

## II.

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### BAVLI YEBAMOT CHAPTER TWO

### FOLIOS 17A-26A

#### 2:1

- A. [17A] How [is it so that] the wife of his brother who was not a contemporary [exempts her co-wife from the requirement of levirate marriage or rite of removing the shoe (M. 1: 1)]?
- B. Two brothers —
- C. and one of them died,
- D. and a [further] brother was born to them,
- E. and afterward the second [brother] entered into levirate marriage with the wife of his [deceased childless first] brother, and [then] he [the second brother too] died —
- F. the first [wife, who already had one time entered into levirate marriage to the third, surviving brother does not enter into levirate marriage with the new-born brother but rather] goes forth on the count of being the wife of his brother who was not a contemporary.
- G. And the second [wife, the one married to the second brother goes forth without levirate marriage to the third, surviving brother or rite of removing the shoe] on the count of being her [the first brother's wife's] co-wife.
- H. [If] he [the second brother] had bespoken her [= had made a statement of intention, i.e., he did not enter into levirate marriage with the sister-in-law but betrothed her by money or deed, which is not a total completion of levirate marriage], and then he [the second brother] died,
- I. the second executes the rite of removing the shoe but does not enter into levirate marriage.
- I.1 A. Said R. Nahman, "One who repeats as the version of the Mishnah **first** [the widow of the first deceased brother] does not err, and one who repeats as the version of the Mishnah **second** also does not err.
- B. "One who repeats [17B] as the version of the Mishnah **first** [the widow of the first deceased brother] does not err: what is the meaning of **first**? It is the first to become subject to levirate marriage.

- C. *“and one who repeats as the version of the Mishnah **second** also does not err: second here means, ‘second to marry.’” [Slotki: the second brother, who was already a married man when he contract the levirate marriage with her.]*
- D. *But does not our Mishnah-paragraph also cover the case of one who contracted levirate marriage first and then married the other wife [so the widow was the first to marry him]? Then what is second? Second in respect to her marriages [Slotki: the first marriage, with her husband, the second, with the levir].*
- I.2.** A. *Now where in Scripture is it written that the wife of the brother who was not his contemporary [may not marry the levir]?*
- B. *Said R. Judah said Rab, “Said Scripture, ‘If brothers dwell together’ (Deu. 25: 5) — that they enjoyed a point in time at which they all dwelt together. This then excludes the wife of a brother who was not a contemporary; ‘together’ speaks of those who are together with respect to inheritance [that is, inherit one another’s estates,] thus excluding a brother by the same mother but not the same father.”*
- I.3.** A. *Rabbah said, “That for the purposes of the law brothers are only those who descend from the same father derives by comparison of the use of the word ‘brother’ here with the use of the word ‘brother’ in reference to the sons of Jacob. Just as there, the fact that they are brothers is based on their descent from the same father, but not from the same mother, so here too brotherhood derives from the father, not the mother.”*
- B. *But why not derive the meaning of brotherhood [at Deu. 25: 5] from the sense of the use of not “brothers” but “your brother” in the case of the forbidden consanguineous relations [Lev. 18:16]?*
- C. *We derive the meaning of “brothers” [at Deu. 25:5] from the sense of “brothers” [at Gen. 42:13], and we do not derive the meaning of “brothers” from the use of “your brother” [at Lev. 18:16].*
- D. *So what difference does it make anyhow? Lo, the Tannaite authority of the household of R. Ishmael [stated], “‘And the priest shall return and the priest shall come’ (Lev. 14:39, Lev. 14:44) — ‘returning’ and ‘coming’ are the same thing”!*
- E. *Well, that’s so when there is no other equivalent word, but where there is an equivalent word, we draw an analogy only from the identical term.*
- F. *But why not derive the meaning of brotherhood [at Deu. 25: 5] from the sense of the use of brotherhood with reference to Lot: “For we are brothers” (Gen. 13: 8)?*
- G. *We derive the sense of the word from the case of the sons of Jacob, because the formulation in that context leaves open a phrase that serves this purpose. The verse could as well have been worded, “Your servants are twelve sons of one man” (Gen. 42:13), and yet the word “brothers” is stated as well. That is for the purpose of making the word available for the deduction at hand.*
- I.4.** A. *And it was necessary for Scripture to state “brothers” and also to state “together” [at Deu. 25: 5]. For if the All-Merciful had referred to brothers, I might have supposed that the meaning of “brotherhood” should derive from the case of Lot. And if you should say that the word is not available for deduction in that purpose, it would be possible to counter. For the framer of Scripture can have written, “friends” but wrote “brothers,” yielding the inference that the formulation laid the*

way open for this other interpretation. So Scripture wrote, “together,” meaning, those that are in particular together in regard to inheritance.

- B. *And if the All-Merciful had written only, “together,” I might have supposed that the sense was, those that have the same father and also the same mother.*
- C. *So both expressions were required in the generative verse.*
- D. *But on what basis would you ever have assumed that the levirate connection depends upon being a brother by the same father and also by the same mother? Surely the All-Merciful has made levirate marriage depend upon common inheritance, and inheritance derives from the same father, not from the same mother as well [so why add “brothers”]?*
- E. *Not at all, the formulation “brothers” was required. For it might have entered your mind that, while levirate marriage is anomalous, since a forbidden relative [the wife of the brother for instance] has now been permitted, brotherhood must be on both the father’s and the mother’s side; so it was necessary to indicate that that is not the case.*

- I.5.** A. Said R. Huna said Rab, “A woman awaiting levirate marriage who died — her levir is permitted to marry her mother.”
- B. *Therefore he takes the view that there is no levirate relationship whatever [until the actual marriage has taken place]. [Slotki: had such a bond existed, her mother would have been forbidden to the levir as his mother-in-law].*
  - C. *So why should Rab not merely say, “The law accords with the position of him who says, ‘There is no levirate bond at all?’”*
  - D. *If he had formulated matters in that way, I might have supposed that that is the case when there are two brothers [for we do not know which of the two will marry the widow], but if there is only one brother, there would be an obvious levirate bond.*
  - E. *So why should Rab not merely say, “The law accords with the position of him who says, ‘There is no levirate bond at all even in the case of only one surviving brother?’”*
  - F. *If he had formulated matters in that way, I might have supposed that that is the case even when the widow is yet alive [so the mother may nonetheless marry the levir, and she would not undergo the rite of removing the shoe as the wife’s daughter]. So we are informed that it is only after she has died, not when she is alive, because it is forbidden to nullify the religious duty of performing the levirate marriage.*
  - G. *We have learned in the Mishnah: **If one’s deceased childless brother’s wife died, he may marry her sister [M. 4:10F].** So it is to her sister that he is permitted, but not her mother!*
  - H. *Not at all. The same rule pertains even to her mother, but because, in the prior clause, the language is used, **if his wife died, he is permitted to marry her sister**, in which context, it is only her sister, not her mother, the latter being prohibited by the law of the Torah, he framed the latter clause as well in the language, **he may marry her sister.***
  - I. But R. Judah said, “A woman awaiting levirate marriage who died — her levir is prohibited to marry her mother.”

- J. *Therefore he takes the view that there is a levirate relationship whatever [until the actual marriage has taken place]. [Slotki: had such a bond existed, her mother would have been forbidden to the levir as his mother-in-law].*
- K. *So why should R. Judah not merely say, "The law accords with the position of him who says, 'There is levirate bond'?"*
- L. *If he had formulated matters in that way, I might have supposed that that is the case only where there is a single surviving brother. But if there are two surviving brothers, there would be no levirate bond.*
- M. *But where there is a dispute [between Judah and rabbis], it explicitly concerns a case in which there are two brothers [so how could we suppose that the law pertained to the case of only one brother]?*
- N. *But if he made such a statement, [18A] I might have supposed that that is the case only when the widow is alive, but after she has died, the levirate connection is null. So we are informed that the levirate relationship does not dissolve without formality [but only with the rite of removing the shoe].*
- O. *May we say that the following supports [Judah's] view: **If one's deceased childless brother's wife died, he may marry her sister [M. 4:10F].** So it is to her sister that he is permitted, but not her mother!*
- P. *Not at all. The same rule pertains even to her mother, but because, in the prior clause, the language is used, **if his wife died, he is permitted to marry her sister**, in which context, it is only her sister, not her mother, the latter being prohibited by the law of the Torah, he framed the latter clause as well in the language, **he may marry her sister.***
- Q. *Objected R. Huna bar Hiyya: "[If] he [the second brother] had bespoken her [= had made a statement of intention, i.e., he did not enter into levirate marriage with the sister-in-law but betrothed her by money or deed, which is not a total completion of levirate marriage], and then he [the second brother] died, the second executes the rite of removing the shoe but does not enter into levirate marriage. The operative consideration, then, is that he had bespoken her. Lo, if he had not bespoken her, then the second also would have been permitted to enter into levirate marriage with him. Now if you maintain that there is in fact a levirate connection, then she falls into the category of the co-wife of his brother who was not a contemporary [and there cannot be a levirate marriage with her]!"*
- R. *Said Rabbah, "That same rule, that the second must perform the rite of removing the shoe with the levir and may not marry him, applies even where there has been no act of bespeaking. The reason that the bespeaking is mentioned is only to exclude the view of the House of Shammai, which maintains that the bespeaking effects an entirely valid contract; so he informs us that that is not the case."*
- S. *Objected Abbaye [to Rabbah]: "**Two brothers living at the same time — one of them died without offspring — and the second survived, but did not complete bespeaking his levirate wife before a brother was born to the first two brothers, and then the second brother died — the first brother's wife, the sister-in-law of the second brother, goes forth on grounds of being the wife of his brother who was not a contemporary; the second brother's wife***

**either undertakes a rite of removing the shoe or enters into levirate marriage [T. Yeb. 2:1A-G].** Now if you take the view that there is in fact a levirate connection, then she falls into the category of the co-wife of his brother's wife who was not a contemporary [and she should not have to go through such rites].”

- T. Lo, whose view is before us? It is that of R. Meir, who maintains that there is in fact no levirate connection at all.
- V. Now does R. Meir really take the view that there is no levirate bond at all? Have we not learned in the Mishnah: **Four brothers, two of them married two sisters, and the ones who are married to the two sisters died — the sisters must perform the rite of removing the shoe and do not enter into levirate marriage [M. Ed. 5:5A-C].** Now if you maintain that R. Meir takes the view that there is no levirate bond at all, then these would come from different houses, and one brother could marry the one, and the other, the other.
- W. In point of fact, [Meir holds that] there is no levirate bond, but the levirate marriage is forbidden, since he holds that it is forbidden to nullify the possibility of carrying out the religious duty of levirate marriage, for it is possible that, if one of the brothers married one of the widows, the other may die, in which case the possibility of having a levirate marriage would be annulled [Slotki: since the surviving brother would not be able to undertake the levirate rites with the second widow, who is now his wife's sister].
- X. But if there is no levirate bond, then why not let the religious duty be nullified? For lo, Rabban Gamaliel has said, “There is no levirate bond, but in his view it is permitted to nullify the possibility of having a levirate marriage.” For we have learned in the Mishnah: **Rabban Gamaliel says, “If she exercises the right of refusal, she exercises the right of refusal [without instruction, and it is valid]. But if not, let her wait until she reaches maturity. Then the other one goes forth on grounds of being the sister of [his] wife” [M. Yeb. 13:7J-K].**
- Y. [Rabbah] said to him, “So are you simply contrasting the positions of Rabban Gamaliel and R. Meir?”
- Z. “No, this is what we mean to say: does R. Meir take account even of the possibility of annulment that is subject to doubt, while Rabban Gamaliel does not take account even of the certainty of an annulment [since it is certain that when the minor comes of age, the elder sister will not be able to enter into levirate marriage or perform the rite of removing the shoe?] [Slotki: this wide divergence of opinion is unlikely; hence the fear of annulling the levirate marriage cannot be the reason for Meir's ruling in the cited passage, and consequently Meir cannot take the view that there is no levirate bond at all].”
- AA. “Well, maybe one who does not take account of the possibility of the annulment of the religious duty of levirate marriage makes does not take account even of the certainty of that fact, and one who does take account does make provision even for the possibility of an annulment “ [Slotki: so Meir need not necessarily agree with Gamaliel on this point, though he will agree with him on the question of the levirate bond].

**I.6.** A. Said Abbayye to R. Joseph, “Lo, this statement of R. Judah [R. Judah said, “A woman awaiting levirate marriage who died — her levir is prohibited to marry her mother.”] represents the position of Samuel. For we have learned in the Mishnah:

**[18B]** A woman awaiting marriage with a levir, the brother of whom betrothed her sister — in the name of R. Judah b. Beterah did they say, “They instruct him: ‘Wait until your older brother does a deed’” [M. 4:9A-B]. And said Samuel, ‘The decided law accords with the view of R. Judah b. Batera.’” [Slotki: this shows that Samuel holds a levirate bond exists between a widow and the brothers-in-law whose decision she is awaiting.]

