

MEGILLAT RUTH
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Shiur #31: Levirate Marriage in *Megillat Ruth*

***Megillat Ruth* and Levirate Marriage**

The most pressing halakhic question lurking in the background of *Megillat Ruth* is that regarding the relationship between marriage to Ruth and the mitzvot of levirate marriage (*yibbum*) and its alternative, *chalitza*.^[1]

Rabbinic sources do not appear to regard the narrative in *Megillat Ruth* as a fulfillment of the mitzva of *yibbum*. The *gemara* states quite simply: “Boaz was a widower who married a widow.”^[2] Ibn Ezra also makes this point, declaring that, “*Geula* is not *yibbum*.”^[3] After all, neither Boaz nor the *go’el* was a brother to Machlon, Ruth’s deceased husband. Therefore, according to the laws of *yibbum* (*Devarim* 25:5), this cannot be the fulfillment of that mitzva. More significantly, nowhere does the text ever state that this narrative involves a fulfillment of the mitzva of *yibbum*.

Nevertheless, linguistic and thematic allusions to this mitzva abound throughout *Megillat Ruth*. Consider the following linguistic connections:

- In *Ruth* 3:13, Boaz notes that the *go’el* may not desire to marry Ruth (“***im lo yachpotz***”). This echoes the description of the *yavam* who refuses to perform the marriage and chooses instead the alternate option of *chalitza* (“***ve-im lo yachpotz ha-ish...***”) (*Devarim* 25:7).
- Marriage to Ruth is twice described as having the goal of establishing the name of the deceased (“***le-hakim shem ha-met***”) (*Ruth* 4:5, 10). These statements evoke *Devarim* 25:4-5 (“***yakum al shem achiv ha-met,***” “***le-hakim le-achiv shem bi-Yisrael***”).
- Boaz pronounces that the result of the marriage is that the name of the dead shall not be cut off from his brothers (“***ve-lo yikaret shem ha-met mei'im echav***”) (*Ruth* 4:10). This statement recalls *Devarim* 25:6, in which the stated purpose of *yibbum* is that the name of the deceased not be erased from Israel (“***ve-lo yimacheh shemo bi-Yisrael***”).
- The word “*yavam*” appears twice in the book of *Ruth* (*Ruth* 1:15).^[4] This is especially significant because it appears only in two other places in the entire *Tanakh*: the story of Yehuda and his sons (*Bereishit* 38:8) and the actual mitzva of *yibbum* in *Devarim* 25.

- The phrase “*eshet ha-met*” (“wife of the deceased”) appears only in *Devarim* 25:5 and in *Ruth* 4:5.
- The phrase “*kara shem be-Yisrael*” appears only in *Devarim* 25:10 and in *Ruth* 4:14.
- The *go’el*’s panicked words at the prospect of marrying Ruth, “Lest I destroy (*ashchit*) my own inheritance,” bring to mind Onan’s resistance to fulfilling the levirate marriage commanded by Yehuda, his father. His defiance results in his attempt to obstruct the birth of an heir: “And he destroyed it (*ve-shichet*) on the ground” (*Bereishit* 38:9).

A link is also suggested by some compelling thematic similarities. The ascent toward the elders in the gate (*Ruth* 4:1-2), compounded by the role of the shoe in relieving the *go’el* of his duty (*Ruth* 4:8), recall the ceremony of *chalitza* (*Devarim* 25:7,9). Moreover, in *Ruth* 4:10, Machlon is finally named as Ruth’s husband, thereby suggesting that Ruth’s deceased husband is a factor in this ceremony.^[5]

Indeed, the mitzva of *yibbum* reverberates strongly throughout the book of Ruth. This generated the position of the Karaites, who maintained that this is evidence that the mitzva of *yibbum* is to be performed by a relative and not by a literal brother. Ibn Ezra presents the Karaite position (in order to reject it):

