

Laws of Marriage Chapter 8 (Auto Translated)

English

Auto Translated

Shiur Overview

Summary of the Chavrusa Learning – Laws of Marriage Chapter 8: Conditions and Mistaken Transactions in Kiddushin

Introduction: The Difference Between Mekach Ta'us and Tenai

Mekach ta'us is something internal to the act of kiddushin itself – the kiddushin themselves are invalid because one was deceived. **Tenai** is something external – a condition that one places on the kiddushin. Until now, we've learned things that must be explicitly stated (like conditions), and now we're entering into examples of mekach ta'us – where someone represented something about themselves that isn't true.

Halacha: List of Examples – "If One Says to a Woman 'You Are Betrothed to Me with This Cup of Wine' and It Turns Out to Be Honey..."

Words of the Rambam

"If one says to a woman 'You are betrothed to me with this cup of wine' and it turns out to be honey, 'of honey' and it turns out to be wine, 'with this silver dinar' and it turns out to be gold, 'of gold' and it turns out to be silver, 'on condition that I am a Kohen' and he turns out to be a Levi, 'a Levi' and he turns out to be a Kohen, 'a Nasin' and he turns out to be a mamzer, 'a mamzer' and he turns out to be a Nasin, 'a resident of a town' and he turns out to be a resident of a city, 'a resident of a city' and he turns out to be a resident of a town, 'on condition that I am

poor' and he turns out to be rich, 'rich' and he turns out to be poor, 'on condition that my house is close to the bathhouse' and it turns out to be far, 'far' and it turns out to be close, 'on condition that I have a daughter or maidservant who braids hair or bakes' and he doesn't have one, or vice versa, 'on condition that I have a wife and children' and he doesn't have them, or vice versa – in all these cases and similar ones, she is not betrothed."

Explanation

In all these cases, even when what was found is "better" than what was stipulated (like gold instead of silver, rich instead of poor), she is **not betrothed**.

Novel Points and Explanations

1) The novelty of "for the better" – even when it's better, she is not betrothed: The main novelty of the Mishna/Rambam is that even when the result is "for the better" (better than what was stated) – like 'of silver' and it turns out to be gold, or 'poor' and he turns out to be rich – she is not betrothed. The Rambam brings in Perush HaMishnayos that it's possible she specifically wants honey and not wine, or specifically silver and not gold. Every person has their own preferences.

2) The opinion of Rabbi Shimon vs. Tanna Kamma: Rabbi Shimon holds that "if it turned out for the better, she is betrothed" – when the result is better, she is betrothed, because most people can accept a better situation. But the **Tanna Kamma** (and the Rambam rules like the Tanna Kamma) says: since there are people who specifically don't want the "better" thing, we cannot assume that she agrees.

3) Nasin vs. mamzer – both directions: By 'Nasin' and he turns out to be a mamzer (or vice versa), she is also not betrothed, although halachically "they are equal to each other" (no difference). But there are practical differences: a mamzer can marry a mamzeret, but a Nasin cannot marry any Israelite woman and also not a mamzeret – so a Nasin has it harder with shidduchim. Therefore, each side can have a reason to want specifically one or the other.

4) Ben ir / ben kerach: "Ir" is presumably a smaller town (like "a small city with few people in it"), and "kerach" is a larger city (surrounded by a wall). Both have advantages – one person wants to live in a big city, another in a smaller one.

5) Why not stringent – no doubtful kiddushin? According to the previous halachos where we are stringent with doubtful kiddushin, we should have to say that at least we should require a get as a stringency, because in many of these examples (like 'poor' and he turns out to be rich) there is at least a doubt whether she would have agreed. The answer: **Here it's not even a doubt** – it's clear that there are **no kiddushin at all**, because the act of kiddushin itself was based on a falsehood.

6) "Perhaps" is enough to invalidate: Even when there's only a "perhaps" that she doesn't want it (for example, perhaps she specifically wants silver and not gold) – that alone is enough to invalidate the kiddushin. We don't need to prove that she actually doesn't want it; the mere "perhaps" that it's not what she wanted makes the act of kiddushin invalid. This is different from divorce with intent, where "perhaps" alone is not enough.

Halacha (Continued): "And in All These Cases, Even Though She Said 'In My Heart I Wanted to Be Betrothed to Him'... Words in the Heart Are Not Words"

Words of the Rambam

"And in all these cases, even though she said 'in my heart I wanted to be betrothed to him, even though he deceived me and the matter is not as he said,' and similarly if he said 'in my heart I wanted to betroth her even though she deceived me' – [she is not betrothed], because words in the heart are not words."

Explanation

Even when she (or he) says that in her heart she truly wanted to be betrothed despite the falsehood – it doesn't help, because "words in the heart are not words."

Novel Points and Explanations

1) Da'as is an external thing, not an internal one: The fundamental novelty is that **da'as** (consent to kiddushin) is not determined by what one thinks internally, but by what one externally consented to. When she was presented with a deal (for example, a poor person), and it turns out to be a rich person – she didn't consent to a rich person. Her da'as was on a specific thing, and that isn't present.

2) In an act of error/deception, we don't look at words in the heart: Here, words in the heart should have validated it – all women have words in the heart that they agree to the match. But when there is **an act of error/deception**, the act of kiddushin itself is invalid, and then we don't look at words in the heart. This is different from "divorce with intent" (get with intent) which is a different question – there we're talking about an act that is valid, but one didn't mean it internally. Here the act itself is invalid because it's built on a falsehood.

3) The difference between "surprise" and "deception": The case from earlier (learned yesterday) where someone says "you are betrothed with this" and there's something more valuable hidden – that's a "surprise." But here we're not talking about a surprise, but rather a clear situation where **everyone knew that the betrothal was with a condition**, and the condition wasn't fulfilled. This is an act of error, not a surprise.

4) Even when she is "happy" with the deception – it's still invalid: When it was said to be a quarter and it was a diamond – "she was deceived. She's happy with being deceived? It doesn't matter that she's happy, she was still deceived." In an act of deception (when something false was explicitly stated), the act of kiddushin is invalid on an action-level, not on a thought-level. We don't look at words in the heart to fix an act of falsehood.

5) The principle of "we don't ask the person – we ask humanity": In all conditions that the Sages judge, we never ask the specific person what he meant. We also don't ask a dictionary. We ask: what would a person who saw the act have understood? "We ask humanity what they want." This is the standard – a public, contextual understanding of words, not private intentions.

6) Words are contextual: Words don't have a fixed meaning – "words are a contextual thing." If in a certain context everyone understands that a word doesn't mean what it means literally, then it truly doesn't mean that. This isn't words in the heart – this is simply what the words mean.

Halacha 7: On Condition That I Am a Perfumer / Resident of a Town / That My Name Is Yosef – And It Turns Out He Also Has Another Characteristic

Words of the Rambam

"If one says 'You are betrothed to me on condition that I am a perfumer' – and he turns out to be a perfumer and a tanner; 'on condition that I am a resident of a town' – and he turns out to be a resident of a town and a resident of a city; 'on condition that my name is Yosef' – and his name turns out to be Yosef and Shimon – she is betrothed." But if he says "on condition that I am only a perfumer" (with the language "only") and he turns out to be a perfumer and a tanner – she is not betrothed, and similarly in the other cases.

Explanation

When someone makes a condition that he has a certain characteristic, and it turns out that he does have that characteristic but also another characteristic – she is betrothed, because the condition is true. But when he says "only" (just this and nothing more), and it turns out he also has something else – she is not betrothed, because he explicitly excluded the other thing.

Novel Points and Explanations

1) The principle of "on condition" without "only" – the condition is true, your fantasy is your problem: When someone says "on condition that I am a perfumer" – that's true, he is indeed a perfumer. The fact that she fantasized that her groom would always smell good was already her own assumption, not his condition. We follow the words, not words in the heart. "You can't spend all day fantasizing about feelings and thoughts – you need to put things into words, you need to be a person of words."

2) The difference between "on condition" and "only" – explicit deception vs. not explicit: Without "only" he is "not explicitly deceiving" – the condition is true, he just didn't tell everything. But with "only" it's a "clear error" – he explicitly said he is only that, and that's false. This is the difference between betrothed and not betrothed.

3) "Only" by resident of town/resident of city – the implication that the other is a problem: When someone says "I am only a resident of a town," the implication is not just that he wants to say where he lives, but that "the other is a problem" – he excludes resident of a city because he understands that she has a problem with that. Therefore, the "only" is a clear deception.

4) "That my name is Yosef" and it turns out to be Yosef and Shimon – proof regarding two names: From this law we see that two names are not one new "entity" of a name, but two separate names. Because if "Yosef and Shimon" were one name (different from "Yosef" alone), the condition "that my name is Yosef" wouldn't be fulfilled. The fact that she is

betrothed proves that "Yosef" remains his name even when he's also called Shimon.

This is applied to a practical question: when one gives a child the name "Yaakov Yisrael" after a grandfather who was called "Yaakov" – some say this doesn't work because the grandfather wasn't called "Yaakov Yisrael." But from this Rambam we see that "Yaakov" remains his name even with another name added – "it's two names!" But the counter-answer is that we can't use this as proof, because the Rambam is talking about a case where "his name is Yosef" is true – he is indeed still called Yosef. But in naming, perhaps there's a virtue in the specific name itself (for example, she wants to call him "Yossi" not "Yossi-Shmeyer").

[Digression: Two names in Chazal] We almost never find two names in the Gemara or Rishonim – that wasn't the custom. But from this Rambam we see that the concept exists and it's acceptable. "Abba Chanan HaNachba" is mentioned as an example, although "Abba" could be a nickname and "HaNachba" as well.

Halacha 8: On Condition That I Know How to Read / That I Am a Reader

Words of the Rambam

"If one says to a woman 'You are betrothed to me on condition that I know how to read' – he must know how to read Scripture (Torah, Prophets, and Writings) and translate."

Explanation

When someone makes a condition "that I know how to read" – it means he can read Scripture (Tanach) and can translate it (Targum Onkelos).