- B. *He said to him, “So if it belongs to Rab, so what? Is it that there will be a contradiction between two statements of Rab [the one reported by Judah, the other by Huna]? Maybe all we have is a conflict of traditions held by Amoraic authorities with respect to Rab’s opinions.”*
- C. *Since this statement was set forth explicitly in the name of Samuel, while as to the position of Rab we have a conflict of Amoraic authorities, we will not set aside a statement attributed without doubt to Samuel in favor of one that invokes a dispute of Amoraic authorities on the opinion of Rab.*
- D. *Said R. Kahana, “I repeated this tradition before R. Zebid of Nehardea. He said, ‘You people repeat this as your Tannaite version. But our version says so in so many words: said R. Judah said Samuel, ‘A woman awaiting levirate marriage who died — her levir is prohibited to marry her mother.’ Therefore it follows that he maintains that a levirate bond exists.”*
- E. *Samuel, moreover, is consisted, for said Samuel, “The decided law accords with the position of R. Judah b. Batera.”*
- F. *And both versions were required for Samuel’s position, for had we had only the formulation, “There is a levirate bond,” I might have thought that that is the case where there is only a single surviving brother, but if there were two, that would not be the case. And had we had only the statement, “The decided law accords with the position of R. Judah b. Batera,” I might have supposed that the levirate bond is valid while the widow [the sister in law waiting the levir’s decision] is still alive, but after she dies, the bond is null; so we are taught that the bond is not dissolved on its own [but that a rite is required].*

## 2:2

- A. **Two brothers —**
- B. **and one of them died,**
- C. **and the second entered into levirate marriage with the wife of his brother,**
- D. **and afterward a brother was born to them,**
- E. **and he [the second brother, who entered into levirate marriage with the widow of the deceased first brother] died —**
- F. **the first [brother’s wife] goes forth on the count of being the wife of his brother who was not a contemporary,**
- G. **and the second on the count of being her co-wife.**
- H. **[If] he [the second brother] had bespoken her and then died,**
- I. **the second executes the rite of removing the shoe but does not enter into levirate marriage.**



J. R. Simeon says, “He [D-F] enters into levirate marriage with whichever one of them he chooses, or he executes the rite of removing the shoe with whichever one of them he chooses.”

- I.1 A. Said R. Oshaia, “R. Simeon differed also as to the first paragraph [Two brothers — and one of them died, and a [further] brother was born to them, and afterward the second [brother] entered into levirate marriage with the wife of his [deceased childless first] brother, and [then] he [the second brother too] died — the first [wife, who already had one time entered into levirate marriage to the third, surviving brother does not enter into levirate marriage with the new-born brother but rather] goes forth on the count of being the wife of his brother who was not a contemporary. And the second [wife, the one married to the second brother goes forth without levirate marriage to the third, surviving brother or rite of removing the shoe] on the count of being her [the first brother’s wife’s] co-wife. [If] he [the second brother] had bespoken her [= had made a statement of intention, i.e., he did not enter into levirate marriage with the sister-in-law but betrothed her by money or deed, which is not a total completion of levirate marriage], and then he [the second brother] died, the second executes the rite of removing the shoe but does not enter into levirate marriage]. *How so? Since the Tannaite formulation involves a redundant formulation. For in accord with whose position is it necessary to set forth the first of the two paragraphs? If we should suppose it is in accord with the [contrary] view of rabbis, if in the case of a levirate marriage that took place first, and the birth took place afterward, so on the date of his birth the third brother found the widow of the first brother permitted, rabbis still forbade her from marrying the third brother, is there any need for rabbis to give their opinion in a case in which the birth of the third brother took place first and the marriage only afterward [when the third brother’s birth was during the time that she was forbidden to him as the wife of his brother who was not a contemporary]? So it must be necessary to give the rule only in response to the position of R. Simeon. And the first paragraph is set forth to show you how far R. Simeon [in permitting marriage with the third brother, even where the birth was prior to the widow’s marriage] is willing to go; and the second paragraph is set forth to show you how far rabbis [forbidding the marriage even when the birth followed the marriage (Slotki)] are willing to go. True, it would have stood to reason for R. Simeon to dissent in the first case, but he held up his opinion so rabbis could conclude their statement, and then he set forth his dissent with their entire position.”*
- B. *Then [since Simeon allows marriage in both cases], where shall we ever find an instance in which the wife of the brother who was not his contemporary [is forbidden to enter into levirate marriage]?*
- C. *It would involve a case of one brother who died, a second was then born. [Slotki: the levirate relationship here is entirely due to the deceased brother who was not the surviving brother’s contemporary, so the marriage is forbidden.] Or it might be a case of two brothers, in which the second has not entered levirate marriage with the widow nor died. [Slotki: the third brother, born after the death of the first, is forbidden to marry the widow whose connection with the first brother has*

never been severed, since the second has neither married her nor gone through the rite of removing the shoe with her.]

- D. *Now there is no problem with the stated position in a case in which the levirate marriage with the second brother took place, and then the birth of the third brother afterward. At that moment, he found her permitted. But if the birth took place and then the levirate marriage, how could [Simeon] permit the marriage?*
- E. *He takes the opinion that there is a levirate bond [between the widow and the living levir (Slotki)], and that such a bond is tantamount to a marriage [Slotki: the widow is consequently regarded as the wife of the second brother from the moment the first died. When the third brother is subsequently born, the widow has no longer any connection with the deceased brother and cannot any more be regarded in relationship to the third as “the wife of his brother who was not his contemporary.”]*
- F. *Objected R. Joseph, “Now if R. Simeon is in doubt as to whether, in the case of a levirate connection and an act of bespeaking put together, the widow should or should not be held to be married, is there any doubt as to his position in the case in which there is only a levirate bond alone? [Of course not. So on what basis do we maintain that such a bond is tantamount to a marriage?] And what is the evidence for that proposition? As we have learned in the Mishnah: **Three brothers married to three unrelated women — and one of the men died, and the second brother bespoke her [the widow of his brother] and then he too died — lo, these perform the rite of removing the shoe and do not enter into levirate marriage, since it is said, “And one of them dies... her brother-in-law will come unto her” [Deu. 25: 5] — [referring to] the one who is subject to the levirate power of a single brother-in-law, and not the one who is subject to the levirate power of two brothers-in-law. R. Simeon says, “He [the surviving brother] takes in levirate marriage whichever one he wants and performs the rite of removing the shoe with the second woman” [M. 3:9A-H]. He may not take both widows in levirate marriage, since a levirate bond is there, and so two-sisters-in-law would be deriving from the same household. He may not take one in levirate marriage and exempt the other, since it is possible that the levirate connection is not tantamount to actual marriage, and then the two sisters-in-law would derive from two houses [both subject to levirate marriage, and one cannot exempt the other]. So it follows that he is in doubt on the matter [as to whether or not there is a levirate bond]. And if you should maintain that as to the law of the Torah, one of them truly may be taken in levirate marriage, exempting the other, but rabbis have forbidden doing so as a precautionary measure against the possibility that people will assume that, where two-sisters-in-law come from two houses [two brothers die at the same time, so one widow is as much tied to him as the other], one may be taken in levirate marriage, the other exempted without further rite, it is to be noted that R. Simeon’s reason is because he is in doubt as to the validity of the bespeaking of the levir. For it has been taught on Tannaite authority: said R. Simeon to sages, ‘If the act of bespeaking of the second brother is valid, then the third brother is marrying the wife of the second; and if the act of bespeaking of the second brother is not valid, then he is marrying the wife of the first brother.’”***



- G. *Said to him Abbayye, “Don’t you make a distinction between a levirate bond with a single levir and a levirate bond with two levirs? Perhaps R. Simeon takes the position that a levirate bond is tantamount to marriage when there is only one levir, but not when there are two? [The cited passage then speaks of two, and when the first brother died, there are two surviving brothers].”*
- H. *But does R. Simeon make any such distinction? And has it not been taught on Tannaite authority: An encompassing rule did R. Simeon state: “In any case in which the birth of a third brother came prior to the marriage of the second brother and the widow of the first, the widow neither performs the rite of removing the shoe nor enters into levirate marriage. If the marriage took place before the birth of the third brother, she may either perform the rite of removing the shoe or enter into levirate marriage. Now is this not the rule whether there is a single levir or otherwise, and it is explicitly stated as the Tannaite rule: she may either perform the rite of removing the shoe or enter into levirate marriage!*
- I. *No, it refers to a case in which there are two surviving brothers-in-law, but if there were a single one, what is the rule? Here too: she may either perform the rite of removing the shoe or enter into levirate marriage*
- J. *If so, rather than laying matters out in this wise, If the marriage took place before the birth of the third brother, she may either perform the rite of removing the shoe or enter into levirate marriage, the framer of the passage could as well have stated matters in the context of the same case in the following way: Under what circumstances? When there are two surviving brothers-in-law. But if there is only one, she may either perform the rite of removing the shoe or enter into levirate marriage.*
- K. *The whole of the passage deals with a case of two surviving brothers-in-law.*
- L. *If so, then what is the weight of the language, An encompassing rule did R. Simeon state? And furthermore, objected R. Oshaia, “**Three brothers — two of them married to two sisters — or to a woman and her daughter — or to a woman and the daughter of her daughter — lo, these women perform the rite of removing the shoe and do not enter into levirate marriage. And R. Simeon declares exempt [from rite of removing the shoe and levirate marriage] [M. 3:4A-F]. But if you should suppose that R. Simeon takes the view that a levirate relationship is tantamount to an actual marriage, then let the first widow enter into levirate marriage and let the consanguineous relation, widow of the second deceased brother, be exempt thereby [as consanguineous with his new wife]!”***
- M. *Said R. Amram, “What is the meaning of ‘exempt’? It is, ‘exempts the second widow.’”*
- N. *But has it not been taught on Tannaite authority: R. Simeon declares both of them exempt?*
- O. *Said Raba, “The second of the one pair and the second of the other.” [Slotki: “both” used by Simeon refers to the second of each pair; Raba assumed that the two brothers had married two sisters and also a mother and her daughter; one of the first is taken in levirate marriage and the others are thereby exempt either as forbidden relatives or as co-wives.]*
- P. *But Raba errs in his reading of four pairs [Slotki: assuming as he did that the meaning is, marriage by two brothers of more than one pair]. First of all, we have*

the word “or” twice [once after the enumeration of each pair], and, furthermore, if Raba were right, it should read, R. Simeon exempts the four. Further, it has been taught on Tannaite authority: R. Simeon declares exempt in the case of both of them both as to performing the rite of removing the shoe and as to entering into levirate marriage, since it is said, “And you shall not take a woman to her sister to be a co-wife to her” (Lev. 18:18) — when they become co-wives, you may not marry even any one of them [even the first widow; so the exemption applies to all; he sees no distinction on the question of the levirate bond between one levir and two (Slotki)].

Q. Rather, said R. Ashi, “If they had entered into subjection to the levir in sequence, one after the other, that would indeed have been the case [Slotki: that the levirate bond in the case of one levir is recognized by Simeon as tantamount to actual marriage, the levir, the third brother, marries the first, while the other is exempt, though her husband, the second brother, died before he actually married the first]. But with what situation do we deal here? It is one in which both of them became subject to the levirate connection with him simultaneously, and R. Simeon concurs with the position of R. Yosé the Galilean, who has said, ‘It is possible to know precisely when something has taken place’” [so we know that both have happened at the same moment; the two brothers died at the same moment, the two widows became subject simultaneously to the brother; Simeon therefore exempts them both from either removing the shoe or entering levirate marriage (Slotki)].

**I.2.** A. R. Pappa said, “R. Simeon differs [from the sages before us] only in a case in which the levirate marriage has taken place, and then the birth of the third brother. But if the third brother was born first, and then the levirate marriage took place, he does not disagree; and both of these cases, that is, marriage prior to the birth of the third brother, as in the passage at hand, birth prior to marriage, as in the prior instance] are required fully to set forth the position of rabbis [who exempt in both cases]. First we have the weaker case, then the stronger one.”

