problems in Aramaic and Hebrew Texts," *Analecta Orientalia*, 12, 1935, p. 64. Cf. also, S. R. Driver, *Introduction*, p. 427, "להן is the word which it is most difficult to reconcile with an early date; but it is possible that the Book, in spite of its interest in Bethlehem and David, was yet written in the N. kingdom, and preserves words current there dialectically."

45. G. Gerleman, *op. cit.*, p. 19.

46. J. Meyers, *op. cit.*, p. 19. Cf. S. R. Driver, *Introduction*, p. 427, "...קים cannot be defended as old-Hebrew, but the word occurs in a verse which is not needed in the narrative, and has every appearance of being an explanatory gloss."

47. J. Barr, *Comparative Philology and the Text of the Old Testament*, 1967, pp. 121-124; D. J. Wiseman, "Studies in Aramaic Lexicography," *JAOS*, 82, 1962, pp. 290-299. Cf. A. Hurvitz, "The Chronological Significance of 'Aramaisms' in Biblical Hebrew," *Israel Exploration Quarterly*, 18, 1968, p. 235: "Aramaisms may, however, be useful for arguing possible *late* date, but even then only after certain conditions have been fulfilled: (1) Distribution of the particular

along with Bentzen, "The Aramaisms in the book are not numerous enough to account for a late date."⁴⁸ It is easier to explain the presence of a few late words in an early document than to account for early forms in a late document.⁴⁹

Argument from the Social and Legal Customs

Further arguments involving the laws and customs featured in Ruth have a definite bearing on the question of date. Here we enter into a discussion of issues directly involving our immediate subject. David suggests that Ruth's choosing to glean in the field (2:2) soon after her arrival presupposes the provision mentioned in Deuteronomy 24:19, and therefore points to a time, after the Josian reformation for "it cannot be proved that in an earlier time a widow would have had the right to glean ears in a strange field without further petition."⁵⁰ However, even positing the Josian date for

Aramaisms (outside the problematic text under investigation) should actually be characteristic of late Hebrew sources; and (2) the accumulation of Aramaisms within the problematic text should be considerable. . . ." In any case—the book of Ruth gives no evidence of a heavy concentration of Aramaisms, which is one of the conditions he feels must be met. Cf. W. Rudolph, *op. cit.*, p. 28, "Die anfänglich recht umfangreiche Liste ist im Lauf der Zeit ziemlich zusammengeschrumpft."

48. A. Bentzen, *IOT*, 2, 1949, p. 185. Cf. also J. Myers, *op. cit.*, p. 28, "The number of relatively late words is at best very small. Most of the above words are much too rare to be labelled unqualifiedly as late." M. Weinfeld, "Ruth," *EJ*, 14, 1971, p. 522, examines the phraseology and expressions in Ruth which have affinities with early Israelite literature and believes that such a comparison shows that the considerable common phrases do not occur after the period of Elisha. He writes: "This may give an approximate clue for the date of the composition of the Book of Ruth and may also indicate the possibility that it was composed in Northern Israel. This supposition may solve the problem of the alleged Aramaisms and late linguistic traits in Ruth.... In the light of the other literary stylistic affinities with Northern literature, the strange words and forms in Ruth cited above may be explained as derived from the Northern Hebrew dialect." Cf. also S. R. Driver, *Introduction*, p. 427.

49. Cf. L. Morris, *op. cit.*, p. 236. S. R. Driver, *Introduction*, p. 427, remarks, "It seems to the writer that the general beauty and purity of the style of Ruth point more decidedly to the pre-exilic period than do the isolated expressions quoted to the period after the exile."

50. M. David, "Date," p. 56.

Deuteronomy, it is quite possible that such a practice existed as a custom prior to the time of Josiah.⁵¹ Moreover, it is possible to argue for a pre-Deuteronomic date for the book from the harvest scene in chapter two. The suggestion has been made that the men were reaping the harvest and the women were engaged in picking up that which was left by the reapers and bundling it into sheaves. This procedure was in violation of the law of Deuteronomy 24:19 and could lead to the conclusion that the Deuteronomic law was not in force at the time the author is writing.⁵² Furthermore, there is an emphasis in chapter two on the chance⁵³ encounter with Boaz. Through the kindness of God (2:20) Ruth has been brought to find some kindly person (2:13) who allows her to glean (2:22). There is a repeated stress on Ruth's being given permission to glean (2:7, 10, 13) and indeed it is suggested that in a different field Ruth might not receive such favorable treatment (2:22). All of this could be viewed as indicating a situation in which the law granting the widow permission to glean was not in force. Wolfenson concludes that it is "most likely that no Hebrew (or Jewish) writer, remembering all that this implies, could have written portraying a state of affairs so manifestly pre-Deuteronomic as Ruth unless he had lived in that period."⁵⁴ In our opinion Wolfenson and Rudolph (cf. n. 52) have given telling arguments against those presented by David, but both arguments ignore the possibility that the laws of God might have been set forth, but were not controlling the actions of men. Apart from such consider-

51. David's approach fails to take into consideration the now more commonly accepted differentiation between the date of a document and the date of its contents. Cf. W. Rudolph's remarks against David's identifying the age of a custom with the date of a document, *op. cit.*, p. 27. See chap. 10, nn. 11-14.

52. L. Wolfenson, "Character," p. 297. W. Rudolph, *op. cit.*, pp. 26, 27, introduces a similar type of argument, for an early date for Ruth, remarking, "Auf vordeuteronomische Zeit führt auch, class in 1, 4 die Heirat der Söhne Elimelechs mit Moabiterinnen ohne Tadel berichtet wird: Wie wäre das möglich, wenn Dt. 23:4 in Kraft gewesen wäre . . ."

53. Cf. chap. 7, n. 5.

54. L. Wolfenson, "Character," p. 297.

ations, it is clear that Israel, along with her Near Eastern neighbors, at a very early stage in its history, felt the obligation to care for the poor, the widow, and the stranger.⁵⁵ It would be wrong to interpret the harvest scene in an excessively legalistic fashion.

David also seeks to prove a late date for the book of Ruth from the fact that Naomi displays an erroneous understanding of the law of levirate marriage. Naomi in 1:11, 12, turns to her daughters-in-law and declares, "Turn back, my daughters, why will you go with me? Have I yet sons in my womb that they may become your husbands? Turn back, my daughters, go your way, for I am too old to have a husband. If I should say I have hope, even if I should have a husband this night and should bear sons, would you therefore wait till they were grown? Would you therefore refrain from marrying?" David's point is that Naomi is saying in effect that "children born from a father other than the deceased husbands are obliged to contract levirate marriages."⁵⁶ According to him, this would have worked contrary to the regulation of levirate marriage, since by such marriages Orpah and Ruth would have been cancelled as members of their dead husbands' family and would have joined another family. He concludes, "Such a wrong conception which is imputed to Naomi can be best explained by the supposition that it dates from a time when the levirate marriage was no longer the custom. Now this was at any rate the case in the time of the exile and in the postexilic period of Israel."⁵⁷ This passage

55. Cf. F. C. Fensharn, "Widow Orphans and Poor in Ancient Near East Legal and Wisdom Literature," *JNES*, 21, 1962, p. 139: "It is, however, surprising at what early stage in the history of the ancient Near East the compulsion was felt to protect these people. I do not think that it is correct to speak of borrowing of ideas concerning our subject. It was a common policy, and the Israelites in later history inherited the concept from their forebearers, some of whom had come from Mesopotamia, some had been captive in Egypt, and others had grown up in the Canaanite world." Cf. N. Porteous, "Care of the Poor in the Old Testament," *Living the Mystery*, 1967, p. 154; H. von Waldow, "Social Responsibilities and Social Structure in Early Israel," *CBQ*, 32, 1970, pp. 183, 185.

56. M. David, "Date," p. 58.

57. M. David, "Date," pp. 58, 59. J. Mittelman, *op. cit.*, p. 18, as over

will be discussed in greater detail later⁵⁸ and so we will be brief at this point. In the face of the emotionally-laden scene where Naomi's words occur, it is improper that her words be scrutinized for exact legal terminology. The whole scene militates against expecting at this point in the story precisely worded statements on the customs and laws involved.⁵⁹

The statement concerning the ceremony of the shoe (4: 7) is used as well for dating the book of Ruth. Some scholars are of the opinion that the necessity to explain the custom concerning property transactions arose because "a considerable period"⁶⁰ had intervened between the time of the narrator and the events in the story itself. The explanation must have originated in a period in which written contracts had taken the place of the shoe transaction ceremony. The question then becomes, When did written documents come into existence in property transactions? One piece of biblical evidence

against David maintains, "Dies ist einer von den Gründen, die uns hindern, das Buch Ruth, wie es die herrschende Meinung bisher tat, in die Zeit zwischen Deuteronomium and Talmud zu datieren, sondern uns veranlassen, vordeuteronomische Entstehungszeit anzunehmen, da die Worte der Naomi (Ruth I, 11-13) nur in einer Zeit geäußert werden konnten, in der das deuteronomische Leviratsgesetz mit den Worten *ki jaesebu'ahim jahdaw* noch nicht in Geltung war." W. Rudolph, *op. cit.*, p. 26, adheres to an early date for Ruth: "Für die chronologische Einreihung von Ru ist die Erkenntnis entscheidend, dass die hier vorausgesetzten Anschauungen fiber den Levirat alter sind als das Leviratsgesetz des 622 an die Öffentlichkeit getretenen, um 700 entstandenen Deuteronomiums...." His deduction from Ruth 1:11 is "*dass Ru älter ist als die deuteronomische Gesetzgebung*"; *op. cit.*, p. 63.

58. See chap. 6.

59. A difference must be made between drawing conclusions from the statements on laws and customs placed in the mouth of Naomi and those such as are made in 4:5, 7. We accept Mittelman's contention (arguing against the suggestion that the book of Ruth is a literary work by one uninformed about legal matters) "*dass der Verfasser des Buches Ruth ausgezeichnete Rechtskenntnisse besitzt*"; *op. cit.*, p. 19. However, in portraying Naomi's despair, it may not have served the author's purpose to speak in precise legal terminology. His main intent was to describe her feeling of hopelessness.

60. O. Eissfeldt, *op. cit.*, p. 483. J. Gray, *op. cit.*, p. 399, writes "The explanation of the custom in the transaction of redemption (4:7) clearly refers back to former times, to a custom long obsolete." Cf. R. Pfeiffer, *op. cit.*, p. 518; L. P. Smith, *op. cit.*, p. 830; N. Gottwald, *op. cit.*, p. 518. P. Joüon, *op. cit.*, p. 86, writes: "La nécessité de l'explication se comprend beaucoup mieux si l'auteur écrit apres l'exil, alors que le long séjour en Babylonie avait oblitéré en partie la connaissance des anciennes moeurs."

which may provide a clue to written documents on property transactions is Isaiah 10:1, 2. In addition, we have the incident of Jeremiah's purchase of the field (32:6-15), which provides us with a more detailed view of property transactions. Presumably—so it is argued—a writer in the early monarchy would not need to give his readers an explanation of the older custom, whereas a writer at the time of Jeremiah or at the time of the exile or later would need to do so, since the older ceremony for transferring property was no longer extant, having been replaced by written contracts.

Mittelman believes that Ruth 4:7 gives weighty evidence for an early date for the book. He maintains that 4:7 is an editorial insertion⁶¹ by a postexilic scribe who is explaining to his contemporaries the significance of a ceremony, whose meaning had been lost in the exile. This makes it necessary that the book itself be composed before the 7th century, at which time the ceremony of the shoe functioned in connection with the laws for redeeming property. The statement "before the 7th century" is based on the fact that during the lifetime of Jeremiah written deeds served to attest geullah property transactions. The meaning of the shoe transfer was different in Ruth than in Deuteronomy. "Wenn auch die Juden im babylonischen Exil die *halisa* des deuteronomischen Schwagerehegesetzes kannten, so konnten sie dennoch nicht begreifen, was die Schuhübergabe im Buche Ruth zu bedeuten hat. ... Um nun Missverständnisse bei den Lesern des Buches Ruth zu verhüten, hat der Glossator eingegriffen und die für den Rechtshistoriker Behr interessante Erklärung 4, 7, gegeben."⁶² It is, however, questionable whether 4:7 should be seen as an editorial insertion.⁶³ It was the use of written

61. J. Mittelman, *op. cit.*, pp. 23, 24. Also L. Wolfenson, "Character," pp. 293, 294.

62. J. Mittelman, *op. cit.*, p. 24.

63. According to W. Rudolph, *op. cit.*, p. 29, Ruth 4:7 is a hindrance to dating the book during the time of David or Solomon. Rudolph is not inclined to view it as an editorial insertion. He writes: "Dass jener symbolische Rechtsbrauch so früh schon hätte vergessen sein sollen, ist schwerlich denkbar, und in 4, 7 eine spätere Glosse zu sehen, liegt nicht der mindeste Grund vor; denn dass eine

documents in legal attestation of property transfers which expunged the memory of the use of the shoe in former times, rather than the gap of the exile.⁶⁴ In my opinion serious consideration should be given to the view of Weinfeld, who states: "This change in the judicial-legislative reality does not necessarily imply a big gap in time between the event and its description. The establishment of the monarchy itself caused a great turning point in the economic-social life and even a few decades would be enough to create this transition in the judicial sphere."⁶⁵

Sometimes an argument drawn from a comparison of the shoe ceremony in Ruth with the one in Deuteronomy 25 is offered on the date of the book. Hals regards the ceremony in Ruth as preceding that of Deuteronomy. He writes: "It seems more natural to regard the shame attached to the removal of the sandal in Deuteronomy 25 as a later specialization, in one particular direction, of an older, broader, morally neutral practice than it does to theorize that the simple attestation ceremony envisaged in Ruth 4:7 could have evolved out of a prior ceremony of reproach as described in Deuteronomy, of whose original distasteful significance the late writer of the Book of Ruth was no longer aware."⁶⁶ Such reasoning, however, or its reverse is questionable in the light of the material differences⁶⁷ between the two ceremonies (e.g., the spitting in the face mentioned in Deut. 25 but not in Ruth 4).

We have examined the evidence for the postexilic date of the book and can see no compelling reason to date the book

fliessende Erzählung unterbrochen wird, wenn sich eine Erläuterung dazwischenschiebt, ist nun einmal nicht zu ändern.... Meiner Meinung nach fehlt uns tiefer Anhaltspunkt, um die Entstehungszeit von Ru innerhalb des Zeitraums von 1000-700 genauer festzulegen, nur dass die Rücksicht auf 4, 7 näher an die untere Grenze heranzugehen heisst...."

64. W. Rudolph, *op. cit.*, pp. 27-28.

65. M. Weinfeld, "Ruth," *EJ*, 14, 1971, p. 521.

66. R. Hals, *op. cit.*, pp. 66, 67.

67. Cf. O. Eissfeldt, *op. cit.*, p. 483. For the differences between the two ceremonies, see further chap. 8, "The Refusal of the Goel and the Ceremony of the Shoe."

of Ruth as postexilic. The wide variety of suggestions for dates, from Davidic times to the period after the exile, should caution us against being overly dogmatic.⁶⁸ The book is undoubtedly later than the events it portrays. The Rabbinic tradition that it was composed, by Samuel (Talmud, Baba Bathra, 14b) does not appear likely, particularly if one accepts the genealogy as original to the composition of the book.⁶⁹ Our study has led us to rule out an exilic or post-exilic date for the book. We are inclined to follow authors such as von Rad, Gerleman, Hals, and Goslinga, and to date the book during the period of the Solomonic enlightenment.⁷⁰ We are unable, however, to be rigid on the point and do not feel that a dogmatic conclusion on the exact date is crucial to the discussion of the relation of goel marriage to the levirate law in Deuteronomy 25.⁷¹

The Purpose of the Book of Ruth

Examining the question of the purpose of the book of Ruth, we are again confronted with a variety of opinions. It is our intention to briefly survey the suggestions which have been put forward. As will be seen, it is not possible to make sharp distinctions between the suggestions in every case, since they often overlap. In our discussion on the date of the book of Ruth we have already seen that some scholars say that the purpose of the book of Ruth is to offset the rigid exclusivist

68. A. Bentzen, *op. cit.*, p. 185, comments, "The time from the later periods of the monarchy down into the post-exilic days is the land of wide possibility with which we have to reckon."

69. See chap. 9, "Boaz' Son."

70. See nn. 6-8, 89.

71. The commonly accepted approach to the question of the evolution of the levirate is as follows: If Ruth is a postexilic book, then the development of the levirate in Israel broadens from brothers to more distant relatives performing the levirate. If Ruth is not postexilic but is written sometime in the early monarchy, the development of the levirate follows a narrowing process; i.e., from more distant relatives performing the levirate to the Deuteronomic law (supposedly dating from the 7th century) where only brothers dwelling together" are obligated to the levirate responsibility. We do not accept the presuppositions of this method of reasoning. See chap. 10.

policies of Ezra and Nehemiah. We have rejected this opinion above.

The Interesting-Story Purpose

There are some scholars who see the book primarily as an interesting tale told with artistic skill. McKane represents such a position when he remarks, "It may be said in the first place that his intention was to tell a good story He found pleasure in the exercise of his gifts as a story teller and wrote to divert and entertain."⁷² Usually, that the story aspect of the book may not be undercut, this approach is combined with the rejection of the idea that the book contains any hidden purpose.⁷³ Gunkel seeks to do justice to the unique narrative form⁷⁴ of the book. In so doing, he limits the teaching of the book to the simple truth of how faithfulness is rewarded.⁷⁵ However, the recognition of the author's distinctive literary gifts need not curtail inquiry into his message. It may very well be that the author's consummate artistry enables him to weave multiple purposes into the narrative. Most studies of the book of Ruth, while often suggesting One main

72. W. McKane, *Tracts for the Times: Ruth, Esther, Lamentations, Ecclesiastes, Song of Songs*, 1965, p. 12.

73. Cf. nn. 16, 17.

74. Cf. too W. F. Albright, *Archaeology and the Religion of Israel*, 1953, pp. 22, 23: "The Israelites had developed a previously unknown type of narrative style, simple and direct, equally suited for recounting tales and for recounting historical episodes.... The delicacy of the story of Ruth remains unsurpassed anywhere; Ruth's loyalty to her mother-in-law, the scene between her and Boaz in chapter three, and the final episode with Naomi (4:14-17) are gems of world literature." For recent treatments of the literary form of Ruth, cf. S. Bertman, "Symmetrical Design in the Book of Ruth," *JBL*, 84, 1965, pp. 165-168; D. Rauber, "Literary Values in Ruth," *JBL*, 89, 1970, pp. 27-37. The latter is particularly helpful for an evaluation of how the literary form of the book relates to its purpose. He writes (pp. 35, 36): "But once it is admitted that Ruth is an artistic creation of very high order, it follows that we must become more cautious about making easy judgments about its significance and purpose.... The task of the literary critic is to explore the complex world of the artist and to suggest ways in which we can respond as fully as possible to its multiplicity, its suggestiveness, its richness. But all of this is denied us, if lurking in the back of our minds is the secret conviction that art is really little more than the decorative embellishment of the prosaic, that the purpose of a great literary artist can be reduced to copybook maxims."

75. H. Gunkel, "Ruth," in *Reden and Aufsätze*, p. 89.

theme, nevertheless go on to indicate supplementary purposes.

The Exemplary Purpose

Some have seen in the book an edifying story, similar to Job, teaching the lesson of faithfulness under circumstances both of human felicity and misfortune.⁷⁶

Eissfeldt feels the book is primarily interested in portraying the fortunes of the two women, both of whom must be regarded as heroines. The religious content, though not stressed, is important as well. Yahweh cares for the widow and rewards fidelity in human affairs. Along with these two features the legal institution of redemption forms an additional fascinating facet of the narrative, heightening its tension.⁷⁷

Bettan sees as the all-embracing theme of the book the law of human kindness which transcends national boundaries.⁷⁸

Vellas argues that the main point of the story is its stress on family unity.⁷⁹

Others conclude that through the story of Ruth the reader is granted an inside picture of the Israelites in the ordinary events of their lives, as lived under the influence of the Torah.⁸⁰

76. G. Fohrer, *op. cit.*, p. 251. He goes on to suggest that "the author gave it a more profound religious significance by connecting it with faith in Yahweh's benevolent providence." Cf. also, E. Würthwein, *op. cit.*, p. 46, who calls the book a "Beispielzahlung von echtem טובה." On the importance of this term in the book, see chap. 7, n. 7.

77. O. Eissfeldt, *op. cit.*, p. 482.

78. I. Bettan, *op. cit.*, p. 53.

79. B. Vellas, *op. cit.*, p. 209. Cf. also, N. K. Gottwald, *op. cit.*, pp. 519, 520, "In conclusion, there are probably two purposes in the book. As it stood originally, Ruth praised the strong family ties of Israelite society.... In the later telling of the story, the heroine's Moabitic ancestry came to be emphasized and Jews tended to draw the lessons of kindness and receptivity toward proselytes...."

80. Cf. J. Carlebach, Einleitung in das Buch Ruth, in *Jüdische Studien Jozef Wohlgenut zu seiner. 60. Geburtstag*, 1928, p. 3: "Das Buch Ruth ist das einzige, das uns einen Einblick in das Innenleben unseres Volkes in seiner klassischen Zeit gewährt.... Hier werden wir leibhaftig nach Bethlehem geführt und werden Zeugen, wie unsere Väter unter Einfluss und Erziehung der Tora lebten und

The Theological Purpose

There has been a temptation, arising from the skillful literary form of the book, to concentrate on the human personalities, or at least on the human performances, involved in the story, and to place the activity of God in a secondary light. That several recent writers have emphasized the latter as the primary thrust of the book is to be welcomed.⁸¹ In the opinion of Rudolph, "Ru will wie der Grossteil des alttestamentlichen Schrifttums nicht von Menschen reden, sondern von Gott; nicht eine Galerie edler Menschen sollen wir bewundern, sondern lernen, wie Gott handelt."⁸²

Jepsen articulates the view that Ruth is a book of comfort, which wonderfully illustrates how hopelessness may be transformed into hope through divine intervention. Naomi, Ruth and Boaz appear as the main characters. Naomi's despair is changed into joy with Ruth and Boaz playing their parts as the instruments through which God works the impossible and brings the improbable into being. "So ist das Buch recht eigentlich ein Trostbuch für verzagte und verzweifelte Menschen, weil es in aller scheuen Zurückhaltung eben doch von Gottes Handeln redet."⁸³ Specifically, it is a book of

webten, ja die geheimsten Regungen ihrer Seele werden uns in lichter Klarheit verdeutlicht." See also the title of the book of K. H. Miskotte on Ruth: *Het gewone leven*, 1939.

81. One of the most helpful discussions in this connection is that of R. Hals, *The Theology of the Book of Ruth*, 1969.

82. W. Rudolph, *op. cit.*, p. 32. He adds, "Gewiss verwendet der Erzähler alle Sorgfalt auf die Zeichnung der einzelnen Charaktere.... Aber dass Ruth auf den richtigen Acker kommt, ist Jahwes Führung; dass der kluge Plan der Noomi gelingt, ist Jahwes Gnade, und dass der Ehe des Boas der erwünschte Sohn entsprosst ist Jahwes Geschenk"; *op. cit.*, p. 33. L. Morris, *op. cit.*, p. 242, comments, "This book is a book about God. He rules over all and brings blessings to those who trust him." Cf. P. Humbert, *op. cit.*, p. 284, "Dieu done est l'acteur supreme." Cf. also H. W. Hertzberg, *op. cit.*, pp. 259, 260.

83. A. Jepsen, *op. cit.*, p. 423. Jepsen provides us with an example of one who argues directly from purpose to date. He draws a parallel between the themes of the book and the time of the exile. "Und wenn nun berichtet wird, wie aller Verzweigung und allem Zweifel zum Trotz der Naemi doch eine neue Nachkommenschaft beschert wird, so war das gerade für die Verbannten in ihrer Verzweigung ein Wort, das sie aufrichten und mit neuem Mut erfüllen konnte. So wird

comfort for the people in exile. "So lassen sich die wesentlichen Gedanken und Bilder des Buches Ruth aus Deuteronomus belegen. Damit dürfte es deutlich sein, dass der Sinn des Buches von den Hörern der Exilszeit ohne weiteres verstanden werden konnte als ein Wort des Trostes für das Volk in all seiner Hoffnungslosigkeit, durch den Hinweis auf einen goel, der sich der Verlassenen annimmt."⁸⁴

In this connection we would also mention Gerleman (although he also belongs under the "Davidic-Ancestry" category) who describes the book as a "Führungsgeschichte."⁸⁵

The Divine activity is not to be seen in visible miracles but in the control over the human heart. This "Führungsgeschichte" is most notably related to the Moabite ancestry of David:

"Die Ruthgeschichte will den Nachweis erbringen, dass der moabitische Einschlag in der Abstammung Davids von Jahwe selbst gewollt und bewirkt ist."⁸⁶ The book very noticeably brings to mind the patriarchal history (famine, Gen. 12, 26; childlessness, Gen. 16 f.; 25:21; 29:31; 30; and purchase of property, Gen. 23). This literary correspondence is grounded in their similar theological function: "Sie Sind Vorgeschichten der beiden grossen Heilssetzungen, auf welchen die ganze Existenz Israels vor Jahwe ruhte: Sinaibund und Davidbund."⁸⁷

sich nicht leugnen lassen, dass das Buch bei dieser Deutung gerade in der Exilszeit gut verständlich wird"; *op. cit.*, p. 424. In further support of his contention he draws attention to the parallel terminology of childlessness (Isa. 49:21), unfruitfulness (Isa. 54:1), and widowhood (Isa. 47:8, 9). "Israel hat als die kinderlose, unfruchtbare Witwe, als das verlassene Weib von der Zukunft nichts mehr zu erwarten, so wenig wie die ihrer Kinder beraubte Witwe Naemi"; *op. cit.*, p. 425.

84. A. Jepsen, *op. cit.*, p. 427.

85. G. Gerleman, *op. cit.*, pp. 9-11.

86. G. Gerleman, *op. cit.*, p. 10.

87. G. Gerleman, *op. cit.*, pp. 10, 11. H. Lamparter, *Das Buch der Sehnsucht*, BAT, 16, 1962, p. 19, writes: "Was Ruth erlebt, ist nicht nur ein Stück Familien und Sippengeschichte. Ihr Individuelles Geschick ist von dem hohen Plan des Herrn umfasst, der in dem Davidsbund (2 Sam. 7, 1 ff.) zu seiner heilsgeschichtlichen Erfüllung kommt.... Der Verfasser will an dem Schicksal Ruths zeigen, wie der Herr, der Gott Israels, auf Grund seiner freien Gnade, die das Verachtete erwählt, Menschen zu Werkzeugen seines Heilsplans macht, der auf die Heimkehr aller, Israels und der Heiden, zielt."

The Davidic-Ancestry Purpose

As we saw already in the view of Gerleman, the theological purpose of the book is sometimes related to the ancestry of David. According to Hals, "the story has a theological purpose which pervaded the entire book, namely, to bear witness to God's hidden control of history by tracing his hand in the ancestry of David."⁸⁸

There are a number of scholars who accept the tradition of a Moabite ancestry for David and regard the genealogy of Ruth 4:18-22 as genuine. For such scholars the book's primary, though not exclusive purpose, is to provide this genealogy;⁸⁹ in greater or lesser measure they emphasize that the

88. R. Hals, *op. cit.*, p. 75. After analyzing the direct and indirect references to God within the book he concludes (p. 19), "When the narrative 'trimming' is stripped away, the story of Ruth takes its place as simply one more bit of *Heilsgeschiede*, for it clearly aims to trace the background of the great David. In fact, the story could well be described as messianic history, for it serves to trace the plans of God which lay behind the Davidic dynasty."

89. S. R. Driver, *op. cit.*, p. 425; E. J. Young, *IOT*, 1949, p. 359; R. K. Harrison, *op. cit.*, p. 1063; N. H. Ridderbos, "Strekking en Betekenis van het Boek Ruth," offprint of an article in *SVU*, 52, 1952, p. 'Aafders, *Oud Testamentische Canoniek*, 1952, p. 336. L. Morris, *op. cit.*, pp. 317, 318, does not believe that the genealogy is a later addition. However, he does not think that the story was "written to lead up to the genealogy and thus to provide an ancestry for the great King David.... It is too obviously an appendix, a mere addition to the main story for this to be at all plausible." Nevertheless he states (p. 318), "The issue of the marriage of Boaz and Ruth was to lead in due course to the great King David, the man after God's own heart, the man in whom God's purpose was so signally worked out.... A genealogy is a striking way of bringing before us the continuity of God's purpose through the ages." P. Verhoef, "Die Genealogie van Dawid," *Ned. Geref. Teologiese Tydskrif*, 5, 1964, pp. 114-117, discusses the question, Why was the mention of Ruth omitted from the genealogical records in Samuel, Kings and Chronicles? He notes the mention of several foreign women (vv. 3, 17, 34, 35) within the genealogical registers of I Chron. 2 where there is brief mention of David's ancestry. He concludes: "Die genealogie van Dawid ontbreek in die boek Samuel en word elders in die Ou Testament onvolledig weergegee, dit wil se, met die verswyging van sy Moabitiese stammoeder, omdat die gegewens reeds volledig in die boek Rut vermeld was"; *op. cit.*, p. 116. Verhoef (p. 117) sees three implications from this conclusion. "Ten eerste, dat die skrywers van die boeke Samuel en Kronieke met die boek Rut bekend was, en dat die inhoud van laasgenoemde boek in die algemeen soveel bekendheid verwerf het dat die bedoelde skrywers dit oorbodig geag het om dieselfde besonderhede in verband met die geslag van Dawid in hulle eie geskrifte te verstrek; ten tweede, dat die boek Rut dus vóór die boeke Samuel en Kronieke

book of Ruth shows how God's direction was present in the ancestry of David. The omission of a genealogy for David in the books of Samuel and the reference in I Samuel 22:3⁹⁰ to David's contact with Moab are understandable in the light of the data supplied by the book of Ruth, and such a purpose supplies a plausible reason for the inclusion of the book in the canon.

Loretz ties in the Davidic ancestry theme with the main motif, which he feels is the marvelous preservation of the "name." This preservation occurs through the conjunction of divine activity with the everyday events of the human participants through which "the family of Elimelech and therefore its 'name' has been preserved, and still more, has been found worthy to form the illustrious line of the Davidic ancestry."⁹¹

moes tot stand gekom het... ; ten derde, dat die prim'ere doel van die boek Rut dus inderdaad daarin bestaan het om die genealogie van die groot koning Dawid te bied...." C. J. Goslinga, *op. cit.*, p. 124, remarks, "Reeds werd geconstateerd dat de bedoeling van het boek Ruth is om te laten zien, uit welke en uit hoe edele voorouders koning David gesproten is en hoe daarbij ook een heidin-van-afkomst door God niet is versnaad, maar in het voorgeslacht van David opgenomen." G. Gerleman, *op. cit.*, p. 8, concludes that a Moabite ancestry for David must be an authentic tradition but goes on to say, "Diese vorauszusetzende Tradition ist Behr bald als eine schwere Belastung empfunden worden. In dieser Lage is die Rutherzahlung als ein Euphemismus entstanden. Es ist hier der Versuch gemacht worden, die harmvolle und zählebige Moabitertradition, die der davidischen Herkunft anhaftete, zu beschoriigen und unschadlich zu machen." This is accomplished through the Judaizing of Ruth! A. Bentzen, *op. cit.*, pp. 185, 186, does not believe the book gives much reliable evidence but acknowledges, "The only moment of historical importance may be a tradition of *David's Moabite ancestry*, and accordingly the main part of the story of Ruth's marriage may be good history. P. Joüon's terse statement is, "Une histoire edifiante relative aux origines de David"; *op. cit.*, p. 2. Cf. G. Smit, *Ruth, Ester, en Klaagliederen*, TU, 1930, pp. 9, 10; J. J. Slotki, "The Book of Ruth," *The Five Megilloth*, ed. A. Cohen, 1946, p. 39. The argument that the genealogy in Ruth 4 is secondary because it conflicts with the basic thrust of the narrative is discussed in chap. 9, "Boaz' Son."

90. For a different opinion on I Sam. 22:3, cf. J. Gray, *op. cit.*, p. 402. O. Eissfeldt, *op. cit.*, p. 480, maintains that such a verse "gives no more basis for postulating connections of kinship between the house of David and Moab than does David's flight to Achish of Gath suggest that we may conclude kinship between his family and the Philistines." No one, however, maintains that from I Sam. 22:3 alone it can be validly deduced that there was a connection of kinship between the house of David and Moab. The point is this: the tradition of Moabite ancestry, as preserved in Ruth, makes the incident in I Sam. 22:3 understandable.

91. O. Loretz, *op. cit.*, pp. 398, 399.

The Legal Purpose

In concluding this survey, we must make mention of an approach to the book which brings us most directly into contact with our immediate subject. Brongers affirms that the writer of the book of Ruth is attempting to revive and expand the old levirate practice.⁹² Reasoning from the data in chapter four, he remarks, "De inhoud van dit caput nauwkeurig bestuderende kan de conclusie Been andere zijn, dan dat hier een poging wordt gedaan, aannemelijk te maken, dat het begrip lossing (geoella) onder bepaalde omstandigheden de plicht van het zwagerhuwelijk (leviraat), ook in zijn meest uitgebreide vorm, behoort in te sluiten. Gepropageerd wordt hier een uitbreiding van de plicht tot lossing, een uitbreiding die er volgens de schrijver in de oude tijd altijd was geweest, maar in de tegenwoordige tijd in onbruik was geraakt."⁹³ It is writing designed to institute a social reform, both in the institution of the goel as well as in that of Levirate marriage. The writer skillfully weaves together a story combining the duty of levirate marriage with the duty of redeeming the family property. There are no laws which speak of the goel duty involving marriage to the widow. Correspondingly, one finds no suggestion within the levirate law that any one other than the brother of the deceased was to perform the duty of levirate marriage. There is therefore, according to Brongers, an extension of the goel function as well as the levirate idea. In Ruth 3:13 "de *go'el* moet hier doen wat des

92. Some have seen the book as recommending the practice; others as expanding the practice. E. B. Cross, *The Hebrew Family*, 1927, pp. 164, 165, sees the book as a protest against the interdict on marriage with foreigners, but feels in addition that the "narrator may have hoped that those who would render the custom of the levirate obsolete might in reading this be led to feel their comparative narrowness of spirit." S. R. Driver, *Introduction*, p. 426, writes, "It is, however, not impossible, considering the prominence given to this subject in C. 3-4, that it is a collateral *didactic* aim of the author to inculcate the duty of marriage on the part of the next-of-kin with a widow left childless."

93. H. Brongers, "Enkele Opmerkingen over Het Verband Tussen Lossing en Leviraat in Ruth IV," *NedThT*, 2, 1947-48, p. 2.

leviers is. Dat houdt in zowel een uitbreiding van het lossingsals van het leviraatsbegrip. In de eerste plaats wordt hier onder Tossing ook het leviraat begrepen en in de tweede plaats wordt de leviraatsverplichting uitgebreid tot een familielid in ver verwijderde graad."⁹⁴ The author wished to see a wider application of the levirate institution than was acceptable by his contemporaries. He wanted to see the levirate "niet alleen als een middel om de naam van de overledene in stand to houden; maar ook als een waarborg voor de sociale verzorging van de weduwe. De combinatie van deze beide, in een geheel verschillend vlak liggende, motieven is juist het 'nieuwe,' wat de schrijver propageren wil."⁹⁵

Rather than misunderstanding the levirate institution, the author of Ruth is well aware of it. His purpose is to breathe new life into an old custom and even to extend its application.⁹⁶

We have briefly surveyed the suggested purposes of the book.⁹⁷ None of the authors named has established his case to the exclusion of the others. However, having said this, it does seem that certain views are more likely. There would appear to be no reason to maintain that the author had one all-absorbing purpose. Taking into consideration the supreme literary artistry of the narrative, we should steer away from opinions that characterize the book as a polemical work.⁹⁸ It

94. H. Brongers, *op. cit.*, p. 4.

95. H. Brongers, *op. cit.*, p. 6.

96. H. Brongers, *op. cit.*, p. 7. He dates the book in or immediately after the exile. Above, we have already rejected an exilic or postexilic date for the book. Moreover, was the period of the exile or immediately thereafter the propitious moment for the introduction of an expanded application of the law? In any case, we need not wait till the exilic or postexilic times to find an application of a law which transcends its literal sense. For this application of the law, see chap. 10, n. 55. Finally, we cannot accept the book of Ruth as a contrived story.

97. The views of H. May, "Ruth's Visit to the High Place at Bethlehem," *JRAS*, 75, 1939, and W. E. Staples, "The Book of Ruth," *AJSL*, 53, 1937, that the book contains motifs drawn from fertility cult myths have not convinced many scholars. Cf. chap. 7, n. 34. For a modern attempt at interpreting the book in terms of an original fertility myth, cf. S. Shearman and J. Curtis, "Divine-Human Conflicts in the Old Testament," *JNES*, 28, 1969, pp. 235-240.

98. I. Bettan, *op. cit.*, p. 52, writes, "A great artist is not a pamphleteer; and

is not inconsistent to ascribe to the author compound purposes, such as that of portraying everyday life in Israel, and the activity of God in the ordinary affairs of the average Israelite. The introduction of the theme of the activity of God in the history of the ancestry of David adds an even deeper dimension to the story. Finally we agree with Schoneveld's opinion that, though the author may have had other motives, the book of Ruth may be described as "een loflied op de ware goel."⁹⁹ The data in the book of Ruth about law and its application and development provides valuable information for our understanding of the role of the kinsman redeemer in Israel. This latter is of paramount importance¹⁰⁰ within the book. We agree with Lévy-Buhl when he writes: "L'histoire des amours de Ruth et de Booz n'est pas seulement une gracieuse pastorale: elle est un document saisissant de la force des institutions communautaires dans l'antiquité biblique."¹⁰¹

a propagandist who was so artful in his ways as to keep the true character of his work concealed, not only from his contemporaries, but from an almost endless posterity as well, was probably no propagandist at all."

99. J. Schoneveld, *op. cit.*, p. 12. Cf. also all. G. " Archer, *A Survey of Old Testament Introduction*, 1964, p. 267: "Perhaps most important of all this brief narrative is designed to exhibit the function of the goel or kinsman redeemer."

100. D. Rauber, *op. cit.*, p. 36, remarks, "That the author of Ruth had a certain interest in the legal situation is obvious, but that it was not his main interest should be equally apparent." We may accept this statement as a warning against limiting the value of the book to one overriding purpose. We would maintain, however, that the legal material is of fundamental importance in the book.

101. H. Lévy-Bruhl, "Le Mariage de Booz," *Evidences*, 17, 1951, p. 33.

6

Naomi and the Levirate

WE wish to inquire into a point in the very beginning of Ruth which has repercussions for our understanding of the marriage of the goel to Ruth. Our inquiry concerns the words of Naomi to her daughters-in-law in Ruth 1: 11-13. The problem which presents itself is Naomi's words imply a misunderstanding of the levirate custom. If Naomi's words show an error in her understanding of the levirate custom, it may well be argued that the author of the book has an inaccurate understanding of the levirate elsewhere; in particular, when he portrays the goel as raising up seed for the dead, a duty prescribed in the law for the brother-in-law. We are primarily interested in the interpretation of Naomi's words as they bear directly on the activity of the goel. It is not without significance that David concludes from Naomi's failure in Ruth 1:11-13 to reckon with the possibility of a more distant relative marrying Ruth, "dat de auteur van het boek Ruth de instelling van het familie (*go'el*)—huwelijk niet kende en dat de Tossing in het boek Ruth alleen betrekking kan hebben gehad op het verwerven van grondbezit."¹ In view of such

1. M. David, *Het Huwelijk van Ruth*, 1941, p. 14 (hereafter cited as *Huwelijk*); cf. also his further remark (pp. 7, 8) "Maar uit de hierboven aangehaalde woorden van Noömi in hoofdstuk 1 vs. 11 v.v., waarin zij haar schoondochters adviseert, naar haar ouderlijk huis terug te keeren, blijkt nog iets anders, nl. dat zij zelfs niet rekest met een huwelijk van haar schoondochters met familie van haar man (resp. haar gestorven zonen). Dit is van groote beteekenis. Want daardoor kan er twijfel rijzen, of er in den tijd, dat het boek Ruth werd geschreven, zoals men algemeen aanneemt, een overigens in de bronnen niet vermelde regeling heeft bestaan, volgens welke een kinderlooze weduwe ook door andere bloedverwanten van den man behalve diens broers moest worden gehuwd."

import attributed to her words we shall give further consideration to this passage.

Naomi, in 1:11-13, says to her daughters-in-law: "Turn back, my daughters, why will you go with me? Have I yet sons in my womb that they may become your husbands? Turn back, my daughters, go your way, for I am too old to have a husband. If I should say I have hope, even if I should have a husband this night and should bear sons, would you therefore wait till they were grown? Would you therefore refrain from marrying? No my daughters, for it is exceedingly bitter to me for your sake that the hand of the Lord has gone forth against me." One of the arguments presented by David for the late date of Ruth is the author's misunderstanding of the levirate custom. He maintains that the words of Naomi are difficult to reconcile with the levirate law of Deuteronomy 25, which only requires levirate marriage of "brothers dwelling together."² Furthermore, sons born to Naomi, from another husband, would not be the sons of Elimelech. They would be step brothers on the mother's side and therefore would not be responsible for performing the levirate duty toward Ruth and Orpah.³ With regard to David's first piece

2. M. David, *Huwelijk*, p. 5. Referring to the Deuteronomic phrase "dwelling together" David remarks, "Aan welke opvatting men nu ook de voorkeur geeft, in ieder geval, zijn deze woorden in tegenspraak met de meening van Noomi, dat ook later geboren broeders tot een zwagerhuwelijk zijn verplicht." Cf. Th. C. Vriezen, "Two Old Cruces," *OTS*, 5, 1948, p. 88 n. 7, "The words of Naomi contain an inaccurate idea of the levirate marriage.... In the light of the narrative this is not a serious mistake, and it is not allowed to conclude from this text that the author no longer had a good idea of the levirate."

3. M. David, *Huwelijk*, pp. 6, 7. "Immers, uit de aangehaalde woorden van Noomi kan men concluderen, dat zij ook kinderen, uit een anderen vader geboren, als tot een leviraatshuwelijk verplicht houdt. Maar zulke kinderen waren toch van Machlon en Kiljon, de gestorven echtgenooten van Orpa en Ruth, in werkelijkheid slechts stiefbroers van moederszijde. Als zoodanig zouden zij evenwel nooit tot de familie van Elimelech kunnen worden gerekend." This same objection is raised by J. L. Vesco, "La Date du Livre de Ruth," *RB*, 74 1967, p. 242. Since we cannot say who Naomi had in mind as a father for the sons who would marry the widows, it is illegitimate to proceed on the assumption that she must have been in error. If we wish to operate with such a method, there is nothing to preclude us from following the view propounded by C. F. Keil, *Joshua, Judges and Ruth*, 1887, p. 474, who answered this hypothetical objection by remarking

of evidence, it should be pointed out, as we have seen in chapter 2, "The Persons Involved," that, while the Deuteronomic law does not expressly require the levirate duty of anyone other than a brother who had resided with the deceased, it does not expressly exclude it of another brother. We must allow for the possibility that the law does not stipulate the exclusive conditions for the levirate but the normal and customary circumstances under which the levirate situation would operate. Furthermore, we must not neglect the immediate context of Naomi's words and their place in the total story. She is overwhelmed with the absolute hopelessness of the situation and sees no options available.⁴ The first situation which she names, that is, that she still has sons in her womb, is highly improbable. She is past childbearing age and even in the hypothetical situation that she were not and sons were born, this would provide no solution, since it would not be feasible for the widows to wait⁵ for them.

that. when Naomi considered "the possibility of a future pregnancy, she might even then be simply thinking of an alliance with some brother of her deceased husband and therefore of sons who would legally be regarded as sons of Elimelech." Cf. also n. 10.

4. E. Robertson, "The Plot of the Book of Ruth," *BJRL*, 32, 1949-50, p. 209, remarks, "The theme of the book is the upward struggle of a weak widow woman with the dice heavily loaded against her from a pit of despair to ultimate triumph." See also E. Würthwein, "Ruth," in *Die Fünf Megilloth*, HAT, 18, 1969, p. 11, "Das Hoffnungslose und Sinnlose, das in dem Sichverhinden mit Naemi liegt, zu betonen, war offensichtlich ein Anliegen des Erzählers. Darum lässt er an dieser Stelle, im Gegensatz zu der bisher überaus knappen Schilderung, Naemi so beredt und breit werden."

5. There is one explicit reference to the Judah-Tamar story in Ruth 4:12 and possibly a veiled reference to the same incident in the words of Ruth 1:13 (תשברנה עד אשר יגדלו). Cf. Gen. 38:11 (שבי ... עד יגדלו). Cf. H. H. Rowley, "The Marriage of Ruth," in *The Servant of the Lord*, 19652, p. 190 n. 3, "It is possible that some reference to the story of Tamar lies in the suggestion of waiting for them to be grown up. Tamar had to "wait some years for the brother-in-law who was then denied her; but to wait for unborn sons would be unthinkable!" For a modern case of levirate where the widow waits for fifteen years, see S. D. F. Goitein, "Zur heutigen Praxis der Leviratsehe bei Orientalischen Juden," *JPOS*, 13, 1933, p. 163 n. 1 E. Robertson, *op. cit.*, p. 211, believes that the tale of Judah and Tamar was heavily drawn upon by the writer in unfolding his story. He seeks to draw a comparison between Tamar and Naomi as well as Judah and Boaz: "Tamar, in a less difficult position perhaps than Naomi, did not quietly

Rowley is unwilling to press Naomi's statement in any mechanical fashion. "Naomi is not implying that any children she might possibly have borne as the result of a new marriage contract with a husband unrelated to Elimelech could have been looked to, [for the levirate responsibility] but stressing the complete impossibility of her providing them with fathers of their children."⁶

Rather than finding a contradiction to the levirate custom, Rudolph sees Naomi's remark as fitting the levirate custom in Genesis 38: "Doss zwischen Gn 38 and Ru kein Widerspruch besteht, folgt auch aus Ru 1, 11 ff., wo Noomi doch wohl als selbstverständlich voraussetzt, dass, wenn sie

accept rebuff, but used her ingenuity and her womanhood to triumph over Judah. Can Naomi succeed by the employment of similar means?" He sees Naomi in Ruth 1:11-13, considering and rejecting the possibility of the levirate as a solution to the family difficulties and then adds, "Whatever solution is found, the reader is well and truly warned, it does not lie in that direction. Nor could the reader really expect it, for if it did provide a way out for Naomi the story would collapse at this point. The fact that escape for Naomi is thus cut off only adds to the hopelessness of her situation, and intensifies the interest and curiosity of the reader." It is true that no interpretation of Naomi's words which fails to reckon with her emotional state and her bleak circumstances does justice to the immediate context, or the context of the passage in the whole book and to that extent we concur with Robertson. His postexilic dating, however, as well as his stress on the book's literary finesse lead him to allow for "the existence of fictional elements and the much embellishing of fact to produce effect." *Ibid.*, p. 208. Robertson sees no levirate or goel marriage responsibility devolving upon Boaz, but rather the duty of arranging for a suitable marriage for Ruth. Since no assistance was forthcoming from Boaz, he "must pay for his neglect and in the same way as Judah.... The problem of the writer was how to contrive a situation where Ruth and Boaz could be brought together as were Tamar and Judah." *Ibid.*, p. 227. The writer used Hosea's reference, to "the harlots hire on every threshing floor of corn" (Hos. 9.1) and construed by a late night scene bringing the two together. The parallel with Judah is clear in that Boaz, being in a drunken state, finds himself outwitted by Naomi, who sends Ruth to him at the opportune moment. *Ibid.*, pp. 226, 227. This comparison, however, raises various questions. In addition to the rather drastic distance between fact and fancy which it presupposes, it is far more likely that the goel's duty was to marry the widow Ruth than merely to arrange for the marriage. On Boaz' supposed drunkenness, see chap. 7, nn. 35, 36.

6. H. H. Rowley, *op. cit.*, p. 191. Rowley continues: "At this moment the idea of a levirate marriage for either herself or her daughters-in-law does not occur to her as a practical proposition. For her it was out of the question by reason of her age, as well as by reason of the fact that she knew of no likely relation...."

Sane hätte, diese ihre Schwiegertochter pflichtgernäss ehelichen würden."⁷

Cooke says that although Naomi's "language is colored by reference to a well-known social institution, the reference is not exact, nor intended to be taken literally."⁸

Mittelman discusses Naomi's remarks and concludes that they present considerable difficulties, when related to the law in Deuteronomy. Accordingly, he feels that the legal outlook expressed by Naomi must predate the Deuteronomic law of the levirate.⁹ He cannot accept the fact that step-brothers were obligated to perform the levirate or that the author of Ruth is unfamiliar with legal matters. This leads him to accept the opinion "class Noomi bie dem in 1, 12 erwähnten Manne nicht an einen beliebigen Mann denkt, sondern an einen der *go'alim* des Elimelech, urn allerdings diesen Gedanken mit Rilicksicht auf ihr Alter sofort zurückzuweisen."¹⁰

A general reference to the levirate cannot be excluded from Naomi's words.¹¹ She is preoccupied with the fact that God is against her. This feeling of despair keeps her from

7. W. Rudolph, *Das Buch Ruth, Das Hohe Lied, Die Klagelieder*, KAT, 17, 1962, p. 62. See also, W. Nowack, *Richter, Ruth and Bucher Samuelis*, HK, 1902, p. 188: "Offenbar hat No'omi dabei die Pflicht der Leviratsehe im Sinne, welche in die ältesten Zeiten Israels hineinreicht, vgl. Gen. 38.... No'omi hat also wesentlich die Sitte in ihrer älteren Form vor Augen." Cf. G. Smit, *Ruth, Ester, Klaagliederen*, TU, 1930, p. 23, and C. J. Goslinga, *Het Boek Ruth*, KV, 19522, p. 132; E. Neufeld, *AHML*, 1944, p. 35, sees in Naomi's words the evidence for an older levirate custom where later-born brothers were responsible to marry their deceased brother's wife.

8. G. A. Cooke, *The Book of Ruth*, 1918, pp. 3, 4. So I. Benzinger, "Marriage," EB, p. 2949, "Naomi's purpose is not to secure posterity for her son, but to gain a husband for her step daughter [sic]; not the continuance of the name of Mahlon, but the well-being of Ruth is her real desire (1:11 f; 3:1)."

9. J. Mittelman, *Der altisraelitische Levirat*, 1934, p. 18.

10. J. Mittelman, op. cit., p. 19. L. Epstein, *Marriage Laws in the Bible and the Talmud*, 1942, p. 85, writes: "If she were of the childbearing age, she might be persuaded to submit to a *ge'ullah* marriage for herself. If she did that, there would be a chance for the daughters-in-law, for a child born of that marriage would count as son to Elimelech and brother-in-law to the younger widows, who cad marry them on the principle of succession or levirate or *ge'ullah*, which ever it might be."

