



she is the daughter of his son, or the daughter of his wife. And similarly, if the yevama is the daughter of the son of the wife of her yavam or the daughter of his wife's daughter, or if she is the mother-in-law of her yavam, or his mother-in-law's mother, or his father-in-law's mother, then she is exempt from halitza and levirate marriage. The mishna continues its list of close relatives. If the yevama is the maternal half sister of the yavam, or if she is the sister of his mother, or his wife's sister, then she is exempt from both halitza and levirate marriage. Or if she was the wife of his maternal half brother, and after this brother died or divorced his wife, she married another of his father's brothers, who was not her relative, and this brother died, she is exempt. In this case, the obligation to enter into levirate marriage should be incurred by the surviving brother, but since she was previously the wife of his maternal brother, she is exempt. And the same applies to the wife of a brother with whom he did not coexist, i.e., the wife of a man who died before his brother was born. As will be explained, the obligation of levirate marriage does not apply to the yavam in this case. Since levirate marriage does not apply to him, the yevama remains forbidden to him as his brother's wife. And the last case is if one's yevama had previously been his daughter-in-law, and after his son had died one's brother married her, before he too passed away. These fifteen women exempt their rival wives and the rival wives of their rival wives from halitza and levirate marriage forever. § And with regard to all of these women listed as prohibited relations, these halakhot apply only if they were married to the deceased brother until the time of his death. However, this is not the case if they died during the deceased brother's lifetime, or if they refused their husbands when they were minors. This refusal is referring to the decree of the Sages that a girl under the age of twelve whose father is no longer alive may be married off by her mother or brothers. However, this marriage is not final, as she can terminate it by performing an act of refusal, i.e., by declaring, while still a minor, that she does not desire this marriage. In this case, the marriage is annulled retroactively and she is considered as though she were never married at all. Or if those women were divorced by their husband, the deceased brother, or were found to be a sexually underdeveloped woman [aylonit], i.e., a woman who is so underdeveloped that she is not considered a woman in the full sense, these halakhot do not apply. Her marriage is considered a mistaken marriage and is null and void. In all these cases their rival wives are permitted, as the exemption for rival wives of forbidden relatives applies only when the forbidden relative was the brother's wife at the time of his death, when the halakhot of levirate marriage came into effect. § And the mishna comments that the language of this principle is imprecise, as you cannot say with regard to his mother-in-law and with regard to his mother-in-law's mother and with regard to his father-in-law's mother that they were found to be an aylonit, as an aylonit is sterile and therefore cannot become a mother or a mother-in-law. Nor is the mishna precise when it states: Or refused, as refusal applies only to minors, who cannot give birth.

1:2 The mishna explains: How do these women exempt their rival wives? If, for example, his daughter or any one of those women with whom relations are

forbidden was married to his brother and this brother had another wife, and the brother died, then just as his daughter is exempt from levirate marriage, so too her rival wife is exempt. If his daughter's rival wife subsequently went and married his second brother, to whom she is permitted, and he had another wife, and he died childless as well, which means that his wife comes before the first yavam, the daughter's father, for levirate marriage, then just as his daughter's rival wife is exempt, so too the rival wife of her rival wife is exempt. The mishna adds: Even if they are one hundred brothers, the same logic applies. If a woman is exempt from levirate marriage because she is the rival wife of a forbidden relative or the rival wife of a rival wife of this kind, and she herself has an additional rival wife, this rival wife is also exempt and in turn exempts her own rival wives from levirate marriage. How so? What are the cases in which if they died their rival wives are permitted? If, for example, one's daughter or any one of those women with whom relations are forbidden was married to his brother, and this brother had another wife, and then his daughter died or was divorced and afterward his brother died, her rival wife is permitted to him. § The mishna states another principle: And if any of these forbidden relatives was a minor who could refuse her husband, then even if she did not refuse, her rival wife performs halitza and does not enter into levirate marriage. The rival wife may not enter into levirate marriage, as she is the rival wife of a forbidden relative. However, she is not entirely exempt from levirate marriage and must be released by halitza because the marriage of the forbidden relative was not a fully valid marriage, and therefore, by Torah law, the other woman is not considered a rival wife of a forbidden relative.

1:3 Six women with whom relations are forbidden who were not enumerated in the first mishna are forbidden by prohibitions that are more severe than those listed in that mishna because they may be married only to others and may never be married to any of the brothers, due to the closeness of their relationship. However, this stringency entails a corresponding leniency: Since the halakha of levirate marriage is entirely inapplicable in these cases, their rival wives are permitted. The rival wife of a forbidden relative is forbidden herself only if the mitzva of levirate marriage is applicable, but where it is not in effect she is permitted. The six women with whom relations are forbidden are as follows: His mother, and his father's wife, and his father's sister, and his paternal half sister, and the wife of his father's brother, and the wife of his paternal half brother. Each of these women with whom relations are forbidden is forbidden equally to all of the brothers, and the mitzva of levirate marriage is inapplicable. Therefore, her rival wife is permitted.

1:4 Up to this point, the discussions were based on the assumption that not only may a forbidden relative not enter into levirate marriage, but her rival wife is also exempt. However, this issue is subject to a long-standing dispute. Beit Shammai permit the rival wives to the brothers, as they did not accept the interpretation of the verses that indicates that rival wives are prohibited. And Beit Hillel forbid them. The previous mishnayot are in accordance with the opinion of Beit Hillel. If any of the rival wives of the brother performed halitza, Beit Shammai disqualify her from marrying into the priesthood, as in

their opinion these rival wives were fit for levirate marriage, which means that the halitza was fully valid. Consequently, they are disqualified from marrying a priest, like all other women who perform halitza. And Beit Hillel deem them fit, as they maintain that no legal act of halitza was performed here at all. If they entered into levirate marriage, Beit Shammai deem them fit for the priesthood, as in their opinion, this is a fully legal levirate marriage. And Beit Hillel disqualify them, because they engaged in licentious sexual relations as the rival wives of a forbidden relative. § The mishna comments: Although Beit Hillel prohibit the rival wives to the brothers and Beit Shammai permit them, and although these disqualify these women and those deem them fit, Beit Shammai did not refrain from marrying women from Beit Hillel, nor did Beit Hillel refrain from marrying women from Beit Shammai. Furthermore, with regard to all of the disputes concerning the halakhot of ritual purity and impurity, where these rule that an article is ritually pure and those rule it ritually impure, they did not refrain from handling ritually pure objects each with the other, as Beit Shammai and Beit Hillel frequently used each other's vessels.

2:1 Each of the women enumerated in the first chapter causes exemption from levirate marriage and halitza for her rival wives. This is due to the close family relationship she has with her brother-in-law, making her forbidden to him. The single exception is the case explained in this mishna. What is the case of the wife of a brother with whom he did not coexist? For example: If there were two brothers, and one of them died childless, and subsequently a brother of theirs was born, after which the second brother, the elder, took his deceased brother's wife in levirate marriage, and then died as well.

Consequently, two women require levirate marriage: The widow of the first brother who had been taken in levirate marriage by the second brother, and the widow of the second brother, the first widow's rival wife. The first widow, who had been the wife of the first brother to die, goes out without any obligation to be taken in levirate marriage by the youngest brother who was born later, since she is the wife of a brother with whom he did not coexist. The first deceased brother never lived at the same time as the newly born brother. The second widow, who had been married to the second brother, is exempt due to her rival wife. The mishna discusses an additional situation: If the second brother had performed only levirate betrothal with her, meaning that he had not yet consummated the marriage, and then died, both the wife betrothed by a levirate betrothal to the second brother and the wife of the second brother fall before the youngest brother born after the death of the first brother. In that case, the first wife certainly goes out and is exempt from both halitza and levirate marriage, since she is to him the wife of a brother with whom he did not coexist. The second, however, was never effectively the rival wife of the first brother's wife, as the first brother's wife had only been betrothed by levirate betrothal and was not fully married to the second brother. Therefore, she performs halitza and may not enter into levirate marriage.

2:2 If there were two brothers, and one died, and the second entered into levirate marriage with his brother's wife while he was already married to

another woman, and subsequently a third brother was born to them, and the second brother then died, whereby both of his wives happened before the third brother for levirate marriage, then the first woman, who was the wife of the first brother, is exempt due to the fact that she is the wife of a brother with whom the third brother did not coexist, and the second woman, who was the first wife of the second brother, is exempt due to her rival wife. If the second brother had performed only levirate betrothal with her and then died before fully marrying her, the second woman performs halitza and may not enter into levirate marriage, as the levirate betrothal is not considered a sufficiently valid marriage so as to render her the rival wife of a relation forbidden to the third brother. Rabbi Shimon says with regard to the first clause of the mishna: The third brother either enters into levirate marriage with whichever one he wishes, or he performs halitza with whichever one he wishes. Since he was born after his second brother had already entered into levirate marriage with the first brother's widow, she is considered the wife of a brother with whom he did coexist, not the wife of a brother with whom he did not coexist. Therefore, he may enter into levirate marriage with her.

2:3 The Sages stated a principle about a yevama: Whoever is forbidden by a prohibition of forbidden relations to her yavam neither performs halitza nor enters into levirate marriage and is completely exempt. If she is forbidden by a prohibition resulting from a mitzva or by a prohibition stemming from sanctity, as will be explained later, then since in these cases the obligation of levirate marriage is not fundamentally nullified she performs halitza in order to become free of the levirate bond, and due to her prohibition she does not enter into levirate marriage. The Sages stated another principle: If two sisters who had been married to two brothers who subsequently died happened before the third brother for levirate marriage, and one of those sisters is a close relation to this third brother and is therefore forbidden to him, she is exempt from levirate marriage. But the other, her sister who is her yevama, i.e., her sister-in-law, performs halitza or enters into levirate marriage.

In this case, they are not ruled to be two sisters who happened before him simultaneously for levirate marriage, since one of them is prohibited to him as a forbidden relation, and therefore she never actually happened before him at all.

2:4 The mishna explains: A prohibition resulting from a mitzva is referring to secondary forbidden relationships, which are prohibited by rabbinic law. The Sages prohibited marriage to certain women who were not forbidden by the Torah but were nevertheless deemed forbidden incestuous relations. A prohibition stemming from sanctity is referring to marriage of a widow to a High Priest, a divorcée or a woman who has performed halitza [halutza] to a common priest, a daughter born from an incestuous or adulterous relationship [mamzeret] or a Gibeonite woman to an Israelite, and also an Israelite woman to a Gibeonite or to a son born from an incestuous or adulterous relationship [mamzer].

2:5 In the case of anyone who has a brother of any kind, that brother creates a levirate bond causing his yevama to be required to perform levirate marriage if the first brother dies childless. And he is his brother in all respects, except

for one who has a brother born from a Canaanite maidservant or from a gentile woman, as these do not have the legal status of brothers. Similarly, in the case of anyone who has a child of any kind, that child exempts his father's wife from levirate marriage, since his father did not die childless. And that child is liable to receive capital punishment if he strikes his father or curses him. And he is his child in all respects, except for whoever has a child born from a Canaanite maidservant or from a gentile woman, as these do not have the halakhic status of children.

2:6 In the case of one who betrothed one of two sisters and does not know which of them he betrothed, so that both are forbidden to him, he gives a bill of divorce to this one and a bill of divorce to that one due to the uncertainty. If the man who had betrothed one of these women died before he could give a bill of divorce, and he had one brother, that brother performs halitza with both of them, but he may not take either in levirate marriage. This is because he does not know which woman is his yevama and which is forbidden to him as the sister of a woman with whom he has a levirate bond. If the man who betrothed one of these women had two brothers, one of them performs halitza with one of the sisters, but he may not enter into levirate marriage with her due to the possibility that she is the sister of a woman with whom he has a levirate bond. And one takes the other in levirate marriage if he so desires. If the two brothers married the two sisters before consulting the court, the court does not remove them from their marriage and they are permitted to remain married. The couple who performed levirate marriage second was even permitted to do so, since there was no longer any doubt about the levirate bond.

2:7 Furthermore, in the case of two unrelated men who betrothed two sisters: If this one does not know which sister he betrothed and that one does not know which sister he betrothed, this one gives two bills of divorce, one to each of the women, and that one gives two bills of divorce. If the two men died before they divorced, and this one had a brother and that one had a brother, then this brother performs halitza with both of them, and that brother performs halitza with both of them. If this one had one brother and that one had two brothers, the single brother performs halitza with both of them, and of the two brothers, one performs halitza and one performs levirate marriage if he so desires. If they married the sisters before consulting the court, the court does not remove them from the marriage and they are not told to divorce them. If this one had two brothers and that one had two brothers, the brother of this one performs halitza with one sister, and the brother of that one performs halitza with one sister. The brother of this one who performed halitza may take the woman who performed halitza [halutza] of that other's brother in levirate marriage, and the brother of that second one who performed halitza may take the halutza of that other's brother in levirate marriage. If the two brothers performed halitza with both wives before consulting the court, the two brothers of the second man may not take sisters in levirate marriage lest one marry the sister of a woman who with whom he had a levirate bond. Rather, one performs halitza and one performs levirate marriage if he so desires. If they married their wives before consulting the court, the court does not remove them from the marriage.

2:8 It is a mitzva for the eldest to consummate the levirate marriage, i.e., the eldest takes precedence over the other brothers, though they too are obligated. But if the younger brother consummated the levirate marriage first, he acquires the yevama as his wife. One suspected by others of engaging in sexual relations with a Canaanite maidservant and she was later set free, or one suspected of relations with a gentile woman and she subsequently converted, may not marry that woman, since this will strengthen the suspicions against him. But if he did marry her, they, the judges of the court, do not remove her from him, i.e., they do not require him to divorce her. With regard to one who is suspected of illicit relations with a married woman and they, the judges of the court, removed her from her husband, i.e., required them to divorce due to this, even if the man suspected of the illicit relations subsequently married her, he must divorce her.

2:9 An agent who brought a bill of divorce from a country overseas and said: It was written in my presence and it was signed in my presence, as required in order to establish the bill of divorce as valid, may not marry the wife, i.e., the divorcée. Since the validity of the bill of divorce is based upon his testimony, marrying the divorcée creates the impression that he had an ulterior motive for his testimony. Similarly, a witness who testified that a certain man died, or testified: I killed him, or: We killed him, may not marry that man's wife. Rabbi Yehuda says: If he testified: I killed him, his wife may not be married at all based on that evidence, as his testimony is unreliable, but if he said: We killed him, his wife may be married to anyone other than those witnesses.

2:10 A Sage who refused to release a woman from a vow that rendered the wife forbidden to her husband by that vow, resulting in her being divorced from her husband, may not marry her, so as to avoid suspicion that he rendered her forbidden to her husband in order to marry her himself. However, a judge before whom a woman performed refusal when she was a minor, declaring that she did not desire the husband chosen for her by her family, or before whom she performed halitza, may marry her because he was only one member of the court, thereby alleviating suspicion. And for all of these who were involved in permitting the wife to remarry, i.e., the judge, the agent who brought a bill of divorce, and the one who testified for a woman that her husband died, if they had wives at the time of the ruling or the testimony and their wives died thereafter, then those women they had set free are permitted to be married to them. There is no concern that while their wives were still alive these individuals set their eyes upon another woman. And with regard to all of these women who were prohibited from marrying a certain man due to some suspicion, if they were subsequently married to others and then were divorced or widowed from the second husband, they are permitted to be married to them, i.e., to the judge, messenger, or witness who permitted her to remarry. And all of these women who were prohibited from marrying due to some suspicion are permitted to the sons or to the brothers of those who set them free.

