



Volume 4. Issue 31

Pogemet Ketubatah

This *Shabbat* students of *daf yomi* celebrate the *siyum* of *masechet Ketubot*. It is exciting when topics studied in different programs overlap. The *Mishnah* learnt this week (7:7) is one such instance:

Just as a “*pogemet ketubatah*” cannot be paid prior to making a *shevuah* [so too] if a single witness testifies that the *ketubah* was paid, [the wife] cannot be paid without making a *shevuah*...

The *Mishnah* in *Ketubot* (9:7) elaborates:

...[What] is [the case of] *pogemet ketubatah*? If her *ketubah* was worth one-thousand *zuz* and [the husband] said “you have [already] received your *ketubah*” and she responds “I have only received one-hundred”, she collects the rest after she makes a *shevuah*...

Over the past weeks we have learnt about many different *shevuot*. The *Gemara* (*Ketubot* 87b) therefore seeks to gain an understanding of this *shevuah* by categorising it. *Rami bar Chama* explains that this is a biblical *shevuah* of *mo'de be'miktzat*. We have learnt, a person who partially admits to a claim made against him is obligated to make a *shevuah* to exempt himself from what he claims he has paid. Here the husband claims he paid her everything and she has partially admitted.

Rava raises two problems with this suggestion based on rules that we have learnt in our *masechet*:

1. In all biblical *shevuot*, the person making the *shevuah*, exempts himself from payment. Here, the woman is making a *shevuah* in order to collect money.
2. In general, a women collects the money of her *ketubah* from land. However we know that one does not make a *shevuah* on *shi'abud karka'ot*.

Rava therefore understands that this is a *shevuah d'rabbanan*¹ based on the principle that the payer is usually more scrupulous regarding payment details than the payee. The *Chachamim* allowed the woman to collect, but enforced her to make a *shevuah* first so that she is extra careful in confirming exactly how much she has already received.² From our perspective, this opinion makes sense

as the sixth *perek* of *Shevuot* deals with biblical *shevuot* (*dayanim*) while the seventh *perek*, in which *pogemet ketubatah* features, deals with the rabbinic *shevuot-mishnah*.³

There are two ways to understand *Rava*'s conclusion that the *shevuah* of *pogemet ketubatah* is *d'rabbanan*. Either *Rami bar Chama*'s suggestion was completely rejected and this is a brand new *shevuah*. Alternatively, this *shevuah* is a *d'rabbanan* version of *mo'de be'miktzat*.

The *Ritva* understands that this *shevuah* was instituted to set the husband's mind at ease, implying that it is an entirely new institution. This would explain why *Rava* did not just state that *pogemet ketubatah* is rabbinic, but instead also provided a rationale. The *Ritva* brings further support as this is the same reason brought in the *Gemara* for the requirement of her *shevuah* when a single witness testifies that she has already received her *ketubah*; explaining why the two *shevuot* are grouped together in the *Mishnah*.

Alternatively the *Talmid Ha'Rashba* spends time explaining how *pogemet ketubatah* structurally matches the case of *mo'de be'miktzat*. The implication is that *pogemet ketubatah* is a rabbinic version of *mo'de be'miktzat*. Support can be found for this from the continuation of the *Gemara* in *Ketubot*. There it asks whether a *pochetet ketubatah* is also required to make a *shevuah*. The case is where the husband claims he has paid the entire *ketubah* and the wife denies receiving any payment, yet admits that the agreed value of the *ketubah* is less than what is stated. The *Gemara* answers that the woman can collect without making a *shevuah* as she did not admit to receiving anything. This strongly suggest that *pogemet ketubatah* is a rabbinic version of *mo'de be'miktzat*. The *Ritva* however explains that it is clear that she is exempt as the rationale provided by *Rava* also does not apply. The only doubt the *Gemara* had was since it appears similar to *mo'de be'miktzat*, perhaps the *Chachamim* would have included it to simplify matters (“*lo ploog*”).

