

Introduction to Tractate Ketubot

Tractate *Ketubot* first treats the document of marriage, the *ketubah*, which provides for support for the wife by the husband and a settlement in the event of divorce or the husband's death. This also promises restoration to the wife's family and patrimony the lands, goods, and capital brought by the wife into the marriage and reserved for her male children by her husband. *Ketubot* then addresses questions pertaining to the middle of the marriage, when the couple is living together, and finally it addresses questions pertaining to the end of the marriage and the settlement of the contract. The law thus addresses the whole of a marriage; its beginning, middle, and end.

- I. Foundation of the household: the material rights of the parties to the marital union, the wife
 - A. The marriage contract of the virgin
 - B. Conflicting claims for the marriage contract of a virgin
 - C. The rules of evidence in connection with the validation of the marriage contract
- II. The formation of the marriage: the material rights of the parties to the marital union, the father and the husband
 - A. The fine that is paid to the father for rape or seduction (Deut 21:22)
 - B. The father
 - C. The father and the husband
 - D. The husband
- III. The duration of the marriage: the reciprocal responsibilities and rights of the husband and wife
 - A. The wife's duties to the husband
 - B. The husband's obligations to the wife
 - C. The dowry
 - D. The marital rights and duties of the wife
 - E. Property rights of the wife
- IV. The cessation of the marriage: the collection of the marriage contract
 - A. Imposing an oath in connection with collecting the marriage settlement
 - B. Multiple claims on an estate, including the wives' for their marriage settlement
 - C. Support for the widow
 - D. Rights to, and collection of, a marriage contract: special cases
 - E. Two case-books

Scripture figures only episodically, especially in two matters. First Deut. 22:28–29 mentions the fine for rape, which is paid to the father. In a related matter, Exo. 22:15–16

decrees the fine for seduction. Deu. 22:13–21 contributes to the second aspect of the law and is concerned with conflicting claims as to the virginity of the bride. Scripture does not, however, contribute the requirement that a marriage agreement provide for the woman's support in the event of divorce or of the death of her husband.

The topic of marriage contracts in *Ketubot* takes as its generative problem the reciprocal and corresponding rights and obligations of all parties to the marriage at each point in the unfolding of the marriage. These parties are the girl, the boy, and the girl's family, specifically her father. The marriage contract then defines the locus for the negotiation of the rights and obligations of each. All parties have an interest in the orderly formation of the social and economic fact of the marriage—the foundation, after all, of the household—as well as in its orderly dissolution. In the present context, that dissolution means collecting the settlement from the husband's estate.