The Text of the Ketubbah

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Note: Two papers were adopted on April 27, 1983 as Minority Opinions, "Sociological Reality and Textual Traditions: Their Tension in the Ketubbah," a paper by Rabbis Joel Roth and Daniel Gordis, adopted by a vote of 6 in favor, 9 opposed and 5 abstentions; and "A Proposal for the Text of the Ketubbah," a paper by Rabbi Robert Gordis, adopted by a vote of 5 in favor, 10 opposed and 5 abstentions. They appear following this paper.

In his paper, "A Proposal for the Text of the Ketubbah," Rabbi Robert Gordis argues, "In view of the widespread change in sexual mores, to write betulta in the ketubbah means to perpetuate what is manifestly an untruth." He further argues, "In a day when the equality of women is widely accepted as an ethical value...many of us are sensitive to the description of the ketubbah of the state of chastity of the bride, when no such corresponding epithet is applied to the groom." He therefore suggests that we use the term panyea, single, unmarried, instead of betulta.

Rabbi Gordis does not suggest to us what to do with the rest of the ketubbah. Shall we continue to use the phrase kesef zuzei matan dehazei likhi mide'oraita, or, to follow his logic, change it to kesef zuzei meah dehazei likhi miderabbanan?

Even though I am hesitant to disagree with our master and teacher, Rabbi Gordis, nevertheless, Torah hi velilmod ani tzarikh.

Looking through the sources, I came to the conclusion that the term betulta in the ketubbah should not be read as an inference regarding the bride's chastity or virginity, but rather regarding her entitlement to 200 zuz.

It is an accepted fact in the Talmud that a bogeret (adolescent) is not a betulta. Shall we continue to use the phrase kesef zuzei matan dehazei likhi mide'oraita, or, to follow his logic, change it to kesef zuzei meah dehazei likhi miderabbanan?

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It is an accepted fact in the Talmud that a bogeret (adolescent) is not a betulta. For instance, a kohen gadol, who is enjoined to marry a betulah, may not marry a bogeret. "Our rabbis taught: 'And he
shall take a wife in her virginity,' excludes one who is adolescent." (Yevamot 59a). A special ribui is needed for an unmarried adolescent to be included among those relatives towards whom a kohen may defile himself. "That is near' includes a betrothed (sister); 'unto him' includes a sister who is an adolescent" (Yevamot 60a). In other words, the term betulah would have excluded the bogeret.

Even though a bogeret is not considered a betulah in the biblical, literal sense, everyone agrees that she is considered a betulah from a monetary point of view and is therefore entitled to 200 zuz. It is obvious, then, that in the ketubbah the term betulta refers not to the bride's physiological status, but to her monetary rights.

Rambam rules:

The Tur cites this opinion of the Rambam, as well (Even Ha'ezer 177:1).

Even though she is not a betulta physiologically, nevertheless, because she is entitled to the 200 zuz, the Rambam had no qualms in writing betulta in the ketubbah.

The question before us is therefore: In view of the realities of our sexual mores, is the modem bride entitled to 200 zuz? Should we decide in the affirmative, we should then have no qualms about writing betulta in the ketubbah.

Before I address myself to the above question, I would like to make the following assumption. Even though it would be quite naive to assume that the bride before us is physiologically a virgin, it is not so naive to assume that it is the groom who is responsible for the fact that she is not a virgin. "Most women have only one premarital sexual partner whom they eventually marry" (Essentials of Psychology, Dennis Coon, p. 541).

Let me now reiterate the ruling of the Rambam and the Tur:

Whether this ruling also applies when the mefutta is a bogeret is not clear. The Pithei Teshuvah quotes the Hatam Sofer, who maintains that the Rambam's and the Tur's ruling applies only to a na'arah, but not to a bogeret (Pithei Teshuvah, Even Ha'ezer 66:6). The Shemesh Tzedakah, on the other hand, maintains that the ruling also applies to a bogeret (Pithei Teshuvah, Even Ha'ezer 177:12). Even the Hatam Sofer agrees that she
The Text of the Ketubbah

(the *bogeret*) is entitled to the 200 zuz when the persuasion to have sex with him took place after the engagement (*Pithei Teshuvah, Even Ha'ezer* 66:6).

Rabbi Moshe Feinstein rules in a case of a couple who were married civilly for several years and now want to be married *kedat Moshe veYisrael* that *betulta* should be written in the *ketubbah* (*Iggerot Moshe, Even Ha'ezer* 101).

CONCLUSION

(1) *Betulta* in the *ketubbah* refers merely to a monetary right of 200 zuz.
(2) Most women have only one premarital sexual partner whom they eventually marry.
(3) Due to the fact that the value of today's *ketubbah* is merely traditional, we could easily accept the ruling of those authorities who maintain that the ruling of the Rambam and the Tur also applies to a *bogeret*.
(4) Changing from *betulta* to *panyeta* could be misinterpreted as a public acceptance of our present sexual mores.

I therefore recommend that we leave the traditional practice unchanged.