11. The Targum to the book of Ruth makes the following comment on 1:13a: "As a woman who keepeth herself (chaste) for a little brother-in-law to

acceding to the expressed desires of her daughters-in-law to return with her. Bertholet's statement, "Es muss nämlich vor Allem auffallen, dass es nach dem Kontext Naemi lediglich um das Glück ihrer Schwiegertöchter und nicht etwa um die Erhaltung des Andenkens der Verstorbenen zu thun ist, und doch ist dies der eigentliche Sinn des Levirates,"¹² cannot be accepted, for it does not reckon with the agitation of mind evident from her later words: "She said to them, 'Do not call me Naomi, call me Mara, for the Almighty has dealt very bitterly with me. I went away full, and the Lord has brought me back empty. Why call me Naomi, when the Lord has afflicted me and the Almighty has brought calamity upon me?'" (Ruth 1:20, 21). Naomi's despair is related to the loss of her husband and sons, leaving her destitute and her daughters-in-law childless widows. It is this which lies so heavily upon her heart.¹³

The author's intent is to portray a turn of events whereby a completely hopeless situation is altered through the gracious intervention of God. The extent of that despair is portrayed in Naomi's rhetorical statement.¹⁴ In such a portrayal it does not serve the author's purpose to speak in precise,

take her to a husband." Cf. A. Saarisalo, "The Targum to the Book of Ruth," *StOr*, 2, 1928, p. 94. A few scholars affirm that Naomi's words are not to be understood in terms of the levirate, in any case not of a levirate marriage of Naomi's daughters-in-law. Cf. P. Joüon, *Ruth*, 1953², pp. 38, 39: "Noemi ici ne pense pas au manage leviratique, par lequel ses brus, en épousant ses fils a natre donneraient une descendance légale à Elimèlek. Car si Noémi se remariait, ce serait elle-meme qui contracterait un manage leviratique, et ce sont les fils issus de ce manage qui seraient légalement les fils d'Elimèlek." Cf. also, I. Bettan, "The Book of Ruth," in *The Five Scrolls*, 1950, p. 59; P. Volz, "Rut," *ThLZ*, 26, 1901, pp. 348, 349.

12. A. Bertholet, *Das Buch Ruth*, KHC, 18, 1898, p. 58.

13. Clear reference to Naomi's concern for reviving the name of the dead may be seen in the story as early as Ruth 2:20. Cf. chap. 7, n. 8.

14. Th. and D. Thompson, "Some Legal Problems in the Book of Ruth," *VT*, 18, 1968, p. 97, write: "Though the statement of Naomi is merely rhetorical, it has no rhetorical value unless it could be true." They believe that Naomi's statement may be evidence of a further extension of the levirate. A son born to Naomi from another husband would inherit the property from Naomi, and on the marriage of this son to Ruth the property would return directly into Elimelech's line.

minutely-defined legal terms. Naomi is concerned merely with the practical impossibility of any answer, since it is obvious to her that the "hand of the Lord" is against her. In such circumstances we should not expect a calm and finely worded statement on all the legal possibilities which could solve the womens' problem.

A reference to a marriage between Naomi and one of Elimelech's relatives cannot be rejected out of hand.¹⁵ Such a reference, however, cannot be proved. Naomi may not have considered a marriage to a relative because of her state of mind or because of the Moabite ancestry of her daughters-in-law, which made it seem even more evident that all hope was gone. Realizing her depressed condition, we hardly may expect a calmly thought-out evaluation of all of the possibilities for a solution to this unfortunate position. She saw herself as the object of divine displeasure and was anxious that her daughters-in-law not be further affected by that displeasure.¹⁶ Under such circumstances, to remain behind provided the Moabite widows with a happier prospect, for Naomi would be unable to provide them with domestic happiness in Israel. There is therefore no good reason to deduce from her words, following David,¹⁷ that the only activity of the goel apparent in the book of Ruth is in connection with property. Naomi's words do not preclude the possibility that the goel function might include marrying Ruth and raising up seed for Elimelech. Such a solution was not evident to her for the reasons suggested above; yet it was brought about by the gracious intervention of God, and it is that which the remaining story will eventually unfold.

15. Cf. n. 10.

16. Cf. E. Würthwein, *op. cit.*, p. 11: "Sie ist eine, gegen die die Gottheit entscheiden hat, eine von ihr Geschlagene and Gezeichnete (13b). Nach einer weitverbreiteten, auch von Israel geteilten Anschauung geht man keine Gemeinschaft mit einem solchen Menschen ein, sondern meidet ihn, um nicht in seine Unglückssphäre hineingezogen zu werden."

17. Cf. n. 1.

Naomi and the Goel

The Discovery of a Goel, Ruth 2:20

UPON Naomi's return from Moab at the beginning of the barley harvest, the reader is immediately introduced to Boaz, the man who shall figure prominently in the solution of the plight of the two widows. He is designated by the term "kinsman" in 2:1¹ and 3:2 and is a relative on Elimelech's side.² Because of this relationship with Elimelech, the narrative refers to him subsequently as goel. Additionally, he is said, to be **איש גבור חיל**. The NV translates this a "zeer vermogend man"; the RSV "a man of wealth." It is a phrase which has a meaning in the Old Testament ranging from physical prowess and martial valour to material substance and social status.³ It is this latter sense which is conveyed by the narrative.⁴ The meeting and conver-

1. In place of the kethibhy **מידע** "acquaintance" it is best in 2:1 to follow the qere rin, particularly in the light of **מדעתנו** in 3:2. KB translates "entfernter Verwandter." The only other use of this word is in Prov. 7:4.

2. **מודע לאישה** (2:1) is to be understood as expressing the indeterminate genitive. Cf. GKC § 129 C.

3. Cf. W. McKane, "The Gibbor Hayil in the Israelite Community," *GUOST*, 17, 1957-58 pp.8-30 (hereafter cited as "Gibbor Hayil"). C. Gordon, *The World of the Old Testament*, 1960, p. 228, comments, "The Hebrew term is literally 'a hero of valor,' which had evolved from its original sense of 'stalwart warrior' to 'upstanding landowner' who could be counted on to meet economic obligations. Boaz, in the book of Ruth, who hears that title, is just such a man."

4. W. McKane, "Gibbor Hayil," pp. 32, 33, discusses the theory of M. Weber in *Ancient Judaism*, 1952, who seeks to explain the coalescence of the martial, economic and social factors in the phrase by reference to the armed patriciate of the Canaanite city states. He finds Weber's explanation inadequate. The *gibbor hayil* appears in the Conquest period, when the contact between Israel and the Canaanite city states was just beginning. The common factor in the varying usage according to McKane is status. Once the conquest was over and the monarchy had begun, the warrior meaning did not survive. "In this new historical situation a

sation of Boaz and Ruth is described in chapter two and the discerning reader is made aware that divine providence has arranged it.⁵ Ruth's successful meeting with Boaz is the first hint that Naomi's despairing words in 1:11-13 will eventually be transformed into words of praise.

Upon her return, Ruth is pressed by her mother-in-law as to the success⁶ of her day's activities. She shows Naomi what she has gleaned and mentions the name of her kind benefactor as being Boaz. Naomi breaks forth into praise and cries, "Blessed be he by the Lord, whose kindness has not forsaken the living or the dead!" (Ruth 2:20a). At this moment Boaz is unaware that his prayer to the Lord to reward Ruth (2:12) is to be granted and that he is to be the answer to that

revaluation of skills was called for, and where the soldier did not matter so much, the merchant came into his own.... More generally *gibbor hayil* was applied to men of ability who could hold positions of responsibility in the community, and hayil was used with reference to ethical worth...." Ibid., p. 35. Cf. also E. Neufeld, "Royal Urban Society in Ancient Israel," *HUCA*, 31, 1960, pp. 31-53.

5. Ruth 2:3 and in particular **מִקְרָה** is no evidence for the opposite viewpoint. W. McKane, *Tracts for the Times: Ruth, Esther, Lamentations, Ecclesiastes, Song of Songs*, 1965, p. 19, comments, "Here (chapter, 2) chance takes a hand and assists the unfolding of the story, whereas in chapter 3 a further impetus is given, not by chance but by design, when Naomi intervenes in order to hurry on events to the desired conclusion." More correctly does R. Hals, *The Theology of the Book of Ruth*, 1969, p. 12, remark, "By calling this meeting an accident, the writer enables himself subtly to point out that even the 'accidental' is directed by God." G. Gerleman, *Ruth Das Hohelied*, BK, 18, 1965, p. 25, correctly states, "Hier bedeutet **מִקְרָה** 'Zufall,' d.h. das, was ohne den Willen oder das Zutun des Betroffenen vorfällt, and drückt somit die Überzeugung des Erzählers aus, dass die Menschen den Gang des Geschehens nicht bestimmen können. Andererseits ist es ihm klar, dass die Führung Jahwes auch hinter diesem Zufall steht." M. Weinfeld, "Ruth," *EJ*, 1971, p. 520, remarks: "The Book of Ruth, which also recounts a natural story in which everything moves by human agents and, as it were, without divine interference, actually serves as a testimony for the wondrous ways in which God leads man toward his destiny.... The occurrences which look like a chain of natural happenings evolving one from the other reveal themselves in the end as the outcome of God's plan."

6. The word **אֵנָה** in 2:19 in most cases accompanies verbs of motion like **הֵלַךְ** (cf. Gen. 16:8; 32:18; Ps. 139:7; Neh. 2:16) or **עָלָה** (Deut. 1:28). As such the word directs the attention to the goal or end of the activity. In 2:19 it is connected with **עָשָׂה** and is the one instance where both *KB* and *BDB* give the meaning "where." Because of this, W. F. Stinespring, "Note on Ruth 2:19," *JNES*, p. 101, writes: "But 'work' also can have a goal or end. May we not, therefore, preserve the 'directive' force of the form **אֵנָה** here and translate 'to what end' or 'to what purpose' or 'to what result.'"

request. In Naomi's reference to God's⁷ kindness to the dead⁸ there is an anticipation of the later activity of the goel,

7. N. Glueck, "Das Wort *Hesed* in Alttestamentlichen Sprachgebrauch," *BZAW*, 1927 = N. Glueck, *Hesed in the Bible*, 1967, p. 38, writes, "In ancient Israel it appears that conduct based on relationships involving rights and duties of a family or a tribal community was called *hesed*." Glueck refers the phrase **אֲשֶׁר לֹא עֲזַב חַסְדּוֹ** in Ruth 2:20 to Boaz and not to Yahweh. He cites II Sam. 2:5 as "an exact parallel to Ruth 2:20." Moreover, according to Glueck, (p. 41) "if we accept the commonly held view according to which **אֲשֶׁר לֹא עֲזַב** is in apposition to **לַיהוָה**, this would be the only place in the Hebrew Bible where the *hesed* of God is mentioned in reference to the dead. The relationship between God -and man, very frequently expressed by *hesed*, requires of man the fulfillment of certain conditions. Only those who serve God in faithfulness participate in communion with him and receive *hesed* from him. It is very doubtful whether the dead, who in the Hebrew Bible generally are described as having absolutely no relationship with God, can appear here as receiving *hesed* from God." It should be noted, however, that Ruth 1:8 speaks of the exercise of *hesed* on the part of the widows toward their dead husbands. If it can be said that the widows may display *hesed* toward the living and the dead, can not the same be said of Yahweh? While it is grammatically possible to refer the clause in question to Boaz, it is preferable to refer it to Yahweh. We then have a sharp contrast in attitude between Naomi's previous bitterness toward the Lord (Ruth 1:13, 20, 21) and her present trust in the Lord's *hesed* toward the living and the dead. The opinion of Glueck on Ruth 2:20 is followed by P. Humbert, "Art et leçon de l'histoire de Ruth," *RThPh*, 26, 1938, p. 271 and A. MacDonald, "Ruth," NBC, 1953, p. 260. There is merit in the observation of E. Würthwein, "Ruth," in *Die Fünf Megilloth*, HAT, 18, 1969, pp. 5, 16, "Wenn auch die Beziehung auf Boas in 2:20 nicht sicher ist, so kann doch kein Zweifel bestehen, dass das, was Boas gegenüber den beiden Frauen and den Toten aber auch gegentiber dem unbekanntem Loser tut, unter den Begriff **חַסְדּוֹ** fällt ... In dem **חַסְדּוֹ** des Boas aber darf man Jahwes **חַסְדּוֹ** am Werk sehen, der sich in ihm ein Werkzeug geschaffen."

The term *hesed* in Ruth (1:8; 2:20; 3:10) is, according to A. G. van Daalen "een van de sleutelwoorden voor een goed verstaan van het verhaal.... Het woord 'trouw' horen wij telkens in verband met andere woorden: 'levenden en gestorvenen', 'zegenen, gezegend', 'losser', en zo wordt ons dan duidelijk de structuur van het verhaal: De *trouw* van Ruth, de Moabitische, die zij zelf aan gestorvenen en aan levenden bewezen heeft, wordt de *trouw* van JHWH. De *trouw* die JHWH zou bewijzen aan Ruth, wordt bewezen door Boaz, de door JHWH gezegende; hij ziet haar *trouw*, en zo ziet hij Ruth, de Moabitische, als niet-vreemde aan. Boaz' gezegend-zijn blijkt uit zijn losserschap. Dit losserschap is een bijzonder losserschap, is er een namens JHWH, aan Israel—een ècht verlossen. Die verlossen wordt daar gegeven en ontvangen, zegt het boek Ruth, waar gezegenden zijn, die *trouw* zijn aan levenden en gestorvenen, en elkaar herkennen: als niet-vreemden aanzien." M. de Groot, F. Hoogewoud, A. G. van Daalen, "Naar een idiolekte vertaling," *Rondom het Woord*, 1970, pp. 413, 14. See our discussion n. 45. The connection between **חַסְדּוֹ** and **גֹּאֵל** is seen clearly in Ex. 15:13a.

8. P. Jouon, *Ruth*, 1953², pp. 63, 64, writes: "Sa bonte envers les morts, car Booz etant un goel, Noemi espere et prevoit qu'il épousera Ruth et suscitera ainsi une postérité a son marl défunt. Cette parole de Noémi prépare très habilement ce

who would function on behalf of the dead in raising up seed to the widow Ruth.

Naomi then explains the source of her extreme happiness: "The man is a relative of ours; one of our nearest kin" (Ruth 2:20b). Since this is the first explicit use of the term *goel*,⁹ it will be necessary to consider this verse in greater detail. Verse 20b reads: **קָרוֹב לָנוּ הָאִישׁ מִגְּאֻלָּנוּ הוּא**.

קָרוֹב is a general word used in several places to describe a kinship relationship. It is found in family contexts in combination with **לְשָׂארוֹ** (Lev. 21:2; Num. 27:11) and in Leviticus 25:25 in the phrase **גְּאֻלוֹ הַקָּרוֹב**. Ruth 3:12 one meets the phrase **מִמְּנֵי קָרוֹב**. It stands alone in II Samuel 19:43 (42) in the phrase **הַמֶּלֶךְ אֵלַי קָרוֹב**, "the king is near of kin to me." According to *KB* it is employed in a "verwandtschaftlicher menschlicher Beziehung."

Staples maintains that "there can be but one *go'el* at a time. On the death of one *go'el*, or on his resigning his rights, the next person in line may become the *go'el*, but not before

qui va suivre." Cf. J. Gray, *Joshua, Judges, Ruth*, CB, 1967, p. 416; Knight, *Ruth and Jonah*, 1966, p. 35; H. Hajek, *Heimkehr nach Israel*, BStN, 33, 1962, p. 61, sees in the mention of "the dead," "die Thematik der Erzählung." Cf. also L. P. Smith, "Ruth," *IB*, 2, 1953, p. 843. The importance of our interpretation of this phrase may be seen when compared with a statement by G. Cooke, *Judges and Ruth*, 1918, p. 10, "In her plan for a next of kin marriage, Naomi's only concern is for Ruth's future; the perpetuation of the name of her dead childless son is left for Boaz to mention (IV. 5, 10)." It cannot be said that Ruth was the exclusive point of Naomi's concern, if the kindness toward the dead refers to the levirate. W. Rudolph, *Das Buch Ruth, Das Hohe Lied, Die Klagelieder*, KAT, 17, 1962, p. 51, explains the reference to the dead in terms of "das Denken des Vergeltungsglaubens.... Der Tod der drei Männer im unreinen Ausland war nicht nur für Noomi, sondern auch für diese selbst 'ein Zeugnis Jahwes gegen sie' (1, 21) gewesen; erwies sich jetzt Jahwe den überlebenden Witwen gnädig, so waren damit auch die toten Männer rehabilitiert." H. W. Hertzberg, *Die Bücher Josua, Richter, Ruth*, ATD, 9, 19653, p. 271, writes, "Der Segen für die Toten betrifft zugleich die Lebenden; nach alttestamentlicher Sicht könnte die göttliche Gnade den Toten ja nicht anders zuteil werden, als dass sie die Lebenden trifft." The reference to the dead is explained by L. Morris, *Ruth*, TOTC, 1968, p. 280, as due to the "strong sense of family, so that any kindness that God might show to Ruth and Naomi is a kindness to their dead relatives as well as to themselves."

9. H. W. Hertzberg, *op. cit.*, p. 271, "Der Begriff des Lösers tritt von hier an bis zum Ende des Buches als der entscheidende hervor."

the first is definitely out of the picture."¹⁰ He argues that there is only one place in the written text of the Old Testament where the plural is found, that is, I Kings 16:11, and he suggests in this instance a change from **גאל יו** to **גאל ו**.¹¹ The traditional understanding of Ruth 2:20 and Ruth 3:12 must be revised if this position of Staples is to be accepted. In the Hebrew consonantal text of Ruth 2:20 we have *iltun*, but there is manuscript support for seeing this as a case of *scriptio defectiva*.¹² According to Meek, the Massoretes, like the author of I Kings 16:11, "manifestly believed that *go'el* could mean 'relative' as well as 'next-of-kin' and led astray by the preposition *min*, which they interpreted as partitive, they pointed the word as plural. Instead of that it is clearly singular, and the preposition *min* would seem to be separative: 'The man is a relative of ours, he is next after our next-of-kin.'"¹³ Staples writes, "Our study of the word forbids a plural, and so a partitive."¹⁴ He offers three possibilities for interpreting *min*. The first is to take it as a negative similar to its usage in Hosea 6:6, in which case the translation would be: "The man is near unto us, [but] he is not our *go'el*."¹⁵ A second possible way to handle the *min* is paralleled in Job 17:12 and would give the translation: "The man is closely

10. W. Staples, "Notes on Ruth 2:20 and 3:12," *AJSL*, 54, 1937, p. 63. A similar viewpoint is presented by T. Meek, "Translating the Hebrew Bible," *JBL*, 79, 1960, pp. 332-334.

11. W. Staples, *op. cit.*, p. 65. T. Meek, *op. cit.*, p. 333, emends the text to read **ורע גאל**, "whether next-of-kin or friend," whereby he remarks, "if the text is by any chance original, it can only mean that *go'el* took on the meaning of 'relative' in the latter period. It surely did not have that meaning earlier." The words **ורעהו יו גאל יו** in I Kings 16:11 are awkward. Rather than changing the plural **גאל יו** to the singular as suggested by Staples, certain other scholars take **ורעהו** as an unusual plural form (M. Noth, *Könige*, BK, 9, 1968, p. 325) or else emend it to a plural. The latter is the position of J. Gray, *I, II Kings*, OTL, 1970, p. 359, who writes, "The plural for MT singular, though a conjecture unsupported by the versions, is almost certain."

12. Cf. W. Rudolph, *op. cit.*, p. 51.

13. T. Meek, *op. cit.*, p. 333.

14. W. Staples, *op. cit.*, p. 64.

15. *Ibid.*

related to us; he is next to our go'el."¹⁶ A third possibility is to take *min* as having the force of "on the side of," as in I Samuel 20:21, 22, in which case we would translate, "The man is closely related to us, he is close to our *go'el* (in relationship)."¹⁷

Staples and Meek are arguing that the term "goel" was never applied to any one other than the nearest kinsman and that no such term could have been used of Boaz prior to the renunciation of the responsibilities by the goel in chapter four. With this in mind, one question immediately springs to our attention. Why did Ruth (3:9), at the strong encouragement of Naomi, approach Boaz with her request and base her entreaty on the fact that Boaz was goel? Staples regards Ruth's visit to Boaz as a strategem employed by Naomi and Ruth to pressure the real god into assuming his responsibilities or renouncing them.¹⁸ According to Meek, both Naomi and Ruth *knew* that Boaz was not the goel. Yet Boaz is *addressed* as the goel by Ruth on her evening' visit. Meek explains such conduct as part of the "wily ways of a woman to get her man. It is one of the delicate touches in the book that Ruth should be represented as slightly exaggerating the status of Boaz in order to further his interest in her."¹⁹ In our opinion such behaviour would go far beyond slight exaggeration. To posit a degree of planning and female resourcefulness is in line with the character of Naomi, but Meek's scheme presupposes characteristics and conduct on the women's part which go beyond what the text allows. The supposition that Naomi and Ruth employed the nighttime tactics described in the text, while being aware that Boaz was indeed not immediately answerable, is not at all convincing, nor is it at all necessary.²⁰ We must challenge the basic as-

16. Ibid.

17. Ibid.

18. Ibid., p. 63.

19. T. Meek, *op. cit.*, p. 333.

20. Cf. H. H. Rowley, "The Marriage of Ruth," in *The Servant of the Lord*, 1965², p. 188 n. 3. His verdict is that the suggested renderings of Staples are not

sumption that the term "goel" can not be applied to anyone other than the nearest relative. We have seen that Leviticus 25:25 uses the term **גאֵל וְהַקָּרֵב** to designate the nearest responsible relative. Such a designation confirms that the term "goel" by itself need not be understood as implying the nearest relative.²¹ Further, in Ruth 3:12 Boaz states, "And now it is true that I am a near kinsman [goel], yet there is a kinsman nearer than I." If our understanding of this verse is correct then Boaz' statement is fatal to the views presented by Meek and Staples. This verse is very difficult textually and emendation has been suggested by some scholars.²² As this passage will figure in our later discussion we will make only brief reference to it at this point. Staples takes the text as it is, including the kethibh **אֵם** which is, in his opinion, a negative similar to the usage in passages such as Judges 5:8 and Numbers 14:23. The first **אֵם** is combined with **אִמְנֵם** and the second is introductory, as in Genesis 42:18, and could be rendered "surely" or "really." **מִן** is translated as in Ruth 2:20. He therefore translates, "But now, as a matter of fact, I am really not (your) *go'el*, but you do have a *go'el*, one who is more closely related (to you) than I."²³ According to many other scholars, it is far more likely that **אֵם** is to be omitted and explained as a case of dittography from **אִמְנֵם**.²⁴ We do not therefore believe that Staples or Meek have successfully

natural. He comments, "The sincerity of Naomi and Ruth must then be impugned in the interests of these unnatural renderings...." Cf. J. H. Kennedy, "Ruth," *BBC*, 2, 1970, p. 475, who objects to any idea of pretended ignorance and remarks, "Besides, she would have known full well that court procedures at the village gate made such tactics utterly futile." Cf. Excursus.

21. Cf. W. McKane, "Ruth and Boaz," *GUOST*, 19, 1961-62, p. 37 n. 3.

22. Ruth 3:12a reads: **וְעַתָּה כִּי אִמְנֵם כִּי אֵם גֵּאֵל אֲנִי**. P. Joüon, *op. cit.*, P. 75, "Je lirais simplement **וְעַתָּה אִמְנֵם גֵּאֵל אֲנִי** malgré la difficulté qu'il y a à expliquer la présence du double **כִּי** et de **אֵם** (ketib)."

23. W. Staples, *op. cit.*, p. 65. T. Meek, *op. cit.*, p. 334, translates the verse in much the same way as Staples. **אֵם כִּי** he takes as an emphatic negative as in I Sam. 25:34. **גַּם** has the force of "another." He translates, "But now, as a matter of fact, I am really not next-of-kin, but there is another who is next-of-kin, one nearer than I."

24. Cf. L. Morris, *op. cit.*, p. 292; G. Gerlemer, *op. cit.*, p. 30; W. Rudolph, *op. cit.*, p. 55. For an identical case of dittography, cf. II Sam. 13:33; II Sam. 15:21; and Jer. 39:12. C. F. Keil, *Joshua, Judges and Ruth*, 1887, p. 485, retains

established their positions.²⁵ The significant question which remains from Naomi's recognition of Boaz as goel is, What did she expect from Boaz? The nocturnal visit of Ruth to Boaz becomes one of the keys to the unraveling of this question.

The Approach to Boaz, Ruth 3:1-9

Preparation for the Visit, Ruth 3:1-4

The appearance of Boaz as goel (2:20) brings the first ray of hope into the shattered life of Naomi. The events of chapter three will show whether the initial contact which Ruth made with Boaz was merely accidental or whether it was divinely designed to lead to the alleviation of the plight of the widows.²⁶ It is the appearance of Boaz, bringing new possibilities for solving Naomi's problem, which will dominate the remainder of the book.²⁷ However, we must ask what Naomi was seeking from the goel. Examining the legal sections of the Old Testament we have seen that the goel operated in cases of extreme poverty in order to retain the property within the family (Lev. 25:25). It is not surprising therefore that Hertzberg sees in Naomi's remark in Ruth 2:20 "einen ersten Hinweis darauf, dass von Elimelech her noch Grundeigentum vorhanden sei. ..." ²⁸ In Ruth 3:12, in the phrase, "there is a goel nearer than I" (גֹּאֵל קְרוֹב מִמֶּנִּי), we find terminology similar to that of Leviticus 25:25 (גֹּאֵל וְ

וְאֵל and takes אֵל כִּי as expressing emphatic assurance after an oath. Cf. *GKC* § 163d.

25. W. Rudolph, *op. cit.*, p. 55, commenting on the idea of Meek and Staples that there can be only one goel (nearest relative) writes, "Der potentielle Löser konnte geradesogut *go'el* heissen wie der wirkliche (vgl. 4:4, 6a)."

26. H. W. Hertzberg, *op. cit.*, p. 271, commenting on the introduction of the goel concept for the first time in Ruth 2:20 remarks: "Der Leser aber soll von dem Kapitel Abschied nehmen mit der Erkenntnis, dass der Herr sich dieser Witwen in erstaunlicher Weise angenommen hat, und wohl auch mit der Hoffnung, dass dank der gnädigen Gottesföhrung hier etwas begonnen hat, das eine Fortsetzung finden kann, wozu gerade der Begriff des Losers einen besonderen und konkreten Anhaltspunkt bietet."

27. H. W. Hertzberg, *op. cit.*, p. 271.

28. *Ibid.*

הקרב). Yet despite the similar terminology, the events in chapter three point overwhelmingly to Naomi contemplating the possibility of a marriage between Boaz and Ruth. It remains to be seen whether Naomi considers Boaz bound to perform the levirate duty or whether she considers it to be his duty as goel or whether she knows a marriage is not obligatory but something which might be offered, in which case she then takes things more directly in hand in order to activate and encourage a willingness on Boaz' part. The events of chapter three provide us with one of the most delicate and intriguing parts of Old Testament narrative.²⁹ Having learned of Ruth's "chance" encounter with Boaz and of his interest³⁰ and kindness toward Ruth, Naomi proceeds to the formation of a plan of action which has as its final goal the marriage of Boaz to Ruth. "My daughter, should I not seek a home for you, that it may be well with you?" (3:1). The word מנוחה means, "resting place." It is translated in the NV by "rust." "Mijn dochter, zou ik voor u geen rust zoeken...?" The RSV translation "home" gives the same idea since Naomi likely has in mind the precarious existence of widowhood, which the two women shared from day to day. Her concern is to find a solution for such a situation. She wants it to be well for Ruth (3:1b). In the Old Testament, marriage would be the most obvious way to alter a widow's unenviable situation. This is the clear statement of 1:9 where

29. Discussion concerning the morality of what was done by Naomi and Ruth often swings between extremes. M. David, *Het Huwelijk van Ruth*, 1941, p. 9 (hereafter cited as *Huwelijk*), denies that Ruth is requesting marriage from Boaz as goel, on several grounds, one of which is that he finds such a consideration to be out of keeping with the favorable portrait of her character in the rest of the book. On David's argument, see chap. 7, "The Appeal of Ruth." At the other end of the spectrum is the position of E. Robertson, "The Plot of the Book of Ruth," *BJRL*, 32, 1950, pp. 225, 228, who portrays Naomi as operating on an "end justifies the means" mentality. Boaz is "outwitted by Naomi, who takes him at a disadvantage.... It was a woman's way of solving her problem." In Robertson's view Ruth comes out unscathed in reputation since she is acting obediently toward her mother-in-law.

30. The phrase הגד הגד in 2:11 suggests that Boaz was aware of Ruth before their meeting. G Gerleman, *op. cit.*, p. 26, remarks, "Was er jetzt zu sagen hat, verrät aber, dass er die junge Moabiterin recht gut kennt."

Naomi remarks, "The Lord grant that you may find a home (מנוחה), each of you in the house of her husband," Taken in combination with the other circumstances in the chapter, it is most likely that Naomi was thinking of marriage.³¹

Naomi then adds further explicit directions. "Wash therefore and anoint yourself, and put on your mantle³² and go down to the threshing floor" (3:3a). Such preparation need not be interpreted as "part of the accepted ritual before marriage,"³³ for it was not at all certain how Ruth would be received. However, such preparations are certainly part of the total pattern of chapter three whereby Ruth is signifying to Boaz her desire to marry him.

The time and place have been carefully chosen by Naomi. Ruth was to approach Boaz in the night at the threshing

31. Cf. I. Bettan, "The Book of Ruth," in *The Five Scrolls*, 1950, p. 64, "A woman's status in life was made secure through marriage; in family life she found her rest." H. W. Hertzberg, *op. cit.*, p. 273, writes, "Zu Beginn fällt wieder das wichtige Wort von der Ruhestatt. Wie, 1, 9 meint es konkret die Ehe." G. Coats, "Widows Rights: A Crux in the Structure of Genesis 38," *CBQ*, 34, 1972, pp. 464, 465, seeks to argue that the security which Naomi sought for Ruth did not of necessity, involve marriage. He cites Deut. 28:65; Lam. 1:3, and Isa. 34:14 as instances where the word *manoah*, is used as a term for security without reference to marriage. He concludes, "The content of Naomi's advice does not aim obviously to secure marriage. Its aim is sexual intercourse. It may be that behind the plan lies some social pressure on the man who conceives a child with a woman he has not yet married. But if that is the case, the intention does not find clear expression. Naomi instructs Ruth to seek sexual contact with Boaz without any clear guarantee that he will marry her." It is true that the word "rest" is found in contexts where marriage is not involved. But where the term is used in connection with a widow, as it is in Ruth 1:9, we see conclusively that marriage is involved for it was this which gave stability and security to the woman. For the same reason, S. Shearman and J. Curtis, "Divine—Human Conflicts in the Old Testament," *JNES*, 28, 1969, p. 237, are incorrect when they refer to the central event in Ruth 3 as a "seduction." This is in line with their contention (p. 236) that "beneath the didactic formulation of the story of Ruth, there is an older story that in no way intends to edify."

32. RSV translates, "your best clothes." C. Lattey, *The Book of Ruth*, 1935, p. 14, writes, "Nor is it likely that Ruth in her poverty would possess 'best clothes.'" It is preferable to read the singular שמלתך, in which case what is meant is the large outer garment, which served to keep Ruth from being recognized.

33. Contra W. E. Staples, "The Book of Ruth," *AJSL*, 53, 1937, p. 155. The similarity of terms between Ruth 3:3 and Ezek. 16:9 leads H. W. Hertzberg, *op. cit.*, p. 274, to a similar conclusion, "Ruth soil rich dem Boaz zur Ehe anbieten und sozusagen als Braut zu ihm kommen." As for the first part of this

floor,³⁴ (goren) to take note of the place where he would lie down, and to wait until he had finished eating and drinking.³⁵ Then when he had gone to bed for the night she was instructed to uncover his feet and lie down and she would be told what to do. The preparations for the visit, the time and place and the method of approach all make it clear that Ruth is about to request marriage from Boaz.

sentence there can be little doubt, though the second part is questionable. In Ezekiel indeed, the bathing, washing, and anointing come after the conclusion of the covenant and the spreading of the skirt, but of course, not all bathing and anointing is in preparation for being a bride.

34. Cf. J. Gray, "The Goren at the City Gate: Justice and the Royal Office in the Ugaritic text 'Aqht,'" *PEQ*, 1953, pp. 118-123; S. Smith, "On the Meaning of Goren," *PEQ*, 1953, pp. 42-45; S. Smith, "The Threshing Floor at the City Gate, I Kings 22:10," *PEQ* 1946, pp. 5-18. In the latter article, Smith (p. 12) argues for the existence of threshing floors at some of the city gates. "The reason may be that many citizens in early times had small cultivated plots in the immediate environs, but no suitable space for threshing and winnowing, and no adequate means for protecting their grain from theft after winnowing. Winnowing was generally done at night, in order to take advantage of the breeze, and the grain could not be removed immediately. In Ruth 3:2, Boaz slept by his corn when the work was done; so apparently he did not trust his own servants in this matter. Such conditions would naturally lead to the use of some patch of communal hardground for communal threshing, preferably in a position where the guardians of that city would protect the grain. Hence the threshing floor at the city gate." H. G. May, "Ruth's Visit to the High Place in Bethlehem," *JRAS*, 1939, pp. 75-78, denies that Boaz was spending the night guarding the grain. Rather he was spending the night at the Bethlehem high place, because it was there that fertility rites and sacred prostitution were performed; particularly at harvest time. Women wishing children visited the sanctuary for such a purpose, and Naomi, wanting an heir, sent Ruth properly prepared to the local sanctuary at Bethlehem. May seeks to support such a view from the connection between threshing floors and sacred prostitution in Hos. 9:1 and from the sexual euphemisms which he claims are found in Ruth 3:7, 9, and from the gift of six omers of barley sent back with Ruth. Such a view, however, has not gained much acceptance and has been strenuously attacked by H. H. Rowley, *op. cit.*, p. 189 n. 2. From May's position (also that of W. E. Staples, "Book of Ruth," pp. 155, 156), it would have to be concluded that "the precaution for Ruth's unobtrusive return (v. 14) and the fundamental question of the levirate marriage is meaningless"; so rightly J. Gray, *Joshua, Judges, Ruth*, CB, 1967, p. 417.

35. The scene has been portrayed by E. Robertson, *op. cit.*, p. 217, in very extreme terms. He writes, "When the swift eastern darkness had closed over the threshing floor and those who took part in the festivities had removed themselves from the immediate area, Boaz, too, who had eaten and drunk till 'his heart was merry,' staggered to the end of the heap of corn and lay down in deep drunken slumber." Such an interpretation cannot be supported from the phrase in v. 7 alone as is shown by a comparison with its usage in other passages. Cf. *Judg.* 18:20; 19:6, 9; I Kings 21:7; 11 Kings 25:25; Eccles. 7:3. It is rather necessary to his

The Appeal of Ruth, Ruth 3: 7-9

"When Boaz had eaten and drunk, and his heart was merry,³⁶ he went to lie down at the end of the heap of grain. Then she came softly, and uncovered his feet,³⁷ and lay down. At midnight the man was startled, and turned over,³⁸ and behold a woman lay at his feet! He said, 'Who are you?' And she answered, 'I am Ruth, your maidservant; spread your skirt over your maidservant, for you are next of kin.'"

Verse 9 is crucial in our understanding of Ruth's undertaking, particularly the words, **ופרשת כנפך על אמתך כי גאל אתה**. The phrase **כנפך ופרשת** provides us with the key interpretative problem. Many manuscripts have **כנפיך**. Probably the Massoretes conceived of **כנפיך** as a defectively writ-

position which accentuates the "plot" aspect of the events in chapter three. "That Boaz should be in a drunken stupor was essential for the purposes of the narrative. Thus in a plausible manner the two are brought together in the way desired by the writer and paralleled in the tale of Tamar and Judah"; *op. cit.*, p. 227. See chap. 6, n. 5. L. P. Smith, "Ruth," *IB*, 2, 1953, p. 845, correctly describes Naomi's advice as "a bit of homely knowledge of human nature."

36. The phrase **וייטב לבו** need not convey the idea of excess. It is here used to indicate state of, satisfaction: Cf. J. Gray, *op. cit.* 13. p. 418. See above, n. 35.

37. The only other occurrence of the word **מרגלת** is in Dan. 10:6. Some scholars have noted the possibility that this expression is a sexual euphemism, as in Ex. 4:25. However, the word is not identical with that of Ex. 4:25 (**רגל**) and such a suggestion must remain speculative. On the other-hand the narrative in chapter three contains several words which suggest sexual connotations. H. W. Hertzberg lists **ידע שכב** (Gen. 26:10), **בוא** (Gen. 16:2), in **יגלה כנף** (Deut. 22:30; 27:20) and remarks, "Offenbar soil gerade durch die Mehrdeutigkeit der verwendeten Worte die Gefährlichkeit der durch Naemis Rat und Ruths Gehorsam herbeigeführten Lage sichtbar werden"; *op. cit.*, p. 275. The Targum on 3:8 compares Boaz to Joseph. Cf. A. Saarisalo, "The Targum to the Book of Ruth," *StOr*, 2, 1928, p. 98.

38. The translation of this verb is problematic. It is found elsewhere only in Judg. 16:29 and Job 6:18. In the former place, the qal is translated "grasp." G. Gerleman, *op. cit.* p. 30, suggests, "drehte sich herum." H. Hajek, *op. cit.*, p. 71, writes, "Wenn Boas 'mitten in der Nacht' vor Kälte wach wird und aufschrickt, dann offenbar erst, die in seiner Nahe liegende Gestalt wahrnimmt und sich 'vorbeugen' muss, um erst daraufhin zu erkennen, dass 'ein Weib zu seinen Füssen' liegt, dann kann Ruth keinesfalls in so unmittelbarer Nahe neben Boas gelegen haben, wie das vielleicht im Plan der Naomi vorgesehen war." O. Loretz, *Das Buch Rut: Gotteswort and Menschliche Erfahrung*, 1963, p. 56, translates "tastete sich ab." W. Rudolph, *op. cit.*, p. 55, remarks, "Die gewöhnliche Übersetzung 'sich vorbeugen' ist zwar nicht dem Wortlaut nach, aber der Situation entsprechend richtig."

ten dual. The phrase would then mean "spread your wings" as in Deuteronomy 32:11 and Ruth's words would then simply be a request for protection (cf. 2:12). The alternative to this is, following the versions,³⁹ to read the word as a singular and in the light of Ezekiel 16:8 and Deuteronomy 22:30 and 27:20 to translate the sentence, "spread your skirt over your maidservant." This would be a delicate expression by which to refer to marriage.

David has argued for the first alternative on two main grounds. He finds it out of keeping with the character of Ruth in the remainder of the book to believe that Ruth was approaching Boaz requesting marriage. "Nu gelooven wij niet, dat Ruth van Boaz verlangde, dat hij haar zou trouwen, ja dat zij hem dit min of meer als plicht tegenover haar voorstelde. Dit zou moeilijk in overeenstemming zijn te brengen met de schildering van het bescheiden en bekoorlijke karakter, die wij overigens in den tekst van haar vinden."⁴⁰

A second reason, more important than the above, he finds in Boaz' reply in verse 13: "Remain this night, and in the morning, if he will do the part of the next of kin for you (אם יגאלך), well; let him do it; but if he is not willing to do the part of the next of kin for you (ואם לא יחפץ לגאלך) then, as the Lord lives, I will do the part of the next of kin for you (וגאלתיך). Lie down until the morning." Such a passage recalls the legal regulation in Leviticus 25 concerning redemption of property. David concludes "Indien wij nu aan de hand van deze gegevens trachten, de geciteerde woorden van Boaz te interpreteren, dan kunnen zijn plannen, die hij ten gunste van Ruth in overweging neemt, slechts betrekking hebben op de afdoening van financiële verplichtingen te haren opzichte en wel in verband met een verkoop van grondbezit. . . . In het bijzonder kan dit lossen Been betrekking

39. LXX: περιβαλεῖς τὸ πτερόγιόν σου. The Targum renders the phrase in an explanatory form: "Let thy name be called upon thine handmaid to take me for a wife." Cf. A. Saarisalo, *op. cit.*, p. 98.

40. M. David, *Huwelijk*, p. 9. Cf. n. 29.

hebben op de verplichting tot het aangaan van een huwelijk.⁴¹

Since the morality factor has been cited as an objection against seeing Ruth's words (3:9) as a direct request for marriage, it will be necessary to comment on this factor. Procedures as described in Ruth 3 would indeed be out of place, if they were employed in the arrangement of an ordinary marriage. Such is not the case under discussion; indeed if it were, the marriage would have been arranged by the parents and not through procedures such as are mentioned in this chapter. Ruth's request must be understood in terms of her own explanation, "for you are next of kin."

Gunkel has well stated, "Doss sich aber Ruth auf eine so peinliche Situation einlässt, das ist Heroismus der Treue. Nicht für sich selbst begehrt sie etwas, sondern einen Erben für ihren Mann."⁴² We must also note the fact that Boaz praised her for what she had done, invoked the blessing of Yahweh upon her (3:10a) and acknowledged further that his fellow townsmen' knew her to be a woman of worth (3:

41. Ibid., pp. 11, 12. J. de Fraine, *Rechters Ruth*, BOT, 3, 1955, pp. 154, 155, writes, "Ruth trekt dus de aandacht van Boiz op zijn verplichting als lossen, d.i. als beschermer in het algemeen.... Booz begrijpt zeer goed wat Ruth van hem verlangt, nanelijk de bescherming van een lossen (en niet *per se* een huwelijk)." The position of Th. C. Vriezen, "Two Old Cruces," *OTS*, 5, 1948, p. 86, is worthy of brief mention at this point. He concurs with David in the idea that Ruth 3:9 does not directly suggest a marriage proposal on the part of Ruth. He remarks, "Ruth does not directly make a proposal of marriage, she is speaking in a very modest and general way and only asks for protection (cf. 2:12), although her real intention of getting married glimmers through her covert terms; the whole situation staged by her in the threshingfloor-scene indicates her aim viz. the marriage with Boaz." For a more detailed discussion of Vriezen's position, cf. chap. 8, "The Double Responsibility."

42. H. Gunkel, "Ruth," in *Reden and Aufsätze*, 1913, p. 76. He further comments (p. 77): "Er ist weltkundig genug, um das Motiv, das sie hierhergeführt hat, sofort richtig zu verstehen. Und er ist ganz gerührt davon, dass sie so die weibliche Scheu hat überwinden können."

43. The words **כל שער עמי** either refer to the whole population of the city or (in light of the Old Testament use of **שער** to the elders. The first is advanced, with citation of comparative Akkadian data, by E. Speiser, "Coming and Going at the City Gate," *BASOR*, 144, 1956, p. 31. The main point is the same on either view, i.e., that not only is her reputation untarnished in his eyes, but as well, in those of the general community.

11b).⁴⁴ This response of Boaz is of decisive importance in evaluating Ruth's request. Boaz understood clearly what she was requesting and commended her highly for what she had done. This is made particularly evident in his statement, "You have made this last kindness (חַסְדֵךְ הָאַחֲרֹן) greater than the first, in that you have not gone after young men whether poor or rich" (3:10). Her coming to him as she had done, he calls "this last kindness," an act of loyalty even greater than that which she performed when in commitment to her dead husband's family, she chose to leave the land of Moab with her mother-in-law. As Würthwein has written, "Ruth folgt nicht ihrem eigenen Interesse (obwohl das nach dem Willen Naemis eingeschlossen ist, 3, 1), erst recta nicht ihrer Begehrlichkeit, sondern dem Interesse der Familie. Das lässt der Erzähler durch Boas noch ausdrücklich festhalten: ware Begehrlichkeit Motiv ihres Handelns, so hätte sie sich an die jungen Männer gehalten. Ihr aber geht es jetzt wie schon früher darum, dass חַסְדֵךְ geschehe, d.h. die Treue, die sie der Familie ihres Mannes seit der Heirat schuldet and von der sie sich, wie ihr ganzes bisheriges Verhalten zeigt, (lurch den Tod ihres Mannes nicht entbunden betrachtet."⁴⁵

One further point must be made concerning Ruth's advances. In Genesis 38 as well as in the Deuteronomic law one can talk, in a certain sense, of the widow's initiative. In the

44. אִשָּׁה חַיִל, KJV and RV render, "virtuous woman," NV, "deugdzame vrouw." As L. Moms, *op. cit.*, p. 291, suggests, "it denotes ability or efficiency or attainment in any one of a number of directions...." The RSV rendering, "woman of worth" suggests this comprehensiveness.

45. E. Würthwein, *op. cit.*, p. 18. N. Glueck, *Hesed in the Bible*, 1967, p. 40: "The hesed which Ruth had demonstrated to her husband even after his death, by leaving her native land and father's house and following Naomi, was surpassed by the sense of love and loyalty she subsequently demonstrated. Instead of marrying a younger man, Ruth preferred to turn to the older Boaz, her husband's kinsman, in order, by virtue of this marriage, to have offspring for her husband who had died childless. Here *hesed* indicates a development beyond the ordinary use of the term in the older sources, since *hesed* in this context refers more to a subjective mode of conduct willed by an individual, and not simply to an attitude of obligation." On the importance of the term *hesed* in the book of Ruth, cf. n. 7.

latter case it is the woman who takes the initiative and institutes the proceedings in which the elders urge the recalcitrant brother to perform his obligation (Deut. 25:7, 8a).⁴⁶

Though there is a distinction in the methods employed, the point made by Schoneveld: "deze dingen moeten niet met een bekoorlijk of bescheiden karakter in verband gebracht worden," is valid also in the case of Ruth.⁴⁷

Ruth's visit to Boaz and her request for marriage to him are commended by Boaz in the highest terms as evidence of her loyalty to her family. There is no reason, therefore, to believe that her request for marriage must be viewed as a stain upon her character. David's first reason for denying that Ruth is requesting marriage must be set aside. However, we must now return to what he calls the decisive" evidence for not interpreting Ruth 3:9 as a request for marriage. That evidence is to be found in Boaz' words in Ruth 3:12, 13, which he translates: "Maar al is het waar, dat ik lossen berr, er is nog een lossen, die nader verwant is dan ik. Blijf bier den nacht over en morgenochtend, wanner hij (voor) U lossen wil, goed, laat het hem doen; heeft hij Been lust, om (voor) U te lossen, dan zal ik (voor) U lossen, zoo waar als God leeft."⁴⁹ He then adds, "Om te bepalen, op welke plichten Boaz hier doelt, is het noodig, de woorden 'lossen' en 'lossen' hebr. *go'el, ga'al*, op grond van het bestaande materiaal aan een nadere beschouwing te onderwerpen."⁵⁰ Since there is men-

46. See chap. 2, "The Ceremony of Refusal."

47. J. Schoneveld, *De Betekenis van de Lossing in het Boek Ruth*, 1956, pp. 4, 5. D. R. G. Beattie, "Kethihh and Qere in Ruth 4, 5," *VT*, 21, 1971, p. 493, follows the kethibh in 4:5 and translates, "On the day you acquire the field from Naomi's hand, I am acquiring Ruth the Moabitess, the wife of the deceased, to raise up the name of the deceased over his inheritance." His suggestions are discussed in considerable detail in chap. 8, "The Double Responsibility." For the present our interest centers on one of the reasons he cites for following the first singular reading. He claims that Boaz had already married Ruth the night before and therefore could hardly be informing the other goel of his obligation to do so! Such an idea is without foundation in the text.

48. M. David, *Huwelijk*, p. 9.

49. *Ibid.*

50. *Ibid.*

tion of a piece of property in chapter four which must be redeemed and since there is a law in Leviticus 25:25 where the goel functions to redeem the property, then Boaz must merely have had in mind "de afdoening van financiële verplichtingen te haren [Ruth] opzichte en wel in verband met een verkoop van grondbezit."⁵¹

Is this understanding of Boaz' reply correct? In the light of all the data of chapter three, we do not think so. The preparations for the meeting, the place of the meeting, and the timing of the meeting may be better understood as a request for marriage than as a request for the solution of financial difficulties. Indeed, the total scene described in chapter three would be very strange if what the widows primarily wanted was a solution for their financial distress.⁵² Ruth's words in 3:9, "spread your skirt over your maid-servant," are better understood as a definite request for marriage.⁵³ This is the way Boaz understood Ruth, as is evident from his word of commendation to Ruth: "You have made this (latter) kindness greater than the first, in that you have not

51. Ibid., p. 11. M. David (p. 14) asks, "Zou het evenwel, in het algemeen gesproken, gerechtvaardigd zijn, op grond van deze eene brpn, i.c. het boek Ruth, te concluderen tot het bestaan van een familie huwelijk, waarvan wij overigens geenerlei spoor vinden?"

52. J. Schoneveld, *op. cit.*, p. 5: "Wij vragen ons af: moest Ruth nu dr-voor Boaz in de *nacht* opzoeken en zich neerleggen ender zijn voetendek? Bovendien, als het alleen maar ging om het land van Elimelech, dan zou Naomi zelf de aangewezen persoon geweest zijn om zich met Boaz in verbinding te stellen." Similar objections are raised by C. Goslinga, *Het Boek Ruth*, KV, 1952², p. 166.

53. Such is the position of the overwhelming majority of scholars. Cf. W. Rudolph, *op. cit.*, p. 56; E. Würthwein, *op. cit.*, p. 18; H. W. Hertzberg, *op. cit.*, p. 274; I. Bettan, *op. cit.*, p. 67; A. Bertholet, *op. cit.*, p.134; G. Cooke, *op. cit.*, p. 11; J. Gray, *Joshua, Judges, Ruth*, CB, 1967, pp. 414, 41E.; H. Gressmann, *Ruth*, SAT, 1, 1922², p. 273; M. Haller, "Ruth," in *Die Fünf Megilloth*, HAT, 18, 1940, p. 14; C. Lattey, *op. cit.*, p. XXIII; E. Robertson, *op. cit.*, p. 217; W. McKane, "Ruth and Boaz," p. 30; C. Goslinga, *op. cit.*, p. 147. H. H. Rowley, *op. cit.*, p. 188, suggests that both protection and union are involved in this symbolic act. Cf. W. R. Smith, *Kinship and Marriage in Early Arabia*, 1903², pp. 105, 106, "In the Jahiliya, when a man's father or brother or son died and left a widow, the dead man's heir, if he came at once and threw his garment over her, had the right to marry her under the dowry (mahr) of (i.e., already paid by) her deceased lord (sahib) or to give her marriage and take her dowry. However, if she anticipated

gone after (לכת אחרי) 54 young men, whether rich or poor" (3:10). It should also be noted that there is some suggestion in 3:13b which points in the direction of marriage. Boaz says to Ruth: "Remain this night, and in the morning, if he will do the part of the next of kin for you, well; let him do it; but if he is not willing to do the part of the next of kin for you (ואם לא יחפץ לגאלך), then as the Lord lives, I will do the part of the next of kin." In this we have terminology similar to that employed in the levirate law in Deuteronomy 25:7a: "and if a man does not wish to take his brother's wife" (ואם לא יחפץ האיש לקחת את יבמתו).

