

TIME  MISHNA

MASECHES KESUBOS



**Summaries, key terms, overviews, tests
and other chazara aids**

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overview

כתובות

- 1. The amount of the כתבה (1.1-2.1)**
 - ✓ אלמנה and בתולה
 - בת כהן - מכת עץ -
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- 6. חנן בן אבישלום and אדמון (13)**

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key terms

כתובות

Rules:

- ברי ושמוא ברא עדיף** - A certain claim is stronger than an uncertain claim
- חזקה** - The status of an item or person is assumed to remain the same as it has been until proven otherwise
- מיגו** - When one makes a claim which isn't as advantageous for himself as another potential claim which he could have made then he is believed
- המוציא מחבירו עליו הראיה** - One who wishes to take money from somebody else can only do so if he proves that he is entitled to it
- רוב** - Following the majority
- הפה שאסר הוא הפה שהתיר** - If somebody makes a statement which puts him into a potentially liable position and follows it immediately with a statement which exempts him, he is believed since he could have said nothing
- קים ליה בדרבה מיניה** - One who performs one act for which there are 2 potential punishments doesn't receive the less severe punishment
- מודה בקנס פטור** - One who confesses to owing a fine is exempt from paying it
- מצוה לקיים דברי המת** - It is a מצוה to fulfil the words of a man who has died
- כאן נמצאו, כאן היו** - A woman's wounds are assumed to have begun and always been in the domain which she is currently in
- כל המתנה על מה שכתוב בתורה, תנאו בטל** - A condition which goes against the תורה is invalid

Concepts and terms:

- בתולה** - A woman who has never had relations
- מכת עץ** - A woman who lost her features of being a בתולה due to an injury
- ארוסה** - A woman who has received קידושין
- מקח טעות** - An acquisition which is based on misinformation and therefore invalid
- טענת בתולים** - When a husband claims that the woman who he thought was a בתולה isn't and that she isn't entitled to a כתבה since if she had relations before the מקח טעות then it's a מקח טעות
- קיום שטרות** - When the signatures on a document are verified
- חלל** - A disqualified כהן who was born or descended from somebody who was born from a forbidden marriage of a כהן

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key terms

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- **אונס** - Forcing a woman to have relations
- **מפתה** - Seducing a woman to have relations
- **קטנה** - A girl under the age of 12
- **נערה** - A girl who is between 12-12½ years old
- **בוגרת** - A fully-matured girl over the age of 12½
- **קנס** - Fine
- **בשת** - Embarrassment
- **פגם** - Decrease in market-value
- **צער** - Pain
- **ריפוי** - Healing / doctor's fees
- **שבת** - Compensation for unemployment

ממזר(ת) - Child born from illegal relations

מעשה ידים - That which she makes and earns

מוציא שם רע - When one brings false witnesses to testify that his wife who is a **נערה בתולה** had relations with another man after receiving **קידושין** from him

פירות - The products and benefits [of one's wife's property]

אחריות נכסים - A hold on somebody's property that allows them to collect the money owed to them from it, even once it has been sold

נדוניה - Dowry

כתבת בנין דכרין - One of the conditions written in the **כתבה**, which states that her **כתבה** money and property which her husband inherits from her shall be inherited when he dies only by his sons which he had with her

תוספת כתבה - Additional amount of the **כתבה** above the 100 or 200 **זוז**

נדה - A woman who is periodically **טמא**

שומרת יבם - A woman whose husband has died without children and she is awaiting his brother to marry her and has a weak marital connection with him

הקדש - **בית המקדש** property

דבר שלא בא לעולם - Something which doesn't yet exist or belong to him

עונה - Fixed frequency that one must have relations with his wife

- **שליש מלבר** - An amount which once added on is 1/3 of the total, i.e. a half
- **חמש מלבר** - An amount which once added on is 1/5 of the total, i.e. a quarter

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key terms

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- **דת משה** - When a woman causes her husband to violate **עבירות**
- **דת יהודית** - Practices of Jewish women to preserve their modesty
- **נכסי מלוג** - Property which belongs to a woman from which her husband may benefit
- **נכסי צאן ברזל** - Property which a woman brings into a marriage and is considered to be the property of her husband

גלגול שבועה - The ability of one who has sufficient reason to force somebody to swear about one thing to force them to swear about other things too

פרוזבול - A document which prevents one's loans being cancelled by **שמיטה**

אגרת בקרת - When a sale made by **בית דין** is publicised and the property is evaluated by multiple people

מיאון - When a girl under the age of **בת מצוה** gets married on a **מדרבנן** level after her father died and she takes the option of dissolving the marriage

שניה לעריות - One's relative who he is forbidden to marry **מדרבנן**

אילונית - A woman who is unable to have children

מודה במקצת הטענה - When one admits to part of somebody's claim that he owes him something and he is therefore obligated **מדאורייתא** to swear that he doesn't owe the rest

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summaries

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- **The amount a woman is entitled to in her כתבה:**

- A 'בתולה' – **woman who has never had relations** – **should get married** on a **Wednesday**, so that if her husband discovers when they have relations that she isn't a בתולה he will immediately come to **בית דין** who sit on Thursdays so that they will determine whether she had relations after she received **קידושין** in which case they are forbidden to remain married.
 - She **shouldn't get married** on **Sunday**, even though the **בית דין** sit on Mondays too, so that he will prepare the wedding feast for at least 3 days.
 - A **woman who has been previously married** **should get married** on a **Thursday**, so that she can be with her husband for 3 full days without him working.
- A **בתולה** is entitled to **200 זוז** in her **כתבה** document, whereas a **woman who has had relations or been fully married** previously is entitled to **100 זוז**.
 - A woman who **converted** to become Jewish or **had been captured** by non-Jews when she was above the age of 3 years old is entitled to **100 זוז**, since it's assumed that she has had relations at an age when their relations are significant.
 - If she had **had relations when she was below 3 years old or the man involved was below 9 years old**, she **remains a בתולה**.
 - **ר' מאיר**: A **'מכת עץ'** – woman who **lost her features of being a בתולה due to an injury** – is entitled to **200 זוז**, since she hasn't had relations so is considered as desirable.
 - חכמים**: She's entitled to **100 זוז**, since she lacks the features of a בתולה.
 - The **בית דין** responsible over **כהנים** would require a man who marries a **בת כהן** **who is a בתולה** to write a **כתבה** of **400 זוז**, because of her noble ancestry.
- **In the area of יהודה**, the custom was for a man who performs **קידושין** to be alone with his **'ארוסה'** – woman who has received **קידושין** – right after the **קידושין**, so he **can't claim a 'טענת בתולים'** – when a husband claims that the woman who he thought was a בתולה isn't and that she isn't entitled to a **כתבה** since if she had relations before the **קידושין** then it's a **'מקח טעות'** – acquisition which is based on misinformation and therefore invalid, and if she willingly had relations during the **אירוסין** period then she forbids herself to be married to him so loses her right to the **כתבה**.
 - **ר' אליעזר** and **רבן גמליאל**: If a man discovers that his wife isn't a בתולה and he claims that she had had relations **before the time of the קידושין**, and she claims that she was forced to have relations **after the קידושין** so the **קידושין** was valid and she is entitled to a **כתבה**, **she is believed** because of the following rules:
 1. **'ברי ושמא ברי עדיף'** – a certain claim is stronger than an uncertain claim, and he doesn't know the facts.
 2. **'חזקה'** – the status of an item or person is assumed to remain the same as it has been until proven otherwise, and she had a **חזקה** of not having had relations so this continues until it is certain that she has.

