



Ketubat Benin Dichrin and motar dinar

One of the implicit terms of a *ketubah* is that the woman's sons will inherit her *ketubah*. This means that if she dies before her husband, her husband still inherits the *ketubah*. If however he then dies, her sons will inherit that value aside from the even distribution of the estate. The implications of this decree are only really felt when the estate is to be divided amongst sons from different marriages. This is discussed in the tenth *perek*.

The *Gemara* (52b) explains that the reason for the *takana* of *ketubat benin dichrin* was that *Chachamim* were concerned that a girl's father would be resistant in giving her a large *nedunya* (dowry). He might be concerned that his future son-in-law would inherit it and children from another marriage eventually inherit the bulk of it. *Ketubat benin dichrin* was therefore instituted to dispel such concerns from the father.

The principle amount and anything extra the husband added to the *ketubah* was also included to decree of *ketubat benin dichrin* for if it were not, there was still a concern that the bride's father would refrain: "if my future son-in-law is holding back, so will I." Interestingly the *Gemara* asks that in a case where a *nedunya* is not given, then *ketubat benin dichrin* should not apply to the principle and addition to the *ketubah* provided by the husband. Nevertheless the *Chachamim* did not differentiate in their *gezeira* – *lo plug*.

We have however learnt that there are limits to this *takana*. The *Mishnah* taught (10:2) that in a case where two groups of sons inherit their mother's *ketubot* and there is only enough in the estate to cover the *ketubot* then the *takana* of *ketubat benin dichrin* does not apply and the estate is distributed evenly (aside from the *bechor*). The reason is that the

Chachamim did not want to institute the *takana* at the expense of doing away with the biblical laws of inheritance. If however there is one extra *dinar* (*motar dinar*) in the estate then the *takana* would apply.

With this in mind a question is raised on a ruling of the *Rambam*. If one instructs, when on his deathbed, that some of his property be given away (*matanat schiv mera*), the gift is effective. The *Rambam* (*Ishut* 19:13) rules that if one does so while all his property, then it does not include the basic condition of the *ketubah*. For example his wife and children as still supported by the estate and, relevant to our discussion, *ketubat benin dichrin* still applies. The question raised on this ruling is that once everything is given away, there will be no longer be anything left over after – no *motar dinar* – so how then can *ketubat benin dichrin* still apply?

The *Hafla'ah* (111) answers, that the requirement of *motar dinar* was because the *Chachamim* did not want their *takana* to be the cause of effectively uprooting biblical inheritance. In this case however, even without *ketubat benin dichrin*, there would be nothing left for biblical inheritance. In other words, the *takana* would not be the cause; therefore the *takana* is still in place.

The *Avnei Miluim* (111:11) however provides a different answer. He explains that *yerusha* comes into affect at the point of death whereas *matanat schiv mera* is effective after death. This means at one point the *yorshim* inherit the estate and the recipient of the *matana* receives his gift from them. It follows then that the *yerusha doraita* is still preserved (albeit for a short time) consequently there is no issue with maintaining *ketubat benin dichrin*.

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Revision Questions

כתובות ט' ב' י' ו'

- Explain the debate regarding who inherits a collateral in the hands of a lender. (ט' ב')
- What other possessions are also debated in the same manner as the previous question? (ט' ג')
- If a wife is placed in charge of components of a business can the husband demand a *shvuah* from her (as in normal business partnerships)? (ט' ד')
- What is the impact of the following statements made by a husband prior to marriage: (ט' ה')
 - "נדר ושבועה אין לי עליך"
 - "נדר ושבועה אין לי עליך ועל יורשיך הבאים ברשותיך"
 - "נדר ושבועה אין לי ולא ירושי ולא לבאים ברשותי עליך ועל יורשיך הבאים ברשותיך"
- If the widow is made custodian of her late husband's property, can the *yorshim* demand a *shvuah* from her? (ט' ו')
- In which five cases must a widow vow prior to collecting her *ketubah*? (ט' ז')
- Explain the following cases: (ט' ח')
 - *Pogemet ketubah.*
 - Claiming a *ketubah* from *nechasim meshubadim.*
 - Claiming a *ketubah shelo befanav.*
- Can a lender claim money from the borrower if his has the loan contract, but claims he lost the *pruzbul*? (ט' ט')
- What can a woman collect if she presents the following: (ט' י')
 - Two *ketubot* and two *gittin*?
 - Two *ketubot* and one *get* – with the *ketubot* dated before the *get*?
 - One *ketubah* and two *gittin*?
- If a man married two women, when is the *ketubah* of the first wife collected first and when is the *ketubah* of the second wife collected first? (ט' יא')
- In a case where a man had two wives, and he and his wives die, how is the *yerusha* divided if: (ט' יב')
 - The value of the estate is equal to the value of the two *ketubot.*
 - The value of the estate is slightly more than the value of the two *ketubot.*
- Regarding the previous question, what are the two opinions regarding how the estate is valued? (ט' יג')
- If a man has three wives, one with a *ketubah* 100 *dinar*, another with a *ketubah* of 200 *dinar* and another with a *ketubah* of 300 *dinar* – how is the property divided if: (ט' יד')
 - The estate is valued at 100 *dinar*?
 - The estate is valued at 200 *dinar*?
 - The estate is valued at 300 *dinar*?
- What is the order of *ketubah* collection in a case where there are four wives? (ט' יו')
- According to the *Tana Kama* what is different about the way the final wife collects her *ketubah*? (ט' יז')
- What is the law in a case where the first of two wives writes "din u'dvarim ein li imach" to the purchaser of her husband's field? (ט' יח')

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10 minutes before *Mincha*
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Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
 9:00am
Kollel Magen Avraham
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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
19 th August א' אלול	20 th August ב' אלול	21 st August ג' אלול	22 nd August ד' אלול	23 rd August ה' אלול	24 th August ו' אלול	25 th August ז' אלול
Ketubot 11:1-2	Ketubot 11:3-4	Ketubot 11:5-6	Ketubot 12:1-2	Ketubot 12:3-4	Ketubot 13:1-2	Ketubot 13:3-4

