Love, Marriage, and Business
in the Book of Ruth: A Chapter
in Hebrew Customary Law

Hesed and Hokhmah in Ruth

For two millennia, the book of Ruth has charmed readers by its idyllic beauty. Goethe described it as das liebliche kleine Ganze das uns episch und idyllisch ubereilt worden ist. In this charming tale, the tragedies of life are muted, being bathed in a gentle melancholy, with evil being virtually nonexistent. The Midrash succinctly epitomizes the book as a tribute to the practice of loving-kindness (gemilut hasidim). The word hesed in biblical Hebrew has been rendered by a variety of terms: “goodness,” “kindness,” “favor,” “love,” and most commonly by “loving-kindness.” Recently, translators have sought to approximate its essence more closely in the rendering “steadfast love.” As the book of Ruth makes clear, hesed includes a broad spectrum of family piety, friendship, loyalty, and love, both Divine and human. Within the confines of this small book, hesed represents the basic attribute of God in dealing with his creatures, which Naomi invokes for her daughter-in-law (1: 8) and of which she finds evidence in Boaz’s kindness to Ruth (2: 20). It is the quality that Boaz praises in Ruth’s turning to him rather than to younger and more attractive men (3: 10). When this loyalty is suffused by deep emotion, it becomes virtually

It is a privilege to extend warmest felicitations and best wishes to Professor Jacob M. Myers on the occasion of his sixty-eighth birthday, and to join with his colleagues, students, and admirers everywhere in paying tribute to his distinguished career as a biblical scholar and teacher. Because of Professor Myers’ lifelong interest in Ruth, which found expression in his monograph The Linguistic and Literary Form of the Book of Ruth (Leiden, 1955) I am happy to contribute this paper to the Festschrift being issued in his honor.
identical with love, as in the formula of betrothal in Hos (Hebrew) (2: 21–22): “And I will betroth you to me forever; I will betroth you to me in righteousness and in justice, in steadfast love and in mercy. I will betroth you to me in faithfulness; and you shall know the Lord.” So too, in the words of his spiritual descendant Jeremiah (Jer 2: 2): “Go and proclaim in the hearing of Jerusalem, Thus says the Lord, I remember the devotion (hesed) of your youth, your love (‘ahabhat) as a bride, how you followed me in the wilderness, in a land unsown.” At its ultimate, hesed represents the blending of man’s love and loyalty toward God (Hos 6: 6). It is characteristic of the gentle and relaxed atmosphere of the book of Ruth that the verb ‘îhabh does not occur; all the passion may have well dwelt in Boaz’s breast. It is hesed, steadfast loyalty, faithful love, that Ruth feels for her mother-in-law, which she then manifests toward Boaz and which impels her to seek refuge under the wings of the God of Israel (2: 12).

That hesed triumphs over the tragedies of life in the book of Ruth is due to another highly prized virtue in ancient Israel, that of bookhmah. The old tradition which places the book of Ruth after Judges is of course self-explanatory. The opening phrase, as well as the entire background of the tale, associates the events with the period of the Judges. However, as we have suggested elsewhere, the present position of the book within the Hagiographa is not accidental. Its precise place among the five Megilloth, after the Song of Songs, is of course due to its position in the synagogue liturgy as the reading for the Feast of Shavuoth.

However, its position in the Hagiographa generally is, I believe, thoroughly justified by the fact that the Hagiographa is basically the repository of Wisdom Literature. This includes both the lower, conventional bookhmah, which sought to inculcate the practical qualities needed for success in life, and the higher, speculative bookhmah, which wrestled with the ultimate issues of human existence, the purpose of creation, the goals of human life, the nature of death, the inaccessibility of truth, and—above all—the agonizing problem of evil. The book of Psalms is a great collection of religious poetry, most of which was chanted at the Temple service with musical accompaniment. Both the composition and the rendition of the Psalms in worship required a high degree of that technical skill which is bookhmah. Moreover, in point of content, many Psalms (like 37, 49, 112, 128) have close affinities with the proverbial lore of the Wisdom teachers. The Song of Songs is included, not merely because it is traditionally ascribed to King Solomon, the symbol and traditional source of Hebrew Wisdom, but because these songs, whether sung at weddings or at other celebrations, were also a branch of technical song. It may also be that the Song of Songs entered the Wisdom collection because it was regarded as an allegory of the relationship of love subsisting between God and Israel. From this point of view, it would be a māḥāl, the basic literary genre of bookhmah, which means “allegory” and “fable” as well as “proverb.” The book of Daniel, the wise interpreter of dreams, obviously is in place among the Wisdom books.

The chanting of Lamentations required a special expertise described as bookhmah (Jer 9: 16). The three closing books of the Bible, which survey history from Adam to the Persian period, are really parts of one larger work, Chronicles-Ezra-Nehemiah. It is possible that they owe their position in the Hagiographa to the fact that they serve as an appendix to the Bible as a whole. It is also possible that Chronicles (with its adjacents) is regarded as an appendix to Psalms, since one of its principal concerns is to describe in detail the establishment of the musical guilds and priestly orders in the Temple in Jerusalem.

The books of Ruth and Esther are narratives, showing how bookhmah operates and succeeds in human affairs. They belong to the same genre as the Joseph saga in Genesis. The same kind of practical wisdom that helped Joseph rise to power and influence was utilized by Mordecai and Esther to save their people, and was displayed by Naomi and Ruth on the more limited stage of domestic affairs. Without Naomi’s practical wisdom, which Ruth obeyed, the young woman would not have come to the attention of Boaz; and without his shrewdness during the transaction with the kinsman, he would not have been able to marry her.

Frequently described as an idyll, the book of Ruth is by no means a simple tale. Its apparent simplicity has often prevented a full appreciation of its high literary artistry. It has also served to obscure the complexity of the problems the book contains.

The Purpose and Date of Ruth

There is a wide disparity of views regarding the background of the book. It has been suggested that Ruth is a polemic against the exclusion of Moabitites from the community of Israel, which is enjoined in Deut 23: 4. More often, the book has been described as a tract against the campaign of Ezra and Nehemiah to exclude mixed marriages from the post-Exilic Jewish community, and contrariwise, as a possible defence of their policy. But nothing could be further removed from the polemic spirit than the ironic tone of our book. It is this characteristic which also rules out the possibility of its being propagandistic in any sense. It does not agitate for the enforcement of the duty of levirate marriage, even if the transaction in Chapter 4 be regarded as an instance of this rite. It does not preach benevolence toward the heathens, for it noted, Ruth accepts the faith of Naomi
long before any kindness is shown her in Bethlehem. It surely cannot be
construed as a protest against intermarriage or indiscriminate proselyti-
zation. That the book raises the piety of Ruth and her loyalty as a
widow may be true, but this can scarcely be regarded as its purpose. Naomi
may share the honors of being the heroine of the book with Ruth, but
this too supplies no purpose for the book.