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¹ If it is so clear to us, how could *Rami bar Chama* have assumed otherwise? The *Ritva* asks this question and answers that even *Rami bar Chama* agrees that *pogemet ketubatah* is a rabbinic *shevuah* instituted “*ke'ein d'oraita*”. Since this is unclear, *Rava* is not arguing, but rather explaining *Rami bar Chama*'s position to avoid a misunderstanding. See the *Ran* and *Hafla'ah* for different explanations that maintain the understanding that *Rami bar Chama* holds that *pogemet ketubatah* is *d'oraita*.

² Even though ordinarily a husband can make his wife make a *shevuah* even if she completely denies having received any payment, the *Gemara* (*Shevuot* 41a) explains that here, she must make a *shevuah* even without the husband demanding that she makes a *shevuah*.

³ This is not necessarily a strong proof as in our *Mishnah*, *pogemet ketubatah* is used as a point of comparison introducing other *shevuot-mishnah* relating to a *ketubah*. It could be understood that the *Mishnah* is explaining that these other *shevuot* were instituted because of *pogemet ketubatah* which is *d'oraita*.

Revision Questions

שבועות ו' – ח' – ג'

- To what items does a *shevuat dayanim* not apply? (ו':ה')
- Which two fines do not apply to these items? (ו':ה')
- How do these items differ in the laws of *shomrim*? (ו':ה')
- About which of the items does *R' Shimon* argue? (ו':ה')
- Complete the following rule of the *Chachamim* and explain: (ו':ו')
 כל המחבר לקרקע _____
- How does *R' Meir* disagree with this principle? (ו':ו')
- Complete the following rule and explain with examples: (ו':ו')
 אין נשבעין אלא על דבר _____
- Who makes a *shevuah* (first) if a *pikadon* was lost and its value disputed and in what case is the lender exempt from making a *shevuah*? (ו':ז')
- What other case is similar to the one in the previous question? (ו':ז')
- In what way are the *Shevuot* in the seventh *perek* fundamentally different from those in the sixth *perek*? (ו':ז')
- Explain the case that requires a *Shevuat Mishnah* involving:
 - A *sachir*? (ו':ז')
 - A *nigzal*? (ו':ב')
 - A *nechbal*? (ו':ג')
 - "A person that is not trusted in making a *shevuah*"? (ו':ד')
 - A store account? (ו':ה')
- On which of the above cases does *R' Yehuda* argue and why?
- On which of the above cases does *Ben Nanas* argue and why?
- Who makes a *shevuah* in a dispute between a shopkeeper and purchaser whether: (ו':ז')
 - The shopkeeper gave the purchaser his item yet it was definitely paid for?
 - The purchaser paid yet the item was definitely handed over?
- On which case does *R' Yehuda* argue and why? (ו':ז')
- What other case brought is similar? In that case how does *R' Yehuda* argue? (ו':ז')
- In which five cases is a woman required to make a *shevuah* in order to collect her *ketubah*? (ו':ז')
- In which five cases can one obligate another to make a *shevuah* without a definite claim? (ו':ח')
- What are the four different types of guardians? (ו':ח')
- For each of the guardians, when do they make a *shevuah* exempting themselves from paying compensation? (ו':ח')
- Is a *shomer chinam* obligated to bring a *korban* if he made a *shevuah* stating that the animal he was guarding was lost but in truth it had died? (ו':ח')
- If a *shomer chinam* swore that the ox he was guarding was lost but in truth the *shomer* ate the ox, what compensation is he required to pay if: (ו':ג')
 - Witnesses came and testified that he slaughtered and ate the ox?
 - He admitted he lied prior to any witnesses testifying that he lied?

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Sunday -Thursday
 Between mincha & ma'ariv
Mizrachi Shul

Friday & Shabbat
 10 minutes before mincha
Mizrachi Shul

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
23 rd December י"ד טבת	24 th December ט"ו טבת	25 th December ט"ז טבת	26 th December י"ז טבת	27 th December י"ח טבת	28 th December י"ט טבת	29 th December כ' טבת
Shevuot 8:4-5	Shevuot 8:6 – Eduyot 1:1	Eduyot 1:2-3	Eduyot 1:4-5	Eduyot 1:6-7	Eduyot 1:8-9	Eduyot 1:10-11

