

## Their intention is for the increase

## דעתייהו אעילוויא -

### Overview<sup>1</sup>

discusses under which circumstances is דעתייהו אעילוויא relevant (in the case where the בעה"ב said 'three' and the agent said 'four').

באמר להו שכרכם עלי איירי<sup>2</sup> -

The גמרא is only discussing a case where the agent said to the workers עלי שכרכם עלי - דאי אמר להו שכרכם על בעל הבית מאי נפקא מינה אי דעתייהו אעילוויא<sup>3</sup> -

For if the agent told the workers שכרכם על בעה"ב, what difference is there if we assume (that it means) דעתייהו אעילוויא, or if we assume (that it means), 'we believe you that this is what the בעה"ב said'<sup>4</sup> -

דבעל הבית לא ישלם להם אלא מה שהתנה. רבינו יצחק וכן רבינו חננאל:

Since in any event the בעה"ב will only pay what he stipulated; three. This is the view of the ר"י and also the ר"ח.

### Summary

The פשיטא of the גמרא (and certainly the following query) is only in the case of שכרכם עלי.

### Thinking it over

In the case of שכרכם עלי, which of the two interpretation of 'כמו שאמר בעה"ב'<sup>5</sup> is more appropriate; that 'we believe you this is what the בעה"ב said', or 'if the בעה"ב said more, we want the higher wage'?<sup>6</sup>

<sup>1</sup> See 'Overview' to previous תוס' ד"ה ואזיל.

<sup>2</sup> Therefore since he said עלי שכרכם and when they said כמו שאמר בעה"ב they meant אעילוויא, therefore the agent will be required to pay them the extra זוז from his own pocket.

<sup>3</sup> This is not like פרש"י ד"ה דעתייהו who maintains that we may be discussing a case of שכרכם על בעה"ב and it is relevant regarding תערומות. However תוספות (presumably) maintains that since this פשיטא is an introduction to the subsequent query (in a case where the בעה"ב said בד' and the שליח said בג'), where the issue is regarding payment only (not regarding תערומות), therefore we should assume that the introductory case of פשיטא is also only regarding payments, but not תערומות.

<sup>4</sup> See previous תוס' ד"ה ואזיל TIE footnote # 5.

<sup>5</sup> See previous תוס' ד"ה ואזיל.

<sup>6</sup> See גאון צבי.