It has been suggested that the function of Ruth is to supplement the ac-
count in 1 Sam 22: 3, which informs us that David sought a refuge for his
parents in Moab, by supplying him with a Moabite ancestry in that country. But even for those, who, like the present writer, regard the genealogy at
this too supplies no purpose for the book.

Finally, the theory, propounded a few decades ago, that we have here a
story told for its own sake. This conclusion does not necessarily rule out the possibility that there may have been an authentic tradition of David’s being partly descended from Moabite stock.

Divergences with regard to dating are of course common in all biblical
research. Talmudic tradition assigns the book to the authorship of Sam-
uel. It has been variously assigned to the early Monarchy, to the
period between David and the Exile, to the days of Hezekiah, to the
Exilic period, and to the post-Exilic age. In spite of this wide disparity of
views, I am convinced that the lines of evidence converge on the period
from the middle of the fifth to the early fourth century B.C.E.

The testimony from language and style must be used with caution. On the one hand, the classic style of the book includes such formulas as
kh y’sh Yhwh ly wkh yṣṣṣ (1: 17) and ‘gh ṣṅk (4: 4). The popular speech
probably preserved such older forms as the second person singular of the
imperfect with Nun (originally the energeticus) tidbqtn (2: 8, 21), tēd’tn
(3: 18) and the archaic form of the second person feminine of the perfect
with Yod, wyrḍty (3: 3) and usḥḥty (3: 4). The Divine name šd’y (1: 20)
is ancient, but it reappears frequently in Job.

On the other hand, there are such late locutions as wyṣ’w thn nṣym (1: 4; cf 1 Chron 23: 22), where the older classic idiom was lqb ‘ṣḥ (Gen 4: 4; 6: 2; 11: 14; Deut 24: 1). We may note also the use of ‘ṣyt in the meaning
“to spend (time)” (2: 19), which occurs biblically only in Eccles 6: 12 but
is common in Rabbinic Hebrew, as is the root ‘yn “to be chained” (1: 13).

In Mishnaic Hebrew, the tertia Aleph verbs coalesce with tertia Yod,
under the influence of Aramaic. The orthography and vocalization of 2: 9
reflect this tendency. mrglw (3: 4, 7, 8, 14) occurs elsewhere only in Dan
10: 6, but the parallel form mr’ṣšl is early (Gen 28: 11, 18; 1 Sam 19: 13, 16).

Elsewhere, we have called attention to the four categories of Aramaisms
in biblical Hebrew and the care that must be exercised before invoking
them as evidence of late dating. However, it is clear that a large concen-
tration of Aramaisms, as in Ps 139, does point to the post-Exilic period,
when Hebrew writers knew and used Aramaic, the lingua franca et scrip-
ta of the Middle East from the sixth century B.C.E. onward. This concen-
tration of Aramaisms does obtain in Ruth. Hlnhn, “therefore” (1: 12), occurs in
Dan 2: 6, 9; 4: 24 (lhēn). The verb tbrnh, “hope” (1: 13), is an Aramaism
(šbr) occurring only in such late passages as Is 38: 18; Ps 104: 27; 119:
116, 166; and Esther 9: 1. The Piel (4: 7) lym, “attest, confirm,” is a clear
Aramaism, occurring only in Ezek 13: 6, Ps 119: 28, 106; Esther 9: 21,
27, 31, 32. On the other hand, the root lpt, “twist turn” (3: 8), which
appears in biblical Hebrew in Job 6: 18, cannot be invoked, since it occurs
also in Judg 16: 29.

There is only one adequate explanation for these superficially contradic-
tory phenomena, the occurrence of both early and late Hebrew usages in
Ruth: the author was a late writer who was consciously archaizing and
using colloquial speech, in order to give an antique flavor to his narrative,
which he set in the period of the Judges.

Substantive considerations agree with the linguistic evidence for a post-
Exilic date for Ruth. The author finds it necessary, from the vantage
point of a later period wṣ’t nṣym bṣwr’t (4: 7), to explain the use of the sandal
for the transfer of rights and obligations. Moreover, the period of
the Judges is pictured as idyllic and peaceful, a situation radically at vari-
ance with the conditions of war, cruelty, and insecurity realistically reflected
in the book of Judges. More specifically, Moab is no longer an actual enemy
on the borders of Israel, as was the case during most of the pre-Exilic period,
including the age of the Judges (cf Judg 3: 13 ff; 11: 15 ff; 1 Sam 12: 9).

It is admittedly difficult to fix a precise date for the book within the
Second Temple period. A terminus post quem may be found in the fact
that there is no echo of the agitation or of the activity associated with
Ezra and Nehemiah, for which the date of 444 B.C.E. is generally assigned,
though the problems of Ezra chronology are massive and perhaps insol-
uble. This consideration would bring the time down to the second half
of the fifth century. A terminus ante quem may be advanced with greater
assurance. There is no echo in Ruth of the widespread upheavals in the
Middle East caused by the incursion of Alexander the Great into western
Asia (334 B.C.E.) and no trace of Hellenistic influence, either in style or in
substance.
The book would seem to emanate from a period of relative tranquility, such as the post-Exilic Jewish community experienced under Persian suzerainty. Above all, the spirit of universalism and broad humanity which the book breathes belongs to the same spiritual climate as do the book of Jonah and the great masterpieces of wisdom literature, Job and Ecclesiastes.

As is often the case, the evidence is cumulative in character rather than decisive in detail. All in all, the most appropriate Sitz im Leben for the book of Ruth is the early Second Temple period, when the Jewish community enjoyed a substantial measure of autonomy under the Persian rule, about 450-350 B.C.E.

RUTH AND THE LEVIRATE

Neither the problem of the purpose of the book nor its date, important as these questions are, is crucial to understanding the narrative itself. There are, however, two major difficulties in the closing chapter which fundamentally affect our comprehension of its contents. In Rowley’s words, “Unexpectedly we find Naomi possessed of land, and we are left to guess how it came into her possession, and what had happened to it during the years of her sojourn in Moab.... That the story of Ruth’s marriage must be linked with the question of levirate marriage is generally agreed, though this is clearly not strictly a case of levirate marriage, since Boaz is not a brother-in-law or levir.”

It is to these two basic problems that we should like to address ourselves: the nature of the transaction involving Boaz and his unnamed kinsman, and the role of Naomi in these negotiations.

Undoubtedly, many scholars and probably most readers have linked the events in Ruth, Chapter 4, to the levirate, regarding it as a rather unorthodox instance of the rite. When, however, the details of Ruth are compared with the biblical law in Deut 25: 5-10 and with other pertinent data, it becomes clear that there is virtually no similarity between them.

In Deuteronomy, the rite is obligatory upon “brothers dwelling together.” Here, both Boaz and his kinsman are such distant relatives that the possibility of the levirate does not occur to Naomi, even in the extremity in which she finds herself upon her return from Moab.

