

# Y E B A M O T H

TRANSLATED INTO ENGLISH  
WITH NOTES, GLOSSARY  
AND INDICES

BY  
**REV. DR. Israel W. SLOTKI, M.A., Litt.D.**

UNDER THE EDITORSHIP OF  
**RABBI DR I. EPSTEIN**  
B.A., Ph.D., D. Lit.

## CONTENTS

	PAGE
<u>FOREWARD BY THE CHIEF RABBI</u>	xiii
<u>INTRODUCTION TO SEDER NASHIM BY THE EDITOR</u>	xxvii
<u>INTRODUCTION TO YEBAMOTH BY THE TRANSLATOR</u>	xli
<u>CHAPTER I</u>	2
<u>CHAPTER II</u>	17
<u>CHAPTER III</u>	26
<u>CHAPTER IV</u>	35
<u>CHAPTER V</u>	50
<u>CHAPTER VI</u>	53
<u>CHAPTER VII</u>	66
<u>CHAPTER VIII</u>	70
<u>CHAPTER IX</u>	84

<a href="#">CHAPTER X</a>	87
<a href="#">CHAPTER XI</a>	97
<a href="#">CHAPTER XII</a>	101
<a href="#">CHAPTER XIII</a>	107
<a href="#">CHAPTER XIV</a>	112
<a href="#">CHAPTER XV</a>	114
<a href="#">GLOSSARY</a>	
INDEX OF SCRIPTURAL REFERENCES	
<a href="#">GENERAL INDEX</a>	
TRANSLITERATION OF HEBREW LETTERS	
<a href="#">ABBREVIATIONS</a>	

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[Directory of Sedarim and Tractates](#)

**Folios:**

<a href="#">Intro</a>	<a href="#">2</a>	<a href="#">3</a>	<a href="#">4</a>	<a href="#">5</a>	<a href="#">6</a>	<a href="#">7</a>	<a href="#">8</a>	<a href="#">9</a>	<a href="#">10</a>
<a href="#">11</a>	<a href="#">12</a>	<a href="#">13</a>	<a href="#">14</a>	<a href="#">15</a>	<a href="#">16</a>	<a href="#">17</a>	<a href="#">18</a>	<a href="#">19</a>	<a href="#">20</a>
<a href="#">21</a>	<a href="#">22</a>	<a href="#">23</a>	<a href="#">24</a>	<a href="#">25</a>	<a href="#">26</a>	<a href="#">27</a>	<a href="#">28</a>	<a href="#">29</a>	<a href="#">30</a>
<a href="#">31</a>	<a href="#">32</a>	<a href="#">33</a>	<a href="#">34</a>	<a href="#">35</a>	<a href="#">36</a>	<a href="#">37</a>	<a href="#">38</a>	<a href="#">39</a>	<a href="#">40</a>
<a href="#">41</a>	<a href="#">42</a>	<a href="#">43</a>	<a href="#">44</a>	<a href="#">45</a>	<a href="#">46</a>	<a href="#">47</a>	<a href="#">48</a>	<a href="#">49</a>	<a href="#">50</a>
<a href="#">51</a>	<a href="#">52</a>	<a href="#">53</a>	<a href="#">54</a>	<a href="#">55</a>	<a href="#">56</a>	<a href="#">57</a>	<a href="#">58</a>	<a href="#">59</a>	<a href="#">60</a>
<a href="#">61</a>	<a href="#">62</a>	<a href="#">63</a>	<a href="#">64</a>	<a href="#">65</a>	<a href="#">66</a>	<a href="#">67</a>	<a href="#">68</a>	<a href="#">69</a>	<a href="#">70</a>
<a href="#">71</a>	<a href="#">72</a>	<a href="#">73</a>	<a href="#">74</a>	<a href="#">75</a>	<a href="#">76</a>	<a href="#">77</a>	<a href="#">78</a>	<a href="#">79</a>	<a href="#">80</a>
<a href="#">81</a>	<a href="#">82</a>	<a href="#">83</a>	<a href="#">84</a>	<a href="#">85</a>	<a href="#">86</a>	<a href="#">87</a>	<a href="#">88</a>	<a href="#">89</a>	<a href="#">90</a>
<a href="#">91</a>	<a href="#">92</a>	<a href="#">93</a>	<a href="#">94</a>	<a href="#">95</a>	<a href="#">96</a>	<a href="#">97</a>	<a href="#">98</a>	<a href="#">99</a>	<a href="#">100</a>
<a href="#">101</a>	<a href="#">102</a>	<a href="#">103</a>	<a href="#">104</a>	<a href="#">105</a>	<a href="#">106</a>	<a href="#">107</a>	<a href="#">108</a>	<a href="#">109</a>	<a href="#">110</a>
<a href="#">111</a>	<a href="#">112</a>								

**INTRODUCTION**

[page xli] The tractate of Yebamoth<sup>1</sup> has its origin in the following Scriptural passages from which branch out the numerous laws and regulations, the arguments and discussions that cover its hundred and twenty odd folios.

