

מהר ימהרנה לו מדעתו –

He should offer her a dowry for himself; with his consent

Overview

The גמרא asked that we should derive מפתה from מאנס (also) in regard that the מפתה must marry her, just like the מאנס must marry her. The גמרא answers that by מפתה the תורה writes¹ לו לאשה, we understand the word לו to mean מדעתו with his consent. תוספות discusses this topic.

תוספות asks:

ואם תאמר ולו תהיה לאשה² נידרוש נמי לו מדעתו -

And if you will say, we should also expound the verse ולו תהיה לאשה (and she should be to him for a wife), which is written by a מאנס that לו means with his consent –

תוספות responds to an anticipated difficulty:

והא דכתיב לא יוכל לשלחה³ היינו היכא דכבר נשאה⁴ -

And this which is written לא יוכל לשלחה (he cannot send her away), that is referring to case where he already married her (מדעתו) –

תוספות answers:

ויש לומר דאין סברא שיהיה מדעתו כיון שאם נשאה לא יוכל לשלחה⁵ -

And one can say that it is not logical to say on one hand that the marriage must be מדעתו, since on the other hand you are saying that if he married her he cannot divorce her –

תוספות offers an alternate solution:

[ועוד ולו תהיה קאי אאשה ולהכי בעינן מדעתה אבל מהר ימהרנה⁶ קאי אגברא]:

¹ שמות (משפטים) כב, טו.

² ונתן האיש השקב עמה לאבי הנערה חמשים כסף ולו תהיה לאשה פסוק אשר ענה לא יוכל לשלחה כל ימיו, reads, דברים (תצא) כב, כט.

³ This (seemingly) indicates that it is not מדעתו, for he must remain married to her, even without his consent.

⁴ תוספות is suggesting that we divide the פסוק; when it states ולו תהיה לאשה the word ולו teaches that he must consent to marry her, and when the תורה writes לא יוכל לשלחה, that means in a case where he married her מדעתו, he can no longer divorce her.

⁵ It makes no sense to say that the marriage is only with his consent, but once he marries he has no choice! See 'Thinking it over'.

⁶ The subject of the ולו תהיה לאשה (פסוק) (by אונס) is the woman, that she should be his wife, so even though it states ולו, nevertheless since we are not discussing the man, but rather the woman, we interpret the פסוק ולו תהיה to mean with

[And additionally, the word תהיה (ולו) in the פסוק of לאשה (and she shall be for him as a wife) is referring to the woman, therefore we require that the marriage be with her consent, however the words מהר ימהרנו לו לאשה, is referring to the man.]

Summary

It is inconsistent to say that the מאנס can refuse the marriage, but once married cannot dissolve it.

Thinking it over

Why does תוספות state that it is illogical that the marriage is with his consent, but afterwards he cannot break up the marriage, when we find this situation in every marriage concerning the woman; her consent is required to marry her, but once she is married, she cannot dissolve the marriage, so why does תוספות state that is it inconsistent by the man, if it consistent by the woman?!

her consent. However in the פסוק of מהר ימהרנו (by מפתה) the subject is the man, therefore since it states מהר ימהרנו לו, we interpret it to mean only מדעתו.