

Oral and Contractual Commitments between Husband and Wife

Ref: *Sefer Nashim, Hilchot Ishut, Chapter 23*

These could relate to:

- Husband forgoing his privileges owed by the wife

An oral commitment after *erusin*, but before *nisuin*, is binding, but not after *nisuin*. This is because after *nisuin* husband has already acquired these rights. Therefore, the only way to alter this for the woman, would be with a formal contract and *kinyan*. If a stipulation is made after *nisuin* that he does not inherit her, the stipulation is not binding even if a *kinyan* was made.

Similarly if the husband made statements before or after *nisuin*.

- Value of dowry

If woman verbally promises such an amount for the dowry, she becomes bound by this commitment. Local custom also plays a part because these sometimes change the actual value (e.g. it may be worth only 100 *zuz* but will be written as 120).

- Value of *ketubah*

A verbal commitment to value of *ketubah* is binding on man.

- Commitments of father or relatives to support couple

Here also verbal commitments are binding but only for close relatives e.g. father to daughter (and not brother to sister).

- Husband commits to support wife's daughter of previous marriage

If commitment made before *nisuin*, then binding. If after *nisuin*, a written contract is needed.

<i>Ketubah</i>	Oath	Witnesses	Parties present	Explanation
Verbal commitment to value of <i>ketubah</i> between <i>erusin</i> and <i>nisuin</i>	×	×	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	×	×		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> .	×	×	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.
---	---	---	--	---