3:1 In the case of four brothers, two of whom were married to two sisters, and the ones married to the sisters died, then those sisters must perform halitza and may not enter into levirate marriage. Since both sisters require levirate

marriage with each of the surviving brothers, a levirate bond exists between each sister and the brothers. Each of them is considered the sister of a woman with whom each brother has a levirate bond and is therefore forbidden to him by rabbinic law. And if they married the sisters before consulting the court, they should divorce them, for the Sages decreed that in this situation they may not remain married. Rabbi Eliezer says that there is a dispute in this matter: Beit Shammai say: He may maintain her as his wife, while Beit Hillel say: They must divorce them.

3:2 If one of the sisters was forbidden to one of the brothers due to a prohibition against forbidden relations because she was a relative of his wife or a relative on his mother's side, then he is forbidden to marry her but permitted to marry her sister. Because she is his close relative, she is exempt from levirate marriage with him, and therefore she is not bound to him with a levirate bond. Consequently, her sister is not considered the sister of a woman with whom he has a levirate bond, and he is permitted to enter into levirate marriage with her. But the second brother, who is not a close relative of either sister, is forbidden to marry both of them. Indeed, for him each woman remains the sister of a woman with whom he has a levirate bond. If a prohibition resulting from a mitzva or a prohibition stemming from sanctity will be transgressed when one of the women marries one of the brothers, then her sister must perform halitza and may not enter into levirate marriage, as she is considered the sister of a woman with whom he has a levirate bond. In this case, the sister who is forbidden to the brother due to a mitzva or due to sanctity is bound to the brother for the purpose of halitza.

3:3 If one of those women was forbidden to this one brother due to a prohibition against forbidden relations and the second woman was forbidden to that second brother due to a prohibition against forbidden relations, then she who is forbidden to this brother is permitted to that brother, and she who is forbidden to that brother is permitted to this one. And this is the case that was referred to when they said: When her sister is also her yevama, i.e., in a case where two sisters are also yevamot and therefore happened for levirate marriage before two brothers, she either performs halitza or enters into levirate marriage. This must be referring to a case where each sister is forbidden to one of the brothers due to a prohibition concerning forbidden relatives. In this case, each sister has a levirate bond only with the one brother to whom she is permitted, and the prohibition against marrying the sister of a woman with whom one has a levirate bond does not apply. Therefore, each brother can either perform the act of halitza or consummate the levirate marriage with the sister to whom he is not related.

3:4 In the case of three brothers, two of whom were married to close relatives, e.g., two sisters; or a woman and her daughter; or a woman and her daughter's daughter; or a woman and her son's daughter, if the two brothers who were married to two close relatives died and their wives happened before a third brother for levirate marriage, then these two women must perform halitza and may not enter into levirate marriage, as each of them is a relative of a woman with whom he has a levirate bond. And Rabbi Shimon exempts them even from the obligation to perform halitza. If one of them was forbidden to him, the third

brother, due to a prohibition against forbidden relatives, then he is prohibited from marrying her but is permitted to marry her sister. Because the woman who is forbidden to him is not considered to be a woman who requires him for levirate marriage, there is only one woman who happens before him for levirate marriage. However, if one of the women was forbidden due to a prohibition resulting from a mitzva or a prohibition stemming from sanctity, then they must perform halitza and may not enter into levirate marriage. This is because these prohibitions do not completely cancel the levirate bond.

3:5 In the case of three brothers, two of whom were married to two sisters, and one who was single, the following occurred: The husband of one of the sisters died childless, leaving behind his wife, and the single brother performed levirate betrothal [ma'amar] to this wife. The single brother performed an act of betrothal to the yevama but did not yet consummate the marriage by engaging in sexual intercourse. Afterward, the second brother died, and therefore the second brother's wife, the sister of the betrothed, happened before the single brother for levirate marriage as well. In this case, Beit Shammai say: His wife remains with him. The woman he betrothed is considered like his wife, and he is not required to divorce her. And this other woman leaves the yavam and is exempt from levirate marriage as the sister of a wife. Beit Hillel say: Being as he had not yet entered into marriage with the first woman, he is required to perform levirate marriage with both women. Therefore, he divorces his wife, i.e., the woman to whom he performed levirate betrothal, with a bill of divorce, which nullifies levirate betrothal, and by halitza, which nullifies the levirate bond. And, he sends away the wife of his second brother with halitza as well. They comment: This is the case that was referred to when the Sages said: Woe unto him for his wife and woe unto him for the wife of his brother. Due to the combination of circumstances, he loses them both.

3:6 In the case of three brothers, two of whom were married to two sisters and one who was married to an unrelated woman, the following occurred: The husband of one of the sisters died childless, and the brother who was married to the unrelated woman married, i.e., performed levirate marriage with, the deceased brother's wife and later died himself, childless. In this situation, both women happen for levirate marriage before the other, remaining, brother. The first woman is dismissed due to the prohibition proscribing the sister of one's wife, as she is the sister of this brother's wife, and the second woman is dismissed due to her status as the first woman's rival wife. Following the first levirate marriage, this second woman became the rival wife of the sister, and is therefore exempt from levirate marriage as well. If, however, the brother married to the unrelated woman performed only levirate betrothal, but had not yet consummated the levirate marriage with the sister, and he died, the unrelated woman, whose halakhic status with regard to yibbum is similar to that of a sister's rival wife, must perform halitza and may not enter into levirate marriage.

3:7 In the case of three brothers, two of whom were married to two sisters and one who was married to an unrelated woman, the following occurred: One of the husbands of the sisters died, and he who was married to the unrelated woman

married the deceased husband's wife, and then the wife of the second brother, the other one of the sisters, died. Afterward, the brother who was married to the unrelated woman died, leaving two women for levirate marriage before the remaining brother: The unrelated woman and the woman who was previously prohibited as the sister of his deceased wife. In this case, the sister is forbidden to him forever. She is not forbidden due to her status as his wife's sister, as his wife already died and one's wife's sister is permitted after the wife's death. However, since she was already forbidden to him at one time, she is forbidden to him forever. When she first happened before the brothers for levirate marriage, before the third brother married her, she was forbidden to the second brother as his wife's sister. Therefore, she is forbidden to him forever. In addition, she exempts her rival wife, the unrelated woman, from levirate marriage. In the case of three brothers, two of whom were married to two sisters and one who was married to an unrelated woman, the following occurred: Shimon, the husband of one of the sisters, divorced his wife, and then Levi, who was married to the unrelated woman, died, and Shimon, the man who divorced his wife, married, i.e., performed levirate marriage with, her, i.e., this unrelated woman. And then Shimon himself later died, so that the unrelated woman happened for levirate marriage before Reuven, the third brother, who is married to the second sister. In this scenario, Reuven is allowed to consummate the levirate marriage with the unrelated woman. This is the case that was referred to when they said: And with regard to all those fifteen forbidden relatives who died or were divorced, their rival wives are permitted to enter into levirate marriage. This is because at the time that they happened before the yavam for levirate marriage they were no longer the rival wives of a forbidden relative.

3:8 And if any of these fifteen women who are prohibited as forbidden relatives had undergone a betrothal or divorce whose status is uncertain with the deceased brother, then those women who were their rival wives must perform halitza and may not enter into levirate marriage since they are possibly the rival wives of forbidden relatives. The mishna elaborates: How could there be a situation of uncertainty with regard to betrothal? If in the public domain he threw her an item for the purpose of betrothal and there were eight cubits between them, and the item was possibly closer to him and did not enter into her domain, and possibly closer to her, i.e., within four cubits of her, whereby she could acquire the object, this is a case of uncertainty with regard to betrothal. Uncertainty with regard to divorce occurs when, for instance, he wrote a bill of divorce in his handwriting but there are no signatures of witnesses on the document, or there are the signatures of witnesses on the document but there is no date written in it, or the date is written in it but there is only the signature of a single witness. Since there is doubt as to whether these three kinds of bills of divorce are valid, a woman who was divorced through them is only possibly divorced, and so this case is called uncertainty with regard to divorce.

3:9 In the case of three brothers who were married to three unrelated women, and one of the brothers died, the following occurred: The second brother performed levirate betrothal with the wife of the deceased brother and before

he was able to consummate the levirate marriage he died as well, leaving behind two women who happen before the third brother for levirate marriage. Then those two women must perform halitza and may not enter into levirate marriage. As it is stated: "If brothers dwell together and one of them dies and he has no child, the wife of the dead man shall not be married outside of the family to one not of his kin; her brother-in-law will have intercourse with her" (Deuteronomy 25:5). This teaches that a woman eligible for levirate marriage is one who has one levirate relationship and not one who has a double levirate relationship. In this case, the wife of the first deceased brother requires levirate marriage due to both the marriage with her first husband as well as the levirate betrothal with the second brother. Rabbi Shimon says: He may consummate the levirate marriage with whichever woman he wishes and then perform halitza with the second. In the case where two brothers were married to two sisters, and one of the brothers died, the widow at this point would be exempt from levirate marriage as the sister of his wife. And afterward the wife of the second brother died. Although the yevama is no longer the sister of his wife, this woman is nevertheless forbidden to him forever, since she had already been forbidden to him at one time.

3:10 In the case of two men who betrothed two women, and at the time that they entered the wedding canopy, after the betrothal, the men switched this wife with that wife and that one with this one, then these two men are liable for engaging in forbidden sexual relations with a married woman, since each of them had intercourse with his fellow's wife. The act of betrothal is sufficient to prohibit a woman to all other men as a married woman. Therefore, when the women were switched, both men transgressed this violation. And if they were brothers, then they are also liable for forbidden sexual relations with a brother's wife. And if these women were sisters, then they are liable for taking a wife and her sister as well. And if they were menstruating women, they would be liable for intercourse with a menstruating woman as well. And following these forbidden sexual relations, we separate these women from their husbands for three months, lest they were impregnated by that forbidden act of intercourse. Doing so makes it possible to distinguish a child born of these relations, so that he could be rendered a mamzer. And if they were female minors and unable to bear children, then we immediately return them to their original husbands. And if they were daughters of priests, they are thereby disqualified from eating of teruma. By engaging in illicit sexual acts, they were rendered forbidden to priests and disqualified from eating teruma.

4:1 When a man who has a brother dies childless, his widow [yevama] and one of his brothers [yavam] may perform a ritual through which she is freed of her levirate bonds [halitza]. It is then considered, with regard to forbidden relationships, as though they had been married and divorced. Therefore, he is forbidden to her relatives, and she to his. However, with regard to one who performs halitza with his yevama and then she is found to have been pregnant at the time of the halitza and she gave birth, in the event that the offspring is viable, the deceased husband has been survived by offspring and so there was never any levirate bond; consequently, the halitza that was performed was entirely unnecessary and a meaningless act. As such, he remains

permitted to her relatives and she remains permitted to his relatives.

Furthermore, since the halitza was meaningless, she is not afforded the status of a halutza, i.e., a yevama who performed halitza, a status akin to that of a divorcée. Therefore, the halitza does not disqualify her from marrying into the priesthood. If the offspring is not viable, then it emerges that the halitza was indeed necessary. Therefore, he is forbidden to engage in relations with her relatives and she is forbidden to engage in relations with his relatives, as though they had been married and divorced, and the halitza disqualifies her from marrying into the priesthood, as she is afforded the status of a halutza.

4:2 With regard to one who consummates the levirate marriage with his yevama, i.e., he had intercourse with her under the assumption that there is a levirate bond and so there is a mitzva to do so, and then she is found to have been pregnant at the time of the intercourse and she gave birth, in the event that the offspring is viable the deceased brother has been survived by offspring and it is evident that there was never any levirate bond. In that case, the relations they had, rather than being a mitzva, were a violation of the prohibition against engaging in relations with one's brother's wife. Therefore, the yavam must send her out, i.e., they must separate, as she is forbidden to him as his brother's wife, and to atone for the forbidden relations that they had, they are each obligated to bring a sin-offering, as is the halakha for all who inadvertently transgress a prohibition that, when performed intentionally, is punishable by karet. And if the offspring is not viable, and therefore there was in fact a levirate bond, he may maintain her as his wife since his intercourse with her was a valid consummation of levirate marriage. If they consummated the levirate marriage and seven months later she gave birth, there is uncertainty whether the child is nine months old, i.e., counting from conception, and is the offspring of the first husband, and as such there was no levirate bond, or whether the child is only seven months old and is the offspring of the latter husband, i.e., the yavam, and not of the deceased, in which case there was a levirate bond. In that case, due to the possibility that she is forbidden to him as his brother's wife, he must send her out. However, the lineage of the child is unflawed, since regardless of whether it was born of the first or second husband, there was no transgression involved in its conception. Furthermore, to atone for the possibility that they had forbidden relations they are both obligated to bring a guilt-offering for uncertainty, as is the halakha for anyone who is uncertain whether they inadvertently transgressed a prohibition that would require one to bring a sin-offering.

4:3 With regard to a widow waiting for her yavam to either consummate a levirate marriage or perform halitza with her, i.e., a yevama, to whom property was bequeathed: Beit Shammai and Beit Hillel both agree that she may sell or give away that property ab initio, and that if she did, the transfer is valid. Since she has only a levirate bond with the yavam, she retains total control of the property. This is in contrast to a betrothed woman, concerning whom Beit Hillel rule that she may not sell such property because her betrothed also has rights to it (Ketubot 78a). If she died, what should be done with the

money assured to her in her marriage contract by her deceased husband and with her property that enters and leaves the marriage with her, in which a husband only ever has a usufructuary interest? Beit Shammai say: The husband's heirs, i.e., the yavam, who stands to inherit from the husband when he consummates the levirate marriage, should divide up the property together with her father's heirs, i.e., the woman's family. And Beit Hillel say: The property retains its previous ownership status. Therefore, money assured to her in her marriage contract remains in the possession of the husband's heirs. Since it was to be paid from the husband's own property, the money is retained by his estate and passes to his heirs. And her property that enters and leaves the marriage with her remains in the possession of the father's heirs. Since those properties belonged to her, upon her death they are inherited by her father or his heirs.

4:4 If the yavam consummated the levirate marriage with her, then her legal status is that of his wife in every sense, and therefore the yavam has the same rights to her property as in a regular marriage. And the only exception to this is that her marriage contract will still be payable from the property of her first husband and not from the property of the yavam.

4:5 The mitzva of levirate marriage is for the eldest of the brothers to consummate the levirate marriage. If the eldest does not want to do so, the court goes to each of the other brothers and requires them to do so. If they do not want to do so, the court returns to the eldest brother and says to him: The mitzva is incumbent upon you; either perform halitza or consummate the levirate marriage.

