YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**SHAVUOT 5782**

***Yibbum* in *Megillat Ruth***

**By Prof. Alan Jotkowitz**

*Written on Yom Hazikaron 5782 in memory of the holy men and women who fell defending our country*

The story of the fourth chapter in the Book of *Ruth* is well known. To briefly summarize, it describes the refusal of Ploni Almoni to redeem the fields of his kinsman, and the subsequent redemption by Boaz – along with Boaz’s marriage to Ruth, leading to the birth of Oved, the ancestor of King David.

Commentators discuss at length the connection of the acts of Boaz to the mitzva of *yibbum* (levirate marriage), though as Dr. Yael Ziegler notes:

A traditional reading of the Book of *Ruth* cannot regard the marriage to Ruth as the fulfillment of *yibbum*. This is not merely because the marriage is not consummated by an actual brother. *None* of the particulars of the *mitzvot* of *yibbum* and *chalitza* are properly observed in the book.[[1]](#footnote-1)

To my mind, the textual and thematic connections between the narrative and the mitzva – as noted by both Dr. Ziegler and Professor Jonathan Grossman – are so strong and convincing that the mitzva of *yibbum* must play a central role in the story. I agree with Professor Grossman’s conclusion that "even if we are not talking about the law of *yibbum*, certainly the idea of *yibbum* is expressed."[[2]](#footnote-2)

In fact, Professor Josh Berman argues that the whole book of *Ruth* follows the structure of the *mitzvot* enumerated in *Devarim* 25.[[3]](#footnote-3) However, he doesn’t explain what, if anything, this structure adds to our understanding of the *mitzvot* or to *yibbum* in particular.

This connection is of course famously noted by the Ramban, who maintained that *yibbum* existed prior to the giving of the Torah – as described in the stories of Yehuda and Tamar and Boaz and Ruth:

Early sages before the Torah knew that there is great benefit in levirate marriage with a brother… [or] after him… any close relative from his family who is an heir to the estate will achieve the same benefit... We do not know if this custom existed prior to Yehuda… The early sages of Israel, who understood this venerable matter, had an early custom in Israel to perform this act with all of the heirs to the inheritance, those who do not have a prohibition of cohabitation. They called this custom *geula* (redemption). This is the matter with Boaz. (Ramban, *Bereishit* 38:8)

If this is true, why does the Book of *Ruth* deviate from the usual procedures of the mitzva? What can this teach us?

To answer this question, we have to go back to the earliest places the Torah discusses *yibbum* *–* in *Devarim* and *Bereishit*.

The mitzva of *yibbum* is codified in *Devarim* 25:5-6:

If brothers reside together, and one of them dies having no son, the dead man's wife shall not marry an outsider. [Rather,] her husband's brother shall be intimate with her, making her a wife for himself, thus performing the obligation of a husband's brother with her. And it will be, that the eldest brother [who performs the levirate marriage, if] she [can] bear will perpetuate the name of his deceased brother, so that his [the deceased brother's] name shall not be erased from Israel.[[4]](#footnote-4)

The mitzva in *Devarim* is formulated as a commandment to “perpetuate the name of his deceased brother." This is accomplished by having the widow marry one of the brothers of the deceased and hopefully produce a son who will carry on the name of the deceased brother.

Rav Lichtenstein taught that a Jewish marriage has two purposes: to create a loving relationship between the husband and wife, and also to create a family.[[5]](#footnote-5) *Yibbum* focuses on the second aspect; the *yavam*’s (brother-in-law’s) relationship to the *yevama* (widowed sister-in-law)is characterized by the Rambam’s words, "his wife that heaven acquired for him,"[[6]](#footnote-6) unlike a typical marital relationship that is consecrated by mutual acquiescence.

