

## The tithe which I will measure later – עישור שאני עתיד למוד

### OVERVIEW

After grain is harvested, threshed and winnowed it is piled into a כרי and smoothed out; this is called מירוח. From this point on there is an איסור טבל to eat from this grain until מעשרות and תרומות are separated. One can be מפריש מעשר by merely pronouncing that a specific area of the grain shall be מעשר, ראשון, etc. That area becomes מעשר and the rest remains חולין. At some later time this מעשר must be physically separated from the חולין, and given to the proper recipients before פסח of the fourth year. רש"י and תוספות have different interpretations why ר"ג took this action on the ship.

פירש רש"י פרק קמא דקידושין<sup>2</sup> (דף כו,ב ושם דיבור המתחיל מעשה) –

רש"י explained in the first of קידושין פרק the reason ר"ג gave these tithes on the ship and did not wait until he returned home is -

שהיה ירא פן יסמכו עליו בני ביתו שעישור ויאכלו טבל –

Because he was concerned perhaps his family will rely on him that he tithed and they will eat טבל. The reason his family will assume that he tithed (even though he did not mention anything to them), is -

דחזקה על חבר<sup>3</sup> שאינו מוציא מתחת ידו דבר שאינו מתוקן<sup>4</sup> –

because there is a presumption regarding a חבר that he does not let out from under his hand something which is not perfected. Therefore ר"ג's family will have assumed that all the produce is מתוקן and not טבל.

Tosfos has difficulties with רש"י's interpretation:

וקשה דהיינו דוקא בחבר שמת<sup>5</sup> או בהולך ואין בדעתו לשוב עד ימים רבים –

And there is a difficulty; for this rule that a חבר is not דבר מוציא מתחת ידו דבר

<sup>1</sup> See footnote # 10.

<sup>2</sup> Seemingly תוספות is referring to the רש"י there on ש"ש ומקומו, כז,א ד"ה. See החכמה.

<sup>3</sup> A חבר (meaning friend or colleague) refers to a person who accepted upon himself to be strictly observant, especially pertaining to laws of טומאה וטהרה.

<sup>4</sup> We presume that the produce of a חבר was tithed properly and it is no longer טבל, so that one may eat from it. The חבר would not allow his untithed produce to be available. He would immediately tithe it.

<sup>5</sup> The ברייתא (see פסחים ד,ב) states that if a חבר died and left over a drawer full of produce, it is permitted to be eaten even if the obligation to tithe them was first effective on the day he died, for we assume that he was certainly מעשר the produce. The reason is that since the חבר is aware that he is dying, he takes the precaution of tithing everything, so that no one should eat טבל. However, if he is alive he is not concerned, for he can tell them which foods are טבל. See 'Thinking it over # 1.

**refers only to a חבר who died or he went away and had no intention of returning until many days** will have passed,<sup>6</sup> however here ר"ג was not on a long journey.

Tosfos asks an additional question:

**ועוד למה נתנם לרבי יהושע ולרבי עקיבא יקרא להם שם<sup>7</sup> ולא יותר –**  
**And furthermore, why did ר"ג give the מעשר ראשון to ר"י and the מעשר עני**  
**to ר"ע; he should have merely pronounced the name of מעשר on the**  
**produce, but no more,** for it would no longer be טבל, and there would be no concern.

Tosfos continues to ask on פרש"י –

**ועוד דאין זה קריאת שם –**  
**And in addition in this story which this משנה recounts to us, what ר"ג did is**  
**not considered קריאת שם –**

**דלא אמר עשרה יהא מעשר אלא אמר מעשר ראשון יהא נתון ליהושע<sup>8</sup> –**  
**For he did not say, 'מעשר', but**  
**rather he merely said, 'היהושע מעשר ראשון';** indicating that it was already מעשר.

In summation Tosfos asks three questions on פרש"י who maintains that ר"ג was tithing his produce in order to insure that his family would not eat טבל since they assumed that ר"ג (who was a חבר) would not leave them with טבל.

Tosfos asks: 1. This rule of a חבר is only by a חבר שמת or traveling on a long journey; otherwise there is no such a חזקה; why was ר"ג concerned? 2. If ר"ג was concerned about טבל he only needed to be קורא שם and not to grant it to the לוי and the גזבר. 3. From the משנה it does not seem that there was any קריאת שם here; merely a granting of ownership.

