

Laws of Marriage Chapter 12 (Auto Translated)

English

Auto Translated

Shiur Overview

Summary of Chapter 12, Laws of Marriage — Rambam

Introduction to the Chapter

Chapter 12 is a very important chapter — it gives an overview of the mutual obligations of husband and wife. The chapter is an **introduction to the next ten-plus chapters** — the Rambam gives the general principles here, and afterwards he explains each matter in detail. Until now we've learned about ketubah as part of the laws of marriage (because it's written at the wedding), and now we're talking about **after marriage** — what are the obligations of husband to wife and wife to husband.

[Digression: The shiur begins with a discussion about **keviyut itim laTorah** — that there's a daily obligation to learn Torah, similar to the obligation of tefillin and prayer, which we understand applies every day even though it's not stated explicitly. Even one whose Torah is his profession still has the obligation of keviyut itim laTorah.]

Halacha 1 — The Ten Obligations of the Husband and Four Rights

The Rambam: "When a man marries a woman, whether a virgin or a non-virgin, whether an adult or a minor, whether a Jewish woman or a convert or a freed maidservant — he becomes obligated to her in ten things, and he acquires four things."

Explanation: When a man marries a woman — without distinction whether she's a virgin or non-virgin, adult or minor, Jewish woman or convert/freed maidservant — he becomes obligated in ten things, and he receives (is entitled to) four things.

Insights:

1. **"Bein" vs. "Achat"** — The Rambam switches from "bein...bein" (virgin/non-virgin, adult/minor) to "achat...v'achat" (Jewish woman/convert). Regarding the **amount** of ketubah (maneh or matayim) there is a distinction between virgin/non-virgin, but regarding the **actual obligations** there is no distinction.

2. **"Yitchayev" vs. "V'yizke"** — The Rambam doesn't say "v'hi mitchayevet lo b'arba'ah devarim" but rather **"v'yizke b'arba'ah devarim"** — it's not her obligation, it's his right. The language of chov/zechut is originally a **financial language** — chov = debit (one owes), zechut = credit (it's coming to you). It's used metaphorically for mitzvot/sins, but here in the Rambam it's **primarily financial** (although some things aren't strictly financial). [Digression: A "credit card" is actually a "debt card" — the credit belongs to the bank, not to the buyer.]

3. **Relativity of chov/zechut** — Every time one person has an obligation, the other has a right, and vice versa. The Rambam speaks from the husband's perspective — his ten obligations are her ten rights, and his four rights are her four obligations.

Halacha 1 (continued) — The Three Biblical Obligations: She'arah, Kesutah, V'onatah

The Rambam: "And the ten — three of them are from the Torah, and these are: she'arah, kesutah, v'onatah. She'arah — this is her food. Kesutah — as it sounds. V'onatah — to come upon her in the way of all the earth."

Explanation: Of the ten obligations, three are from the Torah, based on the verse (Exodus

21:10): she'arah = mezonot (food), kesutah = clothing (as understood), onatah = tashmish hamitah.

Insights:

1. **Source of "she'arah = mezonot" — Onkelos translates "she'arah" = "zyonah"** (mezonot). A connection to "mish'artah" = her dough/flour.

2. **The Ramban's approach — all three refer to tashmish** — The Ramban disagrees with the Rambam and learns that **she'arah, kesutah, v'onatah all three refer to tashmish hamitah**: she'arah = physical closeness (kiruv basar), kesutah = in an honorable manner (a dwelling or a bed), onatah = the time/regularity. According to the Ramban, **only onah is from the Torah**, and mezonot is not from the Torah. All matters of money (mezonot, clothing) are according to the Ramban not biblical. But in practice the distinction isn't so great, because we also follow rabbinic law.

3. **Other opinions in the Gemara** — There are opinions in the Gemara (Ketubot) that learn **the opposite**: she'arah = bi'ah, onatah = mezonot.

4. **The Ra'avad** — The Ra'avad has objections to the Rambam, that things the Rambam doesn't count among the biblical ones are according to other opinions indeed from the Torah.

5. **Practical application ("Chatan Rabbi Talk")** — She'arah = all **physical needs**; kesutah = all **social needs** — that she should be honorably dressed, not be embarrassed, not go like an "orchah peruchah"; onatah = **emotional needs** — the connection between husband and wife.

6. **Translation of "onah"** — A discussion about the root of this word:

- **Onah = time** (like "onah achat" = 12 hours, "et anavim higi'a"). The verse means that from time to time he must be with her — therefore the Torah didn't use "tashmish" but "onah." The proof: Chazal say "onah ha'amurah baTorah — b'chol yom" (for tailors), which shows that "onah" means an "et," a time. The word became a

shem mushal — from the specific time of tashmish to any time in general. Similarly in tefillat ta'anit and selichot: "b'et uv'onah hazot."

- **Alternative: onah = tashmish itself** (cohabitation) — It's not certain that onah means time. This word appears in the Torah **only once** ("v'onatah lo yigra").

- **Root ayin-nun-heh — connection with "tachat asher inah" and "te'aneh et benotai"**: The root ayin-nun-heh can mean tashmish in a negative context (against her will). Interesting: "te'aneh" (negative) and "onah" (positive) from the same root. Also mentioned: one of the sources for the prohibition of tashmish on Yom Kippur is from "v'initem et nafshoteichem" — because ayin-nun-heh is a euphemism for tashmish.

- **Onah = answering her needs** — Like "shome'a k'oneh" — he is "oneh aleha," he answers for her needs.

- **Onah = ma'on (dwelling)** — Some **Rishonim** learn that onatah means like kesutah — a **ma'on** (dwelling), not tashmish. Connection to "me'onah Elokei kedem." But the dictionary puts it in a different root.

- [Digression: **"Me'onen"** — According to Rabbi Akiva, "me'onen" means a "noten onot/itim" (the Rambam rules that me'onen is a noten sha'ot). Asked why no one brings "me'onen" as proof for the meaning of "onah." Rejected that "onen" is perhaps a different root (perhaps from anan/cloud).]

7. **The obligation of onah is an obligation, not just a right** — Onah doesn't just mean that the husband has a right to tashmish when it suits him, but he has an obligation to be proactive from time to time to take care of her needs.

8. **"Lavo aleha k'derech kol ha'aretz" — the Rambam's language** — The Rambam uses the language of Lot's daughters: "v'ish ein ba'aretz lavo aleinu k'derech kol ha'aretz." The Rambam's approach is that lashon hakodesh has no vulgar words — everything is euphemisms. "Lavo" literally means "to come," "k'derech kol ha'aretz" means "like the way of all people" — but we understand clearly what it means.

Halacha 2 — The Seven Tenai Ketubah (Rabbinic Obligations of the Husband)

The Rambam: "And the seven are from the words of the Sages, and all of them are conditions of beit din: the first — the basic ketubah... to heal her if she becomes ill, and to redeem her if she is captured, and to bury her when she dies, and to be sustained from his property and to dwell in his house after his death all the days of her widowhood, and to have her daughters from him sustained from his property after his death until they become betrothed, and to have her male children from him inherit her ketubah in addition to their portion in the inheritance with their brothers."

Explanation: Seven rabbinic obligations: (1) basic ketubah (maneh or matayim); (2) medical care when she becomes ill; (3) redemption when she is captured; (4) burial when she dies (this isn't conditional — "when she dies" not "if"); (5-6) that she should be able to eat from his property and dwell in his house after his death all the days of her widowhood; (7) that her daughters from him should also be sustained from his property after his death until they become betrothed (specifically daughters, because sons receive inheritance); (8) ketubat benin dichrin — that her male children from him should inherit her ketubah in addition to their portion in the inheritance with their brothers.

Insights:

1. **"Tenai ketubah" doesn't mean the literal ketubah document** — We don't write all this in the actual ketubah. "Ketubah" is just a collective term for all obligations between husband and wife.

2. **"Tenai" doesn't mean according to the laws of conditions** — "Tenai" here doesn't mean conditions in the halachic sense of making a condition on what is written in the Torah, but rather it means additional details/conditions of the husband-wife relationship. "Ikar ketubah" is what must be written in the ketubah (maneh or

matayim) — without this there's no valid ketubah. The others are called "tenai ketubah" — additions, situations (if such a situation arises, one should do thus).

3. **Ketubat benin dichrin — how it works:** "Yeter al chelkam b'yerushah" means that the ketubah amount is first divided for the son of that wife, and only afterwards is the rest of the inheritance equally divided among all the children. The ketubah doesn't enter into the regular division. Each wife has her own ketubah with her own amounts, and her sons inherit that. It has nothing to do with "last wife" — a man can have two wives at once.

4. **Is ketubah biblical or rabbinic?** In the Gemara there's a dispute: one opinion learns ketubah from "kesef yishkol k'mohar habetulot" — that ketubah is biblical. But the Rambam rules that ketubah is rabbinic.

Halacha 2 (continued) — The Four Things the Husband Acquires from the Wife

The Rambam: "And the four things he acquires — all of them are from the words of the Sages, and these are: to have her handiwork be his, and her findings be his, and that he should eat the fruits of all her property during her lifetime, and if she dies during his lifetime he inherits her and he takes precedence over all others in inheritance."

Explanation: The husband receives four things, all rabbinic: (1) ma'aseh yadeha — what she earns with her hands; (2) metzi'atah — if she finds something or wins a lottery; (3) peirot nechaseha — he eats the fruits of her property during her lifetime (property she had from before the wedding or received in any manner — the property itself doesn't belong to him, only the fruits); (4) yerushatah — when she dies during his lifetime he inherits her, before all others, even if she has children.

Insights:

- **"Peirot nechaseha"** is originally literal fruits — a field or a tree, he takes the fruits. When she dies it goes to her heirs, but as long as she lives he eats from it.

- **Hasagat HaRa'avad — yerushat haba'al is biblical:** The Ra'avad argues with the Rambam and holds that the husband's inheritance of his wife is also biblical (unlike the Rambam who counts it among the 7 rabbinic things).

Halacha 2 (end) — All These Things Even Though They Are Not Written

The Rambam: "All these things even though they are not written in the ketubah document, and even if they didn't write a ketubah at all, but he married her without conditions — once he married, the husband acquired the four things that are his, and the wife acquired the ten things that are hers, and they don't need to be specified."

Explanation: All fourteen things (4 from husband, 10 from wife) automatically take effect at marriage, even without a ketubah document, even without any conditions — because the obligation comes from the Torah or from the conditions of beit din, not from the will of the parties.

Insights:

- **The actual text of the ketubah:** The Rambam doesn't say what should be written in the ketubah. In practice, the text of the ketubah contains only a "random portion" of the fourteen things, and no one knows why specifically those.

- **Redemption for a wife without property:** If the wife doesn't bring in any property (no fruits), the husband is still obligated in her redemption (pidyon from captivity). This shows that not all obligations are strictly a "keneged" deal — some obligations exist even without the other side of the equation.

Halacha 3 — The Keneged Structure: Balance Between Obligations and Rights

The Rambam: "And furthermore the Sages enacted that her handiwork should be in exchange for her sustenance, and her redemption in exchange for eating the fruits of her property, and her burial in exchange for his inheritance of her ketubah."

Explanation: The Sages enacted that each right of the husband should balance an obligation of the husband: ma'aseh yadeha keneged mezonoteha; pidyonah keneged achilat peirot; kevuratah keneged yerushah.

Insights:

1. **The essence of the enactment — balance, not a "deal":** The Torah doesn't want one person to be miserable — the husband provides safety (mezonot, pidyon, burial) and receives in return (ma'aseh yadeha, fruits, inheritance). It's a fair system.

2. **Gemara: "Mezonot ikar, u'ma'aseh yadeha mishum eivah"** — The primary obligation is mezonot (biblical), and ma'aseh yadeha was only enacted so there wouldn't be eivah (hatred/resentment) — that he supports her and she makes money for herself. But it's not that she "pays" for her sustenance with ma'aseh yadeha.

Halacha 4 — "Eini Nizonit V'eini Osah"

The Rambam: "Therefore if the wife said 'I will not be sustained and I will not work' — we listen to her. But if the husband said 'I will not sustain you and I will not take anything from your handiwork' — we don't listen to him, lest her handiwork not suffice for her sustenance."

Explanation: If the wife says "I don't need your sustenance and I don't want to work for you" — we listen to her. But if the husband says "I won't give you sustenance and I won't take your handiwork" — we don't listen to him, because perhaps her handiwork won't be enough for her sustenance.

Insights:

1. **Why can she waive a biblical obligation?**

The Rambam said that mezonot is biblical — how can one make a "deal" on it? The answer: It's for her benefit. She is always assured sustenance — the husband can't refuse it. Only she has the choice to say "I don't need it." It's not like making a deal with God to pray four times Shemoneh Esrei tomorrow and nothing today — here it's an enactment that builds on the fact that first she receives sustenance, and in honor of that he receives ma'aseh yadeha. When she doesn't want both — she may.

2. The innovation: He can't, but she can — He can't stop her from saying "eini nizonit v'eini osah," but she can stop him — he can't refuse sustenance.

3. We're talking when she makes more than she costs — The scenario is when her handiwork is worth more than her sustenance — therefore it's worthwhile for her to say "let me keep my own money."

4. Simple waiver of mezonot doesn't help — If she simply says "I waive sustenance" without the "v'eini osah" part — it seems it doesn't help. Only because the Sages made ma'aseh yadeha keneged mezonoteha, can one make this deal when both sides are waived together.

Halacha 4 (continued) — Mezonot Is Counted as Tenai Ketubah

The Rambam: "And because of this enactment, sustenance is counted among the conditions of the ketubah."

Explanation: Because of the enactment that ma'aseh yadeha keneged mezonoteha, sustenance is also counted as a condition of the ketubah.

Insights:

- **Why didn't the Rambam earlier count mezonot among the seven tenai ketubah?** Above the Rambam said that mezonot is biblical (not tenai ketubah), and now he says that mezonot is counted as tenai ketubah? The answer: The basic obligation of mezonot is

biblical, but the mechanism that mezonot goes keneged ma'aseh yadeha — that's a rabbinic enactment, and that makes it "open for discussions" as a business matter. "Tenai ketubah" here means in the sense that it's open for deals — it can be balanced against ma'aseh yadeha. It doesn't mean that mezonot is rabbinic, but that it has a tenai-ketubah character in the sense that one can negotiate with it.

Halacha 5 — Conditions Against the Obligations (General Rule)

The Rambam: "If the husband stipulated that he would not be obligated in one of the things he is obligated in, or if the wife stipulated that the husband would not acquire one of the things he acquires — the condition is valid, except for three things where the condition is not effective, and anyone who makes a condition on them, his condition is void. And these are: her onah, and the basic ketubah, and her inheritance."

Explanation: In general one can make conditions to change the obligations of marriage. But three things cannot be stipulated away: (1) onah, (2) basic ketubah, (3) the husband's inheritance.

Halacha 6 — Onah: The Condition Is Void

The Rambam: "If he stipulated with the woman that she has no claim of onah upon him — his condition is void, and he is obligated in her onah, for he stipulated against what is written in the Torah, and it is not a monetary matter."

Explanation: A condition against onah is void because it's making a condition against what is written in the Torah, and it's not a monetary matter.

Insights:

1. The distinction between monetary and non-monetary: The Rambam's principle is that in general one cannot make a condition against

what is written in the Torah. The exception is only for monetary matters — "in a monetary matter his condition is valid." Onah is not a monetary matter, therefore the condition doesn't help.

2. What is "mammon" actually? A lengthy discussion: One side argues that mammon is an "agreement between people" — it's flexible because both sides determine the value (like a hundred-dollar bill that has value only because people believe in it). Onah in contrast is a "defined reality" — a real act that can't be reframed as a financial transaction. The other side rejected this — mammon is also a "great fact" in reality, not just imagination.

3. Ambiguity in the distinction: Onah is also a "matter between person and person," an obligation "from him to her." Why isn't that called mammon? It's a dispute among Tannaim on this matter. The Rambam establishes that essentially one cannot stipulate anything against what is written in the Torah, only for mammon is there a special exception.

4. She'arah kesutah as an example of mammon: She'arah kesutah (clothing/food) — if she says "I don't need your clothing" — that's a monetary matter, therefore one can indeed make a condition. But onah — no.

Halacha 7 — Basic Ketubah: The Condition Is Void

The Rambam: "If he stipulated with her to reduce from the basic ketubah... or if she wrote to him that she received such and such from them and she didn't receive — his condition is void, for anyone who reduces for a virgin from two hundred or for a widow from one hundred, this is like promiscuous relations."

Explanation: One cannot make a condition to reduce the basic ketubah (200 for a virgin, 100 for a widow). Even if she writes that she already received a portion (waiver-style), it doesn't help — his condition is void.

Insights:

1. Be'ilat zenut: The Rambam brings the language of the Mishnah in Ketubot — without a basic ketubah it's "be'ilat zenut." This means that the Sages don't just want every woman to have a *right* to a ketubah (which could be waived), but that there should *exist* a ketubah — one cannot make any deals on it.

2. "She'nitkablah" — a stronger innovation: Even the method of "she'nitkablah" (she writes as if she already received) doesn't help. This is a stronger innovation because this is more like a waiver — "for me it's as if I received it" — and nevertheless it doesn't help.

3. Condition is void vs. condition is valid with new obligation: One might have thought that the condition is valid, but a minute later comes a new obligation (like with making a condition against what is written in the Torah). But the Rambam says "his condition is void" — the condition never took effect.

Halacha 8 — The Husband's Inheritance: The Condition Is Void

The Rambam: "If she stipulated with him after she married that he would not inherit her — his condition is void. And even though the husband's inheritance is from the words of the Sages, they strengthened their words like those of the Torah. And any condition regarding inheritance is void, even though it is monetary, as it says regarding it 'l'chukat mishpat.'"

Explanation: A condition that the husband should not inherit the wife is void. Although the husband's inheritance is rabbinic, the Sages treated it like biblical law. And regarding inheritance in general, conditions don't help, even though it's monetary, because regarding inheritance it says "l'chukat mishpat" — a statute that cannot be changed.

Insights:

1. Double foundation: The Rambam brings two reasons: (1) they strengthened their words like those of the Torah; (2) inheritance in general

cannot be stipulated away with conditions, even though it's monetary, because "l'chukat mishpat." Even the exception of "in a monetary matter his condition is valid" doesn't help for inheritance.

2. **"After she married" — before she married he can indeed stipulate** — The reasoning is that before marriage he can stipulate that the money should never enter his domain. This is explained later in chapter 23.

3. **Dispute of Rambam, Ra'avad, Ramban — three opinions:** (a) **Ra'avad** — the husband's inheritance is **biblical** ("I say the husband's inheritance is Torah law"); (b) **Rambam** — rabbinic but one cannot stipulate; (c) **Ramban** — one can indeed stipulate that he won't inherit her.

4. **The Ra'avad's lack of understanding** — The Ra'avad says that the reason one cannot make any condition on inheritance is because **inheritance is a davar shelo ba l'olam** — the right of inheritance doesn't yet exist. The property is already here, but the right of inheritance comes only when the deceased dies, so now the heir has nothing he can transfer or stipulate. Questioned: One could say that the kinship (closeness) between father and son creates a constant right that is only "actualized" at death.

5. **Interesting point according to the Rambam** — Because the Rambam holds the husband's inheritance is rabbinic, it comes out that the Sages took away the inheritance right from the children (who are the natural heirs biblically) and gave it to the husband.

Halacha 8 (end) — Conditions on Other Things

The Rambam: "And regarding the other matters... his condition is valid, such as if he stipulated with her that she has no she'ar or kesut... and all similar things, his condition is valid."

Explanation: Of the 14 things, three cannot be stipulated (onah, basic ketubah, inheritance). On the other eleven things, his condition is valid.

Transition to Laws of Mezonot — "She'arah Elu Mezonot"

Insights:

1. **[Digression: Practical ramifications of the husband's obligations]** — The husband has obligations of medical care, redemption, burial. In the modern world we're accustomed to organizations taking over, but according to the law it's the husband's primary responsibility. He can appoint an agent (like a father makes a teacher an agent to teach Torah), but he must know it's his obligation.

2. **Are these laws of money or laws of effort?** Aside from onah (which is not a monetary matter), all other obligations are **monetary matters** — the husband is obligated in **money**, not personal effort. He's not obligated to personally go call a doctor, but to pay for the doctor. Certainly a normal person does it, but that's not the halachic obligation.

3. **The Torah is written for normal people** — All laws are built on a person who has property, a house, capabilities — not for wanderers or nomadic people.

Halacha 9 — The Measure of Mezonot: What Does a Wife Receive?