*If brethren dwell together, and one of them die, and have no child, the wife of the dead shall not be married abroad unto one not of his kin; her husband's brother shall go in unto her, and take her to him to wife, and perform the duty of a husband's brother unto her (Deut. XXV, 5).*

*And if the man like not to take his brother's wife, then his brother's wife shall go up to the gate unto the elders, and say: 'My husband's brother refuseth to raise up unto his brother a name in Israel; he will not perform the duty of a husband's brother unto me'. Then the elders of the city shall call him, and speak unto him; and if he stand, and say: 'I like not to take her'; then shall his brother's wife draw nigh unto him in the presence of the elders, and loose his shoe from off his foot, and spit in his face; and she shall answer and say: 'So shall it be done unto the man that doth not build up his brother's house' (ibid. 7-9).*

Two religious and social institutions, (a) levirate marriage and (b) *halizah*,<sup>2</sup> are thus promulgated in their simplest and elemental forms; and a superficial reading of the Biblical text would naturally lead to the conclusion that the former can be effected where the brother-in-law raised no objection against marriage with the widow and the latter where he did raise such an objection. In practical life, however, both marriage and *halizah* bristle with difficulties and are hedged in by a complexity of problems.

What, for instance, is a court to rule where the levir is willing to marry the woman but the latter is forbidden to him on account of consanguinity? She might be his wife's sister, or his own daughter or granddaughter. Is a brother, who was born after the death of his elder childless brother, subject to the obligations of the levirate [page xliii] marriage or *halizah*, and who is to perform the one or the other where the deceased is survived by more than one brother? What procedure is to be adopted if two, three or more brothers were married respectively to as many sisters and one or two of the brothers died without issue? What are the mutual privileges and obligations of a levir and his deceased brother's wife in respect of maintenance, handiwork and marital relationship generally during the period in which the latter is awaiting the decision of the former? Is the widow expected to marry the levir if he is of illegitimate birth or is afflicted with a

disease? How many judges constitute a court in respect of a *halizah* ceremonial and what footwear is included in the Biblical term *shoe*? Can the precept be observed where the levir has no foot from which 'to loose his *shoe*' or is deaf and unable to hear the recital of the prescribed formulae? Is a woman subject to the levirate obligations where her husband is reported to have died, and what evidence is admissible in connection with such a report?

Such and similar problems are discussed, solved and decided upon in the following pages on the basis of Scriptural texts, traditional rulings and precedents established by earlier courts. Incidentally other topics relating to matrimony and divorce and questions bearing directly or indirectly upon the main theme of the tractate are introduced by way of comparison, illustration, refutation or amplification.

Briefly summarized the sixteen chapters of Yebamoth deal with the following matters.

[CHAPTER I](#) enumerates and discusses fifteen categories of women relatives who exempt their rivals, and the rivals of their rivals *ad infinitum*, as well as themselves, from *halizah* and levirate marriage, and six other relatives, the prohibition to marry whom is of a more stringent character, and levirate marriage with whose rivals is permitted.

[CHAPTER II](#) begins with a definition of 'the wife of a brother who was not his contemporary' illustrating the wide application of the laws of exemption from levirate marriage that result therefrom, and indicating the exemptions due to the Rabbinical [page xliii] prohibition of certain marriages. It proceeds to deal with types of brothers who subject or exempt their brothers' widows from the levirate marriage and with the laws of procedure where one of two sisters was betrothed and it is unknown which of them it was. The relative duties of an elder and younger brother in regard to the levirate marriage, the circumstances in which a woman may or may not be married by a man who has been suspected of intercourse with her, or who had brought to her a letter of divorce or supplied the evidence on the basis of which permission was given her to marry again, or who was in any other way connected with her legal separation from her husband, are also among the subjects discussed.

[CHAPTER III](#) lays down the laws of the levirate marriage and *halizah* as they affect two or more brothers whose wives were sisters, a mother and daughter, a grandmother and granddaughter or sisters and a stranger, and indicates the precautions necessary where two women who were betrothed to two men were exchanged for one another while entering their bridal chambers

and it cannot be ascertained who married whom.