Tosfos offers his explanation:

**ופירש רבינו תם דשנת הביעור היתה וכבר הפרישם<sup>9</sup> –**

<sup>6</sup> When the חבר plans to leave for a lengthy period, he realizes that after his family will consume the food in the house (which is מתוקן), they will search for additional food in the granary, which is still טבל, therefore he will be sure to separate מעשר. Regarding ר"ג, if he was planning for a lengthy journey he would have given מעשר; the fact that he did not proves that he was not planning a lengthy journey, so why would his family assume that he gave מעשר from all the produce (since he was travelling for short period.).

<sup>7</sup> קריאת שם (pronouncing a name) means that the owner states that ten percent of the produce (which is on the north side [for instance] of the pile) should be מעשר. This act of קריאת שם removes the איסור טבל from the rest of the produce. Later the owner must separate the ten percent (from the north side) and (eventually) give it to the לוי.

<sup>8</sup> One cannot (merely) give the לוי his מעשר, unless the owner first pronounces it מעשר.

<sup>9</sup> The term הפריש here does not mean that he physically separated the מעשר from the חולין, but rather that he was קורא שם that this part of the produce should be מעשר. [If he actually separated them why did he not

And the ר"ת explained that it was the year of **ביעור**,<sup>10</sup> and ר"ג had already pronounced and separated all the various מעשרות previously -

והיה צריך להוציאם מתחת ידו ולתנם לבעלים -

And now he needed to take them out of his possession and give them to their rightful owners; the לויים and the [גזבר of the] עניים.

וזה המעשה דרבן גמליאל תנן במסכת מעשר שני (פרק ה משנה ו) גבי ביעור -

For this story regarding ר"ג was taught in מע"ש concerning מסכת מע"ש -

דתנן התם ערב הפסח של רביעית ושל שביעית היה הביעור<sup>11</sup> -

For we learnt there in a משנה; that ערב פסח of the fourth year of שמיטה and of the seventh year of שמיטה, was when the ביעור took place -

נותן תרומה ותרומת מעשר לכהן כולי -

The owner gives תרומה and תרומת מעשר to the כהן, etc. The משנה continues<sup>12</sup> -

מי שהיו פירותיו רחוק ממנו צריך לקרות להם שם פירוש<sup>13</sup> שם הבעלים -

‘Someone whose produce was far from him and he cannot give it directly to its proper owner, it is necessary for him to pronounce a name for them’; the meaning there of לקרות להם שם means the name of the owners who will receive these מתנות -

שיקנה אותם ללוי ולכהן ומעשה נמי ברבן גמליאל וקנים כולי -

That he should grant the תרומה to a particular לוי and to a כהן. The משנה continues, and there was also a story with רבן גמליאל and the elders, etc. the story that is mentioned here; indicating that it is in conjunction with שנת הביעור.

וואם תאמר ואמאי לא נתן תרומה גדולה<sup>14</sup> -

ואם תאמר ואמאי לא נתן תרומה גדולה<sup>14</sup> -

And if you will say; but why did not ר"ג give תרומה גדולה in this story -

כדתנן בהך דמעשר שני נותן תרומה ותרומת מעשר לכהן -

as is taught in that previously quoted משנה of מע"ש that ‘he gives תרומה and תרומת מעשר to the כהן? We cannot answer because there was no כהן present -

give them to their proper owners? See later in תוספות ד"ה וכי TIE. See footnote # 3. (on יא,ב)

<sup>10</sup> The מעשרות have two three-year cycles in every שמיטה cycle. מעשר ראשון is given in all six years; מעשר שני is given in years one, two, and four, five; while מעשר עני is given in years three and six. After each three-year cycle (on the fourth and seventh year of the שמיטה) one must clean out his house from any מעשרות that were not disbursed in that three year cycle. See תוספות shortly.

<sup>11</sup> ביעור means clearing out. See previous footnote # 10.

<sup>12</sup> משנה ט.

<sup>13</sup> This קריאת שם is not the ‘usual’ קריאת שם which means pronouncing it as מעשר, but rather announcing to whom the owner is giving it to. Therefore תוספות finds it necessary to add ‘שם הבעלים’.

<sup>14</sup> See ‘Thinking it over’ # 3.

שהרי רבי אלעזר בן עזריה היה עמו כדקתני סיפא –

**For סיפא - סיפא who was a כהן was with ר"ג on the ship as is taught in the ע**  
**עמד רבי יהושע ואמר תרומת מעשר שבו נתון לרבי אלעזר בן עזריה –**  
**ראב"ע**, **stood up and said, 'the תרומת מעשר within the מעשר is given to ע**,  
 so why is there no mention that ר"ג gave the תרומה to ראב"ע?!

answers: תוספות

– <sup>15</sup> **ויש לומר דתרומה גדולה טרם שנסע הפרישה ונתנה**

**And one can say that ר"ג had already separated and given to a כהן the**  
**תרומה גדולה before he traveled** on the ship. The reason he gave the תרומה and not  
 the מעשר, is –