The Rambam: "They assess for her bread for two meals each day, an average meal of any person in that city who is neither sick nor a glutton, and from that food of the people of that city... wheat for wheat, barley for barley, and similarly rice or millet or other types that are customary. And they assess for her accompaniment to eat with the bread such as legumes or vegetables and similar things. And oil for eating and oil for lighting the lamp. And fruits. And a little wine to drink if it was the custom of the place that women drink wine."

Explanation: The beit din assesses for a wife: two meals a day of bread (an average meal according to the custom of that city), plus

accompaniment (something to eat with the bread — legumes, vegetables), plus oil (half for eating, half for light), fruits (like dessert/compote), and a little wine if the local custom is that women drink wine.

Insights:

1. **"Poskin" means a beit din ruling** — This speaks when the husband isn't home, or when they come to beit din and the beit din makes a budget from his money. In normal daily life this isn't relevant — a husband who eats with his wife in one kitchen doesn't need to calculate measures.

2. **Also relevant for a stingy husband** — The measure can also be relevant for a normal husband who is very stingy — he eats very little himself, but he can't say "this is my standard" — he must give according to the standard of that city.

3. **"Average meal" — the median way** — The measure is an average meal of that city, not of a sick person (who eats less) and not of a glutton/overeater (who eats more).

4. **The food goes according to local custom** — If in that city they eat wheat, she receives wheat; barley, she receives barley. This comes from Mishnayot in tractate Ketubot.

5. **Oil — Shabbat candles** — The large measure of oil (which comes from the Mishnah) fits very well with the concept that Shabbat candles are a matter of shalom bayit — the husband has an obligation to provide oil so it should be lit in the house.

6. **Wine** — Other Rishonim say that a woman doesn't drink wine at all, but the Rambam rules that "a little" wine yes, if the local custom is so. The Rambam's language "a little" shows that even where the custom is yes, it's a disgrace for a woman to drink a lot of wine.

7. **Water isn't mentioned** — Presumably because it's obvious (or freely obtained).

Three Meals for Shabbat

The Rambam: "And they assess for her three meals for Shabbat, meat or fish

according to local custom."

Explanation: For Shabbat she receives three meals with meat or fish according to local custom.

Insights:

- It doesn't have to be both — fish or meat. That we eat both fish and meat is already a greater expansion. The basic law is "according to local custom."

Pocket Money — A Silver Ma'ah Each Week

The Rambam: "And he gives her each and every week a silver ma'ah for her needs, such as a perutah for washing and similar things."

Explanation: Besides food she receives each week a silver ma'ah for her personal needs — laundry, body washing, etc. This is still within the category of "she'ar" (mezonot).

Insights:

- "Shabbat" here doesn't mean Shabbat kodesh but a week — just as "hayom yom sheni b'Shabbat" means two days after Shabbat, and "sheva Shabbatot" means seven weeks. From this comes the word "shavu'a."

Halacha 10 — The Poor Among Israel / Rich / Very Poor

The Rambam: "We are dealing with the poor among Israel. But if he was rich, everything according to his wealth... we force him... and if he was very poor and cannot give her even the bread she needs — we force him to divorce, and her ketubah will be a debt until he has means and gives."

Explanation: All measures are the minimum for a poor person among Israel. A rich person must give according to his wealth — even different types of meat every day if that's his standard. A very poor person who can't even provide bread — we force him to divorce, and the ketubah remains a debt until he has money.

Insights:

1. **"The poor among Israel" means a class** — The class of poor people who have little money but can provide the minimum. A "very poor person" is even worse than the class.

2. **When we force him to divorce** — This is only when she wants to leave. She can decide to stay with a poor man, although according to the law he remains obligated.

3. **[Digression: Can we force a man to go work?]** A famous dispute among Rishonim: **Rabbi Eliyahu** holds that from the language in the ketubah "I will work and honor" — "I will work" means to work, and we can force a man to go work so he'll have money for his wife. **Rabbeinu Tam** disagrees — the obligation of mezonot is a monetary obligation: if he has money we take it away, but we can't force a person to go work. The Shulchan Aruch brings both opinions. The **Gra** rules like Rabbeinu Tam — this is a reason why "Lithuanians consider themselves chassidim of the Gra" — because he holds there's no obligation to go work.

4. **Olah imo v'einah yoredet** — Mentioned a law in Sh

ulchan Aruch that we go according to the better standard of both: if the husband is rich — according to his high standard; if she comes from a rich family — according to her high standard. But this doesn't appear here in the Rambam, and one must see whether for mezonot specifically the principle of "olah imo v'einah yoredet" applies or not. A luxury is more a matter of kavod (not she'ar), therefore it's not certain that the principle applies to mezonot.

Halacha 11 — Terumah for the Wife of a Kohen

The Rambam: "If her husband was a kohen — he doesn't give her all her sustenance in terumah, because it's a great burden for her to guard them from things that cause impurity and to eat them in purity, but he gives her half chullin and half terumah."

Explanation: If the husband is a kohen, he may not give all sustenance in terumah, because it's a great burden for her to guard everything in purity. He gives half chullin and half terumah.

Insights:

1. **Why does the kohen want to give terumah?** Because terumah comes to him for free — for him it's "free." But the obligation of mezonot means he must give food that she can eat immediately without difficulties.

2. **Is the reason because she's a niddah?** Discussed whether the reason for "half" is because a woman is approximately half the time a niddah (and can't eat terumah in tumah), or even without niddah — the mere pressure of guarding purity is enough reason. The conclusion: It applies even without niddah — the very burden of guarding purity is the reason.

3. **A compromise:** On one hand we can't demand from a kohen that he should pay extra when he has terumah, because the Torah said that his wife may eat terumah. On the other hand we can't give everything as terumah. Half and half is the compromise.

Halacha 12 — He Doesn't Want to Eat Together With Her

The Rambam: "A husband who wanted to give his wife her appropriate sustenance and she would eat and drink by herself and he eats and drinks by himself — he has the right. Provided that he eats with her from Friday night to Friday night."

Explanation: A husband may give his wife her sustenance separately and eat separately from her. But once a week — Friday night — he must eat together with her.

Insights:

1. **The obligation of mezonot doesn't mean eating together** — From the fact that the Rambam permits eating separately, we see that the obligation of mezonot only means that she shouldn't be hungry, she should have what to eat.

2. **"He should eat with her" under she'ar, not onah** — The Rambam places the law of "he should eat with her from Friday night to Friday night" under she'ar — very interesting, because one would have thought it belongs to onah. The Rambam makes it part of mezonot/she'ar — that the standard of Shabbat eating requires that one eats it together with other people.

3. **Applies even when she's a niddah** — Because the Rambam places it under she'ar, not onah.

4. **"From Friday night to Friday night"** — Means like with onah: the primary obligation is once a week. It doesn't necessarily mean Friday night — if he's a great rabbi who conducts a Shabbat tisch, he can do it Sunday. But it's not entirely clear, because the language "Friday night" could mean there's a specific law in Shabbat oneg.

5. **The law is a claim from the wife** — She can waive it, because it's presumably a monetary matter (part of she'ar).

6. **[Digression: Story with the Chafetz Chaim:]** Rabbi Meir Shapira visited the Chafetz Chaim and asked to stay for the Friday night meal. The Chafetz Chaim said: "Very gladly, but I know that in your Galicia you'll be uncomfortable sitting next to a woman at one table, and I won't waive the law of 'he should eat with her from Friday night to Friday night.'" Rabbi Meir Shapira didn't stay. This shows that among Chassidim they more easily waived this law, but the Chafetz Chaim held it strictly.

Halacha 13 — Obligation of Mezonot for His Young Sons and Daughters

The Rambam: "Just as a man is obligated in his wife's sustenance, so he is obligated in the sustenance of his young sons and daughters until they are six years old. From then onward he feeds them until they grow up according to the enactment of the Sages."

Explanation: A man is obligated in sustenance for his small children until six years, and from

there onward there's an enactment of the Sages until they grow up.

Insights:

1. **Connection to his wife's sustenance — "Just as...":** The Rambam places the obligation of children's sustenance within his wife's sustenance. The explanation: Small children (until six) are part of the mother — "her thigh." When one gives sustenance to the mother, it means with everything that "clings" to her — her babies. The measure of six years corresponds with "a child who needs his mother" (Mishnah Eruvin).

2. **Biblical or rabbinic?** The Rambam doesn't say so clearly that until six is biblical, but he places it within mezonot which is a biblical law. It appears "as if" the Sages placed it within the biblical law of mezonot. The Rambam is "right" but the poskim don't want to accept it as halacha (meaning, that until six is biblically part of she'ar).

Halacha 14 — After Six: Enactment of the Sages, and What to Do When He Doesn't Want

The Rambam: "If he didn't want — we rebuke him and shame him and pressure him. If he didn't want — we announce about him publicly and say: So-and-so is cruel and doesn't want to sustain his children, and he is worse than an impure bird that sustains its young. And we don't force him to sustain them."

Explanation: After six years, if the father doesn't want to give sustenance, we can't force him. We shout at him, we shame him, we beg him, and if it doesn't help, we announce publicly that he's cruel, worse than an impure bird.

Insights:

1. **Distinction between wife's sustenance and children's sustenance:** For wife's sustenance we go to beit din, place a lien, and take his money. For children (after six) this isn't so — because it's not a monetary obligation. The children have no ownership or right in his

money. He has an obligation to do it, but it's not a monetary obligation.

2. Chazal's strong protection of another's money: Chazal held very strongly that "your money is your money" — even when everyone understands that someone who doesn't give sustenance to his children is a "wild animal," we can't do more than announce that he's a wild animal.

3. Explanation of "potzrin bo": One opinion — we beg (haftarot devarim), which is a "nicer" thing. A second opinion — haftarot means we don't let up, every day we call him, we torment him until it happens. The order: go'arin (shouting privately), machliminim (shaming one-on-one), potzrin (persistent pressure), machrizin alav b'tzibbur (public shaming).

4. Source in the Gemara: The Rambam writes "worse than an impure bird" in general language, but in the Gemara it says specifically: "a raven wants children, and that man doesn't want children" — even a raven (crow) takes care of its children, and the man doesn't.

5. [Digression: Raven to his children and household members] The saying that one who wants to learn Torah should be "like a raven to his children and household members" — here we see that this isn't so simple, because the raven does indeed take care of its children.

6. Public shaming as a tool: In this chapter we see public shaming as an important tool to force a person to behave with his family — different from niddui, cherem, or makat mardut.

Halacha 15 — Distinction Between Amud and Eino Amud

The Rambam: "When are these things said? Regarding a man who is not assessed and it's not known whether he is fit to give charity or not fit. But if he was assessed that he has property appropriate to give charity from it sufficient for them — we take from him against his will as charity, and we sustain them until they grow up."

Explanation: The law that we can't force is only when we don't know if he has money. But if we know he has enough money for charity, we take out against his will — not from the law of mezonot but from the law of charity, because for charity there is coercion, and a relative takes precedence.

Insights:

1. Not from the law of mezonot but as charity: The principle: After six years the obligation of children's sustenance is not a monetary obligation. But for charity there is coercion, and for charity there's a law of precedence — a relative takes precedence. Therefore, if he is assessed, we can take from him from the law of charity.

2. What does "amud" mean? We've assessed his money, we know his "bank account." "Eino amud" means we don't know if he's poor or has money.

3. Children's sustenance beyond six — no "olah imo": For children's sustenance there's no law of "olah imo" — sustenance for children is only basic needs, not according to the standard the children are accustomed to. Batei din that rule sustenance according to the previous living standard have no halachic source for this.

Children's Sustenance After Divorce

Insights:

1. All laws until now speak when one is still married. The obligation of children's sustenance after divorce is "not a clear halacha."

2. Until six (dependent on wife's sustenance): If the obligation until six is part of the wife's sustenance, then when she's no longer his wife (divorced), the obligation falls away. According to the **Ran** who says explicitly that it's a law of wife's sustenance — a divorcee doesn't need to be given sustenance, and consequently also not for her children.

3. After six: If it's only an enactment of the Sages, it's also not clear that it applies after divorce.

4. Practical difficulty: Even if we say there's an extra enactment, it means when the children live with him. There's no source that the mother can say "I'll keep the children" and he should pay for it — "a candle for one is a candle for a hundred" — in his house it's cheaper, it costs much more to send money there.

5. Criticism of today's batei din: "Today's batei din don't conduct themselves according to the halacha, and one must protest."

Halacha 16 — One Who Went to Another Country: Sustenance for the Wife When the Husband Is Away

The Rambam: "One who went to another country and his wife came to beit din to claim sustenance — the first three months from the day of his departure we don't assess for her, there's a presumption that a person doesn't leave his house empty. From then onward we assess sustenance for her. If he had property — beit din goes down to his property and sells for her sustenance."

Explanation: First three months — beit din doesn't assess sustenance, because we assume the husband left something at home. After three months — beit din sells his property for her sustenance.

Insights:

1. **"A person doesn't leave his house empty"** — This doesn't necessarily mean food for three months, but valuable things she can sell. The beit din doesn't need to get involved — "figure it out yourself."

2. **Her handiwork when the husband is away:** Although normally handiwork is in exchange for sustenance, but when the husband is away — **"and we don't calculate with her regarding her handiwork until her husband comes"** — we don't make any accounting with her handiwork until the husband returns. When he comes — "if he found that she worked, it's his" — he can claim her handiwork.

Halacha 17 — If She Didn't Stand in Court: She Sold on Her Own

The Rambam: If she didn't go to beit din but sold from his property for sustenance herself — the sale is valid, and she doesn't need announcement or oath.

Explanation: If she sold on her own without beit din — the sale is valid, without announcement and without oath.

Insights:

1. **Announcement** — Announcement means a public notice (like an ad in a newspaper) that one is selling someone's property, in order to get a fair price. Normally when selling not in his presence one needs announcement, but here she doesn't.

2. **Oath** — Connection with "the widow's oath" — when she comes to collect his ketubah after his death, then we **roll** an oath onto her — **"that she didn't sell except for sustenance that she needed"** — that she only sold what she truly needed. The concept "megalgelin" means: since she already must swear for other things (ketubah), we make her swear also on the sale.

3. **Until her husband comes and claims** — When the husband returns he can claim that she didn't sell well. Announcement is already too late, but he can still demand an oath.

Halacha 18 — We Sell for the Sustenance of His Sons and Daughters Who Are Six or Less

The Rambam: "And just as we sell for the wife's sustenance when her husband went away, so we sell for the sustenance of his sons and daughters who are six years old or less. But beyond six — we don't sustain them from his property not in his presence, even though he is assessed."

Explanation: Sustenance for small children (until 6) — yes, because this is the same category as her sustenance. But beyond six — no, even if we know he has money.

Insights:

1. Why can't we force not in his presence for charity? Perhaps because charity he must **give** — when we take from him not in his presence it's not called charity? The answer: When we force for charity in his presence we also take — but he's there and can have claims, can say "I don't have." **Not in his presence there's a limit to how much we can grab from him.**

2. Rema's distinction: The Rema says: We're only talking here when he **hasn't yet started** giving sustenance beyond six. If he already started, we assume this is his system that he wants to continue.

3. Forcing for charity — "until he says I want": The Rambam says regarding coercion "until he says I want" — this means he has a mitzvah of charity when we force him. But "I want" is for a korban, not for charity — for charity we simply take.

Halacha 19 — One Who Became Insane

The Rambam: "One who became insane — **beit din goes down to his property and sells, and sustains his wife and his sons and daughters who are six or less and supports them.**"

Explanation: A shoteh — beit din sells his property for wife and small children, but not for children beyond six.

Insight: Forcing for charity isn't relevant for a shoteh — he can't give, he can't say "I want." This confirms the principle that beyond six not in his presence (or when he's a shoteh) we can't force from the law of charity.

Halacha 20 — The Opinion of the Geonim (Rif) — Assessing Sustenance When the Husband Is Away

The Rambam: "There are some of the Geonim who ruled that we don't assess sustenance for a wife whose husband went away... until there's a ketubah document coming out from her hand... lest she took her ketubah from her

husband or waived her ketubah to him... **and there are those who ruled that we assess for her with the presumption that she didn't take and didn't waive and we don't require her to bring a ketubah. And to this my opinion leans regarding one whose husband went away, since she has sustenance from the Torah... but if her husband died... until she brings a ketubah... for she eats from the enactment of the Sages... and because she is sustained from the heirs' property and we always claim for the heir."**

Explanation: A dispute among Geonim: (1) We don't assess sustenance without a ketubah — because perhaps the husband already paid or she waived; (2) We do assess, because we have a presumption that she didn't receive. The Rambam rules a distinction: When her husband went away — we assess without a ketubah; when her husband died — only with a ketubah.

Insights:

1. The Rambam's concept of "Geonim": The Rambam calls the Rif "Geonim." The Rambam holds that "Geonim" means all sages from after the Talmud until his time — not specifically the title "Gaon" as head of yeshiva. He means by this to say that this isn't an Amora (whom we would certainly rule like), but a later halacha that one can disagree with.

2. The foundation of the Rambam's distinction between husband went away and husband died: When husband went away — sustenance is from the Torah (as the Rambam ruled earlier), consequently the beit din can enter his property without a ketubah, because this is a biblical obligation. When husband died — sustenance is only from the enactment of the Sages (condition of ketubah — "that she sits in his house sustained from his property"), consequently she must bring a ketubah.

3. Another reason when husband died: Because she is sustained from the heirs' property, and there's a principle "we claim for the heir" — the beit din takes up for the heirs because they

don't know the reality, they're "newly arrived to the picture."

Halacha 21 — She Borrowed and Ate / Someone Stood on His Own

The Rambam: "Her husband went away and she borrowed and ate, when he comes he's obligated to pay. Someone stood on his own initiative and sustained her from his own, if the husband comes he's not obligated to pay him, and this one lost his money, because he didn't instruct him to sustain her and she didn't borrow from him."

Explanation: If the wife borrowed on the husband's account — he must pay when he returns. But if a neighbor supported her on his own without being asked — he loses his money.

Insights:

1. The distinction between borrowed and stood on his own: When she borrowed, the husband becomes the debtor, because his money is mortgaged to her sustenance. But when he stood on his own — he didn't borrow, she didn't borrow, no one told him to.

2. An innovation in the nature of the obligation of sustenance: Sustenance is not a monetary obligation that the husband must spend a certain sum of money on his wife's sustenance during his life. It's not that he owes a sum. When she already ate from the neighbor, the obligation of sustenance for that time is no longer there — as we see from "the remainder to the husband." The obligation is a practical obligation to provide, not a debt.

Halacha 22 — Suspend Your Handiwork for Your Sustenance

The Rambam: "The husband who said to his wife when he went away 'suspend your handiwork for your sustenance' — she has no sustenance. For if she didn't want this matter and didn't rely on it, she should have claimed from him or said to him 'my handiwork isn't sufficient for me.'"

Explanation: If the husband said before leaving "live from your work," and she was silent — she has no sustenance, because her silence is agreement.

Insights:

- This corresponds with the earlier law that a wife can say "I won't be sustained and I won't work." Here, through silence, she accepted the same arrangement.

- **Why doesn't the beit din assess whether her handiwork is enough?** Because it has nothing to do with "enough" — it's entirely a question of her will. If she wants to agree, it's valid even if it's not enough.

Halacha 23 — They Assessed Sustenance for Her and Sold — And the Husband Came and Claims

The Rambam: "If she stood in court and they assessed sustenance for her and beit din sold and gave to her... and the husband came and claims 'I left sustenance for her' — she swears holding an object that he didn't leave for her and is exempt."

Explanation: When beit din sold property for sustenance, and the husband returns and claims he left something — she must swear that he didn't, and she's exempt. He's the one making the claim.

Halacha 24 — She Didn't Claim and Didn't Sell

The Rambam: "She didn't claim and didn't sell but waited until he came... he says 'I left' and she says 'you didn't leave but I borrowed and was sustained' — ...he swears an oath of inducement that he left for her and is exempt, and the debt remains on her."

Explanation: If she didn't go to beit din, but borrowed on her own, and now demands he should pay her debts — she's the one making the

claim, and he swears an oath of inducement that he left something, and he's exempt.

Innovation: The husband is not obligated to pay the wife's debts that she took upon herself.

Halacha 25 — She Sold Movables and Said I Sold for Sustenance

The Rambam: "She sold movables and said 'I sold for sustenance' and he claims 'I left sustenance' — she swears that he didn't leave and is exempt."

Explanation: If she sold his movables and says it was for sustenance, and he says he left something — she must swear and she's exempt (he's the one making the claim, because he wants back the movable).

Halacha 26 — She Pressed Herself Day and Night and Ate

The Rambam: "She pressed herself day and night and ate — she has nothing."

Explanation: If she overexerted herself and worked very hard (more than she's obligated) and lived from that, she can't afterwards demand payment for the extra work.

