

Levirate Marriage & Adoption in the Old Testament: Socio-Legal Role

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RESUMEN Este trabajo contribuye al estudio del origen, normativización y función socio-jurídica de las instituciones del Levirato y de la Adopción presentes en el Antiguo Testamento. Para ello, abordaremos la finalidad común de procurar un heredero (hijo varón) al padre de familia que había fallecido sin descendencia, externalizando con estas instituciones la ficción de crear vínculos de sangre (ceremonial de “nacer entre rodillas” y de la leviración) junto con relaciones análogas a las que resultarían de la filiación legítima y biológica.

PALABRAS CLAVE Levirato, Adopción, Antiguo Testamento, *Halitzab*, Sociología Jurídica.

SUMMARY *The present paper contributes to the study of the origin and socio-legal role of the Adoption and Levirate Marriage, both present in the Old Testament. For that purpose, we will address the common goal pursued by both institutions, which consisted on providing an heir (a male child) to the father that had died without descendants. Thus, through these institutions we will study the fiction of creating blood ties (ceremony of “being born between the knees” and of the levirate marriage) and of creating relationships similar to those resulting from a legitimate and biological parenthood.*

KEYWORDS *Levirate marriage, Adoption, Old Testament, Halitzah, Sociology of Law.*

I. THE SOCIO-LEGAL ROLE OF THE LEVIRATE AND THE ADOPTION

The implicit and explicit references to Adoption and the Levirate in the Old Testament have their origins in the patriarchal culture of the families of Israel (a people who comprise the members of the twelve tribes of Israel, who share the common ancestor Israel/Jacob, son of Isaac and grandson of Abra-

ham) and in the need to appoint a successor so as to maintain the continuity and solidarity of the family (in the case of the Levirate).

This idea is based on the patriarchal and patrilineal character of the Israeli family, centred around the father (the head of the household) who held all authority and was the family's judicial (*Gn 42, 37*), public and religious (*Jc 17, 5*) representative, and also had to secure the future of the family, to which slaves and goods also belonged (*Ex 20, 7*)¹.

The other members of the family included the wife, the single children, the married children with their wives, the servants, the slaves and the foreigners (*Gn 46, 8-26*).

The continuity of the family was ensured through and embodied by the male children and their descendants: "and about the time of her death the women that stood by her said unto her, Fear not; for thou hast born a son" (*1Sm 4, 20*). To that end, the father of the family had to preserve God's mandate and keep his promise to make the Israeli people.

Also, the concept of succession (regulated in *Dt 21, 15-17*) was an integral part of the system of customs within the tribal character of the Israeli's family. Of particular importance were the father's ability to pass on his goods and properties to his children (especially to the first-born son, who enjoyed certain privileges such as entitlement to two thirds of their father's legacy), and his wife's ability to produce, above all, a male heir (*Gn 16, 4; 29, 31*).

To bear the burden of producing a male heir was considered such a great honour by every recently-married wife that in the story of God's salvation, it was represented as a divine gift "be fruitful, and multiply, and replenish the earth" (*Gn 1, 28*): on the basis of the accomplishment of the patriarchal offering and fulfilment, due to the fact that God promise to Abraham, Isaac and Jacob of countless descendants (*Gn 13, 16; 26, 4; 28, 14; 32, 12*).

It is relevant to point out the work of Roland Guérin de Vaux's, who argued that adoption had limited relevance in daily life, establishing that "we may conclude that the notion of adoption, in the juridical sense, was known

1 *Holy Bible: authorized King James version. With introductions, annotations, subject chain references, and such word changes in the text as will help the reader* (Oxford University Press, London 1970).

in Old Testament times, but had little influence on daily life; it was unknown in later Jewish law”².

Nevertheless, we follow Anthony Phillip’s thesis, who understood that adoption was used in Israel to appoint an heir and -in the absence of one- a successor as a hereditary mechanism (name and properties) establishing that “the Old Testament itself contains no laws governing adoption. But considering its widespread practice throughout the ancient Near East, it is inconceivable that it was not also undertaken in Israel. Its purpose would have been to provide a childless man with a son who would both bury his father on death, and also inherit his name and property”³.

