

Mishnah Yevamot, chapter 5

משנה יבמות פרק ה

(1) Rabban Gamliel said: There is no [validity to a] letter of divorce after another letter of divorce [given in succession by one levir to two sisters-in-law; e.g., Reuvein died leaving two widows, Sarah and Rivkah. A surviving brother Shimon gave a letter of divorce to Sarah and subsequently, gave another one to Rivkah; there is no validity to the divorce of Rivkah. The same law applies where Reuvein died leaving over one widow, Sarah, and two surviving brothers, Shimon and Levi. Shimon gave her a letter of divorce and then Levi also gave a letter of divorce to Sarah; the second divorce, that of Levi, has no consequence and Levi is permitted to marry the relatives of Sarah. The reason being, that a letter of divorce prohibits a subsequent levirate bond for the widow and her rival co-wife, (once a divorce had been given, the levir had placed himself under the prohibition of Deuteronomy 25:9, “who will not build up;” if he once refused to build, the opportunity to do so is never again offered. Hence the prohibition of the levirate marriage) and therefore, the second divorce is as though given to a total stranger, since he cannot perform levirate marriage with her and is therefore of no consequence], nor [is there validity] in a *ma'amar* [i.e., he said to the widow “You are betrothed to me”] after another *ma'amar* [if one of two surviving brothers, Shimon, addressed a *ma'amar* to Sarah and then the second brother Levi did likewise, or in the case where there are two widows and only one surviving brother who addressed a *ma'amar* to both widows; the second *ma'amar* is of no consequence. The first *ma'amar* has initiated the requirements of the levirate obligations and consequently, a) the one widow, to whom the second brother addressed the *ma'amar*, or b) the *ma'amar* addressed to the second widow is not valid, and does require a letter of divorce. The *ma'amar* to the second widow moreover, does not cause the prohibition of the first widow to the levir, and her relatives also are permitted to the levir], nor [is there validity] in an act of cohabitation after another act of cohabitation [the second act (in case

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א רבן גמליאל אומר אין גט אחר גט. שתי יבמות ליבם אחד מאח אחד, ונתן גט לראשונה וחזר ונתן גט לשניה, לא נאסרו קרובות השניה עליו למהווי בגרושתו, דמכי יהיב גט לראשונה פקעה זיקת שתייהן מעליו, דגט מהניה ביבמה למימקם עלה בלא יבנה, ושוב לא ייבם לא הוא ולא שאר האחים לא ליבמה שקבלה הגט ולא לצרתה, הלכך כי הדר ויהיב גט שני לשניה אין במעשיו כלום והווי כנותן גט לאשה נכרית דעלמא. וכן שני יבמין ליבמה אחת ונתן זה גט וזה גט. האחרון אינו כלום ומותר

1) by the one levir with the second widow or (in case 2) by the second levir with the one widow respectively, has no matrimonial validity to cause the prohibition of her relatives to the levir], nor [is there validity] in one *halitzah* after another *halitzah* [the first *halitzah* has totally severed the levirate bond. The second *halitzah* is, therefore, valueless]. The Sages, however, said: One letter of divorce has validity after another letter of divorce [since a divorce only disqualifies the performance of levirate marriage due to the prohibition of “who will not build up;” but does not actually sever the levirate bond as does *halitzah*; therefore, the second divorce does have some validity and (in case 1) the relatives of the second widow are therefore, forbidden to the levir as relatives of his legal divorcee and (in case 2) the relatives of the one widow are similarly forbidden to the second levir], and a *ma'amar* [has validity] after another *ma'amar* [the first *ma'amar* initiated the levirate process and effected only partial matrimony, since the levirate obligations are not fully satisfied until the consummation of the marriage took place. The second *ma'amar*, since it was made before consummation had taken place, has, therefore, some validity]; but there is no validity in any act after cohabitation or *halitzah* [either of these acts satisfies fully all the requirements of the levirate obligations. The former effected complete union; the latter final severance. No act in connection with the levirate obligations that follows either of these can, therefore, have any validity].

(2) How [is the levirate law between one levir and one sister-in-law effected (this section has no reference to the dispute in the previous section)]? If a levir addressed a *ma'amar* to his widowed sister-in-law and subsequently gave her a letter of divorce, it is necessary for her to perform the *halitzah* with him [but no levirate marriage may now be contracted. The *ma'amar* alone has not completely satisfied the requirements of the levirate obligations; since the marriage was not consummated the subsequent divorce has no severing validity, hence the need for *halitzah*. Since however, a divorce had been given, the levir had placed himself