4:6 If a brother made his decision dependent upon the possibility that one of his other brothers will eventually consummate the levirate marriage, saying that he will do so only if they do not, then whether he makes it dependent upon a brother who is currently a minor, meaning that the yevama should wait until he matures, or upon his eldest brother, who is not currently present, meaning the yevama should wait until he comes from overseas, or upon a brother who is a deaf-mute or an imbecile, as perhaps they will recover from their disability, the court does not listen to him; rather, the judges of the court say to him: The mitzva is incumbent upon you; either perform halitza or consummate the levirate marriage.

4:7 One who performs halitza with his yevama is like any one of the other brothers with respect to the inheritance of the deceased brother's estate, i.e., each of the brothers takes an equal share of the inheritance. And if there is a father of the deceased, who is still alive, the property of the deceased belongs to the father. One who consummates levirate marriage with his yevama thereby acquires his deceased brother's property solely for himself. Rabbi Yehuda says: In either case, whether he consummated the levirate marriage or performed halitza, if there is a father who is still alive, the property belongs to the father. In the case of one who performs halitza with his yevama, by rabbinic decree it is as though she had been married to him and then he divorced her. Consequently, he is forbidden to engage in relations with her relatives and she is forbidden to engage in relations with his relatives. Accordingly, he is forbidden to engage in relations with her mother, and with her mother's mother, and with her father's mother, and with her daughter,

and with her daughter's daughter, and with her son's daughter, and with her sister while his yevama is still alive. However, the other brothers who did not perform halitza are permitted to her relatives. And she is forbidden to engage in relations with his father, and with his father's father, and with his son, and with his son's son, and with his brother, and with his brother's son. The mishna states an additional principle: A man is permitted to engage in relations with a relative of a rival wife of his halutza, i.e., his yevama with whom he performed halitza. Since he did not perform halitza with her, she is not regarded as though she had actually been married to him. However, he is forbidden to engage in relations with a rival wife of a relative of his halutza, i.e., in addition to being forbidden to the relatives of his halutza, he is also forbidden to their rival wives.

4:8 In the case of a yavam who performed halitza with his yevama and then his brother married her sister and died, the sister performs halitza with the yavam, but she may not enter into levirate marriage with him, since as a sister of his halutza she is forbidden to him. And similarly, in the case of one who divorced his wife and his brother married her sister and died, then that woman is exempt both from halitza and from consummating levirate marriage, since as the sister of his former wife she is forbidden to him.

4:9 In the case of a widow waiting for her yavam to consummate levirate marriage or perform halitza with her, and the brother of the yavam betrothed her sister, they said in the name of Rabbi Yehuda ben Beteira: They say to the brother: Wait and do not marry the woman you betrothed until your brother performs an act, either of halitza or of consummating the levirate marriage, as until he does there remains a levirate bond between the yevama and each of the brothers, and it is prohibited to marry the sister of a woman to whom one is bound by a levirate bond. If a brother of the one who betrothed the sister of the yevama performed halitza with the yevama or consummated a levirate marriage with her, since by doing so the levirate bond between the yevama and the one who betrothed her sister is dissolved, he may then enter into marriage with his wife, who until that point was only betrothed to him, as she is no longer the sister of a woman to whom he is bound by a levirate bond. Similarly, if the yevama died, since his levirate bond to her is dissolved upon her death, he may proceed to enter into marriage with his betrothed wife. However, if the yavam died without performing an act that would have dissolved the levirate bond, he must divorce his wife with a bill of divorce, as she is forbidden to him as the sister of a woman to whom he is bound by a levirate bond, and his brother's wife he must send out with halitza, as she is forbidden to him as the sister of his divorcée.

4:10 A yevama may neither perform halitza nor enter into levirate marriage until she has waited three months from the time of her husband's death. And similarly, all other women may not be betrothed and may not marry until they have waited three months since their previous marriage ended. This waiting period is necessary so that, should a woman give birth shortly after remarrying, it will be obvious who the father of the child is. This applies both to virgins and non-virgins, both to divorcées and widows, and both to women who were married to their previous husbands and women who were only

betrothed. All of these women must wait three months before remarrying even though for some of them the reason for doing so does not apply. Rabbi Yehuda says: The women who were married to their previous husbands may be betrothed, and the women who were only betrothed to their previous husbands may marry without waiting three months. This is true except for the betrothed women that are in the area of Judea, due to the fact that the groom is familiar with her.

The custom in Judea was for the couple to be secluded together before the marriage so that they would become familiar with each other. This led to the possibility that they might cohabit even during their betrothal period. Rabbi Yehuda holds that one does not need to wait three months whenever the reason for doing so does not apply. Rabbi Yosei says: All of the women may be betrothed within three months even if they were previously married, except for a widow, due to the mourning period she must observe for her deceased husband.

4:11 In a case of four brothers married to four women and some of the brothers died childless, their wives thereby become yevamot. If the eldest of the brothers who survived wished to consummate the levirate marriage with all of his yevamot, he has permission to do so. In the case of one who was married to two women and died childless, the intercourse or halitza of either one of the wives with the yavam releases her rival wife from the levirate bond, and the rival wife need not enter into levirate marriage or perform halitza. If one of these women was fit to marry into the priesthood and one was unfit, then if he performs halitza, he should perform halitza with the unfit woman rather than with the one who is fit for the priesthood, since doing so with the woman who is fit would needlessly disqualify her from marrying into the priesthood. But if he consummates the levirate marriage, he may consummate the levirate marriage with the one who is fit.

4:12 With regard to one who remarries his divorcée after she had been married to another man from whom she was then widowed or divorced, or one who marries the woman with whom he performed halitza [halutza], or one who marries a relative of his halutza, since all such marriages are forbidden he must divorce her, and the offspring born from such unions is a mamzer; this is the statement of Rabbi Akiva. He holds that even the offspring from relations forbidden by a prohibition punishable by lashes is a mamzer. The Rabbis say: The offspring in those cases is not a mamzer, but they concede with regard to one who marries a relative of his divorcée, a union forbidden by a prohibition entailing karet, that the offspring is a mamzer. They hold that only the offspring from relations forbidden by a prohibition entailing karet is a mamzer.

4:13 Which offspring of forbidden relations have the status of a mamzer? It is the offspring of a union with any next of kin that is subject to a Torah prohibition that he should not engage in sexual relations with them; this is the statement of Rabbi Akiva. Shimon HaTimni says: It is the offspring of a union with any forbidden relation for which one is liable to receive karet at the hand of Heaven. And the halakha is in accordance with his statement. Rabbi Yehoshua says: It is the offspring of a union with any forbidden relation for which one is liable to receive court-imposed capital punishment. Rabbi Shimon ben Azzai said: I found a scroll recording people's lineages in Jerusalem,

and it was written in it that so-and-so is a mamzer from an adulterous union with a married woman, a sin punishable by court-imposed capital punishment. The only reason for the scroll to state the reason that this individual is a mamzer is in order to support the statement of Rabbi Yehoshua. The mishna delineates the circumstances in which it is prohibited to engage in relations with the sister of one's wife and the sister of one's yevama: If a man's wife died, he is permitted to her sister. If he divorced her and then she died, he is permitted to her sister. If he divorced his wife and then she was married to another and then died, he is permitted to her sister. If his yevama died, he is permitted to her sister. If he performed halitza with her and then she died, he is permitted to her sister. If after halitza she was married to another and then died, he is permitted to her sister. The principle underlying all these cases is that the prohibition against engaging in relations with her sister only applies while the wife or yevama remain alive, irrespective of their current relationship to the man.

5:1 Rabban Gamliel says: A bill of divorce [get] is not effective when given after a bill of divorce was previously given to a yevama. Once a yevama receives a bill of divorce from a yavam, no bill of divorce given by that yavam to her rival wife or a bill of divorce given to her by a different yavam is of any effect. And levirate betrothal is not effective after a previous levirate betrothal was performed, and intercourse with a second yevama is not effective after intercourse with the first one, and halitza is not effective after halitza was previously performed. But the Rabbis say: A bill of divorce is effective when given after a bill of divorce, and levirate betrothal is effective after levirate betrothal, but nothing is effective after intercourse or after halitza. If a yavam has relations with the yevama or performs halitza with her, no other action performed afterward is effective, whether performed by that yavam toward a different yevama or by any yavam with the original yevama.

5:2 The mishna elaborates: How do these laws work in practice? If a yavam performed levirate betrothal with his yevama, and he later gave her a bill of divorce, she nevertheless requires halitza from him. The bill of divorce does not fully exempt her from levirate marriage, as the levirate bond remains intact. If he performed levirate betrothal and then halitza, she requires a bill of divorce from him in order to cancel the levirate betrothal. If the yavam performed levirate betrothal and then engaged in intercourse with the yevama, this is the way to perform levirate marriage in accordance with its mitzva, as the Sages instituted this as the proper procedure for a yavam to perform levirate marriage.

5:3 If the yavam gave the yevama a bill of divorce and afterward performed levirate betrothal with her, she requires another bill of divorce to cancel the levirate betrothal, as well as halitza to nullify the levirate bond. If he gave her a bill of divorce and then engaged in intercourse with her, she requires a bill of divorce to cancel the betrothal that took place via intercourse, and halitza to nullify the levirate bond; the intercourse did not affect the levirate bond because once he gave her a bill of divorce she was forbidden to him. If he gave her a bill of divorce and performed halitza,

nothing is effective after halitza, as the levirate bond was completely nullified. Similarly, if he performed halitza with her and then either performed levirate betrothal, or gave a bill of divorce, or engaged in intercourse with her; alternatively, if he engaged in intercourse with her and then either performed levirate betrothal, or gave a bill of divorce, or performed halitza after they engaged in relations, nothing is effective after halitza or intercourse. Any action performed afterward is unrelated to the levirate bond. The above principles apply both in cases of one yevama to one yavam, as well as in cases of two yevamot to one yavam.

5:4 How so? If he performed levirate betrothal with this yevama and levirate betrothal with that one, i.e., her rival wife, they require two bills of divorce, each for her own levirate betrothal, and halitza with one of them, to release them both from the levirate bond. If he performed levirate betrothal with this one and gave a bill of divorce to that one, the first woman requires a bill of divorce to cancel the levirate betrothal, and one of them must receive halitza. If he performed levirate betrothal with this one and engaged in intercourse with that one, they require two bills of divorce and he must perform halitza with one of them. If the yavam performed levirate betrothal with this one and performed halitza with that one, the first woman requires a bill of divorce. If the yavam gave a bill of divorce to this yevama and a bill of divorce to that one, they require halitza from him. If he gave a bill of divorce to this one and engaged in intercourse with that one, the latter requires a bill of divorce and halitza. If he gave a bill of divorce to this one and performed levirate betrothal with that one, the latter requires a bill of divorce and he must perform halitza with one of them. If the yavam gave a bill of divorce to this woman and performed halitza with that one, nothing is effective after halitza, and he cannot betroth the rival wife.

5:5 If he performed halitza with one yevama and then performed halitza with a second yevama, or he performed halitza with one yevama and then proceeded to either perform levirate betrothal, give a bill of divorce, or engage in intercourse with a second; alternatively, he engaged in intercourse with one yevama and engaged in intercourse with the second yevama, or he engaged in intercourse with one yevama and proceeded to either perform levirate betrothal, give a bill of divorce, or perform halitza with the second, nothing is effective after halitza or intercourse. These halakhot apply both in cases of one yavam to two yevamot, as well as two yevamin to one yevama.

5:6 If he performed halitza with one yevama and then proceeded to either perform levirate betrothal, give a bill of divorce, or engage in intercourse with a second yevama; alternatively, he engaged in intercourse with one yevama and then proceeded to perform levirate betrothal, or give a bill of divorce, or perform halitza with a second yevama, nothing is effective after halitza, whether the halitza took place at the beginning, in the middle, or at the end. All of these halakhot accord with the opinion of Rabbi Akiva, who maintains betrothal does not take effect on a woman who is forbidden due to the prohibition against betrothing a yevama after halitza. But with regard to intercourse, when it is at the beginning, i.e., the first act the yavam performed with his yevama, nothing is effective after it and any subsequent

action is void. However, if it was performed in the middle, and similarly if it was performed at the end, i.e., after some other action that impairs the validity of his intercourse, something is effective after it. Rabbi Nehemya says: Both with regard to intercourse and halitza, whether performed at the beginning, in the middle, or at the end, nothing is effective after it. If the yavam performed a valid action according to Torah law, any subsequent action is of no consequence according to halakha.

6:1 One who had intercourse with his yevama, whether unwittingly, i.e., he thought he was having intercourse with someone else, or intentionally, i.e., he knew she was his yevama and nevertheless had intercourse with her without intent to perform levirate marriage; whether due to coercion or willingly; even if he was unwitting and her participation was intentional, his participation was intentional and she was unwitting, he was coerced and she was not coerced, or she was coerced and he was not coerced; both one who merely engages in the initial stage of intercourse and one who completes the act of intercourse has thereby acquired his yevama. And similarly, the Torah did not distinguish between an act of intercourse in an atypical manner, i.e., anal intercourse, and intercourse in a typical manner.

6:2 And so too, with regard to a man who had intercourse with any one of those with whom relations are forbidden [arayot] by the Torah or with those who are unfit for him even though they are not in the category of arayot, for example, a widow with a High Priest; a divorcée and a yevama who performed halitza [halutza] with a common priest; a mamzeret, i.e., a woman born from an incestuous or adulterous relationship, or a Gibeonite woman with an Israelite; the daughter of an Israelite with a mamzer or a Gibeonite; he has disqualified her from marrying into the priesthood through this act no matter how it was performed, and the Torah did not distinguish between the act of intercourse in an atypical manner, i.e., anal intercourse, and intercourse in a typical manner.

6:3 A widow to a High Priest, a divorcée, or a halutza to a common priest, even if they had only engaged in betrothal and had not yet had intercourse, may not partake of teruma. Since they are forbidden to the men who betrothed them, the betrothal itself disqualifies them from the privileges of priesthood even if they are the daughters of priests. Rabbi Elazar and Rabbi Shimon declare them fit to partake of teruma. Since the prohibition is violated through the act of intercourse and not betrothal, the women are disqualified only once they have intercourse. In a case where these women were widowed or divorced, if it was from marriage, they are disqualified from the priesthood and may not partake of teruma. This is because a woman prohibited from marrying a priest who has intercourse with a priest becomes a halala, and is thereby disqualified from partaking of teruma. However, if they were widowed or divorced from their state of betrothal, they are once again fit to partake of teruma according to all opinions.

6:4 A High Priest may not marry a widow, whether she is a widow from betrothal or a widow from marriage. And he may not marry a grown woman. He may marry only a minor or a young woman. Rabbi Elazar and Rabbi Shimon declare a grown woman fit to marry a High Priest. And he may not marry a woman whose hymen was torn

accidentally. If a priest betrothed a widow and was subsequently appointed to be High Priest, he may marry her. And there was an incident with Yehoshua ben Gamla, who betrothed Marta bat Baitos, a widow, and the king subsequently appointed him to be High Priest, and he nevertheless married her. Conversely, in the case of a widow waiting for her yavam who happened before a common priest, i.e., the priest was her yavam, and he was subsequently appointed to be High Priest, then even if he had already performed levirate betrothal with her, he may not marry her, because she is a widow. A High Priest whose brother died without children performs halitza and he does not perform levirate marriage, as he may not marry a widow.