However, because of the widespread lack of children a situation which was considered a disgrace and a divine punishment (*1S 1, 5-8; 2S 6, 20-23*), and together with infertility, it represented the most dishonourable thing that could happen to a person (“there shall nothing cast their young, nor be barren, in thy land: the number of thy days I will fulfil” *Ex 23, 26*) the need to establish the Adoption and the Levirate into custom arose in those societies, as it did in other civilizations and cultures present in the Ancient times⁴.

II. TYPES OF ADOPTIONS IN THE OLD TESTAMENT

As can be understood from what has already been said, the ultimate goal of adoption was to provide a male heir and/or successor to the family’s father. Adoption was done by way of a solemn act, which created a relationship analogous to that which arises from legitimate and biological affiliation (for all intents and purposes, including the fields of inheritance and wealth).

We can distinguish between two types of adoption: the intra-familial, performed within the tribe (as follows from *Tb 4, 11; Nb 36, 6-9* that refers to the inheritance); and the extra-familial adoption, in which a third party -unconnected to the family group- was incorporated into the tribe/clan in order

2 R. DE VAUX, *Ancient Israel: its life and institutions* (Eerdmans, Michigan 1997) 52; T. MEEK, “The Middle Assyrian Laws”: *ANET* (1963) 180.

3 A. PHILLIPS, *Essays on Biblical Law* (Continuum, New York 2002) 120.

4 M. BAELO, *Los orígenes de la adopción desde una perspectiva sociojurídica* (Dykinson, Madrid 2014) 15; C. MEYERS, *Discovering Eve: Ancient Israelite Women in Context* (Oxford University Press, New York 1988) 127.

to resolve the shortage of sons, preserve the wealth, customs, name of the family father and the people of Israel, becoming, at the time of the father's death, the heir and in the new family father, as it is stated in *Is 9, 5*: "For unto us a child is born, unto us a son is given: and the government shall be upon his shoulder: and his name shall be called Wonderful, Counsellor, The mighty God, The everlasting Father, The Prince of Peace" (that the family father's name may, through adoption, survive beyond death despite the lack of natural sons).

We find different passages in the Old Testament covering adoptive paternity and confirming the importance of that institution. It can be said that Ephraim y Manasseh were adopted by Jacob (*Gn 48, 5-6*); that Esther was adopted and raised by his cousin Mordecai after the death of her parents (*Est 2, 7*); that Moses, exposed in the waters of the Nile river by his mother (to avoid his death by the Pharaoh) was adopted, in the same manner as Genubath, who was raised with the sons of the Pharaoh (*1K 11, 20*) and Eleizer, the slave whom Abraham proposed to free and adopt, should he continue without offspring: "And Abram said, Behold, to me thou hast given no seed: and, lo, one born in my house is mine heir" (*Gn 15, 3*).

1. THE RITE AND CEREMONY OF ADOPTION: TO BE BORN "BETWEEN THE KNEES"

With the aim of simulating childbirth and imitating in a graphic manner a "true birth" when designating a new heir, we find references to intra-familial or endogamic adoptive affiliation (between members of the family group and as a rejection of the individuals foreign to the people of Israel).

In this way, we can appreciate the representation/simulation of the birth (*in natura* maternity) of Ephraim and Manasseh (both part of the Twelve Tribes of Israel). At the same time, all of Machir sons, born "*between the knees*" of Joseph, were considered adopted and legitimate sons (heirs/successors), in spite of not being so by nature⁵:

And Joseph brought them out from between his knees, and he bowed himself with his face to the earth. And Joseph took them both, Ephraim

⁵ F. PRAT, *Jesucristo. Su vida, su doctrina, su obra* (JUS, Mexico 1948) 459.

in his right hand toward Israel's left hand, and Manasseh in his left hand toward Israel's right hand, and brought them near unto him⁶.

And Joseph saw Ephraim's children of the third generation: the children also of Machir the son of Manasseh were brought up upon Joseph's knees⁷.

Through this rite and ceremony of adoption in the Old Testament, it was equally provided that in cases of infertility of the wife, (Sarah and Rachel), she could provide a heir to his husband (Abraham and Jacob)⁸, via a surrogate, that would exercise the role of substitute mother (in the case of Sarah and Rachel, they chose an Egyptian slave named Hagar and a maid named Bilhah -both of lower class, considered serfs and possibly foreign)⁹ in order to bear their first- born sons (Ishmael and Dan)¹⁰.