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1. 'מיגו' – when one makes a claim which isn't as advantageous for himself as another potential claim which he could have made then he is believed, and here she could have claimed that she's a **מכת עץ** which would validate her to marry a **כהן**.

ר' יהושע: It's considered to be a **מקח טעות** and **she doesn't receive her כתבה**, since **'המוציא מחבירו עליו הראיה'** – one who wishes to take money from somebody else can only do so if he proves that he is entitled to it.

- **ר' אליעזר** and **ר' גמליאל**: If a man claims that a woman **had had relations** before the time of the **קידושין** without him knowing and so she isn't entitled to a **כתבה**, and she claims that **she was a מכת עץ** so it's not a **מקח טעות**, **she is believed** because of the reasons above, and there is a **מיגו** that she could have claimed that she became a **מקת עץ** after the **קידושין** which would mean her **כתבה** would be 200 זוז.

ר' יהושע: **She doesn't receive her כתבה**, since **המוציא מחבירו עליו הראיה**.

- **ר' אליעזר** and **ר' גמליאל**: If a single woman is **seen going into a room alone with another man**, and she claims that he is somebody who it is permitted to marry so **relations with him wouldn't invalidate her from marrying a כהן**, **she is believed** since she has a **חזקה** of being permitted for a **כהן**.

ר' יהושע: **She doesn't receive her כתבה**, since she no longer has a **חזקה** after violating the prohibition **מדרבנן** of being alone with another man.

→ **ר' אליעזר** and **ר' גמליאל**: If she gives birth to a child from him, the **child is assumed to be permitted to marry a כהן**.

ר' יהושע: The **child may not marry a כהן**.

→ **ר' יוחנן בן נורי**: If a **young girl was forced to have relations**, she **may marry a כהן only if the 'רוב' – majority – of the people of that city are permitted to marry her**, since otherwise a young girl cannot be trusted.

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- In a location where the custom was not to write down the כתבה and upon divorcing her **she claims that she's entitled to 200 זוז and he claims that she's entitled to 100 זוז, she receives 100 זוז** since both of their claims are certain claims and there is a מיגו that he could have claimed that she'd already received her entire כתבה during the marriage.
 - However, if there are witnesses who testify that she was wearing a veil with her hair down at her wedding, which was the custom of a בתולה, then she receives 200 זוז.
 - ר' יוחנן בן ברוקא**: In locations where the custom was to give out roasted grain to children at the wedding of a בתולה, testimony about this is also accepted.
- **Trusting somebody's claims:**
 - **ר' יהושע**: Although a regular מיגו isn't a reason to trust somebody, 'הפה שאסר הוא' – if somebody makes a statement which puts him into a potentially liable position and follows it immediately with a statement which exempts him, he is believed since he could have said *nothing*.
 - For example, if one states that **his field belonged to somebody else's father but he bought it from him, he is believed** if there aren't witnesses who testify that it belonged to his father.
 - If witnesses do 'קיום שטרות' – when the signatures on a document are verified – by stating that **they were the ones who signed, and they continue to say that they were invalid witnesses** at the time, the **document is invalid**.
 - **רבי**: If each witness only testifies about their own signature, **another witness is required to verify each signature**.
 - חכמים**: This is sufficient for קיום שטרות, since the 2 witnesses are essentially also testifying that the document is valid.
 - A woman who claims that **she was married and is now divorced is believed** without any proof, as long as there aren't other witnesses who testify that she had been married.
 - If a woman claims that **she was captured by non-Jews but wasn't forced to have relations** so is still permitted to marry a כהן, **she is believed**.
 - If **בית דין** permit her to marry a כהן based on her claim and then **witnesses testify that she was captured, she may still marry a כהן** since the concern that a woman who was captured had relations is only מדרבנן.
 - If 2 women are known to have been captured together and **each one testifies about the other** that they didn't have relations, they are believed even though a woman is an invalid witness and it appears like they are working together, since the concern is only מדרבנן.

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- **חכמים**: If 2 people testify about each other that they are a **כהן**, they are believed so they may eat **תרומה**, however a woman wishing to marry a **כהן** should still investigate the possibility that he is a '**חלל**' – disqualified **כהן** who was born or descended from somebody who was born from a forbidden marriage of a **כהן**.
 - ר' יהודה**: 2 valid witnesses are required to establish somebody to be a **כהן** for eating **תרומה**, so that a woman doesn't come to rely on him being a **כהן** with less than 2 witnesses.
 - ר' אלעזר**: If there aren't rumours that he is a **חלל**, 1 witness is sufficient, as long as it isn't two people testifying about each other.
 - רבן שמעון בן גמליאל**: If a person is assumed to be a **כהן**, but based on rumours was declared by **בית דין** not to be a **כהן**, then 1 witness testifies that he is a **כהן**, then 2 witnesses testify that he isn't a **כהן**, then 1 witness testifies that he is a **כהן**, his testimony is combined with the other single witness's testimony such that all of the testimonies are equal and break away, thus causing him to revert to his original status of being a **כהן**.
- A woman who was imprisoned by non-Jews in order to receive money which is owed to them is not assumed to having been forced to have relations, since they'd be afraid of losing their rights to the money, so she may marry a **כהן**.
- If a city is pillaged by an enemy army, any woman inside the city who doesn't have somebody who was with them throughout the pillage and saw that she wasn't forced to have relations is forbidden to be married to a **כהן**.
 - If a woman is married to a **כהן**, her husband isn't trusted to say that she didn't have relations since this would benefit him.
- Although in general one must be a valid witness from the time of seeing the event until testifying, regarding things which have significance only **מדרבנן** an adult can testify about what he witnessed when he was not yet **בר מצוה**.