– <sup>16</sup> **לפי שקלה היתה להפריש דחטה אחת פוטרת את הכרי וניטלת באומד**

**Because it is easy to separate תרומה, since one kernel of wheat separated as**  
**תרומה exempts the entire pile of wheat from requiring additional תרומה, and**  
**תרומה can be taken by approximation –**

offers an additional reason why ר"ג had already separated and given away the  
 תרומה:

– <sup>17</sup> **ועוד שהתבואה היתה כבר ממורחת בביתו של רבן גמליאל כדמוכח בירושלמי**

**And furthermore the produce was already ממורחת in the house of ר"ג as**  
**is evident in תלמוד ירושלמי –**

– **ותרומה גדולה מפרישה בשדה מיד אחר המרוח כדאמרין בירושלמי דמעשר שני –**

**And one separates תרומה גדולה in the field immediately following the**  
**מירוח, as is stated in תלמוד ירושלמי (שני) of <sup>19</sup> that if –**

– **מצא פירות בשדה מפוזרין מותרין משום גזל וחייבין במעשר ופטורין מתרומה –**

<sup>15</sup> See 'Thinking it over # 3.

<sup>16</sup> one can fulfill his obligation of תרומה by giving one kernel of wheat. The חכמים ruled that one (average person) should give a fiftieth. This fiftieth however need not be exactly a fiftieth (since it is only מדרבנן), therefore it was easy for ר"ג to separate one חטה and be מפריש תרומה דאורייתא, and then to separate an approximate fiftieth to be מקיים the תרומה מדרבנן and he gave it all to the כהן. However, to take מעשר which requires an exact measurement of one tenth; ר"ג did not have the time to do it.

<sup>17</sup> מירוח is the final process in the produce before it is bought inside the house. It refers to the smoothing out of the pile. At this point the חיוב of תרומות ומעשרות begins.

<sup>18</sup> מעשרות פ"ג ה"א

<sup>19</sup> The תוספתא (מע"ש not) cites the following תוספתא proving that תרומה is separated in there in ירושלמי before it is brought into the house. The ירושלמי then asked, where is מעשר separated; in the גורן or in the house? ר' חנינא בשם ר' resolved it from this story, that since ר"ג gave the מעשר to ר"י, etc. this proves that מעשרות are taken in the house and not in the גורן, for otherwise ר"ג would have tithed in the field. From this ירושלמי we see that (they assumed) the תבואה was already ממורחת in the house of ר"ג, otherwise how could they prove anything concerning מעשר if it was not ממורחת (since there is no חיוב until after the מריחה).

**One finds produce spread out in a field they are permitted to be taken and there is no concern regarding stealing,<sup>20</sup> and there is an obligation to tithe them, but they are exempt from the requirement to have תרומה separated from them.** The reason why they are פטור מתרומה and חייב במעשר is -

**דאי אפשר לגורן שתעקר אלא אם כן נתרמה תרומה ממנה:**

**for it is impossible that a גורן should be uprooted unless תרומה was separated from it.** The custom was to separate תרומה in the גורן. Similarly in the case of ג"ג he was מפריש תרומה in the גורן.

### SUMMARY

רש"י maintains that ג"ג was actually separating מעשר to be טבל in his house. תוספות maintains that ג"ג had already been מעשר שם (since it was now distributing the מעשרות to their proper owners. [תרומה is separated in the field, while מעשר is separated in the house.]

### THINKING IT OVER

1. How does תוספות know that the rule of דבר מוציא מתחת ידו דבר<sup>21</sup> applies only to a חבר שמת<sup>22</sup> or someone who is going on a long journey?<sup>22</sup>
2. What is the meaning of עישור שאני עתיד למוד according to רש"י and according to תוספות?<sup>23</sup>
3. תוספות asked why ג"ג was not גדולה תרומה.<sup>24</sup> Does this question [and subsequent answer<sup>25</sup>] apply to פרש"י or not?<sup>26</sup>

---

<sup>20</sup> These פירות were left over after the owner took the pile of produce (which was ממורחת) and brought it inside. We assume that the owner was מפקר these remaining fruits, therefore there is no גזל. They are מחוייב במעשר for we do not know whether the owner was מעשר them since they are in the field, however it is assumed that he was מפריש תרומה since תרומה ממנה.

<sup>21</sup> See footnote # 5.

<sup>22</sup> מבין שמועה.

<sup>23</sup> מהר"ם.

<sup>24</sup> See footnote # 14.

<sup>25</sup> See footnote # 15.

<sup>26</sup> גאון צבי.