Now Sarai Abram's wife bare him no children: and she had an handmaid, an Egyptian, whose name was Hagar. And Sarai said unto Abram, Behold now, the Lord hath restrained me from bearing: I pray thee, go in unto my maid; it may be that I may obtain children by her. And Abram hearkened to the voice of Sarai¹¹.

And when Rachel saw that she bare Jacob no children, Rachel envied her sister; and said unto Jacob, Give me children, or else I die. And Jacob's anger was kindled against Rachel: and he said, Am I in God's

6 Gn 48, 12-13.

7 Gn 50, 23.

8 H. A. MERTENS, *Manual de la Biblia. Aspectos literarios, históricos, arqueológicos, histórico-religiosos, culturales y geográficos del Antiguo y Nuevo Testamento* (Editorial Herder, Barcelona 1989) 164.

9 Y. ZAKOVITCH, "Juxtaposition in the Abraham cycle": *Pomegranates and Golden Bells: Studies in Biblical, Jewish and Near Eastern Ritual, Law and Literature in Honor of Jacob Milgrom* (1995) 516-18.

10 C. PATEMAN, *El contrato sexual* (Anthropos, Barcelona 1995) 293; S. ROACH, "Surrogacy: For Love but Not for Money?": *Gender and Society* 6 (Mar 1992) 30; J. N. EDWARDS, "New Conceptions: Biosocial Innovations and the Family": *National Council on Family Relations, Journal of Marriage and Family* 53 (May 1991) 352; R. KUNTZMANN, *Typologie biblique. De quelques figures vives* (Cerf, Paris 2002) 65; A. VAN SELMS, *Marriage and Family Life in Ugaritic Literature* (Luzac, London 1954) 50.

11 Gn 16, 1-2.

stead, who hath withheld from thee the fruit of the womb?. And she said, Behold my maid Bilhah, go in unto her; and she shall bear upon my knees, that I may also have children by her. And she gave him Bilhah her handmaid to wife: and Jacob went in unto her. And Bilhah conceived, and bare Jacob a son. And Rachel said, God hath judged me, and hath also heard my voice, and hath given me a son: therefore called she his name Dan¹².

III. THE ADOPTION OF ABANDONED CHILDREN: MYTH AND SYMBOLISM

In the case of Moses (whose name means “*saved from the waters*”), he was son of Amram and Jocabeb, from the family of Amram (*Ex 6, 20*) and descendant of the Levi tribe. He was born in Egypt, possibly in the reign of Pharaoh Horemheb (second successor to Tutankhamun) who decreed that all Hebraic first-born sons should be thrown into the river Nile (*Ex 2, 5-10*). His mother, evading the cruel orders of the Pharaoh, moved and inspired by her faith in the Lord (*Heb 11, 23*), hid her son for more than three months, and finally, when she could not do so any longer, she put him in a basket in the river Nile bank.

From here begins the well-known story of Moses and his subsequent fostering, raising and adoption by the daughter of the Pharaoh in amongst the “wisdom of the Egyptians” (*Ac 7, 20-22*)¹³.

As we can see, the figure of Moses appears to have a legendary aura, being presented as a biblical hero, as a saviour, as a liberator, as a prophet, and as the advoc ate of the Hebraic people before God. By studying the work of Otto Rank “*Der Mythos von der Geburt des Helden*” we can identify analogies between Moses and a long list of epic and legendary characters: Sargon of Akkad, Karna, Oedipus, Daphnis, Cloe, Amphion, Romulus, Tristan, Paris, Osiris, Ion, Aeneas, Telephus, Perseus, Ciro, Heracles, Sigfrido, Gilgames, Atalanta or

¹² *Gn 30, 1-6*.

¹³ A. KUYPER, *Mujeres del Antiguo Testamento* (CLIE, Barcelona 1984) 51-60; A. EDERSHEIM, *Comentario histórico al Antiguo Testamento. Tomo I* (CLIO, Barcelona 1995) 249; S. SCHULTZ, *Ley e Historia del Antiguo Testamento* (Barcelona 1975) 30; A. FERNÁNDEZ, *Estampas bíblicas. Evocación literaria del antiguo testamento* (MA Salvatella, Barcelona 1952) 44; P. CRUVEILHIER, “Le Lévirat chez les Hébreux et chez les Assiriens”: *RB* 34 (1925) 524-46.