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- **The rights and responsibilities of a father:**

'אונס' – forcing a woman to have relations – and 'מפתה' – seducing a woman to have relations:

- One who is אונס or מפתה a 'נערה' – girl who is between 12-12½ years old – who is a בתולה is **obligated to pay a 'קנס' – fine – of 50 silver coins to her father.**

→ If having relations with her is a **capital crime**, e.g. she is his daughter, **he is exempt from paying** since 'קים ליה בדרבה מיניה' – one who performs one act for which there are 2 potential punishments doesn't receive the less severe punishment.

- This is true **even if he doesn't receive the death penalty** due to not all the criteria to be killed are filled.

- o If having relations with her is punishable by כרת and by מלקות if warned, **he's exempt from paying only if he actually receives מלקות.**

→ **ר' יוסי הגלילי**: If she **has received קידושין** and been divorced, **he isn't obligated** to pay a קנס since the תורה says that it applies only to a girl who hasn't received קידושין before.

ר' עקיבא: **She receives the קנס herself**, since the תורה is talking about when her father receives it.

- An **orphaned girl receives the קנס herself.**

- **ר' אלעזר**: When the girl herself is entitled to the קנס, a **מפתה is exempt** since she had relations with him willingly which is viewed as forgoing on the payment.

- An אונס must pay for: (1) 'בשת' – **embarrassment**, measured by how respectable those involved are; (2) 'פגם' – **decrease in value**, measured by how much she would be sold for had somebody wanted to buy her as a slave to marry another slave of his; (3) קנס; (4) 'צער' – **pain.**

→ A **מפתה doesn't need to pay for צער.**

→ An אונס is **obligated to marry her** too, if her father and she wish, whereas a **מפתה can choose either to marry her or to pay** the aforementioned payments.

- If **she is prohibited for a regular Jew**, e.g. she is a 'ממזרת' – girl born from illegal relations, **even an אונס may not marry her.**

- Whereas a father receives a קנס if somebody forces or convinces his daughter to have relations only if she is a נערה, a father **has the right to sell his daughter as a slave** only as long as she is a 'קטנה' – girl **under the age of 12.**

→ If she is a 'בוגרת' – fully-matured girl **over the age of 12½**, her father **neither receives a קנס nor can he sell her**, since she has left his authority.

- 'מודה בקנס פטור' – one who **confesses to owing a fine** is **exempt from paying it**, whereas one who confesses to owing 'ממון' – payment of compensation – is obligated.

→ For example, one who confesses to having forced a woman to have relations is obligated to pay for **בשת, פגם** and **צער** but not the קנס.

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- **חכמים**: If the father of a woman who was forced or seduced to have relations **dies after** the **בית דין** obligate the offender, his inheritors (sons) receive all of the payments.
 - If he **dies earlier**, **she receives the קנס** since this obligation depends on the **בית דין**'s command.
- **ר' שמעון**: The inheritors receive it only if her **father had already received it**.
 - The same applies if she **becomes a בוגרת**.

Rights of a father over his daughter who is either a **קטנה** or **נערה**:

- Her **'מעשה ידים'** – **that which she makes and earns** – **belongs to her father even before she collects it**, such that if her father died his inheritors would receive it.
 - **חכמים**: He has the rights to **her כתבה**, but **if she was fully married** then she has left his authority so **she would keep it**.
 - **ר' יהודה**: **He receives it**, since it was written whilst she was still under his authority.
 - A **נערה בתולה** who has received **קידושין** and has relations with another man is punished with the stricter **death penalty of סקילה** (stoning) outside her father's house, and if **her husband is found to have been מוציא שם רע** - brought false witnesses to testify that she violated this – then **he must pay her father 100 silver coins**.
 - This **doesn't apply** to a **woman who converted**, but **does apply** to a woman whose **mother converted whilst pregnant with her**, as learnt from **פסוקים**.
 - If her father isn't alive or he no longer has a house, the other laws still apply.
 - He can receive a **קידושין** document or money on her behalf, or give her over for relations for the sake of **קידושין**, even against her will.
 - **That which she finds belongs to him**.
 - If **she makes a vow**, he is **able to annul it** on the day that he hears of it.
 - He **can receive her גט** from **אירוסין**.
 - According to the strict letter of the law, he **isn't obligated** to **support his daughter**.
- **The rights and responsibilities of a husband:**
 - He is entitled to the **products and benefits ('פירות') of his wife's property**, in return for his **obligation to ransom her** if she gets captured.
 - If she gets captured, he **may not divorce her and tell her to use her כתבה money to ransom herself**, since he hasn't paid back for the **פירות** which he has taken from her property.
 - He is **obligated to support her**, provide for **her healing** and provide for **her burial**.
 - **ר' יהודה**: He **must provide what is generally present at a burial**, e.g. flutes and a woman wailing to arouse emotions.
 - If she becomes ill, he **may divorce her and tell her to use her כתבה money to pay for curing**, since this is included in supporting her and he has been supporting her throughout their marriage.

