

Laws of Marriage Chapter 13 (Auto Translated)

English

Auto Translated

Shiur Overview

Summary of the Chavrusa Study: Laws of Marriage Chapter 13 — The Obligation of Clothing

General Introduction: Structure of the Chapter

The chapter deals with the **obligations between husband and wife**. The Rambam previously enumerated fourteen obligations, three of which are from the Torah: **she'arah**, **kesusah**, **ve'onasah**. Until now we have studied **she'ar (sustenance)**, and now we are entering into **kesus (clothing)**.

For each of the three obligations (she'ar, kesus, onah) there is an order:

1. **What is the measure?** — How much sustenance/clothing is required?
2. **What else is included?** — Sustenance doesn't mean only food (also "pocket money"), clothing doesn't mean only a garment (also household items, dwelling/residence, jewelry, etc.)
3. **For whom else?** — Whether one must also provide for children
4. **What if he is not present?** — Whether one can claim/seize in his absence

Kesus also has a social dimension — how she looks among her friends, where she lives, whether she may go out — this comes primarily through **madir** (dwelling) which is included in kesus.

Three categories of she'ar, kesus, onah:

- **She'ar** = things that are used up quickly and must constantly be replaced (food, pocket money for bathhouse) — the husband must ask every week/day.

- **Kesus** = things that are purchased once and last for a longer time until they break (clothes, household items, dwelling).

- **Onah** = a physical matter between husband and wife.

Methodological Introduction: The Rambam's Project — Mishneh Torah as a Book of Laws

The Rambam's Goal

The Rambam wanted, as he writes in his letters, that Klal Yisrael should have a "book of laws" — just as every civilized nation has its laws. His structure: what stands in the Gemara is "obligatory for all Israel to follow."

Innovations:

1. **The Rambam's basing himself on the Gemara is itself an innovation** — but in practice he couldn't do otherwise, because if he hadn't based himself on the Gemara, people wouldn't have trusted him.
2. **The Rambam knew that many terms from the Mishnah/Gemara were unknown in his time** — this is seen from his Perush HaMishnah, where he explains every word (like "zuz" — how much it's worth, unfamiliar words he translates into Arabic). In the introduction to Perush HaMishnah he writes explicitly that this is one of the functions of a commentary — to explain translations.
3. **The wonder: In Mishneh Torah he doesn't do this** — he writes words like "kufach" or "chagor" without explanation, even though he knows the reader won't understand. Most of the time he copies the language of the Mishnah/Gemara without translation. This proves that **the Rambam didn't hold that Mishneh Torah is a practical "Shemiras**

Shabbos K'Hilchasah" — one cannot simply learn practical halachah from it if one doesn't even know what the words mean.

4. Counter-point: In the Rambam's time there was no book that was even close to his in practicality — of everything that existed, this is the closest to practical. But the answer is that the Geonim used to write practical halachah l'ma'aseh works.

The Rambam's Method: One Should Not Write a "Shemiras Shabbos K'Hilchasah"

5. A philosophical question on the Torah's detailed laws — Plato and Aristotle (of whom the Rambam was a great follower) already said that it's not possible to write rules/laws that cover every detail. Reality is too complicated — every wedding is different, every city, every time, every person. When a question comes before a rabbi/beis din, one always needs the judgment of the chacham/moreh hora'ah of the time. **On the contrary — the more detailed halachos one makes, the worse it becomes**, because the rabbi becomes "stuck" and cannot change according to reality, because he must follow exactly what is written, due to "chukah achas yihyeh lachem."

6. The Rambam understood this — although he never says it clearly. The clearest places are: Hilchos Mamrim, and the introduction to Perush HaMishnayos. The Rambam holds that **the essence of halachic obligations is only in a general way** — even a detail that stands in the Mishnah is only according to that time's reality, today it can be slightly different.

7. The Rambam lays down in Hilchos Mamrim that the main "job" of the sages of the generations is "eis la'asos laHashem heferu Torasecha" — to know when one must enforce a halachah and when not. One doesn't change the halachah, God forbid, but one doesn't enforce it when it's not beneficial in the situation.

8. Note regarding "lo tosifu" and "lo tigre'u": Therefore one understands why the Rambam is so preoccupied with "lo tosifu" and "lo tigre'u" — because this is the job of a rabbi

(eis la'asos), one must pay very careful attention to the boundaries.

9. The Rambam says explicitly in Moreh Nevuchim Part 2 Chapters 41-42 that the reason for "lo tosifu/lo tigre'u" is: since the main function of the sages of the generations is to say "here yes, here no," people will think it's "Purim" (hefker). Therefore one says: "No, the law remains as an eternal statute forever" — but today, at this time, according to the matter, one can act differently.

Hora'as Sha'ah — A Dispute with Nefesh HaChaim and Tanya

10. The Rambam holds that hora'as sha'ah is not limited to prophets or to the "Torah squad" (as Nefesh HaChaim and Tanya say). Every beis din can say one should transgress the Torah — but one must say that the Torah is eternal, only "today it's not worthwhile to fulfill the mitzvah" or "to change slightly." **Nefesh HaChaim and Tanya are "wrong" on this point.**

11. The deeper matter: With this one fulfills both sides — both the people take seriously that there is a law from the Almighty, and the practical need is satisfied. **It's important that there should be an idea of an eternal law, but it's important that in practice it shouldn't be eternal.**

12. Note regarding hora'as sha'ah vs. change in reality: Eliyahu at Mount Carmel (which the Rambam mentions by hora'as sha'ah) is a completely different thing — there they actually worshiped idolatry. Here we're talking about understanding how one fulfills the words of the Torah when reality has changed — for example, the Torah doesn't want exactly fifty zuz, but that one should satisfy the wife. But in a broader sense one can understand that Eliyahu's bamah is also the same principle — the Torah doesn't say "don't make a bamah" simply, but so that it should be avodas Hashem.

Why Does the Rambam Write Details and Not Just Principles?

13. R' Chasdai Crescas's critique: He attacked the Rambam for this — why does he

write all the details instead of just principles? One cannot dismiss the point of such a gadol.

14. **Answer:** Halachah is a **practical art** — one doesn't learn it from principles alone, but from examples. When the Rambam gives a "whole story" — in summer this way, in winter this way — one gets a **better idea** than from a principle alone, which one can interpret as one wishes. The details from then give the judge a glimpse into the background (for example how much a person spent in the time of the Mishnah), so that he can "medameh milsa l'milsa" — which is what Talmud means — and rule according to today's reality.

15. **The Rambam's book is not a "Shemiras Shabbos K'Hilchasah"** — because such a book makes fixed laws out of things that shouldn't be fixed. The moreh hora'ah must look in the Rambam every day, **not rule exactly what stands there**, but understand the idea, be medameh milsa l'milsa, and from that rule according to today's situation.

Shimush Chachamim as a Learning Method

16. **Halachah is a practical art** — just as one learns to build a house not from principles but from seeing practical examples, so one learns halachah through **shimush chachamim** — one sees many cases and acquires judgment.

17. **Principles are always abstractions** — one cannot convey effective principles, only details. The Rambam himself almost never gives abstract principles, but a "bunch of details" that together build understanding. Example: the word "anger" as an abstract concept is an abstraction, but the true wisdom lies only in the details. Another example: **shalom bayis** — the main "shiur" that people follow is what they saw by father and mother, not formal principles.

18. **Practical application for our study:** Learning Mishnayos and Rambam is less than actual shimush, but one gets "certain ideas how a life works, how the sages view what's missing." This is **not as proofs** for today's questions, but a feeling for the system. Example: whether a husband is obligated to buy a "bugaboo carriage"

(stroller) — one cannot directly rule from the Mishnah, but one sees that the halachah speaks of things that are the "bugaboo carriage" of their time, and that one follows the local custom and the status of the family.

Halachah 12 — How Much Clothing Must He Give Her

The Rambam's words: "How much clothing must he give her — garments worth fifty zuz from year to year from the currency of those days, which comes out to six dinars and a quarter dinar of silver. He gives them to her new in the rainy season, and with their worn state [she wears them] in the summer season... and the worn-out ones — which are the remainder of the clothing — behold they are hers... and he gives her a belt for her waist, and a kufach for her head, and shoes from festival to festival."

Explanation: The annual budget for clothing is fifty zuz (= six dinars and a quarter dinar of silver). One buys new clothes for the rainy season, and the worn ones (bela'os) she wears in the summer. The worn-out ones (shechaqim) remain hers. Additionally she receives a belt, a head covering (kufach), and new shoes from festival to festival.

Innovations:

1. **Why does the Rambam bring historical measures that are no longer relevant?** The Rambam writes a "law book" — a Mishneh Torah for all generations. But the fifty zuz is a measure from **the time of the Mishnah**, the conversion to dinars is from **the time of the Gemara**, and in **the Rambam's time** itself there were already other currencies. **Why learn history?** — What is the practical benefit? (The answer lies in the methodological introduction above — the Rambam brings all the details from Mishnah and Gemara because this is part of the canonical book of laws, and it gives the judge a glimpse into the background in order to be medameh milsa l'milsa.)

2. The difference between kesus and machatzis hashekel: By **machatzis hashekel** the Rambam says explicitly that one must calculate the value of the original silver and give at least that — a minimum halachah. But by **kesus** there is **no such halachah** that one should calculate fifty zuz from the time of the Mishnah in today's dollars. The obligation is **dependent on the local custom**, not on a fixed sum.

3. In beis din the number is also not practical: The measure can be relevant in a beis din — if a wife claims she doesn't receive enough. But even then one must compare to today's prices, and it may be that today laundry has become **cheaper** (through large companies), so the old measure would perhaps give **more** than what is normal — and no beis din will obligate a husband to buy more expensive laundry because of an old measure.

4. The system of clothing — winter/summer: Old woolen garments were heavy and full of material. Over time pieces tore off and the fabric became thinner. In summer when one wants thin clothing, one can wear the same garments that are already worn out. **Therefore one doesn't need to buy two sets a year — only once.**

5. Shechaqim vs. bela'os: "Shechaqim" is an **even worse level** than bela'os — from the language "shochaqim yafeh yafeh" (rubbing/wearing down). These are the very worn-out pieces that remain after everything.

6. Mosar hakesus — hers: This connects with the previous halachah about mosar hamazon. The reason why she needs the old rags — (a) for **her days of niddah** (when people used to wear special clothing), (b) for **summer days**. **Both things are a leniency for the husband** — he doesn't need to buy extra niddah clothing and not extra summer clothing.

7. Kufach: The word "kufach" also appears by "kufach tanur v'kirayim" (a type of oven), and it may be that the head covering looks similar to that form.

8. Shoes from festival to festival — three times a year? Between Pesach and Shavuot is barely time — does it mean three times a year? **Two ways to understand:** (a) Shoes wear out quickly, one needs three times a year, and one gives them before yom tov; (b) It's a law of simchas yom tov. **It's not a law of yom tov per se** — but since one needs several pairs of shoes a year anyway, one already buys them in honor of yom tov.

9. [Digression: obligation to buy clothing for yom tov]: In Hilchos Yom Tov the Rambam does say that one should buy a new garment for the wife. But **it's not a separate yom tov obligation to buy new clothing**. The Rambam in Hilchos Yom Tov means that a **wife rejoices when she dresses beautifully** — the husband must make sure she has nice clothing, but if she already has from the rainy season a set of Shabbos/yom tov clothing, that's enough. In Hilchos Yom Tov the Rambam speaks of **colorful garments** — something like a shawl, a kerchief — not a whole outfit. Another reasoning: shoes from festival to festival can be connected with **aliyah l'regel** — one went up on foot to Jerusalem, one needs new shoes. But **women are exempt from aliyah l'regel** (yera'eh kol zechurcha), although pious women used to come along.

[Digression: silver value and machatzis hashekel] — One wondered how silver is so cheap today compared to then (how can half a shekel pay for sacrifices for a whole year?). Research shows that silver was indeed worth much more then.

Halachah 12 (end) / Halachah 13 — In What Case: Clothing According to Place and Time

The Rambam's words: "In what case are these words said — in those days and in the Land of Israel. But in other times and other places the money is not the main thing... rather the main thing we rely on is that we obligate him to give her garments suitable for the rainy season and for the summer season, at the minimum that

every housewife wears there in that country."

Explanation: The measure of clothing given in the Mishnah is only for the Land of Israel in those times. In other times and places one doesn't look at a specific sum of money, but at the standard of an "ishah ba'alas bayis" in that city — the minimum that a respectable woman wears there.

Innovations:

1. **Source in the Gemara:** The Rambam's qualification "in those days and in the Land of Israel" is **not the Rambam's own innovation** — it already comes from the Gemara. The Gemara in Babylonia already said that by them it's different — one doesn't need so many shoes, and not exactly the same sum of money.

2. **Question: Can a husband claim that today's standards are crazy?** (women go shopping every Sunday) and he only needs to buy once a year? The conclusion: The Rambam says "at minimum" — the minimum that the poorest respectable woman in the city wears. But if the local custom is that one must buy more often, one must adapt.

3. **Summer/winter clothes according to place:** In the Land of Israel one could use the same clothes for both seasons. But in a place like America where winter is very cold, one cannot use the same clothes — the husband must buy extra for each season. This is the intent of "for the rainy season and for the summer season" — it goes according to the place.

Halachah 14 — And Included in Clothing: Household Items and Dwelling
The Rambam's words: "And included in the clothing that he owes her are household items and a dwelling in which she sits."

Explanation: Under the category of "kesus" from the Torah is also included household items (kelei bayis) and a dwelling (madir).

Innovations:

1. **Why is madir included in kesus?** A roof over the head is like a larger garment — kesus covers the body, and a house covers the person so they won't be exposed. It's the same principle on a larger scale.

2. **Kiryas Sefer (Maharik ben Chaviv)** brings a proof from the verse "im beis ishah nadrah" — one sees that a wife lives in the husband's house, which shows that the husband must provide a house.

3. **Question: Is there then a hava amina that one doesn't need to provide a dwelling?** It must be from the Torah — it can't be that from the Torah he only needs to give a garment and she should live in the mountains.

4. **Another approach** — one of the commentators said that "onasah" means a house (from the language "me'onah"), but the Rambam didn't accept this — he puts madir under kesus.

5. **About the verse "she'arah kesusah ve'onasah":** The verse actually only speaks about the case when he takes a second wife upon the maidservant — he shouldn't diminish from the first. This means that the main obligation of she'ar kesus ve'onah for a normal wife is simple — the verse innovates only that even for a wife with lower standards (maidservant) one must also give. It's not so important under which category it falls — "the whole list is... the Torah says give her what a wife needs."

Halachah 14 (continued) — Household Items

The Rambam's words: "And what are household items? A made bed, and a mat or reed mat to sit on, and eating and drinking utensils like a pot and a bowl and a cup and a bottle and the like."

Explanation: The household items that the husband must provide: a bed with bedding, a mat to sit on, and dishes like a pot, plate, glasses, bottles.

Innovations:

1. **"Mitah mutzaas"** — can mean a bed with bedding, but in those times people sat on beds at

the meal, so "mitah" can also mean where one sits.

2. **"Mafatz o machtzeles"** — a mat/mattress to sit on. The order was that one sat on the floor on such a mat, not directly on the ground.

Halachah 14 (continued) — The Measure of the Dwelling

The Rambam's words: "And the dwelling — that he rents for her a room of four amos by four amos, and it should have a courtyard outside it for use, and it should have a bathroom outside of it."

Explanation: The husband must rent (or buy) a room of minimum 4×4 amos, with a courtyard outside for use, and a bathroom outside the house.

Innovations:

1. **For whom is the 4×4 amos?** This is the minimum for her alone. If he lives with her, the house must be larger. The foundation: four amos is "mekomo shel adam" (as we learned in Hilchos Shabbos) — she shouldn't be cramped.

2. **An important reasoning about the context of these halachos:** All the halachos here are perhaps framed in a situation where the husband doesn't live with the wife — for example he has multiple wives (like Yaakov with Rachel and Leah — each had her own tent), or like the source of the verse "acheres yikach lo" where he lives with the new wife and the maidservant needs her own house. When he lives with her together there's no question — his house must also include everything she needs. "Ve'ochel imah mileylei Shabbos" also fits with this — he comes to eat with her Friday night, which means he doesn't live there constantly.

3. **Chatzer:** In those times the courtyard was the main living space — one didn't stay indoors so much, but in the courtyard one did all activities.

4. **Beis hakisei chutz mimenu:** The Rambam is precise that the bathroom should be outside the house (not inside).

5. **Rechavah chutzah lo:** The "rechavah" is a courtyard in front of the house, because then one did most of life — washing laundry, baking, cooking — outside in the courtyard. "Chutz mimenu" by beis hakisei means it should be close to the house but not inside.

6. **Question about today's times:** If someone lives in a basement with his wife without a rechavah — is that a problem? The answer: Today one does most work indoors, so "rechavah" is not the custom. "Rechavah" means a place "for use" — today the house itself is the place for use. Also: one must provide a shower/bath, because it's at least as important as a bathhouse.

Halachah 14 (continued) — Jewelry

The Rambam's words: "And likewise we obligate him to give her jewelry, like colorful garments to wrap around her head and her forehead, and makeup and rouge and the like, so that she won't become repulsive to him."

Explanation: The husband is obligated to give jewelry — beautiful colored kerchiefs for the head, makeup (puch v'sarok), and the like — so that she won't become repulsive in his eyes.

Innovations:

1. **Jewelry is included under kesus** — the Rambam puts it under kesus, not as a separate category. This is a third level: kesus is basic (laundry), jewelry is already a luxury, but because it's "so she won't become repulsive to him" it becomes a necessity for a wife with a husband, so it enters into the category of kesus.

2. **Important practical application:** For a girl (without a husband) colorful garments would be a luxury, not kesus. But for a married woman, because here there's a reason — so she won't become repulsive to him — it becomes a basic obligation. This means that the category of "kesus" for a wife is broader than for a regular person.

3. **Jewelry here doesn't mean diamonds and gold** — although in the Rambam's time there were also golden jewelry, the Rambam here

means colorful garments, beautiful kerchiefs, makeup – not expensive things. But by a wealthy person we'll soon see that he must indeed give gold and silver.

4. **[Note:]** The verse "lo chachol v'lo sarok v'lo ya'alas chen" that one sings for a bride – a bride doesn't need makeup, but a wife does need it.

Halachah 14 (continued) — In What Case: Everything According to His Wealth

The Rambam's words: "In what case are these words said? For the poor of Israel, but for the wealthy everything is according to his wealth. Even if it was fitting to buy her silk and embroidered items and golden vessels, we force him and he gives. And likewise the dwelling according to his wealth, and the jewelry and household items, everything according to his wealth."

Explanation: All the minimums that are calculated are for the poorest Jew. A wealthy husband must give according to his wealth – even silk clothes, embroidered things, golden vessels – we can force him.

Innovations:

1. The "in what case" goes back to **all the halachos** from before – kesus, madir, jewelry, household items – not just one thing.
2. Just as by sustenance, the minimum is very important because it's a complete obligation.

Halachah: And If His Hand Is Short — We Force Him to Divorce

The Rambam's words: "And if his hand is short to give her even like the poor of Israel... we force him to divorce, and the kesubah will be a debt upon him until he becomes wealthy."

Explanation: If he cannot give even the minimum, we force him to give a get (if she wants). The kesubah remains a debt until he becomes wealthy.

Innovations:

1. **Rema (Even HaEzer 73) brings an opinion (Rabbeinu Tam):** "Some say we don't force him to divorce since he doesn't have." This is a leniency – whoever doesn't have, doesn't have, we don't force him to divorce.

2. **Explanation for the Rema's leniency:** The reality in exile – Jews really didn't have. The Mishnayos are written for a reality where every Jew has an inheritance in the Land of Israel (four amos), he has from where to take. There the question is only whether he's a wicked person who doesn't give. But in exile, where he really doesn't have – what does forcing him to divorce help? She'll remain without a husband and without money.

3. **Question:** Why not use the charity system (kupah, tamchui) instead of forcing him to divorce? Answer: She can say she doesn't want from the kupah – she wants her husband to provide. Also: let the kupah give him and he should give it to her. But it seems this doesn't work that way.

4. **[Digression: Rabbi Akiva and Rachel:]** Rabbi Akiva left his wife Rachel without money, she didn't have any straw. This is a matter of mechilah – she forgave. The Zohar (Parshas Bereishis) says on "al ken ya'azov ish es aviv v'es imo v'davak b'ishto" that a princess who fell in love with a simple man doesn't need beautiful things because she wants the man. But this is "nice Torah thoughts" – in practice a person needs their basics.

Halachah: Clothing and Dwelling for Young Sons and Daughters

The Rambam's words: "And not only the wife, but his sons and daughters who are minors of six years or less, he is obligated to give them sufficient clothing, and utensils for use, and a dwelling to live in. And he doesn't give them according to his wealth but according to their need only."

Explanation: Not only the wife – also small children (up to six years) he must give kesus,

household items, and a place to live. But for children it's only according to their need, not according to his wealth.

Innovations:

1. Difference between wife and children:

By a wife there's a law of "according to his wealth" – a wealthy husband must give golden clothes. By children – even a wealthy husband only needs to give "according to their need only," what they need, not more.

2. Question: Why doesn't the Rambam mention the enactment of the sages (which we learned by sustenance) that we force even after six years?

By sustenance the sages enacted that we force even after six years. By kesus the Rambam says nothing about it. It seems that kesus is "not as important" in this regard – but this is difficult, because being naked is like being hungry. Perhaps it means only that new laundry every year is not so urgent. The Chelkas Mechokek and Beis Shmuel say that kesus also applies to older children, but in the Rambam it doesn't stand explicitly.

3. Practical note: A normal person provides for his children also according to his wealth – but here we're talking about when we **force** him, and there the obligation is only according to their need.

Halachah: This is the Rule — Whoever Has Sustenance Obligations Upon Him

The Rambam's words: "This is the rule: whoever has sustenance obligations upon him, whether in his lifetime or after his death... and whoever beis din sells for his sustenance – for his clothing and household items and dwelling"

Explanation: Everyone who has a sustenance obligation – whether in his lifetime or after his death (like a widow from the husband's estate) – has the same laws for kesus, household items and dwelling. Also the laws of beis din selling assets when the husband has gone away apply equally for kesus, household items and dwelling.

Halachah: Jewelry When the Husband Has Gone Away / Became Insane / Became Deaf

The Rambam's words: "The wife whose husband went away and beis din assessed sustenance for her – they don't assess jewelry for her, since she has no husband to adorn herself for." "But one whose husband became insane or deaf – they assess jewelry for her."

Explanation: When the husband has gone away and beis din assesses sustenance, kesus, household items and dwelling rent – jewelry doesn't come with it. The reason: jewelry is only part of kesus because "so she won't become repulsive to her husband" – when the husband isn't there, the reason falls away. But when the husband became a shoteh or deaf, they do assess jewelry, because after all there is a husband.

Innovations:

1. Jewelry is not literally part of the word "kesus." It enters into the category of kesus only when according to the situation it's missing – specifically so she won't become repulsive to her husband. But when the husband isn't there, jewelry is "extra" – more than what one needs to look like a person.

2. What a wife needs to go out or go to a simchah – that is kesus. But makeup and such extra things – that is jewelry.

3. A humorous observation: To be an expert on makeup one doesn't need to have intelligence or be able to speak – the matter of so she won't become repulsive to her husband also applies when the husband is a shoteh/deaf person.

