

ואילו פאה ליתא בתאנה וירק – פאה
And the laws of
However, are not applicable by figs and vegetables

OVERVIEW

חייב פאה מדאורייתא including what is the הלכות פאה will clarify certain תוספות, and why the תאנה וירק by פאה did not institute רבנן, and why the גמרא singles out תאנה, when in reality most trees are exempt from פאה.

תוספות responds to an anticipated difficulty:

לאו דוקא תאנה דהא רוב אילנות אין לקיטתן כאחד –

It is not only the fig tree that is exempt from פאה, for the fruits of most trees are not harvested at the same time -

ואינן רק ח' אילנות דחשיב בפרק קמא דפאה (משנה ה') דחייב בפאה –

And there are only eight trees, which are enumerated in the first of פרק of that are בפאה, חייב בפאה, so why single out the fig tree, when in reality most trees are פטור from פאה.

תוספות replies:

אלא נקט תאנה משום דנלקטת כמה פעמים –

However, the reason he mentions תאנה, is because it is harvested many times¹ in one season -

כדאמרינן בחזקת הבתים (בבא בתרא כח, ב) אכל ג' פירי בחד יומא כגון תאנה כולי –

As we say in חזקת הבתים that there may be a situation where he (ate) [picked from the tree] three fruits in different times on one day, for instance figs, etc. Since the figs ripen at different times it is possible to have three separate harvests (even) in one day. Therefore when the משנה writes כאחת, it most obviously excludes תאנה which is the least כאחת לקיטתו.

² חייב פאה תוספות expounds regarding the

ואומר רבינו תם דמדאורייתא לא מחייב בפאה אלא בדגן תירוש ויצהר –

And the ר"ת says that the obligation of leaving פאה is only for grain, (olive) oil and (grape) wine³. תוספות goes on to enumerate how we know that (only) דגן תירוש ויצהר are התורה מן התורה.

¹ The תאנה is harvested in more separate times than any of the other trees.

² See TosfosInEnglish.com that the ר"ת is explaining why indeed the חכמים were not מתקן to give פאה from all trees.

דסתם קציר דכתיב⁴ גבי פאה הוא דגן וכתוב⁵ כי תחבוט זיתך כי תבצור כרמך –
For the word קציר (harvesting) which the Torah writes concerning פאה is
referring to harvesting **grain**, which is what קציר universally refers to, **and it**
is (also) written in the torah “when you harvest your olives etc. When you
harvest your vineyard etc. that in these two instances you should leave over פאה for
the poor. We see from these three פסוקים that the מדאורייתא פאה חיוב is only for דגן תירוש
(מעשר) (the same as ויצהר).

– דגן תירוש ויצהר is only for מדאורייתא פאה asks on what we concluded that תוספות

והא דדריש בתורת כהנים יכול שאני מרבה קישואין ודלועין שיהא חייבין בפאה –
And concerning the דרשה in תורת כהנים, where it says: one may think that
we should include קישואין ודלועין⁶ that they should also be מחוייב in פאה –

תלמוד לומר ובקוצרכם את קציר ארצכם מה קציר שהוא אוכל ונשמר כולי –
the קציר teaches us by writing ארצכם את קציר ובקוצרכם just as the קציר
(the grain harvest) is food and can be kept for an extended period of time
without spoiling) etc., so too all items which are food and can be kept are מחוייב בפאה,
to the exclusion of קישואין ודלועין, which are vegetables and cannot be kept for extended
periods of time without spoiling, they are פטור from פאה. It seems from this תו"כ that other
foods which can be kept, other than דגן תירוש would be מדאורייתא בפאה מחייב because
they are similar to קציר. This would contradict what the ר"ת just said, that only דגן תירוש
are מחוייב בפאה מדאורייתא ויצהר.

דגן תירוש ויצהר replies that there is no contradiction, because all other foods besides ויצהר
are only מחוייב בפאה, and as for the פסוק that is brought by the תו"כ, that דגן תירוש ויצהר

אסמכתא היא –

It is only a support for the תקנת חכמים who instituted פאה in other foods besides דגן
– לימוד מדאורייתא and not a real אסמכתא proves that it is only an אסמכתא. תירוש ויצהר

דהתם נמי דריש מעשר ירק מקרא אף על גב דהוי מדרבנן –
for there the תו"כ also uses a דרשה from a פסוק to teach us that we are
obligated to give מעשר ירק, even though it is universally accepted that מעשר
is only a מדרבנן, חיוב מדרבנן, so obviously the תו"כ is using it as an אסמכתא and the same is
true by פאה.

³ For if the חיוב פאה would extend to more than just דגן תירוש ויצהר, then one might ask why do we not say
לשון הזהב. See דגן תירוש ויצהר is only by מעשר, for מעשר (מדאורייתא) is greater than פאה, for it is greater by כלל גדול

⁴ ובקוצרכם את קציר ארצכם לא תכלה פאת שדך וגו' (ויקרא [אמור] כג, כב)

⁵ דברים (תצא) כד, כ-כא.

⁶ קישואין ודלועין are types of cucumbers and squash.

asks: תוספות

ומה שלא תקנו פאה בירק ובתאנה ודדמי לה כמו שתקנו מעשר מהן – **and the reason why the חכמים did not institute that we should give פאה from vegetables and figs – and all the other items that are similar⁷ to ירק** and are exempt from פאה, **as they were מתקן** that one should give **from these** מעשר plants which are exempt from פאה. What is the difference between פאה and מעשר?

answers: תוספות

אומר רבינו תם משום דאין לקיטתן כאחד דבר מועט הוא פאה זידיה – **The ר"ת says since these trees are not harvested together as one at the same time, its פאה is minimal** at any specific time, because only a small amount is being harvested at any given time, therefore the פאה left over from such a limited harvest is minimal –

ויש הפסד לעניים בה יותר מן הריוח שמתבטלים לפי שאין יודעים זמן לקיטתן – **And the poor people will lose more than they will gain** by gleaning this minimal amount of פאה **for they waste their time, not knowing when is the time of the harvest**, so they may keep coming to the fields, only to go away empty handed.

ודבר שאין מכניסו לקיום נמי לא חשיב ויפסידו יותר ממה שירויחו במקום אחר – **and similarly something which cannot be stored, like vegetables is also not worthwhile** to glean, since you cannot store it, and therefore you gather only as much as you can eat for this short period of time **and the poor people will lose more** by gathering vegetables which they cannot store, instead **of gaining** if they were to go to **another place** where they will be able to gather large amounts of food which can be stored for longer periods of time. Therefore the חכמים out of concern for the עניים, were not מתקן פאה in these types of food. However מעשר, which the בעה"ב has to give on his own, the עני or לוי will only gain by the חכמים being מתקן מעשר in additional foods, because the עני or לוי do not have to go and gather them, rather the בעה"ב will provide it for them.

SUMMARY

מרבה The חכמים were דגן תירוש ויצהר only for פאה חיוב there is a מדאורייתא other plants for פאה except those which מתקיים ואין לקיטתן כאחת, for that would cause the עניים to lose more than they would gain, since they will not

⁷ פאה mentioned previously that all trees (besides eight) are exempt from תוספות

be able to glean that much produce. תאנה stands out among trees, in that its fruit ripens in so many stages that it is the primary symbol of כאחת לקיטתן.

THINKING IT OVER

1. What might be a different way to structure the order of information that תוספות is teaching us?⁸
2. Does פאה מדאורייתא⁹ agree with תוספות concerning רש"י?

⁸ See רשב"א and שבת של מי.

⁹ See רש"י ד"ה כל שהוא אוכל כו' on this תוספות and חת"ס.