

John Murray on a condemnation of polygamy

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APPENDIX B: ADDITIONAL NOTE ON LEVITICUS 18:16, 18

The first of these verses reads: 'Thou shalt not uncover the nakedness of thy brother's wife: it is thy brother's nakedness'. Since the Levirate law of Deuteronomy 25:5–10 required the marriage of a man and his deceased brother's widow when the brother died childless, it might appear that the prohibition here has reference to the brother's wife only as long as the brother lived and could not apply to the deceased brother's widow. This does not follow, however. The Levirate law could well be an exception to meet a certain exigency and is quite compatible with the general provision that a man may not marry his deceased brother's widow. The latter could be the rule, the Levirate law the exception in the extreme exigency contemplated (*cf.* Neufeld: *op. cit.*, pp. 43, 44, 203). There are good reasons for this view.

1. Leviticus 20:21 deals with the same subject as Leviticus 18:16 and specifically with the penalty for such impurity. The penalty is that they shall die childless, apparently meaning that any offspring there might be would not be included in the public registers, 'so that in a civil sense they would be childless' (Michaelis: *op. cit.*, p. 114). But if the prohibition had in view sexual intercourse while the brother was still living, then the impurity involved would be an aggravated form of adultery for which the penalty would have been death in accordance with other Mosaic provisions. The relative mildness of the penalty, in contrast with the other cases mentioned in Leviticus 20:14, 17 and probably 20:18, can only be explained on the ground that marriage with a deceased brother's widow was not regarded as heinous as the offence in some other cases. This could not be by any means the case if the woman were the surviving brother's wife.

(2) Since Leviticus 20:21 has marriage in view, the prohibition of Leviticus 18:16 would have in mind a totally abnormal situation, in terms of Hebrew practice, if the brother is conceived of as living. For then we should have polyandry. Polygamy we

have in the Old Testament but not polyandry. And to think of such a monstrosity as visited with no greater penalty than that of Leviticus 20:21 is contrary to all Old Testament analogy.

(3) The reason why marriage with a deceased brother's widow is not regarded with the gravity of some other prohibited degrees is apparent from Deuteronomy 25:5–10. Since it is required in that exigency it is apparent that it cannot be intrinsically as grave an offence as that of Leviticus 20:14, for example. But there could be no such explanation if the offence were marriage with a brother's wife while the brother lives.

That a widow can be called the wife (אִשָּׁה and γυνή) of her deceased husband is easily demonstrated (*cf.* Genesis 38:8; Deuteronomy 25:5, 7; Ruth 4:5; 2 Samuel 12:10; Matthew 22:25; Acts 5:7; see George Bush: *Notes, Critical and Practical, on the Book of Leviticus*, New York, 1843, pp. 177ff.). Hebrew has a word for widow (אַלְמָנָה), but it is not Old Testament usage to identify a widow as the widow of such an one. As the above instances show, it is the usage to call her the 'wife' (אִשָּׁה) of such an one. Hence the presence of the word 'wife' here rather than widow is what we should expect, even though the person concerned is, in our terminology, actually the widow.

Leviticus 18:18 has given occasion for much dispute. Most frequently the expression אִשָּׁה אֶל־אֲחֻתָּהּ is interpreted as meaning 'a wife to her sister' and the prohibition is regarded as dealing with the relation of a man to his wife's sister. In terms of this interpretation the verse would read as follows: 'And thou shalt not take a wife to her sister, to vex her, to uncover her nakedness, besides the other in her lifetime'. The precise force of certain expressions (לְצַרְרָהּ and עַל־יָמֶיהָ) is doubtful. But the main thought is that a man may not take his wife's sister to uncover her nakedness during the lifetime of the other.

Many expositors are emphatic to the effect that what is expressly forbidden is simply and solely that a man may not be married to two women who are sisters at the same time and that the concluding term 'in her lifetime' (בְּחַיֶּיהָ) makes it unmistakeably clear that the prohibition has nothing whatsoever to do with the question of marriage to a *deceased* wife's sister, that only neglect of the express limitation contained in the verse could ever allow for such an interpretation. Michaelis (*op. cit.*, p. 113) says: 'As to his doing so in the life-time of the first, I

cannot comprehend how it should ever have been imagined that Moses also prohibited marriage with a deceased wife's sister ... What Moses prohibited, was merely *simultaneous polygamy* with two sisters; that sort of marriage in which Jacob lived, when he married Rachel, as well as her sister Leah.' Cf. S. H. Kellogg: *The Book of Leviticus (The Expositor's Bible)*, New York, 1891, p. 382, who says: 'No words could well be more explicit than those which we have here, in limiting the application of the prohibition to the life-time of the wife'. Cf. also C. F. Keil and F. Delitzsch: *Biblical Commentary on the Old Testament* (Edinburgh, 1882) *ad* Leviticus 18:18.