Finally, and most important of all, in 3:13 Boaz speaks of redeeming *Ruth*. Three times the word "redeem" is used with the second feminine singular suffix. In each case David, in his translation, inserts in parenthesis the word "voor." "Wanneer hij (voor) U lossen wil ... om (voor) U te lossen, dan zal ik (voor) U lossen." This translation is necessary if the property is the object of the goers activity rather than Ruth. However, the Text does not allow the change from Ruth to the property as the object of the goers activity (וגאלתיך; יגאלך).⁵⁵ NV correctly translates 3:13, "Indien hij u lossen wil, goed, laat hem lossen; maar is hij niet genegen u te lossen, dan zal ik u lossen." It is in the light of this verse that Jepsen correctly remarks, "Nur unter der Voraussetzung einer ganz umfassenden Verpflichtung des goel wird verständlich, dass Boas die Ruth losen' kann 3, 13."⁵⁶ There is indeed some connection between the marriage request to Boaz and his being goel, despite the fact that no definite laws are

him and went off to her own people then the disposal of her hand belonged to herself." Smith cites this symbolical act as being the same as in Ruth 3:9. Cf. als Granquist, *Marriage Conditions in a Palestine Village*, I, II, 1931-35, p. 81 n. 3; J. Lewy, "Les Textes paleo-assyriens et l'Ancien Testament," *RHR*, 110, 1935, p. 32. T. Gaster, *Myth, Legend and Custom in the Old Testament*, 1969, p. 448, cites more recent parallels in other cultures for this custom.

54. For the use of הלך with sexual overtones, cf. Ezek. 23:29-31.

55. J. Schoneveld, *op. cit.*, p. 17 n. 27.

56. A. Jepsen, "Das Buch Ruth," *ThStKr*, 108, 1937-38, p. 121.

to be found which specifically mention marriage as an area in which the goel must act.

David's rejection of any connection between marriage and the duty of the goel stems from the absence of a law which states such a marriage duty. The consideration of this question is of paramount importance in our study of the goel concept in Israel. David's argument is heavily weighted in the juridical sphere.⁵⁷ This explains his censure of Jepsen's definition of the goel when the latter writes: "Goel ist immer der ndchste Sippenangehörige, der zu der jeweils nötigen Hilfeleistung imstande ist. Diese Hilfe erstreckt sich auf alles, was eine Hilfe nötig erscheinen lasst, also nicht nur auf die gesetzlich geregelten Fälle des Mordes und Totschlags, des Bodenverkaufs und des Verkaufs in die Sklaverei, sondern auf alle Notstände, die den nächsten Sippenangehörigen treffen konnten."⁵⁸ It is the "nicht nur auf die gesetzlich geregelten sondern auf alle Notstände," which is subject to dispute and which, in David's opinion, "mist eenigen bewijsgrond."⁵⁹ In his discussion on the goel and the marriage of Ruth, David has not given sufficient attention to the passages in the Old Testament where Yahweh is presented as Goel. Several of these passages imply a broader approach to the

57. Cf. C. Goslinga, *op. cit.*, p. 166, "Zijn scherpzinnig betoog gaat te zeer den juridischen kant uit, miskent de hoge betekenis van de volkszede als norm voor het handelen, en verraadt bovendien de tendens om het ontstaan van het boek Ruth zo laat mogelijk te Stellen."

58. A. Jepsen, *op. cit.*, p. 420. Cf. similarly, H. Ringgren, "גאול," *TWAT*, 1, 1971, p. 887, who comments: "Daneben zeigen einige Stellen, an denen go'el in übertragenen Sinn gebraucht wird (Spr. 23, 11; Jes. 50, 34; Kl. 3, 58; Ps. 119, 154; Hi. 19, 25), dass der go'el als Helfer im Rechtsstreit auftreten sollte, um seinem Schutzling sein Recht zu verschaffen. Wer keinen go'el und keinen *rea'* (ער) hinterlässt (I Kon. 16, 11) hat niemand, der sich um seine Rechte und seine Ehre kümmert." E. Neufeld, "Ius Redemptionis in Ancient Hebrew Law," *RIDA*, 8, 1961, p. 34, writes, "The go'el was a claimant and his function was the restriction of a breach. In other words, any duty which a man could not perform himself devolved on the next-of-kin in his group; and any right possessed by a member of a group, which lapsed through the holder's inability to perform the duties attached to such rights, had to be assumed by this next-of-kin."

59. M. David, *Huwelijk*, p. 10 n. 12.

function of the goel. Particularly instructive in this connection is Proverbs 23:10, 11: "Do not remove an ancient landmark or enter the fields of the fatherless for their Redeemer (גאלם) is strong; he will plead their cause against you." Even more conclusive is the mention in Isaiah 54:4, 5 of Yahweh as Goel who acts on his people's behalf so that the reproach of their widowhood will no longer be remembered, and who will be their husband.⁶⁰ Passages such as Psalm 119:154 and Lamentations 3:58 present the verb גאל, parallel with the verb ריב "to take up a cause." Such passages suggest that the activities of the goel must be viewed in a more comprehensive fashion than David does. Schoneveld is closer to the truth when he argues "dat de lossen niet behoefde te blijven binnen de grenzen van het gecodificeerde recht."⁶¹ David correctly states that there is no teaching in Ruth concerning "de verplichting tot het aangaan van een huwelijk."⁶² However, it is this word, *verplichting*, which sometimes causes confusion. David's emphasis on the written laws regulating the function of the goel causes him to reject the thought that Boaz could be approached by Ruth requesting marriage, since such a function for the goel is not prescribed in the laws of the Old Testament. Yet as we have seen, the evidence is entirely convincing that Ruth was asking Boaz to marry her on the basis of his being a goel. This suggests that the key to the problem is in the term "verplichting."⁶³ David is thinking in terms of the written laws explicitly prescribed in the Old Testament when he says that the book of Ruth contains no evidence for the "verplichting tot het aangaan van een huwelijk." This satisfactorily explains the unusual initiatives of the women in chapter three, which are less understandable if Boaz was

60. For the evidence from Isa. 54:4, 5 that the reference to Yahweh as husband and kinsman-spouse is based on the human goel figure in Israel, cf. C. Stuhlmeuller, *Creative Redemption in Deutero-Isaiah*, 1970, pp. 115-122.

61. J. Schoneveld, *op. cit.*, p. 7.

62. M. David, *Huwelijk*, p. 12.

63. See our discussion of Vriezen's use of the term "voluntary levirate" in chap. 8, "The Double Responsibility." See also, chap. 8, n. 92.

bound by written law to alleviate Ruth's distress as a widow. Though we have pointed to the resemblance between the initiative of Ruth in chapter three and the widow who comes to the elders in Deuteronomy in order to suggest that the morality of Ruth's more aggressive approach cannot be seriously questioned, the fact remains that the unique advance initiated by the two widows fits better with the idea that Boaz was under no *legal* compulsion to act on Ruth's behalf. Schoneveld's statement is very important in defining the sphere of operation for the goel and in providing us with the reason why Ruth came to Boaz requesting marriage. "Van een lossen wordt dus niet slechts verwacht, dat hij zijn voorgeschreven plichten nakomen zal, maar dat hij bij voorkomende -gelegenheden zijn *chesed*, d. zijn bereidheid tot helpen op grond van een bestaande relatie, tonen zal. . . . Hoe vermogender een lossen was, des to meer *kon* hij doen en hoe meer *chesed* hij had, des to meer *wilde* hij doen."⁶⁴

The Response of Boaz, Ruth 3:10-15

We have already included in our previous discussion of Ruth 3:9 some remarks having to do with the reaction of Boaz to Ruth's request at the threshing floor. We reached the conclusion that Boaz understood her as requesting marriage and that he interpreted this request as an even greater act of loyalty than was seen when she accompanied Naomi back to the land of Israel. Boaz speaks of her refusing the option of going after younger men. This alternative is contrasted with her overtures to Boaz and thus is evidence of the specific nature of her request. He promises to do for her that which she asks (3:11). However, there is a reason which prevents him from taking up her request immediately. He is indeed a near relative, yet there is a nearer kinsman (3:12).⁶⁵ Though

64. J. Schoneveld, *op. cit.*, pp. 3, 12.

65. In the interests of his cultic interpretation of the book, W. Staples, "The Book of Ruth," p. 153, relegates the unnamed kinsman to the realm of the unimportant saying, "The reason for introducing a kinsman more nearly related

the phrase **גאל קרוב** recalls the property redemption law in Leviticus 25:25, the verb **יחפץ** (3:13) recalls the language of the levirate refusal in Deuteronomy 25:7. The levirate terminology is even more explicit in Ruth 4. Moreover, in Genesis 38 we see that an order existed for the performance of the levirate. Ruth 3:13 does not detract from the view that it is marriage⁶⁶ to Ruth which is implied in the writer's use of the verb **גאל**. Ruth, herself, is the object of the redemptive action which Boaz promises.⁶⁷

Ruth remains the night as it would be much too dangerous for her to be sent home in the middle of the night. She leaves early in the morning. Boaz' remark,⁶⁸ "Let it not be known that the woman came to the threshing floor," was simply a judicious precaution to avoid misunderstanding. "His caution to her when she took her leave of him before dawn is not incriminating. He does not yet know whether he is entitled to play a kinsman's part towards her, and, until this uncertainty is resolved, it is common prudence to keep

to Elimelech than Boaz is not clear. It adds little to the story and the kinsman is not considered of sufficient importance to mention his name"; to which Rowley rightly replies, "This neatly evades the issue why a cultic text should be burdened with what is cultically meaningless"; *op. cit.*, p. 189 n. 2.

66. L. Epstein, *op. cit.*, pp. 85-88, uses the term "geullah marriage" to describe the marriage of Boaz to Ruth. It is similar to the levirate in motive in that its purpose is to raise up the name of the dead. It differs from the levirate as described in Dent. 25:5-10 in that it was performed by brothers not dwelling together or in the absence of such by another next-of-kin. Additionally, it was completely optional. J. Schoneveld, *op. cit.*, p. 17 n. 28, accepts, in principle, the idea behind this differentiation, but feels, correctly in our opinion, that separate terms are not advisable. Cf. also S. Belkin, "Levirate and Agnate Marriage," *JQR*, 60, 1969-70, p. 288.

67. C. Goslinga., *op. cit.*, p. 148, emphasizes that it is Ruth, herself, who is to be the object of the god's activity ("Indien hij u lossen wil"). He explains, "want als de lossen zijn plicht niet te eng opvatte, dan zou hij niet alleen het familiegoed, maar ook Ruth zelf lossen' door haar te huwen." H. Brongers, "Enkele Opmerkingen over het Verband tussen Lossing en Leviraat in Ruth IV," *NTT*, 2, 1947-48, p. 4, writes, "Maar in Ruth 3:13 betekent het [**גאל**] zonder enige twijfel huwen."

68. Because of the definite reference to "the woman," **ויאמר** may be here understood as a reference to Boaz' own thoughts, as for instance, in Gen. 20:11, I Sam. 18:21, and Ruth 4:4, and not as addressed to Ruth. Rabbinic comment interprets these words as part of a prayer to God. Cf. J. Slotki, "Ruth," in *The Five Megilloth*, ed. A. Cohen, 1946, p. 59.

silent about the episode of that night."⁶⁹ The gift with which he sent her back confirms his feeling of goodwill toward Ruth. It is possible that Ruth had related Naomi's concern to Boaz and that he was anxious to let it be known to Naomi that her request was sympathetically received. It would appear that Naomi understood it in such a fashion, since she assured Ruth that Boaz would not rest until the issue was settled.⁷⁰ The hand of God has been unmistakably present throughout the whole experience. "Yahwe hat zu ihrem Plan gnädig Ja gesagt."⁷¹

69. W. McKane, *Tracts for the Times: Ruth, Esther, Lamentations, Ecclesiastes, Song of Songs*, 1965, p. 23. L. Morris, *op. cit.*, p. 293, calls attention to the provision in the Mishnah Yeb. 2:8), whereby a man suspected of having sexual relations with a gentile woman was excluded from performing the levirate with her.

70. In accordance with his cultic theory, W. Staples, "The Book of Ruth," p. 156, pictures Ruth as a cultic prostitute under Naomi and the gift is her hire. Such an idea has been almost universally rejected. It is mentioned as a possibility by Smith, *op. cit.* p. 846; Smith sees an argument for this theory in the word *המטפחת* (3:15), which she translates as veil. On the unlikelihood of that translation, cf. G. Gerleman, *op. cit.*, p. 33. Since the gift appears to have been sizeable it could not have been carried by a flimsy article such as a veil. This gift has been interpreted by E. Würthwein as a kind of "Ehepfand," *op. cit.*, p. 19. Cf. also, E. Robertson, *op. cit.*, p. 219, D. Daube, *The Exodus Pattern in the Bible*, 1963, p. 88. M. Haller, *op. cit.*, p. 15, suggests: "ein Ehepfand oder ein Brautgeschenk." A. Bertholet, *op. cit.*, p. 65, sees it as a sign of Boaz' favour, which, however, "auch dazu dienen soil, Ruth's Gang vor Missdeutungen zu sichern." On the other hand, W. McKane, *Tracts for the Times*, p. 23, says, "It may represent no more than an act of kindness." It is difficult to justify the gift, as L. Morris appears to do, by terms such as "his prospective bride" and "a man who has just become engaged"; *op. cit.*, p. 294. The gift, and particularly the words, "You must not go back empty-handed to your mother-in-law" (3:17), bring to mind Naomi's statement in 1:21 that the Lord had brought her back empty and may be one of the author's ways of hinting that a solution will be forthcoming, reversing Naomi's original feeling toward Yahweh.

71. W. Rudolph, *op. cit.*, pp. 57, 58. Naomi's words, "How did you fare my daughter?," v. 16, reflect a degree of tension concerning the outcome of the nocturnal visit. Her goal has been to encourage Boaz to marry Ruth, but behind these events is the hand of God. R. Hals, *The Theology of the Book of Ruth*, 1969, p. 13, remarks, "Since the story is one which traces God's guiding hand in the lives of this family, the question could also be phrased, Will God bless this plan? However, this question is, of course, never asked in so many words." H. W. Herzberg, *op. cit.*, p. 275, comments on chapter three, "Flier wird die gottliche Führung, die das Buch tiberhaupt bezeugt, aufs neue hervorgehoben." The tension between the human and the divine in the nighttime scene is somewhat overstated by Gerleman when he characterizes the scene with these words: "Sie trägt den it Stempel einer vollkommenen Profanität," and then adds, "Und dock is auch theses Geschithen in all seiner Zeitlichkeit eine gottliche Führung. Alles is von Gott in sein Werk eingerechnet"; *op. cit.*, p. 33.

EXCURSUS

The Initiative of Naomi

IN discussions of the legal complexities in Ruth, insufficient attention has been given to the initiative of Naomi and its implication for our understanding of the levirate and goel functions. The modern reader cannot help but be surprised by the set of instructions given by Naomi to Ruth by which she is to bring herself to the attention of Boaz in a most direct fashion. In terms of the Old Testament, it is difficult to say how unique the approach of Ruth to Boaz was. It is not paralleled elsewhere, which should caution us from following one recent commentator who says that "Ruth is, clearly conscious of taking part in a well-recognized ritual by which such a claim as hers was regularly made as a matter of course, and which was so venerable, that her action was devoid of even a suggestion of immodesty."¹ It is preferable to acknowledge that it is simply not possible to know to what extent such a procedure might have been in practice,² though it would be wrong to underestimate its uniqueness.

As we have seen, in sending Ruth to Boaz, Naomi is seeking to arrange for a marriage, based upon Boaz' relationship as goel. Yet we find no law prescribing marriage to a childless widow as one of the duties of the goel. To make the

1. A. MacDonald, "Ruth," *NBC*, 1953, pp. 260, 261. Cf. also J. Baldwin, "Ruth," *NBCR*, 1970, p. 281: "Naomi's instructions are explicit; behind them may lie some accepted custom."

2. L. Morris, *Ruth*, *TOTC*, 1968, p. 287, states, "But why it should be done in this way we do not know. Nor do we know whether the was a widely practiced custom or not." Later he argues (p. 293) that Ruth's visit and request must have conformed to custom in some way since "Boaz needed no explanation, but realized from the action alone what Ruth meant and what he should do."

problem more complex, chapter four refers to the marriage of Boaz and Ruth as a levirate marriage. McKane suggests that "in sending Ruth to Boaz Naomi takes the decisive step and confronts him with the duty of levirate marriage in an inescapable way."³ Haller calls the marriage of Boaz and Ruth a "Pflichtehe." Naomi resorts to such measures to bring Boaz to the consciousness of his levirate duty.⁴ Certain qualifications of the phrase "duty of levirate marriage" are necessary. In the levirate law, the initiative was to be taken by the relative (the brother), and only upon his failure to perform the duty was it taken by the widow. If Boaz was under obligation to act, his failure to do so would be more directly stated, or at least hinted at, in the narrative, but such is not the case. In addition, Boaz regards Ruth as deserving of the highest commendation because she had not taken the opportunity of going after a younger person within the community (3:10); this implies a certain freedom of choice which we do not see in the levirate in Genesis 38, nor in the law of Deuteronomy 25.

According to Smit, "Noómi verbindt in haar plan het losserschap met het Leviraat, maar dat laatste in ruimer zin opgevat dan vermeld staat in Deut. 25:5."⁵ This would explain why Boaz was approached as goel (the closest relative) and is in line with our previous discussion of Deuteronomy 25, where we concluded that the law defines only the customary way in which the levirate was performed, not the exclusive way. There would be cases, such as described in Ruth, where the more distant relative would be called upon to come to the aid of the widow, but in such a case, "custom would press less heavily on the more distant relations."⁶ Boaz' failure to take the initiative can be understood from

3. W. McKane, *Tracts for the Times: Ruth, Esther, Lamentations, Ecclesiastes, Song of Songs*, 1965, p. 21.

4. M. Haller, "Ruth," in *Die Fünf Megilloth*, HAT, 18, 1940, p. 13.

5. G. Smit, *Ruth, Ester en Klaagliederen*, TU, 1930, p. 27.

6. H. H. Rowley, *op. cit.*, p. 181. C. F. Keil, *Joshua, Judges and Ruth*, 1887, pp. 482, 483, writes: "The reason why she adopted this plan for the accomplish-

the fact that he, as a more distant relative, was not under legal compulsion to act. It is apparent from his growing appreciation of Ruth that he would have been willing to act, had it not been for the nearer relative. It was Boaz' knowledge of the presence and prior right of the nearer relative which precluded his taking the lead and offering himself to Ruth.

Naomi's role in relation to the nearer kinsman is less easily understood. If she did not know of the presence of the nearer kinsman, her initiatives toward Boaz, while perhaps somewhat exceptional, are understandable, given her intense concern for the welfare of Ruth and the recognition that Boaz, though *goel*, was not bound to offer his services. Naomi may have been thinking that a factor such as Boaz' age, was keeping him from acting, and that what he needed was tangible evidence that Ruth did not view the difference in age as a difficulty. Naomi would have been encouraged in this venture by Boaz' previous kindness to Ruth (2:8-16). It is conceivable that Naomi may have reasoned, as well, that the Moabite background of her daughter-in-law was keeping Boaz from the final commitment.⁷

If Naomi did know about the nearer kinsman, several

ment of her wishes, and did not appeal to Boaz directly, or ask him to perform this duty of affection to her deceased husband, was probably that she was afraid lest she should fail to attain her end in this way, partly because the duty of a Levirate marriage was not legally binding upon the redeemer, and partly because Boaz was not so closely related to her husband that she could justly require this of him, whilst there was actually a nearer redeemer than he."

7. W. Rudolph, *Das Buch Ruth, Das Hohe Lied, Die Klagelieder*, KAT, 17, 1962, p. 53, feels that Naomi's hopes had risen immediately after she first learned that Ruth had come into contact with Boaz, particularly when she returned to his field (2:23a) and gleaned until the end of the barley and wheat harvests. With this contact Naomi was hopeful that something definite would develop but her expectations were disappointed, and at the end of the harvest Ruth was still at home (2:23). His explanation of Boaz's reluctance is that "Boas war offenbar nicht mehr der jüngste, vielleicht war er selbst schon verheiratet, auch war Ruth Ausländerin, so dass es ihm trotz aller Zuneigung schwerfiel, sich zu jenem Entschluss aufzuraffen, zumal da der erste Sohn aus dieser Ehe ihm nicht zugerechnet wurde." Such an explanation may plausibly represent Naomi's thoughts about Boaz' reluctance and help to explain the measures she undertook to assure him of their interest in him.

possibilities exist. As previously mentioned, one could argue that the advances toward Boaz were part of a plan of Naomi's (and possibly also of Ruth's, though her reputation could be spared because she would be seen as the obedient child, following her mother-in-law's wishes with unquestioning loyalty) for pressuring the prior goel to come forward. We have, however, previously rejected such a consideration.⁸ Another possibility might be that Naomi, knowing of the nearer goel, nevertheless approached Boaz out of preference,⁹ or because she felt that he would be more likely to accept because of previous contact with Ruth.¹⁰ It is perhaps best to assume that Naomi, though knowing that Boaz was not the only goel, compare Ruth 2:20, was unaware of the existence of the nearest kinsman when Ruth was sent on her nocturnal visit.¹¹

8. See our discussion, chap. 7, "The Discovery of a Goel," and nn. 18-20. C. Goslinga, *Het Boeu Ruth*, KV, 19522, p. 148 n. 2, refers to the role of the nearer kinsman, which he says, throws some light upon Naomi's vigorous measures. In answering the question, shouldn't Naomi have waited for the goel to offer his help rather than taking the lead herself, he writes, "Maar blijkbaar was de lossen niet verplicht om zich aan te bieden. Boaz wilde dit allicht wel, maar kon niet, omdat hij niet de naaste was. En die naaste lossen was niet bij uitstek genegen (h.4:6), zodat hij de zaak op haar beloop liet. Daarom moest Naomi wel den eersten stap doen, vgl. Deut. 25:7." This suggests, though it is not directly stated, that Naomi knew of the prior goel's unwillingness and conceived her plan as a result of it.

9. J. Baldwin, *op. cit.*, p. 282, writes, "If Naomi knew of the existence of this other relative, she must have decided that she would prefer Ruth to be under the protection of Boaz."

10. L. Morris, *op. cit.*, p. 292, remarks, "But Naomi probably calculated that Boaz was more likely to take action than the other, and therefore arranged for Ruth to meet him rather than the unnamed closer relation."

11. Cf. M. Haller, *op. cit.*, p. 15, "Boas weiss, was auch Naemis Scharfblick entgangen ist." E. Würthwein, *op. cit.*, p. 18, uses the expression, "was Naemi 'übersehen hat' " to refer to Naomi's stance toward the nearer relative. H. H. Rowley, "The Marriage of Ruth," in *The Servant of the Lord*, 1965², p. 188, says that it is surprising that Naomi did not know, but leaves it with that comment, accepting that such was the case.

Boaz and the Goel

The Administration of Law at the Gate, Ruth 4:1, 2

IN Ruth 4, we find one of the more detailed accounts of a legal transaction in the Old Testament.¹ The legal detail is a factor which has sometimes been ignored in discussions of the combination of duties placed upon the goel. We must carefully take note of these legal proceedings; only then can we come to a proper understanding of the transaction between the parties.

The chapter opens with Boaz at the gate.² Perhaps this

1. Cf. chap. 2, n. 64. In addition to the literature therein cited, two articles by G. Tucker give important information bearing on the legal procedures in Ruth 4, "Witnesses and Dates in Israelite Contracts," *CBQ*, 28, 1966, pp. 42-45 (hereafter cited as "Witnesses and Dates") and "Covenant Forms and Contract Forms," *VT*, 15, 1965, pp. 499-502. For additional discussion of the procedures in Ruth 4, cf. R. de Vaux, *Ancient Israel*, 1961, p. 153 and H. J. Boecker, *Redeformen des Rechtslebens im Alten Testament*, 1964, pp. 160-175. The opinion of A. Phillips, *Ancient Israel's Criminal Law*, 1970, p. 19 n. 31, that Ruth 4 cannot be used in any discussion on the administration of justice in Israel is not followed by the majority of scholars and is based on his postexilic dating of the book.

2. *עלה ובעז* (4:1) is translated by the KJV, "Then Boaz went up," and by NEB, EB, "Now Boaz had gone up." L. Morris, *Ruth*, TOTC, 1968, p. 297, correctly states that the construction employed is intended to direct attention away from the time sequence. "The author simply indicates that Boaz went up, but he does not indicate whether this was before, after, or simultaneous with the preceding. It is a piece of paragraphing technique, turning our attention to Boaz." See also G. Gerleman, *Ruth Das Hohelied*, BK, 18, 1965, p. 35. E. Robertson, "The Plot of the Book of Ruth," *BJRL*, 32, p. 220, is of the opinion that there must have been a meeting between Boaz and Naomi after the events of chapter three for Boaz to have known of Naomi's willingness to sell the property and for him to have been empowered to act on her behalf. Such a meeting was suppressed by the author for "had details of this meeting been given it would have robbed the encounter of Boaz and the nearer kinsman of all, or almost all, piquancy." H. W. Hertzberg, *Die Bücher Josua, Richter, Ruth*, ATD, 9, 1965³, p. 280, however, writes—in my opinion correctly, "Offenbar ist die Meinung die, dass Boas, der als Bauer and Sippenzugehöriger die Sachlage kennt, die ihm von Ruth vorgetragene

scene transpires in the early morning,³ as Boaz goes to the gate through which the citizens must pass on the way to their work in the fields. He sits down and waits, obviously expecting that the man he wants to meet will be passing. The man appears and is asked by Boaz⁴ to sit down. Boaz proceeds to call forth ten elders who, along with the other citizenry, constitute the witnessing agency to observe the transaction of the two parties. The participation of the other citizens is clear, from 4:4, "Buy it in the presence of those sitting here and in the presence of the elders of my people,"⁵ and particularly from 4:9, 11, where the elders and the people are mentioned. The terminology "you are witnesses ... we are witnesses" (4:9-11) is the formulation of the Israelite law courts.⁶ Tucker writes, "One sees the use of similar formulae whether the witnesses were summoned during a trial (I Sam. 12:5, Isa. 44:8; 43:9-10, 12) or called to verify a legally binding agreement (Ruth 4:9-11). The formulae show that in both procedures the witnesses were called by the parties themselves, not by a judge or other permanent court officer.

Bitte, Löser zu sein, selbstverständlich auch auf die Bereinigung der Eigentumsangelegenheit beziehen musste." The verb **עלה** may be employed in contrast to the verb **ירד** in 3:3. Possibly it is to be understood as legal terminology (cf. Deut. 17:8 and more particularly Deut. 25:7) and the similarity to Deut. 25:7 would constitute another small evidence of the presence of the levirate concept in Ruth.

3. Cf. L. Kohler, *Hebrew Man*, 1956, pp. 151, 154.

4. V. 1 uses the term **פלני אלמני**; KB "a certain one." It is equivalent to the expression, "so and so" and is found in two other places in the OT: I Sam. 21:3 (2); and II Kings 6:8. It is a form of address indicating a definite person without expressly naming the person. On the goel's name, W. Rudolph, *Das .Ruch Ruth, Das Hohe Lied; The Klagelieder*, HAT, 17, 1962, p. 65, writes, "Im Tor wartet er auf den go'el, dessen Namen der Erzähler nicht kennt oder der Erwähnung nicht für wert hält." H. W. Hertzberg, *op. cit.*, p. 279, offers another possible explanation: "Der Name war bekannt, wurde aber absichtlich unterdrückt, um das Haupt einer Sippe mit dieser für ihn immerhin etwas blamablen Angelegenheit nicht blosszustellen." He points out correctly that in the other cases where the expression is found, "handelt es sich um absichtliche Verschweigung, so dass es auch hier so sein könnte."

5. C. F. Keil, *Joshua, Judges, Ruth*, 1887,, p. 488, treats the waw as explanatory, but in the light of the **כל העם** in 4:9, 11, it is perhaps more likely that the waw means "and especially."

6. Cf. H. J. Boecker, *op. cit.*, p. 162; G. Tucker, "Witnesses and Dates," p. 43.

The expressions also demonstrate how the court—the elders and/or all the citizens present 'in the gate'—validated oral contracts by responding to the formal call to bear witness. Through the use of these formulae in legal transactions the court performed its notarial function."⁷

The scene present—grin this chapter gives ample evidence of the fact that Boaz was proceeding to the fulfillment of his sworn oath (3:13), in accordance with the customary legal procedures of his day.⁸

The Sale of the Property, Ruth 4:3

Boaz assembles a lawfully constituted judicial body and proceeds to put the case in hand before the goel. For the first time explicit mention is made of a piece of property belonging to Elimelech (4:3). The introduction of the property is indeed a new feature in the story. The connection between the sale of the property and the marriage of Ruth is the perplexing question confronting the reader of the book. We shall undertake to give an answer to the problem later in our discussion. At this point we must seek an answer to two

7. G. Tucker, "Witnesses and Dates," p. 43. Additional evidence of the legal background in our passage is the date formula mentioned in 4:9, 10. The term *hayyom* is prominent in other Old Testament examples of oral contracts (I Sam. 12:5; Gen. 31:48; 47:23). Tucker (p. 45) writes, "The use of *hayyom* in the Israelite transactions issintilat to this Akkadian pattern:ineinpports the conclusion that such date formulae,' originated in oral agreements. As in the Akkadian textffrom Ras Shamra, the formula in Israelite legal affairs indicated the consummation and perpetual validity of a transaction."

8. On the extraordinary amount of legal detail in chapter four, H. Gunkel, "Ruth," in: *Reden und Aufsätze*, 1913, pp. 78, 79, comments, "Den Verfasser ergotzt es, jetzt einen verwickelten Rechtsfall zu schildern und zu zeigen, wie er nach altem Rechte entschieden worden ist; darum hat er diese Szene so weit ausgeführt." His explanation is not entirely satisfactory. If the motive were merely the literary pleasure of the author or his attempt to build suspense, it would be difficult to account for the juridical *complexity* involved in the narrative. G. Gerleman, *op. cit.*, p. 9, criticizes Gunkel's explanation of the legal detail in Ruth 4. He gives the following reason for the legal detail: "Solite die Einverleibung Ruths in das Volk Israel eine unbestreitbare sein, wareq jedoch andere Mittel erforderlich als fromme Worte und Wtinsche. Den entscheidenden Beweis für die Zusammengehörigkeit der Moabiterin Ruth mit Juda kprinte nur eine rechtsgultige Handlung liefern. Dazu dient die weit ausgeführte Schlusszene 4:1-12."

questions which Boaz' statement raises. The first question is, How is it that Naomi was in possession of the property, since the Old Testament laws seem to preclude an inheritance by a widow? Succinctly stated, the law of Numbers 27:8-11 grants no right of inheritance to the widow. The second question is, Had Naomi already sold the property or was she in the process of selling it?

To the first question, which has long puzzled commentators, varied answers have been given, and we shall survey some of the leading suggestions. Caspari suggested that Naomi was the real possessor of the property from the very beginning which she inherited in a situation similar to that legislated in Numbers 27.⁹ In accordance with this he gives a special exegesis of the words of Boaz in 4:9.¹⁰ The normally accepted translation reads, "You are witnesses this day that I have bought from the hand of Naomi all that belonged to Elimelech, and all that belonged to Chilion and to Mahlon." Caspari, however, rather than taking the phrase **מִיַּד נְעֻמִי** with the verb **קָנִיתִי**, brought it into the relative sentence and translated, "Ich erwerbe heute alles, was Elimelech, Chilion und Machlon aus der Hand Noomis besaßen," and went on to conclude, "Demnach hatte Elimelech durch Heirat sein Gut erlangt."¹¹

Jepsen followed Caspari in his opinion that the property was inherited by Naomi from her family and belonged to her. He expressed himself cautiously on Caspari's handling of the phrase "from the hand of Naomi" in verse 9, simply citing it as a possibility, but went on to remark, "Sonst sind diese Worte, wie in 4, 5 so zu verstehen, dass der goel aus der Hand der Erbtochter das Recht der geulla und damit nach dem

9. W. Caspari, "Erbtochter und Ersatzeheliche in Ruth 4," *NKZ*, 19, 1908, p. 118, "Im übrigen ist aber die Erbtochter die einzige Frau, die eines Grundbesitzes rechtlich fähig ist. Eine solche Grundbesitzerin wird nun Ruth 4:3 und 9 vorausgesetzt; nur ist es nicht Ruth, sondern Noomi."

10. **עֵדִים אַתֶּם הַיּוֹם כִּי קָנִיתִי אֶת כָּל אֲשֶׁר לְאֵלִימֶלֶךְ וְאֶת כָּל אֲשֶׁר לְכִלְיוֹן וְלְמַחְלוֹן מִיַּד נְעֻמִי**

11. W. Caspari., *op. cit.*, p. 118.

Kauf das Eigentumsrecht empfdngt. Dann ist Elimelech wohl Besitzer des Feldes, 4, 3, nicht aber Eigentümer."¹² Jepsen supported Caspari's theory further by saying that a sale could only have taken place after Naomi's return on the supposition "dass Naemi Erbtöchter war; denn als Witwe ware sie keinesfalls erberechtigt gewesen, vielmehr wäre der Besitz nach dem Tode Elimelechs and seiner Söhne sofort an den nächsten männlichen Verwandten, also wohl an den ungenannten goel gefallen."¹³

The theory that the property was originally Naomi's must be regarded as unlikely and Caspari's novel approach to 4:9 as strained, particularly in light of the mention of the property as belonging to Elimelech (4:3).¹⁴ Jepsen's suggestion that what was received from the hand of Naomi (4:5) was the right of redemption is equally artificial. Moreover, if the property originally belonged to Naomi, the goel must be related to Naomi, which would seem unlikely; see 2:1, where

12. A. Jepsen, "Das Ruch Ruth," *ThStKr*, 108, 1937-38, p. 420. The idea that Naomi was an "Erbtochter" makes it necessary on two grounds to understand Elimelech as a relative of Naomi. First, the law of Num. 36 would require Naomi to marry within her clan. Second, the god who buys the property must belong to the family of the one the property; in this case, Naomi. Since the goel was a kinsman of Elimelech (2:1) one must then assume that Elimelech was related to Naomi.

13. p. 420 n. 17. For Jepsen such an argument is purely hypothetical since he holds that the property had already been sold before Naomi's return. *Ibid.*, p. 419. See note 31. J. Pedersen, *Israel, Its Life and Culture*, 1-11, 1926, p. 93, sees a similar difficulty: "The redeemer is the next agnate, and thus, according to the most natural conception, the heir. How then can he be made to buy the property of his near kinsman from a widow who does not belong to the family?" This objection would not apply if the property were given to Naomi by Elimelech or if Naomi were the legal heir, following an uncodified custom. See further below. Cf. yet W. McKane, "Ruth and Boaz," *GUOST*, 19, 1961-62, pp. 35, 36, "Nor is the conclusion demanded that the *go'el* should always be the heir.... The *go'el* indeed acquires the property of his kinsman, not, however, by a normal process of inheritance but by the special process of *ge'ullä*."

14. P. Joüon, *Ruth*, 1952, p. 10 n. 1, comments on Caspari's idea, "Cette théorie n'a pas de fondement dans le texte et meme lui fait violence." Joüon's opinion is shared by H. H., Rowley, *op. cit.*, p. 184.

Boaz is mentioned as being related to Elimelech, and 4:3, where Boaz speaks of Elimelech as "our brother."¹⁵

De Vaux has suggested that since the land is regarded as the property of the two sons, Chilion and Mahlon (4:9), Naomi is acting as the guardian of their rights.¹⁶ In a similar fashion, Mittelman envisages Naomi as the one whose task it is to regulate the inheritance. "Noomi ist zwar nicht Eigentümerin des Grundstücks, jedoch ist sie berechtigt, die Erbfolge mit den Erben zu regeln."¹⁷ On this hypothesis, the question still remains unanswered as to why the goel should be asked to buy the property of *Naomi*.¹⁸

Several scholars are of the opinion that the practice of allowing the widow to inherit was a very late development in Israel. Bewer remarks, "Now, in this book of Ruth we have a very late mode of inheritance.... It is agreed that the law, concerning the inheritance of daughters, in case there were no sons, is late, and it will not be doubted that the custom, though we have no law concerning it, where the inheritance

15. A. Jepsen attempts to counter the objection by suggesting that Naomi and Elimelech were related. See above, n. 12. M. Burrows, "The Marriage of Boaz and Ruth," *JBL*, 59, 1940, p. 448, rejects Jepsen's conclusion as does W. Rudolph; *op. cit.*, p. 66 n. 2; M. David, *Het Huwelijk van Ruth*, 1941, p. 15 n. 17 (hereafter cited as *Huwelijk*); E. Neufeld, *AHML*, 1944, p. 241 and J. Schoneveld, *De Betekenis van de Lossing in het Boek Ruth*, 1956, pp. 7, 8.

16. R. de Vaux, *op. cit.*, p. 54; E. Würthwein, "Ruth," in *Die Fünf Megilloth*, HAT, 18, 1969, p. 21. Cf. P. Joüon, *op. cit.*, p. 10, "Nous disons: le champ d'Elimèlek. Après la mort de celui-ci, ses héritiers Mahlon et Kilyon devinrent légalement propriétaires du champ; mais à leur mort le champ est censé appartenir de nouveau à l'ancien propriétaire Elimèlek (4:3): sa veuve, Noémi, ne le posséde que pour le transmettre à un descendant légal d'Elimèlek."

17. J. Mittelman, *Der altisraelitische Levirat*, 1934, p. 20. Cf. also J. Morgenstern, "The Book of the Covenant, Part II," *HUCA*, 7, 1930, p. 174, "Naomi inherits from her dead sons, not the family-estate itself, but the right to dispose of it, or rather to have it redeemed, no doubt for a nominal price, by the next of kin." W. Rudolph, *op. cit.*, p. 66, writes, "Aber wenn die *ge'ulla*, bei der die Witwe mit zu übernehmen ist, freiwillig war, (s.o.) und es deshalb unter Umständen länger dauern konnte, bis sich ein *go 'el* zu ihr entschloss, musste die Witwe für die Zwischenzeit ein Nutzungsrecht und auch ein gewisses Verfügungsrecht über den Besitz ihres Mannes haben."

18. H. H. Rowley, "The Marriage of Ruth," in: *The Servant of the Lord*, 1965², p. 185 n. 2.

reverts to the widowed mother in case of the death of her sons who leave no offspring, is also late. ..."19

Such a conclusion is, however, not necessarily to be presumed from the book of Ruth, or from the law in Numbers 27, where daughters are allowed inheritance rights. This law is attributed to the so-called P. document and is said to contain the late abrogation of the levirate. It may be, however, that this regulation is confined to such cases where there is no son and where, because of the advanced age of the widow, the bearing of a son was no longer possible.²⁰ Apart from this, it is significant that the law in Numbers 27 speaks of daughters and that Bewer finds it necessary to presuppose a similar late custom for widows. In a more recent full scale study of inheritance laws in the Old Testament, Brown suggests the possibility that Genesis 31:14-16 refers to the inheritance portion of Leah and Rachel, in which case he feels that "E, in telling the story, was familiar with a law similar to that in Numbers 27 and was implying its substance by the words of Leah and Rachel."²¹ Furthermore, Brown is of the opinion that "the legal sequence of heirs was known in Hebrew culture before the recording of the law in Numbers 27."²²

19. J. Bewer, "The Ge'ulläh in the Book of Ruth," *AJSL*, 19, 1903, p. 148 (hereafter cited as "Ge'ulläh"). Cf. M. David, "The Date of the Book of Ruth," *OTS*, 1, 1941-42, pp. 57, 58 (hereafter cited as "Date") and G. Cooke, *Judges and Ruth*, 1918, p. 16.

20. J. Ridderbos, *Deuteronomium*, KV, 1951, p. 59, remarks, "Blijkbaar moet Num. 27:8 v. zo worden opgevat, dat de dochters of de broeder erfgenamen zijn, als er geen zoon is en er ook niet meer een (uit een te sluiten huwelijk) is te wachten, by. doordat de weduwe boven den leeftijd was." Cf. also W. H. Gispen, *Het Boek Numeri*, COT, 2, 1964, p. 180. H. H. Rowley, *op. cit.*, p. 184 n. 2, rejects Bewer's conclusion and remarks, "But we have no solid grounds for this assumption."

21. A. M. Brown, *The Concept of Inheritance in the Old Testament*, unpublished PhD dissertation, Columbia University, 1965, pp. 10, 11. Since reference is made in Gen. 30:35 and 31:1 to Laban's sons it is necessary to interpret this in a broader sense, in terms of his household or perhaps as in Gen. 31:28, 43, as the children of his daughters. On the other hand, Brown also recognizes that such a practice may not be descriptive of Israelite custom but of the custom of the people of Haran.

22. *Ibid.*, p. 27. His argument is that the amendment to this law is in Num. 36 and is clearly P. "It seems unlikely that P would have originated both the law and its detailed amendment and not included them together." J. van der Ploeg,

It is debatable whether Naomi's possession of the property is best understood as a case of inheritance. Several scholars take the position that Hebrew law or custom would have made some provision for the support of older childless widows. Thus Mace writes, "Naomi's statement, 'I am too old to have a husband' (Ruth 1:12), suggests that the levirate did not apply to women who were past childbearing age; which is of course what we should have expected. Yet such widows must have been numerous, and it is only natural that their future would have been safeguarded. The obvious way to do this would be to require the heir to the property to give shelter also to the female dependants. It is possible that the unusual fact of Naomi's right to dispose of Elimelech's land was the result of her failure to find a kinsman who would take it over, because it was too small to compensate him for the burden of supporting Naomi and Ruth."²³ Similarly, Lattey maintains that in cases where the widow was past the age for marriage, as was so with Naomi (1:12), it may have been the custom that she be given possession of her dead husband's property.²⁴ Such a possibility cannot be excluded

"Studies in Hebrew Law," *CBQ*, 13, 1951, p. 41, writes: "The right of inheritance of daughters is judged to be of recent date, but why? This law is only comprehensible if it were in force at the time when the distinction among the tribes had a great practical importance."

23. D. Mace, *Hebrew Marriage*, 1953, pp. 108, 109.

24. C. Lattey, *The Book of Ruth*, 1935, p. xxiv, remarks, "It may also be presumed that in the general law of Num. XXVII the wife is supposed to be dead, but that she would be given a prior claim over the daughters if alive." Commenting on the question of Naomi's rights in the land, L. Morris, *op. cit.*, p. 301, writes, "Our best guess is that a common-sense custom gave them to her." C. F. Keil, *The Pentateuch*, 3, 1864, p. 489, points out that the law of Num. 27 does not explicitly mention the time when the property is to pass to the relatives, whether immediately, or after the death of the widow. The widow had the possession of the property as long as she lived and in cases of dire need she had the right to sell the land since the land reverted at the year of jubilee. C. Goslinga, *Het Boek Ruth*, KV, 1952², p. 155, takes a position similar to that of Keil. E. Hamershaimb, *Some Aspects of Old Testament Prophecy from Isaiah to Malachi*, 1966, p. 73, believes that Naomi's possession of the property "might be understood as a rare example of the right of the widow to inherit the property of the husband."

since, clearly, there are other examples of the growth of oral law in the Old Testament.²⁵

If, however, we do not think of Naomi possessing the land in accordance with uncodified Hebrew customary law, it may have come to her as a gift from her husband. There is clear evidence of this in extrabiblical texts and the possibility cannot be ruled out in Israel.²⁶ This idea has been ably argued by Schoneveld who cites numerous examples from the ancient Near East of husbands leaving goods and property to their wives. His conclusion is that it is "niet onmogelijk to achten, dat Naomi als weduwe de beschikking gehad heeft over de nalatenschap van haar man, zodat de erven deze niet konden opeisen."²⁷

25. J. Weingreen, "The Case of the Daughters of Zelophehad," *VT*, 16, 1966, p. 522, writes, "The laws preserved in the Pentateuch are but a few items culled from a large corpus of law which was operative in ancient Israel. It could even be argued, *a priori*, that no organized society could have been regulated solely on the scanty pentateuchal legislation, but a volume of legislative material grew progressively to meet the demands of a developing Israel.... We can, therefore, point to at least three examples of laws which were operative in ancient Israel, but which are not mentioned in the Pentateuch. To recapitulate they are: (a) the law (Num. 27:3) which exacts the confiscation of the property of a person convicted of treason, (b) David's military rule providing for the distribution of the spoils off war among non-combatants, as well as among fighting troops (I Sam. 30:24, 25) and (c) Jeremiah's reference (Jer. 17:21, 22) to the prohibition against the carrying of burdens on the Sabbath." Cf. also J. van der Ploeg, "Studies in Hebrew Law," *CBQ*, 13, 1951, p. 43; "In the period of the kings there existed an uncodified civil law which regulated civil life in cases unforeseen by the Pentateuch." Ample evidence for the presence of uncodified law is given by H. Schmokel, in his study *Das angewandte Recht im Alten Testament*, 1930.

26. H. H. Rowley, *op. cit.*, p. 184 n. 2.

27. J. Schoneveld, *op. cit.*, p. 10. Cf. G. Smit, *Ruth, Ester, en Klaagliederen*, TU, 1930, pp. 31, 32. Cf. Z. Falk, *Hebrew Law in Biblical Times*, 1964, p. 159, "The property was perhaps promised to Naomi as a marriage-gift or bequeathed to her at marriage to provide for her husband's predeceasing her without leaving a child." Falk mentions that the Qara'ites understood that Naomi sold her husband's estate to draw her marriage portion. F. Buhl, "Some Observations on the Social Institutions of the Israelites," *AJT*, 1, 1897, p. 736, reasons that Elimelech, prior to his death, had obtained for his wife the possession of his property in Bethlehem, a procedure which was quite possible according to later Jewish custom. On inheritance in Ugarit, cf. A. F. Rainey, "Family Relationships in Ugarit," *Or*, 34, 1965, pp. 12-14. For Nuzi material, cf. C. Gordon, "Status of Women Reflected in the Nuzi Tablets," *ZA*, 43, 1936, p. 162, 163. Examining the inheritance laws in other lands, A. Brown, *op. cit.*, p. 150, comments, "In light of the request of Zelophehad's daughters for a share in the inheritance of the promised

Our present passage is not the only one where the practice of inheritance, seemingly, went beyond that which was prescribed in the written law. Job's daughters are given a share in the inheritance along with their seven brothers (Job 42:13-15). We also find the widow in II Kings 8:1-6 being restored to the possession of her land and home after a seven-year sojourn in the land of the Philistines, a situation with striking similarities to that pictured in the book of Ruth. The announcement, made in the presence of the lawfully assembled body, that Naomi was selling the property, went unchallenged; thus there can be little doubt that she was lawfully in possession of the property. The complications which this may appear to bring are to be seen rather as an indication that the author is portraying a real situation.²⁸

In reconstructing the actual course of events in the book of Ruth, it becomes necessary to deal with the second main question which emerges from Boaz' initial words to the nearer kinsman in 4:3. It involves the interpretation of *מְכַרָּה*.²⁹ Are we to understand that the property had already been sold by Naomi, in which case Boaz is calling upon the goel to purchase it back? Such would be the usual way in which the perfect would be translated; or are we to understand that the sale has not yet taken place? This is possible either by pointing the verb as a participle or by seeing the verb as a perfect of certainty, "has resolved to sell," or of instantaneous action, "is now selling."³⁰

land, it is significant that there were situations in the ancient Near East where daughters did receive a share of inheritance."

28. Cf. M. Burrows, "Marriage of Boaz and Ruth," p. 453.

29. LXX: ἡ δέδοται. L. Epstein, *op. cit.*, p. 85 n. 17, suggests that this (given to Naomi) may indicate that Naomi's possession of the property was considered an alienation due to the fact that she is not of Elimelech's family. LXX is of little help, however, and the manuscript evidence is not uniform. Cf. W. Rudolph, *op. cit.*, p. 59.

30. A. B. Davidson, *Hebrew Syntax*, §41a, cites this as a case of the perfect of certainty. S. R. Driver, *Hebrew Tenses*, § 13, calls this "a striking instance" of the perfect of certainty. P. Joüon, *op. cit.*, p. 81, says "C'est donc un présent d'action instantanée: *Noémi vend, c'est-A.-dire met en vente, par la déclaration meme que je to fais.*"

If Naomi had already sold the property, either before returning or shortly thereafter, we have added confirmation of the bleak circumstances which surrounded her return.³¹ Moreover, if Naomi is presently in possession of a piece of property, Why is it necessary for Ruth to glean in the field of Boaz?³² However, plausible suggestions can be put forth which explain that notwithstanding Naomi's ownership of a piece of property the widows found themselves in a lowly condition. Bettan stresses the importance of 1:22 where the reader is told that the widows "came to Bethlehem at the beginning of the barley harvest." This may account for Naomi's poverty despite her owning the land, in that the season was too far advanced for cultivation of the land.³³ If the piece of property which belonged to Elimelech was a portion of a communal field³⁴ it would be understandable why Naomi had not been able to dispose of the property earlier, thus explaining how the plight of the widows is compatible with possession of a piece of property.³⁵ One might

31. A. Jepsen, *op. cit.*, p. 419, feels that the property was sold before Naomi's return. "Vielmehr muss angenommen werden, dass der Besitz schon beim Wegzug Elimelechs verkauft worden ist; denn sonst hätte Naemi wohl nicht als so arm dargesteilt werden können, hätte wohl auch kaum so lange mit dem Verkauf ihres Ackers gewartet." This argument is also given by M. David, *Huwelzjk*, p. 21, and J. Pedersen, *op. cit.*, p. 93. H. Gunkel, *op. cit.*, p. 81 n. 2, reasons in the opposite direction, "Auch würde Naemi, wenn sie den Acker veräußert hätte, eine wohlhabende Frau sein: was der Meinung der Sage völlig widerspricht."

32. This question is raised by M. Burrows, "Marriage of Boaz and Ruth," p. 447. The answer of E. Neufeld, *AHML*, p. 37, that Ruth was sent to glean merely to bring herself to the attention of Boaz in the hope of marriage is to be rejected. With regard to the initial encounter the emphasis of the narrative seen as a whole is on the providence of God behind what seemed to the participants to be a chance meeting. See chap. 7 n. 5.

33. I. Bettan, "The Book of Ruth," in *The Five Scrolls*, 1950, p. 60, and H. H. Rowley, *op. cit.*, p. 183. W. Rudolph, *op. cit.*, p. 66, objects, "Ackerland ist zu kostbar, als dass man es jahrelang verwildern liesse," but it is not at all necessary to assume that the land stood unused for a long time.

34. K. H. Henrey, "Land Tenure in the Old Testament," *PEQ*, 41, 1954, P. 9.

35. L. Morris, *op. cit.*, pp. 270, 271, 300. H. W. Hertzberg, *op. cit.*, pp. 279, 280, writes: "Das Wort *helkat hassada* (Ackerstück) scheint so gebraucht zu sein, als wenn *hälek* (Anteil) da stände. Das macht sofort erklärlich, warum dieses 'Land' für Naemi and Ruth nicht praktisch realisierbar war. Natürlich sind Land-

query, as well, how the property would have solved the financial problems without any husband to work the land.³⁶ There is no way of knowing how large the property was, though Burrows feels it can be presumed that it was not very large. Naomi may have felt that she could manage her own support through the sale. This would have provided all the more reason for her wanting to arrange a suitable home for Ruth.³⁷ All the above are plausible considerations which explain the possession of the property by Naomi and the very meager circumstances in which the two widows found themselves. Of particular importance to the question of the translation of the verb **מְכָרָה** in Ruth 4:3 is the argument based on the property redemption law of Leviticus 25:25. Jepsen remarks, "Vor allem aber wäre ein Kauf dtifeh-einen Verwandten kaum eine **גְּאֵלָה** gewesen. Der Eintritt des goel setzt einen früheren Verkauf voraus. Es muss also bei der Lesart des MT **מְכָרָה** 'N. hat verkauft' bleiben."³⁸ However, it is not at all certain that the law in Leviticus 25 must be understood as applying exclusively to repurchase.³⁹

It is preferable to understand the sale in the light of Jeremiah 32, particularly since there are noticeable similarities of terminology.⁴⁰ Both are cases involving the prior right

stücke, die mehrere Besitzer haben, verpachtet, um genutzt werden zu können. Daher bedeutet diese Erbschaft für Naemi in der Tat so gut wie nichts."