Letos to name but a handful. This highlights the pattern that all of them were abandoned or left to their own fate, as “el nacimiento y la infancia de estos personajes, llegó a ser investida, en particular, de rasgos fantásticos que en las diferentes naciones, aún aquéllas separadas por vastas distancias geográficas y de existencia totalmente independiente, presentan una desconcertante similitud y hasta en parte, una correspondencia exacta”¹⁴.

Brian Lewis, when analysing the parallels, the symbolism and the allegories of abandonment in universal literature about abandoned new-borns, observes how they became heroes or legendary figures thanks to their feats and achievements (they were not immortal beings or possessed supernatural attributes) associated with the history of the people, the abandonment fulfilling the representation and allegory of triumph of life over death (many were in fact predestined never to be born or an oracle had foreseen a tragic fate), as by being adopted by strangers, this action symbolises a rebirth; keeping with this heroic discourse social cohesion between different groups, dynastic legitimacy, and facilitating political transition, as explained by José Carlos Bermejo Barrera, as “partiendo (el mito) de una serie de elementos tomados de la sociedad que lo crea y del entorno natural que rodea a ésta, elabora una estructura significativa de carácter ideológico que tiene como finalidad el mantenimiento de la cohesión social del grupo humano que lo creó”¹⁵.

IV. LEVIRATE

Levirate (a term from the Latin word, *levir*, and the Hebrew word, *yâbâm*, meaning “brother of the husband”) was born as a precept of the law of Moses, although it was also present in the main cultures and civilizations of the Ancient History (Assyrian, hurrite, hittite, the cities of Nuzi and Ugarit), with the purpose of allowing offspring for the family father that died without sons.

14 O. RANK, *El mito del nacimiento del héroe* (Ediciones Paidós, Barcelona 1991) 9; Wittek 1910, 350; F. FLORES, “Del héroe de la Antigüedad al personaje literario”: *XI Congreso Internacional de la Société Rencesvals* (1990) 229; F. SPADAFORA, *Diccionario bíblico* (Ed. Litúrgica Española, Barcelona 1959) 408; B. MARTÍN, *Los libros del Antiguo Testamento* (Seminario, Zamora 1962) 90.

15 J. BERMEDO, *Introducción a la sociología del mito* (Akal, Madrid 1979) 77; F. GUIRAND, *Mitología General* (Labor, Barcelona 1965) 240.

In this way, marriage by levirate arose as a social and familiar demand as prescribed in Deuteronomy (*Dt 25, 5-6*), under which the blood brother (*levir*), had to necessarily marry the widow (*'almanab*) of the deceased in the case that he had produced no legitimate offspring¹⁶.

Among the duties fulfilled by the *levir* and the mandate of *leviration*, those of particular importance were: the religious duty of ensuring the worship of ancestors, thus keeping Abraham's promise to God; the social duty of maintaining the family structure and protecting the widow, as noted by Max Weber from an ethno-sociological perspective in his *Essays about the Sociology of Religion*, after the death of the family father "las hijas que no heredasen debían casarse dentro de la tribu, para que la tribu no se vea desposeída de las tierras"¹⁷ and the duty of ensuring succession – facilitating the continuation of the deceased's name and lineage (*Lv 5*)¹⁸ together with the inheritance and patrimonial duty to preserve the wealth and estate of the deceased, which included his wife, the "family house", and the rest of his belongings¹⁹.

Ian Cairns believes that the custom started with a three-fold purpose: (1) to perpetuate the deceased's name and clan, because the israelites believed that the only way to continue the name or personality of an individual was through children, (2) to preserve the balance in land inheritance among Israelite clans and tribes, and (3) to provide for the widow and securing the respect she gains from having a son²⁰.

In all other instances, marriage and sexual relationships between persons related by the same direct collateral line, all the way up to first-degree relatives, was strictly prohibited (*Lv 18, 6, 20, 21-22*). That said, Levirate dissociated the natural generation gap with a fictitious paternity, bearing in mind that the obligation of the *levir* was only that of producing a male for his late brother,

16 X. PICAZA, *Diccionario de la Biblia. Historia y Palabra* (Verbo Divino, Navarra 2007) 559; VV.AA., *Diccionario del Judaísmo* (Verbo Divino, Pamplona 1996) 239; I. SCHUSTER, *Historia Bíblica. Exposición documental fundada en las investigaciones científicas modernas. Tomo I. Antiguo Testamento* (Guinart y Pujalar, Barcelona 1932) 357.