It must be admitted that, if the prohibition in question has reference to a man's wife's sister, that is to say, if *אֵחָתָהּ* is to be understood in the sense of sister properly understood, then the limiting expression *בְּחַיֶּיהָ* is to be interpreted as limiting the prohibition to the lifetime of the wife mentioned in the text, and this verse could not be reasonably pleaded as in itself forbidding marriage with a deceased wife's sister. The expression *לְצַרָּהּ*, whatever may be its precise force, would strengthen this conclusion. It could not be supposed that the sister would be a rival or the cause of vexation to the wife after the latter was deceased.

There is also much to be said in favour of the view that *אֵחָתָהּ* in this verse is a sister, literally understood. In the passage *אֵחָתָהּ* is used in this sense in verses 9, 11, 12 and 13, and we should reasonably expect that it would be used in the same sense in verse 18. Only strong considerations to the contrary would carry weight in support of another conclusion.

However, an entirely different view of the import of Leviticus 18:18 must be accorded serious consideration. It is the view that the expression *אֶל־אֵחָתָהּ* is not to be rendered 'a wife to her sister' but rather 'one wife to another' and that what is prohibited here is digamy or polygamy. The verse would then be rendered as follows: 'Thou shalt not take a wife to another, to vex her, to uncover her nakedness, besides her in her lifetime.' Cf. Matthew Pool: *Annotations upon the Holy Bible, ad* Leviticus 18:18; Charles Hodge: *The Biblical Repertory and Princeton Review*, 1842, Vol. XIV, pp. 518f.

This view of the verse would have to be abruptly dismissed, as is done by many, were it not for the fact that in Hebrew usage of the Old Testament the expression which occurs in Leviticus 18:18, to wit, *אֶל־אֵחָתָהּ* is used elsewhere in the sense of 'one to another' without implying that the persons concerned are sisters in the

proper sense. In fact it is an idiom of the Hebrew Old Testament in the sense of 'one to another' even when persons are not in view at all (*cf.* Exodus 26:3, 5, 6, 17; Ezek. 1:9, 23; 3:13). In this respect it is like the expression אִישׁ אֶל-אָחִיו (literally 'a man to his brother') which occurs more frequently and does not imply more than 'one to the other' or 'one to another' (Genesis 42:21, 28; Exodus 10:23; 16:15; 25:20; 37:9; Numbers 14:4; Isaiah 9:18; Jeremiah 13:14; 23:35; 25:26; Ezekiel 24:23). Of course, on occasion the persons involved may be literally brothers but this is not necessary. The expression אִישׁ אֶל-אָחִיו is similar to other expressions (*cf.* Genesis 13:11; Exodus 32:27; Leviticus 7:10; 25:14; Deuteronomy 1:16; Jeremiah 31:33; Ezekiel 4:17; 18:8; 38:21; Joel 2:8; Zechariah 7:9, 10; Malachi 2:10).

Hence the expression with which we are concerned, as far as Old Testament usage is concerned, can perfectly well mean 'a wife to another', 'one woman to another' and need not reflect upon two women who are sisters in the proper sense of the term. The only reason why this has been abruptly dismissed is that sufficient attention has not been paid to the force of this expression and its analogues elsewhere.

If this interpretation is adopted, then the verse has no bearing whatsoever upon the question so keenly debated, namely, that of marriage with a deceased wife's sister. Indeed, it would bear upon the question of a man's relation to his wife's sister in terms of the prohibition of digamy in general. But it would have no relevance, of itself, to the question of the deceased wife's sister. And, furthermore, this verse would be express condemnation of digamy and polygamy and would hark back to the original ordinance of monogamy (Genesis 2:23, 24).

There are difficulties encountering this interpretation. If it is such an express prohibition of digamy or polygamy, why were digamy and polygamy practised subsequent to the time of Moses without overt condemnation in terms of this statute? If digamy is here expressly forbidden we should expect a penalty in terms of the Pentateuch itself. And why should there be at Leviticus 18:18 such a sudden transition from prohibitions concerned with marriages within certain degrees of kinship to a provision of an entirely different character?

This last objection is not as cogent as it might at first appear to be. The paragraph divisions of our English Bibles do not have any necessary validity. It may be that the transition from questions pertaining to kinship occurs at the end of verse 17 rather than at the end of verse 18. It is obvious that verse 19 introduces

prohibition of a different category. Why should not transition take place at verse 18? Verse 20 deals with adultery. Why should not verse 18 deal with a closely related sin, that of digamy or polygamy? In Leviticus 20:10–21 the penalties instituted are concerned to a large extent with violations of the proprieties that should govern near of kin, but there is sudden transition from this category of wrong to different categories (*cf.* verses 15, 16, 18 and Deuteronomy 27:15–26). The objection therefore as it pertains to transition has little, if any, weight.