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- Even though once it reaches the date set for the נישואין, the husband becomes obligated to support her, and his rights to her מעשה ידיים are in return for this, he nevertheless **only gains those rights once her father or his messengers has given her over to her husband or his messengers.**
- Even if a man **doesn't write a כתבה** or misses out any of the obligations and conditions included in it, it's **still an obligation.**
- A woman has 'אחריות נכסים' – a hold on somebody's property that allows them to collect the money owed to them from it, even once it has been sold – for her כתבה on all of his property.
- In order to encourage fathers of brides to give a large 'נדוניא' – dowry, one of the conditions written in the כתבה is that **her כתבה money and property** which her husband inherits from her shall be **inherited when he dies only by his sons which he had with her.** This is called 'כתובת בנין דכרין'.
- Once a man dies, his **daughters are supported from the inheritance** which he leaves behind.
- In **ירושלים** and **גליל**, the custom was to write in a כתבה that a man's wife may continue living in his house and benefitting from his possessions even after his death, **until she chooses to take her כתבה**; in **יהודה** they would write that she may do so **until her husband's inheritors force her to take her כתבה.**

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- A man can obligate himself to a 'תוספת כתבה' – **additional amount of the כתבה** above the 100 or 200 זוז.
 - **ר' אלעזר בן עזריה**: If she is **divorced or widowed before the נישואין** (last stage of marriage), she **doesn't receive the תוספת כתבה** since he only intended for her to receive it if they get married.
 - חכמים**: She **receives the entire כתבה**.
 - ר' יהודה**: If they wish, **she can write a document stating that she considers it as if she received half of her כתבה**.
 - ר' מאיר**: If he **doesn't obligate himself to 100 or 200 זוז**, even indirectly like this, he is **forbidden to be married to her** since the כתבה is a requirement **מדאורייתא**.
- Once a man asks his ארוסה who has never been married previously for them to get fully married, or vice versa, he must give her **a year** to prepare.
 - If she has been married before, she requires only **a month's** preparation.
 - Since the reason why an ארוסה of a כהן may not eat תרומה is that מדרבנן there is a concern that she'll feed her non-כהן family, if he pushes off the נישואין date he **becomes obligated to support her** from that date and he **may give her תרומה** since he'll make sure not to give her more than what she needs for herself.
 - **ר' טרפון**: If she is from a family of כהנים, he **may give her תרומה even for when she is a 'נדה'** – woman who is periodically טמא – since he can rely on her family selling it for חולין (regular food which can be eaten in a state of טומאה) for her.
 - ר' עקיבא**: He **needs to give her חולין** just like when they are married fully.
 - Later on, the חכמים ruled that she **may not eat תרומה until she is fully married**, in case the husband discovers something once they are married and it will emerge that the קידושין was invalid as a טעות.
- A 'שומרת יבם' – woman whose husband has died without children and she is awaiting his brother to marry her and has a weak marital connection with him – of a כהן **cannot eat תרומה**, since only the wife of a כהן who performed an act of קידושין can eat תרומה.
- If a woman tells her husband not to support him and that she'll keep her מעשה ידים, or not to provide her with money each week and she'll keep her extra מעשה ידים, **her husband is not able to designate her מעשה ידים to 'הקדש'** – בית המקדש – so she may benefit from it.
 - **ר' מאיר**: **Once she dies** and he should inherit her מעשה ידים, **it's הקדש** since one has the ability to make a 'דבר שלא בא לעולם' – something which doesn't yet exist or belong to him – into הקדש.
 - ר' יוחנן**: It **belongs to him**, since such a declaration is ineffective.
- A woman must **grind, bake, wash clothes, nurse her child, make his bed and work with wool**.

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- **חכמים**: If her husband **can afford maids** to do these jobs, **she is exempt**.
ר' אליעזר: **She must always work** with wool, since doing nothing leads to immorality.
רבן שמעון בן גמליאל: One who **forbids himself from having relations with his wife if she will work**, he **must divorce her** since her husband is withholding her from doing anything and she might go crazy.

Having relations with one's wife:

- **בית שמאי**: One who **makes a נדר to forbid relations with his wife** must divorce her if he hasn't annulled it after 2 weeks, since that is the maximum that is considered bearable, as the **תורה** forbids a woman who has given birth to a daughter to have relations with her husband for 2 weeks.
בית הלל: **1 week** is the maximum, just like when a woman is a **נדה** which is common.
- One may leave **to learn תורה** in another city without one's wife permission for a maximum of **1 month**, and **to work** for a maximum of **1 week**.
- The 'עונה' – fixed frequency that one must have relations with his wife – is as follows:
 - An **unemployed** man: **every day**;
 - A **worker**: **twice a week**;
 - One who **works outside of the city**: **once a week**;
 - One who **travels far** to transport merchandise: **once a month**
 - A **sailors**: **twice a year**.
- **חכמים**: If a **woman refuses to have relations with her husband**, **7 זוז** are deducted weekly from her **כתבה** as a punishment, until it has all been deducted and he must divorce her.
ר' יהודה: **7 טרפעיקין** (half-זוז) are deducted each week.
ר' יוסי: He **doesn't need to divorce her**, since she can still be punished by awarding him part of future properties which she'll inherit.
 - **חכמים**: If he refuses to have relations with her, **3 זוז** are added weekly to her **כתבה**.
ר' יהודה: **3 טרפעיקין** are added.
- One who **supports his wife via a third party** must provide her with the amount of **food, clothes and living necessities of a regular person**, even if he himself generally survives on less than that.
 - He **must eat with her** at least once a week.
 - If one's wife is **nursing**, she is **obligated to make less מעשה ידים** and her husband is **obligated to provide her with more food**.
 - If he **lives a greater standard of living**, he is **obligated to provide this** for her.
- If one's wife **makes more מעשה ידים than she needs to**, this also **belongs to her husband** and in return for this he **must give her 1/6 זוז** each week for her to spend.

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- חכמים**: If somebody **injures a married woman**, the payments are distributed as follows:
 - 'פגם' – **decrease in market-value: hers**
 - 'צער' – **pain: hers**
 - 'ריפוי' – **healing: towards her doctor's fees**
 - 'שבת' – **compensation for unemployment: her husband's**, since he receives her מעשה ידים
 - 'בשת' – **embarrassment: hers****ר' יהודה בן בתירא**: Her husband receives 1/3 of the פגם and בשת payments, since he is also affected, and if she was injured in a visible place on her body or in public then he receives 2/3.
- A father's obligations towards his daughter and son-in-law:**
 - One who promises an amount that he will give his son-in-law as a נדוניא and he dies before נישואין, he **doesn't need to give his brother the יבם that amount**, since that wasn't included in what he obligated himself.
 - If a נדוניא of cash is given, the husband must write in the כתבה that when she is divorced or widowed she'll receive that amount plus 'שליש מלבר' – an amount which once added on is 1/3 of the total, i.e. a half, since he is able to gain for investing the money.
 - For example, if it was 1000 זוז, he obligates himself to give her 1500 זוז.
 - If a נדוניא of property is given so must be evaluated, he must write in the כתבה that she'll receive 'חומש מלבר' – an amount which once added on is 1/5 of the total, i.e. a quarter – less than the evaluated value, since the custom was to exaggerate the value of a נדוניא.
 - For example, if he writes in the כתבה an amount of 400 זוז, she must bring into the marriage property worth 500 זוז.
 - If one promises to provide his future wife 10 זוז for the sake of perfumes and cosmetic needs, it is understood to mean 10 זוז for every 100 זוז of the נדוניא.
 - רבן שמעון בן גמליאל**: This and the above laws depend on the location's custom.
 - One must provide his daughter with at least 50 זוז for her wedding needs.
 - If the son-in-law allows him to not provide this, then he must do so himself.
 - An orphaned girl must also be provided with at least 50 זוז for her wedding, and if there is enough money then they must provide her with the standard that she was used to.