17 M. WEBER, *Ensayos sobre la sociología de la Religión* (Alianza Editorial, Madrid 1998) 96.

18 The preservation of the name was for the israelites the way to immortality as seen in el camino hacia la Leviticus, chapter 5.

19 H. OBERMAYER, *Diccionario Bíblico Manual* (Claret, Barcelona 1987) 188; H. W. WOLFF, *Antropología del Antiguo Testamento* (Ediciones Sígueme, Salamanca 1975) 226-48; E. W. DAVIES, "Inheritance Rights and the Hebrew Levirate Marriage, Part 2": *VT* 31 (1981) 258; V. RIVERA, "Matrimonio según la Biblia": *Foro Revista de Ciencias Sociales y Jurídicas* 13 (2011) 200-01; P. KOSCHAKER, "Zum Levirat nach hethitischen Recht": *RHA* 10 (1933) 77.

20 I. CAIRNS, *Word and Presence: A Commentary on the Book of Deuteronomy* (Eerdmans, Grand Rapids 1992) 216.

and not having any kind of right over that son. Consequently, the first son born of the relationship between the widow and the *levir* had to be adopted from his birth, preserving the name, wealth, and estate, continuing the deceased name and the entire family community (people of Israel) in order to become the legitimate heir after death and subrogated biological son of the deceased (brother of the *levir*; *Dt 25, 5-7*)²¹.

From that we can categorise the Levirate as a social institution, of a patrimonial, hereditary and legal nature, in which the consent of both parties was always required (an *inter partes* contract). In any case, we must observe that the *levir* could not reject the *leviration* (the wife had to submit to the decision of the *levir* after becoming a widow and go back to the paternal home, although if the *levir* was not pleased with her, she had to accept the consequences of such redress) during the ceremony, the declaration or the public act of the *halitzah*.

In this ceremony, the widow, before the community of elders, is disgraced for her dishonour (she had a main role, acting as the “*voice*” of her former husband) and the *levir* shows an affront to his brother and his memory; first, she removed the *levir*’s sandals as a symbol of her submission with the rite of proper “*dispossession*” of slaves (*Is 20, 2-5*), then spat in his face as a symbol of humiliation (*Nb 12, 14*), and finally shouted and insulted him as “the barefoot” (*balatsz*) for the dishonour of not wanting to “build the house of his brother”, depriving him of offspring, and explicitly proclaimed, generation after generation, her denial of *leviration* and the family affront²².

And yet, we can find three references in the Old Testament that deviate from the norm and the objective of the Hebraic *leviration*: first, Judith, widow of Manasseh (*Jdt 8, 4-6*) who is described in the Holy Scripture as celibate, pious, and chaste (not having had prior offspring) but ends up becoming a prototypical heroine, embodying the representation/salvation/fight of allegory of the Jewish people in the face of the Assyrian armies²³.

21 M. A. TÁBET, *Introducción al Antiguo Testamento. I. Pentateuco y Libros Históricos* (Palabra, Madrid 2004) 411; A. BELEÑA, *Sociopolítica del hecho religioso* (Rialp, Madrid 2007) 120.

22 O. RUIZ, “El Levirato: Del mundo bíblico al judaísmo clásico”: *MEAH* 57 (2008) 213-245; M. FERNÁNDEZ, “Matrimonio y Herencia en el Antiguo Testamento”: *Revista de Dialectología y Tradiciones Populares* 51 (1996) 192-95; Z. ZEVIT, “Dating Ruth: Legal, Linguistic and Historical Observations”: *ZAW* 117 (2005) 577-79.

23 VV.AA, *Episodios de la Historia Sagrada. Antiguo Testamento* (Sopena, Barcelona 1936) 63; P. H. NÖLDEKE, *Historia literaria del Antiguo Testamento* (Madrid 1879) 146.

Onan, the second son the Judah the patriarch, who marries Tamar -widower of Er- disobeys the divine mandate and the laws of levirate to provide a son and a heir/successor to his late brother (*Gn 38, 9-10*) “and it came to pass, when he went in unto his brother’s wife, that he spilled it on the ground, lest that he should give seed to his brother” sterile and his incestuous union produces no children (this appears to be the motivation of Onan to spill his sperm on the ground) a fact attributable to God’s wrath for evading that obligation and sacred duty²⁴.

