Mishnah Yevamot, chapter 2

(1) How is the [exemption of her fellow-wife by the] wife of his brother who was not his contemporary [i.e., who did not live at the same time, to be understood]? — If there were two brothers one of whom died, and afterwards, a third brother was born [and thus found his deceased brother's widow subject to levirate marriage with his elder brother, but forbidden to himself as the wife of his brother who was not his contemporary] the second [of the two elder brothers, who was already married] took his deceased brother's wife in levirate marriage and then died himself; the first woman [the widow of the first deceased brother, who is now also the widow of the second brother] is exempt [from levirate marriage with the third brother] as the wife of his brother was not in the world at the same time, and the second [her fellow-wife, the widow of the second brother, who normally would have been subject to levirate marriage with the third brother, since the third brother was a contemporary of the second brother who was her husband; nevertheless, she too, is exempt, from levirate marriage with the third brother] as her fellow-wife. If he [the second brother] addressed to her a ma'amor [i.e., said to the widow of the first brother in the presence of witnesses, “You are betrothed to me” and gave her betrothel money] and died [before the consummation of the marriage], the second [i.e., the wife of the second brother] must perform halitza' [with the third brother; since her husband's union with his deceased brother's widow was not consummated he never was her legal husband, and since she, consequently, is not her fellow-wife, she cannot be exempt from the halitza'] but [she] may not enter into the levirate marriage [because the ma'amar that the husband of the second addressed to the first widow has partially attached the woman to him, and the second has, consequently, become a partial fellow-wife of a forbidden relative and therefore, is Rabbinically forbidden to enter into marriage].
the levirate marriage with the third brother].

(2) If there were two brothers and one of them died [childless], and the second performed the levirate marriage with his [deceased] brother's wife, and after a [third] brother was born the second died [childless], the first [wife i.e., the widow of the first deceased brother, who is now also the widow of the second] is exempt [from halitzah and levirate marriage with the third brother] on account of her being the wife of his brother who was not his contemporary, while the second is [also] exempt as her fellow-wife [since both were wives of the second brother; she is, therefore, a fellow-wife]. If he [the second brother] addressed to her [the first brother's widow] a ma'amor and died [before the levirate marriage took place], the second [i.e., the widow of the second brother] must perform the halitzah [with the third brother] but she may not be taken in levirate marriage [as above (see the end of Mishnah 1)]. Rabbi Shimon says [referring to the first case in this Mishnah], He [the third brother, since he had been born after the second brother had already performed the levirate marriage, therefore he] may either take in levirate marriage whichever of them [the wives of the second brother] he desires [and thereby exempt the other] or he may perform halitzah with whichever of them he desires, [and thereby exempt the other].

(3) A general rule was stated regarding the deceased brother's wife [whose husband died childless]; wherever she is prohibited [to marry her late husband's brother] as a forbidden relative, she [the fellow-wife, and certainly the forbidden relative herself] neither performs halitzah nor is taken in levirate marriage. If she is prohibited by virtue of a commandment or by virtue of holiness [see next
Mishnah for explanation of these terms], she must perform the *halitzah* and must not be taken in levirate marriage. If her sister is also her sister-in-law [e.g., two sisters were married to two brothers who both died childless, and both widows become subject to levirate marriage with a third brother, with whom one of them stands in any kind of forbidden relationship such as, she is also his mother-in-law] she [the sister of the forbidden relative] may perform *halitzah* or be taken in levirate marriage [since the forbidden relative may never marry the deceased husband’s brother, she never had the status of *zakuk*, (the status of one who is attached to another through potential *yibum* until *halitzah*) therefore her sister does not come under the prohibition of “a sister of his *zekukah*” (i.e., the sister of one who falls to levirate marriage)].