Novel Points and Explanations

1) "To read" = Scripture, not just reading: In the language of the Sages, "to read" always means "to read Scripture" – that's the term. Even in Yiddish we said "ba'al korei" – that doesn't mean someone who can read a recipe book, but someone who can read Torah.

2) "And translate" – to know by heart, not read from a book: Targum must be known by heart – "it's not written in a book." This means that "knows how to read" includes not just technical reading ability, but also understanding (translation).

3) The Rambam doesn't say how many verses – implying the entire Torah: In the Gemara it says that three (or thirty) verses is enough. But the Rambam doesn't give a measure – "the Rambam implies that he must know the entire Torah." This is a stricter opinion than the Gemara's minimum.

"On Condition That I Am a Reader" – Definition of "Reader"

Words of the Rambam

"On condition that I am a reader' – he must know how to read Torah, Prophets, and Writings with proper precision."

Explanation

A "reader" must know how to read the entire Tanach – not just Torah, but also Prophets and Writings – with proper precision.

Novel Points and Explanations

1) What does "with proper precision" mean? One side is that it means cantillation marks (trop) and vowel points. The other side – which is agreed upon – is that "proper precision" means that he can read clearly every letter, correctly, not roughly catching words, but he is an "expert in Scripture."

2) "Reader" is a title, a name of expertise: Just like when we say "doctor" or "professor." "Knows how to read" means he can stand up and read publicly.

Halacha (Continued): On Condition That I Am a Tanna

Words of the Rambam

"On condition that I am a Tanna' – he must know how to recite the Mishna and Sifra and Sifrei and the Tosefta of Rabbi Chiya."

Explanation

A "Tanna" must know Mishna, Sifra, Sifrei, and Tosefta.

Novel Points and Explanations

1) "Tanna" was a position: His job was to remember all the words of the Tannaim, Mishnayos, Baraisos by heart, because in those days they didn't write. Just as a "reader" remembers Tanach, so a "Tanna" remembers all the statements of Chazal.

2) The difference between "reader" and "Tanna": Both are things that one reviews – Scripture with cantillation/vowels, Mishna by heart.

Halacha (Continued): On Condition That I Am a Student

Words of the Rambam

"On condition that I am a student' – we don't say like Ben Azzai and Ben Zoma, but rather anyone who, when asked one thing in his learning, can say it, even in the laws of the festival that are taught publicly from the simple matters close to the festival so that all the people will be familiar with them."

Explanation

A "student" doesn't need to be on the level of Ben Azzai/Ben Zoma. It's enough that when asked one thing in his learning, he can answer – even just in the simple laws of the festival.

Novel Points and Explanations

1) "Student" is connected to "Talmud": Just as "reader" is connected to "Scripture." This is the third level of learning: Scripture, Mishna, Talmud. Ben Azzai and Ben Zoma remained "students" – they never became "Sages," which is the next level.

2) The essential difference of Talmud: Talmud is not something one reviews (like Scripture and Mishna), but Talmud is **understanding** – questions and answers, difficulties and resolutions. A "student" means he is "one who knows how to ask, knows how to answer."

3) The Rambam's opinion is "not so much": The Rambam makes the standard lower than other opinions that say one must know all of Talmud. According to the Rambam, he only needs to be able to "open his mouth" – answer a question.

4) "Maseches Kallah" – what does it mean? The Rambam explains that "Maseches Kallah" (which appears in the Gemara "even in Maseches Kallah") doesn't mean the tractate called "Maseches Kallah" (where it says "a bride without a blessing is forbidden to her husband"), but rather it means the tractate/laws that are taught to a bride – i.e., simple laws.

5) "They ask him one thing": Doesn't mean they test him on a specific Tosafos, but they ask him "say something you learned" – and he can say something. He doesn't need to innovate novel insights (that's Ben Azzai's level), but he needs to be able to repeat a piece of learning, know which question has which answer.

6) Practically relevant: Two friends: one is a great precisionist who never speaks up until he's one hundred percent sure of the reasoning, and the other is ready to say Torah – the second one will be "betrothed" (he's considered a student) and the first one will be "not betrothed."

[Digression: The Imrei Chaim's practice]

The Imrei Chaim instituted that bachurim should come to the table to say Torah, because he saw that there are bachurim who will never be able to open their mouths. They need to be taught to meet another Jew and tell him a vort. Also, Rav Fishel Schechter said that often one gains more from what one catches sefarim at high Shemoneh Esrei (i.e., one discusses learning with a talmid chacham) than from sitting learning chazakas habatim all day – because one also needs to have the pleasure of being able to open one's mouth.

Halacha (Continued): On Condition That I Am a Sage

Words of the Rambam

"On condition that I am a sage' – we don't say like Rabbi Akiva and his colleagues,

but rather anyone who, when asked a matter of wisdom anywhere, can say it."

Explanation

A "sage" doesn't need to be like Rabbi Akiva, but he must be able to answer a matter of wisdom "anywhere."

Novel Points and Explanations

1) What is the difference between "student" and "sage"? Several sides are discussed:

- **First side:** "His learning" (by student) means the topics that the Sages learned, but "wisdom" (by sage) means broader wisdoms.

- **Second side (which is accepted):** A student only needs to be able to **repeat** a piece of learning, but a sage must be able to **independently** say his own wisdom/learning.

- **Third side:** "Anywhere" means **anywhere in Torah/in wisdom** – whatever topic of wisdom he's asked about, he can speak well about it. This is the difference: a student can answer in his own learning, but a sage can answer in **any** topic.

2) Rabbi Akiva himself could speak on everything – therefore he is the ultimate sage. But one doesn't need to be Rabbi Akiva; it's enough that he is "in the picture" of wisdom.

3) What does a woman understand? When a woman hears "on condition that I am a sage," she usually doesn't mean the ultimate, but "he's in the picture."

Halacha (Continued): On Condition That I Am a Hero

Words of the Rambam

"On condition that I am a hero' – we don't say like Avner ben Ner and like Yoav, but rather anyone whose friends fear him because of his might."

Explanation

A "hero" doesn't need to be like Avner ben Ner or Yoav. It's enough that his friends fear him because of his might. This is a relative thing – in his surroundings he is the strongest.

Novel Points and Explanations

1) This is the first category that is "objective": Unlike student/sage which are more subjective.

2) Does "hero" mean only physical might? A side is brought up that with this new example ("his friends fear him") "hero" could also mean a "society-man" who knows how to manipulate people. But the language "because of **his might**" shows that it's talking about physical might. "Hero" means more than normal, but it's enough that they fear him – in the local perceptions of that town.

3) Hero, rich, sage – all three are social categories: All three are measured by how other people treat him – "his friends fear him" (hero), "the people of his city honor him" (rich), "they ask him a matter of wisdom" (sage). It's always relative to his environment.

Halacha (Continued): On Condition That I Am Rich

Words of the Rambam

"On condition that I am rich' – we don't say like Rabbi Elazar ben Azarya, but rather anyone whose townspeople honor him because of his wealth."

Explanation

Rich doesn't mean according to Rabbi Elazar ben Azarya's wealth, but that the townspeople should honor him for his wealth.

Novel Points and Explanations

Rich is also a "social thing" – it doesn't mean an absolute measurement, but relative to his environment. It goes according to how people look at him.

Halacha: On Condition That I Am Righteous / Wicked – Always a Doubt

Words of the Rambam

"On condition that I am righteous' – even if he is completely wicked – she is betrothed in doubt, lest he contemplated

repentance in his mind. 'On condition that I am wicked' – even if he is completely righteous – she is betrothed in doubt, lest he contemplated idolatry in his mind, for the sin of idolatry is great."

Explanation

Righteous and wicked are not social categories like hero, sage, and rich. We can never determine with certainty whether a person is righteous or wicked, because it depends on matters of the heart. Therefore, it's always only doubtful kiddushin.

Novel Points and Explanations

1) Righteous/wicked is the only condition that is matters of the heart:

Righteous/wicked is fundamentally different from all other conditions. By hero, rich, sage – one can measure according to social standards. But righteous means "the truth" – a truly good person. This is "the one word that has a real meaning" – and precisely therefore no one can know, not about another and not about oneself, whether he is righteous or wicked. It's always a doubt.

2) "Righteous" doesn't mean what we call a tzaddik today: "On condition that I am righteous" doesn't mean anyone who takes kvitlach – taking kvitlach is neither here nor there. Righteous means truly righteous, not "anyone whom they honor because of his righteousness." The expression "true tzaddik" only arose because there are "false tzaddikim."

3) Contemplation of repentance – what does it mean? "Contemplation of repentance" doesn't mean a fleeting thought, but he "planned to do repentance" – just as "contemplation of sin" means planned to do a sin. By a completely wicked person who betroths "on condition that I am righteous" – perhaps he decided to start a new life, he wants to get married and establish a Jewish home.

4) Contemplation of idolatry – why specifically idolatry? The Rambam brings the verse "lest your heart be enticed" – that by idolatry, even when the heart pulls a bit, it's a problem. And "in order to capture the house of

Israel in their heart" – Hashem captures them when it's still in their heart. Not the contemplation itself is idolatry, but because idolatry is such a great sin, when he thinks he's going to do it – he's already called wicked. "Contemplation of idolatry" means that he decided to convert. The Gemara says that by idolatry, evil thought is also a prohibition – "evil thought is joined to action."

5) Contradiction in the Rambam – repentance requires confession, but contemplation in the heart alone makes a righteous person? The Rambam in Laws of Repentance says that repentance requires confession (and a whole series of things), but here he says that only contemplation of repentance in the heart already makes a doubtful righteous person. This is called a "fake contradiction" – not a real contradiction. According to Rabbeinu Yonah, "standing in the good path" is already repentance, but the Rambam doesn't hold that way.

6) Why does a wicked person say "on condition that I am righteous"? A simple reasoning: a person who gets married settles down. A completely wicked person who says "on condition that I am righteous" – he means: I'm now going to establish a Jewish home, I'll keep Shabbos, send children to good institutions. This alone doesn't make a righteous person, but that's the context.