“When brothers dwell together” – They also said that these are not actual brothers, but rather relatives, and they brought a proof from Boaz. But they have not said anything [of value], for there is no reference [in *Megillat Ruth*] to *yibbum*, but rather to *geula*... And behold, they have been foolish and stupid, for it is explicit with regard to the sons of Yehuda [that this is *yibbum*, because it says,] “and do *yibbum* with her” (*Bereishit* 38:8)... [and this is] because she was [married to] two brothers... And the text said with regard to Onan that he did not give seed to his brother, “And he did evil in the eyes of God” (*Bereishit* 38:10). Therefore we will rely on tradition that [this mitzva relates to] actual brothers. (Ibn Ezra, *Devarim* 25:5)

The Karaites waged a campaign against the fulfillment of levirate marriage by the brother of the deceased, and adduced *Megillat Ruth* as evidence for their position.^[6] The problem of a brother performing the mitzva of *yibbum* and marrying his deceased brother’s wife is well-known; after all, one’s brother’s wife is explicitly forbidden to him (*Vayikra* 18:16, 20:21).^[7] The Karaites resolve the problem by understanding the word “*ach*” to mean a kinsman, a relative who is not necessarily a brother.^[8]

Nevertheless, there is little doubt that a traditional reading of *Megillat Ruth* cannot regard the marriage to Ruth as the fulfillment of *yibbum*.^[9] 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 *Megilla*.^[10] The *go'el's* shoe is not removed by Ruth (the wife of the deceased). In fact, it is not even clear whose shoe is actually removed in *Ruth* 4:10.^[11] Ruth does not approach the elders at the gate, does not proclaim that the *go'el* has refused to perform the levirate marriage, and does not spit in front of him.^[12] It is not even clear that Ruth is present at the ceremony.^[13]

One intriguing textual piece of evidence is the verse that carefully explains the purpose of the shoe:

And this was what was formerly done in Israel with regard to *geula* and transfer; in order to establish any transaction, a man would remove his shoe and give it to his fellow. This was the ratification in Israel. (*Ruth* 4:7)

This verse, which explains that the shoe is employed in certain types of legal transactions, without mentioning *chalitza*, seems designed to quell the lingering suspicion that behind the ceremony lurks the biblical act of *chalitza*.

Other clues that *Megillat Ruth* does not contain an act of *yibbum* emerge from the behavior of some of the key characters in the narrative. Boaz's praise of Ruth that she did not seek a younger man "whether poor or rich" (*Ruth* 3:10) suggests that Ruth was free to choose her own husband. Had the requirement of *yibbum* been present, Ruth would have been obliged to either accept *yibbum* or undergo *chalitza* with the levir before seeking a husband. Similar confirmation may be adduced from Naomi's behavior. If there is a requirement of *yibbum* as a result of the death of Naomi's sons, then how could Naomi send her daughters-in-law back to Moav to marry? Someone who is meant to perform *yibbum* has the status of a married woman, and she cannot marry until she performs the *chalitza* ceremony with a brother of the deceased. Moreover, if there is a compulsory mitzva of *yibbum*, it is unlikely that Naomi would have sent Ruth in a surreptitious manner to seduce Boaz. She could have openly demanded *yibbum* as a legal imperative. The *go'el's* response may also be taken as evidence. Boaz's announcement that the *go'el* is required to marry Ruth takes the *go'el* completely by surprise. Is it possible that the *go'el* would have responded in this manner if he had an obligation of *yibbum*? Finally, several times, the narrative links the product of the new union to Boaz, rather than to the deceased. The witnesses bless Boaz that God will give *him* a child from Ruth: "From the seed which God shall give *you* from this young woman" (*Ruth* 4:12). Furthermore, the genealogy in *Ruth* 4:21 traces the dynasty of Peretz through Boaz and Oved, omitting Machlon completely.

