

15.11.4

83b (משנה ג) → 85a (עפרא בעלמא)

1. כי תכלה לעשר את כל מעשר תבואתך בשנה השלישית שנת המעשר ונתתה ללוי לגר ליתום ולאלמנה ואכלו בשעריך ושבעו: דברים כו, יב
 2. מקצה שלש שנים תוציא את כל מעשר תבואתך בשנה ההוא והנחת בשעריך: דברים פ"ד פסוק כח

I משנה ג: if she takes a ban against benefiting from "all people"

a he may not reject (ר' יוסי) – since it's not לבניה nor, according to יוסי, is it נפש ר',

i observation: indication that husband is not considered part of "all creatures", else he could reject it

ii however: she may still take מתנות עניים

1 observation: indication that husband is considered part of "all creatures", ergo she may only collect מתנ"ע

(a) resolution1 (עולא): מתנ"ע is an additional outlet (husband is **not** included in "all creatures")

(b) resolution2 (רבא): מתנ"ע is the reason he can't ban – it's her only outlet (husband **is** included)

(c) resolution3 (ר' נחמן): מתנ"ע works after divorce – (husband is **not** included)

(i) challenge (ר' נגד רבא): later משנה – if she bans relations with all Jews, husband may reject his portion and she resumes relations with him → he's included

(ii) answer: it's clear from her ban that she specifically meant him (all others are אסור right now)

iii exception: she may not take מעשר עני

1 dissent: ברייתא indicates that she may likewise take מעשר עני

2 Resolution1 (רב יוסף): ר"א v. ר"ב

(a) ר"א: a person doesn't need to designate מעש"ע from דמאי

(b) ר"ב: he must designate it but need not separate and give it

(c) assumption: ר"א maintains that it isn't טובל no → טובת הנאה by giving → she may take (רבנן: inverse)

(d) rejection (אב"י): their dispute is whether עמי הארץ are suspected of not separating עני מעשר

(i) ר"א: since they could gain it themselves by declaring their property ownerless and being classified as "poor", they don't mind separating it

(ii) ר"ב: a person won't be מפקיר their property, lest another take possession in the meantime

3 resolution2 (רבא): if it is מעשר עני that's given out from the house (v. 1) – she may not take; if left in the granary (v. 2) – she may take

b if she takes a ban against כהנים וליים benefiting from her –

i they may take תר"מ by force

1 implication: טובת הנאה has no value

ii if, however: she bans specific כהנים וליים, others take תר"מ from her

1 implication: טובת הנאה has value

2 resolution1 (ר' הושעיא): רבי v. רבי יהודה

(a) ר"ב: if A steals B's טבל, he must pay full value

(b) ר"א: if A steals B's טבל, he pays the value of the חולין in it

(c) assumption: רבי believes that טובת הנאה has value, ריב"י believes it doesn't

(d) rejection: all agree that טובת הנאה has no value, their dispute is whether we regard tithes that haven't yet been separated as already separated

(i) explanation: according to רבי, they aren't separated, so the full value is there

(ii) rejection: טובת הנאה is of no value, what difference is there if they were separated or not?

(e) rather: רבי holds that we fine the thief; ריב"י holds that we fine the owner for leaving untithed produce around

3 Resolution2 (רבא): since תרומה is only fit for כהנים, by banning all of them, she effectively declared the fruits to be like dust (הפקר) and they may collect them, since she has "disowned" her טובת הנאה