Innovation: She could have gone to beit din and received sustenance, but she didn't do it. Her handiwork sustained her, and the husband is exempt thereby. She can't now claim that he should "reimburse" her for the extra work.

Halacha 27 — One Who Makes a Vow Against His Wife From Benefiting From Him

The Rambam: "One who makes a vow against his wife from benefiting from him, whether he specified until a certain time or didn't specify but made it indefinite, we wait for him thirty days. If the days of his vow ended or he released his vow, it's good, and if not he must divorce and give the ketubah." During the thirty days: "She should work and eat" — she works and eats from her own earnings. **If her handiwork isn't**

enough, one of his friends should sustain her "things that she needs beyond her handiwork."

Explanation: When a husband makes a vow that his wife shouldn't benefit from him, we wait thirty days. If he doesn't release the vow, he must divorce her with ketubah, because the vow stands against his obligations to her.

Insights:

1. **The friend's support is not part of the prohibition:** Although the friend supports her instead of the husband (because the husband has an obligation), one might have thought this is also forbidden because it's essentially his benefit through an agent. The innovation: The vow doesn't apply to the friends — although he does it for his sake, it's not considered benefit from the husband.

Halacha 28 — One Who Makes a Vow Against His Wife That She Not Taste One of All the Fruits

The Rambam: "One who makes a vow against his wife that she not taste one of all the fruits — we wait for him thirty days, beyond that he must divorce and give the ketubah. Even if he made her vow not to taste bad food, and even from a type she never ate in her life — he must divorce after thirty days and give the ketubah."

Explanation: Even a vow on a small thing — a bad food, or a fruit she never ate — is enough to obligate a divorce with ketubah after thirty days.

Insights:

1. **The principle:** It's not a matter of practical harm, but a matter of principle — **a husband cannot enslave and impose suffering on his wife.** A "dictatorial phase" is not permissible in a Jewish marriage.

2. **[Digression: Diet]** If a husband tells his wife to go on a diet (not eat certain things), is this also the same law? This is "the old-fashioned way of telling someone to diet." **One may not force** — one cannot compel a wife.

Halacha 29 — She Made a Vow Not to Eat — And He Upheld Her Vow

The Rambam: "She made a vow not to eat one of all the fruits and he upheld her vow, or she made a vow of nezirut and he didn't annul it for her... if he wanted that she sit under him — [he has the right]. And if he said I don't want a wife who makes vows — he must divorce and give the ketubah, for it was in his power to annul and he upheld it willingly."

Explanation: When the wife herself makes a vow (not to eat fruits, or nezirut), and the husband upheld it (didn't annul it), he has two choices: (a) endure with her vow, (b) divorce her with ketubah. But he must give ketubah because he himself is at fault — he could have annulled and didn't.

Insights:

1. **Why ketubah: "For it was in his power to annul"** — you had a choice to stop the vow, you didn't do it, so you yourself are at fault. Therefore

you can't claim mistaken transaction or take away the ketubah.

2. **Interesting distinction: For the husband's vow (previous halacha) it doesn't say "if he wanted that she sit under him"** — because all wives don't want a husband who places vows on them, it's obvious that she wants out. But **for the wife's own vow** it does say that the husband can agree to stay — because here it's her craziness, and he can endure it if he wants.

3. **He can always give a divorce:** The question isn't whether he can divorce (he can always do that without asking), but **whether he must give ketubah**. And yes, he must, because he himself is at fault.

With this we have completed Chapter 12 of Laws of Marriage — the chapter that deals with the 14 things (the husband's obligations to his wife and his rights), their principles, what can be stipulated and what cannot, the details of sustenance, children's sustenance, sustenance when the husband is away, and laws of one who makes vows against his wife.

| Full Transcript

Chapter 12 of the Laws of Marriage — The Obligations of the Husband and Wife

Introduction: Fixed Times for Torah Study

R' Yitzchak: My teachers and rabbis, today is a day, and today we learn a chapter of Rambam. Which chapter?

R' Yoel Asher: We're going to learn the twelfth chapter.

R' Yitzchak: In the laws of?

R' Yoel Asher: Marriage (Ishut). Yes. I don't know if the day obligates the study. On the contrary, they tell us we need to, if one could, one would learn the entire Rambam in one day. One

can't, so they made a fence of a little bit each day. It's not that the day obligates, the day is... listen,

R' Yitzchak: Perhaps yes. There is an obligation to learn Torah every day, day and night. Actually, I saw from a tzaddik that there is such an obligation to learn every day, just as there is an obligation to put on tefillin and to pray every day. Both of them we struggled with how the daily obligation is stated, yes? It says that one should pray, it says that one should put on tefillin, it doesn't say every day. But everyone understands that when? Every day. So it's the same thing with Torah.

R' Yoel Asher: Obligations that a person must do, which everyone understands is a human thing. Ahh. Just as everyone understood that with his wife he must speak every day. Although it's not stated in the chapter that we're now going

to learn. All dealings with her are every day. Because,

R' Yitzchak: Once a week is stated in the chapter.

R' Yoel Asher: Once a week "ochel imah" (eat with her). But I'm saying, it's not clearly written out. But, a day is something certain, I haven't accomplished a good thing on this present day, one wants each day to be somewhat meaningful. So. "Ba bayamim" (came with days), yes, Avraham Avinu came with days.

R' Yitzchak: He came, all his days were good days. In any case, so, no you see, he's still focusing on the wrong thing, the fool. He's holding onto one thing. Anyway, so I hold yes that there is an obligation. So one must understand people think that keviyut itim latorah (fixed times for Torah) is just a concept, it's approximately such an obligation as putting on tefillin every day. Don't say there aren't Jews that one can find communities on this also, but it's approximately such an obligation.

And there are those who say that even someone who is a kollel young man or holds that his job is "torato umnato" (his Torah is his profession) like me, still he has an obligation of keviyut itim latorah. So this is our shiur, learning a chapter of Rambam and one does it every day, or a few times a week, anyway. So.

Introduction to Chapter 12: The Obligations of Husband and Wife

R' Yoel Asher: So. The chapter is a very important chapter. The twelfth chapter of the Laws of Marriage. I'm a chatan rebbi (groom's teacher), this chapter I learn a lot, I go over it with my grooms a lot. Ahh. Because it gives a bit of a view of what the obligations are, the mutual obligations, the obligations of the husband to the wife, and of the wife to the husband. And it's also very nicely organized, the Rambam is very organized in this chapter.

R' Yitzchak: It's also let's say a bit more. There's also another thing, it's also an introduction to all the rest, the next bunch of ten chapters or more, is actually a detailed

explanation of this chapter. This chapter the Rambam gives the general principles, and then he counts out each one of them one by one.

R' Yoel Asher: We've already learned about the fact that there is a ketubah. And that was part of the Laws of Marriage, because one writes it at the wedding, it's a certain thing that one does.

R' Yitzchak: One may not,

R' Yoel Asher: One may not have a wedding without it. One may not have a wedding without it, yes? So it's connected with kiddushin, it's one of the things one does at the marriage. And here one speaks already after marriage. What is now? What are they obligated to each other, the husband and the wife?

Law 1: Ten Things and Four Things

R' Yitzchak: Yes. Okay, it could be the Rambam says so, or in any case, the things that one is obligated in the ketubah.

R' Yoel Asher: Yes. So, the Rambam says thus: **"When a man marries a woman, whether a virgin or a non-virgin"**. This means, we saw earlier that regarding the amount of how large the ketubah should be, a maneh or two hundred, there is a distinction between a virgin or a non-virgin. Ahh. And the same thing between a Jewish woman or a convert or a freed slave woman, who have the law of a non-virgin. Right. But now the Rambam wants to say when there is no distinction.

The Rambam says, **"When a man marries a woman whether a virgin or a non-virgin, whether an adult or a minor, one who is a daughter of Israel"**, interesting, he goes from "whether" to "one", it's perhaps a nicer language, **"one who is a daughter of Israel and one who is a convert or freed slave woman"**, whether she's a born Jew, or one who is a Jew because she became a Jew through conversion, or through being a maidservant who became freed.

R' Yitzchak: This is also such ones who receive only a ketubah of a maneh, whatever, this is no distinction. Right,

R' Yoel Asher: In the price one has, the Rambam doesn't go into price, but he says the actual obligations. Ahh. It is thus: "**he becomes obligated to her**", here the husband, the husband who is marrying, the "man" of whom we speak here, becomes obligated "**in ten things**". He becomes obligated, he gets an obligation to do, she in turn must give ten things. "**And he merits four things**", he receives from his wife four things.

That is, it's interesting that he doesn't say "and she becomes obligated to him in four things", because it's not, it's a merit. "And he merits", he merits in four things.

Discussion: Obligation and Merit – A Financial Language

R' Yitzchak: This is conducted thus presumably, I mean it's obligation and merit. Ah, obligation and merit. Yes. We're very accustomed to another inquiry, it's one of the things I've said to various people that there's a secret. Obligation and merit is a language that we use very much such that an obligation means a sin, merit means it's a business of merit, yes?

But I mean that originally, it's a language like this. The language of obligation and merit is a language of a bank. That is in English, obligation means a debit, and merit means a credit. Therefore one also says that one receives credit, yes, it doesn't mean one receives a credit card, it means, by the way, a credit card is not a credit card, a credit card is an obligation card,

R' Yoel Asher: You become obligated, he gives you credit,

R' Yitzchak: Yes, whose credit is the credit card? The bank's, yes, every time one pays with a credit card he receives credit, not you. Anyway, uhm just as "yesh alav te'anut besiluk" (there are claims against him in settlement) means I have the right to, yes. No, it's a bit funny because a debit card and a credit card are both, are exactly opposite. Okay. Anyway, okay.

Uhm, simply I just want to say that obligation and merit, originally, is language of money, obligation means you owe money and merit means money is coming to you, one uses it

metaphorically when one says obligation upon him, you said obligation upon him, he will have to give, it's more like it becomes an obligation, a financial obligation primarily, there are parts of things that aren't exactly financial, one will see, but it becomes like a, uhm like one says

R' Yoel Asher: An obligation on his part.

R' Yitzchak: And he merits, she has an obligation to him. Yes, every time there is an obligation and merit on the other side there is a merit and an obligation, but one speaks from his perspective now, therefore he says it so balanced, you understand, because he speaks from the perspective of the husband.

R' Yoel Asher: Afterwards he will begin because one can say and the woman becomes obligated in four things to him, yes.

R' Yitzchak: And also she merits in ten things, from her side it's opposite. It's a relative concept, obligation and merit.

The Three Torah Obligations: She'arah Kesutah Ve'onatah

R' Yoel Asher: The Rambam says thus: "**And the ten**", the ten, yes, the ten, he said that one becomes obligated with ten things and he receives four things, so it's a total of fourteen things that one is going to speak about here, the Rambam says the ten first, the ten that the Rambam that the husband is obligated to the wife, "**three of them**", three of them,

R' Yitzchak: Are "**from the Torah**".

R' Yoel Asher: That is to say the ketubah that we've spoken about until now is not from the Torah, at least according to this Rambam?

R' Yitzchak: Yes, he's going to say in a minute.

R' Yoel Asher: Yes. So only three of them are from the Torah. "**And these are they**", which three are they? "**She'arah, kesutah, ve'onatah**" (her food, her clothing, and her conjugal rights), as it says in the verse in Mishpatim that when a person marries a Hebrew maidservant, once she remains his wife,

R' Yitzchak: Even if he takes another wife,

R' Yoel Asher: He continues with his obligations to her of she'arah kesutah ve'onatah lo yigra (her food, her clothing, and her conjugal rights he shall not diminish), he should not withhold, and this is from the Torah. So the Rambam explains what the three words mean: **"She'arah the Rambam says, "these are her sustenance"**. She'arah means that he must support her,

R' Yitzchak: Her food. That is, she'ar is a language of sustenance, just as Onkelos translates she'arah as ziuna. Ah I don't know where else one finds that she'ar is a language of sustenance,

R' Yoel Asher: But so says the law, so the Rambam rules. Mish'artehe means her dough, her flour. Perhaps, perhaps. Okay. **"Kesutah" the Rambam says, is "as it sounds"**. That we all understand. Kesutah means to cover oneself, it means her garments. Yes, it's clothing. Her garments. That is, Hebrew translation. Yes. **"And onatah" means "to come upon her in the way of all the earth"**. Onatah means marital relations. Yes. Um, ah yes.

So. There's a lot of discussion about this in the commentators on Scripture in that place, and in the Gemara in Ketubot. There are those who learn differently. But now we'll go with the Rambam. Um,

Discussion: Other Opinions in Explaining She'arah Kesutah Ve'onatah

R' Yitzchak: There are those who learn that what?

R' Yoel Asher: For example the Ramban learns that that sustenance is not from the Torah, but only onah is from the Torah. And he learns simply, she'arah kesutah ve'onatah - all three speak about about marital relations, about being with a wife. So she'arah means being with a wife, and and ah kesutah ve'onatah means the manner how one should do it, that it should be specifically with closeness of flesh, or perhaps no, onatah means means as we know, onah, she'arah means it should be with closeness of flesh, and kesutah means that it should be in an honorable way, so learns the Ramban.

And others in the Gemara learn that she'arah means means um, simply reversed, that she'arah means relations, and and onatah means um, sustenance. But in any case, let's go with how the Rambam learns, how Rashi says there in that place, how one rules.

And there's also in this a dispute in halachah, whether what the Rambam says that only the three are from the Torah, so so the Ramban says that only onah is from the Torah. And other Rishonim, here one will already see the the the Ra'avad says that on what the Rambam doesn't count among the things from the Torah, there are opinions that it is yes from the Torah. But this is how the Rambam rules. Yes.

Practical Application: Physical, Social and Emotional Needs

R' Yoel Asher: If I can tell you, you like when I say Torah insights, but when I say I want to make it for my grooms very strongly ah practical for today, I say that she'arah kesutah ve'onatah means: she'arah means all her physical needs, food. Kesutah means clothing, but clothing means to say her all her... it's more a matter of honor, that she should be honorably dressed. So one can say like all her social needs, that she should be dressed as she wants to be dressed, as is honorable in that place. One will see later actually that one must give the clothing that is honorable, that she can say I don't want to be embarrassed, I don't want to go dressed like a disheveled guest.

And onatah means her... the connection, the the emotional needs one can say. But this is already a 2026 ah chatan rebbi talk. Let's go back to the Rambam. Okay. The Rambam says further, these are the first three.

Discussion: The Root of "Onah"

R' Yoel Asher: Mmm um it's ah, what is yes interesting is that the word onah, the word onah means time.

R' Yitzchak: So you say. Who told you that, by the way?

R' Yoel Asher: Um like um a language like what? Ein onah. Onah achat means 12 hours.

And there are other places where onah means a time? Where? Um onat, onat, et anavim higia (the time of the poor has arrived). Onat, it's a thing like an onat,

R' Yitzchak: A time of something.

R' Yoel Asher: But later it becomes very clear, because when one goes into the mitzvah of onah one speaks immediately of which time. So it means that the it that one didn't use the word tashmish, but one used that from time to time he must be with her.

R' Yitzchak: Yes, so I'm not at all sure that onah means time. Onah appears in the Torah only once, ve'onatah lo yigra. And I mean that onah means tashmish in the language in English.

R' Yoel Asher: Is there in all of Tanach again the word onah?

R' Yitzchak: No, not, so says the me'onah Elokei kedem,

R' Yoel Asher: What does me'onah mean?

R' Yitzchak: Yes, it means a dwelling place.

R' Yoel Asher: Ah, a ma'on. Ma'on. Ma'on. Ah, so there are actually many Rishonim who say that onatah means like kesutah, means a ma'on. Ah, there are the the Rishonim,

R' Yitzchak: The simple meaning of Scripture. One can understand if one wants, but for example the dictionary puts it in a different root. And

Discussion About the Meaning of "Onah" – Time or Marital Relations?

Discussion: What Does the Word "Onah" Mean?

R' Yitzchak: The dictionary says that onah is a translation for tashmish? Yes, it could be that on the contrary. Perhaps on the contrary, perhaps because tashmish, the laws of onah have as you say times, it became that onah means a time. One sees more than just.

R' Yoel Asher: That onah doesn't mean simply that the husband has a right and when it suits him he can't have a right, he has an obligation. That he has an obligation to strengthen himself

that from time to time he goes to take care of her needs, yes.

R' Yitzchak: I thought something for some reason that onatah is from the language "tachat asher inah" (because he afflicted). It means, you see that the root inah can mean, it means then it means against her will.

R' Yoel Asher: Inah doesn't mean affliction.

R' Yitzchak: But it could be that, no, it could be that inah means he slept with her, and then in that context it's bad. But here, so there is also.

R' Yoel Asher: What does it mean that every time to afflict, inui, "ve'initem et nafshoteichem" (and you shall afflict your souls) will be from the same root.

R' Yitzchak: I remember that one of the sources that there is a prohibition of tashmish on Yom Kippur is because it says te'anu, and it's a euphemism for tashmish. "Te'aneh et benotai" (he will afflict my daughters), yes. "Te'aneh et benotai" and so on. It's funny, te'aneh is not is not good, and then onah is yes good. I don't know, perhaps it's a mistake to connect the two things.

R' Yoel Asher: I think about like onah ha'amurah batorah (the onah stated in the Torah) is every day. Yes yes. About this one sees that the word onah itself means time.

R' Yitzchak: It means that it has a measure of time.

R' Yoel Asher: That one should dedicate for her time. Yes, for tashmish. Right.

R' Yitzchak: But this is like we learned earlier at the beginning of the shiur. Every thing that one must do, one must do at some time. We people live in time.

R' Yoel Asher: No, but what I mean to say is that in honor of this onah truly means it's remained time. It's only a kind of borrowed name. The time of what? The time when the husband with the wife.

R' Yitzchak: So that's what I'm saying. I mean that this is, our, we sound it so because we, perhaps because the Chazal how do they use the word onah?

R' Yoel Asher: Onah from the Torah is a fixed time for tashmish.

R' Yitzchak: Right, so it means onah means the time of tashmish, not time.

R' Yoel Asher: Not tashmish, the time of tashmish.

R' Yitzchak: Okay, let's say. But I understand, because tashmish means as if you know, something such a fixed thing.

R' Yoel Asher: But he says something more. Ah, the fixed thing, that it's not something a pure thing that you both there is, there is such a thing. There is that you are both permitted to have tashmish because you are already not before, no.

R' Yitzchak: That's not onah.

R' Yoel Asher: Just meeting a woman in the market. No, certainly. But this is more, this is that you should dedicate time to be together, something such a thing.

R' Yitzchak: Right, certainly. It means certainly let's we are, yes yes, there are people everything everything that we say people. We discuss it because we learn the Torah anew, differently. So I say, in the language of the Sages one is certain that onah, as the Ibn Janach here brings, onah one says how much separation? So onah close to her period. By the way, then one can also translate onah as if the time, if someone would specifically want. Exactly there stands the language onah, interesting.

R' Yoel Asher: How much onah? Either day or night.

R' Yitzchak: It says that onah means a day. No, onah is, I would translate it there. By the way, he brings that there is once in the tefillat ta'anit there's a phrase "uva'et uva'onah hazot." Also I remember in the selichot that we say on Yom Kippur we say something like this, "uva'et uva'onah hazot galui veyadu'a lefanecha she'ein lanu lo kohen."

R' Yoel Asher: There are many such phrases, "bechol et ve'onah." But it's true in Tanach it's very rare.

R' Yitzchak: Right. But it could be, I can say according to Kabbalah there as well, but it could

be that when the Gemara says "shepires onah samuch leveset," it means onah literally. A time that one would recognize as fixed for this, how much is the time, a day or a whole day, a me'et le'et, or a yom velayla. But it could be that it seems here more, if we say that onah means as he says here tashmish, so onah is like there's a noun for the, as you say, the fixedness, or the, the fixedness of time for tashmish, that's called onah. And with this it becomes borrowed that every time can already be called onah. That's already the next step perhaps.

R' Yoel Asher: Right, okay.

Digression: The Word "Me'onen" and Its Connection to "Onah"

R' Yitzchak: You also have, me'onen is in time something.

R' Yoel Asher: Me'onen umechashef, yes.

R' Yitzchak: According to Rabbi Akiva. Me'onen is a noten onot, yes. It's a dispute... a dispute in the Gemara what it means. The Rambam rules like this, that me'onen is a noten sha'ot. But actually why doesn't anyone bring me'onen here? Because this is onatah, it's a double, it's onen, perhaps different. Also actually interesting.

R' Yoel Asher: Okay, perhaps it's related to benei anan or other kinds of other words entirely. Yes.