**I.3.** A. It has been taught on Tannaite authority in accord with the reading of R. Pappa and in contradiction to that of R. Oshaia: **Two brothers living at the same time, and one of them died without offspring and the second went and bespoke his deceased childless brother’s widow, but he did not suffice to complete the act of bespeaking before a third brother was born to the first to brothers, and then he too died — the first brother’s wife, the sister-in-law of the second brother, goes forth on the grounds of being the wife of his brother who was not a contemporary; the second brother’s wife either undertakes a rite of removing the shoe or enters into levirate marriage. If the second brother, before he died, did complete bespeaking the sister-in-law, but did not complete effecting the marriage before the brother was born, and then the second brother died, or if a brother was born to them and then he did complete bespeaking the sister-in-law but did not complete carrying out the marriage before the first brother died, the second brother’s second wife, that is, the first brother’s widow, goes forth without a rite of removing the shoe, let alone levirate marriage, on the grounds that she is the wife of his brother who was not a contemporary, and the second brother’s first wife undertakes the**

rite of removing the shoe but does not enter into levirate marriage. [19B] R. Simeon says, “The act of intercourse effecting levirate marriage or the act of removing the shoe of one of them exempts her co-wife.” If one has effected the rite of removing the shoe with a woman who is bespoken, but not by intercourse, then he performs the rite of removing the shoe with the wife of the first brother. If he married her and then died and afterward another brother was born to them, or if another brother was born to them and afterward he married her and then died, both of them — both wives of the second brother — are exempt from the requirement of carrying out the rite of removing the shoe or entering into levirate marriage,” the words of R. Meir. R. Simeon says, “Since one of the women was not forbidden to him, and he came and found both of them subject to permission to enter into levirate marriage with him, in respect to either of one of them he wishes, he carries out either the act of intercourse in levirate marriage or the rite of carrying out the removal of the shoe exempts her co-wife” [T. 2:1B-R]. *Now in accord with whom is the case in the latter clause [the case of marriage prior to birth distinct from marriage after birth]? Should we say this was required from the perspective of R. Meir [even after such a case he forbids the marriage]? Then, since R. Meir does not distinguish between a case in which the marriage is followed by the birth and one in which the birth was followed by the marriage, all of these cases can be joined together in a single statement [without such a distinction, which makes no difference]. So it must be in accord with the position of R. Simeon, and he differs from rabbis only where the levirate marriage was followed by the birth of the third brother, but he will not disagree with sages in a case in which there was first a birth, and only then, levirate marriage.*

B. *That is decisive.*

**I.4.** A. The master has said: ...and the second went and bespoke his deceased childless brother's widow, but he did not suffice to complete the act of bespeaking before a third brother was born to the first to brothers, and then he too died — the first brother's wife, the sister-in-law of the second brother, goes forth on the grounds of being the wife of his brother who was not a contemporary; the second brother's wife either undertakes a rite of removing the shoe or enters into levirate marriage. *Now what is the meaning of “he went...,” and what is the meaning of, “he did not suffice...”? If he actually did it, so it's a done deed, and if not, then it's not a done deed.*

B. *This is the sense of the statement: if he went and did it — it was with her consent; and “he did not suffice” means it was not with her consent but despite her wishes. [Slotki: the object of the statement being that the bespeaking does not have even partially the force of marriage if it was against the woman's will; the second widow therefore may be taken in levirate marriage.]*

C. *This does not accord with the view of Rabbi, for it has been taught on Tannaite authority: He who performs an act of bespeaking with his deceased childless brother's widow against the woman's will —*

Rabbi says, "He has acquired possession of her." And sages say, "He has not acquired possession of her."

- D. *What is the operative consideration behind the position of Rabbi? He derives the rule from the one governing the act of intercourse with the wife of the deceased childless brother; just as the actual act of sexual relations with the widow of the deceased childless brother may be carried out willy-nilly, so the act of betrothal of deceased childless brother's widow [that is, the act of bespeaking] likewise may be done even against her will.*
- E. *And rabbis?*
- F. *They derive the rule by comparison to the law governing a betrothal in general [since that is the analogy governing the act of bespeaking in the present case:] just as an act of betrothal in general is valid only if the woman consents, so the act of betrothal of a deceased childless brother's widow must be only with her consent.*
- G. *What is at stake in this dispute?*
- H. *One authority takes the view that the governing analogy for matters concerning the deceased childless brother's widow should derive from the rules governing the deceased childless brother's widow, and the other authority takes the view that matters having to do with betrothals should be derived from rules governing betrothals in general.*

**I.5. A. If the second brother, before he did, did complete bespeaking the sister-in-law, but did not complete effecting the marriage before the brother was born, and then the second brother died, or if a brother was born to them and then he did complete bespeaking the sister-in-law but did not complete carrying out the marriage before the first brother died, the second brother's second wife, that is, the first brother's widow, goes forth without a rite of removing the shoe, let alone levirate marriage, on the grounds that she is the wife of his brother who was not a contemporary, and the second brother's first wife undertakes the rite of removing the shoe but does not enter into levirate marriage. R. Simeon says, "The act of intercourse effecting levirate marriage or the act of removing the shoe of one of them exempts her co-wife."**

- B. *To what does R. Simeon make reference [when he disagrees with rabbis here]? If we say that he makes reference to the clause, **or if a brother was born to them and then he did complete bespeaking the sister-in-law...**, lo, you have said, where the birth preceded the marriage, R. Simeon does not differ from Rabbi. Rather, it must make reference to the case in which **the second brother, before he died, did complete bespeaking the sister-in-law, but did not complete effecting the marriage before the brother was born.** Thus: if he undertook the rite of removing the shoe with the woman whom the second brother had bespoken, her rival is not exempt, because the obligation of the co-wife is certain, while the obligation of the*

one to whom the bespeaking has been directed is subject to doubt, and doubt does not override certainty.

- I.6.** A. *In session R. Manasseh bar Zebid before R. Huna stated, “What is the operative consideration of R. Simeon?”*
- B. *What is the operative consideration of R. Simeon! Surely the reason has been given: It is because **he came and found her subject to permission to enter into levirate marriage with him**, and she was not forbidden to him for even a single moment!*
- C. *No, the question is, what is the scriptural basis for the position of rabbis? [Slotki: why do they forbid the levirate marriage between the first widow and the third brother, where the only relationship between them is through the second brother, the relationship through the first brother having ceased with the levirate marriage of the widow by the second brother prior to the birth of the third.]*
- D. *Said Scripture, “And he shall take her to him as a wife and perform the duty of a husband’s brother unto her” (Deu. 25: 5) — the prior levirate connection remains operative with her [and she remains “the brother’s wife”].*
- E. *Then what about that which we have learned in the Mishnah: **[If] he married her, lo, she is deemed to be in the status of his wife for every purpose, but in this matter only: [the charge of] her marriage contract [falls] onto the property of her first husband [M. 4:4A]**, in connection with which R. Yosé bar Hanina said, “This teaches that **[20A]** if he divorces her, it is with a writ of divorce, and he may remarry her.” *But why not invoke the conception*, “And he shall take her to him as a wife and perform the duty of a husband’s brother unto her” (Deu. 25: 5) — the prior levirate connection remains operative with her [and she remains “the brother’s wife”], *so she should still require an end of the marriage through the rite of removing the shoe [and not a writ of divorce]*?*
- F. *That case is special, for Scripture has said, “And he shall take her to him as a wife and perform the duty of a husband’s brother unto her” (Deu. 25: 5), meaning, once he has taken her as his wife, she is turned into his wife in every respect.*
- G. *If so, the same should apply here too.*
- H. *Lo, Scripture has said, “...and perform the duty of a husband’s brother unto her...” (Deu. 25: 5). [So this really is a special case after all.]*
- I. *And what makes you see things this way?*
- J. *It seems more reasonable to assign permission to what is permitted anyhow [that is, the ordinary levirate brother], and to assign the prohibition to what is ordinary prohibited [namely, the wife of the brother who was not a contemporary].*
- I.7.** A. And to R. Simeon, who has said, “Since he came and found her permitted, and she was never for a single moment forbidden to him,” what about the following: then a brother should be permitted to enter into a levirate marriage with his maternal sister, whom his paternal brother, who since

died, had married before his was born, since, when he was born, the woman was permitted to him [when he was born, she was already his brother's wife]?

- B. Where did the prohibition of the sister disappear to?
- C. Here too, where did the prohibition of his brother who was not a contemporary disappear to?
- D. *The one is a prohibition that can never be removed, the other is one that can be removed.* [Slotki: where the brother died without issue, the prohibition vanishes. When the first brother died childless, the prohibition of the brother's wife was removed, and thus the widow was permitted to the second brother; her connection with the first has come to an end; the third brother, her legitimate levir through the second brother, may marry her.]

## 2:3-4

### 2:3

- A. A general rule did they lay down in regard to the levirate woman [widow of a deceased childless brother]:
- B. (1) Any [sister-in-law] who is prohibited as one of the forbidden removes [of Leviticus Chapter Eighteen] neither executes the rite of removing the shoe nor is taken in levirate marriage.
- C. (2) [If] she is prohibited [to her brother-in-law] by reason of a prohibition on account of a commandment or a prohibition on account of sanctity [e.g., the levir may not marry a woman of her caste], she executes the rite of removing the shoe but is not taken in levirate marriage.
- D. (3) [If] her sister is [also] her sister-in-law [widow of her childless brother-in-law], she either executes the rite of removing the shoe or is taken into levirate marriage.

### 2:4

- A. A prohibition on account of a commandment is a secondary grade [of forbidden removes] on account of the rulings of scribes.
- B. A prohibition on account of sanctity [of the levir] is, for instance, the case of (1) a widow [married] to a high priest (Lev. 21:14), (2) a divorcée, or (3) a woman who has executed the rite of removing the shoe to an ordinary priest (Lev. 21: 7), (4) a mamzeret [daughter of parents never legally permitted to marry], (5) a [of the cast of Temple servants] to an Israelite, a daughter of an Israelite (6) to a netin [male of the caste of Temple servants], or (7) to a mamzer.

#### I.1 A. A general rule: to include what further cases?

- B. *Said Rafram bar Pappa, "It is to include also the co-wife of a barren woman, and it is to take account of the position of R. Assi [that such a woman is not to perform the rite of removing the shoe nor to enter levirate marriage]."*
- C. *There are those who say, "In any case in which any [sister-in-law] who is prohibited as one of the forbidden removes, her co-wife is forbidden. Lo, in*



any case in which a sister-in-law is not prohibited as one of the forbidden removes, her co-wife is not forbidden: *to exclude what further cases?*

- D. *“Said Rafram bar Pappa, ‘It is to exclude the co-wife of a barren woman, and it is contrary to the position of R. Assi [that such a woman is not to perform the rite of removing the shoe nor to enter levirate marriage].’”*

**II.1 A. [If] her sister is [also] her sister-in-law [widow of her childless brother-in-law], she either executes the rite of removing the shoe or is taken into levirate marriage:**

- B. *Whose sister? If we say it is the sister of the woman who is forbidden on account of a commandment, then, since it is on the strength of the rule of the Torah that the woman forbidden by scribes is obligated to the levir, if he marries the sister, he would enter into a marital web with the sister of her who is tied to him by the levirate bond.”*
- C. *Rather, it is a sister of a woman who is forbidden to him as one of the forbidden removes.*

**III.1 A. A prohibition on account of a commandment: a secondary grade [of forbidden removes] on account of the rulings of scribes:**

- B. *Why is this classification called a prohibition on account of a commandment?*
- C. *Said Abbaye, “Because it is a religious duty to obey teachings of sages.”*

**IV.1 A. A prohibition on account of sanctity [of the levir]: (1) a widow [married] to a high priest (Lev. 21:14), (2) a divorcee, or (3) a woman who has executed the rite of removing the shoe to an ordinary priest (Lev. 21: 7), (4) a mamzeret [daughter of parents never legally permitted to marry], (5) a [of the cast of Temple servants] to an Israelite, a daughter of an Israelite (6) to a netin [male of the caste of Temple servants], or (7) to a mamzer:**

- B. *Why is this classification called a prohibition on account of sanctity?*
- C. *As it is written, “They shall be holy to their God” (Lev. 21: 6).*

**IV.2. A. It has been taught on Tannaite authority:**

- B. *R. Judah reverses these definitions. [T. Yeb. 2:4J: R. Judah says,] “A widow wed to a high priest, or a divorcee or a woman who has undergone the rite of removing the shoe wed to an ordinary priest, fall into the category of those prohibited on account of a commandment.”*
- C. *Now why are these called prohibited on account of a commandment?*
- D. *As it is written, “These are the commandments” (Lev. 27:34).*
- E. **“A secondary grade of forbidden removes [listed at Leviticus Chapter Eighteen] on account of rulings of scribes constitutes a prohibition on account of sanctity.”**
- F. *Now why are these called prohibited on account of a sanctity?*
- G. *Said Abbaye, “Whoever carries out the teachings of sages is called a saint.”*
- H. *Said to him Raba, “And is anyone who does not carry out the teachings of a sage then the one that is not called a saint? But he is not called wicked either?”*
- I. *Rather, said Raba, “Sanctify yourself through what is permitted to you.”*