6:5 A common priest may not marry a sexually underdeveloped woman [aylonit], who is incapable of bearing children, unless he already has a wife and children. Rabbi Yehuda says: Even if he has a wife and children, he may not marry a sexually underdeveloped woman, as she is the zona about whom it is stated in the Torah that a priest may not marry her. Intercourse with her is considered a licentious act because she is incapable of bearing children. And the Rabbis say: The only women in the category of zona, who are therefore forbidden to a priest, are a female convert, a freed maidservant, and any woman who engaged in licentious sexual intercourse with a man she is prohibited from marrying.

6:6 A man may not neglect the mitzva to be fruitful and multiply unless he already has children. Beit Shammai say: One fulfills this mitzva with two males, and Beit Hillel say: A male and a female, as it is stated: "Male and female He created them" (Genesis 5:2). If a man married a woman and stayed with her for ten years and she did not give birth, he is no longer permitted to neglect the mitzva to be fruitful and multiply. Consequently, he must either divorce her and marry someone else, or take another wife while still married to her. If he divorced her she is permitted to marry another man, as it is not necessarily on her account that she and her first husband did not have children, and the second husband is permitted to stay with her for ten years. And if she had a miscarriage, he counts the ten years from the time of the miscarriage. A man is commanded with regard to the mitzva to be fruitful and multiply, but not a woman. Rabbi Yohanan ben Beroka says that a woman is also commanded, as the verse states with regard to both of them: "And God blessed them, and God said to them: Be fruitful and multiply" (Genesis 1:28).

7:1 A widow married to a High Priest, and a divorcée or a yevama who performed halitza [halutza] married to a common priest are all unions prohibited by Torah law. If one of these women brought with her into the marriage slaves of usufruct [melog] property or slaves of guaranteed investment, then the slaves of usufruct property do not partake of teruma but the slaves of guaranteed investment do partake of teruma. And these are slaves of usufruct property: They are those with regard to whom the couple stipulated that if the slaves die, their death is her loss, and if they increase in value, their increase is her gain. Although the husband is obligated in their sustenance, they do not partake of teruma, as they belong to her, not to him. He owns only the right of their use while he is married to her. And these are slaves of guaranteed investment: They are those with regard to whom the couple stipulated that if

they die, their death is his loss, and if they increase in value, their increase is his gain. Since he bears financial responsibility for compensating her in the event of their loss, they partake of teruma, as they are considered his property.

7:2 In the case of an Israelite woman who married a priest in a halakhic marriage and who brought slaves with her into the marriage, whether they are slaves of usufruct property or slaves of guaranteed investment, they partake of teruma. And in the case of the daughter of a priest who married an Israelite and who brought slaves with her into the marriage, whether they are slaves of usufruct property or slaves of guaranteed investment, they do not partake of teruma, although, as she is the daughter of a priest, it is permitted for her and her slaves to partake of teruma beforehand.

7:3 With regard to an Israelite woman who married a priest and he died and left her pregnant, her slaves of guaranteed investment may not partake of teruma during her pregnancy, due to the share of the fetus, as an inheritor of his father, in the ownership of the slaves. In the opposite case, where the Israelite husband of a priest's daughter died and left her pregnant, the fetus disqualifies her from partaking of teruma. However, in the current case, the fetus does not enable its mother or the slaves to partake of teruma, despite the fact that it is the child of a priest. This is the statement of Rabbi Yosei. The Rabbis said to him: Since you testified before us about the case of an Israelite woman who was married to a priest, in the case of the daughter of a priest who was married to a priest and he died and left her pregnant, her slaves should not partake of teruma either, due to the fetus's share. The same halakha should apply whether the woman is an Israelite or the daughter of a priest.

7:4 With regard to the fetus of a divorcée or a widow whose husband left her pregnant; and a man whose married brother died childless [yavam]; and betrothal; and a married deaf-mute; and a nine-year-and-one-day-old boy who engaged in intercourse with a woman; if any of these men are Israelites and the woman is the daughter of a priest, they disqualify her from partaking of teruma. But if she is an Israelite and they are priests, they do not enable her to partake of teruma. Likewise, in the case of a boy with regard to whom there is uncertainty as to whether he is nine years and one day old and uncertainty whether he is not, who engaged in intercourse with a woman; and in the case of a boy who betrothed a woman, with regard to whom there is uncertainty as to whether he has grown two pubic hairs and is considered an adult and uncertainty whether he has not grown, they too can disqualify the woman from partaking of teruma and cannot enable her to partake, as in the previous cases. If the house fell upon a man and upon his brother's daughter, to whom he was married, and it is unknown which of them died first, her rival wife performs halitza and does not enter into levirate marriage. Entering into levirate marriage is not possible, as, if the wife died after her husband, the surviving wife would be rendered the rival wife of a forbidden relative, since the yavam is the father of the wife who died. This status prevents the creation of a levirate bond between him and the surviving wife as well. On the other hand, halitza is necessary in case the wife died before her husband, thereby allowing the

creation of a levirate bond between her rival wife and her father, the yavam.

7:5 In the case of one who rapes a woman without marrying her; or one who seduces a woman without marrying her; or an imbecile who engages in intercourse with a woman, even if he did marry her, if they are non-priests they do not disqualify the daughter of a priest from partaking of teruma, and if they are priests they do not enable an Israelite woman to partake of teruma. And if they are not fit to enter the assembly of Israel through marriage, they disqualify the daughter of a priest from partaking of teruma. How so? If it was an Israelite who engaged in extramarital intercourse with the daughter of a priest, she may partake of teruma, as this act of intercourse does not disqualify her. If he impregnated her, she may not partake of teruma, as she is carrying an Israelite fetus. If the fetus was cut in her womb, i.e., she miscarried, she may partake of teruma. If the man was a priest who engaged in intercourse with an Israelite woman, she may not partake of teruma. If he impregnated her, she still may not partake of teruma, as a fetus does not enable its mother to partake. If she gave birth she may partake due to her child, a priest. It is therefore found in this case that the power of the son is greater than that of the father, as the father of this child does not enable the woman to partake of teruma, but the son does. A slave disqualifies a woman from partaking of teruma due to his engaging in intercourse with her, and he does not disqualify a woman because he is her offspring. How so? In what case would a slave theoretically disqualify a woman because he is her offspring? If an Israelite woman was married to a priest, or the daughter of a priest was married to an Israelite; and she bore him a son; and the son went and pressed himself onto a maidservant, an epithet for intercourse used in this context due to the shame involved in having intercourse with a maidservant; and she bore him a son, then this son is a slave. If the latter's father's mother was an Israelite who was married to a priest, and her husband died, she may not partake of teruma due to her grandson, as he is not a priest but a slave. On the other hand, if she was the daughter of a priest married to an Israelite, and he died, leaving only this grandson, she may partake of teruma, as the grandson is not considered his father's offspring. A mamzer disqualifies a woman from partaking of teruma, and he also enables a woman to partake of teruma. How so? If an Israelite woman was married to a priest, or the daughter of a priest was married to an Israelite, and she bore him a daughter, and the daughter went and married a slave or a gentile and bore him a son, this son is a mamzer. If his mother's mother was an Israelite woman married to a priest, even if her husband died, she may partake of teruma, as she has surviving offspring from a priest. Conversely, if she is the daughter of a priest married to an Israelite, she may not partake of teruma, even after her Israelite husband's death, as she has offspring from him.

7:6 Even with regard to a High Priest, sometimes he disqualifies his grandmother from partaking of teruma. How so? If the daughter of a priest was married to an Israelite, and she bore him a daughter, and the daughter went and married a priest and bore him a son, this son is fit to be a High Priest, who stands and serves on the altar. This son enables his mother to partake of teruma, as he is a priest. And yet, he disqualifies his mother's mother from

partaking of teruma, as he is her offspring from her Israelite husband. This grandmother can say in disapproval: Let there not be many like my daughter's son, the High Priest, as he disqualifies me from partaking of teruma.

8:1 An uncircumcised priest, e.g., one for whom circumcision was considered too dangerous, and all those who are ritually impure with any type of impurity, may not partake of teruma, the portion of produce that must be set aside for the priests. However, their wives and their slaves may partake of teruma. With regard to both a man with crushed testicles or with other wounds to his genitals [petzua dakka] and one whose penis has been severed [kerut shofkha], it is prohibited for them to marry a woman who was born Jewish. If they are priests they and their slaves may partake of teruma, as this condition does not disqualify them or their property. However, their wives may not partake of teruma, because if a priest has relations with his wife after suffering his injury, he renders her a halala, a woman who is disqualified from marrying a priest, as he has engaged in forbidden sexual relations with her. If such a priest did not know his wife, i.e., did not engage in sexual relations with her, after his testicles were crushed or his penis was severed, she may partake of teruma, as she had married the priest in a permitted manner.

8:2 And who is deemed a man with crushed testicles? It is anyone whose testicles have been wounded, even one of them. And one whose penis has been severed is anyone whose sexual member has been cut off. As for the measure that renders him unfit, if there remains a portion of the corona, even as much as a hairsbreadth, he is still fit. However, if nothing at all is left of the corona, he is considered as one with a severed penis, for whom it is prohibited by Torah law to marry a Jewish woman. A man with crushed testicles or with other wounds to his genitals and one whose penis has been severed are permitted to marry a female convert or an emancipated maidservant, and they are prohibited only from entering into the congregation and marrying a woman who was born Jewish, as it is stated: "A man wounded with crushed testicles or a severed penis shall not enter into the congregation of the Lord" (Deuteronomy 23:2).

8:3 Ammonite and Moabite converts are prohibited from entering into the congregation and marrying a woman who was born Jewish, and their prohibition is eternal, for all generations. However, their female counterparts, even the convert herself, are permitted immediately. Egyptian and Edomite converts are prohibited from entering into the congregation only for three generations, both males and females. Rabbi Shimon renders permitted Egyptian and Edomite females immediately. Rabbi Shimon said: The matter may be derived by way of an a fortiori inference: If in a place where the Torah rendered prohibited the males with an eternal prohibition, i.e., Ammonites and Moabites, it rendered permitted the females immediately, then in a place where it rendered prohibited the males for only three generations, i.e., Egyptians and Edomites, is it not right that we should render permitted the females immediately? Rabbi Shimon's colleagues said to him: If you are reporting a halakha that you received from your teachers, we will accept it from you. But if you merely wish to prove your case with an a fortiori inference based on your own reasoning, there is a refutation of your argument. Rabbi Shimon said to them: That is not so. I

disagree with your claim that the a fortiori inference can be refuted, but in any case I am stating a halakha handed down to me by my teachers. Mamzerim and the Gibeonites who converted to Judaism in the days of Joshua are prohibited from entering into the congregation and marrying a woman who was born Jewish. Their prohibition is eternal, for all generations, and it applies to both males and females.

8:4 Rabbi Yehoshua said: I heard two rulings from my teachers. One ruling is that a eunuch performs halitza with his yevama, and his brothers perform halitza with his wife, and the other ruling is that a eunuch does not perform halitza with his yevama, and his brothers do not perform halitza with his wife. And I cannot explain these two rulings, as I do not remember the circumstances to which each ruling applies. Rabbi Akiva said: I will explain. A eunuch caused by man, i.e., one who became emasculated after birth, performs halitza with his yevama and his brothers perform halitza with his wife, because he had an hour of fitness, a time when he was fertile. On the other hand, a eunuch by natural causes, i.e., who was entirely lacking in sexual capacity from birth, does not perform halitza with his yevama and his brothers do not perform halitza with his wife, because he did not have an hour of fitness, as he never had the potential to father children. Rabbi Eliezer says: No; rather, the opposite is the case: A eunuch by natural causes performs halitza with his yevama and his brothers perform halitza with his wife because he can be cured, whereas a eunuch caused by man does not perform halitza with his yevama and his brothers do not perform halitza with his wife because he cannot be cured. Rabbi Yehoshua ben Beteira testified about a man named ben Megusat, who lived in Jerusalem and was a eunuch caused by man, that his brothers nevertheless entered into levirate marriage with his wife, in order to fulfill and confirm the statement of Rabbi Akiva.

8:5 A sexually underdeveloped man does not perform halitza or enter into levirate marriage with his yevama. And similarly, a sexually underdeveloped woman [aylonit], who is incapable of bearing children, does not perform halitza or enter into levirate marriage with her yavam. If a sexually underdeveloped man performed halitza with his yevama, he has not thereby disqualified her from marrying into the priesthood, as his halitza is invalid. However, if he had intercourse with her, he has disqualified her. This is because it is considered licentious sexual intercourse, since such intercourse does not fulfill the mitzva of levirate marriage and is therefore categorized as forbidden relations with one's sister-in-law. And similarly, with regard to a sexually underdeveloped woman, if one of the brothers performed halitza with her he has not thereby disqualified her from marrying into the priesthood. However, if he had intercourse with her, he has disqualified her because the intercourse is considered licentious sexual intercourse.

8:6 If a priest who is a eunuch by natural causes married an Israelite woman, he enables her to eat teruma. Rabbi Yosei and Rabbi Shimon say: If a priest who is a hermaphrodite, possessing both male and female genitals, married an Israelite woman, he enables her to eat teruma. Rabbi Yehuda says: If a tumtum, whose external sexual organs are indeterminate, was torn open so that his

genitals were exposed, and he was found to be a male, he must not perform halitza, because he is treated like a eunuch. A hermaphrodite may marry a woman but he may not be married by a man, as he is considered a man. Rabbi Eliezer says: If one had intercourse with a hermaphrodite, he is liable to receive the punishment of stoning on his account as if he had had relations with a male.

9:1 There are women who are permitted to their husbands and forbidden to their yevamin, while others are permitted to their yevamin and forbidden to their husbands. Certain women are permitted both to these and to those, and others are forbidden to both these and to those. The mishna elaborates: And these are cases of women who are permitted to their husbands and forbidden to their yevamin: In the case of a common priest who married a widow, and he has a brother who is the High Priest, the widow, who was permitted to her husband, is forbidden to her yavam, as it is prohibited for the High Priest to marry a widow. The same is true in the case of a priest disqualified due to flawed lineage [halal], e.g., the son of a priest and a divorcée, who married a woman fit to marry a priest, and he has a brother who is a priest fit for service. That woman was permitted to marry the halal but is forbidden to his brother. Having engaged in intercourse with the halal, she is rendered a halala, a woman disqualified from marrying a priest. Another example is the case of an Israelite of unflawed lineage who married an Israelite woman of similar lineage, and he has a brother who is a son born from an incestuous or adulterous relationship [mamzer]; or a mamzer who married a daughter born from an incestuous or adulterous relationship [mamzeret], and he has a brother who is an Israelite of unflawed lineage. A mamzer is permitted to marry a mamzeret, but neither is permitted to a Jew of unflawed lineage. In each of these cases, these women are permitted to their husbands and forbidden to their yevamin.