R' Yitzchak: Certainly not. Anyway. Me'onen, I actually don't know. Come see, yes? Me'onen. No. Lo te'onenu? It doesn't mean making clouds? Actually weird. Does it have something with onah? No, it's onen.

R' Yoel Asher: This we can make another explanation, that onah is like shome'a ke'oneh, answering for her needs, fulfilling her needs. She has a need, and he is oneh aleiha.

R' Yitzchak: Also interesting as an explanation. I'm afraid that the simple meaning of Rabbi Akiva that onen means noten itim is also not a simple explanation, because me'onen means something me'onin. He says that me'onin means making, I don't know what the sorcerers make.

R' Yoel Asher: Okay, in any case, lashon hakodesh is an interesting language.

Halacha 12 – She'arah Kesutah Ve'onatah: The Three Obligations from the Torah

R' Yoel Asher: But let's go back to the Rambam. The Rambam says further: These are the first three.

R' Yitzchak: These are from the Torah. Yes.

The Rambam's Explanation: Food, Clothing, and the Mitzvah of Onah

R' Yoel Asher: To recap for the people who are listening, just for interest. **The Rambam says: She'arah kesutah ve'onatah means, she'ar means food, kesut means clothing, onah means the mitzvah of onah, we don't need to explain, the thing we're speaking about delicately.** But just for interest that the richness of lashon hakodesh is that there are so many other explanations. She'arah can mean she'er basar, that there should be closeness of flesh, kesut can mean a dwelling, it can mean a bed, and onatah can mean what we're learning here, what the Rambam rules. But the Rambam ruled this way and so too Rashi that she'arah kesutah ve'onatah mean the three matters. Yes. He says, all three are from the Torah.

The Ramban's Dispute: Only Onah is from the Torah

And on this the Ramban argues. And the Ramban says no, that only the mitzvah of onah is from the Torah, only being with the wife, and she'arah kesutah are all ways how to do the mitzvah of onah, one should do it in a manner of closeness of flesh, one should do it in an honorable manner, and according to the Ramban, all these food matters, all these monetary matters.

R' Yitzchak: Are not from the Torah.

R' Yoel Asher: It's not such a big difference practically.

R' Yitzchak: Huh? True, it's not relevant, because we let ourselves can anyway.

R' Yoel Asher: Do also as the Rabbis say. Yes.

The Rambam's Language: "Lavo Aleiha Kederech Kol Ha'aretz"

R' Yitzchak: It's interesting the language of the Rambam, by the way.

R' Yoel Asher: "Lavo aleiha" that's a phrase from the daughters of Lot: "ve'ish ein ba'aretz lavo aleinu kederech kol ha'aretz." I don't know where the Rambam took... This I also, regarding this "lavo aleiha kederech kol ha'aretz" I also thought more from the fact that onah means time. The thing that just as every person has a normal time when he is with his wife, I don't know. No.

R' Yitzchak: But on the contrary. The Rambam thinks that kederech kol aretz, that it should specifically be a bi'ah, a normal bi'ah, not any... lavo aleiha, kederech kol aretz... I mean it's simple, no, I mean kederech kol aretz he means to say, because this is all euphemisms, right? None of these words mean anything. Lavo means to come, it doesn't mean anything.

R' Yoel Asher: Kederech kol ha'aretz also doesn't mean anything.

R' Yitzchak: The Rambam according to his approach that lashon hakodesh doesn't have disgusting words. Yes, so he says a way you should understand clearly what he means. But... ah.

Halacha 12 – Ikkar Ketubah and Tenai Ketubah

R' Yoel Asher: After this there are seven... actually, we already had, I mean the Rambam already counted when he spoke.

R' Yitzchak: Earlier about "hamoser al mah shekatuv baTorah."

R' Yoel Asher: He mentioned the three. He mentioned onah right away? Ah, yes, yes. The other things we already... already, these are the first three. And there are seven more, there are ten, a total of ten, and the seven are from the words of the Sages. **"Vechulan tenai beit din hen"**, the seven are conditions of the court. It means, the court obligates them to do it. It's not the simple meaning that these are recommendations that the husband should

undertake for the wife these seven things, and if he didn't undertake them he's exempt. Rather the court already made the conditions. You're already obligated, once you have a wedding it's as if you already made the conditions.

R' Yitzchak: They already made the conditions for you. For you both. That means, yes, how did the Torah make she'arah kesutah ve'onatah?

The First of the Seven: Ikkar HaKetubah

R' Yoel Asher: The same way. It's, says the Rambam: "**Ha'echad mehen**", the first of them is "**ikkar haketubah**".

R' Yitzchak: We already learned earlier.

R' Yoel Asher: The ikkar haketubah, which is a maneh or matayim, the enactment of the Sages, that one must give a ketubah at the wedding. And on this does the Ra'avad say? Is there a Ra'avad? No, no, not here the Ra'avad. The Rambam rules here. In the Gemara there's a dispute, there's a man de'amar it says in the Gemara that ketubah can be derived from the verse, by ones or mefateh it says: "kesef yishkol kemohar habetulot." Ah is is is there ah I mean Rabbi Shimon whatever, the Gemara brings Tanna'im and Amora'im who say that from here we see that kemohar habetulot, like the known mohar habetulot which means the money that one gives for a virgin, which is ketubah, therefore ketubah is yes from the Torah. But practically one rules the Rambam rules like.

R' Yitzchak: The opinions that ketubah is rabbinic. There is about this, yes. And the rest?

Discussion: What Does "Tenai Ketubah" Mean?

R' Yoel Asher: And the rest.

R' Yitzchak: The other things.

R' Yoel Asher: So, so the the there's ikkar ketubah, and the other six were called tenai ketubah. I mean the reason is because the ikkar ketubah is always relevant. The tenai ketubah are already situations, that if a situation arises one should do thus and so.

R' Yitzchak: The tenai the word tenai here doesn't mean conditional im. It means they said here earlier, so I think, perhaps I'm wrong. They

learned earlier laws of conditions in chapter, I don't remember which chapter seven, where there are laws of conditions which means im kacha, that's called a tenai. But here you see tenai ketubah, doesn't mean, you say that perhaps it means im im techalei lerapotah? I don't know. I thought that ikkar ketubah, the main document the ikkar ketubah is simple. The document ketubah is the maneh matayim, that's the text that's written in the ketubah. There's also an im by the way, im im amut. Ve'im agarshech.

R' Yoel Asher: Not im on the marriage.

R' Yitzchak: No, if she dies before, she doesn't get any ketubah, that if, yes, also in divorce she doesn't get any money. But the point is that is the main thing. That's what's written, that must be written. If one doesn't write that it's not a valid ketubah. The others are like additions, conditions in the ketubah. It's not actually connected to the ketubah at all, one doesn't write any ketubah. It's only called like ketubah is like a collective term for the things here, for the totality of husband and wife.

R' Yoel Asher: But tenai here doesn't mean so much like from the laws of conditions or a condition written in the Torah. But means more details.

The Six Tenai Ketubah

R' Yoel Asher: And these are they. **And these are they:** "**lerapotah im chalatah**" – the husband has an obligation to heal her, or to be involved with her healing, to pay for her healing im chalatah, "**ulepedotah**" to redeem her "**im nishbeit**" if she is captured.

Rambam Hilchot Ishut — Tenai Ketubah: The Seven Obligations of the Husband and the Four Rights That He Receives

Halacha 2 (Continued) — The Seven Tenai Ketubah That the Husband is Obligated for the Wife

R' Yitzchak: It's not actually connected to the ketubah at all, one doesn't write ketubot, it means one only calls it like the ketubot like a

collective term for all these, for what he says here, for the totality.

R' Yoel Asher: Husband and wife. A tenai here doesn't mean like from the laws of conditions or a condition on what's written in the Torah. Rather it means more details. **And these are they and these are they: "lerapotah im chalatah"**, the husband has an obligation to heal her, or to be involved with her healing, to pay for her healing, "im chalatah". **"Ulepedotah"**, to redeem her, **"im nishbeit"**, if she is captured. **"Ulekabrah"**, at death there's no im, it's not conditional, **"keshetamut"**, if he's still alive, he must pay or be involved with the burial. **"Velehiyot nizon minechasav velehiyotah"**, that he should leave her or he should make the conditions that she should be able to be sustained from his property.

It means, besides the fact that when they're both alive he must support her and she must live in his house, if when he dies and he's going to have other heirs, she comes before them and she can remain in his house and eat from his property that's still there, **"achar moto"**, after his death, **"kol zman almanutah"**, as long as she remains a widow, it means until she finds a new husband or as long as she lives there as a widow, she eats from his property. That's number five.

The next is, **"velehiyot baneha mimenu"**, if he has children from other wives—

R' Yitzchak: Is the but when he—

R' Yoel Asher: The last wife that he made, he makes with her a deal, he becomes obligated that the children he has from her, **"benoteha mimenu"**, the daughters he has from her, should also be able, just as she can sit in the husband's house and eat from his bank account and from his eating when he dies, also the daughters, her daughters that she had from him, should be able to be **"minechasav achar moto ad sheyit'arsu"**, until they until they become brides and they find new husbands. And this is specifically on the daughters, because sons go out, they find inheritance, they become men of the land.

And the next the last thing is from the seven: **"velehiyot baneha hazecharin mimenu"**, the male sons that she had with him, they should inherit **"ketubatah yeter al chelkam beyerushah she'im acheihem"**. More one shouldn't make even all the sons, rather the wife who last had a wedding with him receives the law...

Discussion: Ketubat Benin Dichrin — How It Works

R' Yitzchak: Is mainly the ketubah. There's another ketubah with another wife, they receive from that one, whatever. It can have two wives at once, it has nothing to do with the last one.

R' Yoel Asher: The point is but no, what does "yeter al chelkam beyerushah" mean, from all children there's a mother, yes, all children have a mother.

R' Yitzchak: The main thing is one doesn't divide it from the inheritance. That's the meaning. He can have children from another wife, she has her own ketubah, it has nothing to do. The ketubah, each one has her different amounts in the ketubah. The ketubah is inherited by her sons. Aha, their sons. Yes, the ikkar ketubah is inherited by sons.

R' Yoel Asher: Ikkar ketubah. In inheritance besides the regular...

R' Yitzchak: Besides, yeter means besides, it means inheritance is divided equally, all children receive each one what...

R' Yoel Asher: Right, besides what's divided for example a person had left a thousand left a thousand dollars, ten children, each gets a hundred, but besides that if the ketubah was whatever the money from the ketubah was must be given for the children. The children inherit the ketubah.

R' Yitzchak: That doesn't go into the division at all, that's the point.

R' Yoel Asher: Right, that also makes the ketubah not for any im in case there are sons, it means that not only if not only that if he dies before her she receives the ketubah, but even later her children will receive the ketubah.

R' Yitzchak: Yes, as if.

Halacha 2 (Continued) — The Four Things That the Husband Receives from the Wife

R' Yoel Asher: Anyway, these are the ten things that the husband receives. That the husband gives. What gives? What does he receive? "**Veha'arba'ah shezocheh bahen**", is also "**chulan midivrei sofrim**", everything is only rabbinic. "**Ve'elu hen**", it means when the Sages said the ten, they also added four more opposite that what she is obligated for him. That what?

"**Lehiyot ma'aseh yadeha shelo**", the ma'aseh yadeha, whatever she works, whatever she earns with her hands, she creates things, she sews, we'll see later, she sews, she bakes, whatever it is, is his, he receives it, he is zocheh in it. And not only what she works, but also if she was zocheh in a find, she was something lucky, she found a metzi'ah, she won a lottery, then "**metzi'atah**" is also "**shelo**".

The third thing is: "**sheyehei ochel peirot kol nechasehah bechayeha**", that when she has yes her own property, it means not from her ma'aseh yadeha, but property that she had from when she was a girl to what, or that she received in some way whatsoever is even the property doesn't belong to the husband, but the husband does yes have the right to eat the fruits from it. It means, to profit from the property, bechayeha, as long as she lives.

R' Yitzchak: Originally it's literally fruits. That she has a field and he takes the fruits.

R' Yoel Asher: Right. She has a tree, he can eat the fruits from it as long as she lives. It means, when she dies it goes to her heirs, but as long as she lives he can eat from it.

R' Yitzchak: Ve'im metah—

R' Yoel Asher: And the fourth thing is that he inherits her, that "**im metah bechayav**", if she dies and he's still alive, and she has her own property, "**yirshenah**", he should inherit her, even if she also has children. "**Vehu kodem**

lechol adam beyerushah", she is, he is before all other people regarding inheritance.

R' Yitzchak: Ahh.

Halacha 3 — The Counter-Structure: Each Right of the Husband Against an Obligation of the Husband

R' Yoel Asher: The Rambam says an interesting thing: "**Ve'od tiknu chachamim**", when the Sages enacted the four things, they enacted it in a specific way, that the four things should go against three of the things should go against a pair of the previous things that he is obligated for her. That what? "**Sheyihyu ma'aseh yedei ha'ishah keneged mezonotehah**". Against the fact that he has an obligation from the Torah to support her, the Sages enacted to balance it out.

It's a nice thing, it seems that because he has a great obligation to always support her, which is a huge financial burden, he gets back that it's not simple that she'll sit with her feet up and he'll always support her, but she must also exert herself and bring him money from her ma'aseh yadeha. And the ma'aseh yadeha goes against her mezonot.

Discussion: The Matter of Hatred and the Balance Between Mezonot and Ma'aseh Yadeha

R' Yitzchak: That she must, this is another thing we'll see later. But first, as if, it says in the Gemara it's a matter of hatred. It can't be that he, we'll see the practical difference, at the end of the law one sees what the keneged means, but the point is, it can't be that he must support her—

R' Yoel Asher: And she makes more—

R' Yitzchak: Money also and she takes it for herself. No problem, I support you, I take care of you, but you make money it goes to me. She gets back from the money, whatever, it turns, soon we'll see it turns who profits from the deal. But—

R' Yoel Asher: Right. The second thing, "**u'fidyonah**", that he is obligated to redeem her will go "**keneged achilas peiros nechasehah**". In honor of this he receives, because he has the obligation to always protect

her from captivity, but he also receives in honor of this the right that he can eat the fruits of her property. Ahh. **"U'kevurasah"**, the obligation that he must take care of her burial goes **"keneged yerusaso lichsuvasah"**. He will indeed bury her, but in honor of this he will receive the inheritance. Ahh.

As you say that it's a thing to make to make out to make balance. The Torah doesn't want that either the husband or the wife should be miserable, but to make fair. He provides her safety that she always has food, but when she makes money she must give it to him and so forth.

Halacha 4 — "I will not be sustained and I will not work"

R' Yoel Asher: "Lefikach", therefore it comes out from this a halachic implication that what? That **"im amrah ha'ishah eini nizonis v'eini osah"**, I don't need your money, I don't want you to support me with food, to give me food, and I also don't want to work, I don't want to make it that when I work it goes to you, I want to keep my own money for myself.

R' Yitzchak: I have my own money? Leave me your mezonos.

R' Yoel Asher: So since the Chachamim established it zu keneged zu, that means, when he has a mitzvah to support her, it has nothing to do with anything. You can't make with the Almighty a deal that I'll pray tomorrow four times Shemoneh Esrei and today nothing, it's an obligation, but this is not an obligation, this is something a sort of thing which is like a deal which—

R' Yitzchak: The Chachamim made between them.

R' Yoel Asher: Of course, although the mezonos itself is indeed from the Torah, but once they added here that she is obligated in ma'aseh yedei ha'ishah it's clear that it is indeed one against the other, the two have a connection, one can make such a deal. **"V'ein kofin osah"**, he cannot force her, and the minute she says I don't need your I don't need your money to eat—

Discussion: Why can she waive a Torah obligation?

R' Yitzchak: In other words, in other words it's letovasah, that means, it does have to do with the fact that the mezonos is as if — the Rambam said that **"yesh lah mezonos min haTorah"**, which here becomes a bit difficult how can one understand if so how can one make the deal. The answer is that according to how the Rambam lays it down there's no problem, because she will always be assured the mezonos, let's understand, he says as he says **"aval im"**, the husband cannot say it, that means it's not one hundred percent just a deal, it's a deal that builds on the fact that first of all she receives mezonos, in honor of this he receives ma'aseh yadayim. If she doesn't want, not mezonos and not ma'aseh yadayim, she can.

In other words we're presumably speaking of a situation where she makes more than she costs, she says I don't want to have the food, he says no problem, take it for yourself, but the reverse one cannot.

R' Yoel Asher: It means like this, if she just says like that I don't need your food, she is forgiving, we'll see later I think that it doesn't help, but since the Chachamim made ma'aseh yadehah keneged mezonoseha one can indeed make here a deal.

R' Yitzchak: The chiddush is that he cannot stop her from saying this, but she can stop him, **"aval im amar haba'al"** **"aval im amar haba'al eini zanech"**—

R' Yoel Asher: I'm not going to give you any bread, any support. And **"v'eini notel klum mima'aseh yadayich"**, I'm going to stop taking your ma'aseh yadayim, your money that you make, **"ein shom'in lo"**, we don't listen to him. He doesn't become exempt from the mezonos. Why? **"Shema lo yaspiku lah ma'aseh yadehah bimzonoseha"**, perhaps she won't make enough to support herself. The Torah indeed gave you an obligation to support her. So, when she says that she doesn't need your mezonos, because her ma'aseh yadehah is enough for her mezonos—

R' Yitzchak: She has the choice, it is indeed enough, it's not enough, it's worth it to her for whatever reason, okay, she may. But her mezonos is, see the Gemara, that means, "mezonos ikar", and ma'aseh yadehah is mishum eivah, that there should be a balance. But it's not that it's a deal, it's not original that she pays for her mezonos with the ma'aseh yadayim—

R' Yoel Asher: It's not exactly like that. One can look at it as if that means given her mezonos. If she has agreed that she wants her ma'aseh yadehah for mezonos, it's indeed ma'aseh yadehah that you can receive. So, in exchange you give her mezonos.

R' Yitzchak: That's only in order to answer as if the question that he is indeed obligated, but in truth also you can call it indeed shechichi leika. The point is however that mezonos letovasah. Anyway when she says "eini nizonis v'eini osah", it's better for her this way, right? She says this.

Halacha 4 (continued) — Mezonos is considered a tenai kesubah

R' Yoel Asher: Says the Rambam, "**u'mipnei takanah zo**", because of this takanah Chachamim that the Chachamim made that one should be keneged the other and in honor of this she can waive the mezonos and keep her ma'aseh yadehah. "**Yeichashvu hamezonos mitnei hakesubah**", we indeed count the mezonos as tenai kesubah. That means, although it's an obligation from the Torah and although—

Discussion: Why does the Rambam count mezonos as tenai kesubah?

R' Yitzchak: Why did the Rambam say that it's a tenai kesubah? He asks a question, why did I previously count seven things? One of them, that means, he didn't count. He said before that mezonos is from the Torah. Afterwards, once one sees that mezonos is counted from tenai kesubah. The answer is, tenai kesubah means in the sense, that it goes against the mezonos—

R' Yoel Asher: It's open for deals. That means there are things, I mean, it's very similar to what the Rambam said earlier by ma'asros and

mishkanos from the Torah, there are things that one didn't put into a financial—

Hilchos Ishus Chapter 12 — Tenai Kesubah and Obligations That Cannot Be Changed

Halacha 2 (continued) — All these things even though they were not written

R' Yitzchak: He asks a question, why did I now count seven things? One of them, means, he didn't count, he said before that mezonos is... is from the Torah. Afterwards, once one sees that mezonos is counted from tenai kesubah. The answer is, tenai kesubah means in the sense that it goes against the mezonos, that is rabbinic.

R' Yoel Asher: So, open for deals. That means, there are things, I mean, it's very similar to what the Rambam said earlier by masneh al mah shekasuv baTorah. There are things that, that one didn't put into a financial, it's not any business dealings on it. But here, once Chachamim said that the mezonos is keneged ma'aseh yadehah, it's a thing which is open for discussions, it has already become a business thing.

R' Yitzchak: We'll soon see, also already exists, one can make this not just because of this. But we'll soon see hilchos tenai kesubah. That means, basically, when he will learn hilchos tenai kesubah, it means also mezonos. This is apparently what he says. In the Gemara it says, he brings, that mezonos is mitnei hakesubah. That means, asks the Rambam a question, how is it tenai kesubah? The answer is, since there is already the deal, it's still, whatever hilchos tenai kesubah is, will be applicable also to mezonos.

R' Yoel Asher: Says the Rambam further: "**Kol hadevarim ha'eilu**",

R' Yitzchak: Yes, he just spells out. We've now set, have indeed already said approximately by hint that it's tenai beis din, the Rambam makes, just clarifies clearly.

