



## Tzarat Tzaratah

If a married man passes away without having any children, one of the surviving brothers (from a common father) is required to either perform *yibum*, effectively marrying the widow, or *chalitzah*, the process through which she is then free to marry anyone else. If the widow is related to the brother in a way that *yibum* would constitute an *issur ervah* (biblically forbidden relationship) then he is not required to perform the *mitzvah* of *yibum*. If there are no other brothers, then she is free to marry another, even without *chalitzah*. The *Mishnah* (1:1) teaches that if the late brother left two widows, then the second wife, the *tzarah*, is exempt from *yibum* and *chalitzah* as well, even though she is not related to the surviving brother. Last cycle (Vol 9, Iss1) we focused on the nature of this exemption.

The *Mishnah* explains that if there was another brother that was able to perform *yibum* and he did so to the *tzarah*, and then that brother also passed away, not only is the original *tzarah* still exempt, but also additional wives of the second deceased brother – *tzarat tzaratah*.

The *Bartenura* (citing the *Gemara*) explains that the exemption of the *tzarah* (from the first marriage) is learnt from the *pasuk* that prohibits one from marrying his wife's sister: "You shall not take a woman in addition to her sister, to make them rivals (*lizror*), to uncover the nakedness of one upon the other (*alieha*) in her lifetime." The *Gemara* understands that the apparently superfluous word *alieha* teaches that the prohibition applies even in the context of *yibum*. In other words, one is not allowed to perform *yibum* to an *issur ervah*<sup>1</sup>. Similarly, they learn from *lizror*, that the exemption applies to the *tzara* as well. Since it would have been sufficient to write *latzor*, the use of *lizror* exempts the case of *tzarat tzaratah* as well.

*Tosfot R' Akiva Eiger* (s.v. *ve'eshet achiv me'imo*) questions the necessity for a *pasuk* to teach the exemption of *tzarat tzaratah*. The *Mishnah* (3:9) explains that if two brothers married two sisters, and then one brother passed away followed by the wife of the surviving brother, he is not allowed to perform *yibum*. This is because at the time when the brother passed away, the *yavama* was forbidden to him.

The *Tosfot* explain that the even though after his wife dies, the sister is no longer forbidden, since she was previously forbidden, she is now forbidden as his brother's wife (another forbidden relationship). They add that the *tzarah* would also be exempt. Returning to our cases, the same logic should apply. Once we have learnt that *yibum* does not apply to the *tzarah*, she is defined as an *issur ervah*. This is because she is an *eshet ach she'lo be'makom mitzvah* – his brother's wife not in the context of *yibum*. That being the case, the exemption of *tzarat tzaratah* appears unnecessary, since she in any case is a *tzarat ervah*.<sup>2</sup>

The *Chazon Ish* answers that there is nothing wrong with the *tzara* herself. It is only since she is a *tzara* of an *issur ervah* that she is exempt from *yibum* and *chalitza*. Consequently, she does not have the capacity to exempt another *tzarah* (from the second marriage). He cites the *Rashba* in support of this logic. The *Tosfot* ask that an additional case should be listed where a forbidden relationship exempts a *tzara*. This is where the widow had been in a previous marriage and was divorced on condition she is not allowed to marry the surviving brother. The *Rashba* answers that only an *issur erva* has the capacity to exempt a *tzara* and not one that has an external reason prohibiting her to the *yabam*.

But what about after the other brother performs *yibum* and then passes away? Is the *tzara* not already defined as an *erva*? She was excluded from the *mitzvah* of *yibum* from the first marriage! The *Chazon Ish* answers that after the second brother performs *yibum* the first marriage does not end or is it replaced – it is transferred to the second brother. When the second brother then passes away, the original *tzara* is still defined the *eshet ach* of the first brother and the issue returns that it is only if it is *be'makom mitzvah* that *yibum* can be performed. Consequently, our *tzara* is not defined as an *issur ervah*. Since it was the original *erva* – an external reason – that exempts her even now for the *mitzvah* of *yibum*, that alone cannot exempt *tzarat tzarah* from the second brother. This then explains why we need a *pasuk* to teach that even *tzarat tzaratah* is exempt from *yibum* or *chalitzah*.

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<sup>1</sup> The *pasuk* is necessary since the one's brother's wife is normally also considered an *issur ervah*, yet it is permitted in the context of *yibum*.

<sup>2</sup> The *Tosfot R' Akiva Eiger* cites *Rashi* (8b, s.v. *im ken*) who applies the same logic when explaining how *R' Shimon*, who derives the exemption of a *tzarah* from a different *pasuk* would also learn the exemption of *tzarat tzaratah*.

**Revision Questions**

חגיגה ב' ד' – ג' ח'

- Regarding the previous question, what does the *kohen gadol* do on this day to demonstrate that the *korban* is not offered? (ב' ד')
- For what five things must one wash their hands prior to eating? (ב' ה')
- What requires more than hand washing prior to eating? (ב' ה')
- What are the five levels of “*kedushah*” described in the *Mishnah* and why are they important? (ב' ו')
- In what manner are the clothes of *ochlei trumah tameh* for *ochlei kodesh*? (ב' ו')
- What are the three sections of a utensil that applies for *trumah* but not for *kodesh*? (ג' א')
- What is different about the way one purifies a utensil for use in *trumah* as apposed to use for *kodesh*? (ג' א')
- If a utensil was made and its purity preserved, in what situation does it nevertheless require immersing in a *mikvah*? (ג' ב')
- What is the furthest degree of *tum'ah* that can affect *trumah* and *kodesh*? (eg. *sheni, shlishi*, etc.) (ג' ב')
- In what case can only one hand become *tameh*? (ג' ב')
- 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*? (ג' ד')
- What is the geographical border beyond which we no longer trust the sellers of earthenware about the purity of their wares? (ג' ה')
- Do we trust a thief, which returned what he stole, when he assures us that he did not touch anything else in the house? (ג' ו')
- What assumption do we make regarding *tum'ah ve'tahara* during the festivals? (ג' ו'-ז')
- In what case do they debate whether this assumption carries over till after the festival? (ג' ז')
- Which of the utensils was unable to be taken to the *mikvah* and thus required extra precaution with respect to *tum'ah ve'tahara*? (ג' ח')
- Which two utensils in the *Beit Ha'Mikdash* do not require *tevilah* and why? (ג' ח')

**הדרן עלך סדר מועד**

יבמות א' – ב'

- 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*. (א' ב')
- Provide an example of how one of the *tzarot* of one of the relatives in the first *Mishnah* could indeed be obligated for *yibum*. (א' ב')

**Melbourne, Australia**

**Sunday -Thursday**

10 minutes before *Mincha*  
Mizrachi Shul  
Melbourne, Australia

**Friday & Shabbat**

10 minutes before *Mincha*  
Mizrachi Shul  
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**Efrat, Israel**

*Shiur in English*

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9:00am  
Kollel Magen Avraham  
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**Next Week's Mishnayot...**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
28 January י"ב שבט	29 January י"ג שבט	30 January י"ד שבט	31 January ט"ו שבט	1 February ט"ז שבט	2 February י"ז שבט	3 February י"ח שבט
Yevamot 1:3-4	Yevamot 2:1-2	Yevamot 2:3-4	Yevamot 2:5-6	Yevamot 2:7-8	Yevamot 2:9-10	Yevamot 3:1-2

