

## מעשר לאביך בידי הילך דמיו –

### I have your father's *Maaser*, here is its money

#### Overview

אבי explained the previous ברייתא in the following manner; if a בן ישראל told a לוי, 'I am holding your father's מעשר, and here is its money', etc. (as the ברייתא rules). Our תוספות clarifies this explanation.

תוספות asks:

תימה אמאי נקט השתא הילך דמיו<sup>1</sup> -

**It is astounding! Why mention now (in this case), 'here is its money'?!?**

תוספות has an additional difficulty:

ועוד אמאי חוששין כלל שעשאו אביו תרומת מעשר -

**And additionally why are we at all concerned that the father made it** -

והא אדרבה חזקה על חבר<sup>2</sup> שאינו מוציא דבר שאינו מתוקן מתחת ידו -

**For on the contrary there is a presumption regarding a חבר that he does not allow anything to leave his hand unless it is in proper order** (regarding תרומות

- (ומעשרות

כדאמרין (פסחים דף ט,א) בחבר שמת והניח מגורה מליאה פירות -

**As the גמרא states regarding a חבר who died and left over a drawer full of produce**, that we assume that תרו"מ were properly separated. Why should we therefore assume that the father used it for מעשר and did not inform anyone, since this could cause that a זר should eat it?!<sup>3</sup>

תוספות answers:

ויש לומר בדוחק דקסבר דמסתמא אביו אמר לו אם הוא מתוקן<sup>4</sup> או אינו מתוקן -

**And one can say - reluctantly – that the גמרא assumes that presumably the father told him whether the מעשר was prepared or not prepared (to be eaten) -**

**ואם לא נטל דמיו רמי אנפשיה לצורך עצמו ומדכר שאמר לו אביו<sup>5</sup> -**

<sup>1</sup> The issue here is whether the בן לוי can eat his father's מעשר, or he cannot eat it, for perhaps the father made it מעשר, so why is it necessary to say that the בן לוי is paying the מעשר? It makes no difference whether the מעשר is taken by the בן לוי (with no payment) or the מעשר remains by the ישראל (for the payment), in either case there is a need to verify whether it was made תר"מ on other מעשר. [However in the previous אוקימתא it was necessary to say 'הילך דמיו', for otherwise it is ברשות הלוי and he knows whether he made it אחר.]

<sup>2</sup> A חבר (friend) is one who took upon himself to be extra scrupulous regarding the laws of טהרה and תרו"מ.

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

<sup>4</sup> מתוקן means they are completely prepared to be eaten, meaning that the תרומת מעשר was separated from it, and/or it was not used as תר"מ for other מעשר.

**So if the בן לוי did not take its money** (but rather took back the מעשר), **he exerts himself for his own sake and remembers what that father told him -**

**ואם לא מדבר חשבינן ליה בחזקת מתוקן<sup>6</sup> -**

**And if he does not remember, we consider this מעשר in the presumptive status of מתוקן**

**אבל כשנוטל דמיו לצורך אחרים לא רמי אנפשיה ומדבר:**

**However when the בן לוי takes the money** and leaves the מעשר over for the ישראל, **so for the needs of others the בן לוי does not exert himself to remember**, therefore we are concerned that perhaps the father told him that they are not מתוקן.

### **Summary**

A person exerts more effort to be certain that he is acting properly than if it concerns the action of others.

### **Thinking it over**

ת"ר asks why should we assume that the father made it מ"מ, since there is a חזקה that a חבר is not מתוקן שאינו מתוקן חבר<sup>7</sup>. Why did not תוספות ask the same question on the אוקימתא of אביי that we are discussing the לוי himself; how can we assume that he made it מ"מ על מקום אחר and not inform anyone?!

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<sup>5</sup> He wants to be sure that he is eating מתוקן מעשר, not מעשר טבל or מ"מ.

<sup>6</sup> Presumably if his father would have told him that they are not מתוקן, he would have remembered, and since he does not remember this indicates that his father did not tell him anything (for it is easier to remember something which is told to you than remembering that nothing was told to you) and since דבר שאינו מתוקן מתוקן, it is certainly מתוקן.

<sup>7</sup> See footnote # 3.