## **V.1 A. a widow [married] to a high priest:**

- B. *Is it then taken as established fact in the Tannaite formulation that there is no distinction to be drawn between a widow at the stage of betrothal and a widow at the stage of a fully consummated union? Now there is no problem in understanding the rule governing the widow at the stage of the fully consummated union, since it is both a positive and a negative religious duty that is involved [Lev. 21:13, the high priest is to marry a virgin, and Lev. 21:14, he is not to marry a widow]; and a positive religious duty cannot override both a negative and a positive one. But in the case of a widow at the stage of betrothal, there is only a negative religious duty involved [Lev 21:14, forbidding a widow] but no positive religious duty [since she is still a virgin].*
- C. Said R. Giddal said Rab, “Said Scripture, ‘Then his brother’s wife shall go up to the gate’ (Deu. 25: 7). There is no clear need for Scripture to specify, ‘his brother’s wife’ [since that is obvious in context] so why does Scripture do so? It is to indicate that there may be a deceased childless brother’s widow that goes up so as to perform the rite of removing the shoe but not for the purpose of entering into levirate marriage, and who might that be? It is one whose marriage would involve the liability to violate negative commandments.”
- D. *Might I say that [“his brother’s wife”] encompasses also those that are subject to the penalty of extirpation [and these women too have to undertake the rite of removing the shoe]?*
- E. Said Scripture, “If the man does not want to take...” (Deu. 25: 7), meaning, but if he does wish, he may enter into levirate marriage. The upshot is any woman who can enter into levirate marriage also enters into the rite of removing the shoe, and any woman who does not enter into levirate marriage also does not enter into the rite of removing the shoe.
- F. *If so, then the same should pertain to those who are subject to a prohibition of a negative commandment!*
- G. *Lo, the All-Merciful has extended the law to that classification by use of the language “his brother’s wife.”*
- H. So why see things that way [excluding the one, including the other]?
- I. **[20B]** *It stands to reason that in those forbidden by reason of a negative commandment should be included, since betrothal would be valid in their cases, but since betrothal in the case of those forbidden on penalty of extirpation would not be valid, the law should not extend to women in that classification.*
- J. *Objected Raba, “In the case of a woman forbidden because of a religious duty or one forbidden by reason of sanctification, if the levir had sexual relations or undertook the rite of removing the shoe, her co-wife has thereby been exempted from any further engagement with him. Now if you should imagine that those who are forbidden by reason of a negative commandment are, on the basis of the law of the Torah, obligated to perform the rite of removing the shoe but not to entering into levirate marriage, why should the co-wife be exempt if he had sexual relations with her?”*
- K. *He raised the objection, but he also resolved it: “The formulation of the Tannaite rule is disjunctive: ‘if he had sexual relations with her’ speaks of a woman*

forbidden by reason of a religious duty; ‘if he performed the rite of removing the shoe with her’ speaks of one forbidden by reason of sanctification.”

- L. *Objected Raba, “A man who has damaged testicles, one whose penis has been cut off, a eunuch by human action, and a man past having sexual relations may either enter into the rite of removing the shoe or consummate a levirate marriage. Under what circumstances? If any of these died and left wives and surviving brothers, and if the surviving brothers went and bespoke the wife, gave her a writ of divorce, or performed a rite of removing the shoe, what they have done is valid; if they had sexual relations with them, the widows become their wives. If the brothers died, and the listed classifications of injured males went and bespoke the wife, gave her a writ of divorce, or performed a rite of removing the shoe, what they have done is valid; if they had sexual relations with them, the widows become their wives, but the maimed persons may not retain them, since it is said, ‘He that is wounded in the testicles or has his penis cut off shall not enter into the assembly of the Lord’ (Deu. 21: 2) [T. Yeb. 11:2A-Q]. Now if you imagine that those forbidden by a religious duty are required by the All-Merciful to enter the rite of removing the shoe but not levirate marriage, why should the widows become their wives if the males suffering these blemishes had sexual relations with them?”*
- M. *Rather, said Raba, “A woman widowed at the stage of betrothal is also forbidden by reason of both a positive and a negative commandment: ‘They shall be holy unto their God’ (Lev. 21: 6)” [Slotki: this text adds a positive precept to the negative one of Lev. 21:14, and for this reason the widow at the stage of betrothal is forbidden in levirate marriage to a high priest].*
- N. *What about a woman in the status of a mamzeret or a member of the caste of Temple slaves [with whom marriage is forbidden only by a negative commandment, and yet, with whom levirate marriage is forbidden]?*
- O. *It is written, “And sanctify yourselves” (Lev. 11:44).*
- P. *If that is the case, then every aspect of the entire Torah consists of commandments that are both positive and negative in character, since it is written, “And sanctify yourselves” (Lev. 11:44).*
- Q. *Rather, said Raba, “The prohibition to a high priest of a widow at the stage of betrothal is a precautionary measure to take account of the possibility of marriage by him with a widow at the stage of a fully consummated marriage.”*
- R. *Yeah, well, then, what about a woman in the status of a mamzeret or a member of the caste of Temple slaves [with whom marriage is forbidden only by a negative commandment, and yet, with whom levirate marriage is forbidden]?*
- S. *It is a decree in a situation in which a religious duty pertains as a precautionary measure against a marriage where no such religious duty pertains.*
- T. *Then what about the paternal brother’s wife? She should not be allowed to enter into levirate marriage, as a precautionary measure against marriage with the wife of the maternal brother!*
- U. *The All-Merciful makes levirate marriage conditional on inheritance, and that is well-known [so there is no need for a precautionary decree].*

- V. A woman who has no children should not enter into a levirate marriage as a precautionary measure against the marriage of a woman who does have children!
- W. *The All-Merciful makes levirate marriage conditional on not having children, and that is well-known [so there is no need for a precautionary decree].*
- X. The wife of one's contemporary brother should not enter into levirate marriage as a precautionary decree against the marriage with the wife of one's brother who was not a contemporary.
- Y. *The All-Merciful makes levirate marriage conditional on being a contemporary ["dwelling together"], and that is well-known [so there is no need for a precautionary decree].*
- Z. No woman should enter levirate marriage as a precautionary measure against the levirate marriage of a woman who is sterile.
- AA. *That's not commonplace.*
- BB. *So a woman in the status of a mamzeret or a member of the caste of Temple slaves is not all that commonplace either.*
- CC. *Rather, said Raba, "A precautionary decree against the first act of sexual relations [which would be legitimate] is on account of the second and subsequent acts [which are not justified on the grounds of the levirate connection and which on other grounds are prohibited]."*
- DD. *So too it has been taught on Tannaite authority: if they had sexual relations, they have acquired them as wives through that initial act of sexual relations, but it is forbidden to keep them on as wives in a second or subsequent act of sexual relations.*
- EE. *Then said Raba, and some say, R. Ashi, "What I said is really all wrong, for said R. Simeon b. Laqish, 'In any context in which you find both an affirmative religious duty and a negative commandment, if you can carry out both of them, it is well and good, but if not, then the affirmative action of commission will come and set aside the negative commandment of prohibition.' Here too, in the case of levirate marriage, it is possible to perform the rite of removing the shoe, through which one can observe both the affirmative and also the negative commandment."*
- FF. *An objection was raised: if they went ahead and had sexual relations with them, the widows become their wives [T. Yeb. 11:2A-Q]!*
- G. *That is a valid refutation.*

**V.2.** A. *It has been stated:*

- B. Sexual relations between a high priest and a widow —
- C. R. Yohanan and R. Eleazar —
- D. one said, "It does not exempt her co-wife [from the levirate connection]."
- E. And the other said, "It does exempt her co-wife [from the levirate connection]."
- F. **[21A]** *In the case of a widow at the stage of a fully consummated marriage, there is no argument: it does not exempt her, since a positive religious duty cannot override the combination of a positive and a negative one [and the levirate marriage is simply null]. Where there is a disagree, it concerns a widow at the stage of betrothal. The party that maintains that it exempts her takes the view that an affirmative religious duty does come along and override a negative one. And*

*the authority that maintains that it does not exempt the co-wife holds that a positive religious duty does not come along and override a negative religious duty, since it is possible for the co-wife in any event to carry out the rite of removing the shoe.*

- G. *An objection was raised: if they went ahead and had sexual relations with them, the widows become their wives [T. Yeb. 11:2A-Q]! That is a valid refutation. Now may we say that that serves also to refute the position of R. Simeon b. Laqish as well [In any context in which you find both an affirmative religious duty and a negative commandment, if you can carry out both of them, it is well and good, but if not, then the affirmative action of commission will come and set aside the negative commandment of prohibition]?*
- H. *R. Simeon b. Laqish will say to you, “When I make that statement, it is in a case in which a religious duty is in fact carried out; but in this case, the rite of removing the shoe is merely instead of the levirate marriage, and that does not add up to the fulfillment of a religious duty.”*

- V.3.** A. Said Raba, “Where in the Torah do we find an indication that one may not marry relations in the second remove? As it is said, ‘For all these abominations have the men of the land done’ (Lev. 18:27). The expression ‘these’ refers to weighty abominations, yielding the inference that there are lighter ones as well. *And what can these be?* Incest with second remove relations.
- B. *“And on what basis is it inferred that the expression ‘these’ refers to weighty abominations? As it is written, ‘And the mighty of the land he took away’ (Eze. 17:13).”*
- C. *May we say that he differs from R. Levi, for said R. Levi, “The punishment for falsifying measures is more stringent than that for consanguineous relationships. In the latter case [at Lev. 18: 6] we find ‘this,’ while in the former, ‘these,’ [with additional letters signifying additional penalty].*
- D. *“And how do we know that ‘these’ bears the sense of a more stringent penalty? ‘And the mighty [spelled with the letters that yield] these’] of the land he took away’ (Eze. 17:13).”*
- E. *Well, don’t we find ““these” stated with regard to consanguineous marriages [at Lev. 18:29]?*
- F. *That serves to exclude from the punishment of extirpation the sin of false measures.*
- G. *So how come false measures are subject to a more severe penalty than consanguineous marriage?*
- H. *In the latter case it is possible to repent [and divorce the consanguineous wife] but in this case there is no possibility of repentance [repentance will not do when one has robbed someone].*
- I. *R. Judah said, “Proof derives from here: ‘Yes, he pondered and sought out and set in order many proverbs’ (Qoh. 12: 9), in which regard said Ulla said R. Eleazar, ‘Before Solomon came along, the Torah was like a basket lacking handles; when he came along, he put handles on it.’” [These were restrictions added to the ones that the Torah made explicit.]*

- J. *R. Oshaia said, "Proof derives from here: 'Avoid it, don't pass by it, turn from it and pass on' (Pro. 4:15)." [Avoid any possible infringement of the laws of the Torah (Slotki).]*
- K. *Said R. Ashi, "The proof presented by R. Oshaia — to what may it be likened? To the case of someone who was guarding an orchard. If he guards it from the outside, the whole of it is guarded. If he guards it on the inside, while the inside is guarded, the outside is not guarded."*
- L. *But this statement of R. Ashi is a pure fabrication. In the case of the orchard, at least the section in front of him is guarded, while in this case, if there were no prohibition of marriage to consanguineous relatives in the second remove, one could blunder into marriage with a consanguineous relative.*
- M. *R. Kahana said, "Proof derives from here: 'Therefore you shall keep my charge' (Lev. 18:30) — add a layer of a charge to my charge."*
- N. *Said Abbaye to R. Joseph, "Well, since the proof derives from the Torah, [what's the point of calling these secondary relationships at all]?"*
- O. *"True, it derives from the Torah, but rabbis have articulated the matter."*
- P. *"Well, then, the entirety of the Torah can be described in the same way: it derives from the Torah, but rabbis have articulated the matter."*
- Q. *Rather, the rule does derive only from the authority of rabbis, and the cited verses of Scripture form mere proof-texts.*

**V.4.** A. *Our rabbis have taught on Tannaite authority:*

- B. *What are the forbidden consanguineous relations in the second remove? The mother of his mother and the mother of his father, the wife of his father's father and the wife of his father's mother, the wife of his father's brother on the father's mother's side, and the wife of his mother's paternal brother, the daughter-in-law of his son and the daughter-in-law of his daughter.*
- C. *And a man is permitted to marry the wife of his father-in-law and the wife of his step-son, but he is forbidden to marry the daughter of his step-son.*
- D. *His step-son is permitted to marry the step-father's wife and daughter. The wife of his step-son may say to him, "I am permitted to you, but my daughter is forbidden to you."*
- E. *But is not the prohibition of marrying the daughter of his step-son based on [not a secondary relationship but directly on] the law of the Torah: "Her son's daughter or her daughter's daughter" (Lev. 18:17)?*
- F. *Since the framer of the passage proposed to say, The wife of his step-son may say to him, "I am permitted to you, but my daughter is forbidden to you, and though my daughter is forbidden to you by the law of the Torah, rabbis did not forbid me as a precautionary measure," he stated in the prior clause also, the daughter.*
- G. *If so, couldn't the wife of his father-in-law also say to him, "I am permitted to you and my daughter is forbidden," since she is his wife's sister [Slotki: and thus let him also include the daughter of his mother-in-law]?*
- H. *The prohibition of [the daughter of the step-son] is permanent, but the prohibition of the daughter of his mother-in-law is not permanent [once the sister, his wife, dies].*