In Deuteronomy, the emphasis is upon “perpetuating the name of the dead man in Israel” by the birth of a son to his widow, and there is no reference to the transfer of property. In Ruth, the transaction revolves basically around the “redemption” of property, while the concomitant marriage and the support of Ruth and her future offspring are secondary considerations. Nor can this be dismissed as part of Boaz’s strategy vis-à-vis the kinsman. For even in Boaz’s official avowal of his acceptance of the obligation, the property transaction is primary, and the marriage to Ruth is secondary:

Then Boaz said to the elders and all the people, “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. Also Ruth the Moabitess, the widow of Mahlon, I have bought to be my wife, to perpetuate the name of the dead in his inheritance, that the name of the dead may not be cut off from among his brethren and from the gate of his native place. You are witnesses this day” (4: 9-10).

In Deuteronomy there is a clear stigma attaching to the brother who does not fulfill his duty as a levir. The elders therefore seek to persuade the recalcitrant brother-in-law (vs 8). If they fail, the widow “pulls his sandal off his foot and spits in his face” (vs 9). His family is henceforth called “the household of the cast-off sandal” (vs 10). In Ruth, we have a straightforward business transaction without the shadow of any discredit falling upon the kinsman when he declines to participate.

“The pulling off of the sandal” in Deuteronomy (with > n’tlu) and “the drawing off of the sandal” in Ruth (šlp ’ys n’tlu wa’n in l’hu) (4: 7), which seems at first glance to represent an identical act, are totally different in both instances.

First, a different verb is used in each instance: halaš and šalaph. Technical terms are not used indiscriminately.

Second, in Deuteronomy, it is the widow who draws off the shoe of her recusant brother-in-law. In Ruth, it is the unwilling kinsman who draws off his own shoe and transfers it to his fellow relative who does undertake the obligation.

Third, in Deuteronomy, the widow’s removal of her brother-in-law’s shoe is a symbolic representation of the cutting of the link binding her to him. On the other hand, in Ruth, the act of removing one’s own shoe is a general procedure, commercial in character, as is clearly indicated: “Now this was the custom in former times in Israel concerning redeeming and exchanging: to confirm a transaction, the one drew off his sandal and gave it to the other, and this was the manner of attesting in Israel” (4: 7). Evidence from such varied cultures as those of India, Egypt and the Nuzi texts, as well as the biblical passages, Ps 60: 10; 108: 10, demonstrate that the interpretation given in Ruth is valid. The shoe symbolizes power and authority, and its use in a transaction marks the transfer of some right and obligation from one party to another.
Fourth, in Deuteronomy, the woman plays a central role in the rite. In Ruth, there is no evidence that Naomi or Ruth was present at all. In fact, the reference to them in third person suggests that they are absent; they surely do not participate in the proceedings.

Fifth, that we are not dealing with the levirate, even in its broadest sense, in Ruth is clear from Boaz’s statement in 3: 10: “May you be blessed by the Lord, my daughter; you have made this last kindness greater than the first, in that you have not gone after young men, whether poor or rich.” In the levirate, the obligation falls upon the male relative, primarily the brother, and the woman has no freedom of choice whatsoever. Here, Boaz expresses his gratitude to Ruth for preferring him to younger and presumably more attractive swains whom she might very well have married.

Finally, these far-reaching differences between the levirate in Deuteronomy and the transaction described in Ruth become even more impressive when we seek to relate the latter to the origin and purpose of the levirate in general and to its history in Israel in particular. As is well known, the levirate is one of the most widely diffused aspects of marriage custom in primitive and ancient society, one that is to be met with in Indo-European, Semitic, and Melanesian culture areas. Anthropologists have suggested that it is a survival of polyandry or that it is a consequence of ancestor worship. These factors may have played a part in the levirate in other cultures, but there is not the slightest evidence for these elements as factors in Israel.

It is possible that in some societies the levirate rite may have reflected the concept of the woman as being part of the family property, so that she is inherited by the dead man’s kinsman along with his estate. This is emphatically not the case in Israel. The active role played by the woman in the levirate in Deut 25 militates against this view of the woman as a passive chattel being passed from hand to hand. The only reason for the rite assigned in Deuteronomy is “to perpetuate his brother’s name in Israel” (Deut 25: 7). On the other hand, it is noteworthy that the child born to Ruth, Obed, is called the son of Boaz (4: 21) and not of Mahlon, Ruth’s first husband.

There is one more general consideration that supports these arguments against identifying the transaction in Ruth with the levirate. Contemporary scholarship has legitimately veered away from postulating unilinear lines of evolution in the history of human culture and institutions. In the case of the levirate in Israel, however, a clear process of development can be traced from our earliest biblical sources to the post-talmudic period, each step being marked by a consistent tendency to contract the rite and limit its exercise until it is virtually eliminated.

The first, and indeed the only, instance in the biblical narrative of the levirate is the highly unconventional encounter of Tamar and Judah (Gen 38). The narrative, which is assigned by Higher Criticism to the J Source, and is generally dated in the ninth or eighth century B.C.E., clearly reflects a very ancient tradition. When Tamar is twice widowed of Judah’s sons, Er and Onan, Judah refrains from giving his third son, Shelah, to her in marriage. Tamar then decides upon extreme measures. Disguising herself as a harlot, she waits upon the highway, encounters Judah, and becomes pregnant by him. When her pregnancy is revealed some three months later, Judah is prepared to have her publicly burned for her sin. However, she discreetly lets Judah know that he is the father of her child, to which Judah responds: “She is more righteous than I, inasmuch as I did not give her to my son Shelah” (Gen 38: 26).

There are two features in this familiar story that need to be underscored:

First, the rite of the levirate is here not limited to brothers, but extends to other kinsmen, including a father-in-law. Were this not the case, Perez and Zerah, the twins that are born her, would have been the illegitimate offspring of an incestuous union and would have been excluded from the “community of JHWH” (Deut 23: 3), instead of being honored eponymous heads of Judahite clans (1 Chron 2: 4 ff; 4: 1; 9: 4; 27: 3; Neh 11: 4 ff; Num 26: 20; Josh 7: 1; 18: 24; 22: 20). In the Middle Assyrian Laws (sec. 33), the marriage of a childless widow to her father-in-law is explicitly permitted. The extant tablets date from Tiglath Pileser I (twelfth century B.C.E.), but the laws may go back to the patriarchal period (fifteenth century B.C.E.). It is a reasonable inference that the obligation first fell upon a brother, but the lacuna in the text makes this less than certain. In the Hittite Laws (sec. 193), the obligation to marry the dead man’s widow falls successively upon his brother, his father, and his nephew.

Second, the fulfillment of the levirate rite is obligatory, and brooks of no exception. Hence, Judah’s failure to have Shelah marry Tamar justifies Tamar’s extreme measures, even if it includes an act of public immorality and sexual license which would normally be stigmatized as incest (Lev 18: 15; 20: 12). That marrying the widow is an obligation is clear in the Hittite Laws and is apparently the case also in the Middle Assyrian Laws.