7) Why does a righteous person say "on condition that I am wicked"? For whom does a person say "on condition that I am wicked"? Answer: something is going on with him – he's already started thinking about sins, he's planning to become wicked. The context itself of this condition shows that something is "birds in the head."

8) One can indeed judge people – but not by righteous/wicked: The principle that "one cannot know what's in the heart" doesn't mean that one cannot judge people at all. There are laws of testimony where we clearly determine whether someone is fit or unfit for testimony. "The law judges people all the time." But by

righteous/wicked – where it goes to the inner state – there one truly cannot know.

9) "Struggles" don't make a wicked person: A person who conducts himself well but has internal struggles – for example, every time he gives charity he thinks "maybe I'm giving away too much money" – he's still a good person. But if he has a thought to go serve idolatry, even if he pushes it away – that alone already makes a doubtful wicked person.

[Digression: Story with the Kotzker Rebbe] A Kotzker chassid came to a town where a rabbi disgraced him. The chassid went to the rabbi with complaints. The rabbi defended himself: "I am contemplating repentance, and it says 'do not disgrace him.'" The Kotzker Rebbe said: "He didn't begin his repentance" – this isn't proper repentance. The explanation: contemplation of repentance in the heart alone doesn't help when one has an obligation to appease a friend – by sins between man and man one must appease publicly, one cannot just think in one's head that one is righteous. But by kiddushin – where the question is only what is the status of the person – there the contemplation helps to make a doubt.

Halacha: I Thought – When One Deceived Oneself

Words of the Rambam

"If one betroths a woman and says 'I thought she was a Kohenes and she is a Leviah, a Leviah and she is a Kohenes, poor and she is rich, rich and she is poor' – she is betrothed, because she did not deceive him. And similarly if she said 'I thought he was a Kohen and he is a Levi' etc. – she is betrothed because he did not deceive her."

Explanation

When after the kiddushin he (or she) says "I thought that..." – but no one actively deceived – the kiddushin are valid. The difference between this and the previous halachos (on condition) is:

there he actively made a condition or said a lie; here he deceived himself.

Novel Points and Explanations

1) "Did not deceive" – you deceived yourself: The Rambam's language "did not deceive him/did not deceive her" means that when no one actively deceived the other, it's only "words in the heart" – internal assumptions that have no halachic effect. "I didn't deceive you – you deceived yourself. Next time don't think."

2) A person doesn't need to confess "a shameful thing": He doesn't need to say "I must tell you something I haven't told you about myself yet." When he didn't say it, it's not deception – it's only the other's own false assumption.

3) Even if she previously told him a lie: Even if she told him two weeks ago that she's a Leviah (and that's not true), she's still betrothed, because it's words in the heart – as long as he didn't make a condition "on condition" or "with this understanding," there's no mistaken transaction.

4) "Thought and accepted": This is connected to the question we learned earlier – that sometimes there's a situation of "thought and accepted" (he knew and accepted), and sometimes not. If previous information was given, there can be a question whether that becomes part of the da'as of the kiddushin.

End of Chapter 8 – General Observations

1) Difficulty in ruling halacha in practice: It's difficult to say halacha in practice how one should rule from all these laws, because **"the language changes"** – the meaning of words like "rich," "poor," "righteous" has changed over time.

2) What does "rich" and "righteous" mean today? One must look in each town what is considered "rich" there. Perhaps today "on condition that I am righteous" means that if he has three chassidim who give him kvitlach, that's already enough. The word "righteous" has today

"lost much of its revenue" – it's used in common parlance like "you're a sweet Jew, you're

a fine Jew," and no longer has the strict halachic meaning.

| Full Transcript

Laws of Marriage Chapter 8 – Conditions in Betrothal: Mistaken Transaction and Matters of the Heart

Introduction – Sponsorship and the Difference Between Condition and Mistaken Transaction

R' Yitzchak: Good day, dear Jews, we are learning the holy Torah in Laws of Marriage Chapter 8.

R' Yoel Asher: In this chapter we speak

R' Yitzchak: about who is a wealthy person and who is a Torah scholar.

R' Yoel Asher: And we are already speaking

R' Yitzchak: about who is a wealthy person.

R' Yoel Asher: So here, our esteemed sponsor, he didn't make any conditions. He supports the shiur, he didn't say only if I know that I received honor, or he supports the shiur because he loves the... perhaps he loves me with my study partner, and he loves when Jews learn, and he loves when Jews learn in a tasty and interesting way. So yes, may the Almighty repay him, blessed is he who upholds the words of this Torah.

So, we are holding here in the middle of conditions in betrothal. We have already learned various things about conditions. Here we will learn.

R' Yitzchak: Right, until now we have learned it. Let's say this way, until now we have learned things that are explicitly conditions, which we don't really have to do with the act of betrothal. With the essence of the sanctity,

R' Yoel Asher: with the couple's betrothal, with the sanctity. Mistaken transaction is something that is very strong internally, and a condition is something external. That means, mistaken transaction is that we cannot have had a wedding. One must understand,

R' Yitzchak: Yes, one must stand a bit better. Here it also still says everything. But generally one speaks of mistaken transaction when it's implicit. But until now it was more like things that must be explicitly stated in the Mishnah. Like saying, like Rav Dov Landa who says that if one betroths on condition that the Baal Shem Tov learned with Chai HaShiloni, it becomes a dispute whether one believes the story. Yes, it's one of his jokes, he's an opponent, he holds that one betroths.

R' Yoel Asher: I want that by a Hasid, by a Litvak one actually betroths, because a Hasid means I would say that it's as true as what we all accept as true. Well,

R' Yitzchak: It's a funny thing. Anyway, now one learns more like basic, I don't know what one says, I wrote a mistake, because it's more that he deceived her. Although he must have said it, but it's more that he represented something about himself that isn't correct. Or conversely, she represented.

R' Yoel Asher: It's not more like a talking point that made her accept the betrothal.

R' Yitzchak: He didn't mean with the expectation that it's worth catching him. This is not the same thing as a condition that wasn't fulfilled. That's the thing. So we learn it. First we learn a bunch of things that are actually not good, that are actually a condition.

R' Yoel Asher: In this law the Rambam includes a bunch of other examples from the Gemara. In the Gemara each one is a separate case with an answer. Here is a...

R' Yitzchak: He gathers together a section like this. Mishnayot, Gemara.

The Law – Examples of Mistaken Transaction: Wine and Honey, Silver and Gold, Kohen and Levi

R' Yoel Asher: "One who says to a woman, behold you are betrothed to me with this cup of wine, and it turned out to be of honey", not wine but honey. Or conversely, "of honey and it turned out to be of wine. With this dinar of silver and it turned out to be of gold". But also conversely, "of gold and it turned out to be of silver". That means, even if it's more than what was intended.

R' Yitzchak: Right, that's the novelty. That means, sometimes she specifically wants wine, so perhaps it's better than honey too.

R' Yoel Asher: Or even silver, everyone knows that silver is

R' Yitzchak: worth less than gold. Meaning, each time one must understand that there is, the Rambam brings in the Commentary on the Mishnah thus, it could be that she has a reason, she specifically wants honey today, she specifically wants silver today. Further, the next thing is also here on each thing, both ways it goes.

R' Yoel Asher: All these things the question will be whether she consented on the understanding that it's different than what is meant. Yes? No. So he says, "**on condition that I am a Kohen and he turned out to be a Levi, or a Levi and he turned out to be a Kohen. Or a Nasin**", a Nasin is one who is possibly a mamzer, "**and he turned out to be a mamzer. Or a mamzer and he turned out to be a Nasin**".

R' Yitzchak: There are things where a mamzer is better,

R' Yoel Asher: and there are things where a Nasin is better.

R' Yitzchak: Yes, the law is perhaps mainly, generally speaking, no difference.

R' Yoel Asher: For a Nasin life is harder, because a Nasin cannot find a match. A mamzer is easier. They marry each other, there's no halachic difference. But she specifically wants a Nasin, or a mamzer. No, I spoke about the value, that a person might think that a mamzer is worse, because a mamzer is certainly a mamzer.

But a mamzer is easier with matches than a Nasin, because a Nasin cannot marry any Jewish woman, also not any mamzeret. A mamzer can with a mamzeret.

R' Yitzchak: Yes, yes, okay. Not in the gray, as one learns this in Laws of Forbidden Relations. In any case, there are advantages and disadvantages in both.

Additional Examples: City Dweller and Town Dweller, Poor and Rich, Close to Bathhouse

R' Yoel Asher: By her, he sold himself as a person who lives in the big city, "**and he turned out to be a city dweller**", he lives in the suburbs. Or "**a city dweller and he turned out to be a town dweller**". It's not very clear, often kerekh sounds yes like a city that is surrounded by a wall.

R' Yitzchak: Eh, ir here means...

R' Yoel Asher: Ir means something a larger city, a city.

R' Yitzchak: Aha. In short, both have advantages. Wait. Right,

R' Yoel Asher: It could be this is an advantage, it could be this is an advantage. Each person has a different preference. What?

R' Yitzchak: Does it say here that ben ir is the larger? Perhaps ben ir is the smaller?

R' Yoel Asher: Aha,

R' Yitzchak: Kerakhim hamukapin choma, and ir can be... You say kerekh is ir gedola.

R' Yoel Asher: I believe that ir is ketana. Because it says here in the verse "ir ketana va'anashim ba me'at",

R' Yitzchak: Yes? Kerekh is not the language of the verse, it's just something that appears in... Okay, in short. Here one means the larger.

R' Yoel Asher: Or "**on condition that I am poor and he turned out to be rich, rich and he turned out to be poor**".

R' Yitzchak: Conversely. Eh, a rich person is certainly better? No, there are advantages, each one can want what he wants. Further,

R' Yoel Asher: "On condition" - yes, it's very pluralistic here. One who specifically wants a poor man can take a poor man.

