

The Honest Ruth: Texts on *Yibum*

DEUTERONOMY 25:5-10

כִּי-יֵשְׁבוּ אַחִים יַחְדָּו וּמֵת אֶחָד
מֵהֶם וּבֵן אֵין-לוֹ לְאִתְּהֵי
אִשְׁת־הַמֵּת הַחוּצָה לְאִישׁ זָר
יִבְמֶהּ יִבֵּא עָלֶיהָ וּלְקַחְהָ לוֹ
לְאִשָּׁה וַיִּבְמֶהּ:

When brothers dwell together and one of them dies and leaves no son (offspring?) the wife of the deceased shall not become that of another party, outside the family. Her husband's brother shall unite with her: he shall take her as his wife and perform the levir's duty.

וְהָיָה הַבְּכוֹר אֲשֶׁר תֵּלֵד יִקְוֶה
עַל-שֵׁם אָחִיו הַמֵּת וְלֹא-יִמָּחַ
שְׁמוֹ מִיִּשְׂרָאֵל:

The first child that she bears shall be accounted to the dead brother, that his name may not be blotted out in Israel.

וְאִם-לֹא יַחְפֹּץ הָאִישׁ לְקַחַת
אֶת-יְבִמְתּוֹ וְעָלְתָהּ יְבִמְתּוֹ
הַשְּׁעָרָה אֶל-הַזְּקֵנִים וְאָמְרָה מֵאֵן
יְבַמִּי לְהַקִּים לְאָחִיו שֵׁם בְּיִשְׂרָאֵל
לֹא אָבָה יְבַמִּי:

But if that party does not want to take his brother's widow [to wife], his brother's widow shall appear before the elders in the gate and declare, "My husband's brother refuses to establish a name in Israel for his brother; he will not perform the duty of a levir."

וְקָרְאוּ-לוֹ זְקֵנֵי-עִירוֹ וּדְבְּרוּ אֵלָיו
וְעָמַד וְאָמַר לֹא חָפַצְתִּי לְקַחְתָּהּ:
וְנָגְשָׁה יְבִמְתּוֹ אֵלָיו לְעֵינֵי הַזְּקֵנִים
וְחָלְצָה נַעַל מֵעַל רַגְלוֹ וַיִּרְקֶה
בְּפָנָיו וְעָנְתָה וְאָמְרָה כִּכָּה יַעֲשֶׂה
לְאִישׁ אֲשֶׁר לֹא-יִבְנֶה אֶת-בַּיִת
אָחִיו: וְנִקְרָא שְׁמוֹ בְּיִשְׂרָאֵל בַּיִת
חָלוֹץ הַנֶּעַל:

The elders of his town shall then summon him and talk to him. If he insists, saying, "I do not want to take her," his brother's widow shall go up to him in the presence of the elders, pull the sandal off his foot, spit in his face, and make this declaration: Thus shall be done to the man who will not build up his brother's house!

And he shall go in Israel by the name of "the family of the unsandaled one."

COMMENTARY

If two brothers dwell together (Deuteronomy 25:5). Not that they abide in the same house or city, but rather in the world, i.e. they are alive at the same time. A child born after his brother's death does not qualify. (Rashi, paraphrasing BT Yevamot 17b.)

Forbidden relationship. “The nakedness of your brother’s wife you shall not uncover.” (Leviticus 18:11.) But “Her husband’s brother shall unite with her.” (Deuteronomy 25:5)

VOCABULARY

Yibum (יְבוּם) – levirate marriage

L'yabem (לְיַבֵּם) – to engage in a levirate marriage with a woman

Yavam (יָבָם) – levir, brother-in-law under levirate obligation

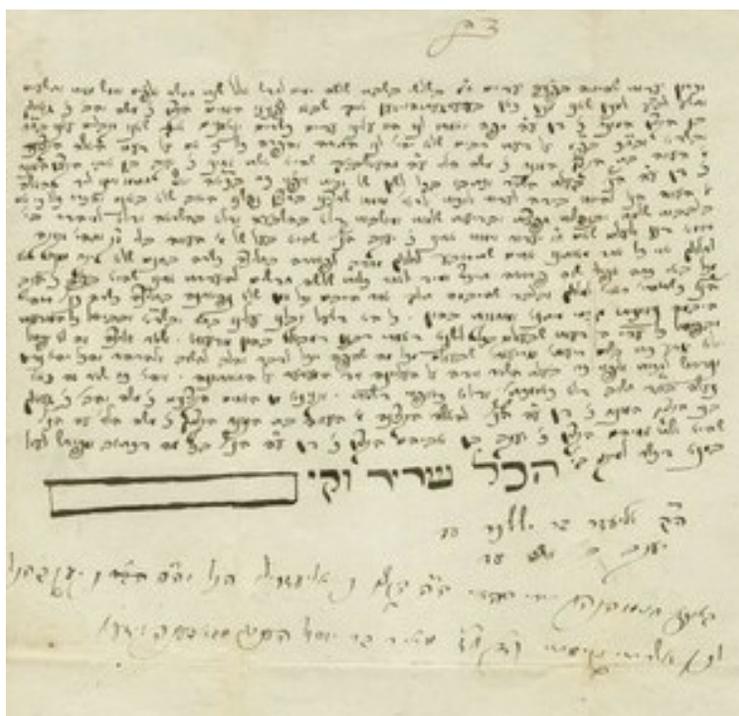
Y'vamah (יְבָמָה) – widow under levirate obligation

Agunah (עֲגוּנָה) – a woman who, because her husband is missing or because she is under an unfulfilled levirate obligation, is not free to remarry. From ‘ogen – anchor.

