



Volume 9. Issue 18

## Currency Exchange

The last *Mishnah* in *Masechet Ketubot* discusses the issue of paying a *ketuba* where the currency of the place of marriage differs to where the divorce occurs. If the marriage occurred in *Eretz Yisrael*, and the divorce occurs either in *Eretz Yisrael* or *Kapotkia*<sup>1</sup> then the woman shall receive her payment in the currency of *Eretz Yisrael*. If the marriage occurred in *Kapotkia* and the divorce occurs in the same region than the currency of *Kapotkia* is used. The *machloket* in the *Mishnah* refers to a case where the marriage occurred in *Kapotkia* and the divorce occurred in *Eretz Yisrael*. The *Tana Kama* states that in this instance the woman receives her payment in the currency of *Eretz Yisrael*, while *Rabbi Shimon Ben Gamliel* (*Rashbag*) states that she receives her *ketuba* in the currency of the region where she was married (*Kapotkia*).

The *Bartenura* explains the reasoning behind this *machloket* is dependent on whether one holds that the paying of the *ketuba* is from the Torah or of rabbinic origin. The *Bartenura* adds further that the currency of *Kapotkia* was heavier and thus worth more than that of *Eretz Yisrael*. The *Tana Kama*, who holds that paying the *ketuba* was of rabbinic origin would rule leniently allowing the lighter currency of *Eretz Yisrael* instead of what was documented. *Rashbag* who holds that the paying of the *ketuba* is *m'dorayta* would rule stringently.

The *Tosfot Yom Tov* differs slightly from the *Bartenura* and holds that the argument is not referring to the principal amount of the *ketuba* (which all agree is from the Torah), but rather upon any amount over and above that *shiur*. *Rashbag* would say that anything above the minimum *shiur* is *d'orayta* and just like any other debt – where one would go *l'chumra* and go after the currency in which the debt was made. The *Tana Kama* would hold that this portion is *d'rabbanan* – and we are lenient regarding this portion and could pay from *Eretz Yisrael*.

In light of the fact that *Rashbag* holds that this law is from the Torah, the *Ran* notes the position of *Rashbag* in the first case of the *Mishnah* (where she married in *Eretz Yisrael*) as puzzling. In this case the *Ran* wonders why she should be paid in the currency of *Eretz Yisrael*. After all, the context of the payment of the *ketuba* is learnt from the words “*keseif*

*tzuri*” – which refers to Tzurite currency. Additionally, by stipulating that the currency should be paid from that of *Eretz Yisrael*, the husband is effectively making a condition expressly forbidden in the Torah which *Rabbi Shimon Ben Gamliel* forbids!<sup>2</sup>

The *Ran* answers that indeed *Rashbag* does hold that the *ketuba* itself is of *d'orayta* origin, however actual terms of the *ketuba* are that which have been agreed between husband and wife. He holds that the 200 *zuz* component was made by the *Chachamim* based on other sources (namely the cases of *Ones* (rape) and *Mefate* (seduction)). However, the *ketuba* on the Torah level is that agreed upon by the parties and this can be done in any currency.

Interestingly the *Yerushalmi* has a different version of this *machloket*. It states that the coins of *Eretz Yisrael* were more valuable than those in *Kapotkia*.. The *Yerushalmi* also switch the opinions, so *Rashbag* in fact holds that the *ketuba* is *d'rabbanan*, while the *Tana Kama* holds it is from the Torah. This is why the *Tana Kama* holds that the woman must be paid from coins from *Eretz Yisrael* and *Rashbag* would hold (leniently, in this case), that they may come from *Kapotkia*.

The *likkutin* state this seeming contradiction between our *Mishnah*'s version and the *Yerushalmi* is perplexing. After all, whether *Rashbag* is stringent or lenient is not a question of logic but one of *metziut* (reality) over which coin is actually worth more. The *likkutin* offer a fascinating insight. The coins from *Kapotkiya* were able to be cut (*chaser*- literally missing) and still have value. This is unlike the coins of *Eretz Yisrael* which would be worthless if not whole. Therefore, one would never take away from their weight. Our *Mishnah* is referring to the original weight of the coins – where coins of *Kapotkiya* would be larger than those in *Eretz Yisrael*. In this case *Rashbag* would be *machmir* and say that one must pay with coins from *Kapotkiya*. However the *Yerushalmi* see the coins of *Eretz Yisrael* as more important due to them being more *chashuv* (either from remaining whole, or the fact that they come from *Eretz Yisrael*). Therefore in this case *Rashbag*'s opinion would be viewed leniently.

