

אפילו מן גלימא דעל כתפיה – Even from the shirt on his shoulder

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 he 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, then he 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).

תוספות offers another option where the מלוה can collect כתפיה דעל מגלימא even if the לווה owns only this 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 the (remaining) money clothe the לווה with a טלית which is befitting his stature. The טלית is sold and part of the money will be used to purchase a garment which is not expensive and is appropriate for a person of his means. The rest of the money will be used to pay off the debt (as much as possible). 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)¹.

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 כתפיה דעל מגלימא 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?!

¹ According to ר"ע would we would not sell the טלית, and the בע"ח could not collect his payment.