R' Yoel Asher: "**Kol hadevarim ha'eilu**", all these fourteen things, "**af al pi shelo nichsevu bishtar kesubah**", we don't write it in the kesubah, he says, "**va'afilu**", even more, even if

one didn't write at all, "**lo kasvu kesubah adayin**". Whatever, she has, one took metaltelim as we learned chapter 1, chapter 2. "**Ela nasa sesam**", he had a wedding with her without making a condition. "**Keivan shenasa**", when he made nisuin, "**zachah haba'al be'arba'ah devarim shelo**", the husband is zocheh with his four things, "**v'zachsah ha'ishah be'aseres hadevarim shelah**", that she was zocheh to her ten things. "**V'einan tzrichin lifros**". One doesn't need to spell it out, because the obligation, the obligation happens from the Torah or from tenai beis din, it's not something that happens

R' Yitzchak: Because they took themselves out this way. And we write, the Rambam doesn't say if one should, what one should write and what one should not write in the kesubah. And in practice, in the nusach hakesubah it doesn't say all these things, it says a part, a random part of them, I don't know why.

R' Yoel Asher: If someone knows why he should say it.

Hasagas HaRa'avad — The husband's inheritance is from the Torah

R' Yoel Asher: The Ra'avad argues with the Rambam and he says that the thing that the husband inherits the wife is also from Torah law.

R' Yitzchak: We'll already see in a minute, because about this we'll go learn regarding conditions. The Rambam has another reason, yes.

Discussion: Pidyon by a woman without property

R' Yoel Asher: But the Ra'avad is on this piece,

R' Yitzchak: He may just? Yes, what will I do. Okay. Yes. That's the point. Okay.

R' Yoel Asher: But that's actually a good question, for example when she doesn't have any fruits, she doesn't bring in any fruits of property. She doesn't bring in any property.

R' Yitzchak: Is he exempt from pidyonah? Is he exempt from pidyonah? Ah, it doesn't say that. The keneged, the yecholah lomar however

R' Yoel Asher: Then indeed pidyonah is also just, it's an interesting thing, yes? Presumably it's more often that she should indeed have property, than that she should be captured. Yes? But even if she didn't bring any property, he is anyway obligated to redeem her.

R' Yitzchak: I don't know I don't know yes. Okay. Now we'll learn another that means, now one knows many general principles, that there are the ten things, one indeed doesn't know what the ten things mean. Basically the next bunch of chapters will be going through all these things and explaining the details of what they mean. But another thing which is a general thing that one still needs to learn is, whether, now we've said that everyone who has a wedding becomes obligated automatically. One needs to know to which extent one can play around with this. Whether one can change it, whether one can make a condition.

R' Yoel Asher: Besides kesubah there are indeed tena'im. The Rambam says what are the tena'im?

R' Yitzchak: Yes.

R' Yoel Asher: Well, just a play on words. Okay. Says the Rambam like this,

R' Yitzchak: Ah, the tena'im is also called this way because then one makes some conditions, no?

R' Yoel Asher: No, the tena'im is just that the bride

R' Yitzchak: And groom shouldn't run away,

R' Yoel Asher: Should come to the wedding.

R' Yitzchak: Yes, I understand, but it's called this way on the name of the same idea, tenai shidduchim, I don't know what it's called.

R' Yoel Asher: So yes, tena'im is like that.

Halacha 3 — Conditions against the obligations

R' Yoel Asher: Says the Rambam like this, "**Hisnah haba'al**", if the husband made a condition, "**shelo yischayev be'echad min hadevarim shehu chayav bahen**", that he should not become obligated in one of the things,

"o shehisnas ha'ishah shelo yizchek haba'al be'echad min hadevarim shehu zocheh bahen", she made a condition that she only wants to have a wedding on the understanding that the husband should not be zocheh in the four things that he

R' Yitzchak: Is zocheh from her, then **"hatenai kayam"**.

R' Yoel Asher: The condition works. When? Says the Rambam, not by all things. **"Chutz misheloshah devarim she'ein hatenai mo'il bahen"**, except three things where the condition doesn't help. **"V'chol hamasneh aleihen"**, if someone makes a condition, **"tena'o batel"**, it becomes void. **"V'eilu hen"**, these are the three things: **"Onasah"**, which is from the Torah. **"V'ikar kesubasah viyerushasah"**, that although they are rabbinic, but the thing that the husband must give a maneh or masayim, and the thing that the husband inherits the wife, these things are not open for discussion, one cannot make any condition against this. Therefore, **"Keitzad"**,

R' Yitzchak: What comes out? Good, until here. And the Rambam will explain why they are what he means. Right.

Halacha 4 — Onah

R' Yitzchak: Says the Rambam like this, an example: **"Hisnah im ha'ishah"**,

R' Yoel Asher: He made a condition with the woman, **"she'ein lah alav onah"**, he's going to have a wedding with her but he's not going to do onah with her.

R' Yitzchak: He's not obligated. He wants yes or he doesn't want,

R' Yoel Asher: Other nights he'll indeed do onah, right. He's not obligated.

R' Yitzchak: He's not obligated.

R' Yoel Asher: Is tena'o batel? Yes. **"Tena'o batel, v'chayav be'onasah"**, he is still obligated in her onah. Why? **"Shehare hisnah al mah shekasuv baTorah"**, he is making a condition against what is written in the Torah. One cannot make a condition against what is written in the Torah, you're indeed already

obligated. One can indeed, because your, a minute after making the condition comes back upon you a fresh obligation. Your obligation is not dependent on your good will.

R' Yitzchak: Yes. **"V'eino"**,

R' Yoel Asher: Says the Rambam to add something: **"V'eino tenai mamon"**. By money there is indeed such a thing that even something that is written in the Torah, if the two sides discuss the money differently, the money is there, that means for example she'erah kesushah, if she says I don't need your clothes,

R' Yitzchak: Did he now say that he can,

R' Yoel Asher: Right? One can indeed.

R' Yitzchak: Clothes he said one can indeed.

Discussion: What is money?

R' Yoel Asher: What is money? Fine question. I mean the point is money, he means money is a hundred dollar bill is, both of us believe that this thing is worth, because we know that with this one can receive worth. It's much more dependent on the opinion of the person. If a person says it's more worth to me that you don't buy me clothes

R' Yitzchak: We already spoke about this in the previous time when it was mentioned. I don't know, the reality is that there's a dispute among Tanna'im about this. The Rambam how he lays it down here is that as if generally one cannot be masneh al mah shekasuv baTorah except

R' Yoel Asher: By money there is a

R' Yitzchak: As it says bedavar shebemamon tena'o kayam. A davar shebemamon one can indeed, but this indeed isn't any davar shebemamon, because onah is not a thing of money. It's not clear, we already spoke about this that apparently here in the subject that it's a davar shebeguf or it's simply it's more against the Torah for some reason, whatever it is, he cannot,

R' Yoel Asher: Therefore one can say more deeply, because this is indeed the essence of having a wedding.

R' Yitzchak: Could be. But I already said, you can say what you

R' Yoel Asher: Want because that's not what it says.

R' Yitzchak: I think to give the authorities. Yes, it's a *davar shebemamon*. If it's a *davar shebemamon* an authority helps me, because it's not any *davar shebemamon* I don't know if an authority helps, it's not *maaleh* and not *morid*. Perhaps one may anyway. In short, I don't understand, I didn't have and the truth I don't understand clearly the difference of *onah* with other things, it's also a *davar shebein adam lechavero*, it's an obligation from him to her. For some reason this doesn't mean money, and it's understandable according to how the Rambam lays it down here is essentially one couldn't make anything *masneh al mah shekasuv baTorah*. On money there is an exception,

R' Yoel Asher: Money is very a flexible thing. That's why I say that money is something more an agreement between people.

R' Yitzchak: No already, *onah* is not any agreement between people,

R' Yoel Asher: Do you understand? *Onah* is a real thing. Real? *Onah* is a certain action. Money is money is something that both understand the value of it.

R' Yitzchak: Well well, I have news for you. You go into a store and say that you hold that your hundred dollars is worth more, he should give you twice.

R' Yoel Asher: He indeed saw for example regarding the benefit that one receives from a gift

R' Yitzchak: That's not the point, she can also make he pays her something instead of the *onah*, it's not about that. Money is something a thing that one can make.

R' Yoel Asher: There's no *onah* it's a it's a defined reality thing.

R' Yitzchak: The fact is when I don't have any money is a very big fact, it's not any one can tell you from today to tomorrow that it's imagination, the whole *olam hazeh* is imagination, but in practice it doesn't make any difference, so not that this is the answer. Okay. There is something another answer, and already.

Halacha 5 — Ikar kesubasah

R' Yitzchak: Ah this is regarding one thing, the first thing *onah*.

Chapter 12: The Husband's Obligations — Inheritance and Support

Law 6 — The Husband's Inheritance

R' Yoel Asher: Now he goes further regarding the conditions that he said that the principal *kesubah* also doesn't help with any condition. He says that "**if he stipulated with her less than the principal kesubah**", to give her only fifty shekel, "**or if he wrote her two hundred or one hundred as principal kesubah**", or if he wrote in a larger sum as principal *kesubah*,

R' Yitzchak: What does "larger" mean? No, or he wrote "and she wrote to him,"

R' Yoel Asher: "**And she wrote to him that she received from them such and such**", she wrote that she already received a portion of the money,

R' Yitzchak: That means "**but she did not receive**".

R' Yoel Asher: In practice she didn't receive, this is a Mishnah in *Kesubos*, there is a *shitah* there that says if she says I already received, she can be *mochel*. But the Rambam rules that one cannot make such a condition, she cannot be *mochel*, "**his condition is void, for anyone who reduces for a virgin from two hundred and for a widow from one hundred, this is like promiscuous relations**", there is a version there in that Mishnah.

R' Yitzchak: And the Rambam says it's *beilas zenus*. We already spoke about this earlier. That this is the rule, this is the rule.

R' Yoel Asher: It's not a legitimate *beeilah*.

R' Yitzchak: Basically speaking in Yiddish, the Chachamim want that every woman should have a *kesubah*, not that it should be a right to have a *kesubah* that one can be *mochel* and do this, one cannot make any deals.

R' Yoel Asher: The Rambam says the condition is void. Right, and he even throws in that even if

in the manner of "she received," which is more like in the manner of mechilah, like I received it. For me it's as if I received it, it also doesn't help. Right, it's much stronger, because one is playing on what he gave. Yes,

R' Yitzchak: But according to what I say that the reason is why the Chachamim need very well. But what we understand that the reason the Chachamim want that there should be a kesubah, it's simple that it doesn't help. I could have thought otherwise, I could have said the condition is valid, but a minute later comes a new one, like you wanted to say by this, presumably the Ramban doesn't say- the Ramban doesn't say so. The Ramban says that the condition never came into being.

Law 6 — The Husband's Inheritance

R' Yitzchak: Okay, another thing, the third thing:

R' Yoel Asher: "If she stipulated with him after she was married that he should not inherit her", she made a condition with him after they had the wedding, that he should not inherit her, but her children should inherit her whatever, then **"his condition is void"**. The condition is void. Says the Rambam: **"And even though the husband's inheritance is from the words of the Scribes"**, although the husband's inheritance the Rambam counted among the seven things that are derabanan. And if so, why is the condition void? Says the Rambam: **"They strengthened their words like those of the Torah"**. The Chachamim many times when they make a decree, they strengthen their words, they give it force like the words of the Torah itself.

R' Yitzchak: And what's the connection to words of Torah? We just heard that regarding words of Torah one can also make a condition. Says the Rambam:

R' Yoel Asher: "And every condition regarding inheritance is void, even though it is monetary". Although regarding monetary matters one can always make conditions, but one cannot make conditions against inheritance. If someone has a right of inheritance, one cannot

take it away with conditions, **"as it says regarding it 'for a statute of judgment'"**.

Laws of Marriage Chapter 12: The Husband's Obligations — Inheritance and Support

Law 1 (continued) — The Husband's Inheritance: Chukas Mishpat Does Not Change

R' Yoel Asher: Other

R' Yitzchak: Words, chok does not change.

R' Yoel Asher: Mm-hmm. And the Rambam in Laws of Inheritance says, **"Chukas mishpat' to say that this statute will not change, and a condition is not effective regarding it."** Chok I mean means engraving, it's carved. Something that's carved cannot be erased. Okay, a point.

R' Yitzchak: The point is that, I just want to translate what the Rambam says clearly. That means, inheritance in general one cannot make any condition, there is a rule in Laws of Inheritance like this. The husband's inheritance of his wife is not from the Torah, one could have made a condition, but the Chachamim made a strengthening like the Torah regarding inheritance, one cannot make any condition.

R' Yoel Asher: It's a law like all inheritances, that they gave it a law of inheritance. But it's like from the Torah that a son inherits the father, they gave this the same law that the husband inherits the wife.

The Rambam's Distinction: After She Was Married Versus Before She Was Married

R' Yitzchak: But the Rambam says an interesting thing that, this is only after she was married. It's implied that before she was married he can

R' Yoel Asher: Yes make such a condition.

R' Yitzchak: Ah, what's the meaning?

R' Yoel Asher: It could be that before, we're talking here about her money, yes? It could be that before she was married that he should never acquire it, the money should not enter into his domain like this.

R' Yitzchak: That he could have done.

R' Yoel Asher: We need to think.

R' Yitzchak: Perhaps later it clearly states after she was married.

R' Yoel Asher: After she was married, on the others it's

R' Yitzchak: Not stated after she was married.

R' Yoel Asher: Where is it not stated? On the others it's not stated. Yes,

R' Yitzchak: Yes. After she was married, it's implied but before she was married he can yes.

R' Yoel Asher: Before we'll see later.

R' Yitzchak: That's how it looks, for sure. That's certainly how it looks. Does he say here below that it states so?

R' Yoel Asher: After she was married.

R' Yitzchak: Well, where is it? Yes, you'll see explicitly in chapter 23 how one can, yes.

The Raavad's Objection: A Lack of Understanding Appears Here

R' Yitzchak: The Raavad says, there's a dispute, the Raavad doesn't understand what the Rambam wants, and the Raavad says what? That here there is a lack of understanding. Chesaron daas nirah kan. Very important. The Raavad held that here there's a lack of understanding. The Raavad says that, first of all, the Raavad holds that, do you remember?

R' Yoel Asher: The Raavad holds that it is indeed a Torah law. First of all. The Raavad earlier, yes. From where does he learn it?

R' Yitzchak: If so, presumably this is not relevant.

R' Yoel Asher: Why does the Raavad hold that it's from the Torah?

R' Yitzchak: Does he have some verse for what? I know. He says it's a Torah matter. Omer ani. Some such language, yes? It states earlier in the law... omer ani, the husband's inheritance is a Torah matter. Ah, this is omer ani.

R' Yoel Asher: The Raavad is not innovating any Torah when the Raavad says so.

R' Yitzchak: Presumably he had a source. On this he says, yes. The Gemara says some derasha on this, and the Rambam says it's an asmachta, I don't know what it is like this.

The Ramban's Position and the Three Positions

R' Yoel Asher: On this the Ramban completely argues. He says that one can indeed make the condition that he should not inherit her. We have here three positions: the Raavad that it's truly from the Torah... what does the Maggid Mishneh say? He brings them below, yes.

R' Yitzchak: In any case, the Raavad says that

The Raavad's Reason: Inheritance Is a Thing Not Yet in Existence

R' Yoel Asher: The reason why one cannot

R' Yitzchak: Make

R' Yoel Asher: Any condition on inheritance is because it's a davar shelo ba le'olam.

R' Yitzchak: Let's stay with this Raavad,

R' Yoel Asher: Let's see the next piece. Ah, who says that it's a davar shelo ba le'olam?

R' Yitzchak: Ah. One cannot make any... the right of inheritance is a davar shelo ba le'olam like...

R' Yoel Asher: That means the assets are already here.

R' Yitzchak: The right of inheritance is a davar shelo ba le'olam? Something like that. Interesting. He says to his father, he says in general regarding inheritance. That means not just here, in general, the rule that regarding inheritance one cannot make conditions. Go to your father, tell him, I don't have... what I'm going to inherit... what does this come in? One is transferring ownership... in his garment. The inheritance is a thing that after the testator dies, I receive a right. Now I have nothing. So what do I do with this?

R' Yoel Asher: Can't one say that inheritance is like a right all the time, and it just becomes realized, it just becomes actualized when the father dies? Can you say what you... Can you say what you want. With the closeness of the father

to the son is that he has a... that he is the closest to take his assets.

R' Yitzchak: You can say what you want, but the Raavad thought so. Ah, do you have any right to say what you want? We already spoke once... it's not a davar shelo ba le'olam.

R' Yoel Asher: How many things have we established? I have rights.

R' Yitzchak: Ten things a person has a right. No, it turns out that the right comes from... yes.

R' Yoel Asher: It occurs to me... can give away the... even if we're just talking nonsense, we have here potential to say something.

R' Yitzchak: Okay. In short, this is the holy...

An Interesting Point According to the Rambam

R' Yoel Asher: But interesting, the words "lechukas mishpat" refer to inheritance in general. But he says that the Chachamim said that this is

R' Yitzchak: Like a Torah inheritance. Ahh. What do you hold inside?

R' Yoel Asher: It's interesting, according to the Raavad I understand that the husband inherits, but according to the Rambam it's a bit interesting, because essentially the children have the right of inheritance, the Chachamim went and took it away from the children and gave it to the husband.

R' Yitzchak: Yes? Okay, so be it. Huh? Yes, Chachamim can do what they want.

Law 1 (end) — Conditions on Other Things

R' Yitzchak: Okay, until here, and regarding other matters, all other...

R' Yoel Asher: All other, it turns out that three of

R' Yitzchak: The fourteen things one cannot make any condition,

R' Yoel Asher: But on the other eleven, all the other eleven things his condition is valid. Such as if he stipulated with her that she has no food and clothing, and in honor of this he will not eat the fruits of her property,

R' Yitzchak: Or another thing. Right. On condition that,

R' Yoel Asher: And all similar cases, his condition is valid. Right.

R' Yitzchak: It can, one can change the deal, make an explicit condition.

Transition to Laws of Support

R' Yitzchak: Now, until here basically one has learned the general rules of the fourteen things, obligations and rights, whatever, husband and wife, and the rule which one can make a condition, and now one begins each one, so the chapter deals with the first, yes?

R' Yoel Asher: It's the first?

R' Yitzchak: Yes. Shearah these are support? It goes in order, the rest of the chapter will deal with laws of support. Right.

Digression: The Practical Ramification of the Husband's Obligations

R' Yoel Asher: These are very important laws. A few years ago my wife was very unwell, and activists started getting busy with this, but at that time not long before I learned these laws, the husband has an obligation for medical care. This is not a... something that some organization... Well, a person can make an organization a messenger, I don't mean from here to say that an organization may not be involved with a person's medical care. But it's a serious thing that a husband, when he wants to know what is my obligation, to go with her to the doctor, to know her medical situation, to be involved in her health.

R' Yitzchak: Okay, we're still at support.

R' Yoel Asher: No, I'm saying it's interesting. For example everyone knows, redeeming captives is a great mitzvah above all mitzvos, or helping every sick person is a great mitzvah. But there's still who... who has the first obligation? The husband has the obligation for her redemption, he has the first obligation for her burial.

R' Yitzchak: It's simple he has an obligation of money, one must, one can seize his money and pay it,

R' Yoel Asher: Yes? Okay. We are very accustomed that there are organizations. All problems, one goes to the redeeming captives organization, medical care one goes to the medical care organization. But the Torah says, no, a husband has, he is, it seems,

R' Yitzchak: Still it can be,

R' Yoel Asher: That the other does it as a messenger from the husbands, like a father doesn't learn Torah with his child, but the teacher does it as a messenger. It can be, but...

R' Yitzchak: To know, to know that there is such a thing. Already.

Discussion: Are These Laws of Money or Laws of Effort?

R' Yitzchak: But the... One must know, all these laws are made for wealthy people who have money. He's talking about a person today,

R' Yoel Asher: He is obligated for the medical care presumably.

R' Yitzchak: Let's say his wife... if a person, a person's wife has an illness, it costs a million dollars. I mean, if there's insurance, he must pay insurance. I don't know. It's all relevant,

R' Yoel Asher: It means, for example, he must reach out to the organization... expenses of the wife, it's not money. The organization must pay money. The innovator of innovations, by the way,

R' Yitzchak: Be careful with the innovator of innovations.

R' Yoel Asher: The soup kitchen distributes money. But he must reach out to the soup kitchen, because it's his responsibility. The soup kitchen does it because they take over a bit of his responsibility.

