

אם נמצאו יפות מהן תרומתו תרומה -

If nicer ones were found, his *Terumoh* is *Terumoh*

Overview

Concerning the episode¹ of a סרסא who was מקדש a woman with דשיכרא, the פר[ז]ומא דשיכרא cited a ברייתא that if one was תורם שלא ברשות, and when the owner found out he told him, 'why did you not take תרומה from the better produce'; the rule is, if there is better produce the תרומה is valid. However, continues the גמרא, this rule does not apply in this case of קידושין, and even if the owner said to him why did you not take מהאי חריפא, and there is חריפא, nevertheless she is not מקודשת. Our תוספות discusses that similarities and/or differences of both cases.

התם (בבבא מציעא דף כב, א) מוקי לה דשויה שליח² -

There (regarding the תרומה), the גמרא **establishes it** in a case **where** the owner of the produce **appointed him as a שליח** to separate תרומה.

תוספות asks:

ואם תאמר אם כן מאי קאמר שלא ברשות -

And if you will say; if indeed he appointed him as a שליח, **what is the ברייתא saying** that he separated the תרומה **without permission**, since the בעלים made him a שליח?!

תוספות answers:

ויש לומר דהכי קאמר מה שתורם מן היפה שלא ברשות היה³ -

And one can say; that this is what the ברייתא **means to say, this which the שליח** **was תורם from the nicer ones, that was without permission -**

ואם כן צריך לומר גבי פרזומא דשויה שליח⁴ דאי לאו הכי מאי מייתי:

¹ This סרסא would make beer from dates owned by someone else, and they would split the profit. After using the dates (for the beer) he was מקדש the woman with some leftover dates (which did not really belong to him). The owner, when he became aware of what happened, told the סרסא, 'why did you not take the better (leftover) dates'.

² The גמרא there explains that if he did not appoint him a שליח, it would not be תרומה (even if יפות מהן), for there is a requirement that the תרומה be הפרשת תרומה, with the knowledge of the owner.

³ The owner (presumably) meant that the שליח should be תורם from the average grade, but the שליח was תורם from the top grade; he had no explicit permission to do this. Therefore if the owner said יפות אצל and there were יפות, this indicates that initially the owner meant the יפות. If there were no יפות, the owner was being sarcastic.

⁴ This means the owner appointed the סרסא to be מקדש an אשה (for the owner) without specifying how much he should be מקדש her with. The סרסא was מקדש her with the פרזומא (which was a little more than what one is usually מקדש a woman with), in this case even if the owner told him why were you not מקדש with an even higher quality, nevertheless she is not מקודשת. The difference is that in the case of תרומה, where there is a מצוה (to give from the best), we assume that the owner was sincere (when he said יפות אצל), however by קידושין (where there is no מצוה [to be מקדש with

Therefore it is necessary to say regarding the case of **פרזומא**, that the owner appointed him as a **שליח**, for if it is not so, how can the **גמרא** bring the case of תרומה as a comparison to the case of קידושין?⁵

Summary

The case of the קידושין (just as the case of תרומה) is where he appointed the סרסיא to be his שליח to be מקדש an אשה for the owner.

Thinking it over

How is it that the גמרא does not mention at all that the owner made the סרסיא his שליח (to be מקדש a woman for him)?⁶

something more expensive]), we assume the owner said it out of embarrassment (for his כלה). [Others maintain that the סרסיא was a מקדש a woman for himself (not for the owner) however he requested permission from the owner to use the dates, but he took better quality dates (see אוצר מפרשי התלמוד # 77).] See 'Thinking it over'.

⁵ If by קידושין the סרסיא was מקדש the woman for himself with dates that did not belong to him (and we want to consider as if they were his since the owner told him, 'why did you not take the better ones'), that is not at all comparable to the case of תרומה, where he had permission to be מקדש תרומה. However according to תוספות we understand the comparison since in both cases he was a שליח of the בעה"ב.

⁶ See רש"ש.