The objection that we should expect to find appeal to this prohibition of digamy and penal legislation for violation is much more cogent. Yet it is not of sufficient weight to rule out the possibility that Leviticus 18:18 should be interpreted in the way proposed. It may not be pointless in this connection to note that, in the list of penalties imposed in Leviticus 20:10–21 and in the curses pronounced in Deuteronomy 27:15–26, there is no reference to marriage with a wife's sister. We might expect some reference to this wrong if it is so expressly forbidden in Leviticus 18:18. On the assumption that it refers to marriage with a wife's sister while the former is alive, this violation would surely carry with it no less a penalty than that upon marriage with a brother's widow (Leviticus 20:21).

The case is such therefore that we may not assume and dogmatically insist that Leviticus 18:18 deals with the question of a wife's sister whether the wife is contemplated as living or dead. The verse may concern something very different. If this is so, then there is nothing express and overt in the Mosaic law pertaining to the matter of the deceased wife's sister. Is there anything implicit? This is the whole question of the implications of these relevant passages in the Pentateuch. Are marriages within similar or equal degrees of kinship prohibited as well as those expressly mentioned by Moses? For example, the prohibitions in Leviticus 18:7–18 are viewed from the standpoint of the man; they are stated in terms of the kinship he sustains to the woman in question in each case.

But must we not suppose that if we take the standpoint of the woman and think in terms of the kinship she sustains to the man the prohibitions apply to the same types of kinship? To be specific, Leviticus 18:12 reads: 'Thou shalt not uncover the nakedness of thy father's sister'—a man may not marry his father's sister. But does it not follow by inference, because of the identical nature of the kinship, that a woman may not marry her father's brother or, for that matter, her mother's brother? This is the question on which much division of opinion has existed. In

reference to our precise question, that of the deceased wife's sister, the matter turns on the implications of Leviticus 16:16. There a man is forbidden to marry his deceased brother's widow. Stating this from the standpoint of the woman it means that *a woman may not marry her deceased husband's brother*. Does it not follow by inference that *a man may not marry his deceased wife's sister*? In the judgment of the present writer it is here that the matter of the deceased wife's sister enters and not in connection with Leviticus 18:18.

On either interpretation of the latter text, it is not the deceased wife's sister that is in view. But we are confronted with this question inescapably in connection with the possible implications of Leviticus 18:16; 20:21. It would take us beyond reasonable limits to enter into this discussion. But it seems to me necessary to understand that Moses has not specified all the prohibitions which are involved in the degrees of consanguinity and affinity enunciated. Leviticus 18:6–17 provides us with the *principles* in terms of which the prohibited degrees of consanguinity and affinity are to be determined.

Of course Moses does not do this in the *form* of principles. That would not be consonant with Old Testament method. Moses declares the law in terms of the concrete. But these concrete instances are not to be isolated from the kind of relationship which they exemplify. And that is what is meant when we say that Leviticus 18:6–17 provides us with principles, that is, with the principles of relationship in terms of which we are to interpret the degrees of consanguinity and affinity within which marriage is illicit. This is surely in accord with the analogy of Scripture. The ten commandments are concrete but they exemplify far-reaching principles. None has shown this more clearly than our Lord himself. In the matter of divorce the New Testament *expressly* gives the right of divorce only to the man. But we infer, and surely rightly, that the same right belongs to the woman in the event of adultery on the part of her husband. By similar reasoning may we not draw certain inferences from Leviticus 18:6–17?

This position implies that Moses was selective and gave a representative list but not a complete catalogue. That he could be selective appears from Leviticus 20:10–21 and Deuteronomy 27:15–26. In the former the penalties are specified, in the latter curses are pronounced. But he does not specify all the cases mentioned in Leviticus 18:6–17, particularly not in the curses pronounced. Yet we cannot suppose that those omitted carry no penalty or curse. In Leviticus 20:10–21 there

is no explicit mention of the penalty for uncovering the nakedness of a uterine mother, the first of the prohibitions in Leviticus 18. We could not believe that the penalty would be less than that for intercourse with a father's wife (Leviticus 20:11), namely, death. Apparently the reason for the omission is that the penalty would be understood without any overt prescription.

What the principle of selection adopted in these various passages was it would be difficult to say. Perhaps Mace's suggestion (*op. cit.*, p. 152) is as good as any that the incestuous unions expressly prohibited were those of 'fairly frequent occurrence at the time'. But that we do not have a complete list and that we may apply the same principles of kinship to near of kin not expressly specified is the conclusion to which the relevant data would point (*cf.* Mace: *op. cit.*, pp. 152–164).

Hence the conclusion to which the present writer is driven is that the prohibition of marriage with a deceased wife's sister is implicit in the prohibition of marriage with a deceased husband's brother (Leviticus 18:16; 20:21).