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- תנא קמא**: A girl under **בת מצוה** whose father dies is entitled to **1/10 of her father's inheritance** for her **נדוניא**, so even if she agreed to receiving less at the time of marriage she may demand the rest once she becomes **בת מצוה** since she didn't have sufficient understanding at the time that she accepted less.

ר' יהודה: It is **estimated how much her father would have given**, for example if her older sister got married during his lifetime, she'd receive a corresponding amount.

חכמים: What he gave to a different daughter isn't a good indication of what he would have given at a later date, rather she receives **the average amount which somebody of his wealth would give**.
- ר' מאיר**: One who **gives money to somebody for him to buy property for his daughter's נדוניא** when she gets married and then he dies, that person **must do exactly as he was instructed** even if she tells him to give her husband the money itself, since **'מצוה לקיים דברי המת'** – it is a **מצוה** to fulfil the words of a man who has died.

ר' יוסי: He **should do as she says if she is over בת מצוה**, since if he buys a field then she is anyway able to sell it again for money once he gives her the field to bring into the marriage.

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- **The rights and responsibilities of a husband:**

Reasons to require a divorce:

- If one **makes a נדר against his wife benefitting from him** and she agrees to support herself with her own **מעשה ידיים** alone and not benefit from any of his property, he **may hint to somebody to provide her** with what she is missing out on for 30 days.
 - **חכמים**: If the נדר is still in effect **after 30 days**, **she can force him to divorce her** since this brings her shame.
 - ר' יהודה**: If he is a **כהן** who will be forbidden to remarry her after divorce, she can force him only **after 2 months**.
- **חכמים**: If one's wife makes a נדר **not to benefit from a particular type of fruit** and he states that he isn't annulling it and that she should be bound by this נדר, **she can force him to divorce her immediately** since it shows hatred towards her.
 - ר' יהודה**: If he is a **ישראל**, he must divorce her if the נדר is still in effect after a day, and if he is a **כהן** then **after 2 days**.
 - **חכמים**: If the נדר was against **benefitting from a type of cosmetic**, **she can force him to divorce her immediately**.
 - ר' יוסי**: If she is poor, this is only true if the נדר is for a very long time, since she anyway doesn't use perfume often; if she is wealthy, this is true if the נדר was for **30 days**, which is how often she generally puts on perfume.
 - **חכמים**: If the נדר was **not to have relations with him if she goes to her father's house**, **she can force him to divorce her** if the נדר is still in effect after a month, and if he lives in a different city then once a **טוב יום** passes.
 - ר' יהודה**: If he is a **כהן**, this is true **after 2 טובים**.
 - If the נדר was **not to go to comfort mourners or to weddings**, **she can force him to divorce her immediately** since this will cause others not to comfort her or take part in her joyous occasions.
 - If he **agreed to the נדר due to his concern for inappropriateness** at these places, he **doesn't need to divorce her**.
- One who **annuls his wife's vow on condition that she embarrass herself must divorce her immediately**.
- A woman who transgresses '**דת משה**' – when a woman **causes her husband to violate עבירות**, e.g. she prepares food for him from which the tithes haven't been separated – or '**דת יהודית**' – practices of Jewish women to **preserve their modesty**, e.g. not covering all of her hair in a regular way – **must be divorced by her husband and loses her right to her כתבה**.
 - אבא שאול**: This also applies to one who **curses her husband's parents in front of him**.
 - ר' טרפון**: This also applies to a woman who **speaks very loudly with her husband regarding private issues**.
- One who **performs קידושין with a woman on condition** that she isn't bound by any significant vows or that she doesn't have a significant wound and it emerges that she is/does, then it's a **מקח טעות** so **she doesn't require a גט and isn't entitled to a כתבה**.

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- If they go through **נישואין** without him mentioning the condition, he must give her a **גט** in case his silence indicates retracting from the condition. However, she isn't entitled to a **כתבה** since **המוציא מחבירו עליו הראיה**.
- A significant wound is one which would invalidate a **כהן** from serving in the **בית המקדש**.
- **ר' מאיר**: If one finds out that the woman with whom he performed **קידושין** has wounds, it can be assumed that she had wounds at the time of the **קידושין** and it was a **מקח טעות** so she isn't entitled to a **כתבה**, since '**כאן נמצאו, כאן היו**' – they are assumed to have begun and always been in the domain which she is currently in, and she is still in her father's domain.
 - חכמים**: If it's a wound which is in a revealed place, or if there is a public bathhouse in the city such that he can find out about hidden wounds from his female relatives, he can't claim that it was a **מקח טעות**.
- **חכמים**: If a man develops a wound after he is fully married, he cannot be forced to divorce his wife, just like if a woman develops a wound after marriage that's not a valid reason for divorce.
 - רבן שמעון בן גמליאל**: He can be forced if it's a significant wound.
 - **ר' מאיר**: If it's unbearable to live with one's husband, e.g. he has an extremely foul smell, she can force him to divorce her even if she accepted at the time of marriage that she'll bear it.
 - חכמים**: She must continue living with him if she accepted it, unless his wound means that it's dangerous to have relations.