Halachah: The Law of Claims Regarding Clothing

The Rambam's words: "And the law of the husband with his wife regarding claims of clothing and vessels and house rent – is like their law regarding claims of sustenance"

Explanation: All the laws of claims (he says "I gave," she says "you didn't give," who swears,

who is motzi) – are the same by kesus, vessels and house rent as by sustenance.

Halachah: One Who Makes a Vow Against His Wife From Adorning Herself
The Rambam's words: "One who makes a vow against his wife [that she not adorn herself] with one of all the types – in poverty: one year he maintains it, more than that – either he annuls his vow or divorces and gives the kesubah. And in wealth: [up to] thirty days... more than that – either he annuls his vow or divorces and gives the kesubah"

Explanation: If a husband makes a vow that his wife should not adorn herself even with one type of jewelry: by a poor person – up to a year; by a wealthy person – up to thirty days. After that he must annul the vow or give a get with kesubah.

Innovations:

1. Mechanism of the vow: A husband cannot directly make a vow on his wife. He can only forbid himself – for example, forbid relations on himself if she adorns herself, or forbid his house/things to her if she adorns herself. This is what "one who makes a vow against his wife" means.

2. Why the difference between poor and wealthy: First explanation: A poor woman has fewer jewelry to begin with, so not having jewelry for a whole year is a smaller deal. A wealthy woman has a lot of jewelry, so it's a bigger difference. **Second explanation:** By a poor person he does it out of poverty, so we give him more time to figure out a solution. **Counter-point:** On the contrary, by a poor woman this is the one thing she

still has, if you take it away from her, so it's perhaps even more important for her.

3. Why does one need a vow? If he doesn't have money, let him simply say "I don't have" – why does he need to make a vow? Answer: He makes a vow so she'll stop nagging him – instead of her constantly demanding from him, he makes

a vow and "end that's it." A vow is a "piety" – a pious way to control.

4. [Digression: source for the boundary of time in divorce questions]: In divorce questions there's a constant question how long a side can demand "give me more time, I'll work it out." R' Chaim Palaggi says a boundary of a year. "One year he maintains it" can be a bit of a source/asmachta – that a year is a boundary for how long one can let a couple try. But one cannot make a rule, because by fruits (learned earlier) it said thirty days, by jewelry there's a difference between poor/wealthy – it depends on the subject.

5. Why does this stand by kesus? Vow-laws are more relevant to kesus than to other things, because kesus is the way she looks. A broader point: a wife has a right to jewelry, and a husband cannot come with "I'm pious, I don't hold of jewelry" – she has a right. A vow was the pious way how people used to know how to maneuver around this. In today's times one finds other excuses (for example "the rabbi says one may not"), but it's the same halachah.

6. The Gemara's reason: The Gemara says that perhaps the husband doesn't want to have an "ishah nidrenis" – but here we're talking about the husband's vow, not hers.

Halachah: One Who Made a Vow That She Not Go to the Bathhouse

The Rambam's words: "One who made a vow that she not go to the bathhouse – in cities one week, in villages two weeks. More than this – either he annuls his vow or divorces and gives the kesubah."

Explanation: If the husband makes a vow that his wife should not go to the bathhouse: in large cities (kerachim) where bathhouses are everywhere – one week. In villages (kefarim) where one must travel in – two weeks. More than that – he must annul or give a get with kesubah.

Halachah: One Who Made a Vow That She Not Wear Shoes

The Rambam's words: "One who made a vow that she not wear shoes — in villages three days, in cities from time to time."

Explanation: In villages one can hold out three days without shoes, because people sometimes go around without shoes. In large cities — only 24 hours, because there it's a social issue and one can also get hurt.

Halachah: One Who Made a Vow That She Not Lend or Borrow

The Rambam's words: "One who made a vow that she not lend or borrow from household items that it's customary for all neighbors to borrow and lend, like a sieve and a sifter, a mill and an oven and the like — either he annuls his vow or divorces and gives the kesubah, because he gives her a bad name among her neighbors."

Explanation: When the husband makes a vow that she should not borrow or lend small household items (sieves, mills, ovens) — he must annul or give a get with kesubah, because he gives her a bad name among the neighbors.

Innovations:

1. Social aspect vs. monetary right: Seemingly the husband has a monetary right — mah shekanasah ishah kanah ba'alah — he has the halachic right not to let his vessels be borrowed. But in practice there's a social aspect that's stronger: the neighbors will think she's stingy or not part of the group, and this is an affront to her honor.

Halachah: And Likewise She — When She Makes a Vow That Harms Him

The Rambam's words: "And likewise she who vowed that she not lend or borrow a sieve and sifter, a mill and an oven and the like, and that she not weave nice garments for her son in a place where it's customary to weave them for sons — she goes out without a kesubah, because she gives him a bad name among his neighbors."

Explanation: If she makes a vow not to borrow/lend, or not to make nice clothes for her child (in a place where that's the custom) — he can send her out without a kesubah, because she gives him a bad name — that he's a miser.

Innovations:

1. Question: Why can't he annul her vow?

A husband has the right of annulling vows by his wife. Answer (in the name of Shulchan Aruch): Perhaps he cannot annul such things — because annulment only goes on inui nefesh or beino l'veinah, and perhaps this doesn't fall into any category. Inui nefesh is a limited thing — it means actually physical, not social shame.

2. Difference between "ishah nidrenis" and "content of the vow": Earlier (in previous halachos) we spoke of "ishah nidrenis" — a wife who makes vows on herself (not to eat meat etc.), where the husband can say "I cannot tolerate an ishah nidrenis" even after annulling. **Here** we're not talking about the "nidrenis" problem, but about the **content of the vow** — the content of the vow harms him socially. This is a completely different problem.

3. Vow vs. laziness: If a wife simply doesn't make clothes for her son (without a vow), wouldn't he also divorce? What's the difference? Answer: Perhaps when someone is lazy is one thing, but when someone has principles (makes a vow) it hurts much more — it's worse, not better.

4. Why does he get a bad name when she makes the vow? When he makes the vow, one understands that she gets a bad name. But when she makes the vow — why "she gives him a bad name among his neighbors"? Answer: Because the neighbors will think the husband made it. But in truth both get a bad name, and both can have the claim.

5. [Digression: social commentary on vows in modern times]: People use "kabbalos" as an excuse (for example "I have a kabbalah I don't touch smartphones") — the Rambam's principle is that a vow that disturbs others makes it worse, not better. Also: people who cannot say "no" use vows as a tool, but this

is a bad trait – one must be able to say no without a vow.

Halachah 11 — Radid (Large Shawl) and the Right to Go Out

The Rambam's words: "Places where their custom is that a wife not go out in the market with only the kufach on her head, until there is upon her a radid that covers her whole body like a garment — he gives her as part of the clothing the least of all the radids. And if he was wealthy — he gives according to his wealth, so that she can go out in it to the house of mourning or to the house of celebration."

Explanation: In places where the custom is that women cover themselves with a large shawl (radid) when they go out – the husband must buy this. A regular man gives the minimum; a wealthy man gives according to his wealth.

Innovations:

1. **Modesty vs. humanity:** The radid can be a matter of modesty (das Yehudis – if the custom is so and she doesn't go with it, it's a transgression), but it can also be a matter of humanity – if the custom is to wear something specific, he must buy it so she can function normally in society.

2. **Question: Why must he buy "going-out clothes"?** All other garments she also needs at home, but a radid is by definition only for going out in the public domain. Why shouldn't he be able to say "sit at home, kol kevudah bas melech penimah"?

3. **The Rambam's answer – the right to go out:** "Because every wife has the right to go out and go to her father's house to visit him, and to the house of mourning and to the house of celebration, to do kindness with her friends and relatives, so that they will come to her." Every wife has the right to go out – to visit her father, go to a shivah, go to a simchah, and do kindness with her friends and relatives. Therefore she needs clothes for going out.

4. **"To do kindness" = social interaction:** "To do kindness with her friends" doesn't mean only formal mitzvos (funeral, shivah, wedding), but also just social interaction – "hanging out" with friends. This is gemilus chasadim – I provide you a nice gathering, you provide me. "Olam chesed yibaneh." The Rambam's language "so that they will come to her" confirms this – it's a reciprocal relationship.

5. **Chesed is not necessarily selfless:** Many people think that chesed means only when it's not selfish. But here it stands explicitly that one does chesed for the other **so that** the other will do it back for you. Chesed means a **healthy relationship** – when one goes to the other's wedding because he has a relationship with him, not because the other is pitiful. When one goes only out of pity, no one has pleasure from it. **Gemilus** means "repaying" social debts.

6. **"She'einah b'veis hasohar" – the husband is not a jailer:** A husband cannot imprison his wife. Even a jailer provides for the prisoner four by four – but the husband must do more: he must give her the ability to go out and be socially healthy. There were people who thought that according to the Gemara "sha'ah no'el bifnei ishto v'yotzei" one may indeed imprison a wife – but the Rambam doesn't say so.

Halachah 13 — Limiting How Often a Wife Goes Out

The Rambam's words: "But it is a disgrace for a wife to be going out constantly, sometimes outside, sometimes in the streets. And the husband may prevent his wife from this, and not let her go out except about once a month or twice a month according to the need. For there is no beauty for a wife except to sit in the corner of her house, as it is written 'all the glory of the king's daughter is inward.'"

Explanation: The Rambam balances: a wife must indeed be able to go out, but not too much. A wife who is constantly outside is a "street woman" – this is a disgrace. The husband has a

right to limit it to about once or twice a month, according to the need.

Innovations:

1. **"Sometimes outside, sometimes in the streets" – language from Mishlei:** The language comes from a verse in **Mishlei** (Mishlei 7:12 approximately), which the Rambam brings specifically.

2. **"According to the need" vs. "once a month" – a bit of a contradiction:** The answer: The Rambam gives an **example** – in his time that was the normal need. But it depends on the place – for example in Williamsburg where there are weddings every night, the "need" is different.

3. **The difference between social obligations and just going out:** It's reasonable that the "once a month" speaks when she has **no** specific mitzvah (beis avel, beis hamishte, beis aviha). When a mitzvah is needed – let her go as often as it happens. But just for herself to get air, she must go out minimum once-twice a month. Another opinion: The Rambam looks at everything together, how often one needs to go visit the father included, and then a visit meant a whole day, not three minutes.

4. **"Kol kevudah bas melech penimah" – literal vs. homiletical:** The Rambam brings this verse (Tehillim 45) as a proof. But **the literal meaning of the verse is completely different:** The psalm is a song for a king's wedding (perhaps King Solomon). "Kol kevudah bas melech penimah" means that they bring in the princess to the king with all the beautiful things – "mimishbetzos zahav levushah, l'rekamos tuval lamelech." "Kevudah" perhaps means "baggage/cargo" (like kevudah = baggage), and "penimah" means that one brings it in to the king. **But according to the homiletical interpretation** it's translated that a woman's honor is inward – at home.

5. **Question: Why doesn't the Rambam bring the verse "ishtecha k'gefen poriyah b'yarksei veisecha"** (Tehillim 128) – which is literally "in the corner of your house"? That

would have been a better proof. No answer is given.

6. **"Bizvis beishah" – what does "corner" mean?** Perhaps it means she shouldn't sit on the "rechavah" (the public space), but inside the house.

7. **"Yatzanis" – the matter is not just going out, but mingling among men:** In the heimish community this is not relevant at all – a wife can go out with her friends all day and all night, because she doesn't mingle among men.

8. **Local custom – modesty vs. honor:** The covered going (radid, hijab) is not only a modesty matter, but also an **honor/class** matter – just as an important rabbi doesn't go out without a coat. A wife should maintain her high level of class.

9. **[Digression: Rivkah Imeinu]:** Rivkah went with the pitchers every day – she mingled with the shepherds, but not with men. This shows that a girl (before marriage) conducted herself differently than a married woman.

Halachah 14 – One Who Makes a Vow Against His Wife That She Not Go to Her Father's House

The Rambam's words: "One who makes a vow against his wife that she not go to her father's house – when they are with her in the city, one month we wait for him, two – he divorces and gives the kesubah. And when they are in another city, one festival we wait for him, two – he divorces and gives the kesubah."

Explanation: If a husband makes his wife vow that she should not go to her father: when they live in one city – one month we wait, two months – he must divorce. When the father lives in another city – one festival (yom tov) we wait, two festivals – he must divorce.

Innovations:

1. **Minimum right of a wife:** From here we learn that a wife has a minimum right to visit her father – at least once a month when they live in one city, and at least once a festival when in another city.

2. The Rambam's ruling vs. the Mishnah:

In the **Mishnah** it says "one festival" and then "three," and there are opinions that at two one begins to judge. The Rambam rules that at **two** it's already divorce and give kesubah.

3. **"Regel" – for yom tov a wife wants to go to her father:** When the father is in another city, one counts according to regalim (festivals), because that's when a wife wants to visit her father.

Halachah: One Who Makes a Vow Against His Wife That She Not Go to the House of Mourning or House of Celebration

The Rambam's words: "One who makes a vow against his wife that she not go to the house of mourning and the house of celebration – either he annuls his vow or divorces and gives the kesubah", because "this is like one who imprisoned her in jail and locked before her."

Explanation: If a husband makes a vow that his wife should not go to beis avel or beis hamishte, he must annul the vow or give her a get with kesubah, because this is like imprisoning her in captivity.

Innovations:

1. **"In that house of mourning or house of celebration"** – he can only prevent from a **specific** place where "pritzim were established there," not a general prohibition on all weddings/shivas. He cannot say "in all places there are pritzim" – this must be a concrete, proven claim.

2. **The Gemara's question:** Beis hamishte one understands why she wants to go, but beis avel – perhaps she herself doesn't want to go? The Gemara answers: Beis avel means that at **her own funeral** no one will come, because she didn't go to anyone's funerals – a practical consequence of social isolation.

3. **[Digression: will of the Gra]:** The Gra wrote that one shouldn't let the wife go to shul even on yom tov because people speak lashon

hara – as an example that there were times when they very much limited the going out of women.

Halachah: Family Coming to His House / She Goes to Them

The Rambam's words: "One who says to his wife 'I don't want your father and mother, brothers and sisters to come to my house' – we listen to him. And she should be going to them when something happens to them... and she goes to her father's house once a month and on every festival." But "they don't enter to her except if something happens to her like illness or childbirth." Why? "Because we don't force a person that others should enter his domain."

Explanation: A husband can say he doesn't want her family to come to his house – we listen to him. But she has a right to go out to them: once a month, every yom tov, and when there's an event. If she cannot go (illness, childbirth), they must indeed come to her.

Innovations:

1. **The foundation:** "We don't force a person that others should enter his domain" – a person's privacy in his house is a strong right. He's not a wicked person if he doesn't let her father come in, but he **is** a wicked person if he doesn't let **her** go out.

2. **The balance:** He must let her have a relationship with her family – instead of them coming to him, let her go to them. But when she physically cannot go (childbirth, illness), the need for a relationship **overcomes** his right to privacy.

3. **"When something happens to them"** is **extra** – celebrations or other events in the family, besides the regular once a month / yom tov.

4. **What does "we listen to him" mean practically?** It doesn't say that she **must** obey him. It means: if it comes to beis din, beis din accepts his claim. "We listen to him" means **that he has a right to divorce her without a**

kesubah if she insists. A husband always has a right to divorce his wife, only usually he must give a kesubah. But when "we listen to him," he can divorce her without a kesubah. But he must go to beis din – he cannot simply decide on his own.

Halachah: She Doesn't Want to Live With His Family

The Rambam's words: "And likewise she who said 'I don't want your mother and sister to enter to me, and I won't dwell with them in one courtyard because they harm me and trouble me' — we listen to her. For we don't force a person that others should dwell with him in his domain."

Explanation: She too can claim that she doesn't want her mother-in-law or sister-in-law to come or live with her, because they bother her. We listen to her.

Innovations:

1. **The Rambam only mentions "your mother and your sister" – not your father and your brothers.** Because the men don't come to her anyway; the conflict is with the women (mother-in-law, sister-in-law).
2. **The Raavad's dispute:** The Raavad distinguishes – if **they** already lived there and **she** came to them ("they came into their territory"), one cannot throw them out of their house because she came to live there. The Raavad says: One can ask them not to bother, but one cannot tell them to leave.
3. **The Rambam's approach** (as we've learned): He must buy her **another apartment** – he must move. But it doesn't stand explicitly; it's implied that we throw them out.
4. **The Maggid Mishneh** agrees somewhat with the Raavad – it depends, beis din must assess whether they really bother so much.
5. **Teshuvos HaGeonim** brings a source: "For she was the mother of all living" – **I'chaim nitna v'lo l'tza'ar**, a wife must have life, one cannot cause pain to a wife.

Halachah: Dwelling With Bad Neighbors
The Rambam's words: "The man who said 'I won't dwell in this dwelling because bad people or pritzim or non-Jews are in my neighborhood and I fear them' — we listen to him, even though they weren't established in pritzus... for thus the sages commanded: distance yourself from a bad neighbor."

Explanation: A husband can demand that he doesn't want to live in a certain place because there are bad people, pritzim, or non-Jews – even if they're not established in pritzus. We listen to him.

Innovations:

1. **"Ra'im" means bad character traits in general; "pritzim" means specifically in transgression, particularly arayos.** "I fear them" is a separate category – even if they're not bad or pritzim, he's simply afraid of them.
2. **"I fear them" by the husband means he's afraid that the pritzim will bother his wife** – this is his concern for shalom bayis.
3. **"And even if the dwelling was hers" –** even when this is her own dwelling, he can demand to move out. Without a claim though, when she wants to live there, he must follow.

Halachah: When the Wife Claims About Bad Neighbors

The Rambam's words: "And likewise she who said so... even though he says 'I'm not particular about them' — we listen to her, because she says 'I don't want a bad name to go out about me in the neighborhood of these.'"

Innovations:

1. **Why is the wife's claim different from the husband's?** By the husband the reason is "distance yourself from a bad neighbor" – a practical danger. By her the Rambam says specifically "bad name." **The answer:** The husband has a practical fear (pritzim will bother

his wife). But when the husband says "I'm not particular" – he trusts his wife – by her there isn't the practical danger. **Her claim is a bad name claim:** People judge a person according to whom one identifies with, and they'll think she's part of the bad neighbors.

2. **Second explanation:** The wife usually sits "in the corner of her house" – she doesn't have as much practical contact with neighbors as the husband who goes in and out. Therefore by her the main concern is not practical but bad name.

Halachah: Lands, Countries, Villages — Definitions

The Rambam's words: "All settlement is lands upon lands, like the land of Canaan, Egypt, Yemen, Cush, Shinar and the like. In every land there are countries and villages. And the cities of Israel were three lands: Judah, Transjordan, and the Galilee."

Explanation: The Rambam sets up definitions: "land" is a country, in every land there are "countries" (cities) and "villages," and the Land of Israel itself is divided into three lands.

Innovations:

1. **The Rambam writes "land of Canaan" instead of Land of Israel** – the land of Canaan hadn't existed for a thousand years in the Rambam's time. The Rambam uses biblical language – he also always says "Shinar" instead of "Babylonia," because that's how it says in the verse.

Halachah: From Land to Land — The Husband's Right

The Rambam's words: "A man who was from the lands and married a wife in another land — we force her and she goes out with him to his land. Or she goes out without a kesubah, for on this condition she married him, even though he didn't specify."

Explanation: When a husband comes from one land and takes a wife in another land, he can force her to go with him to his land, or she goes without a kesubah.

Innovations:

1. The foundation is an **assumption/umdena** – when a person comes from another land to marry, the assumption is that he's going home with her. This is a reasoning that everyone understands, therefore it's "on this condition" even without specification.

Halachah: In That Land — From Country to Country, From Village to Village

The Rambam's words: "But one who marries a wife in one of the lands and he is from the people of that land — he cannot take her out to another land. But he takes her out from country to country or from village to village in that land."

Explanation: When both are from the same land, he cannot take her to another land, but he can indeed decide where to live within the land.

Innovations:

1. The husband doesn't have a simple right to take his wife to whichever land he wants – only when he's from there. The reason: **She didn't accept, she didn't think of this** – when he's from the same land, there's no umdena that he's going to take her away.

Halachah: Not Switching From Country to Village or Vice Versa

The Rambam's words: "And he cannot take her out from country to village or from village to country... for there are things that dwelling in the country is good for them, and there are things that dwelling in villages is good for them."

Explanation: One cannot switch the lifestyle – from city to village or vice versa.

Innovations:

1. This is **very similar to the halachah of "on condition that I am a village daughter /**

village son" – it's a fundamental difference in lifestyle.

2. The Rambam's language: "Medinah" = city (kerach in the Mishnah), "kefar" = village (ir in the Mishnah). The Rambam translates the Mishnah's terminology into his own language.

Halachah 20 — Beautiful Dwelling / Ugly Dwelling

The Rambam's words: "And when he takes her out from country to country or from village to village in that land — he doesn't take her out neither from a beautiful dwelling to an ugly dwelling, nor from an ugly dwelling to a beautiful dwelling... because she needs to take care... and examine herself well in the beautiful dwelling so that she won't be light and ugly there."

Explanation: Even when the husband can indeed take her from one city to another within the same land, he cannot change the "level" – not from a nice area to an ugly one, and not even from an ugly one to a nice one.

Innovations:

1. Why not from ugly dwelling to beautiful dwelling? Because in a nicer, fancier area the standards are higher – she'll have to work harder to buy clothes and dress herself according to the local standard, so she won't look "light and ugly."

An interesting innovation: It's not always a greatness to go to a better area – better people means one must provide more for oneself.

Halachah 20 (continued) — From a Place Where Most Are Jews / Non-Jews

The Rambam's words: "And likewise he doesn't take her out from a place where most are Jews to a place where most are non-Jews. And in every place we take out from a place where most are non-Jews to a place where most are Jews."

Explanation: One may not take a wife from a place where most are Jews to a place where most

are non-Jews. But the reverse – from a place where most are non-Jews to a place where most are Jews – one can always demand.

Halachah 20 (continued) — Outside the Land vs. Land of Israel

The Rambam's words: "In what case are these words said? From outside the Land to outside the Land, or from the Land of Israel to the Land of Israel. But from outside the Land to the Land of Israel — we force to go up, even from a beautiful dwelling to an ugly dwelling, and even from a place where most are Jews to a place where most are non-Jews... and we never take out from the Land of Israel to outside the Land, even from an ugly dwelling where most are non-Jews to a beautiful dwelling where most are Jews."

Explanation: All the above-mentioned halachos (beautiful/ugly dwelling, mostly Jews/non-Jews) only apply when both places are in chutz la'aretz, or both in Eretz Yisrael. But from chutz la'aretz to Eretz Yisrael – we force to go up, even with all the disadvantages. And from Eretz Yisrael to chutz la'aretz – never, even with all the advantages.

Innovations:

1. Eretz Yisrael overcomes all innovations: The law of Eretz Yisrael vs. chutz la'aretz overcomes all other considerations – beautiful/ugly dwelling, mostly Jews/non-Jews. Eretz Yisrael/chutz la'aretz is a category in itself that stands higher than all other laws.

