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The Practice of Levirate Marriage: A Cross Cultural Comparison

Desiree Byblow

Cultural differences in marriage practices or traditional customs are enacted to preserve certain liberties or affordances. Levirate is a form of marriage that has been practiced across the world, including the Americas, Asia, the Middle East, Africa, and Australia (Weisberg, 2009). The levirate is a union between a widowed woman and her brother-in-law that occurs once her husband has passed away (Weisberg, 2009). The brother of the deceased husband of the union is referred to as the *levir*. Cultures that engage in levirate marriage tend to share commonalities; these can include a pastoralist-based economy (or some form of simple agriculture), the use of bride-wealth or bride-service to acquire a bride, the practice of exogamous marriage, patrilineal descent, and patrilocal living arrangements (Weisberg, 2009). These terms will be discussed further in later paragraphs. The purpose of this paper is to examine and compare the reasons why levirate is practiced, and how the practice may differ across cultural groups. Focus will be given to parts of Asia and Africa, but levirate will also be discussed in an ancient context to understand its establishment and how it has endured over time.

Levirate is a marriage tradition that has been around since ancient times. One of the earliest known mentions of the levirate is in the Hebrew Bible. In Deuteronomy 25:5, there is a discussion of levirate marriage which states that when two brothers reside together and the wife of one dies having left no son, the surviving brother of the deceased should take on the duty of *levir* to marry his brother's widow (Weisberg, 2009). Deuteronomy further states that the first-born son of a levirate union will be considered the child of the deceased husband's in order to continue his name (Weisberg, 2009). In the Hebrew Bible's discussion of levirate, the union is favorable for the woman as it allows her to continue her husband's family line and improve her economic circumstances, as she would otherwise not be entitled to her deceased husband's property (Weisberg, 2009). The *levir*, on the other hand, may be disadvantaged by the union, as the children of the new union would legally belong to the deceased brother. Therefore, any property the *levir* maintains, including what he inherits from his deceased brother, would be

passed along to children that are biologically his, but not legally recognized as his children. However, refusal to engage in a levirate union would result in a ritual of release in which the *levir* would be shamed for not adhering to his duty to his brother (Weisberg, 2009).

Levirate unions in Africa closely resemble how these unions are described in the Hebrew Bible. In Africa, the purpose of the levirate was to provide sons that could continue the deceased husband's name and inherit his property (Maurice, 2014). The levirate union in Africa is not viewed as an independent marriage, but rather as the extension of a woman's original marriage to her now deceased husband. The children within the union do not belong to the *levir* but belong to the deceased husband and are eligible to inherit the property of the deceased (Maurice, 2014). The levirate in Africa further serves to provide support to the widow, as her new husband was responsible for taking care of her. African peoples did not want their property – which to them was deemed valuable ancestral land – to be given to outsiders who had no ties to it. Therefore, by marrying her brother-in-law, the widow could maintain family identity (Maurice, 2014). Levirate unions in Africa are unique from other cultures as African cultures also use the levirate as a form of sexual control. By entering a union with her brother-in-law, the widow has access to a socially acceptable sexual partner, which protected her from seeking out sexual gratification in culturally shameful ways, such as prostitution (Maurice, 2014).

As a more specific example, the Igbo of Eastern Nigeria exemplify an African culture that practices levirate marriage. As mentioned previously, cultures that are practitioners of levirate tend to be patrilineal, engage in bride wealth or bride-service, and practice exogamous marriage. The Igbo demonstrate these characteristics, as marriage is legitimized with the payment of bride-wealth. Bride-wealth refers to the exchange of goods, such as money or livestock, from the groom's family to the bride's family as compensation for the loss of her contribution to her family through labour (Korieh, 1996; Lavenda & Schultz, 2019). The practice of exogamy, or marrying outside of one's lineage, is also nearly universal within the Igbo society (Korieh, 1996). The Igbo largely practice patrilineal inheritance in which family resources and property is held by the husband of a marriage union and is passed down to his sons upon his death (Korieh, 1996).

Traditionally, levirate marriage was common among the Igbo, and the role of the *levir* was to father children, manage the property, and assist in maintaining the household as well as

providing labor to help with farming activities (Korieh, 1996). However, it was not mandatory that a widow enter a levirate union. Women who did not have any male children were the most likely to take a *levir* as women were under pressure to provide male heirs. On the other hand, women who had male children would be less likely to enter a levirate as they would have a male son to provide support and inherit the family wealth. For varying reasons, levirate marriage in modern Igbo society has been on the decline. Some of the reasons attributed to the decline are economically based, such as *levirs* no longer wanting to devote resources to children not legally recognized as his or a widow and children no longer being valuable in terms of labour due to a decrease in farming (Korieh, 1996). The decline in farming and labour is due to a shift in the Igbo economy in which trade with Europeans became the main source of wealth (Korieh, 1996). The production of palm products for trade also required less labour than the subsistence farming that previously characterized the Igbo economy (Korieh, 1996).