And Judah said unto Onan, Go in unto thy brother’s wife, and marry her, and raise up seed to thy brother²⁵.

And finally, in the case of Ruth, who became widowed by the death of her husband, Mahlón, (*Rt 1, 11-12*), who in turn had no brothers to whom she could remarry, the figure of the *goel* emerged (*Boaz*, as the closest blood relative of the deceased, who had no brothers nor father) and he assumed the duty of rescuing the widow, the duty of providing a descendant to the family of the dead (in this case, the Old Testament focuses in Naomi, widow of Elimelech and mother of Mahlon), and the duty of keeping the name of the deceased and all the family estate²⁶.

The close comparisons in all respects between goelation and *leviration* as analogous institutions is surprising, deviating in this biblical passage from other customs and aims of the *goel* as the “*redeemer*” on the side of the vulnerable Ruth, to restore the damage caused, and act as an intra-familial solidarity mechanism (*Nb 35. 8*), to rescue people from poverty/slavery (*Lv 25, 47-53*;

24 C. F. DE VINE, “The Sin of Onan”: *CBQ* 4 (1942) 334; D. REDFORD, “A Study of the Biblical Story of Joseph, Gn 37-50”: *SVT* 20 (1970) 18; M. BURROWS, “Levirate Marriage in Israel”: *JBL* 59 (1940) 23; S. BELKIN, “Levirate and Agnate Marriage”: *JQR* 60 (1969-70) 278.

25 *Gn 38, 8*.

26 R. L. HUBBARD, *The Book of Ruth* (Eerdmans, New York 1988) 23; J. A. LOADER, “David and the matriarch in the Book of Ruth”: *In die Skriflig* 28 (1994) 34-35; M. BURROWS, “The Marriage of Boaz and Ruth”: *JBL* 59 (1940) 440-45; H. B. CLARK, *Biblical Law* (The Lawbook Exchange, New Jersey 2000) 106; D. E. WEISBERG, “The Widow of Our Discontent: Levirate Marriage in the Bible and Ancient Israel”: *JSTOT* 28 (2004) 413; M. GOLDSTEIN, *Derecho Hebreo a través de la Biblia y el Talmud* (Atalaya, Buenos Aires 1947) 70.

Lv 25, 23-34; Nb 27, 1-11) or to recover all belongings of his relative that had ended up in the possession of strangers²⁷.

According to the Old Testament, the order of distribution would be as follows: first the uncle, then his son, and finally other relatives (*Lv 25, 49*) but it is true that in the case of Ruth, the objective of goelation departs from the norm, and the ultimate end is that of preserving the last name of the deceased (his biological lineage) and the family estate²⁸.

The protocol and ceremony in these two figures also differ, since in goelation it was established that the widow bought the property of his old husband (redeeming the same), took the sandal and threw it away as a symbol of dominion and possession (*Ps 60, 10*), having to formalise that legal act in accordance with Levítico (*Lv 25, 23-24*). It is important to note that in the Book of Ruth, it is emphasised that the property continued with Naomi (as the sole blood relative), and thus, it was not Ruth who was taking the sandals, as prescribed by Deuteronomy, but Boaz as goel (*redeemer*).

Additionally, to complete the rescue and the transaction, the ceremony needed to be performed in the presence of the elderly, who acted as local authorities (*Jos 9, 11; Ezk 7, 26*) and acted as witnesses to the validity of the celebration. At that moment, Ruth would possess Boaz, maintaining through this act the name (*Gn 15, 11*) of Mahlon and the lineage of the Israelites²⁹.

And the kinsman said, I cannot redeem it for myself, lest I mar mine own inheritance: redeem thou my right to thyself; for I cannot redeem it. Now this was the manner in former time in Israel concerning redeeming and concerning changing, for to confirm all things; a man plucked off his shoe, and gave it to his neighbour: and this was a testimony in Israel. Therefore the kinsman said unto Boaz, Buy it for thee. So he drew off his shoe. And Boaz said unto the elders, and unto all the people,

27 For Katharine Sakenfeld, the goal of Ruth's marriage is 'familial and economic security'. K. SAKENFELD, *Ruth* (John Knox Press, Louisville 1999) 60.