We could, of course, claim that one of the above characters is ignorant of the obligation, or offer an alternative explanation to account for some of the behaviors mentioned above. However, taken together, the picture that emerges suggests compellingly that marriage to Ruth is not the fulfillment of the mitzva of *yibbum*. It is, however, certainly *yibbum*-like, and it shares many of the objectives of *yibbum*. *Megillat Ruth* draws heavily from the mitzva of *yibbum* in order to emphasize

and draw attention to their similarities. Nevertheless, based on the overwhelming evidence, we must conclude that Ruth's marriage is most certainly not *yibbum*.

The Purpose of Levirate Marriage

Levirate marriage serves an important function in society – it perpetuates a man whose childless passing threatens his posterity and his name. It also protects the widowed, childless woman, whose prospects for marriage in ancient societies are bleak. It is not surprising that Ancient Near Eastern law codes record a similar custom:

If a woman is still living in her father's house, but her husband has died, as long as she has sons, she may live in whichever of their houses she chooses. If she does not have a son, her father-in-law is to give her to whichever of his <other> sons he prefers. or if he wants, he may give her as spouse to her father-in-law. If both her husband and her father-in-law are dead, and she has no sons, she is a legal widow, and may go wherever she wants. (Middle Assyrian Law Code, Tablet A, Law 33)^[14]

In his comment on the story of Yehuda's sons, the Ramban recognizes that *yibbum* existed prior to the giving of the Torah (namely, in ancient society). He deduces from the story of Yehuda and Tamar that this practice was formerly consummated by relatives of the deceased other than the brother.^[15]

This matter is a great secret from the secrets of the Torah in the annals of man, and it is recognized to the discerning eyes of anyone to whom God gave eyes to see and ears to hear.^[16] Early Sages before the Torah knew that there is a great benefit from a levirate marriage with a brother... and any close relative from his family who is an heir to the estate will obtain the same benefit. They were accustomed to marry the wife of the deceased, whether it is the brother or the father or a relative from the family. We do not know if this custom was [in existence] prior to Yehuda... When the Torah came and prohibited [marriage to] the wife of certain relatives, God wanted to permit the prohibition of the wife of the brother for the purpose of *yibbum* and He did not want to discard the prohibitions of [other forbidden relationships], for [only with] the brother had [the mitzva of *yibbum*] become common practice and the benefit is greatest [from a brother] and not from the [other relatives]. (Ramban, *Bereishit* 38:8)

With this background, Ramban explains the events of *Megillat Ruth*:

The early Sages of Israel who understood this venerable matter had a custom formerly in Israel to perform this act with all the heirs to the inheritance, [limiting themselves to] those who do not have a prohibition of cohabitation. They called this [custom] *geula*. This is the matter with Boaz,

and the reason for Naomi and the neighbors. The one who is wise will understand.^[17] (Ibid.)

Ramban's explanation accounts for the use of the word *geula*, which appears frequently in *Megillat Ruth*. According to Ramban, this word alludes to an ancient custom which is *yibbum*-like both in terms of its origin and its objectives. We will shortly return to the Ramban's idea.

Chessed and the Levirate Marriage

Why does *Megillat Ruth* draw from the mitzva of *yibbum*? In what way does this mitzva provide an ideological backdrop to the events of the *Megilla*?

Yibbum appears to be a particularly difficult mitzva to discharge, as evidenced by the Torah's providing an escape clause. Even though the Torah conveys that *yibbum* is the preferred option by creating a humiliating ceremony for one who opts out of his obligation, an alternative course of action (*chalitza*) is built into the legal system.^[18] Moreover, in both biblical narratives that have a *yibbum* or *yibbum*-like scenario, there is fierce resistance. Onan prefers to spill his seed rather than to give it to his deceased brother's wife, while the *go'el*'s panicked refusal illustrates his inclination to relinquish the land rather than marry Ruth.

The difficulty with this mitzva may be explained in several ways. One is that which we noted above: *yibbum* involves the violation of another biblical command.^[19] This may have been enough to have caused instinctive recoil from it, in spite of the explicit biblical law that overrides the prohibition. Additionally, as noted in the previous *shiur*, *yibbum* is difficult because it is not an economically advantageous decision and may even involve a financial loss. Finally, *yibbum* requires that man overcome the baser part of human nature, that which induces man to desire the erasure of his brother, the instinct for fratricide.