Go'el (גּוֹאֵל) – redeemer; a man next in line to fulfill the levirate marriage

Chalitzah (חֲלִיצָה) – ceremony to break the levirate bond involving removal of the yavam's shoe

Shtar Chalitzah (שְׁטָר חֲלִיצָה) – a prenuptial document stipulating that in case of a groom's death without offspring, his brothers will perform chalitzah to release the widow from levirate marriage.



An 1838 Shtar Chalitzah from Baden

וּתְקַרְבָּנָה בְּנוֹת צֶלְפַּחַד בֶּן-חֶפְרַיִם
 בֶּן-גִּלְעָד בֶּן-מַכִּיר בֶּן-מְנַשֶּׁה
 לְמִשְׁפַּחַת מְנַשֶּׁה בֶּן-יוֹסֵף וְאֵלֶּה
 שְׁמוֹת בְּנֹתָיו מַחֲלָה וְחֹגְלָה
 וְנוֹחַ וְתִרְצָח׃

The daughters of Zelophehad, of Manassite family—son of Hepher son of Gilead son of Machir son of Manasseh son of Joseph—came forward. The names of the daughters were Mahlah, Noah, Hoglah, Milcah, and Tirzah.

וַתַּעֲמִדְנָה לִפְנֵי מֹשֶׁה וּלְפָנֵי אֶלְעָזָר
 הַכֹּהֵן וּלְפָנֵי הַנְּשִׂאִים וְכָל-הָעֵדָה פְּתַח
 אֹהֶל-מוֹעֵד לֵאמֹר׃ אֲבִינוּ מֵת בַּמִּדְבָּר
 וְהוּא לֹא-הָיָה בְּתוֹךְ הָעֵדָה הַנוֹעֲדִים
 עַל-יְהוָה בְּעֵדַת-קָרוֹחַ כִּי-בִחְטָאוֹ מוֹת
 וּבָנִים לֹא-הָיוּ לוֹ׃

They stood before Moses, Eleazar the priest, the chieftains, and the whole assembly, at the entrance of the Tent of Meeting, and they said, “Our father died in the wilderness. He was not one of the faction, Korah’s faction, which banded together against YHWH, but died for his own sin; and he has left no sons.

לָמָּה יִגְרַע שֵׁם-אֲבִינוֹ מִתּוֹךְ מִשְׁפַּחַתוֹ
 כִּי אֵין לוֹ בֶּן תְּנֶה-לָּנוּ אַחֲזָה בְּתוֹךְ
 אַחֵי אֲבִינוֹ׃

Let not our father’s name be lost to his clan just because he had no son! Give us a holding among our father’s kinsmen!”

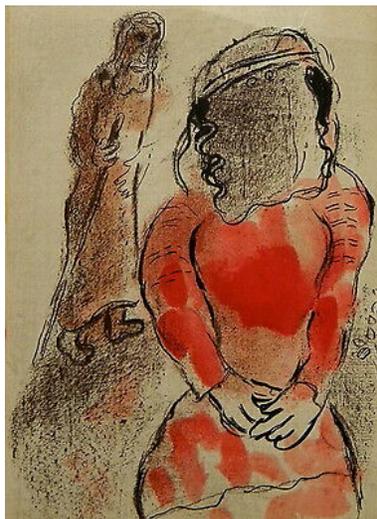
וַיִּקְרַב מֹשֶׁה אֶת-מִשְׁפָּטָן לִפְנֵי יְהוָה׃
 וַיֹּאמֶר יְהוָה אֶל-מֹשֶׁה לֵאמֹר׃

Moses brought their case before YHWH. And YHWH said to Moses: “The plea of Zelophehad’s daughters is just: you should give them a hereditary holding among their father’s kinsmen; transfer their father’s share to them. Further, speak to the Israelite people as follows: ‘If a householder dies without leaving a son, you shall transfer his property to his daughter. If he has no daughter, you shall assign his property to his brothers. If he has no brothers, you shall assign his property to his father’s brothers. If his father had no brothers, you shall assign his property to his nearest relative in his own clan, who shall inherit it.’ This shall be the law of procedure for the Israelites, in accordance with YHWH’s command to Moses.”

