[מפני[1] מה אמרה תורה כי יקח וכולי –
Why does the תורה state, 'if he will take, etc.'

OVERVIEW

The גמרא cites a ברייתא in which ר"ש ask why does the תורה write כי יקח איש אשה, when it should have written כי תלקח אשה לאיש. The ברייתא continues with the answer. תוספות will explain the question; why ר"ש assumed that כי תלקח is preferable over כי יקח.

פירוש[2] דמשמע בעל כרחה[3] ולא כתיב כי תלקח דמשמע מדעתה[4]] תוספות ישנים:

The explanation of the question why the פסוק states כי יקח is that the phrase כי יקח **indicates** that the man can acquire the woman **against her will, so** why **does not the פסוק state כי תלקח** (**if she will be acquired**) **which indicates** that the 'acquiring' will be **with her consent.** This is an addendum of the **תוספות ישנים.**

SUMMARY

The words כי יקח indicate בע"כ while כי תלקח indicates מדעתה.

THINKING IT OVER

If initially ר"ש argued that כי תלקח should be used since כי יקח may be interpreted to mean בע"כ (despite that there are misgivings with the use of [5]כי תלקח), then indeed why did the תורה write כי יקח since it can be misinterpreted?![6]

---

[1] This תוספות is an addendum from תוספות ישנים and is bracketed in our texts.

[2] The term פירוש indicates that there is a difficulty in understanding the simple meaning of the text. It would seem that כי יקח is preferable over כי תלקח. Firstly כי תלקח is an awkward term especially compared to כי יקח which is more straightforward. In addition the man indeed takes the woman by giving her קידושין; it is not merely a passive acquisition as the term כי תלקח may indicate. כי תלקח also contains more letters than כי יקח (see מהרש"ל). Therefore תוספות finds it necessary to explain the question of ר"ש.

[3] The problem caused by mistakenly interpreting כי יקח to mean בע"כ should be primary and dispel the other considerations (mentioned in footnote # 2). See 'Thinking it over'.

[4] It seems that the expression כי יקח and כי תלקח parallel the expression of האשה נקנית and האיש קונה respectively; both האיש קונה and כי יקח איש indicate בע"כ, while האשה נקנית and כי תלקח indicate מדעתה (also).

[5] See footnote # 3.

[6] See נח"מ בביאור הגמ' and בירורי השיטות בגמ' רש"א.