Nevertheless, there is little doubt that the Bible frowns on *chalitza*, even if it is allowed.^[20] One who refuses to discharge the duty towards his sister-in-law is publically called to account. He appears before the elders of the city (presumably at the gate), who speak to him. If he persists in his refusal, he must pronounce this publically, at which point his sister-in-law removes his shoe, spits in front of him,^[21] and says, "So shall be done to the man who does not build his brother's house!" At the conclusion of the ceremony his name is called in Israel: "The House of the One who Removed His Shoe," an ignominious name indeed. This entire ceremony seems designed to shame one who refuses *yibbum*. The public, degrading ceremony, as well as the words hurled at the erstwhile levir, act both as potential deterrents and strong expressions of censure.

Yibbum and its derivative, the *yibbum*-like custom of marrying a close relative (*geula*), are both commendable and challenging tasks. These acts require a sense of moral obligation toward one's brother, as well as the willingness to do *chessed* that is unrequited, kindness from which the benefactor has nothing to gain. Boaz's unwavering

willingness to perform this act illustrates his selfless willingness to help another. The extraordinary nature of Boaz's act may be measured by noting the *go'el's* fearful reaction to the possibility of marrying Ruth:

And the *go'el* said, "I cannot redeem [her] for myself, lest I will destroy my inheritance! You redeem, you yourself, my redemption, for I cannot redeem!" (*Ruth* 4:6)

We have offered several reasons that this sort of marriage is difficult. Nevertheless, the key to understanding the *go'el* may lie in the words, "Lest I will destroy my inheritance." What does he mean? One possibility is that he is overcome by his fear of the religious and social consequences of marrying a Moavite. Note that Boaz explicitly refers to Ruth as a Moavite prior to the *go'el's* reaction (*Ruth* 4:5). The *go'el* may be fearful that a marriage to a Moavite would cast a blight upon his family purity, particularly if he were to have children with Ruth.^[22]

A second possibility is that the *go'el* means to say that this proposal has potentially disastrous economic consequences. Ibn Ezra suggests that this *go'el* has a large estate already, perhaps meaning that the *go'el* feels that he does not have the means to care for a combined estate. If this is the *go'el's* intent, this seems a flimsy excuse, given that he had previously so eagerly agreed to assume responsibility for the field. That agreement, of course, was before he knew that marriage to Ruth was linked to the acquisition of the field. Once the *go'el* assumes responsibility for the welfare of Ruth, all children born to them, and perhaps Naomi as well, the expense may truly have seemed prohibitive.^[23]

Ibn Ezra raises another possible explanation to explain the *go'el's* intent. He notes that the *go'el* may be concerned about his wife's reaction to this marriage. This approach is also found in the Targum:

The redeemer said, "In that case, I am not able to redeem for myself. Because I have a wife, I have no right to marry another in addition to her, lest there be contention in my house and I *destroy my inheritance*. You, redeem my inheritance for yourself, for you have no wife, for I am not able to redeem." (Targum, *Ruth* 4:6)

Whatever the reasons the *go'el* has for refusing to marry Ruth, be they social, economic, religious, or some combination of the above, the *go'el's* refusal seems to emerge from his regard for his own needs, rather than the needs of Ruth or the deceased Elimelech. The Malbim focuses on the *go'el's* use of the word "for myself (*li*):"

[The *goel*] responded "I cannot redeem [her] for *myself*." He specified the word "*li*." He wished to say that it will not be able to be for me... in my name. (Malbim, *Ruth* 4:6)

The *go'el's* public rejection could have been disastrous for Ruth. Until this moment, the only public statement with regard to Ruth has been Boaz's sweeping endorsement of her actions in *Ruth* 2:11-12. The effect of that speech upon the townspeople likely meant significant improvement of Ruth's social status. However, the act of marrying Ruth is far more personal than merely blessing her. The *go'el's* distraught, public refusal to marry Ruth can profoundly affect her social position and future prospects.