9:2 And these are cases of women who are permitted to their yevamin and forbidden to their husbands: For example, there is the case of a High Priest who betrothed a widow, and he has a brother who is a common priest, whom she is permitted to marry. This is true only if the High Priest merely betrothed her. However, if he consummated the marriage, he rendered her a halala forbidden to all priests, including her yavam. The additional cases are a priest fit for service who married a halala and he has a brother who is a halal; an Israelite of unflawed lineage who married a mamzeret, and he has a brother who is a mamzer; and a mamzer who married an Israelite woman of unflawed lineage, and he has a brother who is, similarly, an Israelite of unflawed lineage. All of these women are permitted to their yevamin and forbidden to their husbands. And these are cases where women are forbidden both to these and to those: A High Priest who married a widow, and he has a brother who is a High Priest or a common priest; a priest fit for service who married a halala, and he has a brother who is a priest fit for service; an Israelite of unflawed lineage who married a mamzeret, and he has a brother who is similarly an ordinary Israelite, or a mamzer who married an Israelite woman of unflawed lineage, and he has a brother who is a mamzer. All of these women are forbidden both to these and to those. And all other women are permitted to their husbands and to their yevamin.

9:3 With regard to secondary relatives, who are forbidden by rabbinic law, if the woman is a secondary relative to the husband but not a secondary relative to the yavam, she is forbidden to the husband and permitted to the yavam. Conversely, if she is a secondary relative to the yavam but not a secondary relative to the husband, she is forbidden to the yavam and permitted to the husband. If she is a secondary relative both to this man and to that man, she is forbidden to this one and to that one. Furthermore, if a man marries a woman forbidden to him as a secondary relative, she does not have the right to receive payment for her marriage contract if divorced or widowed, nor is she entitled to payment from her husband for the produce of her property that he used, nor is she entitled to provisions for her sustenance from his estate, nor does she get back her worn clothes or other objects she brought with her to her marriage. And the lineage of the offspring is unflawed, and the court forces him to divorce her. In contrast, a widow married to a High Priest, a divorcée or a yevama who performed halitza [halutza] married to a common priest, a mamzeret or a Gibeonite woman married to an Israelite of unflawed lineage, and an Israelite woman of unflawed lineage married to a Gibeonite or to a mamzer all have the right to receive payment for their marriage contract, although it was prohibited for them to marry.

9:4 If there is an Israelite woman betrothed to a priest or pregnant from a priest, and he died; and a widow awaiting her yavam, who is a priest; and similarly, the daughter of a priest who is betrothed, pregnant from, or is a widow waiting for her yavam, who is an Israelite, she may not partake of teruma. If there is an Israelite woman betrothed to a Levite or pregnant from a Levite; and a widow awaiting her yavam, who is a Levite; and similarly the daughter of a Levite who is betrothed, pregnant from, or a widow waiting for her yavam, who is an Israelite, she may not partake of tithes. If there is a daughter of a Levite betrothed to a priest or pregnant from a priest; and a widow awaiting her yavam, who is a priest; and similarly a daughter of a priest who is betrothed to or pregnant from a Levite, or is a widow waiting for her yavam, who is a Levite, she may partake of neither teruma nor tithes. This follows the halakha that betrothal, pregnancy, and waiting for a yavam disqualify the daughter of a priest from eating teruma, but they do not enable an Israelite woman to partake of teruma.

9:5 An Israelite woman married to a priest may partake of teruma. If the priest died and she has a child from him, she may continue to partake of teruma. If she subsequently married a Levite, she may no longer partake of teruma but she may partake of the first tithe on his account. If he, too, died and she had a child from him, she may continue to partake of tithe on account of the child. If she then married an Israelite, she may partake of neither teruma nor tithe. If her Israelite husband died and she had a child from him, she still may partake of neither teruma nor tithe. If her child from the Israelite also died, while her son from the Levite remained alive, she may partake of tithe on account of the Levite's child. If her child from the Levite died, leaving her with a son from the priest, she may once again partake of teruma. If her child from the priest died as well, she may no longer partake of either teruma or tithe.

9:6 The daughter of a priest married to an Israelite may not partake of teruma. If the Israelite died and she has a son from him, she may not partake of teruma as long as that son is alive. If she subsequently married a Levite she may partake of tithe. If he died, and she had a son from him, she may still partake of tithe. If she subsequently married a priest, she may partake of teruma. If the priest died and she had a son from him, she may partake of teruma. If her son from the priest also died, she may not partake of teruma, but she may partake of tithe, as she has a son from a Levite. If her son from the Levite died, she may no longer partake of tithe. If her son from the Israelite died, she returns to her father's house and may once again partake of teruma. And with regard to this woman, it is stated: "And she is returned unto her father's house, as in her youth; she may eat of her father's bread" (Leviticus 22:13).

10:1 With regard to a woman whose husband went overseas, and witnesses came and they said to her: Your husband is dead, and she married another man on the basis of this testimony, and afterward her husband came back from out of the country, she must leave both this man and that one, as they are both forbidden to her. And she requires a bill of divorce from this one and that one. And furthermore, she has a claim to neither payment of her marriage contract, nor the profits of her property used by either of them, nor sustenance, nor the worn clothes she brought to the marriage. She has rights to these claims neither against this man nor against that one, i.e., she cannot collect these payments from either her first or second husband. And if she took any of these items from this man or from that one, she must return them to him. And the offspring is a mamzer from this one and from that one. Her child from the second husband is a definite mamzer, as she was never divorced from her first husband, and the Sages decreed that if she returned to her first husband, a child born later from him is also a mamzer. And neither this man nor that man may become impure for her upon her death, if they are priests. And neither this one nor that one is entitled to the rights that stem from the marriage bond: Neither to her found articles, nor to her earnings, nor to the nullification of her vows. If she was a regular Israelite woman, she is disqualified from marrying into the priesthood, as her intercourse with the second husband is considered an act of illicit sexual relations, and the daughter of a Levite is disqualified from partaking of the first tithe, and the daughter of a priest is disqualified from partaking of teruma. And neither the heirs of this man nor the heirs of that one inherit her marriage contract, as she is not considered married to either of them. This clause will be explained in the Gemara. And if they both died childless, the brothers of this one and the brothers of this one must perform halitza and they do not enter into levirate marriage. Rabbi Yosei disagrees with the first tanna and says that she does receive payment of her marriage contract, and the obligation of her marriage contract is upon the property of her first husband. Rabbi Elazar says: The first husband is entitled to her found articles, to her earnings, and to the nullification of her vows. Since her second marriage was an error, the first husband does not forfeit his rights. Rabbi Shimon says an even more far-reaching ruling: Her sexual relations or her halitza with the brothers of the first husband exempts her

rival wife, as it is considered a proper levirate marriage or halitza, and certainly she does not require halitza from the brother of the second husband. And if she returns to her first husband, the child from him is not a mamzer. All these halakhot refer to a situation when she married with the permission of the court, after hearing that her husband had died. But if she married without the consent of the court, basing herself entirely on the testimony she heard, and her husband returned, it is permitted for her to return to her first husband.

10:2 The mishna adds another difference between these two scenarios: If she married by permission of the court, she must leave both of them and she is exempt from bringing the offering, i.e., the sin-offering for her unwitting adultery, as she had the authorization of the court and is therefore considered to have acted under duress. If, however, she did not marry by permission of the court, she must leave her second husband and is liable to bring an offering for mistakenly having relations with a man forbidden to her. In this regard, the power of the court is greater, as she is exempt from bringing an offering. If the court instructed her to marry on the basis of inaccurate testimony, and she went and ruined herself by engaging in licentious relations outside matrimony, she is liable to bring an offering, as they permitted her only to marry, and not to engage in licentious relations.

10:3 With regard to a woman whose husband and child went overseas, and witnesses came and said to her: Your husband died and afterward your child died, she does not require levirate marriage, as she had a child when her husband died. And for this reason she married another man. And if afterward they said to her that the matters were reversed, i.e., the child died before the husband, which means that she did require levirate marriage, she is therefore a yevama who married a stranger without halitza and she must consequently leave her second husband. And with regard to the first child, the one born before they heard about the reversal, and the last one, born after they realized who actually died first, each of these children is a mamzer. Conversely, if they said to her: Your child died and afterward your husband died, and she therefore entered into levirate marriage, and afterward they said to her that the matters were reversed, which means she married her husband's brother when there was no obligation of levirate marriage, she must leave her husband, and the first child and the last one are each a mamzer. If they said to her: Your husband died, and she married, and afterward they said to her that he was alive at the time of her marriage and he later died, she must leave the second husband. And the first child, born when her original husband was still alive, is a mamzer, and the last one, born after his death, is not a mamzer. If they said to her: Your husband died, and she became betrothed to another man, and afterward her husband came, she is permitted to return to him, as betrothal alone does not render her forbidden to her husband. Furthermore, although the last man, i.e., her betrothed, gave her a bill of divorce, he has not thereby disqualified her from marrying into the priesthood. She was never his wife, for the betrothal was invalid, and a bill of divorce given to the wife of another man does not disqualify her. This was taught by Rabbi Elazar ben Matya: The verse states with regard to priests: "Neither shall they take a woman

divorced from her husband” (Leviticus 21:7), which indicates: And not one who was divorced from a man who is not her husband, e.g., the second man in this case.

10:4 In the case of one whose wife went overseas and people came and told him: Your wife is dead, and he married her sister, and afterward his wife came back from overseas, the original wife is permitted to return to him, as his erroneous marriage to her sister is considered licentious sexual relations, and one who has intercourse with his wife’s relatives has not rendered his first wife forbidden to himself. And he is permitted to the relatives of the second woman, e.g., her daughter, and this second woman is permitted to his relatives, e.g., his son, as the marriage was entirely invalid. And if the first woman died he is permitted to the second woman, despite the fact that he has already engaged in forbidden relations with her. If they said to him that his wife is dead, and he married her sister, and afterward they said to him that she was alive when he married the sister and only later died, in this case the first child, born to the sister while his wife was still alive, is a mamzer, as he was born from the union of a man and his sister-in-law, and the last one is not a mamzer. Rabbi Yosei says: Whoever disqualifies others also disqualifies himself, and whoever does not disqualify others does not disqualify himself either. Rabbi Yosei’s obscure statement will be explained by the Gemara.

10:5 Witnesses said to a husband: Your wife is dead, and he married her paternal sister, and witnesses subsequently told him that his second wife was dead and he married her maternal sister; afterward witnesses said that this one too was dead and he married her paternal sister; finally they told him that she was dead and he married the last woman’s maternal sister, and then they were all discovered to be alive. In this case he is permitted to his first wife, and to the third and to the fifth. Since these women are not sisters, his betrothal to them is effective. Consequently, if he died and one of them entered into levirate marriage, they exempt their rival wives. But he is forbidden to the second and fourth wife, each of whom is the sister of his original wife.

Therefore, if he passed away and the yavam had relations with one of them, his relations with any one of them does not exempt her rival wife, as she was forbidden to his brother, which means there was no mitzva of levirate marriage here at all. And if he had relations with the second woman in the aforementioned list after the death of the first, i.e., the first one indeed died but the other rumors were all false, in that case he is permitted to the second and the fourth, who are his lawful wives, and they exempt their rival wives, and he is forbidden to the third and the fifth, the sisters of the women married to him, and the sexual relations of the brother with any one of them does not exempt her rival wife.

10:6 The mishna addresses a different issue: If a boy aged nine years and one day had relations with his yevama he thereby disqualifies his brothers from levirate marriage, despite the fact that as a minor he has not acquired the yevama through this act of intercourse, and the brothers likewise disqualify the woman from him if they have intercourse with the yevama. However, there is a difference between them, as he disqualifies them only if he engaged in relations with her first, and the brothers disqualify him whether they had

relations first or last. The mishna explains: How so? A boy aged nine years and one day who had relations with his yevama has disqualified his brothers, as they are no longer eligible to marry her. If his brothers had relations with her, or performed levirate betrothal with her, or gave her a bill of divorce, or performed halitza with her, they permanently disqualify him from engaging in relations with her.

10:7 If a boy aged nine years and one day had sexual relations with his yevama, and afterward his brother, who is also nine years and one day old, had relations with her, the second brother disqualifies her to the first one. Rabbi Shimon says he does not disqualify her.

10:8 If a minor aged nine years and one day had relations with his yevama, and afterward that same boy had relations with her rival wife, he thereby disqualifies her to himself, and both women are now forbidden to him. Rabbi Shimon says he does not disqualify her. If a boy aged nine years and one day had relations with his yevama and died, that yevama performs halitza and may not enter into levirate marriage. If the minor married a woman in a regular manner and died, she is exempt from levirate marriage and halitza, as by Torah law a minor cannot marry.

10:9 If a boy aged nine years and one day had relations with his yevama, and after he matured he married a different woman and then died childless, if he did not carnally know the first woman after he matured, but only when he was a minor, the first one performs halitza and may not enter into levirate marriage, as she is in essence a yevama who had relations with a minor, and the second woman either performs halitza or enters into levirate marriage, as she is his full-fledged wife. Rabbi Shimon says: The brother consummates levirate marriage with whichever woman he chooses, and performs halitza with the second one. The mishna comments: This is the halakha both for a boy who is nine years and one day old, and also for one who is twenty years old who has not developed two pubic hairs. He has the status of a nine-year-old boy in this regard, as his intercourse is not considered a proper act of intercourse.

11:1 One may marry a relative, e.g., the sister or the mother, of the woman he raped and of the woman he seduced. However, one who rapes and one who seduces a relative of the woman who is married to him is liable to receive capital punishment or karet for engaging in prohibited sexual intercourse, depending on the particular family relationship. A man may marry a woman raped by his father, or a woman seduced by his father, or a woman raped by his son, or a woman seduced by his son. Rabbi Yehuda prohibits marriage in the case of a woman raped by his father or a woman seduced by his father.

11:2 With regard to a female convert whose sons converted with her, they do not perform halitza for each other's wives, and they do not perform levirate marriage with them, as their conversions are considered rebirth, and they are considered unrelated. This is so even if the conception of the first son was not in the sanctity of Israel, i.e., the mother had not yet converted when she conceived of him, but his birth was in the sanctity of Israel, as his mother had converted by the time she gave birth to him, whereas the second son was both conceived and born in sanctity. The first son is considered a convert, who is unrelated to his brother. And this halakha similarly applies to a

maidservant whose sons were freed with her, as they too are not considered relatives.

11:3 With regard to five women whose offspring were mixed, i.e., their lineage became indeterminate, and they had other sons as well who were not mixed, and the mixed sons matured and married women and subsequently died, then four sons who were not mixed, each one from a different mother, must perform halitza with one of the widows, as she might be the sister-in-law of any of them. And one son of the mother whose sons did not perform halitza may perform levirate marriage with her instead of halitza; even if she is not his sister-in-law, once she has received halitza from the others she may marry any man.

Subsequently, he and three of the four other sons must perform halitza with one of the remaining widows, and the other one may perform levirate marriage. When this process has been completed for all the widows, four halitzot and a levirate marriage are found altogether for each and every widow.

