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Ketubot – An Introduction

The *Ketubah* is a husband's obligation to pay his wife a sum of money on his death or on their divorce. The second *Mishnah* in *Masechet Ketubot* sets out the basic obligation – a payment of 200 *zuz* when the wife was a virgin and 100 *zuz* in all other cases. In the case of the husband's death the payment is made from the husband's estate.

There is a difference of opinion as to whether the obligation to pay the *Ketubah* is rabbinic or biblical. However the accepted view is that it is a rabbinic enactment with, at best, support (*asmachta*) from the *Torah*¹. Why did the *Chachamim* enact the *Ketubah* obligation? The *Gemara* (11a) explains that the purpose of the *Ketubah* payment is so that the husband should know that he would have to spend a substantial amount on dissolution of the marriage, and therefore he would think twice before divorcing his wife.

This rationale would no longer seem to apply today given *Rabbeinu Gershom's* edict (around the year 1000 CE) that a man cannot divorce his wife without her consent. Nevertheless, the *Ketubah* obligation is still in force today.

It is not clear why the *Ketubah* obligation applies upon the husband's death. Such a payment has no impact on the ease of divorcing one's wife and is therefore not relevant to the *Gemara's* rationale for the *Ketubah* obligation.

The *Torah* exhorts us on many occasions to be very careful when dealing with vulnerable members of society. Widows and orphans are the classic example that the *Torah* uses. The *Torah* tells us (*Shmot* 22:21): 'Don't cause anguish to any widow or orphan'². This commandment relates to any widow or orphan, whether rich or poor. Special consideration is called for because of the likelihood of emotional vulnerability. The memory of their loss and the experience of loneliness suggest that the widow and orphan are likely to be more in need of support and encouragement than others. Some authorities hold that this commandment applies equally to divorced women.³

The *Chachamim* made a number of decrees to protect orphans. For example, orphans are treated more leniently under the laws of paying damages and in certain cases the obligation of orphans to pay debts is postponed until the orphan reaches the age of maturity (which is 13 for a male and 12 for a female).

Perhaps the *Chachamim* extended the *Ketubah* obligation to widows out of concern for the welfare of the widow.

This sheds light on many of the *Halachot* pertaining to the *Ketubah*. We can see how careful the *Chachamim* were to protect the welfare of these potentially vulnerable people. For example:

- It is forbidden for a man to continue living with his wife even for a moment without her having a *Ketubah*.⁴
- It is forbidden to agree to a *Ketubah* payment that is below the minimum prescribed amount (although the husband can agree to a higher amount).⁵
- The usual rule with monetary matters is that a person can agree to waive their right to receive a payment that is due to them, even for biblical matters. However the *Chachamim* forbade this in the case of the *Ketubah* payment.⁶
- Usually, Biblical obligations are denoted in *Kesef Tzori* (pure silver) while rabbinic obligations are denoted in *Kesef Medina* (1 part silver to 7 parts copper). Even though the *Ketubah* payment is a rabbinic obligation, the *Chachamim* imposed a payment calculated in pure silver.⁷
- The size of the *Ketubah* payment was quite substantial. 200 *zuz* in *Kesef Medina* (which is 1/8th of 200 *zuz* in *Kesef Tzori*) is enough to purchase food and clothes for a person for a whole year.⁸

In studying *Masechet Ketubot* we should all be sensitive to the compassion shown by the *Chachamim* to divorced and widowed women and we should bear this in mind in our dealings with all people that are less fortunate and potentially vulnerable.

Alon Ledder

¹ *Sh'mot* 22:16.

² This is mitzvah 65 in the *Sefer haChinuch*

³ *Sema*, *Choshen Mishpat* 97:22

⁴ *Rambam*, *Hilchot Ishut* 10:10.

⁵ *Ibid*, 10:9

⁶ *Shulchan Aruch*, *Even Ha-Ezer* 69:6

⁷ The *Rambam* disagrees and rules that *Kesef Medina* is used for the *Ketubah* payment (*Hilchot Ishut* 10:8).

⁸ *Bartenura* (*Peah* 8:8).

Revision Questions

יבמות ט"ז: ג'-ה'

- Can a woman get married based on a *bat kol*? (What is a *bat kol*?) (ט"ז: ג')
- When *R' Akiva* went to *Nehard'ah*, in the name of who did *Nechemya Ish Beit Dli* say that a woman can get remarried based on a single witnesses testimony? (ט"ז: ז')
- Which opinion does not accept single witness testimony? (ט"ז: ט')

כתובות א': א' – ב': ב'

- On what day of the week would one marry a *betulah* and why? (א': א')
- On what day of the week would one marry an *almanah* and why? (א': א')
- What is the value of a *ketubah* for: (א': ב')
 - A *betulah*?
 - An *almanah*?
 - *Gerusha min ha'eirusin*?
- What are the three cases that *R' Meir* adds whose *ketubah* is also 200 and on which case do the *Chachamim* argue? (א': ג')
- What is the value of a *ketubah* for: (א': ד')
 - A *betulah almanah min ha'nesuin*?
 - A *giyoret*?
- Why did the *Mishnah* need to teach that an *almanat Yisrael* and an *almanat Kohen* have *ketubot* of the same value? (א': ה')
- Explain the two opinions regarding a case of *ta'ananat betulim* where:
 - She claims she was raped after they were engaged. (א': ו')
 - She claims she is a *mukat etz*. (א': ז')
- What is the third case that is debated in the same manner as the previous question? (א': ח')
- If a single woman is found pregnant, is she trusted when she says the father is a *kohen*? (א': ט')
- What did *R' Yochanan ben Nuri* rule, regarding a woman who was raped and whether she could then marry a *kohen* and why? (א': י')
- In a divorce case where the value of a *ketubah* is disputed (100 or 200), on what basis do they decide the value? (א': ב')
- What case is brought in the *Mishnah* of "*ha pe she'asar...*"? (א': ב')

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Between mincha & ma'ariv
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Mizrachi Shul

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
15 th October כ"ג תשרי שמחת תורה Ketubot 2:3-4	16 th October כ"ד תשרי Ketubot 2:5-6	17 th October כ"ה תשרי Ketubot 2:7-8	18 th October כ"ו תשרי Ketubot 2:9-10	19 th October כ"ז תשרי Ketubot 3:1-2	20 th October כ"ח תשרי Ketubot 3:3-4	21 st October כ"ט תשרי Ketubot 3:5-6