The goal of *yibbum* is to create a living legacy for the dead brother, and the usual marital relationship aspect is minimized or even absent.[[7]](#footnote-7) From this perspective, the role of the widow is purely instrumental. Halakha even allows *yibbum*, unlike marriage, when the woman hasn’t seen the man beforehand. The mitzva seemingly exists just to produce an heir, without regard to the feelings or the needs of the widow.

 The Abarbanel, however, writes that there is another purpose to the mitzva:

From the perspective of the woman there is also a great benefit to this mitzva. Because when she is with her husband, she lives with her husband in his house and on his land, but when the husband dies, she is left in poverty, brokenhearted, with nothing, without a husband to protect her, and childless. And because of this she must leave her house and land and seek refuge somewhere else. And the husband's relatives will inherit his land and house, and she will be expelled. Because of this and to her benefit, the Torah commanded the *yavam* to marry her so she will be able to remain with him in her home, like she was with her first husband. (Abarbanel, *Devarim* 25:5)

This compassionate outlook of the Abarbanel is missing in the description of the mitzva in the verses, where the needs and concerns of the unfortunate woman are not addressed. It may, however, be found in the first time *yibbum* is referenced in the Torah – in the story of Yehuda and Tamar, which the Ramban says is also connected at least thematically to the mitzvah of *yibbum*.

 The narrative in *Bereishit* begins:

Now it came about at that time that Judah left his brothers, and he camped near an Adullamite man, named Chira. (*Bereishit* 38,1)

This opening immediately contrasts Yehuda’s situation with the description of the mitzva in *Devarim*, which specifies that the brothers reside together. Apparently, the purpose of *yibbum* is to keep the family together, while Yehuda's actions in the preceding story (the sale of Yosef) and in this story, as we will see, risked destroying the family.

After the deaths of his two older sons, who were each married to Tamar, Yehuda refuses to marry his third son to her and she is sent back to her father's house to live as a forgotten, forsaken widow.

In order to rectify the situation, Tamar disguises herself as a prostitute, enticing Yehuda into a supposedly illicit relationship and forcing him to confront his immoral behavior towards her.

In this *yibbum* story, Tamar is not coerced into entering a levirate marriage but takes decisive action to ensure that it will occur. Even though she is used as an object by Yehuda, she initiates the relationship. Why does she act this way? Perhaps this is a reflection of the concerns of the Abarbanel.  In times of old, what were the prospects of a twice-widowed woman? One of the few options available to her was to turn to prostitution, and that’s why she masqueraded as one: not only to hide her true identity from Yehuda, but to illustrate the true extent of her tragic and precarious life situation. Finding herself alone and childless, back in her father's house, left her little choice but to turn to prostitution – because Yehuda did not live up to his promise and moral obligation.

The Torah continues:

So he turned aside toward her to the road, and he said, "Get ready now, I will come to you," for he did not know that she was his daughter-in-law. And she said, "What will you give me that you should come to me?" (Ibid. v.16)

What concerns Tamar is financial remuneration, because her primary concern is to ensure her survival in the harsh and unforgiving situation in which she has been placed. The Torah also notes that the interaction took place on the road, which is in obvious tension with the expressed purpose of *yibbum*, to "build up his brother's household" (*Devarim* 25:9).

The aspect of *yibbum* which serves to protect the woman is emphasized in the story of Yehuda and Tamar, complementing the commandment codified in *Devarim*. By fulfilling his obligation to Tamar, Yehuda was able to ensure her survival. However, even though Yehuda ultimately did the right thing in bringing Tamar back into his household, his act of *yibbum* was suspect, according to the teachings of Abba Shaul.

For it was taught: Abba Shaul said, “One who marries his *yevama* on account of her beauty, or in order to gratify his sexual desires, or with any other ulterior motive, it is as if he has infringed the law of incest; and I am even inclined to think that the child [of such a union] is a *mamzer.*” But the Sages said, “‘Her husband's brother shall go in unto her’ (*Devarim* 25:5) – whatever the motive.” (*Yevamot* 39b)

Abarbanel's perspective on *yibbum* is also demonstrated in the story of Ruth and Boaz, with an added element of contrasting Boaz's righteous behavior with Yehuda's.