2. The Rambam in Sefer HaMitzvos: The Rambam doesn't rule in Sefer HaMitzvos a positive commandment of settling Eretz Yisrael (unlike the Ramban). But here in Hilchos Ishus we see that he holds that there is a concept of the importance of Eretz Yisrael – perhaps not a mitzvah, but that a Jew belongs in Eretz Yisrael. Also in Hilchos Melachim the Rambam says one should live in Eretz Yisrael – he just doesn't say "positive commandment."

3. The opinion of Tosafos (Rabbeinu Chaim HaKohen): Tosafos bring that Rabbeinu Chaim HaKohen held that nowadays there's no mitzvah to dwell in Eretz Yisrael, because one cannot fulfill the mitzvos dependent on the Land. The reason is not that terumos and ma'asros don't exist, but that he imagined it's not possible to fulfill them – "he was just right" (meaning, it was difficult practically).

4. Important methodological innovation: That the Rambam brings a law in his book is **not a proof** that he holds it as halachah l'ma'aseh nowadays. The Rambam's book is built on **saying what stands in the Gemara** – he can never leave out a Gemara. The Rambam cannot say "the Gemara is not relevant today" as Tosafos does – that's not the Rambam's method in building his book. Therefore, that it stands in Mishneh Torah is still not a proof what the Rambam holds halachah l'ma'aseh.

Halachah 21 — The Man Said to Go Up / She Said to Go Up

The Rambam's words: "The man said to go up to the Land of Israel and she doesn't want — she goes out without a kesubah. She said to go up and he doesn't want — he divorces and gives her her kesubah. And the same law for every place from the Land of Israel with Jerusalem, for everyone goes up to the Land of Israel and not everyone takes out from there, and everyone goes up to Jerusalem and not everyone takes out from there."

Explanation: If the husband wants to go up to Eretz Yisrael and she doesn't want – she goes out without a kesubah. If she wants to go up and he doesn't want – he must give her a get with kesubah. The same laws apply regarding Jerusalem vis-à-vis other places in Eretz Yisrael – either the husband or the wife can demand to go to Jerusalem, and neither can demand to leave Jerusalem.

Innovations:

1. "Everyone" means either the husband or the wife – both have the right to demand to go to Eretz Yisrael (or to Jerusalem), and both don't have the right to demand to leave.

2. Jerusalem vis-à-vis Eretz Yisrael = Eretz Yisrael vis-à-vis chutz la'aretz: The Rambam sets up a parallel – Jerusalem has the same importance vis-à-vis the rest of Eretz Yisrael as Eretz Yisrael has vis-à-vis chutz la'aretz.

3. **

Proof that it's not only about a mitzvah, but about the importance of the place: **From the fact that the Rambam equates Jerusalem vis-à-vis Eretz Yisrael, we see that the foundation is not only a mitzvah of settling Eretz Yisrael, but a matter of the importance of the place**.** Because regarding Jerusalem vis-à-vis other places in Eretz Yisrael – there's certainly no specific mitzvah of dwelling in Jerusalem (in the same sense as settling Eretz Yisrael), and yet the same laws of coercion apply. This strengthens the understanding that the Rambam's foundation is a broader concept of where a Jew belongs, not just a technical mitzvah.

| Full Transcript

Laws of Clothing — The Measure of Fifty Zuz and the Question of Historical Measures in the Mishneh Torah

Introduction: Structure of the Obligations Between Husband and Wife

R' Yitzchak: A good year to all dear Jews. We are holding here in the middle of the Torah, deep in the middle of Sefer Nashim.

R' Yoel Asher: Deep in the middle of Sefer Nashim.

R' Yitzchak: Ah, we are holding by the sugya of, we are holding

R' Yoel Asher: Hilchos Ishus by thirteen, the thirteenth chapter of Hilchos Ishus. We're holding in the middle of the obligations between the husband and the wife. The Rambam has already said that there are fourteen in total, and three of them are the d'Oraisa ones, so first he addresses the d'Oraisa ones. The previous one was mainly about she'er, with she'er came other things, and this is about kesus, and with kesus will come other things.

R' Yitzchak: Very good. That is, as if, let's try to remember the expansion of each thing. That is, in the Torah it says "she'arah kesusah v'onasah lo yigra," we'll go in the order of the three things. We learned that she'arah means mezonos (sustenance). The Rambam said more or less how much mezonos is, here ah added to, that is with mezonos comes

R' Yoel Asher: To, let's say for the children.

R' Yitzchak: Ah, no, wait, but that is, okay, mezonos labanim, we're going to learn that here there is also kesus labanim. But another thing that came with mezonos, that mezonos doesn't only mean, no, mezonos doesn't only mean, I'm trying to remember, mezonos doesn't only mean food, but also that he must give her pocket money. Pocket money. Interesting that this is called mezonos at all.

R' Yoel Asher: This is within the category of mezonos, interesting.

The Four Main Questions for Each Obligation

R' Yitzchak: And with this we learned, ah as you say, two main expansions that one must also pay for the children's mezonos, according to the laws, and also laws of when one can take from a person shelo befanav (in his absence) for mezonos. Ah so, one must remember that these two questions will apparently be for all things, that is she'er, kesus, and onah is not relevant, in the end there are a few things that we'll see later, but for both of them one can ask the same question, whether one must give for the children, and also what happens if he's not there, whether one can claim shelo befanav ah the money,

R' Yoel Asher: Etc., we're going to learn the laws of everything.

R' Yitzchak: So basically, let's say in my head a structure. The first thing is, what is the measure? How much mezonos? How much kesus? And to this comes, as there are always other things that are included in this, mezonos doesn't necessarily mean bread and

R' Yoel Asher: What else it can mean.

R' Yitzchak: The same thing, kesus doesn't only mean ah a shirt,

R' Yoel Asher: It can mean other things, we're going to learn about vessels and things.

R' Yitzchak: And after that there are questions of for whom else one must give, and if one must give for ah how is it called ahh what is if he's not there, whether one can claim, seize as it were.

Discussion: Kesus and Dwelling — The Social Dimension

R' Yoel Asher: And something else comes in, I mean since kesus also has a bit of influence on the social, that she goes dressed well, is a matter of between her friends.

R' Yitzchak: That she should feel like a person among her friends. I mean that this comes in mainly because we say that kesus includes dwelling, and this has more to do with where she lives and whether she may go out.

R' Yoel Asher: Mm. As I thought that, that kesus comes in how the style is, she wants to look presentable,

R' Yitzchak: She wants to look good among her friends. Let's see in the... who is right. We'll find out.

Derasha: She'arah Kesusah V'onasah for the Shechinah

R' Yoel Asher: Okay, very good. But before we learn we must mention the sponsors, no?

R' Yitzchak: Are you adding onah to the shiur?

R' Yoel Asher: Yes. Yes, "emor lechochmah achosi at," and not achosi at, for the sister one doesn't need to give, "emor lechochmah ishti at, morashah kehilas Yaakov." There is someone

who does kesus for the Torah, he covers the Torah with support so that one can...

R' Yitzchak: Very good. The holy Zohar says that whoever learns, every Jew must fulfill for the Shechinah, "she'arah kesusah v'onasah lo yigra." I don't remember exactly his drashos, one is Torah, mitzvos, and I think onah means simply that one must give time, do hisbodedus a few times a year, it happens to meet with the Almighty, it's also an obligation for the time-bound mitzvos, and basically all she'arah kesusah v'onasah of the... ah, onah can mean like Yom Tov and such times.

R' Yoel Asher: Like a date with the Almighty,

R' Yitzchak: A time of yichud (union). Anyway, you should just put it in. Also very important to mention that one can sponsor a shiur. Whoever wants to sponsor a particular shiur, for example if he's fighting with his wife and he wants to sponsor exactly the shiur that talks about what the halacha is, he can look in the, in the maftach Hilchos Ishus and see which shiur, like by the Sefer Torah, one finds which parsha to sponsor. Very important. And there are special chapters that are worth more money. Usually to sponsor a shiur costs five hundred, but if one finds a good chapter, the chapter will be a thousand.

R' Yoel Asher: Just the opposite, I mean if someone needs chizuk in his shalom bayis he should sponsor one of the halachos where we talk about shalom bayis, and both the money will help, and also once he's paid money, he'll probably listen to the shiur, and he'll listen to the shiur, and things will get better.

R' Yitzchak: What if it's his wife's fault,

R' Yoel Asher: She should sponsor. Even if it's his wife's fault, if he listens to the shiur things will get better.

R' Yitzchak: Okay, the Rebbe is giving a promise. Yes. From much...

Halacha: The Measure of Kesus — Fifty Zuz Per Year

R' Yoel Asher: The Rambam says thus:

R' Yitzchak: Very good, let's learn Hilchos Kesus.

R' Yoel Asher: Yes, we learned that one must give for the wife. One of the things is kesus, so how much? Every thing in the Torah has a measure afterwards. "Kamah hakesus shehu chayav litein lah,"

R' Yitzchak: How much must he give her?

R' Yoel Asher: Mm. Says the Rambam, the measure is, as it says in the Mishnah, all these things are Mishnayos in Kesubos, "begadim shel chamishim zuz mishanah leshanah mimatbei'a oson hayamim" one must buy clothing worth fifty zuz. Ay ay once a year one must spend fifty zuz on clothing. And the fifty zuz doesn't mean to say that one must calculate how much fifty zuz was in the times of the

R' Yitzchak: Chachamim how much it will come out today. Matbei'a oson hayom, it means,

R' Yoel Asher: You should compare, you should compare today's currency to the fifty zuz of then.

R' Yitzchak: "Shenimtze'u hachamishim hachamishim shishah"

R' Yoel Asher: "Dinarin urevi'a dinar kesef." That fifty zuz is a smaller currency, and if you make it into larger currencies it becomes dinarin,

Discussion: Why Does the Rambam Bring Historical Measures?

R' Yitzchak: And this is a Gemara. That is, it's very interesting, we learned earlier that we, we have the same question on every chapter of the Rambam. That is not every chapter of the Rambam, such sorts of chapters that are details. Which apparently is like this, let's try to think: In the Torah it says "she'arah kesusah v'onasah," everyone understands it, one shouldn't give less, one shouldn't give, don't be an animal that doesn't give for your wife what she deserves. How much? It doesn't say in the Torah. Why?

R' Yoel Asher: What is very hard to say,

R' Yitzchak: What is simple, he'll ask the beis din what is appropriate. Afterwards, if someone wants to say a rule, he'll say that she'arah kesusah v'onasah according to what is accepted in his land and place and time, so it would be said. In practice, in the Mishnayos were actually

written in a certain land, time, and place, and the Mishnayos made sense. The Mishnayos came from the beis din of Rabbi Yehudah HaNasi or whoever before him, and one must know what the custom is, how one actually rules that one is obligated. And sometimes the Gemara comes, and the Gemara says: ah, in the Mishnah it was so, but today is different, so the halacha is different.

Now, later, a thousand years later comes the Rambam and he wants to make a law book like a Sefer Mishneh Torah, all the halachos. So what does he do? He could, he couldn't, he wouldn't, he could have stayed with the Torah. Okay, that's not enough. He could have stayed with the principle that every place according to what is accepted in that place. But he doesn't do that, he brings the details that apparently are long no longer relevant, that is in the time of the Mishnah, even when in the time of the Gemara it was no longer relevant, it's very strange.

What the Rambam says here: "shenimtze'u hachamishim shishah dinarin," this is a Gemara. It's not simple that the Rambam calculates in his time, the Rambam calculates what it says in the Gemara. Even when there's a change,

R' Yoel Asher: It's only a change that's in the Gemara.

R' Yitzchak: Even in the Rambam's time it was no longer, the Rambam's times had some other money, nobody knows.

R' Yoel Asher: So it's a bit strange. The Rambam wandered, when he would have written it in Spain, he would have had to rewrite it when he arrives in Egypt.

R' Yitzchak: Right, so it's a bit of a question, what he does.

The Practical Relevance of the Measure

R' Yoel Asher: It's a question, but it's also a bit interesting, because later we're going to see that bameh devarim amurim, by a poor person, by a rich person he must give according to his honor. And here one can hear that this is the minimum,

R' Yitzchak: That's not a problem, what you, that is let's say the structure of the halachos is

relevant nowadays also. Every place there's always a minimum and a maximum and if he's a wealthy person etc. But that in general the halachos at length is a bit difficult, right? And I don't know clearly which mitzvah, that is what one learns from all these halachos. It's difficult, not relevant?

R' Yoel Asher: It can yes be relevant, let's say like this, that when, when it becomes relevant is when it becomes a din Torah. The wife says: you don't give me enough money for laundry. It went to come to din Torah, by din Torah one must calculate that according to how much, one must calculate not only how much fifty zuz is, but how one used to then, how much fifty zuz made up of the weekly wages. And how much laundry cost then. I mean for example that today with the big companies laundry has only become cheaper, it hasn't become more expensive, in the big stores. So, very interesting, because by din Torah one will also have nothing from knowing the number, because the number one will need to compare how much it would have been in today's money.

R' Yitzchak: And one can't even,

R' Yoel Asher: Even that I don't need to be sure,

R' Yitzchak: Because it's truly dependent on custom, it's not dependent, it's not simple, for example let's think, there's a halacha of machatzis hashekel, right? I know we learned, about that it's also not so clear, but it's a bit clearer. Machatzis hashekel says in the Torah how much it is, esrim gerah, and the Rambam says there a halacha that it must be at least, one must calculate how much the silver was then, one already asked then a question that today some silver is much cheaper, my brother David sent a message that it's not correct, because we

R' Yoel Asher: Wondered how silver became cheaper than it was once?

R' Yitzchak: Yes, much cheaper than it once was. So we wondered how from a half shekel

R' Yoel Asher: One can buy sacrifices for a whole year. He said that

R' Yitzchak: There's research that shows that silver was actually worth much more then. So I also don't know, but let's say there's a halachic minimum that since in the time of the Torah it was so, so says the Rambam explicitly, right? One must give at least how much it is, one calculates, today perhaps there are no shekalim, okay, figure out how much today's dollars are worth the shekalim of then.

Here in this halacha there isn't even such a halacha, right? There's no halacha that he must calculate fifty zuz from the time of the Mishnah how much it's worth today, and at least give that. There's no such law, he must give how much it's worth today. Why are they learning history?

R' Yoel Asher: Yes, right. And also, once let's say that the value of laundry has fallen, and one fulfills with... Later it will say which types of laundry to give, one should give such a garment and such a garment that a person needs to have. So let's say today a man gave for his wife what is normal, accepted, respectable dress, and she brings him to Torah, and she makes a calculation that six dinarin, according to the money of then and according to that, comes out more. I don't believe that

R' Yitzchak: The beis din will obligate him to buy more expensive laundry. Certainly not. Certainly not. So, it's not clear what, truly, in a certain sense all halachos, Hilchos Shabbos also we had a similar problem, there one can say that one learns certain principles from the scenarios that are in the Gemara, the poskim conduct themselves so in Hilchos Shabbos. But in halachos, Even HaEzer one doesn't even conduct oneself so. So, it's not clear.

R' Yoel Asher: The truth is that there is, by this there is also mechilah (forgiveness), so it's hard to...

The Rambam's Project: A Book of Laws for Klal Yisrael

R' Yitzchak: I want to say what I think about this provisionally, that is what I know about this topic. I mean we talk many times about this question, perhaps once we'll arrive at clarity. First of all like this, one must understand the

Rambam's project first of all. Afterwards we'll see, um what we can think.

The Rambam's project is a great innovation. He wanted, as the Rambam says in his letter, that the nation should have a book of laws, like every civilized nation has some law, one must know what halacha is. So the Rambam's structure was that what's in the Gemara, that is obligatory, all of Israel is obligated to follow it. It's itself an innovation of the Rambam etc., but that was his way. The Mechaber

The Rambam's Project: Why Does He Write Details Without Translation?

The Rambam's Goal: A Book of Laws for Klal Yisrael

R' Yitzchak: So, it's not clear why... truly in a certain sense all halachos, Hilchos Shabbos also had a similar problem. There one can say that one learns certain principles from the scenarios that are in the Gemara, the poskim conduct themselves so in Hilchos Shabbos. But in halachos of Even HaEzer one doesn't even conduct oneself so. So,

R' Yoel Asher: It's not clear. The truth is that here by this there is also mechilah, so it's hard to...

R' Yitzchak: I'll say what I think about this provisionally, that is, what I know about this topic. I mean, we talk many times about this question, once we'll arrive at clarity. But first of all like this, one must understand the Rambam's project, first of all, afterwards we'll see, um what we can think.

The Rambam's project is a great innovation. Yes, he wanted, as the Rambam says in his letter, that the nation should have a book of laws, like every civilized nation has its laws, one must know what halacha is. So the Rambam's structure was that what's in the Gemara, that is obligatory, all of Israel is obligated to follow it. It's itself an innovation of the Rambam etc., but that was his way.

He didn't have in practice, he couldn't have done otherwise, because if not one certainly wouldn't

have trusted him. Because the Rambam says, he's asked. He said that the Gemara.

The Wonder: The Rambam Doesn't Translate in Mishneh Torah

Now, the Rambam knew that in the Gemara many things changed. Not only that, he knew that many terms that are in the Mishnah, in the Gemara, people today don't know what they are. How do I know this? Because he wrote a book Perush HaMishnah, and in Perush HaMishnah the Rambam explains every thing its meaning. If it says zuz, he says how much zuz is today, and if there's some word that people don't know, he translates it into Arabic etc.

And the wonder is that in the Mishneh Torah he doesn't do this, right? Many words that the Rambam knew that no one who will read it will know what he means, because it's a word from the Mishnah, and in his time one doesn't know. So it says in the introduction to Perush HaMishnah that this is one of the things that a commentary on the Mishnah must do, say the translation, and he knows that no one knows what he means, and he writes it anyway in the Mishneh Torah. And he doesn't write the translation, usually. Sometimes it happens that he writes the translation in his time, most times he writes over the language of the Mishnah, the language of the Gemara.

The Mishneh Torah is Not a Shemiras Shabbos K'Hilchasa

So what does he do? Rather what, the Rambam didn't hold that his book is a practical Shemiras Shabbos K'Hilchasa. You can't learn from it practical halachos, because you don't even know what a chagur means, I know what's written here, a kufach. It's hard to say,

R' Yoel Asher: But I think you're saying this after there exists a Shemiras Shabbos K'Hilchasa. In the times of the Rambam there wasn't any book that was even close to him. So the answer is... So of everything that existed until then, this is the closest to practical.

R' Yitzchak: So it was so yes,

R' Yoel Asher: It was on certain subjects. And how to be bodek chametz, but it happens to be that how to be bodek chametz is already written in the Mishnah very nicely organized.

R' Yitzchak: No, the Geonim used to write such things, practical halacha l'maaseh.

R' Yoel Asher: It could be.

The Philosophical Question: Why Does the Torah Write Detailed Laws?

R' Yitzchak: I'll tell you the answer. I'll tell you what I think, what is the real answer that I think about this, I think the answer for this is that the Rambam held that one shouldn't write a Shemiras Shabbos K'Hilchasa. Because there is a problem.

I'll say a problem, let's ask our question another way. We asked a question, why do we learn all these things about the history, it's not relevant to halacha? And what about the principles? The principles can be written in three seconds, you don't need to learn all the details.

So I'll tell you like this: a bigger question. Anyone who has learned, it's a wonderful question, and one must know the answer.

Plato and Aristotle: One Shouldn't Make Detailed Laws

Anyone who has ever studied philosophy of law, of jurisprudence, of law, which the Rambam understands that the Torah is a law, yes? It's sharia. The Rambam calls the Torah chukim.

R' Yoel Asher: Chukas mishpat the Rambam has...

R' Yitzchak: The Rambam in Arabic always writes sharia shelanu. Sharia everyone knows in Arabic, it doesn't mean... Sharia simply means a halacha in Arabic, a law.

R' Yoel Asher: Chukas mishpat we learned last night.

R' Yitzchak: Yes, that's the law, a part of it. Anyone who knows the philosophy of this knows, that Plato and Aristotle, whom the Rambam was a great fan of, already said, and they're right, that it's not appropriate to write rules, laws, that cover every detail.

Why? Because the reality is that the world is very complicated. Every wedding, you say here rules of weddings, every person is different, every city is different, every country is different, every place is different, every time is different. And when a question comes before a rav, a din Torah, one always needs the shikul hadaas of the chacham, the moreh hora'ah of the time, to say the halacha.

And on the contrary, the more detailed halachos one makes, it becomes worse, because one gets stuck. The rav can't change, because he must do exactly what's written here, otherwise it becomes lawlessness, it can't be chukah achas yiheyeh lachem.

And about this Plato explicitly, in certain of his places, and Aristotle also, said that one shouldn't make any laws, one should make general laws, lo signov, perhaps a bit more details, but not the level of particulars, of details, of p'ratim, what we call p'ratim, what does one do on such a day? There aren't such laws, because it's not possible there should be such laws. It's possible but it will make worse instead of better.

The Question on Our Torah

So here there's a question: our Torah, the Mishnah, the Gemara, is full of such laws. There are almost no general laws, I mean there are, but it's often... On the contrary, the principles are usually learned from the details. Right.

But anyone who learns the sugya and learns taamei hamitzvos, the Rambam's concept of Jewish law, must ask this question, and it's a wonder to me that the Rambam is never... He speaks about this, he says some answer, but it's very strange to me that he doesn't speak clearly about the question. It's a great question, because anyone who knows, anyone who is a Jew today, gets stuck with this problem. There are many details that don't fit today, according to the reality things have changed, and one doesn't know what to do.

And about this Aristotle spoke, that therefore a good law, is not a law that goes into the details, a good law leaves for the chachmei hadoros to decide what must be done.

The Rambam's Answer: The Essential Obligation of Halacha is Only in a General Way

So I think the answer is, that the Rambam truly understood that it's inherent. He never says it clearly. So, in Hilchos... What does it mean? Hilchos Mamrim, and in the introduction to Peirush HaMishnayos is the clearest place where it says, in my opinion, what I understand.

But I think the Rambam indeed understood that it's inherent. The essential obligation of halacha is only in a general way, and even a detail that's written in the Mishnah is only according to then, today it can be a bit different.

Eis Laasos LaHashem Heiferu Torasecha

And certainly, and the Rambam even lays down in Hilchos Mamrim that the essential job of a rav, of the chachmei hadoros, is to do "eis laasos LaHashem heiferu Torasecha". That means to know when one must enforce a halacha and when not. You can call it he doesn't change the halacha chas v'shalom, but one doesn't enforce the halacha. Why? Precisely because there's a difference, it's not beneficial in the situation.

R' Yoel Asher: And therefore one understands why the Rambam is so busy with "lo sosifu" and "lo sigra'u", because that's the job of a rav, "eis laasos LaHashem", you must be very careful about "lo sosifu" and "lo sigra'u".

R' Yitzchak: He says this explicitly in Part 2 Chapter 41-42 I think, that explicitly, that you call... Why is there "lo sosifu" and "lo sigra'u"? Because the essential function of the chachmei hadoros is to say here yes here no, people will think it's Purim. Therefore one always says: "No, the law remains k'chukah achas l'netzach netzachim". Today, at this time, according to the matter, on the contrary.

Hora'as Sha'ah: A Dispute with Nefesh HaChaim and Tanya

You can very well understand the halacha that the Rambam says that a hora'as sha'ah... and I think the Rambam holds, I think the halacha is so, hora'as sha'ah in Nefesh HaChaim I know it says differently, but I think he's wrong. I'm

making politics with the Litvaks here. Also in Tanya it says differently and he's also wrong.