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בקרובותיה: ולא מאמר אחר מאמר. בין שני יבמין ליבמה אחת בין ביבם אחד ושתי יבמות, האחרון אינו כלום ואינה צריכה ממנו גט ומותר בקרובותיה: יש גט אחר גט. דקמא לא דחה זיקתה לגמרי דהא בעיא חליצה, הלכך אכתי איכא פלגא זיקה ואהני גט שני לשניה למיהוי גרושתו ואסיר

under the prohibition of Deuteronomy 25:9, “who will not build up;” if he once refused to build he must never again build. Hence the prohibition of the levirate marriage]. If he addressed

to her a *ma'amar* and then performed *halitzah* [i.e., the procedure of refusal and severance of the levirate bond], it is [still] necessary for her to obtain from him a letter of divorce [to annul the *ma'amar* which besides initiating the levirate marriage, in some respects, has the force of a normal matrimonial betrothal. The *halitzah* alone is therefore not enough, since it only severs a levirate bond but does not annul the normal matrimonial aspects of the *ma'amar*]. If he addressed to her a *ma'amar* and then had relations with her, this is in accordance with the prescribed [manner of fulfilling the levirate] precept.

(3) If the levir gave her a letter of divorce and then addressed to her a *ma'amar*, it is necessary for her to obtain a [second] letter of divorce [even according to Rabban Gamliel. Since the divorce did not completely sever the levirate bond, rather, it placed him under the prohibition of Deuteronomy 25:9 “who will not build up;” therefore, the subsequent *ma'amar* is only technically disqualified, but still may have some validity and a divorce is therefore required to annul the *ma'amar*], and to perform the *halitzah* [in order to sever the levirate bond. Consummation of the levirate marriage, however, must not take place now after the delivery of the first letter of divorce, due to the aforementioned prohibition]. If he gave her a letter of divorce and then had relations with her, it is necessary for her to obtain a [n additional] letter of divorce and to perform *halitzah* [maintaining such a levirate marriage is forbidden due to the first divorce; a subsequent letter of divorce is required owing to the act of cohabitation, while *halitzah* is necessary to sever the levirate bond]. If he gave her a letter of divorce

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בקרבובתיה. וכן הלכה: **ב כיצד**. לאו אפלוגתא קאי אלא מילתא באנפי נפשה, ואיבם אחד ויבמה אחת קאי. והכי קאמר, כיצד דין יבם אחד ויבמה אחת: **צריכה הימנו חליצה**. ואם רצה לכנוס לא יכנוס, דכיון דהתחיל בגרושין קיימא עליה בלא יבנה: **צריכה הימנו גט**. דחליצה אפקעתא לזיקה, וגט בעי לאפקועי קדושין דליה, דחליצה לא מפקעא קדושין: **ג נתן גט ועשה**. מאמר צריכה גט וחליצה. דגט דחי קצת ושייר קצת ומאמר קני שיורא דגט, הלכך צריכה גט למאמרו וחליצה לזיקתו: **נתן גט ובעל**. אסור לקיימה, שמשעה שנתן גט קיימא עליה בלא יבנה, וצריכה גט לביאתו וחליצה

הימנו חליצה. עשה מאמר וחליצה, צריכה הימנו גט. עשה מאמר ובעל, הרי זו כמזוּתה: **ג נתן גט ועשה מאמר**, צריכה גט וחליצה. **נתן גט ובעל**, צריכה גט וחליצה.

and then performed *halitzah*, there is no validity [in any further act whether it be the addressing of a *ma'amar* or cohabitation. The levirate bond has been completely severed] after *halitzah* had been performed. If the levir performed *halitzah* and then

נתן גט וחליץ, אין אחר חליצה כלום. חליץ ועשה מאמר, נתן גט, ובצעל, או, בעל ועשה מאמר, נתן גט, וחליץ, אין אחר חליצה כלום. אחת יבמה אחת ליבם אחר, ואחת שתי יבמות ליבם אחר: ד כיצד עשה מאמר בזה ומאמר בזה, צריכות שני גטין וחליצה.

addressed to her a *ma'amar* [the *ma'amar* is of no consequence], or gave her a letter of divorce [the divorce is of no consequence], or cohabited with her [the cohabitation is of no consequence]; or if he [didn't perform *halitzah*, but rather], cohabited with her and then addressed to her a *ma'amar*, or [after having had relations] gave her a letter of divorce, or performed *halitzah*, no act is valid after *halitzah* [and therefore, if after *halitzah* was performed he addressed a *ma'amar* to her or had relations there is no validity to any of these actions which would necessitate issuing a subsequent letter of divorce, or in the latter cases, if after having had relations he issued her a letter of divorce, there are no further actions required for the completion of the levirate obligations and as a result of the levirate bond transforming itself into a normal matrimonial bond the levirate bond has now completely disappeared, therefore *halitzah* is not required subsequent to a letter of divorce] and the law is the same whether there is one sister-in-law to one levir or two sisters-in-law to one levir [i.e., that there is partial validity in actions subsequent to a letter of divorce or *ma'amar* and that there is no validity in any action after *halitzah* nor any levirate bond after cohabitation].