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The rights which one has in his wife's property:

- 1) If a woman inherits property **before she receives קידושין**, she may sell it even once she becomes an ארוסה.
 - 2) **בית שמאי**: If she receives property **whilst she is an ארוסה**, she may sell it.
בית הלל: She may not sell it, since she might have received it in her husband's merit since she's in a state of awaiting his marriage; **the sale is nevertheless valid**.
 - 3) If she receives property **after she is fully married** and sells it, **her husband has the right to take it back** so that he will be able to benefit from its פירות.
 - 4) If she receives property **before getting married and sells it after she is fully married**, **the sale is valid**.
ר' שמעון: If the husband was aware that his wife owned the property, then he gained the rights to its פירות and **the sale is invalid**.
- If a married woman inherits **money** or **produce which is detached from the ground**, it **should be used to buy land** so that its value is maintained and so that her husband can benefit from its פירות.
 - **ר' מאיר**: If a woman inherits **land with produce already growing**, the produce isn't itself considered פירות since that's part of the inheritance itself, so their value **should be spent on land** and the husband is entitled to its produce.
חכמים: The produce attached to the ground is **considered to be פירות** since it's growing from the land.
ר' שמעון: Although the produce attached to the ground is considered to be פירות and the husband may take it, any produce still attached to the ground when he dies or divorces her is **taken back by his wife together with her land**, since he hasn't yet taken ownership of it.
 - **חכמים**: If she inherits **old slaves, olive trees or vines**, they **should be sold for land**.
ר' יהודה and **רבן שמעון בן גמליאל**: She can protest to such a sale, claiming that they represent the glory of her father's household.
 - If he **spends money investing in his wife's field** and then divorces her, **neither he nor she may claim compensation** if he benefitted more than he invested or vice versa.
→ If **he didn't benefit at all** from the פירות, **he can receive compensation** for what he spend if he swears how much he spent.
 - A **שומרת יבם** may sell 'נכסי מלוג' – property which belongs to a woman from which her husband may benefit – since they aren't yet married.
→ **בית שמאי**: If she dies, 'נכסי צאן ברזל' – property which a woman brings into a marriage and is considered to be the property of her husband – and the money of her כתבה are inherited by **the יבם**, and נכסי מלוג are split.
בית הלל: נכסי מלוג are inherited by **her father or his inheritors**.

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- **ר' מאיר**: If the **יבם** performs **יבום**, he inherits all of his brother's property and **must convert all of it into land form and only benefit from its פירות**, since there is 'אחריות נכסים' – when one who is owed money has a hold on the property of the debtor which prevents him from selling the property unconditionally – on the **כתבה**.
- חכמים**: There is **אחריות נכסים** only on the land which he inherits, and on something which she took for herself during her husband's lifetime, but he may do whatever he wishes with the other parts of the inheritance.
- She has no **אחריות נכסים** on the **יבם's** property which he didn't inherit from her original husband, so he may sell it and she won't be able to collect her **כתובה** from it.

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- 1) If one declares to his ארוסה that when they get fully married he will not have rights to her property, he still has the rights to her פירות but if she sells her property it's valid.
 - 2) חכמים: If he declares that he will not have rights to her property or its פירות, he still inherits her property once she dies.
 ר' יהודה: He may still benefit from the פירות of land which she brought in exchange for her original property, so she wouldn't be able to sell that land.
 - 3) חכמים: If he declares that he will not have rights to her property or its פירות or its פירות forever, both before and after her death, then he forgoes on all of his rights to her property.
 רבן שמעון בן גמליאל: He does inherit her property, since 'כל המתנה על מוה שכתוב' – a condition which goes against the תורה is invalid – and one inherits his wife מדאורייתא.
- **A woman's dealings with her husband's property after his death:**
 - טרפון: If at the time of one's death some of his money was with somebody else so wasn't automatically transferred to his inheritors, and this man owed money to a lender as well as to his wife for her כתבה, the one who is at the biggest disadvantage receives the money; this is the lender or woman whose document is written at a later date, since they have a hold on property from a shorter time period.
 ר' עקיבא: The inheritors receive it, since they are considered to be the default, automatic owners, as indicated by the fact that the others would need to swear that they are owed the money before taking it, unlike the inheritors.
 - טרפון: If he left behind detached produce and it was in a public domain, whoever takes it first acquires it.
 - If the lender or woman grabbed it and it emerges that it's more than the amount that she is owed, the other one receives the rest.
 - ר' עקיבא: The inheritors receive it.
 - חכמים: Since מדרבנן one may force somebody with whom he works in business to swear that he hasn't taken anything, if he sets his wife up as his shopkeeper or to manage his finances, he can force her to swear.
 - Via 'גלגול שבועה' – the ability of one who has sufficient reason to force somebody to swear about one thing to force them to swear about other things too – he can force to swear that she hasn't taken anything of his in the house too.
 - ר' אליעזר: He may always force her to swear about household things, and there isn't a concern that this will damage their relationship.
 - ר' שמעון: He may never make her swear even regarding finances.
 - חכמים: Although in general when a widow wishes to receive her כתבה from her husband's inheritance, she must make a נדר not to benefit from something if she has received it already, one can declare to his wife that he exempts her, her inheritors and one who buys her כתבה rights from making such a נדר in the future, as long as he clearly spells out the situations for which he is exempting her from swearing.

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ד' שמעון: He **cannot exempt her**, since it's regarding a time when it's no longer in his domain.

- The inheritors **cannot force her to swear** regarding **that which she spent for his burial needs**, since it is done in a rush and she might have misplaced some money or mistakenly taken some for herself.
- If **she takes responsibility for the finances of the inheritance**, the inheritors **can force her to swear only regarding these dealings** but not what her husband exempted her from, even via **שבועה**.

• Collecting the **כתבה**:

- The **בית דין** can **force a woman to swear** before receiving her **כתבה** in the following situations:
 - **She admits to having collected part of it**; this is so that she'll be careful to take note of the exact amount that she collects
 - **1 witness claims that she has collected it**; this is in order to please the husband
 - **Her husband isn't present**, or if she is collecting it from property which has been sold or inherited already; this is because her husband might have forced her to swear
- If a woman presents a **גט** to **בית דין** in **a location where the custom was not to have a written כתבה** and she claims her **כתבה**, **she receives it and the גט is torn**.
 - If **her husband nevertheless wrote a כתבה** and she presents it without her **גט** to **בית דין**, **she may not collect her כתבה** if the husband claims that she's received it, since she could have already collected her **כתבה** using her **גט**.
 - If a lender claims his loan from the borrower after **שמיטה** and **claims that he lost his 'פרוזבול'** – a document which prevents one's loans being cancelled by **שמיטה**, he cannot force him to pay.
 - **דבן שמעון בן גמליאל**: During a time when it was **dangerous to openly observe מצוות**, people would burn their **גט** or **פרוזבול**, so one would be **able to collect a כתבה and loan even without the document** as proof.
- If one divorces his wife and **remarries her before she has received her כתבה**, it is assumed that **he doesn't obligate himself to a new כתבה** but is relying on the previous one, unless stipulated otherwise.
 - If one **מדרבנן** marries a girl under **בת מצוה** whilst she is a **בתולה**, **her כתבה remains 200 זוז** even though at the time that their marriage becomes valid **ביתולה** she is no longer a **בתולה**.

