

## MIQDASH BETHEL COVENANT ASSEMBLY

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## TORAH LAW EDUCATIONAL COURSE

## The 613 Mitzvot of Yahweh

Bereishit • Shemot • Vayikra • Bamidbar • Devarim | The Tanakh Writings

## LESSON 07

Negative Law #167

## Vayikra (Leviticus) 18:16 — Not to Commit Incest with a Sister-in-Law

עֲרוֹת אִשֶׁת-אָחִיךָ לֹא תִגְלֶה

*Ervat eshet-achich lo t'galeh***"You shall not uncover the nakedness of your brother's wife; it is your brother's nakedness."***The Living Brother's Wife: Covenant Protection — and the Levirate Exception Defined — and the Mercy of Return***Four Spheres: Individual • Community • Nation • World****Authority: The Tanakh — The Word of Yahweh Alone**

Standard: Devarim 19:15 — Two or Three Witnesses

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## SECTION I — THE HEBREW TEXT

**Vayikra (Leviticus) 18:16: "You shall not uncover the nakedness of your brother's wife; it is your brother's nakedness."**

**Key terms:** **אִשֶּׁת-אָחִיךָ (eshet-achich)** — "wife of your brother" — **אִשָּׁה (H802)** (wife/woman, BDB: "woman, wife, female") + **אָח (H251)** (brother, BDB: "brother, kinsman") + second person masculine singular suffix. The compound designation is significant: she is identified by her covenant relationship — the wife of your brother — not by her personal name or identity alone. She is covenant-protected through that relationship.

The Sexuality Household Study (Section 35) documents this in the complete arayot list: "V. 16 — *Brother's wife: You shall not uncover the nakedness of your brother's wife; it is your brother's nakedness. (Exception: levirate when brother died childless.)*" The document itself identifies the exception, making clear the Torah does not contradict itself on this point. The prohibition and the exception are both part of the Written Torah framework.

**The covenant statement:** **עֲרוֹת אָחִיךָ הִיא** — "it is your brother's nakedness." The possessive suffix on **עֲרוֹת** is not just grammatical — it is a covenant-legal declaration. Her nakedness belongs to your brother's covenant household. To approach her is to violate your brother's covenant, not merely her personal boundary.

### The Torah Tension: Law #167 vs. the Levirate — Defined Precisely

This law creates an apparent tension with the levirate marriage law of Devarim 25:5-10, which **requires** a man to marry his deceased, childless brother's widow. The Sexuality Household Study (Section 40) provides the complete levirate framework. The distinction is explicit in the Written Torah itself — no inference required:

Reference	Teaching / Witness
<b>Law #167 — Vayikra 18:16 — FORBIDDEN</b>	The LIVING brother's wife. The brother is alive. His covenant household is intact. His wife's nakedness belongs to his covenant. To approach her is a capital covenant crime against the living brother's household.
<b>Levirate — Devarim 25:5-10 — REQUIRED</b>	The DECEASED brother's CHILDLESS widow. The Sexuality Household Study (Section 40) states: "The law establishes a specific obligation: when a man dies without a son, his brother is required to marry the widow. The purposes are explicit: to prevent the dead brother's name from being 'blotted out from Yisra'el,' to preserve the covenant household, and to protect the widow from destitution."

The Sexuality Household Study (Section 40) confirms the distinction directly with precision: "*If the living brother refuses, the widow performs the halizah ceremony: she*

*removes his sandal in the presence of the elders, spits before him, and declares that he refused to build his brother's household. After halizah, she is free to marry anyone else. The very existence of the halizah ceremony demonstrates that the levirate is an obligation with a formal release mechanism — not a pretext." Law #167 has no release mechanism because there is no legitimate exception when the brother is alive.*

## The Torah's Own Narrative Confirms the Distinction

The Sexuality Household Study (Section 40) analyzes the Onan narrative of Bereishit 38 in detail: *"Onan refused to produce a child that would be legally attributed to his dead brother Er, spilling his seed on the ground every time he had intercourse with Tamar — refusing the covenant duty while taking the sexual benefit of the arrangement. Yahweh killed Onan for this — not because of the specific act of withdrawal but because of the specific intent: denying his brother's household continuation while continuing to use Tamar sexually. Intent was the violation, not the method."* This narrative demonstrates precisely why the levirate exception exists — and confirms the absolute boundary of Law #167: the brother must be dead and childless for the exception to apply.

