

When Halakhah and Ethics Collide, Part 3: Some Takkanot on Marriage

The Freehof Institute of Progressive Halakhah

Twelve Minute Shiur #40

Deuteronomy 24:1

כִּי יִקַּח אִישׁ אִשָּׁה וּבְעָלָהּ וְהָיָה אִם־לֹא תִמְצָאֶנָּה בְּעֵינָיו כִּי־מָצָא בָּהּ עֲרֹנֹת דָּבָר וְכָתַב לָהּ סֵפֶר פְּרִיטוֹת וְנָתַן בְּיָדָהּ וְשָׁלְחָהּ מִבֵּיתוֹ :

When a man takes a wife and cohabits with her, should he find her displeasing due to something unseemly about her, he writes her a document of divorce, places it in her hand, and sends her from his house.

B. Ketubot 11a

כתובה - היינו טעמא, שלא תהא קלה בעיניו להוציאה.

What is the reason for the *k'tubah*? So that it should not be an easy matter for a husband to divorce his wife.

M. K'tubot ch. 4

משנה ז (7)

לא כתב לה כתובה בתולה גובה מאתים ואלמנה מנה מפני שהוא תנאי בית דין.
כתב לה שדה שוה מנה תחת מאתים זוז ולא כתב לה "כל נכסים דאית לי אחראין לכתובתיך" חייב שהוא תנאי בית דין.

If the husband did not write a *k'tubah* for his wife, she still collects [at the time of divorce or the husband's death] 200 *zuz* if she was previously unmarried or 100 *zuz* if she was previously married, because this is a stipulation of the court (*beit din*).

If he mortgaged a field valued at 100 *zuz* as security for the full payment of 200 *zuz* and did not write for his wife the following clause in the *k'tubah*: "All my property is mortgaged for your *k'tubah*," he still is obligated to pay 200 *zuz*, for this is a stipulation of the *beit din*.

משנה ח (8)

לא כתב לה אם תשתבאי אפרקינך ואותבינך לי לאינתו... חייב שהוא תנאי בית דין :

39 If he did not write for his wife the following clause in the *k'tubah*: "If you are kidnapped, I will
40 ransom you and take you back as my wife..." he is obligated (to ransom and restore her), for this
41 is a stipulation of the *beit din*.

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43 משנה י (10)

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45 לא כתב לה "בנין דכרין דיהוּו ליכי מינאי אינון ירתון כסף כתובתיך יתר על חולקיהון דעם אחוהון"
46 חייב שהוא תנאי בית דין :

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48 If he did not write for his wife the following clause in the *k'tubah*: "Your male offspring from me
49 will inherit the value of your *k'tubah* over and above their portion of the inheritance with their
50 brothers," he is obligated (to honor those terms), for this is a stipulation of the *beit din*.

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53 משנה יא (11)

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55 "בנן נוקבין דיהוּוין ליכי מינאי יהוּוין יתבן בביתי ומיתזנן מנכסי עד דתנסבן לגוברין" חייב שהוא
56 תנאי בית דין :

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58 (If he did not write for his wife the following clause in the *k'tubah*): "Your female offspring from
59 me will dwell in my home and be supported by my wealth until they are married," he is obligated
60 (to honor those terms), for this is a stipulation of the *beit din*.

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63 משנה יב (12)

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65 את תהא יתבא בביתי ומיתזנא מנכסי כל ימי מיגד אלמנותיך בביתי חייב שהוא תנאי בית דין.
66 כך היו אנשי ירושלים כותבין. אנשי גליל היו כותבין כאנשי ירושלים.
67 אנשי יהודה היו כותבין "עד שירצו היורשין ליתן לך כתובתיך." לפיכך אם רצו היורשין נותנין לה
68 כתובתה ופוטרין אותה

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70 (If he did not write for his wife the following clause in the *k'tubah*): "You will dwell in my home
71 and be supported by my wealth as long as you remain a widow," he is obligated (to honor those
72 terms), for this is a stipulation of the *beit din*.

73 That is what the residents of Jerusalem would write (in their *k'tubot*). In the Galilee they
74 followed the practice of Jerusalem (in this regard).

75 The residents of Judea would write as follows: "until such time as my heirs decide to pay your
76 *k'tubah*." Therefore, the heirs are empowered, should they wish, to pay the widow's *k'tubah* and
77 send her on her way.