Ruth, like Tamar, is also in a precarious situation. She is perhaps even worse off; not only is she a widow, but she is a stranger from a foreign land, with an elderly mother-in-law to support. Similar to Tamar, Ruth’s options were limited. She had to turn to charity to support herself and Naomi, and was ultimately saved by a *yibbum*-like act.

But here the similarity with the story of Yehuda and Tamar ends. Unlike Yehuda in his interactions with Tamar, Boaz behaves in exemplary fashion toward Ruth. He is a shining example of the proper way the mitzva of *yibbum* should be performed. He had every opportunity to take advantage of Ruth when she came to him in the middle of the night, but he restrained himself until the legal formulations were completed. His actions and motives were pure: to reclaim the name and fields of his kinsman and to ensure a future for Ruth and her offspring. He performed the mitzva without any ulterior motives, within the demands of Abba Shaul.

And this might be an additional lesson of the story. Even though Boaz was not halakhically obligated to marry Ruth, he recognized the moral and ethical need to do so and acted appropriately. This is consistent with the *chessed* theme of the Book of *Ruth* and is quite appropriate to read on the holiday celebrating the giving of the Torah, to remind us of the moral and ethical messages of the *mitzvot* even when a particular proper action is not strictly mandated.

The stories of Tamar and Ruth bring the mitzva of *yibbum* to life, illustrating a crucial aspect of the mitzva as taught by the Abarbanel – sensitivity to the plight of the widow – and highlighting the role of biblical narratives in deepening our understanding of the *mitzvot*.[[8]](#footnote-8)

1. Yael Ziegler, *Ruth: From Alienation to Monarchy* (Jerusalem: Maggid Books, 2015), p. 398. See also <https://etzion.org.il/en/tanakh/ketuvim/megillat-ruth/levirate-marriage-megillat-ruth> for this point as well as a comprehensive list of the connections that can nonetheless be identified between the narrative in *Ruth* and the mitzva of *yibbum*. [↑](#footnote-ref-1)
2. Jonathan Grossman, *The Scroll of Ruth: Bridges and Boundaries* [Heb.] (Alon Shvut: Tevunot, 2016), p. 280. [↑](#footnote-ref-2)
3. Joshua Berman, “Ancient Hermeneutics and the Legal Structure of the Book of Ruth,” *Zeitschrift fur die Alttestamentliche Wissenschaft* 119 (2007): 22-38. [↑](#footnote-ref-3)
4. Translation follows the interpretation in *Yevamot* 24a. [↑](#footnote-ref-4)
5. See the article by Harav Mosheh Lichtenstein, “*U-le’chalitza Ma Zo Osa*” in *Ma’amar Yevamin* (Alon Shvut: Yeshivat Har Etzion, 2004) p. 253. [↑](#footnote-ref-5)
6. Rambam *Hilkhot Yibbum V’chalitza* 1:1. [↑](#footnote-ref-6)
7. For example, see the Ritva (*Yevamot* 44a), who maintains that the husband’s obligation of *ona* (marital relations) is different in a marriage through *yibbum*. [↑](#footnote-ref-7)
8. The Jewish legal theorist Robert Cover, in his classic monograph “*Nomos* and Narrative” (Harv. L. Rev, 97:4, 1983-1984), maintained that “no set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning.” For further discussion on the role of narrative in halakhic decision making, see my “*Nomos* and Narrative in Jewish Law: The care of the dying patient and the prayer of the handmaid,” *Modern Judaism* 33 (1) 2013: 56-74 and Samuel J. Levine, “*Halacha* and *Aggada*: Translating Robert Cover’s *Nomos* and Narrative,” Utah L. Rev, 465, 1998. [↑](#footnote-ref-8)