The Rut (Ruth) narrative reinforces this: the Sexuality Household Study (Section 40) notes that Boaz, as the go'el (kinsman-redeemer), fulfilled the covenant obligation to protect the widow Rut within the proper levirate framework — with full community witness, proper legal process, and the genuine covenantal purpose of protecting the widow and preserving the family line. This is the positive model of what the levirate obligation looks like when fulfilled in covenant faithfulness.

## The Penalty for Law #167

Vayikra 20:21: ***"If a man takes his brother's wife, it is impurity. He has uncovered his brother's nakedness; they shall be childless."*** The penalty — childlessness — is a covenant consequence that severs the violator from covenant continuity. The penalty is not the capital punishment assigned to some other arayot violations, but it is a severe covenant consequence: the violator who usurped his brother's covenant household will not produce his own covenant legacy.

## D. The Covenant Mercy of Yahweh — Sincere Repentance

Even where the Torah states the judgment of death, the covenant mercy of **Yahweh** is always extended to a person who sincerely repents. This is not a contradiction of the law — it is a covenant truth that runs through the entire Tanakh and must be stated plainly in every study.

Yechezkel (Ezekiel) 18:21-23 establishes this directly: ***"But if the wicked man turns from all his sins which he has committed and observes all My statutes and practices justice and righteousness, he shall surely live; he shall not die. All his transgressions which he has committed will not be remembered against him; because of his righteousness which he has practiced, he shall live. Do I have any***

***pleasure in the death of the wicked,' declares the Lord Yahweh, 'rather than that he should turn from his ways and live?'"***

This is the covenant position of **Yahweh** Himself — not a weakening of the law, but the full covenant framework. The death penalty is the Torah's declaration of the **gravity** of the sin. Yahweh's mercy through genuine repentance is the Torah's declaration of His **covenant character**. Both are true simultaneously. The Hoshea narrative is the clearest demonstration: **Yahweh** pursued covenant restoration with Yisra'el after centuries of spiritual adultery — not because the sin was less serious, but because His covenant love is greater than His judgment, for those who genuinely return.

The Sexuality Household Study (Section 46) states: *"Yahweh's covenant with Yisra'el did not end when Yisra'el committed adultery against Him — spiritually, repeatedly, across centuries. Yahweh pursued covenant restoration through every prophet He sent. The word to every person in covenant community who has violated the violation of a brother's wife or the failure of levirate duty is the same word Yahweh gave through Hoshea: return. The door of covenant restoration is the same door that stands open before Yisra'el in every prophetic book. What Yahweh requires is not performance — it is the sincere turning of the heart, the genuine abandonment of the covenant violation, and the humble return to the covenant structure He designed."* That is **Yahweh's** covenant: judgment is real, mercy is greater, and repentance is the bridge between the two.

**Yechezkel (Ezekiel) 18:23 — JPS 1985**

***"Is it My desire that a wicked person shall die? — says the Lord Yahweh. It is rather that he shall turn back from his ways and live."***

Witness: Yahweh's own stated desire — not the death of the wicked, but that the wicked turn and live. The judgment of the law establishes the gravity. The mercy of Yahweh through repentance establishes the covenant character. Both stand together in every lesson of this course.

## SECTION II — TWO/THREE WITNESS CORROBORATION

Reference	Teaching / Witness
<b>Vayikra (Lev.) 18:16</b>	Law #167 primary text — the living brother's wife prohibition. First witness.
<b>Vayikra (Lev.) 20:21</b>	"If a man takes his brother's wife, it is impurity... they shall be childless." Covenant penalty — childlessness — confirming the prohibition. Second witness.
<b>Devarim (Deut.) 25:5-10</b>	The levirate law — the same Torah that prohibits in Law #167 commands in specific circumstances. The Written Torah's own distinction: living brother's wife forbidden; deceased childless brother's widow required. Third witness confirming these are distinct situations, not contradictions.
<b>Bereishit (Gen.) 38:8-10</b>	The Onan narrative — Yahweh judges a man for failing the levirate obligation while exploiting the widow sexually. Confirms both the levirate duty AND the covenant protection of the widow from exploitation. The intent of the violator is subject to Yahweh's judgment.
<b>Rut (Ruth) 2-4</b>	Boaz and Ruth — the go'el (kinsman-redeemer) framework fulfilled in covenant faithfulness. The positive model of the levirate obligation: widow protected, covenant household preserved, full community witness, proper legal process.
<b>Yechezkel (Ez.) 18:21-23</b>	Yahweh desires the wicked to turn and live — the mercy covenant that applies even to those who have violated Law #167. Corroborating mercy witness.