- V.5.** A. Said Rab, “Four classes of women [forbidden in the second day] are subject to a limitation [in that they are forbidden, but their descendants or ancestors are not forbidden, while in the case of all other relatives in the second degree of consanguinity, the prohibition goes up and down through all generations (Slotki)].”
- B. *Rab knew of three on his own account: the wife of the mother’s paternal brother [but not the mother’s mother’s paternal brother], the wife of a father’s maternal brother [but not on the father’s father’s wife’s maternal brother], and one’s daughter-in-law. Zeiri adds also, the wife of his mother’s father.*
- C. *Said R. Nahman bar Isaac, “And your mnemonic is this: ‘above that of Rab.’” [Slotki: Zeiri’s addition to the list of Rab is one generation above that of Rab; while the latter stops at the second generation, the father and mother, Zeiri goes as far as the third, the mother’s father.]*
- D. *Why doesn’t Rab cover that item?*
- E. *Because she might be confused with the wife of the father’s father [Slotki: who is pentateuchally forbidden; were a limit to be set in the case of the former, a similar limit would erroneously be set to the latter].*
- F. *And Zeiri?*
- G. *In that direction [the family of one’s father] one usually goes, but in the other direction [the family of one’s mother] does not usually go [so there won’t be mistakes and there is no need for a precautionary measure].*
- H. *But one’s daughter-in-law [21B] is forbidden by the law of the Torah, since it is written, “You shall not uncover the nakedness of your daughter-in-law” (Lev. 18:15) [so how is it of the second remove]?*
- I. *Say: the daughter-in-law of his son.*
- J. *But is there any point at which the prohibition of the daughter-in-law of one’s son is no longer prohibited? Has it not been taught on Tannaite authority: A daughter in law is in an incestuous relationship by the law of the Torah, a daughter in law of a son is an incestuous relationship in the second degree. And the same distinction is made between the daughter of a son and the daughter of a son’s son to the end of time.*
- K. *Rather, say: the daughter-in-law of his daughter.*
- L. *For said R. Hisda, “This matter have I heard from an eminent authority, and who might that be, it is R. Ammi: ‘The daughter in law was forbidden only on account of the daughter in law,’ and when the Chaldaean [fortune-tellers] told me, ‘You are going to be a great teacher,’ I said, ‘If I ever get to become an eminent authority, I shall explain it on my own; and if I get to be a Scripture-teacher for kids, I’ll ask rabbis who come to the meeting house to explain it. And now I can explain it on my own: ‘The daughter in law of one’s daughter was forbidden only on account of the daughter in law of one’s son.’”*
- M. *Said Abbaye to Raba, “I’ll explain this to you: for instance, the daughter in law of the household of Bar Zitai.” [Slotki: in that family were both a daughter in law of Bar Zitai’s son and a daughter in law of his daughter, and*

permission to marry the latter might have led to the false conclusion that the former also as permitted.]

N. *R. Pappa said, "For instance the daughter in law in the household of R. Pappa bar Abba."*

O. *R. Ashi said, "For example, the daughter in law in the household of Mari bar Isaq."*

- V.6.** A. *The question was raised: "As to the wife of the mother's maternal brother, what is the law? Was the prohibition as a precautionary measure only the wife of the father's maternal brother and the wife of a mother's paternal brother, since in these cases there is an aspect of a paternal relationship, but in cases in which there is no aspect of a paternal relationship at all, there was no precautionary decree? Or perhaps it makes no difference?"*
- B. *Said R. Sifra, "The wife of the mother's paternal brother herself is forbidden as a precautionary measure, so shall we now go and add another precautionary measure to a precautionary measure?"*
- C. *Said Raba, "But aren't all of them really just forbidden as precautionary measures added on to precautionary measures? His mother is a forbidden relative, the mother's mother is a forbidden relative at the second remove, and his father's mother was forbidden as a precautionary measure on account of his mother's mother. And how come? Because both of them are called grandmother. His father's wife is a forbidden consanguineous relation. His father's father's wife is a forbidden relative at the second remove. His mother's father's wife is forbidden as a precautionary measure on account of his father's father's wife. And how come? Because both are called grandfather. The wife of his father's paternal brother is a forbidden consanguineous relative. The wife of the father's maternal brother is a forbidden relative in the second remove. And the wife of the mother's paternal brother is forbidden as a precautionary measure on account of the wife of the father's maternal brother. How come? They're both called uncle."*
- D. *So what's the law?*
- E. *Come and take note: when R. Judah bar Shila came, he said, "They say in the West: In any case in which a female relation is forbidden, the wife of the male relation in the same degree of relationship as the female is forbidden in the second remove as a precautionary measure." And said Raba, "Is this an encompassing rule? But his mother-in-law is a forbidden relative, and yet his father-in-law's wife is permitted; the daughter of his mother-in-law is forbidden, and the wife of the son of his mother-in-law is permitted; his step-daughter is forbidden, but the wife of his step-son is permitted; the daughter of his step-father is forbidden, and yet the wife of the son of his step-son is permitted." So what does the rule set forth by R. Judah bar Shila encompass? Is it not the case of the wife of the mother's maternal brother, since in any case in which a female relation is forbidden, the wife of the male relation in the same degree of relationship as the female is forbidden in the second remove as a precautionary measure.*
- F. *So what differentiates [Raba's list] from this case [the wife of the mother's maternal brother]?*

G. *In the one case, she becomes related to him by a single act of betrothal [the betrothal of the woman by his mother's maternal brother], but in the cases [listed by Raba] they become related only by two acts of betrothal [Slotki: in the case of the wife of his father-in-law, for instance, her relationship to him is dependent on [1] his betrothal to his own wife, whereby her father becomes his father-in-law, and [2] the betrothal by his father-in-law of his wife, and similarly in all the other cases pointed out by Raba].*

**V.7.** A. R. Mesharshayya of Tusanayya sent word to R. Pappi: "May our lord instruct us: the wife of the father's father's paternal brother and a father's father's sister — what is the law? *Since relations blow that remove are in an incestuous relationship, has a precautionary measure been made in regard to those that are at a remove above [a generation higher], or perhaps that is not the case, since the relationship stands in a further remove?"*

B. *Come and take note: Who are the forbidden relations of the second remove..., and these have not been listed! [They therefore ought not be forbidden.]*

C. *Well, they might have listed some and not others.*

D. *So which others were omitted, that these too might have been omitted?*

E. *Well, forbidden relatives of the second remove as these are set forth by the household of R. Hiyya also have been omitted from the list.*

**V.8.** A. Amemar declared valid the wife of the father's father's brother and the father's father's sister.

B. *Said R. Hillel to R. Ashi, "I myself say a list of forbidden relations of a second remove as was composed by Mar b. Rabina, and sixteen were set forth as forbidden. Would they not be the eight of the cited Tannaite passage, six of the household of R. Hiyya, plus these two [Amemar's], sixteen in all?"*

C. *"But from your perspective, shouldn't there be seventeen, including also the case of the wife of the mother's maternal brother, who, in our view, is forbidden?"*

D. *"There is no contradiction. [22A] Those two that are like one another are counted as one, making sixteen."*

E. *"But still, I saw that these were listed in writing as forbidden."*

F. *He said to him, "Well, even so, would you have depended on such a list, if the cases had been inscribed as permitted? You would have argued, 'Has Mar b. Rabina actually signed them?' Now that they are written down as forbidden, you still can argue, 'Mar b. Rabina hasn't signed them.'"*

**V.9.** A. *The Tannaite formulation of the household of R. Hiyya: The third generation of his son [the son's son's daughter] and of his daughter and of his wife's son and of his wife's daughter are in the second remove [the prior generations being specified explicitly in the Torah]; the fourth generation through his father-in-law [Slotki: his father-in-law's mother's mother, who is the fourth generation from his wife, for the father-in-law's mother comes under the prohibition of actual incest] or his mother-in-law is forbidden as incest in the second remove.*

- V.10.** A. Said Rabina to R. Ashi, “What differentiates the ascending line, in which the wife is included, from the descending line [the son’s son’s daughter is the third generation, not of the fourth, as would have been the case had his wife, his son’s mother, been included], in which she is not counted?”
- B. In the case of the ascending line, the prohibition is due to the wife, so she is including, while in the descending line, the prohibition is not due to the wife [Lev. 18:10 refers to a son born to a woman whom he has raped], so she is not included.
- C. But lo, there is the case of the son of his wife and the daughter of his wife, who are prohibited on account of his wife, but these are not counted!
- D. Since he was counting three generations on the descending line on his side and did not include her, he also counted three on the descending line on her side and did not include her.
- V.11.** A. Said R. Ashi to R. Kahana, “Do we set a limitation to the second removes of incest listed by the household of R. Hiyya, or do we not?”
- B. Come and take note, for said Rab, “Four classes of women [forbidden in the second day] are subject to a limitation [in that they are forbidden, but their descendants or ancestors are not forbidden, while in the case of all other relatives in the second degree of consanguinity, the prohibition goes up and down through all generations (Slotki)]” — *four and no more*.
- C. But perhaps when Rab made that statement, he was referring only to the context in which he spoke [that listed eight cases of second removes of incest, none of them covered the ones listed in Hiyya’s version anyhow].
- D. Come and take note: [Hiyya’s version] lists the third [in descending] and the fourth [in ascending] lines, so the third and the fourth are part of the list, but there are no further steps.
- E. But perhaps from the third and onward, or from the fourth and onward [fall into the same class].
- V.12.** A. Said Raba to R. Nahman, “Has the master seen one of the rabbis who has come from the West, and who has said, ‘They asked in the West: did they make a precautionary degree covering relations in the second remove in the case of converts, or have they not made a decree covering relations in the second remove in the case of converts?’”
- B. He said to him, “Well, if in respect to incest itself, on account of fear of which they may be said to have traded a religion that is stricter for one of easier sanctity, rabbis have imposed no such precautionary measure, is there any question that they have done so in regard to second removes?”
- V.13.** A. Said R. Nahman, “As to proselytes, since the subject has come up, let’s talk about it: maternal brothers may not give evidence; if they have done so, their evidence is valid; paternal brothers may give evidence without restriction. [Among proselytes, there is no conception of brotherhood, since there is no valid paternity, so brothers of proselytes are not regarded as related to them and may give evidence.]”

- B. Amemar said, “Even brothers on the mother’s side may give evidence to begin with.”
- C. *And how is this different from the matter of incest?*
- D. In matters of incest, everybody does it for himself [so if a proselyte enters into marriage with his sister, people think that Israelites may do the same], but testimony is the prerogative of the court, and the court knows that a proselyte is in the status of a new born child [without relatives of any kind].

## 2:5

- A. **He who has a brother of any sort — [that brother] imposes upon the wife of his [deceased, childless] brother the obligation of levirate marriage.**
- B. **And [he is] his brother in every regard —**
- C. **except for him who has [a brother] from a female slave or from a gentile.**
- D. **He who has a son of any sort — he [the son] exempts the wife of his father from the obligation of levirate marriage.**
- E. **And he [the son] is liable for hitting him [the father] or for cursing him.**
- F. **and [he is] his son in every regard —**
- G. **except for him who has a son from a female slave or from a gentile.**

### I.1 A. **of any sort:** *to include what classification?*

- B. *Said R. Judah, “It is meant to encompass a mamzer.”*
- C. *So what else is new? That’s his brother!*
- D. *What might you have thought? We derive the status of brotherhood from the case of brotherhood in the instance of the sons of Jacob, and just as all of those sons were legitimate and untainted, so here too, for the purpose of brotherhood, it must be a legitimate, untainted brother. So we are taught that that is not the case.*
- E. *But might I not say here too [such a requirement does pertain]?*
- F. *Since he has the power to confer exemption in respect to the levirate connection, [22B] he also has the power to impose the obligation to enter into levirate marriage [on the wife of a son of his father; but since he cannot marry her, he also frees the woman from the requirement of entering into the rite of removing the shoe.*

### II.1 A. **And [he is] his brother in every regard:**

- B. *To what practical legal purpose is this statement made?*
- C. *To inherit his estate and to contract uncleanness on his account in connection with burying him.*
- D. *So what else is new! He’s his brother, after all!*
- E. *You might have supposed that, since it is written, “Except for his kin that is near to him” (Lev. 21: 2), and a master has said, “...his kin...” refers to his wife,” and on the other hand it is written, “A husband among his people shall not defile himself to profane himself” (Lev. 21: 4), it follows that there is a husband who may defile himself and one who may not. How so? He contracts uncleanness on account of his wife who is appropriate to him, but not on account of his wife who is not appropriate to him — you might have imagined that, along these same lines,*

he contracts uncleanness for a brother who is a valid one, but not for a brother who is invalid, *so we are informed that that is not the case.*

F. *But might I say that it really is the case?*

G. *In that case, she may be sent away at any time [since the husband is not permitted to live with her], but here he is permanently his brother.*

**III.1 A. except for him who has [a brother] from a female slave or from a gentile:**

B. *How come?*

C. Said Scripture, “The wife and her children shall belong to the master” (Exo. 21: 4).

**IV.1 A. He who has a son of any sort: to include what classification?**

B. *Said R. Judah, “To include a mamzer.”*

C. *On the strength of what verse of Scripture?*

D. “And have no child” (Deu. 25: 5), bearing the sense, “examine him” [which has something of the sound of the Hebrew words in the cited verse].

