

## Ketubah

Ref: *Sefer Nashim, Hilchot Ishut, Chapter 10, 11, 12, 16, 17, 18, 19, 20, 23, 24, 25*

	Oath	Witnesses	Parties present	Explanation
 Must be written before <i>chuppah</i>			both	Protects wife from being divorced in casual manner because husband is obliged to pay her. It is forbidden for a man to live with his wife without a <i>ketubah</i> .
Obligates husband to pay wife <i>minimum 200 zuz</i> (for virgin) or <i>100 zuz</i> (non-virgin) if he divorces her				Husband can obligate himself for more voluntarily
 In addition to above main requirement, there are 6 further conditions <i>Derabanan</i> which are duties of man i.e. <b>7</b> in total e.g. medical treatment etc plus the <b>3</b> duties of man from Torah				Man also has another <b>3</b> responsibilities as laid down in Torah i.e. subsistence, clothing and conjugal rights
Conditions take effect only at divorce or death of husband				
 When woman collects <i>ketubah</i> after <i>death</i> of husband she must first take an oath <i>Derabanan</i> holding a sacred object.	✓			<div style="background-color: #e0e0e0; padding: 5px; border: 1px solid #ccc;">  <b>Reminder:</b> Pack on Oaths            </div> Mainly to protect heirs
Can collect <i>ketubah</i> also after divorce	✗			
<div style="background-color: #e0e0e0; padding: 5px; border: 1px solid #ccc;">  <b>Reminder:</b> Land Quality for Expropriation. Ref: <i>Sefer Mishpatim, Hilchot Malveh Veloveh, Chapter 19</i>  </div>				Inferior property and inferior coinage (there are 3 qualities of property – superior, medium, inferior)
To collect her due the wife must be in possession of the <i>ketubah</i> .				She can collect even after 100 years

	Oath	Witnesses	Parties present	Explanation
A creditor will sometimes take priority to a <i>ketubah</i> or landed property (similarly with movable property).				Because creditor would suffer a loss, but the woman would not.

<i>Nichsei tzon barzel</i> written in <i>ketubah</i> (woman's own possessions)				Here she would suffer a loss.
• here she is regarded as a creditor but at a higher level.				
Even if husband sells his property, wife can claim her <i>ketubah</i> , from the purchasers.				Purchasers have responsibility to be aware of this.
A widow can deal with <i>ketubah</i> in <i>Bet Din</i> of 3 experts or 3 trustworthy judges. A divorcee must go to a <i>Bet Din</i> of 3 expert judges.				
A woman who waives her right to her <i>ketubah</i> ( <i>mochelet</i> ) loses it all.		x	both	Nor is a contract needed. The words alone are binding. Financial matters differ from marriage or divorce. If witnesses needed in financial matters, it is more to do with certifying rather than creating validity.

#### SUBSISTENCE

	Oath	Witnesses	Parties present	Explanation
Widow entitled to receive subsistence from estate until she claims her <i>ketubah</i> .	✓			However, law is different as to her rights of forcing these funds from movable and landed property of estate. <i>Ketubah</i> must be shown to court and widow must take an oath. An oath needed whenever heirs are involved.
Widow granted wardrobe from estate until she claims her <i>ketubah</i> .				
Widow can continue living in home she lived with her husband until allocating <i>ketubah</i> .				And continue to use all the facilities there as in the past e.g. servants. Heirs may not sell house but also, they do not need to improve it. Nor do they need to maintain the property.
Sickness relating to widow – depends on nature of sickness.				Paid by heirs, or from her <i>ketubah</i> .
Heirs not responsible for a captive widow.				

Burial of widow responsibility of heirs.				
Heirs entitled to income of widow.				
Heirs <i>not</i> entitled to ownerless article that she finds.				Husband was entitled so as to preserve <i>shalom bait</i> .
Widow should perform household tasks for heirs.				

#### INHERITANCE

	Oath	Witnesses	Parties present	Explanation
If woman dies before husband she does not collect <i>ketubah</i> , but later when husband dies, her sons collect the <i>ketubah</i> (and her <i>nedunya</i> etc) from the estate.				<i>Ketubah</i> must be present.
After husband death, daughters have the right of sustenance from Estate until betrothal or age of <i>bagrut</i> – whichever comes first.				During this period, her earnings and ownerless objects belong to her and not her brothers.
Daughters also receive support, garments and living quarters as per widow.				But only according to their necessity and not according to social standing. <i>Ketubah</i> must be present.
Daughters support from <i>ketubah</i> takes preference over its inheritance by sons.				
Daughters support even takes precedence over son's inheritance from father's estate (where sons rights are from Scripture!)				 Sons can go out and beg

#### DOWRY

	Oath	Witnesses	Parties present	Explanation
In event of death of father dowry may be collected from landed property of brothers.	x			Collect from intermediary property.
If brothers die, can collect it from their sons.	✓			Inferior quality. Oath needed because heirs involved.

If man dies and has a wife and daughter, the support of the wife takes priority over the daughter.