R' Yitzchak: Not pluralistic, it's that she wants this, and there are people, yes?

R' Yoel Asher: **"On condition that my house is close to the bathhouse and it turned out to be far"**. The Rambam says "on condition that my house is close to the bathhouse" is a very convenient thing, I can have a bathhouse very close to my house,

R' Yitzchak: I will have a bathhouse right next to me.

R' Yoel Asher: Or conversely, far, no smell comes, I don't know what. **"And it turned out to be close"**. **"On condition that I have a daughter or maidservant who spins or bakes"** - I have a daughter or maidservant at home who helps out, she spins, whatever, she makes clothes, or she bakes, and she doesn't have. Or conversely,

R' Yitzchak: "On condition that I don't have and he has".

R' Yoel Asher: **"On condition that I have a wife and children, and he doesn't have"**. Or conversely, **"on condition that I don't have"** - that I don't have another wife and children besides you. **"In all these and similar cases she is not betrothed"**.

R' Yitzchak: Ah, that's what the Rambam says. These are all examples. It could be similar to this also is "she is not betrothed". It's very interesting, he made a list of even for praise, fifteen other examples. And yes, it's very interesting,

Discussion: Why Not Be Stringent? Why Not Doubtful Betrothal?

R' Yoel Asher: Because according to all these laws that we have already learned, we should have thought that one should be stringent, and one should say that a get is required as a stringency. By all these things you could say that "on condition that I am poor" means even if I am poor, a rich person is still better. At least that a doubt one should say, yes? We have already learned several times that the Sages are

stringent. Many of these things are at least a doubt.

R' Yitzchak: No, no, all these things are clear that there is a doubt.

R' Yoel Asher: If there is a doubt, I understand that one should need...

R' Yitzchak: If there is no betrothal at all, not even a doubt. The Rambam will say, let's learn the next section, okay? There is, one speaks that one said clearly, one said clearly a lie. Clearly a lie?

R' Yoel Asher: What is the problem? Because there is no consent, or because the betrothal is not a good betrothal, because he said a lie? He cannot say...

R' Yitzchak: It's perhaps mekudeshet li. It's enough that perhaps.

R' Yoel Asher: Look at the next thing.

R' Yitzchak: Be betrothed to me on

R' Yoel Asher: condition that my father is a wealthy person.

The Law – Matters of the Heart Are Not Matters

R' Yitzchak: Says the Rambam, **"And in all of them,**

R' Yoel Asher: **even though she said in my heart it was to be betrothed to him"**. In truth I wanted, in my heart I wanted to be betrothed to him, **"even though he deceived me and the matter is not as he said"**. **"And similarly if he said in my heart it was to betroth her even though she deceived me"**. I wanted to betroth her even if the conditions that she makes or that he expects from her are not correct. Why? One is this is still not betrothed. Why? Because **"matters of the heart are not matters"**. That she consented in her heart is not enough. In practice, the situation here, it means, when a person who would have been there, would have seen that here there was an act of error.

R' Yitzchak: That's the point?

Discussion: Consent Is an External Thing, Not an Internal One

R' Yoel Asher: It must be not because perhaps she doesn't want, because perhaps she is still better. Not that is the point, because there was an act of falsehood, there was an act of deception. The act of deception is an invalid betrothal.

R' Yitzchak: Let's say it truly differently. That means, are you clear? There are certain things that "on condition that I have", we perhaps don't make a difference. "On condition that I have four hairs in my sideburns, and I only have three", I don't know. That's no difference for anyone. They learned earlier such things. "On condition that she has no vows" doesn't mean destruction, because that doesn't disturb. But here one speaks of things that are clear. There are certain people in the world who specifically want both. A maidservant and a daughter that you won't care about. Now, she can say, "I personally don't care". What's the difference? You saw publicly a lie.

R' Yoel Asher: You can make another betrothal of falsehood, or there was no consent.

R' Yitzchak: She was deceived. That means, there is no consent. Consent is not an internal thing, consent is an external thing. That's what you said. You didn't consent to the betrothal. You were offered a deal that is a poor person, it turned out to be rich. You didn't consent to a rich person.

R' Yoel Asher: Personally I consent. If in practice one knows that she consents to the match.

R' Yitzchak: No, these are such things that the meaning of the word is not necessarily so far. Women perhaps it doesn't disturb. Indeed, Rabbi Shimon for example said if it changed for the better she is betrothed. Rabbi Shimon held that most people can accept that it should be gold instead of silver. But the first Tanna says, no, since there are people who specifically don't want,

R' Yoel Asher: you cannot say such a thing. I will say this. It also has to do with how one looks at the act. Look, we learned yesterday, one says, you are betrothed from now. And afterwards he says, ah, no, with the money that lies there

hidden. So you think, yes, there were people who were playful, and they made such a surprise. So can the same person make the surprise saying, you are betrothed with the quarter, and she opens it up, she finds there a million dollar diamond. If she meant to make such a sweet surprise, and if she accepted... So that's not the act. One speaks here of an act, it's not yes, it's not yes, it's not yes. Everyone knew that one is betrothing here with a condition.

R' Yitzchak: We learned by that case that it doesn't work. Or how, it doesn't work. The whole thing doesn't work. That we learned.

R' Yoel Asher: It doesn't work, the hadas itself must be worth.

R' Yitzchak: It's said, it doesn't work, because I consented to be betrothed with a quarter. Certainly, a diamond is better than a quarter, but perhaps I don't want a diamond. Ah, exactly I personally want yes.

R' Yoel Asher: Perhaps means, the perhaps is already enough to invalidate it.

R' Yitzchak: Certainly perhaps is enough. Because perhaps is not an assumption on what yes from the city of so-and-so.

R' Yoel Asher: That's the question of the matters of the heart is another kind of question. But when there is a question whether one did an act of error, there is an act of deception, then it is invalid, then one doesn't look at the matters of the heart. Here matters of the heart yes should have validated. Every woman has matters of the heart that she consents to the match.

R' Yitzchak: Again, there are matters of the heart conversely also. All questions here are from matters of the heart. Every question that one speaks of such a kind of condition that the Sages decide, always is built on that matters of the heart happened. Never does one ask the person what you want. One asks humanity what they want. That yes, it's built on what the person is not... It's a magic thing, one must say the correct language. If each one understands that this doesn't mean, it doesn't mean.

But one cannot, it's not a question, one doesn't try to make an assumption what the woman today woke up, because can she ask you. It doesn't help that one asks her. The question is what was said. She was deceived, it was said that it's a quarter and it was a silver diamond. It's a lie, you deceived her. She is happy with the deception? It doesn't matter that she is happy, she was still deceived.

If she says clearly, and the same thing conversely, yes, a thing that the law will be that it's not accepted, will she now say I yes accept, will she have learned yesterday,

R' Yoel Asher: It doesn't help. It's interesting, one can hear that acts are black or white, thoughts are different. So when not everything is there not in the heart, one will always be stringent.

R' Yitzchak: Not stringent,

R' Yoel Asher: Matters of the heart is one with things. When the topic is of matters of the heart, perhaps such a case would he not have consented? No,

R' Yitzchak: Not such a thing, matters of the heart is one with things. The stringency also, for all work it also works. Matters of the heart means, what you imagined is not relevant, what you said is relevant.

R' Yoel Asher: What you said is an architecture on a thing. But how was one betrothed is doubtful, because perhaps he meant such and such?

R' Yitzchak: Let's think. Because the Sages don't understand what the language means. He said me'akhshav,

R' Yoel Asher: Because that would have been things. Again,

R' Yitzchak: It's a bit subtle here, we need to find perhaps a clearer formulation. I'll put it this way, in any case, I'll say what is not according to my understanding. All these inquiries are not an inquiry that Mr. So-and-so Bizayon Ploni thought up, and also not

just a magic inquiry that it's just playing with words, because words are a contextual thing. If everyone understands that people don't mean that, then there's no umdena (assessment).

R' Yoel Asher: But one can be mekadesh (betroth) in any language, as the Rambam said.

R' Yitzchak: And the like, exactly not.

R' Yoel Asher: It could be there are words that one says... It's not only about that.

R' Yitzchak: Even if there are words, let them judge us. The Chachamim (Sages) consider what the words mean. They don't ask the person, and they also don't say look in the dictionary. Both of these things one doesn't do. But what yes, it could be the Chachamim consider what the word means in a general way for a person. That's the thing, you can give it a public aspect. What would you have said before? That's one way of bringing it out. I mean that one must understand. What would a person have seen the action to be?

R' Yoel Asher: Someone writes this in his resume, versus when he called himself something under the chuppah (wedding canopy) at the last moment at night.

R' Yitzchak: Okay.

Halacha 7 (Continuation): On Condition That I Am a Perfumer / City Dweller / That My Name is Yosef – And It Turns Out He Also Has an Additional Characteristic

R' Yitzchak: Now we're going to learn that there are ways where perhaps it doesn't matter that it's a bit better. Let's see. Go ahead,

R' Yoel Asher: We can call up the words a bit.

R' Yitzchak: Yes, we're speaking.

On Condition That I Am a Perfumer – And It Turns Out He's a Perfumer and a Tanner

R' Yoel Asher: Yes. A man says like this, "Behold you are betrothed to me on condition that I am a perfumer." It's very pleasant to marry me because I work with perfumes. I make very

good perfumes, so when I come home, I smell like a pleasant scent of perfume. In practice it turns out that... perfumer,

R' Yitzchak: Okay. A perfumer is the perfumes,

R' Yoel Asher: The scents of the perfumes. It turns out that well, there is indeed a good part, but half the other day he works in another craft.

R' Yitzchak: He's engaged in both. His business is smell, he doesn't have only good or bad smell.

R' Yoel Asher: He's an extremist, he's a person of extremes.

R' Yitzchak: No, no, the truth is that a tanner means he works with leather. Precisely, leather stinks when you make it, but... yes. He does both.