36. C. Smit, *op. cit.*, p. 31, "Het terug ontvangen van den akker neemt Noomi's en Ruth's armoede niet weg. Zij kunnen den akker niet bewerken. Mannenzorg is daarvoor noodig."

37. M. Burrows, "Marriage of Boaz and Ruth," p. 448.

38. A. Jepsen, *op. cit.*, p. 419, W. Nowack, *Richter, Ruth and Bucher Samuelis*, HK, 1902, p. 197, remarks: "Offenbar hat N. aller Mittel bar das Grundstück veraussert, das jetzt aus der Hand des Käufers zu lösen Aufgabe des Goël ist vgl. Lev. 25:25. Ob N. den Acker von Moab aus oder erst nach ihrer Rückkehr verkauft hatte, lässt sich nicht mit Sicherheit ausmachen." Cf. Th. W. Juynboll, "Het boek Ruth uit het oogpunt der vergelijkende Rechtswetenschap," *ThT*, 40, 1906, p. 162.

39. Cf. our discussion of this law in chap. 4, "Goel-Redemption of Property."

40. **קנה לך** (Jer. 32:8 and Ruth 4:8). Commenting on the verb in Ruth 4:3, J. J. Stamm, "**גאל**," *THAT*, 1, p. 386, remarks, "Es kann somit nicht sicher entschieden werden, ob Vorkauf oder Rückkauf vorliegt."

to purchase a property offered for sale. We do not think that Jepsen has established his point.

If the property were being repurchased by the goel from the one to whom Naomi had already sold it, we should expect to find such a one present at the transaction; but, as a matter of fact, what we are expressly told is that the property is being bought from the *hand of Naomi* (4:5, 9).

Bertholet's explanation, "dass die Abfindungssumme des Goel an den fremden Käufer durch die Hand des ursprünglichen Besitzers zu gehen hatter" is strained.⁴¹ It would seem best, in the light of the phrase "from the *hand of Naomi*," to conclude that the property had not previously been sold, but was now being put up for sale by Naomi.

At the turn of the century, Gunkel cited II Kings 8:1-6 as providing a clue to the events in Ruth. This passage concerns a widow who sojourned in the land of the Philistines for seven years. Upon her return, she appealed to the king for her land and house, evidently because it was confiscated by some one while she was gone. In response to her appeal an official was appointed who restored all that belonged to her. Gunkel's suggestion, based upon this passage, was that Boaz was acting in behalf of Naomi, who had abandoned all efforts to get back her confiscated property. With Boaz as her representative and with the law on her side, she would be able to press her claim on the property and to proceed to offer it for sale.⁴²

41. A. Bertholet, *Das Buch Ruth*, KHC, 17, 1898, p. 66. J. Pedersen, *op. cit.*, p. 511, calls his theory artificial! J. Mittelmann, *op. cit.*, p. 20, writes: "Auch müsste anderenfalls der Eigentümer des Grundstücks anwesend sein and mit den Go'alim verhandeln. Auch würde eine dritte Person das Grundstück nicht ohne Geldzahlung hergeben, von der jedoch in Kap. 4 nicht die Rede ist."

42. H. Gunkel, *op. cit.*, pp. 79, 80. Also W. Rudolph, *op. cit.*, p. 66. This is also the position of Robinson, *History of Israel*, 1, 1951, p. 318 n. 1, who writes: "The stories of Ruth and of the Shunamite woman (2 Kings 8:1-5) show how even wealthy families might be reduced through famine. In these cases the sufferers were compelled to migrate, but that was their only hope of surviving and it normally meant the loss of their land." H. H. Rowley, *op. cit.*, p. 184, writes, "It may even have been that Naomi was unaware of her title to it, or that she would have been powerless to secure possession, but for the support of Boaz."

We are not in a position to say dogmatically whether such was the case or not, but it is an interesting parallel in many respects and another indication of the accurate picture of Israelite life given in the book. Perhaps during the long sojourn, the property may have been held in pledge by a friend,⁴³ or farmed by others within the family.⁴⁴ These are only possibilities and must remain so for lack of additional detail. The main issue is clear however; upon her arrival in Israel, it became necessary for Naomi to sell the property and in some way this sale was connected with the marriage of Ruth. Boaz' words to the goel (4:3) are best understood as applying to an *impending* transaction similar to Abraham's commercial transaction with Ephron, the Hittite, (Gen. 23: 11) at the gate., in which the language employed bears close resemblance to that of our present passage.⁴⁵

The Double Responsibility, Ruth 4:5, 10

Boaz urges the goel to buy the property which Naomi is selling, since he has the prior claim upon it; yet at the same time Boaz assures him that he is next in line and is willing to assume the task (4:4). The goel, however, maintains his right of redemption, responding emphatically, "I will redeem it" (4:4). In the course of our study, we have had occasion to discuss individual problems of interpretation, all of which are necessary links in piecing together the situation described in the book. We come now to the most difficult and crucial problem: the goers dual responsibility of marrying Ruth and

Some are of the opinion that the passage in II Kings provides an example of confiscation by royalty. K. Henrey, *op. cit.*, p. 12, writes, "The possibilities here are that the land was a fief granted to the male line of the family, probably on condition that certain services were performed to the Crown ..., and that if the father died the land passed to the son who forfeited possession by prolonged absence."

43. M. Burrows, "The Marriage of Boaz and Ruth," p. 447.

44. H. H. Rowley, *op. cit.*, p. 184.

45. השדה נתתי לך והמערה אשר בו לך נתתיה (Gen. 23:11). Cf. G. Gerleman, *op. cit.*, p. 35.

redeeming the property, a question complicated by textual difficulties. In response to the goel's acceptance of the call to redeem the property, Boaz counters with the remark, "The day you buy the field from the hand of Naomi, you are also buying Ruth the Moabite, the widow of the dead, in order to restore the name of the dead to his inheritance" (4:5).⁴⁶ This text of Scripture bristles with textual and interpretative difficulties. On the textual side, it is immediately evident that the phrase **ומאת רות**, as it appears in the MT, constitutes a difficulty. The KJV retains these words and renders the verse, "What day thou buyest the field of the hand of Naomi, thou must buy it also of Ruth the Moabite, the wife of the dead."⁴⁷ The property which is referred to as Elimelech's (4:3) and Elimelech's, Mahlon's, and Chilion's (4:9) and which is spoken of as being sold by Naomi (4:3, 9), would, following the KJV, be understood as in some way belonging to Ruth. Such a view is unlikely. An even stronger objection to this translation would be that the phrase, "thou must buy it also of Ruth the Moabite, the wife of the dead, to raise up the name of the dead upon his inheritance," does not unambiguously refer to a marriage responsibility. Yet it is the introduction of the marriage with Ruth which leads to the goel's change of mind. Furthermore, Boaz' statement in 4:10a pleads against this translation. See below.⁴⁸

L. Kohler solves the difficulty involved in the phrase

ביום קנותך השדה מיד נעמי ומאת רות המואביה אשת המת קניתי. להקים שם המת על נחלתו

47. A similar translation is given by C. Smit, *op. cit.*, p. 17, cf. also p. 32. Then our text would be comparable to a passage such as Gen. 25:10, **השדה אשר קנה אברהם מאת בני חת**, but with the significant difference that the verb has an object which it does not have in Ruth 4:5. It should be noted, however, that no object is found with the verb in Ruth 4:4, 8, though it may be understood.

48. Cf. W. Nowack, *op. cit.*, p. 197, who cites, among his three objections to retaining **ומאת**, the fact that it is "neben vorhergehendem **מיד** auffällig." The MT reading is defended by L. Morris, *op. cit.*, p. 304: "AV gives the more difficult reading and this may be right.... If this is so then Boaz is saying that Ruth also has a stake in this field, and since she is the widow of a childless kinsman this involves marrying her to raise up a child for the deceased as well as treating it as a Property matter." Cf. also, I. Bettan, *op. cit.*, p. 69, J. Slotki, "Ruth," in *The Five Megilloth*, SB, 1946, p. 61, for similar views.

וּמֵאֵת רוֹת by omitting it, in which case the verse reads, "Am Tage, wo du den Acker aus dem Besitz der Naemi, der Frau des Toten, kaufst, kaufst du ihn, urn...."⁴⁹ He gives two reasons for the change. "Warum wird Ruth, 'die Frau des Toten' genannt, nicht aber Naemi, da doch nicht von Ruth's Mann, wohl aber von dem der Naemi 'unserm Bruder Elimelek' (4:3) die Rede war? Und: 'du kaufst Ruth, indem du den Acker kaufst' ist sonderbar, obwohl der Freier für die Braut ein Kaufgeld zahlt."⁵⁰ These are not adequate reasons for removing the phrase. The "dead" in 4:5 may well have reference to Mahlon, as it apparently does in 4:10, and in the raising up of Mahlon's name that of Elimelech would also be continued.⁵¹ The supposed difficulty which is caused by the statement, "du kaufst Ruth, indem du den Acker kaufst," is obviated when we shall see⁵² that the verb in 4:5b is best understood as meaning "acquire." We prefer, following the great majority of commentators,⁵³ to read , גַּם אֵת רוֹת. This

49. L. Kohler, "Ruth," *SThZ*, 37, 1920, p. 10 (hereafter cited as "Ruth").

50. L. Kohler, "Ruth," p. 10. His explanation for the insertion is unconvincing. He writes, "Es ist die Ueberweisheit eines Lesers, der der Meinung lebte, auch Ruth habe zu dem Verkaufe etwas zu sagen."

51. E. Würthwein, *op. cit.*, p. 22 n. 1, objects to Köhler's approach and remarks, "Von Naemi kann nicht gesagt werden, dass mit ihr des Toten Namen aufrecht erhalten werde, da von ihr keine Kinder mehr zu erwarten sind (1:14)." W. Rudolph, *op. cit.*, p. 67, sees Ruth as a replacement for Naomi in the levirate situation. Her designation as "wife of the dead" is explained as "eine in solchen Substitutionsfällen übliche Formulierung." The contention of P. Volz, "Rut," *ThLZ*, 26, 1901, p. 348, that the phrase "wife of the deceased" (being in his view Elimelech) in 4:5 is evidence for an original story where Boaz married Naomi must similarly be rejected.

52. Cf. below, for instance n. 65.

53. For instance, A. Bertholet, *op. cit.*, p. 66; W. Nowack, *op. cit.*, p. 197; C. Lattey, *op. cit.*, pp. 20, 21; W. Rudolph, *op. cit.*, p. 59; J. Morgenstern, *op. cit.*, p. 175 n. 227; H. H. Rowley, *op. cit.*, p. 193 n. 1; H. W. Hertzberg, *op. cit.*, p. 278. Suggestions have been put forward by two scholars who have not resorted to changing the MT but have not retained the traditional interpretation of it. F. I. Anderson, *The Hebrew Verbless Clause in the Pentateuch*, JBL Monograph Series, 14, 1970, pp. 48, 124 n. 13, cites examples of the enclitic *mem* attached to the conjunction and lists Gen. 41:32; Judg. 13:19, and Amos 6:10 as examples of such occurrences. His suggestion is that וּמֵאֵת is another example of an enclitic *mem* attached to the conjunction. "A literal translation with *min*, misses the point; the field is not to be acquired *from* Ruth as well as from Naomi; rather, when the field is acquired from Naomi, Ruth must be acquired with it, and is the

brings the verse into harmony with קניתי . . וגם את רות , 4:10, and supplies an object to the verb קנה which it seems to require.⁵⁴

In addition to this change, we must follow the qere קנית for the kethibh קניתי. As we shall see, there have been two notable attempts to retain the kethibh, but despite the considerable ingenuity displayed in these renderings, they cannot be followed.

With these two textual changes we have come part way to clearing up some of the difficulties that accompany this verse. To summarize so far we see that Boaz has told the goel, "The day you buy (acquire) the field from the hand of Naomi, you are also buying (acquiring) Ruth the Moabitess, the widow of the dead... ."

We now turn to the interpretative problems connected with the verse. Of prime importance is the verb קנה,⁵⁵ found here as well as in 4:10. The verb is employed in commercial transactions involving the acquisition of a field (Gen. 25:10, 33:19; 49:30; 50:12; Lev. 27:24; Josh. 24:32; II Sam. 24:21,

object of the following verb." He cites other possible examples in II Sam. 16:5; Job 6:22; 7:14; 10:14; 19:2b; 21:20. B. Wambacq, "Le Mariage de Ruth," *Melanges Eugene Tisserant*, 1, 1964, p. 456, translates 4:5, "Le jour où tu as acquis (qanita) le champ de la main de Noémi et du défunt, tu as acquis (qanita) Ruth, la Moabite, la femme du défunt." He explains the presence of the aleph in מאת (for מת) either as an Aramaism or as being similar to the presence of the aleph in Judg. 4:21 (בלאת) or II Sam. 12:1, 4 (ראש). He writes, "L'expression: 'Noémi et le défunt' reprend ce, qui avait été dit dans le verset précédent: la pièce de terrain qui appartient à Elimélek, notre frère (le défunt), Noémi le met en vente." These two attempts are very interesting but also very hypothetical. Preference should be given to the reading וגם את רות for the reasons given above.

54. T. Ch. Vriezen, "Two Old-Cruces," *OTS*, 5, 1948, p. 81. LXX is unhelpful, having combined both possibilities in its translation: τὸν ἀγρὸν ἐκ Χειρὸς Νωεμω καὶ παρὰ Ρουθ . . . , καὶ αὐτὴν κτήσασθαι σε δεῖ. Cf. R. Thornhill, "The Greek Text of the Book of Ruth," *VT*, 3, 1953, p. 244. Similarly the Targum adds the comment, combining both positions, "Thou a-t bound to redeem and seek to marry her, and to take her to wife"; cf. A. Saarisalo, "The Targum to the Book of Ruth," *StOr*, 2, 1928, p. 100.

55. Cf. P. Humbert, "Qana en Hebreu biblique," in *Festschrift A. Bertholet*, 1950, pp. 259-266; P. Katz, "The Meaning of the Root קנה," *JJS*, 5, 1954, pp. 126-131. On the use of this term in Ruth 4, cf. Z. Falk, *op. cit.*, pp. 140, 141; H. J. Boecker, *op. cit.*, p. 168; D. Weiss, "The use of קנה in connection with Marriage," *HTR*, 57, 1964, pp. 244-248.

24; I Kings 16:24; I Chron. 21:24; Neh. 5:16; Jer. 32:8, 9, 15, 25, 43-44). In each of the above passages the sum of money involved in the transaction is mentioned. Because of the use of this verb in the present context with marriage, this passage constitutes an important piece of data in the discussion of whether the Old Testament knows of marriage by purchase. *KB* lists as one of the meanings of this verb, "to purchase, to be one's wife." Katz concludes that the root meaning is that of "ownership through acquisition."⁵⁶ Into the much disputed problem of marriage by purchase, we have no wish to enter other than to the extent the passage under question necessitates. Scholars are of varying opinions on this issue and, as in so many other questions as complex as this one, the differences are to some extent semantic. Neufeld cites the passage (4:5, 10) as one of three which supports the concept of marriage by purchase.⁵⁷ This is objected to by Driver and Miles, who assert that the verb does not necessitate a translation of purchase but may refer to acquisition in general.⁵⁸ Burrows remarks in relation to Ruth 4:10, "Since the verb here used indicates acquisition in general, not necessarily by purchase, and since a peculiarly puzzling combination of marriage, inheritance, and redemption is involved in the transaction, I prefer to reserve discussion, calling attention merely to the fact that a close connection of some kind between marriage and property is implied. In none of these cases [Gen. 31:14-16; Hos. 3:2; Ruth 4:10] can it fairly be claimed that marriage by purchase is demonstrated by the use of a verb meaning 'buy' or 'sell,' though marriage and the transfer of property from one owner to another were evident-

56. P. Katz, *op. cit.*, p. 131.

57. E. Neufeld, *AHML*, p. 98 n. 2. Similarly, J. Bewer, "Ge'ullah," p. 146. E. Robertson, *op. cit.*, p. 221, remarks, "He has in effect purchased Ruth with the property." Cf. J. R. Porter, "Legal Aspects of Corporate Personality," *VT*, 15, 1965, p. 376.

58. G. R. Driver and J. C. Miles, *The Babylonian Laws*, 1, 1952, p. 263. Cf. also, P. Joüon, *op. cit.*, pp. 83, 84, "Ici קָנָה n'est certainement pas pris au sens restreint *acquérir a prix d'argent, acheter*. Le goël qui épousera Ruth n'aura rien à payer aux parents de Ruth (enMoab!), et encore moins à Noëmi."

ly thought of in similar terms. That this should be so was quite natural, as we have already seen, given the fundamental idea of compensation."⁵⁹

According to Bornstein, it is incorrect to give to the verb in 4:5, 10 the meaning "purchase," for "die eigentliche Beereutung von קנה ist eben nicht 'kaufen' sondern 'erwerben,' rechtsgültig erlangen, wie dieser Ausdruck auch in der Mischna und der verwandten Literatur vorherrscht."⁶⁰

Rudolph is strongly opposed to the notion that Ruth was purchased: "Boas kauft die Ruth nicht und kann sie nicht kaufen, da er ja den *mohar* (Gn 34:12; Ex 22:15f.) in diesem Fall an sich selbst zu entrichten hatte."⁶¹ There is no mone-

59. M. Burrows, *Basis of Israelite Marriage*, AOS, 15, 1938, p. 29. Cf. also his statement (p. 15), "Our thesis may be briefly summarized. The basis of Israelite marriage was the continuance of the husband's family. This required securing a wife from another family, which had to be induced to give her up, and this was done by a gift, creating an obligation, sealing a contract, and establishing a family-alliance." Cf. also O. Baab, "Marriage," *IDB*, 3, 1967, p. 284: "Too many difficulties stand in the way of the idea of purchase marriage to justify its unqualified acceptance." W. Plautz, "Die Form der Eheschliessung im Alten Testament," *ZAW*, 76, 1964, pp. 317, 318, concludes: "Fassen wir zusammen: Die Eheschliessung war in Israel kein Frauen-oder Brautkauf, die Frau keine käufliche Ware und das bei der Eheschliessung dem Vater der Braut gezahlte Geld kein Kaufpreis in unserem Sinne. Man kann höchstens in formalrechtlicher Hinsicht von einem Kauf sprechen, der dem Kauf von Grossgütern gleicht. Nur in dieser Beziehung ist die Frau Objekt eines Geschäftes. Für ihre Stellung in der Ehe ergibt sich damit ein Positivum. Ihre persönliche Würde wird durch den Akt der Eheschliessung nicht angetastet. So wie sie nicht wie eine Ware zur Ehe gekauft wird, wird sie in der Ehe auch nicht als Sache behandelt. Die Zahlung eines Brautgeldes emiedrigt sie nicht. Sie ist als Ausgleich dafür notwendig, dass die Familie der Braut eins ihrer Glieder, eine zukünftige Mutter, verliert. Der Familienverband ist so fest und stark, dassnich einfach ein Glied ausscheiden kann, ohne dass er eine bestimmte Gegenleistung erhält." See further n. 104.

60. D. J. Bornstein, Ruth, " *Encyclopaedia Judaica*, 10, 1905, p. 934. Cf. D. Jacobsen, *Social Background of The Old Testament*, 1942, p. 42: "Ruth 4:5, 10 uses the word קנה for acquiring a wife. קנה need not necessarily mean 'to buy'; in Ps. 74:2, it is parallel with גאל, which meaning could very well apply here." J. H. Kennedy, "Ruth," *BBC*, 2, 1971, p. 477, comments: "Ruth was not one's property and therefore she could not be bought. Apparently Boaz meant only that one redeeming the land must assume certain obligations to Ruth."

61. W. Rudolph, *op. cit.*, p. 64. J. R. Porter, *op. cit.*, p. 376 n. 4, objects to Rudolph's argument, "The miihar only applies to virgins, as Ex. 22:16 clearly shows, and would not be in question in the case of Ruth, who was a widow." Porter's comment actually supplies a reason against translating קנה in the Ruth passage "buy." Cf. W. Plautz, *op. cit.*, pp. 314, 315: "Denn es handelt sich um

tary transaction in the purchase of the field by Boaz because he acquires the widow along with the field, and he will fulfil the marriage obligation in cases where the childless widow still of marriageable age. "Diese Unterhaltspflicht tritt an die Stelle des Kaufpreises."⁶²

There can be no thought of Boaz purchasing Ruth.⁶³ The text is affirming that in the purchase of the property from Naomi, the goel acquires⁶⁴ Ruth in combination with the property; and since she is of marriageable age, the goel will be asked to perpetuate the name of the dead through marrying Ruth. The use of קנה in Ruth 4:5, 10, while ill-suited for regular case of marriage because of its purchase connotation, was used in this connection since the marriage is mentioned in connection with a commercial transaction, in other words the sale of Elimelech's property. As Weiss suggests, "When marriage (or betrothal) is discussed in conjunction with sal-

eine Heirat ohne *mohar*; die Ehe, die Boaz mit der Ruth schliesst, ist ein Leviratesehe, bei der eine Brautgeldzahlung nicht notwendig ist, weil die betreffende Frau sich schon im Besitz der Familie ihres Mannes befindet. *qnh* heisst denn auch an dieser Stelle (v. 5b) ausnahmsweise nicht 'kaufen' im Vollsinn, sondern ist mit 'erwerben' wiederzugeben."

62. W. Rudolph, *op. cit.*, p. 64. He reasons that since the verb in 4:5b means "erwerben" and not "kaufen," such must also be the meaning in 4:5a. From this he concludes, "Dann kann auch מכר in v. 3 kein eigentliches Verkaufen bedeuten, sondern ist mit 'veräussern' zu übersetzen ...". Similarly, F. Horst, "Das Eigentum nach dem Alten Testament," *Gottes Recht*, 1961, p. 209. M. Burrows, "The Marriage of Boaz and Ruth," p. 451, states: "Since the child would inherit the estate of his mother's previous husband, one is driven to ask what Boaz got for the money he paid for the land. Doubtless the amount was small, as always in cases of forced sale. Possibly, indeed, as we have already noted in passing, the price was merely nominal and the transaction a sale in form only.... It may be that the transfer of the property to Boaz had to be made in the form of a sale to be legal."

63. Cf. H. H. Bewley, *op. cit.*, p. 185 n. 2, "But Ruth was no more part of the property than was Orpah, and she is nowhere spoken of as property to be exploited by a purchaser, but as one to whom the next-of-kin owed a duty." For a contrary opinion, cf. H. J. Boecker, *op. cit.*, p. 170 n. 5.

64. Cf. Z. Falk, *op. cit.*, p. 141, "In Ruth the term was already used to signify legal acquisition as distinguished from taking possession." If in 4:7 the goel is divesting himself of his right of redeemership (and not of the field) then the verb קנה used in the address of the goel to Boaz in 4:8 (ל קנה) does not mean buy (the field) but acquire or obtain (the right of goel). Cf. LXX: κτήσαι σεαυτῷ τὴν ἀγχιστείαν μου.

able objects (like the belongings of Elimelech, etc., or the field of Naomi) biblical Hebrew, just as Mishnaic, uses a term which will embrace the latter as well; hence the term קניית' in Ruth 4:10. This usage is merely stylistic and devoid of any institutional significance."⁶⁵

There have been two significant departures from the majority opinion, which accepts the qere in 4:5. Recently Beattie has argued for retaining the first person singular (kethibh) and has proposed an explanation for how the second person singular came to be read.

According to Beattie, "there had been a certain degree of mystery about Boaz's words to Ruth (3:12, 13) about 'redeeming' and a 'redeemer,' and a vagueness about Naomi's reference to 'settling the matter' which arouses curiosity." It is in chapter four that the "reader learns for the first time that it is the future ownership of Elimelech's property that is in question, and this is what Boaz's words about redemption referred to."⁶⁶ Boaz, with sweet reasonableness, informs the goel about the property to be claimed, in which he (Boaz) has an interest, but concerning which the goel has prior claim in law. When the goel declares his intention of redeeming the field, Boaz' approach becomes somewhat menacing and he places the goel in a position where he will be forced to retract his offer on the property (v. 5).⁶⁷ In following the qere in

65. D. Weiss, *op. cit.*, p. 248. Weiss (p. 246) suggests that in Mishnaic Hebrew "קנה" is applied to marriage only in contexts embracing other transactions in which קנה in its proper sense of 'purchase' (acquire property) is applicable. Thus, in association with levirate marriage or the purchase of slaves or other salable objects, MP is uniformly employed."

66. D. R. G. Beattie, "Kethibh and Qere in Ruth IV 5," *VT*, 21, 1971, pp. 491, 492.

67. D. R. G. Beattie, *op. cit.*, p. 492, follows arguments put forward by W. McKane, "Ruth and Boaz," p. 38, which revolve around the sudden change of mind on the part of the goel. R. Tamisier, *Le Livre de Ruth*, La Sainte Bible, 1949, p. 323, is of the opinion that the goel's original answer was quite indefinite. He writes, "Le goal donne une reponse qui n'est ni ferme ni definitive, comme l'insinue l'emploi du futur: ii se declare simplement dispose à racheter la propriété d' Elimélek." In a similar vein J. de Fraine, *Rechters • Ruth*, BOT, 3, 1955, p. 157, remarks, "Er is een positief antwoord, cloth het is zo weinig beslist, dat het eerder

verse 5, one is faced with an unsolvable dilemma. One thing obvious. Boaz' second statement contains requirements not anticipated by the goel at the time of his original acceptance. Furthermore, it would be difficult to see a legal basis for linking marriage with Ruth to the duty of redeeming the property. Otherwise, the goel would have known what was expected from him and this would have influenced his initial decision.⁶⁸ Was such a legal basis lacking for linking marriage to Ruth and the redemption of the property? Given the extensive juridical emphasis within this chapter the answer can hardly be in the affirmative, for if so, we must assume that the elders or the goel himself would have raised objections to Boaz' requirements in verse 5.⁶⁹ The only way to avoid the dilemma is by following the kethibh.

There are two additional reasons why Beattie retains the kethibh reading. The narrative suggests that Boaz is anxious to acquire both Ruth and the land; when the qere is followed, he "is depending for the realization of his aims on the redeemer's unwillingness to do just what he wants to do himself, and such a situation, coming at the climax of a scene in which dramatic tension has been built up carefully by the author, is by all the laws of story-telling inconceivable."⁷⁰ Furthermore, according to Beattie, Boaz had already "married" Ruth, in other words, slept with Ruth the night before and therefore could not be informing the goel of his duty to marry Ruth! What Boaz said in 4:5 is, "On the day you acquire the field from Naomi's hand, I am acquiring Ruth the Moabite, the wife of the deceased, to raise up the name of the deceased over his inheritance."⁷¹ Boaz is informing the goel that he is marrying Ruth and intends to claim the field eventually through the children of the union with Ruth. Thus

bij een velleiteit blijft. Het imperfectum *'eg'al* is veel minder scherp dan het perfectum *ga'alti* (dit zou doen onderstellen dat de zaak in kannen en kruiken is).

68. D. R. G. Beattie, op. cit., p. 492.

69. Ibid.

70. Ibid., pp. 492, 493.

71. Ibid., p. 493.

the god will be acquiring it for a limited period of time. This is the new information in Boaz' second speech causing the char, of mind.

The qere came in through a false impression received from 4:9, 10, where the narrative asserts that Boaz took Ruth as his wife at the same time that he took the property from Naomi. It was assumed that these two belonged together and that the prior goel had marriage with Ruth presented to him as a condition attached to the property transaction. Thus the first singular was taken to be second singular. An impetus toward this change came, as well, from two other places in the consonantal text where a first person singular has been altered by a qere to a second person singular.⁷²

We wish to make several comments on Beattie's novel handling of 4:5. On the positive side he has taken account of two factors which have escaped the attention of many: the implications of the change of mind on the goel's part, after the mention of the added requirement of marriage to Ruth, and the bearing which the legal detail in chapter four has on the question of whether any arbitrary conditions could have been imposed by Boaz. While he rightly has taken these two factors into account, we do not believe he has drawn the correct conclusions from them.

Can one deduce from the goel's change of mind that the additional condition imposed by Boaz could not have had a basis in law, since if so, it would have been anticipated by the goel and his change of mind would be inexplicable? This is not the only explanation for the alteration of his attitude. It is conceivable that the god was not aware of the existence of the widow Ruth. If so, quite a variant picture would then be presented to him, radically altering his prior willingness to redeem the property.⁷³ Boaz had told the goel that Naomi

72. *Ibid.*, p. 494. The verbs are יָרַד (3:3) and שָׁכַב (3:4).

73. D. R. G. Beattie, *op. cit.*, p. 492 n. 3, labels this proposal "unrealistic" in the light of the declarations made in 1:19, 2:11, and 3:11. Such declarations,

was selling the land, and the likelihood was that the goel was reckoning with her as the widow. Because of her advanced age he figured that the land was a reasonable proposition since it became his and would only revert back when a levirate child was born to the widow. Such would certainly not be the case with Naomi as the widow, and with this in mind he made his original calculation and decision. It must also be affirmed, in connection with the argument from the goel's change of mind, that a great deal depends on the concept of law which is being presupposed. It is conceivable that the goel was unaware that customary moral conduct dictated the combination of the widow with the property.

We believe that Beattie is correct in pointing to Boaz' desire to acquire Ruth and the property but wrong in reasoning that his interest in Ruth would have prevented him from acquainting the goel with his prior claim in these matters. Viewed exclusively in terms of a commercial transaction, whoever acted on Ruth's behalf would not be gaining a great advantage for himself. Apart from the motive of love (which was present with Boaz) the proposition put forward to the goel was not attractive. Boaz may have had grounds for believing that the goel would not carry through with an act requiring such sacrifice and devotion. We may also assume that his own strong interest in Ruth was intentionally disguised by the manner in which he presented the property first and then, only later, mentioned Ruth as involved in the transaction. It is also possible that Boaz, due to his own personal circumstances, may have been in a position to help the widows in their plight, and knew that the same circumstances were not present with the prior goel.⁷⁴

however, surely are not meant to imply that everyone was aware of the plight of the two widows, though it would be possible to argue that of all people, the relatives of Naomi must have been. However, since Naomi sent Ruth to Boaz, apparently unaware of the presence of a prior goel, the assumption that the prior goel did not know the exact situation gains extra credibility.

74. Cf. B. Wambacq, *op. cit.*, p. 454, "Si Booz semble tellement stir du succès de son entreprise, n'était-ce pas parce qu'il prévoyait que le go W, pour des

One further point must be noted. If the marriage with Ruth is not connected in some way with the property redemption transaction, how do we account for the use of the verb קנה to describe the marriage of Boaz to Ruth? As we saw,⁷⁵ the employment of this verb for marriage is best understood in cases where the marriage takes place in association with some form of commercial transaction.

Apart from these considerations, Beattie's reconstruction of the situation is unconvincing because of his interpretation of chapter three. Ruth has approached Boaz requesting marriage, because he is the goel. Boaz replies that he must acquaint the prior goel with his responsibility, to see whether he will act as kinsman toward Ruth or not (3:13). Whatever else we say, we must assume that it was necessary to inform the goel of his marriage responsibility toward Ruth since she made an explicit request for marriage.⁷⁶ Perhaps mention of the property was also made during the course of Ruth's evening encounter with Boaz, but the expressed request was for marriage. If so, it is inconceivable that Boaz would have gone ahead and "married" Ruth that night. It is clear that marriage was uppermost in the mind of Boaz, in his understanding of the nature of Ruth's request. If so, it was necessary for Boaz to present the request of Ruth in some fashion to the goel, since there was a proper order for the exercise of this responsibility. Beattie's first singular translation cannot be harmonized with the unfolding of events as described in chapter three.

Vriezen also attempts to maintain the kethibh in 4:5. Noting that the verb קנה requires an object,⁷⁷ which it does not have without the emendation of וּמֵאֵת to אֵת גַּם Vriezen

motifs qui nous échappent, ne ferait jamais l'achat dans les circonstances concrètes?"

75. Cf. n. 65.

76. Cf. chap. 7, "The Appeal of Ruth."

77. Th. C. Vriezen, "Two Old Cruces," *OTS*, 5, 1948, p. 82. It should be noted that in 4:4 and 4:8 this verb is also used without an object. Cf. J. Myers, *The Linguistic and Literary Form of the Book of Ruth*, 1955, p. 26, who, noting

proposes to derive the verb from **קנא**,⁷⁸ a verb not requiring an object. In this suggestion there would then be a play upon words between **קנה** in 4:5a and **קנא** in 4:5b. He retains **ומאת** unaltered and following the usage in Deuteronomy 18:3, translates it "with regard to."⁷⁹ The verb **קנא** has the meaning of "to be jealous of" and "to maintain energetically the right of someone" and it is the latter which he employs in his translation of 4:5: "What day thou buyest the field of the hand of Naomi, then I maintain with regard to Ruth the Moabite, the wife of the dead, the rights to raise up the name of the dead upon his inheritance."⁸⁰

Under these circumstances the goel refuses to redeem the property, since his right to the property must be eventually given over to the child born of the levirate marriage. The significance of Vriezen's translation for the interpretation of the legal developments in Ruth is far-reaching, and is summarized in his statement, "The author still kept *ge'ulla* and levirate apart; he did not think of Boaz charging the go'el with the levirate, but he represents Boaz as voluntarily taking upon himself the charge of the levirate."⁸¹

Vriezen maintains that "the supposition of the narrative is that levirate marriage may also be contracted, besides by the brothers of the deceased . . . voluntarily at least, by some other of the nearest male relatives of the deceased husband, in case no sons [sic] are left to consummate the levirate marriage."⁸²

this lack of an object in 4:4 and 4:8 suggests the possibility of reading **קנה** for **קנה** in these two places.

78. Following Vriezen, we must read **קנית** with the incorrect spelling due to a mixture of the verba tertiae **א** and **ה**, an irregularity of mixed form elsewhere found in the Old Testament and supported by a similar irregularity in the verb **וצמת** from **צמא** in 2:9. Th. C. Vriezen, *op. cit.*, p. 81. His proposal is accepted by KB.

79. *Ibid.*, pp. 83, 84. According to Vriezen, Boaz is maintaining the rights for himself rather than defending the rights of Ruth, since for this latter sense **ל** would be better employed than **מאת**.

80. *Ibid.*, p. 81.

81. *Ibid.*, p. 85.

82. *Ibid.*, p. 87.

However, here is where an objection to his proposal must be recorded. In his employment of the concept of voluntary levirate, which we in a certain sense accept, Vriezen has failed to raise the question of whether such did not operate in a due and proper order. One is left with the impression that he is assuming that no order existed for the performance of this voluntary levirate, but surely such concerns, involving as they did the well-being of people, did not operate independent of a proper order. It was such an order which Boaz was at pains to preserve when he responded to Ruth's request at the threshing floor. Again, we are confronted with the crucial nature of the events in chapter three and can see how one's interpretation of these events affects his understanding of the transaction in chapter four. It is at this point that Vriezen's argument must be faulted. He is aware that 3:9 constitutes a difficulty for his interpretation of 4:5, for he asks, "If the author has rightly distinguished *ge'ulla* and levirate marriage, what then is the meaning of the words spoken by Ruth in III, 9?"⁸³ He suggests that Ruth's words in 3:9 are only a request for protection and not directly a request for marriage. However, this statement is immediately followed by a recognition that her real intention was marriage with Boaz.⁸⁴ Furthermore, Vriezen grants that Naomi's words in 3:1 point in the direction of marriage and that Boaz understood Ruth's "covert" suggestion in terms of marriage. One is puzzled over his distinction between a direct and covert suggestion of marriage. His use of this distinction is clarified somewhat when he remarks that if Ruth is asking to be married by Boaz because he is goel, "then after all *ge'ulla* and levirate would have been mixed up."⁸⁵ Apparently by denying that Ruth is *directly* requesting marriage from Boaz (who is goel) and speaking rather of a "covert" suggestion, Vriezen feels able to maintain a complete distinction between the levirate and

83. Ibid., pp. 85, 86.

84. Ibid., p. 86. Cf. chap. 7 n. 41.

85. Ibid.

geullah, thus avoiding what he would regard as a confusion of the two concepts. However, his recognition that all parties involved understood Ruth's proposal as a marriage request, makes one wonder how hidden her suggestion was and demonstrates that chapter three points convincingly to a direct request by Ruth for marriage with Boaz as goel. Since such was the case, Boaz's words that he must acquaint the prior goel (3:13) with this request before he could do anything, can only mean that in 4:5 Boaz must be informing the goel of the marriage request which he must now consider.⁸⁶ Boaz is then saying, "When you buy the field *you* must also acquire Ruth to raise up the name of the dead."

To state, as Vriezen does, that "it is quite impossible to think that Boaz could try to oblige the other goel to marry Ruth. There was no obligation at all,"⁸⁷ confuses the argument, for there did not exist, either for Boaz or the prior goel, a compulsory legal obligation to redeem the property or to enter into a levirate responsibility. Yet Boaz must have operated out of some sense of duty. Since Ruth approached him as goel, requesting marriage, she must have had a basis for expecting him to answer in the affirmative. That basis was that he was goel. If so, there can be no grounds for excluding the man whom Boaz calls a nearer kinsman (גאל קרוב, 3:12) from an opportunity of performing the voluntary levirate, a deed which Vriezen labels as a "specially pious deed."⁸⁸ Indeed, if the many commentators are correct who see a contrast in the narrative between Boaz and the nearer goel, then it becomes a necessary part of that contrast to allow the prior goel the same option. His refusal will then accentuate the magnanimous nature of Boaz and what he is

86. H. H. Rowley, *op. cit.*, p. 193 n. 1, commenting on Vriezen's argument writes, "It offers no explanation of Boaz's insistence that Ruth's night visit should be kept secret, and robs his reference to a nearer kinsman, before any question of the property arose, of any point."

87. Th. C. Vriezen. *op. cit.*, p. 88.

88. *Ibid.*, p. 87.

prepared to do for Ruth and Naomi. We must, therefore, decline⁸⁹ to follow Vriezen in his attempt to maintain the first singular. Boaz does invite the prior goel to redeem the property and to acquire Ruth at the same time, "to raise up the name of the dead upon his inheritance."

We have come to the place in our study where we must ask, Why did Boaz tell the goel that when he chose to redeem the property from Naomi, he would be acquiring Ruth? How are we to understand this coupling of responsibilities? Is it simply a literary device of the author designed to heighten the tension of an exciting story? Was this something arbitrarily imposed by Boaz with no basis in law? Is it to be understood as a private condition of sale imposed by Naomi? Has Ruth been purchased with the property, or did customary law dictate that where a younger widow was connected to the property, the goel's responsibility included not only the redemption of the property but marriage with the widow as well?

Those whose approach to the book is predominantly literary propose that the combining of the property redemption with the marriage is a device which heightens the tension in the story. According to Robertson, at the moment when it appears that the developing romance between Boaz and Ruth will be shattered, Boaz introduces his trump card, that is the hidden condition which Naomi has attached to the sale.⁹⁰ The purchaser must marry Ruth! The goel quickly rejects the new arrangement and Boaz marries Ruth, comparing himself with the levir. "His marriage to Ruth is thus rescued from sordidness—and Boaz shines in the role of a noble benefactor. . . . The whole is a parody of levirate mar-

89. W. Rudolph, *op. cit.*, pp. 59, 60, rejects Vriezen's argument on additional grounds. "Aber abgesehen davon, dasz אִנֹּק nirgends die behauptete Bedeutung hat, wird dann die ganze Situation unverständlich ... V. 10 bleibt der zutreffende Kommentar zu v. 5."

90. E. Robertson, *op. cit.*, p. 221.

riage, well-sustained to the end."⁹¹ Robertson's approach is too drastically literary to commend itself.

David maintains that Boaz arbitrarily linked marriage to Ruth with the redemption of the property, to make certain of adequate provision for Ruth. He sees in this arbitrary imposition an explanation of why the goel was not asked to marry Naomi, who was in the first place the widow of the dead. A religious flavor was given to the arbitrarily imposed condition of marriage by the attachment of the levirate motive, derived from the levirate law of Deuteronomy 25.⁹²

Rowley views Ruth's action in bypassing the prior goel as a serious mistake and an infringement of his rights. After the analogy of Tamar (cf. Gen. 38:24), giving oneself to anyone other than the nearest goel would be adultery. For this reason, Boaz sent Ruth home early in the morning. He did not want the nearer goel to be able to use Ruth's indiscretion against her. In his meeting with the goel, Boaz kept his interest in Ruth hidden and put the property in the foreground. "It was his masterstroke to introduce the question of the land into the matter at all. Naomi may well not have thought of selling, but Boaz perceived that by bringing in the property he could place the next-of-kin in a real dilemma. And thus he manoeuvred him into a renunciation of his rights and duties, and then dramatically assumed what the other had declined."⁹³

We cannot accept David's contention that the marriage to

91. Ibid., p. 222. P. Humbert, "Art et leçon de l'histoire de Ruth," *R Th Ph*, 26, 1938, p. 282, states, "C'est une combinaison inédite dont le conteur use fort habilement pour préparer et justifier la retraite du g'41." L. P. Smith, "Ruth," *IB*, 2, 1953, p. 849, writes: "The storyteller, of course, was not interested in the legal points: the unnamed kinsman served merely to prolong the suspense and as a contrast to Boaz..." If such were so it is remarkable that the story revolves around so much legal detail.

92. M. David, *Huwelijk*, pp. 17, 18. It is important in understanding David's position to see how he uses the term arbitrary. He writes (p. 17): "Willekeurig in zooven-e, dat deze voorwaarde wettelijk niet is voorgeschreven."

93. H. H. Rowley, *op. cit.*, p. 190. C. Goslinga, *op. cit.*, p. 156, "Hij heeft nog een pijl op den boog." R. Tamisier, *op. cit.*, p. 323, comments, "Toute l'habileté de Booz consiste à lier irrévocablement les deux points."

Ruth was an arbitrary condition attached to the land redemption transaction. We are certain of this: the author of the book of Ruth did not intend the marriage requirement to be understood in this way. For this reason, there is a strong juridical stress found throughout the fourth chapter. The elders and people constituted a lawfully assembled body whose function it was to witness the oral transaction, thus legalizing all that took place. The encounter with the goel takes place at the gate, the scene where justice was enacted. Is it conceivable, under these circumstances, with all of the emphasis in chapter four on proper legal procedure, that Boaz could have arbitrarily imposed such a condition upon the goel? Would not the elders, or the goel himself, have objected if there were no other basis for the joint demand than a privately imposed condition?⁹⁴ On the contrary, we find them witnessing a transaction in law where the goel formally relinquishes his right of redemption (4:7, 8) to Boaz. The elders who preside over this transfer even commend Boaz' conduct, wishing him a fruitful marriage.⁹⁵ It is unlikely, then, that Boaz could have imposed anything upon the goel contrary to the interests of justice. This is made evident further by the goel's answer, "I cannot redeem it," (4:6) which signifies some form of personal inability rather

94. It is the contention of D. R. Ap-Thomas, "The Book of Ruth," *ExpT*, 79, 1968, p. 372, that the stipulation concerning Ruth is "a privately imposed 'condition of sale,' with only a sufficient approximation to tribal custom to make it seem morally appropriate in the circumstances." Boaz was executing Naomi's wish in this affair. Similarly, G. Smit, *op. cit.*, p. 32. Does this explanation, however, do justice to the emphasis on law found in chapter four? Would a widow, selling property because of extreme poverty, be in a position to stipulate such a condition if no basis in customary law existed for such a condition? For this reason, W. Rudolph, *op. cit.*, p. 67, argues against the idea of a privately imposed condition of sale, "Dagegen spricht die kategorische Art der Rede, ganz abgesehen von der Frage, ob Noomi berechtigt war, von sich aus solche Forderungen zu erheben." C. Goslinga, *op. cit.*, p. 156, speaks as well of a condition of sale, but adds, "Omdat het hier betreft het land van een geslacht, dat op uitsterven staat en omdat een der eigenaressen nog jong genoeg is om uit haar een zaad te verwekken, rust op hem een morele verplichting om haar ten huwelijk te nemen."

95. For a discussion of the blessing pronounced upon Boaz and Ruth by the

than an objection based upon the extraordinary nature of the new set of circumstances.

We can accept Rowley's use of the phrase "masterstroke" to describe Boaz' bringing in the property but only in the sense that Boaz made a skillful use of the possibilities which resided in the customary law. More open to question, however, is his statement: "But it seems likely that the property was but a counter in the game, and that Boaz skillfully used it to secure his end."⁹⁶ Rather, for Naomi it was indeed very important that the land be redeemed. We do not deny that Boaz employed what in modern terms would be called a degree of psychology in his handling of the goel. This can be seen in the manner in which he first mentioned the property without mentioning Ruth. However, no scheme which Boaz put forward can be construed in any way as being out of harmony with customary law. While Rowley may not intend to imply that such was the case, his use of the words, "skill," "resource," and "masterstroke" to describe the role of Boaz might be taken in this way.

Wambacq stresses that in the book of Ruth one is not confronted purely with the question of a levirate marriage, since the marriage itself is only a clause in the purchase of a piece of property. Therefore, the primary question is not to reconcile the idea of levirate marriage found in Ruth with that of Deuteronomy. The fundamental question is rather why the purchase of the property of a deceased man had, as an adjoining clause, the requirement to marry the widow.⁹⁷ His answer lies in the legal position of the woman in the ancient period presupposed in the book." The one wishing

assembled elders and people, cf. C. J. Labuschagne, "The Crux in Ruth 4:11," *ZAW*, 79, 1967, pp. 364-367.

96. H. H. Rowley, *op. cit.*, p. 183. He also writes (p. 187): "To beget children by Ruth without marring his estate the kinsman could have considered; to buy Naomi's land without taking Ruth he could also have considered. It was the bringing of these two things into relation with one another that made both impossible for him. And it was here that Boaz's resource became apparent."

97. B. Wambacq, *op. cit.*, p. 454.

98. In our earlier discussion on the date of the book of Ruth, we called

to succeed the deceased must acquire the entire property including the wife. The wife changes owner along with the rest of the possessions.⁹⁹ One cannot assume, however, from the book of Ruth, that every purchase of a deceased's property demanded marriage with the wife).¹⁰⁰ The point which the story of Ruth demonstrates is that a property acquisition *could* have a marriage clause attached to it where a man left property and a childless widow. In such a situation the one acquiring the property was obliged to satisfy the demands of the levirate. The reason for this was that the woman was part of the inheritance which became his property.¹⁰¹ Under such circumstances, intervention by the goel did not lead to an increase of his own goods, since he did not become the owner of the property. The child born of the levirate union came into eventual possession of the property. Because of this, intervention by the goel was an act motivated by the highest level of devotion and was not compulsory.¹⁰²

attention to arguments for a late date from legal customs mentioned in the book. See chap. 5, "Argument from Social and Legal Customs," (d). B. Wambacq, *op. cit.*, pp. 456, 457, claims that the book of Ruth reflects the social conditions of the Elohist decalogue. Cf. also, H. Levy-Bruhl, "Le Manage de Booz," *Evidences*, 17, 1951, p. 32: "L'archaïsme du levirat du livre de Ruth se manifeste donc en premier lieu en ce qu'il touche tous les parents agnatiques, tandis que les frères seuls sont cités dans le Deua'ronome.

99. B. Wambacq, *op. cit.*, p. 456: "Celui qui veut succéder au défunt doit acquérir la propriété entière, y compris Pepouse. La femme change de propriétaire avec le reste de la possession." So also, R. Patai, *Family, Love, and the Bible*, 1960, p. 89, and J. Bewer, "Ge'ulläh," p. 146. J. Morgenstern, *op. cit.*, p. 176, comments, "To this transaction Ruth was only incidental; she came with the rest of the estate." Rather than dating the book early because of this, he places the basic story of Ruth in the next to the last stage in his reconstruction of the levirate.

100. This he deduces from the fact that the levirate custom in 1:11 makes no mention of a piece of land, nor does-the-story of Tamar. B. Wambacq, *op. cit.*, pp. 456, 457.

101. *Ibid.*, p. 457: "Si donc le cas se présentait qu'un défunt laissait une possession et une veuve sans fits, celui qui acquerait la possession, était tenu satisfaire aux exigences du lévirat. Ceci, parce que la femme faisant partie de Pheritage devenait sa propriété...."

102. *Ibid.*, p. 456, 457. Later (in the Deuteronomic law) the obligation to continue the name exists, but since the wife no longer represents part of the inheritance, the levirate can no longer be the clause in a purchase. As evidence for his understanding of the development of the levirate from Ruth to Deuteronomy,

Having established to his satisfaction the reason why the woman was included in the property transaction, Wambacq is prepared to conclude that the marriage of Ruth and Boaz may be described as a levirate marriage in conformity to the customary law of the pre-Deuteronomic period. "A cette époque reculée, le lévirat *pouvait* être une annexe d'un achat, parce qu'alors la femme était regardée comme faisant partie des biens du défunt. Qui acquerrait la possession, l'acquerrait tout entière, cela veut dire la femme comprise, mais dans ce cas, avec l'obligation de perpétuer le nom du défunt."¹⁰³

The explanation that the woman was regarded in a similar fashion to other possessions and therefore as a part of the property transaction is not convincing. It is not at all certain that the woman was regarded at any stage in Israel's history as a piece of property to be inherited.¹⁰⁴ This connection between the widow and the property which his explanation

he cites the contrast between the lack of initiative of the women, Naomi and Ruth, with the initiative of the women in Deuteronomy. As a matter of fact, as we saw, Ruth and Naomi exercised considerable initiative in approaching Boaz initially. In his reconstruction of the levirate development, Wambacq affirms that the basic intent of the Deuteronomic law is not to emphasize the levirate duty, but to inculcate the halisah ceremony, since the levirate had become obsolete. His evidence for this is that the law in Deuteronomy leaves several questions unanswered, such as, Would it be necessary for the widow to address herself to each of the brothers in turn? Would she have to perform the halisah at the moment the first brother-in-law refused or after all had refused? In case of the latter, would the halisah be performed to the first brother or to all of them? When was she free to marry another? Wambacq, *op. cit.*, p. 458 n. 2, then concludes: "Si l'attention du législateur avait porté en premier lieu sur l'observation de la loi, n'aurait-il pas envisagé toutes ces éventualités? S'il ne l'a pas fait, n'est-ce pas un indice, que c'est en premier lieu la halisah qui l'intéressait? La possibilité n'est donc pas exclue que ceux qui ont recueilli les vieilles traditions d'Israël n'ont pas jugé nécessaire de conserver des anciennes traditions concernant le lévirat, devenues désormais inutiles." However, it is hardly consistent with any concept of Israelite law to expect every eventuality to be codified. The questions specified by Wambacq as being left unanswered would hardly lead to his conclusion that the halisah was of first interest to the lawgiver, for the unanswered questions revolve around it; and if it were being promoted, one would expect the lawgiver to be more specific in this area.

103. *Ibid.*, p. 458.