## SECTION III — FOUR-SPHERE APPLICATION

Level	Sphere	Application	Torah Witness
INDIVIDUAL	Covenant Household Integrity — Living Brother	A man's wife is his covenant partner. Her nakedness belongs to their covenant household. A brother who approaches his living brother's wife has violated both her covenant rights and his brother's covenant simultaneously.	Vayikra 18:16
INDIVIDUAL	The Levirate — Covenant Duty, Not Option	The Sexuality Household Study (Section 40) establishes: the levirate obligation is a covenant duty of protection — not optional and not a pretext for sexual exploitation. The motive must be covenant faithfulness, not personal gratification.	Devarim 25:5-10; Bereishit 38
INDIVIDUAL	Sincere Repentance — The Covenant Mercy	Even for the violation of Law #167, Yahweh extends covenant mercy to sincere repentance (Yechezkel 18:21-23). The penalty of childlessness is the covenant consequence — the mercy of Yahweh is the covenant character that stands alongside it.	Yechezkel 18:21-23
COMMUNITY	Protect the Widow	The Sexuality Household Study (Section 40) establishes the levirate's purpose: to protect the widow from destitution. Where the levirate	Devarim 25:7-9; Rut 2-4; Yeshayahu 1:17

		obligation cannot be fulfilled — or is declined through halizah — the covenant community must ensure the widow is not left without provision and protection.	
COMMUNITY	Adjudicate the Exception Precisely	Where a man claims levirate right but the conditions do not apply — the brother is alive, or the brother had children — the community must adjudicate the false claim. The exception is precisely defined in the Written Torah; it cannot be used as a pretext for violating Law #167.	Devarim 25:5-10; Devarim 19:15
COMMUNITY	Honor Halizah — Release is Valid	Where the surviving brother declines the levirate through halizah, this is a valid Torah process. The widow is released to marry anyone else. The community must honor this release — the levirate is an obligation with a legitimate release mechanism.	Devarim 25:7-10
NATION	Protect Living Covenant Households	National law must recognize that a man's wife is the legal member of his covenant household while he lives. A brother's claim to the living brother's wife has no legal standing under any Torah framework and must be prosecuted as a covenant crime.	Vayikra 18:16; 20:21
NATION	Protect Widows — National Standard	National law must provide for the widow — the person the levirate was designed to protect.	Devarim 25:5-10; Yeshayahu 1:17

		Where no levirate mechanism exists, national welfare and inheritance law must ensure the covenant purpose of widow protection is honored.	
WORLD	Universal Widow Protection	The levirate principle — that a covenant community bears responsibility for the widow of a covenant brother — is a universal covenant standard for how communities treat their most vulnerable members. Yahweh designed this protection before national welfare systems existed.	Rut 2-4; Yeshayahu 1:17; 54:4-5
WORLD	Covenant Faithfulness as World Witness	The Boaz-Ruth narrative is the world's model of covenant faithfulness fulfilled: a man who could have avoided the levirate obligation (through halizah) chose instead to fulfill it — protecting the widow, honoring the dead brother's covenant household, and producing the covenant lineage through which Dawid (David) descended.	Rut 4; Mattityahu 1:5

## SECTION IV — THREE-RELIGION AUDIT

The Sexuality Household Study (Section 40) provides the complete three-religion comparison on levirate marriage.

### Judaism

**Upholds Torah:** Both Law #167 (living brother's wife forbidden) and the levirate obligation are maintained in halakic law. The Sexuality Household Study (Section 40) confirms: *"The Chief Rabbinate of Israel formally prohibited yibbum in 1950, requiring halizah exclusively — based on the concern that the levirate was being fulfilled for financial rather than covenantal reasons."* The prohibition and the exception are both preserved. **Note:** The Chief Rabbinate's ruling prefers halizah in the modern context — this is a rabbinic ruling, not a Torah revision. The Written Torah does not prohibit yibbum. It provides for both yibbum and halizah.

**Departs from Torah:** Where institutional authority has been used to protect perpetrators who violated Law #167 (living brother's wife) from accountability within communities, this represents a departure from the Torah's covenant accountability framework.

### Christianity

**Upholds Law #167:** The prohibition on the living brother's wife is upheld across all Christian traditions. **Departs on levirate:** The Sexuality Household Study (Section 40) states: *"Christianity abolished levirate marriage entirely, framing the Devarim 25 obligation as part of the Mosaic civil law no longer applicable. This is a direct departure from the Torah — one that has left Christian widows without the covenant protection the levirate was designed to provide."* The widow protection purpose of the levirate is not addressed in Christian ecclesiology with equivalent force.

