



Volume 3. Issue 3.

## On Mourning

The *Mishnah* in *Yevamot* (4:10) states

A *yavamah* may not perform *chalitzah* and is not taken in through *yibum* until she has waited three months, and likewise all other women may not enter into *eirusin* (*halachic* engagement) and *nesuin* (marriage) until they have waited three months (following their previous marriage).

The reason for this decree is to ensure that a situation will not arise in which the paternity of a child born during the second marriage will be thrown into doubt. This is achieved by delaying the second marriage for three months. If at the end of that period the woman shows no signs of pregnancy, we are certain that she did not become pregnant by the first husband. Thus, any child born afterwards is definitely the offspring of the second husband.

In the same *Mishnah*, *R' Yosi* is of the opinion that "all previously married women may enter into *eirusin* immediately, except a widow". According to *R' Yosi*, a widow is not permitted to enter into *eirusin* straight after the death of her husband, as she must fulfil a thirty day mourning period.

The *Gemara* (*Yevamot* 43a) outlines a number of challenges that attempt to refute the opinion of *R' Yosi*. In one of these attempted refutations, *Rava* compares the mourning period of the week preceding *Tisha B'Av* with the mourning period following the death of a close relative. The *kal vachomer* dictates that since in a mourning period (the week of *Tisha B'Av*) where the *halacha* is that it is forbidden to engage in business activities, yet it is permissible to enter into *eirusin*, it should logically follow that in the mourning period where it is permitted to engage in business activities (the 30 days of mourning for a husband) that it should be permissible to enter into *eirusin* during this time.

A lengthy discussion ensues in the *Gemara*, but the conclusion of the *Gemara* is stated by *Rav Ashi* (43b): "present mourning is different from mourning about the past and communal mourning is different from individual mourning." *Rashi* explains the difference that the *aveilut* during *Tisha B'Av* is of a public and historical nature; therefore we are able to be more lenient in letting people do *eirusin* in this time. The same cannot be said for an individual, "fresh" *aveilut* where doing *eirusin* in this time is deemed totally inappropriate.

However, this explanation does not address the contradiction of business activities. Why should business activities be deemed forbidden in a public, 'older' *aveilut*, whereas in the individual, 'recent' *aveilut* it is permitted?

*Tosfot* (s.v. *shani*) answers this question in a practical way. *Tosfot* states that the reason that business activities are forbidden in the week preceding *Tisha B'Av* is precisely because it is a public and past *aveilut*. If business activities were permitted, people would see a shopkeeper going to work during this week, and feel that this shopkeeper was not appropriately mourning for the destruction of Jerusalem. *Tosfot* focuses on the word '*rabbim*'. The reason why *Tosfot* feels that *eirusin* is permitted in the week before *Tisha B'Av* is specifically because it is an 'older' *aveilut*. *Tosfot* focuses on the two aspects of the *aveilut* separately - the public aspect to forbid business activities, and the ancient aspect to allow *eirusin* during this time.

This explanation is problematic according to *Rashi*, who seems to be saying we are lenient during the week of *Tisha B'Av* because of **both** aspects combined (public and ancient *aveilut*). How then does *Rashi* understand the inconsistencies of business activities during these two times?

*R' Kornfeld* (<http://www.dafyomi.co.il/yevamos/insites/ye-dt-043.htm>) states that it could be that *Rashi* understood the *Gemara* in a way similar to that of *Tosafos*, that *Tisha B'Av* is more stringent when it comes to doing business activities, but for a different reason than the reason that *Tosfot* gives. According to *Rashi*, the very fact that *Tisha B'Av* is not an individual *aveilut* requires that steps be made to help arouse people to mourn. The *Chachamim* made certain enactments in order to help people focus on the *aveilut* and ponder the destruction of Jerusalem and not be distracted. Therefore, they prohibited things which cause people to take their minds off of mourning, such as business activities. That is, the actual fact that business activities are forbidden may not be a law of *aveilut* at all! They did not prohibit *eirusin*, though, on such days, because *eirusin* is a momentary act that will not detract from one's concentration on mourning for Jerusalem. Following the death of a husband, though, since the *aveilut* is personal and recent, the mourner will not become distracted from his *aveilut* by undertaking business activities.

