



Nedunya in Cash

The *pasuk* in *Yirmiya* (29:6) teaches:

Take wives and beget sons and daughters; take wives for your sons and give your daughters to men...

Using this *pasuk* as an *asmachta*, the *Chachamim* asked is a father really in control that he can give his daughter to man for marriage? Rather they explain that a father must provide his daughter with clothing and *nedunya* (dowry) to increase her potential suiters.

The topic of the *nedunya* takes up much of the sixth *perek*. The second *Mishnah* teaches that if the *nedunya* is provided in cash, the value recorded in the *ketuba* must be inflated by an additional 50%. The *Bartenura* explains that this is because the husband is able to profit from this money (as apposed to, e.g. her clothing). The *Tosfot Yom Tov* cites the *Ran* who explains further. Really the husband should not be allowed to use anything from the *nedunya*, be it money or utensils. Yet the *Chachamim* instituted that he be able to profit from that money and against that privilege inflate the value when recording it in the *ketuba*.

The *Mordechai*, cited by the *Tosfot Yom Tov* anticipates the following question: is this not *ribbit*? Was does this arrangement not violate the prohibition of charging interest? He explains in the name of *R'*

Shmuel ben Baruch, that this is not *ribbit* because if the husband divorce his wife immediately after marriage, he would nonetheless be required to pay the inflated value. Normal cases of interest are only arranged with the understanding that the borrower will have some time to profit from the loan.

The *Tosfot Yom Tov* however provides a different answer. He explains that this arrangement looks nothing like a loan. If the wife passed away before the husband, then the husband would inherit the *nedunya* and never be required to pay her heirs the inflated value. Since *ribbit* was only prohibited in the context of a loan, and this is not a loan, there is no prohibition. Now even though sometimes the *Chachamim* extend the prohibition on a rabbinic level, it is just that, on a rabbinic level and they can decide not to extend it in this case.¹

The *Haflaah* explains that from the language of the *Mishnah* we understand that that which is given to him is not in the context of a loan. The *Mishnah* teaches, "he is *posek* against it..." The language implies that what was given over was in the form as an acquisition and is his. He then obligates himself to pay the inflated amount, all be it an obligation that is dependent on his divorcing his wife or dying first.

Yisrael Yitzchak Bankier

¹ The *Tosfot Chadishim* asks that according to this logic a father should be able to loan his only son with interest and that is simply not the case. He does admit that there is a difference between the father's money, which he could use

or give away, and a *nedunya*. Nevertheless he questions whether potential *yerusha* is enough to justify what looks like *ribbit*.

Revision Questions

כתובות ה' ח' ז' ה'

- What are the husband's obligation regarding: (ה' ח' ט')
 - Provision of food?
 - Provision of clothing?
 - General allowance?
- To who do the measures in the previous question apply? (ה' ט')
- What is the measure of *ma'asei yadeiha* and when does it change? (ה' ט')
- Does a husband have any right to the property a wife inherits? (א' י')
- How does *R' Yehuda ben Beteira* divide *boshet* and *pegam* between a husband and wife? (א' י')
- Can a father prevent a dowry from passing on to the *yabam*? (ו' ב')
- Compared to the dowry, what value is written in to the *ketubah* and in what circumstance does this calculation differ? (ג' י')
- What else does the husband add into the *ketubah* as a proportion of the dowry? (ד' י')
- If the father did explicitly state the value of the dowry, what is the minimum value he must provide? (ה' י')
- 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' י')
- Explain the debate regarding whether an orphaned woman can tell the executor of the *yerusha* responsible for her welfare, to hand over control to her *erus*. (ז' י')
- Regarding the previous question, when is there no debate? (ז' י')
- 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' יז')
- 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? (ב' יז')
- 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' יז')
- 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' יז')
- Why must a husband divorce his wife if he upheld her vow not to go to a *beit avel* or *beit mishteh*? What is the exception to this rule? (ה' יז')

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10 minutes before *Mincha*
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Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
 9:00am
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Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rav Meir Pogrow
613.org/mishnah.html

Rabbi E. Kornfeld
Rabbi C. Brown
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Next Week's Mishnayot...

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | שבת קודש |
|----------------------------------|----------------------------------|----------------------------------|---------------------------------|----------------------------------|-----------------------------------|-----------------------------------|
| 5 th August י"ז אב | 6 th August י"ח אב | 7 th August י"ט אב | 8 th August כ' אב | 9 th August כ"א אב | 10 th August כ"ב אב | 11 th August כ"ק אב |
| Ketubot 7:6-7 | Ketubot 7:8-9 | Ketubot 7:10-8:1 | Ketubot 8:2-3 | Ketubot 8:4-5 | Ketubot 8:6-7 | Ketubot 8:8-9:1 |