**V.1 A. And he [the son] is liable for hitting him [the father] or for cursing him:**

B. *Why should this be the case? Scripture says, “Nor curse a ruler of your people” (Exo. 22:27). meaning, only when he acts in accord with the practice of your people.*

C. It is in accord with what R. Phineas in the name of R. Pappa said, “When he repents.” Here too, when he repents.

D. *So is such a person likely to repent? And have we not learned on Tannaite authority: Simeon b. Menassayya says, “What is the definition of ‘that which is crooked cannot be made straight’ (Qoh. 1:15)? This refers to one who has sexual relations with a consanguineous relative and produces through her a mamzer?”*

E. *At this point, in any event, he falls into the class of one who acts in accord with the practice of your people.*

**V.2. A. Our rabbis have taught on Tannaite authority:**

B. He who has sexual relations with his sister, who is also the daughter of his father’s wife, is guilty on the count of her being his sister and also on the count of her being the daughter of his father’s wife.

C. R. Yosé b. R. Judah says, “He is liable only on the count of having sexual relations with his sister alone, and not because she is the daughter of his father’s wife.”

**V.3. A. What is the scriptural basis for the position of rabbis?**

B. Say: since it is written, “The nakedness of your sister, daughter of your father or daughter of your mother” (Lev. 18: 9), what need is there to say further, “The nakedness of your father’s wife daughter, child of your father, she is your sister” (Lev. 18: 9)? It is to yield the inference that he is liable on the count of her being his sister and also on the count of her being the daughter of the wife of his father.

C. And R. Yosé b. R. Judah?

D. Scripture has said, “She is your sister” (Lev. 18:11) — it is on account of her sister that you can hold him liable, but you cannot hold him liable on account of his father’s wife’s daughter.

E. *And as to rabbis, how do they read the verse, “She is your sister” (Lev. 18:11)?*



- F. *They require the version to impose liability on account of his sister who is daughter of his father and daughter of his mother, to prove that an admonition is not composed merely on the basis of logical argument [but must be spelled out explicitly].*
- G. And R. Yosé b. R. Judah?
- H. *If so, the All-Merciful can as well have written, “your sister.” Why bother to say, “she is”? It is to indicate that it is on account of her sister that you can hold him liable, but you cannot hold him liable on account of his father’s wife’s daughter.*
- I. *And as to rabbis?*
- J. *Even though “your sister” is written, it also was necessary to write “she is,” so that no one should imagine that in some other context, an admonition may be composed merely on the basis of logical argument, and the All-Merciful has written “your sister” here, since Scripture goes to the trouble of writing down any law that may be reproduced by an argument a fortiori; hence the All-Merciful wrote, “she is.”*
- K. And R. Yosé b. R. Judah?
- L. *If so, the All-Merciful should have written, “She is your sister” in the other verse (Lev. 18: 9) [Slotki: which speaks of a sister born from a woman his father had raped; since it was inverted in 18:11, which speaks of a sister born from a marriage, it must have been meant to say that one is only guilty of incest with his sister, but not with that of the daughter of his father’s wife].*
- M. *And how does R. Yosé b. R. Judah interpret the verse, “Your father’s wife’s daughter” (Lev. 18:11)?*
- N. *He requires it to make the point: that [prohibition of consanguineous relationships] concerns only her with whom your father can enter into a marital relationship, excluding then his sister born of a slave or a gentile, since your father cannot have a valid marital relationship with her.*
- O. *Might I then say that it further excludes his sister born through his father’s rape of her mother?*
- P. *You cannot say so, in line with what Raba said, for Raba contrasted these verses: “It is written, ‘The nakedness of your son’s daughter or of your daughter’s daughter, even their nakedness you shall not uncover’ (Lev. 18:10); so her son’s daughter and her daughter’s daughter are permitted; but further, ‘you shall not uncover the nakedness of a woman and her daughter, you shall not take her son’s daughter or her daughter’s daughter’ (Lev. 18:17). How so? The former, Lev. 18:10, speaks of a woman born of the father’s rape [Slotki: in which case a man may not marry the daughter of his own son or the daughter of his own daughter and may marry the daughter of the son or the daughter of the daughter who the raped woman had with another husband, since he himself is not her lawful husband; as in the case of one’s own son and one’s own daughter, though the offspring of a woman he raped, they are legally regarded as son and daughter, so the sisterhood and brotherhood of such children are regarded as legal]; the other [Lev. 18:17] refers to that of lawful marriage.*
- Q. **[23A]** *But might I not say, it excludes those subject to liability for violating a negative commandment [for instance, if the father had married a mamzeret, who is*

forbidden by a negative commandment, the daughter from such a union would not be a legitimate sister (Slotki)]?

- R. Said R. Pappa, "Valid betrothal may be effected with those marrying whom involves violation of a negative commandment, since it is written, 'If a man have two wives, one loved the other hated' (Deu. 21:15). Now is there the possibility of love or hatred before the Omnipresent [that these should be regarded as loved or hated by God]? Rather, the meaning of 'loved' is loved in her marriage, and 'hated' means hated in her marriage; and yet the All-Merciful has said, 'If a man have..., ' meaning, stand in a valid betrothal with such as these."
- S. *Might I then say that excluded are those relationships for which one is liable to extirpation?*
- T. Said Raba, "Said Scripture, 'The nakedness of your sister, the daughter of your father, or the daughter of your mother, whether born at home or born abroad' (Lev. 18: 9) — whether they say to your father, 'Keep her,' or whether they say to him, 'Divorce her,' Scripture has said, 'she is your daughter.'"
- U. *But might one say, "whether they say to your father, 'Keep her,' or whether they say to him, 'Divorce her,' — when Scripture says 'she is your sister,' this serves to encompass under the law the cases of his sister born of a slave woman or a gentile?"*
- V. Said Scripture, "Scripture has said, "Your father's wife's daughter" (Lev. 18:11), meaning, only the one with whom your father can have a valid marital relationship, thus excluding a sister born of the father's union with a slave or a gentile.
- W. *And why include the one and exclude the other?*
- X. *It stands to reason that the law should encompass those who are subject to extirpation, since ordinarily their betrothals are valid [but are invalid in this case].*
- Y. *To the contrary, a slave and a gentile should be included, since if they convert to Judaism, they can validly marry him.*
- Z. *Well, when they do convert, they are regarded as a completely different being.*
- AA. *And on what basis do rabbis deduce the exclusion of the slave and the gentile?*
- BB. *They derive that exclusion from the language, "The wife and her children shall be her master's" (Exo. 21: 4).*
- CC. And R. Yosé b. R. Judah?
- DD. *One speaks of the slave, the other of the gentile, and both are necessary. For if we had had in hand the case of the slave-woman, one might have supposed that that is because she has no valid genealogy, but the gentile, who has valid genealogy via the mother, I might have thought was not covered; and if we had had only the case of the gentile, it would have been thought that that is because he is not subject to religious duties, but the slave-girl, who is subject to religious duties, I might have thought was not covered. So both proofs were required.*

- EE. *And as to rabbis, their proof serves to locate proof for the case of the slave-girl, but how do they know the rule governing the gentile? And if you should say that it should be derived by analogy from the case of the slave-girl, the foregoing arguments demonstrate that a distinct proof is required.*
- FF. Said R. Yohanan in the name of R. Simeon b. Yohai, “Said Scripture, ‘For he will turn away your son from following me’ (Deu. 7: 4) — ‘your son’ by an Israelite woman is called ‘your son,’ but your son by a gentile woman is called not ‘your son’ but her son.”
- GG. Said Rabina, “That implies that the son of your daughter by a gentile man is called ‘your son.’”
- HH. *May one then propose that Rabina takes the view that if a gentile or a slave has sexual relations with an Israelite woman, the offspring is valid?*
- II. *Granting that it is not a mamzer, it also is not valid, but is regarded as a blemished Israelite.*
- JJ. *But does not the cited verse [Deu. 7:4] refer specifically to the seven nations [in that context]? How come it now is applied to all nations?]*
- KK. *The language “for he will turn...” serves to encompass all those who may entice Israelites to idolatry.*
- LL. *That poses no problem to R. Simeon, who is willing to interpret a verse on the basis of its sense and gist, but to rabbis, how do they derive the same proposition?*
- MM. *Well, who is the Tannaite authority who differs with R. Yosé b. R. Judah? It is none other than R. Simeon.*

## 2:6-7

### 2:6

- A. [23B] He who betrothed one of two sisters and does not know which of them he betrothed gives a writ of divorce to this one and a writ of divorce to that one.
- B. [If] he died, and he had one brother, he [the brother] effects a rite of removing the shoe with both of them.
- C. [If] he [who died childless] had two [brothers], one of them effects a rite of removing the shoe and one of them enters into levirate marriage.
- D. [If] they went ahead and married [the two women], they [the court] do not remove [the women] from their possession.

### 2:7

- A. Two [unrelated men] who betrothed two sisters —
- B. this one does not know which of them he betrothed, and that one does not know which of them he betrothed —
- C. this one gives two writs of divorce, and that one gives two writs of divorce.

- D. [If] they died,
  - E. [if] this one has a brother and that one has a brother,
  - F. this one effects the rite of removing the shoe with both of them, and that one effects the rite of removing the shoe with both of them.
  - G. [If] this one had one [brother] and that one had two,
  - H. the one [the sole brother of one of the deceased] effects a rite of removing the shoe with both of them.
  - I. And [as to] the two [brothers of the other deceased] — one effects a rite of rite of removing the shoe with one of them, and [then] one enters into levirate marriage with one of them.
  - J. If they went ahead and married [the two widows out of betrothal], they do not remove them from their possession.
  - K. [If] this one had two and that one had two [brothers],
  - L. a brother of this one effects a rite of removing the shoe with one of them, and a brother of that one effects a rite of removing the shoe with one of them,
  - M. A brother of this one enters into levirate marriage with the woman with whom the other party's brother had effected a rite of removing the shoe, and a brother of that one enters into levirate marriage with the woman with whom the other party's brother has effected a rite of removing the shoe.
  - N. [If] the two went ahead and performed a rite of removing the shoe, then the [other] two should not enter into levirate marriage.
  - O. But one of them performs the rite of removing the shoe and one of them enters into levirate marriage.
  - P. If they went ahead and married them, they do not remove them from their possession.
- I.1** A. *Does this then imply that an act of betrothal that cannot lead to sexual intercourse [for here, we do not know which of the sisters was betrothed] is regarded as a valid act of betrothal [since a writ of divorce is required for each]?*
- B. *[Not at all.] Here with what kind of a case do we deal? It is one in which initially the facts of the case were known [so they knew who was and who was not betrothed, in which case sexual relations could consummate the marriage], but in the end the women were confused with one another [so the information was lost].*
  - C. *A close reading of the wording of the passage sustained that reading, since the language that is used is, **and does not know which of them he betrothed**, and it is not stated, "and it was not known."*
  - D. *That is decisive.*
- I.2.** A. *So what does the framer of the passage tell us [since it is obvious that both women require a writ of divorce]!*
- B. *It is the second clause that necessitated including the first for balance, namely: [If] he died, and he had one brother, he [the brother] effects a rite of removing the shoe with both of them. [If] he [who died childless] had two [brothers], one of them effects a rite of removing the shoe and one of them enters into levirate marriage. It is in particular the rite of removing the shoe that comes first, then the levirate marriage, but not the levirate marriage, then the*

*other rite, since he might thereby violate the law against his marrying the sister of a woman who is tied to him by the levirate obligation.*

- II.1** A. **Two [unrelated men] who betrothed two sisters — this one does not know which of them he betrothed, and that one does not know which of them he betrothed — this one gives two writs of divorce, and that one gives two writs of divorce. [If] they died, [if] this one has a brother and that one has a brother, this one effects the rite of removing the shoe with both of them, and that one effects the rite of removing the shoe with both of them:**
- B. *Does this then imply that an act of betrothal that cannot lead to sexual intercourse is regarded as a valid act of betrothal [since a writ of divorce is required for each]?*
- C. *[Not at all.] Here too it is a case in which initially the facts of the case were known [so they knew who was and who was not betrothed, in which case sexual relations could consummate the marriage], but in the end the women were confused with one another [so the information was lost].*
- D. *A close reading of the wording of the passage sustained that reading, since the language that is used is **this one does not know which of them he betrothed, and that one does not know which of them he betrothed**, and the language, and it is not known, is not used.*
- E. *That is decisive.*
- II.2.** A. *So what does the framer of the passage tell us [since it is obvious that both women require a writ of divorce]!*
- B. *It is the second clause that necessitated including the first for balance, namely: **[If] this one had one [brother] and that one had two, the one [the sole brother of one of the deceased] effects a rite of removing the shoe with both of them. [If] this one had one [brother] and that one had two, the one [the sole brother of one of the deceased] effects a rite of removing the shoe with both of them.***
- C. *Well, that's obvious! That's no different from the foregoing statement!*
- D. *What might you otherwise have supposed? That levirate marriage in the case of two brothers would be set aside as an alternative as a precautionary measure on account of the case in which there is only one brother? So we are informed that that is not the case. And there is a further point to be made here. It is in particular the rite of removing the shoe that comes first, then the levirate marriage, but not the levirate marriage, then the other rite, since he might thereby violate the law against his marrying the sister of a woman who is tied to him by the levirate obligation.*
- III.1** A. **[If] this one had two and that one had two [brothers], a brother of this one effects a rite of removing the shoe with one of them, and a brother of that one effects a rite of removing the shoe with one of them, a brother of this one enters into levirate marriage with the woman with whom the other party's brother had effected a rite of removing the shoe, and a brother of that one enters into levirate marriage with the woman with whom the other party's brother has effected a rite of removing the shoe:**
- B. *Why do I need more cases to make the same point? This is the same thing as before.*