On Condition That I Am a City Dweller – And It Turns Out He's a City Dweller and a Village Dweller

R' Yoel Asher: Or... yes. Let's take another example, "on condition that I am a city dweller," and it turns out that he's both, he works in the city and he knows both lifestyles.

On Condition That My Name is Yosef – And It Turns Out His Name is Yosef and Shimon

R' Yoel Asher: But "on condition that my name is Yosef," and it turns out, it's such a wonderful thing, who wouldn't want to be called Yosef? Yosef HaTzaddik (Joseph the Righteous). And it turns out his name is Yosef and Shimon. He brings precisely Shimon, yes? The one who sold Yosef. Behold she is betrothed.

R' Yitzchak: And the Gemara contrasts Yosef with Shimon, yes?

R' Yoel Asher: I think, a Jew reads the parsha of Vayigash, he becomes very much a Yosef patriot, yes? "On condition that my name is Yosef." It turns out that he's also

R' Yitzchak: The other hero from the other side.

R' Yoel Asher: Yosef and Shimon, behold she is betrothed.

R' Yitzchak: Why?

The Foundation: The Words Are True, The Fantasy Is Your Problem

R' Yoel Asher: Because all three things. Because the words "on condition that I am a perfumer" are true. That you understood that your husband should always smell good, that was already your own... It's an interesting thing, I have some merit,

Discussion: Proof from Two Names – Can One Name a Child Yaakov Yisrael After a Grandfather Yaakov?

R' Yitzchak: But... There are people who say that... There's such a funny inquiry when one gives a name to a child, there are those who say that when one gives a name, it's simple, if my grandfather was called Yaakov, and I want to call my son Yaakov Yisrael, Yaakov is my grandfather, and Yisrael is the Baal Shem Tov, he says but, it doesn't work that way, because the grandfather was called Yaakov, not Yaakov Yisrael.

But here we see that it's not true, that both names, it's true, because it's not simple... not the understanding that two names together, some new entity of two names together. It's two names!

R' Yoel Asher: A proof that has no answer.

R' Yitzchak: Right? She's betrothed.

R' Yoel Asher: There is an answer. Why? Because it's true that his name is Yosef, he doesn't say that I'm called... ah, according to my Torah it means he's also called Yosef HaTzaddik. Because if not, there's perhaps a merit. She always came fantasizing about having a husband and calling out Yossi, I don't know if she likes the name. Do you have it? You don't have to call out Yossi Shmeii.

R' Yitzchak: But that's what I'm saying, lomdus (Talmudic analysis), if the lomdus is correct...

R' Yoel Asher: They have the same name, they have the same pronunciation. Wait,

R' Yitzchak: You know what? Let's say she says "on condition that my name is Yosef," and he's called Yosef. Is it also the same halacha? Okay, wait. That's the lomdus. According to that lomdus it's the same word. But a longer word as it were.

R' Yoel Asher: In short, if someone has a serious dispute with his wife about such a two-name situation, one can call me in that one shouldn't rely on this piece of Torah here, because it flies away.

R' Yitzchak: No, I'm not talking about when there's a dispute,

R' Yoel Asher: But there's such a...

R' Yitzchak: The scholars have said that there's even a reasoning that said that it wasn't the custom once to give two names. One finds almost not in the Gemara or Rishonim people with two names. One finds yes a bit, but very little. Here we see that it's a concept, and it's fine.

R' Yoel Asher: A Bechanan HaNechba comes to my mind about him.

R' Yitzchak: But Abba can be a nickname.

R' Yoel Asher: And HaNechba is also some kind of nickname, I hear. Okay.

The Distinction: "Ela" – Explicitly Deceived

R' Yitzchak: But all this,

R' Yoel Asher: We see here that one goes here into the words, not into the dvarim shebalev (matters of the heart). It's indeed deceived,

R' Yitzchak: But not explicitly deceived.

R' Yoel Asher: One can't fantasize all day about feelings and thoughts. One must put things into words, one must be a person of words.

But if he said to her "on condition that my name is only (ela) Yosef" and it turns out his name is Yosef and Shimon.

R' Yitzchak: He said "ela."

R' Yoel Asher: I mean that every time a couple fights about a name, an "ela" comes in the middle. "That I am only (ela) a perfumer" and it turns out he's a perfumer and a tanner. "That I am only (ela) a city dweller"... It's very interesting, here it seems that the city dweller and village dweller is because one hates the other. Not about someone who moves around in the city and is a sophisticated person. I don't want someone who's a hick who lives in the mountains,

R' Yitzchak: Whatever. It could be both ways.

R' Yoel Asher: No, "I am only (ela)"... because the other is a problem. That's what I mean to say. When he says "I am only (ela) a city dweller," it's simple that the other is a problem. And it turns out he's a village dweller and a city dweller, she is not betrothed, because here there was indeed

R' Yitzchak: A clear deception,

R' Yoel Asher: A clear error.

Halacha 8: On Condition That I Know How to Read / That I Have Read

R' Yoel Asher: Further. Now we're going to learn a bit similar to this, but the Chachamim are going to interpret words. When people say things, especially things that have to do with... talmidei chachamim (Torah scholars) know what these things are, but the common people say that one, the gaon (genius), the gaon,

R' Yitzchak: The gaon.

On Condition That I Know How to Read – He Must Know How to Read Scripture and Translate

R' Yoel Asher: One who says to a woman "Behold you are betrothed to me

R' Yitzchak: on condition that I know how to read,"

R' Yoel Asher: What does "to read" mean? He must... What does a Jew read? A Jew reads Torah.

R' Yitzchak: "To read," and in the language of the Chachamim always means "to read in Scripture." That's what Mikra is called. Mikra is the thing that one reads, that's what the book is called. That's the translation. Okay,

R' Yoel Asher: Always in... The people are Greeks, and they read...

R' Yitzchak: We're not talking now about Greeks.

R' Yoel Asher: Greeks one must be able to read Homer. And this is a requirement, that he knows enough, well enough to read such a kind of book.

R' Yitzchak: But always "to read," always... even in Yiddish one said that he's a baal korei (reader). What does a baal korei mean? You can

read recipe books, doesn't mean any baal korei. That's the language. Of course in the context, of course, Hebrew means differently. I'm not talking now about Jews.

R' Yoel Asher: And he must be able to translate it with the Targum Onkelos. What's the skill? To be able to recite it or understand it? Both of the two. Understand.

R' Yitzchak: It means I'm literate, I can read. Most people today can't fulfill it because they're not baalei korei, they can't read. One can't. You can have a Torah. Once the Torah doesn't have vowel points, he doesn't know the vowel points, he doesn't need every prop, but he can read it. The same thing must remember, Targum one must learn, he must learn it, it's not written in a book.

R' Yoel Asher: Ah, he must be able to learn the Targum? Of course, of course. Ah, people who know how to read, it means, I know how to be the prayer leader, who can be the reader. Why shouldn't one learn? But that one had the translator do it, he said that he's the reader.

Discussion: How Much Must He Know? Three Verses or the Entire Torah?

R' Yitzchak: Indeed so, but that's Rabbi Yehuda. Rabbi Yehuda says that he should read and translate, the Rambam doesn't say how much he must know, I mean it means a minimum. In the Gemara it says thirty verses. That means, he was once and read. It's not that he

R' Yoel Asher: Memorized an entire Torah. He understands that people can make exaggerations, but at least the word must be correct.

R' Yitzchak: The word is, he must be able to read? He must be able to read something? The Rambam doesn't say how many verses. It's interesting. In the Gemara it says three verses is enough. And he must be able to read,

R' Yoel Asher: And he must be able to translate also.

R' Yitzchak: Ah, he brings, doesn't the Rambam say "yesh omrim" (there are those who say)? The Rambam doesn't say clearly. The

Rambam implies that he must know the entire Torah. Interesting.

On Condition That I Have Read – An Expert in Verses

R' Yitzchak: There's another language, not "yodea likrot" (knows how to read) I can read, but I am a "kara" (reader). What is a kara?

R' Yoel Asher: Kara means the one who is the expert in verses. A Mikra person. There's also an expression for someone who knows many Mishnayot.

R' Yitzchak: He's now going to say a Tanna, like a Tanna, we call it a Tanna, a kara, a Mikra, a reader.

Kiddushin Al Menat: Definitions of Kara, Tanna, Talmid, Chacham, Gibbor and Ashir

Halacha 3 (Continuation) – Definition of "Kara"

The Rambam's Condition: "He Must Know How to Read Torah, Prophets and Writings with Good Precision"

R' Yoel Asher: He's engaged, all day he's engaged in

R' Yitzchak: Shmuel and in David and in all those.

R' Yoel Asher: He must know how to read Torah, Prophets and Writings with good precision. Much higher, not only Torah, and he must know all of Torah, Prophets and Writings.

R' Yitzchak: First of all,

R' Yoel Asher: He must know with good precision. One doesn't require being the baal korei,

R' Yitzchak: To be able to say with the Targum. Ah, not the Targum. But he must know the entire Tanach, and with precision. That means, he must know the cantillation of every word, or the vowel points.

R' Yoel Asher: Precision, I don't know what you mean by cantillation.

Discussion: What Does "With Good Precision" Mean?

R' Yitzchak: I mean that good precision is the translation. Good precision means that he must be able to read clearly every letter. That means, there's someone who can approximately, he catches words. He must be able to... correctly. That means, kara means that he's an expert in Scripture. So you know...

R' Yoel Asher: Ah, so that's the word. I mean, we're saying here basically, what are the definitions of when a person says that he's a kara? Like when a person says that he's a Londoner, what does it mean? What does kara mean?

R' Yitzchak: A kara is someone who knows Tanach, and he knows it clearly, not he knows... the "yodea likrot" is less. He can go up for an aliyah, he can look at a few verses with Targum. He indeed can.

R' Yoel Asher: It's like when someone asks someone, what does a doctor mean? What does a professor mean? There are all these that have definitions. So the word "yodea likrot" is a definition that he can stand up and read in public. Kara is a definition that he can engage like...

R' Yitzchak: He knows Tanach.

