

We know that it was sung when St. Augustine was baptized on Easter Sunday, 24th April 387. At a later date, it came to be recited by the priest on his way to the altar. In fact, the rubric of a Roman *Micrologus Missae* says: *Paratus Sacerdos venit ad altare dicens Antiphonam Introibo ad altare Dei et psalmum Judica me Deus*. The modern custom of reciting the *Judica* as part of the priest's public confession before celebrating Mass, seems to have been already general in the ninth century; but it was not definitely fixed until the edition of the Roman Missal by Pope St. Pius V. The custom is certainly most appropriate. The priest too is an exile on this earth, and needs a renewal of his youth and immense trust in God before ascending the altar to celebrate the Divine Sacrifice. It is one of the most solemn moments of the priest's life. It is recorded of St. Andrew Avellino, that he died at the foot of the altar, immediately after the recitation of the psalm *Judica*.

Verses 3 to 5, *Emitte lucem tuam et fidelitatem tuam, etc. Send forth Thy light and Thy fidelity (to thy promise), and let them lead me to Thy holy mountain, to Thy tabernacles*. The psalmist takes God's promise of help for granted, and knows that his exile will end in the renewed service at the altar of God, who will once more become his joy and his delight, and the theme of fresh melodies upon his harp.

The psalm ends with the refrain of the two preceding stanzas. If recited with fervour at Mass, this refrain will haunt the memory and fill one with unspeakable trust in God.

## OLD TESTAMENT LAWS OF INHERITANCE AND ST. LUKE'S GENEALOGY OF CHRIST

by DOM LAMBERT NOLLE, O.S.B.

**W**E see in the lives of Abraham, Isaac and Jacob that they observed the legal customs of the Semites regarding inheritance. The normal heirs were the sons of free-born wives; the first-born receiving a double share of the inheritance. There were amongst them two curious exceptions, namely, the customs of Adoption and that of the Levirate marriage. The first of these was practically abolished by the Mosaic law of inheritance, the other one greatly modified. By the law of Moses a third and new kind of heir-at-law was introduced, namely, the heiress. We propose to consider each of these in turn.

1. *Adoption*. The best examples of adoption are to be found in the history of Jacob. He made the two sons of Joseph legally his own in the full sense (Gen. xlviii, 15-22). He also fully adopted his sons born

Note—For a treatment of the Levirate, see the very complete notes by Father Lattey, S.J., in his edition of the Book of Ruth (*The Westminster Version of the Sacred Scriptures*).

of his bond-women, making them equal heirs with the sons of Lia and Rachel, and thereby progenitors of tribes (Gen. xlix, 1-29). In this regard he acted differently from his grandfather Abraham, who never carried out the intended adoption of Ismael (Gen. xvi, 1-4), and never adopted his sons by Cetura (Gen. xxv, 1-6). The Mosaic Law made full adoption practically impossible (Num. xxvii, 7-11). The only way a sonless Israelite could fully adopt a man of his own tribe was by giving him his heiress-daughter in marriage. He or his eldest son could then be truly called 'of' (the family of) his father-in-law. The law of adoption has been invoked to explain how it is that St. Joseph, who in Mt. i, 16, is described as the son of Jacob, can apparently be called in Lk. iii, 23 the son of Heli. In spite of Num. xxvii, 8-12, it is suggested that Heli adopted him; but this would not be full adoption, and we can scarcely credit St. Luke with writing a long and laborious genealogy of a shadowy father of the foster-father of Jesus.

II. *The Levirate Marriage.* The Levirate or Goel is the name of the old Semitic custom, still observed by the Samaritans, according to which the brother or nearest relation in the male line (Deut. xxv, 5 cf. Ruth iv, 1-12) had the duty of marrying the childless widow of his kinsman and the right of inheriting his property, in favour of his eldest son, who would be considered the dead man's son and heir. The duty was not attractive, for a man had not the freedom of choosing his partner, and there was in a childless widow always the suspicion of sterility which would endanger the very purpose of the marriage (cf. Ruth iv, 6). As a matter of fact, there appears to have been only one son of Booz' marriage (Mt. i, 5; Lk. iii, 32). Moreover, the risk of infertility would grow with the age of the woman. By the old law all the children of the marriage would be counted the dead man's offspring, and it was this fact that drove Onan to commit his crime (Gen. xxxviii, 9). Moses mitigated the law by limiting the name to the first son (Deut. xxv, 5-10). He also made a refusal possible, though at the risk of a public insult (ibid.).