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<sup>1</sup> According to most opinions, the use of the land of *Kapotkia* is mentioned as an example for currency other than that of *Eretz Yisrael*. The *Bartenura* refers to this region as *Kaftor*.

<sup>2</sup> See *Ketubot Perek 9: Mishna 1*



### Revision Questions

כתובות י"ג: ה' י"א

- Explain the debate between *Admon* and the *Chachamim* regarding a case where:
  - The father reneges on his promise for a dowry just prior to *nisuin*. (י"ג: ה')
  - One party claims that his field was stolen from him yet his own signature is on the sale contract that is in the hands of the other party. (י"ג: ו')
  - A person returns from an extended period overseas to find that the access path to his property through another's field has disappeared and he does not remember where it was. (י"ג: ז')
  - One party presents a loan contract and the other party presents a sale document (dated after the loan contract) stating that he purchased land from the first party. (י"ג: ח')
  - Two parties each produce loan documents trying to claim money from each other. (י"ג: ט')
- What are the three regions in *Eretz Yisrael* for *nisuin* and why are they important? (י"ג: י')
- Can one force the members of his household to move to Israel? (י"ג: י"א)
- If a couple marries in Israel and divorce outside Israel, in what currency must the *ketubah* be paid? (י"ג: י"א)

נדרים א' א' ב' ג'

- Is the following a valid *neder*: "מפרשני ממך שאיני אוכל לך"? (א' א')
- Is it a valid *neder* if a person adds the phrase: (א' א')
  - כנדרי רשעים?
  - כנדרי כשרים?
- When making a *neder* what are the three *kinyan* for: (א' ב')
  - *Korban*?
  - *Cherem*?
  - *Nazir*?
  - *Shvuah*?
- Is the following a valid *neder*: (א' ג')
  - "פיגול יהא מאכלך עלי"?
  - "ייהא מאכלך עלי כאמרא"?
  - "יירושלים דבר זה עלי"?
- Explain the debate regarding the following *neder*: "יעולה איני אוכל לך". (א' ד')
- Is the following a valid *neder*: "יקונם רגלי מהלכת עמך"? (א' ד')
- Is the following a valid *neder*: "יחלין שאכל לך כבשר חזיר"? (א' ב')
- What is the law regarding a man who makes the following *neder* to his wife: "יהרי את" (א' ב')
- What is the difference between one who says "יקונם שאיני ישן" and "ישבועה שאיני ישן"? (א' ב')
- In what respect is a *shvuah* more strict than a *neder*? (א' ב')
- In what two ways is a *neder* more strict than a *shvuah*? (א' ב')

### Local Shiurim

#### Melbourne, Australia

**Sunday -Thursday**  
10 minutes before *Mincha*  
Mizrachi Shul  
Melbourne, Australia

**Friday & Shabbat**  
10 minutes before *Mincha*  
Beit Ha'Roeh  
Melbourne, Australia

#### Efrat, Israel *Shiur in English*

**Sunday -Thursday**  
Rabbi Mordechai Scharf  
9:00am  
Kollel Magen Avraham  
Reemon Neighbourhood

#### ONLINE SHIURIM

Rabbi Chaim Brown  
[www.shemayisrael.com/mishna/](http://www.shemayisrael.com/mishna/)

Rav Meir Pogrow  
[613.org/mishnah.html](http://613.org/mishnah.html)

Rabbi E. Kornfeld  
Rabbi C. Brown  
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

#### SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss  
In US dial: 718 906 6400  
Then select: 1 – 2 – 4

### Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
2 <sup>nd</sup> September ט"ו אלול	3 <sup>rd</sup> September ט"ז אלול	4 <sup>th</sup> September י"ז אלול	5 <sup>th</sup> September י"ח אלול	6 <sup>th</sup> September י"ט אלול	7 <sup>th</sup> September כ' אלול	8 <sup>th</sup> September כ"א אלול
Nedarim 2:4-5	Nedarim 3:1-2	Nedarim 3:3-4	Nedarim 3:5-6	Nedarim 3:7-8	Nedarim 3:9-10	Nedarim 3:11-4:1

