

The Torah of “Levirate “Marriage

By Rabbi Edward Levi Nydle

“When brothers dwell together, and one of them has died, and has no son, the widow of the dead man shall not become a stranger’s outside. Her husband’s brother (*yavam*) in to her, and shall take her as his wife, and perform the duty of a husband’s brother to her.” Devarim (Deut.) 25:5

This law within the Torah of Yahweh is called in Hebrew “*yibbum*”. The term “*Levirate*” is from the Latin meaning “brother-in-law” or “husband’s brother”. This custom was not unique to Yisrael and is found among many primitive people, including the Hittites and Assyrians. The Assyrians even extended this practice to a betrothed woman.

The Torah generally forbid this practice (Wayyiqra-Lev.18: 16; 20:21), but it was regarded as obligatory if there was no male sons, and when two brothers dwelt upon the same family estate or inheritance. The Jewish sage Rashi teaches that if the younger brother is born after the older brother has died, this commandment is not binding upon the younger brother. Also, this commandment only applies if the widow is physically capable of conceiving and giving birth to a child. The surviving brother could evade his Torah obligation to his sister-in-law by a ceremony called *Chalitzah*.

- *Chalitzah*: “ But if the man does not desire to take his brother’s wife, then let his brother’s wife go to the elders, and say, ‘ My husband’s brother refuses to raise up a name to his brother in Yisrael, he does not agree to perform the duty of my husband’s brother,’ The elders of the city shall then call him and speak to him, and he shall stand and say, ‘I have no desire to take her,’ then his brother’s wife shall come to him in the presence of the elders, and remove the sandal from his foot, and shall spit(see Bemidbar –Numbers 12:14; Yeshayahu-Isaiah 50:6) in his face, and answer and say, ‘Thus it is done to the man who does not build up his brother’s house.’ And in Yisrael his name shall be called, ‘The house of him who had his sandal removed.’ Devarim 25:7-10.

This was an act of total humiliation and contempt for the brother-in-law, as he had spurned the chance to keep the memory and household of brother alive, and had considered his brother irrevocably dead. Also, the widow was not free to remarry until the act of *chalitzah* had been performed. *Chalitzah* released the brother-in-law to all claims on his dead brother’s inheritance.

The case of Ruth could be one of the Levirate marriage, but rather I believe it is the Torah institution of the *Go’el* (or Kinsman Redeemer); but the relationship of Tamar with her husbands in Bereshith (Gen.) 38 is a record of such a relationship. If the result of such a relationship was a male son, then that son acquired the inheritance of the deceased brother. This was the exact reason Yahweh instituted this practice (see Bemidbar-Numbers 27 and 36 with the daughters of Tselophchad); to prevent the extinction of the family name and property in Yisrael.

The Samaritans and Karaites practiced the Levirate marriage only when the woman had been betrothed and the marriage had not yet been consummated. The Karaite sage Benjamin Nahawendi as well as Elijah encouraged the practice among their people. With the change from polygamy to monogamy due to the takkanah of Gershom ben Judah (960-1028CE), the custom was forbidden among the Rabbinical Jews in France and Germany. In fact, the chief Rabbinat of Yisrael requires *chalitzah*, but absolutely forbids *yibbum*! Thus in their Talmudic decrees they have reversed the Torah’s priorities and set aside the command of Yahweh for tradition. *Halakah* in Yisrael renders the widow unmarriageable until this *chalitzah* is performed, thus creating many hard-ship cases for widows in Yisrael. The widow depends upon her brother-in-law to release her from a law that has been officially declared inoperative by Talmudic rabbis. Yet, Yahweh has declared true religion before him as caring for the widows and orphans (Ya’akov-James 1:27). This creates a problem that may not be solved until the coming Kingdom of Yahweh.

In the Brit Chadasha (Mattithyahu 22:23-33; Mark 12:18-27) the *Tz’dukim* (Sadducees) posed a *sh’eilah* (question) to Yahshua concerning this practice of the Levirate marriage and the resurrection. Yahshua answers the question saying that this practice will not be necessary for those in the resurrection as they do not marry or procreate, and are as the *malakim* (angels) in heaven.

Revelation 19:1-9 tells us that all those in the First Resurrection will be married to Yahshua at the Marriage Supper of the Lamb (this includes the 144,000 Messianic Yisraelites and the innumerable multitudes also) on the Sea of Glass at His Second Coming after the Great Tribulation. This does not mean in the resurrection we are “sexless beings” physically, but that there will be no need for these to marry for the purpose of producing righteous seed.

-Rabbi Edward Levi Nydle