



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Nedarim Daf Pey Daled

YECHOLA LEYHANOS B'LEKET SHIKCHA U'PEYAH

- **Q:** The Mishna does not mention maaser ani, which suggests that such a neder would make her assur to benefit from maaser ani. However, a Braisa says that she may benefit from maaser ani!? **A: R' Yosef** said, the Braisa follows the view of **R' Eliezer** and the Mishna follows the view of the **Rabanan**. This is based on their machlokes in a Mishna where **R' Eliezer** says that one need not verbally separate maaser ani from demai and the **Chachomim** say that it must be so separated. Presumably the machlokes is that the **Chachomim** say the produce is considered to remain in the status of tevel until the maaser ani is at least verbally separated. This would also mean that they would hold that the owner of the produce can choose who to give the maaser ani to (he has "tovas hana'ah") and would therefore explain why the woman in our Mishna cannot take maaser ani from someone she is assur to benefit from. On the other hand, **R' Eliezer** says that the maaser ani in the produce does not render it tevel, which means that there is no tovas hana'ah for the owner, which would mean that the woman who made this neder would be allowed to take maaser ani from someone she is otherwise assur to benefit from.
 - **Abaye** said to **R' Yosef**, it may be that even **R' Eliezer** agrees that the maaser ani in the produce renders it tevel (and the owner therefore has tovas hana'ah, which is why even he would agree that it would be assur for the woman to take maaser ani). The machlokes may be that **R' Eliezer** holds that we are not concerned that an ahm haaretz did not separate maaser ani from his produce (since he could be mafkir his possessions and take the maaser ani for himself) and the **Rabanan** therefore did not institute that maaser ani need be separated from demai. However, the **Rabanan** (who argue on **R' Eliezer**) hold that we are concerned that an ahm haaretz did not separate maaser ani (he is afraid to be mafkir his possessions, because someone may come and grab them while they are hefker, and he therefore does not separate maaser ani at all), which is why the **Rabanan** instituted that maaser ani must be separated from demai.
 - **A: Rava** said, the Mishna is discussing maaser ani being distributed in the owner's house, regarding which the pasuk says "you shall give it", suggesting that there is tovas hana'ah, which would therefore make it assur for the woman to take it from the subject of her neder. The Braisa is discussing maaser ani being distributed in the granaries, regarding which the pasuk says "you shall set it down", suggesting that there is no tovas hana'ah, which would therefore make it mutar from the woman to take it from the subject of her neder.

KOHANIM U'LEVI'IM NEHENIN LI YITLU...

- **Q:** This part of the Mishna suggests that the tovas hana'ah is not a monetary right, because the Kohen can come and take the terumah although he is assur to benefit from the owner. However, the next part of the Mishna says, if the owner designated certain Kohanim or Levi'im as being assur by the neder, then they cannot take the terumah and maaser from him. This suggests that the tovas hana'ah is a true monetary right!? **A: R' Hoshaya** said, the second part of the Mishna follows **Rebbi** and the first part of the Mishna follows **R' Yose the son of R' Yehuda**, as can be seen in a Braisa. The Braisa says, if a person steals tevel, **Rebbi** says he must pay for the entire value of the tevel, and **R' Yose the son of R' Yehuda** says that he must only pay the value of the chullin in the tevel (and not for the terumah and maaser in the tevel). Presumably this is because **Rebbi** holds that the tovas hana'ah for the terumah and maaser is a monetary right and must be paid for, whereas **R' Yose the son of R' Yehuda** holds that it is not.
 - The Gemara says, it may be that all agree the tovas hana'ah is not a monetary right. The machlokes is whether terumah and maaser that have not yet been separated are

considered as part of the chullin (which would be the view of **Rebbi**) or whether they are already considered separate and distinct of the chullin (**R' Yose the son of R' Yehuda**).

- **Q:** If tovas hana'ah is not considered to be a monetary right, why would there be a difference if it has been separated or not!? **A:** The basis for the machlokes is, **Rebbi** holds that the **Rabanan** penalized the thief and make him pay for the entire amount, so as to deter a person from stealing. **R' Yose the son of R' Yehuda** holds that the **Rabanan** penalized the owner and only required restitution for the amount of the chullin, so that an owner not keep tevel around (which would encourage him to separate the terumah and maaser quickly).
- **A: Rava** said, the Mishna holds that tovas hana'ah is a monetary benefit. However, when a person makes his terumah and maaser assur to all Kohanim and Levi'im, he has made the terumah and maaser worthless to himself (since there is now no one who can eat it). Therefore, they may take it from him (his tovas hana'ah has no value and they are therefore not considered to be getting anything from him).