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This week's issue is dedicated  
for the *yahrtzeit* of:

אברהם יעקב בן דוד ע"ה

**Revision Questions**

יבמות ד' ה' – ה' ה'

- Which brother is first approached to perform *yibum* or *chalitzah*? (ד' ה')
- If all brothers decline, which brother must perform either *yibum* or *chalitzah*? (ד' ה')
- If one of the brothers is overseas, do we wait for him to return? (ד' ה')
- If one performs *chalitzah*, who inherits his late brother's property? (ד' ה')
- If one performs *yibum*, who inherits his late brother's property? (Include both opinions) (ד' ה')
- If one performs *chalitzah*, which of her relatives is he forbidden to then marry? (ד' ה')
- Regarding the previous question, which of his relatives is she forbidden to then marry? (ד' ה')
- If one's brother marries his divorced wife's sister, then dies, must he perform *yibum*? (ד' ה')
- What is the law regarding a case where while a *shomeret yabam* is waiting, one of the brothers goes and performs *kiddushin* to her sister? (ד' ה')
- Regarding the previous question, in what scenario would the brother be told to give the sister a *get*? (ד' ה')
- How long must one wait before performing *yibum* or *chalitzah*? (ד' ה')
- Describe the three opinions regarding to who else this waiting period applies. (ד' ה')
- If four brothers die (without children) can one brother perform *yibum* to all four wives? (ד' ה')
- If one brother dies (without children) that had more than one wife, can the brothers perform *yibum* to both wives? (ד' ה')
- Regarding the previous case, is there ever a preference to which wife *yibum* or *chalitzah* should be performed? (ד' ה')
- The offspring from which three forbidden relationships are debated as being considered *mamzerim*? (ד' ה')
- What are the three different opinions regarding the definition of a *mamzer*? (ד' ה')
- When is one allowed to marry his wife's sister? (ד' ה')
- Explain the debate regarding the following statement: (ד' ה')  
"אין גט אחר גט ולא מאמר אחר מאמר"
- What else is required if the brother performed:
  - A *ma'amar* and *get*?
  - A *ma'amar* and *chalitzah*?
  - A *ma'amar* and *yibum*? (ד' ה')
  - A *get* then a *ma'amar*?
  - A *get* and then "yibum"?
  - A *get* and then *chalitzah*?
  - *Chalitzah* and then a *ma'amar*? (ד' ה')
- What is the law regarding a case where one brother who had two wives dies (without children) where one brother is left and he:
  - Performed a *ma'amar* to both women?
  - Performed a *ma'amar* to one, and "yibum" to the other?
  - Performed a *ma'amar* to one, and gave a *get* to the other?
  - Gave a *get* to one and a *ma'amar* to the other?
  - Gave a *get* to both women? (ד' ה')
  - Did *chalitzah* to both women?
  - Did *chalitzah* to one and performed a *ma'amar* to the other? (ד' ה')

**Local Shiurim**

**Sunday -Thursday**

Between mincha & ma'ariv  
Mizrachi Shul

**Friday & Shabbat**

10 minutes before mincha  
Mizrachi Shul

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- [www.shemayisrael.com/mishna/](http://www.shemayisrael.com/mishna/)

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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
27 <sup>th</sup> August ג' אלול	28 <sup>th</sup> August ד' אלול	29 <sup>th</sup> August ה' אלול	30 <sup>th</sup> August ו' אלול	31 <sup>st</sup> August ז' אלול	1 <sup>st</sup> September ח' אלול	2 <sup>nd</sup> September ט' אלול
Yevamot 5:6-6:1	Yevamot 6:2-3	Yevamot 6:4-5	Yevamot 6:7-7:1	Yevamot 7:2-3	Yevamot 7:4-5	Yevamot 7:6-8:1

