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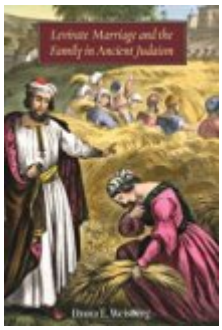

Dvora E. Weisberg. *Levirate Marriage and the Family in Ancient Judaism.* Hbi Series on Jewish Women. Waltham: Brandeis University Press, 2009. 276 pp. $50.00, cloth, ISBN 978-1-58465-781-1.

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Commissioned by Jason Kalman (Hebrew Union College - Jewish Institute of Religion)

Utilizing the institution of levirate marriage as a primary lens through which to explore rabbinic conceptions of the family, Dvora E. Weisberg aims to articulate how the sages of classical rabbinic literature understood kinship and family. Since levirate marriage is situated at the time of the collapse of one family and the formation of a new one, the author contends that it is a particularly fitting site through which to explore the rabbinic family. Weisberg argues that while rabbinic literature understands kinship broadly and that kinship ties can be created through both blood and marriage, the primary family unit is the nuclear family, made up of husband, wife, and their children.

Weisberg utilizes two methodological approaches to argue her thesis. The first approach is chronological. Weisberg traces differences between biblical and rabbinic conceptions of levirate marriage, thus showing the ways in which rabbinic reshaping of the earlier textual legacy indicates how their understanding of the family differed from that of their predecessors. The second is anthropological. Anthropology is used to reveal the variety of ways in which cultures have practiced and continue to practice levirate marriage. This cross-cultural perspective reminds us that biblical and rabbinic Judaism were not unique in maintaining this institution. Instead, we must examine the specific forms that levirate marriage took within rabbinic Judaism and compare them with other cultures in order to illuminate particulars of the rabbinic family and kinship structure.

Weisberg's book is clearly organized. She begins with an overview of cross-cultural approaches to levirate marriage, proceeds to an overview of it in the Hebrew Bible, and then turns to kinship structures in rabbinic literature. Finally, she breaks the rabbinic family down into the units most directly effected by levirate marriage: the brothers, the levirate widow, and the child of the levirate union. In each of the chapters focusing on levirate marriage, Weisberg shows how rabbinic rereading of the biblical heritage reflects a changed understanding of the family.

The sixth chapter, "Paternity and Continuity," provides a good example of the way in which she combines a chronological and anthropological approach to the material. Weisberg begins by observing how Deuteronomy 25, the central legal locus for levirate marriage, states the goal of such marriages as the production of a posthumous heir for a childless man. In turn, a surviving brother who refuses to enter into this marriage is seen as refusing to give his late brother a son. The narrative texts about the birth of twin sons to Tamar and Judah (Genesis 38) and the birth of a son to Ruth (Ruth 4) also indicate that a child is the chief purpose of levirate marriage. In contrast to these narratives that culminate in birth, Weisberg observes that rabbinic texts focus their attention on the levirate bond itself and not on the birth of a child. Rabbinic texts are primarily interested in delineating the nature of the relationship between the widow and the deceased's brother: will they enter a levirate marriage or will they undergo ***halitzah***, the ritual that ends the levirate obligation? When these texts do turn their attention to the child, it is only in circumstances where there is concern that the child might be the deceased's, retroactively rendering levirate or ***halitzah*** either unlawful or unnecessary. This observation about the shift in focus of rabbinic texts toward the potential marriage and away from the potential offspring leads Weisberg to posit that rabbinic concerns have shifted away from the dead and toward the living. However, Weisberg goes a step further than this in her conclusions. Utilizing the anthropological lens, she states that while many cultures assign paternity to the deceased and some even consider the woman to remain the legal wife of the deceased, rabbinic culture differs in assigning paternity to the levir and considering the woman to be his legal wife. Zoroastrian culture, for example, assigned paternity to the dead man, and levirate marriage did not include all the legal responsibilities of a regular marriage. In other words, the rabbis make a choice in assigning paternity to the levir and in making the widow his full wife; there is no inevitability to this approach. In addition, studies of cultures that practice levirate marriage have shown that the goodwill of the levir toward his offspring with the widow could not be guaranteed. Weisberg raises the hypothesis that one of the reasons for the shift in paternity assignation is to better protect the woman and her family in a patriarchal society.

This chapter also reveals some of the book's weaknesses. Weisberg has clearly done a thorough reading and study of a large amount of complex material--rabbinic and non-rabbinic--on levirate marriage. However, some of Weisberg's most interesting sources are located in the footnotes. This is also true of many of the citations for rabbinic sources. As a scholar of rabbinics, I would have preferred to see more texts cited directly in the book instead of Weisberg telling us the results of her research. However, the strength of this approach is to make her book more accessible for general religion scholars and for scholars of anthropology. This book would be a good addition to a cross-cultural course on marriage, ancient to modern.

This last comment leads me to another point about Weisberg's contribution to the field of rabbinics. Her use of anthropology to illuminate levirate marriage reminds us that while the ancient rabbis were geographically located within the worlds of Roman Palestine and Sassanian Babylonia and thus part of these two cultural milieus, they are not the only cultures available to aid us in a richer understanding of rabbinic culture. When trying to understand a phenomenon like the family, it is important to examine how a wide range of cultures--and not only those that are geographically proximate--construct the relationships between husband, wife, children, and extended family. A cross-cultural anthropological approach illustrates not only the paths that are available to the particular culture under investigation but also, and as importantly, the paths that are not

taken. Weisberg has reminded us that the rabbis are not, by any means, the sole practitioners of levirate marriage. In combining an anthropological with a chronological approach, Weisberg's book cautions us that when we examine how rabbinic interpretation transforms scriptural practice, we need to give attention to the ways in which a far-reaching comparative lens helps us to make sense of the cultural significance of those transformations.

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