Boaz makes a different decision than the *go'el*. Just as Orpah's normative behavior highlighted Ruth's extraordinary nature, the *go'el's* self-centered concerns act as a foil for the reader to apprehend Boaz's remarkable selflessness. In contrast to the *go'el*, Boaz's noble decision to perform this *yibbum*-like act and marry Ruth stems from a deep sense of responsibility.^[24] This is the idea underlying the *yibbum*-like nature of Boaz's marriage to Ruth. It highlights Boaz's altruistic behavior when faced with this difficult task.

Boaz's remarkable selflessness mirrors Ruth's selflessness. Like Ruth, Boaz is willing to pay a high price, sacrificing his reputation, and perhaps his economic situation, to perform the requisite kindness for the wife of his deceased kinsman. As noted in our very first *shiur*, this union of two uncommonly altruistic and generous individuals is designed to produce a dynasty of kings devoted to their constituents, without regard for their own personal needs.

This series of shiurim is dedicated to the memory of my mother Naomi Ruth z"l bat Aharon Simcha, a woman defined by Naomi's unwavering commitment to family and continuity, and Ruth's selflessness and kindness.

I welcome all comments and questions: yaelziegler@gmail.com

^[1] *Devarim* 25:5-10 presents the two options of *yibbum* and *chalitza*.

^[2] *Ketuvot* 7a.

^[3] Ibn Ezra, *Ruth* 2:20. Following this succinct comment, the Ibn Ezra adds, "But it is another way." While this comment is a bit obscure, presumably Ibn Ezra intends to suggest that *geula* is another means of achieving similar objectives to *yibbum*.

^[4] Ibn Ezra (*Devarim* 25:5) notes that the word "yavam" does not appear as a verb in this narrative (and certainly not to describe the act of marriage to Ruth), but rather as a reference to Orpah. He regards this as further evidence that, unlike the story of Onan and Tamar (where the word appears as a verb), Ruth's marriage is not a fulfillment of the mitzva of *yibbum*.

^[5] Until this moment, the text did not specify whether Ruth's husband was Machlon or Khilyon. Moreover, Boaz previously seems concerned only with Elimelech (*Ruth* 4:3), rather than with the actual husband of Ruth.

^[6] This view was propounded by the eighth-century founder of the Karaite movement, Anan ben David, in his book, *Sefer Ha-Mitzvot*.

^[7] Chazal are, of course, attentive to this problem. See e.g. *Yerushalmi Nedarim* 3:2; *Sifrei, Devarim* 133; *Mechilta De-Rav Yishmael, Yitro* 7.

^[8] This is undoubtedly one common usage for this word in *Tanakh*. See e.g. *Bereishit* 13:8, 29:12; *Bamidbar* 16:10; *Shemot* 4:18; *Devarim* 15:12. See also Brown, Driver, and Briggs, *A Hebrew and English Lexicon of the Old Testament* (1951), p. 26.

^[9] An intriguing passage in the Targum of *Ruth* 4:5 may imply that this was indeed a form of *yibbum*. The passage reads: "And Boaz said, 'On the day that you purchase the portion from the hands of Naomi and from the hands of Ruth the Moavite, the wife of the deceased, you are obligated to redeem and you must do *yibbum* with her (*le-yabama*) and take her as a wife in order to establish the name of the deceased upon his inheritance.'" Nevertheless, this seems to be an anomalous position.

^[10] See the Abravanel's twentieth question on *Devarim* 25 and his answer there.

^[11] We will examine this question in an upcoming *shiur*.

^[12] In his *Antiquities of the Jews* (Book V, Chapter IX), Josephus adjusts the ceremony in *Megillat Ruth* so as to reflect the *yibbum* ceremony. The following verse illustrates Josephus' intent: "So Boaz called the senate to witness, and bid the woman to loose his shoe and spit in his face, according to the law."