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When somebody dies without leaving enough money for his wives' **כתובות**:

- When somebody dies, **the woman who he married first** takes precedence in receiving her **כתבה** and her sons take precedence in receiving the **כתבת בנין דכרין** if his wives died before him.
 - If **his first wife שרה** dies, then he marries **חנה** and he dies, **חנה** and her sons take precedence over שרה, since they are entitled to a **מדאורייתא**.
 - **חכמים**: Each wife **must swear** to the next wife in line that she's still entitled to her **כתבה**, since she is possibly depriving her of (part of) her **כתבה**.
 - בן ננס**: **Even the last wife must swear** to the first wife, in case the first wife's property is found to have been stolen and wasn't owned by her husband, in which case she would lose her property and the last wife would have taken the remainder of the **כתבה**.
 - The custom in **ירושלים** was to **write down the time of day on the כתבה**, for the sake of precision in which woman takes precedence.
- The enactment of **כתבת בנין דכרין** only applies if apart from those values there remains at least a **דינר** which can be split equally amongst all of the sons according to the inheritance laws set down **מדאורייתא**.
 - Sons of a particular wife whose **כתבת בנין דכרין** is larger **cannot add on a דינר** to the inheritance in order to receive the full amount of their **כתבת בנין דכרין** instead of an equal share in the inheritance.
 - If **the דינר was in the hands of somebody else** when he died, e.g. he lent it out, it's not sufficient.
- ר' שמעון**: The **דינר must be real estate property**.
- If one dies and leaves behind 3 wives whose **כתובות** were written on the same date, **שרה's כתבה is 100 זוז, מרים's is 200 זוז and דבורה's is 300 זוז**, and the inheritance isn't enough for all of them, **they each have an equal share on each 100 that they have**. E.g. if there is only 200 זוז, שרה would receive 33 זוז and מרים and דבורה would split the rest.
- If **ראובן** marries **רחל** and then marries **חנה** and he then sells a field to **שמעון**, and **רחל declares to שמעון that she is relinquishing the אחריות נכסים that she has on the field** for her **כתבה**, if **ראובן** dies without enough money for their **כתובות** then **חנה** can take the field from **שמעון** and **רחל** from **חנה** and **שמעון** from **רחל**, etc. until they **reach a compromise**.

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- Just like whilst one supports his wife, he receives her **מעשה ידים** in return, so too once he dies and she is **supported by his inheritors**, they receive her **מעשה ידים**.
→ If **she dies**, **her family are obligated to provide for her burial**, as they inherit her.

Selling her husband's property for the sake of her **כתבה**:

- **תנא קמא**: A widow **may sell her husband's property without a בית דין** in order to receive her **כתבה**, since it's assumed that her husband would not have wanted her to have to appear at court.
ר' שמעון: This is only true regarding a woman who was **widowed from נישואין**, since she might be selling it to support herself so would do this multiple times.
→ **ר' שמעון**: Once she **gives away any part of her כתבה**, she is no longer supported by the inheritors so **may not sell property for her כתבה without בית דין**.
חכמים: She continues to be supported by them so **can sell multiple times without בית דין**, but should record in the sale document whether she's selling it for food or for her **כתבה**, so that she doesn't appear to be greedy for food and will have difficulty finding a new husband.
→ A **divorcee may only sell property in בית דין**, since no assumption can be made.
- If a widow whose **כתבה** is 200 **זוז** **sells a field worth 100 זוז for 200 זוז or vice versa**, she is considered to have **received her entire כתבה**.
- **חכמים**: If a widow's **כתבה** or that which remains of it is 100 **זוז** and she **sells a field worth 101 זוז for 100 זוז**, **the sale is invalid** since she has no rights to such a field.
רבן שמעון בן גמליאל: The **sale is valid** and she must compensate the inheritors with 1 **זוז**, since the small extra part of the field has no significance in its own right.
- **חכמים**: If **בית דין** **sell property** of an inheritance and they **misprice it by 1/6**, **the sale is invalid** since they are acting as messenger of the inheritors.
רבן שמעון בן גמליאל: **The sale is valid** unless it's **sold for half or double** its value, because of the power and jurisdiction of **בית דין**.
→ If there was an '**אגרת בקרת**' – when a sale made by **בית דין** in publicised and the property is evaluated by multiple people – **the sale is always valid**.
- A **girl who performs 'מיאון'** – when a girl under the age of **בת מצוה** gets married on a **מדרבנן** level after her father died and she takes the option of dissolving the marriage – **doesn't receive** a **כתבה** or **compensation if she borrowed money** to support herself, since it's considered as if they were never married. However, she isn't compensated for the **פירות** which the husband ate and for **her property which became worn out** due to his use, so that people wouldn't be discouraged from marrying orphaned girls.
→ The same applies to a '**שניה לעריות**' – **one's relative who he is forbidden to marry מדרבנן** – as a punishment for her.

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- The same applies to a **woman who is discovered to be an 'אילונית'** – woman who is unable to have children – since the **קידושין** was a **מקח טעות** and they were never married. She doesn't receive compensation since she relinquished the ownership of her property and **פירות** when she lived with him.

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- If one **obligates himself at the time of the נישואין to support his wife's daughter** from a different marriage for 5 years, he becomes obligated from his mere words.
 - Unless stated otherwise, **the obligation lasts even if he divorces her** and she marries somebody else with the same agreement, in which case he must give her the amount of money that supporting her costs.
 - If **her daughter gets married, her husband is obligated to support her and these 2 men must each give her money.**
 - If **he dies, she can collect what is due to her even from property which he sold**, whereas his own daughters can be supported only from the inheritance and not from that which has been sold.
- One of the conditions written in the **כתובה** is that once the man dies, his **widow will continue living in her husband's house under the same conditions** as during the marriage, and be supported by the inheritors.
 - If **she goes back to live in her father's house** without a valid reason such as a concern of inappropriateness, **the inheritors may refuse to support her fully**, claiming that it costs far less when she is in their house together with them.
- **ר' מאיר** in the name of **רבן שמעון בן גמליאל**: If a widow **lives in her husband's house**, **she has a maximum of 25 years to collect her כתובה**, since during that period she is estimated to have done favours for the neighbours worth the value of her **כתובה**.