And the Acharonim say that hora'as sha'ah was only relevant when there was prophecy or for the giving of the Torah, the Torah makes laws. I think it's not correct. There's a halacha of hora'as sha'ah. A beis din, you don't need a prophet for this. A prophet can also do it, but a beis din can do it.

Every beis din can say one should transgress the Torah, but, says the Rambam, you may not say it's an eternal law, you must say that the Torah is eternal, only I'm saying that today it's not worthwhile to fulfill the mitzvah or to do the sin or to change a bit etc.

Why? How can he say this? First of all, this way, you're fulfilling both, yes? Both the world takes seriously that there's a law, Hashem gave it, and it's... and also the particular thing.

But you can understand deeper, because with this one also fulfills the matter that it's not good to have an eternal law. Imagine, one makes a takanah and one says it must be so, tomorrow it won't have to be so. So, it's not correct. It's important that there should be an idea of an eternal law, but it's important there shouldn't be in practice the law.

Discussion: Hora'as Sha'ah vs. Change in Reality

R' Yoel Asher: I think when the Rambam speaks of hora'as sha'ah, and therefore comes the Nefesh HaChaim, he mentions there Eliyahu on Har HaCarmel, that one may, that in such a case one may serve idolatry. Here it's a very different kind of thing. Here is understanding, when the Torah speaks of something, according to today's reality, how do we fulfill the words of the Torah? Because the Torah doesn't want you to give fifty zuz. The Torah wants you to satisfy her with her pain.

R' Yitzchak: Right, but in the broader sense, you can understand that Eliyahu on Har HaCarmel understands that the Torah doesn't say one shouldn't make a bamah, only so that it should be avodas Hashem.

R' Yoel Asher: If that's going to accomplish something, there's also a certain logic in it.

How Does One Use the Rambam's Book?

R' Yoel Asher: Okay, so you're saying that the Rambam's book was made for all Jews to know everything that's in Torah she'b'al peh, but also it was made so the dayan should be able to pasken for Jews, because the Jew himself won't be able to take guidance from here.

R' Yitzchak: I think every Jew must also be a bit of a dayan, it's not relevant,

R' Yoel Asher: Jews ask every question in

R' Yitzchak: Hilchos Shabbos to the rav.

R' Yoel Asher: True. I mean, but sometimes... will ask, it's also important for the dayan, because the dayan should now know from where one arrives at such. He should know the, for example, a dayan can here make a calculation that even if it comes out a lot of money that doesn't exempt yet, because he'll calculate how much fifty zuz is, such a thing.

Why Does the Rambam Write Details and Not Just Principles?

R' Yitzchak: So, it still remains a question. I thought a bit of an answer recently, today. It still remains a question, that if I say one doesn't pasken word for word from the Rambam, one only uses it, first of all it's not only a, by the way, Hilchos Ishus is only for dayanim which was discussed in Sefer Nashim, but Hilchos Shabbos is for every Jew to learn Rambam, but you ask, it still remains a question, why doesn't the Rambam just say the principles? Why does he say the details?

This is a good question truly. R' Chasdai Crescas attacked the Rambam for this, and he has a point. One can't dismiss the great Acharonei HaRishonim who indeed had this complaint against the Rambam.

Halacha is a Practical Art: One Learns from Examples

But I think the reasoning is like this: How does one arrive at a certain decision how much money one must give today for a wife? So I think from

giving a whole story, look, in the summer so, in the winter so, you get a better idea than to say a principle. A principle can be interpreted however one wants. When I give you a case, it's indeed not a case nowadays, a case that was then, but you get a better view.

R' Yoel Asher: If you give the background so you should understand approximately how much a person spent in the time of the Mishnah and the like.

R' Yitzchak: Something, I need to find a better word for what I'm trying to say. What I mean to say is that because halacha is a practical art, one learns like every practical art. How does one learn, let's say, for example I want to learn to, I don't know? To build a house, yes? How does one learn? As a youngster, there are a few principles that one must know, but from knowing the principles you'll know almost nothing, you must practice, you must see a few houses how one builds, even old houses that aren't relevant today.

Shimush Chachamim: Learning Halacha Through Details — Hilchos Ishus Chapter 12 Halachos 12-13

Shimush Chachamim: How Does One Learn Halacha?

R' Yoel Asher: Give not a bit give not to background you should understand when, approximately how much a person spent in the time of the Mishnah and the like.

R' Yitzchak: Something... I'm thinking to find a better word for what I'm trying to say. What I mean to say is, that because halacha is a practical art, one learns like every practical art. How does one learn let's say ah I for example I want to learn to, I don't know, to build a house, yes? How does one learn? It says there are a few principles that one must know, but from knowing the principles you'll know almost nothing. You must practice, you must see a few houses how one builds, even old houses that aren't relevant today, you'll learn the technique, and practical learning one learns from practical.

Because halacha is a practical thing, one can't learn it from the principles. The principles are

good for the learners in yeshiva to say shiurim. A rav, how shimush, that means shimush, yes? So shimush means one sees many cases, and according to that you get a, how do you say, a feeling, a shikul hadaas how to do. So we're now doing shimush chachamim. One learns what the chachamim did.

R' Yoel Asher: Very good, so I want to perhaps I want I hold that this is very good, because, because principles are always abstractions,

R' Yitzchak: Yes?

Why Principles Don't Work: The Necessity of Details

R' Yoel Asher: Uhm I'm already now the age where I already give advice to younger people, yes? And most of the time it doesn't work, because I made mistakes, that person must also make the mistakes, because he doesn't see the principles. He'll only see the principles from where he does the details. He'll live and he'll make mistakes. He'll see ahh, I did ah so much and so many times I did things and let's say it upset people, I'll now know that when one does such and such a thing ah one must be more careful.

What what do I want to say here? Especially the Rambam, that the Rambam almost never says the abstract learning principles. The Rambam gives a bunch of details, and all the details together comes out... Right. Yes, true. Anger isn't, there isn't such a thing called anger. Every person has a different kind of anger. So, anger always happens only in the details. The word anger as an abstract concept that all people have the same kind of thing called anger, is an abstraction, which after observing many people and many situations we know to pinpoint this is anger. But the true wisdom of it lies only in the details, and it's very hard to transmit the principles. The principles the person who transmits the principles is always convinced that everyone grasps it, but for some reason it doesn't work. He can't transmit principles, he can transmit details. So,

Parable of Shalom Bayis: Learning from Father and Mother

R' Yitzchak: So shimush chachamim means... In fact by for example shalom bayis. People today there's such a topic of making shiurim on shalom bayis. The actual shiur on shalom bayis that most people follow, is they grew up by father and mother, and more or less they do what their father and mother did.

R' Yoel Asher: What does that mean? Does one specifically do the opposite, doesn't one do well. I mean to say, rachmana litzlan, one mustn't do like a father.

R' Yitzchak: No, by the way, it comes out approximately what your father did anyway. Because that's the image. Now, you'll ask what principles did you learn from your father? I have no idea. But you saw how one lives a life. One fights, one gives each other advice, one helps each other, whatever it is, with the patterns, yes? It's yes an abstraction that one learns, it's not a detail that one learns. But the way one learns the principle, yes? Because my life isn't exactly the same as my father. I live in a bit of a different generation, a different reality. But what I learn is a middah, you can say, right? A certain abstract thing. But not one can learn an abstract thing directly, and not one can learn the stories each story, right? But from the stories, from living a life, one grasps that.

Practical Application: Learning Mishnayos and Rambam

So I think one learns Mishnayos, Rambam, what you get is much less than actual shimush, yes? It's still only words on a page. But you get certain ideas how a life works, and how the chachamim look at what's appropriate, how much a man owes to a wife. From this one gets a certain idea, not as proofs.

Example: Bugaboo Carriage — How Halacha Views Status

I mean one say one asks today a question, I mean I remember we learned in kollel the halachos, we spoke as if practical questions, yes? Is a man obligated to buy for his wife a Bugaboo carriage or not?

R' Yoel Asher: With the property that one has,

R' Yitzchak: With the means. We're going to learn in the chapter with a connection to dwelling. It says that if the custom in his place is one does so he's obligated. Now, one can say: What does it mean? This is a great luxury, isn't the simple carriage that costs a quarter of the money just fine? Eh the wealthy Jews have that, so what? Right?

Laws of Marriage Chapter 12: The Amount of Clothing According to Place and Time, Household Items and Dwelling

On the other hand, I don't know, I'm not saying now a practical ruling, but I'm saying that when you look in halacha you see that the halacha speaks roughly about things that are customary in their time. And it says that if your family is a well-to-do family, you are obligated, she can call you to a din Torah and say, she won't call a din Torah, but it means to say your status is to be a well-to-do young man, you must pay what the well-to-do young man pays. You can't say it's a luxury, we look at it as, the rabbis give drashos against this. You know what? Make it so a person shouldn't be well-to-do, I hear. But as long as they are indeed so, you must. Here people conduct themselves, one buys a car, you must buy a car.

Now, certainly on this there can also be discretion how and what, but when it's not that it says in the Mishna such cases of exactly what you must do that you couldn't really even have an idea of how to rule, but it doesn't mean that I have a proof, if it says in the Mishna that one must pay for her such and such a thing, it comes out that one must buy a carriage. It's not a proof, it's more like a...

Discussion: Can One Calculate How Much Fifty Zuz Is?

R' Yoel Asher: Yes, okay, practically let's learn it. In our case, would you say that if a person wants to know how much he must spend, he can make a calculation of how much this fifty zuz is, and he will have from this some idea. So if fifty zuz is extremely much or is extremely little,

perhaps you're right. But even then one will still need to calculate how much it was compared to the overall what one made a month.

R' Yitzchak: As you said very well. Today is, I mean, clothing is much cheaper than it was once, so it's really not relevant.

R' Yoel Asher: So yes, the industrial revolution made things be different. Services cost more, and objects less.

R' Yitzchak: Okay, and economy is a... one can't learn it, fine. Let's learn Torah. Okay, so,

Halacha 12: How Much Clothing He Is Obligated to Give Her

R' Yoel Asher: So it says. "**How much clothing is he obligated to give her**", how much must he spend for her on clothing? He must give "**clothing of fifty zuz**", once a... the yearly budget for clothing should be fifty zuz, "**which turns out to be fifty, six dinars and a quarter dinar of silver**".

The System of Clothing: Winter and Summer

Now the Rambam says thus, how does the system work? One gives it once a year, but it doesn't mean that once a year is enough for clothing, because there is also winter and summer, and ah the wife can demand I want to go ah... men have one coat yes? Many men at least. One has a coat, but women ha, every season one must have clothing. But it doesn't mean four seasons a year, rather two seasons a year.

R' Yitzchak: The order that was then is thus:

R' Yoel Asher: Right, "**he gives them to her new**", the order was thus, one bought new clothing, it was heavy, it was full of material, let's say woolen garments, yes? It's full of it's ah heavy. And with time, the more one wears it, it becomes more and more worn... pieces tear off from it, it becomes thinner and thinner. In summer when one wants to go thinner clothing, one can wear the same clothing, because it has already become worn out, thinned out.

So "**he gives them to her new in the rainy season**", one buys new clothing in the rainy

season, because then one needs warm, and "**their worn ones**", the remnants of them, what is still left of them,

R' Yitzchak: One wears in the hot season. The same?

R' Yoel Asher: Fine. Yes, the same. He means to say here that one doesn't need to buy new clothing for the hot season. It is indeed enough that one buys once a year.

Shechaqim — The Remainder of the Clothing

R' Yitzchak: And the shechaqim,

R' Yoel Asher: That remains over, worn out.

R' Yitzchak: That is a level after worn. That is called shechaqim.

R' Yoel Asher: Shechaqim is from the language of rubbing, no? Shochaqim yafeh yafeh. The rubbed-out clothing after everything, yes. "**And they are the remainder of the clothing**". On this he said, because yesterday the Rambam said, what happens with the remainder of the food that one bought to eat? Right.

R' Yitzchak: That is the remainder of the clothing. Hers. But the remainder of the clothing,

R' Yoel Asher: The remainder of the clothing is "**they are hers**". There is also a reason for this, why does she need rags? Because there are also times when one wears weaker quality clothing. That is "**in her days of niddah**". So it says in the laws of niddah that there is such a thing that one used to have special garments in the days of niddah. But basically, both things are a leniency, that the husband doesn't need to buy extra garments for niddah and extra garments for summer.

R' Yitzchak: Yes, not that is the order somewhat. Yes. Simply, that was the order, one wore old, why should one buy an extra dress? One wears an old dress that is already a bit...

In Addition to Clothing: Belt, Head Covering, Shoe

R' Yoel Asher: That is the regular clothes that cover the body, but besides that, "**and he gives her a belt for her waist**", a gartel, a belt,

"and a head covering for her head". Head covering, as one had, there is a covering for an oven and stoves, yes? Covering is indeed a language of a sort of oven. It could be that it looks similar, or I don't know what the connection is.

R' Yitzchak: Head covering means some kind of hat,

R' Yoel Asher: Some kind of shtreimel, some kind of you know, some kind of hat. And **"a shoe"**, and shoes one buys **"from festival to festival"**. Every yom tov one buys a new shoe. Right. It means that shoes one buys more often than clothing. It seems that shoes or once they used to become more worn out, more often worn out, and shoes one buys indeed more, a few times a year. It's interesting, because between Pesach and Shavuot is barely time. Does one mean three times a year?

Discussion: What Does "From Festival to Festival" Mean?

R' Yitzchak: Does one mean every yom tov? I mean that from festival to festival that it's a problem, because it means apparently as you say. He says that one can understand a bit differently, one can understand that as if, the Gemara says that this speaks that it becomes worn out quickly. But one can understand it that as if he must give her three times a year, and one already gives three times a year, one gives before yom tov. It's not a law in the laws of yom tov, right?

R' Yoel Asher: So above you said we're speaking here about the laws of kesubos, so how does yom tov come in here? But just as eating with her from Shabbos night to Shabbos night you said that it's a matter of honor of Shabbos.

R' Yitzchak: There are two, all these things there is a double, one catches both in.

R' Yoel Asher: There is indeed a mitzvah of buying a new garment for the wife. But it's not right, because in the laws of yom tov the Rambam did indeed say one should buy a new garment for the wife.

R' Yitzchak: Yes,

R' Yoel Asher: Therefore I say it means colored garments.

Discussion: Is There an Obligation of Yom Tov to Buy New Clothing?

R' Yitzchak: It can't be, how can it be? It's also outside of the laws of kesubos there are also laws... must he give her even more? I don't agree, I already said there, the word you is,

R' Yoel Asher: You mean one must outfit from head to toe. A new colored garment means some kind of new shawl, a new kerchief,

R' Yitzchak: Some kind of piece, a piece on the garment. I mean that what it says there doesn't mean that he must buy for her for yom tov, she must have. I am generally a dissenter on the halacha that one must buy for the wife a gift for yom tov. A wife, a man rejoices on yom tov with that he has meat. Specifically meat gets used up, he must buy always before yom tov new. A wife rejoices that she dresses nicely, he must make sure that she has. If she has to buy in the rainy season, presumably comes a set of Shabbos clothes, yom tov clothes, whatever, she already has that. That is indeed the point.

The shoes it says that since one needs several sets ah shoes a year, one already buys in honor of yom tov, it will already be a joy of yom tov, but it's not an obligation of yom tov for new clothing.

R' Yoel Asher: It could be that one was indeed going up for the pilgrimage, one went up with the feet, so it is indeed a matter of the joy of yom tov, because every time before one goes up one buys new shoes, with the holy new shoes to go up to Jerusalem.

R' Yitzchak: But women are exempt, it's only the appearance of all your males. It could be that she goes anyway, but, okay.

R' Yoel Asher: Pious women used to come along, yes, one took along one's wives,

Halacha 13: When Are These Things Said — In Those Days and in the Land of Israel

R' Yitzchak: Yes. Okay, when are these things said? When is the measure? Says the Rambam,

R' Yoel Asher: The measure that I told you of all these things,

R' Yitzchak: How much money, how much clothing, how much...

R' Yoel Asher: Is in those days, those days, he means to say the days of the Mishna, and in the Land of Israel. Interesting,

The Rambam's Qualification Comes from the Gemara

R' Yitzchak: Because the Rambam... This is also already a Gemara, this I tell you. What the Rambam says in those days is already also a piece of Gemara, the Rambam doesn't say this on his own. Ah, interesting. The Rambam says still from the Gemara.

R' Yoel Asher: The Gemara says the words in those days and in the Land of Israel?

R' Yitzchak: Not the language, but yes. Ah after all the Gemara was already in Babylonia, and the Gemara says that by us it's different, one doesn't need so many shoes, and one doesn't need exactly the amount of money and so forth.

R' Yoel Asher: Says the Rambam, what I gave you the measure is a measure that is for the time of the Mishna. But in other times

Laws of Marriage Chapter 12: The Measure of Clothing According to Place and Time, Household Items and Dwelling

Halacha 13 (Continued) — Clothing According to Place and Time

R' Yoel Asher: Interesting, because the Rambam this

R' Yitzchak: Is also already a Gemara this I tell you, what the Rambam says in those days is also a piece of Gemara. The Rambam doesn't say this on his own. Ah interesting. The Rambam says still from the Gemara.

R' Yoel Asher: The Gemara says the words in those days and in the Land of Israel?

R' Yitzchak: Not the language, but yes. Ah after all a Gemara was already in Babylonia, the Gemara says that by us it's different, one doesn't

need clothing, and one doesn't need exactly the amount of money and the like.

R' Yoel Asher: Because the Rambam, that the what I gave you the measure is a measure that applies in the time of the Mishna. **"But in other times and other places"** is **"the money is not the main thing"** one doesn't look at the money, one can't give you a certain sum how much one must spend, rather grasp the main thing, grasp the principle of this, that what? And he says **"there are places where the clothing there is very expensive"**, there are places where clothing is expensive, **"or very cheap"**, where clothing is very cheap. **"Rather the main thing that we rely on"** the main thing that what on this one must rely, it means from this one must conduct oneself, so one must rule is that what? **"That we obligate him to give her appropriate clothing"**

R' Yitzchak: **"for the rainy season and for the hot season."**

R' Yoel Asher: **"at least"** by the least, at minimum not not less, **"that every housewife wears there in that country."** So so how much a housewife spends in that land.

It seems here that for girls one didn't spend so much on clothing. Once a woman is a ah lady, lady of the house, housewife,

R' Yitzchak: A homemaker one bought better clothing,

R' Yoel Asher: So according to what the standard all homemakers must have so much one provides. Alright,

Discussion: Can One Say That Today's Standards Are Crazy?

R' Yitzchak: Good. Says the Rambam, would you have thought that clothing means only clothes? No, when it says clothing it means even more.

R' Yoel Asher: I say simply I still hold a bit after what the Rambam said this I think, after this one can still now go backwards and they look how much it was in the Mishna. Because for example, there will come a husband and say that today is crazy the standards, women go every

Sunday shopping, ah okay, that that that one must only once a year remains still the halacha. The halacha won't change that one must buy every few weeks new clothing because because that is the standard in the city.

R' Yitzchak: No, at least, if the way if the poorest woman in the city. Here we speak by poor women, soon we'll speak by wealthy right? But if one doesn't have ah extra money ah has

R' Yoel Asher: Not any higher standard personally,

R' Yitzchak: The cheapest of the city. Okay. In that country, country means a city.

R' Yoel Asher: No, I say, that that one buys it once a year, perhaps that is indeed a standard forever?

R' Yitzchak: You should know? No. No, on the contrary. The Rambam says that, you see from the halacha in total that one must have, on the contrary, as you said well earlier, I mean that you said before an introduction, after that you caught that you're not right, I mean that you are indeed right. You said that women need every season clothing, but one doesn't need, it turns out on the contrary. In the Land of Israel the custom was that one needs summer clothing winter clothing, but one can use the same. If in America one needs winter and summer, but one can't use the worn ones,

R' Yoel Asher: He must indeed buy extra for each season. Ah, ah, right, forgot. Right. Makes sense, because for example, winter in the Land of Israel is not so cold, so one needs a bit warmer, but one needs to have a coat, can't go on Shabbos with a worn-out coat,

R' Yitzchak: And there are no summer garments.

R' Yoel Asher: Yes? Okay. Right. Exactly.

Halacha 14 — And Included in Clothing: Household Items and Dwelling

R' Yoel Asher: Nice, says the Rambam further: This is clothing which means clothing. But **and included in clothing** there are still things which means not clothing, but it's in the category of clothing. **that he is obligated to her.** What

is that? What is that? **Household items,** household utensils, appliances, such things, household utensils. **and a dwelling that she sits in,** and the house where she lives.

R' Yitzchak: Household items, it's called. And the house itself. Yes. Perhaps dwelling means a room,

R' Yoel Asher: Or a whole house? Yes, he will already say. One must rent an apartment, even not buy an apartment, rather rent a place to live.

Interesting, because dwelling is presumably much more expensive, at least in our perceptions, dwelling is much more expensive than the clothing, but ah clothing one must... Okay, no difference, already.

What Are the Household Items?

R' Yoel Asher: Okay, so **and what are the household items?** Which household items must the husband provide for the wife? **A made bed,** a bed that is covered. That is, not a bare bed, rather a bed with bed linens,

R' Yitzchak: Yes? Apparently. Bed perhaps means where one sits, one used to sit then on it,

R' Yoel Asher: Yes? Okay, **and a mat, mmm. or a reed mat,** means it's still bed items, let's say a mattress, a thing that one sits on. A thing that one sits on. **to sit on it,** yes. Yes. Mmm. Further,

R' Yitzchak: What else? That is, one used to sit either on a bed at the meal, or on the floor. But on the floor one doesn't sit directly on the floor, one sits on such a mat a reed mat, different sorts on such a mat, one sits on. Such a mat, exactly, yes. Besides that, yes?

R' Yoel Asher: And utensils, **and eating and drinking utensils,** mmm. Yes. **such as a pot,** a pot to cook, **and a bowl and a cup and a bottle,** dishes. "Bottle" and "little bottles", **"and the like",** things that one must have in the house.

R' Yitzchak: That is the household items, yes? **"And the dwelling."**

Discussion: From Where Do We Know That One Must Provide a Dwelling?

R' Yoel Asher: Yes, from where does one know this that one must also buy a dwelling? It means he puts it in under the category of clothing, that when the Torah said "clothing" it meant also a roof over the head. It could be that a roof is like a larger garment. There is the garment on the body, and a roof over the head is also to cover the person, so he shouldn't be,

R' Yitzchak: Not be exposed. He brings from the Kesef Mishneh, the Mahari ben Chaviv, that it says a verse "if a woman vowed in the house of her husband", if she made a vow in the "house of her husband", it seems that a woman lives in the husband's house, an explicit verse, he must pay for it, that is that she has a house.

But seriously, you have a hava amina one doesn't need to provide where to live? Ah, good, but... why specifically included in clothing? It's the closest thing to clothing. It must be from the Torah. It can't be that from the Torah he only needs to give a garment and she should live in the mountains. I mean what... really interesting.

R' Yoel Asher: And one must think, for example, if he has a house, he doesn't indeed need to provide an extra house, he lives in his house.

R' Yitzchak: We're speaking here for example even not...

R' Yoel Asher: Even if not. Yes.

