

And to your household; ולביתך¹ מלמד שאדם מביא בכורי אשתו -
this teaches that a person brings his wife's ביכורים

Overview

maintains that if one buys a field only for the produce (קנין פירות) he is not obligated to being ביכורים.² asked on ר"ל that the ברייתא states that a man can bring his wife's ביכורים (since the תורה writes ולביתך). A husband only has קנין פירות in his wife's property, so how can he bring her fruits as ביכורים? Our תוספות clarifies this question.

asks:

ו**אם תאמר והא מן התורה אין לבעל פירות בנכסי אשתו³ אלא תקנתא דרבנן בעלמא היא -**
And if you will say; but מה"ת the husband has no rights to the פירות of his wife's assets, rather it is a Rabbinic enactment that he 'eats' the פירות -
אם כן על כרחך גזירת הכתוב הוא⁴ -

Therefore perforce we must say that it is a special decree of the תורה, that he can bring his wife's ביכורים, so what is the question on ר"ל?!

answers:

ויש לומר דרך נשים שנותנות פירות⁵ לבעליהן⁶ וכי האי גוונא איירי קרא⁷ -
And one can say; that it is common among women to give their fruits (of their assets) to their husbands, and the פסוק of ולביתך is discussing such a case -
וכענין זה אמרינן בריש קידושין (דף ד,א) אי כתב רחמנא מעשה ידיה לאביה דקא מיתזנא מיניה -
And the תורה גמרא says a similar thing in the beginning of קידושין⁸; 'if the תורה would have just written that her handiwork belongs to the father, I would say

¹ ושמחת בכל הטוב אשר נתן לך והנה אלקיך ולביתך אתה ושלוי ונהגר אשר אתה מצות ביכורים states, regarding דברים תבא כו,יא בקרבך.

² See previous תוס' ד"ה בל [TIE footnote # 12].

³ The fruits of the woman's assets (נכסי מלוג) belong to her מה"ת. How can he bring her ביכורים; they are not his at all מה"ת?!

⁴ The תורה is giving special dispensation to a husband that even though generally one can only bring his own fruits as ביכורים, however the husband may bring his wife's פירות as ביכורים, so this has nothing to do with פירות? What is ר"ל asking on ר"י from this ruling?!

⁵ This [seemingly] means that she committed herself to him that he may take (all) the פירות from her assets (but not merely that she actually gives him some פירות [occasionally]). This may explain why it is called קנין פירות.

⁶ The פירות therefore belong to the husband (they are not his wife's פירות) since she gave him the rights to them (see footnote # 5). This would seemingly prove that קנין פירות is sufficient to be considered as a קנין הגוף.

⁷ See 'Thinking it over'.

⁸ The גמרא there is explaining why it was necessary for the תורה to teach us that the קידושין of a נערה belong to the father and also that the מע"ה ידיה of a נערה belong to her father; why cannot we derive one from the other?

that this is **because she is fed by him**' this concludes the citation from that גמרא -
ואף על גב דמדאורייתא אינו חייב במזונות בתו' אלא דאורחא דמילתא הוא שהוא זן אותה :
But even though that מה"ת a father is not obligated to feed his daughter, nevertheless since the usual manner is that he feeds her, therefore we can assume that is the reason the תורה granted him מעשה ידיה.¹⁰

Summary

The תורה may incorporate the customs of the people as a basis for certain תורה rules even though the custom is not obligatory עפ"י תורה.

Thinking it over

It appears from תוספות that a husband may bring his wife's ביכורים only if she gives him her פירות.¹¹ However by מעשה ידיה it seems that in all cases the father receives מעשה ידיה, even in cases where he is not feeding her. Why the difference?

⁹ How can we say (that we would have thought) that when the תורה gave her father her מעשה ידיה it is (only) because she is מיתזנא מיניה, when מה"ת he is not obligated to feed her?!

¹⁰ We say the תורה assumes that he is feeding her (even though he is not obligated), therefore the תורה granted him her מעשה ידיה. Similarly here the תורה states that when she gives him her פירות (which is [very] common) he may bring her ביכורים from these פירות.

¹¹ See (text by) footnote # 7.