Aside from producing male heirs, there are other advantages to the practice of levirate marriage. The practice of levirate within Asian cultures does look quite different from that of previously discussed African traditions. In Mongol society, the use of levirate was more of an economic advantage as opposed to the acquisition of male heirs. Within Mongol society, wives would receive a share of her husband's family's land along with her male children, but the youngest son would not receive his share until the passing of his mother (Holmgren, 1986). Upon the death of a man, his property would also be detached from "the parental base allowing individual development" (Holmgren, 1986, 152). This means that when a man dies, his widow still retains ownership of the portion of his family's land that was given to her which she can use for her own development if she chooses to. If the woman remarries a man who is not part of her deceased husband's family, then the portion of land she was given that originally belonged to her deceased husband's parents is lost to another family. The *levir* in Mongol society would therefore enter a union with his brother's widow in order to maintain control of his brother's land and reunite it with the parental base. The widow would benefit from the union as her *levir* would accept responsibility for her and her children, and she would maintain her dowry share and still possess influence on the rights of her children (Holmgren, 1986). The levirate is also beneficial to the deceased husband's family – as some of the bride price that is paid to a woman's family would be paid by the groom's family and the rest would be paid by the groom (Holmgren, 1986). This meant that the male relatives of a man had a stake in the marriage as well since they

contributed to the bride price. Since bride price could be expensive, the levirate was an economically beneficial practice for the husband's family as it saved them the cost of paying for another bride since one of the deceased's male relatives could marry his widow.

The practice of levirate in the Kirghiz of Afghanistan also demonstrates another reason for the levirate that is different from both African cultures and the Mongols. In Kirghiz society, levirate is not only practiced to acquire male sons, but also to continue to increase the population in general. The Kirghiz experience a high mortality rate which appears to be linked to the high altitude in which they are located. Due to the high altitude, the Kirghiz people are exposed to a larger amount of radiation than other populations, which may be impacting their reproductive processes (Shahrani, 2002). The Kirghiz people practice levirate for two reasons; first, there is a lower ratio of females in their society than males; and second – it increases reproduction by limiting the amount of time between pregnancies for a woman (Shahrani, 2002, 124). Kirghiz men usually require three sons to help them with their daily routine, especially since the Kirghiz tend to maintain flocks of sheep and herds of goats not only for their family needs but for trade as well (Shahrani, 2002). For these reasons, a levirate union would make it easier for a man to acquire a bride and children, as well as contribute to the growth of the population.

One important examination on the topic of levirate marriages involves its distinction from other similar forms of marriage. The term ghost marriage refers to any relative of an unmarried man who may produce and care for children on behalf of the deceased relative (Weisberg, 2009). In this case, the woman that is a part of the marriage is not a widow of the deceased but is a woman who was originally unmarried (Weisberg, 2009). Widow inheritance is another form of marriage that is also similar to levirate; in widow inheritance, a widow and her husband's property are passed on to the husband's heir, which may either be one of his brothers or one of his sons (Weisberg, 2009). The children within a widow inheritance union are not recognized as children of the deceased husband, but as children of the new husband.

Levirate may also be distinguished from the remarriage of a widow to a male relative of her deceased husband. While these two forms of marriage may sound like they would be the same, they are different. In a marriage union between a widow and her deceased husband's relative that is not recognized as a levirate, the children are legally recognized as offspring of the new husband and never the deceased (Weisberg, 2009). In widow remarriage, the union would

be associated with marriage rituals that may not be involved in a levirate. As an example, as seen in Mongol society, a bride-price is not required for a levirate as it would be for a traditional marriage.

Overall, there are various reasons that societies may choose to practice levirate marriage. For some cultures – such as those in Africa – levirate unions provide the benefit of maintaining a family name and keeping ancestral land within a group. For other cultures – such as Mongol society – the levirate provides an economic benefit by allowing the family of the deceased husband to maintain the man's property and provide the deceased's brother with a bride without the expense of bride-price. The utilization of the levirate for economic purposes is one of the central themes of its use across cultures, not just in Mongol society. The Kirghiz and traditional Igbo society used levirate marriages to secure labour which was a vital economic resource for subsistence farming and animal husbandry. However, the Igbo have also demonstrated the challenges that levirate marriage has faced in modern times. With the shift towards individualism and foreign trade as the modern economic system of the Igbo, the levirate has declined as a valuable source of labour. However, while there have been challenges to levirate unions as societies change over time, it has had a rich and enduring history in various cultures across the world.

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