- C. *What might you otherwise have supposed? That we should make a precautionary decree, lest one marry without the prior act of removing the shoe? [Slotki: and each of the two brothers so marrying would infringe the prohibition against marriage of a doubtful deceased childless brother's widow and the sister of a woman subject to the rite of removing the shoe.] So we are informed that that is not the case.*
- D. *And how does this differ from that which we learn in the Mishnah: **Four brothers, two of them married two sisters, and the ones who are married to the two sisters died — the sisters must perform the rite of removing the shoe and do not enter into levirate marriage [M. Ed. 5:5A-C]**?*
- E. *Well, how are the two parallel? [24A] In a case in which both sisters are bound by the levirate tie [that is, the cited rule of M. Ed.], in accord with him who maintains that there is a levirate bond [from the moment of the death of the childless brother], that bond is in place [Slotki: consequently, both widows are forbidden in levirate marriage, each in relationship to the other being a sister of a woman who is subject to the levirate bond]. And from the perspective of him who maintains, it is forbidden to annul the religious duty of levirate marriage, it is indeed forbidden to annul the religious duty of levirate marriage. But in this case each one of them may be assumed to get his own. [Slotki: if the widow whom one of them had married was really his deceased childless brother's widow, the other must be a total stranger to him and to the other brother, and since that might be said in the case of each pair of brothers where the marriage had already taken place, they are not to be parted.]*

**IV.1 A. If they went ahead and married them, they do not remove them from their possession:**

- B. *Shila repeated as a Tannaite statement: "And that is the case, even if both of them were priests. How come? A woman who has undergone the rite of removing the shoe is forbidden to a priest only by a decree of rabbis, and concerning a woman who may or may not be in that status rabbis made no such decree."*
- C. *But is it the fact that a woman who has undergone the rite of removing the shoe is forbidden to a priest only by a decree of rabbis? And has it not been taught on Tannaite authority: "A divorced woman" (Lev. 21:7) [may a priest not marry] — I know that that is so only of a divorced woman. How about a woman who has undergone the rite of removing the shoe? Scripture states, "And a woman..." (Lev. 21: 7).*
- D. *The rule derives from the authority of rabbis, who found a proof-text to support their decree.*

**2:8A-B**

- A. **It is a religious duty for the oldest [surviving brother] to enter into levirate marriage [with the deceased, childless brother's widow].**
- B. **But if the youngest went ahead [and married her], he has acquired [the sister-in-law].**

**I.1 A. Our rabbis have taught on Tannaite authority:**

- B. **"And it shall be that the first born" (Deu. 25: 6) — on this basis, [we know that] it is a religious duty for the oldest [surviving brother] to enter into levirate marriage [with the deceased, childless brother's widow].**



- C. "...that she bears:"
  - D. This excludes from the obligation of levirate marriage a surviving widow who is barren and unable to produce an heir.
  - E. "The first son that she bears [shall be accounted to the dead brother, that his name may not be blotted out in Israel]:"
  - F. That is in respect to inheritance.
  - G. You say that it is in respect to inheritance. But perhaps it has to do only with his name, e.g., if the deceased's name was Yosé, the son's name is to be Yosé, if it was Yohanan, the son's name will be Yohanan? [Sifré to Deu. CCLXXXIX:II.1, 3].
  - H. Scripture says, "...shall be accounted to the dead brother," and elsewhere, "They shall be called after the name of their brethren in their inheritance" (Gen. 48: 6). Just as in the latter context, at issue is inheritance, so "name" mentioned here pertains to inheritance.
  - I. "His name shall not be blotted out" — excluding a eunuch, whose name is blotted out.
- I.2.** A. *Said Raba, "Even though in the rest of the entire Torah, a verse of Scripture does not abandon its primary sense, here [at No. 3], a verbal analogy comes along and removes the verse of Scripture from its primary sense."*
- B. *Then were it not for the verbally-founded analogy between the two verses, should I have supposed that the sense of "name" in the verse at hand actually means his name? Then to whom does the All-Merciful admonish [concerning the name]? If to the surviving brother, then the language should be, "shall succeed in the name of your brother." And if the admonition is addressed to the court, the language should be, "shall succeed in the name of the brother of his father."*
  - C. *But perhaps this is the sense of the statement of the All-Merciful to the court: "Tell the levir, he shall succeed to the name of his brother." Then a verbal analogy comes along and removes the verse of Scripture from its primary sense.*
- I.3.** A. *Now that you have said that Scripture addresses the eldest brother in particular, might I then suppose that if it is the firstborn, he enters into levirate marriage, but an ordinary brother would not enter into levirate marriage?*
- B. *If so, then on what basis should the All-Merciful ever have excluded the case of the wife of his brother who was not a contemporary?*
  - C. *Objected R. Aha, "But I might say that the intent was to exclude the first born son on the mother's side [who was paternal brother of the deceased]?"*
  - D. *You cannot maintain that position, for the All-Merciful has made the entire levirate connection contingent upon the matter of inheritance, and inheritance takes place on the father's side and not on the mother's side.*
  - E. *Might I then say that where there is a surviving first born son, the religious duty of the levirate marriage should be carried out, but where there is no surviving first born son, then the religious duty of levirate marriage need not be carried out?*
  - F. *Said Scripture, "And one of them died" (Deu. 25: 5) — so are we not dealing with a case in which even the first born has died, and Scripture indicates that the younger brother will then enter into the levirate connection.*

- G. *But might I not say then that it is the younger brother that has died, and the All-Merciful then has said that the firstborn must enter into levirate marriage?*
- H. *But the All Merciful indeed has excluded the wife of the brother who was not a contemporary from the entire process [and that exclusion then would hardly be required any further.*
- I. *But might I then say that, where there is no surviving firstborn, the younger brother, if he went ahead, has acquired the levirate bride, but if there is a firstborn, and if the younger brother went ahead and entered into the levirate marriage, he has not acquired the levirate bride?*
- J. Scripture has said, ““When brothers dwell together” (Deu. 25: 5), meaning, the dwelling of one brother is comparable to that of the other [and all must be equal in regard to the levirate marriage (Slotki)].
- K. *But might I then say, if there is a firstborn, we turn to the eldest, but when not, we do not turn to the eldest [and all then are equal]? Then, how come Abbayye the elder stated as a Tannaite rule, “**It is the duty of the oldest surviving brother to enter into levirate marriage. [If] he did not want to do so, they pass in turn to all the other brothers.** [If] the younger one did not want to do so, they go back to the oldest [and say to him, “Yours is the duty! Either undergo the rite of removing the shoe or enter into levirate marriage”] [M. 4:5A-C].”*
- L. He is designated as firstborn, so that, just as the firstborn’s status as such is what has caused him [to be primary in responsibility], so as to the eldest, it is the fact that he is the eldest that has caused him to bear primary responsibility.
- M. *But might I then propose, if the firstborn is the one that enters into levirate marriage, then he takes the inheritance, but if an ordinary brother does so, he does not take the inheritance?*
- N. Scripture has said, “Shall succeed in the name of his brother” (Deu. 25: 6) — and lo, he has done so.
  - O. *Well, then, by calling him firstborn, [24B] what purpose is served [there being no clear result therefrom]?*
  - P. The intent is to limit his rights. Just as the firstborn does not get a double portion of property that was due to his father prior to his death in the way in which he does of property that the father already has in hand, so this one does not get a double portion of property that was due to his father prior to his death in the way in which he does of property that the father already has in hand.

## 2:8C-H

- C. **He who is suspected [of having intercourse] with a slave woman, who is subsequently set free, or with a gentile woman, who subsequently converts,**
- D. **lo, this one should not marry [her].**
- E. **But if he married her, they do not remove her from his possession.**
- F. **He who is suspected [of having intercourse] with a married woman, and they [the court] dissolved the marriage with her husband,**
- G. **even though he [the suspect] married [the woman],**
- H. **he must put her out.**

- I.1 A.** [or with a gentile woman, who subsequently converts:] *lo, she is still deemed a proselyte. But the following contradiction is to be raised:* “All the same are the man who converted for the sake of a woman and a woman who converted for the sake of a man, so too, a man who converted for the sake of getting a job with the government or for the sake of becoming one of the slaves of Solomon, they are not regarded as valid converts,” the words of R. Nehemiah. For R. Nehemiah maintained, “Those who convert because of lions [the Samaritans], those who converted by reason of what they saw in a dream, those who converted on account of the victory of Mordecai and Esther [Est. 8:17] — they are not regarded as valid converts. They are valid proselytes only if they are converted under the presently-prevailing conditions [of repression].”
- B. “They are valid proselytes only if they are converted under the presently-prevailing conditions [of repression]”! *Is that what you really mean?*
- C. Rather: “They are valid proselytes only if they are converted under conditions that are like the presently-prevailing conditions [of repression].”
- D. *Lo, it has been stated in this connection:* said R. Isaac bar Samuel bar Marta in the name of Rab, “The decided law accords with the opinion of him who says, ‘All of them are valid converts.’”
- E. *If so [the marriage of the proselytes in our Mishnah-paragraph as well] should have been permitted to begin with and not only after the fact].*
- F. *It was on account of that which R. Assi said, for said R. Assi, “‘Put away from you an audacious mouth and perverse lips’ (Pro. 4:24).”*

**I.2. A.** *Our rabbis have taught on Tannaite authority:*

- B. Converts will not be accepted in the days of the Messiah, just as they did not accept proselytes either in the time of David or in the time of Solomon.
- C. Said R. Eleazar, “What verse of Scripture supports that claim? ‘Behold, he shall be a convert who is converted for my own sake; he who lives with you shall be settle among you’ (Isa. 54:14) — only he who lives with you in your misery will be settled among you, and no other.”

**II.1 A.** **He who is suspected [of having intercourse] with a married woman, and they [the court] dissolved the marriage with her husband, even though he [the suspect] married [the woman], he must put her out:**

- B. Said Rab, “But this must be proved by witnesses.”
- C. *Said R. Sheshet, “I should say that it was only when he was drowsy or sleeping that Rab made such a dumb statement. For it has been taught on Tannaite authority: he who is suspected [of having intercourse] with a married woman, and they [the court] dissolved the marriage with her husband on his account, and then she was divorced by a third party — if he then married her, he does not have to divorce her. Now under what circumstances is this rule pertinent? If there were witnesses, then if someone else came along and stopped the rumor, what difference would it make [since the testimony of the witnesses permanently prohibited the woman to her lover]. So there were no witnesses, and the operative consideration is that someone else went and stopped the rumor; but if that had not taken place, she would have been removed from him.”* [So how can

Rab hold that she is taken away from the lover only if there are witnesses? (Slotki)]

- D. *Rab will say to you, "That is the same rule, for even though someone did not come along and stop the rumor, if there are witnesses, we remove her from him, and if there are no witnesses, she is not taken away from him. But this is the sense of the statement: 'Even if someone else came along and stopped the room, to begin with he should not then marry her [but if he did, she can stay with him].'"*
- E. *An objection was raised: Under what circumstances [must the lover divorce her]? In a case in which she has no children. But if she has children, she should not go forth from him. But if witnesses to the unclean act come along, then even if she has any number of children, she should go forth. [Contrary to Rab's view, even when she has no children, she leaves the lover even when there are no witnesses.]*
- F. *Rab interprets our Mishnah-paragraph to deal with a situation in which she has children and in which there are witnesses against her.*
- G. *Now what has compelled Rab to interpret our Mishnah-paragraph to deal with a situation in which she has children and in which there are witnesses against her, so that the operative consideration is that she is removed from him because there are witnesses, with the result that, if there are no witnesses, she is not removed? Rather, why not have him interpret the rule to deal with a case in which she has no children, and even though witnesses are not available?*
- H. *Said Raba, "Our Mishnah poses this problem: why use the language, **and they dissolved the marriage with her husband?** Why not just say, he put her out [that is, the husband]? For the language **and they dissolved the marriage with her husband** must bear the sense that it was the court that did so, and the court would do so only upon the testimony of witnesses. If you prefer, I shall say: the solution to the problem is that the rule [that a wife without children leaves the husband even if no witnesses testify against her] represents the view of Rabbi. For it has been taught on Tannaite authority: If the pedlar is leaving the house and the woman inside is fixing up her underpants, said Rabbi, 'Since it is a really dubious matter, she must go forth from that marriage.' If there is spit on the upper part of a bed [when the pedlar had left], said Rabbi, 'Since it is a really dubious matter, she must go forth from that marriage.' [25A] If there are shoes lying under the bed, said Rabbi, 'Since it is a really dubious matter, she must go forth from that marriage.'"*
- I. *But if the shoes are lying there, why not just go and found out whose they are?*
- J. *Rather: say: see the marks of the shoes.*
- K. *The decided law accords with the view of Rab [evidence of witnesses, not mere rumor, is required], and the deduced law accords with the position of Rabbi.*
- L. *Yeah, well then the decided laws contradict one another!*
- M. *The decided laws do not contradict one another, the one speaks of a case in which the rumor has come to an end, the other, to a case in which the rumor is still circulating. If the rumor is still circulating, then, even though there are not witnesses, the law follows the view of Rabbi; where*