(4) How [is the law when there is one levir and two widowed sisters-in-law]? If the levir addressed a *ma'amar* to the one [sister-in-law] and a *ma'amar* to the other [sister-in-law], two letters of divorce [one for each woman, in accordance with the view of the Sages in our Mishnah that a *ma'amar* after a *ma'amar* has validity] and one *halitzah* [with either. The *halitzah* with one exempts her rival]

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לויקתו: אין אחר חליצה כלום. הא מתניתין ר' עקיבא היא דאמר אין קדושין תופסין בחיבי לאוין. ואינה הלכה, אלא הלכה כחכמים שאומרים יש אחר חליצה כלום, ואם קידשה אחר חליצה צריכה דימנו גט: אחת יבמה אחת ליבם אחר, ואחת שתי יבמות ליבם אחר. שוין הן שיש אחר גט ראשון או אחר מאמר ראשון כלום ואין אחר ביאה שבתחלה כלום ואין אחר חליצה כלום:

are required. If he addressed a *ma'amar* to one and gave a letter of divorce to the other, [the one to whom he addressed the *ma'amar*] requires a letter of divorce [levirate marriage with her must not be consummated on account of the divorce of the second; hence the necessity for a divorce to

annul the *ma'amar*, which the *halitzah* cannot do] and [he must perform] *halitzah* [with either one, to sever thereby the levirate bond which a letter of divorce cannot do]. If he addressed a *ma'amar* to one and had relations with the other, both require letters of divorce [on account of the *ma'amar* and the cohabitation, respectively. The second widow may not be retained in matrimony, due to the bond of the *ma'amar* with the first] and [he must perform] *halitzah* [with either one, the other becoming thereby exempt from the levirate obligations.]. If he addressed a *ma'amar* to one and performed *halitzah* with the other, it is necessary for the first to obtain a letter of divorce [the *halitzah* of the second cannot annul the force of the *ma'amar* of the first]. If the levir gave a letter of divorce to one as well as to the other, *halitzah* is necessary for both [the *halitzah* is performed with either one, who thereby exempts the other]. If he gave a letter of divorce to one and cohabited with the other, [the second] requires a letter of divorce [she is forbidden to the levir on account of the divorce of the first] and must also perform *halitzah*. [If he gave] a letter of divorce to one and addressed a *ma'amar* to the other, [the second] requires a letter of divorce and [he performs] *halitzah* [with either]. [If he gave] a letter of divorce to one and performed *halitzah* with the other, there is no validity in any act that follows the *halitzah* [the *halitzah* of the second sets both widows free; and the divorce of the first is of no consequence].

(5) If the levir performed *halitzah* with one and also the other; or performed

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ד צריכות שני גיטין. לשתי יבמות. כרבנן דיש מאמר אחר מאמר: **וחליצה.** לאחת מהן, ופותרת צרתה: **מאמר בזו וגט לזו.** פסל גט של אחרונה את הראשונה, דקם ליה בלא יבנה, וצריכה גט למאמרו וחליצה לזיקתו: **מאמר בזו ובעל את זו צריכות שני גיטין.** זו גט למאמרו וזו גט לביאתה: **וחליצה.** לאחת מהן ופותרת צרתה: **גט לזו ובעל את זו צריכות גט וחליצה.** ואסור לקיימה דקם עליה בלא יבנה משום גט ראשון, ובגט לחודא לא נפקה בעלת ביאה, דביאה פסולה היא: **אין אחר חליצה כלום.** ואי הדר מקדש לה או לצרתה לא תפסי בה קדושין כר' עקיבא דאמר אין קדושין תופסין בחייבי לאוין. ואינה הלכה: **ה חלץ וחלץ.** מותר בקרובות שניה, שאין אחר

halitzah [with one] and addressed [to the other] a *ma'amar*, [or performed *halitzah* with one and] gave the second a letter of divorce, or cohabited with the second; or if he cohabited with one and then the other; or cohabited [with one] and addressed [to the other] a *ma'amar*, or gave her a letter of

או, חלץ ועשה מאמר, נתן גט ובעל, או, בעל ובעל, או, בעל ועשה מאמר, נתן גט, וחלץ, אין אחר חליצה כלום, בין יבם אחד לשתי יבמות, בין שני יבמין ליבמה אחת: ו חלץ, ועשה מאמר, נתן גט, ובעל, או, בעל, ועשה מאמר, ונתן גט, וחלץ, אין אחר חליצה כלום, בין בתולה, בין באמצע, בין

divorce, or performed with her *halitzah*, no act is valid after the *halitzah* [nor does there remain any levirate bond after cohabitation with the first, i.e., the relatives of the second widow are permitted to him as though he had not acted at all after the first *halitzah* or after having cohabited with the first]. [There is no difference in the law] whether there was one levir to two sisters-in-law or two levirs to one sister-in-law [and the two levirs performed the aforementioned acts with the same widow].