The next stage of the levirate in Israel that we are able to document from our limited sources is described in Deut 25. Deuteronomy is generally dated shortly before the discovery of the Book of the Covenant in the Temple during the eighteenth year of Josiah (2 Kings 22), in the year 621. In Deuteronomy, the rite has now been considerably constricted. It is now limited to “brothers dwelling together,” with no hint that the obligation also falls upon other, more distant relatives. Moreover, even for the brothers, yibbum no longer is obligatory, though it is clearly the preferred procedure. A brother may avoid the duty, if he is willing to be exposed to...
farmer was required to set aside two tithes each year: during the first,

each of the two tithes went to Levites, so that the half of the tithe

came in to the Levites and the half to theulia.42

This thoroughgoing contradiction between Leviticus and Deuteronomy
did not escape the vigilant eyes of the talmudic rabbis. The theological
problem they solved by declaring that both ordinances were revealed simul-
taneously: "rua' tiyq b'qhem "the nakedness of your brother's wife you
shall not uncover" (Lev 18:16) and ybem yb' qhem "her brother-in-law shall
come in to her" (Deut 25: 5) were both pronounced in one divine utterance
bdur 'kdr n'mm (Palestinian Talmud, Nedarim, Ch 3, 5). The legal antinomy
they met by establishing the prohibition in Leviticus as the general principle,
applicable during the brother's lifetime, and by declaring the levirate to be
the one specific exception, applicable only when a man leaves a childless
widow after his death. The Samaritans43 and the early Qaraite authorities44
solved the contradiction by ordaining (and permitting) the levirate only in
the case of a betrothed woman whose husband had died, but forbidding the
rite to a married woman. Thus, they avoided the possibility of a violation
of Lev 18: 16. In the Laws of Manu, the levir was permitted to approach
the childless widow only once, until a child was born—a different practice
for meeting the same dilemma.44

It may be, as many scholars have maintained, that the talmudic recon-
dition of both passages is in conformity with the original intent of the law
and that the two passages were not opposed to each other. On the other
hand, the resolution may represent a reasoned effort by the Rabbis at har-
monizing two originally distinct and contradictory biblical laws which they
regarded as equally binding.

A striking example of this harmonizing procedure is to be found with
regard to the biblical laws of the tithe. In Num 18: 21–24, the tithe is
a tax imposed upon the Israelite farmer for the exclusive benefit of the
Levite. In Deut 14: 22–27, the tithe was to be spent by the farmer upon
himself and his family, "in the place which God would choose to settle his
name upon" (14: 14); only on the third year was the tithe to be left "at the
gate," so that the landless Levite as well as the stranger, the orphan, and
the widow might eat and be satisfied (Deut 14: 28–29). The clear-cut con-
tradiction between Numbers and Deuteronomy was resolved by the rabbis
through the creation of a complex system of double tithes.45 The Jewish
farmer was required to set aside two tithes each year: during the first,
second, fourth, and fifth years of the sabbatical cycle, ma'ase rishon "the
first tithe" went to the Levites and ma'ase r'en "the second tithe" was

to be consumed by the farmer and his family in Jerusalem. In the third
and sixth years of the sabbatical cycle, ma'ase rishon still went to the Levites
and ma'ase r'en "the tithe of the poor" was to be made available to the
needy.

To revert to the levirate, if the prohibitions in Leviticus are regarded as
overriding the Deuteronomic levirate law, there is a clear and direct line
of development of the rite from the ineluctable obligation in Genesis, through
the preferred procedure in Deuteronomy, to its total prohibition in Leviticus.
If, on the other hand, the prohibition in Leviticus is interpreted as being
restricted to the lifetime of the brother, while the levirate remains operative
after his death, the next stage in its history is to be sought in the post-
biblical period.

In Rabbinic Judaism, the recognition of personal desires and the play of
human likes and dislikes affecting both the brother-in-law and the widow
increasingly came to the fore. The Mishnah declares: "Yibbum took prece-
dence over halishah in earlier times when men were concerned with fulfilling
the Divine commandment. But now, that men are not concerned with ful-
filling the Divine commandment, halishah takes precedence over yibbum."46
Undoubtedly, the rarity of polygamy, even in talmudic times, also militated
strongly against the practice of yibbum, since most adult men were married.

All the resources of Rabbinic hermeneutics were mobilized to limit and,
where possible, to prevent the consummation of the levirate.47 On the basis
of the phrase ky ybem 'bym yhdw (Deut 25: 5) "when brothers dwell together,"
the Talmud excludes half brothers on the mother's side as well as a younger
brother born subsequent to the death of the widow's husband.48 Even more
revealatory of the Rabbinic attitude is the broad interpretation given the
biblical phrase "wn y'nu lv" (Deut 25: 8). Quite at variance with the general
practice in Rabbinic exegesis, b'n is construed broadly to mean "child,"
and not merely "son," and the phrase understood "if he left no offspring." Hence,
if the dead man has an illegitimate child or a daughter or a grand-
child, the brother-in-law is forbidden to marry the widow.49 Similarly, the
LXX renders b'en in Deut 25 by sperma, "seed," thus encompassing both
male and female offspring and limiting the rite to a totally childless widow.
The LXX rendering demonstrates that this restrictive process is substan-
tially older than the later Mishnaic limitation.

In the tenth century, the taqqanah of Rabbi Gershom Ben Judah of
Mainz (born 960) and his synod forbade polygamy for European Jewry,
so that henceforth halishah became the only permissible mode of procedure
in Western countries. Yibbum continued to be permissible only in Muslim
countries, where polygamy was not prohibited.50
The Redemption of the Land

It is true that as a result of the transaction in the closing chapter of the book, Ruth is married to Boaz, and that this goal undoubtedly was uppermost in his mind. But the negotiations themselves revolve around property which belonged to Elimelech, the acquisition of which by a kinsman (ge’ulah) would entail support for the destitute feminine members of his family—his widow Naomi, and her nubile daughter-in-law Ruth.

This redemption of land was of course only one of the functions of the go’el. The execution of blood vengeance on behalf of a murdered member of the family or clan (Num. 35: 9 ff; Deut 19: 1 ff) had been progressively restricted by the establishment of the cities of refuge. This process of attrition of the blood-avenging function was undoubtedly accelerated by the establishment of the Hebrew monarchy with its own organs of justice.

What remained for the go’el was the more pacific duty of preventing the alienation of land from the family. This function survived longer, since it did not compete with the structure of government. Yet, it too ultimately disappeared with the erosion of tribal distinctions and the later weakening of group solidarity. This process went hand in hand with the emergence of a new sense of individualism in the closing days of the Monarchy and in the Exilic and post-Exilic periods.

When the institution of land redemption was in force, a man suffering economic distress had four courses of action open to him:

First, he might seek out a kinsman and ask him to buy his landholdings directly from him, thus preventing its alienation from the family. He stood a better chance of repossessing it later if it was in the hands of a relation. Second, he might sell the land to an outsider and later appeal to a kinsman to “redeem” it by repurchase. Third, he might sell the land and later “redeem” the land from its alien owner himself. Fourth, if none of these methods was available to him, the impoverished seller could wait until the Jubilee Year, and it would revert to him without payment.

