

## Even from the shirt on his shoulder

## אפילו מן גלימא דעל כתפיה –

### OVERVIEW

The גמרא argues that it is obvious that the מלוה may collect a עבד from the לווה as payment for his debt; since he can literally take his shirt of his back. תוספות will qualify this rule.

אם יש לו שנים -

If the לווה has two shirts, only then can the מלוה take one for payment of his loan -

דאם אין לו אלא אחד הא אמר בפרק המקבל (בבא מציעא קיד,א) דמסדרים לבעל חוב -

For if he has only one shirt, the מלוה cannot collect it as payment; for the גמרא states in פרק המקבל כי"ד that makes arrangements for a creditor. The 'arrangements' are that the מלוה must allow the לווה to keep certain necessities (even if this will prevent the מלוה from collecting his (entire) debt.

גלימא offers another option where the מלוה collects the גלימא, even if the לווה owns only one גלימא: אי נמי בטלית ששוה מאה מנה שמלבישין אותו בטלית הראוי לו -

If you wish you may also say, that we are discussing a טלית which is worth a hundred מנה (which is very expensive, and people of the לווה's means do not wear such expensive clothes), then the מלוה may take this טלית and sell it for his חוב and with some of the money clothe the לווה with a טלית which is befitting his stature, and keep the rest for his debt. This ruling will -

ולא כרבי עקיבא דאמר בפרק המקבל (שם קיג,ב) כל ישראל ראויין לאותו איצטלא -

Not follow the view of ר"ע who states in פרק המקבל that every ישראל is worthy of such a garment (as expensive as it may be)<sup>1</sup>.

ורבינו תם פוסק הלכה דאין מסדרין:

And the ר"ת rules that the law is we do not make any 'arrangements'. The מלוה is entitled to collect his entire debt from the assets of the לווה; regardless of the consequences.

### SUMMARY

If we maintain מסדרין לבע"ח, then the מלוה collects דעל כתפיה only if he has another גלימא, or if was an expensive one. ר"ת maintains מסדרין לבע"ח.

### THINKING IT OVER

How is this discussion if מסדרין לבע"ח relevant to our גמרא concerning the עבד?!

<sup>1</sup> According to ר"ע we would not sell the טלית; and the בע"ח could not collect his payment.