[CHAPTER IV](#) deals with the legal consequences of a *halizah* by, or marriage with a widow who was subsequently found to be pregnant; the right of a widow, during the period of her awaiting the decision of the levir, to own, to buy or to sell property; the relative claims of her father's and husband's heirs to the inheritance of her estate; the order of precedence among brothers in respect of the levirate marriage and which of them is the legal heir to the deceased brother's estate; the classes of men and women respectively that are forbidden or permitted to marry the widow or the levir as a result of, or despite the performance of a *halizah*, and what relatives by marriage are for the same reason exempt from the levirate marriage or *halizah* or both. Other subjects dealt with include the period that must be allowed between a husband's death and his widow's remarriage or *halizah*, the procedure to be adopted when more than one wife of the same brother or of two or more brothers survived their husband or husbands respectively, the question of the legitimacy of a child born from a marriage [page xliv] with one's own *haluzah*<sup>3</sup> or divorcee, and the right to live with any such woman. The chapter concludes with a discussion on the term *mamzer* or illegitimate child.

[CHAPTER V](#) is occupied with a discussion on the validity of a *get*,<sup>3</sup> a *ma'amar*,<sup>3</sup> intercourse or *halizah*<sup>3</sup> that had been given, declared or performed respectively either after or between any one or two of these.

[CHAPTER VI](#) recognizes the validity of all forms and manners of intercourse between levir and widow, and all the disqualifications resulting from any intercourse between persons who are forbidden to marry one another. This is followed by a discussion on whether women whom priests are forbidden to marry may eat *terumah'* while they are betrothed or married to such priests or after they have been divorced by them, the definition of widow whom a High Priest may not marry, whether he may marry a *bogereth*, where his priestly status changed after betrothal, whether he may contract levirate marriage and submit to *halizah*,<sup>3</sup> and under what conditions a priest may marry a barren woman. Other subjects discussed include the number of children, male and female that exempt one from the duty of the propagation of the race, the time limit to living with a woman who bore no child, the effect of a miscarriage on that time limit, the woman's right to marry another man, and the question whether a woman also is subject to the duty of the propagation of the race.

[CHAPTER VII](#) discusses the conditions under which a woman's slaves gain or lose the right to the eating of *terumah'* and in what

circumstances she herself is deprived of the privilege.

[CHAPTER VIII](#) mentions classes of priests that are forbidden to eat *terumah* though their wives and slaves may; and those whose slaves, as they themselves, may eat it but whose wives may not, and discusses various types of men and women who, on account of personal defects, illegitimacy of birth or tainted national origin, are forbidden to marry the daughter or the son of an Israelite respectively, are restricted in their choice of a spouse to a limited [\[page xlv\]](#) class of persons, and are also subject to restrictions in respect of *halizah* and *terumah*.

[CHAPTER IX](#) contains a list of women who are permitted to their husbands but forbidden to their levirs, permitted to the latter but forbidden to the former, and those who are permitted or forbidden to both; and lays down the conditions under which a betrothal or a marriage and the circumstances resulting there-from may confer upon a woman, or deprive her of the right to eat *terumah* or tithe.

[CHAPTER X](#) sets out the legal, religious or social consequences of a second marriage by a person whose husband or wife respectively was reported to have died in a foreign country and of a marriage or *halizah* by a young levir of the age of nine years and one day.

[CHAPTER XI](#) treats of marriage with a woman or her relatives contracted by a man whose father or son had outraged or seduced her, the inapplicability of a levirate marriage and *halizah* to the sons of a proselyte or emancipated bondwoman who were converted or emancipated respectively together with their mother, the legal complications and consequences, with special reference to the levirate marriage and *halizah*, where children of different mothers were mixed up or where a child was born from a marriage his mother contracted within three months of her separation from her first husband and it is unknown whether the child was one of seven or of nine months.

[CHAPTER XII](#) determines the number of judges that may constitute a court for the *halizah* ceremony, the kind of footwear the levir must wear for the occasion, the time, the formulae and other details relating to the performance of a *halizah* including the advice a court must tender in the interests of the two parties on the choice between *halizah* and the levirate marriage.

[CHAPTER XIII](#) prescribes the various laws relating to, and resulting from *mi'un*,<sup>3</sup> the remarriage by a husband of his wife after he had divorced her; brothers who married sisters in their minority; [\[page xlvi\]](#) one who married two orphan sisters; a levir who had intercourse with a widow while he and she were in their minority or where she was a minor and he was of age; a dispute

between the widow and the levir as to whether intercourse between them had taken place, and a widow who vowed to have no benefit from the levir.

