

Definition of Wife's Property

Ref: *Sefer Nashim, Hilchot Ishut, Chapter 22*



The Sages allowed a husband to benefit from his wife's property, so that he could have additional income and therefore spend more generously towards the home.

(*Nichsei tzon barzel* are belongings of wife taken into possession of husband and its full value must be returned to woman in *ketubah*.)

Nichsei melog are belongings of wife which husband can use and benefit from, but husband does not accept responsibility for these. They can be returned to woman regardless of current condition.

	Status of <i>nichsei tzon barzel</i> (wife's object belongs to husband)	Status of <i>nichsei melog</i> (object itself belongs to woman)	Explanation
Wife's estate after death			Husband has priority over every other person as soon as woman has entered his domain.
Property owned by woman during lifetime	✓	✓	Husband is entitled to <i>benefits</i> accruing from his property.
Wife sold property		✓	Husband can expropriate <i>benefit</i> from purchasers but not land itself.
Wife gives away her property before marriage			Husband has no entitlement.
Woman is <i>yevamah</i> waiting for her <i>yavam</i> to marry her, and gives away her property	✓	✓	<i>Yavam</i> has not entitlement even to <i>nichsei tzon barzel</i> which she brought to brother's household.
Property belonging to deceased brother			<i>Yavam</i> cannot sell this as it must cover for <i>ketubah</i> of <i>yevamah</i> .
Husband tries to sell landed property to wife	✓	✓	Not allowed.
Husband tries to sell <i>movable</i> property of wife	✓		Not allowed but sale is binding. Even with <i>nichsei tzon barzel</i> , if there is divorce the object would belong to wife.
Woman sells landed or movable property to husband		✓	Not allowed.
Woman sells landed or movable property to husband	✓		Allowed. Because the property belongs to wife and therefore husband would not get angry if wife would not sell.

Husband sells his right to benefit from property of wife, while wife still owns property			Not allowed. Benefit must accrue to home.
Investment by husband of <i>nichsei tzon barzel</i>	✓		Can invest. Will be returned to wife in <i>ketubah</i> .
Investment by husband of <i>nichsei melog</i>		✓	Can purchase landed property which belongs to wife, and husband gains <i>benefits</i> .
Injury benefits of wife			Used to purchase land.
Servants of wife			Should not be sold.
Olive trees and vines of wife			If fruitful should not be sold.
Maintenance of property		✓	Husband must maintain with his own funds.
Husband gives wife a present			Husband not entitled to benefit.
Wife receives present from others			Husband not entitled to benefit.
Woman sells rights of her <i>ketubah</i>			Husband not entitled to benefits.
Calf of wife stolen		✓	Fine belongs solely to wife.
Husband injures wife and pays compensation			Belongs solely to wife.
Funds or property found in possession of wife and she claims they were presents			Woman's claim accepted. If she claims it was a present with a stipulation that he cannot derive benefit from it, she must bring proof.