R' Yitzchak: I don't agree with you, you're saying... That means, not agreeing halachically. Certainly, that's how one should act. But the law of... all the laws we're talking about here are laws. That means, except for onah, as one sees that it's not a monetary matter. All other laws are monetary matters, it means he is obligated money. It doesn't say he is obligated to make an effort to go call a doctor. Certainly a normal person will do it.

R' Yoel Asher: But... yes, you're also right that the entire Torah was given for normal orderly people who have what they have money and a house. It wasn't made for wanderers and nomadic people who... One also sees... all laws are built on like

R' Yitzchak: He has assets, he has fruits... a person who has... yes,

R' Yoel Asher: A person has capabilities. One should learn later what a poor person...

R' Yitzchak: Learn now.

Law 4 — The Measure of Support

R' Yitzchak: Laws of support, let's see. Already,

R' Yoel Asher: Go further. Now one goes into more details. He is obligated for support. Well, how much support? Every day one can argue at the rabbi,

What Does "They Assess for a Woman" Mean?

R' Yitzchak: "I spent on him something." No, no, I'm specifically not going to say the thing. First of all support means that he lives with her in the same kitchen. And he gives her, he maintains the kitchen. That's normal. The measure is... one will now ask such a question like this. It says "how much support do they assess for a woman". They assess for a woman means when the husband is not home or something. Or one comes to beis din and the wife says... beis din says, "take money", then there are measures. It's certainly, normal daily life is not relevant here at all. I mean, he's a wild animal, he gives her less than two loaves, whatever one will learn here, he must simply be beaten.

R' Yoel Asher: It can also be relevant for a normal person. For example, a person who is very stingy, and for himself he's ready he eats very little, he's very stingy.

R' Yitzchak: That can be,

R' Yoel Asher: But I want to say this is my standard. Assessing is not...

R' Yitzchak: Assessing one gives a ruling, assessing means that one is determining,

R' Yoel Asher: One gives her when the husband

R' Yitzchak: Is not here and the beis din goes into his money, and they take from the bank. But it doesn't take from all this, I want to say it's not laws of how much money one must give. What you want to know about shalom bayis, the answer is how much she needs, this is not how much he has, how much she needs, and so on.

The Rambam's Measure: Bread for Two Meals Each Day

R' Yoel Asher: Okay, says the Rambam, what is the measure? All these things are Mishnayos in tractate Kesubos. Says the Rambam thus: **"They assess for her"**, the beis din for example if it comes to such a situation, the beis din assesses, the beis din makes the budget, the budget, that she is entitled to **"bread for two meals each day"**, two meals a day of bread, as we also learned regarding Shabbos, yes, on Shabbos one eats three meals, and on a normal day people eat two meals, that's how it used to be.

What does... what does meal mean? Says the Rambam, to this extent I can no longer put the spoon in the mouth with all the details, but look what a **"moderate meal of every person in that city who is neither sick nor a glutton"**. Sometimes there's a sick person who eats less, or a glutton who eats more, these are exceptions, but two times a normal meal that is accepted in that city. Not the average? Right, would be a good average... there is an average, yes.

"And from that food of the people of that city", that is accepted in that city as an accepted food. If in that city they eat **"wheat, wheat"**, if in that city they eat **"barley, barley"**, **"and similarly rice or millet"**, or one can fulfill with rice or millet,

R' Yitzchak: **"Or from other types that they are accustomed to"**, what is accepted in that city. Besides the bread does one also get something?

Relish to Eat with the Bread

R' Yoel Asher: Right, besides the bread one eats something with the bread, **"and they**

assess for her relish to eat with the bread", something to eat with the bread, **"such as legumes"**, beans, whatever, bread comes with hummus or with something, **"or vegetables and similar things"**. And besides this, in addition to this she must receive **"oil"**

Laws of Marriage — Lecture on Sustenance: Bread, Relish, Oil, Fruits, and Wine

Halacha 12 (Continued) — Relish to Eat with the Bread

R' Yitzchak: Ahh, besides the bread, does one also get ah?

R' Yoel Asher: Besides the bread, one eats something with the bread. **"And they allocate for her relish to eat with the bread,"** something to eat with the bread. **"Such as legumes,"** beans, whatever, bread comes with hummus or with something, **"or vegetables."**

R' Yitzchak: And the like. Besides that?

Oil for Eating and for Lighting the Lamp

R' Yoel Asher: Besides that, she must receive oil, oil she must receive a lot of oil. I mean, the Rambam himself, the Mishna says a certain amount of oil, I don't remember, a large amount. The large amount must be that half is for eating, half for lighting the lamp. Oil for eating and oil for lighting the lamp. This fits very well that by the Shabbos candle there is a concept of shalom bayis (domestic peace), because a person has an obligation to provide oil so that it should be bright in the home.

Fruits and a Little Wine

R' Yoel Asher: **"And fruits,"** the Mishna also mentions, besides vegetables that one eats with the bread, that is, fruits presumably means more like compote, a dessert. **"And a little wine to drink, if it was the custom of the place that women drink wine,"** if it is the custom of the place that women should drink wine, he should provide her with wine. But even then the Rambam says a little, because it seems that in all places this is the custom of Israel, that one doesn't drink a lot of wine, it's a disgrace for a

woman to drink wine. And the Rambam rules, the other Rishonim say that a woman doesn't drink wine, but the Rambam says a little wine if it is the custom of the place so.

R' Yitzchak: This is for a whole week. And Shabbos,

R' Yoel Asher: It doesn't say for example water. Why doesn't it say water? It could be water is simple,

R' Yitzchak: Or water is free.

Three Meals for Shabbos — Meat or Fish

R' Yoel Asher: "And they allocate for her," further, this is during the week, and for Shabbos, "and they allocate for her three meals for Shabbos," three meals, plus Shabbos comes "meat or fish according to the custom of the place." It doesn't have to be both. We eat fish and meat, that's already a greater expansion. Fish or meat, still according to the custom of the place.

Pocket Money — A Silver Ma'ah Every Week

R' Yoel Asher: And besides that? The Rambam says further, besides food he must also give her pocket money, and this is still within the category of she'er. That is, sustenance,

R' Yitzchak: Interesting. Sustenance includes many things, yes.

R' Yoel Asher: "And he gives her every week," once a week, Shabbos he doesn't mean specifically Shabbos, he gives her "a silver ma'ah."

R' Yitzchak: Shabbos means a week. Right.

R' Yoel Asher: Not Shabbos kodesh. No, no. A week is also called Shabbos. Such a concept of mentioning Shabbos, "so that you shall remember." He gives her like we say "today is the second day of the week," but two days after Shabbos, after the new Shabbos. Anyway.

R' Yitzchak: That is, it says in the Torah "seven weeks." It means seven weeks, not seven Shabboses. That's what it means.

R' Yoel Asher: That is, when one says afterwards "shavua," one means week like that.

Okay. He gives her every week "a silver ma'ah for her needs." I mean, he has already, in the meantime when the Rambam calculated whether in the Laws of the Half-Shekel or earlier, one already knows what a ma'ah should be. "Such as," what are some needs? "Such as, a perutah for washing," to wash laundry, or to wash her body. He means physical things, "and the like."

Among the Poor of Israel / Wealthy / Very Poor

R' Yoel Asher: The Rambam says, the Rambam explains, all these things that I just said that one gives bread with vegetables, about whom are we speaking here? The Rambam says, "among the poor of Israel," this is the minimum. That no one receives less than this. "But if he was wealthy," if he is wealthy, "everything according to his wealth," he must do according to his wealth. "Even if his property was such that he should make for her several meat dishes every day," if he is such a wealthy person, that his standard of living is that one makes different types of meat every day, then he becomes obligated to do that because he has the money. "We compel him," we force him, "we allocate for her sustenance according to his property," we obligate him that he should provide the food according to the standard.

The Rambam says: And if he was... okay, and if... but what happens...

R' Yitzchak: That is, the Rambam is explaining the measure. We learned,

R' Yoel Asher: The measure is a minimum measure for a poor person among Israel. It means a normal poor person. Among the Jews there is also, that is

R' Yitzchak: That the class of poor people.

R' Yoel Asher: "And if he was very poor," it could be more than that,

R' Yitzchak: Less one cannot, one cannot. That's what he's explaining. If he is very poor,

R' Yoel Asher: Yes? "And if he was very poor," he is poorer than the poor of Israel. He is

very poor **"and he cannot give her."** Well, I mean here to say simply that "poor of Israel" means a class. He is from the class called poor. The class of poor people has little money, but they can provide a little wheat, around that. If he is an even greater poor person, **"and he cannot give her even the bread that she needs,"** we force him to divorce her. He cannot support a wife without money, obviously, if she wants. **"And her ketubah will be,"** hey when he divorces her he now becomes obligated in the ketubah, and you're talking that he's a poor person, he doesn't have a penny to his name, do you want him now to give a hundred silver pieces? Her ketubah will be **"a debt,"** just as always the ketubah becomes a debt, **"until he finds the means and gives,"** until he finds money and gives her. We're talking here in a case when she wants to leave. She can decide, what does that mean? Although as law presumably what is written in the Torah he will remain further obligated. But if she forgives, she I want to rather live with a poor man than be alone on the street, apparently she can.

Discussion: Can One Force a Man to Go to Work?

R' Yitzchak: But this is nothing, all the laws, all these laws that we're now going to learn is when one is already in phase. Shalom bayis is already long gone in the house, or it was never there or they're such old-fashioned Jews who don't believe in shalom bayis, I don't know. The point is, here we're talking that she says "come here, he's a poor man, what should I do, I don't have," no problem, you don't have, you're exempt, you don't need to have a wife either.

R' Yoel Asher: Right, so there are different ethics, from here we understand. The Rambam doesn't say the words but we can understand here that a person doesn't have money because he doesn't work, I know, he's a great Torah scholar, he wants to learn, but he's obligated in sustenance,

R' Yitzchak: You have to go work.

R' Yoel Asher: It doesn't say that one must go, no. He brings it in the, in the Shulchan Aruch

one goes into more details about this. In the Shulchan Aruch a question what happens when he does have money and he doesn't want to give her, what does one do? Does one compel him to divorce or compel him to give money?

R' Yitzchak: We just learned, I don't understand, this is the previous thing, when he does have money and he's not giving it,

R' Yoel Asher: That's what is written "we compel him and we allocate for her."

R' Yitzchak: Ah. And further the question if he doesn't have money, does one compel him to divorce. Perhaps this means there's a new question that Rabbeinu Tam argued with his colleague Rabbi Eliyahu I think, that what if he doesn't have money but he can go work, whether one can force him to go work. This was a dispute among the Rishonim. It's not clear. And for practical halacha as is known is that why do the Lithuanians consider themselves disciples of the Gra? Because the Gra rules like Rabbeinu Tam. There's a dispute, Rabbi Eliyahu said that it says in the ketubah "I will work and honor," he interpreted "I will work" means to work, one can force a person to go to work, you'll have money for your wife. Rabbeinu Tam said no, there's an obligation of money, just as we said here now, the Torah gives us for wealthy people, they have money and aren't giving, we take away his money, but there's no obligation that a person must go work. From this all the Lithuanians consider themselves disciples of the Gra because they hold that there's no obligation to go work. I hear. But it's a dispute of interpretations. A dispute, in the Shulchan Aruch he brings both opinions. Yes.

R' Yoel Asher: Okay. Good.

R' Yitzchak: Very good. This is the normal order, this is all, we're speaking presumably the normal order is that he works and he has money or he has property whatever.

Discussion: She Rises with Him but Does Not Descend with Him

R' Yoel Asher: Here it was stated that all these, the minimum that we learned how much one

must give is for the poor, but a wealthy person must give more. Does it say here "she rises with him but does not descend with him"? Does it say later? Let's learn what it says later, but I remember a nice law in the Shulchan Aruch, that one goes according to the better standard of both of them. If the husband is wealthy, he must give according to his high standard, and if she comes from a wealthy place, he must give her according to her high standard.

R' Yitzchak: Here the law doesn't say, we have to see. It says by other things, one must understand whether it's a general rule or not. I don't know. Okay. The Rambam goes further. Okay, in short, one must, it could be that sustenance doesn't have the rule or not regarding this.

R' Yoel Asher: A luxury is a matter of honor.

R' Yitzchak: Okay, let's see. I don't know, until now it hasn't been stated.

R' Yoel Asher: Apparently presumably, wait a minute.

Halacha 13 — A Husband Who Wanted to Give His Wife Her Sustenance and She Would Eat by Herself

R' Yoel Asher: "A husband who wanted to give his wife her sustenance that is appropriate for her," he wants to give her the food that is coming to her, but he doesn't want to be in partnership with her, to eat together with her. From here it seems that until now we were talking that they eat together,

R' Yitzchak: They should share a kitchen with food.

R' Yoel Asher: Here he wants to say like this, he wants to give her money as she is, "**and she would eat and drink by herself.**" He wants that she should eat and drink alone by herself, "**and he eats and drinks by himself,**" he drinks and eats by himself. "**The authority is in his hand,**" because the obligation of sustenance doesn't mean that one must eat together, suffer together, not that is the meaning, but rather that she shouldn't be hungry, she should have what to eat. But there is once a week,

yes, there is a law of eating together. "**Provided that he eats with her from Friday night to Friday night,**" Friday night he should yes

R' Yitzchak: Eat together with her.

R' Yoel Asher: It seems that this is also a part of the commandment of she'er. Very interesting.

Discussion: Is This Onah or She'er?

R' Yitzchak: What one can think this is

R' Yoel Asher: Perhaps because of onah (conjugal rights) or the commandment of enjoying Shabbos. It has to do with that. And this is even in a case when she is a niddah or anything, but the Rambam puts it under the word she'er.

R' Yitzchak: That he's not from the people who are specifically obligated in onah from Shabbos to Shabbos, yes? It's only a measure for Torah scholars. Or there are greater measures, with smaller measures. It seems that this is a sort of onah as it were. It must be.

R' Yoel Asher: We're not talking. In she'er. It could be that a law of she'er that a person must have the standard of food that they are accustomed to. The food of Shabbos has another condition, that one eats it with other people.

R' Yitzchak: What's the practical difference, it belongs here because it's the laws of sustenance. He has a right to separate through a third party. He doesn't have to sit every day with her, but once a week you must yes. But truly, by the way, Friday night apparently just like by onah, it doesn't necessarily mean Friday night, normally perhaps Friday night, but it could be Sunday also.

R' Yoel Asher: Yes, it seems, from Friday night to Friday night.

R' Yitzchak: Yes, it doesn't mean, it means like by onah we learned, there are two laws in this. It means simply, if he wants, if he's a great rabbi and Shabbos he holds a tisch, he can do it Sunday.

A Story with the Chofetz Chaim

R' Yoel Asher: I heard a story that Rabbi Meir Shapiro, I heard from R' Noach Yitzchak Elboim,

from the great Torah scholars of the generation, that Rabbi Meir Shapiro was visiting the Chofetz Chaim. He was there Wednesday or Thursday, and he asked the Chofetz Chaim if he wants to invite him for the Friday night meal, to participate in a meal by the great Chofetz Chaim. The Chofetz Chaim said, "Very gladly, but I know by you in Galicia one will be uncomfortable sitting next to a woman or at one table with a woman, and I'm not going to forgo the law of 'he shall eat with her from Friday night to Friday night.'" And indeed he didn't stay. Didn't want to forgo, but by Chassidim one was more easily willing to forgo this.

R' Yitzchak: Well, no difference, but let them do it Sunday, what's the difference? This is after all.

R' Yoel Asher: It's not clear, what does it say here "from Friday night," it could be that there is yes something a law in enjoying Shabbos.

R' Yitzchak: Okay, there's a law, but the main obligation is once a week, so I think, it's simple. As we see, from Shabbos to Shabbos. Once a week he should eat with her. Okay, and further, she can also forgive this, by the way. It's perhaps a monetary matter, it's still part of she'er according to what you say. We're talking after all that she has a claim, she can. She can come say that she wants this. Okay, another law.

Sustenance of a Woman: Terumah for a Kohen's Wife, Children's Sustenance, and Laws After Divorce

Continuation: Terumah for a Kohen's Wife

R' Yoel Asher: What can she now do? Is the food hers, and can she now go sell it? Or... the law says, the leftover belongs to the husband. That means it's not simply that what was allocated is hers. She only has the right in it that she can eat it, but she doesn't eat it, it must go back. It goes back to the husband.

R' Yitzchak: Good.

R' Yoel Asher: The Rambam says another law like this. **"If her husband was a Kohen,"** if the woman was married to a Kohen.

R' Yitzchak: And a Kohen has a lot of terumah.

R' Yoel Asher: He would want... ah, a Kohen's wife may eat terumah. And a Kohen also seeks to allocate more terumah, yes, because after all terumah comes to him for free, for him it's free. So he would want to give his wife all his terumah. But terumah may only be eaten in purity. So **"he does not give her all her sustenance as terumah,"** for a woman it's difficult because after all part of the time she is a niddah, it will turn out difficult that she will say, okay, go sell, but part of the obligation is that he should give her food that she can immediately eat. So **"he does not give her all her sustenance as terumah, because it is a great burden for her to guard them from things that defile and to eat them in purity,"** that she should always have to guard it and eat specifically in purity. **"Rather he gives her half regular food and half terumah,"** a part...

R' Yitzchak: There's a compromise like half terumah he may yes give, that much she lets herself give in. Perhaps because of this, perhaps because part of the time she is pure.

R' Yoel Asher: Interesting whether we're talking here about niddah specifically, or even not a niddah, because the fact that one must keep it in purity is a pressure on her.

R' Yitzchak: That's what I figured.

R' Yoel Asher: Interesting, I learned it, I also thought so. Because of that half and half fits, because approximately half the time ah...

R' Yitzchak: Yes, but it's still a... no, it's a pressure. On one hand, I mean that this is a compromise, on one hand she can... the Kohen has terumah after all, what do you want to say that he should pay something extra because he got married? After all the Torah said, for his wife may eat terumah because of that, no? You can't... it's half, some such compromise, so I think. Okay.

Obligation of Sustenance for Young Sons and Daughters

R' Yitzchak: Now we're going to learn that besides what he must pay for his wife, he must fall to feed his children.

R' Yoel Asher: Ah, this is another part also of the commandment of she'er.

R' Yitzchak: It's not clear. It seems the Rambam says so. They learned at length in the kollel, when they learned. The Rambam, I mean that the Rambam is right, but the poskim don't want to accept it for halacha. There's a small practical difference for halacha. But it seems that this is still that you can't take a woman and her children should starve.

R' Yoel Asher: Right, it seems like this is the way that the Rambam says it, how he puts it, it seems that it's a law in sustenance.

R' Yitzchak: The sustenance of his wife it is.

R' Yoel Asher: The sustenance of his wife. It means that a mother is, the children are a part of her, yes? The thigh of his mother.

R' Yitzchak: Therefore one sees that the measure is until age six, which is the infant who needs his mother.

R' Yoel Asher: **There's a Mishnah in Maseches Eruvin. The children are a part of the mother, it says one should give mezonos for the mother, meaning the mother with everything that clings to the mother. Her babies. **Just as a man is obligated in his wife's mezonos, so too he is obligated in the mezonos of his young sons and daughters, until they are six years old**, until they turn six.**

R' Yitzchak: Because that's the shiur of tinok hatzorich le'imo.

R' Yoel Asher: After they're six, **ma'achilin**, that's the main obligation.

R' Yitzchak: And it means me'ikar hadin.

R' Yoel Asher: Or perhaps one could say mid'oraisa, after six one becomes exempt. But **mikan va'eilach**, from here one is still not completely exempt, **ma'achilin ad sheyagdilu ketakanas chachamim**. The Chachamim made a takanah that more than six.

R' Yitzchak: It's very interesting, because he doesn't say so clearly that it's a d'oraisa, but he

does say yes that it's a din in mezonos, and mezonos is a d'oraisa'dige din. It appears as if the Chachamim have...

R' Yoel Asher: Placed it into the d'oraisa'dige din of mezonos.

Distinction Between Until Six and After Six

R' Yoel Asher: But once they're six it changes. There are children who when they're six are already truly capable, they make lulavim into rings, and they do business themselves. But if not...

R' Yitzchak: Ad sheyagdilu. I would have thought that until six makes sense to say it's still part of mezonos ha'em, because a mother has small children, what will she do? She'll let the children starve? It's still part of her having food to eat. Afterwards he's just a father, the Chachamim also understand that a father must take care of his children, nothing to do with hilchos kesubah. It specifically stands here, because it belongs here, because it's not a din in the kesubah itself, as we'll see. But this is a takanas chachamim, the Chachamim say that one gives until...

R' Yoel Asher: **Ma'achilin**, one continues to give food, **ad sheyagdilu ketakanas chachamim**, takanas chachamim is that one should continue to give until they become older.