[CHAPTER XIV](#) is concerned with marriages between persons one of whom was a deafmute before the marriage, or became deaf or imbecile after it; and with levirate marriage and *halizah* where two brothers had married two sisters or two strangers and both husbands and wives were deaf, or only one or other of the parties was afflicted with deafness and the others were of sound senses.

[CHAPTER XV](#) defines the circumstances and conditions in which a woman who returns from a country overseas, whither she went together with her husband or with her husband and son, is believed when she states that her husband was dead or that his death took place prior or subsequent to that of his son, and discusses the questions of whether such a woman's testimony entitles her to marriage only or also to her *kethubah*, and the bearing of her evidence on her *hahzah* and the privilege of eating *terumah*, what relatives are eligible to act as witnesses in establishing a married man's death, contradictory evidence, betrothal of one of a group of women or robbery from one of a group when it is uncertain which particular individual was betrothed or robbed, and the evidence of a woman that a son or levir was born and died abroad before or after the death of her husband.

[CHAPTER XVI](#) embodies a discussion on the laws resulting from a journey of a husband and rival to a country overseas and the former was reported to have died, the evidence of two sisters-in-law that their respective husbands died, and the essential features in the identification of a corpse or in evidence of death on the basis of which a married woman may be set free.

THE AGGADIC MATERIAL is rather scanty and some chapters are entirely devoid of it. The duty of honouring parents is referred to in the first chapter and, by deduction from Scriptural texts, it is held that it must not be allowed to supersede any other divine commandment, which is incumbent upon both parents and [\[page xlvii\]](#) children. A visit of three of the most prominent scholars of the time to R. Dosa b. Harkinas is described, and one gains a glimpse of the keen dialectical powers of R. Dosa's younger brother. Some reasons are given why proselytes from certain localities or peoples must not be accepted ([Chap. I](#)).

It is stated that no proselytes were received in the days of David and Solomon and that none would be accepted in the days of the Messiah ([Chap. II](#)) and that, at the present time, before a proselyte is initiated, the sufferings of Israel and their disabilities as well as

their heavy responsibilities and duties must be pointed out to him, every effort being made to discourage him from his intended conversion. Manasseh's indictment of Isaiah and the horrible death he inflicted upon him are described ([Chap. IV](#)).

The blessings and joys of married life, the relative advantages and disadvantages of commerce and agriculture, the curse of a bad wife, some Rabbis who suffered from their wives, and some maxims of Ben Sira are mentioned or described, and the neglect of the propagation of the race is compared to bloodshed and blasphemy. The study of the Torah, however, is accepted as a valid excuse for a bachelor's life ([Chap. VI](#)).

A discussion is reported between Saul, Doeg and Abner on the eligibility of David, who was a descendant of the Moabitess Ruth, to enter the congregation of Israel, and the story of the executions of the sons of Saul at the request of the Gibeonites (II Sam. XXI) is amplified and its moral lesson is duly drawn ([Chap. VIII](#)).

The penalty of the Levites for refusing to go up with Ezra to Judaea is mentioned ([Chap. IX](#)), and the merit of reporting a statement in the name of its author is dwelt upon ([Chap. X](#)). Everyone must pursue peace, avoid vows and, when exercising the office of judge, one must act as if a sword lay between his thighs and Gehenna was gaping beneath him ([Chap. XIII](#)).

Women are said to be glad of any type of husband however humble his position or occupation ([Chap. XV](#)). Remarkable escapes from shipwreck are described, and adduced as evidence of the wisdom underlying certain Rabbinic enactments, and these are followed by the story of the miraculous delivery of the daughter of [page xlviii] Nehunia the well-digger and his striking premonition ([Chap. XVI](#)). This introduction must not be concluded without an expression of heartfelt thanks to those who, in one way or another, were of assistance to me in the preparation of the translation and the notes, and whose names I have duly mentioned in the last paragraph of my introduction to Kethuboth.

#### I. W. SLOTKI

1. [H] pronounced [H] pl. of [H], deceased brother's widow, or the abstract noun of the same root signifying marriage with a deceased brother's widow.
2. V. [Glos.](#)
3. V. [Glos.](#)

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The Indices of this Tractate have been compiled by Judah J. Slotki, M. A.



### **PREFATORY NOTE BY THE EDITOR**

The Editor desires to state that the translation of the several Tractates, and the notes thereon, are the work of the individual contributors and that he has not attempted to secure general uniformity in style or mode of rendering. He has, nevertheless, revised and supplemented, at his own discretion, their interpretation and elucidation of the original text, and has himself added the notes in square brackets containing alternative explanations and matter of historical and geographical interest.

ISIDORE EPSTEIN