Halacha 3 (Continuation) – Definition of "Tanna"

The Rambam's Condition: "He Must Know How to Read the Mishna and Sifra and Sifrei and the Tosefta of Rabbi Chiya"

R' Yoel Asher: But we already make "yodea lishnot" (knows how to recite), it's also the same thing. "Yodea likrot the Mishna." That which they call in yeshiva "learning by heart." He doesn't need to know the three Bavot,

R' Yitzchak: But he's learned,

R' Yoel Asher: He knows what it is,

R' Yitzchak: He knows the background,

R' Yoel Asher: He's not an am ha'aretz (ignoramus).

R' Yitzchak: But if he says

R' Yoel Asher: "On condition that I am a Tanna," this is like a kara, it's a name of an

expertise. He must become truly a talmid (student), a "yodea Talmud" (one who knows Talmud). **He must know how to read the Mishna and Sifra and Sifrei and the Tosefta of Rabbi Chiya.**

Discussion: The Role of a Tanna in the Past

R' Yitzchak: That means, once there was such a role, a Tanna. Today everything is written in books,

R' Yoel Asher: But once they didn't write.

R' Yitzchak: Tanna, like we learn "tani tanna" (the Tanna recited), Tanna is the one whose job is to remember. Like a kara's job is to remember the Tanach,

R' Yoel Asher: The Tanna's job was

R' Yitzchak: To remember all the words of the Tannaim, all the Mishnayot,

R' Yoel Asher: All the statements, and so on, Baraitot.

Halacha 3 (Continuation) – Definition of "Talmid"

Discussion: Is "Talmid" a Level or a Student of a Rabbi?

R' Yitzchak: Interesting, isn't there a level of a talmid here or what? Someone who's already going to be? Next one: "On condition that I am a talmid." A talmid doesn't mean just a student of a rabbi, but it's connected with this. We're going to the three things.

R' Yoel Asher: No, talmid is not so connected. Kara is the word itself connected with the word Mikra. Talmid is also connected with Talmud. No, no, no,

R' Yitzchak: Talmid means... Talmid can be associated with the word talmid, not talmid with a vav, it's a talmid with a yud. Talmid is the third level of learning.

R' Yoel Asher: I see here in the introduction, I don't know if talmid can mean an expert in Talmud.

R' Yitzchak: On the contrary, a talmid, and the book Talmud is called after talmid.

R' Yoel Asher: It could also be a student of a tailor.

R' Yitzchak: Could be. That means a... Now we're not talking about now.

R' Yoel Asher: Okay,

R' Yitzchak: Now we're talking in a context.

R' Yoel Asher: But, there isn't the expression. Like Tanna, there isn't an expression talmid here.

R' Yitzchak: There is indeed, there is indeed. Talmid, here you have it. Here you see that there's such a... That's what it means. Okay. "On condition that I am a talmid." "We don't say" – and one wouldn't call it as it were an Amora, because an Amora is also one who says original homilies. Talmid means someone who can learn Gemara,

The Rambam's Condition: "We Don't Say Like Ben Azzai and Like Ben Zoma, Rather Anyone Who Is Asked One Thing in His Learning and Says It"

R' Yoel Asher: Basically. **We don't say** that he must be a sharp student, **like Ben Azzai and like Ben Zoma**, who were great geniuses. Ah, by the way, because they never became Chachamim,

R' Yitzchak: They remained students. Chacham, we see the next level. That means, in talmid there are two levels:

R' Yoel Asher: There's talmid and chacham. They are the ones who sit by the Chachmei HaGemara (Sages of the Gemara). **We don't say** that he must be... **Rather anyone who is asked one thing in his learning and says it.** One asks him one thing. Because there's such a matter of "luck." If one asked precisely the question that he knows.

R' Yitzchak: No, he doesn't know. Anything. Even any matter and he says it.

R' Yoel Asher: And even? No, even only easy laws. **And even in the laws of the festival that they teach them publicly from the easy matters close to the festival so that all the people will be expert in them.** But if that one can he still say... "they ask him one thing"

means one asks him, say something that you learned,

R' Yitzchak: And he can say.

R' Yoel Asher: Not that one asks him, tell me that Tosafot.

R' Yitzchak: No, certainly not. That is, there are two things, there are those who learn differently, and there are those who learn the opposite l'chumra, that he must know everything. But the Rambam learns, it says in the Gemara "even in Maseches Kallah." So the Rambam interpreted, Maseches Kallah is not a tractate called Maseches Kallah, where it says "kallah bla bracha asurah l'ba'alah," rather it means the tractate that one learns at a kallah.

Innovation: The Distinction Between Mikra/Mishnah and Talmud

R' Yitzchak: Now, I want to explain, Mikra and Mishnah are things that one reviews. He knows the trop, the nekudos of the pesukim. Mishnah, he knows Mishnayos by heart. He doesn't need to know all of them, he needs to know one, or perhaps the Tanna needs to know all of them, etc. Now, Talmud is not something that one reviews. Talmud is understanding, it's questions and answers. A question on Hilchos Pesach, even Hilchos Pesach that one learns every year at the Shabbos HaGadol drasha, but he understands, he can judge, he can... they ask him, he can answer, he is a yodei'a lish'ol, a yodei'a l'hashiv.

Innovation: The Rambam's Approach is "Lav Deh Ba'ar"

R' Yoel Asher: It's interesting. So the Rambam made it completely "lav deh ba'ar," as if different from those who say that one must know the entire Talmud, but one must be able to open one's mouth.

Digression: The Imrei Chaim's Practice – The Importance of "Opening the Mouth"

R' Yoel Asher: We learned this, I saw here on your other table, he says there that the Imrei

Chaim instituted that the bochurim should come to the tisch and say a Torah thought, because he said that he saw that there are bochurim who will never be able to open their mouths. One must train them to meet another Jew and be able to repeat a vort to him. So here it says something like someone who has learned a great deal, but he can open his mouth. It's not testing on a specific Tosafos, but he can open his mouth. Opening one's mouth is a first... I also heard this from R' Fishel Schechter. R' Fishel Schechter already said, many times one acquires more from grabbing sefarim during a high Shemoneh Esrei, than the entire day that you sit there and you learn in the Chezkas HaBatim. Because he greatly valued someone who meets a talmid chacham, he can converse with him about something. You've learned the last three weeks you've learned one very long Tosafos. But you also need to have the pleasure of being able to open your mouth and learn.

R' Yitzchak: But here is a minimum more, yes, that's a good thing. Just like that, al menas she'ani can open my mouth, I don't know.

R' Yoel Asher: Yes, here it is, like sho'alin oso,

R' Yitzchak: And he can open his mouth. Yes, but I say like this, sho'alin oso is the minimum definition, because Talmud means questions and answers. This is basically shlish b'Mikra, shlish b'Mishnah, shlish b'Talmud. I'll ask a question. I gave an example, okay? Why is an ishah she'yesh lah nedarim v'hitir lah ha'neder good, but a rofeh is not? The answer is a lamdishe answer, because this is... a chacham explains,

R' Yoel Asher: He must be a lamdan.

R' Yitzchak: That's what it says here. He doesn't need to know all the lamdus.

R' Yoel Asher: The simplest bit of lamdus is enough that he repeats it. He doesn't need to understand the lamdus himself. He doesn't need to say a lamdus that occurred to me, a lamdus that he understands.

R' Yitzchak: He knows how it is, he says it. He should be able to know which question is an answer. But it doesn't say that one must be mechadeish chiddushim. That's by Ben Azzai.

Ben Azzai can be mechadeish chiddushim in lamdus. Okay, you don't need to be Ben Azzai. You need to be, whatever one learns in yeshiva ketanah the basic lamdus, that you need to know. Even Hilchos Chag, yes? You know to say about dofan akumah, Sukkos, whatever. In short,

Practically Relevant: Two Friends – The Precise One Versus the Speaker

R' Yoel Asher: Okay, it's very strongly relevant practically, because two friends, one is a great precise person and he never calls himself ready until the sevara is one hundred percent correct, and the other one is like this, he waits to say Torah. He will be mekudeshes, and the other will be einah mekudeshes.

R' Yitzchak: Okay. Let's go to the next one.

Halachah 3 (Continued) – Definition of "Chacham"

The Rambam's Condition: "We Don't Say Like Rabbi Akiva and His Colleagues, Rather Anyone Who is Asked a Matter of Wisdom Anywhere and Says"

R' Yoel Asher: Al menas she'ani chacham.

R' Yitzchak: This is the next level. It's not yet a talmid chacham,

R' Yoel Asher: Rather a chacham himself. Very good. **Ein omrin k'Rabbi Akiva v'chaveirav**, which were sharp chachamim. **Ela? Ela kol she'sho'alin oso davar chochmah b'chol makom v'omer**. Someone who... b'chol makom means anywhere. Yes?

R' Yitzchak: I don't know.

R' Yoel Asher: Or I won't struggle like before. Or...

R' Yitzchak: Or... Or...

R' Yoel Asher: One thinks of a good davar chochmah, ask it to him. And see if he can...

Discussion: What is the Difference Between Talmid and Chacham?

R' Yitzchak: What is this different from a talmid? After all, it's the same thing, davar echad b'Talmudo and davar chochmah.

R' Yoel Asher: It's the question about the topics. Talmudo are the topics that the chachamim learned,

R' Yitzchak: And here is the chochmah.

R' Yoel Asher: The chochmah can be on its own? Perhaps all kinds of chochmos. No, everything is within the realm of chochmah.

R' Yitzchak: Perhaps the difference is that the talmid only needs to be able to repeat a piece of lomdus, but the chacham needs to be able sometimes to say his own lomdus, a chochmah. That is, davar chochmah means being able on one's own. Think,

R' Yoel Asher: I don't think so. Perhaps b'chol makom means that wherever he comes he has what to say?

R' Yitzchak: No, no, that's not the translation. B'chol makom means b'chol makom sheb'Talmud, sheb'Torah, sheb'Torah, sheb'chochmah. Yes, any topic. Not clear to me. Okay. Al menas she'ani gibor. Ah, here is the first time that it's objective.