(4) “Prohibited by virtue of a commandment” [refers to the secondary degrees of relationship forbidden by Rabbinic decree [since it is a commandment in the Torah to obey the Rabbis, therefore, those relationships forbidden by Rabbinic decree, are referred to as “prohibited by virtue of a commandment”]. “Prohibited by virtue of holiness” [refers to the following forbidden categories:] a widow to a High Priest; a divorced woman, or one that had performed *halitzah* to a common priest [in the case in which his brother unlawfully married such a woman and died childless, the dead husband’s brother may not marry her because...
of his holy status]; a mamzeret or a netinah to an Israelite, and a daughter of an Israelite to a natin or a mamzer.

(5) If one has any kind of brother, [even a mamzer, that brother] imposes upon his brother's wife the obligation of the levirate marriage and is deemed to be his brother in every respect. From this is excluded a brother born from a slave-woman or from a heathen [such children assume their mother's status and lineage, and are not regarded as one's brothers]. If one has any kind of son, [even a mamzer, that son] exempts his father's wife from the levirate marriage, [that son] is liable to punishment for striking or cursing [his father] and is deemed to be his son in every respect. From this is excluded the son of a slave-woman or a heathen [such children assume their mother's status and lineage, and are not regarded as one's sons].

(6) If a man [Reuvein,] betrothed one of two sisters, [Rahel or Leah] and does not know which of them he has betrothed [he now is forbidden to marry the other one, since two sisters may not be married to the same husband and], he must give a letter of divorce to one as well as to the other [he is forbidden to live with either, since each might be “his wife's sister”]. If he died [childless before giving the letters of divorce], leaving a brother [Shimon], the latter must participate in the halitzah with both of them [since it is not known which is his sister-in-law, he may not submit to halitzah from one and marry the other, because the sister

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of a halutzah, during her lifetime, is Rabbinically forbidden. Even prior to the halutzah with one, he may not marry the other, for if she is not his sister-in-law, she is still forbidden to him as the sister of his zekukah. If he had two brothers [Shimon and Levi who survived him], one is to participate in the halutzah [with one of the widows e.g., Leah] and the other [brother, Levi] may then contract the levirate marriage [with the other sister Rahel, after the halutzah of the first. This procedure is valid in either case: for if Rahel is really his sister-in-law, Levi is legally entitled to marry her as the laws of levirate marriage ordain; but even if Rahel is not his sister-in-law, she is no longer forbidden as the sister of Leah who was his zekukah, because the halutzah of Shimon severed the possible status of zakuk from Leah]. If they anticipated [the Bet din] and married them [i.e., each brother married one of the sisters without seeking the counsel of Bet din], they are not to be [parted from] them [since each of them is entitled to marry one of the widows, either as his yevamah or as a stranger].