R' Yitzchak: Okay. Not clear.

R' Yoel Asher: I mean one of the commentators said that "onah" means a house, no? "Me'onah", no?

R' Yitzchak: Yes, there was perhaps such an interpretation. Okay, he is built on the interpretation.

R' Yoel Asher: And the Rambam didn't indeed accept so, the Rambam said "included in clothing".

Discussion: The Source of She'er Kesus Ve'onah in the Torah

Laws of Marriage – Dwelling, Jewelry, Everything According to His Wealth, and Clothing for Children

R' Yitzchak: But do you remember that... okay, I don't know if this is relevant, but do you remember that in the Torah it doesn't actually say that one must give "she'erah, kesusah, ve'onasah" to a wife. In the Torah it says that even when one takes a second wife upon the maidservant, one should also not

R' Yoel Asher: Forget less than you eat for each wife.

R' Yitzchak: So it's obvious that the requirement to give "she'erah, kesusah, ve'onasah" lechatchilah (from the outset), this was known before...

R' Yoel Asher: That's simple. Even for a wife whom you think has lower standards, you should also give.

R' Yitzchak: This applies to a normal wife. Yes. In any case, it could be that this is simple, that it means he must give the normal things that a wife needs.

By the way, what's the difference whether it's "she'erah" or "kesusah" or "onasah"?

R' Yoel Asher: It doesn't mean any difference in

R' Yitzchak: Which career it says. The whole list is a... It's not that the Torah says this is different from that. The Torah says, give her what a wife needs. Okay. "And the dwelling", what is the measure of dwelling? Yes?

Three Categories: She'ar, Kesus, Onah

R' Yoel Asher: It could be that there are three categories of things: she'ar one must buy every day new food, food gets used up. One can't buy, one can't eat for the year, food is for the day.

R' Yitzchak: For three months we learned it one has a maniach beisa reikan.

R' Yoel Asher: Okay. So then, kesus is all the things that one buys once until it becomes worn out... until it becomes used up, and onah is already a physical thing between the man and the wife. Okay. So how does one put all the things under kesus, what did one indeed put under she'ar?

R' Yitzchak: A long list of items,

R' Yoel Asher: Yes, one buys once until it becomes broken.

R' Yitzchak: And she'ar one indeed put in the pocket money that she needs to go to the bathhouse.

R' Yoel Asher: Ah, the pocket money is also something that gets used up. So she'ar is something that the man must ask his wife every day, do you have she'ar? Or every week let's say. Shabbos to Shabbos. And kesus is when the pot breaks one must buy a new pot, but it's a more one-time expense, or once in a longer time expense.

Shiur HaMadur (Measure of Dwelling)

R' Yoel Asher: Okay. And what is the madur? "**She'shokher lah**", he must rent for her. Simply at least rent, it means if he buys it's certainly good. But he must at least rent for her "**a house of four amos by four amos**" a room of four amos by four amos.

I mean for her. It means if they live together, he must have four amos and she must have four amos. She should have her own four amos. Because we learned this way, in the laws of Shabbos, four amos is mekomo shel adam (a person's place), she should have a comfortable place, she shouldn't be squeezed together with him all the time. She should have her own. If he buys a house, there should be for each one of them four amos.

R' Yitzchak: You don't see the custom that way.

R' Yoel Asher: Because our houses are bigger than four by four amos.

R' Yitzchak: No, but if she doesn't have an extra bedroom with an extra... she sleeps in the same four by four amos as him.

R' Yoel Asher: Because it's more than four by four amos. This looks like a minimum. Let's say he's a poor man,

R' Yitzchak: He lives in the forests,

R' Yoel Asher: If he only has a tiny house of four by four amos, he can't force her to squeeze

into the same house. He must rent for her a house of four by four amos.

R' Yitzchak: I don't know if it says that, perhaps simply it's for both a house.

R' Yoel Asher: Yes, but even less than that is called a dirah serucha (filthy dwelling). In short, it must be a dirah re'uyah (proper dwelling). I mean yes it's coming to her, she'shokher lah, she has the right to have her own four by four. One will already see that she should have her own beis hakisei (bathroom). Yes, her own? No, there is a beis hakisei at the corner of the town.

Discussion: The Context of the Laws – When the Man Doesn't Live with the Wife

R' Yitzchak: No, it says his own, but I mean that the halacha

R' Yoel Asher: Is speaking when a

R' Yitzchak: Person has a few wives for example,

R' Yoel Asher: Or it goes in even a

R' Yitzchak: Person lives together with a wife: I don't want to go. Laws. I think here, all these laws are something framed in a situation where he has a wife, he goes to come once a week, who knows where he lives,

R' Yoel Asher: He lives at the other wife,

R' Yitzchak: So, like Yaakov had an ohel (tent) for Rachel, an ohel for Leah and. Yes. Or like the source of kesus ve'onah. He lives with ah with the new wife, acheres yikach lo, he has the maidservant poor thing. So she must have a house. She doesn't live in his house.

If she lives in his house, certainly his house must also include, I agree that his house must have a beis hakisei etc., because that's a part that he must provide for his wife, but he may also live there, no? Usually a wife lives, a normal wife lives together with her husband. Perhaps not? Perhaps the order was then that?

R' Yoel Asher: Right, all these laws is also the ve'ochel imah milelei Shabbos, can also mean that,

R' Yitzchak: That when a person lives in a house, he's there always,

R' Yoel Asher: But, even in a manner when he has a wife must, I mean that it's simple, because if a manner that he lives with her there's no question.

Makes a lot of sense, because we're not talking here about a person should budget how much he spends for living. That's, that's simple, rather we're talking here about how much he should provide for the wife. When he doesn't live in that house and he provides for her, he must rent for her a house of four amos by four amos.

Chatzer and Beis Hakisei

R' Yoel Asher: And quite properly, "**ve'tehei rechavah chutzah lo**", he must also provide for her a bit of a courtyard in front of the house, a porch, a courtyard, "**kedei lehishtamesh bah**", in order to be able to use it.

R' Yitzchak: Yes, once the order was that one didn't sit at home,

R' Yoel Asher: The courtyard was called the life in all matters, and activities were in the courtyard. Mhm. "**Veyihyeh lo beis hakisei chutz mimenu**." Outside from the room there should be a beis hakisei. Mhm. Yes? Chutz mimenu means that? It should be outside from the room?

R' Yitzchak: Yes.

R' Yoel Asher: Not inside? Why is he precise

Laws of Marriage – Dwelling, Jewelry, Everything According to His Wealth, and Clothing for Children

Dwelling – Rechavah Chutzah Lo and Beis Hakisei

R' Yoel Asher: Ve'tehei rechavah chutzah lo, he must also provide for her a bit of a courtyard in front of the house, a porch, a courtyard, kedei lehishtamesh bo, in order to be able to use it.

R' Yitzchak: Yes, once the order was that one didn't sit at home,

R' Yoel Asher: The items, most of life and activities were in the courtyard. Veyihyeh lo beis hakisei chutz mimenu. Outside from the room there should be a beis hakisei. Yes? Chutz

mimenu means that, it should be outside from the room?

R' Yitzchak: Yes.

R' Yoel Asher: Not inside. Why is he precise on the word chutz mimenu?

R' Yitzchak: I mean as you say, it should be there nearby, not too far, and also not inside. The beis hakisei is in the courtyard.

R' Yoel Asher: Samuch leshulchano (next to his table) is a luxury, but at least near the house somewhere there should be a... Okay.

Question: Someone Who Lives in a Basement Without a Rechavah

R' Yoel Asher: So someone who lives in a basement with his wife and doesn't have any rechavah chutzah lo?

R' Yitzchak: No, nowadays it's not the custom to have a rechavah at all. Nowadays one does most work at home. Then in a rechavah there one washed the laundry,

R' Yoel Asher: There one baked, cooked. But everyone enjoys having a bit of a porch or something a bit of a backyard.

R' Yitzchak: Yes, but that's not the halacha. Rechavah means lehishtamesh bah. That's what I mean.

R' Yoel Asher: Yes.

Jewelry – Under the Category of Kesus

R' Yoel Asher: Now, the Rambam says further: And likewise,

R' Yitzchak: Until here laws of kesus. Now, besides kesus,

R' Yoel Asher: Comes to, no, now is still in kesus. Yes,

R' Yitzchak: Kesus means clothing, but... Kesus, madur, and a third thing,

R' Yoel Asher: It's a third level. Kesus is basic, a person who must have clothing. Jewelry is already a... is already a... luxury. It goes under kesus. "**Vechen mechayvin oso litein lah tachshit**", we put, yes, as the Rambam puts it under kesus.

R' Yitzchak: "**Kegon**", what does tachshit mean? "**Kegon bigdei tziv'onin lehakif al roshah upadachtah**",

R' Yoel Asher: Beautiful head coverings to put on her head. "**Ufoch vesarok**" is I think types of makeup. Sarok, yes, sarok, yes. Kallah na'ah vechasudah, as it says there,

R' Yitzchak: Lo kachol velo sarok velo ya'alas chen. One sings to the bride that she doesn't need any makeup, you mean that she does need. One tells her that way.

R' Yoel Asher: When she's a bride she doesn't need, what is still the chen? And he must provide her makeup, that's also in the category of jewelry. Why?

R' Yitzchak: "**Vechayotza bahen kedei shelo tisdane alav**". He must make sure that she looks beautiful for him. And who must pay for that?

R' Yoel Asher: He. He. But what... Again, I want to understand, if it's in the category of kesus, a person because of that it's called in the category of kesus. Meaning, kesus means that a person should look normal, but for a wife who has a husband, under the category of kesus is more than that. Things that are luxury. Why?

R' Yitzchak: Because she has a husband, shelo tisdane alav. Hmm.

Innovation: Jewelry Becomes Kesus Because There's a Reason

R' Yoel Asher: The need for this, one will already see a practical difference for the story that this that it goes into the category of kesus is only because there's a reason kedei shelo tisdane alav. Therefore this becomes a basic kesus. Meaning if a girl wants to have bigdei tziv'onin it won't go into the category of kesus. It's not relevant because there are no laws of kesus but it won't be called kesus because for you it's a luxury, which is not so for a wife where there's a reason that it's a

R' Yitzchak: Necessity it's already called kesus.

R' Yoel Asher: Hmm. Yes.

R' Yitzchak: All these measures that we've now learned,

R' Yoel Asher: Interesting that the Rambam says tachshit he says these things, in the Rambam's times there were also jewelry diamonds and gold and silver, but it looks like those are expensive things, it's not a complete obligation.

R' Yitzchak: Tachshit means like clothing,

R' Yoel Asher: Another bit of clothing, bigdei tziv'onin means fancier clothing, a beautiful head covering, a beautiful shawl,

R' Yitzchak: Yes. But soon one will see, by a wealthy person he must indeed give gold and silver, by a poor person he must give this. Ah,

R' Yoel Asher: The bameh devarim amurim (in what case is this said) goes back to all the previous laws? Yes,

R' Yitzchak: To all the laws until now. It means simply tachshit means she shouldn't only have like a garment kesusah, she must have a garment that is decent, that comes yes.

Bameh Devarim Amurim – Everything According to His Wealth

R' Yoel Asher: All these things, "**bameh devarim amurim**", all these laws the minimums, "**be'ani shebe'Yisrael**", by the poorest folk of the Jews one must give at least these things. "**Aval be'ashir**", but if he's a wealthy person, "**hakol lefi ashro**", the obligation of kesus will be according to his wealth. "**Afilu hayah ra'ui**", if he's such a type of person that his standard is "**liknos lah klei meshi**", silk, "**verikma**", embroidered beautiful things, "**uchlei zahav**", then "**kofin oso venosen**". One can force him if she demands supposedly and he must give it to her because that's his standard. Same thing, "**vechen hamadur**", the house, "**lefi ashro**", according to the wealth, same thing, "**vehatachshit uchlei habayis hakol lefi ashro**". So all these laws that we've learned are the minimum, but then according to how much money he has.

R' Yitzchak: And as we learned by mezonos (sustenance), the minimum is very important.

R' Yoel Asher: Yes, the minimum is a complete obligation.

Ve'im Katzrah Yado – Kofin Oso Lehotzi

R' Yoel Asher: "Ve'im katzrah yado litein lah va'afilu ke'ani shebe'Yisrael", if his hand is too short, he doesn't have the long hands, he doesn't have a generous hand, yes, he doesn't have the money for this, va'afilu ke'ani shebe'Yisrael he can't give her

R' Yitzchak: He can't give her

R' Yoel Asher: He can't even give her the basics.

R' Yitzchak: Ahh so what? So "**kofin**" so "**kofin oso lehotzi**".

R' Yoel Asher: One must force him that he should, he should give her a get if she wants it. And if he's a poor person he doesn't have money to buy a dress, he certainly won't have any two hundred, any maneh two hundred, so he doesn't have claims "**utehei hakesubah chov alav ad she'ya'ashir**", he will hold the kesubah as a debt until he becomes wealthy. Then he will either be able to be machzir gerusho (take back his divorcee), if she will still want, if she will still be available, or he will have to pay the kesubah.

R' Yitzchak: Okay very good.

Discussion: The Rama's Position – Yesh Omrim She'ein Kofin Oso Lehotzi

R' Yoel Asher: Until here is what he must give for his wife. Now we'll learn that he must give for his children also.

R' Yoel Asher: Yes yes? Yes. It's interesting the whole time that one the the man the man, the poor man what will he do? He'll start using the romantic language: "You truly have nothing,

R' Yitzchak: But you have me". The Zohar in Parshas

R' Yoel Asher: Bereishis says there that that he speaks there about al kein ya'azov ish es aviv ve'es imo vedavak be'ishto, that a wife doesn't need beautiful things like a bas melech (princess), she mainly needs what she's accustomed to from her father, I don't remember, on the contrary no a bas melech who

fell in love with a simple person doesn't need beautiful things because she wants the person. But that's nice Torah thoughts, but practically a person must have his basics.

R' Yitzchak: By the way, first of all the the Rama, yes, the holy Rama already says, let's see if we can find here quickly. The holy Rama in Even HaEzer siman ayin gimmel says thus: If, this is the Tur, oh I need to have the Shulchan Aruch, Shulchan Aruch Even HaEzer says thus: "**Umi hu ani beyoser kofin oso. Veyesh omrim she'ein kofin oso lehotzi me'achar she'ein lo**". Rabbeinu Tam. Very interesting, as one already understands, the Rama gives a leniency that whoever doesn't have, doesn't have. It's certain that the leniency came from the reality. That what the Mishnah says, speaks as one says the Mishnayos are written for wealthy people. In general Judaism is made for wealthy people, where everyone has some inheritance somewhere in Eretz Yisrael, there's a law every Jew has four amos in Eretz Yisrael and he has from where to take. The question is whether he's a wicked person, he doesn't give for his wife, give yes. Someone who truly doesn't have, Shulchan Aruch made for the Jews in exile who truly don't have, behold what will you kofin oso lehotzi, what will she have from this that he'll remain a poor person even more?

R' Yoel Asher: Yes, but she, she can find better men who are indeed ready to give.

R' Yitzchak: Well, if she can find, she can find.

R' Yoel Asher: No, in kofin oso lehotzi also means that she can't demand a get.

R' Yitzchak: I understand,

R' Yoel Asher: I don't know, the Rama perhaps means to say that the beis din should interfere and tell him to give a get, but she does have the right, if one will say the Rama, if she comes, she says "I don't want to accept like the Rama, kim li (I hold) like the Rambam" won't she be able to demand a get?

R' Yitzchak: Rather understand that Rama. Kim li works the other way, usually. That's what the Rama is talking about, exactly,

R' Yoel Asher: They'll pressure him okay, that's certainly, the Rambam doesn't bring in here, there are also laws of tzedakah (charity), in every city there was a kupah (fund) with a tamchui (soup kitchen), and instead of kofin oso lehotzi,

R' Yitzchak: The rabbi should go look, make sure that she receives. No, she can say that she doesn't want from the kupah, that's the point supposedly.

R' Yoel Asher: The kupah should give it to him, that he should give it to her. There's also tzedakah, there's a world of tzedakah.

R' Yitzchak: It looks like it doesn't go that way, but the point is that it seems to me how do you say? That there are those who say ein kofin lehotzi, and indeed because it's not not maintained that.

Translation

R' Yoel Asher: Okay, one needs to know, apparently it has to do with the reality, the Rema presumably spoke about a reality where now she won't even have food to eat, and she also won't have a husband, now at least they'll strengthen themselves two poor people together, okay, one needs to know the situation. And I also thought about the story of Rabbi Akiva who left his wife and she didn't have any straw, he sees that it's a matter of forgiveness.

R' Yitzchak: What? It says that which we'll learn later. Yes, okay. Perhaps one may not, perhaps one may,

R' Yoel Asher: I don't know. Does the Rambam say like we learned yesterday that what Rachel,

R' Yitzchak: Money he didn't have anyway, what he left her is itself a problem.

R' Yoel Asher: That's a question how could he leave everything like onah and so forth, but it says there also that she was very poor, and a poor person came begging for straw, so she strengthened herself

R' Yitzchak: That there are poorer people than her. Yes, yes, but they didn't have that beforehand either, right? Okay. Again, it's clear that the law is when she wants, if she doesn't want the question doesn't begin, I mean that the

Rema says even when she wants one tells her "come here, it's not so simple".

R' Yoel Asher: Okay.

Clothing and Dwelling for Young Sons and Daughters

R' Yoel Asher: Ah, what happens with the children? Did we learn yesterday that the children who are dependent on the father's table, yes, um, the children that the mother always cares for them, is a part of the mother is not happy when her children are hungry. Same thing regarding clothing, **"and not only the woman, but his sons and daughters who are minors of six years or less"**, also! **"he is obligated to give them sufficient clothing"**, whatever is needed,

R' Yitzchak: Household items don't have a measure of a zuz,

R' Yoel Asher: Whatever, however much it is. Huh? Household items that they need,

R' Yitzchak: **"and a dwelling to live in"**.

R' Yoel Asher: Mhm. Extra four amos for the children. Or whatever, space for the children. Yes yes.

R' Yitzchak: No. Yes. There should be space for them.

Distinction: For Children Not According to His Wealth But According to Their Need

R' Yoel Asher: Says the Rambam, but for the children there is no obligation to do according to his wealth, **"and he doesn't give them according to his wealth but only according to their need"**, only what is needed for them. Mhm. Um, yes.

R' Yitzchak: There isn't the law, that means by a wife, that's the law that was mentioned yesterday. By a wife there is a law according to his wealth he must give. If he is a wealthy Jew, a wealthy Jew must give his wife golden garments. For his children, even a wealthy Jew, doesn't need to give any golden garments. He must give what is needed. No. Okay, **"this is the rule"** yes.

R' Yoel Asher: Um and here doesn't come in the enactment of the Sages to give even after age six. It seems that clothing is not so important.

R' Yitzchak: I don't know. Interesting. He doesn't say. Actually a good question. He doesn't say. He doesn't say.

R' Yoel Asher: I don't know. Good to know. One needs to think. I mean, if they literally don't have what to wear, being naked is like being hungry. Perhaps the thing that one needs new clothing every year, perhaps that is only relevant.

R' Yitzchak: Is a guarantor. Okay, come on, we're talking, again. A normal person provides for his children also according to his wealth.

R' Yoel Asher: Now we're talking when one forces him. Yes indeed, but just like regarding food yes the Sages stood up and got involved.

Laws of Clothing, Household Items and Dwelling – Continued

Law: General Rule Regarding Clothing, Household Items and Dwelling

R' Yitzchak: Actually I don't have the question. He doesn't say. He doesn't say. I don't know.

R' Yoel Asher: One needs to know. One needs to think. I mean, if they literally don't have what to wear, being naked is like being hungry. Perhaps these things, one needs new clothing every year.

R' Yitzchak: Perhaps that is only relevant. He is a guarantor. Okay, come on again. A normal person provides for his children also according to his wealth.

R' Yoel Asher: Now, but I'm saying, regarding food yes the Sages stood up, get involved and give even for older children.

R' Yitzchak: Clothing is not clear. He says that the Chelkas Mechokek and the Beis Shmuel say the novelty that there is the same thing by clothing, but in the Rambam it doesn't say. I don't know if one can deduce that it doesn't exist. One needs to know.

R' Yoel Asher: Yes, okay. Okay. Yes. Says the Rambam further: **"This is the rule: anyone**

for whom he has an obligation of support" – anyone that the father is called that,

R' Yitzchak: Anyone that the father,

R' Yoel Asher: That the, anyone that the person has on anyone who has that, the obligation to provide that one with support, **"whether during his lifetime or after his death"** – as we learned yesterday that the widow also has food from the husband's property even after his death, so the same laws as support is clothing and household items and dwelling, all physical, financial,

R' Yitzchak: Physical, yes, the clothing, the same thing as

R' Yoel Asher: **"And all that the court sells for his support"** – all these things that we learned yesterday if he went away and didn't leave any food, so also the same thing, they will sell for her clothing, **"for her clothing and household items and dwelling"**. All these things are the same laws that... good. Yes.

Law: Jewelry When the Husband Has Gone Away

R' Yitzchak: Until here the laws but we're going to learn that there is yes a distinction, jewelry no, yes?

R' Yoel Asher: Yes, says the Rambam: now we learned that a part of dwelling is also jewelry. Says the Rambam: but there is a distinction between a wife who is with a husband and a husband who has gone away. **"A woman whose husband has gone"** – her husband has gone away, **"and the court assessed support for her"** – and the court, she went to court claiming that the husband didn't leave her any money, so they did the same thing that the court assessed support and clothing and household items and rent for dwelling, you would think that with this also comes jewelry, because that's how we learned. But by jewelry we learned that the reason why it's needed is so that she not be repulsive to her husband. Because it's not literally a part of the word clothing. But when according to the situation it's needed, it will enter into the category of clothing. But in a case when

she doesn't have a husband, **"they don't assess jewelry for her, since she has no husband to adorn herself for"**. She doesn't have a husband for whom to adorn herself. So it seems that jewelry is extra, is not only to look like a person. Whatever she needs to have to look like a person, when she needs to go out, or one goes to a celebration, is clothing. But that which is extra,

R' Yitzchak: Jewelry means make-up, that's what we learned, such things. Yes.

R' Yoel Asher: She has no husband to adorn herself for.

Law: If Her Husband Became Insane or Deaf

R' Yitzchak: Right. "But", nu,

R' Yoel Asher: Now I understand why he went away at all. **"But one whose husband became insane or deaf"**,

R' Yitzchak: The adornment is so she not be repulsive to her husband. Just for another she doesn't need any jewelry. She can go, I don't know if it's a sin, but it's not needed. "But",

R' Yoel Asher: **"But one whose husband became insane or deaf"** – one whose husband became a shoteh or deaf, one could also say it's like a kind of she has no husband. But no, yes **"they assess jewelry for her"**, because after all there is a husband

R' Yitzchak: Who needs not to be repulsive right.

R' Yoel Asher: To be an expert on make-up one doesn't need to have any intelligence or be able to speak. Mine. "They assess jewelry for her". Says the Rambam: **"And the law of the husband with his wife in claims of clothing and items and rent for the house"** – is the same thing, **"like their law in claims of support"**.