11:4 With regard to a woman whose offspring was mixed with the offspring of her daughter-in-law, and their lineage was consequently indeterminate, and the mixed sons matured and married women, and subsequently they died, the certain sons of the daughter-in-law perform halitza with the wives, but not levirate marriage, as with regard to each wife it is uncertain whether she is his brother's wife, and therefore his yevama, and uncertain whether she is his father's brother's wife, who is forbidden to him. However, the certain sons of the elder woman, i.e., the mother-in-law, perform either halitza or levirate marriage, as with regard to each wife it is uncertain whether she is his brother's wife, in which case levirate marriage is valid, or his brother's son's wife, in which case she is permitted to him, after having performed halitza with a son of the daughter-in-law. If the sons of certain, unflawed lineage were the ones who died, then the mixed sons perform halitza with the widows of the elder woman's sons but not levirate marriage, as it is uncertain whether she is his brother's wife or his father's brother's wife. With the widows of the certain sons of the daughter-in-law, one of the mixed sons performs halitza, in case she is his brother's wife. And the other one performs levirate marriage, as even if she is his brother's son's wife, she is permitted to him.

11:5 In the case of a priestess whose offspring was mixed with her maidservant's offspring, they may partake of teruma, as both a priest and the slave of a priest partake of teruma. And they receive one share of teruma in the granary. And they may not become ritually impure with impurity imparted by a corpse, as each of them might be a priest. And they may not marry women, whether unflawed women, who may not marry a slave, or women unfit to marry into the priesthood, as with regard to each of them it is uncertain whether he is a priest or a slave. If the mixed sons matured and freed each other, they may marry women fit to marry into the priesthood, as a freed slave may marry such women. However, neither may marry a woman unfit for the priesthood, in case he is a priest. And they may not become ritually impure with impurity imparted by a corpse, since they are uncertain priests. However, if they became impure, they do not receive the forty lashes, as each of them might not be priest. And they may not partake of teruma, as one of them is not a priest. However, if

they ate teruma unwittingly they do not pay the principal and the additional fifth, as each of them might be a priest. And they do not receive a share of teruma in the granary, as neither can prove that he is a priest. However, they may sell the teruma that they remove from their own produce, and although they may not eat it, the money is theirs. Since it cannot be proven with regard to either of them that he is not a priest, teruma cannot be appropriated from them. And they do not receive a share of the consecrated offerings of the Temple, as each of them might not be a priest. And one may not give them consecrated offerings to sacrifice for the same reason. However, the hides of their own offerings may not be appropriated from their possession, as it cannot be proven with regard to either of them that he is not a priest. And they are exempt from giving a priest the foreleg, and from giving him the jaw, and from giving him the maw of their non-consecrated kosher animals. And with regard to either of them, the firstling of his kosher animal should graze until it becomes unfit to be sacrificed, i.e., until it gets a blemish. It is against his interest to sacrifice the animal before it gets a blemish, thereby letting it be eaten by the priests. Once it gets a blemish, it cannot be appropriated from him. Since he is possibly a priest, he may claim that the animal is the property of a priest. The animal then becomes his private property, and he may eat it if he wishes. And in general, we place upon him both the stringencies of priests and the stringencies of Israelites.

11:6 With regard to a woman who did not wait three months after separating from her husband, and remarried and gave birth to a son, and it is not known if he was born after nine months of pregnancy to the former husband or if he was born after seven months to the latter husband, if she had sons of certain patrilineage from the first husband and sons of certain patrilineage from the second one, and the son of uncertain patrilineage married and died childless, then the brothers from both husbands must perform halitza with his wife, as they might be his paternal brothers. But they may not perform levirate marriage with her, in case he is only their maternal half brother, and his wife is forbidden to them. And similarly, with regard to him and their wives, if one of them dies childless, he performs halitza and not levirate marriage. If he had half brothers from the first husband and half brothers from the second, not from the same mother but from the same father, he performs halitza or levirate marriage with their widows. If he is indeed their paternal half brother, then the widows are his yevamot; if not, he may marry them like any other man. And similarly, with regard to them and his wife, one half brother from one father performs halitza and one from the other father performs levirate marriage.

11:7 If one of his two uncertain fathers was an Israelite and one was a priest, he may marry only a woman fit to marry a priest, due to the possibility that he is a priest. And he may not become ritually impure with impurity imparted by a corpse because he might be a priest. But if he became impure, he does not receive the forty lashes, as he might be a non-priest. Likewise, he does not partake of teruma, in case he is a non-priest. However, if he ate teruma he does not pay the principal and the additional fifth, as he might be a priest. And he does not receive teruma at the granary. However, he may sell the teruma

of his own produce and the money is his. It cannot be taken away from him due to the uncertainty with regard to his status. And he does not receive a share of the sacred of the consecrated offerings, and one may not give him the consecrated offerings to sacrifice. However, the hides of his own offerings may not be appropriated from his possession. And he is exempt from giving a priest the foreleg, and the jaw, and the maw of his non-consecrated animals. And the firstling of his animal should graze until it becomes unfit to be sacrificed because it gets a blemish. And in general, we place upon him the stringencies of priests and the stringencies of Israelites. If both uncertain fathers were priests, then if they die he is in a state of acute mourning over each of them, in case the deceased is his father. And if he dies, they are both in a state of acute mourning over him, as one of them is his father. He may not become ritually impure to bury them, as each one may not be his relative, and they may not become ritually impure to bury him for the same reason. He does not inherit from them, as the heirs of both husbands can reject his claims. However, they inherit from him if he has no sons and split his inheritance equally. And he is exempt from capital punishment for striking and for cursing both this father and that one. Although one who strikes or curses his father or mother is liable to receive the death penalty, he cannot be held liable, as it is unknown which of the men is his father. He must ascend to the Temple service with the priestly watch of this father and of that one, as he belongs to one of these watches and is obligated to serve with them. However, he does not receive a share of the portion of the offerings that gets eaten, as the members of each watch can claim that he is a member of the other watch. If both uncertain fathers were in one priestly watch, he receives one share, as he certainly belongs to that watch.

12:1 The mitzva of halitza, the ritual through which the yavam frees the yevama of her levirate bonds, must be performed before three judges, and the ritual does not require the judges to be experts fit to adjudicate other matters, as even if all three are laymen, it is acceptable. If she performed halitza while he was wearing a shoe made of soft leather that covers the whole foot, her halitza is valid, but if she performed halitza while he was wearing a soft shoe [anpileya] made of cloth, her halitza is invalid, as it is not considered a real shoe. If halitza was performed while he was wearing a sandal, i.e., footwear made of hard leather, that has a heel, it is valid; but if performed with a sandal without a heel, it is invalid halitza. If the leg of the yavam was amputated anywhere from the knee down and she performed halitza as he wore a shoe on the stump of his leg, it is valid halitza. If, however, the leg was amputated anywhere from the knee and above, and she performed halitza as he wore a shoe on the stump of his leg, it is invalid halitza.

12:2 If she performed halitza while the man was wearing a sandal that did not belong to him, or a sandal made of wood, or on the left shoe, which was being worn on his right foot, it is valid halitza. If she performed halitza as the man was wearing a shoe that was too large for him but which he can still walk in, or a shoe that was too small but that covered most of his foot, her halitza is valid. If a woman performed halitza at night, her halitza is

valid, but Rabbi Elazar invalidates it. If she performed halitza on the left foot, her halitza is invalid, but Rabbi Elazar validates it.

12:3 If she, i.e., the yevama, removed the shoe and spat in accordance with the halakha but did not recite the necessary text, her halitza is valid. If she recited the text and spat but did not remove the shoe, her halitza is disqualified. If she removed the shoe and recited the text but did not spit, Rabbi Elazar says: Her halitza is disqualified, while Rabbi Akiva says: Her halitza is valid. Rabbi Elazar said to him: The verse states: “So shall it be done to the man who does not build his brother’s house” (Deuteronomy 25:9). “So” is an exclusionary term indicating that only precisely in this fashion is halitza valid. Therefore, any term that constitutes an action for halitza is indispensable. Rabbi Akiva said to him: You derive proof from there? But it states: “So shall it be done to the man” indicating that only a term constituting an action toward the man, namely any aspect of halitza that concerns the man’s body, such as removal of his shoe, is indispensable. But spitting, which does not involve the man, although it takes place in his presence, is not indispensable.

12:4 The mishna lists additional halakhot with regard to halitza. If a deaf-mute man underwent halitza, or a deaf-mute woman performed halitza, or if an adult woman performs halitza with a male minor, her halitza is invalid and the woman may not marry. If a female minor performed halitza, she must perform halitza a second time once she becomes an adult, and if she does not perform the second halitza, her first halitza is invalid.

12:5 If she performed halitza before two or three judges and one of them is found to be a relative or disqualified as a judge for some other reason, her halitza is invalid. Rabbi Shimon and Rabbi Yohanan the Cobbler validate the halitza in this case. And an incident occurred involving a certain person who performed halitza between him and her alone in prison, i.e., not in the presence of others, and the case came before Rabbi Akiva and he validated it.

12:6 The mitzva of halitza is performed as follows: He and his yevama come to the court, and the scholars of the court give him advice appropriate for him, whether to enter levirate marriage or to perform halitza, as it is stated:

“And the Elders of his city shall call him and speak to him” (Deuteronomy 25:8). If they decide to perform halitza, she says: “My brother-in-law refused to establish a name for his brother in Israel, he did not wish to consummate the levirate marriage” (Deuteronomy 25:7), and afterward he says: “I do not wish to take her” (Deuteronomy 25:8). And they would say these statements in the sacred Hebrew language and not in any other language.

Afterward, the shoe is removed and she spits before him, as is written: “His yevama shall approach him, before the Elders, and remove his shoe from on his foot and spit before him” (Deuteronomy 25:9), which indicates that this spittle must be visible to the judges. “And she shall respond and say: So shall it be done to the man who does not build his brother’s house”

(Deuteronomy 25:9). Up until this point the judges would prompt the parties to recite the text that they are required to say. And when Rabbi Hyrkanus once prompted the participants in halitza under the ela tree in the village of Eitam, he prompted them to finish reciting the whole Torah passage, after which

they established the custom of completing the whole Torah passage. Therefore, they continue and say the following verse: “And his name shall be called in Israel: The house of he who had his shoe removed” (Deuteronomy 25:10). This mitzva of saying: The house of he who had his shoe removed, applies to the judges, but not to the students, i.e., the students of the judges and other onlookers who are present. Rabbi Yehuda says: It is a mitzva upon all those present to say: He who had his shoe removed.

13:1 The Sages decreed that in the case of a minor girl whose father died, her mother or brothers may marry her off. However, such a marriage does not have the same legal status as the marriage of an adult. Therefore, if the minor regrets having married, she is allowed to make a declaration of refusal to her husband, thereby annulling the marital bond. The Sages disagreed with regard to the details of this halakha: Beit Shammai say: Only betrothed girls may refuse. A girl may refuse, upon reaching adulthood, to remain married to the man to whom her mother or brothers married her as a minor after the death of her father. But Beit Hillel say that both betrothed and fully married girls may refuse. Beit Shammai say: Refusal may be directed only at her husband and not at her yavam. In such a situation, she must perform halitza in order to dissolve the levirate bond. But Beit Hillel say: It may be directed at her husband or her yavam. Beit Shammai say: The refusal must take place specifically in the presence of the husband. But Beit Hillel say: It may take place either in his presence or in his absence. Beit Shammai say: The refusal must take place specifically in court. But Beit Hillel say: It may take place either in court, or not in court. Beit Hillel said to Beit Shammai: She may refuse as long as she is a minor, even four or five times if her relatives married her off again to another man after each refusal. Beit Shammai said to them: The daughters of Israel are not to be treated with disregard and should not be passed from one man to another. Rather, she refuses once. And then she must wait until she reaches majority, and refuse, and marry.

13:2 Who is a minor girl who needs to perform refusal in order to annul her marriage? Any minor whose mother or brother married her off with her consent. If they married her off without her consent, she need not refuse her husband at all and may leave her husband without a declaration of refusal. Rabbi Hanina ben Antigonus says: Any girl who is so young that she cannot keep her betrothal, i.e., the money or document of betrothal, safe does not need to refuse, as the Sages instituted marriage only for a girl old enough to understand what she is doing. Rabbi Elazar says: The act of a minor girl is nothing, so that if a minor girl’s mother or brothers marry her off, the marriage is essentially invalid. Rather, her status is as though she were a seduced unmarried woman. Therefore, a minor daughter of a non-priest married to a priest may not eat teruma, and the minor daughter of a priest married to an Israelite may eat teruma.

13:3 Rabbi Eliezer ben Ya’akov says otherwise: If there is any obstruction in the matter due to the man, it is as if she were his wife. If there is any obstruction in the matter that is not due to the man, it is as if she were not his wife. This statement will be explained in the Gemara.

13:4 If a minor girl refuses a man, he is permitted to marry her close

relatives, such as her mother or her sister, and she is permitted to marry his close relatives, such as his father or brother, and he has not disqualified her from marrying into the priesthood, as she is not considered divorced. However, if he gave her a bill of divorce, then even though the marriage was valid according to rabbinic law and not Torah law, he is prohibited from marrying her close relatives, and she is prohibited from marrying his close relatives, and he has disqualified her from marrying into the priesthood. If he gave her a bill of divorce but afterward remarried her, and she subsequently refused him and married another man, and then she was widowed or divorced from her second husband, she is permitted to return to him. Since she left him the last time by means of refusal, the refusal cancels the bill of divorce that he gave her previously, and her status is that of a minor girl who refused her husband, who is not forbidden to her first husband after a second marriage. However, if the order was different, and if she refused him and he subsequently remarried her, and this time he gave her a bill of divorce and she married another man, and she was widowed or divorced, she is forbidden to return to him, like any divorced woman who married another man. This is the principle concerning a minor girl who refused her husband and then married several times: If the bill of divorce followed the refusal and she remarried, she is forbidden to return to him. If the refusal followed the bill of divorce, she is permitted to return to him. Since the refusal followed the bill of divorce it is clear that she was a minor and neither the marriage nor the divorce were valid by Torah law. However, when the ultimate separation is by means of a bill of divorce, there is no indication that she was a minor at the time and there is potential for confusion with an adult divorcée.

13:5 If a minor girl refuses one man and marries another, and he divorces her, and then she marries another man and refuses him, and then she marries another man and he divorces her, this is the principle for this case: With regard to anyone she leaves by means of a bill of divorce, it is prohibited for her to return to him. With regard to anyone she leaves by means of refusal, she is permitted to return to him.

13:6 With regard to one who divorces a woman and remarries her and then dies childless, his wife is permitted to enter into levirate marriage with her yavam, but Rabbi Elazar prohibits this. Likewise, with regard to one who divorces an orphaned minor girl whose mother and brothers married her off and remarries her and subsequently dies, she is permitted to the yavam in levirate marriage, and Rabbi Elazar prohibits it. A minor girl whose father married her off, in which case the marriage is valid by Torah law, and who was subsequently divorced while she was still a minor is like an orphan during the lifetime of her father, as he no longer has the right to marry her off, and she cannot become fully married because she is a minor. And if the husband remarries her while she is still a minor and then dies childless, everyone agrees that she is forbidden to the yavam and may not enter into levirate marriage.