### Islam

**Upholds Torah:** An-Nisa 4:22-24 prohibits the living brother's wife as a forbidden category. The Sexuality Household Study (Section 40) states: *"Islamic law does not impose levirate marriage as an obligation... However, a man may marry his deceased brother's widow by mutual consent, and Islamic law explicitly permits this as a normal marriage with the widow's consent and full mahr payment. Islam does not prohibit what the Torah established as a covenant duty; it removes the compulsion while retaining the permission."* The widow protection purpose is partially honored through the permitted (but not required) remarriage.

## STUDY REVIEW & DISCUSSION QUESTIONS

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### Individual Level

1. The Torah uses the covenant legal designation **עֲרוֹת אָחִיךָ הִיא** — "it is your brother's nakedness." What does this possessive designation communicate about the nature of the violation? Why is the violation of the living brother's wife described as uncovering the brother's nakedness rather than the wife's?
2. The levirate obligation (Devarim 25:5-10) requires a man to marry his deceased childless brother's widow. The Onan narrative (Bereishit 38) documents Yahweh's judgment on a man who refused this duty while exploiting the widow sexually. What does Yahweh's judgment of Onan reveal about the nature of the levirate — is it a covenant duty or an optional courtesy?
3. Yechezkel 18:21-23 establishes that Yahweh extends covenant mercy to sincere repentance. For a person who has violated Law #167 (living brother's wife), what constitutes sincere repentance in the covenant community context? What must change — and what cannot be undone?

### Community Level

4. The halizah ceremony (Devarim 25:7-10) provides a formal, witnessed release from the levirate obligation. How does the existence of a formal release mechanism demonstrate the Torah's concern for the widow's dignity and rights — rather than simply making her subject to a brother-in-law's will?
5. Where a man claims he is exercising levirate right but the conditions do not apply (the brother is alive, or the brother had children), the community must adjudicate. Using Devarim 19:15, what is the community's covenant responsibility in this situation?

### National Level

6. The levirate was designed to protect widows from destitution in a society where women's economic survival depended on family connection. In the modern context, how should national law and covenant community practice together fulfill the widow-protection purpose of the levirate?

### World Level

7. The Boaz-Ruth narrative (Rut 2-4) is the world's model of the levirate fulfilled in covenant faithfulness. Trace the specific steps Boaz took — including his willingness to fulfill the obligation when the nearer kinsman declined — and explain how each step reflects the covenant purpose of the levirate law.
8. Yeshayahu 54:4-5 describes Yahweh as the husband of Yisra'el — the go'el who reclaims the widow. How does this prophetic image of Yahweh as the covenant

kinsman-redeemer of the widowed Yisra'el illuminate the world-level covenant significance of the levirate law?

## SCRIPTURE INDEX — LESSON 07

Reference	Teaching / Witness
<b>Bereishit (Gen.) 38:8-10</b>	The Onan narrative — Yahweh judges the man who refused levirate duty while exploiting the widow sexually. Intent matters.
<b>Rut (Ruth) 2-4</b>	The positive model of the levirate fulfilled: Boaz, Rut, and the covenant protection of the widow.
<b>Vayikra (Lev.) 18:16</b>	Law #167 — primary text. The living brother's wife prohibition.
<b>Vayikra (Lev.) 20:21</b>	Covenant penalty — childlessness — for violation of Law #167.
<b>Devarim (Deut.) 25:5-10</b>	The levirate obligation and the halizah release — the complete Written Torah framework.
<b>Devarim (Deut.) 19:15</b>	Two or three witnesses — governs all adjudication including levirate disputes.
<b>Yeshayahu (Isa.) 1:17</b>	"Defend the orphan, plead for the widow." The covenant community's obligation to the widow.
<b>Yeshayahu (Isa.) 54:4-5</b>	Yahweh as the covenant go'el — the cosmic levirate picture.
<b>Yechezkel (Ez.) 18:21-23</b>	Yahweh's covenant mercy — the door of sincere repentance is always open.

***""Is it My desire that a wicked person shall die? — says the Lord Yahweh. It is rather that he shall turn back from his ways and live.""***

Yechezkel (Ezekiel) 18:23

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**Next: Lesson 08 — Law #168 — Vayikra 18:17 — Woman and Her Daughter (Zimnah)**