Law of Claims Regarding Clothing

R' Yitzchak: If he says,

R' Yoel Asher: Just as we learned yesterday many laws about claims, 25 minutes at home. Yes, I remember the shiurim. Yes, questions came up whether he needs to swear, whether she needs to swear, and so forth. So all these claims

also regarding clothing, items and rent for the house, is the same as claims of support, that if they claim: "I gave", and she says: "You didn't give", it will turn when, who is the one removing from the other's possession, who needs to swear, and so forth. The laws here will be the same laws as by food.

R' Yitzchak: Until here.

Law: One Who Makes a Vow Against His Wife From Adorning Herself

R' Yitzchak: So until here in this chapter one learned what are the laws of how much clothing, and what is included in clothing, and when one can claim it. Now comes a new law which is a bit connected to this, that apparently so as more not directly laws of clothing, you could say since he is obligated to give her jewelry, he may not prevent her from it, but it's a bit broader also. There are other things which are not exactly jewelry, and we're going to learn whether a person has a right to prevent his wife through making a vow on her somehow, that he forbids his jewelry to her or whatever, that she can't adorn herself. We learned yesterday also similar laws regarding dwelling. Regarding, what's it called? Regarding intimacy, the same similar thing regarding clothing.

R' Yoel Asher: I learned about not eating certain foods, making a vow on certain foods.

R' Yitzchak: Let's learn regarding other things if one makes a vow for her.

Discussion: Mechanism of a Vow on the Wife

R' Yoel Asher: "One who makes a vow against his wife", but when one says one makes a vow for her, a husband cannot make a vow for the wife. He can make a vow that if you adorn yourself, I will be forbidden to you. A husband can only forbid himself to the wife. So the jewelry will be the condition. If one forbids himself to the wife, or forbids his house for example to the wife, if she goes to adorn herself. Because that's what it means.

R' Yitzchak: "One who makes a vow against his wife" it doesn't say here, but it could be that one

needs to learn. The Rambam doesn't say, because it seems this can

R' Yoel Asher: Be learned in the laws of vows.

R' Yitzchak: But or he says that his use is forbidden to you if you do so, or perhaps there are other ways.

Simple Meaning of the Law: Distinction Between Poor and Rich

R' Yoel Asher: Okay. **"One who makes a vow against his wife"** – if he makes a vow on your wife, that the vow brings that she should be forbidden to adorn herself **"with any one of all the types"**

R' Yitzchak: That were previously enumerated.

R' Yoel Asher: It means even only one of them, as they learned regarding even one fruit. He says, only you may not have kohl. **"One year"** if by the way **"in poverty"**,

R' Yitzchak: If he is a poor man, he is poor,

R' Yoel Asher: So **"one year he may maintain"** – until one year they will let him. Ah, go save yourself five dollars a year,

R' Yitzchak: Doesn't have so many adornments anyway. Yes.

R' Yoel Asher: One year he can hold her. One year one doesn't demand from him to give a get. Because it seems one year, he wants to save himself money for one year, he thinks that will help him

R' Yitzchak: Get out of the hole, whatever,

R' Yoel Asher: They give him a chance. Yes, it's a part of poverty, no, one doesn't have therefore, if it's from wickedness, there's no difference between poor or rich.

R' Yitzchak: No, no, no.

R' Yoel Asher: The wife uses up all his money, he doesn't have, he is a poor man.

R' Yitzchak: No, I explained, because a poor person has from the outset less jewelry, so not having jewelry for a whole year is a smaller deal, it's not a big deal. A rich person, a wealthy woman has a lot of jewelry, so it's already a big difference. That's what it means.

R' Yoel Asher: I don't mean so. I mean the point is that if you do it out of distress, they give more time, they give more time and he will find a solution.

Discussion: Why Does One Need a Vow?

R' Yitzchak: "One who makes a vow against his wife" they give a year. So because he doesn't have money, he simply can't give, and they will call him in the Torah that he doesn't give, why does he need to make a vow? Vows people make for pious reasons, I don't know why, other reasons. Why does one need to make a vow?

R' Yoel Asher: What you're saying is a nice novelty, that a poor person, but apparently not necessarily, because she has less, but that's important to her. On the contrary, the one thing she still has yes you take away from her,

R' Yitzchak: Why should one give more time? I didn't take it simply, I already figured out one that he brings her. But I'm saying the reasons why it doesn't make any... I think so: that because, that not doesn't come in a vow. You could perhaps say to her: I don't have, you don't have, it's a different topic.

R' Yoel Asher: You need to make a vow. Instead of her holding him in one nagging: give me my jewelry, give me my jewelry, he said: I'm going to make a vow, and that's it, I don't hear anymore from you.

R' Yitzchak: Usually a vow is something such is something such a

R' Yoel Asher: Simply he controls her. Not that he doesn't have. Okay, I hear.

R' Yitzchak: It's a piety.

Continuation of the Law: More Than That

R' Yoel Asher: So in poverty says R' Yitzchak that because a poor person has anyway, what does she have poor thing? The bit of makeup which is anyway that quality, she can survive a year without it. But **"more than that"** – one cannot demand from a wife that she should be more than a year in a state of distress, right? More than that, **"or he annuls his vow or he goes out and gives the kesuvah"**. It's very interesting, I think from here something a source

for a law. I don't want to digress, let's finish the law and let's see. **"And in wealth"** – if he is however wealthy, so **"thirty days"**. Until thirty days she only has one holiday. But **"more than that"**, you can't hold, you have money and she needs it also more importantly, they don't give him a chance more than thirty days. **"More than that, or he annuls his vow"** – or he should annul the vow, yes, a husband can find an opening for regret or the like. **"Or he goes out and gives the kesuvah"** – or he must give her a get and give the kesuvah?

Digression: Source for the Parameter of Time in Get Questions

There is a law, there is always a question in gittin: how long can a person demand, give me more time, I'm going to make it work and so forth, I'm not going to give a get yet, I'm going to figure it out? Because it's a, actually actually a frequent question, people come to the beis din, she wants a get or he wants a get, and the other says: we haven't tried enough yet, let's, let's work more further. And it's a big question. Those who love to jump and say a refuser will say after five minutes he's already a refuser, and then the husband can not give a get for ten years and say: I'm trying, I'm trying. What is the parameter? So the Acharonim try to make a parameter. R' Chaim Palagi says one gives a parameter of a year. I mean that perhaps here is a bit of a source: one year he may maintain, yes? They have a hard time. Until a year a couple can say we're trying to make it work, he has his craziness why he doesn't want her to adorn herself. I think that from here is something a bit of a support, that a year is a...

R' Yitzchak: It depends on every single thing, because here the jewelry, by other things there are other laws.

R' Yoel Asher: They also had, um, one year they had on something else yesterday,

R' Yitzchak: Huh? Yesterday we had the same law,

R' Yoel Asher: True? By fruits,

R' Yitzchak: Had that she shouldn't eat any fruits.

R' Yoel Asher: What did it say there? Also a poor person is a year, and a rich person is thirty days.

R' Yitzchak: Wait, did it say that there?

R' Yoel Asher: I think so. No?

R' Yitzchak: No, it said thirty days for everyone.

R' Yoel Asher: Ah, yes. In wealth until thirty days?

R' Yitzchak: No, it said thirty days for everyone, only jewelry there is a distinction between a poor person and a rich person.

R' Yoel Asher: Ah.

R' Yitzchak: So no, it depends on the topic, you can't make a rule. Also that whole question is a funny sort of question,

R' Yoel Asher: We're not going into it now. Okay,

Why Does This Stand By Clothing?

R' Yitzchak: Further already. And we're talking already about vows, we're making more laws about, perhaps also, because these things are more related to clothing than to other things. Yes, because clothing is the way how

R' Yoel Asher: She looks dressed.

R' Yitzchak: I hold that a neder (vow) is a religious thing, and sometimes the only way that people knew how to make their wife not do something, something a normal ta'anug haguf (physical pleasure) like any other thing, was to make a neder. In modern times a person has found another excuse, he'll say, the Rav says that one may not wear jewelry, and it's the same halacha though.

R' Yoel Asher: Right. Because in truth the Gemara here says that perhaps we learned it, because he doesn't want to have an isha nadronis (a woman who makes vows). He doesn't want to have a wife who makes nedarim (vows). Now we're talking about the husband. He doesn't want a wife who makes - that's what he does,

R' Yitzchak: Okay. He makes a neder on her.

R' Yoel Asher: But the same thing in reverse. One should say that a neder is worse than simply not giving to the other person.

R' Yitzchak: A wife has a right to receive tachshitim (jewelry), and you can't come: "I'm a frum person, I don't hold of jewelry". She has a right to jewelry. Understand?

R' Yoel Asher: Right. What happens in such a case? Hidirah (he made a vow upon her),

Nedarim That Interfere with the Wife's Social Life, and the Right to Go Out

Halacha 10 (continued) — Nedarim That the Husband Makes Upon His Wife

Hidirah Shelo Teilech L'merchatz — A Vow That She Should Not Go to the Bathhouse

R' Yoel Asher: He doesn't want to have a wife who makes nedarim. Wait a minute, now we're talking about the husband.

R' Yitzchak: He makes a neder on her.

R' Yoel Asher: Ah, you mean he makes, okay. But the same thing in reverse. One says a neder is worse than simply not giving to the other person.

R' Yitzchak: A wife has a right to receive tachshitim and you can't come: "I'm a frum person, I don't hold of jewelry", she has the right to jewelry, understand? Right.

R' Yoel Asher: Okay. What happens in such a case: **Hidirah**, he made a neder on her **shelo teilech l'merchatz**, that she should not go wash herself, should not go to the bathhouse, it is as follows: **B'krachin**, in the large cities, **shabbos achas**, even one week, because there the custom is, at every corner there's a bathhouse, it's part of the culture. **B'kfarim**, in the villages where one must travel to the bathhouse, one goes a bit less often,

R' Yitzchak: So **shtei shabbosos**, it's two weeks.

R' Yoel Asher: Yes. Here we see that in the halacha it only says beis hakisei (bathroom), but one must also provide a shower,

R' Yitzchak: Because it's at least like a bathhouse. Okay,

Hidirah Shelo Tin'ol Min'al — A Vow That She Should Not Wear Shoes

R' Yoel Asher: If he makes a vow **shelo tin'ol min'al**, that she should not wear shoes, that she should go barefoot. Um. So **b'kfarim shelosha yamim**, three days one can still survive. **B'krachin**, in the large cities where it's more important, I don't know,

R' Yitzchak: Or it's a social issue,

R' Yoel Asher: Or because one will get poked, I don't know what, so **mei'es l'es**, we give him twenty-four hours.

R' Yitzchak: Yes, in the villages people sometimes walk around without shoes, in a city one doesn't go like that.

R' Yoel Asher: **Yeser al zeh**, more than this time, he has the choice, **o yasir nidro o yotzi v'yitein kesubah**, either he will have to remove his vow or give her a get (divorce) and give the kesubah (marriage settlement).

Hidirah Shelo Tash'il U'shelo Tish'al — A Vow That She Should Not Lend To/From Neighbors

R' Yoel Asher: More nedarim: **Hidirah**, here we're going to talk, I think, about such social things. **Hidirah**, perhaps until now it was also,

R' Yitzchak: I mean there's also a certain pain.

R' Yoel Asher: Bathhouse is perhaps simply a physical thing, the question is: smelling good is because I should have pleasure from how I smell, or so the other person? Yes, it's both. Okay. **Hidirah**, if a person made a vow upon his wife, that she should not lend to the neighbors. Neighbors sometimes come to borrow a small thing, he shouldn't lend to them. Or that she should not borrow from other neighbors, **"mikelei habayis shedarech kol hashechenos lish'ol osan u'leha'shilan" "kegon" "kegon nafah u'chvarah"** a sieve to sift the flour, or **"reichayim v'sanur v'chayotza bahen"**, it's also the same thing, or **"yasir nidro o yotzi v'yitein kesubah"**. Why? **"Mipnei shemasi'ah shem ra bishchenosehah"**. He makes her have a bad name among the neighbors, that she's stingy, or

that she's not part of the group, of the neighborhood.

So this is a social thing, that a husband must let his wife be normal with the local women, and if he restricts her he embarrasses her, meaning. Although seemingly "lo sash'il", he has a monetary obligation, it's after all, when he buys her a pot, it's essentially his, yes? Mah shekanah ishah kanah hu (what a wife acquires, her husband acquires). Yes, he may... he essentially has the halachic right. And, but in practice there is to this a social aspect, that the women will know that she's crazy, she's stingy, or whatever it is,

R' Yitzchak: Masi'ah shem ra bishchenosehah (gives her a bad name among her neighbors), one may not.

V'chein Hi — When She Makes a Vow That Harms Him

R' Yoel Asher: "V'chein hi", that the thing can go both ways. If she interferes with him, "shenodrah", she made a vow, for example that I will be forbidden to you if "shelo"... you can simply make a vow that the thing is forbidden to me. To make a vow upon another person is a problem,

R' Yitzchak: Upon oneself one may make a vow. Ah, "shelo tish'al u'shelo sash'il",

R' Yoel Asher: She won't borrow or lend, "nafah u'chvarah reichayim v'sanur v'chayotza bahen", or "u'shelo se'erog begadim na'im livenah", she won't make nice clothes for the child, "b'makom shedarkan le'erog osan labanim", in a place where that's the style, the mothers make nice clothing for the children, it's also the same thing, here it's "teitzei shelo bichsubah", he can expel her without a kesubah. Why? "Mipnei shemasi'aso shem ra bishchenosav". Nice.

R' Yitzchak: She makes him look bad,

R' Yoel Asher: A local word, "shehu kilai" that he's stingy.

R' Yitzchak: Yes. And he says that he has takanos (religious restrictions)? It's the same thing. It doesn't help that one makes takanos.

Discussion: Why Can't He Be Meifer (Annul) Her Vow?

R' Yoel Asher: I wonder though, that when she makes a vow he can be meifer (annul) her vow when it's about him.

R' Yitzchak: Indeed, but perhaps...

R' Yoel Asher: Then why teitzei shelo bichsubah? Let him be matir (permit) the vow. He's neder-proof, yes? A husband is neder-proof,

R' Yitzchak: He can immediately be matir it. Perhaps he can actually...

R' Yoel Asher: Perhaps there's some case when she made a vow that he can't be meifer.

R' Yitzchak: You already spoke about this earlier,

R' Yoel Asher: True? True,

R' Yitzchak: Yes. Um I don't know. Ah, he says that the Shulchan Aruch says that gevald, it's not, perhaps he can't be meifer on such things.

R' Yoel Asher: Interesting, because if he has embarrassment from it isn't it inui nefesh (self-affliction)? That itself, what he says here that he gets a bad name, perhaps that, true. Interesting. Yes, and inui nefesh is a more limited thing. It means really not physical.

Discussion: The Difference Between "Isha Nadronis" and "Tochen Haneder"

R' Yitzchak: What did we - they learned earlier in the halachos about this that if she makes a vow, if it's things, remember, if it's things that are normal, like not eating meat, he can be meifer, even if not - and later he changed his mind, he can - we give him then definitely I don't want an isha nadronis. Even after being meifer he can say that. But here that halacha isn't stated, both here it only says things that disturb him and also it doesn't say the isha nadronis problem, because isha nadronis means a religious fanatic who doesn't eat meat, an isha nadronis who has a craziness to not lend to the neighbors is a different problem, it's a problem for the tochen haneder (content of the vow) not for the isha nadronis problem.

R' Yoel Asher: Um not so simple, because for example, shelo se'erog begadim na'im livenah,

doesn't it say a woman who doesn't make clothes for her son doesn't it say yotzi shelo bichsubah? It says yes. So a lazy wife who doesn't make clothes. Again yotzi. It seems that it's part of the vow, no? Because she did it when she

R' Yitzchak: Made it in the form of a vow.

R' Yoel Asher: Don't know. Perhaps again perhaps when someone is lazy is one thing, but when someone has principles that hurts much more.

R' Yitzchak: I really don't know. I don't know. All these hidirah is after all the simple meaning that this is the only way to prevent her. So he asks her: "Why aren't you making clothes"? "Ah, I made a vow, I made a kabbalah (commitment)". You know how it goes today? "Do me a favor, make a phone call". "Ah, I made a kabbalah I don't touch smartphones". Teitzei shelo bichsubah. Hello, who let you make a vow? It makes it worse, it doesn't make it better.

R' Yoel Asher: Understand?

R' Yitzchak: Not it's halacha but not practical application.

R' Yoel Asher: You're disturbing another person with your vow. Yes,

R' Yitzchak: It's true, many people, it makes the situation worse, not better.

R' Yoel Asher: Many people are wicked in principle, they have a principle that they say no many times, because they went to some self-help course, that says they must be able to answer no, because someone who can't say yes can't, some little teaching, okay.

R' Yitzchak: It's true that one must say no sometimes but there's a certain wickedness, sometimes one must be wicked, there's after all a derech hamitzvah (middle path) in everything. It's not things that okay, anyway, certainly here also not every time one lends. We're talking after all shedarkan (that is their way), as he says. No problem, on the contrary. The vow is made by people who can't say no, yes? Because he says, "today I don't want to lend, I'm in a bad mood, okay, I'll apologize." "I have a vow, I can't talk to

you." Okay, why do we all make social commentaries. Let's learn a bit more.

Discussion: Why Does He Get a Bad Name When She Makes This Vow?

R' Yoel Asher: It's also interesting, why when she vowed not to lend will the neighbors think that he's stingy? No. Yes. Earlier he gives her a bad name, she won't lend. And here, when she makes a vow

R' Yitzchak: Perhaps because they'll think that the husband did it.

R' Yoel Asher: And why earlier, masi'ah shem ra bishchenosehah? Both. There she'll say

R' Yitzchak: That she doesn't want to,

R' Yoel Asher: And the husband doesn't let. So masi'ah shem ra bishchenosehah.

R' Yitzchak: Okay. No difference, the point is, for both it's bad, and there's no contradiction. There's no contradiction. In truth both got a bad name. The point is, the halacha is that both can have the claim.

Halacha 11 — Radid (Large Shawl) and the Right to Go Out

R' Yitzchak: Okay, now we're going to learn more things, I don't know exactly how the halacha, how one frames the halacha. Halacha 11, that sometimes he must give her more things. There are places where the custom is that one only goes outside with some extra covering, he must buy that too.

R' Yoel Asher: Says the Rambam: "**Mekomos**", in the places, "**shedarkan**", I mean Arab places, yes? So it says atifas Yishma'elim (Arab covering). Arab places where women have such a large shawl over the entire body, "**shelo teitzei ishah bashuk b'chufach she'al roshah bilvad, ad sheyihyeh aleha radid hachofeh es kol gufah kemo talis**",

R' Yitzchak: A large shawl is what it's called now,

R' Yoel Asher: He must also give this. "**Nosein lah bichlal hakesus radid hapachos b'chol haradidim**". The minimum, he doesn't have to give the nicest radidim.

R' Yitzchak: "V'im hayah ashir", now we're learning.

R' Yoel Asher: "V'im hayah ashir". "V'im hayah ashir, nosein lefi ashro, kedei shetzeitzei bo l'veis ha'eivel o l'veis hamishte". Very good. Why is it so important?

Discussion: Tznius vs. Mentshlichkeit — Why Must He Buy "Going-Out Clothes"?

R' Yitzchak: But I mean one doesn't have to arrive. That is, he brings that later it comes out that this is a topic of tznius (modesty), that if the custom is so, and she doesn't go with this, it means a sin, it's das Yehudis (Jewish law). But it can also be a topic of mentshlichkeit (decency). One doesn't need tznius, if here one wears a raincoat, I don't know, some female equivalent of a raincoat, he must buy that, so she can go

R' Yoel Asher: To a wedding and look decent.

R' Yitzchak: Says the Rambam: Would you have asked a question, what does a woman going outside have to do with it, let the wife sit at home, kol kevudah bas melech penimah (the honor of a princess is within)? Says the Rambam coming,

R' Yoel Asher: And here there's a shiur (lesson).

R' Yitzchak: The Rambam says... yes, the Rambam says both things, he says with a husband. I mean but... I mean but that he begins according to...

R' Yoel Asher: Here is an explanation, why can she demand that he must buy her clothes that are made only to go out outside? All other clothes she also needs at home, but this is after all by definition something that one covers oneself with when one goes in a reshus harabim (public domain). Um. It could be that it's actually something only in the market. Yes, in a... in a village perhaps it's not so important at all. We're talking about a large public place. L'veis ha'eivel (to a house of mourning). Um. Why... why should he have to give something? Let him say, sit at home, don't go, don't go. Um. You say that it's part of kesus (clothing) because I must go out. Who says?

The Rambam's Answer — The Right to Go Out

Says the Rambam: No, not so, **lifi shekol ishah**, every woman, **yesh lah**, has the right, has the privilege, **latzeis v'leilech l'veis aviha levakro**, she can demand that she wants to go visit her father, **l'veis ha'eivel**... so she must go out to the market. **U'l'veis ha'eivel**.

R' Yitzchak: Not to the market, where does it say market?

R' Yoel Asher: No, I'm saying,

R' Yitzchak: Must... it says market.

R' Yoel Asher: Market means in public, in public. You're saying after all that leilech l'veis aviha she must go out. She must after all pass through, go out. Yes, yes. Outside. **U'l'veis ha'eivel u'l'veis hamishte**, and she must... and she must have the right to go out **ligmol chesed lire'osehah v'likrovosehah**, to do... to do good with her... with her friends, go to celebrations.

R' Yitzchak: Ligmol chesed means hanging out. Because besides the fact that it's a mitzvah to go to a wedding, to a funeral, to a shiva, you must after all go just like that, she must have girlfriends.

R' Yoel Asher: See, **kedei sheyavo'u heim lah**.

R' Yitzchak: Which mitzvah is... by the way, which mitzvah is spending time with a friend? Gemilas chasadim (acts of kindness). That's the meaning. I... I provide you with a pleasant gathering, and you provide me,

R' Yoel Asher: It goes together. Olam chesed yibaneh (the world is built on kindness) and so on.

R' Yitzchak: Yes, that... it's one. Yes, **kedei sheyavo'u heim lah**.

R' Yoel Asher: Ligmol, I mean ligmol means to pay,

R' Yitzchak: Means whatever paying.

Gemilas Chasadim, Social Needs, and the Right of a Wife to Go Out

Gemilas Chasadim as Social Reciprocity

R' Yitzchak: Because besides the fact that it's a mitzvah to go to a wedding, to a funeral, to a shiva, you must after all go just like that,

R' Yoel Asher: Must have girlfriends, kedei sheyavo'u heim lah.

R' Yitzchak: Which mitzvah is it by the way, which mitzvah is spending time with a friend? Gemilas chasadim. That's the meaning, I I provide you with a pleasant gathering, and you provide me, that's how it goes.

R' Yoel Asher: Olam chesed yibaneh and so on.

R' Yitzchak: Yes, she isn't, yes, kedei sheyavo'u heim lah.

The Meaning of "Ligmol" – Repaying Social Debts

R' Yoel Asher: Ligmol, I mean ligmol means to pay, means whatever paying whatever it is, returning the social deeds,

R' Yitzchak: Social obligations, social decency. People think that spending time with friends is something a thing... just some random thing. When it says in the Gemara gemilas chasadim, it means that. And there is gemilas chasadim, gemilas chasadim doesn't mean helping another person. Helping another person is chesed, not gemilas. I don't know if my inference is correct, but there are certainly many times when it says gemilas chasadim where not all in a shiur, it means a good thing, it's a mitzvah to

R' Yoel Asher: Be a social person.