104. H. H. Rowley, *op. cit.*, p. 177, comments, "So far as the Old Testament is concerned the conception of the women as property belonging to the relatives nowhere appears." Cf. n. 59.

presupposes is negated by two passages in the earlier sections of the book. Ruth was not under obligation even to return to Israel, so she could hardly be passed on to the one obtaining the property by any principle which links her with the property. Moreover, Boaz recognized a certain freedom of choice which Ruth had to marry anyone she wished. This freedom is a proper deduction from Boaz' complimentary remark to Ruth: "You have made this last kindness greater than the first, in that you have not gone after young men, whether rich or poor" (3:10). For this reason we cannot agree that Wambacq has adequately explained the combination of the two factors under discussion. He has rightly seen, however, that the combination of the two responsibilities must be traced to the procedures of customary law current in Israel. This opinion has been put forth by a considerable number of scholars¹⁰⁵ and alone does justice to the legal emphasis in the meeting between Boaz and the prior goel.

In declaring the combination of duties to be in accordance with customary law, we have not finished, for we must seek some explanation for this combination. Is there any way in which such a combination of duties can be understood in the light of the Old Testament data on the levirate duty and

105. C. F. Keil, *Joshua, Judges, Ruth*, 1887, p. 490; J. Ridderbos, *op. cit.*, p. 58 n. 1; C. Goslinga, *op. cit.*, p. 156; I. Bettan, *op. cit.*, p. 66; A. Bertholet, *op. cit.*, p. 66; C. Lattey, *op. cit.*, p. 25; L. Morris, *op. cit.*, p. 301. W. Rudolph, *op. cit.*, p. 67, says, "Was Boas sagt, entspricht sicher dem Recht and dem Herkommen. . . ." D. Mace, *op. cit.*, p. 106, "There is an authority in the words of Boaz which gives them every indication of having the backing of law." M. Burrows, "Marriage of Boaz and Ruth," p. 452, "The redeemer's obligation to buy the property, to assume the support of the widow, and also, when possible, to raise up a son to preserve the name of his dead relative, was a duty imposed by custom and public opinion in the interest of the family, in spite of its conflict with the individual's own interests." On this double responsibility, H. Gressmann, *Ruth*, SAT, 1, 1922², p. 272, writes, "Diese Verhältnisse, die uns verwickelt erscheinen, waren den alten Israeliten so geläufig, dass der Verfasser des Buches Ruth überhaupt kein Wort dartiber verliert." W. Nowack, *op. cit.*, p. 197, remarks: "Jenes Gesetz über die Lösung des aus Not verkauften Ackers Lev. 25:23 ff. weiss von der hier an den Goel gerichteten Forderung, die überlebende kinderlose Witwe zu heiaten urn den Namen des Verstorbenen auf seinem Erbe aufzurichten, nichts: offenbar liegt hier eine wohl in der Sitte begründete Combination mit dem Gedanken der Leviratsehe vor."

property redemption? One of the most penetrating and satisfying explanations of this combination has been given by Cruveilhier. Simply stated, he suggests that the deceased's name must be revived in both *property and person*. In those cases where the childless widow was connected to property which was in danger of being lost to the family through poverty, the deceased's name was not merely revived through the birth of a son but through the redemption of his patrimony as well. In such a set of circumstances, if the goel had only married the widow and not redeemed the land, the deceased's name would not have been revived, for the children would not have had any land attaching them to their deceased father, thereby reviving his name. The two obligations are not of an entirely different nature but are closely related.¹⁰⁶

106. P. Cruveilhier, "Le lévirat chez les Hébreux et chez les Assyriens," *RB*, 34, 1925, p. 531, writes: "D'après ce texte le go'el avait le double devoir de racheter le domaine de son parent défunt et d'épouser sa veuve. Mais il ne faut pas croire que ces deux obligations soient de natures absolument hétérogènes. Elles étaient au contraire solidaires l'une de l'autre. Booz déclare en effet que le rachat de la propriété et le mariage de la veuve sont choses nécessaires pour faire revivre le nom du défunt sur son héritage, IV, 5, 10. Cette déclaration prouve donc qu'en Israël le nom de famille était plutôt attaché à la propriété qu'à la personne. Dans ce pays, on ne concevait pas de famille dénuée de patrimoine foncier. Si le go'el épousait simplement la veuve de son parent, sans se mettre en peine de racheter son patrimoine, c'est en vain qu'il se serait flatté de faire revivre le nom du défunt. Les enfants issus du nouveau ménage n'auraient eu aucune terre les rattachant au premier époux de leur mère et leur permettant de faire revivre son nom. On conçoit du reste que la perpétuité revêt un caractère d'importance tout autre quand elle s'attache simultanément aux personnes et aux propriétés." Cf. also, H. Lévy-Bruhl, *op. cit.*, p. 33, who comments on the combination of these two responsibilities: "C'est que, dans une vente de ce genre, ce n'est pas le point de vue économique qui domine, mais bien plutôt le souci de la perpétuation de la famille, dont le patrimoine est, en quelque sorte, l'aspect matériel. En achetant la terre d'un parent, comme en acceptant sa succession, on acquiert, au moins partiellement, sa personnalité." H. Ringgren, "לגל," *THAT*, 1, p. 886, writes, "Nicht nur die Mitglieder einer Sippe, sondern auch ihr Besitz bilden eine organische Einheit, und jeder Bruch dieser Einheit gilt als unerträglich und muss wiederhergestellt werden." R. Westbrook, "Redemption of Land," *ILR*, 6, 1971, p. 372, remarks: "The levirate therefore works alongside redemption. Just as the right of redemption restores to the family property that is lost (or threatens to be lost) by alienation, so the duty of the levirate restores a family to the property from which it is separated by extinction of the male line." Cf. also G. Knight, *Ruth and Jonah*, 1966², p. 37.

The book of Ruth, then, shows that the levirate law of Deuteronomy has been extended in both its subjects and objects. The obligation of marrying a childless widow concerned all relatives and operated in order of their degree of relationship. This explains the substitution of the goel for **גֹּאֵל** especially when the levirate law includes property redemption. There is no contradiction between the legislation in Deuteronomy and in Ruth; it is merely a question of the case portrayed by the latter being more complex. Deuteronomy speaks of a widow without children, but the book of Ruth adds to that the situation of a widow about to be dispossessed of the land which belonged to her husband. Because circumstances would arise where the obligation of acquiring the property of the deceased would be combined with the duty of raising up children, the number of subjects needed to be extended, since in this undertaking, recourse would need to be made to successive relatives before one would be found willing and able to assume this dual responsibility.¹⁰⁷

The sudden introduction of a land purchase into a transaction which hitherto had concerned only the widow must not be understood principally as some shrewd manoeuvre by Boaz. The dual purpose involved in the levirate law—to raise

107. P. Cruveilhier, *op. cit.*, p. 532, gives the following cogent argument: "Il n'y a pas de contradiction véritable entre la législation qui est formulée, Deut. XXV 5-10 et celle qui est appliquée dans le livre de Ruth. Mais le cas envisagé dans le livre historique est plus complexe que celui sur lequel a statué le code deutéronomique. Tandis que ce dernier parle simplement d'une veuve dépourvue d'enfant, le livre de Ruth suppose de plus que cette personne est dépossédée du domaine ayant appartenu à son mari. Pour susciter une postérité, uniquement, à un défunt, personne n'est plus qualifiée que son propre frère; c'est pourquoi on conçoit aisément que la loi, Deut. XXV 5-10, n'ait d'autre sujet que le beau-frère, *iabham*, *levir*. Mais quand à cette obligation vient se surajouter celle de racheter un domaine patrimonial aliéné, il est tout naturel qu'on recourt successivement et dans l'ordre de leur proximité aux divers parents pour s'acquitter de ce double devoir. Aussi la substitution du go'el au *iabham*, beau-frère, ne doit pas surprendre dans le livre de Ruth." Cf. W. Rudolph, *op. cit.*, p. 70: "Boas nimmt Ruth zur Frau (dass es sich um eine Tevirats'—Ehe handelt, ist nach dem Bisherigen selbstverständlich; deshalb ist der term. techn. **גֹּאֵל** Gen. 38:8; Dt. 25:5, 7 entbehrlich, zumal da Boas nicht **גֹּאֵל** ist...)"

up descendants for the deceased, thereby preventing the alienation of the family property¹⁰⁸ is that which is fulfilled by Boaz when he marries Ruth and redeems the property.¹⁰⁹

In the light of these considerations, the attempt of Bewer¹¹⁰ to remove the levirate references in Ruth 4:5, 10 must be judged as unnecessary and his arguments invalid. According to Bewer, a combination of geullah and the levirate must be assumed in the most ancient stage of these institutions. When the goel, who was the heir, received the inheritance, part of which was the widow, the goel performed the levirate. However, in Ruth, the goel has as well to *buy* the field. The thought that, in addition, the goel should be asked to take upon himself the levirate duty is impossible)" Yet it is not possible to say that the writer does not understand the levirate. He obviously does not conceive of a levirate marriage taking place, because when Boaz marries Ruth he builds up his own house, rather than that of the dead, which is the essential purpose of the levirate.¹¹² Naomi makes no mention of Boaz being obliged to the levirate because he is the goel: her concern is only for Ruth and for her secure and prosper

108. Cf. chap. 2, "The Purpose of the Law."

109. Many scholars give no explanation of the combination of responsibilities, but simply state it to be in accordance with customary law. A. Jepsen, *op. cit.*, p. 421, states that when the goel exercised his right to redeem the property, at the same time he took over a duty to care for the family to whom the property originally belonged. Th. and D. Thompson, "Some Legal Problems in the Book of Ruth," *VT*, 18, 1968, p. 98, say, "Ruth is dependent on the estate as a daughter-in-law in the undivided house of Elimelech and has a claim on the estate for a potential heir." E. Neufeld, *AHML*, p. 40 and I. Mattuck, "Levirate Marriage in Jewish Law," *Studies in Jewish Literature in honor of Kaufman Kohler*, 1913, p. 215, see the combination as additional evidence for the primary purpose of the levirate, which is to take care of the widow. I. Mattuck, *op. cit.*, p. 215, writes: "The redemption of the estate involves the duty of marrying the widow. It shows how completely the two were united. This identification of the woman with the estate of her husband assured her rights, which she would not otherwise have possessed, above all, the right to look for support, in the event of the husband's death, to the heir."

110. J. Bewer, "Ge'ullah," pp. 143-148; Idem, "The Goel in Ruth 4:14, 15," *AJSL*, 21, 1904, p. 206; Idem, "Die Leviratsehe im Buch Ruth," *ThStKr*, 76, 1903, p. 331.

111. J. Bewer, "Ge'ullah," p. 146.

112. J. Bewer, "Die Leviratsehe im Buch Ruth," p. 311.

ous future; not that her son's name might be raised up in Israel. For these reasons, according to Bewer, the levirate concept is not original to the book.¹¹³ The levirate insertions were made by the rigorist party at the time of Ezra and Nehemiah. The liberal party was able to cite the case of a foreign marriage between Boaz and Ruth as an argument in its favour, but once the levirate interpolations were added their weapon was removed because now the reply could be made that Boaz could not avoid marrying Ruth, since he was bound by the ancient levirate law.¹¹⁴

However, allusions to the levirate are not found merely in chapter four. There is every reason to believe that Naomi's reference to "the dead" in 2:20 is an allusion to the levirate custom.¹¹⁵ Boaz' words in 3:10 point convincingly in the same direction. Boaz contrasts Ruth's previous *hesed* with her latter *hesed*. The former *hesed* must be her loyalty to the family, of her husband in accompanying Naomi back to Israel. The latter *hesed* must be the devotion to her husband and family in offering herself to Boaz for a union of the levirate type.¹¹⁶ Moreover, in 3:13 where Boaz states that the willingness of the goel to redeem Ruth must be tested, he uses the verb **יָחַפֵּץ** which is the vocabulary of the levirate law (Deut. 25:7). The mention of Tamar in the marriage benediction in 4:12 demonstrates that the levirate idea is not found exclusively in 4:5, 10. In 4:14-17, we see that the birth of the child, Obed, has great significance for Naomi. For this reason, Bewer's idea that Naomi was only concerned for Ruth's welfare and not for the raising up of the family name through a son cannot be accepted. Finally, if the reference to the levirate is removed, is there an adequate explanation for the goel's refusal? Because the child born to the widow will be reckoned as belonging to the family of Elimelech (the levirate

113. J. Bewer, "Ge'ullah," p. 147.

114. J. Bewer, "The Goel in Ruth 4:14, 15," pp. 215, 216.

115. Cf. chap. 7 n. 8.

116. M. Burrows, "Marriage of Boaz and Ruth," p. 450; E. Würthwein, *op. cit.*, p. 18.

situation) he will in due time obtain the property which the goel is being asked to purchase. On this basis the goel changes his mind. If we remove the levirate situation, how can his change of mind be explained?

There is no reason to deny then that one of the responsibilities which fell to the goel was that of marrying the childless widow in a levirate-type responsibility).¹¹⁷ Such a responsibility is not to be conceived of legalistically. The fact that the goel in Ruth was not the brother of the deceased as prescribed by the Deuteronomic law is not a serious objection, since the law in Deuteronomy does not prescribe the exclusive conditions under which the levirate is performed.¹¹⁸ The application of the law in Ruth and Genesis 38 must be allowed at least equal weight, if not more, than the Deuteronomic law, in any understanding of this institution. There is nothing at all incongruous in the goel assuming this marriage responsibility in the light of the other duties which we know he performed. The motivation for the activities of the goel is the family bond.¹¹⁹ This responsibility to the kin group displayed itself in redeeming property (Lev. 25:25, 26), emancipating the family member who had been forced to sell himself into bondage (Lev. 25:47-49), avenging the death of a member of the family unit (Num. 35), and receiving, as trustee, payment due in cases of restitution (Num. 5:8). These are the duties prescribed in the legal sections of the

117. According to D. R. G. Beattie, *Studies in Jewish Exegesis of the Book of Ruth from the Ancient Versions to the Mediaeval Commentaries*, unpublished PhD dissertation, St. Andrews University, 1972, pp. 268-269, Jewish mediaeval exegesis was divided in its understanding of the marriage of Boaz and Ruth. Rashi believed that marriage to Ruth was an arbitrary condition connected to the redemption of the field. Salmon ben Yeroham saw it as a straight case of levirate Marriage since he believed that the word "brother" in Deut. 25:5 referred not to blood brother but to a more distant relative. David Qimhi did not regard the marriage as a levirate marriage in terms of the law of Deuteronomy but it represented a similar custom, by which if a man died leaving a childless widow and there was no brother then the obligation to marry the widow fell on his next-of-kin.

118. Cf. chap. 2, "The Persons Involved."

119. See the remark of J. J. Stamm in Introduction, n. 2.

Old Testament.¹²⁰ The story of Ruth is the story of hesed motivating beyond the letter of the law.¹²¹ The activities of the goel were not confined merely to those prescribed by the law, but the specific laws were pointers or guides showing in concrete fashion how hesed might operate within the family. Schoneveld has admirably given us the Old Testament picture of the goel in relation to his duties or responsibilities when he states: "Hoe vermogender een lossen was, des te meer kon hij doen en hoe meer *chesed* hij had, des te meer wilde hij oen."¹²² The story of Ruth is therefore the story of the true goel,¹²³ for it gives us a picture of hesed at work, capturing the spirit of the levirate law and operating in a manner consistent with the other activities of the goel on behalf of family members.¹²⁴

The Refusal of the Goel and the Ceremony of the Shoe, Ruth 4:6-8

When the goel learned that Ruth was to be acquired with the property, he was no longer disposed to act favorably on

120. Cf. chap. 4.

121. J. Carlebach, "Einleitung in das Buch Ruth," *Jüdische Studien Jozef Wohlgemut zu seinem 60 Geburtstag*, 1928, p. 7, writes: "Wollte jemand aus dem Buch Ruth Gesetze der Reinheit und Unreinheit, des Erlaubten und Verbotenen ablesen, so würde er völlig fehlgehen. Er würde etwa die Geltung einer Jibbumverpflichtung für Falk feststellen, in denen eine solche durchaus nicht mehr vorliegt, oder er würde die Einrichtung des Goël missverstehen und glauben, dass jeder Goël gleichzeitig eine Heiratspflicht mit in den Kauf zu nehmen hätte. Alles dies hat aber im Buch Ruth nicht gesetzlichen Charakter, sondern lediglich den freier Liebestätigkeit, der reinen Dankbarkeit, der tiefen Menschlichkeit. Das Gesetz ist nur der Lehrmeister, der Richtungsweiser, der feinfühlig für die Not des Lebens macht und deshalb Massnahmen lehrt, die aus Chesed, der letzten Gottes- und Menschenliebe heraus ihre Rechtfertigung erfahren."

122. J. Schoneveld, *op. cit.*, p. 12. On the use of hesed in Ruth, cf. chap. 7, n 7.

123. Ibid. G. Cooke, *op. cit.*, pp. 14, 15, comments, "It was in fact a work of charity, going beyond the strict letter of the law but sanctioned by ancient usage, and thoroughly in keeping with the generous, kindly disposition of Boaz." Cf. also C. Goslinga, *op. cit.*, p. 167.

124. E. Neufeld, *AHML*, p. 39, comments, "It is natural and logical, therefore, to find the levirate duty as one of the Go 'el's responsibilities." The view of H. Brongers, *op. cit.*, p. 4, is, *on the surface*, similar to what we have put forth, when he comments on 3:13: "De go 'el moet hier doen wat des *leviers* is. Dat

behalf of the family of Elimelech, because the resulting situation offered no benefits to him which would offset that which he would expend. To act as goel under these circumstances was a service of great devotion, for great obligations were assumed with no corresponding benefits.¹²⁵ He replied, "I cannot redeem it¹²⁶ for myself, lest I impair my own inheritance." No disgrace attached itself to one who declined to perform this noble act. A procedure was followed by which the goel transferred his right of redemption. Such a ceremony involved the removal of a shoe and reminds us of that which took place in the levirate law of Deuteronomy 95.¹²⁷

Speiser, calling upon parallels from Nuzi, says that the shoe is a token payment by which an otherwise illegal transaction becomes legally valid. Boaz' legal right to Ruth must be purchased from the goel (4:8). The shoe is the symbolic expression of the purchase price which validates the new arrangement.¹²⁸ One notes, however, that Ruth is not being purchased, and that the property does not belong to the goel. Moreover, if the shoe constitutes a symbolic payment, we

houdt in zowel een uitbreiding van het lossings -als van het leviraatsbegrip. In de eerste plaats wordt hier onder lossing ook het leviraat begrepen en in de tweede plaats wordt de leviraatsverplichting uitgebreid tot een familielid in ver verwijderde graad." On the position of Brongers, cf. chap. 5, nn. 93-96.

125. Other ideas have been suggested for the goel's refusal. F. Buhl, "Some Observations on the Social Institutions of the Israelites," *AJT*, 1, 1897, p. 736, argues that the goel would have had possession of the field until the son born had come of age. Such a situation could hardly be called an impairment of his own possessions. "The answer of the relative is only a courteous circumlocution for the thought that he did not wish to marry Ruth. Such considerate indirection at any rate would be genuinely oriental." P. Cassel, *Joshua, Judges, Ruth*, 4, A Commentary on the Holy Scriptures, ed. J. P. Lange, 1872, p. 47, cites Ruth's Moabite ancestry as the underlying cause of the goel's change, for he feared a fate similar to that which had resulted from Ruth's first marriage. The Targum has the goel commenting, "For I have a wife, and I am not able to take another in addition to her, lest there be contention in my house"; cf. A. Saarisalo, *op. cit.*, p. 101.

126. H. J. Boecker, *op. cit.*, p. 160, calls the goel's statements, "eine Bereitschaftserklärung bzw, eine Verzichtserklärung aus dem Löserecht."

127. Cf. our discussions on the shoe ceremony in Deuteronomy, chap. 2, "The Ceremony of Refusal."

128. E. Speiser, "Of Shoes and Shekels," *BASOR*, 77, 1940, p. 18.

should expect Boaz to give it to the goel and not the other way around.¹²⁹ Thus we feel Speiser's argument must be rejected.

Lacheman also draws upon parallels from Nuzi to explain the significance of this ceremony in Ruth. He sees the shoe functioning in a way which makes real estate transfers more valid. In Nuzi, a man lifts up his foot from his property and places the foot of the other man on the property. The biblical tradition goes a step further. There the lifting up of the foot has developed into the pulling off of the shoe.¹³⁰

Lacheman's explanation has more to commend itself than Speiser's, particularly if we see the shoe as symbolizing the right or power over the property. It is not that the shoe symbolizes the transfer of the property, as some have suggested, since the goel did not have the ownership of the property at the time of the ceremony. It still resided in Naomi's hands.¹³¹ What the god was relinquishing was his prior right to act in a certain situation.¹³² This usage is in accordance with that of a significant number of other passages where the shoe represents power or authority.¹³³

129. Th. and D. Thompson, *op. cit.*, p. 91, dispute Speiser's interpretation of the evidence from Nuzi saying, "The shoes in these texts ought to be interpreted as no more than shoes."

130. E. Lacheman, "Note on Ruth 4:7-8," *JBL*, 56, 1937, p. 56.

131. G. Cooke, *op. cit.*, p. 15, remarks, "When property was transferred, as in the present case, to take off the sandal and hand it to the person in whose favour the transfer is made, gave a symbolic attestation to the act and invested it with legal validity." In the same sense, D. Jacobson, *op. cit.*, p. 298. W. Rudolph, *op. cit.*, p. 68, speaks of the transfer of shoe as symbolizing the transfer of a Possession or a right.

132. L. P. Smith, *op. cit.*, p. 849; H. H. Rowley, *op. cit.*, p. 182; R. de Vaux, *op. cit.*, p. 22; L. Epstein, *Marriage Laws in the Bible and the Talmud*, 1942, p. 114.

133. Cf. C. Smit, *op. cit.*, p. 33, for an extensive list of passages. He comments, "Zoo is de schoen teeken van macht en het is to begrijpen, dat bij rechtshandeling de overdracht van den schoen het bewijs is geworden, dat men afstand van zijne macht, van zijn recht doet." According to J. Mittelmann, *op. cit.*, p. 22, the transfer of the shoe was a "Publizitatsmittel bei Rechtstibertragungen." Similarly, E. Neufeld, *AHML*, p. 42.

In 4:7, we have a statement explaining a custom¹³⁴ of former times: "Now this was the custom in former times concerning redeeming and exchanging" (4:7a). This latter term (התמורה) is found elsewhere only in Leviticus 27:10, 33, and in Job 15:31; 20:18; 28:17. The law in Leviticus 27 governs the substitution and exchange of animals vowed for sacrifice. In Job, the word is used for exchanges of various kinds. In Ruth, it is clearly connected with the exchange¹³⁵ whereby Boaz receives the goel's redemption rights and responsibilities.

"To confirm a transaction,¹³⁶ the one drew off his sandal and gave it to the other, and this was the manner of attesting (התעודה)¹³⁷ in Israel" (4: 7b). It is possible that two ceremonies are presented in the latter part of 4:7.¹³⁸ The first is the practice of confirming by the ceremonial shoe procedure, which "signified the effective accomplishment or conclusion of the legal step."¹³⁹ Attesting refers to something other than the ceremony of the shoe, probably to the validation of the shoe ceremony by the witnesses who testify that the transaction, including the final act of transfer, has indeed taken place.¹⁴⁰

134. The word "custom" or "practice," though not found in MT, must be understood.

135. In the light of the usage in other Old Testament passages the word "exchange" is to be preferred over McKane's use of the work "bargain." Cf. W. McKane, "Ruth and Boaz," p. 32.

136. The phrase לקים דבר occurs in Ezek. 13:6 and is used of the false prophets who speak without being sent and then expect the Lord to fulfill or confirm their word.

137. Found elsewhere only in Isa. 8:16, 20, where reference is made to written attestation. KB takes the customary view that in Ruth 4:7 התעודה has reference to the gesture made with the shoe.

138. G. Tucker, "Witnesses and Dates," p. 44.

139. Ibid. G. Tucker notes the use of the verb nip in Old Testament examples of ownership transference in Gen. 23:17, 20 and Lev. 25:30; 27:19.

140. Ibid. Cf. A. Bertholet, *op. cit.*, p. 67, "התעודה ist die Bezeugung and nicht die Sitte." According to G. Tucker, "Witnesses and Dates," p. 44, "Written documents with witnesses in later times, then, did not replace the shoe removal ceremony, but the solemn oral contract itself, with witnesses secured by the proper and legally binding formulae." Z. Falk, *op. cit.*, p. 98, suggests that the people present served the transferee by witnessing the transfer, but "the whole act

There are significant differences between the shoe ceremony in Ruth and the procedure described in the halisah in "Deuteronomy 25 which make it very improbable that the two were in any sense identical.¹⁴¹ Rudolph even claims they have nothing to do with each other,¹⁴² but this may go too far. The differences, however, in the two transactions are noticeable. In Deuteronomy, the woman brings the levir to justice, forcing him to appear before the elders since he has acted improperly toward her deceased husband.¹⁴³ In Ruth, neither Naomi or Ruth appear to be present during the ceremony of the shoe performed in the presence of the elders. Deuteronomy presupposes a degree of shame and insult connected with the levir's refusal which is not at all apparent in Ruth.¹⁴⁴ In Deuteronomy, the woman as the final step, pulls off the shoe (וְהָלַץ אֶת הַנְּעִלִים) whereas in Ruth, it is the goel who draws off his sandal (וַיִּשְׁלַף אֶת הַנְּעִלִים).¹⁴⁵ The ceremony of the shoe in Ruth was performed in a situation where a man was transferring a right to another; in Deuteronomy it was performed where a man refused to accept his obligation under family law.

was again called 'a testimony,' meaning the formal gesture preceding the documents of transfer." ' "

141. M. David, "The Date of the Book of Ruth," *OTS*, 1, 1941-42, p. 59 16. However, D. Mace, *op. cit.*, p. 99, calls it "a form of the ceremony in Deuteronomy 25:9 which omits the element of disgrace."

142. W. Rudolph, *op. cit.*, p. 68. O. Eissfeldt, *The Old Testament: An Introduction*, 1965, p. 483, says the practices are similar though by no means identical.

143. Cf. chap. 2, "The Ceremony of Refusal."

144. Th. and D. Thompson, *op. cit.*, p. 81 n. 1, argue that the levirate in Ruth may be just as obligatory as that of Deuteronomy. "Quite clearly the *go'el* cannot buy the property unless he marries Ruth, which is, as we shall see, the binding force we find in Deuteronomy. Secondly, the fact that Boaz, before the *go'el* refused, had already offered to take upon himself the responsibility, may well be in itself sufficient to explain the apparent lack of obligation."

145. To these words, "and he drew off his sandal" the LXX adds: καὶ ἔδωκεν αὐτῷ.

9

Obed

Naomi's Goel, Ruth 4:14

THE closing scene in the book of Ruth begins by focusing our attention upon Naomi. The women who met Naomi upon her sad arrival from the land of Moab are now found, in altogether different circumstances, sharing with her the blessing of the birth of the child, Obed. They praise the Lord, whose hand has guided all of these very human proceedings. "Blessed be the Lord, who has not left you this day without next of kin [goel] ; and may his name be renowned in Israel! He shall be to you a restorer of life and a nourisher of your old age; for your daughter-in-law, who loves you, who is more to you than seven sons, has borne him" (4:14, 15).¹

There are two *main* positions regarding the identification of the goel in 4:14. One is that the goel refers to the newborn child, Obed. This seems to be the more obvious meaning of the text. The second possibility is to see Boaz as goel since he has been featured in this role throughout the book. The latter position has been defended by several scholars.² Bettan comments, "The reference is to Boaz, who fulfilled the obligation of a near kinsman; and this very day, having secured an heir for Mahlon, has given full effect to his office."³

1. The Hebrew text of 4:14 which will engage our attention is: **בְּרוּךְ יְהוָה אֲשֶׁר לֹא הִשְׁבִּית לְךָ גֹּאֵל הַיּוֹם וַיִּקְרָא שְׁמוֹ בִּישְׂרָאֵל**

2. G. Cooke, *Judges and Ruth*, 1918, p. 17; I. Bettan, "The Book of Ruth," in *The Five Scrolls*, 1950, p. 71; A. S. Herbert, "Ruth," *PCB*, 1962, p. 317; A. Hervey, *Ruth*, The Holy Bible, 2, 1900, p. 239; J. Bewer, "The Goël in 4:14, 15," *AJSL*, 20, 1903-1904; L. P. Smith, "Ruth," *IB*, 2, 1953, p. 850.

3. I. Bettan, *op. cit.*, p. 71. Similarly, A. Hervey, *op. cit.*, p. 239.

Herbert affirms that one should place the full stop after the next-of-kin and begin the new sentence: "May his name (the child's) be famous in Israel."⁴ This necessitates a very abrupt change of person from the goel (Boaz) in the first part of the sentence to the child, Obed, in the second part but Smith answers this by saying, "the change of reference is preferred Hebrew style."⁵

Bewer has marshalled several arguments against the idea that the goel is the child, Obed. In addition to noting the prominence of Boaz as goel in the whole previous narrative, he suggests that " 'the day,' to which the whole story moves from the beginning, is the day when the fortune of Ruth is made, that is the day when Yahweh has not left Naomi without a Goel. . . . But the whole story bears witness that Naomi had not been planning how to raise seed for her son, Mahlon, but how to secure Ruth's fortune, and this was secured on the day when Boaz married her."⁶ He further objects that if there is no levirate marriage in Ruth (which he holds adamantly), then one cannot accept the common interpretation that Obed can be called goel because he is the son of the dead who continues the name of the dead. His solution to this is a drastic rearrangement of the passage 4:13-17. He places 4:14, 15a first, followed by 13 and 17a (which is now addressed to Naomi: לֹא and אִשׁ being omitted), and then 15b, 16, 17b. The advantage of this reconstruction, he feels, is that it provides a balanced climax to the final scene with the elders and people witnessing the transaction (4:9, 10), followed by the elders offering congratulations to Boaz at the gate (4:11, 12); this in turn being followed by the women coming to Naomi to rejoice with her in Yahweh's kindness in giving her a goel in Boaz.⁷ However, we must reject Bewer's

4. A. S. Herbert, *op. cit.*, p. 317. Herbert's translation does not do justice to אִשׁ, which word he neglects to mention.

5. L. P. Smith, *op. cit.*, p. 850.

6. J. Bewer, "The Goël in Ruth 4:14," p. 203.

7. *Ibid.*, pp. 203, 204. His rearrangement would read: "And the women said unto Naomi, Blessed be Jehovah, who hath not left thee this day without a Goël;

argument since the levirate idea is found in too many places to remove it from the book⁸ and Bewer's rearrangement seems to be almost entirely the result of his rejection of the levirate in Ruth.

Earlier we mentioned the two main options for understanding who the goel is in 4:14, 15: either Boaz who appears as such throughout the book, or Obed. Before looking at the latter position we must note that a third possibility has been mentioned: to interpret the goel as Yahweh. This is suggested by Caspari: "הַשֵּׁבִית" könnte hier aber einmal mit Dativ (Jer. 48, 35) stehen, und גֹּאֵל auf das Subjekt, Jahve, bezogen werden: er liess dich nicht umkommen, heute lösend, scil. dich; das Fehlen eines Objekts von גֹּאֵל ist angesichts der Mittelstellung von לָל zwischen beiden Verben zu ertragen; ein Dativ לָל hinter גֹּאֵל wäre sogar (vgl. v. 6) irreführend. Daher ist es vielleicht vorzuziehen, dass die Frauen Jahve den Löser nennen."⁹ This is a very awkward rendering and leaves 4:14b, where the reference cannot be to Yahweh, entirely disconnected.¹⁰

It is preferable to see Obed as the goel, for in so doing we do justice to הַיּוֹם, which refers to the birth of the child just mentioned in 4:13. It allows us to take Inv (his name) as the

(and) let his name be famous in Israel; (and) he shall be unto thee a restorer of life and a nourisher of thine old age. And Boaz took Ruth and she became his wife; and he went in unto her, and Jehovah gave her conception and she bare a son. And the women, her neighbors shouted saying. There is a son born to Naomi! For thy daughter-in-law, who loveth thee, who is better to thee than seven sons, hath borne him. And Naomi took the child and laid it in her bosom and became nurse unto it. And they (the women) called his name Obed: he is the father of Jesse, the father of David."

8. Cf. chap. 8, "The Double Responsibility," and nn. 110-114, for our discussion of Bewer's position and our reasons for rejecting it.

9. W. Caspari, "Erbtochter und Ersatzehe in Ruth 4," *NKZ*, 19, 1908, p. 127. This interpretation is also defended by H. Hajek, *Heimkehr nach Israel*, *BStN*, 33, 1962, pp. 85 and 86, who translates the verse, "Gesegnet seist du dem Herrn, der als (dein) Er-Löser es nicht mit dir hat zu Ende gehen lassen heutigen-tags," and comments, "Wenn Jahwe selber der 'Goel' ist, dann kommt in der Tat von ihm 'Erquickung' (v. 15)."

10. W. Rudolph, *Das Buch Ruth, Das Hohe Lied, Die Klagelieder*, KAT, 17, 1962, p. 69 n. 14.

goel's, which is the most normal and immediate antecedent. It is also most natural to relate the goel to the phrase "who hath born *him*" in verse 15. The question then becomes, In what sense may Obed be referred to as goel? Some see Obed as the heir who returns the property to the family. Gressmann comments, "Yahve schenkt dem jungen Paar einen Erben, der als Sohn der Verstorbenen . . . gilt. Jetzt ist die Familie Naemis wirklich 'gelöst, da ihr Name nicht ausstirbt. . .'"¹¹ Epstein presents a similar sentiment when he writes, "In a sense, the child is the ultimate *go'el* of the estate, for he takes it out of the hands of the kinsman and sets it up in possession of one bearing the original family name."¹² The continuance of the family name by the child is seen in the latter part of the verse (וְיִקְרָא שְׁמוֹ) by some scholars. Thus, Vincent translates, "Béni soit Yahvé qui a fait aujourd'hui qu'un proche parent ne manquant pas au défunt pour perpétuer son nom en Israël."¹³ This translation involves the substitution of וְיִקְרָא for וְיִשָּׂא, in which case שְׁמוֹ (his name) refers to Elimelech's name. However, it is preferable to maintain MT and following RSV and NV, to translate 4:14b, "May his name be famous in Israel." We then have the women praying a similar

11. H. Gressmann, *Ruth*, SAT, 1, 19222, p. 275. The same view is defended by A. Bertholet, *Ruth*, KHC, 17, 1898, p. 68; M. Haller, "Ruth," in *Die Fünf Megilloth*, HAT, 18, 1940, p. 19; H. Gunkel, "Ruth," in *Reden und Aufsätze*, 1913, p. 83; W. Nowack, *Richter, Ruth und Bucher Samuelis*, HK, 1902, p. 199; J. Gray, *Joshua, Judges, Ruth*, CB, 1967, p. 423.

12. L. Epstein, *Marriage Laws in the Bible and the Talmud*, 1942, p. 87. Similarly, Th. and D. Thompson, "Some Legal Problems in the Book of Ruth," *VT*, 18, 1968, p. 99.

13. A. Vincent, *Le Livre de Ruth*, 19582, p. 164. P. Joüon, *Ruth*, 19532, p. 93, writes, "Je lirais donc לְמֵת, qui n'est pas graphiquement très éloigné, et dont l'altération en וְיִשָּׂא a pu se produire facilement chez un scribe emporté par la pensée de Noémi à laquelle s'adressent les femmes." So also, J. de Fraine, *Rechtlers • Ruth*, BOT, 3, 1955, pp. 159, 160. NEB translates the phrase under discussion, "May the dead man's name be kept alive in Israel." This is unsatisfactory since וְיִשָּׂא goes back to the goel Obed. Another translation which differs from the usual is that of J. Fischer, *Rut*, Echter Bibel, 1952, p. 14, who follows the LXX (καὶ καλέσαι τὸ ὄνομα σου) and renders, "der dir heute einen Löser nicht versagt hat, so dass dein Name genannt wird in Israel!"

thing for Obed as the men have previously prayed for Boaz (v. 14).¹⁴

The description in 4:15 of what the goel will do for Naomi gives us the clearest indication of how the child may be referred to as goel. "He shall be to you a restorer of life, and a nourisher of your old age." We can say that in a very general way the child is viewed as the protector of the widow, Naomi.¹⁵ The word "goel" is probably not employed here in a technical sense.¹⁶ Such usage demonstrates that the words "goel" and "gaal" are sometimes employed with a more general meaning. As Schoneveld remarks, "Hoeveel 'ruimte' er zitten kan in het woord 'losser' of 'lossen' blijkt ook uit het slot van het boek Ruth. De vrouwen van Bethlehem prijzen Jahve, omdat Hij Naomi een lossier niet onthouden heeft. Deze lossier is het kind, dat aan Ruth geboren is. . . Naomi kan gerust wezen, zij heeft iemand, die voor haar opkomen zal en haar niet aan haar lot zal overlaten, als zij hulp nodig heeft."¹⁷

14. On the blessing pronounced upon Boaz by the elders and in particular 4: 1 lb, cf. C. Labuschagne, "The Crux in Ruth 4:11," *ZAW*, 79, 1967, p. 366. He proposes the translation, "engender procreative power in Ephrathah and so act as Name-giver in Bethlehem," and comments, "The reason for this specific wish can only be that Boaz was not so young any more, and, because of his age, stood in need of a wish of this kind."

15. G. Smit, *Ruth, Ester en Klaagliederen*, TU, 1930, p. 35. He also speaks of Obed, the goel, as "de rechtsverdediger van Noomi," *ibid.* J. Mittelmann, *Der altisraelische Levirat*, 1934, pp. 26, 27, writes, "Die GO'él-Ehe soil also nicht nur für die verstorbenen Manner Elimelech und Machlon zur Bewahrung ihrer Namen vor der Vergessenheit einen mannlichen Nachkommen schaffen, sondern auch den auf dieser Erde lebenden Frauen Noomi and Ruth zur Versorgung dienen." C. Goslinga, *Het Boek Ruth*, KV, 19522, p. 161, believes that the "woord hier den ruimen zin heeft van bevrijder en helper."

16. Th. C. Vriezen, "Two Old Cruces," *OTS*, 5, 1948, p. 86 n. 4. Cf. W. Rudolph, *op. cit.*, p. 70, "Da לֹסֵר 14a durch v. 15 erläutert wird, liegt auf der Hand, dass hier nicht der streng rechtliche Begriff des 'Lösers', sondern die allgemeinere Bedeutung 'Beschützer' vorliegt..." H. Lamparter, *Das Buch der Sehnsucht*, BAT, 16, 1962, p. 54, writes: "Das Wort ist hier nicht in dem speziellen Sinn gebraucht, den es im israelitischen Familienrecht besass. Löser ist der Knabe insofern, als Naemi an ihm einen Trost und Versorger in den Tagen ihres Alters haben wird."

17. J. Schoneveld, *De Betekenis van de Lossing in het Boek Ruth*, 1956, p. 12.

Naomi's Son, Ruth 4:16, 17

The narrator of the book continues to emphasize the contrast between Naomi's present happiness and her previous emptiness. The difference has been made by Ruth's marriage to Boaz and the birth of their son, Obed. "Then Naomi took the child and laid him in her bosom, and became his nurse" (4:16). This shows Naomi in a tender and human fashion as the affectionate grandmother with her special child.¹⁸ There is a question, however, whether there is something beyond this which is being conveyed by Naomi's loving handling of the child. This question has been answered positively by several scholars. One of the exponents of the idea that we have in 4:16 a case of adoption was Bertholet who commented, "Was Naemi thut, bedeutet eine Art mütterlicher Adoption (vgl. Hi. 3:21; Gen. 30:3)."¹⁹ This was further argued by Köhler, who cited certain parallels²⁰ and also suggested that the words of the women in 4:17a, "a son has been born to Naomi," confirmed his view.²¹ Dijkema affirmed that the act of Naomi *clearly* pointed to an adoption²² which had as its purpose to guarantee the pure Israelite origin of David.²³

18. H. Gunkel, *op. cit.*, p. 84, speaks of the "zartliches Bild" presented in 4:16, 17.

19. A. Bertholet, *op. cit.*, p. 68.

20. L. Kohler, "Die Adoptionsform von Rt. 4:16," *ZAW*, 29, 1909, pp. 312-314. Cf. also T. Gaster, *Myth, Legend, and Custom in the Old Testament*, 1969, pp. 448, 449. The parallels cited by Köhler are too remote to be considered decisive. Cf. W. Rudolph, *op. cit.*, p. 71.

21. L. Kohler, "Ruth," *SThZ*, 37, 1920, p. 12. He rejects Gunkel's concept of the incident and remarks, "Nicht um ein zärtliches Bild, sondern um einen Rechtsritus handelt es sich. . . ."

22. F. Dijkema, "Ruth 4:17-22," *NThT*, 24, 1935, p. 115. Similarly H. Gressman, *op. cit.*, p. 275, comments, "Naemi legt das Kind an den Busen, zweifellos um es zu adoptieren, and wartet es gem, wie Grossmütter zu tun pflegen."

23. F. Dijkema, *op. cit.*, p. 115. "Want door de adoptie wordt de zoon van het Ruth en Boaz ten voile Noomi's zoon eo ipso zoon van Noomi en Elimélech. Dat wil het slot 4:14-17a duidelijk aantoonen: Ruth en Boaz worden geelimineerd en Noomi blijft met haar geadopteerden zoon alleen over. En nu wil m.i. de interpolatie van vs. 17b niets anders aantoonen dan dit: David stamt dus of van echt-Israëlietische Bethlehemsche echt paar: Elimélech en Noomi. Zijn echt-Israëlitische afkomst is hiermee gewaarborgd." Similarly G. Gerleman, *Ruth Das*

Jepsen saw this adoption as an argument for excluding the idea of a levirate marriage between Boaz and Ruth. "Die Adoption aber wäre unnötig, wenn Obed schon als Sohn des Machlon und damit Enkel der Naemi gegolten hätte, so dass auch von hier aus die Annahme einer Leviratsehe unmöglich erscheint."²⁴ Furthermore, if the child were considered as the son of Boaz, a presumption which might appear to be valid from the genealogy in 4:18-22, then Naomi would need to adopt the child in order to provide a legal heir for Mahlon and/or Elimelech.

Würthwein explained the adoption as resulting from Ruth's substitution for Naomi. Naomi had, as legal advisor for her sons, the right of disposal for the family property. "Wenn Ruth an ihrer Stelle als diejenige, von der Nachkommenschaft zu erwarten war, die Ehe mit Boas eingegangen war, so war doch Naemi die Rechtspartnerin beim Erwerb des Grundstückes durch Boas geblieben (4:9). So ist es wohl verständlich, dass Naemi durch die Adoption das Kind förmlich in die Familie aufnimmt und zum Erben des Besitzes seines fiktiven Grossvaters Elimelech und seines fiktiven Vaters Machlon macht."²⁵

It is questionable whether this gesture of Naomi's really signifies that she is adopting the child.²⁶ David remarks, "Wij

Hohelied, BK, 18, 1965, p. 37, writes: "Dem Erzähler ist es nicht genug, Ruth in die jüdische Volksgemeinschaft einzuverleiben. Er gibt sich noch dazu Mühe, durch eine besondere Adoptionshandlung dem Neugeborenen eine echtjüdische Mutter zu geben." If this is so clearly an adoption for the purpose of declaring that David is not the son of Boaz and Ruth but is the son of Naomi and Elimelech it is completely overlooked by the final genealogy. F. Dijkema, *op. cit.*, p. 118, affirms that "een latere bewerker heeft gedachteloos en kritiekloos de genealogie uit Kronieken daaraan toegevoegd, niet gevoelende, dat Obed in de voorgaande verzen door adoptie geen zoon meer was van Boaz."

24. A. Jepsen, "Das Buch Ruth," *ThStKr*, 108, 1937-38, p. 422.

25. E. Würthwein, "Ruth," in *Die Fünf Megilloth*, HAT, 18, 1969, p. 23. L. Morris, *Ruth*, TOTC, 1968, p. 315, writes: "It is possible also that the expression should be understood along the lines that Boaz was primarily *go'el* to Elimelech (4:3, 9). He should accordingly have married Naomi to raise up a child to Elimelech. However, since she was too old Ruth was a substitute and the child in a sense was Naomi's."

26. For additional literature on adoption in Israel, cf. chap. 1, n. 6. G. R. Driver and J. C. Miles, *The Babylonian Laws*, 1, 1952, p. 384, cite this as a

zullen derhalve in de handelwijze van Naomi, die Obed op haar schoot legde, slechts een blijk mogen zien van tedere liefde en zorg voor het kind, dat de vroegere echtgenote van haar zoon heeft geboord, zonder dat wij hieraan enige juridische betekenis kunnen hechten."²⁷

The reference to Naomi as a nurse (**אמנת**) cannot be used as evidence for an adoption, as Köhler indicates,²⁸ for it is not likely that Naomi was involved in feeding the child as his analogies would necessitate. Rather, the word should be understood in the more general sense of guardian.²⁹ It may even be, as Rudolph affirms, that this general designation is "der beste Beweis dass von der Fürsorge der Grossmutter für ihren Enkel and nicht von einer Rechtshandlung die Rede ist."³⁰

By placing the child on her bosom, Naomi was recognizing the child as in some way belonging to her (cf. Num. 11:12). This is in fact what the neighbour women affirm when they say, "A son has been born to Naomi" (4:17a).³¹

possible instance of adoption. So also Z. Falk, *Hebrew Law in Biblical Times*, 1964, p. 163; E. Neufeld, *AHML*, 1944, p. 126 n. 1; Th. C. Vriezen, *op. cit.*, p. 87 n. 7. R. de Vaux, *Ancient Israel*, 1961, p. 51, remarks on Gen. 30:3-8; 48:5, 12; and Ruth 4:16, 17: "But these are not adoptions in the full sense, for they all take place within the family.... The legal consequences of such an adoption are therefore not far-reaching."

27. M. David, "Adoptie in het oude Israel," *Mededeelingen der Koninklijke Nederlandse Akademie van Wetenschap, Afdeling Letterkunde*, 18, 1955, p. 4. J. Bewer, "The Göel in Ruth 4:14, 15," p. 25, denies that 4:16 contains a statement of Obed's adoption. Similarly G. Wood, *Ruth*, Jerome Bible Commentary, 1968, p. 609, writes: There is no need to see in this action some form of adoption (cf. Nm. 11:12). She merely held the child affectionately and regularly pacified him."

28. L. Köhler, "Die Adoptionform von Rt. 4:16," p. 313.

29. F. Dijkema, *op. cit.*, p. 112. J. de Waard, "Translator's Handbook of Ruth," *BT*, 21, 1970, p. 168, translates, "and she looked after the child" or "and she became the child's guardian."

30. W. Rudolph, *op. cit.*, p. 71.

31. I. Bettan, *op. cit.*, p. 72, comments, "Since the marriage was to preserve the name of Mahlon, Naomi's son, the new-born child could not but be considered as Naomi's grandchild." Cf. J. de Fraine, *op. cit.*, p. 160, "Legaal gezien is Ruth's zoon Noomi's afstammeling; er hoeft dus geen adoptie plaats te hebben. . . ." So also C. Lattey, *The Book of Ruth*, 1935, p. 25, and A. Vincent, *op. cit.*, p. 164 n.C. W. McKane, *Tracts for the Times: Ruth, Esther, Lamentations, Ecclesiastes, Song of Songs*, 1965, p. 23, refers to the statement "a son has been born to Naomi" as "an inexactitude for 'a son has been born to Mahlon.'" L.

There is therefore no *need* of any adoption where the levirate situation was in effect.³² Throughout all this final scene, "de liefde spreekt zich uit, niet het recht."³³ In no sense can we accept Jepsen's contention that we have a formal adoption, thereby excluding a levirate marriage.

It is somewhat surprising that the women give the name to the child born of Boaz and Ruth (4:17).³⁴ Dijkema explains this as resulting from Naomi's adoption of the child. "Nu echter Noomi het kind adopteert is het niet aan Ruth of Boaz om hun kind een naam te geven en treden de vrouwen, de naburinnen, als naamgeefsters op."³⁵ If one accepts an adoption, it would appear to be more reasonable to expect that the giving of the name might be taken over by the one doing the adopting, in other words, Naomi.³⁶ It is exceeding the limits of our knowledge to say, as Ehrlich does, that "Nachbarn batten kein Recht, einem fremden Kinde den Namen zu geben."³⁷ The naming by the women might repre-

Epstein, *op. cit.*, p. 87 writes, "Here the *ge'ullah* child bears the name of the Elimelech family in that he is called 'a son of Naomi.' "

32. W. McKane, *Tracts for the Times*, p. 24, remarks, "The phrase 'a son has been born to Naomi' establishes Boaz's role as a *levir*. . . ." Cf. P. Joüon, *op. cit.*, p. 94, "Le geste n'a donc pas pour but d'indiquer l'adoption de l'enfant par Noemi; celle-ci n'a pas à adopter l'enfant: il est déjà sien." R. de Vaux, *op. cit.*, p. 38, cites 4:17 as an evidence for the levirate in the book of Ruth.

33. G. Smit, *op. cit.*, p. 36. Similarly, W. Rudolph, *op. cit.*, p. 71.

34. One can point, however, to Luke 1:57 ff. for something comparable. For a study on the giving of names, cf. A. Key, "The Giving of Proper Names in the Old Testament," *JBL*, 83, 1964, pp. 55-59; cf. C. Vos, *Women in Old Testament Worship*, 1968, pp. 160-164.

35. F. Dijkema, *op. cit.*, p. 113 n. 2.

36. E. Würthwein, *op. cit.*, p. 24, comments, "Bei der Rolle, die Naemi in 16 als Adoptionsmutter spielt, ist wahrscheinlich, dass sie als Namengeberin gedacht war." The text is emended by P. Joüon and W. Rudolph. W. Rudolph, *op. cit.*, p. 69, removes םש from 4:17a and suggests in v. 17b a change from third feminine plural (תקראנה) to either third masculine or third feminine singular. In this case 4: 17a has nothing to do with the giving of the name whereas 4:17b has the child being named either by Boaz or Naomi. The latter finds support from Josephus who (Ant. 5, 9, 4) has Naomi giving the name to the child. J. de Fraine, *op. cit.*, p. 160, comments, "De legale moeder Noomi is beter gequalificeerd dan de buurvrouwen om een naam te geven."

37. A. B. Ehrlich, *Randglossen zur hebräischen Bibel*, 7, 1914, p. 29.

sent a local custom or possibly the women's kindness to Boaz and Ruth prompted an acceptance of their suggestion.³⁸

It is rather commonly asserted³⁹ that Obed was not the name originally given to the child since one would expect to find some connection between the name "Obed" and the statement, "a son has been born to Naomi."