*the rumor has ceased but there are witnesses to the facts, the law accords with Rab.*

**II.2.** A. *How long must the rumor circulate to be classified as continuing to circulate?*

B. *Said Abbaye, "Mother told me, 'Local gossip is for a day and a half.'"*

C. *And that [L] is the case only if the rumor did not cease to circulate, but if in the interval it ceased to circulate, we ignore it.*

D. *If the rumor ceased in the meantime, it is disregarded only if it stopped not out of fear, but if it stopped out of fear, it is not ignored.*

E. *The rule is, further more, that it is disregarded only if it does not surface once more, but if it surfaced once more, we do not ignore it.*

F. *Also it is disregarded if the subject of the rumor has no enemies, but if he has enemies, the enemies are the ones who are spreading the story.*

**II.3.** A. *There was have learned: He who puts his wife away because she has a bad name should not take her back. [If he did so] because of a vow [which she had made], he should not take her back. [R. Judah says, "If it was on account of any sort of vow which is publicly known, he should not take her back. But if it was on account of a vow which is not publicly known, he may take her back." R. Meir says, "If it is on account of any sort of vow which requires the investigation of a sage for its absolution, he should not take her back. [If it is any sort of] vow which does not require the investigation of a sage, he may take her back"] [M. [Git. 4:7](#)].*

B. *Sent Rabbah bar R. Huna to Rabbah bar R. Nahman, "May our lord instruct us: If he did remarry her, what is the law as to his having to divorce her?"*

C. *He said to him, "It is taught as the Tannaite rule: He who is suspected [of having intercourse] with a married woman, and they [the court] dissolved the marriage with her husband, even though he [the suspect] married [the woman], he must put her out."*

D. *He said to him, "But are the cases really parallel? There the court [acting on the basis of solid testimony] has taken her away, here, he had to divorce her."*

E. *And Rabbah bar R. Nahman?*

F. *"Our Mishnah-paragraph also has been repeated in the Tannaite formulation, he divorced her."*

G. *Still, are the cases really parallel? Here it is the husband, there it is the lover [who has to divorce her]!*

H. *He said to him, "They are quite parallel. Here [in the Mishnah-paragraph before us] the rabbis have said, he may not marry her, and if he married her, he has to divorce her. And there [in the matter about which the inquiry has been made], rabbis would say, he may not marry her, and if he married her, he has to divorce her."*

- I. *But that is not true. There he strengthens the rumor, but here, we say, he looked into the matter and found it groundless.*

**2:9**

- A. **He who delivers a writ of divorce from overseas and stated, “In my presence was it written and in my presence was it sealed” [and who thereby validates the writ] may not [then] marry his [the man’s] wife [to whom he brought the writ of divorce].**
- B. **[If he testified,] “He [the husband] has died,” “I killed him,” “They killed him,” he may not then marry his [the deceased’s] wife.**
- C. **R. Judah says, “[If he stated,] ‘I have killed him,’ then his wife may not remarry.**
- D. **“[But if he stated,] ‘They have killed him,’ then his wife may remarry.”**

**I.1** A. *So the operative consideration is that he brought the writ from overseas, in which case we entirely have to rely on him; but if he had brought it from someplace in the Land of Israel, in which case we do not depend wholly upon what he says, would he have been permitted to marry the wife that has now been divorced? But lo, if what he said was that he had died, in which instance, we do not entirely depend on him, for a master has said, “A woman takes a good look at her situation before she remarries,” it has been taught, may not [then] marry his [the man’s] wife!*

- B. *In the case of testimony about death, there is no document, but here, in the case of the divorce, there is a writ of divorce. For we have learned in the Mishnah: **What is the difference between [testifying when delivering a writ of divorce and [testifying that the husband has] died? For the writing serves as ample evidence [in the case of a writ of divorce [M. Git. 2:7C-D].***

**II.1** A. **[If he testified,] “He [the husband] had died,” “I killed him,” “They killed him,” he may not then marry his [the deceased’s] wife:**

- B. *Lo, it is to him that his wife may not be married, but to a third party, she may be remarried. And yet, has not R. Joseph stated, “If someone testified, ‘Mr. So-and-so had sexual relations with Mr. Such-and-such against the latter’s will, the victim and another party may join together to give testimony to have the criminal put to death. If he testified that it was with the assent of the victim, then the victim is wicked, and the Torah has said, ‘Do not put your hand with the wicked to be an unrighteous witness’ (Exo. 23: 1)”? And should you say that evidence concerning a marriage is exceptional, because the rabbis have ruled leniently in that matter [a single witness being sufficient here], has not R. Manasseh said, **[25B]** “A person classified by the criteria of rabbis as a robber may be testimony in matters having to do with a marriage, while one classified by the criteria of the Torah as a robber may not give testimony in a matter having to do with a marriage” [Slotki: which proves that even in matrimonial matters a murderer is not eligible as a witness]? Shall we then have to say that R. Manasseh conforms to the view of R. Judah? [Slotki: would Manasseh ignore the majority, which is anonymous, in favor of the minority, Judah?]*

- C. *R. Manasseh may say to you: “My statement may be made even within the position of rabbis, and the operative consideration of rabbis here [admitting the*



evidence of a man who says he is a murderer] is the same as that of Raba. For said Raba, ‘A man is deemed related to himself, from which it follows that no one may validly declare himself to be wicked.’”

- D. *And must we suppose that R. Joseph [who does not admit the evidence of a murderer] holds the position of R. Judah?*
- E. *R. Joseph may say to you, “My statement accords even with the position of Rabbis, but evidence pertinent to a marriage is exceptional, because the rabbis have ruled leniently in that matter [a single witness being sufficient here]; and R. Manasseh is the one who adopted the position of R. Judah.”*

### **III.1 A. I have killed him...we have killed him:**

- B. *What difference is there between the formulation, “I killed him,” and “we killed him [for one way or the other it is a confession of murder]?*
- C. *Said R. Judah, “We deal with a case in which he says, ‘I was present along with his murderers’ [but did not participate].”*
- D. *But has it not been taught on Tannaite authority: **They said to R. Judah, “There was the case in which a certain thug was caught in Qapotqia and was being taken out to be executed. He said, ‘Go tell the wife of Simeon b. Kahana, “I murdered him when he came into Lud.” (Others say, “When he entered Lud”). And the case came to sages, who permitted his wife to remarry.” He said to them, “Is there any proof from that case? But in that case the doomed man said only, ‘I was present together with his murderers’” [T. Yeb. 4:5E-G]?***
- E. *But it is stated, a certain thug!*
- F. *He was arrested because of thuggery.*
- G. *But it is stated, **was being taken out to be executed!***
- H. *He was sentenced by a gentile court, which executes without due process.*

### **2:10A-D**

- A. **A sage who forbade a woman to her husband by reason of [her] vow, lo, this [sage] may not marry her.**
- B. **[If] she exercised the right of refusal or performed the rite of removing the shoe in his presence, he may marry her,**
- C. **because [in these latter instances,] he [is serving as a member of] a court.**
- D. **And in the case of all of them [M. 2:9A-D, 2:10A-C] who had wives (and) [the wives of] whom [thereafter] died — the [other] women may be married to them [who secured the right to remarry].**

- I.1** A. *Lo, if the sage had pronounced the woman relieved of her vow, may he then marry her [should she be divorced later on]? Then under what circumstances is this case to be interpreted? If we say that he acted as a singleton, then can a single judge release a vow? And did not R. Hiyya bar Abin said R. Amram said, “It is taught as the Tannaite formulation: the release of vows is to be done by three sages”? But if it were three judges who did it, then would a court of three be subject to this kind of suspicion? And do we not learn in the Mishnah: **[If] she exercised the right of refusal or performed the rite of removing the shoe in his presence, he may***

marry her, because [in these latter instances,] he [is serving as a member of] a court?

- B. *In point of fact, he acted on his own, in line with what R. Hisda said R. Yohanan said, "It may be done by an individual judge, if he is sufficiently expert." In this case too, it was done by an individual judge, who was sufficiently expert.*

**II.1 A. [If] she exercised the right of refusal or performed the rite of removing the shoe in his presence, he may marry her, because [in these latter instances,] he [is serving as a member of] a court:**

- B. *The operative consideration then is that it was a court of three, but if he had been part of a group of two persons, he would not then have been permitted. Then how does this differ from that which has been taught on Tannaite authority: witnesses who have signed on a document pertaining to the sale of a field or a writ of divorce — rabbis do not take precautions in such a case in respect to collusion?*
- C. *It is that very point that by reference to a court the framer of the passage wished to tell us, namely, to reject the opinion of him who says that a declaration of refusal may be carried out in the presence of two, and to imply that the exercise of the right of refusal must be carried out in the presence of three.*

**II.2. A. The question was raised: "If he married her, what is the law as to his having to divorce her?"**

- B. R. Kahana said, "If he married her, he has to divorce her."
- C. R. Ashi said, "If he married her, he does not have to divorce her."
- D. *R. Zuti of the household of R. Pappi repeated as the Tannaite formulation the rule in accord with the position of him who says, "If he married her, he does not have to divorce her."*
- E. *Rabbis said to R. Ashi, "Is this a matter of tradition or a matter of reasoning?"*
- F. *He said to them, "It is precisely what our Mishnah itself indicates: **He who is suspected [of having intercourse] with a slave woman, who is subsequently set free, or with a gentile woman, who subsequently converts, lo, this one should not marry [her].** But if he married her, they do not remove her from his possession. This proves that merely because of a rumor, [26A] a woman who has been married is not removed from the marriage. Here too, merely because of a rumor, a woman who has been married is not removed from the marriage.*

## 2:10E-F

- E. **And in the case of all of them who were married to other men and were divorced or widowed, they [then] are permitted to be married to them.**
- F. **And all of them are permitted to [marry] their sons or their brothers [of the aforementioned messengers, witnesses, or sages].**

**I.1 A. Only if they died it is the rule [that they [then] are permitted to be married to them], but if they were divorced, they are not.**

- B. *Said R. Hillel to R. Ashi, "But has it not been taught as the Tannaite formulation: **were divorced?**"*
- C. *There is no contradiction, the one [that Hillel has quoted] refers to a case in which the couple had been bickering, the other, where they never bickered. Or, if*

*you prefer, both refer to marriages in which there was no bickering, but there is no contradiction. The one speaks of a case in which the husband had encouraged the divorce, the other, a case in which she encouraged the divorce.*

**I.2. A. And in the case of all of them who were married to other men and were divorced or widowed, they [then] are permitted to be married to them:** *Assuming that the reference to the death of the second husbands, with whom marriage has taken place, is to the case of death, and divorce to the case of divorce [Slotki: where a letter of divorce was brought by a messenger], may we then say that the Mishnah-paragraph does not accord with the position of Rabbi, for from the viewpoint of Rabbi, there could not have been a third marriage, for he has said, "If something happens twice, it constitutes presumptive evidence [so she should not marry again]."*

B. *No, death speaks of a case in which there has been a divorce, and divorce to a case in which there was a death [Slotki: hence no two husbands died or divorced the same woman, and no presumption is established].*

**II.1 A. And all of them are permitted to [marry] their sons or their brothers [of the aforementioned messengers, witnesses, or sages]:**

B. *How is this different from the case concerning which it has been taught on Tannaite authority: **He who is suspect of having intercourse with a woman may not marry her mother, daughter, or sister** [T. Yeb. 4:5K]?*

C. *Woman frequently call on other women, but men don't frequently call on other men [so there would be no basis for suspicion]. or: women who don't cause one another to be forbidden if they have sexual relations with one another's husbands [that is, the husband can remain married to his wife if he had sexual relations with another woman], so they won't pay too much attention to misconduct, and there may be grounds for suspicion; but men, who do cause one another to be forbidden by sexual relations [with someone else's wives, the wife then being forbidden to her husband] to pay plenty of attention to one another's activities.*

D. *If so, then how about his father?*

E. *Well, there was no need to mention the case of the father, since the son would be pretty cautious [and not get familiar with the wife], but as to the son, before whom the father is not all that restrained, one might have supposed that the law did not pertain; so we are informed that the law pertains to the son as well.*