The second procedure is described in Lev 25: 25: “If your brother becomes poor, and sells part of his property, then his next of kin shall come and redeem what his brother has sold.” The third procedure is described in Lev 25: 26–27: “If a man has no one to redeem it, and then himself becomes prosperous and finds sufficient means to redeem it, let him reckon the years since he sold it and pay back the overpayment to the man to whom he sold it; and he shall return to his property.” The fourth possibility is set forth in Lev 25: 28: “But if he has not sufficient means to get it back for himself, then what he sold shall remain in the hands of him who bought it until the Year of Jubilee. In the Jubilee it shall be released, and he shall return to his property.”

The extent to which these regulations were actually operative in character is not our present concern. In this connection, it should be noted that the Edict of Ammisaduga and other Mesopotamian sources concerning the remission of debts, the freeing of slaves, and the reversion of landholdings suggest that the biblical laws may not have been merely utopian.

It should be noted that only the last three procedures, all set forth in the Holiness Code in Leviticus, are, properly speaking, instances of redemption, that is to say, the restoration to its original owner of land sold to an outsider. The first procedure, which does not involve either the removal of the land from the possession of an alien purchaser or its restoration to its original owner, is not an instance of redemption, and is therefore not included in the laws of ge’ulah in Leviticus.

An examination of the biblical root gô’al makes it clear that its basic meaning is “the restoration of an object to its primal condition.” In the ordinances of the Jubilee (Lev 25), as has been noted, ge’ulah represents the process of restoration to the status quo ante. Since a kinsman was charged with this obligation, the participle gô’el develops the secondary meaning of “relative” pure and simple (Ruth 2: 20; 3: 9, 12) and is a synonym for módé’i (2: 1), and the verb gets the meaning “act the kinsman’s role” (3: 13).

The root gô’al is frequently associated with the Exodus from Egypt (Ex 6: 6; 15: 13; Ps 75: 2: 77: 16: 78: 35: 106: 10), representing the return of Israel to its earlier condition of liberty. Deutero-Isaiah uses the root to describe Israel’s restoration from Exile (Is 43: 1: 44: 23: 48: 20: 52: 9). It is applied to the promise of God to redeem man from death by restoring him to the status of the living (Hos 13: 14: Ps 103: 4: Lam 3: 58).

When Job curses the day of his birth (Job 3: 5), he prays: yiq’athu bikk yismruit, “May darkness and gloom redeem it.” There is more than a trace of irony in Job’s use of the verb “redeem”; he is referring to the recapture of the day by the primordial darkness and chaos out of which the light emerged at Creation. Similarly, the go’el hadad, “blood avenger” (Num 35; Josh 20: 3, 5; Deut 19: 8, 12; 2 Sam 14: 11), redresses the cosmic balance upset by the pouring out of innocent blood.
In Job’s famous affirmation of faith "w'ny gd'ty g'ty by, “I know that my Gô’êl lives,” both nuances are to be found. Earlier he had wished that his cause could be adjudicated by an impartial arbiter (môkhiâh, 9: 33). He then moves forward to the conviction that the witness prepared to testify on his behalf (‘êdh, sahadh, 16: 19) is already on hand in the heavens. In his crescendo of faith, Job now declares that he has more than an arbiter or even a witness—he has a Gô’êl. God is his kinsman who will defend him against injustice; he is his redeemer who will restore him to his earlier, far happier state.

The first of the four procedures outlined above is documented in our biblical sources as well, in Jer 32: 8 ff. It is clear that the transaction described in Jeremiah is not an example of land redemption, but rather of land purchase by a kinsman to keep the land of a distressed relative from being sold to an outsider. The prophet is visited by his cousin Hanamel, who says to him: qnh n’ t s’dy ‘sr b’ntuat ky lk m’spî hgy’wîh lgnwt, “Buy for yourself my field that is in Anathoth, because the obligation-right of redemption by purchase is yours.” Or, more fully in vs 8, ky lk m’spî hgy’rîh wnsîp hgy’wîh, “for the right of inheritance and the obligation of redemption is yours.” As a kinsman, Jeremiah has the obligation to redeem the land if it is being sold to an alien, and he has the right of inheritance after Hanamel’s death. As the ensuing narrative makes clear, Jeremiah does not “redeem” the land from an outsider; he purchases it directly from Hanamel, pays him for it, and prepares the papers attesting to the sale. He does not return the field to Hanamel, which would have been the case had Jeremiah purchased it from an “outside” buyer. The term used throughout is gânîh: qnh lk (vs 8), spr hmqnh (22: 11, 12, 14). The prophet’s purpose is clearly indicated in vs 15: ‘wd ygwî b’gym wkdôt wknym br’s h’vl, “Houses, fields, and vineyards will yet be sold in this land.” The Jeremiah incident is a bona fide example of the first procedure open to a farmer threatened with loss of his land to an outsider—its sale to a kinsman.

The situation in Ruth is completely different. When Naomi and Ruth return from the fields of Moab, they are completely destitute, and therefore Ruth goes out into the fields to glean with the poor. There is not the slightest indication that Naomi possesses any land, fertile or otherwise, available for sale from the past or that she has acquired any before or since her return, as Rowley seems to imply in his statement, “Then unexpectedly we find Naomi possessed of land, and we are left to guess how it came into her possession, and what had happened to it during the years of her sojourn in Moab.” Rowley has evidently overlooked the clear statement that the land had belonged to Elimelech (4: 3) and his sons (4: 9). It has also been proposed that Naomi was merely the executor or the trustee for the successors to the legal heirs. The idea has been advanced that Naomi had property from her own family, which Elimelech had administered during his lifetime. Another suggestion is that Elimelech had willed Naomi a life contract in the property. But if Naomi were a landowner, or even the administrator of land, no matter what the circumstances, she would be guilty of greed and deception in sending her foreign-born daughter-in-law to glean in the fields among the poor. To turn the force of this argument, it has been suggested that the property was too slight to support Naomi and Ruth, or that Naomi was unaware that she had property, but neither suggestion finds the slightest support either in the letter or in the spirit of the book—Naomi is totally destitute.

Moreover, as our analysis of the root makes clear, the term gô’al (4: 6) could not properly be applied to the purchase of land from Naomi by her kinsman. Nor, indeed, is there any indication that she receives any money in the transaction or even that she is present at the proceedings.

The crucial verse 4: 3: hôddf hêsî hôddf mkrh n’mîqé yômnîk mkrh n’yô hêsî wôrd mwîb is rendered by LXX: “And Boaz said to the kinsman: ‘The portion of the field which was our brother Elimelech’s which was given to Naomi [ē dodatî nœmîn] returning out of the land of Moab.’” This rendering seeks to achieve two purposes: if offers the “explanation” that Naomi received the land as a gift, and eliminates the difficulty of her “having sold” (mkrh) any land. However, LXX cannot possibly represent the original Hebrew. Aside from its complete graphic divergence from MT, the sentence in LXX is grammatically defective since it has no principal clause. It cannot therefore be described as a successful solution of the substantive difficulty. The LXX rendering is, in a word, a midrash. Peshitta translates the verse: “The portion of the field of our brother Elimelech, Naomi sold me.” This preserves the perfect of the verb, to be sure, but gratuitously adds an all-important pronoun and omits the remainder of the verse. Even this radical procedure does not solve the difficulties either of the text or of the incident being narrated. For obviously at this point in the proceedings Boaz has bought nothing!