^[13] Ruth does not have any role at the ceremony. Nevertheless, the witnesses refer to her as "*ha-na'ara ha-zot*," "this young woman." The word "*zot*" or "*zeh*" often designates someone or something that is present, often by pointing a finger at the subject. See e.g. Rashi, *Shemot* 12:2.

^[14] See also Hittite Law 193, which stipulates that the responsibility to marry the widow of the deceased devolves first on his brother, then on his father, and finally on his paternal nephew. One of the Nuzi tablets records a man's acquisition of a bride for his son with the stipulation that if his son dies, the woman should be given to another son. This seems to be another indication of levirate marriage in Ancient Near Eastern culture. For more information on this topic, see Millar Burrows, "The Ancient Oriental Background of Hebrew Levirate Marriages," *Bulletin of the American Schools of Oriental Research* (1940), pp. 2-15.

^[15] This is, of course, because Tamar's plan appears to involve a form of *yibbum* with her father-in-law Yehuda.

^[16] This is most likely an allusion to the kabbalistic idea of *gilgul neshamot* (transmigration of souls).

^[17] Although the Ramban here does not use his common expression, "*al derekh ha-emet*," when the Ramban uses the expression, "*ve-hamaskil yavin*" (especially when it follows his allusion to some secret), he is generally referring to a kabbalistic idea. In this case, it seems that he is referring to the kabbalistic assumption that the mitzva of *yibbum* is related to the idea of reincarnation. See also Rabbeinu Bechayei, *Devarim* 25:6; *Zohar*, *Mishpatim* 480; Shelah (R. Yeshayahu Halevi Horovitz), end of *Ki Teitzei*; Malbim, *Ruth* 3:4; 4:14, 15. The *Zohar* in *Parashat Vayeshev* develops at length the importance of bearing children and the consequences of dying childless. In explaining the impact of *yibbum*, which permits the soul of the deceased to be perpetuated, the *Zohar* explicitly references the marriage of Ruth and Boaz.

^[18] While *yibbum* is a common ancient practice, *chalitza* seems to be an innovation of the Torah. Not only is nothing like it known from Ancient Near Eastern society, it seems that Yehuda was also unaware of the possibility of *chalitza*.

^[19] This idea cannot explain either of the narratives mentioned above. Onan's resistance occurs prior to the biblical law and the *go'el* does not seem to be a forbidden relation (although he may perceive Ruth's Moavite background to be similarly problematic). In any case, I am searching for general reasons that *yibbum* is considered to be a difficult mitzva, one which explains the need for *chalitza*.

^[20] This attitude underwent a change during rabbinic times. Rabbinic sources acknowledge that originally the commandment of *yibbum* took precedence over the commandment of *chalitza* (e.g. *Bekhorot* 1:7; *Yevamot* 39b; *Ketuvot* 64a). Nevertheless, these same sources explain that because it is no longer certain that one's intent is to properly fulfill the commandment, the precept of *chalitza* is now preferable to that of *yibbum*. See especially Abba Shaul's opinion in the above-cited *gemarot* (and see *Yevamot* 3a). This has long been the accepted ruling in the Ashkenazi world, though in the Sefaradi world *yibbum* was often practiced in previous generations.

^[21] For spitting as an expression of contempt, see *Bamidbar* 12:14; *Yeshayahu* 50:6; *Iyov* 30:10.

^[22] *Ruth Rabba* 7:7, 10; Rashi, *Ruth* 4:6.

^[23] Robert L. Hubbard, *The Book of Ruth* (1988), p. 245; Edward F. Campbell Jr., *Ruth* (Anchor Bible, 1975), p. 159.

^[24] We have noted several times that Boaz marries Ruth due to his sense of responsibility. For more on this idea, see R. Yaakov Medan, *Hope from the Depths: A Study in Megillat Ruth* [Heb.] (2007), p. 89.