Paired Perspectives on the Parashah: Ki Tetzei

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Ki Tetzei:

Family Loyalty and the Spirit of *Yibbum*

The Torah legislates the institution of *yibbum* (levirate marriage) in Deuteronomy 25:5-10, yet the Bible preserves only two narratives centered on the institution: Judah and Tamar (Genesis 38) and Ruth and Boaz. Together, these passages illuminate not only the law itself, but also the Torah's deeper values of family loyalty, preservation of inheritance, and concern for vulnerable widows. The laws of *yibbum* and *halitzah* (the ceremony releasing a widow when her husband's brother declines to marry her) also provide an illuminating backdrop for these narratives, which culminate in the ancestry of King David.

Leviticus appears to present a striking contradiction. A man ordinarily is forbidden to marry his brother's wife: "You shall not uncover the nakedness of your brother's wife" (Leviticus 18:16). Leviticus 20:21 adds that if he does so, they will remain childless. Yet Deuteronomy commands precisely such a marriage when a brother dies childless. The *Mekhilta* (*BaHodesh* 7) includes these verses among the commandments that God uttered simultaneously (*be-dibbur ehad*), highlighting their complementary rather than contradictory nature. Hizkuni captures the principle succinctly: *ha-peh she-asar hu ha-peh she-hittir* ("The same mouth that prohibited also permitted"). The same logic governs other apparent exceptions in the Torah, such as wearing *sha'atnez* (a mixture of wool and linen) in *tzitzit* or offering sacrifices on Shabbat (slaughtering an animal otherwise is

prohibited on Shabbat).

The Torah's exception permitting *yibbum* reveals its profound commitment to family continuity and responsibility. Among the Torah's forbidden sexual relationships, this alone becomes permissible for the sake of preserving a family, protecting a widow, and maintaining covenantal responsibility within Israel.

If the surviving brother refuses to marry his sister-in-law, the ceremony of *halitzah* frees her to marry someone else while publicly shaming the reluctant brother. Removing his shoe and spitting before him symbolize his failure to uphold his familial responsibilities. Susan Niditch aptly observes that *yibbum* also restored a childless widow to the protection of her husband's family in a society where women ordinarily depended upon fathers, husbands, or sons for security. *Halitzah* ensured that if this support would not be forthcoming, the widow would not remain trapped indefinitely.

The story of Judah and Tamar in Genesis 38 raises a fascinating question: if the Torah had not yet been given, how did Judah know about *yibbum*? *Genesis Rabbah* 85:5 suggests that Judah himself instituted the practice, but the narrative hardly reads as though anyone regarded it as an innovation. The most likely explanation is that *yibbum* already existed as a widespread ancient Near Eastern custom. Radak and Ramban suggest this possibility, whereas Rambam, Rabbi Avraham ben HaRambam, and Abarbanel accept this conclusion explicitly. Hittite law 193 likewise prescribed that if no brother survived, the father-in-law assumed responsibility for marrying the widow. Since Judah had no remaining eligible sons to give Tamar, Tamar herself ensured the continuation of the family through Judah.

In many respects Tamar becomes the Torah's first *agunah* (chained woman, who cannot remarry because of her halakhic ties to another man). Judah repeatedly delays giving Shelah in marriage to her, leaving Tamar unable either to remarry or to build a family. Unlike Deuteronomy's later legislation, there was no ceremony equivalent to *halitzah* that could free her. The Torah's subsequent law therefore remedies precisely the dilemma Tamar faced: if the surviving brother

refuses to marry the widow, she need not remain in perpetual limbo.

The Book of Ruth presents the institution after the Torah had already limited *yibbum* to brothers. Since no brothers remained alive, Boaz was not technically performing *yibbum*. Rather, Judean society extended the values underlying *yibbum* beyond its formal legal boundaries. Ramban (on Genesis 38:8) observes that the spirit of the institution expanded to include the nearest eligible paternal relative. This development dovetails naturally with the Torah's laws of *ge'ulah* (redemption) in Leviticus 25, which likewise call upon relatives to preserve family property. Although the Torah legislates redemption of land and *yibbum* separately, the Book of Ruth weaves them together into one powerful expression of familial devotion.

The unnamed redeemer initially agrees to redeem Naomi's field but immediately withdraws when Boaz informs him that redeeming the property also entails marrying Ruth. His concern, "lest I impair my own inheritance" (Ruth 4:6), reveals the very tension at the heart of the narrative. Boaz, by contrast, willingly accepts potential financial and familial complications in order to preserve the name and inheritance of another family. The Book of Ruth thus transforms the legal principles of Deuteronomy into a compelling portrait of covenantal generosity.

Significantly, the Bible's only two narratives centered on *yibbum* both culminate in the Davidic dynasty. The elders bless Boaz and Ruth that their house should become "like the house of Perez, whom Tamar bore to Judah" (Ruth 4:12), explicitly linking the two stories. David's ancestry therefore emerges from extraordinary acts of familial responsibility, selflessness, and covenantal loyalty. The legal institution of *yibbum* ultimately points beyond the law itself to enduring Torah values: preserving families, protecting the vulnerable, and sustaining the covenantal community through acts of love and responsibility.