

מספקת מאי למימרא כולי – Why say it, if it is sufficient, etc.

OVERVIEW

The גמרא cites the סיפא of the ברייתא regarding ערי מקלט, that by a woman who is exiled to ערי מקלט, the husband is obligated to feed her; indicating that the ברייתא is discussing a case where צא מעשה ידיך וכו' was not said (neither by the husband not by the master). The גמרא rejects this and maintains that the ברייתא is discussing where the husband said צא מעשה ידיך and if it is insufficient, then the husband must feed her; however if her מעשה ידיה is sufficient then he is not obligated to feed her. The גמרא then asks, if her מעשה ידיה is sufficient then it is obvious that he need not feed her; what is the ברייתא teaching us? תוספות explains why this question is only if we assume that the רישא (of the סיפא) is a case of ספקא, but if we assume that in all cases it is ספקא, there will be no question.¹

אי אמרת בשלמא כולה² בדספקא³ –

The ברייתא will be properly understood if we assume that the entire ברייתא is in a case of ספקא, for then we can say that the ברייתא -

תנא סיפא דאמר לה לגלויי ארישא⁴ דאיירי בלא אמר לה –

Taught us the (דסיפא) סיפא that (when) he told her (כו' וכו') צא מעשה ידיך (he does not have to support her), the purpose of this ruling is to reveal that the (דסיפא) רישא where it states that בעלה חייב במזונותיה is in a case where he did not say to her צא מעשה ידיך וכו' -

אבל השתא דמוקמת רישא בדלא ספקא⁵ –

However, now that you have established the רישא in a case of ספקא -

ולא תנא הך סיפא אלא לאשמועין –

¹ The סיפא (of the סיפא) in the ברייתא states that if he told her במזונותיה צא מעשה ידיך then the husband need not feed her. This is obviously in a case where ספקא (for otherwise he is required to feed her). The question is why is the ברייתא teaching us an obvious הלכה, that by ספקא he can tell her במזונותיה צא מעשה ידיך.

² This includes also the (דסיפא) רישא where the ברייתא states במזונותיה (and he did not tell her צא מעשה ידיך במזונותיה).

³ See "א"ב רישא בדלא אמר לה תנא סיפא וכו' תוספות who comments that seemingly should have said "א"ב כולה בדלא ספקא (but not כולה בדלא ספקא).

⁴ Granted that there is no novelty in the law of the סיפא itself (for it is obvious that if he told her צא מעשה ידיך and ספקא, he need not feed her), however, by teaching us this ruling, it permits us to assume that the רישא (where it states that במזונותיה חייב בעלה) is discussing where he did not say וכו' צא מעשה ידיך. [And therefore (by inference) the case of the עבד is also without saying צא; proving that לעבד עשה עמי וכו' (see (תוה"ר).]

⁵ See 'Thinking it over' #1 (&2).

And therefore the **סיפא** was merely taught to inform us -

דבמספקת יכול לומר לה צאי מעשה ידיך במזונותיך –

That by **מספקת** he can tell her במזונותיך **צאי מעשה ידיך**, then the question arises-

מאי למימרא דזה אינו שום חידוש⁶:

What is this teaching us; for there is no novelty at all in this ruling?!

SUMMARY

There is a purpose in stating an obvious ruling if we can infer from this ruling a novelty regarding another ruling.

THINKING IT OVER

1. **לא** and **צאי וכו'** is by **רישא** question, that if the **גמרא** explains the **תוספות**, then the **סיפא** is superfluous.⁷ Why can we not say that the **סיפא** teaches us that the **רישא** is **ספקא** (just as **תוספות** says [according to the **מקשן**] that the **סיפא** teaches us that the **רישא** is **וכו' צאי וכו'**)?!⁸

2. **תוספות** could have said that if we would assume that **יכול הרב לומר עשה וכו'**, then we could establish the **סיפא דסיפא** (where it says **צאי וכו'**) that **לא ספקא** and nevertheless he is not obligated to make up the **לא ספקא**, since he can claim that **מזלה גרמה** that she was **גולה**, and the **רישא דסיפא** (where it states **בעלה חייב וכו'**) is where he did not tell her **צאי וכו'**, and he mentions the **רישא** **לגלויי ארישא**, that **עבד** is also not discussing **צא** (proving that **יכול הרב** **וכו'**). The advantage of this explanation is that there is a **חידוש** (by the **סיפא** **וכו'**) as opposed to **תוספות** explanation!⁹

⁶ The **גמרא** answered that there is a novelty; he can tell his wife **צאי מעשה ידיך וכו'** (in the **מקלט**) even though **פנימה** **בת מלך פנימה** (see **רש"י ד"ה פנימה**).

⁷ See footnote # 5.

⁸ See **מהר"ם שי"ף**.

⁹ See **אמ"ה** # 64.