Recently Eissfeldt, reversing his previously expressed opinion,⁴⁰ has presented an explanation for the name "Obed" which retains its genuineness. He maintains that it is wrong to seek a name for the child which echoes with that of Naomi. "Solche Änderungen gehen von der wohl mehr stillschweigend und unbewusst gemachten Voraussetzung aus, dass in den Worten der Nachbarinnen der Ton liege auf 'No`omi': der *No`omi* ist ein Sohn geboren. Aber dem ist nicht so. Der Nachdruck liegt vielmehr auf 'eM Sohn': der *No`omi* ist ein *Sohn* geboren. Auf diesel 'Sohn' schlägt 'Obed' zurück, das zwar nicht lautlich an *No`omi* anklingt, aber dem Sinne nach 'Sohn' nicht nur wieder aufnimmt, sondern noch vertieft, indem 'Versorger'—das bedeutet hier 'obed—noch mehr besagt als *ben`Sohn`*. In 4, 17 klingt das *ben`Sohn`* zwar nicht lautlich, aber um so mehr bedeutungsmässig an 'obed 'Versorger' an..."⁴¹

38. L Morris, *op. cit.*, p. 315.

39. As a representative of this argument cf. O. Eissfeldt, *The Old Testament: An Introduction*, 1965, pp. 479, 480. He opts for *ben-no`am* as originally standing in the narrative and remarks (p. 480), "So Ruth's child, adopted by Naomi, was given the name *Obed* with the removal of the name *ben-no'am* which originally stood in the narrative. In other words, the Ruth narrative had originally nothing at all to do with David, but has only secondarily been made into a narrative concerning David's ancestors." However, D. R. Ap-Thomas, "The Book of Ruth," *ExpT*, 79, 1968, p. 371, remarks, "I cannot find in the Old Testament any example of a name explicitly given to commemorate another person, whether father or mother or grandmother. It would therefore be unique if Ruth's son had been called Ben-noam..."

40. Cf. n. 39.

41. O. Eissfeldt, "Sohnspflichten im Alien Orient," *Syria*, 43, 1965, p. 47. Cf. O. Eissfeldt, "Wahrheit und Dichtung in der Ruth-Erzählung," *Sitzungsberichte der Sächsischen Akademie der Wissenschaften zu Leipzig, Philologisch-historische Klasse*, 110, 1965, p. 27, "Der physisch von der Ruth geborene, aber ethisch der Noomi zugeschriebene Sohn (*ben*) erhält darum den Namen Obed ('obed 'Diener' oder 'Pfleger'), weil er seiner Grossmutter die einem Sohne oblie-

Obed's name then is to be understood in terms of the service of care which he, as son (cf. Mal. 3:17), would perform for Naomi (4:15) personally. In addition, we may say with Goslinga, that "zijn taak en bestemming was dienen, nl. tot instandhouding van zijn geslacht, dat anders uitgestorven ware."⁴²

Boaz' Son, Ruth 4:21

It is well-known that scholars are divided in their views concerning the genuineness of the genealogy (4:18-22) in the book of Ruth. By many scholars, it is regarded as a later addition, but others accept the genealogy as genuine (and as a reliable account of the ancestry of David).⁴³ While there are many facets to this difficult question, we intend to discuss briefly one final legal point which results from the genealogy. Within the genealogy we are told that Boaz was the father of Obed (v. 21). It is felt by many⁴⁴ that this is in contradic-

genden Liebesdienste erweisen wird. Zwischen dem Ausruf der Nachbarinnen: 'Geboren ist ein Sohn der Noomi!' und dem von ihnen diesem Sohn gegebenen Namen Obed besteht also ein enger Sinnzusammenhang, wie dieser denn auch schon 4, 14-15 anklingt, wo die Frauen Noomi dazu beglückwünschen, dass Jahwe ihr einen 'Löser' (go'el), was hier etwa dasselbe wie 'obed' bedeutet, gegeben hat, der ihr Freude machen und sie in ihrem Alter versorgen kann."

42. C. Goslinga, *op. cit.*, p. 162.

43. Cf. chap. 5, n. 89. M. Weinfeld, "Ruth," *EJ*, 14, 1971, p. 519, accepts the genealogy as an integral part of the book. According to M. Johnson, *The Purpose of the Biblical Genealogies*, 1969, p. 52, one of the purposes of a genealogy was "to establish continuity over those periods of time not covered by material in the tradition.... The Toledoth of Perez appended to the book of Ruth (4:18-22) may similarly be intended to establish continuity during the time of the judges, that is, from the conquest to the beginning of the Davidic monarchy."

44. P. Joüon, *op. cit.*, p. 96; M. Burrows, "The Marriage of Boaz and Ruth," *JBL*, 59, 1940, pp. 445, 446; L. Epstein, *Marriage Laws in the Bible and the Talmud*, 1942, pp. 87, 88; I. Bettan, *op. cit.*, p. 72; A. Bertholet, *op. cit.*, p. 68; E. Würthwein, *op. cit.*, p. 24; S. B. Gurewicz, "Some Reflections on the Book of Ruth," *Australian Biblical Review*, 5, 1956, p. 46; M. Haller, *op. cit.*, pp. 19, 20; L. P. Smith, *op. cit.*, p. 851; W. Rudolph, *op. cit.*, p. 71. C. Lattey, *Ruth*, 1935, p. 25, on the contrary, feels that it would be difficult to attribute the genealogy to a later writer, since he "would have been more careful of the apparent requirement of the narrative." He further remarks: "As a matter of fact, however, there does not appear to be in the Old Testament any certain case of a genealogy being

tion to the whole spirit of the narrative, which portrays the marriage of Boaz and Ruth as a levirate marriage. In such a case, the child, Obed, being a levirate child, belonged rather to Mahlon and/or Elimelech. This is then taken to be further support for the view that the genealogy could not come from the hand of the author of the book of Ruth. In other words, those who accept the child of Ruth and Boaz as a child of Elimelech and Mahlon through a levirate or geullah marriage generally feel compelled to delete the genealogy as an integral part of the book.

Goslinga, however, affirms that the above argument "gaat uit van een doctrinaire opvatting van het leviraatshuwelijk en zijn gevolgen. Ook al kon Obed treden in de rechten van Ruth's eersten man, dit neemt niet weg, dat Boaz hem verwekt had zoals vs. 21 zegt. Dat kon van Machlon niet gezegd worden."⁴⁵

A little noticed facet of this question is 4:11b, 12. The witnesses at the gate express the wish, "May you prosper in Ephrathah and be renowned in Bethlehem; and may your house be like the house of Perez, whom Tamar bore to Judah, because of the children that the Lord will give you by this young woman."⁴⁶ In these verses we have the hope expressed that the house of Boaz will be like that of Perez because of the children whom the Lord will give to Boaz through Ruth. This seems to indicate that not only in the genealogy but in the narrative as well, the child of Ruth is regarded both as a levirate child and thus belonging to the

taken through a God without explanation; and one obvious explanation of the diversity in Our Lord's genealogy between Matthew and Luke is that a genealogy might indicate either the real or the legal father."

45. C. Goslinga, *op. cit.*, p. 165. He argues as well: "Het hoogste in het boek is dan ook welbeschouwd niet het geslacht van Elimelech, maar het geslacht van David. In diens voorgeslacht moest naar Gods beschikking Boaz een eervolle plaats bekleden. Hij is, meer nog dan Ruth zelf, de hoofdpersoon. Maar hij is dat als voorvader van David." L. Morris, *op. cit.*, p. 317, writes: "Notice that Mahlon is not mentioned and Obed is treated simply as the son of Boaz. In a sense he carried on Mahlon's name and succeeded to his property. But in an official genealogy he was reckoned as the son of his true father."

46. Cf. n. 14.

family of Mahlon and as belonging to the family of Boaz.⁴⁷ Such being the case, the fact that the genealogy lists Boaz as the father of the child cannot be regarded as contradictory to the spirit of the narrative section of the book.⁴⁸ We believe that Rowley's explanation does the most justice to all the facts. He writes: "If Boaz had no child hitherto, then Ruth's first child would be the child of Mahlon by a legal fiction, and also the child of Boaz by actual paternity; and if Boaz had taken Ruth to be his legal wife, and had not merely played the part of kinsman, then the same child would be his heir as well as Mahlon's. . . . There is thus no conflict on this view between the appendix and the preceding verses."⁴⁹

47. L. P. Smith, *op. cit.*, pp. 849, 850, explains the reference to the house of Boaz differently: "Objection to these verses on the ground that the child will be reckoned to Mahlon and not to Boaz ignores the fact that no woman was content with one child.... All children after the first would be reckoned to Boaz. The wish is therefore the very obvious one that Boaz should be rewarded for doing his duty by a family of at least twelve sons!" We do not regard these remarks as completely satisfactory. J. de Fraine, *op. cit.*, p. 159, remarks, "Misschien was Boöz een kinderloze weduwnaar. Het is enigszins bevreemdend dat hier het perspectief van het 'huis' van Elimelek uit het oog verloren wordt."

48. Cf. chap. 2, n. 19.

49. H. H. Rowley, "The Marriage of Ruth," in *The Servant of the Lord* 1965², pp. 193, 194. H. H. Rowley, *op. cit.*, p. 193 n. 2, while rejecting the idea that there is a conflict of viewpoint between the story and the genealogy, believes that it is likely that the genealogy was added by another hand. L. Morris, *op. cit.*, p. 312 n. 1, and Th. and D. Thompson, *op. cit.*, p. 99, also see no conflict between the genealogy and the story. The view of J. Gray, *op. cit.*, p. 423, that the narrator may have momentarily lost sight of the levirate situation is singularly unconvincing.

PART THREE

GENERAL CONCLUSIONS

Summarizing Considerations on the Levirate Institution In Israel

IN bringing our study to a conclusion we shall discuss several attempts made at tracing the development of the levirate institution in Israel. Now that we have examined in considerable detail the legal material of the book of Ruth, we are in a position to see how the story of Ruth and the levirate law of Deuteronomy are to be integrated.

Representative Views

One of the most significant contributions to this topic has come from the pen of M. Burrows, who has published four articles on this and related subjects.¹ Since his views have exerted a widespread influence, we will seek to give a recapitulation and evaluation of his position. Such a discussion will bring us into contact with the law of the levirate in Deuteronomy 25:5-10, for this passage is considered by Burrows to be the basic source for normal levirate practice in Israel.²

1. M. Burrows, "Levirate Marriage in Israel," *JBL*, 59, 1940, pp. 23-33; idem, "The Ancient Oriental Background of Hebrew Levirate Marriage," *BASOR*, 77, 1940, pp. 2-15; idem, "The Marriage of Boaz and Ruth," *JBL*, 59, 1940, pp. 445-454; idem, *The Basis of Israelite Marriage*, *AOS*, 15, 1938. His discussion of the levirate is found in all the above mentioned works, but his concentrated attempt at an explication of levirate marriage in Israel is found in the article with that title.

2. M. Burrows, "Levirate Marriage in Israel," p. 23. He omits Gen. 38 entirely from the picture and remarks, "We cannot use the story, therefore, to show

Noting that the levirate law of Deuteronomy 25 fits into the well-known category of Hebrew law which Alt labeled casuistic, (which was of Canaanite origin according to Alt) Burrows concludes "that levirate marriage was one of the practices adopted by the Israelites after the occupation of Palestine, or at least that a similar Israelite custom was modified and codified under Canaanite influence."³

As found in Deuteronomy 25:5-10, the law showed clear evidence of Israelite revision: in Deuteronomy 25:6, "so that his name may not be blotted out of Israel," and in Deuteronomy 25:7, "he refuses to perpetuate his brother's name in Israel." Burrows is not inclined to delete these phrases, nor does he see any perceptible Deuteronomic editing.⁴

Having no direct evidence for the Canaanite practice, he turns for evidence to the common legal tradition permeating western Asia in the second millennium. Such evidence suggests to Burrows that the origin of the levirate may have been bound up with the conception of marriage as ownership, in which case the widow passed to the other family members as inheritable property.⁵

Burrows' conclusion is that in Israel the essential purpose of the levirate was changed. Instead of being based on a form of inheritance, the essential motive for the levirate in Israel was to raise up a son for the dead man to preserve his name.⁶

A possible Canaanite law is reconstructed by Burrows as follows: "If brothers live together and one of them dies leaving no son, the dead man's wife shall not be married outside to a stranger. Her brother-in-law shall come in to her and take

what was the prevailing law or custom in ancient Israel. As an illustration of possible variations it may be relevant, but for information as to normal procedure it has little value, except as it confirms what can be learned from other sources." Cf. chap. 2, n. 3.

3. Ibid., p. 25.

4. Ibid., pp. 25, 26.

5. Ibid., p. 27.

6. Ibid., p. 33. Burrows writes (p. 30): "It may be that the Canaanites, like other peoples of Western Asia, regarded the marriage of a widow as a form of inheritance, whereas from the earliest times the motive of preserving the dead brother's name was a distinctive element of the Israelite custom."

her to himself to wife. But if it does not please the man to take his sister-in-law, he shall go up to the gate to the elders and say, 'It does not please me to take her;' and he shall take off his sandal from his foot."⁷ Of significance is the proposed reconstruction of the removal of the shoe. The removal of the shoe is an act not of the woman but of the man, which indicates that he has voluntarily renounced his right (by inheritance) to the woman.⁸

Burrows concludes his discussion by noting that the Israelite alteration of the law involved two changes:

"(1) levirate marriage was taken out of the category of inheritance and made a means of carrying on the life and name of the dead. (2) this made it a duty rather than a right, and the widow was authorized and required to demand the fulfillment of the obligation by her brother-in-law, while refusal on his part was punished by subjecting him and his family to public disgrace."⁹ The stages which Burrows proposes in his reconstruction of the levirate development are an early Canaanite stage, followed by the transition exemplified in the book of Ruth where redemption marriage is a clan affair, and a final stage in which the more restricted levirate marriage of Deuteronomy is an affair of the immediate family.¹⁰

The two key aspects of Burrows' treatment of the levirate development are his suggestion of a kind of direct borrowing, with modification, from the Canaanites and his view of the levirate marriage of Deuteronomy as the final stage in the evolution of the levirate responsibility.

In any attempt to understand the development of the levirate custom, the date for the Deuteronomic law assumes considerable importance. A continuing stream of literature flows forth on the date of Deuteronomy. It should be noted

7. *Ibid.*, p. 30.

8. *Ibid.*

9. *Ibid.*

10. M. Burrows, "The Marriage of Boaz and Ruth," pp. 451, 454.

that much current scholarship which connects the book with the seventh century is of the opinion that Josiah's reformation was a movement of restoration,¹¹ so that whatever date is given to Deuteronomy in its fixed literary form is not determinative for the date of the content of the book.¹²

Recently, Wijngaards has argued force fully for a cultic dramatization of the Exodus and the Landgiving in a procession celebrated as an amphictyonic rite during the period of the judges, from 1250 to 1050.¹³ Accordingly, he maintains that the Deuteronomic law finds its setting in the covenantal instruction at Succoth and was operative from that period.¹⁴

11. J. Muilenburg, "The Form and Structure of the Covenantal Formulations," *VT*, 9, 1959, pp. 348, 349, states: "The following conclusions commend themselves to a large number of scholars: the present book of Deuteronomy is composed of various strata of tradition, but at its base there is a *Grundschrift* emanating from a much earlier period than the time of Josiah.... It is now generally held that the Reformation of 621 was a movement of restoration, and that its ultimate origin is to be discovered in the amphictyony of Shechem."

12. W. Eichrodt, *Theology of the Old Testament*, 1, 1961, p. 72, remarks, "In its present form it is a product of the later monarchy, to be exact of the seventh century.... The law-material in it, however, shows that it goes back to a far earlier age." W. F. Albright, *From the Stone Age to Christianity*, 1957², pp. 319, 320, writes, "The materials contained in the book were really believed to go back to Moses and probably do reflect, in general, a true Mosaic atmosphere.... The legislative portions reflect a juristic phase prior to Jehoshaphat's reorganization of the judicial system of Judah, though details have been modernized." Cf. also, E. W. Nicholson, *Deuteronomy and Tradition*, 1967, p. 121.

13. J. Wijngaards, *The Dramatization of Salvific History in the Deuteronomic Schools*, (*OTS*, 16), 1969, p. 29.

14. *Ibid.*, p. 111. On the question of date he comments: "It is obvious that our reconstruction of the ancient Shechemitic rites throws a new light on the deuteronomic code of law. ... The newly discovered setting for the law in the covenantal instruction at Succoth would suggest that it was effective during that period (i.e., 1250-1050 B.C.)." Cf. also, J. L'Hour, "L'Alliance de Sichem," *RB*, 69, 1962, p. 359, who argues that the Deuteronomic legislation precedes the Book of the Covenant Code. It is interesting to note Wijngaards' recognition (pp. 21, 22) that the similarity of structure between Deuteronomy and the Hittite suzerainty treaties is rightly employed in an early dating of the Deuteronomic law. Cf. M. Kline, *Treaty of the Great King*, 1963, and K. Kitchen, "Ancient Orient, 'Deuteronomism' and the Old Testament," in *New Perspectives on the Old Testament*, ed. J. B. Payne, 1970, pp. 1-24. The argument for a Mosaic origin of Deuteronomy based upon a common treaty form between Deuteronomy and Hittite treaties is disputed by R. Frankena who maintains that the closest parallels with Deuteronomy are to be found in the seventh century vassal treaties of Esarhaddon. Cf. R. Frankena, "The Vassal Treaties of Esarhaddon and the Dating of Deuteronomy," *OTS*, 14, 1965, pp. 122-154. See also, M. Weinfeld, "Traces of

In any event, most writers, regardless of their position on the finalization of the book of Deuteronomy, recognize the levirate to be a reflection of an ancient custom. Accordingly, our understanding of the evolution of the custom should not be dictated by the dating of a document which admittedly contains very ancient material.¹⁵

Deuteronomy 25:5-10 forms a part of the Deuteronomic legislation for which there is no parallel in the other legal codes of the Old Testament.¹⁶ It is part of a series of laws

Assyrian Treaty Formulae in Deuteronomy," *Biblica*, 46, 1965, pp. 417-427. Of particular interest is the recent work of G. Wenham, *The Structure and Date of Deuteronomy*, Ph.D. dissertation, University of London, 1970, pp. 291, 292. Making elaborate comparison of the laws in Deuteronomy with extra-legal codes he asserts, "The concerns of Deuteronomy are very typical of the legal literature of the second millennium.... Yet by comparison with extrabiblical law their tone is much less secular.... This is as might be expected if Dt. was used in the covenant-renewal ceremony. At the same time the numerous parallels between Dt. and the extrabiblical collections perhaps reinforce the hypothesis that under the monarchy the Israelite covenant-renewal ceremony was equivalent to the Babylonian mesarum act. Some of the so-called 'law codes,' with which we have been comparing Dt., were set up by rulers as a witness to their faithfulness in ruling according to law (sar mgarim)." He concludes (p. 303), that "the book of Dt., in substantially its present form, may derive from the period of the united monarchy." See also G. Wenham, "Deuteronomy and the Central Sanctuary," *TB*, 22, 1972, p. 118.

15. H. H. Rowley, "The Marriage of Ruth," in *The Servant of the Lord*, 19652, p. 180, believes that the book of Ruth preserves an older levirate custom than Deuteronomy, a true tradition of pre-Deuteronomic conditions. He then remarks, "And this it ought to do, if it narrates things that happened centuries before Deuteronomy was written." Such an argument ignores the possibility that Deuteronomy, itself, if a product of the seventh century, in the law of the levirate might be reflecting a much earlier practice. Having said this it should be noticed that another factor enters in his evaluation of the development of the levirate in Israel. See nn. 47-49.

16. See G. von Rad, *Deuteronomy*, OTL, 1966, p. 13, for a detailed list of the comparable legal material of Ex. 21-23 and Deuteronomy. O. Eissfeldt, *The Old Testament: An Introduction*, 1965, pp. 222, 223, sees the relation between the two codes in terms of the later neutralizing and silencing the former. Von Rad, *ibid.*, challenges the assumption that Deuteronomy replaced the covenant code as the authentic Sinai revelation: "The question would remain unanswered, why so large a part of the ordinances in the Book of the Covenant (amounting in all to about fifty percent) were passed over and omitted." Interesting in this connection as well are the remarks of M. Noth, *The Laws in the Pentateuch and Other Studies*, 1966, p. 9: "In the latest parts of the law there is scarcely a theme that was not already known to the oldest portions; and no subject of the oldest legislation ever becomes completely lost in the course of further legislative development. No instance appears of a particular legal point being judged in a funda-

(21:15-17, 18-21a; 22:13-21a; 22:22a; 22:28 f.; 24:1-4a, 5, 7a; 25:1 f., 5-10)¹⁷ constructed in the well-known casuistic style¹⁸ characteristic of the Book of the Covenant. Alt believes that a legal culture was adopted by the Israelites from the Canaanites, who would have absorbed their legal tradition from ancient Mesopotamia. The time of the adoption of Canaanite law according to Alt was between the settlement of Canaan by Israel and the beginnings of the monarchy. The process by which this body of law was adopted is uncertain; but in the early period during which the Israelites were coming into close contact with the Canaanites it is likely that the individual tribes, living in comparative isolation, each adopted Canaanite customs in varying degrees. Later, at the foundation of the monarchy, the acceptance by the nation took place.¹⁹ Is there a connection between the casuistic law of

mentally different fashion in different 'laws'; and scarcely any material provision of any law is later waived, or has a contradictory provision set up against it."

17. R. A. F. MacKenzie, "The Formal Aspect of Ancient Near Eastern Law," in *The Seed of Wisdom, Essays in honor of T. J. Meek*, ed. W. McCullough, 1964, p. 36. Concerning these casuistic laws in Deut., O. Eissfeldt, *op. cit.*, p. 224, is of the opinion, that, "though they are now divided up by other laws, they originally formed an independent code which was utilized by the compiler of D." This possibility is also seriously raised by G. von Rad, *Deuteronomy*, pp. 13, 14.

18. The literature on this subject is vast, cf. A. Jirku, *Das weltliche Recht im Alten Testament*, 1927; A. Jepsen, *Untersuchungen zum Bundesbuch*, 1927. One of the most influential essays came from the pen of A. Alt, who published *Die Ursprünge des israelitischen Rechts*, 1934 "The Origins of Israelite Law," in *Essays on Old Testament History and Religion*, 1966, pp. 81-132. Alt distinguished between case law, paralleled in both form and content by the ancient Near East law codes and mediated to Israel through the Canaanites; and apodictic law, which he believed to be uniquely Israelite in origin. The latter conclusion has been challenged by T. Meek, *Hebrew Origins*, 1960², p. 72; L. Rapaport, "The Origins of Hebrew Law," *PEQ*, 73, 1941, pp. 158-167; G. Mendenhall, "Ancient Oriental and Biblical Law," *BA*, 17, 1954, pp. 26-46. Cf. more recently J. MacKenzie, *op. cit.*, pp. 31-44; S. Gevirtz, "West Semitic Curses and the Problem of the Origins of Hebrew Law," *VT*, 11, 1961, pp. 137-158; S. Paul, *Studies in the Book of the Covenant in the Light of Cuneiform and Biblical Law* (SVT, 18), 1970, pp. 112-124; E. Gerstenberger, *Wesen und Herkunft des Apodiktischen Rechts*, 1965.

19. A. Alt, *op. cit.*, p. 101. O. Eissfeldt, *op. cit.*, p. 28, also maintains that the remarkable parallels between the laws in Israel and the laws of Sumeria, Babylonia, Assyria and the Hittites should not be understood in terms of a direct influence of the latter upon Israel. The legal attitudes of these nations had permeated Canaan from the third millennium, and, despite the absence of a Canaan-

the Book of the Covenant and the series of case laws scattered throughout Deuteronomy? Von Rad considers it possible that the laws peculiar to Deuteronomy might go back to an unknown collection of laws, "and that this collection had much material in common with the Book of the Covenant, but possibly contained much of what we now find only in Deuteronomy and not in the Book of the Covenant."²⁰ If so, this would indicate that the levirate law, even on a seventh century date for the Deuteronomy, must reach back to a far earlier time.

Alt's theory on the Canaanite origin of casuistic law in Israel has not gone unchallenged. De Vaux argued that it is "mere guesswork to speculate about the formulation of Canaanite law so long as we possess none of the legislative texts which embodied it. . . . The fact remains that the Mesopotamian codes are compiled in casuistic form, and part of the Israelite law closely resembles them in style."²¹

ite law book, these laws were mediated to Israel through the Canaanites. Casuistic law is law regulating secular legal cases and, according to Alt, there is no evidence that these laws contain any reference to national or religious exercises; the latter would be regarded as specifically Israelite. This opinion is disputed by I. Rappaport, *op. cit.*, p. 166, who argues from Ex. 21:2, 6; 22:7, 8, 10, that there is "sufficient evidence that the casuistic law does not lack that religious or national colouring which can establish the Israelite historical origin of the Book of the Covenant." G. Mendenhall, *op. cit.*, p. 38, maintains that though the Covenant Code seems to be secular, "nearly all the stipulations of the Decalogue are here protected."

20. G. von Rad, *Deuteronomy*, pp. 13, 14.

21. R. de Vaux, *Ancient Israel*, 1961, p. 146. See also, S. Paul, *op. cit.*, pp. 117, 118: "Though his (Alt's) form analysis of biblical law is correct, this writer does not share his view concerning the historical development of the casuistic material.... Casuistically formulated laws were part of Mesopotamia's legacy to Israel." G. Mendenhall, *op. cit.*, p. 36, comments: "It is hard to conceive of a lawcode which could be more at variance from what we know of Canaanite culture, than the Covenant Code." He mentions the Israelite patriarchs who came from Mesopotamia to Canaan in the second millennium as the mediators of the legal material in the Book of the Covenant. Cf. also, A. van Selms, "Law," *NBD*, 1962, p. 718: "But during their sojourn in Goshen, the Israelites certainly were not a nomadic society; one may suppose that they brought along when migrating into Egypt, elements from Canaanite customary law, and the Book of the Covenant therefore could be described as a codification of the rules prevailing among the Hebrews in Egypt, enriched by the categoric commandments obtained by priestly prophetic revelation. If that be true there is nothing against the assumption of Mosaic authorship."

In the light of a comparison with Hittite treaties from the fourteenth century and treaties from Alalakh, Fensham asks, "Would it then be strange to expect the casuistic style with the covenant between Yahweh and his people at Mt. Sinai? If we accept the basic historical fact of the covenant at Sinai and if we accept the fact that the Hebrew peoples, who were slaves in Egypt, were participators in the covenant, is it then farfetched to assume that they already had certain casuistic laws to protect their community and internal affairs, and that these laws were reinstated at Sinai?" His answer to this question is in the affirmative. Fensham writes: "Some common background with the Mesopotamian world is the only explanation. This contact might have been in the time of the patriarchs, which is an established fact according to the biblical tradition and according to the parallels between Nuzi legal material and the legal practices of the patriarchs."²²

Mace regards Burrows' observations very highly and labels his approach an "attractive theory." He writes, "If the object of producing a son had been the sole purpose of the Hebrew form, and the inheritance of property the basis of the Canaanite custom, an attempt to unite the two might well have produced just such a picture as the Old Testament presents to us."²³ It is difficult to concur with this opinion despite the considerable learning brought by Burrows to this difficult question. We have noted earlier that the theory of Canaanite

22. F. C. Fensham, "The Possibility of the Presence of Casuistic Legal Material at the Making of the Covenant at Sinai," *PEQ*, 93, 1961, p. 146. Cf. F. C. Fensham, "Aspects of Family Law in the Covenant Code in Light of Ancient Near Eastern Parallels," *DI*, 1, 1969, p. V, who writes: "It is much easier to grasp the legal background of the Covenant Code in comparison to the Laws of Eshnunna as to the much more developed Laws of Hammurabi." Interesting are the remarks of W. F. Albright, *Yahweh and the Gods of Canaan*, 1968, p. 91: "How shall we explain the fact that the Book of the Covenant contains such archaic material, going back long before the time of Moses? There is only one likely explanation—that the case-laws of early Israel were already in use among the Hebrews before the Mosaic period and had probably been brought from Mesopotamia by later Hebrew immigrants, presumably after a considerable body of Hebrews had already settled in the West.... It was these laws which formed the basis for Mosaic jurisprudence."

23. D. Mace, *Hebrew Marriage*, 1953, p. 105.

origin for casuistic laws had not been established. Indeed it is more likely that these laws must ultimately be traced back to Hebrew ancestors who came from Mesopotamia. Burrows, himself, acknowledged that his case is weakened by the lack of any Canaanite legal texts which bear on the subject of the levirate. There are a few texts from Ugarit which may suggest that the levirate was known (cf. chap. 1, "Ugarit"), but the specifics are lacking; thus we have no corroboration of the view that the levirate in Canaanite culture had its base in the widow as inheritable property. Finally, as Th. and D. Thompson suggest, "If the casuistic *form* of law is originally non-Israelite, this says nothing about the practices legislated. If the Israelites had taken over some Canaanite laws, we might expect to find that later laws of Israelite origin are given in the same form as the earlier, originally Canaanite, ones, but these laws would be, nonetheless, specifically Israelite in content and intention. A distinction in the origins of specific laws cannot be made merely on the basis of Canaanite form."²⁴

J. Morgenstern suggests that five stages are clearly discernible in the levirate in Israel.²⁵ The earliest is that presented in Genesis 38. At this point the obligation rests upon the brothers of the deceased, in order of age and ultimately upon the father, if the duty is not performed by the brothers. The relatives of the deceased have no option as to whether they will perform the duty which is considered to be imperative and inescapable. The first male child belongs by legal fiction to the dead man and perpetuates his name. It is questionable whether, at this stage, there are property considerations; if so they are of minor significance.²⁶

The next stage is that which is referred to in Deuteronomy 25:5, 6. The duty is inescapable, as was the case in

24. Th. and D. Thompson, "Some Legal Problems in the Book of Ruth," *VT*, 18, 1968, p. 82.

25. J. Morgenstern has extensively discussed the levirate in "The Book of the Covenant," *HUCA*, 7, 1930, pp. 159-185.

26. *Ibid.*, p. 180.

Genesis 38, but is now restricted to brothers living together in one household, with the consequent exclusion of the father of the dead man from the obligation of the levirate. The purpose is the same as in the earliest stage with considerations of inheritance not involved or of little significance.²⁷

Stage three is pictured in Deuteronomy 27:7-9a. The advance over the preceding stage is to be seen in the fact that the duty is no longer absolute. The duty is still limited to the brothers dwelling in the same household, but the levir may make affirmation, in the presence of the elders, of his refusal of the widow. At this stage, the levirate law regulates both a duty to the dead man as well as to the wife, with the latter duty being uppermost. Here, in addition to the original purpose of the levirate regulations seen in the first two stages, another one is emerging. The woman is passed to the brother-in-law as part of the dead brother's estate and it is from this that the woman is being freed, according to the regulations laid down in Deuteronomy 25:7-9a.²⁸

Morgenstern sees the fourth stage depicted in what he defines as the original section of Ruth. At this late point, questions of property and inheritance predominate. The institution has been broadened so that the duties devolve successively upon next-of-kin. The widow and property pass to the redeemer; the property eventually returns to the child of this union. The child is recognized legally as the child of the deceased, and as the one who perpetuates the name and who accordingly succeeds to the property when he is of proper age. Now there is not the same degree of necessity to perform the levirate as in previous stages. Thus no shame is attached to the refusal. It may be that there will be several successive refusals before one relative is found who will comply with the conditions of inheritance and levirate.²⁹

27. *Ibid.*, pp. 180, 181.

28. *Ibid.*, pp. 181, 182.

29. *Ibid.*, p. 182.

The fifth and final stage³⁰ is evident from two late insertions in the book of Ruth, namely, 4:11b-12 and 4:17b-22.

30. In a footnote Morgenstern, (p. 183 n. 235) states that there is probably a sixth stage when the levirate was legislated out of existence by the absolute command in Lev. 18:16 and 20:21 forbidding the union of brother and sister-in-law. In this connection he feels that the laws in Leviticus outlawing the levirate were older than the final editorial work on Deut. 25:5-10 or than the book of Ruth; this being an evidence that "at somewhat different moments and in various legislative circles different attitudes towards the institution obtained, attitudes ranging all the way from that of mild approval of and desire to see the ancient institution perpetuated to that of absolute disapproval and prohibition." However, N. Snaith, "The Daughters of Zelophehad," *VT*, 16, 1966, p. 126, writes, "The passages [Lev. 18:16 and 20:21] have nothing to do with marriage, but only with illegal sexual intercourse.... There is thus no evidence that the P—tradition did not know of or disapproved of the levirate marriage." M. Noth, *Leviticus*, OTL, 1965, p. 136, also sees no conflict between Deut. 25 and Lev. 18:16, and simply voices the possibility (p. 151) that Lev. 20:21 may be abrogating the levirate law. Cf. J. Murray, *Principles of Conduct*, Appendix B, "Additional Note on Lev. 18:16, 18," 1957, pp. 250-256. His position is that Lev. 18:16 is prohibiting marriage with the deceased brother's wife. This is not in contradiction to the levirate law since the latter law contains the specific exigency of no children, whereas the law in Lev. 18:16 gives the general rule. Ms' argument is that Lev. 20:21 is dealing with a situation identical with 18:16. Lev. 20:21 has marriage in view (יִקַּח אֶת אִשְׁתּוֹ אָחִיו) since לָקַח, implies a marriage. אִשָּׁה can occasion no difficulty, since it is the word for widow elsewhere: Gen. 38:8; Deut. 25:5, 6; Ruth 4:5, II Sam. 12:10. The penalty mentioned in Lev. 20:21 is childlessness whereas the penalty for sexual intercourse with a wife, if the brother were living, would be death. The mildness of this penalty is explainable since the brother is not living. It can also be explained in the light of the levirate passage. If the widow was childless marriage was required. Since it was required in those special circumstances it cannot be as grave an offense as the other violations within the code. We believe that Murray's argument, as it applies to Lev. 20:21 merits real consideration. What cannot be substantiated is his identification of the two passages, Lev. 18:16 and Lev. 20:21. The wording is sufficiently different to preclude them from being identical. His conclusion that Lev. 18:16 has reference to a marriage with a dead brother's wife must be rejected. Cf. K. Elliger, "Das Gesetz Leviticus 18," *ZAW*, 67, 1955, pp. 1-25, and J. R. Porter, *The Extended Family in the Old Testament*, Occasional Papers in Social and Economic Administration, 6, 1967, pp. 1-21, for detailed discussions of Lev. 18. H. H. Rowley, *op. cit.*, p. 191, seems to feel that there is no repudiation of the levirate law in Lev. 20:21 since the reference there is to marriage. The levirate law in Deut., however, contains in Rowley's opinion no evidence that it has full marriage in view under ordinary circumstances. We can see no abrogation of the levirate law in Lev. 20:21. We do not believe that the verse presupposes that the brother is still living and accordingly must then be understood, following Snaith, (p. 140) as prohibiting adultery. The punishment of childlessness rather than the normal punishment for adultery (death) militates against this as well as the verb יִקַּח, which is the usual word signifying marriage. Lev. 20:21 is best understood as forbidding a marriage with a deceased brother's wife when she has already borne a son to the deceased brother.

At this point the child born of the levirate relationship is reckoned as belonging to the actual father and perpetuates his family. This stage is also reflected in Genesis 46:12; Numbers 26:20; I Chronicles 2:4; 4:1; 9:4; and Nehemiah 11:4-6, which are late passages reversing the original and unique Hebrew concept of the levirate, whereby the child of the levirate union is reckoned as belonging to the deceased first husband of the widow. Nothing remains of that point of view. The levirate has become finally, as in all other Semitic cultures, a mere matter of property inheritance.³¹

At the turn of the century, J. A. Bewer devoted his efforts in four separate articles to the question of the levirate and the goel in Ruth and related passages.³² He sees the development of the levirate in Israel in four stages. The oldest stage is to be found in the book of Ruth. There "the Goël, whether brother or more distant blood relative, must marry the widow of his kinsman, whose heir he becomes."³³

The second step brings the restriction of the levirate to brothers.³⁴

This is followed by the stage legislated in Deuteronomy where the responsibility is further restricted to brothers living together.³⁵

J. R. Porter, *op. cit.*, p. 19, writes, "The use of the verb 'take' in this latter verse [Lev. 20:21] certainly suggests that it is concerned with marriage, but the 'levirate' obligation to marry the deceased brother's wife only applied when the brother had left no sons, and hence the prohibition here may be aimed at forbidding such a marriage when there were sons of the former union. It may also be envisaging the case of a divorced wife of a brother...." So also K. Eiliger, *Leviticus*, HAT, 1966, p. 277; E. Neufeld, *AHML*, pp. 43, 44; S. R. Driver, *Deuteronomy*, ICC, 19023, p. 285, W. H. Gispen, *Het Boek Leviticus*, COT, p. 297; L. Rabinowitz, "Levirate Marriage," *EJ*, 11, 1971, p. 125.

31. J. Morgenstern, *op. cit.*, pp. 182, 183.

32. J. A. Bewer, "The Ge'ullah in the Book of Ruth," *AJSL*, 19, 1903, pp. 143-148; idem, "The Goel in Ruth 4:14, 15," *AJSL*, 20, 1904, pp. 202-206; idem, "Die Leviratehe im Buch Ruth," *ThStKr*, 76, 1903, pp. 328-332; idem, "Zur Literarkritik des Buches Ruth," *ThStKr*, 76, 1903, pp. 502-506.

33. J. A. Bewer, "Ge'ulläh," p. 144.

34. This is the stage exemplified in the Gen. 38 narrative.

35. *Ibid.*, pp. 143, 144.

The final abrogation of this ancient institution was legislated in Leviticus 20:21.³⁶

The three authors we have examined on this question have been selected to give a representation of the varying views on the development of the levirate custom in Israel. Many others have been cited in the course of our discussion and have made important contributions to the understanding of this complex legal and moral institution. When an institution continues in existence over such a long period of time, as was the case in Israel, its longevity is best explained in terms of its purpose.³⁷ Our study has led us to conclude that the levirate in Israel functioned to "preserve the name" and that this involved the preservation of the family property within the immediate family. Through this procedure the protection and support of the widow was also ensured. The persons performing the duty have shifted, according to most writers on this subject, but there is no general agreement on the actual course of development. Several factors are involved in any consideration of the parties who were called upon to perform the levirate. One such factor is the place of the data in Genesis 38. If we may appeal to this data as the earliest evidence in the levirate development and Judah is viewed as being under obligation to perform the levirate in the event of nonperformance by the brothers, then the duty of levirate at its earliest, devolved not only upon brothers of the deceased, but also upon other members of the family. This is one reason then why the levirate incidents in Ruth and Genesis 38 are spoken of as complementary and harmonious by Rudolph.³⁸

A factor which assumes top priority in most discussions of the levirate is the law of Deuteronomy which presumably

36. Ibid., p. 144.

37. I. Mattuck, "Levirate Marriage in Jewish Law," *Studies in Jewish Literature in Honor of Kaufman Kohler*, 1913, p. 210.

38. W. Rudolph, *Das Buch Ruth, Das Hohe Lied, Die Klagelieder*, KAT, 17, 1962, p. 63.

restricts the duty to "brothers living together." When this law is interpreted as providing the exclusive conditions under which the levirate functioned, it becomes of major importance in discussions of the evolution of the levirate. It is commonly suggested that the levirate duty was increasingly felt to be a burden and thus the Deuteronomic legislation restricted its performance and required the levirate duty only of "brothers living together." Most scholars holding to the seventh century date for Deuteronomy develop their theories of the evolution of the levirate custom as though the levirate law therein formulated was applicable to that late period alone. We have, however, noted the acknowledgment of several scholars that the phrase "brothers living together" is descriptive of a very early phase of the family life.³⁹ Yet Burrows and many others see the levirate marriage in Deuteronomy as an affair only of the immediate family and place it in the final stages of the levirate.⁴⁰ However, while that may do justice to the "*brothers living together*" it does not explain the "*brothers living together*," unless we presume that the lawgiver purposefully legislated an unreal situation. Further evidence for the restriction of the levirate is often seen in the halisah ceremony which is commonly interpreted as providing the opportunity for the brother to circumvent his responsibility. This ceremony, however, was intended as much for the widow's benefit as for the brother-in-law's.⁴¹ An ordinance having as its purpose the well-being of the widow, however, should not be considered a late development, for such laws "protecting the *personae miserabiles* can be located in the period before the establishment of a state

39. Cf. G. R. Driver and J. C. Miles, *The Assyrian Laws*, 1935, p. 243. E. Neufeld, *AHML*, pp. 41, 42, writes, "Although the Deuteronomic levirate law had in view a restriction of the levirate obligation, the way in which the law is framed leaves little doubt that it bears the traces of an ancient custom of Hebrew family law which was no doubt out of date in Deuteronomic times." See chap. 2, "The Persons Involved."

40. M. Burrows, "Levirate Marriage in Israel," p. 30.

41. See chap. 2, "The Ceremony of Refusal."

by the Semitic people, a period when their living together was determined by the order of the families, clans and tribes."⁴²

In Morgenstern's discussion we saw a division into historical stages based to some extent upon the degree of responsibility involved in the levirate, ranging from a highly compulsory obligation in the very early period, represented by the data in Genesis 38, to the late period at the time of Ruth, in which there is no disgrace attached to a refusal of this duty. In between comes the stage represented by Deuteronomy, where disgrace is involved, but no severe penalty exacted. While Morgenstern's discussion is intriguing, many of the specifics must be questioned. Onan's severe punishment is explainable in the light of his act of deception⁴³ in rejecting the levirate duty, and it would be as unwise here to generalize and presume that all cases of refusal of the levirate were similarly dealt with as it would be to suggest that in the early Church all cases of lying were dealt with in the same manner as that of Ananias and Sapphira.

Morgenstern's fifth stage is particularly unconvincing. To talk of a complete reversal of the original Hebrew concept of the levirate, and of a final stage, wherein the levirate is to be explained solely in terms of the widow as property, is not very plausible. It requires us to believe that at the very last stage of Old Testament history the woman was regarded as property. To conceive of her place in Hebrew society in these terms is debatable even in the earliest periods.⁴⁴ Moreover, as we previously saw,⁴⁵ there is no necessity to isolate a final stage based on the references reckoning the child, Obed, to Boaz, for there is no conflict between the genealogy and the previous story.

42. H. von Waldow, "Social Responsibility and Social Structure in Early Israel," *CBQ*, 32, 1970, p. 185.

43. See chap. 2, n. 21.

44. See chap 8, nn. 59 and 104.

45. See chap. 9, "Boaz' Son."

Rowley combines arguments from the dating of the sources where the levirate is found with a comparative study of the operation of the laws of blood-vengeance. Unlike Morgenstern,⁴⁶ he sees the book of Ruth as preserving a levirate custom which antedates that prescribed in Deuteronomy. The levirate law in Deuteronomy 25 restricts and limits the earlier practice mirrored in the book of Ruth. The once-wider duty which fell upon all the male family members has been narrowed in course of time and eventually becomes restricted to the brother-in-law in residence with the deceased.⁴⁷ This opinion concerning the levirate development finds support, he feels, when the other duties of the goel are considered, in particular that of blood-revenge by the goel of blood. "What seems in very ancient times to have been a duty falling on any member of the clan of a slain man to slay any member of the clan of the slayer was doubly limited in Israel. . . . In the Old Testament, in the earliest sources of which we have knowledge, the duty of blood revenge was the specific duty only of the next-of-kin, and it was his duty to kill the slayer only."⁴⁸

Rowley concludes, "It is possible that there was a comparable limitation of the duty of raising an heir to the dead, so that what began as an obligation on the next-of-kin, or failing him on others in order of nearness of kin, was limited to the next-of-kin only, and to him only if he were a full brother."⁴⁹

46. J. Morgenstern, (see nn. 25-29) sees the development from a duty which devolved upon brothers in the earliest stages culminating in the postexilic period with the extension of such a responsibility to a more distant relative. G. R. Driver and J. C. Miles, *The Assyrian Laws*, 1935, p. 245, argue similarly, that "the custom of the levirate has been extended from the *levir* or his father to the kinsman of the deceased husband in order of proximity."

47. H. H. Rowley, *op. cit.*, pp. 179-181. J. Bewer, "Ge'ullah," p. 144; L. Epstein, *Marriage Laws in the Bible and the Talmud*, 1942, p. 85; J. Mittelman, *Der altisraelitische Levirat*, 1934, pp. 16-27 and W. Rudolph, *op. cit.*, p. 63, assume a similar development.

48. H. H. Rowley, *op. cit.*, p. 179.

49. *Ibid.*, p. 180.

Epstein sees three motives which account for the levirate. In the most ancient period, the woman is inherited by the surviving relative of the deceased. After this comes the purpose portrayed in the Judah-Tamar story. In the latest stage, the motive behind the practice is both to provide a "name" for the deceased as well as to care for his widow. He explains the historical development in terms of the changing motives. "The historic process of the levirate institution has been gradually moving further away from the first motive and closer to the third, until every motive is lost in oblivion and the institution survives only by force of social habit."⁵⁰

Recapitulation and Conclusion

Thus far we have seen varying criteria employed by scholars in an attempt to analyze the levirate development. These include the dating of the biblical documents, comparison with the development of other customs, and the differences in the motives or purposes behind the institution as means of distinguishing chronological stages in the custom. In addition, chronological stages are inferred from consideration of the persons involved, and from the degree of responsibility believed to be attached to the involved persons. Such differences provide tie criteria for assigning the levirate custom in Ruth to one period and in Deuteronomy to another. This methodology has dominated scholarly discussion but has provided no consensus on the question of historical development.

Neufeld diverges somewhat from the usual approach. He feels that the final stage in the levirate can be isolated, based on the limitation of the levirate in Deuteronomy 25. The Deuteronomic law represents the custom at the culmination of a slow historical process. He goes on, however, to deny that the preceding stages of the levirate development can be ascertained through a consideration of the persons involved.

50. L Epstein, *op. cit.*, p. 80.

"Apart from the law of Deuteronomy, the cases referred to in Genesis 38, and in the book of Ruth, reflect no historical development at all; they are only records of the practice in different circumstances and at a different time. These records show only the order of priority among the persons affected; this, however, not according to historical stages, but according to the male relatives available."⁵¹

A most significant contribution to these matters and one which noticeably departs from the usual method of approach has been made by Thomas and Dorothy Thompson. They begin by stressing that which, as a matter of fact, is apparent, but the implications of which have been ignored: namely, that we have the legal text of the levirate in Deuteronomy 25 and the application of this law in story form in Ruth and Genesis 38. The ramifications of this are extremely significant. The most far-reaching are contained in the following statements: "Narratives, in which specific legal practices are portrayed (such as the book of Ruth and Genesis XXXVIII) should not be interpreted and evaluated on the basis of the legal texts (like Deuteronomy XXV 5 ff.), but rather the narratives should be given the greater weight since they are concrete examples of the custom as it was actually practiced."⁵²

In the light of our previous discussion it is clear that, procedurally, this approach runs counter to most of the scholarly discussions on this topic with which we have been dealing. The overwhelming majority of scholars operate from

51. E. Neufeld, *AHML*, p. 34.

52. Th. and D. Thompson, op. cit., p. 84. For sentiments approaching this methodology, cf. J. Schoneveld, *De Betekenis van de Lossing in het Boek Ruth*, 1956, pp. 2, 3: "Het lijkt ons minder juist om het boek Ruth niet te laten meespreken in het onderzoek aangaande de Tossing, maar het de maatstaf aan te leggen van en te beoordelen naar wat het O.T. overigens en elders zegt. Het boek Ruth wordt dan niet volwaardig als bron geaccepteerd. Het lijkt mij altijd min of meer zwak de schrijver aan te wrijven, dat hij niet op de hoogte was, of niet goed begreep, waarover hij schreef.... Er zijn bovendien heel wat voorbeelden te geven, waarbij de uitgeoefende praktijk niet overeenstemt met de ons bekende voorschriften, zonder dat we er aan denken ondeskundigheid van de schrijver aan te nemen."

the fixed point of Deuteronomy 25 placed in the critical seventh century setting. Every other piece of data must be brought to it from which it then receives its chronological setting. This methodology, however, is viewed as unacceptable by the Thompsons.

An additional ramification of great import arises from their main thesis. Not only should more weight be given to stories containing the levirate application than to the levirate law but "specifically because Ruth and Genesis XXXVIII are stories we should not expect them to be transparent applications of Deuteronomy which gives only the general and ordinary circumstances of the customs, since it is a *legal* text. A straightforward legal application of the levirate would not provide the suspense necessary in the making of a good story. As stories, the narratives of Ruth and Genesis XXXVIII maintain a tension and suspense in the mind of the hearer by using the levirate custom in situations where the outcome is not obvious, and is not discovered until the climax of the narrative."⁵³

Many times these two incidents are found to be out of line with Deuteronomy; indeed some do not hesitate to speak of them as misunderstandings or contradictions of the law of levirate. Such an approach is unacceptable and arises from the fact that the "law has been considered to prescribe all, and only, the situations and limitations under which the custom is to be effected."⁵⁴ Such an approach is more legalistic than that of the Old Testament, from which we have ample indication that the interpretation of many of its own ordinances transcended the letter of the law.⁵⁵ In the book of

53. Th. and D. Thompson, *op. cit.*, p. 88. We concur with this remark with the following reservation, that we ascribe to Gen. 38 and Ruth a greater historicity than Th. and D. Thompson appear to do.

54. Th. and D. Thompson, *op. cit.*, p. 89.

55. The incident of Naboth's vineyard provides us with an interesting case of how the term "murder" was interpreted in the Old Testament (I Kings 21:19). The same can be said of Saul's intent to slay David (I Sam. 18:17b) and David's attempt on the life of Uriah in which case the prophet Nathan remarks, "You

Ruth, there is nothing which is in contradiction to the law of levirate in Deuteronomy when that law is adequately understood. That law is best understood as giving a statement of the customary, though not exclusive, circumstances involved in the performance of the levirate.⁵⁶ If, as modern studies suggest,⁵⁷ Deuteronomy contains legal instructions whose language is not that of law in an external-literal way, but that of the heart and conscience, then we can accept the divergent details in the stories as historically reliable without supposing them to be contradictory to the levirate law or thereby feeling that they can serve as decisive criteria for reconstructing the historical process. With the stress on love found in Deuteronomy, it is untenable to interpret its laws in terms of an external legalism. As Eichrodt remarks, "These laws, which can be so easily taken in a legalistic sense as individual casuistic definitions quite unrelated to one another, are to be understood as the application and practice in particular concrete situations of the primary command of love. . . . The law is a practical guide for the man who wishes to set God up as the supreme director of his whole being."⁵⁸ When due consideration is given to this *guiding* principle of the law, the narrative in Ruth will no longer be seen as diverging from the levirate law in Deuteronomy and consequently on this basis be assigned to a pre- or post-Deuteronomic period. Rather the action of the goel in marrying the widow, Ruth, in connection with redeeming the property, will be seen as one of the spiritual applications which the central love command in the Old Testament would have dictated. It serves as an important indication, as Ridderbos has remarked, of "hoe de wetten werden toegepast, nl. niet naar de letter alleen,

have slain him with the sword of the Ammonites" (II Sam. 12:94 Other illustrations could be given, but the point to be observed is that the laws receive clarification and explication through the actual cases cited in the Old Testament.

56. Th. and D. Thompson, *op. cit.*, p. 89.

57. W. Eichrodt, *Theology of the Old Testament*, 1, 1961, p. 91.

58. *Ibid.*, pp. 93, 94.

maar naar den geest."⁵⁹ Boaz exemplifies the true goel whose concern and compassion goes beyond the literal demands of the law.

59. N. H. Ridderbos, "Strekking en Betekenis van het Bock Ruth," offprint of an article in *SVU*, 52, 1952, p. 3. See chap. 8, nn. 121-124.

