



Tzarat Ervah

The new *seder*, *seder Nashim*, begins with *Masechet Yevamot*. If a woman's husband dies without having any children and the deceased has brothers from a common father, then they are obligated to perform either *yibum* or *chalitzah* (see *Devarim* 25:5-10). The former is where the brother effectively marries the widow, while the latter is a process through which the widow is then able to remarry outside the family. One must note that ordinarily one's brother's wife is a forbidden relationship. It is only in the context of *yibum* that this union is permitted. We will learn about both of these throughout the course of the *masechet*.

There are situations where a brother may be exempt from *yibum* or *chalitza*. One such case is if the brother (*yabam*) is related to the widow (*yevamah*) in a way such that *yibum* would constitute a biblically forbidden relationship, or more specifically, an *issur ervah* (see *Yevamot* 3b). The first *Mishnah* lists those cases where the widow would be forbidden to the *yabam* but was not forbidden to the deceased. The *Mishnah* teaches that not only is the *yevamah* exempt from *yibum* and *chalitzah* but the other wives (*tzarot*) as well. The *Gemara* (3b) derives this exemption from *pesukim*.

The *Grach* (*Chidushim* 76) inspects this exemption that applies to the *tzarah*. How do we understand the exemption that applies to the *tzarah*? Is it that the *ervah* exempts that *tzarah*? Or is it that the *tzarah* exempts herself by virtue of being defined as a *tzarat ervah*? In other words, the name *tzarat ervah* carries its own status of an *ervah* that exempts her from *yibum*.

The *Grach* uses this distinction to explain a *Tosfot* who he understands maintains the latter understanding. One is not allowed to marry his wife's sister, even after he has divorced his wife. If however his wife dies, then he is allowed to marry his deceased wife's sister. The *Mishnah* (3:7) records a case of three brothers (*Reuven*, *Shimon* and

Levi), where *Reuven* and *Shimon* marry two sisters (*Leah* and *Rachel*) and *Levi* marries an unrelated woman (*Sarah*). *Reuven* dies and *Levi* performs *yibum* to *Leah*. *Shimon's* wife *Rachel* then dies and then *Levi's* dies. Even though *Rachel* died prior to *Levi*, meaning at the time of the second *yibum* one might think the *Leah* is permitted to *Shimon*, since there was a point when *Leah* was prohibited (after *Reuven's* death and prior *Rachel's*) *Leah* remains prohibited (*keivan de'ne'esrah*).

The *Tosfot* there questions this *Mishnah*. There is a debate whether "*nisuin mapilin*" (13a) – at the time of marriage do we view it as if there is an obligation of *yibum*. The practical difference is in a situation of where one's brother has two wives, one of which an *issur ervah*. If the *ervah* dies prior to the brother dying, is the *tzarah* exempt? If we say "*nisuin mapilin*" then the *tzarah* is exempt since at the time of marriage she was a *tzarat ervah*. Now according to that opinion, the *Mishnah* could have taught that the first person to die in the chain of events was *Rachel* since, due to *nisuin mapilin*, *Leah* is already *assur*.

The *Tosfot* answer that *nisuin mapilin* only helps with a *tzarat ervah*. That is, if she was a *tzarat ervah* at some point during the marriage, she is exempt even if at the time of *yibum* the *ervah* is not one of the widows. *Nisuin mapilin* however does not work to make it as if the requirement of *yibum* has now occurred; as if *Leah* requires *yibum* in the life of *Rachel*.

The *Grach* explains that for an *ervah*, for the principle of *keivan de'ne'esrah* to exempt her, she would need to be prohibited at the actual time when *yibum* is required. For the *tzara*, at the time when both the *ervah* and the *tzarah* are married, according to those that maintain *nisuin mapilin*, the *tzarah* get the status of *tzarat ervah* that carries a status of *ervah* and ultimately exempts her even if she is the lone widow at the time of *yibum*.¹

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¹ According to this, the *Grach* explains that in a case of two wives, where one was an *ervah* but ceased being so during the marriage, at the time of *yibum*, the *tzarah* would be exempt (as explained) and the original *ervah*

could have *yibum* performed to her were it not for the fact that she now is a *tzarat ervah*.

Revision Questions

חגיגה ג' ג' ח'

- Can one touch *ochlim neguvim* that is *trumah* without washing their hands? (ג' ג')
- What two people require *tevilah* for *kodesh* but not for *trumah*? (ג' ג')
- In what case do we trust a person in regards to the purity of *kodesh* more than we would for *trumah*? (ד' ג')
- What is the geographical border beyond which we no longer trust the sellers of earthenware about the purity of their wares? (ה' ג')
- Do we trust a thief, which returned what he stole, when he assures us that he did not touch anything else in the house? (ו' ג')
- What assumption do we make regarding *tum'ah ve'tahara* during the festivals? (ז' ג' ז')
- In what case do they debate whether this assumption carries over till after the festival? (ח' ג')
- Which of the utensils was unable to be taken to the *mikvah* and thus required extra precaution with respect to *tum'ah ve'tahara*? (ט' ג')
- Which two utensils in the *Beit Ha'Mikdash* do not require *tevilah* and why? (י' ג')

במות א' א' ב' ד'

- What are the fifteen relatives that are exempt from *yibum*? (א' א')
- What is a *tzarah* and when are they also exempt for *yibum*? (Careful) (א' א')
- Provide an example of how a *tzarah* of a *tzarah* can also be exempt from *yibum*. (ב' א')
- Provide an example of how one of the *tzarot* of one of the relatives in the first *Mishnah* could indeed be obligated for *yibum*. (ב' א')
- What are the six relationships forbidden to both brothers? (ג' א')
- Can one marry a *tzarah* of one of these relatives? (ג' א')
- Who argues with the principle brought in the first *Mishnah* and what does he argue? (ד' א')
- List two implications of this dispute. (ד' א')
- What are the cases brought of “*eshet achiv shlo haya b'olamo*”? (ב' א' ב')
- Who argues on the second case and why? (ב' ב')
- What is the law regarding the two sisters that married two brothers, and then the both brothers passed away, with respect to the third remaining brother? (ג' ב')
- What is the exception to the answer to the previous question? (ג' ב')
- What is an *issur mitzvah*? (ד' ב')
- What is an *issur kedushah*? (ד' ב')

Local Shiurim

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Sunday -Thursday
10 minutes before *Mincha*
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Friday & Shabbat
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Shiur in English

Sunday -Thursday
Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
6 th May י"ד אייר	7 th May ט"ו אייר	8 th May ט"ז אייר	9 th May י"ז אייר	10 th May י"ח אייר	11 th May י"ט אייר	12 th May כ' אייר
Yevamot 2:5-6	Yevamot 2:7-8	Yevamot 2:9-10	Yevamot 3:1-2	Yevamot 3:3-4	Yevamot 3:5-6	Yevamot 3:7-8