R' Yitzchak: Ad sheyagdilu, until they're twelve, until they're thirteen.

R' Yoel Asher: Bar mitzvah apparently. That one who truly devotes himself to other people, his poor are truly like his little children. And the obligation of mezonos that the Ribbono Shel Olam must give him will be for him and for all the people he supports, and all people are dependent on him.

R' Yitzchak: Ay ay, such Chassidishe things.

Laws When the Father Doesn't Want to Give Mezonos

Im Lo Rotzoh — Go'arin Bo Umachlimin Oso

R' Yitzchak: Im lo rotzoh.

R' Yoel Asher: What does one do if he doesn't want...

R' Yitzchak: He doesn't want to support his children.

R' Yoel Asher: He doesn't want to give money for his children.

R' Yitzchak: Money, mezonos?

R' Yoel Asher: Mezonos, what does one do... when he doesn't want to give for the wife, one doesn't need to shout, one goes to beis din, and beis din places a lien and takes his money. By the children one doesn't do... one doesn't pasken mezonos, rather one does something else, one places pressure on him. Right. It means, it's not simple that the children have a kinyan in his money, or that they have a right to his money, rather he has an obligation to do it. If he doesn't do it, one does as always when one doesn't follow the Chachamim, one places pressure.

R' Yitzchak: The obligation is not an obligation of money. Very important, our Chachamim were exceptionally makpid on mamon chaveiro. They held very strongly that your money is your money. Ay, everyone understands that one who doesn't give mezonos to his children is a chayah ra'ah? Indeed, one will announce in the beis midrash that he's a chayah ra'ah, but more than that one cannot do. Right.

R' Yoel Asher: Tell you what one does, one is go'arin bo, one shouts at him. Umachlimin oso, one shames him. Ufotzrin bo. What does fotzrin bo mean? One pleads, like... it's implied that since it stands between go'arin and machlimin, it means something one places tremendous pressure on him.

R' Yitzchak: No, fotzrin means one pleads with him, that's actually a nicer thing. One goes backwards, he started with the shouting, fotzrin means one pleads, like haftzaros, haftzaros devarim.

R' Yoel Asher: But I think haftzaros means that one doesn't let up, that's what haftzaros means. It means, not once does one shout, but one is maftir, every day one calls him, one torments him until it happens.

R' Yitzchak: Okay. Im lo rotzoh, it doesn't help.

R' Yoel Asher: Machrizin alav batzibbur, okay, it's implied go'arin bo means in public, machlimin oso... I think go'arin bo means privately, one shouts at him. Machlimin oso also appears one on one. One also becomes shamed when a person gives you the real korach. One calls him in and gives him a psak.

R' Yitzchak: Right. Im lo rotzoh.

Machrizin Alav Batzibbur

R' Yoel Asher: The psak doesn't help, so **machrizin alav batzibbur**, one announces about him publicly. **Ve'omrin**, at the end of shalosh seudos the rav says, I have here an important public announcement, ploni so-and-so, yes, you see him he's a fine Jew? No no no, **achzari hu. Ve'eino rotzeh lizon banav**, he doesn't want to give food for his, for his little children. **Veharei hu pachot me'of tamei**, a bird, all birds feed their young chicks, their little children, he's even worse than that, he's worse than nature.

R' Yitzchak: The Gemara says that the Rambam makes some kind of general lashon, in the Gemara it says, orev one shouts, "orev ba'ei bnei, vehahi gavra lo ba'ei bnei", even a raven takes care of its children, and this person doesn't take care.

R' Yoel Asher: I think that perhaps the word here is, it does say he should be like an orev to his children and household members, yes? So one who wants to learn Torah should be like an orev, here one sees that it's not so simple, one cannot be truly such, the orev is some kind of lashon I don't know.

R' Yitzchak: But here you see that a raven does take care, right, I don't know, interesting. Okay.

R' Yoel Asher: That's the story, but the Rambam says, but **ve'ein kofin oso**, this is not coercion, one shames and all other coercion, coercion means one goes in to take money from his house.

R' Yitzchak: That one doesn't do achar shesh. Very good.

Distinction Between Amud and Eino Amud

R' Yitzchak: Bameh devarim amurim? How was this spoken?

R' Yoel Asher: It's interesting why Chazal made this.

R' Yitzchak: I tell you I have a very big problem, a person who is such an animal, hello, go immediately grab his money, I don't know one on one.

R' Yoel Asher: It's interesting here also in this perek, we haven't yet had, we've already had a few times, we've already had nidui that one can make, we've already had one can make cherem, we've already had one can we've already had several times makas mardus. But here in this perek we're going to see other things or in the later perakim of public shaming as a tool that a person should behave as he should with his family. One uses public shaming.

R' Yitzchak: Yes. But this is an interesting... bameh devarim amurim? But this, the halachah that was just said that one cannot force him lizonam achar shesh.

R' Yoel Asher: This is specifically, bameh devarim amurim? **Be'ish she'eino amud.** All that one doesn't force is...

R' Yitzchak: A person who has no amud means like assessed.

R' Yoel Asher: One hasn't assessed the money.

R' Yitzchak: One doesn't know his bank account.

R' Yoel Asher: **Ve'ein yadu'a, ve'ein yadu'a im hu ra'uy liten tzedakah o eino ra'uy,** we don't know if...

R' Yitzchak: He's a...

R' Yoel Asher: Poor person to whom one must give tzedakah, or eino ra'uy, he doesn't have money for tzedakah.

R' Yitzchak: Aval.

R' Yoel Asher: **Aval im hayah amud,** if he's one whom one knows, one has assessed him **sheyesh lo mimaon hara'uy liten mimenu tzedakah hamaspeket lahem,** and one knows

that he has enough money to give tzedakah, and he has enough money to give tzedakah as much as one needs to have to support the children. Then **motzi'in mimenu be'al korcho**, not from the din of mezonos but **mishum tzedakah.** Because in tzedakah there's also precedence in tzedakah, that karov karov kodem. And by tzedakah there is coercion, and one forces that one takes out from him the tzedakah, and gives it for his children, **vezonin osam ad sheyagdilu**, and one gives the children mezonos until they grow up.

R' Yitzchak: Very good. Yes, that's the halachah. Today's batei din, why they don't conduct themselves according to the halachah, and one must protest. Go further.

Mezonos Banim After Divorce — Questions and Practical Differences

R' Yitzchak: Nachamu already, today's times, first of all in halachah one always speaks when one has had a wedding. That after one has divorced from the wife one must still pay mezonos for the children, that's not a clear halachah. There are Geonim, there are sources for this in the Rishonim.

R' Yoel Asher: But already but after shesh and on a strict level I'm speaking.

R' Yitzchak: Let's speak before shesh, one is now, that it's dependent on mezonos ishto. What one understands, automatically when it's not ishto it's very strange if according to the Ran it's only begeder takanas chachamim. Ah first of all, according to what Jews understand as the Ran says explicitly, that, and a psak is brought in the Ran that it's a din of mezonos ishah. A gerushah one doesn't need to give any mezonos, there's no doubt. And automatically one doesn't need to pay. Ay there are those who say mezonos banav is an extra takanah. Let's say there's an extra takanah from ishah one must give, no problem. But that means when they live with him. It costs much more money to send money to that one. There's no source at all that the mother can say I'll keep the children. Let's already say that there's such a halachah that the children can live with the mother because it's their good, their

good let her pay for it. But he must still pay also that's very strange.

R' Yoel Asher: Ner le'echad ner leme'ah, there's such a thing that in his house it's cheaper, okay.

R' Yitzchak: Now, secondly, after ben shesh it's clear that if he's not amud one cannot force him. Now what does amud mean? One must know hilchos tzedakah. A wealthy person one can yes. Yes, if he, if a wealthy person means also that he has...

R' Yoel Asher: Yes? Here first of all, no perhaps wealthy means go after money, borrow. No, no, no, one is creating new chiddushim. A father is never obligated, no again. What does amud mean? Why does one always speak in Yiddish instead of...

R' Yitzchak: If...

Mezonos Banim More Than Six, One Who Went to Another Country, and One Who Became Insane

Mezonos Banim More Than Six — It Doesn't Go Up With Him

R' Yitzchak: Now, secondly, after ben shesh it's clear that if he's not amud, one cannot force him. Now, what does amud mean? One must know hilchos tzedakah.

R' Yoel Asher: Shame him one can yes.

R' Yitzchak: Yes, if he, also shame is also if he has, yes.

R' Yoel Asher: There is, perhaps shame is go after money, borrow,

R' Yitzchak: Borrow. No, no. Okay,

R' Yoel Asher: Force him one cannot if one doesn't know.

R' Yitzchak: One is creating new chiddushim,

R' Yoel Asher: There isn't anywhere one is obligated no, again, shame, one shames even without assessment, if one has assessed and he has one forces him,

R' Yitzchak: Because one tells him, look, you have the money, give her the money. One just doesn't, one doesn't just not shame. Not agree, I

don't agree. Because it's simple that one speaks, there's a level amud which means one has already clarified. I think that amud means that there was a process, the tzedakah fund of the city assessed how much money each one has, and they already knew and not just, but it cannot be that one is omed only for this matter, it's very funny. Besides that,

R' Yoel Asher: That's what it says in the Rambam.

Chiddush: Mezonos Banav Doesn't Go Up With Him — Only Basics

R' Yitzchak: The reality is that after six years at least one cannot force except from the din of kofin al hatzedakah, and most people today, or very many people, if not most, are certainly not a din that one can force them al hatzedakah, and automatically most money that one takes out mezonos from people who are divorced is properly theft, and the beis din are robbers. What should one do? Besides that

R' Yoel Asher: Here is another din... they're not, it doesn't go for them,

R' Yitzchak: But one must help that one be a robber. Besides that there's another din, that it doesn't say here explicitly in the Rambam, but it's apparently clear, that mezonos banav there's no oleh imo. Mezonos banav is not according to the standards that are accustomed, what children need. Basics. And what every single beis din in the world paskens mezonos according to what the standard was, is completely not according to halachah, there's no source for it at all. Not every beis din. There are batei dinim that are honest and conduct themselves according to the halachah, but there are those who are more modern and conduct themselves just as it suits them, and that's not a way.

R' Yoel Asher: Okay. I'm not, I don't agree with the whole framing.

R' Yitzchak: Say the halachah. Okay.

Halachah 13-14 — One Who Went to Another Country

R' Yoel Asher: The Rambam says further thus:

R' Yitzchak: Until now we've spoken...

R' Yoel Asher: Very good. Until now one has spoken when the husband is here, the husband is here... yes. The husband is here, and the question is how one takes out money from him, force him. What happens in a worse situation? The husband has fled. "**Mi shehalach limdina acheres**" he went to another city, "**uva'ah ishto levais din litvo'a mezonos**" the wife comes to beis din to claim mezonos,

R' Yitzchak: What does one do? An interesting halachah.

First Three Months — Ein Poskin Lah

R' Yitzchak: But, the first three months the Rambam says thus:

R' Yoel Asher: "**Sheloshah chadashim harishonim miyom halichto**" the first three months from when he goes, ein poskin lah bahen, what does bahen mean? In these three months one doesn't pasken mezonos. Why? **Chazakah hi she'ein adam maniach beiso reikan.** There's a chazakah that a person doesn't leave his house empty, so the wife herself should figure out, search through the house, find somewhere where money lies.

R' Yitzchak: It appears, not money,

R' Yoel Asher: Mezonos apparently. Mezonos,

R' Yitzchak: But but for three months there is money okay,

R' Yoel Asher: Maniach beiso reikan doesn't mean apparently that there's food for three months, but there are valuable things. Figure it out yourself, the beis din doesn't need to become involved, figure it out yourself,

R' Yitzchak: Sell items.

After Three Months — Poskin Lah Mezonos Umochrin Nechasav

R' Yitzchak: Afterwards, mikan va'eilach,

R' Yoel Asher: After three months, beis din sees he's still not here, one knows that money is very possibly truly not there at home, so **poskin lah mezonos**, the beis din establishes mezonos. How does one do this? **Im hayu lo nechasim**, if he has assets, it means for example, I know, ah

he has investments, he has assets lying around, so **beis din yordin linechasav, umochrin**,

R' Yitzchak: One sells his assets **limzonoseha**.

Discussion: Why Does Beis Din Sell and Not the Wife Herself?

R' Yoel Asher: I want I want to understand, ah the simple meaning is that one takes on for her that not she should be busy selling? Or the opposite that one wants to be fair, but beis din may sell because one one wants

R' Yitzchak: It shouldn't be a free-for-all. One will soon see, I think it will say explicitly if she sold for herself and so on. Yes, okay. The beis din the beis din the opposite the beis din goes over into her assets, sometimes one needs a proclamation, whatever, there are halachos how one may sell someone else's assets.

Ma'aseh Yadeha When the Husband is Away

R' Yitzchak: Ay, now apparently she owes ma'aseh yadayim, and the husband isn't here, he doesn't get the ma'aseh yadayim either. There's a takanah ma'aseh yadayim in exchange for mezonos,

R' Yoel Asher: But the halachah is thus, again first, the beis din sells assets that are available and gives her to eat. Ay, there's also that against the food that the husband gives is ma'aseh yadeha, what she works must go to the husband. Don't say but the beis din places into beis din or pay with the ma'aseh yadeha. One doesn't yet calculate, as long as he's not here one cannot have claims on ma'aseh yadeha. **Ve'ein mechashvin imah**, one doesn't make calculations **al ma'aseh yadeha ad sheyavo ba'alalah**. When the husband comes, then the husband can come to beis din and say that she also had ma'aseh yadeha and automatically she cannot receive so much money. **Im matza she'asas**, if she truly had ma'aseh yadeha, there was ma'aseh yadeha, then **harei zeh shelo**,

R' Yitzchak: The ma'aseh yadeha is truly his. This is, when she comes to beis din.

Halachah 15 — Im Lo Amdah Badin

R' Yoel Asher: So she comes to beis din, and the beis din went. L'chaim. What happens **im lo amdah badin**, she didn't go to beis din, rather she did it herself, ah avid inish dina l'nafshei there is such a type of halacha. She went, she sold —she sold on her own from his assets lamzonos, then **michra kayam**, whatever she sold is a valid sale, and we don't say that ah she doesn't have the right. She doesn't have the right. She did have the right.

She Doesn't Need Hachrazah or Shevuah

R' Yoel Asher: Says the Rambam: **v'einah tzrichah hachrazah**, she doesn't need to make an announcement, um or give m' make a shevuah. It means, the m' the husband could have claimed,

R' Yitzchak: If it's true that you don't have, announce publicly that you don't have what to eat, and because of that you're selling. No, no, no, hachrazah means, hachrazah, there are ways, that one sells ah likevurah v'chadumeh, that one needs to announce in public that one is going to sell the the property.

R' Yoel Asher: I think that helps that um one should get the right price for it, or something like that, with a publicity, it means one can't just sell, one needs to, there are ways that one sells someone else's things shelo befanav, there are halachos of hachrazah,

R' Yitzchak: There needs to be an ad in the newspaper, which says that one is selling that thing, that it's a fair um sale v'chadumeh. In that manner says the Rambam one doesn't need to.

R' Yoel Asher: When the husband becomes missing, he can't have claims, one doesn't need one doesn't need any hachrazah or shevuah,

R' Yitzchak: **Ad sheyavo ba'alah v'yit'un.** Shevuah is, a one will see later there is a thing called shevuas almanah, that one needs when she needs to swear that she's selling kesuvah, she needs to swear that she didn't take her own things, she didn't take from the hefker v'chadumeh, then at that time one can't ah...

R' Yoel Asher: So if the husband comes and he, when the husband comes and

R' Yitzchak: He claims that not well sold,

R' Yoel Asher: Then he can obligate her a hachrazah or a shevuah, but until then...

R' Yitzchak: Hachrazah is perhaps too late, but shevuah he can her...

R' Yoel Asher: Okay, until then she can, she can do what she has to do without hachrazah or shevuah.

Or Until She Comes to Collect Her Kesuvah After His Death

R' Yoel Asher: **O ad shetavo ligvos kesuvasah achar moso**, if he ah still hasn't returned and he died, and now there is a kesuvah...

R' Yitzchak: And she comes to collect the kesuvah,

R' Yoel Asher: Then she will have to swear. Then then' then one will roll in a shevuah, it means, that she will come to claim the kesuvah, then one will tell her, you can get the kesuvah but only if you you make a shevuah **shelo machrah ela lamzonos shehi tzrichah lahen**, that she didn't just conduct herself recklessly with the husband's assets, rather she only sold as much as she needed for her mzonos.

Discussion: Shevuas Almanah and Rolling In

R' Yoel Asher: Yes. It means, very good. When she comes to take a kesuvah it's like **to'anin mashbi'in lah**,

R' Yitzchak: There is such a halacha that she needs to swear. So megalgilin means since she already needs to swear for other things one makes her swear on the sale that she did also.

R' Yoel Asher: What does she need to swear then, that she still hasn't received the kesuvah or what? Every time a woman receives a kesuvah she needs to swear?

R' Yitzchak: Could be, yes. Every time that a woman claims a kesuvah she needs to swear. Aha.

Halacha 16 — They Sell for Food for His Sons and Daughters Who Are Six Years or Less

R' Yitzchak: It says in the Rambam further:

R' Yoel Asher: "**Ucheshem**", just as the beis din can

R' Yitzchak: sell "**limzon ha'ishah shehalach ba'alach**,

R' Yoel Asher: **kach**" one can also sell if the husband did leave enough money for her food but not enough money for the small children, then also the beis din "**mochrin limzon banav u'venosav shehem bnei shesh shanim o pachot**". Since the mzonos of the small children is the same geder as her mzonos, we discussed that it's literally a part of her mzonos, then also the same thing one can sell.

But More Than Six — We Don't Feed Them Shelo Befanav

R' Yoel Asher: "**Aval yeser al shesh**", although we learned that there is a takanas chachamim to support even older children yeser al shesh, but that we discussed that it's not really that he has the same din as her mzonos that's a different type of obligation. Therefore then "**ein zanin osam minichasav shelo befanav, af al pi shehu amud**" even if we know that he has money,

R' Yitzchak: What normally one would

R' Yoel Asher: force him he should give that from the law of tzedakah that one can only do when he is here.

Discussion: Why Can't One Force Tzedakah Shelo Befanav?

R' Yoel Asher: Interesting why. What is the meaning of this? Perhaps because the obligation of tzedakah is that he should give it and in such a case it's not called tzedakah?

R' Yitzchak: There is something like a halacha from something halachos kofin al hatzedakah doesn't go shelo befanav. I don't know why. I don't know. I really don't understand.

R' Yitzchak: "**V'chen**", similarly, not only he went away,

R' Yoel Asher: The Rema says that we're speaking here in a case when he still hasn't started giving them money yeser al shesh.

Because if he started we say that this is the system he wants it should go.

R' Yitzchak: Okay. Okay could be, but I'm asking I still don't understand everything why he sees that perhaps there is a dispute about this.

R' Yoel Asher: But it makes sense, if it is a din of kofin al hatzedakah and that is only a din of kedimah in tzedakah, tzedakah is when he gives. If one will grab from him does he have at all a mitzvah of tzedakah?

R' Yitzchak: All kofin al hatzedakah one grabs.

R' Yoel Asher: What is the difference? Because he stands kofin oso ad sheyomar rotzeh ani. The Rambam says that he really wants, it means that when one does kofin al hatzedakah he has a mitzvas tzedakah?

R' Yitzchak: Yes he has a mitzvas tzedakah. One doesn't need rotzeh one doesn't need yomar rotzeh ani by the way.

R' Yoel Asher: By a korban, okay.

R' Yitzchak: Nothing, he is here and m' one takes his money. Perhaps when he is befanav, I mean on the contrary that he is befanav he can have, it's a bit more given the right, he can have claims, he can say come here I don't have. When a person isn't here, there is a limit how much one can grab him.

R' Yoel Asher: Right, very good.

Halacha 17 — One Who Became Insane

R' Yoel Asher: Further on section 17, says the Rambam, there is a way of a husband goes away physically, he goes away, but there is also a thing nobody is home, his mind went away, **mi shenishtateh**, he became insane, he became a shoteh, then **beis din yordin linchosav u'mochrin** also, one doesn't start dealing with him,

R' Yitzchak: M' one one doesn't start he isn't here,

R' Yoel Asher: He can't, he is dead, he is a shoteh, yes, then one doesn't make any,

R' Yitzchak: One doesn't put pressure,

R' Yoel Asher: Rather **beis din yordin linchosav u'mochrin. V'zanin ishto**

u'vanav u'venosav shehem bnei shesh o pachot u'mefarnsin osam, because he is a shoteh. It seems that kofin al hatzedakah isn't there when he is a shoteh,

R' Yitzchak: It means not like he is here,

R' Yoel Asher: So one sees here,

R' Yitzchak: So one sees from this Rambam, only until ben shesh. Yes.