(7) If two men [Reuvein and Shimon, who are not brothers] betrothed two sisters and the first does not know whom he betrothed and the second does not know whom he betrothed, the first must give two letters of divorce [for each of the sisters] and the second must also give two letters of divorce. If they [didn't divorce and] died [childless] and the first [Reuvein] left a [surviving] brother and the second [Shimon] also left a [surviving] brother, the brother of the first [Reuvein] must participate in the halutzah with the two widows and the brother of the second [Shimon] must also participate in the halutzah with the two widows [neither may marry any of the widows, since either might happen to be the sister of his zekukah]. If one [of the deceased] left one brother and the other left two,
the one brother must participate in the halitzah with the two widows and [as regards] the two, one participates in the halitzah [and thus, in case she is the actual yevamah, severs the levirate bond between her and the second brother] and the other may contract the levirate marriage. [Her sister may then be married by the second brother in any case: if she is his sister-in-law he may rightly marry her as the laws of yibum dictate; and if not, she is no longer forbidden as the sister of a zekukah, since the halitzah of the other has severed this bond]. If they anticipated [the Bet din] and married them [each brother married one of the sisters], they are not to be deprived of them. If one [of the deceased, Reuvein] left two brothers [Levi and Yehudah] and the other [of the deceased, Shimon] also left two brothers [Yissakhar and Zevulun], one brother [Levi] of one of the deceased [Reuvein] participates in the halitzah with one widow [Leah] and one brother [Yissakhar] of the second [Shimon] participates in the halitzah with the other widow, [Rahel and then] the [other] brother [Yehudah] of the first [Levi] may contract levirate marriage with [Rahel] the halitzah of the second [Yissakhar]; this procedure enables both widows to marry, because it may be said regarding each: If she is his yevamah, he may marry her since his brother did not participate in the halitzah with her, but with her sister who was a perfect stranger to him, and the halitzah with her is of no legal validity. If, on the other hand, she is not his yevamah, he may certainly marry her as a stranger. A doubt regarding the issue of “the sister of a zekukah” does not arise, since that bond, if it had existed, has been severed by the halitzah in which his brother had participated with her sister] and [the other] brother...
may contract the levirate marriage with [Leah] the *halitzah* of the first. If both [Levi and Yehudah, brothers of one of the deceased, i.e., Reuvein] anticipated [Bet din] and participated in the *halitzah* [with both widows Leah and Rahel], the [other] two [Yissakhar and Zevulun, brothers of Shimon] must not contract the levirate marriage [one brother with one Leah and the other brother with Rahel, because whichever widow any one of them would desire to marry, might be the sister of his *zekukah*], but one must participate in the *halitzah* [with one of the widows] and the other may then contract the levirate marriage [with the other widow]. If both [Zevulun and Yissakhar] anticipated [the Bet din; after *halitzah* was performed by Levi and Yehudah with both widows] and [each of them] married [one of the sisters], they are not to be deprived of them.

(8) The commandment of the levirate marriage devolves upon [the surviving elder brother]. If a younger brother, however, preceeded him, he is entitled to enjoy the privilege. If a man is suspected of [having had relations] with a maid who was later emancipated, or with a heathen who subsequently converted, then he must not marry her [since such a marriage might confirm the suspicion]. If, however, he did marry her, they need not be parted. If a man is suspected of having had relations with a married woman, who [in consequence,] was taken away from her...
husband [i.e., the Bet din ordered him to divorce her], he [the man suspected] must let her go even though he had married her [because the woman is forbidden, by Torah law, to both husband and seducer].

(9) If a man [a messenger] brings a letter of divorce from a country beyond the sea and states, “It was written in my presence and it was signed in my presence,” he must not marry the [divorced] woman [since the validity of the divorce is entirely dependent on his word, we suspect he may have given false testimony in order to marry her]; [Similarly, if one states regarding her husband], “He died,” “I killed him,” or “We killed him,” he must not marry his wife [since, however, a woman is permitted to remarry on the testimony of a single witness to the death of her husband, she may marry any other man]. Rabbi Yehudah said: [If the statement is], “I killed him,” the woman may not marry [any one; by having admitted to murder, he is no longer considered a reliable witness]; [if, however, it is], “We killed him,” [since we may interpret his statement as, I was with those who killed him,] the woman may remarry.

(10) A Sage who has pronounced a woman forbidden to her husband because of a vow [which the woman made; e.g., to derive no benefit from him] must not marry her himself [to avoid the suspicion that his motive in confirming the vow,]

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was in order to marry her himself]. If, however, a woman made  
*mi’un* [the declaration of refusal of an orphan married by her mother and brother] or performed  
*halitzah* in his presence, he may marry her, since he [was only one of the] Bet din [the latter two judicial actions, unlike confirmation of a vow, require a Bet din of three, and we do not suspect them]. And all of them [i.e., all the cases listed above: the Sage who pronounced the vow valid, the messenger who brought the divorce from overseas and the witness where the Mishnah states that they are not permitted to marry her] if they had wives [at the time] who then died, they are permitted to marry her [since they would not be suspect] and [so too, the women if they] remarried to others and then divorced or became widowed may marry them [the Sage who pronounced the vow valid, the messenger who brought the divorce from overseas and the witness]. And all of them [the Sage, the messenger and the witness,] their children or brothers are permitted [to marry the woman in question].