How is the perfect tense of mkrh to be construed? Many scholars vocalize it môkrah, but the change is unnecessary. We suggest that the perfect serves to affirm the act in the present, being similar in psychological motivation to the perfect of prophetic certitude. The verb mkrh means “she is definitely selling” (cf 4: 5). Instances of this use of the perfect in a legal-commercial context occur in the transaction between Abraham and Ephron (Gen 23: 11): hêsî ntîy lk; and 23: 13: ntîy ksp hêsî.

I suggest that what Naomi is disposing of is the obligation-right to redeem the land which originally had belonged to her husband and her sons. Under
the pressure of the famine which finally drove him and his family out of his native land, Elimelech would surely have disposed of all his holdings before leaving for Moab. Consequently, Naomi upon her return is completely without means. In view of the death of her two sons, she is the only living heir of Elimelech. As such, she has the right to redeem the alienated property of her husband by repurchasing it from its buyers. However, lacking any resources of her own, she is unable to do so. What she therefore does is to call upon her kinsman to "redeem" the land by repurchasing it from its present owners. At first, the unnamed kinsman is willing to expend some of his financial means on the redemption, because the cost will be balanced by the increased landholdings he will henceforth possess. But Boaz then informs him that the obligation will also include the marriage and support of Ruth, with the probability that she will bear children, who will then claim the land that had originally belonged to Elimelech. The kinsman will have expended some of his money, with no permanent addition to his land holdings. He now declares himself unable to proceed with the redemption, "lest he impair his own inheritance," which he is guarding for his children. The kinsman then removes his shoe in order to confirm his transference of this obligation-right to Boaz, the next of kin. Boaz willingly accepts these obligations both vis-à-vis Elimelech's former holdings as well as vis-à-vis Ruth, undertaking her support and that of the children that will be born to her as well as of Naomi, who is part of the household (4: 16).

In order to place the transaction in perspective, it is important to recognize that by the side of the official codified family laws laid down in the Pentateuch there was a body of customary law often quite different in spirit and substance. Evidence for this customary law, affecting the status and rights of women, is growing, and the subject deserves careful study and analysis.

Our extant biblical law codes give no indication that a woman possessed such legal rights as land redemption. But the point need not be labored that in ancient times, as in our own, codified law, particularly in such areas as the rights of women, lagged behind life and custom. According to the Book of the Covenant (Ex 21: 7–11), a woman was virtually rightless, being under the power of her father until her marriage and subsequently under the authority of her husband. Any vow she took could be abrogated by her father or her husband (Num 30: 6, 9). She had no rights of inheritance, since only sons shared in the estate of their father (Deut 21: 15 ff). If a betrothed girl was caught in adultery, her execution was mandatory, with no provision for forgiveness or reconciliation with her husband (Deut 22: 20 ff). Manifestly, the penalty for a married woman could be no less (Lev 20: 10).

The records of biblical life that have come down to us, however, disclose that, notwithstanding these legal liabilities, women were by no means chattels in the hands of the males but vital personalities to their own right. The gallery of sharply etched, powerful characters among the women includes Sarah and Rebecca, Rachel and Leah, Deborah and Abigail, Bath-Sheba and Esther. If nothing else, the ability to make family life a heaven or a hell, to which the Proverbist refers time and again (Prov 21: 9, 19; 25: 24; 27: 15), placed substantial power in women's hands. As the Rabbinic dictum puts it, "A woman carries her weapons in her own person" (\'th kly zynh \'lyh)\(^{60}\).

Even in codified biblical law, a few breaches in the rightlessness of women are discernible. When Zelophehad died without male issue, his daughters were given the right to inherit from him, though, to be sure, a special Divine dispensation was required (Num 27: 1–11). A widow or a divorced woman could not easily be made totally subservient to her father again, as the law of oaths makes clear (Num 30: 10).

According to customary law, as distinguished from the official codes, women enjoyed a substantially higher status. The marital tragedy of Hosea, however interpreted, makes it clear that a woman guilty of adultery could be forgiven and restored to her husband's home (Hos 1, 2, 3, esp. 2: 16 ff; 3: 3). This attitude is entirely congruent with the fact that Hosea is the first figure in history to insist on a single standard of sexual morality for both sexes: "I will not punish your daughters when they play the harlot, nor your brides when they commit adultery; for the men themselves go aside with harlots, and sacrifice with cult prostitutes, and a people without understanding shall come to ruin" (Hos 4: 14).

The "woman of valor" in Proverbs, who undoubtedly belonged to the upper levels of society, engaged in buying and selling, and did not content herself with her household duties (Prov 31: 14). Job, after his restoration, gives his daughters an inheritance "among their brothers" (Job 42: 15). The Elephantine papyri document the elaborate business activities of the redoubtable, thrice-married property owner Mibtahiah, daughter of Mibseiah.\(^{61}\)

It is one of the major achievements of talmudic law that it substantially extended the rights of women, particularly in the areas of marriage, divorce, and property.\(^{62}\) The final step was taken in the post-talmudic era, when the synod of Rabbi Gershom of Mainz made the consent of the wife mandatory when the husband issued a divorce.\(^{63}\)

The most radical extension of women's rights, the power to initiate a divorce, has not become normative in traditional Judaism, at least not yet. But there is mounting evidence that at various periods and in different com-
munities a woman was able to demand and receive a divorce when she found her marriage intolerable. This right seems to have been widespread in the Elephantine Jewish colony of the fifth century B.C.E. 64 It also held true of Palestine in at least three different periods. This is clear from a second-century text found in Muraba'at, 65 from the Palestinian Talmud a few centuries later, 66 and from at least three documents in the Cairo Genizah, dating from the tenth or eleventh century. 67 This virtual equalization of the sexes with regard to divorce, which contravenes the clear intent of Deut 24: 1, was achieved either by a special prenuptial arrangement, 68 or by the court's compelling the husband to issue the divorce, 69 or by the rabbis' annulling the marriage retroactively by invoking their fundamental authority in domestic law. 70

To revert to Ruth, it is reasonable to assume, on the basis of the data adduced, that, in the late biblical period at least, when there were no male survivors a woman would inherit from her husband and succeed to his rights and privileges. Naomi inherited no land from her husband and sons—only the right to redeem the family property that her husband had sold. Because she is unable to exercise this right, in view of her poverty, she transfers (mikhr) this obligation-right to her nearest kinsman. When he declines, Boaz, a somewhat more distant relative, accepts (qnty) this obligation-right, which brings him Ruth as a wife. His subsequent redemption of the land from the original purchaser from Elimelech, is not described in the book, because it is Ruth who is the focus of interest.