28 S. MUÑOZ, *Introducción a la lectura del Antiguo Testamento* (Taurus, Madrid 1965) 153-55; R. DE VAUX, *Instituciones del Antiguo Testamento* (Editorial Herder, Barcelona 1964) 52; R. L. HUBBARD, "The Go'el in Ancient Israel: Theological Reflections on an Israelite Institution": *Bulletin for Biblical Research* Vol 1 (1991) 5; C. GORDON, "Fratricide in the Old Testament": *JBL* 54 (1935) 230.

29 S. COLLINS, *Coraje y Sumisión. Un estudio de Ruth y Esther* (CLIE, Barcelona 1975) 46.

Ye are witnesses this day, that I have bought all that was Elimelech's, and all that was Chilion's and Mahlon's, of the hand of Naomi³⁰.

While scrutinising Ruth's figure, we observe that, due to her Moabite origin and her legal status as "*foreigner*" within the social hierarchy of Israel, as it is shown in the Old Testament, she was stigmatised (*Gn 19, 30-38; Dt 17, 15; Dt 23, 3-5; Nb 25, 1-5*) and was forbidden to marry (even in the case of the Levirate *Nb 36, 6-9*) because they wanted to maintain the pure blood of Israel (*Ne 13, 26-27; Ezr 9-10*). Nevertheless, the Book of Ruth takes a positive and radically different perspective by focussing on her virtues and her obedience to the laws of Israel (she is a good example of a proselyte). Ruth providentially and because of her marriage by goelato, was King David's grandmother (even though he was a pagan, a foreigner and hostile towards Israel)³¹.

This is the thing which the Lord doth command concerning the daughters of Zelophehad, saying, Let them marry to whom they think best; only to the family of the tribe of their father shall they marry. So shall not the inheritance of the children of Israel remove from tribe to tribe: for every one of the children of Israel shall keep himself to the inheritance of the tribe of his fathers. And every daughter, that possesseth an inheritance in any tribe of the children of Israel, shall be wife unto one of the family of the tribe of her father, that the children of Israel may enjoy every man the inheritance of his fathers. Neither shall the inheritance remove from one tribe to another tribe; but every one of the tribes of the children of Israel shall keep himself to his own inheritance³².

30 *Rt 4, 6-9*.

31 A. SIQUJANS, "Foreignness and Poverty in the Book of Ruth: A Legal Way for a Poor Foreign Woman to Be Integrated into Israel": *Journal of Biblical Literature* 128 (2009) 449-452; T. SUTSKOVER, "The Themes of Land and Fertility in the Book of Ruth": *Journal for the Study of the Old Testament* 34.3 (2010) 294; E. CABEZUDO, *Historia episódica. Rut, Tobias, Judit y Esther* (Verbo Divino, Salamanca 1962) 19; G. DARGO, "Deriving Law from the Biblical Narrative: The Book of Ruth": *New Eng. Law Rev.* 351 (2006) 354; D. A. LEGGETT, *The levirate and goel institutions in the Old Testament: With special attention to the Book of Ruth* (Mack, New Jersey 1974) 16-30.

32 *Nb 36, 6-9*.

Finally, it is worth pointing out the alliance between the young widower and Naomi, an example of charity, a magnanimous, generous, virtuous woman, extremely loyal to the Israelis customs, with one of the most touching biblical passages, in which she swears to never abandon Ruth.

And Ruth said, Intreat me not to leave thee, or to return from following after thee: for whither thou goest, I will go; and where thou lodgest, I will lodge: thy people shall be my people, and thy God my God: Where thou diest, will I die, and there will I be buried: the Lord do so to me, and more also, if ought but death part thee and me³³.

V. CONCLUDING REMARKS

In summary, we can conclude that in the Biblical Text of the Old Testament, both Adoption and the Levirate can be found in the sociological, judicial and cultural customs of the Israelis, and arose from the need to provide the family's father with a successor (in the absence of a male heir with the purpose of allowing offspring for the family father that died without sons) and the need to preserve the people through endogamy and the religion, norms and customs of Israel: inter-familial solidarity in the case of the Levirate, the blood brother (*levir*) had to necessarily marry the widow (*'almanab*) of the deceased in the case that he had produced no legitimate offspring. To do this, a fiction of blood relation was created (as we saw throughout this work) and a 'son', who was not a natural son of the father, was recognised as legitimate, which allowed an outsider to the family to become part of it as heir and successor for all intents and purposes, including the fields of inheritance and wealth.

33 *Rt* 1, 16-17.