Summarizing Considerations on the Goel Institution In Israel and on the Significance of the Book of Ruth

THE goel is the responsible next-of-kin upon whom devolves various family duties. He acts to maintain the vitality of the family group by preventing any breaches from occurring within it. He acts to recover the property lost or about to be lost to the family (Lev. 25:25, Jer. 32:7), to emancipate his fellow family member whose economic plight had necessitated a voluntary self-sale (Lev. 25:48, 49) and to "recover" the blood of a murdered kinsman and thus to avenge his death (Num. 35:19, 21). He receives as trustee the payment due to his kinsman in cases which call for restitution (Num. 5:8) when that kinsman is no longer living. These duties, which were all prescribed in the Old Testament laws, are only understandable from the background of the covenant in which Israel as a people became Yahweh's own unique possession (Ex. 19:5) among whom He dwelt (Ex. 25:8). The land was Yahweh's and was given to Israel through His saving intervention as the powerful Lord of history. Therefore, the land was not to be sold in perpetuity (Lev. 25:23) but was rather to be redeemed (Lev. 25:24). Yahweh had redeemed the people of Israel out of Egypt, by which act they became His servants (Lev. 25:37, 55). Accordingly, an impoverished Israelite who had sold

himself into slavery was to be redeemed by the goel (Lev. 25:55). It is evident then that the responsibilities and privileges of the goel institution are derived from Yahweh's redemptive action in delivering Israel out of Egyptian bondage and by His bringing her into the Promised Land. Even in the case of a murdered man, the laws regulating the activity of the goel of blood are related to Yahweh, against whom the sin of murder had been committed. "You shall not thus pollute the land in which you live; for blood pollutes the land, and no expiation can be made for the land, for the blood that is shed in it, except by the blood of him who shed it. You shall not defile the land in which you live, in the midst of which I dwell; for I the Lord dwell in the midst of the people of Israel" (Num. 35:33, 34). A murderous attack upon man is an attack upon Yaliweh, himself, since the victim was made in the image of God (Gen. 9:6). The ultimate Seeker of the blood was therefore Yahweh (Ps. 9:13 [12]) who worked through His agent, the goel of blood. The relationship of Israelites to each other in terms of the goel institution is grounded in the common covenantal relationship with Yahweh. "And I will walk among you, and will be your God, and you shall be my people" (Lev. 26:12). The emphasis in the Old Testament on the *people* of God as a community comes to expression in the goel institution, which to a certain extent rests on a blood relationship, in other words, on the solidarity of the kinship group. Thus it is proper to say that the responsibilities of the goel are kinship responsibilities. However, in addition, it needs to be stressed that there is an even stronger and more demanding bond than that of physical relationship. It is the bond of covenant loyalty.' "For to me the people of Israel are servants" (Lev. 25:55). "I will take you for my people and I will be your God" (Ex. 6:7). "The Lord has declared this day concerning you that you are to keep all his commandments" (Deut. 26:18). Ultimately,

1. See chap. 7, n. 7.

the difference between the goel institution in Israel and in the surrounding peoples must be seen in the covenant by which all of life was directly related to Yahweh.

Our study of the book of Ruth has led us to conclude that the role of the goel must be conceived of as going beyond those responsibilities specifically legislated in the law. The goel in Israel was called upon to intervene on behalf of his fellow kinsman in all cases of need. This is clear not only from the activity of the goel portrayed in the story of Ruth, but also from the analogy of the Divine Goel, whose redeeming activity in at least one instance (Isa. 54:5) is described in terms of a marriage with a childless widow and in some cases in parallelism with the verb **בָּרַךְ**, "to take up a cause," (Ps. 119:154; Prov. 23:10, 11; Lam. 3:58).

In our study of the book of Ruth we saw that Boaz as goel took upon himself the care and protection of the childless widow, Ruth, and married her in the exercise of a levirate-type responsibility. This action is best explained, not in terms of the historical development of the levirate institution (see chap. 10), but as an example of a true goel whose life is governed by the covenant and by the loyal Israelite response to the covenant; in other words, *hesed*. The story of Ruth is that of *hesed* motivating and directing the life of an ordinary man within the covenant community to go beyond the demands of the letter of the levirate law.²

The linking of marriage to Ruth with the redemption of Elimelech's property was in accordance with Israelite cus-

2. The statement of J. J. Stamm, "**גאל**," *THAT*, 1, p. 386, is worthy of note: "Boas geht mit Ruth, die hier an die Stelle der Naemi tritt, eine Levirats- oder Schwagerehe ein. Weil das der einzige Fall dieser Art im AT ist, lässt sich nicht entscheiden, ob das Levirat überhaupt zu den Pflichten des *go'al* gehörte oder nicht. Bei der wesensmdssigen Verwandtschaft von *ge'ulla* and Levirat—beide suchen die Sippe in ihrer Ganzheit zu erhalten—ist das erstere durchaus wahrscheinlich." We welcome Stamm's recognition of the essential similarity of the goel and levirate institutions but would object if in his phrase "Pflichten des *go'el*" the word "Pflichten" were legalistically conceived. Cf. also H. Ringgren, s "**גאל**," *TWAT*, 1, p. 886, who remarks that marriage to Ruth "offenbar auch zu den *ge'ullah* Verpflichtungen gehörte."

tomary law. The rationale for this combination is in the organic unity of person and property which is an important aspect of the Old Testament outlook (chap. 8, n. 106). This solidarity of person and property is also reflected in the law of jubilee, which provides for the release of the land and its owner at the same time (Lev. 25:13, 28, 40, 41).

In our discussion of the purpose of the book of Ruth, we concluded that it was best to interpret the book as having multiple purposes rather than in terms of one overriding purpose (chap. 5, "The Purpose of the Book of Ruth"). One of the central purposes of the book is to inform us of the ancestry of king David. In his ancestral background there flows heathen (Moabite) blood. The heathen, through the trust of the Moabite widow, Ruth, in Yahweh (cf. Ruth 2:12b), participated in the formation of the Davidic house. The universal purpose of Yahweh toward Jew and Gentile, revealed in the Abrahamic covenant (Gen. 12:3b) and coming to clear expression in the gospel of Jesus Christ, (Gal. 3:28, 29) was foreshadowed in the story of Boaz and Ruth. Moreover, as we realize that through the union of Ruth, the Moabitess, and Boaz ultimately the Messiah, Jesus Christ, came into the world, we see something of the selfhumiliation of Jesus Christ in the Incarnation (Phil. 2:7; Rom. 8:3).

We also noted the important teaching about the providence of God which is found in the book of Ruth. Yahweh cares for and protects all those who come to trust under His wings (Ruth 2:12). This providential direction of Yahweh may even be seen in a wider context and related to the "Messianic" aspect of the book. In a real sense the book of Ruth may be described as "messianic history." Ruth's apparently accidental (Ruth 2:3, see chap. 7, n. 5) coming to glean in the field of Boaz was part of the hidden plan of Yahweh to bring the Messiah into the world. There is adequate reason therefore to say that the Messianic character of the Old Testament comes to clear expression in the book of Ruth, since the story provides us with the ancestral background of David.

We have concentrated in our study on the functioning of the levirate and goel institutions within the covenant community. One of the primary purposes of these institutions was the preservation of the family name in Israel through the male seed. It is possible that these institutions in their deepest sense accentuate the announcement of salvation through the promised seed (Gen. 3:15). When the name of a branch of an Israelite family perished out of Israel, that branch would not participate in the Messianic kingdom. That the institutions involved had a "Messianic" significance becomes particularly clear from the book of Ruth, where the laws governing the levirate and goel institutions serve as the very means by which Jesus Christ, the son of David, is eventually born into the world. We may therefore say that, in an ultimate sense, the levirate and goel institutions found their purpose in Christ and in His kingdom.

When we enter finally into the intriguing questions which revolve around the proper place of typological interpretation,³ we are entering into one of the most precarious areas of Old Testament study. In reality, in typology we are involved in the difficult question of the relationship between the Old and New Testaments. There is a danger of a far-fetched Christological exegesis of the Old Testament, but it is also possible that we may read less into the Old Testament than is really there.⁴ We must use the typological method

3. Cf. G. von Rad, "Typological Interpretation of the Old Testament," pp. 17-39, W. Eichrodt, "Is Typological Exegesis an Appropriate Method," pp. 224-245 and H. W. Wolff, "The Hermeneutics of the Old Testament," pp. 181-186 in *Essays on Old Testament Hermeneutics*, ed. C. Westermann, 1963. Cf. also the penetrating discussion of typological interpretation in G. von Rad, *OTT*, 2, 1965, pp. 362-374, 382-387. See also N. H. Ridderbos, "Typologie," *VoxT*, 31, 1961, pp. 149-159; idem, "Het Oude Testament in de Prediking," *GTT*, 56, 1956, pp. 142-153, (hereafter cited as "Prediking"). G. Hasel, *Old Testament Theology: Basic Issues in the Current Debate*, 1972, p. 73, rightly comments, "The importance of the typological approach is not to be denied, if it is not developed into a hermeneutic method which is applied to all texts like a divining-rod."

4. G. von Rad, *OTT*, 2, p. 385, remarks, "It is a simple fact that Christian faith can express itself, and indeed elucidate itself, in material drawn from the Old

with caution, however, and not pretend that the New Testament reality (antitype) will correspond in a photographic manner to the Old Testament type.

In terms of the application of the principle of typology to the book of Ruth, we consider it to be illegitimate to draw elaborate parallels between Boaz as Christ and Ruth as the bride of Christ. It is even questionable whether we may follow the somewhat more restrained approach of De Graaf when he writes, "Zoals door Boaz de lossen, de naam en de plaats van Elimelech en zijn geslacht in Israel bewaard werd, zoo herstelt de Christus den naam der Zijnen in eeuwigheid en geeft Hij hun en eeuwig erfdeel."⁵

In discussing the limits of the typology of the book of Ruth, we must remind ourselves of something which is clearly stated within the pages of the Old Testament, that is, that Yahweh is Israel's Divine Goel. When the Old Testament asserts that Yahweh is Israel's Goel,⁶ it is calling

Testament as well as from the New. The patriarchal history, the stories of the wanderings in the wilderness, those of the Judges and Kings, and the ancient prayers and prophecies do in fact all have a point, an aspect, from which they can be made to speak quite directly of Christ." On typology as applied to Christ, cf. N. H. Ridderbos, "Prediking," pp. 149, 150.

5. S. G. de Graaf, *Verbondsgeschiedenis*, 1935², p. 359. His view is accepted by C. Goslinga, *Het Boek Ruth*, KV, 1952², p. 125, but rightly criticized by N. H. Ridderbos, "Strekking en Betekenis van het Boek Ruth," offprint of an article in SVU, 52, 1952, p. 5, for finding too many analogies between the action of Boaz and the work of Christ.

6. R. Sklba, "The Redeemer of Israel," *CBQ*, 34, 1972, pp. 14, 18, writes: "The only feasible origin for so bold an image of Yahweh as 'redeemer' and 'next of kin' must have been that primordial event of revelation by which the people of Israel perceived themselves as united in family bonds with the God they served. That event was Sinai.... As a self-designated relative, He had freely bound Himself by covenant loyalty (*hesed*) to show concern for his family and had expressed that bond by liberating them from the oppression of Pharaoh." Sklba seeks to argue that the Sinaitic covenant was not modeled after the structure of the Hittite treaties. The Sinaitic relationship between Yahweh and Israel is best understood through the blood rituals which "served to create a family bond; the people of Israel, with Moses as guide and mediator, came to understand that Yahweh had accepted them as His own relatives and kinsfolk"; *op. cit.*, p. 11. At a post-Sinai period the relationship with Yahweh took on the form of the international treaties and there was a transformation from Yahweh as a Relative to King. Cf. the views of D. Daube, chap. 4, "Goel-Redemption of Property," and nn. 37-39, 167.

attention to the covenant, in which He bound himself to his people. "Thou hast led in thy steadfast love (בְּחַסְדֶּךָ) the people whom thou hast redeemed (גִּאלֵת)" (Ex. 15:13). This covenant loyalty of Yahweh is seen in the experience of Ruth and Naomi (Ruth 2:20) and comes to expression in the life of Boaz. When Boaz shows covenant loyalty, he is acting as an agent of Yahweh and can as such be mentioned as a type of the great Agent of Yahweh, Jesus Christ. In the actions of Boaz as goel we see foreshadowed⁷ the saving work of Jesus Christ, his later descendant. As Boaz had the right of redemption and yet clearly was under no obligation⁸ to intervene on Ruth's behalf, so it is with Christ. As Boaz, seeing the plight of the poor widows, came to their rescue because his life was governed by Yahweh and his laws, so also of the Messiah it is prophesied that his life would be governed by the law of God and that he would deal justly and equitably with the poor and with those who were oppressed (Ps. 72:2, 4, 12, 13; Isa. 11:4).⁹

7. G. von Rad, *OTT*, 2, p. 384, rightly states, "Even where the Old Testament event is a close prefiguration of the saving event of Christ's coming ... it is no more than a shadow of the reality."

8. I.e., no *legal* obligation if the law is understood in an external, literal way.

9. N. H. Ridderbos, "Prediking," p. 152, quite properly remarks, "M.i. is het onvoldoende gemotiveerd om, zoals dat wel geschiedt, in de onwaardige Ruth een type van Christus' braid te zien, maar is het wel geoorloofd Boaz een type van Christus te noemen, omdat Boaz, evenals dat van Christus wordt geprofeteerd, het `reche der armen, der verdrukten gelden doet. En daarbij zullen we er alle nadruk op moeten laten vallen, dat Boaz zo handelt, niet omdat hij zulke edele karaktereigenschappen heeft, maar omdat hij zijn leven laat bepalen door de Tora."

BIBLIOGRAPHICAL ABBREVIATIONS*

- AASOR *The Annual Of the American Schools of Oriental Research*,
New Haven.
- AB *The Anchor Bible*, New York.
- AHML *Ancient Hebrew Marriage Laws*, E. Neufeld, London, 1944.
- AJSL *American Journal of Semitic Languages and Literatures*,
Chicago.
- AJT *American Journal of Theology*, Chicago.
- ALUOS *Annual of Leeds University Oriental Society*, Leeds.
- ANET *Ancient Near Eastern Texts Relating to the Old Testament*, ed.
J. B. Pritchard, Princeton, 1969³.
- AOS *American Oriental Series*, New Haven.
- ARM *Archives Royales de Mari*. Transcriptions et Traductions, pub-
liées sous la direction de Parrot et Dossin, Paris.
- ArOr *Archiv Orientalni*, Prague.
- ARW *Archiv für Religionswissenschaft*, Leipzig, Berlin.
- ATD *Das Alte Testament Deutsch*, Göttingen.
- BA *The Biblical Archaeologist*, New Haven.
- BASOR *Bulletin of the American Schools of Oriental Research*, New
Haven.
- BAT *Die Botschaft des Alten Testaments*, Stuttgart.
- BBC *Broadmans Bible Commentary*, Nashville.
- BDB *Hebrew and English Lexicon of the Old Testament*, F. Brown,
S. R. Driver,) and C. A. Briggs, (Oxford, 1907, corrected re-
print, 1962).
- BHK *Biblia Hebraica*, ed. R. Kittel, Stuttgart, 1951⁷.
- BiOr *Bibliotheca Orientalis*, Leiden.
- BJRL *The Bulletin of the John Rylands Library*, Manchester.
- BK *Biblischer Kommentar Altes Testament*, Neukirchen.
- BOT *De Boeken van het Oude Testament*, Roermond and Maaseik.
- BS *Bibliotheca Sacra*, Dallas, Texas.
- BStN *Biblische Studien*, Neukirchen.
- BT *The Bible Translator*, London.
- BWAT *Beiträge zur Wissenschaft vom Alten Testament*, Leipzig.
- BZAW *Beihefte zur ZAW*, Berlin.
- CB *Century Bible*, London.
- CBQ *The Catholic Biblical Quarterly*, Washington.
- CH *Codex Hammurabi*.
- COT *Commentaar op het Oude Testament*, Kampen.
- DI *Dine Israel*, Jerusalem.
- EB *Encyclopaedia Biblica*, ed. T. K. Cheyne and J. Black, London,
1899-1903.

- EJ *Encyclopaedia Judaica*, ed. C. Roth and G. Wigoder, Jerusalem, 1971.
- EvQ *Evangelical Quarterly*, Exeter.
- ExpT *The Expository Times*, Edinburgh.
- GKC *Gesenius' Hebrew Grammar* as edited and enlarged by E. Kautzsch (1909 edition = 28th German edition), tr. by A. E. Cowley (Oxford, corrected reprint 1960).
- GTT *Gereformeerde Theologisch Tijdschrift*, Kampen.
- GUOST *Glasgow University Oriental Society Transactions*, Glasgow.
- HAT *Handbuch zum Alten Testament*, Tübingen.
- HK Handkommentar zum Alten Testament, ed. W. Nowack, Göttingen.
- HL Hittite Laws.
- HSAT *Die Heilige Schrift des Alten Testaments*, Bonn.
- HTR *The Harvard Theological Review*, Cambridge, Mass.
- HUCA *Hebrew Union College Annual*, Cincinnati.
- IB *The Interpreter's Bible*, New York.
- ICC *The International Critical Commentary*, Edinburgh.
- IDB *The Interpreter's Dictionary of the Bible*, ed. G. A. Buttrick, New York, 1962.
- ILR *Israel Law Review*, Jerusalem.
- IOT *Introduction to the Old Testament*.
- JAOS *The Journal of the American Oriental Society*, New Haven.
- JBL *The Journal of Biblical Literature*, Middletown.
- JBR *The Journal of Bible and Religion*, Boston.
- JCS *The Journal of Cuneiform Studies*, New Haven.
- JE *The Jewish Encyclopedia*, ed. I. Singer, New York, 1901-1906.
- JJS *The Journal of Jewish Studies*, London.
- JNES *Journal of Near Eastern Studies*, Chicago.
- JPOS *Journal of the Palestine Oriental Society*, Jerusalem.
- JQR *The Jewish Quarterly Review*, Philadelphia.
- JRAS *Journal of the Royal Asiatic Society*, London.
- JSS *Journal of Semitic Studies*, Manchester.
- JTS *The Journal of Theological Studies*, London.
- JurR *Juridical Review*, London.
- KAT *Kommentar zum Alten Testament*, Leipzig, Gittersloh.
- KB *Lexicon in Veteris Testamenti Libros*, with suppl., L. Koehler (Heb.), W. Baumgartner (Aram.), Leiden, 1958.
- KHC *Kurzer Hand-Commentar zum Alten Testament*, ed. Karl Marti, Tübingen.
- KJV *King James Version*.
- KV *Korte Verklaring der Heilige Schrift*, Kampen.
- LXX *Septuagint*, ed. A. Rahlfs, Stuttgart, 19504.
- MAL Middle Assyrian Laws.
- MT Massoretic Text.
- NBC *The New Bible Commentary*, ed. F. Davidson, London, 1954².

- NBCR *The New Bible Commentary Revised*, ed. D. Guthrie and J. A. Motyer, London, 1970.
- NBD *The New Bible Dictionary*, ed. J. D. Douglas, London, 1962.
- NEB *New English Bible*.
- NedThT *Nederlands Theologisch Tijdschrift, Wageningen*.
- NKZ *Neue Kirchliche Zeitschrift, Erlangen, Leipzig*.
- NS New Series.
- NThT *Nieuw Theologisch Tijdschrift, Haarlem*.
- NV *Nieuwe Vertaling* (op last van het Nederlandsch Bijbelgenootschap).
- Or *Orientalia*. Commentarii periodici Pontificii Instituti Biblici, Rome.
- OTL *Old Testament Library* (series of commentaries and books published by SCM Press).
- OTS *Oudtestamentische Studiën, Leiden*.
- OTT *Old Testament Theology*, G. von Rad, tr, from 2nd German edition by D. M. G. Stalker, 1, 2, Edinburgh, 1962, 1965.
- PCB *Peake's Commentary on the Bible*, ed. M. Black and H. H. Rowley, London, 1962.
- PEQ *Palestine Exploration Quarterly, London*.
- RB *Revue Biblique, Paris*.
- RGG *Die Religion in Geschichte und Gegenwart, Tübingen*.
- RHA *Revue Hittite et Asianique, Paris*.
- RHPHr *Revue d'Histoire et de Philosophie Religieuses, Strasbourg, Paris*.
- RHR *Revue de l'Histoire des Religions, Paris*.
- RIDA *Revue Internationale des Droits de l'Antiquité*., Brussels.
- RSO *Rivista degli Studi Orientali, Rome*.
- RSV *Revised Standard Version*.
- RThPh *Revue de Théologie et de Philosophie, Lausanne*.
- SAT *Die Schriften des Alten Testaments*, in Auswahl tibersetzt und erklärt von Hermann Gunkel u.a., Gottingen.
- SB *Soncino Bible*, ed. A. Cohen, London.
- SBT *Studies in Biblical Theology, London*.
- SKGG *Schriften der Königsberger Gelehrten Gesellschaft, Halle*.
- SThZ *Schweizerische Theologische Zeitschrift, Zurich*.
- StOr *Studia Orientalia, Helsinki*.
- SVT *Supplements to Vetus Testamentum, Leiden*.
- SVU *Studenten Almanak Vrije Universiteit, Amsterdam*.
- TB *Tyndale Bulletin, London*.
- THAT *Theologisches Handwörterbuch zum Alten Testament*, 1, ed. E. Jenni and C. Westermann, Munich and Zurich, 1971.
- ThLZ *Theologische Literaturzeitung, Berlin*.
- ThStKr *Theologische Studien und Kritiken, Hamburg*.
- ThT *Theologisch Tijdschrift, Leiden*.
- ThZ *Theologische Zeitschrift, Basel*.
- TOT *Theology of the Old Testament*.

TOTC *Tyndale Old Testament Commentaries*, London.

TU *Tekst en Uitleg*, Groningen.

TWAT *Theologisches Wörterbuch zum Alten Testament*, ed. G. J. Botterweck and H. Ringgren, Stuttgart a.o., 1970 ff.

TWNT *Theologisches Wörterbuch zum Neuen Testament*, ed. G. Kittel and G. Friedrich, Stuttgart, 1933 ff.

UT *Ugaritic Textbook*, C. H. Gordon, Rome, 1965.

VT *Vetus Testamentum*, Leiden.

VoxT *Vox Theologica*, Assen.

WestC *Westminster Commentaries*, London.

ZA *Zeitschrift für Assyriologie und verwandte Gebiete*, Leipzig.

ZAW *Zeitschrift für die Alttestamentliche Wissenschaft*, Giessen, Berlin.

ZThK *Zeitschrift für Theologie und Kirche*, Tübingen.

In some instances there is a difference between the numbers of the verses of the Hebrew and the English Bibles. In such cases, the number of the verse(s) in the English Bible is placed in parentheses after the references of the Hebrew Bible.

Except for those instances otherwise indicated, quotations of the Bible are from the Revised Standard Version.

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TRANSLATION

Following is the translation of the foreign language passages which appear throughout this book. "p."=page and "n."=note

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INTRODUCTION

p. 1, n. 2—Stamm

Pdh is a term of commercial law, which simply expresses the redemption through the payment of something of equal worth.

G'l is a concept of family law, which presupposes a relationship, which exists constantly before the individual legal transaction between the one who redeems and the one who has been redeemed, based upon the family bond.

p. 2—Jepsen

The goel was the one who was to restore property, freedom and life to the family and its member ... The verb *ga'al* means therefore, 'to restore the life, freedom and property which the kindred had lost' ... The means of the restoration are various: blood revenge, marriage and redemption.... The aim is always the same, that is, to win back the lost lifestrength of the kindred.

CHAPTER 1

p. 18, n. 33—Bracker

Therefore in Assyria the levirate marriage of the widow was unknown.

p. 18, n. 34—Bracker

The bride was not being bought or 'adopted' for a special member of the family, but for the whole family.

p. 19—Ring

The difference however, is that in Assyrian law the regard for the dead person and the rightful demand that his name should not be extinguished does not find any place at all. Assyrian law only concerns itself with the right of the survivors to inherit the property. The Assyrian-levirate purposed certainly to keep the property within a family, but its regulations do not, as was the case in Israel, where at the same time it was pursued, bind the name with the property causing it to live on in this way. In Assyrian law it was only the interests of the survivors and their demands of inheritance which received attention.

p. 20—Braken

If one turns from the non-Israelite levirate to the Israelite, it is like entering a completely different world.

p. 20, n. 40—Ring

In Israel, levirate marriage was quite different. In Israel it was not a question

of the care or maintenance of the widow as the purchased property of the family, but rather that an heir be produced for the sonless deceased husband, whose property should be inherited in his own family.... The widow therefore, was not transferred as merchandise from one hand to another but she acted independently in honor of her deceased husband and his family.

p. 21, n. 41—Cruveilhier

If we compare the Levirate law of the Hebrews and that of the Assyrians we conclude that their resemblance is more apparent than real. In specifying that it is only when there is no son that the LL must be applied, Deut. indicates clearly that the aim of the institution is to assure the continuance of the name of the dead and the heritage of the deceased. On the opposite hand, neglecting the question of the existence of children the collection of AL shows us that no such aim in any way preoccupied the author of its levirate law.

p. 21, n. 44—Friedrich

If a man has a wife, and the man dies, his wife takes his brother; then she takes his father. If his father also dies and the wife which he had takes his brother, there is no offence.

p. 22, n. 48—Ring

A special peculiarity is the explicit rule that a married brother, when so required, can fulfill the levirate duty. Through this, he comes into the situation of living in bigamy, and probably bigamous relationships were not regarded as being permissible within Hittite law, because it is especially stated that in this case there should be no punishment. The new relationship is viewed as one which arose through special circumstances, an extraordinary measure, a pure exception which the law therefore can tolerate.

p. 22, n. 51—Notscher

The Hittite levirate is optional, but goes further than the Israelite levirate. The Hittite levirate follows the succession of brother, father-in-law and even the brother of the father-in-law.

p. 23, n. 56—Koschaker

It is much more plausible, if the levir also has the task of caring for the continuance of the family and the name of his deceased brother. Hittite law 193 does not, however, assert this principle. In my opinion, this way of understanding the levirate is highly probable.

p. 23, n. 60—Ring

Therefore, it is not likely, as in the case of Israelite law, that the primary concern was for the continuation of the name of the dead.... Probably the arrangement with the Hittites was based upon the total general purpose, in-order that through it, even as in Assyrian law, certain guarantees should be given that the property be perpetuated in the family as their possession and did not need to be delivered into alien hands.

p. 24, n. 61 Brongers

We meet here the institution of the levirate which is also known to us from biblical law, (Dt. 25:5 ff.). But there are differences of nuance. For example, the question whether the marriage was childless is here not raised while for the

biblical law of the levirate this is an indispensable condition. Furthermore, the explicit announcement that a levirate marriage is not punishable seems to suggest that it was not a legal obligation.

p. 25, n. 67—Nougayrol

His house will not flourish.

p. 26, n. 73—Muntingh

On the basis of this text, we cannot state that the levirate would be the rule for the majority of the population. The royal family could refer in matrimonial matters to different customs from that which applied to the rest of the population. If one could reason by analogy with the Hebrew institution the marriage of the widow of the older could play a role in the inheritance of the crown.

CHAPTER 2

p. 29, n. 1—Mittelman

Modern jurisprudence, however, uses the expression levirate for all cases in which the widow falls to a relative of the husband, whether he be the brother or any other relative of the deceased.

p. 29, n. 1—Dronkert

In the strict sense We only meet the practice of the levirate marriage in Gen. 38 and in the legal regulation in Deut. 25:5-10. In the book of Ruth we are not confronted with a levirate marriage.... In essence the case of Ruth does not have much to do with a levirate marriage.

p. 32, n. 9—Boecker

In the adultery proceedings against Tamar, Judah, being the responsible judge, pronounced the verdict over the accused woman: Let her be burned.

p. 33, n. 11—Jepsen

Noteworthy is the occurrence of the root in the historical books where it is predominantly applied to the relationship of people toward each other. However, there are only a few places which direct themselves to a relationship with God, where the differences of men are determined only in relation to their righteousness. Above all it is clear that righteousness has something to do with God.

p. 33, n. 11—Gerstenberger

In the family, clan or tribe, the father is the person of authority, who stands in the center of the social structure.... The family head is therefore to be viewed as the originator and guarantor of the prohibitions and laws regulating the clan life. The limitation of the father's rights is nevertheless given through this, that he too moves within the God-protected laws which are over him and which express themselves in the family order. Therefore, Judah (Gen. 38:26) acknowledges himself convicted through the 'higher justice.'

p. 33, n. 11—Boecker

Therefore, Judah had to openly recognize that Tamar was just; he himself, however, was unjust.

p. 34, n. 11—Koch

She is righteous, I am not.

p. 34, n. 12—Scheftelowitz

Onan, who wished to continue to hold the inheritance of his dead brother, thereupon thought that his brother should remain childless.

p. 35, n. 13—David

This does not preclude the possibility that, after the death of the older brothers, sons born later were obligated to marry Tamar.

p. 35, n. 14—Wyngaards

Very likely the obligation to father a male heir originally rested not only on the brothers but even on the father-in-law and other relatives.

p. 35, n. 15—Horst

Whether with the failure of the brother as in the Hittite law the father-in-law was obligated to perform the levirate, cannot be certainly ascertained from Gen. 38.

p. 37, n. 19—Rudolph

Both accounts are to be harmonized in this way: when Shealtiel died without a son, Pedaiah entered into a levirate marriage with his widow, so that Zerubabel, his first-born, was physically his son but legally the son of his brother.

p. 38—Gunkel

God, himself, severely punished this sin of uncharitableness against the deceased brother.

p. 38, n. 21—Rudolph

In the very old story of Genesis 38 the levirate duty was very strict. This is to be seen in this: that Onan, even though he would have liked to, could not escape the duty and instead he secretly practiced sabotage and was punished with death by Yahweh.

This difference in the degree of responsibility depends apparently upon the difference in the relationship. The brother must perform the levirate, the distant relative could; that there is no contradiction between Genesis 38 and Ruth follows also from Ruth 1:11 ff, where Naomi obviously presupposes that if she would have sons these would be required to marry her daughter-in-law. On the other hand, Genesis 38 does not dismiss the view of an optional levirate by distant relatives, only there was no reason to speak of it.

p. 38, n. 22—Gunkel

One observes the view of God which this incident presupposes. Yahweh's eyes see the most secret things which no human eye can see; and He protects the one who cannot help himself: the deceased whose rights are violated.

p. 40, n. 26—Mittelman

Furthermore, we find in the Old Testament, that in none of the places which mention the levirate is there a prohibition against the continuation of intercourse after the conception of a levirate son.

p. 42, n. 29—Van PraagI

If in Deut. 25:5-10 "the fundamental law of the levirate," the term brother had a general meaning, the clause which says that brothers must live together must be more obviously a relic of the patriarchal period when the different married sons of a patriarch would continue to live with their wives in their father's house; then the sons of these sons growing up together were regarded as brothers.

p. 42, n. 30—Ehrlich

Ysh (dwell) can only mean, in this place: to exist, live, and the expression excludes the case where the deceased brother was not contemporary with the living one.

The reason for this limitation of the levirate is obvious. In the case where the deceased brother died before the living one was born the widow of the first, by natural process of time, is too old to bear children and to fulfill the purpose of the levirate marriage when the latter reaches sexual maturity. At the same time another factor enters. The feeling toward a brother whom one had never seen nor could see is too weak for such a great sacrifice, for indeed the levirate marriage was a very great sacrifice on the part of the man.

p. 43, n. 32—Mittelman

The expression here concerns one living in the local community with the relatives, to which belong all the brothers and their families, and out of which the widow was not to be dismissed.

p.43, n. 32—Merendinp

The word (outside, Deut. 25:5) puts a sharp line between the family and those who do not belong to it.

p. 43, n. 33—Vesco

If the book of Ruth uses the word without giving it its precise meaning but according it a wider significance is it not the indication that the book was written at a period when the levirate legislation was no longer in frequent usage and when the vocabulary dealing with the relationship was becoming broader.

p. 44—Mittelman

Since the law only required the fulfillment of the levirate duty from brothers that dwelt together, the assumption is justified then that according to the will of the lawgiver the later-born brother is not subject to the levirate duty, since he could not have dwelt with the deceased. Furthermore, brothers who live in different places, countries or continents are also not subject to the levirate duty.

p. 45, n. 41—Puukko

The phrase is the same as Deut. 25:5, when brothers dwell together (i.e., in an undivided estate).

p. 46, n. 45—Noordtzij

The supposed law-givers were certainly no archeologists! They wrote for their own day; they wanted to see their laws obeyed by their contemporaries. And did they then prescribe regulations which in their own day could in no way be carried out?!

p. 46, n. 46—Mittelman

The lawgiver, in the formulation of the law, thought in the first place of brothers who, as farmers, lived together on the father's property after his death.

p. 49, n. 51—Mittelman

The consequence of the exilic law-assimilation process was a standardization and reformation of Judean-Israelite law, which left many traces in the P document of the Hexateuch.... The fact that particularly P, a source from the late 6th century, preaches with much emphasis the right of daughters to inherit allows us to conclude that in this case it deals with something new for the Jewish exiles, which had to be ordered with great emphasis in order to take root.

p. 51, n. 53—Rudolph

The importance attached to the continuation of the name can be understood by the absence of a resurrection-hope, so that it is not necessary for us to look for another motive in the Old Testament for the levirate.

p. 52, n. 57—Rudolph

Now besides the preservation of the name the thought of the maintenance of the property also plays a role.

p. 59, n. 72—Nystrom

Probably there existed some connection between the customs of the Bedouins, and the Israelites.

Originally, the one concerned took off the shoe from his foot quite contemptuously, and threw it away with the words, 'She is my shoe; I have discarded her.... Finally, the meaning of this custom was completely forgotten and now, it was suddenly the woman who took the shoe from off the man's foot and the whole ceremony became one of scorn on her part.

p. 60, n. 78—Boecker

The function of the gathering of the Hebrew law-forum in the gate consists not only in the arbitration and settlement of controversies of various kinds. With cases of family, inheritance and liability proceedings it was often necessary that an official confirmation of proper proceedings in a lawsuit be given. As the official representation of the community the law-forum had to exercise also a notarial function.

This renunciation declaration (Ruth 4:6) is to be compared with Deuteronomy 25:8, where a similar formulation is communicated, in which the one duty-bound to the levirate marriage could be dismissed from his duty by the local law-forum.

The widow's words are understood as an accusation speech. For the widow regards the behaviour of the brother-in-law as an incorrect action against her deceased husband, which must be settled by the court.

The elders have to fulfill their responsible function in a family or liability process, and act as witnesses and guarantors of a legal settlement between two parties.

p. 61, n. 79—Boecker

Because this ceremony is performed before the elders, the brother-in-law loses legally all inheritance rights to the ground and property of his brother.

p. 61, n. 79—Scheftelowitz

The shoe is removed from him as a sign that his right to his brother's property is also taken.... The shoe is a symbol of the right to the property.

CHAPTER 3

p. 63—David

The biblical law, and in particular Lev. 25:25 ff., does indeed acknowledge a right of redemption ... for immovable goods and therefore also for houses. But this right is absolute and unconditional and not, as in Par. 39 of the newly discovered law, dependent on the buyer's plan to resell the purchased field or home.

p. 64, n. 4—Brongers

We have here an instance that vaguely reminds us of the biblical idea of redemption and is nevertheless not the same. First, no family concerns need as yet be involved. The regulation is of an entirely social nature.... An important difference with Lev. 25:25 ff. is, however, that there the right is absolute and unconditional and therefore not, as in this article, dependent on the buyer's plan to re-sell the purchased house.

p. 65—Meissner

Because of 28 Gan of the field of the domain of the city Amurri, the possession of Ibni-Ramman, the merchant, complained Arad-Sin before the judges thus: The field, which I acquired from my father's house, have Ibku-Sala and his brother, the sons of Samas-Nasir, sold for money to the merchant Ibni-Ramman. Addatu and Basisu, the sons of the merchant Ibni-Ramman, were brought before the judge.... Arad-Sin will receive his house and add it to his field.

p. 66, n. 11—Meissner

Now Arad-Sin declares that this field in reality belongs to him, and in the court session it is actually conceded to him; however, as is usual in such processes, there is no reason given for the action of the judge.

p. 67—Stamm

The geullah, as a right or duty to buy back lost family property or slaves, was not limited to Israel. The Babylonian law knows this with regard to land which was sold, as well as persons. In Babylonia the verb *pataru*, 'to release, redeem,' takes the place of the Hebrew *g'1*.

p. 68—Schorr

Dusubtum, the sister of the god, the god Suzianna, the daughter of Dugga, granted freedom to Israr-rabiat her slave. She cleansed her forehead. The release from her slavery she declared. A document concerning the cleansing she did issue. Istar-rabiat paid Dusubtum, her mistress, 10 shekels of silver.

p. 68, n. 18—Stamm

The peculiarity of the Israelite geullah (redemption), in contrast to the Babylonian, lies in its relationship to Yahweh.

P. 69—Schorr

1/3 mine 4 shekel (silver), Kisusu did borrow from (god) (Sama). To Anum-abi

he did give it for his redemption. At the time of the harvest he will give grain to (god) Samas.

p. 70—Boyer

Hatni-iluma citizen of , coming from Sinmustal whom Napsi-Dagan, his brother, has liberated, Gahsu, citizen of Sasran, whom Talli, his father, has liberated. The redemption money Bunuma-Addu has received.

p. 72, n. 37—Brongers

... who restores with "nearest kinsman." He feels that it is clear that "here the punishment of a murderer is not yet within the jurisdiction of the judge but is left to the nearest kinsman.

p. 73—Kohler and Ungnad

Siri is the owner of the dead whom Silim-illi did kill. Before them (e.g. the above-mentioned people) will either his wife, or his brother, or his son—(whoever it may be who arises) replace the dead.

p. 74—Hattusilis

Concerning that which my brother has written to me: My merchants were being killed in the land of Amurru, in the land of Ugarit. In Hittite country nobody kills a soul. If the king hears that someone killed a soul, he catches the murderer of this soul, and hands him over to the brothers of the murdered one.

p. 74, n. 46—San Nicolo

The reprisal against the blood-deed lies in the hands of the 'lord of the blood' (the head of the family or the heir of the murdered person). He determines if the murderer must die or if he can atone for the deed by paying the blood-money. The intervention of the state in this is expressly rejected.

p. 74, n. 46—Matter

According to the Edict of Telepinus there existed a high court, at the head of which as president stood the 'lord of the blood.' The king also had to bow to the decisions of this court and no one could come to him for intervention.

p. 75, n. 49—Nystrom

A full explanation of the strength of the duty of blood-vengeance, and light on the dark points in the exercise of this duty is given to us through a comparison with the laws of blood-vengeance among the Bedouins.

p. 77 —Procksch

So we can say that blood-vengeance, according to the rule, was the business of the family; therefore it was family vengeance and so the nearest kin is also the nearest avenger.... The avengers were therefore, even at that time, family members. Only if these would not assume the duty of vengeance did it become the duty of the clan. The clan's actual business is war, the family's business blood-vengeance.

p. 77, n. 56—Procksch

Hence for the brother primarily there arose the duty of blood-vengeance.

p. 78, n. 63—Attema

People felt this as a law which had to be unconditionally obeyed, and as an obligation they might at no cost neglect.

p. 78, n. 65—Nystrom

However, it is customary, in most cases, with the Arabs as well as the Israelites, that the blood-avenger announces for whom he demands blood-vengeance before giving the death blow to the victim.

p. 78, n. 66—Attema

They had to see to it that the murderer or one of his nearest relatives was punished by death.

p. 79, n. 70—Attema

We notice clearly here what blood-vengeance led to. It often gave rise to blood-feuds between tribes, and sometimes whole clans were exterminated.

p. 80, n. 78—Van Oevfren

If the murderer could not be reached, then a member of his family would have to be killed. This last was expressly forbidden in the law of Moses, Deut. 24:16.

CHAPTER 4

p. 84, n. 4—Reventlow

which possess only a logical relationship to the arrangements of the Jubilee law.... Here we find regulations of a social nature, which on the one hand are concerned with the redemption of land (v. 25 ff) and of person (v. 47 ff), and on the other hand with covenant-appointed social behavior toward the poor citizen (v. 35 ff) and indebted slaves (v. 39 ff).

p. 85, n. 14—Horst

As important and noteworthy as this religious view of property is, it is not the exclusive or governing one in the Old Testament. Another, purely secular conception of property, stands beside it.

p. 87, n. 19—Elliger

Commenting on the verb 'to be' in the phrase 'If there is no goel,' Elliger writes, "Hardly meaning in general 'to be present,' rather meaning 'one who is able.'"

p. 87, n. 20—Gisden

g'l means here a relative, who is rich enough to redeem someone.

p. 88, n. 21—Jirku

The thought of the Jubilee in Israel came into usage soon after the entrance into Palestine.

p. 89—Buhl

Indeed the usual conception lies here, according to which Leviticus 25:25 deals with the repurchase of a property already sold, in as much as one could point to the analogy of Leviticus 25:47 f, where an already sold slave is bought back. Nevertheless, this view is inaccurate here, as the context clearly teaches. For

it means, naturally, that the goel should come to the poor Israelite in order to fulfill his goel-duty, while on the contrary, it should naturally be: he shall go to the one who bought the field. Only verse 26 deals with the situation where the poor Israelite actually sold his property.

p. 89, n. 23—NV translation

Son of man, these are your brothers, your brothers your kinsman and the entire house of Israel in its totality to whom the inhabitants of Jerusalem say: remain far from the Lord, this land is given to us for a possession.

p. 90—Buhl

If your brother becomes poor and he must sell something of his possession, then his next of kin shall come to him and redeem that which he was going to sell.

p. 90, n. 27—Kohler

If your brother becomes poor and sells something (will sell) of his property, his redeemer, the relative, shall come to him and redeem the purchase (the thing to be sold) of his brother. That means: he shall promptly appear and through his purchase preserve the family inheritance, which is in danger of being lost.

p. 91—Rudolph

From the wording of Leviticus 25:25 it is not clear if the property is already sold or up for sale, that is, whether it is a question of purchase or repurchase. I believe that the expression is deliberately unclear in order to include both possibilities.... The normal procedure was preemption, but in case none of the redeemers were in a good financial position at that moment, a repurchase was not excluded.

p. 94—Sikkema

The final goal is that the man who became poor and consequently had to sell would have his property returned to him. This is effected by the Jubilee and possibly even earlier by the redemption. It appears to me, therefore, that the redeemer redeems the land for the sake of his impoverished relative; the redeemer restores him to the land which he had to sell.... It does not appear likely that the redeemer redeems the land and keeps it to the jubilee. That would not be 'redemption,' for to the seller it would make little difference whether the buyer or the redeemer had the benefit of the land.

p. 95—Sikkema

Would it be possible that the redeemer redeems his relative from slavery for his own benefit so that the slave is set free from his creditors only to become the slave of his relative? This would be no redemption and would conflict with vs. 54, 'And if he is not redeemed by these means (that is, if he is redeemed neither by his relative nor by himself) then he shall be released in the year of jubilee.' What neither the redeemer nor the slave himself does is done by the jubilee: it sets the slave free. This verse states that the result of redemption either through a relative or oneself is the same as the result of the jubilee: he is set free. The redemption of land and home by a relative must then also have the same result as one's own redemption or the jubilee, namely the return of the seller to his own property.

p. 96—Sikkema

... The sale of land in Lev. 25 is to be understood as a "sale due to debt"

whereas that in Jer. 32 is an example of "a voluntary sale." In Jer. 32 Hanamel is not selling the land out of need. He receives the selling price whereas "in Lev. XXV the redeemer pays the price to the buyer to whom the land has been sold because of debt." The deed of purchase is lacking in Leviticus as is to be expected in a debt sale. "In a voluntary sale the land exchanges hands; this is recorded in a bill of sale signed by witnesses; and these bills of sale are carefully preserved. At the next jubilee the purchaser must be able to demonstrate that the field belongs to him and ought not to be returned to the seller."

p. 96, nn. 47 and 50—Sikkema

Nothing suggests that Hanamel has become poor and sells because of dire need. The concluding words show that Hanamel was not forced to sell his property because of debt. On the contrary, Hanamel himself receives the money which Jeremiah weighs out to him.

These considerations make it appear likely that the jubilee did not annul a voluntary sale.

p. 97—Sikkema

By differentiating sharply between a "sale due to debt" and "a voluntary sale" ... "redemption is the duty of the nearest relative in the case of a sale of home or land due to debt or in case of slavery due to debt. In a voluntary sale the same relative has the privilege to buy the field for himself." The question may be raised, How it is possible in the case of 'a voluntary sale' to speak of the buyer as a redeemer. Sikkema comments, "In a voluntary sale the redeemer redeems the property insofar that he protects it from falling into the hand of a stranger; he takes over the property of a descendant of the original owner and keeps it as a descendant of that same original owner whose name he perpetuates.

p. 98, n. 54—Weiser.

The reason why the cousin of Jeremiah offered him his field for preemption is not stated; however, the supposition lies near, that the extended presence of the Babylonian occupation army brought much pressure upon the inhabitants of the vicinity of Jerusalem, which forced them to sell property.

p. 98, n. 54—Rudolph

What drove the cousin to sell, Jeremiah does not find it necessary to explain; it is clear, that the nearness of the Chaldean occupation army brought much distress to the villages around Jerusalem, especially in the north.

p. 104, n. 78—Sikkema.

The letter of the text strongly suggests this idea, the meaning of redemption opposes it. Is the stranger to grant the Israelite the right of redemption while his own people would deny it to him? This can hardly be true.

Furthermore, it is unconvincing to state that "the many particulars about redemption which now follow in the vss. 49-52 rather create the impression that they refer to both instances rather than only to the last one."

p. 104, n. 78—DeMoor

The Israelite master was not at all allowed to treat his fellow-Israelite as a slave (Lev. 25:39-40, 43, 46). From a stranger living in Palestine one could not expect such a thing, and for that reason the obligation existed to redeem a Hebrew slave held in the service of a stranger....

p. 105—Gispén

That the possibility of the Israelite slave to redeem himself is mentioned here proves that he continued to have a fairly independent position and had to be paid wages (see vs. 50). In addition there was of course the possibility that he came to possess money or property by inheritance or gift.

p. 105, n. 84—Sikkema

By the purchase of the land the creditor is buying a number of harvests; by the purchase of a slave the creditor is buying the work of a number of years.

p. 108—Böhl

A tribe, a clan has no more valuable possession than its men. The loss suffered through the murder of a man must be brought into balance again by inflicting on the clan of the murderer the same loss. The third motive is the desire for revenge which is emphasized too one-sidedly in our word 'blood vengeance.'

p. 113, n. 106—Koch

Where blood is shed, it forms a blood-sphere, which envelops the perpetrator of the deed; above all it cleaves to his hands and head, but also reaches to the people with whom he dwells.

p. 114, n. 108—Koch

So behind this custom of blood-vengeance stands a two-fold idea of shed blood. On the one hand this blood-sphere works evil on the person which it now surrounds; on the other hand, however, this blood—of the slain—is under strange dominion and cries for return to the ancestral community.

p. 114, n. 109—Koch

It should be noted that the preposition *b* is usually found with the singular, blood, the preposition *l*, on the other hand, is found with the plural, bloods. Apparently one thinks in the first case of a closed circulation, which should not leave the body of the murdered man and gush out, but should solidify within: In the second case, however, the speaker has the blood in view, which has flowed out and entered the sphere of blood vengeance, and he wishes that it would return to its true owner (or to tire guilty murderer).

p. 115 —Koch

This phrase (your blood be upon your head) has the purpose of precluding the transfer of the sphere of blood-vengeance in connection with a violent killing. Each avenger presumably pronounced this sentence either before or after he downed his opponent. By means of such an invocation, similar to a curse, the executioner or the one who commissioned him (e.g., in the cultic command rituals) prevented the blood of the victim from spilling not only visibly onto the executioner, but also invisibly, imparting the sphere of blood-vengeance to him.

p. 115—Reventlow

Also the formula, 'his blood be upon him,' is a cultic law disqualification formula, with self-working consequences, pronounced by an authorized cultic officer over a cultic participant.

p. 115, n. 112—Boecker

The phrase "His blood be on him," is a verdict-formula, and indeed is to be viewed as a declaration of guilt: he has blood-guilt.

p. 116, n. 114—Koch

In the Old Testament there is not so much the concept of a revenging God but rather of a fate-effecting deed.

The thought that a fate-effecting deed is here (Judg. 9:24) connected with the other, that in a murder the blood of the slain goes over to the murderer and remains on him.... The death of the murderer removes his surroundings from the sphere of his fate-effecting deed. The expression, 'his blood be upon his head,' pronounced in the slaying of a murderer assures that this death will not again turn to murder and, at the same time, lifts it to a sphere which protects from blood-violence.

p. 116, n. 114—Reventlow

The curse formula "his blood be upon him" presupposes a living Lord as the power standing behind it and executing the punishment which follows.

Yahweh is the real power who brings about the due punishment for a deed. The prayer takes the place of a curse.

In the prophetic proclamation, the form of the divine I comes out as the actual central point, we can observe how the I of Yahweh powerfully breaks into the picture and the divine judge presents Himself as the one who has everything in hand and powerfully directs all things.

p. 116, n. 114—Reventlow

What has become clear to us as the Israelite thought of the fate-effecting deed-sphere and the insoluble connection of an action and its consequences presents only one stratum, and to be sure a very ancient one in the unconsciously buried original structure of Israelite thinking... . Another sphere is that of cultic law, in which the declaratory proclamation of the cultic official, 'his blood be upon him,' is at home: a culticly powerful action, which, in itself carries the power to set in motion secret connections.... Cultic ritual and cultic law, all are directed to the God who reveals his personal being and will at the covenant feast.

p. 117, n. 115—Reventlow

The expression "in order to shed blood" in Ezekiel 22:6 serves there as a heading for a whole list of crimes of which none actually have to do with blood-shedding.

'His guilt come upon him.' The consciousness that originally it was the designation for blood-guilt disappeared more and more.

p. 118—Van Oeveren

Only the murderer must die, not through the arbitrary vengeance of an individual but in the interest of the community and on basis of divine authority. This 'blood vengeance' is then also more than a right, it is a God-given duty.

p. 119, n. 122—Van Oeveren

The OT report exceptionally few instances of the carrying out of blood-vengeance. But we will have to accept as certain that blood-vengeance was carried out in Israel far more frequently than is reported in the OT.

p. 119, n. 123—Aalders

For that reason we may undoubtedly accept that Gen. 9:6 gives us the rudiment of the exercise of public authority. God's legal demand of death for the murderer leads inevitably to the exercise of public authority.

p. 121, n. 131—Lohr

The formula, 'he shall be put to death,' is to be considered as an official sentencing; here, probably, stoning by the community members. This is certain in Ex. 21:15-17, therefore it must also apply in Ex. 21:12.

p. 124, n. 142—Van Oeveren

The word 'place' in Ex. 21:13 "is a vague reference to the institution of cities of refuge."

p. 124, n. 143—Van Oeveren

(a) Moses singles out three cities in Transjordan. After Canaan has been conquered Joshua sets another three apart West of the Jordan. (b) These cities of refuge were able in the main to function as such approximately from the time of the Judges to the dividing of the kingdom. As long as the cities were in Canaanite hands the rule could not yet go into effect, and after the dividing of the kingdom the rule could no longer be enforced. (c) Although the cities of refuge have been more an ideal than a reality, this fact need in no way undermine the historicity of the institution. (d) The pericopes in the Pentateuch which deal with the cities of refuge (Ex. 21:12-14; Num. 35:6, 9-34; Deut. 4:41-43; 19:1-13) are in the main Mosaic.

p. 126—Noordtzij

The *'eda* is best understood as the legal representatives of the district within which the city of refuge was located.

p. 126, nn. 146 & 148—Van Oeveren

The elders as quickly as possible inform the *'eda* of the fact that in their judgment an unintentional murderer has fled to the city of refuge. Then the *'eda* meets further to investigate and to make a definitive decision.