The verbs mākhr, "sell," and qānāth, "buy," must therefore carry a special nuance of their basic meaning "sell" and "buy." In our context, mākhar means "to transfer the obligation-right of redemption" and qānāth "to accept, acquire the obligation-right of redemption." It is this power which the kinsman transmits to Boaz by taking off his sandal and giving it to Boaz. The practice of a buyer's taking hold of some movable object (mālāt tin) like a cloth-band or kerchief to confirm the transfer of property (qabala qinyan, lit. "the acceptance of ownership") is operative in Rabbinic law to the present day. 71

This special usage of the verbs mākhar and qānāth cannot now, as far as I know, be attested elsewhere in our extant sources. The fact is perhaps explicable by the fact that we have very few descriptions of commercial transactions in biblical times. However, partial analogies for this usage may be found. The verb mākhar is used in a noncommercial context to "hand over to enemies" (Deut 32: 30; Judg 2: 14; 3: 8, 4: 2, 9, 10; 7: 1 Sam 12: 9; Is 50: 1; Ezek 30: 12; Ps 44: 13), a sense which embodies the nuance of "transfer," which we postulate for Ruth 4: 3. In Mishnaic Hebrew, the Qal of qānāth means "acquire," and the Hiphil, hqtnh means "to cause to acquire—empower to acquire." Thus, th ḫqmr lw mn hmynm (B. Kethubot 82a) "Heaven gave him the power to acquire a wife," 'yn dmr ṣmgh dbr šl 'l tvlm (B. Baba Metzia) "A man cannot empower the sale of something not yet in existence," lhwh h'ry wnlty 'l šm ṣmgh ṣmgh wlsfy b'ylnw (B. Roš Hašanāh 31a) "The earth is the Lord's and its fullness—because He acquired it and empowered its inhabitants to take possession and He rules in His world." 72 The verb mākhar in Ruth is equivalent to the Mishnaic hqtnh "cause, empower to buy." For this meaning, we may also note the Aramaic root zbn, which in the Pe'al means "buy" and in the Pa'tel has a causative sense, "cause to buy, hence, sell.

What we have in Ruth is therefore a classic tale from the Silver Age of biblical literature that tells a moving story of a distant and idealized past. The transaction described is not an instance of the levirate, but a genuine example of the redemption of land, which had been sold under the stress of economic want to an outsider. The land is redeemed and restored to the family by a kinsman who finds his reward in the love and devotion of the destitute woman whom he has befriended and sheltered.

NOTES

1. Cf Midras Ruth Rabbah 2: 14: "This scroll is concerned neither with the laws of purity or impurity, of permitted or forbidden actions. Why, then, was it written? To teach you how great is the reward for the practice of loving-kindness." Cf also Midras Leviticus Rabbah 34: 8.


3. Hesed is used for "love" even in its transitory and superficial sense, as in Hos 6: 4: mht šʾh lk ṣmgh mh b'ls dbr ṣmgh mhkm hšl. "What shall I do with you, O Ephraim? What shall I do with you, O Judah? Seeing that your love is like a morning cloud, like the passing dew of the morning." For wḥšftl in MT, read the construct ḥšftl. On mšktlm, lit. "rising (time), morning," cf the usage in post-biblical Hebrew: M. Bikkurim 3: 2: wlnškym hmnmnh 'āmr, "In the morning the official says." This usage occurs also in Seder Olam (ed. Marx), p. 31, and Damascus Scroll (S. Schechter, Zadokite Sect, p. 10), and see R. Gordis in Sepher Tur-Sinaï (Jerusalem, 5720-1960), p. 158.

4. This tradition is found in the LXX and in the versions dependent upon it and is reflected in the talmudic statement: "Samuel wrote the book bearing his name, Judges and Ruth." (B. Bдрtho, 14b).


7. So Berthold and Graetz, who are followed by Bertholet, Cornill, Meinhold, Hempel, and many moderns.

of the Lord and Other Essays on the O.T. (London, 1952), p. 164. This important paper, rich in bibliographical references, will henceforth be cited as RMR.

So S. R. Driver, A. Kahana (Pirul Madal!), ad loc.

So R. T. Driver.


So Humbert.

So Gunkel.

So Haller, Die Fünf Megillot (Tübingen, 1940), p. 2.

So Buddé, Oettli.

So W. E. Staples in AJSL (1937), 147–57.


See the useful conspectus of views in RMR, p. 104, n. 1, and the OT Introductions of Driver, Pfeiffer, and Eissfeldt.

Cf B. Baba Batra, 14b, cited in n. 4 above.

So Keil, Wright, Albright, and Myers.

So Wright, Oettli, Driver, Fischer, Haller, and Kaufmann.

So Davidson, Reuss.

So Ewald, Jepsen.

So Wellhausen, Bertholet, Cornill, Steuernagel. The fourth century is preferred by Jouon, Meinhold, Selin, Oesterley-Robinson, Eissfeldt, Pfeiffer. 21

In his careful study of the language of our book, The Linguistic and Literary Form of the Book of Ruth (Leiden, 1955), pp. 6–32, Jacob M. Myers concludes that Ruth belongs to the period of the early Monarchy. He categorizes the language as “to the same broad category as JE in the Penletuch, Joshua, Judges, Samuel and Kings” (p. 32).

Our reasons for being unable to accept this view are indicated in the body of this paper.

Thus, by the side of the early Hitqryn I Sam 1: 14, note the later itbymgyn Jer 31: 21, and Evgyn Is 45: 10.

On these forms, which occur only not as Kethibb-Qere readings but in the MT with no variants, and the implications for this fact of the Masorah, see Gordis, The Biblical Text in the Making (Philadelphia, 1937), pp. 101 ff; augmented edition (New York, 1971).

Thus roq smwm f’hih ‘l’sh hth bmr’h, “R. Simeon, who spent thirteen years in the cave” (MidrāTehillim on Ps 17: 14) and often. On ‘gmn, lit. “chained,” the technical term for a deserted wife who has not received a religious divorce (gēt) from her husband, cf B. Gittin and ofte.

In spite of this usage and other linguistic phenomena adduced in the text, W. F. Albright declares “Neither vocabulary nor syntax suggests any Aramaic influence in the writer’s [sc. of Ruth] Hebrew” (in his review of R. H. Pfeiffer’s Introduction to the Old Testament in JBL, 61 [1942], 124). Even if Aramaic influence be discounted in this instance, the well-attested tendency of tertiae Aleph forms to become tertiae Yod in “late” OT and Middle Hebrew (cf e.g., B. Margulis in JBL 89 [1970], 300, n. 14) would still point to a later rather than to an earlier date for Ruth. The current tendency to deny altogether the existence of Aramaisms in biblical Hebrew is an overreaction to the earlier propensity to exaggerate their extent. It has happened in the history of biblical scholarship more than once that the pendulum has swung from one to the other extreme. What is obviously needed is a balanced position. A fuller discussion of the tendency toward tertiae Yod forms instead of tertiae Aleph would also need to reckon with the problems of Biblical orthography and the evidence of Mishnaic Hebrew.

