

THE FOURTH PEREK OF YEVAMOS IS DEDICATED

לע"נ דוד בן יצחק איסאק

Yevamos Daf 40 is Dedicated

L'zecher Nishmas Yitzchak ben Moshe & Baila Tzirel bas Yehoshua Asher

L'Refuah Shelaima Leah Mirel bas Baila Tzirel



הערות של רב יחיאל גרינהויז

יבמות דף מ

1. The Gemara discusses eating after one is already full. (אכילה גסה) and brings proof from someone who ate when they were actually full on Yom Kippur, whereby we say that they are פטור. Rashi explains that the prohibition of eating on Yom Kippur is because one should be in pain during Yom Kippur, and since this person is full, they are in pain even if they eat. Since here we are discussing a Mitzva of eating, how can we compare it to a fast day where we are not concerned with eating per se, but rather with being in pain? What would be the din if someone ate non-kosher food on a full stomach, would he be פטור?
2. The גמרא discusses why I would think that a brother who does חליצה, should not receive part of the inheritance, and suggests that it's because he caused her to lose out on Yibum. Rashi explains that by doing חליצה, he makes it impossible for any of the other brothers to do Yibum. As we just learnt in the previous Daf, the Mitzva of Yibum goes to the oldest, and if he refuses we ask each and every brother to do Yibum. Assuming that every brother says no, we go back to the oldest and force him to do Chalitzah. Based on this procedure, how can we say that the brother who did חליצה, caused her to lose out, since every brother already said no to Yibum?
3. Further to the above, at what point does the inheritance become the Yavam's? Since we wait 3 months before any יבום or חליצה, what's the status of the estate in the meantime? Does זיקה include the property?
4. The משנה states that one who gives חליצה is equal to the other brothers with respect to inheritance. (נחלה), further in the משנה when discussing one who does יבום the משנה says, זכה? Why does the Mishna change the wording from נחלה to זכה? Is the יבם considered a יורש?
5. לע"נ on the words of the Mishna בנכסים says "even if he divorced her the next day". Why does he mention this here? Why would it make a difference if he lived with her a day or many years?

If you have any comments or suggestions please email me at Ygrunhaus@gmail.com

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רפואה שלימה לרב רפאל צבי ליפא בן אסתר רכאל