R' Yoel Asher: Apparently divrei chochmah b'chol makom means wherever one asks him,

R' Yitzchak: He can answer. No, no,

R' Yoel Asher: It doesn't mean that. Smart.

R' Yitzchak: It must mean that. This is Rabbi Akiva.

R' Yoel Asher: Rabbi Akiva himself could say on everything.

R' Yitzchak: He doesn't say that he is Rabbi Akiva, rather any topic of chochmah. B'chol makom means in any. If there is any topic of chochmah that he can speak nicely about in that topic, yes. Okay, okay. That's what it means. Because you see that all these things are... One wants to make it smaller, one wants to be more realistic. It's not only that it's realistic, because presumably when a woman... what does a woman understand? You know... I mean to say, when one says kiddushin, one generally doesn't mean the sharpest, one means I'm in the parshah.

Halachah 3 (Continued) – Definition of "Gibor"

The Rambam's Condition: "We Don't Say Like Avner ben Ner and Yoav, Rather Anyone Whose Friends Fear Him Because of His Strength"

R' Yoel Asher: Al menas she'ani gibor ein omrin k'Avner ben Ner u'ch'Yoav, the gibor of Beis David, ela kol she'chaveirav misyar'in mimenu mipnei gevuraso. So there, in his surroundings, he is the strongest, and the people have fear because of his gevurah.

R' Yitzchak: This is a relative thing.

Discussion: Does "Gibor" Mean Only Physical Strength?

R' Yoel Asher: But apparently I would add here that with the new examples, gibor doesn't necessarily mean physical at all. His friends are afraid because he's a great people-person, and he knows how to fix them up.

R' Yitzchak: I don't know, gibor means a gibor, but gibor doesn't mean I must be the strongest. A person opens. I must be actually the strongest.

R' Yoel Asher: But the fear is mipnei gevuraso because of his physical gevurah.

R' Yitzchak: Okay. Again, if he means kovesh es yitzro?

R' Yoel Asher: No, I'm saying, if he's a people-person, he knows how to manipulate things. So there's the people-person. But the question is, does gibor mean a physical gibor?

R' Yitzchak: Yes, but simply. If he can say I'm a people-person, then one will say that kol she'chaveirav are afraid of his people skills

R' Yoel Asher: Ani chevrah ani chevrah. No, because he said kol she'chaveirav misyar'in. The word is mipnei gevuraso. Gibor means more than normal, but enough that one should fear him. In the local circumstances of that city one looks at him as an osher.

Kiddushin Al Tenai: Gibor, Ashir, Tzaddik and Rasha

Halachah: Al Menas She'ani Gibor and Al Menas She'ani Ashir

R' Yoel Asher: But the question is, does gibor mean a physical gibor?

R' Yitzchak: Yes, presumably. He can say al menas she'ani chevrah man, then one will say that kol she'chaveirav are afraid.

R' Yoel Asher: No, because he said **kol she'chaveirav misyar'in mimenu mipnei gevuraso**. Gibor means more than normal, but enough that one should fear him. **Al menas she'ani ashir, ein omrin k'Rabbi Elazar ben Azaryah, ela kol she'bnei iro m'chabdin oso mipnei oshro**. From that city one looks at him as an osher, one honors him. Al menas she'ani tzaddik,

R' Yitzchak: Even a rasha gamur,

Halachah: Al Menas She'ani Tzaddik – Even a Rasha Gamur

R' Yoel Asher: Here it says an amazing thing, **afilu rasha gamur**, everyone would have expected with the way it's been going until now, one will now say who is called a tzaddik. No, everyone, even a rasha gamur,

R' Yitzchak: Not certainly. Come further, even al menas she'ani tzaddik and rasha there is no answer, there is no definition. Tzaddik is not the one who is called... I want to say this very importantly, al menas she'ani tzaddik doesn't mean kol mi she'lokei'ach kvitlech, it doesn't help at all, it's not maaleh not morid taking kvitlech.

R' Yoel Asher: I say it like this, al menas she'ani tzaddik means a tzaddik from the head to the toes, it's enough a little bit in the heart region.

R' Yitzchak: No, that's different,

R' Yoel Asher: Even a rasha gamur, even if he's not any tzaddik at all. He's a rasha gamur. First let's learn what it says in the Rambam. He doesn't say when one is certainly mekudeshes.

R' Yitzchak: Right, because it's never, that's what I'm saying. It's never. Always a safek. Certainly,

R' Yoel Asher: The Melech Shlomo also thought so.

R' Yitzchak: No, no, I don't agree. Let's see. Always a rasha is always a safek.

R' Yoel Asher: Ah, he says tzaddik is rasha, since it can have to do with devarim shebalev.

Devarim Shebalev: Shema Hirher B'teshuvah B'da'ato

R' Yitzchak: Tzaddik is rasha can be devarim shebalev. Here is the only thing that is devarim shebalev. So automatically there's no way to always be a safek. Even the greatest rasha. That he's known as a rasha, that al menas she'ani tzaddik is a safek, why? **Shema hirher b'teshuvah b'da'ato**.

R' Yoel Asher: Hirher teshuvah means to say,

R' Yitzchak: He plans to do teshuvah. I'll soon talk about this in a minute.

Halachah: Al Menas She'ani Rasha – Even a Tzaddik Gamur

R' Yoel Asher: And if al menas she'ani rasha,

R' Yitzchak: Even if we know that he

R' Yoel Asher: Is a tzaddik gamur, still the kiddushin is only mekudeshes from safek. Why? **Shema hirher ba'avodah zarah b'da'ato?** Perhaps he acknowledged avodah zarah or thought about avodah zarah in his mind? Because here yes, presumably the hirher itself is the issur. Not clear. **She'avon avodah zarah gadol hu**.

Explanation of Hirher Teshuvah and Hirher Avodah Zarah

R' Yitzchak: No. Hirher ba'avodah zarah means... hirher here always means, hirher teshuvah doesn't mean like I say about hirher aveirah. Hirher aveirah means planned to do an aveirah, thought to do an aveirah. There is hirher aveirah which is not bad,

R' Yoel Asher: An aveirah was and comes up in one's mind.

R' Yitzchak: The same thing hirher teshuvah means planned to do teshuvah. He planned to do teshuvah, so the explanation of mi yitein is because it's good. The same thing by avodah zarah, hirher avodah zarah b'da'ato, and usually it doesn't matter, but the Rambam says that avodah zarah is gadol hu. Avodah zarah is a great aveirah, not because the hirher itself is avodah

zarah. Avodah zarah is a great aveirah. When he thinks that he's going, he's already called a rasha,
R' Yoel Asher: She'ne'emar pen yifteh levavechem,

R' Yitzchak: That is, as long as your heart is already pulling a bit,

R' Yoel Asher: It's already a problem. **U'chsuv l'ma'an tifsu es beis Yisrael b'libam,** it will catch them in their aveirah when it's still in their hearts.

R' Yitzchak: And the Gemara says that

R' Yoel Asher: By avodah zarah, machshavah ra'ah is also an issur. A machshavah ra'ah metzafeh l'ma'alah, but whatever,

R' Yitzchak: Yes. Very good. So automatically one cannot know about a person who is called a rasha, everything is mekadesh safek. So very soon...

Innovation: Tzaddik/Rasha is Not a Social Thing

R' Yoel Asher: It's a great wonder, this halachah, yes? It's a great wonder. Not a wonder. Because all other things one says, look what is the standard? Tzaddik means that he's a Jew who conducts himself in the world.

R' Yitzchak: Tzaddik harasha is not a social thing,

R' Yoel Asher: Not like chacham,

R' Yitzchak: Gibor. Because everyone knows, until today's apikorsim and arumim who don't know have come. Everyone knows, gibor is a social thing. What does gibor mean? Is gibor a true thing? Gibor means in my city I'm a gibor. Chacham means truly, Rabbi Akiva. Chacham means relatively, I'm a bit of a chacham. But tzaddik is the truth. Tzaddik means I'm a true, good person. This is the one word that has a real meaning. No one can know about another or about oneself. If it's a tzaddik or a rasha. Always it's a safek.

Discussion: Why Does a Person Say "Al Menas She'ani Tzaddik"?

R' Yoel Asher: It's a strange thing, because the person did say that he's a good Jew, a tzaddik.

Why? He wants to tell her that you should know, don't be afraid, you're marrying a decent Jew, I will always keep Shabbos, and we'll send my children to good schools, we'll have a good life.

R' Yitzchak: That's not a tzaddik.

R' Yoel Asher: That's the structure of what it means.

R' Yitzchak: No,

R' Yoel Asher: It's not. If a person believes like the... a person cannot... al ta'amin b'atzmecha.

R' Yitzchak: No, the word tzaddik means tzaddik truly, it doesn't mean kol she'm'chabdin oso mipnei tzidkaso. Everyone knows that. Perhaps today we don't know that, people have... the Gemara tells, he knew this, everything in the understanding of people, everything. It must be the language of people here, it can't be.

R' Yoel Asher: When one said tzaddik emes, apparently one said that means among people tzaddik emes, but he didn't say emes, he said tzaddik.

R' Yitzchak: No, that's why one coined the term tzaddik emes, because there are tzadikhei sheker.

Contradiction in the Rambam: Teshuvah Requires Vidui, But Hirher Balev Makes a Tzaddik?

R' Yoel Asher: Anyway, I want to say a few Torah thoughts here. One is that there's a known contradiction in the Rambam here. I want to answer this first. It's not really a contradiction in the Rambam, an actual contradiction in the Rambam. Yes, they ask that according to the approach that the Rambam says that teshuvah comes with vidui,

R' Yitzchak: With a whole series of things,

R' Yoel Asher: But hirher b'liba already means tzaddik. It's not enough hisyatzev b'derech tov,

R' Yitzchak: That's not Rabbeinu Yonah. According to Rabbeinu Yonah, when misyatzev b'derech tov already means teshuvah. Okay. No, it's not really a question. I want to ask. First of all, there's something that ba'alei darshanim had to speak about, the darshanim mean Chassidic sefarim that bring for teshuvah the al menas

she'ani tzaddik, but I think one needs to focus more on the al menas she'ani rasha.