13:7 If two brothers are married to two minor sisters, and the husband of one of them dies childless, this widowed girl shall be exempt from levirate marriage due to her status as a forbidden relative, as one is prohibited from marrying the sister of his wife. The same halakha applies to two deaf-mute

women, whose status is like that of two minors in this matter, as their marriages are valid by rabbinic law. And if two brothers were married to two sisters, one of them an adult and the other a minor, and the husband of the minor dies, the minor shall leave due to her status as the sister of a wife, as in the first case in the mishna. But if the husband of the adult dies, it generates a Torah obligation of levirate marriage, which is not abrogated by the rabbinic prohibition proscribing the yevama as his wife's sister. This prohibition is by rabbinic law, because marriage to a minor is rabbinic in origin. What does one do under such circumstances? Rabbi Eliezer says: We instruct the minor, i.e., his wife, to refuse him, so that her marriage is dissolved and he may then enter into levirate marriage with her adult sister, the widow of his childless brother. Rabban Gamliel says: If the minor refuses of her own accord, her refusal is valid. And if not, she should wait until she reaches majority, whereupon her marriage is valid by Torah law, and that widowed adult sister shall be exempt from levirate marriage due to her status as the sister of a wife. Rabbi Yehoshua says: When the brother married to the adult sister dies, leaving the brother married to the minor, woe [ee] to him for his wife, woe to him for his brother's wife. Under these circumstances, he loses both women: He must release his own wife with a bill of divorce and his brother's wife by performing halitza. He cannot stay married to his wife because she is the sister of his yevama, and he cannot enter into levirate marriage with the yevama even after divorcing his wife, because the yevama is his wife's sister. The principle that one is completely absolved from levirate marriage when the potential yevama is a forbidden relative does not apply because Torah law does not recognize his marriage to his minor wife. That marriage's rabbinic sanction does not suffice to render the yevama, his wife's sister, a forbidden relative who is not a candidate for levirate marriage.

13:8 If a man was married to two orphaned minors and died, consummation of levirate marriage or halitza with one of them exempts her rival wife from either levirate marriage or halitza, rendering her free to remarry. Likewise, if two deaf-mutes were married to one man who died, consummation of levirate marriage or halitza with one of them exempts her rival wife. In both of these cases, both women are married by rabbinic law and consequently become yevamot by rabbinic law. Since their statuses are equal, one can exempt the other. If one wife is a minor and the other is a deaf-mute, consummation of levirate marriage or halitza with one of them does not exempt her rival wife. Although both women are married by rabbinic law, their statuses are not the same and one cannot exempt the other. If one of them was halakhically competent and one was a deaf-mute, consummation of levirate marriage with the halakhically competent wife exempts the deaf-mute, as the halakhically competent women's marriage and levirate marriage are by Torah law. But consummation of levirate marriage with the deaf-mute does not exempt the halakhically competent wife. Likewise, if one was an adult woman and one a minor girl, consummation of levirate marriage with the adult exempts the minor but consummation of levirate marriage with the minor does not exempt the adult.

13:9 If a man was married to two minor orphans and he died, and a yavam engaged

in intercourse with the first of them to consummate the levirate marriage, and then engaged in intercourse with the second, or if his brother who is also their yavam engaged in intercourse with the second, the yavam or his brother did not disqualify the first girl from staying married to him, as her levirate marriage was consummated. Likewise, if the two wives were two female deaf-mutes, the first wife may remain married to the yavam. Intercourse with the second wife, though prohibited, has no effect: If the marriage was of uncertain status, then either the levirate marriage was concluded when he engaged in intercourse with the first, or neither wife was really married to the first husband, and they are therefore not rival wives. If the initial marriage was partial, then since both wives have the same standing, the levirate marriage with the first wife fully realizes whatever degree of levirate marriage is available. If one wife was a minor and the other a deaf-mute, and the yavam engaged in intercourse with the minor and then engaged in intercourse with the deaf-mute, or if his brother engaged in intercourse with the deaf-mute, then the yavam or his brother disqualified the minor from staying married due to the Sages' decree, lest it be confused with a situation where the intercourse with the deaf-mute was first. If the yavam engaged in intercourse with the deaf-mute and then engaged in intercourse with the minor, or if his brother engaged in intercourse with the minor, then the yavam or his brother disqualified the deaf-mute from staying married. The marriage to the deaf-mute creates a partial acquisition that does not exempt the second wife from levirate marriage, as she, as a minor, has a different standing. Accordingly, intercourse with the second wife also creates a partial acquisition and thereby both women are prohibited to the yavam, as it is prohibited to consummate levirate marriage with more than one wife.

13:10 If one widow was halakhically competent and one widow was a deaf-mute, and the yavam engaged in intercourse with the halakhically competent woman and then engaged in intercourse with the deaf-mute, or if his brother then engaged in intercourse with the deaf-mute, the yavam or his brother did not disqualify the halakhically competent woman from staying married. Since the yavam consummated the levirate marriage with her first, the levirate bond was entirely dissolved and the intercourse with the deaf-mute, though forbidden, had no effect. If the yavam engaged in intercourse with the deaf-mute and then engaged in intercourse with the halakhically competent woman, or if his brother engaged in intercourse with the halakhically competent woman, the yavam or his brother disqualified the deaf-mute from staying married. Consummation of the levirate marriage with the deaf-mute creates only a partial acquisition that does not fully dissolve the levirate bond.

13:11 If the deceased brother had two wives, an adult and a minor, and the yavam engaged in sexual intercourse with the adult, then engaged in intercourse with the minor, or if his brother engaged in intercourse with the minor, the yavam or his brother did not disqualify the adult from staying married, as the consummation of the levirate marriage with the adult completely dissolves the levirate bond. If the yavam engaged in intercourse with the minor, and then engaged in intercourse with the adult, or if his brother engaged in intercourse with the adult, the yavam or his brother disqualified the minor from staying

married. Rabbi Elazar says: The court instructs the minor to refuse him thereby annulling her marriage retroactively, and then the minor is permitted to marry any man.

13:12 If a minor yavam engaged in sexual intercourse with a minor yevama, they should grow up together, living as a married couple. He may not divorce her, as he is a minor. If he engaged in sexual intercourse with an adult yevama, she should raise him, i.e., they must stay married, as there is no way for him to divorce her until he reaches majority. When a yevama said within thirty days of her marriage: I have not engaged in sexual intercourse with him, the court forces him to perform halitza with her. If she said this after thirty days but he claimed that he had engaged in sexual intercourse, the court asks him to perform halitza with her, as there are grounds to believe him. And when he admits that he did not engage in intercourse with her, even after twelve months, the court forces him to perform halitza with her.

13:13 If a woman vows during her husband's lifetime to derive no benefit from her yavam, the court forces him to perform halitza with her as it is forbidden for her to engage in sexual intercourse with him to consummate the levirate marriage. If she vowed after the death of her husband to derive no benefit from her yavam, the court asks him to perform halitza with her. And if she intended to do so, i.e., she had an ulterior motive of avoiding levirate marriage when she vowed, even if she made the vow during her husband's lifetime, the court merely asks him to perform halitza with her.

14:1 With regard to a deaf-mute who married a halakhically competent woman, and a halakhically competent man who married a deaf-mute: If either man wants to divorce his wife, he may divorce her, and if he wants to maintain her as his wife, he may maintain her. The reason why a deaf-mute man can divorce his wife is that just as he marries her by intimation, i.e., his marriage is not performed by explicit speech, as deaf-mutes rely on gestures, so too, he divorces her by intimation. Likewise, in the case of a halakhically competent man who married a halakhically competent woman, and she later became a deaf-mute: If he wants to divorce his wife, he may divorce her, as a wife does not have to have intellectual capacity to receive a bill of divorce, and if he wants to maintain her as his wife, he may maintain her. If she became an imbecile, he may not divorce her, i.e., a bill of divorce is ineffective in this case. If he became a deaf-mute or an imbecile after they were married, he may never divorce her, as he does not have the legal competence to give a bill of divorce. Rabbi Yohanan ben Nuri said: For what reason is the halakha that in the case of the woman who becomes a deaf-mute, her husband may divorce her, but in the case of the man who becomes a deaf-mute, he may not divorce his wife? If the bill of divorce written by someone who formerly possessed all his senses and later became a deaf-mute is invalid, it stands to reason that it should not be valid when she becomes a deaf-mute either. They said to him: The man who divorces his wife is not similar to the woman who is divorced, as the woman is divorced whether she is willing or unwilling. Since the woman's consent is not required, she may be divorced even if she is a deaf-mute. And, conversely, the man divorces his wife only willingly, and therefore the bill of divorce of a deaf-mute, who is not legally competent, is ineffective.

14:2 Rabbi Yohanan ben Gudgada testified with regard to a female deaf-mute whose father married her off when she was a minor, which means her marriage was valid by Torah law, that she can be divorced with a bill of divorce even when she matures and is no longer under her father's authority, despite the fact that she is not legally competent. They said to him: This woman, too, has a similar status. In other words, a woman who possessed all her faculties and later became a deaf-mute is comparable to a minor whose marriage was valid by Torah law and later, when she matured and was no longer under the authority of her father, received a bill of divorce. Both of these women can receive a bill of divorce, in accordance with the principle stated in the previous paragraph.

14:3 The mishna continues: In a case where there were two deaf-mute brothers married to two deaf-mute sisters or to two halakhically competent sisters, or to two sisters, one of whom was a deaf-mute and the other one halakhically competent; or in a case where there were two deaf-mute sisters married to two halakhically competent brothers or to two deaf-mute brothers or to two brothers, one of whom was a deaf-mute and the other one halakhically competent, all these women are exempt from halitza and from levirate marriage. Each of them is forbidden to her yavam because he is married to her sister. And if they were unrelated women, i.e., the women are not sisters, the men may marry them in levirate marriage, and if they want to divorce them later, they may divorce them.

14:4 However, if two brothers, one of whom is a deaf-mute and other one halakhically competent, were married to two halakhically competent sisters, and the deaf-mute married to the halakhically competent sister died, what should the halakhically competent brother married to the halakhically competent sister do? His brother's wife is released without levirate marriage or halitza, due to the prohibition with regard to a wife's sister. If the halakhically competent brother married to the halakhically competent sister died, what should the deaf-mute brother married to the halakhically competent sister do? He divorces his wife with a bill of divorce, as his wife's sister came before him for levirate marriage by Torah law, and the legal status of her marriage and her levirate marriage is higher than his own marriage, which applies only by rabbinic law. And his brother's wife is forbidden to him forever, and there is no remedy for her. He cannot marry her, as by rabbinic law she is the sister of his ex-wife, nor can he exempt her by means of halitza, as he is a deaf-mute.

14:5 If two halakhically competent brothers were married to two sisters, one of whom is a deaf-mute and the other one halakhically competent, and the halakhically competent brother married to the deaf-mute sister died, what should the halakhically competent brother married to the halakhically competent sister do? The deaf-mute sister is released due to the prohibition with regard to a wife's sister. If the halakhically competent brother married to the halakhically competent sister died, what should the halakhically competent brother married to the deaf-mute sister do? He divorces his wife with a bill of divorce, as the halakhically competent sister came before him for levirate marriage, and the status of her levirate bond is higher than the status of his marriage to his wife, a deaf-mute. And he releases his brother's wife, who is

not a deaf-mute, by means of halitza, as they are both legally competent and can therefore perform halitza.

14:6 If two brothers, one of whom is a deaf-mute and the other one halakhically competent, were married to two sisters, one of whom is a deaf-mute and the other one halakhically competent, and the deaf-mute brother married to the deaf-mute sister died, what should the halakhically competent brother married to the halakhically competent sister do? The deaf-mute woman is released due to the prohibition with regard to a wife's sister. If the halakhically competent brother married to the halakhically competent sister died, what should the deaf-mute brother married to the deaf-mute sister do? He divorces his wife with a bill of divorce, which is as valid as their original marriage. And his brother's wife is forbidden to him forever. There is no remedy for her, as he may not consummate levirate marriage with her because she is the sister of his ex-wife by rabbinic law, and he cannot perform halitza with her either, as he is a deaf-mute.

14:7 If two brothers, one of whom is a deaf-mute and the other one halakhically competent, were married to two unrelated, halakhically competent women, and the deaf-mute married to the halakhically competent woman died, what should the halakhically competent brother married to the halakhically competent woman do? He either performs halitza or enters into levirate marriage. If the halakhically competent brother married to the halakhically competent woman died, what should the deaf-mute brother married to the other halakhically competent woman do? He cannot perform halitza with her, as he is a deaf-mute. Rather, he marries her, and he may never divorce her, as sexual intercourse between a yavam and his yevama creates a valid marriage that cannot be broken by the bill of divorce of a deaf-mute.

14:8 If two halakhically competent brothers were married to two unrelated women, one of whom is halakhically competent and the other one a deaf-mute, and the halakhically competent brother married to the deaf-mute woman died, what should the halakhically competent brother married to the halakhically competent woman do? The brother cannot perform halitza with her, as she is a deaf-mute. Rather, he marries the deaf-mute, and if he wishes to divorce her, he may subsequently divorce her with a bill of divorce. If the halakhically competent brother married to the halakhically competent sister died, what should the halakhically competent brother married to the deaf-mute do? Either he performs halitza or he enters into levirate marriage.

14:9 If two brothers, one of whom is a deaf-mute and the other one halakhically competent, were married to two unrelated women, one of whom is a deaf-mute and the other one halakhically competent, and the deaf-mute brother who was married to the deaf-mute woman died, what should the halakhically competent brother married to the halakhically competent woman do? He may marry her if he desires the deaf-mute woman, and if he wishes afterward to divorce her, he may divorce her. If the halakhically competent brother married to the halakhically competent woman died, what should the deaf-mute brother married to the deaf-mute woman do? He marries his yevama and may never divorce her, as he does not have the legal capacity to end a valid marriage.

15:1 With regard to a woman who went, she and her husband, overseas, if there

was peace between him and her, i.e., the couple were not fighting at the time, and there was also peace in the world, i.e., there was no war at that time, and the woman came back by herself and said: My husband died, she may marry on the basis of her own testimony. Likewise, if she said: My husband died, and they did not have children, but her husband had a brother, she may enter into levirate marriage. If there was peace between him and her when they left but there was war in the world, or if there was a quarrel between him and her and peace in the world, and she came and said: My husband died, she is not deemed credible, as she may be mistaken or lying. Rabbi Yehuda says: She is never deemed credible when she testifies that her husband died, unless she came crying and her clothing was torn, in which case it is apparent that she is speaking the truth. They said to him: This is an incorrect distinction. Rather, both this woman who cries and this woman who does not cry may marry on the basis of their own testimony.

15:2 Beit Hillel say: We heard that one may accept the testimony of a woman concerning the death of her husband only when she comes from the grain harvest, and when she testified in the same country where he died, and in circumstances similar to the incident that occurred, in which a lenient ruling was issued, as will be explained. Beit Shammai said to Beit Hillel: The same halakha applies to a wife who comes from the grain harvest, and one who comes from the olive harvest, and also one who comes from the grape harvest, and even one who comes from one country to another country. Although the incident in question took place during the grain harvest, the Sages spoke of the grain harvest only because it was the present occurrence, i.e., that is what happened in practice, but this is no proof that she is deemed credible only when she arrived specifically from the grain harvest. The mishna comments: Beit Hillel retracted their opinion, and decided to teach in accordance with the opinion of Beit Shammai on this issue.

