

Since he spread his cloak

כיון¹ שפירש טליתו –

Overview

The **ברייטא** cites a מחלוקת between ר"ע and ר"א. According to ר"ע a father cannot sell his daughter once she was married (even if she divorced while she was still a קטנה). ר"א maintains that he cannot sell her after he sold her once before (even though she is a קטנה). However the reverse is permitted respectively to ר"א and ר"ע.

There is a dispute throughout ש"ס, whether we interpret a פסוק how it is read (יש אם), or whether we interpret it the way it is written by tradition (למקרא), even though we pronounce it not as it is written.

פירש בקונטרס² בדרכי עקיבא גרס³ כיון שפירש טליתו –

explained that by ר"ע the text of the ברייתא reads (once the father can no longer sell her - **כיון שפירש טליתו**)

דעל כרחק מיבעי ליה לאוקמי יש אם למקרא⁴ כדאמרין פרק קמא דסנהדרין (דף ד, א) -

For perforce we must establish that ר"ע is the one who maintains יש אם למקרא, as the גמרא states in the first פרק of סנהדרין -

ויש אם למסורת כרבי אליעזר⁵ כדדרשינן בבכורות (דף לד, א) -

And we also need to say that it is ר"א who maintains יש אם למסורת as the גמרא expounds in בכורות -

דרמינן מהאי פלוגתא על מילתא אחריתי דאמר התם לרבי אליעזר יש אם למקרא -

Where the גמרא there asks from this argument between ר"ע and ר"א regarding an issue, on another issue, for the גמרא states, there ר"א maintains יש אם למקרא, אמה -

ורמינן עלה מהא דיש אם למסורת סבירא ליה -

And we challenge that view from here where ר"א maintains יש אם למסורת. It is evident from that גמרא that ר"א maintains (here) יש אם למסורת and it is evident from the גמרא in תוספות (mentioned previously) that ר"ע maintains יש אם למקרא. Based on the above continues to explain ר"ע (פרש"י according to).

והכי פירושו ורבי⁶ עקיבא סבר כיון שפירש טליתו עליה לשם יעוד –

¹ In this תוספות and in the following one, תוספות offers various way of interpreting the מחלוקת between ר"ע and ר"א. In this תוספות he explains שישת ר"ע according to פרש"י.

² בד"ה כיון.

³ There are other גירסאות (which interchange the rulings of ר"ע and ר"א [see following רבי]), therefore פרש"י states that the correct גירסא is that it is ר"ע who maintains (here) יש אם למסורת.

⁴ See 'Overview'. It is only if we say יש אם למקרא that we interpret the פסוק (in כא, ח) of (שמות [משפטים]) לא נכרי לא ימשול. [Others add בר"ע (פרש"י) to mean that he cannot resell her if she was married (according to בבבדו בה למקרא בר"ע).

⁵ See 'Overview'. It is only if we say יש אם למסורת that we interpret the פסוק (in כא, ח) of (שמות [משפטים]) לא נכרי לא ימשול. [Others add בר"ע (פרש"י) to mean that he cannot resell her if she was already sold (according to בבבדו בה למקרא בר"ע).

⁶ Others amend this to רבי (instead of רבי).

And this is the explanation; and ר"ע maintains that once he spread his טלית over her for the purpose of יעוד,⁷ the rule is that -

אם גירשה בגט וחזרה אצל אביה אינו יכול למוכרה -

If the master divorced her with a גט, and the אמה divorcee returned to he father, he cannot sell her again -

דאין אדם מוכר את בתו לשפחות אחר אישות -

For a person may not sell his daughter into slavery after a marriage -

דסבר יש אם למקרא כלומר בבגדו קרינן ביה⁸ שהוא לשון בגד⁹ -

For ר"ע maintains למקרא יש אם, meaning we read the word בבגדו, which is an expression of a garment; referring to the טלית שפירש עליה -

דאי לשון בגידה¹⁰ איבעי ליה למימר בבגדו כמו בשמעו¹¹ (דברים כט¹²) -

For if בבגדו is an expression of betrayal (as ר"א insists) we should have read it (שי"ן קמ"ץ under the second ב), like בשמעו (קמ"ץ under the second ב), בבגדו.

תוספות responds to an anticipated difficulty:

ואף על גב דבעלמא קרינן בפגעו¹³ (במדבר לה¹⁴) התם ליכא למיטעי אבל הכא איכא¹⁵ למיטעי:

And even though elsewhere we read בפגעו (הפ"א חרוקה ולא קמוצה), there is no difficulty, for there (by בפגעו) we cannot make a mistake, however here (by בבגדו), one can make a mistake.

Summary

בגדו with a חיריק means his garment (if למקרא יש אם) therefore it refers to marriage, that one cannot sell his daughter after she was married.

⁷ פירש טליתו עליה is another way of saying he married her (like he took her under his wing).

⁸ The verse reads. לא ימשל למכרה בבגדו כה (with a חיריק under the [second] ב).

⁹ בגד means a garment (טלית); בבגדו (with a חיריק) means his garment, which fits into the explanation of ר"ע.

¹⁰ See 'Thinking it over' # 1.

¹¹ בגד and בגדו (with a חיריק) are nouns; they mean garment/his garment. בגד (with פתוחה והג' קמוצה) is a verb; it means he betrayed. When you want to say 'his betrayal' it should read בבגדו (קמוצה) (השני' קמוצה), as we see regarding the verb שמע, that it is read בשמעו (קמוצה) (השי"ן קמוצה). Therefore since we follow the reading of a word (יש אם למקרא) בגדו, (יש אם למקרא) but not betrayal (enslaving her).

¹² ויהיה בשמעו reads, נצבים פסוק יח.

¹³ The word פגע (he met) is also a verb (like בגידה), and nevertheless when we say, 'when he meets him'. we read it בפגעו with a חיריק (not with a קמץ) and nevertheless it is still a verb, so here too even though בבגדו is read with a חיריק it can still be the verb of betrayal, and not a garment.

¹⁴ בפגעו בו מסעי פסוק כא.

¹⁵ The word פגע is a verb only which has one meaning – meet. Therefore we need not be concerned how it is read, because it will always mean to meet. However the word בגדו can be a noun (and mean a garment – חרוקה), or it can be a verb (and mean betrayal – קמוצה), therefore if the תורה meant betrayal it should be read with a קמ"ץ under the second ב instead of a חיריק.

Thinking it over

1. What is the simple meaning of the פסוק¹⁶ [ל'] יַעֲדָה וְהִפְדָּהּ אִם רָעָה בְּעֵינֵי אֲדֹנֶיהָ אֲשֶׁר לֹא יִמְשַׁל לְמַכָּרָהּ בְּבִגְדוֹ בָּהּ לָעַם נִכְרִי לֹא יִמְשַׁל לְמַכָּרָהּ בְּבִגְדוֹ בָּהּ?

2. Is פרש"י adding anything to תוספות?

¹⁶ See (text by) footnote # 10.