Halacha 18 — There Is From the Geonim Who Ruled

R' Yitzchak: Now the Rambam comes to an interesting problem.

R' Yoel Asher: Yes, now says the Rambam like this,

R' Yitzchak: In the cases that have come a woman one gives her mzonos, there were geonim that one said, one can't so quickly give mzonos. **Yesh min hage'onim shehorahh**, there was one who said like this,

R' Yoel Asher: It seems one is speaking here of one,

R' Yitzchak: Yes, shehorahh.

R' Yoel Asher: He ruled. Okay, we'll find out who. He ruled, **she'ein poskin mzonos l'ishah shehalach ba'alach**.

R' Yitzchak: The holy Rif said like this, it's interesting,

R' Yoel Asher: The Rambam calls the Rif geonim, it's good to note.

Discussion: What Does "Geonim" Mean by the Rambam?

R' Yitzchak: Yes, the Rambam holds a rule that geonim means chachamim from the Gemara until the Rambam. Geonim is not the Rambam doesn't recognize in a concept geonim, which means specifically the rosh yeshiva or something.

R' Yoel Asher: In the hakda' in the introduction to Mishneh Torah he says korin l'atzman geonim, no? No,

R' Yitzchak: No, he says, "that these are the geonim" and later after that. No, he has the matter to exaggerate a bit the geonim. No, not that I know. I just remember the language. The

Rambam holds clearly that geonim okay, the Rambam's title for geonim is anyone who is after from the Talmud until now. And, "hem hanikra'im", perhaps. Nu, certainly that he holds that one didn't take the own title, I mean a second one called him with such a proud word. Anyways,

R' Yoel Asher: Geonim he means to

R' Yitzchak: say not not an amora, which then one would certainly rule like him, a later halacha, he's speaking.

Words of the Rambam: There Is From the Geonim Who Ruled

R' Yoel Asher: **Yesh min hage'onim shehorahh**, he says, they ruled such a halacha, **she'ein poskin mzonos l'ishah shehalach ba'alach**, the halacha of that the beis din is posek, one assesses mzonos for a woman, and m' it means one sells his assets, and one gives mzonos for the woman shehalach ba'alach o shemes ba'alach, that one does only if she shows a kesuvah. **Ad sheyihyeh shtar kesuvah yotzei mitachas yadah**, that she shows a kesuvah that she still hasn't been paid the kesuvah, because when one pays the kesuvah it goes to the heirs or to the...

R' Yitzchak: Or him, it depends.

R' Yoel Asher: **V'im lo totzi shtar kesuvah**, if however she doesn't have a shtar kesuvah in her hands, then she can't demand m' mzonos. Why? What is the concern? Because one is afraid like this, **shema natlah kesuvasah miba'alach**, perhaps she took, it means the husband already paid her the kesuvah. **O machalah kesuvasah lo**, or perhaps she forgave the kesuvah for the husband, and then will be the halacha, **she'ein lah mzonos kemo sheyisba'er**. Later the Rambam will say that there is a case when the husband becomes exempt from the obligation of mzonos, if has m'a if he paid out the kesuvah. Then perhaps the husband who went away, perhaps is this also the case? Therefore then such a to'anin bishvilo, that perhaps is there there the is is the reason why he didn't leave her with money is because that he

already paid out the kesuvah? Then one can m' only assess mzonos if she shows a kesuvah.

Second Opinion: And There Is One Who Ruled

R' Yitzchak: There is another,

R' Yoel Asher: **V'yesh mi shehorahh**, on this he doesn't say geonim, **sheposkin lah**,

R' Yitzchak: He holds that one fights,

R' Yoel Asher: Others say v'yesh mi shehorahh who argues with this. He says no, one gives yes always **b'chezkas shelo natlah v'lo machalah**. Such a chezakah that ordinary women have... who are after marriage, still haven't received the kesuvah. It means, the husband still lives, she still hasn't been di' divorced, she hasn't received the kesuvah, and she hasn't forgiven. Therefore, **v'ein matzrichin lah l'havi kesuvah**, one doesn't tell her that she must bring a kesuvah.

The Rambam's Ruling: Distinction Between Halach Ba'alalah and Mes Ba'alalah

R' Yoel Asher: Says the Rambam, here he rules, **ul'zeh da'ati noteh b'mi shehalach ba'alalah**,

R' Yitzchak: It means,

R' Yoel Asher: If halach ba'alalah if the halach ba'alalah went away, the husband went away, holds the Rambam, the Rambam said that yesh min hage'onim is both by halach ba'alalah and also by mes ba'alalah.

R' Yitzchak: Ahh.

By Halach Ba'alalah: Mzonos Min HaTorah

R' Yoel Asher: Says the Rambam, by mes ba'alalah it's correct, but halach ba'alalah not, why? **Hoil v'yesh lah mzonos min haTorah**, she has an obligation of mzonos min haTorah, as the Rambam said that these are midivrei Torah. Ahh. Therefore min haTorah he is obligated to give. Therefore the beis din does, that which he is obligated min haTorah, one assesses mzonos from his money.

R' Yitzchak: One doesn't say perhaps he has, perhaps... perhaps he should claim the perhaps.

Aval im mes ba'alalah, then the Rambam agrees,

By Mes Ba'alalah: From Takanas Chachamim and From Assets of Heirs

R' Yoel Asher: That here he agrees that one can only assess **ad... only as long as, ad shetavi kesuvah**, she brings the kesuvah. Why? Because then he is not obligated mid'oraisa. Rather what then? **She ocheles b'takanas chachamim**, she eats, because the chachamim enacted... one of the conditions of kesuvah,

R' Yitzchak: Nizonos minichasav.

R' Yoel Asher: That a... sheyosheves b'veiso, yes. That this is a din miderabbanan, then she has this only if she brings a kesuvah.

R' Yitzchak: V'od, v'od,

R' Yoel Asher: Another huge one, why... says the Rambam why really mes ba'alalah does one demand more proof from her? Another reason. Says the Rambam: **Mipnei shenizones minichasei yorshim**. Ahh. She receives, eh, mzonos from the assets of the heirs,

R' Yitzchak: **Ul'olam to'anin l'yoresh**. There is such a rule that heirs, the beis din takes more care for them,

R' Yoel Asher: Because they know... heirs don't know the reality. Heirs is always, the beis din takes on for them, because they just came to the picture, they don't know the truth. Therefore, as a din to'anin l'yoresh, the beis din demands: you want one should assess mzonos,

R' Yitzchak: you need to bring the kesuvah. Ahh. Okay. Now, further, halach...

Halacha: She Borrowed and Ate — When He Comes He Is Obligated to Pay

R' Yoel Asher: More conditions in the matter of the husband who went away and she seeks how to eat. Then she went, **halach ba'alalah, the husband went away, v'lavesah**, she borrowed from people on the husband's account, I want to borrow money, my husband will pay you when he will come home. **V'achlah**, and she ate. **Kesheyavo, chayav l'shalem**, when he comes home, he needs to pay this, the husband.

Because the money is obligated as to her, for the same reason why beis din can go into his assets.

One Stood From His Own Mind and Fed From His Own

R' Yitzchak: But,

R' Yoel Asher: Such a case happens, **amad echad mida'as atzmo**, there was there some good neighbor, **and from his own mind, without being asked, he v'zanah mishelo**, he supported her from his food. He had mercy, he started giving her to eat. Then? And afterwards the husband comes home, and he says, ah, I laid out a lot of money when you weren't here. **Im yavo haba'al eino chayav l'shalem lo, vaharei zeh ibed es me'osav**. He lost his money. **Mipnei shelo tzivahu lizonah**, he didn't tell him to support her. **V'hi lo lavsah mimenu**, and also, she didn't borrow from him. When she borrows from him, she borrows on the account of the husband, the husband will become the creditor. But in a case when she... he didn't tell. Also beis din didn't tell. Okay, beis din, but it seems, beis din doesn't borrow, beis din or sells, or...

R' Yitzchak: Beis din takes. Takes. In short, nothing, let him burst, who told him?

Novel Point: The Obligation of Mzonos Is Not a Monetary Debt

R' Yoel Asher: He can't demand the money from the husband. Yes. Really interesting, I mean, it seems that the din of mzonos from the husband, why can't he say all this money you are obligated to give her? It seems that it doesn't work exactly like that, because at the time she ate from the neighbor, it was very good, then she worked well, he found a good neighbor who

R' Yitzchak: did the mitzvah of mzonos ishto for him, and that's it.

R' Yoel Asher: Okay, but what I mean to say is that it's not a monetary din that a husband needs to spend during his life so much and so much million dollars for mzonos ishto. Called that the, the amount of money you are still obligated for your wife, it doesn't work like that.

R' Yitzchak: He needs to give her mzonos.

R' Yoel Asher: Ah, as we see hamosar laba'al, yes.

Halacha: Suspend Your Handiwork for Your Mzonos

R' Yoel Asher: The Rambam says further: ****A husband who said to his wife when he left,** a man who traveled away on his long trip, he said: ****"Rely on your handiwork for your sustenance,"** I'm not going to leave you any money, you work, take your money from your work and eat from that. Then ****she has no sustenance.********

R' Yitzchak: That means, we learned that the wife has the right to say this, one doesn't actually have the right to say it.

R' Yoel Asher: We learned that her handiwork is in exchange for her sustenance. Since he receives the right to take her handiwork, it follows that since he must support her, he receives the right to her handiwork. We also learned that if she says "No, I want to keep my handiwork and don't give me sustenance," she can do that. Uh-huh. So also in such a case, when she said "Rely on your handiwork for your sustenance," he said, she said nothing. She has no sustenance. Why? **For if she had not agreed to this matter**, if she had not agreed, **and had not relied on it**, she didn't take the words seriously, **she should have claimed against him** or said to him "No, I don't want, my handiwork is not sufficient for me, I don't make enough, I don't agree to this deal." Since she didn't say it, she was silent when he said it.

R' Yitzchak: So the simple meaning is she agreed, and she has no sustenance.

R' Yoel Asher: And when she agrees, she can lose sustenance in exchange for her handiwork.

R' Yitzchak: Right. Okay.

Discussion: Why Don't We Assess Whether It's Enough?

R' Yoel Asher: And why don't we say, for example, that the beis din

R' Yitzchak: Should assess whether it's enough? It has nothing, it has nothing to do with it. It has nothing to do with enough.

R' Yoel Asher: She can't say "my handiwork is not sufficient for me." It seems that if she had said that, she wouldn't have forgiven.

R' Yitzchak: But there's no such thing that one must, it must be enough. It depends on what she wants. Everything depends on what she wants. If she wants, it can be so. Eh, if it's not enough? She miscalculated, that's a different problem.

R' Yoel Asher: Yes.

Law: She Stood in Court and They Awarded Her Sustenance — And the Husband Comes and Claims

R' Yoel Asher: The Rambam says further: **If she stood in court**, what happens in a case when she went to the beis din, **and they awarded her sustenance, and the beis din sold and gave to her.** The beis din sold for sustenance, went in, yordin l'nichsei and they sold, and gave to her. Or in the case when she herself sold for sustenance, and afterwards the husband comes and claims and he says: **"I left her sustenance,"** I did leave, and therefore they didn't need to make a sale, uh-huh. And uh, he says she's a swindler. She had sustenance,

R' Yitzchak: She used it.

R' Yoel Asher: Uh-huh. So uh, what does he want now? He wants now to extract back from her, she should now have to pay him for the field that was sold. **She must take an oath**, he can obligate her to swear with taking an object, a real oath. She should swear **that he did not leave for her**, that he didn't leave her money, and then he is exempt.

R' Yitzchak: Then she is exempt.

R' Yoel Asher: Then she is exempt. Meaning not that he can swear and extract from her. On the contrary, she must swear not to give. He is now the one extracting.

Law: She Did Not Claim and Did Not Sell — He Says I Left and She Says You Did Not Leave

R' Yoel Asher: Uh-huh. What happens in a case, **she did not claim and did not sell**, the husband traveled away, and she didn't go to beis din, she didn't go to sell. **But rather she waited until he came**, poor thing starved until he came home. And then the claim begins, **he says**, he says "I left money," **and she says "you did not leave"** you didn't leave. **"Rather I borrowed from this one and supported myself,"** I went borrowing everywhere.

R' Yitzchak: Ahh.

R' Yoel Asher: So what is it now? Now she is extracting money from him, because she wants now "go pay my debts." Ahh. Then he gets the right, because since she is extracting from another, she must be the one who brings proof. And as long as she can't bring the proof, he must swear **a shevuas heseis that he left for her**, that he did indeed leave her money. **And he is exempt** he becomes exempt, **and the debt remains on her**, the debt remains on her.

Novel Point: The Husband Doesn't Have to Pay the Wife's Debts

R' Yoel Asher: Ahh. It's interesting, here it seems that the husband doesn't have to pay the wife's debts.

R' Yitzchak: It's something. She made debts herself, why should he have to pay her debts? Who told her to? Yes.

Law: She Sold Movable Property and Said I Sold for Sustenance

R' Yoel Asher: **She sold movable property**, what happens in a case **she sold movable property**, she sold from his movable property, his objects, **and said, I sold for sustenance**, I sold it because I didn't have what to eat, you traveled away, so I sold the things. **And he claims and says**, no, **I left sustenance**, I left money. Yes. And he now demands that she return to him the movable property that she sold. So also the same thing, that since he is extracting, she must make an oath **that he did not leave** he didn't leave, and she is exempt. Ahh.

Law: She Pressed Herself Day and Night and Ate

R' Yoel Asher: If on the contrary, she didn't claim, she didn't sell, **and did not sell, but rather press...** ah, no, another new case. A new one. What happens if a woman starved for a whole time? **She pressed herself day and night**, she really overexerted herself and worked very hard, **and ate**. And now she says, give me for all the...

R' Yitzchak: She made handiwork.

R' Yoel Asher: Her handiwork, and she ate. And she says now, I starved, you must now pay me for the money for all the...

R' Yitzchak: I worked... I worked too much.

R' Yoel Asher: For what she ate... no, pressed herself means she lived on the minimum, and she worked hard...

R' Yitzchak: No, it means she worked. She worked, she worked very hard. She claims as if, you didn't give sustenance. You must give me even though I added handiwork, more than I'm obligated to make,

R' Yoel Asher: Okay,

R' Yitzchak: So on the extra handiwork, as if pay me back for that,

R' Yoel Asher: I laid out for myself as if.

R' Yitzchak: It's so. **She has nothing**,

R' Yoel Asher: Because the claim doesn't exist.

R' Yitzchak: Yes, because sustenance she had

R' Yoel Asher: From her handiwork, so he was exempted with that.

R' Yitzchak: She could have gone to beis din to get, but she just fooled herself and she didn't do it. So no.

R' Yoel Asher: Okay. Now we're going to learn a bit about the laws of vows.

R' Yitzchak: Ah laws of vows, I mean to say vows, laws of vows, one who makes a vow on his wife, how long one can,

Laws of Marriage Chapter 12 — One Who Makes a Vow on His Wife

Law: One Who Makes a Vow on His Wife Not to Benefit from Him

R' Yitzchak: So on the extra handiwork, as if,

R' Yoel Asher: Pay me back. We give. I laid out from myself as if. Yes, it's so. Because the claim doesn't exist.

R' Yitzchak: Yes,

R' Yoel Asher: Because sustenance she had from her handiwork, so he was exempted with that.

R' Yitzchak: She could have gone to beis din to get, but she just fooled herself and didn't do it, so no. Okay,

R' Yoel Asher: Now we're going to learn a bit about the laws of vows. I mean to say, vows, one who makes a vow on his wife, how long may he...

R' Yitzchak: This can be a way how he doesn't have to give sustenance or something like that.

R' Yoel Asher: **"One who makes a vow on his wife not to benefit from him,"** someone makes a vow that he won't

R' Yitzchak: Have any benefit from his wife, uh-huh.

R' Yoel Asher: **"Whether he specified until a certain time"**, whether when he said I won't benefit from my wife until whatever, until the end of the week, or, uh-huh. Or even without saying a time, **"or if he did not specify but left it open, we wait for him thirty days"**, we give him thirty days, so that he should sober up from his craziness. Uh-huh. **"If the days of his vow ended"**, his vow ended, **"or"** or even if it didn't end, but he found a way to annul his vow, he went to a sage to say that on this understanding he wouldn't have made it, **"it is good"**, it's good. But **"if not"**, he continues with his vows, **"he must divorce and give the kesuvah"**, he should give her a get and give the kesuvah.

Why? Because a woman, he can't say it's not, she shouldn't benefit from me, the vow is against his obligations.

Discussion: What Happens During the Thirty Days?

R' Yoel Asher: What happens during the thirty days? During the thirty days she does... she can't take his food. Uh-huh. So what should she do? **"She should work and eat,"** she should work and make money, **"and one"** uh, and but if she doesn't make enough, her handiwork is not enough, uh-huh. One of his friends should support her **"in things that she needs beyond her handiwork,"** the rest, the difference, another should give, **"if her handiwork is not sufficient for everything"**.

It means, even though the friend is doing it for his sake,

R' Yitzchak: To fill in his... he has no claim, he's doing it like that for free.

R' Yoel Asher: Even though the friend is doing it because his friend has an obligation, he's doing it instead of the friend, you would think that this is also part of the prohibition, this is not part of the prohibition. Even though he made a vow, but the vow doesn't take effect on the friends, even though he's doing it for his sake. Yes.

Law: One Who Makes a Vow on His Wife That She Not Taste One of All the Fruits

R' Yoel Asher: The same thing, one who makes a vow on his wife that she not taste one of all the fruits. I want you not to eat one of the types of fruits. Uh-huh. Even though it seemingly looks like a small thing, but a person can't torture his wife and forbid things on her. We wait for him thirty days. Moreover, if more than thirty days he continues his boycott against some fruit that she may not eat something. More than that, he must divorce, and give the kesuvah. Uh-huh.

Even if he made a vow on her that she not taste bad food. Even if he made a vow on her that she not taste something that is even not good. Uh-huh. And even if the vow is of a type that she never ate in her life, some fruit that she doesn't want to eat at all. He must divorce after thirty days and give the kesuvah, because it's a matter of principle that a man cannot enslave and impose suffering on his wife, and if so he should divorce her. A dictatorial approach.

Discussion: About Diet

R' Yitzchak: He must let her eat, besides what he must give her to eat, he must let her eat. If he tells her to go on a diet, also is it the same thing?

R' Yoel Asher: One must know.

R' Yitzchak: That's what it means, that's the old-fashioned way that one tells to go on a diet.

R' Yoel Asher: Tell? She should accept as if he didn't tell.

R' Yitzchak: He is expected.

R' Yoel Asher: Force one may not. Yes.

R' Yitzchak: Eh good, may not.

Law: She Made a Vow Not to Eat — And He Upheld Her Vow

R' Yoel Asher: Further, what happens like this, she made a vow, if she made a vow that she not eat one of all the fruits, and when a woman makes a vow the husband must agree, if not the husband can annul it, and he upheld her vow, he upheld the vow, or. Or she made a vow that she will be a nazir, and he didn't disrupt her vow, and she becomes a nazir, she won't be able to drink wine, and so forth. So if he wants that she sit under him and not eat fruits or be a nazir, if he agrees to her craziness, then all honor.

R' Yitzchak: One can tolerate it.

R' Yoel Asher: But if he said, but if... it's interesting though, by earlier it wasn't stated. By the wife we know all wives don't want a husband who makes vows. On her. Yes. On her means.

R' Yitzchak: He forces her.

R' Yoel Asher: Right. But if he said I don't want a woman who makes vows. I don't want a wife who does crazy pious things, she makes nezirus. Uh-huh.

R' Yitzchak: I don't want that.

R' Yoel Asher: Then? So he can't say that it's a mistaken transaction or something. Further, he must give the kesuvah. He can give her a get.

R' Yitzchak: He must divorce and give the kesuvah, for it was in his power to annul.

R' Yoel Asher: For it was in his power to annul and he upheld it willingly. You had a choice,

R' Yitzchak: You can stop. You yourself are guilty. You know what?

R' Yoel Asher: You can give... therefore the kesuvah must be given.

R' Yitzchak: A get he can always give, he doesn't need to ask her, but the question is

whether he must give a kesuvah. He must give her a kesuvah, certainly. Very good.

End of Chapter 12

R' Yoel Asher: And with this we have finished chapter fourteen, ah twelve. The fourteen things, chapter twelve.

R' Yitzchak: And