R' Yitzchak: Spend time with ahavas chaverim (love of friends), exactly, that's the meaning of gemilas chasadim,

Chesed Is Not Necessarily Selfless

R' Yoel Asher: And the Gemara calls this gemilas chasadim. Yes, my my my my inference was, ligmol chesed a person would think that... that that very many people have the idea that chesed means when it's not selfish,

R' Yitzchak: When you mean the other person.

R' Yoel Asher: But here it says do chesed for the other person so that they'll do it back for you, one goes to the other person's wedding so they'll

do it back, it's a proof that it's not selfish. When someone goes to the other person's wedding because the other person is pitiful, it's some other kind of yelling, no one has pleasure from the yelling. When one goes because I want the other person to come back, the simple meaning is that there's a healthy relationship.

R' Yitzchak: I have a relationship with the other person, that's how it goes, that I go to his wedding, there's an obligation,

The Husband's Obligation to Provide Clothes for Social Needs

R' Yoel Asher: It's a mitzvah of gemilut chasadim. He says, why must a man provide for his wife also clothing that is more social in nature? Because a woman may be social, she needs to be social to go to her father, to go to simchas, and to maintain her circles, her social circles, so that they will come to her. Why? "She'einah b'veit hasohar ad shelo teitzei v'lo tavo." You can't lock up a woman in a jail. The husband is not the wife's jailer. That look, I've provided you with four walls, sit here! No, it's not enough. A jailer also provides for the prisoner four walls. But you must also give her that she should be able to be healthy and go out and...

R' Yitzchak: There were people who thought like it says in the Gemara, "she'hu no'el bifnei ishto v'yotzei,"

Balancing Between Going Out and Tzniut

The Rambam's Balance

R' Yoel Asher: Not so. Says the Rambam, but now the Rambam wants to balance. All the liberals have now jumped up, ah you see? The Rambam lets a woman go out. No no no, but not too much. "Aval genai hu l'isha shetehei yotzet tamid pa'am bachutz pa'am birchavot." It's a disgrace for a woman that

she's always outside, she's a street woman. **"V'yeish laba'al"** "pa'am bachutz pa'am birchavot" is a language from from Naftali? Mishlei. Ah, Mishlei. Yes, yes, yes. That is, the Rambam specifically, one must look up what it says there in that verse, he brings this means simply they go in the street, as you say, she wanders in the streets. I understand by Matan Torah women used to do that. No, I don't know. Okay. **"V'yeish laba'al limno'a ishtomizeh,"** the husband has a right, or perhaps an obligation, he should prevent his wife from this, **"v'lo yanicha latzet,"** he should not let her go out so much, **"ela kmo pa'am achat bachodesh o pa'amayim bachodesh k'fi hatzorech."** He should let her go out as often as is necessary. The Rambam gives a range, interesting because "k'fi hatzorech" is somewhat a contradiction with "pa'am achat bachodesh o pa'amayim." But the Rambam says his example. That is, one doesn't make... it depends where one lives. In Williamsburg every night is the wedding business. And if that's her social...

R' Yitzchak: A wedding of your relatives?

R' Yoel Asher: Again, the the the Rambam means here to limit how much, what the social... a woman who is very popular, you know, a woman who is a rebbetzin and she has very many friendships.

R' Yitzchak: He says what he considers normal.

R' Yoel Asher: Yes, what in the Rambam's times meant "pa'am achat bachodesh o pa'amayim bachodesh k'fi hatzorech," he should let her go out.

"Kol Kevudah Bat Melech Penimah" – Peshat and Derash

R' Yoel Asher: Says the Rambam, **"she'ein yofi l'isha ela leishev bizavit beita."** The most beautiful thing for a woman is when she sits at home, **"shekach katuv kol kevudah bat melech penimah."** The honor of a woman, of a bat melech, is... her honor she shows inside,

R' Yitzchak: At home. Okay, it's not the translation of that verse, but in any case al pi derash.

R' Yoel Asher: What is the simple peshat of the verse "kol kevudah bat melech"?

The Peshat of the Verse in Tehillim 45

R' Yitzchak: The verse speaks of bringing the...

R' Yoel Asher: Okay,

R' Yitzchak: "Kevudah" means baggage, cargo. "Kevudah" means the things, the baggage. That is, he speaks he speaks of the king, that there come to him all beautiful women, as it says here in this verse, yes? One does as it says in the entire verse. It's all a verse that says "omar ani ma'asei lamelech," it's a song for the king, and the song describes how "bnot melachim bikiroteich," there come daughters of kings. And he tells, yes, this is a verse from the weekly series, Parshat Lech Lecha, "shim'i vat ur'i v'hati oznech." That is the there are those who say that the mizmor, that Tehillim 45 was written for the wedding of Shlomo HaMelech, or some king, I don't know whom, David. That is when he has a wedding, there comes, sometimes he has a wedding with a woman from afar. They say to the girl, forget from where you came, come, "v'yit'av hamelech yofyech ki hu adonayich v'hishtachavi lo." And the verse describes, there come from Tzor with gifts. That is, technically girls come from Tzor for the king, and they bring everything in. "Kol kevudah bat melech penimah" they bring it all in "lirkamot tuval lamelech betulot achareha re'uteha muva'ot lach" they bring also her friends. In short, it doesn't say here that she sits at home, it says that she comes in, the bat melech, to the king, they bring her "mimishb'tzot zahav," with all kinds of beautiful things, perhaps you can even translate "kevudah" in the sense of honor, but the point is, the context here is not that she sits at home, the context is when they bring her to the king, to the, whoever the king is.

Discussion: Why Doesn't the Rambam Bring "Ishtecha K'gefen Poriyah"?

R' Yoel Asher: Okay, but presumably there is some derash in this, there is some midrash, to what? That a woman must be b'tzniut,

R' Yitzchak: Sit at home? Yes,

R' Yoel Asher: It's not why doesn't he bring "ishtecha k'gefen poriyah b'yarketei veitecha," that is literally "bizavit beithah,"

R' Yitzchak: Yes? Okay, perhaps, perhaps there is someone else who brings that verse. I don't know.

R' Yoel Asher: Perhaps one can learn it a bit in this verse,

R' Yitzchak: The word "penimah" stands there, as if,

R' Yoel Asher: It could be that "zavit beithah" means that she also doesn't sit much on the porch. The porch is when necessary. Normally she sits on the couch in the dining room, I don't know.

R' Yitzchak: I don't know. A corner? In a corner? Specifically in a corner? And if she sits

Tzniut, Business, and Minhag HaMakom

R' Yoel Asher: In the middle I want to know, in the in the olden times wasn't there such a thing as women who are outside because they bake? I mean, there were women bakers or women business. Tailors or bakers did they do this at home?

R' Yitzchak: Did they do this at home? Perhaps this is in a land that is, no, it can be set up it can be women had a business, it can be set up in a modest way. The "yatzanit" means something she wanders among the men, yes? That's the meaning. Today in general, in the heimish areas it's not relevant, she can go out with her friends a whole day and a whole night. She doesn't wander among men at all. "Yatzanit" means that she wanders by the, like the hangouts, like the young men wander.

Discussion: What Does "Pa'am Achat Bachodesh O Pa'amayim" Mean?

R' Yoel Asher: I think perhaps that the "v'lo yanicha latzet ela kmo pa'am achat bachodesh" means when she doesn't have any, when she needs to go to her father's house or to a house of mourning, a house of celebration is how often it happens. If she has friends' deaths, where one must constantly be menachem avel, let her go. When necessary, it's a mitzvah. But if not, just for

her to get some air, she must go out at least once, twice a month, because she's sitting too long at home.

R' Yitzchak: I think that's a stretch. It seems that the Rambam considers, like many, how often do you need to go visit your father? You must remember, today a visit means one goes for three minutes. Then it meant one goes for a day. I don't know.

R' Yoel Asher: It's not a it could be that the whole what he begins with "mekomot shedarchan" goes up until the end of halacha 12. There are the places where they cover the women, and if one goes differently than the standards it's strange. But in places where they don't cover and where they don't sit at home, there also isn't the "kol kevudah bat melech penimah" in that way. Is what I'm saying correct?

R' Yitzchak: It crashed, it froze, means something here is freezing, I don't know why. Anyway, it's correct but it's not true. There is, the Rambam in another place brings, that there are places where the women wander in the streets and where they don't wander. I remember, why doesn't anyone mark it here I don't know. But I remember that there is another place where he speaks of this explicitly. Because this is also dependent. It's certain that one speaks of minhag hamakom, what can one do, but there are places where one doesn't go out with a redid. There in those places there is also "kol kevudah bat melech penimah," but I don't know. There is another place, I don't remember, they don't bring it here, we'll come to it later.

Digression: Rivkah Imeinu and Women's Social Life

R' Yoel Asher: Even we will learn yes, next week, Rivkah went with the pitchers, yes. Perhaps only a married woman, a girl would wander. She went with the pitchers, it means every day she went out with the pitchers, she wandered with the shepherds yes, but not with the men. With the shepherds she wandered,

R' Yitzchak: There giving to drink for the. Not a whole day, she wandered alone, I don't know. Again, every thing is according to the social

reality. Not every social reality is maintained, but that's already another topic. One speaks that she should not be of the more yatzaniyot.

Tzniut as Honor and Class

R' Yoel Asher: But it's interesting, and even the once in two weeks she should go covered completely. Yes, according to the custom.

R' Yitzchak: Because one doesn't go outside without a coat,

R' Yoel Asher: This is it's more than a coat, it's covered, we're speaking here of a hijab not a coat.

R' Yitzchak: Well by us in Lakewood it's introduced for the most part that the men go out only with a hat and the women don't conduct themselves, so the men are more modest. I don't know what it has to do, it's funny, it should be the opposite. Perhaps also, perhaps not the opposite, I don't know. I'm just saying, you look at it as an issue of tzniut. It's also an issue of humanity. One doesn't go outside, just as an important rav doesn't go out without a frock coat.

R' Yoel Asher: A woman should maintain her high level of class. It's actually a woman who

R' Yitzchak: You see her all the time she's not the it's class, it's all these things. Okay, it's another conversation. Okay, we're not learning laws of tzniut, let's go further.

Halacha 14: HaMadir Et Ishto Shelo Teilech L'Veit Aviha

When the Father Lives in the Same City

R' Yoel Asher: "HaMadir et ishto," now, when we've learned that a woman has a right to go out to her father from time to time, what if the husband doesn't let her?

R' Yoel Asher: "HaMadir et ishto shelo teilech l'veit aviha," should not go to her father, is "bizman shehem imah ba'ir," when they live in one city.

R' Yitzchak: The father with the... the father with the daughter.

R' Yoel Asher: Is "chodesh echad mamtinin lo." Up to one month we give him, okay, one month, he has an issue with his father-in-law, let them get through it. But "shnayim," once it's already

two months, "yotzi v'yitein ketubah," because two months means we already... yes.

R' Yitzchak: That is, a woman has a right as if minimum to go once a month to her father. This is when they live in...

When the Father Lives in Another City

R' Yoel Asher: I'm setting up the Rambam has here ruled, because in the Mishnah it says "regel echad" and then it says "shloshah." And there are those who say that at two one begins to judge.

R' Yitzchak: The Rambam speaks here, but you're speaking actually,

R' Yoel Asher: You're speaking of the next, "uvizman shehem b'ir acheret." "Uvizman shehem b'ir acheret." "Regel echad mamtinin lo," one Yom Tov. Because on Yom Tov a woman does want to go to her father. Perhaps for that she needs new shoes. "Shnayim," if he holds her back two Yamim Tovim from going to the father, then "yotzi v'yitein ketubah."

R' Yitzchak: Very good. And here one learns that the husband must let the wife go to the father for Yom Tov.

Discussion: Does It Mean the Husband Must Go Along?

R' Yoel Asher: Not let,

R' Yitzchak: He must go along. No, it doesn't say here. If he doesn't want to let her alone, that's another issue. He must let her. Okay. I don't know what was then the arrangement. Perhaps it means to go visit for a meal for an afternoon?

R' Yoel Asher: No, "b'ir acheret" means apparently to go home, no question. The arrangement is that she travels

R' Yitzchak: For a day to the father on Chol HaMoed, it doesn't mean that they travel on Yom Tov, that's a, it depends on the... again, that's already the custom.

R' Yoel Asher: According to the deed, but a person cannot lock up his wife.

R' Yitzchak: Already. That is, lock up in general he cannot, as we spoke.

Laws of Dwelling and Conduct Between Husband and Wife – Part 3

Halacha: Neder Shelo Teilech L'Veit HaEivel or L'Veit HaMishteh

R' Yoel Asher: Further. "**HaMadir et ishto shelo teilech l'veit ha'eivel ul'veit hamishteh**",

R' Yitzchak: Yes? She should never go to weddings or to shivas.

R' Yoel Asher: Didn't he say this yet? No, earlier he said that... that a husband had a right. Yes, so what comes out of this now? He makes a vow she should not go to a house of mourning or a house of celebration, then we give him the option "**o yatir nidro o yotzi v'yitein ketubah**". Why? Because the Rambam said earlier that a husband is not the jailer of the wife, a husband cannot lock up a wife in prison, "**shezeh k'mi she'asarah b'veit hasohar**", right? "**V'na'al b'faneha**". It's as if he locks her up in a... in jail one cannot go to weddings,

R' Yitzchak: At home one can go.

The Difference Between a General Vow and a Specific Vow

R' Yoel Asher: But "**v'im**", but if he has a legitimate claim why he doesn't want her to go to a certain house of celebration, "**mipnei bnei adam prutzin sheyeish b'oto**", I mean the word "b'oto" is important, "**sheyeish b'oto beit ha'eivel o b'veit hamishteh, v'huchzeku sham prutzin**", it's actually true, "**v'huchzeku sham prutzin, shom'in lo**".

Very important, because the language that the Rambam says it, I mean perhaps differently than the language of the Mishnah, is not simply, he cannot say "I don't let you go to houses of mourning because in all places there are immoral people." Like let's say today if a husband would be meticulous like a wicked person who doesn't let his wife go out, if there is such a person.

R' Yitzchak: This is in that area, in that wedding,

R' Yoel Asher: This is the family. But specifically, he knows, and it's actually "**huchzeku sham prutzin**," then yes "**shom'in lo**."

Hmm. I remember that in the, that there were times when they let the wife out very little, yes?

The will of the Gra that one should not go to shul even on Yom Tov because people speak lashon hara. There was a, it was a thing.

The Gemara's Explanation About Beit HaEivel

R' Yitzchak: Okay. Already. Here it says... yes, says the Rambam... by the way the Rambam brings the matter of the language "beit hasohar," it's a Mishnah. The Mishnah says why "yotzi"? Because "mipnei shena'al b'faneha." "Mipnei shena'al b'faneha." So it says in the holy Mishnah.

And, and how does it mean? And the Gemara says that "beit hamishteh" he understands. But what is "beit ha'eivel"? Perhaps she doesn't want to go? Says the Gemara that "beit ha'eivel" means that at her funeral no one will come. It will be locked, at her own funeral no one will come, because she doesn't go to anyone's funerals.

R' Yoel Asher: Essentially, we already know all these things from the thing "shemasi'ah shem ra bishchenoteiha." Anything that he forces her, that she will look weird to the neighbors, she has the claim. Essentially,

R' Yitzchak: It's the same thing. Here, no. That's simply, here a right. A person has a right to go to weddings, and not, it's in prison. Yes. Very good. Okay,

R' Yoel Asher: It's a kidnapping like that.

R' Yitzchak: Yes.

Halacha: Ein Retzoni Sheyavo'u L'Veiti Mishpachtah

Now, what is the opposite? If something says that her father should not come to her,

R' Yoel Asher: Not the question is whether she should go out, but the question is whether they can come to her house. She says "it's also my house? I can receive visitors." "**Ha'omer l'ishto 'ein retzoni sheyavo'u l'veiti avich v'imech, achich va'achyotayich**", I don't want your extended family to come to my house. Then yes "shom'in lo," he has that much right yes on his house that they should not come to his house.

R' Yitzchak: You see that she lives yes in his house?

R' Yoel Asher: Perhaps actually one speaks in a manner...

R' Yitzchak: "V'tihyeh..."

Hi Holechet Lahem K'she'yare'eh Lahem Davar

Translation

R' Yoel Asher: If she only has a dalet al dalet (small room), she can't accommodate them, so she comes over to his house. Shomein lo (we listen to him). Why? But he can't forbid her from going, as we learned. **"V'haya hi holekhet lahen k'she'yare lahen davar"** (and she will go to them when something happens to them), when there's a reason, when there's some event, she will go there. Instead of them coming to him, and what is the limit? We already learned that it's once a month. **"V'telekh l'veit aviha pa'am bachodesh uv'khol regel v'regel"** (and she shall go to her father's house once a month and on every festival).

R' Yitzchak: Besides the yare lah davar. Ah, here you see yes that it's extra. If there will be some simcha in the family she will certainly go, and besides that she can go every month or every yom tov.

R' Yoel Asher: But **"lo yikansu hen lah"** (they shall not enter to her),

R' Yitzchak: But they should not come in to her.

Ela Im Yare Lah Davar

R' Yoel Asher: **"Ela im yare lah davar k'gon choli o leida"** (unless something happens to her such as illness or childbirth), if there happens to her an illness or a childbirth,

R' Yitzchak: They need to come to her, it's not such a thing that she can go. She just gave birth to a child, then he also can't...

R' Yoel Asher: Right, so that's tough. Then she does have a right. Why? **"Ein kofin et ha'adam she'yikansu acherim lirshuto"** (we don't force a person that others should enter into his domain), meaning, he's a rasha if he

doesn't let his wife go to her, to her father, but he's not a rasha if he doesn't let her father come into his house, as it's his privacy, he doesn't want him to come into his house and check him, ah, this sefer you have, haytakhen? Whatever, a person comes into someone else's house and can, can hear why he shouldn't let the

R' Yitzchak: Mother-in-law turn around under his feet. If she has no way out, because he must let her have a relationship with her family, normally instead of them going to him, she should go to them, no problem. If she had a baby, she can't go to them, he must let her yes, because then the fact that she must have a relationship overrides the fact that it's his house.

Discussion: Is This a Neder or Just a Statement?

R' Yoel Asher: But I want to understand, here we're not talking about any nedarim, here it says simply "ha'omer l'ishto" (one who says to his wife). So, so, so, he doesn't need to make a neder,

R' Yitzchak: He can simply ask.

R' Yoel Asher: Ah, the word is like this, if the wife claims, I can't always go to them, I need sometimes they should come to me. So can he claim like this: you don't need to go more than once a month. That once a month you'll go to them. But I don't mean to say that he can, he can hold her back. Meaning she must obey him when he says I want you to only go out once a month, what is the obligation, what is the obligation of kaveid et ba'alekh (honor your husband), yes?

R' Yitzchak: No, but he has a right to be, to be... He locks the door, it's his house, he locks the door, he doesn't let.

R' Yoel Asher: No, no, I'm talking about her going out, "v'telekh l'veit aviha pa'am bachodesh." No, "v'telekh l'veit aviha" already when she wants, he can't, earlier we learned there he can't lock her in.

R' Yitzchak: No, the Rambam says that this much she has a right, she has a right to go once

R' Yoel Asher: A month to the...

R' Yitzchak: Yes.

R' Yoel Asher: Or whatever the normal order is.

Halakha: She Who Said I Don't Want Your Family to Enter to Me

"V'khen" (and likewise), the same thing for **"hi she'amra"** (she who said), here is a greater chiddush. It's not only because he's the ba'al habayit of the house, but she can also say **"ein retzoni she'tikanes etzli imkha va'achotkha"** (I don't want your mother and your sister to enter to me), I don't want your sister or your mother, interesting, here he left out avikha v'achikha. It's the women that she has a problem with,

R' Yitzchak: She has a problem with the, the men don't come to her anyway.

R' Yoel Asher: I don't want them to come **"v'eini shokhenet imahen b'chatzer achat"** (and I won't dwell with them in one courtyard), I don't want to be together with them, **"mipnei she'merin li u'metzarin li"** (because they harm me and distress me), they bother me. So shomein lo, why? **She'ein kofin et ha'adam, she'yishvu acherim imo birshuto** (that we don't force a person that others should sit together with him in his domain). We can't force a person that other people should should ah should sit together with them in the domain. Very good.

Teshuvat HaGeonim: L'Chaim Nitnah V'Lo L'Tza'ar

R' Yitzchak: In other words, he must he must buy her another apartment, he must, they must move, because we can't force a woman to live next to his family if they don't, they don't get along. He says here a teshuvat hageonim that says on this a source, that it says ki hi hayta em kol chai, that **l'chaim nitnah v'lo l'tza'ar** (she was given for life and not for suffering). A woman ah must have suffering? No, must have life, we can't be, cause suffering to a woman. Interesting.

HaRa'avad: Distinction Between If She Came to Their Territory or They Came to Her

The eternal... the the the Ra'avad is somewhat distinguishing, yes? What is true? The Ra'avad is distinguishing?

R' Yoel Asher: It's dis... interesting. Also earlier when it said v'yesh laba'al limno'a. What do the words mean? He has the right to hold her back. Meaning, physically, and if she fights... It doesn't say here that she must obey him.

R' Yitzchak: She should obey him.

R' Yoel Asher: Meaning, if it comes to beit din, beit din should say he has a point.

R' Yitzchak: That we follow the husband, that we follow the husband. What's the question? For that we don't need a proof.

R' Yoel Asher: No, because we had like this, we had rights that he has, meaning he should provide them an apartment or a neder that he made. But here it's already shomein lo, as if she must obey him.

R' Yitzchak: Still not a proof that we must follow the husband. She comes to the Torah to ask if he has a right, yes, he says this thing. Ah that's the question, things that he doesn't have a right, the beit din says, no, throw it out.

But the Ra'avad doesn't agree with this. The Ra'avad says that the fact that we can, she can claim that she doesn't want to live with his with his sister, is only if they come to him. Ah I hear already. If they initially went to live with them, ah im ba'u hi bigvulan, what should be done? Should we send them away from their house because she came there to live? I thought it means he must go somewhere else to buy.

R' Yoel Asher: With the with the dwelling, as long as she's happy with the mother-in-law, he can say this is your dwelling, but if she's not happy with the dwelling, with sitting with the mother-in-law...

R' Yitzchak: What does the Ra'avad want?

R' Yoel Asher: Something the holy Ra'avad wants.

R' Yitzchak: It doesn't actually say. It's implied, meaning, we read into this Rambam that he must buy her another apartment. But it doesn't say in this Rambam that. It says in this Rambam as if

we throw them out. On that the Rambam is not, the Ra'avad doesn't agree.

R' Yoel Asher: The Ra'avad says, that's actually when it's his house, she can demand don't let in other people except me.

R' Yitzchak: No, the Ra'avad says even when it's his house, but he does want his sister here. His wife doesn't want. Then she can't. The Ra'avad says, you can ask them they shouldn't bother. But you can't tell them to leave. So says the Ra'avad.

Discussion: Is This Part of Din Mador?

R' Yoel Asher: Why shouldn't this be a part of the din mador that he should provide her a house where she's happy?

R' Yitzchak: Perhaps. I thought, I don't know. That it's not a claim.

R' Yoel Asher: What does for example the Maggid Mishneh say on the Ra'avad?