It has at times been suggested that Heli (Lk. iii, 23) died without issue, that Jacob (Mt. i, 16) married his widow and begot Joseph, who was thus the legal son of Heli. But we cannot easily assume a Levirate marriage, for its benefits touched the right of inheritance by the nearest male relatives, and if the Jews kept any law at all they would see to the observance of Num. xxvii, 8-11. The supposed Levirate marriage of Jacob rests on several assumptions: (a) That the childless widow of Heli really existed. (b) That Jacob was the nearest relation of Heli in the male line. (But between their common ancestor Zorobabel and Jacob there are at least seven intervening generations (Mt. i, 11-15); and between Zorobabel and Heli at least eighteen (Lk. iv, 23-7). We should have to assume without any evidence that all the eighteen

generations mentioned by Saint Luke had died out with Heli.) (c) That a uterine brother had the duty or at least the right to marry the childless widow even if he were not the nearest of kin in the male line. (This view is contrary to the whole conception of the Levirate, the purpose of which was the maintenance of the male ancestral line or that of a near branch thereof. A marriage with the childless widow lacking the exceptional character and privilege of the Levirate would in fact be incest (Lev. xx, 21). We have no right to impute such a crime to Jacob.)

Incidentally we are justified in asking why Saint Luke should have so briefly and darkly alluded to a peculiar Semite custom which his Greek readers would not understand, in which they were not interested and which was of no significance to them. For these reasons the law of the Levirate does not appear to be helpful as a solution of the problem of Saint Luke's genealogy. But there seems another line of approach open to us.

III. *Heiresses*. When in the past it has been suggested that perhaps Saint Luke (chapter iii) intended to give the genealogy of Christ through our Blessed Lady, the answer has usually been that the Bible *never* gives the genealogies of women. But in face of the fact that we have genealogies of Mala, Noa, Hegla, Melcha and Thersa, the daughters of Salphaad (Num. xxvi, 33) and also of Sarvia and Abigail, the sisters of David (I Par. ii, 16-17), we see that this sweeping statement is untrue. Indeed as we shall see presently, many an Israelite family would find it necessary to remember the genealogy of an heiress foremother, because their claim to certain landed property might rest entirely on their descent from her (Num. xxxvi, 4). We are accustomed to peeresses in their own right, through whom their eldest sons inherit the titles and properties of their maternal grandfathers. We are also familiar with the fact that the last reigning members of the Austrian Imperial family, though really of the line of Lothringen-Tuscany, called themselves Hapsburgs on account of their descent from the Empress Maria Teresa. Hence it is hard for us to realize what a shocking innovation the new law of heiresses was to the Israelites. It is worth while reading the account of that revolutionary measure in Num. xxvii, 1-8. Up to that time the only exception to the ordinary Mosaic law of inheritance had been the Levirate, founded on the strong desire of continuing the family. But the daughters of Salphaad, with true feminine intuition and logic, and moved by a loyal love of their sonless father, saw that a man's line would and could be more naturally continued through daughters that were of his own blood, than by brothers or nephews. The proposal startled Moses so much that he dare not answer nor refuse it. For on the one hand it was not really absurd; and on the other, he had to deal with greedy heirs-apparent. When he put the question to the Lord he received the answer: "The daughters of Salphaad demand a just thing" (Num. xxvii, 6).