... The stipulations of Num. 35 are here very short and briefly summarized. We must as it were read between the lines: the last stipulations hold only then when the congregation also judges the unintentional nature of the proven and has made the manslayer return to the city of refuge.

Deut. 19:12, however, states only that the *zique ha'ir* (these are the local authorities of the city where the murderer has his home) fetch the intentional murderer from the city of refuge so that he may receive his just punishment. This presupposes that a sentence has already been passed: the evil intent of the murderer has been proved. In our opinion the stipulations of Deut. 19 complement those of Num. 35. The *zique ha'ir* now have nothing other to do than to give the *go'el haddam* the opportunity to carry out the sentence which has been passed.

p. 127, n. 149—Van Oeveren

Deut. 19 emphasizes that the Israelites must take care that reaching a city of refuge will not be made too difficult for an unintentional manslayer, vss. 3, 6 f.

p. 128—Delekat

The high priest, as a patron, could originally guarantee security to the manslayer who had fled to the altar and the manslayer could now settle in the levitical city as a protected citizen. It is conceivable that after the death of the high priest—whose taking over of the patronage as a duty would be quite possible—the successor, perhaps to clear the asylum city, generally did not extend

the guarantee, and this was not necessary because public opinion viewed the blood-deed as atoned for by the long separation from the homeland.

The refugee goes to the holy place, asks Yahweh for protection, at the same time dedicating himself to him, and is taken or, rather, released by the high priest into a paramone relationship after a hearing or trial in his homeland. He is given a position in the lower service of the Temple and an income, and in addition the prospect of receiving his complete freedom at the death of the high priest or perhaps even sooner.

Paramone—According to Liddell and Scott p. 1318 this has reference to the obligation to continue in service; particularly of a slave whose manumission is deferred.

p. 128, n. 154—Delekat

In whose house he must remain and be willing to perform all the jobs given to him.... The paramone-master, in return gives housing, clothing and food.

p. 128, n. 155—Delekat

The manslayer must remain in asylum until the death of the high priest, who had anointed him with holy oil.

p. 129—Gispen

With this death and through it such a murderer receives a freedom because the highpriest was the great servant of the altar that offered refuge.

Living in one of the cities of the Levites he enjoyed the hospitality of the tribe which substituted for Israel and which itself was substituted for by the highpriest who had been anointed with holy oil.

p. 129—Van Oeveren

When the head of the tribe dies, i.e. the high priest, the tie with the city of refuge is also cut and the unintentional murderer may return to his home and relatives.

p. 131, n. 160—Reventlow

In both places (Numbers 35:27, 30) the punishable deed of the blood-avenger, with which he avenges the crime on the murderer (*rsh*) is designated 'with the expression *rsh*. "The avenger shall slay (*rsh*) the- murderer (*rsh*). There is no blood." Therefore also the slaying which answers now in the course of blood-revenge for the first slaying is *rsh*, and at the end of the sentence it is expressly laid down, in a declaratory formula, that this does not bring blood-guilt ... *rsh* is the first blow and the counter-blow upon which, according to the original institution a new blow can follow, against which the affected party can answer. Where blood-revenge stands in unbroken recognition, there is a chain without end. There is only one escape, asylum.... The expression *rsh* remains intact also for these cases; it expresses the accidental as well as the premeditated deed; the redeeming deed as well as the deed of revenge. It always marks a deed which in the chain of blow and counter-blow falls in the domain of blood-vengeance.

P. 132—Van Oeveren

First of all, it affirms the just exercise of the function of the *go'el* when he must let someone undergo his just punishment. In the second place, it restrains the misuse of that function. The unintentional murderer received protection

through this institution while this same institution increased the likelihood that the guilty would indeed receive his just punishment.

p. 133—Van Oeveren

Also when the avenger would not be in a position personally to exercise blood vengeance, they must have acted when he requested them to. For, apart from the avenger's fulfilling his duty, the community was under obligation to see to it that a man guilty of intentional murder paid for it with his life. Otherwise blood-guilt would come upon the people.

p. 137, n. 177—Van Oeveren

Exodus 21:12-14 is generally dated early. This pericope seems to fit best in the time prior to Israel's entry into Canaan. It is evident that the text as we have it promises in relatively vague terms the designation of a place of asylum, of a city of refuge. He further remarks, (p. 221), "It seems likely to me that the pericopes in the Pentateuch (Ex. 21:12-14; Deut. 19:1-13; Num. 35:9-34) which deal with cities of refuge originate in the main from the time of Moses. These regulations were made with a view to living in Canaan. In our view there is no objection to the position that they were made during the journey through the wilderness and the stay in Transjordan.

p. 138, n. 179—Gispen

The intention is probably not that this is a pledge or something borrowed but that, particularly in uncertain times, a man gives it to someone for safe-keeping. The neighbor asks to have it returned, and then he denies that it was ever given to him.

p. 139, n. 182—Jepsen

On the other hand it seems to belong also to the duties of the goel to receive misappropriated property for the clan and with this to strengthen their property position.

p. 139, n. 182—Ringgren

In one place only, Numbers 5:8, the goel appears as the recipient of the atonement money, here naturally in his role as responsible head of the family.

CHAPTER 5

p. 145—Gerleman

One could no longer talk about David and his lineage in the exilic or post-exilic period in such an unbiased fashion as it happens in the story of Ruth.... It must have been a very definite and compelling reason which caused the writer of Ruth to tell his story. This reason cannot be anything else than an old tradition about David's descent from Moab. The notice, which connects David with Boaz and Ruth, is no secondary addition to an old story. On the contrary, this seemingly casual notice is to be viewed as an original kernel for which reason the Ruth story was written.

p. 146, n. 8—Goslinga

Perhaps Solomon himself assisted directly or indirectly in the recording of the events contained in this book.

p. 146, n. 8—Aalders

Perhaps it was written at the time of David himself or immediately thereafter.

p. 146, n. 10—Vesco

literary, legal, and theological arguments.

p. 148, n. 12—Wurthwein

This purpose was readily determined in this; that the author with his story of the faithful and capable Moabitess wishes to protest against the rigorous practice of Ezra and Nehemiah in the question of mixed marriages (Ezra 9; Neh. 13:1 ff. 23 ff.). However, this tendency does not appear strongly enough at any place that one could declare Ruth to be a novel written for this purpose.

p. 149—Gunkel

Therefore, scholars have searched for a hidden intention and through it—we are convinced—horribly mistreated the charming story.... This story does not really have a hidden intention.

p. 149, n. 16—Gressmann

Most scholars search for a hidden tendency.... Thus this search for a specific tendency is regarded as extraneous, even tasteless. The narrator wants nothing more than to relate and delight, and receptive hearts will still be gladdened by the beauty of this tale, which is surrounded by the gentle fragrance of poetry.

p. 149, n. 16—Gunkel

The current and often expressed position that the purpose of the book of Ruth was to take part in the battle at the time of Ezra and Nehemiah concerning the dissolution of mixed marriages with foreigners misses the point. Such mixed marriages are not defended in the story but only presupposed as occasional happenings. Ruth had to be a Moabitess because only in this way could the narrator display a truly heroic faithfulness which extended even beyond the covenant nation.

p. 149, n. 17—Gunkel

To the person who simply must find a 'moral' other than the simple truth of the rewarding of loyalty, we would like to recommend the following one: that men would do well to be wary of beautiful and intelligent women who want to get their own way.

p. 150, n. 20—Hertzberg

The goel does not decline the marriage for the reason that Ruth was a Moabitess—although that was told him by Boaz. If the purpose of the book lay in this direction here to use it. The goel would have found a better reason for his refusal than the one now mentioned and Boaz would have made it clear that it is proper and good to disregard such prejudices.

P. 152, n. 24—Schoneveld

There does not appear to be anything of an opposition which must be overcome. Furthermore, why should the writer have chosen a subject in which redemption and the levirate are the center of attention.

p. 153—Rudolph

If we add also that in the prophets targum, the so-called Targum Jonathan, Ruth and Lamentations were missing; that they were not counted with the Prophets, then we have an unbroken tradition from the first century after Christ which places Ruth and Lamentations in the Hebrew canon among the Writings.

p. 156—Gerleman

It is neither the Aramaic particle therefore ' (Dan. 2:6, 9; Dan. 4:24) nor a faulty writing for hlhm, but a feminine plural with a neuter meaning referring to the condition just mentioned by Naomi. 'Could you wait on it,' that is, that all these unsure and improbable things would really come about.

p. 158, n. 52—Rudolph

A pre-Deuteronomic time is indicated also by the fact that in Ruth 1:4 the marriage of the sons of Elimelech with the Moabitesses is recorded without censure. How would this be possible if Deut. 23:4 were in force? ...

p. 160, n. 57—Mittelmann

This is one of the reasons which prevents us from dating the book of Ruth in the time between Deuteronomy and the Talmud as the prevailing opinion has done so far, but causes us to accept a pre-Deuteronomic origin, since the words of Naomi (Ruth 1:11-13) can only have been uttered at a time in which the Deuteronomic levirate law with the words 'if brothers dwell together' was not in operation.

p. 160, n. 57—Rudolph

For the chronological dating of Ruth it is critical to perceive that the views of the Levirate which are here presupposed are older than the Levirate law of the Deuteronomy, which originated around 700 and became public in 622.

His deduction from Ruth 1:11 is that Ruth is older than the Deuteronomic law-giving.

p. 160, n. 59—Mittelmann

We accept Mittelmann's contention that the narrator of the book of Ruth possessed excellent legal knowledge.

p. 160, n. 60—Joüon

The necessity of the explanation is better understood if the author is writing after the Exile in which case the long stay in Babylon would have partially obliterated the knowledge of ancient customs.

p. 161 —Mittelmann

Even though the Jews in the Babylonian Exile knew of the shoe ceremony of the Deuteronomic levirate marriage law, they nevertheless could not understand what the handing over of the shoe in the book of Ruth meant.... To avoid misunderstandings for the readers of the book of Ruth the glossator intervened and gave for the legal historian the very interesting explanation of Ruth 4:7.

p. 161, n. 63—Rudolph

It is hardly thinkable that this symbolic legal custom could have been forgotten so soon, and there is not the slightest basis for seeing 4:7 as a later gloss; it cannot be denied that the flow of a narrative is interrupted when an explanation

is inserted.... In my opinion, we have no foothold from which to pin down the origin of Ruth more exactly within the period from 1000-700, except that taking 4:7 into account means leaning more toward the later boundary....

p. 165, n. 76—Würthwein

a story exemplifying true hesed (covenant loyalty).

p. 165, n. 80—Carlebach

The book of Ruth As the only one which gives us some insight into the inner life style of our people in their classical time.... Here we are led in a lively way to Bethlehem and become witnesses how our forefathers lived and acted under the influence and education of the Torah, yea the most secret stirrings of their souls are revealed here in true clarity.

p. 166—Rudolph

Ruth, like the major part of the Old Testament literature, does not speak of men but of God; its purpose is not that we should admire a gallery of noble people, but that we should learn how God acts.

p. 166—Jepsen

Therefore, the book of Ruth is actually a book of comfort for despondent and discouraged people, because it speaks in all hesitating reserve precisely after all of God's actions.

p. 166, n. 82—Rudolph

Certainly the narrator exercises all care in the portrayal of the individual characters.... That Ruth arrives at the right field, however, is Yahweh's leading; that the clever plan of Naomi comes to fruition is Yahweh's mercy and that the desired son is produced from the marriage with Boaz is Yahweh's gift.

p. 166, n. 82—Humbert

God is the supreme actor.

p. 166, n. 83—Jepsen

And when it is now recorded how contrary to despair and despondency, a new heir is presented to Naomi, this was for the exiled in their despondency a word which comforted them and filled them with new courage. So it cannot be denied that the book of Ruth with this interpretation is understandable especially in the time of the exile.

Israel had, as the childless barren widow, as the deserted wife, nothing to expect from the future, just like the widow Naomi, who was robbed of her children.

p. 167—Jepsen

Thus the essential thoughts and images of the book of Ruth can be traced to Deutero-Isaiah. With that it will be clear that the meaning of the book could easily be understood by the listeners of the exile as a word of comfort for the people in all their hopelessness through the reference to a goel who takes responsibility for the forsaken.

p. 167—Gerleman

The Ruth story furnishes the evidence that the Moabite background in the line of David was willed and effected by Yahweh himself.

They are prehistories of both great redemptive principles upon which the whole existence of Israel rested before Yahweh; Sinaitic-Covenant and the Davidic-Covenant.

p. 167, n. 87—Lamparter

What Ruth experienced is not only a piece of family and tribal history. Her individual fate is encompassed by the high plan of the Lord, which in the Davidic Covenant (II Sam. 7) comes to its redemptive fulfillment. The narrator wants to show, by the fortune of Ruth how the Lord, the God of Israel, on the basis of his free grace, chooses the despised and makes people the instruments of His redemptive plan which aims at the return of all, Israelites and Gentiles.

p. 168, n. 89—Verhoef

The genealogy of David is absent in the book of Samuel and elsewhere in the OT it is given only incompletely, that is to say, with the omission of his Moabite mother, because these data were already fully mentioned in the book of Ruth. First, the authors of the books of Samuel and Chronicles were acquainted with the book of Ruth, and the content of the latter book had become generally so well known that the authors in question thought it superfluous to provide the same detail in recording the genealogy of David. Secondly, the book of Ruth must have been written before the books of Samuel and Chronicles.... Thirdly, the primary purpose of the book of Ruth was thus indeed to present the genealogy of the great king David.

p. 169, n. 89—Goslinga

It has already been observed that the purpose of the book of Ruth is to show from what noble parentage king David originated, and how therein one of pagan origin was not rejected by God but taken up into the ancestry of David.

p. 169, n. 89—Gerleman

This presupposed tradition was soon found to be a heavy burden. In this situation the story of Ruth arose as an euphemism. The attempt has been made here to beautify the harmful and stubbornly existing Moabite tradition which dung to the Davidic line, and to make it harmless.

p. 169, n. 89—Joüon

The book of Ruth is an edifying history related to the origins of David.

p. 170—Brongers

A careful study of the content of this chapter can lead to no other conclusion than that the author here attempts to make—acceptable that under certain circumstances the concept of redemption ought to include the obligation to levirate marriage even in its most extensive form. An extension of the obligation to redeem is propagated here, an extension which according to the author always existed in earlier times but which in his day had fallen into disuse. In Ruth 3:13 the *go'el* must here do what belongs to the levir. That contains an extension of the concept of both redemption and the levirate. In the first place, levirate is included in redemption. And in the second place the obligation of levirate is extended to include a distant relative.

p. 171—Brongers

He wanted to see the levirate not only as a means to maintain the name of the

dead, but also as a guarantee for the social care of the widow. The combining of these two concerns which lie on completely different planes is the new element which the author wants to propagate.

p. 172—Lévy-Buhl

The story of the love of Boaz and Ruth is not simply a graceful pastoral; it is a document presenting the significance of community institutions of Biblical antiquity.

CHAPTER 6

p. 173—David

that the author of the book of Ruth was unacquainted with the institution of *goel* marriage and that the redemption in the book of Ruth can only have referred to the procuring of property.

p. 173, n. 1—David

But from the above quotation of Naomi's words in chapter 1:11 ff., in which she advises her daughters-in-law to return to their parental home, something else becomes clear. Naomi does not even reckon with a marriage of her daughters-in-law with relatives of her husband (or of her deceased sons). This is of great significance. For there is thus room for doubt whether at the time that the book of Ruth was written there existed, as is generally assumed, an institution not elsewhere mentioned in the sources according to which a childless widow was to be taken as wife by a blood relative other than the man's brothers.

p. 174, n. 2—David

No matter which view one prefers, these words contradict the supposition of Naomi that also brothers born later were obligated to a levirate marriage.

p. 174, n. 3—David

For one can conclude from the words of Naomi in question that she holds also children born from another father obligated to a levirate marriage. Such children, however, were to Mahlon and Chilion, the deceased husbands of Orpah and Ruth, actually only step brothers from the mother's side. As such they could never have been reckoned as member of Elimelech's family.

p. 175, n. 4—Würthwein

It was obviously the intention of the narrator to emphasize the hopelessness and senselessness which lies in joining together with Naomi. Therefore in contrast with the previous brief description, he permits Naomi in this place to speak and to elaborate.

p. 176—Rudolph

That there is no contradiction between Genesis 38 and Ruth follows also from Ruth 1:11 ff. where Naomi naturally assumes that if she were to have sons these would have to dutifully marry her daughters-in-law.

p. 177 —Mittelmann

Naomi, by the men mentioned in Ruth 1:12, is not thinking merely on any men but on one of the kinsmen of Elimelech. However, to be sure, in consideration of her age she instantly refuses the thought.

p. 177, n. 7—Nowack

Obviously Naomi has the duty of levirate marriage in mind which reaches back into the oldest time in Israel, compare Gen. 38.... Naomi has therefore essentially the custom in its oldest form before her eyes.

p. 178—Bertholet

It must be striking to all that according to the context Naomi is only interested in the happiness of her daughter-in-law and not in maintaining the line of the deceased and yet this is the real meaning of the levirate.

p. 178, n. 11—Joüon

Naomi is here not thinking of levirate marriage, in hoping for sons to be given a legal descent from Elimelech. For if Naomi herself remarried, this would itself act as a levirate marriage and the sons issuing from this marriage would be legally the sons of Elimelech.

p. 179, n. 16—Würthwein

Naomi is one against whom the Deity has decided, one marked and struck down by the Deity. According to a wide spread recognized opinion even within Israel one does not enter into an association with such a person but avoids him so as not to be drawn into his sphere of misfortune.

CHAPTER 7

p. 181—NV

a very influential man.

p. 181, n. 1—KB

a distant relative.

p. 182, n. 5—Gerleman

Here the meaning of 'chance' is, something that happens outside of the will or action of the person involved, and it expresses the conviction of the narrator that the individuals cannot determine the course of events. On the other hand, it is clear to him that the guidance of Yahweh stands behind even this coincidence.

p. 183, n. 7—Würthwein

Even if the reference to Boaz in Ruth 2:20 is not certain, there can be no doubt that that which Boaz is doing for the two women and the deceased as well as the unknown redeemer falls under the concept of hesed.... In the hesed of Boaz, however, one may see the hesed of Yahweh at work who in Boaz procures an instrument for himself.

p. 183, n. 7—Van Daalen

hesed is one of the keywords for the right understanding of the story.... The word 'steadfast love' is constantly used in connection with other words like 'the living and the dead,' 'bless,' 'blessed' and 'redeemer.' This clarifies for us the structure of the story: the steadfast love which Yahweh wants to show Ruth is shown through Boaz, a man blessed by Yahweh. He sees Ruth's steadfast love, and as a result he views the Moabitess as a non-stranger. That Boaz is blessed is evident from his being the redeemer. This being the redeemer is special, is a true redemption since it is there for Israel from Yahweh. This redemption, says the

book of Ruth, is given and received there where blessed people are who show steadfast love to the living and the dead, recognize each other, and see each other as non-strangers.

p. 183, n. 8—Joüon

His good toward the dead, for since Boaz is a goel Naomi hopes and foresees that he would marry Ruth and thus raise up a posterity for her deceased husband. This statement by Naomi very clearly prepares for what is to follow.

p. 184, n. 8—Hajek

the theme of the story.

p. 184, n. 8—Rudolph

Rudolph explains the reference to the dead in terms of the idea of the retribution doctrine. . . The death of the three men in the unclean foreign country was not only for Naomi but for the three as well a witness of Yahweh's being against them (Ruth 1:21); when Yahweh now shows himself gracious to the widows who remained behind, then the dead men also were rehabilitated.

p. 184, n. 8—Hertzber

The blessing for the dead concerns at the same time the living; according to the Old Testament view divine grace could not come to the deceased in any other way than through encountering the living.

p. 184, n. 9—Hertzber

The concept of the goel stands out from here on until the end of the book as the decisive one.

p. 187, n. 22—Joüon

I would read simply, "and now indeed I am goel," in spite of the difficulty that there is in explaining the presence of the double ky and the 'm.

p. 188—Hertzberg

Hertzberg sees in Naomi's remark in Ruth 2:20 a first indication that there is property at hand from Elimelech's side.

p. 188, n. 25—Rudolph

The potential goel can just as well be called goel as the actual goel (cf. 4:4, 6a).

p. 188, n. 26—Hertzberg

The reader should, however, take leave of this chapter with the realization that the Lord has taken care of these widows in an astonishing way, and also with the hope that, thanks to the gracious leading of God, something was begun here which will find its continuation and for which this very concept of a redeemer offers a definite and concrete reference point.

p. 189—NV

My daughter, shall not seek rest for you?

p. 189, n. 30—Gerleman

What he has to say now discloses, however, that he knows the young Moabitess quite well.

p. 190, n. 31—Hertzberg

At the beginning the important word 'resting place' occurs again. As in Ruth 1:9, it means concretely marriage.

p. 190, n. 33—Hertzberg

Ruth presents herself to Boaz for marriage and comes to him, so to say, as a bride.

p. 192, n. 37—Hertzberg

Obviously through the double meanings of the words which were employed the danger of the situation which arises through Naomi's suggestion and Ruth's obedience becomes visible.

p. 192, n. 38—Gerleman

turns himself around.

p. 192, n. 38—Hajek

When Boaz awakes in the middle of the night because of the cold and is startled he obviously only recognizes a figure lying near to him and he has 'to bend forward' and only then recognizes that 'a woman lies at his feet.' Therefore, Ruth could not have been lying down immediately beside Boaz as perhaps was intended in the plan of Naomi.

p. 192, n. 38—Rudolph

The usual translation 'to bend forward' is not found in the literal wording of the text but corresponds directly to the situation.

p. 193—David

Now we do not believe that Ruth desired from Boaz that he marry her, yes, that she held this before him as more or less his obligation to her. This would be hard to harmonize with the picture of the modest and charming character ascribed to her in the rest of the text.

p. 193—David

If on the basis of this data we attempt to interpret the words of Boaz, then the plans which he considers in favour of Ruth can only refer to his meeting his financial obligations to her, and that in connection with the sale of the property.... In particular, this redemption cannot refer to the obligation to contract a marriage.

p. 194—Gunkel

That Ruth involves herself in such a painful situation is the heroism of faithfulness. She desires nothing for herself, only an heir for her husband.

p. 194, n. 41—de Fraine

Ruth calls Boaz' attention to his duty as redeemer, that is, as protector in general.... Boaz grasps very well what Ruth desires from him, namely, the protection of a redeemer (and not marriage as such).

p. 194, n. 42—Gunkel

Boaz is worldly-wise enough to rightly understand the motive which brought her there and he is very touched by it that she could overcome so much feminine shyness.

p. 195—Würthwein

Ruth does not follow her own interests (even though this is included according to the design of Naomi, Ruth 3:1), above all not her passions, but the interests of the family. This the narrator portrays especially through Boaz: had passion been the motive behind her action, then she would have decided for the young men. She is concerned however now as before, that hesed (loyalty) takes place, that is the faithfulness which she owes to the family of her husband since her marriage and from which, as her whole behaviour until now shows, she did not view herself as released by the death of her husband.

p. 196—Schoneveld

These matters must not be related to a proper and modest character.

p. 196—David

But, though it is true that I am a redeemer, yet there is a redeemer nearer than I. Remain here for the night and in the morning, if he will redeem (for) you, good, let him do it; if he does not desire to redeem (for) you, then, as God lives, I will redeem (for) you.

p. 196—David

To determine which obligations Boaz is referring to it is necessary to subject to further scrutiny the words 'redeemer' and 'to redeem' (Hebrew GO'EL, GA'AL) on the basis of the existing material.

p. 197—David

Boaz must merely have had in mind the meeting of financial obligations to her (Ruth) and that in connection with the sale of a piece of land.

p. 197, n. 51—David

Generally speaking, would it nonetheless be justified to conclude on the basis of this one source, in this instance the book of Ruth, the existence of a marriage of relatives of which else here we find no trace?

p. 197, n. 52—Schoneveld

We question whether or that Ruth needed to look up Boaz at night and to lie down under the covering for his feet? Furthermore, if it only concerned the land of Elimelech, Naomi herself was the person to have contacted Boaz.

p. 198—David

David inserts in parenthesis the word "for." "If he will redeem (for) you ... to redeem (for) you, then I will redeem (for) you."

p. 198—NV

If he will redeem you, good, let him redeem you; if he does not wish to redeem you, then I will redeem you.

p. 198—Jepsen

Only on the presupposition that the goel has a completely far-reaching responsibility, does it become understandable that Boaz can redeem Ruth, 3:13.

p. 199—Jepsen

The goel is always the nearest member of the family who is able to render the

necessary assistance. This help extends to all, therefore not only for the lawfully regulated cases of murder and manslaughter, the sale of property and sale into slavery but for all emergencies which the nearest of kin encountered. It is the "not only for the cases regulated by law, but for all cases of need" which is subject to dispute and which, according to David, "lacks any evidence."

p. 199, n. 57—Goslinga

His penetrating argument is too juridical, misconceives the great significance of custom as the norm for action, and betrays in addition the tendency to date the origin of the book of Ruth as late as possible.

p. 199, n. 58—Ringgren

Moreover, several places in which *goel* is used in a metaphorical sense (Pro. 23:11; Isa. 50:34; Lam. 3:58; Ps. 119:154; job 19:25) show that the *goel* was to appear as a helper in lawsuits so that his protegee receives his rights. He who did not leave behind a *goel* and a friend did not have anyone to care for his rights and his honor.

p. 200—Schoneveld

The redeemer did not have to confine himself to the limits of codified law.

p. 200—David

the obligation to contract a marriage.
obligation
obligation
obligation to contract a marriage

p. 201—Schoneveld

It is expected from a redeemer that he will not only meet the written obligations but also that, under such circumstances, he will show his *hesed*, that is, his preparedness to help on basis of an existing relationship. The greater his resources, the more the redeemer *could* do; and the more *hesed* he had, the more he *wanted* to do.

p. 202 n. 67—Goslinga

("If he is willing to redeem you."), for if the redeemer would not interpret his duty too narrowly, he would not only redeem the family property but also 'redeem' Ruth herself by marrying her.

p. 202, n. 67—Brongers

However, in Ruth 3:13 *g'l* means without any doubt 'marry.'

p. 203—Rudolph

Yahweh had graciously said Yes to her plan.

p. 203, n. 70—Würthwein

marriage pledge

p. 203, n. 70—Haller

A marriage pledge or bride present.

p. 203, n. 70—Bertholet

Bertholet sees it as a sign of Boaz' favour, which, however, would also serve to safeguard Ruth's action from misinterpretation.

p. 203, n. 71—Hertzberg

Here the divine leading to which the book especially testifies is accentuated anew.

p. 203, n. 71—Gerleman

It bears the mark of a complete secularism and yet even this event in all its temporalness is under the divine leading. Everything is included by God in His work.

EXCURSUS

p. 206—Haller

a marriage of duty.

p. 207—Smit

In her plan Naomi connects redemption with the levirate, but the latter is conceived of in a much broader sense than is mentioned in Deut. 25:5.

p. 207, n. 7—Rudolph

Boaz obviously was no longer the youngest, maybe he was already married and also Ruth was a Gentile so that in spite of his affection it was difficult for him to make this decision especially since the first son of this marriage was not reckoned as his.

p. 208, n. 8—Goslinga

But apparently the redeemer was not obligated to offer himself. Boaz was no doubt willing to do this, but he could not because he was not the nearest kinsman. And the nearest one was not particularly inclined so that he let the matter take its own course. For that reason Naomi was forced to take the first step, cf. Deut. 25:7.

p. 208, n. 11—Haller,

Boaz knows, what has escaped Naomi's quick eye.

p. 208, n. 11—Würthwein

what Naomi had overlooked.

CHAPTER 8

p. 209, n. 2—Hertzberg

Evidently the view is this, that Boaz, who as farmer and family member knows the situation, would obviously have to relate the request of Ruth to be redeemer to the settlement of the property ownership matter.

p. 210, n. 4—Rudolph

At the gate he waits for the goel whose name the narrator does not know or does not consider important enough to mention.

p. 210, n. 4—Hertzberg

The name was known, but was deliberately suppressed so that the head of a family was not exposed in this somewhat disgraceful situation.

In the other cases where the expression is found there is intentional silence, so that here also such may be the case.

p. 211, n. 8—Gunkel

It delights the narrator now to present an involved law case and to show how it was decided according to the old law; for this reason there is so much amplification in this scene.

p. 211, n. 8—Gerleman

If the incorporation of Ruth into the people of Israel was to be undisputed, there were other means necessary than pious words and wishes. The decisive proof for the connection of the Moabitess Ruth with Judah could only be produced by a solid legal action. The final extended scene of Ruth 4:1-12 served this purpose.

p. 212—Caspari

I obtain today, all which Elimelech, Kilion and Mahlon possessed from the hand of Naomi. Accordingly, Elimelech received his possession by marriage.

p. 212—Jepsen

Otherwise these words, as in Ruth 4:5, are to be understood thus, that the goel receives from the hand of the daughter who is heir the right of redemption; and thereby after the purchase the ownership. Then Elimelech is probably the proprietor of the field, Ruth 4:3, but not the owner.

p. 212, n. 9—Caspari

For the rest, the inheritance-daughter is the only woman who is legally capable of property ownership. Such a property ownership is presupposed by Ruth 4:3 and 4:9; only it is not Ruth but Naomi who owns the property.

p. 213—Jepsen

A sale could only have taken place after Naomi's return on the supposition that Naomi was the heiress: for as a widow she would in no way have been able to inherit, rather after the death of Elimelech and his sons the possession would have gone immediately to the next male relative, thus probably to the unnamed goel.

p. 213, n. 14—Joüon

This theory is without foundation in the text and actually does violence to it.

p. 214—Mittelmann

Naomi, it is true, is not the owner of the property, but she has the right to regulate the succession of the inheritance with the heirs.

p. 214, n. 16—Joüon

We say the field of Elimelech. After the death of the latter, his heirs, Mahlon and Chilion, became the legal owners of the field but on their death the field is considered to belong again to the former owner. His widow, Naomi, only possesses it in order to transmit it to a legal descendant of Elimelech.

p. 214, n. 17—Rudolph

But if the redemption, where also the widow had to be taken over, was voluntary, and therefore according to such circumstances, could take a longer time until the goel decided for the widow, she in the meantime had to have a certain right of disposal over the property of her husband.

p. 215, n. 20—Ridderbos

"We must apparently understand Num. 27:8 in this way that when there is no son and none is to be expected from out of a remarriage because, for example, the widow is past age, the daughters or the brother are heirs.

p. 217—Schoneveld

It is not impossible to consider that Naomi, as widow, had the right to dispose of the estate of her husband, so that the heirs could not claim it.

p. 218, n. 30—Joüon

It is a present of instantaneous action. Naomi sells, that is to say, puts up for sale by the very declaration that I am making to you.

p. 219, n. 31—Jepsen

Rather it has to be assumed that the property was already sold when Elimelech left; for otherwise Naomi could not have been presented as so poor. Also she would have not waited so long to sell the field.

p. 219, n. 31—Gunkel

Therefore Naomi, if she had sold the field, would have been a well-to-do woman, which is completely contradictory to the meaning of the story.

p. 219, n. 33—Rudolph

Farming land is too valuable for it to be left to lie waste for years.

p. 219, n. 35—Hertzberg

The word *helkat hassada* (piece of land, Ruth 4:3) seems so to be used as if *halek* (share) was written. This makes it immediately clear why this land was not more saleable for all practical purposes for Naomi and Ruth. Naturally, land properties which have several owners are rented in order to be used. Therefore, for Naomi this legacy meant as good as nothing.

p. 220—Jepsen

Above all, however, a purchase by a relative would hardly have been a *geullah*. The entrance of the god presupposes an earlier sale, The reading of the Massoretic Text has to remain therefore, "Naomi had sold."

p. 220, n. 36—Smit

The return of the field does not remove the poverty of Naomi and Ruth. They cannot cultivate that field. That requires the labour of men.

p. 220, n. 38—Nowack

Obviously Naomi, destitute of all means, sold the property which it is now the duty of the goel (Lev. 25:25) to buy back from the hand of the buyer. Whether Naomi sold the land from Moab or after her return cannot be determined with certainty.

p. 220, n. 40—Stamm

It cannot be determined with certainty whether preemption or redemption is implied in Ruth 4:3.

p. 221—Bertholet

Bertholet's explanation that the property settlement money of the goel to the strange buyer had to go through the hand of the original possessor is strained.

p. 221, n. 41—Mittelmann

Also the owner of the property has to be present to deal with the relatives. Furthermore, a third person would not give away the property without payment of which however, in chapter 4, nothing is said.

p. 223, n. 48—Nowack

In addition to the preceding myd is exceptional.

p. 224—Kohler

On the day when you buy the field from the possession of Naomi, the wife of the deceased, you buy it...

Why is Ruth mentioned as "the wife of the deceased" but not Naomi? For the remark did not concern Ruth's husband but rather the husband of Naomi, "our brother Elimelech" (Ruth 4:3). Furthermore, "when you buy the field you are buying Ruth" is peculiar even though the suitor pays the purchase money for the bride.

When you buy the field you are buying Ruth.

p. 224, n. 50—Kohler

It is the over-cleverness of a reader who held the opinion that Ruth also has something to say concerning the sale.

p. 224, n. 51—Würthwein

Of Naomi it cannot be said that with her the name of the deceased would be preserved since no children could be expected from her anymore (Ruth 1:14).

p. 224, n. 51—Rudolph

A common formulation in such substitution cases.

p. 225, n. 53—Wambacq

The day that thou hast acquired the field from the hand of Naomi and of the deceased thou hast acquired Ruth the Moabitess, the wife of the deceased.

The expression 'Naomi and the dead' repeats what had been said in the preceding verses. The piece of land which belonged to Elimelech our brother (the dead) Naomi took and sold.

p. 225, n. 54—LXX

... the field out of the hand of Naomi and from Ruth, ... also you must acquire Ruth.

p. 226, n. 58—Joüon

Here qnh certainly isn't taken with the restricted meaning to acquire at the price of money, to buy. The goel who will marry Ruth will have nothing to pay to the parents of Ruth (in Moab) and still less to Naomi.

p. 227—Bornstein

The actual meaning of *qnh* is therefore not 'to buy' but 'to acquire,' 'to rightfully obtain' as this expression is prevalent also in the Mishnah and related literature.

p. 227—Rudolph

Boaz does not buy Ruth and cannot buy her, for in this case then the mohar (bride price) (Gen. 34:12, Ex. 22:15 f.) would have to be paid to himself.

p. 227, n. 59—Plautz

Marriage in Israel did not involve the purchase of the wife or bride and the wife was no purchasable commodity. In the marriage, the father of the bride did not receive a payment which may be called a purchase-price in our sense.

One can only speak of a purchase which is similar to the purchase of great possessions in a formally legal sense. Only in this sense is the woman the object of a business transaction. For her place in marriage is positive. Her personal worth is not impugned in this act of marrying. Just as she is not bought for marriage as a commodity, so also is she not dealt with in the marriages as an object. The payment of bridal money does not degrade her. It is necessary as a compensation since the family of the bride loses one of its members, a future mother. The family tie is so solid and strong that a member cannot be so simply removed without receiving a counter compensation.

p. 227, n. 61—Plautz

It was a marriage without the mohar (bride price). The marriage that Boaz concluded with Ruth is a levirate marriage where the paying of bride money is not necessary because the particular woman is already part of the family of her husband. *qnh* means therefore in this place (v. 5b) by the way of exception not 'to purchase' in the fullest sense, but is to be rendered by 'to acquire.'

p. 228—Rudolph

This duty to support the widow takes the place of the purchase price.

p. 228, n. 62—Rudolph

The verb in 4:5b means acquire and not buy. Therefore also *mkr* in v. 3 cannot mean an actual sale, but is to be translated by 'transfer.'

p. 229, n. 67—Tamisier

The goel gives an answer which is neither firm nor definite as the use of the future suggests. He declares himself simply disposed to redeem the property of Elimelech.

p. 229, n. 67—de Fraine

There is a positive answer, but it is so indefinite that it is little more than a slight wish. The imperfect '*eg'al*' is much less sharp than the perfect *ga'alti* (which could leave the impression that the matter is settled).

p. 232, n. 74—Wambacq

If Boaz seems to be sure of the success of his enterprise was it not because he foresaw that the goel for reasons unknown to us would never undertake the purchase in the given circumstances?

p. 237, n. 89—Rudolph

But apart from this that qn' never has the asserted meaning, the whole situation becomes unintelligible.... V. 10 remains the decisive commentary for v. 5.

p. 238, n. 91—Humbert

This is a combination which cleverly prepares and justifies the retreat of the goel.

p. 238, n. 92—David

Arbitrary insofar as this condition (to marry the widow) is not legally prescribed.

p. 238, n. 93—Goslinga

He has yet one arrow for the bow.

p. 238, n. 93—Tamisier

All the skill of Boaz consists of irrevocably linking the two things.

p. 239, n. 94—Rudolph

Against it speaks the categorical nature of the speech, completely apart from the question whether Naomi was entitled to make such demands.

p. 239, n. 94—Goslinga

Because it concerns the land of a family that is dying out, and because one of the owners is a woman young enough to have a child, a moral obligation rests on him to take her in marriage.

p. 241, n. 98—Levy-Bruhl

The antiquity of the levirate in the book of Ruth is therefore shown first of all in that it concerns agnate relatives whereas only brothers are referred to by Deut.

p. 241, nn. 99 and 101 —Wambacq

He that wishes to succeed the deceased must acquire the entire property including the wife. The wife changes owner along with the rest of the possession. If therefore the case presented itself where a dead man left property and a childless widow the one who acquired the property was to satisfy the needs of the levirate. This was because the woman who was part of the inheritance became his property.

p. 242—Wambacq

In this remote period the levirate could be an annex of a purchase because then a wife was regarded as part of the deceased goods; whoever acquired the property acquired it completely, including the woman, but in this case with the obligation of continuing the deceased's name.

p. 242, n. 102—Wambacq

If the attention of the lawgiver had been devoted first of all to the observance of the law would he not have envisaged all these eventualities. If he had not done so is it not an indication that it is the halisah which interested him first of all? The possibility is not therefore excluded that those who collected the old traditions of Israel did not consider it necessary to preserve ancient tradition concerning the levirate that had since become obsolete.

p. 243, n. 105—Rudolph

What Boaz says certainly corresponds to justice and custom.

p. 243, n. 105—Gressmann

These circumstances, which appear complicated to us, were so common for the old Israelites that the narrator of the book of Ruth does not waste a word about it at all.

p. 243, n. 105—Nowack

That law concerning the redemption of the field sold under distress in Lev. 25:23 ff. does not know anything of the demand made here upon the goel to marry the surviving childless widow in order to raise up the name of the deceased upon his inheritance. It is clear that we have before us here a combination with levirate marriage probably based upon custom.

p. 244, n. 106—Cruveilhier

According to the text the goel had the double duty of redeeming his deceased relative's land and marrying the widow. It should not be thought, however, that the two obligations are of an entirely different nature. They were, on the contrary, essential to one another. Boaz declares in effect that the redemption of the property and the marriage of the widow are necessary for reviving the deceased's name upon his heritage, Ruth 4:5, 10. This declaration proves therefore that in Israel the family name was attached more to property than to person. The family could not be conceived of devoid of its landed patrimony. If the goel only married his relative's widow without going to the extent of redeeming his patrimony he would in vain have congratulated himself in reviving the deceased's name. The children resulting from the new marriage would not have had any land attaching them to the first husband of their mother and enabling them to revive his name. One perceives, moreover, that the continuation takes on a completely different character of importance when it is attached simultaneously to persons and to property.

p. 244, n. 106—Lévy-Bruhl

The fact is, in a sale of this nature it is not economic considerations that predominate but much rather the concern to continue the family of which the patrimony is in one way the material aspect. In buying the land of a relative as in accepting his inheritance, one acquired, at least partially, his personality.

p. 244, n. 106—Ringgren

Not only the fellow members of a family, but also their property, form an organic unity and every breach of this unity is intolerable and must be repaired.

p. 245, n. 107—Cruveilhier

There is no real contradiction between the legislation formulated in Deut. 25:5-10 and that which is applied in the book of Ruth. However, the case envisaged in the historical book is more complex than that which the Deuteronomic code legislated. Whereas the latter speaks simply of a widow without children, the book of Ruth presupposes furthermore that this person is dispossessed of the land which had belonged to her husband. To raise up posterity uniquely for a deceased man no one is more qualified than his own brother. For this reason one understands that this law in Deut. 25:5-10 has no other subject than the brother-in-law. But when to this obligation there is added that of

redeeming an alienated patrimony, it is quite natural that recourse should be made successively or in order of proximity to the different relatives to undertake this double duty. Thus the substitution of the goel for the brother-in-law ought to be no surprise in the book of Ruth.

p. 245, n. 107--Rudolph

Boaz takes Ruth for a wife (that it is a levirate marriage is obvious according to that which has previously taken place; therefore the technical term ybm, Gen. 38:8, Deut. 25:5, 7, is superfluous, especially since Boaz is not ybm).

p. 249—Schoneveld

The greater his resources the more the redeemer could do, and the more hesed (covenant loyalty) he had, the more he wanted to do.

p. 249, n. 121--Carlebach

Should someone wish to deduce from the book of Ruth laws of purity and impurity, the permissible and forbidden, he would go completely astray. He would probably seek to establish validity for the levirate duty in cases where that law certainly no longer exists or he would misunderstand the procedure of the goel and believe that each goel has to assume at the same time a marriage duty with the purchase of land. All this, however, in the book of Ruth, does not have a legal character but simply expresses simply the voluntary act of love, pure thankfulness, and deep humanness. The law is only the schoolmaster, the pointer, which sensitively is made for the predicament of human life and teaches measures which derive their justification from hesed, the final love of God and man.

p. 249, n. 124--Brongers

In Ruth 3: 13 the goel must here do what belongs to the levir. That contains an extension of the concept of both redemption and the levirate. In the first place, levirate is included in redemption. In the second place, the obligation of levirate is extended to include a distant relative.

p. 250, n. 126--Boecker

A declaration of preparedness or a renunciation declaration from the right of redemption.

p. 251, n. 1:33--Spait

Thus the shoe is a symbol of power, and it is easy to understand how in legal transactions the transfer of the shoe became the proof that a man forfeited his power, his right.

p. 251, n. 133--Mittelmann

The transfer of the shoe was a means of publicity in a law transfer.

p. 252, n. 140—Bertholet

Ht'wdh is the attestation and not the custom.

p. 253, n. 145--LXX

and gave it to him.

CHAPTER 9

p. 257—Caspari

Hsbyt could for once in this place stand with the dative (Jer. 48:35), and g'l could be applied to the subject, Yahweh: he did not permit you to die today redeeming you: the absence of an object for g'l is acceptable in light of the central position of lk between the two verbs. A dative lk behind g'l would be confusing; therefore it is preferable that the women call Yahweh the Goel.

p. 257, n. 9—Hajek

Blessed are you of the Lord, who as (your) redeemer did not permit you today to be brought to an end. If Yahweh Himself is the God, then indeed comfort comes from Him (v. 15).

p. 258—Gressmann

Yahweh gives the young pair an heir, who is considered as the son of the deceased.... Now the family of Naomi is truly redeemed because its name is not extinguished.

p. 258—Vincent

Blessed be the Lord, who today has caused that a close relative be not lacking to the deceased for continuing his name in Israel.

p. 258, n. 13—Joüon

I would read lmt, which is graphically not far removed and of which the alteration to lk could easily have taken place with a scribe carried away with the thought of Namoi whom the women are addressing.

p. 258, n. 13—Fischer

Who did not refuse you today a goel, so that *your* name be remembered in Israel.

p. 259—Schoneveld

How large a terrain the word 'redeemer' or 'to redeem' can cover is evident of from the conclusion of the book of Ruth. The women of Bethlehem praise Yahweh because He has not withheld from Naomi a redeemer. This redeemer is the child born to Ruth.... Naomi can now be at peace, for she has someone who will stand up for her and not leave her to her lot when she needs help.

p. 259, n. 15—Smit

He speaks of Obed, the goel, as the defender of the rights of Naomi.

p. 259, n. 15—Mittelman

The goel marriage would not only produce a male heir for the deceased men Elimelech and Mahlon to secure their name from extinction, but would also serve as a provision for the now living women, Namoi and Ruth.

p. 259, n. 15—Goslinga

The word here has the wider meaning of deliverer or helper.

p. 259, n. 16—Rudolph

Since goel (4:14a) is explained by v. 15, it is obvious that the strict legal idea

of the 'redeemer' is not intended here, but rather the word has the general meaning of 'protector.'

p. 259, n. 16—Lamparter

The word (goel) is not used here in the specific sense which it possessed in Israelite family law. The redeemer is the boy insofar as Naomi, in her old age, shall have in him a comforter and a provider.

p. 260—Bertholet

What Naomi is doing signifies a kind of motherly adoption.

p. 260, n. 18—Gunkel

tender picture.

p. 260, n. 21—Kohler

It is not a tender picture which is presented but rather a legal transaction.

p. 260, n. 22—Gressmann

Naomi lays the child on her bosom, doubtless to adopt it and as grandmother gladly cares for the child.

p. 260, n. 23—Dijkema

For with the adoption the son of Ruth and Boaz becomes completely Naomi's son and *eo ipso* son of Naomi and Elimelech. This is clearly indicated in the conclusion, 4:14-17a: Ruth and Boaz are eliminated and only Naomi remains with her adopted son. And to my mind the interpolation ... wishes to show nothing other than this, that David is thus the descendant of a true Israelite and Bethlehemite couple, Elimelech and Naomi. His true Israelite origin is guaranteed.

p. 261—Jepsen

The adoption would have been unnecessary if Obed had already been recognized as a son of Mahlon and therefore as grandson of Naomi, so that also from this consideration a levirate marriage seems impossible.

p. 261—Würthwein

Though Ruth entered into the marriage with Boaz in Naomi's place as the one from whom descendants could be expected, nevertheless Naomi remained the legal partner by the acquisition of the property through Boaz (Ruth 4:9). Therefore it is readily understandable that Naomi by the adoption formally received the child into the family and made him heir to the possessions of his fictitious grandfather Elimelech and his fictitious father Mahlon.

p. 261—David

We may therefore not attach any juridical significance to Naomi's taking Obed into her lap. We should merely see it as an expression of tender love and care to which the former wife of her son has given birth.

p. 261, n. 23—Gerleman

To the narrator, it is not sufficient to incorporate Ruth into the Jewish community. He takes pains yet through a special act of adoption to give the new-born child a real Jewish mother.

p. 261, n. 23—Dijkema

... a later redactor thoughtlessly and without analysis appended the genealogy from Chronicles, not sensing that in the previous verses Obed was through adoption no longer the son of Boaz.

p. 262—Rudolph

This general designation is the clearest proof that the passage concerns the care of a grandmother for her grandson and not a legal action.

p. 262, n. 31—de Fraine

From a legal point of view Ruth's son is Naomi's descendant; therefore no adoption needs to take place.

p. 263—Smit

Throughout all this final scene, love expresses itself, not the law.

p. 263—Dijkema

Now that Naomi adopts the child it is no longer the privilege of Boaz and Ruth to name it, and the neighboring women assume this task.

p. 263—Ehrlich

Neighbours had no right to give a name to a strange child.

p. 263, n. 32—Joüon

The gesture is not to indicate the adoption of the child by Naomi. She does not have to adopt the child: he is already hers.

p. 263, n. 36—Würthwein

In the role which Naomi (4:16) plays as adoption mother, it is probable that she was thought of as the one to give the name.

p. 263, n. 36—de Fraine

The legal mother, Naomi, is better qualified to give the name than the neighbor women.

p. 264—Eissfeldt

Such alterations proceed from the silent and most likely unconscious presupposition that the emphasis in the words of the neighbor women is upon 'No'omi': a son is born to No'omi. But this is not the case. The stress is much more upon 'a son': to No'omi a son is born. The name 'Obed' connects back to this 'son': it is not bound to 'No'omi' by sound, but in its meaning, brings out and even deepens the word 'son,' since 'supporter' or 'maintainer'—the meaning of 'obed—says even more than ben—'son.' ... In 4:17 the ben ('son') reminds one not by sound, but all the more by meaning of 'obed' ('supporter')...

p. 264, n. 41—Eissfeldt

The son, physically born of Ruth but ethically ascribed to Naomi, receives therefore the name Obed (servant or guardian) because he will demonstrate the service of love of a son to his grandmother. Between the expression of the neighbour women: 'a son is born to Naomi' and the name Obed given by them to the son, there exists a close connection of meaning. This is already touched on in Ruth 4:14, 15, where the women congratulate Naomi because Yahweh gave her a

redeemer (Goel) which means at this place the same as Obed who will bring joy to her and care for her in her old age.

p. 265—Goslinga

His task and purpose was to serve, namely for the preservation of his family which would otherwise have died out.

p. 266—Goslinga

Proceeds from a doctrinaire conception of levirate marriage and its consequences. Even if Obed could assume the rights of Ruth's first husband, that cannot remove the fact that Boaz had begotten him, as v. 21 says. This could not be said of Mahlon.

p. 266, n. 45—Goslinga

Most important in the book, when carefully examined, is not the family of Elimelech but that of David. Among the latter's ancestors Boaz must, according to God's plan, play an honoured role. Even more than Ruth herself, he is the main figure. However, he is that as ancestor of David.

p. 267, n. 47—de Fraine

Perhaps Boaz was a childless widower. It is somewhat strange that the perspective of the 'house' of Elimelech was lost sight of at this point.

CHAPTER 10

p. 288, n. 52—Schoneveld

In the research on the subject of redemption it seems to us incorrect not to give the book of Ruth its own voice, and to judge and evaluate it according to what the OT says in other places. This would mean a failure fully to accept the book of Ruth as a source. To suggest that the author was not up-to-date or did not fully understand that about which he was writing appears to me to be a weak position.... Furthermore, many examples can be cited in which the actual practice does not harmonize with the prescriptions known to us while we would not think of judging the author to be uninformed.

p. 290—Ridderbos

It serves as an important indication of how the laws were applied, that is not in terms of the letter alone but in terms of the spirit of the law.

CHAPTER 11

p. 294, n. 2—Stamm

Boaz enters into a levirate, or brother-in-law marriage with Ruth, who takes the place of Naomi. Since this is the only case of this kind in the O.T. it cannot be decided, therefore, if the levirate law belonged to the duties of the goel or not. Considering the essential relationship of geullah law and the levirate—both are seeking to keep the family in its totality together—the first is quite probable.
duties of the goel.
'duties'

p. 294, n. 2—Ringgren

Apparently marriage to Ruth belongs also to the geullah obligations.

p. 297—De Graaf

Just as through the redeemer Boaz the name and place of Elimelech and his family was preserved in Israel, so Christ restores the name of his people in eternity and gives them an eternal inheritance.

p. 298, n. 9—Ridderbos

There is to my mind not adequate ground to view the unworthy Ruth as a type of the bride of Christ as some do. But it is proper to view Boaz as a type of Christ because Boaz maintains the 'rights' of the poor and the oppressed, like it is prophesied of Christ. Thereby it will have to be strictly emphasized that Boaz acts this way not because he has such a noble character but because he lets his life be governed by the Torah.

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