חכמים: This maximum applies to a widow who **lives in her father's house**, since after being supported for 25 years without requesting her **כתובה** it is assumed that she has relinquished her rights to the **כתובה**; this doesn't apply if she is living in her husband's house, since she might just feel uncomfortable to request it from them.

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- **Laws stated by אדמון and חנן בן אבישלום:**

- 1) **חנן and רבן יוחנן בן זכאי**: If a man goes abroad and his **wife insists that בית דין sell part of his property so that she'll have what to eat, she doesn't need to swear** that her husband didn't leave money for her to support herself.
ר' דוסא בן הרכינס and בני כהנים גדולים: **She must swear.**
- 2) **חנן and רבן יוחנן בן זכאי**: If a man goes abroad and **somebody voluntarily supports his wife** (not as a loan) during this period, **he cannot demand that her husband repay him** when he returns since this wasn't done with his agreement.
ר' דוסא בן הרכינס and בני כהנים גדולים: **The husband must repay him.**
- 1) **חכמים**: If one dies and his **inheritance isn't worth more than that which is needed to support all of his daughters** until they become a **בוגרת**, his **sons don't inherit** and they must support themselves.
אדמון: **The inheritance is split equally** between all of the children.
- 2) **אדמון**: If **ראובן claims that שמעון has his jugs of oil and שמעון admits that he has his jugs**, this is considered to be **'מודה במקצת הטענה'** – when one admits to part of somebody's claim that he owes him something and he is therefore **obligated נדאורייתא to swear** that he doesn't owe the rest.
חכמים: **He's exempt**, since **ראובן's** claim was only regarding the oil.
- 3) **חכמים**: If one **promises to give a נדוניא** at the time of his daughter's **קידושין** and later refuses to give it, the **groom may refuse to marry or divorce her until he receives the נדוניא**.
אדמון: If he doesn't wish to marry her, then **she can demand a divorce** since she wasn't the one who promised the **נדוניא**.
- 4) **אדמון**: If **ראובן** is the last known owner of the field in which **לוי** now lives and he claims that he is still the owner, but **לוי** has a document which states that **שמעון** sold him the field and **ראובן** signed on it as a witness, **ראובן can claim** that he did so only because he knew it would be tougher to take **שמעון** to court than **לוי**.
חכמים: **He isn't believed**, since his signing on the sale shows that he doesn't deny that **שמעון** was the rightful owner and not a thief.
- 5) **אדמון**: If one has a **pathway through a field** in order to get to his field and he goes abroad and upon returning can't remember through which adjacent field he had the right of a pathway, and meanwhile one individual has bought all of the fields which surround his, **he has the right to the shortest pathway**, since it's definitely in that person's field.
חכמים: **He must buy a pathway again**, since the individual is able to return the fields to their original separate owners and then he'd certainly need to buy it back.
- 6) **אדמון**: If **ראובן** has a document stating that **שמעון** owes him money from a particular date, and **שמעון has a document stating that ראובן sold him a field after that date**, and **שמעון** uses this as proof that he has already paid back but lost the receipt, **שמעון is believed**.

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חכמים: שמעון is obligated to pay, since ראובן can claim that he sold him land so that he would be able to guarantee repayment since land can't be hidden.

- 7) **אדמון**: If ראובן has a document stating that he lent money to שמעון and שמעון has a document stating that he lent money to ראובן after the date of repayment of the other loan, this is proof that שמעון has repaid his loan.

חכמים: Each one can collect their loan.

- One may not force his wife to move to live in a different one of the 3 areas of ארץ ישראל (גליל and עבר הירדן, יהודה), or from a city to a village or vice versa even in the same area.
- **חכמים**: One can force his wife to move to an area where the quality of life is considered better, but not vice versa.
רבן שמעון בן גמליאל: One cannot force her, since a change in lifestyle can affect one's health.
- A man or woman can force their family to move to ארץ ישראל or to ירושלים and one cannot force them to leave.
- **חכמים**: If one marries a woman in קפוטקיא where the money is worth more, and he divorces her in ארץ ישראל, he only needs to pay her 200 זוז of ארץ ישראל money, since the כתבה obligation is מדרבנן.
רבן שמעון בן גמליאל: He is obligated to pay 200 זוז of קפוטקיא money, since he became obligated in קפוטקיא and the obligation is מדאורייתא.

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test

כתובות

1. Define: (a) בתולה; (b) בוגרת
2. Explain the rule of 'ברי ושמה ברי עדיף'.
3. What is a 'מיגו'?
4. When does יהושע ר' agree to the principle of 'מיגו'?
5. Provide 2 examples of testimonies which one can give regarding what he witnessed as a child.
6. List 2 of the payments which a נפחה must pay
7. If one forces a woman to have relations, and relations with her warrant a death penalty, is he obligated to pay and why?
8. What is the difference between נמון and קנס, and for which is one exempt if he admits to owing it?
9. List 3 rights which a father has over his daughter.
10. What is a כתבת בנין דכרין?
11. Why may an ארוסה of a כהן not eat תרומה?
12. What is the punishment for a woman who refuses to have relations with her husband?
13. Give 2 examples of vows for which one must divorce his wife if he doesn't annul.
14. If a married woman inherits money, what should be done with it?
15. What is property which a woman brings into the marriage and is considered to be the husband's called?
16. Provide 2 scenarios where the בית דין would force a woman to swear before receiving her כתבה.
17. If a man dies and doesn't leave behind enough money for all of his wives' כתובות, how is his inheritance split between his wives?
18. May (a) a widow or (b) a divorcee sell her husband's property for her כתבה without a בית דין, and why?
19. If a widow doesn't collect her כתבה within 25 years of her husband's death, she loses this right. Explain one reason for this and in which scenario would this reason apply?
20. List one of the ramifications given in the מסכתא of whether the כתבה is an obligation מדאורייתא or מדרבנן.

The aim of **Time4Torah** is to facilitate Torah learning opportunities for people of all ages globally. The focus is on covering significant ground whilst still setting time for constant revision, in order to retain the material.

The **Time4Mishna** program involves learning 4 משניות a day, Sunday through to Thursday. Friday is reserved for חזרה of that week's material and Shabbos is set aside for reviewing previous מסכתות.

Participants receive a 15 minute shiur of the 4 daily משניות, and written חזרה material at the end of each week.

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