But when Moses promulgated this law, trouble arose, as he had foreseen (Num. xxxvi, 1-12). The heads of tribes could not gainsay a command of God, but they were looking to the future holding of the land that was then being allotted to each tribe and family. What was going to happen if suitors from other tribes married the heiresses? No one would know to which tribe their descendants and property would belong. Then Moses, by command of God decided that heiresses could be married only to members of their own tribe. The trouble ended happily and to the satisfaction of all concerned; for the very men who might have been aggrieved by the new law, the nephews of Salphaad, married the heiresses, their first cousins, and so received the inheritance (*ibid.*). The law of heiresses would seem useful to explain the apparent contradictions about Salathiel in Mt. i, 12, and Lk. iii, 27. The former states that he was begotten by Jechonias, the latter that he was of Neri. If the heiress daughter of Neri was either the mother or the wife of Salathiel, he or his son Zorobabel became members and heirs of (the family of) Neri. Zorobabel appearing in both genealogies as an only son would be the bearer of both lines; but of the two sons the one, Abiud, continued the line of Solomon coming down to Jacob, the other son, Reza, continuing that of Nathan, ending with Heli.

May one suggest that the law of heiresses offers a solution to the problem of the Lucan genealogy? Heli was perhaps the father of our Blessed Lady, who being an heiress married one of her own tribe, Joseph of the tribe of Juda. It would be out of place for an amateur to pronounce definitely on this relationship, but one may be allowed to ask a few questions.

1. After St. Matthew had given a full and satisfactory account of our Lord's descent through the line of St. Joseph, would St. Luke take the trouble to give another list traced through some shadowy foster father of St. Joseph, who would not be of the slightest importance to Sacred History?

2. Does it not seem that St. Luke, the special chronicler of our Lady, having found in her family tradition, her father's name of Joachim (which has been handed down to us by Eastern authorities), translated it into its alternative Hebrew form of Eliacim (*cf.* IV Kings xxiii, 34, II Paral. xxxvi, 34), and shortened it for his Greek readers into Eli or Heli?

3. No brother of our Blessed Lady ever being mentioned in Scripture, is it not reasonable to assume that she was an heiress, and that therefore it was important to preserve the genealogy of her father?

4. As St. Luke is at pains to repudiate our Lord's descent from St. Joseph (iii, 23), can we not reasonably expect that he would give us information of His real descent and origin?

5. May we not with many commentators, translate L.k. iii, 23 thus: “(Jesus), being the supposed son of Joseph (but, in reality, son) of Heli”? So translated, of course, we should have to understand “son of Heli” as meaning “grandson of Heli” and assume that the name of Mary, His Mother, has been missed out.

## A NOTE ON THE CHALLONER REVISION

CANON BURTON in his chapter on Bishop Challoner’s Edition of the Bible (*The Life and Times of Bishop Challoner* I, pp. 270 ff.) was not able to throw much light on the methods used in the long and heavy work of revision, nor on the assistance the Bishop received from other clergy in doing it, and indeed he suggests that it was a work for individual enterprise. In our day mechanical aids to writing and duplicating make it easy to forget the physical labour involved. An edition is most easily corrected by the insertion of alterations in a printed copy, and so far as the New Testament is concerned there existed a two version edition by Fulke containing in parallel columns the Bishop’s Bible version and the Rheims version. It would certainly have been a handy edition to use. Anyone who has handled the small but most fascinating group of ancient bilingual manuscripts in Greek and Latin or the mediaeval manuscripts containing the different Latin versions of the Psalter knows how a scribe tends to “contaminate” juxtaposed versions. It is probable that careful examination on these lines could provide several clues to Bishop Challoner’s methods. We have no information but it does seem improbable that the whole Bible was written out by hand; it is far more likely that a corrected copy of a printed edition was sent to the printer.

Who was the printer? Canon Burton (p. 287) suggests it was Thomas Meighan, although he mentions another suggestion. Yet Canon Burton himself edited along with Father Pollen in 1909 Dr. John Kirk’s *Biographies of English Catholics in the Eighteenth Century* and that contains an item which does not seem to have been generally noticed. Under the name Typper he quotes a letter from Mr. Thomas Berington written in November 1743: “You desire my opinion and that of others about the intended edition of the Bible. The best light I can give is to let you know the parties concerned in the birth and then you may judge for yourself better than I. Mr. Typper has been pregnant some time and is now in labour. Dr. Challoner *lambendo formabit*; Needham,