15:3 Beit Shammai say: A woman who testifies that her husband died may marry, and take the money guaranteed in her marriage contract. Beit Hillel say: She may marry, but she may not take her marriage contract, as qualified witnesses are required for monetary matters. Beit Shammai said to them: If you have permitted a woman potentially forbidden to him, which is a relatively stringent prohibition, based merely upon her own testimony, will we not permit a monetary matter, which is more lenient, as the money can be returned and this sin does not entail such a severe punishment? Beit Hillel said to them: This is no proof, as we find that the brothers do not come into the inheritance from the deceased brother based on her testimony. Evidently, although this testimony is accepted with regard to forbidden sexual relationships, it is not effective for monetary matters. Beit Shammai said to them: But we can learn this halakha from the scroll of the marriage contract, as every husband writes for her that: If you marry another man, take what is written for you in this contract. This shows that her right to receive the money of her marriage contract is dependent upon her eligibility to remarry. In this case, as she is deemed credible when she says her husband died and she may marry again, she is likewise entitled to the money of the marriage contract. And Beit Hillel again retracted their opinion, and decided to teach in accordance with the opinion of Beit Shammai.

15:4 All are deemed credible when they come to give testimony with regard to the death of a woman's husband, apart from her mother-in-law, the daughter of her mother-in-law, her rival wife, the wife of her yavam, and her husband's daughter, her stepdaughter. The reason is that these women are likely to hate her and will lie to her detriment. The mishna explains: In the case of a divorce all people, including these women, may bring her bill of divorce and testify that it was written appropriately. What, then, is the difference between a bill of divorce and death? The mishna answers: The difference is that in the case of a bill of divorce the writing proves the accuracy of the testimony, i.e., her testimony is supported by the text of the document itself, whereas with regard to the death of her husband there is no proof apart from the statement of the woman herself. If one witness says: The man died, and the wife married based on this testimony, and one other witness came and said: He did not die, she need not leave her new husband due to this testimony. However, if one witness comes and says: The husband died, and two witnesses say: He did not die, then even though she married based on the first witness she must leave her new husband. If two witnesses say: He died, and one witness says: He did not die, the testimony of the two witnesses is accepted, and even though she did not yet marry, she may marry.

15:5 If two women who were married to the same man come forward, and one of them says that the husband died, and the other one says he did not die, the one who says he died may marry on the basis of her own testimony, and she takes the money of her marriage contract. And the one who said he did not die may not marry, and does not take the money of her marriage contract. If one wife says: He died in a normal manner, and the other one says: He was killed, Rabbi Meir says: Since they contradict one another, these women may not marry. Rabbi Yehuda and Rabbi Shimon say: Since they both agree that he is not alive they may marry, despite the fact that they dispute the circumstances of his demise. If a witness says: He died, and a witness says: He did not die, or one woman says: He died, and another woman says: He did not die, this woman may not marry.

15:6 In the case of a woman who went, she and her husband, overseas, and she comes and says: My husband died, she may marry, and she takes her marriage contract based on her own testimony. And it remains prohibited for her rival wife to remarry, as a woman cannot testify on behalf of her rival wife. If the rival wife was an Israelite woman married to a priest, she may continue to partake of teruma, as she is not permitted to remarry, and therefore the presumption that the husband is still alive is maintained in relation to her. This is the statement of Rabbi Tarfon. Rabbi Akiva says: This is not the way to spare someone from transgression. According to the opinion of Rabbi Tarfon, there is a concern that she might be eating teruma unlawfully. There is no remedy for this situation unless it is prohibited for the rival wife to marry, as she cannot rely on the testimony of her rival wife, and it is also prohibited for her to partake of teruma, lest the other woman was speaking the truth. In other words, the halakha is stringent on both counts.

15:7 The mishna discusses a similar case. If a woman said: My husband died and afterward my father-in-law died, she may marry and take her marriage contract,

and it is prohibited for her mother-in-law to remarry, as a woman may not testify on behalf of her mother-in-law. If the mother-in-law was the daughter of an Israelite married to a priest, she may partake of teruma; this is the statement of Rabbi Tarfon. Rabbi Akiva says: This is not the way to spare her from transgression; there is no remedy unless it is prohibited for the mother-in-law to marry and also prohibited for her to partake of teruma. In relation to the dispute between Rabbi Tarfon and Rabbi Akiva in the previous mishna, in which Rabbi Akiva states that one must avoid a possible transgression, the mishna cites two similar cases involving other topics. With regard to one who betrothed one of five women, and he does not know which of them he betrothed, and each one of them says: He betrothed me, if he does not want to marry any of them he gives a bill of divorce to each and every one of them so none will have the status of a woman with regard to whom there is uncertainty whether she is divorced. And he leaves the marriage contract among them and departs. The marriage contract remains in dispute between the women until they clarify which of them is entitled to the money. This is the statement of Rabbi Tarfon. Rabbi Akiva says: This is not the way to spare someone from transgression, as perhaps the woman he actually betrothed will not receive the money to which she is entitled. There is no remedy unless he gives a bill of divorce and a marriage contract payment to each and every one. And likewise, in the case of one who stole money from one of five people and does not know from which of them he stole, and each one says: He stole from me, he leaves the stolen money among them and departs, and they will decide among themselves how to distribute the money; this is the statement of Rabbi Tarfon. Rabbi Akiva says: This is not the way to spare him from transgression; there is no remedy unless he pays each and every one of them.

15:8 In the case of a woman who went, she and her husband, overseas, and her son was with them, and later she came back and said: My husband died and afterward my son died, she is deemed credible. It is permitted for her to remarry, and she is exempt from levirate marriage. The reason is that she had children when she left, and therefore she retains her presumptive status of one who is exempt from levirate marriage. However, if she said: My son died and afterward my husband died, she is not deemed credible, i.e., she may not enter into levirate marriage. And yet we are concerned and give some credence to her statement, in case she was actually widowed by a childless husband, and therefore she performs halitza to exempt her from the levirate bond with her yavam, and she does not enter into levirate marriage.

15:9 If she went with her childless husband and returned alone and testified: A son was born to me overseas, and she further said: My son died and afterward my husband died, she is deemed credible and may even enter into levirate marriage, as she was presumed to be childless when she left and consequently she retains that presumptive status. However, if she said: My husband died and afterward my son died, she is not deemed credible for the purpose of exempting her from levirate marriage, but the court is concerned about her statement. And therefore she must perform halitza and she does not enter into levirate marriage.

15:10 If she said: A yavam was born for me overseas, i.e., when the family left

the country her husband did not have a brother, and she claims that in the meantime a brother was born to her husband, and she also said: My husband died and afterward my yavam died, or: My yavam died and afterward my husband died, in either case she is deemed credible. This is because when she left she was not presumed to require levirate marriage, and the suggestion that her husband now has a brother is based solely on her testimony. However, if she went, she and her husband and her yavam, overseas, and upon her return she said: My husband died and afterward my yavam died, or: My yavam died and afterward my husband died, she is not deemed credible, as a woman is not deemed credible if she says: My yavam died, in order that she may marry another man. And she is not deemed credible if she says that her sister died, in order that she may enter the house of her sister's husband. And a man is not deemed credible if he says: My brother died, so that he may enter into levirate marriage with his brother's wife, and he is not deemed credible when he says that his wife died, in order that he may marry his wife's sister. The Sages accepted impaired testimony of this kind only when there was a concern about creating a situation of a deserted wife.

16:1 In the case of a woman whose husband and rival wife traveled to a country overseas, and witnesses came and told her: Your husband died, she shall not marry any other man, in case she requires levirate marriage with her brother-in-law, i.e., yavam, in which case she is prohibited from marrying anyone else. And she also shall not enter into levirate marriage until she knows whether she, i.e., her rival wife, is pregnant. If her rival wife bears a child to her late husband, she does not have a levirate bond with her brother-in-law, and she is therefore prohibited from marrying him. If she had a mother-in-law overseas, but her late husband had no brothers, she need not be concerned that a brother to her husband may have been born. But if her mother-in-law departed from her town pregnant, this widow should be concerned that perhaps her late husband now has a brother, with whom she is obligated in levirate marriage. Rabbi Yehoshua says: Even in such a case she need not be concerned and may marry whomever she wishes.

16:2 If there are two sisters-in-law married to two childless brothers who testify about their marital status, and this one says: My husband died, and that one says: My husband died, although each one of them is deemed credible with regard to her own status as a widow, this one is prohibited from marrying due to the possibility that the husband of that other sister may be alive, obligating her in levirate marriage, and that one is prohibited from marrying due to the husband of this sister, according to the same rationale. Although each is accorded credibility as to her own husband's death, the halakha is that sisters-in-law are among the five types of women not accorded credibility with regard to each other's permissibility to marry because of possible conflicts of interest. If this one has witnesses to her husband's death, and that one does not have witnesses, then the one who has witnesses is prohibited from marrying, as there are no witnesses to the death of her yavam to exempt her from levirate marriage; but the one who has no witnesses is permitted to marry based on her own testimony that her husband died combined with the witnesses' testimony exempting her from levirate marriage. If this one has

children and that one has no children, then the one with children is permitted to marry, as she herself is deemed credible with regard to her husband's death, and her children exempt her from levirate marriage. But the one without children is prohibited from marrying, as the death of her yavam has not been corroborated independently of her sister-in-law's testimony. If there were two additional yevamin with whom these two widows entered into levirate marriage, and then the yevamin died childless, the women are prohibited from marrying, since the concern about an additional living yavam still remains. Rabbi Elazar says: Since these women were permitted to marry the living brothers-in-law, as the testimony of each was deemed credible with regard to her own status, they are permitted, from then on, to marry any man because their statements, taken together, indicate that neither one is obligated to enter into levirate marriage.

16:3 One may testify that a man died only if he can testify about seeing the countenance [partzuf ] of the face with the nose, as this allows one to identify the individual with certainty. Although there are distinguishing marks [simanim] on his body and his personal belongings, which appear to indicate his identity, one may not rely on these as identification. Furthermore, one may not testify that a person died until his soul actually departs. And even if one saw him cut open and severely wounded, or crucified, or with a wild animal eating parts of him, he may not testify that he died. Additionally, one may testify to someone's death only when the body was witnessed up to three days following death and not after that, since the appearance may change due to decomposition. Rabbi Yehuda ben Bava says: One cannot establish general guidelines for this matter because not every person, nor every place, nor every hour is identical. Decomposition is not uniform. It occurs at different rates in different situations.

16:4 If a man fell into the water and did not come out, whether the body of water has a visible end or does not have a visible end, his wife is prohibited from remarrying. There is no absolute proof that the man died, as it is possible that he emerged from the water some distance away. Rabbi Meir said: An incident occurred involving a certain person who fell into the Great Cistern and emerged only after three days. This is evidence that sometimes one may survive a fall into water, even when everyone assumes he is dead. Rabbi Yosei said: An incident occurred involving a blind man who descended to immerse for ritual purity in a cave, and his guide descended after him, and they disappeared there, and they remained there long enough for their souls to have departed, and the Sages permitted their wives to marry because they had disappeared into the water and not emerged. And there was another incident in Asya in which they lowered a certain man into the sea on a rope, and when they pulled the rope back to land only his leg came up in their hands, and they were not certain whether he was alive or dead. The Sages said: If his leg was cut from the knee and above, his wife may marry, as he did not survive such a wound; if his leg was cut only from the knee and below, she may not marry.

16:5 Even if one heard from the women, who were saying: So-and-so died, this is sufficient in order to testify to his death. Rabbi Yehuda says: Even if one heard from the children, who were saying: We are going to eulogize and bury

so-and-so, that is also sufficient. Furthermore, one may rely upon someone mentioning that a man died, regardless of whether the speaker intends to testify and thereby allow the man's wife to remarry or whether he does not intend to offer formal testimony. Rabbi Yehuda ben Bava says: With regard to a Jew who offers this information, it may be relied upon even if he intends for his statement to be considered formal testimony. However, with regard to a gentile, if he intended to testify, his testimony is not considered valid testimony. His statement is relied upon only when he does not intend to state it as formal testimony.

16:6 Witnesses may testify that an individual died even if they saw his corpse only by candlelight or by moonlight. And the court may allow a woman to marry based on the statement of a disembodied voice proclaiming that her husband died. There was an incident with regard to a certain individual who stood at the top of a mountain and said: So-and-so, son of so-and-so, from such and such a place died. They went and found no person there, but even so they relied upon the statement and allowed the wife of the individual declared dead to marry. And there was another incident in Tzalmon, a city in the Galilee, where a particular man said: I am so-and-so, son of so-and-so. A snake bit me and I am dying. And they went and found his corpse but could not recognize him, yet they went ahead and allowed his wife to marry based on what he said in his dying moments.

16:7 Rabbi Akiva said: When I descended to Neharde'a, in Babylonia, to intercalate the year, I found the Sage Nehemya of Beit D'li. He said to me: I heard that the Sages in Eretz Yisrael do not allow a woman to remarry based on the testimony of a single witness, except for Yehuda ben Bava. And I told him: That is so. He said to me: Tell the Sages in my name: You know that the country is confounded by army troops, and I cannot come myself. I declare that I received this tradition from Rabban Gamliel the Elder, that the court may allow a woman to remarry based on the testimony of a single witness. Rabbi Akiva continues: And when I came and presented the matter before Rabban Gamliel of Yavne, the grandson of Rabban Gamliel the Elder, he rejoiced at my words and said: We have found a companion who agrees with Rabbi Yehuda ben Bava, and since his lenient opinion is no longer the opinion of a lone Sage, it may now be relied upon. As a result of this event, Rabban Gamliel remembered that people were murdered in Tel Arza, and Rabban Gamliel then allowed their wives to remarry based on only one witness. And from then onward they established as protocol to allow a woman to remarry based on hearsay testimony, a slave's testimony, a woman's testimony, or a maidservant's testimony. Rabbi Eliezer and Rabbi Yehoshua say: The court may not allow a woman to remarry based on only one witness. Rabbi Akiva says: The court may not allow a woman to marry based on the testimony of a woman, nor based on the testimony of a slave, nor based on the testimony of a maidservant, nor based on the testimony of close relatives. They said to Rabbi Akiva: Do we not rely upon a woman's testimony? After all, an incident occurred involving Levites who traveled to Tzoar, the city of date palms. And one of them became ill, and they brought him to an inn [pundak] to rest, while they continued on their travels. Upon their return to the inn they said to the innkeeper, who was a woman: Where is our friend? She

told them: He died, and I buried him. And based on her testimony they allowed his wife to remarry. And shouldn't a priestess, or any Jewish woman who testifies that a man died, be deemed as credible as an innkeeper? Rabbi Akiva said to them: When a woman will be as convincing as the innkeeper, then she shall also be deemed credible. The innkeeper brought them his staff, and his bag, and the Torah scroll that was in his possession, thereby providing supporting evidence to reinforce her claim.

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