#### COMMITMENT

<i>Ketubah</i>	Oath	Witnesses	Parties present	Explanation
Verbal commitment to value of <i>ketubah</i> between <i>erusin</i> and <i>nisuin</i>	x	x	both	Man has already established a connection with woman.
Verbal commitment to value of <i>ketubah</i> after <i>nisuin</i> does not take effect	x	x		Law of <i>ketubah</i> has now come into effect. Any changes would have to be with a written contract.
Similarly, with verbal waiving of any rights of <i>ketubah</i> before or after <i>nisuin</i>				
<i>Dowry</i> Verbal commitment by woman to value of dowry between <i>erusin</i> and <i>nisuin</i> .	x	x	both	Commitment binding. Man and woman have already established some connection.
Verbal commitment to value of dowry after <i>nisuin</i>	x	x		Not binding because law of <i>ketubah</i> has come into effect. Any changes would have to be with written contract.

#### EXCEPTIONAL CASES

	Oath	Witnesses	Parties present	Explanation
<i>Aylonit</i> (barren woman) collects <i>ketuba</i> ?				If husband knew of her condition before marriage, then she collects <i>ketubah</i> . If not then she is not entitled to the basic amount but is entitled to anything extra that husband promised. Not entitled to sustenance. Should be forced to separate.
<i>Shniyah</i> collects <i>ketubah</i> ? (Woman forbidden due to <i>Rabbinic</i> law)				Same except it does not matter whether husband knew or not.
Can woman who was forbidden by <i>Deoraita</i> Law collect <i>ketubah</i> ?				Here woman is entitled to collect <i>ketubah</i> . Because law is now more strict on the man. Also she is entitled to support after his death etc.

<i>Miun</i> collects <i>ketubah</i> ? (minor who got married and who is allowed therefore to terminate the marriage)			Not entitled, but is entitled to additional amount of <i>ketubah</i> . A minor marriage was allowed by <i>Rabanim</i> for her benefit and she is the one who terminated the marriage.
An adulteress?		2 witnesses	Husband <i>obligated</i> to divorce her and not entitled to <i>ketubah</i> nor extra amount. She caused the divorce. Law varies if there weren't 2 witnesses.
Woman violates <i>dat Mosheh</i> ?		Warning plus witnesses	Forfeits <i>ketubah</i> and extra amount. However husband not compelled to divorce her.
Woman violates <i>dat Yehudit</i> ?		Warning plus witnesses	Forfeits <i>ketubah</i> and extra amount. However husband not compelled to divorce her.
Scandalous report about woman		Witnesses saw suspicious activity	Forfeits <i>ketubah</i> and extra amount. However husband not compelled to divorce her.
Raped woman			Still permitted to their husbands unless husband is a Priest. In both cases woman entitled to <i>ketubah</i> both basic and additional amounts.
Suspected woman warned not to privately meet a specified person and she does.			While Temple not standing she becomes forbidden to her husband and she has to be divorced. Receipt of <i>ketubah</i> depends on whether she had relations with other man or not.
DOWRY Entitled to take her property after divorce, if it still exists			Even if she committed adultery.
If property destroyed husband liable for <i>nichsei tzon barzel</i>			Husband can gain or lose with <i>nichsei tzon barzel</i> . <b>Reminder:</b> Pack on Wife's property 
If property destroyed etc of <i>nichsei mlog</i> , she suffers loss			Wife responsible for <i>nichsei mlog</i>

For a <i>shniyah</i> , woman forbidden by positive command, negative command (where there is not <i>karet</i> ) or <i>aylonit</i> . Here husband was aware that property was destroyed etc.				Same responsibility as above
<i>Aylonit</i> or prohibition from negative command. Here husband unaware property was destroyed.				This now opposite. Husband not responsible for <i>nichsei tzon barzel</i> (due to false premises) and is responsible for <i>nichsei mlog</i> (did not acquire right to use these).
<i>Miun</i> takes what is present and not compensated for anything destroyed.				He is liable only if he divorces her. Here she has ended marriage.
An adulteress is not compensated for any of the dowry that has been lost, destroyed etc. Similarly with women who transgress faith of Moses, faith of <i>Yehudit</i> , nor a scandalous report.				Husband not liable for anything.

	Oath	Witnesses	Parties present	Explanation
If a man marries a woman and discovers that she is bound by vows, she can be divorced without payment of <i>ketubah</i> (basic plus extra)				This only applies to vows regarding <ul style="list-style-type: none"> <li>• meal</li> <li>• wine</li> <li>• not to wear coloured garments or jewellery</li> </ul> Rationale is that woman will become depressed.
Blemishes which will mar husbands love for her. If husband did not know about these at start, he may divorce without paying <i>ketubah</i> (basic plus extra)				
Blemishes after marriage. Husband can decide whether to stay married, but if he divorces he must pay <i>ketubah</i>				
Similarly with husband, some blemishes give wife right to divorce and collect <i>ketubah</i> and some do not				Type of blemish will dictate whether she collects <i>ketubah</i> .