

Yibum and Chalitzah Definition

Ref: *Sefer Nashim, Hilchot Yibum Vachalitzah, Chapter 1*



It is a positive commandment in the Torah To marry the wife of one's paternal brother if he dies without children i.e. to perform *yibum*¹.

If not, He must submit to *chalitzah*².

The mitzvah of *yibum* takes precedence over *mitzvah* of *chalitzah*.

	Valid to perform yibum or chalitzah	Explanation
Brother must be from <i>paternal</i> side	✓	Maternal brothers only manifest importance regarding <i>mourning</i> and <i>witnesses</i> . With regard to <i>inheritance</i> and <i>yibum</i> it is as if the brothers do not exist. With inheritance and <i>yibum</i> fraternity (brothers) come from father alone. Nor is there concept of fraternity among <i>converts</i> and <i>freed slaves</i> .
<div style="background-color: #e0e0e0; padding: 5px; display: flex; align-items: center;"> Reminder: Pack on Lineage </div>		
Deceased brother is childless	✓	This means that deceased had <i>no</i> descendants, even from another marriage, or even illegitimate children.
Deceased had illegitimate children	✗	Still counted as children
Deceased has child born from maidservant	✓	Because children belong to owner of maidservant.
Deceased has children from a gentile	✓	Child not Jewish
Deceased wife miscarried	✓	And he has no other descendants
Child born and died soon after	✗	Sometimes requires <i>chalitzah</i>
Brother born after death of married brother	✗	
Illegitimate brother	✓	
Brother is a minor	✓	
Brother was born from a maidservant	✗	Brother belongs to owner of mother
Brother born to a gentile woman	✗	Brother must be Jewish
Can <i>yibum</i> be performed by minors	✓	From the age of 9
Can <i>chalitzah</i> be performed by minors	✗	
<i>Yevamah</i> should not perform <i>yibum</i> / <i>chalitzah</i> within 90 days of husband death	✗	In case she is pregnant