R' Yitzchak: That's perhaps what the Ra'avad thought, that it's not a claim. The Rambam, perhaps actually because of that the Rambam holds that yes. The Ra'avad says that there's no way. I don't know.

R' Yoel Asher: Not clear. Yafeh kocham,

R' Yitzchak: Each one says sevara. I don't see. Uhm. The Maggid Mishneh agrees a bit with the Ra'avad. Says that it depends. The beit din must see if they really bother so strongly or not. I don't know.

Practical Question: Widow Mother-in-Law Who Makes Panic

R' Yoel Asher: This is actually questions that someone called me last night to ask, as her kibud av, kibud em, whatever, the mother-in-law a widow, every time she comes she makes panic to him, she finds criticism. I told her the Rambam that a person can she can have a claim or he can have a claim. We must know, we must be gentle with this. It's not simple.

R' Yitzchak: Okay.

Beginning of Discussion: Conflict Where to Live

Okay, now we learned that we must buy an apartment for the woman. Let's learn a bunch of halakhot, yes? The rest of the chapter, that when there's a conflict where to live. Who is right? All the shomein lo here l'kho'ora means that the beit din will rule that they should...

R' Yoel Asher: Shomein lo means that the beit din

R' Yitzchak: Hears his claim, the beit din accepts his claim.

Question: What Does "Shomein Lo" Mean Practically?

No, we must actually ask this... understand here better, because we spoke earlier for example that there's such a thing as the people go to beit din whether they need to give a get, whether they are in shalom bayit. That means, most halakhot are whether he can divorce without a ketubah, whether... yes? That means, a person always has a right to divorce his wife, he just needs to give a ketubah. Yes? Now, here by all these shomein lo's, it doesn't say... and he says here if not, what happens?

Hilkhos Ishut: Shomein Lo, Mador, and Lands

Halakha: Explanation of "Shomein Lo" — Divorces Without Ketubah

R' Yitzchak: No, we must actually ask this, understand here better, because we spoke earlier for example there's such a thing as the people go to beit din whether they need to give a get, whether shalom bayit. Meaning, most halakhot are whether he can divorce without a ketubah, whether... yes? Meaning a person always has a right to divorce his wife, basically, he needs to give a ketubah. Yes?

Now here when all these shomein lo's, it doesn't say and he says if not, what happens? He can divorce her without a ketubah. That is l'kho'ora the meaning of all shomein lo here means, that he is right, therefore he says, if she's stubborn, she gets a get without a ketubah. That's the meaning of shomein lo, right? He can threaten with this, meaning he can do this.

So I think, no? It's just... There isn't, this held in mind, there isn't in Shulchan Arukh in the halakhot properly a case, that the beit din will order for the wife, I mean that as good advice, but shomein lo always means that therefore he has a right to divorce her.

R' Yoel Asher: It must be so, because shomein lo means, when if it wouldn't say shomein lo, it would say then he is right. Shomein lo means, we must go to the beit din and we must say it, and he should say

R' Yitzchak: Accept it and

R' Yoel Asher: He shouldn't be able to divorce.

R' Yitzchak: Right, so I think. Right.

Halakha: The Man Who Said I Won't Live in This Dwelling — Bad or Immoral Neighbors

R' Yoel Asher: **Ha'ish she'amar eini dar b'mador zeh mipnei she'bnei adam ra'im o prutzim o goyim bishkhunati** (The man who said I won't live in this dwelling because there are bad people or immoral people or gentiles in my neighborhood). I don't want to live there, where I'll live in one apartment building or in one area, in one place with bad people. Bad people means just bad middot, yes, or gentiles.

R' Yitzchak: Prutzim usually means in sin, yes?

R' Yoel Asher: Yes, yes, immorality, such things, arayot. **O goyim bishkhunati, va'ani mityare mehen** (or gentiles in my neighborhood, and I fear them). I simply have fear of them.

R' Yitzchak: Yes, I have fear of the immoral people,

R' Yoel Asher: That I'll become like them. No, va'ani mityare mehen means even if they're not bad or immoral, I have fear of the people for some reason. **Shomein lo** (we listen to him), says the Rambam, **af al pi shelo huchzaku bifrutzut** (even though they haven't been established in immorality). Ah, interesting, because earlier he said that holding back a woman from going to beit ha'evel is only when huchzaku bifrutzut. But such a case a person can demand that I don't want to go live there,

she'kakh tzavu chakhamim harchek mishkan ra (for thus the sages commanded distance from a bad dwelling).

Discussion: What Is the Topic Here?

R' Yoel Asher: What are we talking about here at all again? The husband has an obligation to provide for the wife a dwelling, yes? What is the topic here? Here we're talking about when there's a fight, she says, "Come live in my house."

R' Yitzchak: Look, "va'afilu haya hamador shelah" (and even if the dwelling was hers),

R' Yoel Asher: **Afilu haya hamador shelah** (even if the dwelling was hers), even this is her apartment, and she wants to live there.

R' Yitzchak: He doesn't want to live means that he tells her also to live, and she says, "I do want to live here."

R' Yoel Asher: Ah, he got married to her, she says, "I'm very comfortable in my apartment, you can come live here with me." But does he have the right that, "I got married to you, you must come to me." Meaning, when he doesn't have a real reason.

R' Yitzchak: If he has a claim.

R' Yoel Asher: If he doesn't have a real claim, you got married to her, but he reckons with her, she wants to live here. But if he has a claim of immorality and the like, then shomein lo, and she must be able to follow.

Discussion: Why Is No Chazakah Needed?

R' Yitzchak: There's no proof, there's no chazakah, not everyone agrees that they're bad people. He holds that they're bad people,

R' Yoel Asher: Okay, it's enough. **"Motzi'ah mimenu"** (he removes her from there), does he have the right to take her out, to obligate that he should move, **"v'gei voinen bei bnei adam keshanim"** (and go live among kosher people).

Halakha: V'Khen Hi She'amra Khen — The Woman's Claim

R' Yoel Asher: **"V'khen hi she'amra khen"** (and likewise she who said so). Says the opposite, he made a kesut, excuse me, a dwelling in a certain place. She says, "I don't want to go there,

because there are bad people there." **"Af al pi she'hu omer, ani eini makpid aleihen"** (even though he says, I'm not particular about them), to me they look like fine people, we don't see

R' Yitzchak: Like bad people.

R' Yoel Asher: **"Shomein lah, mipnei she'hi omeret, ein retzoni she'yetze alai shem ra bishkhunat elu"** (we listen to her, because she says, I don't want a bad name to go out about me in the neighborhood of these). People judge people by, how do you say it? By, people judge people by whom one identifies with, with whom one is close, and people will think that I'm a part of the bums who live in that city. It's like earlier, that her bad name, her identity is important.

Discussion: Why By Her Is the Reason Shem Ra and Not Harchek Mishkan Ra?

R' Yitzchak: Interesting. Why when he says, we say harchek mishkan ra, and she doesn't care about that, she only cares about what will be said about her. I have interesting. That means, even if it's not actually something so?

R' Yoel Asher: No, meaning like this, she doesn't provide that dwelling. Good question, why doesn't she say

R' Yitzchak: Also harchek mishkan ra? Why must she say shem ra? The people are already asking the question. I think that there's a reason, I think that harchek mishkan ra, immoral people usually means that they they will bother his wife. So it bothers the husband, he has a right entirely from his shalom bayit, he doesn't want them to turn around with the with the men who bother her.

But by her there isn't so much the problem, it means, he says it doesn't concern me, I'm not afraid of them, she says, but it will be said about me. Shem ra usually means also in arayot, right? It will be said that I live in the area where people flirt all the time with other women,

R' Yoel Asher: Understand? Okay, I think perhaps differently, that the woman sits usually

b'zavit beita (in the corner of her house), so she says I'm not particular,

R' Yitzchak: I... He says, he says I'm not particular.

R' Yoel Asher: No, I say like this. The husband goes in and out, yes? The husband isn't locked up at home. He goes bumping into the neighbors, it's bad for him. The woman can say where I sit anyway b'zavit beita, but what yes?

R' Yitzchak: Shem ra, it will be known I live there. No, no, I think that mityare mehen means exactly that, that he's afraid they'll bother his wife, that's the mityare mehen. What others have asked earlier what means he has fear, and the answer is this is a concern.

English Translation

If he says it doesn't concern me, I don't have... in other words I'm not afraid of them, I know my wife is... I trust you, I know what, you're modest enough, I have no concern you're not going to talk with those men. But she says I don't want to. Why don't I want to? One asks her what does that mean, do you think you're a loose woman? You're not a loose woman, you're a fine girl, you don't go around, you're a fine woman, you don't go around with them. But they'll say about me that I go around with that man, that itself is a claim. She's not concerned that she... that is, let's say she is indeed she's an honest woman, she won't be drawn after them, something like that.

Interesting, but that's how I understand the interpretation. Okay, this is generally the halacha that one can if one has a claim, yes, if one claims that there are bad people one can go, both of them, either the husband or the wife can claim let's go live in a place where better people are around.

Halacha: Kol Hayishuv Aratzot Aratzot Hu — Definitions of Lands, Countries, Villages

R' Yoel Asher: Now we're going to learn which land to live in. The Rambam says this: **"Kol hayishuv aratzot aratzot hu,"** what's the introduction? A great chiddush! Everywhere, kol hayishuv, everywhere that people live is divided

into separate lands. For some reason we haven't yet managed to make one big happy family, an international community.

R' Yitzchak: The Rambam is explaining what land and medina mean, yes?

R' Yoel Asher: This is a... "**Kegon Eretz Kena'an**" Eretz Kena'an? Eretz Kena'an, pssh, interesting.

R' Yitzchak: Eretz Kena'an in the Rambam's times

R' Yoel Asher: Wasn't Eretz Kena'an for a thousand years already.

R' Yitzchak: You understand what he means. We're going to now use concepts that there's a thing called aratzot and arim, or what the Rambam usually calls medinot, yes, medina is a city. He wants to give you clarity so you should understand when he's going to say me'erezt le'erezt, or mimedina limedina be'ota aretz, or mimedina lichfar be'ota aretz etc. So first there's such a thing as aratzot. And he gives an example, so you should grasp what the word aratzot means here, because when the Rambam says medina he usually means city.

So to say eretz, is for example Kena'an, Mitzrayim, Teiman, Kush. **Shin'ar vechivotzeh bahen.** Particularly how the Rambam always uses pesukim. The Rambam never even says Bavel,

R' Yoel Asher: He always says Shin'ar, because that's how it says in the pasuk. Uh-huh. Yes. Yes. **Bechol eretz va'erezt bechol eretz va'erezt there are still medinot and kefarim,**

R' Yitzchak: There are cities and villages.

R' Yoel Asher: **Ve'arei Yisrael**, what are the cities in Eretz Yisrael regarding marriage? Yes. So regarding marriage it's divided into three:

R' Yitzchak: **Shalosh aratzot hayu Yehuda,**

R' Yoel Asher: Hayu is once was, yes. Hayu **Yehuda**, the region of Yerushalayim and around,

R' Yitzchak: **Ever haYarden**, yes, Jordan, **vehaGalil. HaGalil. Hanikra behayom tzafon.** Yes.

R' Yoel Asher: Yes. It's still called Galil, yes. Now like this.

Halacha: Ish Shehaya Min Ha'aratzot — From Land to Land

R' Yitzchak: So like this,

R' Yoel Asher: **Ish shehaya me'erezt min ha'aratzot**, someone who came from any of the cities, and he sought his luck in another city, **venasa isha be'erezt acheret, kofin ota**, can he force her, **veyotzah imo le'artzo**, he can say, just like this week's parsha, come live with me, yes, he goes to seek Rivka, and he brings her back to the man's place, **veyotzah imo le'artzo**. And if she doesn't want to, he can tell her if you don't want to come live with me, **o teitzei belo ketuva, she'al menat ken nesa'ah**. When a man takes a wife, it's with the understanding that he's going to have the...

R' Yitzchak: Stam, one goes to live with him.

R' Yoel Asher: Stam, that he's going to be able to have the right in which land to live,

R' Yitzchak: **Ve'af al pi shelo feirash.**

R' Yoel Asher: Even if he didn't specify it beforehand, if yes then it's obvious.

Halacha: Aval Hanose Isha Be'achat Min Ha'aratzot — Not From Land to Land

R' Yitzchak: But what is the same land?

R' Yoel Asher: **Aval hanose isha be'achat min ha'aratzot, vehu me'anshei ota ha'aretz.**

R' Yitzchak: He's a native of that country there.

R' Yoel Asher: A person can't just decide, I want, that region appeals to me to live in, when he hasn't yet lived there, and he, his wife hasn't yet lived there,

R' Yitzchak: And he wants to go there now.

R' Yoel Asher: **Eino yachol lehotzi'ah le'erezt acheret.**

R' Yitzchak: Why? Because she didn't accept, she didn't think about that.

R' Yoel Asher: But the point is because she should have thought that when he chooses, when

he... that min hastam he's going to take her to his region.

R' Yitzchak: The assumption, when a person comes from another land, to get married, usually he's going to go home with her to his land. But a person doesn't just go like that, a man doesn't have a right to take his wife to whichever land he wants. That's the point. Yes? Yes. Memeilah he can't. But, what can he yes? But,

Halacha: Aval Motzi'ah Mimedina Limedina O Mikefar Lichfar Be'ota Ha'aretz

R' Yoel Asher: Aval motzi'ah, can he yes take out mimedina limedina, o mikefar lichfar be'ota ha'aretz. He can yes decide where to live within the land.

R' Yitzchak: As long as both is a medina or both is a kefar. Right? **Ve'eino yachol,**

R' Yoel Asher: What can't he? Ah, meaning, he stays with the same lifestyle. There's a kind of medina lifestyle and a kefar lifestyle. But **ve'eino yachol lehotzi'ah,** he can't make the big change, take her out from a city to a village, or vice versa. Why? Very similar to what we learned al menat she'ani bat kefar,

R' Yitzchak: Ben kefar or from any...

R' Yoel Asher: Sheyesh devarim sheyeshivat hamedina tova lahen, there are certain things that it's good to live in a city, you know, that, there all kinds of stores, **veyesh devarim sheyeshivat hakefarim tova lahen,**

R' Yitzchak: One has more space and so on. Memeilah, she can, she can, he can take her within the same land to any other city or any other village, but not switch. That means,

R' Yoel Asher: When she doesn't agree, yes? Now see the Mishna says kerah and ir. The Rambam interprets kerah he calls medina,

R' Yitzchak: And ir he calls kefar. What can't he? Ah, sorry, what else can't he? That means, we talked about that one can, that he can yes, but even then he can't switch the level.

R' Yoel Asher: Right? Yes, very good. Says the Rambam: **"Uchshemotzi'ah mimedina limedina o mikefar lichfar be'ota ha'aretz"**, there where he can yes,

R' Yitzchak: He can take her within

R' Yoel Asher: The same land

R' Yitzchak: To any other medina

R' Yoel Asher: Or to any other kefar, but **"eino motzi'ah lo minave yafe lenave ra,"** he can't take her from a nice region to an ugly region, even not from an ugly region to a nice region.

Why? Why not from ugly to nice? Because nice is a higher standard, she's going to have to work hard to buy herself clothes according to how one goes in that fancy city. **"Mipnei shehi tzricha lehitapel"** to occupy herself with that, **"ulevadok atzma yafe benave hayafe, keddei shelo tihye bo kala uche'ura."** So she shouldn't look disgraceful, she shouldn't look ugly, or kala means like cheap.

Because the standards are higher, she can say I don't want to go to a higher standard, it's going to put more pressure on me. Very interesting, good to know. Not always is it such a great thing to go to a region where there are better people.

R' Yitzchak: Better people one has to present oneself more.

R' Yoel Asher: Vechen, yes, vice versa. Yes. **"Vechen lo yotzi'enah mimakom sherubo Yisrael lemakom sherubo goyim."**

R' Yitzchak: Also because it's worse.

R' Yoel Asher: Just like that. But vice versa he can always demand: **"Uvechol makom motziin mimakom sherubo goyim"** even from a medina to kefar or something like that? Yes.

R' Yitzchak: **"Uvechol makom motziin mimakom sherubo goyim"** ah no, the question is if it means yes, if within the same medina. **"Mimakom sherubo goyim lemakom sherubo Yisrael."** Right. Says the Rambam, all these halachot that there is, one can't take to another land and so on,

R' Yoel Asher: This is specifically "**bameh devarim amurim? Mechutz la'aretz lechutz la'aretz**". And both are, both lands, both cities are in chutz la'aretz, then we say all these halachot that one can demand her to stay, one can't demand to move out or completely to the, to another land and so on. Or with Eretz Yisrael to Eretz Yisrael if both are in Eretz Yisrael this is the halacha what one can yes and what one can't. But mechutz la'aretz to Eretz Yisrael if

R' Yitzchak: He takes a

R' Yoel Asher: Wife from chutz la'aretz and he decides he wants to go to Eretz Yisrael then she can't, she can't claim this doesn't suit me. Kofin, we force her la'alot to go up, even minave hayafe lenave hara, even if she's going to go from a nice region, from I don't know from Flatbush to Meah She'arim lenave hara. Or even mimakom sherubo Yisrael, even if now there's a time when in chutz la'aretz the community lives, I don't know, Bavel became a great Jewish city, and mah she'ein ken Eretz Yisrael is now after the churban that there live there very many goyim, even mikol makom, mimakom sherubo Yisrael lemakom sherubo goyim, but know, but it's from chutz la'aretz to Eretz Yisrael, ma'al in one must yes follow him, and he has yes the right to call her to live there. This is because of all the praise, or the mitzva, or the great matter of living in Eretz Yisrael he can demand. It has disadvantages, but I want to live in Eretz Yisrael, and she can't stop him.

R' Yitzchak: Ve'ein motziin,

R' Yoel Asher: But what doesn't one do? Vice versa,

R' Yitzchak: Says the Rambam, one may never not, not one may not,

R' Yoel Asher: He doesn't have the right, he doesn't have the right, if a Jew from Eretz Yisrael takes a wife from Eretz Yisrael,

R' Yitzchak: He can't, or even from chutz la'aretz, no difference, never. Eretz Yisrael chutz la'aretz overrides all these chiddushim that we learned.

R' Yoel Asher: Okay. But a person can't demand to take out his wife from Eretz Yisrael to

chutz la'aretz. Even minave ra sherubo goyim, even from a bad dwelling and one lives among goyim lenave yafe to a nice region

R' Yitzchak: Sherubo Yisrael one also can't. This is an important halacha. We're going to learn it further. I think it's the continuation of the same halacha, I don't understand exactly why it needs to say it twice.

Discussion: The Rambam and Settlement of Eretz Yisrael

R' Yoel Asher: Amar ha'ish, says there the Gemara, because mi shedor bechutz la'aretz show him as if he has no God, as if he's an idol worshipper. The Rambam doesn't bring it, but that's the...

R' Yitzchak: Amar ha'ish,

R' Yoel Asher: Yes. Ah the Rambam doesn't rule ah in his Sefer HaMitzvot the mitzva of yishuv Eretz Yisrael. And but here lech'ora he did yes at least rule this. And here one sees that the Rambam also holds that there is a concept. Perhaps it's not a mitzva, but that a Jew

R' Yitzchak: Belongs in Eretz Yisrael. Also in Hilchot Melachim the Rambam says that one should live in Eretz Yisrael. Ah yes? Ah yes, he just doesn't say mitzvat asech, but it says in Hilchot

R' Yoel Asher: Melachim that one must

R' Yitzchak: Live in Eretz Yisrael. So, it's not exactly that it doesn't say that.

R' Yoel Asher: No, what I mean the main point is that there are those who don't bring the halacha because they say that the things from the Gemara are bizman habayit, or the things from the Mishna are bizman habayit. Bizman habayit? Bizman hazeh, no, Tosafot say Rabbeinu Chaim that now there's no mitzva to live in Eretz Yisrael, because there are no longer mitzvot hateluyot ba'aretz.

R' Yitzchak: It could be that bizman hamishna there were still terumot uma'asrot. Rabbi Chaim held because of a reason because one can't. Not because it's not there, terumot uma'asrot are yes there. Rabbi Chaim HaKohen imagined that it's not possible to fulfill. He happens to be right, but

I don't want to go into that. Um and memeilah he thought that there's no mitzva.

R' Yoel Asher: But in the Rambam one sees that he held that there is still yes such a mitzva.

R' Yitzchak: As we spoke at the beginning of the shiur, not a proof,

R' Yoel Asher: Because the Rambam says

R' Yitzchak: What it says in the Gemara.

R' Yoel Asher: What is practical,

R' Yitzchak: One must ask practically. The Rambam brings this, the Rambam brings it lehalacha. Not a proof. The Rambam can't leave out any single Gemara because he holds that the Rambam doesn't do that. But the Rambam doesn't hold from a Gemara, when he would when he wouldn't have ruled like the Gemara would he perhaps not have brought it? Not true, only if there's a dispute within the Gemara. The Rambam can never say that the Gemara is today not relevant because he has some distinction. That's Tosafot does that, but the Rambam's sefer isn't built on that. The Rambam's sefer is built on saying what it says in the Gemara. Halacha lema'aseh is still not a proof what the Rambam holds.

Halacha 21 — Amar Ha'ish La'alot / Amra Hi La'alot

R' Yoel Asher: Further says the Rambam: "**Amar ha'ish la'alot le'Eretz Yisrael vehi eina rotza**," she doesn't want to, now he can give her a get and he doesn't have to give her any ketuba, can you come with me to Eretz Yisrael, "**teitzei shelo bichtuva**".

Vice versa. Vice versa: "**Amra hi la'alot**," she wants to go up to Eretz Yisrael but he doesn't

want to, then she's right. Then she's right.

R' Yitzchak: He must give her, he must give her the ketuba. "**Yotzi veyitein lah ketuvatah**," she'll go alone to Eretz Yisrael,

R' Yoel Asher: It's a mitzva to go alone too. Says the Rambam: "**Vehu hadin lechol**" in Eretz Yisrael there's also more important and less important, "**vehu hadin lechol makom me'Eretz Yisrael im Yerushalayim**". Eretz Yisrael compared to chutz la'aretz is the same thing as Yerushalayim compared to other cities. "**Shehakol ma'alim le'Eretz Yisrael**,"

R' Yitzchak: Everyone um hakol means either the ba'al,

R' Yoel Asher: Or the isha. Right, either the husband, or the wife can demand to go to Eretz Yisrael, "**ve'ein hakol motziin misham**," both don't have the right to say I want to leave from Eretz Yisrael. And the same thing is regarding Yerushalayim, that from anywhere in Eretz Yisrael either one can demand I want to go to Yerushalayim, because Yerushalayim is more important, "**ve'ein hakol motziin misham**".

Here one sees indeed that it's not necessarily it has to do with the mitzva, rather it has to do with the importance, because it's certain that there isn't any

R' Yitzchak: Amar ha'ish la'alot le'Eretz Yisrael vehi eina rotza

R' Yoel Asher: Teitzei shelo bichtuva amra hi la'alot vehu eino rotze yotzi veyitein lah ketuvatah vehu hadin lechol makom me'Eretz Yisrael im Yerushalayim shehakol ma'alim le'Eretz Yisrael ve'ein hakol motziin misham vehakol ma'alim liYerushalayim ve'ein hakol motziin misham