כֹּן בְּנוֹת צֶלְפַּחַד דְּבַרְתָּ נָתַן תַּתֵּן לָהֶם
 אַחֲזֵת נַחֲלָה בְּתוֹךְ אַחֵי אֲבִיהֶם
 וְהִעֲבַרְתָּ אֶת-נַחֲלַת אֲבִיהֶן לָהֶן׃
 וְאֶל-בְּנֵי יִשְׂרָאֵל תְּדַבֵּר לֵאמֹר אִישׁ
 כִּי-יָמוּת וּבֶן אֵין לוֹ וְהִעֲבַרְתֶּם
 אֶת-נַחֲלָתוֹ לְבָתּוֹ׃ וְאִם-אֵין לוֹ בֵּת
 וּנְתָתֶם אֶת-נַחֲלָתוֹ לְאָחָיו׃ וְאִם-אֵין לוֹ
 אָחִים וּנְתָתֶם אֶת-נַחֲלָתוֹ לְאָחֵי אֲבִיו׃
 וְאִם-אֵין אָחִים לְאָבִיו וּנְתָתֶם
 אֶת-נַחֲלָתוֹ לְשֹׂאֲרוֹ הַקָּרֵב אֵלָיו
 מִמִּשְׁפַּחַתוֹ וַיִּרְשׁ אֹתָהּ וְהִיְתְּהָ לְבֵנִי׃
 יִשְׂרָאֵל לְחֻקַּת מִשְׁפָּט כַּאֲשֶׁר צִוָּה
 יְהוָה אֶת-מֹשֶׁה׃

COMMENTARY

Rabbi Shmuel bar Rav Yitzchak says, “Tradition teaches that Moshe our teacher was sitting and interpreting the levirate law (Deuteronomy 25:5). Just then the daughters of Tzelofchad said to him, “If we are each considered like a son, give us each a son’s inheritance. If not, our mother should enter into a levirate marriage.” Immediately upon hearing their claim, the verse records, “Moshe brought their cause before YHWH.” BT Bava Batra 119b.



TAMAR AND JUDAH, GENESIS 38

About that time Judah left his brothers and camped near a certain Adullamite whose name was Hirah. There Judah saw the daughter of a certain Canaanite whose name was Shua, and he took her [into his household as wife] and cohabited with her. She conceived and bore a son, and he named him Er. She conceived again and bore a son, and named him Onan. Once again she bore a son, and named him Shelah; he was at Chezib when she bore him.

Judah got a wife for Er his first-born; her name was Tamar. But Er, Judah's first-born, was displeasing to YHWH, and YHWH took his life. Then Judah said to Onan, "Join with your brother's wife and do your duty (yabem) by her, and provide offspring for your brother."

But Onan, knowing that the offspring would not count as his, let [the semen] spill on the ground whenever he joined with his brother's wife, so as not to provide offspring for his brother. What he did was displeasing to YHWH, who took his life also.

Then Judah said to his daughter-in-law Tamar, "Stay as a widow in your father's house until my son Shelah grows up"—for he thought, "He too might die like his brothers." So Tamar went to live in her father's house.

A long time afterward, Shua's daughter, the wife of Judah, died. When his period of mourning was over, Judah went up to Timnah to his sheepshearers, together with his friend Hirah the Adullamite.

And Tamar was told, "Your father-in-law is coming up to Timnah for the sheepshearing." So she took off her widow's garb, covered her face with a veil, and, wrapping herself up, sat down at the entrance to Enaim which is on the road to Timnah; for she saw that Shelah was grown up, yet she had not been given to him as wife.

When Judah saw her, he took her for a prostitute (*zonah*); for she had covered her face. So he turned aside to her by the road and said, “Here, let me sleep with you”—for he did not know that she was his daughter-in-law. “What,” she asked, “will you pay for sleeping with me?” He replied, “I will send a kid from my flock.” But she said, “You must leave a pledge until you have sent it.” And he said, “What pledge shall I give you?” She replied, “Your seal and cord, and the staff which you carry.” So he gave them to her and slept with her, and she conceived by him.

Then she went on her way. She took off her veil and again put on her widow’s garb.

Judah sent the kid by his friend the Adullamite, to redeem the pledge from the woman; but he could not find her. He inquired of the locals, “Where is the prostitute (*k’deshah*), the one at Enaim, by the road?” But they said, “There has been no prostitute here.”

So he returned to Judah and said, “I could not find her; moreover, the locals said: There has been no prostitute here.” Judah said, “Let her keep them, lest we become a laughingstock. I did send her this kid, but you did not find her.”

About three months later, Judah was told, “Your daughter-in-law Tamar has played the harlot; in fact, she is pregnant from harlotry.” “Bring her out,” said Judah. “She should be burned!”

As she was being brought out, she sent this message to her father-in-law, “It’s by the man to whom these belong that I’m pregnant.” And she added, “Examine these: whose seal and cord and staff are these?” Judah recognized them, and said, “She is more in the right than I, inasmuch as I did not give her to my son Shelah.” And he was not intimate with her again.

When the time came for her to give birth, there were twins in her womb! While she was in labor, one of them put out a hand, and the midwife tied a crimson thread on that hand, to signify: This one came out first. But just then it drew back its hand, and out came its brother; and she said, “What a breach you have made (*paratzta*) for yourself!” So he was named Peretz.

Afterward his brother came out, on whose hand was the crimson thread; he was named Zerah.

(Painting: Tamar and Judah, by Marc Chagall)