30 See our discussion of the four categories of Aramaisms, real and alleged, in The

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32 See RMR, p. 163.


34 Cf J. Scheftelowitz, Archiv für Religionswissenschaft 18 (1915), 255.

35 Cf E. R. Lacheman in JBL 56 (1937), 53 ff; E. A. Speiser, in BASOR 77 (1940), 15 ff, who adprises Akkadian evidence and argues for the use of the shoe to validate special transactions. It may be added that the reason for the use of the shoe to confirm a transfer of property was probably a practical one. In ancient society, men possessed few movable objects that could be used to symbolize a transaction. The only article of major clothing the garment worn by day was used and as a covering by night (Ex 22: 25–27; Deut 24: 11), which could obviously not be removed in public. Hence, the sandal was used. In Rabbinic Judaism, acquisition was validated by taking hold of a scar (ginqūn, ‘agabah sēdār). This practice is still in vogue, in the validation of the Kethubbah “marriage contract” at weddings and at mekhirat hāme, the fictive “sale of leaven” before Passover, the possession of which is forbidden to householders by Rabbinic law.

36 On the other hand, the passage in Amos 2: 6: ‘l-mkmrn bsbq sdq wbywn b’bwr n’lym (see also 8: 6) which is often cited in this connection (so Speiser, loc. cit.) is not an instance of this usage. Note that the na’altdyn are not the instruments but the object of the evildoers’ activity. It is important to note: a) the parallelism in Amos, b) the textual evidence from 1 Sam 12: 3: sbn‘m yng bsw (of LXX, which read w’bywn ‘r‘n b’y), c) the use of the textual Hebrew of Ben Sira 46: 19 kpr wn’aln (cf. Peltiti, “ransom and bribe” as well as d) the use of the noun n’tmym in the Quimran Thanksgiving Scrolls (Tablet XIII, 1.3) and Ps 26: 4; on the basis of this evidence, we have postulated a noun n’tidym, “bribe,” lit. “covering, hiding material,” in all these passages. In Amos 3: 6; 8: 6; 6: read: ‘l-mkmrm bsbq sdq wbywn b’bwr n’tm. Note the parallel with ksp. In 1 Sam 12: 3: read: usmdy my lbytn kpr wn’aln. In Ben Sira, read similarly: kpr wn’tm. See R. Gordis, “Na’alalm and Other Observations on the Ain Feshka Scrolls,” in JNES 19 (1950), 44 ff. In Ps 26: 4 and in the Thanksgiving Scrolls, the plural n’tymym is a synedecne for “men of bribes”; of the parallelism with mty lw’. The form n’tlalm is a Nun-preformative noun, derived from the Niphyl. On this formation, of the biblical form naptm (Gen 30: 8) and see Ges.–Kautzsch, Grammatik, 28 ed. sec. 85, par. 49. The form is more common in Mishnaic Hebrew, as, e.g., n’tahem, “baker” (B. Baba Batra 20b.), ntyl, “crushing wind” (B. Baba Kamma 116b.), cf also nyp, nypq, ntpk, and see M. H. Segal, Diqduq Lehon Hamishnah (Tel Aviv, 1966–1936), sec. 129. The existence of feminine Nun-preformative nouns in Mishnaic Hebrew such as nhrdct and nhrdchet suggests that in Ps 37: 38 nhrth may also be a noun meaning “destruction,” similarly in Prov 15: 6 wbybt ‘nt n’krt “but for the income of the wicked, there is destruction” (note the Beth).
It is worth noting that there is no explicit reference here to the widow’s childlessness. This is, however, probably the circumstance to which the levirate applied. On the other hand, it is possible that the levirate marriage in these Middle-East cultures was concerned not with “preserving the name of the dead man” but with economic factors, either providing for the widow’s maintenance or, as would be more likely, with retaining her as property within the circle of the family. See E. M. MacDonald, *The Position of Women as Reflected in Semitic Codes of Law* (Toronto, 1931), pp. 45, 63 ff, who stresses the element of property in the levirate, as do other writers.

The considerably earlier date we assign to the composition of Deuteronomy (the evidence for which we hope to present shortly) does not affect the development of the levirate discussed in the text. The later date proposed by some scholars would not militate against the relative antiquity of the rite. See also n. 41.

Thus, Rowley correctly observes that Deuteronomy “reflects a limitation of something that was once wider in Israel, as is clear from the other duties of the goel” (RMR, p. 170).

The Talmud (B. *Kiddushin*, 7b; B. *Yebamot*, 6: 1) explains that the Samaritans arrived at their conclusion by treating ḥāḵaš as *hag *:* hence a woman outside, not yet living in his house, i.e., a betrothed woman. “They then interpret the passage to mean that this category of woman, i.e., a betrothed woman, may not be married to a stranger (but must marry her brother-in-law), but a woman “inside,” living in his house, i.e., a married woman, may be taken by a stranger (and must not marry her brother-in-law). The Samaritan Targum renders ḥāḵaš as *br’yyth* “one outside.” The Talmud interprets ḥāḵaš similarly, as a reference to a betrothed woman. It therefore requires *yibbum, both* for an engaged and for a married woman (B. *Yeb. 13b*).

So Benjamin ben Moshe of Nekhawend (ca 830), Joseph ben Jacob Qirqisani (tenth century), and Eliahu Bashyazi (ca 1420). Later Qaraite practice permitted the levirate only to cousins of the dead husband. Other authorities forbade the rite, even in the case of a levirato woman. For a succinct summary of Samaritan and Qaraite views, see J. D. Elsenstein, *Odar Viseaet*, vol. 5, p. 47.


So, apparently, Rowley, *op. cit.*

So S. M. Burrows in *JBL* 59 (1940), 448.

So Haller, *ad loc.*


B. *Yebamot* 39b.


64 Cf B. Porten, op. cit., pp. 209 ff, for the divorce formula in Elephantine and its relationship to other evidence for this practice.


66 Cf J. Ketubot 30b, v, 8; also J. Ketubot 31c, VII, 6; and see L. M. Epstein The Jewish Marriage Contract (New York, 1927), pp. 197 ff.


68 This was an optional procedure practiced in Palestine, according to the Palestinian Talmud.

69 The formula used to validate the practice was: kwqin 'uwv 'dq šg'ver sōn 'nv, "The husband is placed under duress until he says ' I am willing!") (B. Yeḥamot 106a.)

70 The far-reaching principle laid down in the Talmud is: kl hmqd 'd' drb nn hmqd, "Whoever marries does so by the authority and consent of the Sages." (B. Ketubot 3a.)

71 Cf n. 35 above.

72 Cf Rashi ad loc. klwmr qwng sqng, "He acquires and transmits the right to it." Jastrow: "He gave His creatures possession of His world."