



Volume 3. Issue 14.

Forfeiting a *Ketubah*

The *Mishnah* (7:6) presents a number of cases where a wife's behaviour warrants her immediate divorce while forfeiting her rights to a *ketubah* (an obligation of a husband to provide an amount of money to his wife in the event of his death or divorce). One of the cases mentioned is where a wife feeds her husband untithed food.

The *Gemara* (72a) seeks to understand how a husband could have the knowledge that he is being fed untithed food. If he is aware, he will tithe the food himself. If he is oblivious, he has no comprehension of his wife's behaviour. The *Gemara* concludes that the situation is where the wife informs her husband that food was tithed by a reputable authority and was later found to have lied.

The *Rishonim* discuss why the *Gemara* did not bring a seemingly more simple case, that the wife admitted that she fed her husband untithed food. This is a dispute, amongst others, between the *Ra'avad* and the *Ran*, and is discussed in the *sefer Simchat Binyamin*.

The *Ra'avad* writes that if the wife admitted, she would not be believed, as we have the principle of 'a person does not admit to self incriminating information' and she retains her rights to her *ketubah*. This principle is applied to cases relating to *issurim* (prohibitions) relevant here as she is admitting to have caused her husband to transgress. The *Meiri* adds that anyone who places an impediment to the performance of a mitzvah is considered a *rasha* (wicked), and as such, no-one would admit to such behaviour.

According to the *Ran*, the wife would be believed and her *ketubah* would be revoked, yet the *Gemara* did not cite this case as it is uncommon. The reason why she is believed is due to the conflicting principle of 'the admission of one of the parties in a legal dispute is equivalent to the testimonies of 100 witness pairs'. This principle relates to monetary matters, and the *ketubah* is an issue of financial concern.

The conflict between the *Ra'avad* and *Ran* when the wife admits to have fed her husband untithed food stems from their different understandings of why a *ketubah* is revoked when she is discovered to have lied.

The *Pnei Yehoshua* writes that according to the *Ra'avad* her *ketubah* is revoked as punishment imposed by the *Chachamim* against her undesirable behaviour. Since we would not believe her if she admitted to have acted improperly, as it is self incriminating, she retains her *ketubah*. The *Pnei Yehoshua* adds that we only apply the principle of 'the admission of one of the parties in a legal dispute is equivalent to the testimonies of 100 witness pairs' in the event where the consequences relate directly back to the original admission. The punishment of losing her *ketubah* is a result of her character flaw, and not specifically due to one specific act.

Rav Elchanan Wasserman זצ"ל in his *sefer Kovetz Shiurim* has a different understanding of the *Ra'avad*. When it is found out that the wife has lied, it becomes apparent that the couple can no longer remain together, as the husband has lost his trust in his wife. Since the couple is incompatible, the wife loses her rights to her *ketubah*. Only when the husband decides to divorce based on his personal reasons, not because his wife cannot be trusted, is the wife entitled to her *ketubah*. In the event where the wife admits to have fed her husband untithed food, she is, in essence, admitting that she is not compatible with her husband. We therefore do not believe her as 'a person does not admit to self incriminating information'.

The *sefer Simchat Binyamin* provides an explanation of the *Ran*. In contrast to the *Pnei Yehoshua's* understanding of the *Ra'avad*, it may be said in the name of the *Ran* that the annulment of the wife's *ketubah* is not a punishment but rather a condition placed on the *ketubah*. A husband, generally, offers his wife a *ketubah* with the understanding that she will sustain an appropriate household. Accordingly, if she admits to having fed her husband untithed food, she is merely saying that she is no longer entitled to the money outlined in the *ketubah*. We would therefore believe her, as we would in any commercial situation, in accordance with the principle of 'the admission of one of the parties in a legal dispute is equivalent to the testimonies of 100 witness pairs'.

Shmoiki Berkowitz

Revision Questions

כתובות ו' ה' – ח' א'

- If the father did explicitly state the value of the dowry, what is the minimum value he must provide? (ו' ה')
- What are the two opinions regarding the following case: the first daughter got married and the father gave her a particular dowry, yet when it came time for the second daughter to marry, the father had already passed away - what is the value of her dowry that is taken from the *yerusha*? (ו' ג')
- Explain the debater regarding whether an orphaned woman can tell the executor of the *yerusha* responsible for her welfare, to hand over control to her *erus*? (ו' ז')
- Regarding the previous question, when is there no debate? (ו' ז')
- What are the two opinions regarding the time until a husband must divorce his wife if he made a vow preventing her from benefiting from his property? (א' ז')
- What are the two opinions regarding the time until a husband must divorce his wife if he upheld her vow preventing her from benefiting from his property? (ז' ב')
- What are the two opinions regarding the time until a husband must divorce his wife if he upheld her vow preventing her from adorning herself and why? (ג' ז')
- How much time is it until a husband must divorce his wife if he upheld her vow preventing her from visiting her father? (Include two cases.) (ד' ז')
- Why must a husband divorce his wife if he upheld her vow not to get a *beit avel* or *beit mishteh*? What is the exception to this rule? (ה' ז')
- When does a woman lose her *ketubah*? (ו' ז')
- What is *dat moshe*? (ו' ז')
- What is *dat yehudit*? (ו' ז')
- What is a *kolanit*? (ו' ז')
- Which *mumim* are problematic if they were concealed from the husband prior to marriage? (ז' ז')
- When does the law mentioned in the previous question no longer apply? (ח' ז')
- If the family claims that the *mum* developed after *eirusin* on who is the burden of proof? (ח' ז')
- What is the law when *mumin* develop on the husband after marriage? (ט' ז')
- For which *mumin* developing on the husband is there agreement that the husband must divorce his wife? (י' ז')
- Is there any restriction placed on a woman who inherits property: (א' ח')
 - Prior to marriage?
 - After *kiddushin*?
 - After *nisuin*?

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
12 th November כ"א חשוון	13 th November כ"ב חשוון	14 th November כ"ג חשוון	15 th November כ"ד חשוון	16 th November כ"ה חשוון	17 th November כ"ו חשוון	18 th November כ"ז חשוון
Ketubot 8:2-3	Ketubot 8:4-5	Ketubot 8:6-7	Ketubot 8:8-9:1	Ketubot 9:2-3	Ketubot 9:4-5	Ketubot 9:6-7