Innovation: One Needs to Focus More on "Al Menas She'ani Rasha"

If you see a great Jew, you can't know, it could be that he will say, the greatest rebbe that you imagine, when the Sanz Rebbe comes here... Okay, it's not a rebbe, he told me anyway about such a rasha. But when I don't know who, the Rambam himself comes

R' Yoel Asher: Here and he says...

R' Yitzchak: Rabbosai, you look at him,

R' Yoel Asher: You need to know that when he is mekadash, and he says al menas she'ani rasha, it's a safek kiddushin.

R' Yitzchak: I don't know,

R' Yoel Asher: Bought, no. Ah, woe. Because you're also from the faster birds. No, they learned before such a thing as chezkas kashrus, that chezkas kashrus is enough that you see a person would go make a be'ur, one has enough foundation, but not to be called a rasha. So, a person who is very organized with his Yiddishkeit, there's no reason at all. We know that he has no plan at all to go serve avodah zarah.

Here there is a problem, a person says "al menas she'ani rasha" (on condition that I am wicked). A person has said "al menas she'ani rasha" means that something is going on, something is there, something is flying around in his head. He says, he encountered... to whom does a person say "al menas she'ani rasha"? He already encountered some prostitute there by the marketplace, what does he say, he said it before matan Torah (the giving of the Torah), and he says to him, "Rabbi, al menas she'ani rasha," because he is now planning to become a rasha. Ah, we know that he is a complete tzaddik, but something is going on with him, he has started thinking about avodah zarah (idolatry). And "Rabbi, al menas she'ani rasha gamur" is also the reason.

R' Yitzchak: Why would a complete rasha come to say before a woman, I'm telling you I'm a

tzaddik, because he wants to start from now on and live an honest life

R' Yoel Asher: Live with the wife? The derashot (homiletical interpretations) are correct, that's what it says here.

Story with the Kotzker Rebbe: Hirhur Teshuva and Being Disgraced

R' Yitzchak: I want to tell another story, I may have already told it here at a shiur, that there was a Kotzker chassid, I don't remember whose name, I think in Emes Ve'emunah, who traveled to a city. In that city came some rabbi, he was anti-Kotzk, he disgraced the chassidic Jew. So the chassidic Jew went to the rabbi, and he told him that he has complaints against him. So the rabbi said, he is meharer b'teshuva (contemplating repentance), and it says in the Mishnah that he must respect him now, because it says "al tevazeihu" (do not disgrace him). And that was the story.

The chassid came to the Kotzker Rebbe, and the Kotzker Rebbe said that "hu lo chalah teshuvaso" (his repentance has not begun), that this is not correct. No, I'm saying, that would have been a real teshuva. He said a derekh pilpul (a dialectical approach), he said that you should have to tell the rabbi that it's not true. Why? Because he asks the question that he said earlier, it says in the Rambam that one must hasten teshuva. The answer is something else. The answer is, because he now has a wedding and a groom, I don't mean an aveirah (transgression) at all. So for a groom the hirhur teshuva (contemplation of repentance) helps, but for just a rabbi it doesn't help. That's the Kotzker Rebbe's joke.

But the real measure is that it's nonsense, because hirhur teshuva in speech doesn't mean that I can attack someone and disgrace them, and I have thought teshuva in my heart so I'm already back to being a tzaddik. But with regard to your fellow you must appease, I can't appease in public and appease in private and think in my head that you're a tzaddik. So it's nonsense with noodles.

Innovation: People Settle Down at Marriage

R' Yoel Asher: Very good. But I think my Torah is still the best Torah, because people really do settle down. One has a wedding in a certain way, so if one knows that he is a rasha, but he says I'm going to be a tzaddik now, I'm going to establish a Jewish home. And a tzaddik who suddenly at the wedding wants to become a rasha, he will indeed become a rasha.

One Can Indeed Judge People – But Not Regarding Tzaddik/Rasha

R' Yitzchak: But the truth is that it's a doubt, and apparently it is true that this is a doubt because of the stringency of kiddushin (betrothal), something of that sort. Certainly normally, by the way, people say one cannot know what is in the heart. Yes, but there are laws of testimony where we know clearly, he is a tzaddik, he is a rasha, he is disqualified from testimony. It's not simple that one cannot judge people. The halakha judges people all day long.

Discussion: What is in the Heart – Struggles and Thoughts

R' Yoel Asher: The thing itself happens, that can be. The "what is in the heart" is a bit of a weird thing, because if a person conducts himself well, he has struggles, he has internal struggles, that every time he gives a poor person a thousand dollar charity, he thinks, maybe I'm giving away too much money. Is he still an adam tov (good person), because he has questions. The tzaddik says, what if he had some thought, ah, let me go serve avodah zarah, and he pushes it away,

R' Yitzchak: And he continues serving the Almighty. That's why I said that hirhur avodah zarah means that he had decided to apostatize already. And apostasy is the whole thing.

R' Yoel Asher: Because he said that he only makes sense because he said "menasseh yirah" (testing fear). The Rambam brings nothing about thinking that a Jew will apostatize. He says "menasseh" that I'm going to be a rasha. What is the meaning of this? The person plans to be a rasha.

Halakha: Savur Hayisi – When One Fooled Oneself

R' Yitzchak: Now, until here we have learned when he

R' Yoel Asher: said something clear. Now the question is, he was fooled. What happens when there was no clear statement? **"One who betroths a woman and says," after the kiddushin he says, "savor hayisi she'hi kohenes veharei hi leviyah, leviyah veharei hi kohenes, aniyah veharei hi ashirah, ashirah veharei hi aniyah"** (I thought she was a kohenes and behold she is a Levite, a Levite and behold she is a kohenes, poor and behold she is rich, rich and behold she is poor) – they didn't talk about this at all, but he says, this is what I thought, I only betrothed according to what I thought. **"Harei zo mekudeshes mipnei shelo hit'asu"** (behold she is betrothed because she did not deceive him) – she didn't fool him. It's not like when someone has blemishes, that's a deceptive thing. It's something that must be said. But should a person not admit that I am wealthy, must I tell you something that I haven't yet told you about myself, a davar shel genai (disgraceful matter), I am wealthy. One doesn't have to.

"And so too she who said savor hayisi she'hu kohen veharei hu levi" (I thought he was a kohen and behold he is a Levi) – the same thing when she is the one who mentions it with the wisdom. **"Levi veharei hu kohen, ashir veharei hu ani, ani veharei hu ashir, harei zo mekudeshes mipnei shelo hit'ah osah"** (a Levi and behold he is a kohen, rich and behold he is poor, poor and behold he is rich, behold she is betrothed because he did not deceive her). The problem with the previous cases is because he said lies,

R' Yitzchak: because he did an

R' Yoel Asher: act of error. But here,

Innovation: You Fooled Yourself – Devarim Shebalev

R' Yitzchak: You fooled yourself. The Rambam tells him this word "devarim shebalev" (matters of the heart). You're right that apparently it's the

same thing, but he says a language "lo hit'asu" (did not deceive), did I fool you? You fooled yourself. You fooled yourself.

End of Chapter 8 — Devarim Shebalev Einan Devarim, and Changes in Human Language

Halakha: Levi and Behold He is a Kohen, Rich and Behold He is Poor — Behold She is Betrothed Because He Did Not Deceive Her

R' Yoel Asher: The same thing when she is the one who mentions it with the wisdom. **Levi veharei hu kohen, ashir veharei hu ani, ani veharei hu ashir, harei zo mekudeshes mipnei shelo hit'ah osah.** The problem with the previous cases is because he said lies, because he did an act of error. But here, basically, someone had some devarim shebalev.

R' Yitzchak: And devarim shebalev einan devarim (matters of the heart are not matters). The Rambam says the word devarim shebalev. It's correct that apparently this is the same thing, but he says a language "lo hit'ah" (did not deceive) — I didn't fool you, you fooled yourself. Next time don't think.

R' Yoel Asher: Even if she told him lies two weeks ago, she told him she is a Levite, she is still betrothed, it's still harei zo mekudeshes, because it's devarim shebalev.

R' Yitzchak: I don't know, maybe this is a different topic, it's more like a topic.

Discussion: The Question of "Al Da'as Zeh" and Mekach Ta'us

R' Yoel Asher: As long as he didn't make an "al da'as zeh" (on this condition), there is no mekach

ta'us (mistaken transaction). Perhaps a question of mekach ta'us begins?

R' Yitzchak: No, I'm saying that if one said earlier "harei at mekudeshes li al menas" (behold you are betrothed to me on condition), what did he say yesterday?

R' Yoel Asher: I don't know. One also didn't say "al menas" what I said yesterday.

R' Yitzchak: See, that's the question that we learned yesterday, that sometimes there is what one says that savar vekibel (thought and accepted), sometimes not.

End of Chapter 8 — Difficulties in Ruling Halakha L'ma'aseh

R' Yitzchak: Okay, until here is chapter 8. A beautiful chapter. It's not clear, because it's difficult to say halakha l'ma'aseh (practical law) whether one can rule from all these things, because the language changes.

R' Yoel Asher: One must look in the city what is considered wealthy, the Tanna...

R' Yitzchak: I agree that perhaps today if someone says "al menas she'ani tzaddik," if kol sheyesh lo shalosh chassidim (anyone who has three chassidim) who give him kvitlach (notes), is perhaps that enough? I don't know.

R' Yoel Asher: No, tzaddik is also used like "such a tzaddik." Everyone says, "ah, you're such a tzaddik?" It's a lashon bnei adam (common expression). You're a sweet Jew, you're a fine Jew. The word tzaddik has lost much of its revenue.

R' Yitzchak: Yes. Good. Okay.

R' Yoel Asher: Yes.