

**דקא יהיב ליה [טפי] פורתא הוי עליה שומר שכר –**

**That since he gives him a bit [more]; he becomes a ש"ש on it**

### **OVERVIEW**

The גמרא explained that an אומן is a ש"ש even according to ר"מ (who maintains שוכר (כש"ח דמי), because the אומן is paid a little more than his labor requires,<sup>1</sup> and for this extra payment he is considered a ש"ש.

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תוספות addresses an anticipated difficulty:

**והוה מצי לאקשויי מי לא עסקינן דלא יהיב טפי פורתא -**

**And the גמרא could have asked** (on this answer), **is the משנה** (which states that אומן are ש"ש), **not also discussing cases where the owner did not give the אומן a bit more** and nevertheless he is still considered a ש"ש –

תוספות responds:

**אלא בלאו הכי פריך ליה שפיר:**

**Nevertheless, without this question** (on the גמרא's answer), the גמרא **properly refutes** the answer given.<sup>2</sup>

### **SUMMARY**

The payment to an אומן can be either exact, or slightly more than he deserves.

### **THINKING IT OVER**

1. Is רש"י addressing תוספות's question?<sup>3</sup>

2. Why did not תוספות ask his question on the first answer of the גמרא, which stated **מי לא עסקינן**, בההיא הנאה דקא שביק כ"ע ואגיר ליה לדידיה וכו' the same question applies; שביק כ"ע וכו'. What is the difference between both answers?<sup>4</sup>

3. Is there any advantage in תוספות's proposed answer over the גמרא's answer?

<sup>1</sup> See רש"י ד"ה דקא. See 'Thinking it over' # 1.

<sup>2</sup> The גמרא answered that by a שוכר the same thing can happen that he rents it to him for less.

<sup>3</sup> See footnote # 1 and תפארת בחורים.

<sup>4</sup> See עין יהוסף.