

פיהת י' או הוסיף י' תרומתו תרומה –

He subtracted ten or he added ten; his תרומה is a תרומה

OVERVIEW

After the משנה stated that if the שליה is not aware of the בעה"ב he should be תורם a fiftieth; the משנה concludes that (in the abovementioned case) even if the שליה subtracted ten or added ten, the תרומה is still valid. תוספות first explains what is meant by פיהת י' וכו', and why indeed it is תרומתו תרומה.

פירש בקונטרס פיהת שתת א' ממ' וקאי פיהת אבעל הבית¹ –

רש"י explained that פיהת means that he separated one from forty (instead of the average one from fifty) and the word פיהת (and similarly הוסיף) is referring to the owner; he diminished the owners produce by ten.²

תוספות offers an alternate explanation of פיהת:

ויש מפרשים איפכא דפיהת שתת אחד מששים וקאי פיהת אתרומה³ –

And others explain the term פיהת (and הוסיף) in the reverse. That פיהת means that he was תורם one from sixty (instead of a fiftieth) and the word פיהת is referring to the תרומה. He gave less תרומה than the average בעה"ב.

תוספות continues:

מכל מקום משמע היכא דתרם השליח –

- תורם שליח was where it seems that

ואפילו אתא בעל הבית ואמר לו לא היה בדעתי לכך אפילו הכי תרומתו תרומה⁴ –

And even if the owner of the produce came and said to the שליח, 'I did not have in mind to give תרומה in this manner', nevertheless the תרומה שליח is valid.

¹ Instead of having one measure of תרומה taken from fifty measures of his produce (enabling them to be eaten), only forty measures were מתוקן; leaving ten measures טבל, which still require תרומה. [The שליח may have taken תרומה from all the produce; however the owner lost ten measures for every forty for which he was תורם one measure.]

² According to רש"י it would appear that there is a greater novelty by פיהת י' (where the owner is losing money and nevertheless it is תרומה) than by הוסיף י' (where the owner is gaining money). It is not usual for the משנה to teach a greater novelty before a minor one. This may be the reason the י"מ disagree with רש"י.

³ Instead of being תורם one measure of תרומה for fifty measures of produce he was תורם one from sixty. Had he been תורם a fiftieth the additional ten measures would require additional תרומה, therefore by being תורם a sixtieth he excluded ten measures from requiring additional תרומה.

⁴ The משנה states תרומתו תרומה וכו'. פיהת י' וכו'. We can only know that it was פיהת י' if the owner comes and says I did not intend to give this amount for תרומה.

asks: תוספות

וקשה דמאי שנא מדהא דאמר (בבא מציעא דף כב, א) האומר לשלוחו⁵ צא ותרם –

And there is a difficulty! For why is this case different than that which we learnt; if someone said to his שליח go and be תורם for me -

– והלך ותרם אם אמר ליה בעל הבית כלך אצל יפות⁶ –

And the שליח went and was תורם; if the owner told the שליח after he noticed the type of תרומה he separated, 'you should go to the better produce', and use them for תרומה. In this case the rule is -

– אם נמצאו יפות מהן תרומתו תרומה⁷ ואם לאו אין תרומתו תרומה⁸ –

If indeed there could be found better quality produce, then his תרומה is valid; however if there is no better quality, then his תרומה is not valid.

– ומוקי לה התם כגון דשויה בעל הבית שליח ואפילו הכי אין תרומתו תרומה –

And the גמרא established this ruling there in a for instance where the owner designated him as a שליח, and nevertheless it is not a valid תרומה if we know that the owner disagrees -

– כיון שלא פירש לו בהדיא שמתרצה ליפות –

since he did not expressly state to the שליח that he agrees for the better quality. Why is it that here, even if the owner disagrees to give one of forty, nevertheless it is still a valid תרומה?!

answers: תוספות

– ויש לומר דהתם היינו טעמא –

And one can say; that there by the יפות this is the reason that it is not a valid תרומה -

– לפי שאין דרך בני אדם לברור היפות כדי לתרום אלא הבינונים –

Because it is not the custom of people to choose the better quality for תרומה, but rather they choose the average quality -

– אבל הכא דיש הרבה בני אדם דזרכן לתרום בעין יפה –

However here (by a fiftieth) where there are many people whose custom is to give תרומה בעין יפה (a fortieth), therefore the שליח -

⁵ The גירסא there is: הרי שירד לתוך שדה חבירו וכו' ותרם וכו' אם אינו חושש משום גזל תרומתו תרומה וכו' ומנין הוא יודע: עשאו שליח when ברייתא The גמרא there establishes this. וכו' הרי שבא בעה"ב ואמר לו כלך אצל יפות וכו'.

⁶ The תרומה was already separated. This phrase of כלך אצל יפות can be interpreted in two ways; the owner was serious, he felt that the תרומה should have been from a higher quality; or the owner was disturbed because the שליח gave away his best produce for תרומה. His remark was sarcastic, as if saying you could not find anything better from which to give תרומה.

⁷ Since the owner possessed a better quality of produce we assume that his remark was sincere, and he did not mind the quality of produce which the שליח separated for תרומה; in fact he would even have even agreed to a better quality.

⁸ It is evident, since the owner does not possess a better quality produce that he was merely being sarcastic, and is not agreeable to the תרומה which the שליח separated.

מצי למימר ליה להכי אמדתיך ובטלת דעתך⁹ אצל דעתי למה שאמדתיך:
can say to the owner, 'this is how I assessed you (as an עין יפה) and your intent (to be תורם as a בינוני or as an עין רעה) is nullified to my understanding of you evaluation'.

SUMMARY

פיהת (and הוסיף) can refer to either the בעה"ב (according to רש"י) or to the תרומה (according to the י"מ). It is the custom by many to be עין יפה, but it is not the usual custom to be מן היפה תורם.

THINKING IT OVER

1. How can תוספות say that, when the תורה writes¹⁰ 'כל חלב לה', that one must give the חלב or the very best for 'תרומה לה'?¹¹
2. Is there any connection between the beginning of תוספות (the two explanations of 'פיהת') and the question of תוספות (why is it a valid תרומה even if the owner protests)?

⁹ Since he was appointed as a שליח without specific instructions, it is as if the owner agrees to whatever the שליח תורם is.

¹⁰ In יח, יב (קרח) the תורה writes 'כל חלב יצוה וכל חלב תירוש ודגן ראשיתם אשר יתנו לה' לך נתתם. This is referring to תרומה that is given to the כהנים and the תורה writes that it should be 'כל חלב'; the very best!

¹¹ I heard this question from ע"ה וויכנין when I was a student in תת"ל in Montreal. יהא זכרו ברוך.