(6) [If a levir, in the case of one levir and one sister-in-law] performed *halitzah* and then addressed to her [the same sister-in-law] a *ma'amar*, [or if after *halitzah*] gave her a letter of divorce, or [or if after *halitzah*] cohabited with her; or if he cohabited with her, and then addressed to her a *ma'amar*, [or then] gave her a letter of divorce, or [then] performed *halitzah*, [no act is valid after the *halitzah* nor does there remain any levirate bond after cohabitation; however, the difference between the two is that regarding] “no act is valid after the *halitzah*” [it makes no difference] whether [the *halitzah* was performed] in the beginning, in the middle [i.e., between a *ma'amar* and a divorce. If, e.g., he gave a letter of divorce to one, performed *halitzah* with the other, and then addressed a *ma'amar* to one of them], or at the end [i.e., performed *halitzah* after a *ma'amar* and a

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חליצה ראשונה שום זיקת יבמין, וחליצה בתרייתא לאו כלום היא ואפילו לכהונה אינה פסולה. וכן חלץ לזו ומאמר לזו. וכן נתן גט לזו אחר החליצה של זו. או אם בעל לזו אחר החליצה של זו אין מעשה האחרון כלום. או אם בעל תחלה וחזר ובעל לשניה. או בעל תחלה ועשה מאמר בשניה, או נתן גט לשניה או חלץ לשניה, אין אחר ביאה כלום ומעשה אחרון לא חשיב ומותר בקרובות השניה: **אין אחר חליצה כלום.** ארישא קאי. ואסיפא צריך למימר אין אחר ביאה כלום: **ו חלץ ועשה מאמר נתן גט ובעל.** איבם אחד ויבמה אחת קאי. ואף על גב דתנא לעיל, הדר תניא הכא משום סיפא דבעי לאפלוגי בין ביאה לחליצה, דחליצה בין בתחלה בין באמצע בין בסוף אין אחריה כלום, והביאה דוקא בזמן שהיא בתחלה. ולאשמועינן נמי פלוגתא דר' נחמיה ורבנן: **בין בתחלה בין**

divorce. The *halitzah* is invariably valid, and any *ma'amar* addressed subsequently has no validity at all, and the widow requires no divorce. However,] regarding [“nor does there remain any levirate bond after]

בסוף. והבעילה, בזמן שהיא בתחלה, אין אחריה כלום. באמצע ובסוף, יש אחריה כלום. רבי נחמיה אומר, אחת בעילה ואחת חליצה, בין בתחלה, בין באמצע, בין בסוף, אין אחריה כלום:

cohabitation,” if it took place first, no act that follows it has any validity; if it occurred, however, in the middle [e.g., if he divorced one, and then cohabited with the other, and addressed a *ma'amar* to a third, in which case the cohabitation, owing to the previous divorce, was unlawful] or at the end [if he divorced one, addressed a *ma'amar* to the other, and then cohabited with one of them] something valid [of the levirate bond] still remains [hence, in the first case, where he cohabited in the middle, the relatives of the second widow are forbidden to him, and in the second case, *halitzah* is required, since the levirate bond cannot be severed by a letter of divorce]. Rabbi Nehemiah said: With cohabitation as with *halitzah*, whether it took place in the beginning, in the middle, or at the end, there is no validity to any act that follows it [i.e., after cohabitation, a letter of divorce without *halitzah* is enough, and the betrothal of the other after cohabitation with the first is invalid].

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באמצע. כגון גט לזו וחלץ לזו וחזר ועשה בה מאמר או בבעלת הגט, לא מהני המאמר ולא בעינן גט למאמרו: **בסוף.** אחר מאמר וגט חלץ: **אין אחריה כלום.** חליצה גמורה היא, ואי הדר ועבד מאמר לא בעיא גט, משום דחליצה גירושין גמורים נינהו, ואע”ג דהיא חליצה פסולה: **באמצע.** כגון גט לזו ובעל לזו וחזר ועשה מאמר בשלישית, אסור בקרובותיה: **ובסוף.** גט לזו ומאמר לזו וחזר ובא עליה על [האחת], יש אחר ביאה זו זיקת יבמין, וכי מפיק לה בעיא חליצה ולא סגי לה בגט: **אין אחריה כלום.** ונפקא בגט בלא חליצה. ואי הדר וקידש לאידך אחר ביאה אין במעשיו כלום: