

## Property of Women

Ref: *Sefer Nashim, Hilchot Ishut, Chapter 16–25 Eruv Chatzerot (Joining of Courtyards) Eruv Chatzerot (Joining of Courtyards)*

### Reminder:

Pack on Wife Property



Possession and property brought by the women to the marriage is called *nedunya*.

*Nedunya* – 2 categories

- *Nichsei tzon barzel* (Husband accepts responsibilities i.e. losses or profits regarding its value)
- *Nichsei melog* (Women accepts responsibilities)

The term *ketubah*, by contrast, i.e. the basic *ketubah*, has different laws and involves payment from husband of **200 or 100 zuz** depending if she was a virgin or not. This would only become payable if husband dies or divorces her.



*Additional points that Rabanan* added regarding the *Ketubah*.

- Wife needs to take an oath regarding *ketubah* after husband's death – while holding a sacred object.
- Should collect her money from landed property – does not have to be from best property.

### Reminder:

Pack on Expropriation of Property



This was in *Talmud* times when owning land was more common.



- Should collect the money from coinage of least value
- In period of *Geonim* it was ordained to collect her money from movable property

In most communities, the *ketubah* is written to place both landed and movable property under obligation.

The *ketubah* money can even be expropriated from husband's property after he has sold it.

### Reminder:

Pack on Oaths



Taking of oaths refers mainly to cases where husband has died. However, if specifications are made in the *ketubah*, then no oath is needed i.e. the *ketubah* specifies that 1000 zuz is due or a particular property has been allocated.

With a divorce, an oath may or may not be needed according to the circumstances.

The category of oath for a *ketubah* is *Derabanan* where a holy article must be held. It is equivalent to the oath necessary to collect money from an estate, where it is always necessary to take an oath.

Time limit for collecting *ketubah* while continuing to live in her husband's home is **unlimited**.

If she resides elsewhere, she has **25 years** to collect *ketubah*.

However, she cannot collect *ketubah* unless she actually produces the document.

Complications

- i.e. –Where there are several wives
- Where other creditors involved (who gets priority)
- Where guarantors involved
- Where woman sells or waives her rights.

Subsistence allowance of widow continues until she takes her *ketubah*.

DOWRY (*PARNASAH*)

Dowry is not part of *ketubah*.

When father is alive and marries off his daughter, he provides her with a ‘wardrobe’, according to his wealth.

If father not alive, the court can assess the value of dowry or **dowry assessed as one tenth of estate**.

Duties of wife to husband:

**4** *Derabanan*

- Right to the fruits of her labour
- Right to the ownerless object that she finds)
- Right to inherit property if she dies
- Right to benefit from profits of her property in her lifetime

Further clarification of the terms *nichsei tzon barzel* and *nichsei melog*.

**5** household tasks that every woman should perform for husband.

- Spin thread
- Wash his face, hands and feet
- Pour beverages for him
- Make his bed
- Serve his needs

**6** household tasks that some women perform and others don't.

- Grind flour
- Cook
- Bake
- Do laundry
- Nurse child
- Give straw to the husband's animals

ORAL AND CONTRACTUAL COMMITMENTS BETWEEN HUSBAND AND WIFE

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.

#### **Reminder:**

The main reason the *Rabanim* instituted the *ketubah* (especially the essential payments) was to prevent men from lightly divorcing their wives. When circumstances are different, then this payment may not apply.

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

