

He gives her from the money of *Kaputkayo* – נותן לה ממצות קפוטקיא

OVERVIEW

קפוטקיא argues with the חכמים and maintains that if he married a woman in קפוטקיא and divorced her in א"י he is required to pay her כתובה with the monies of קפוטקיא, which are larger than the monies of א"י. This proves that רשב"ג maintains כתובה (where they married and he wrote the כתובה) therefore he must pay her קפוטקיא ממעות קפוטקיא. Our תוספות discusses what difference is there with which money he pays her, that there should be any proof that דאורייתא כתובה.

תוספות asks:

תימה לרבינו יצחק מה ריוח הוא לה שנותן לה מאותם המעות -

It is astounding to the ר"י! What profit does she gain when he pays her with קפוטקיא ממעות קפוטקיא, since -

מכל מקום אינו נותן לה אלא שוה נ' שקלים¹ -

In any event he only pays her the value of fifty שקלים²!

תוספות entertains a possible solution:

ואם היינו אומרים דלעולם צריך ליתן לה שקלים שעומדין שם -

And if we would assume that the husband is always required to pay her with fifty שקלים of the place in which they reside, meaning that -

בקפוטקיא נ' שקלי קפוטקיא ובארץ ישראל נ' שקלים של ארץ ישראל הוה ניחא³ -

In קפוטקיא the כתובה is fifty קפוטקיא and in א"י fifty שקלי, it would be understood –

תוספות shows that there is such a possibility that the payment must be with the local coin:

כדאמרינן⁴ גבי ה' סלעים דפדיון בכור בפרק יש בכור (בכורות נ, א ושם) -

¹ The obligation of a כתובה is two hundred זוז or fifty שקלים (four זוז to a שקל). The שקל is a fixed amount of silver. If the שקלים of קפוטקיא are heavier than the שקלים of א"י, he will pay her with קפוטקיא the value of נ' שקלים of א"י; not more. (If four שקלים of קפוטקיא are worth five שקלי א"י, he will pay her forty קפוטקיא.)

² See תו"ר who explains that we cannot say that שקלי קפוטקיא are preferable since they exchange easier (עובר לסוחר), because (firstly) she collects only from קרקע (and even if she collects מטלטלין he can pay her with any מטלטלין) so she loses the exchange value of the שקלי קפוטקיא. [It is not comparable to the desirability of עידיית, for there it is much easier to work with עידיית and also much easier to resell it.]

³ In this scenario she is getting a larger payment for her כתובה; proving that דאורייתא כתובה.

⁴ זוזים sent רב אחא רב seventeen זוזים for פדה"ב according to the old exchange rate that a סלע was three and a third זוזים (five סלעים would be sixteen and two thirds זוזים). רב אחא requested that רב אחא return to him a third of a זוז which רב אחא responded that the חכמים increased the value of a סלע to four זוזים (so five סלעים are twenty זוזים) overpaid.

As said regarding the five סלעים for the redemption of the first-born in פרק יש בכור -

לישדר מר תילתא⁵ אחרינא דאוסופו עלייהו ושדר להו⁶ -

Let the master (רב אשי) send me three more זוזים which they added on the original (סלע) and רב אחא sent it to -

תוספות rejects this solution:

מיהו אין נראה דהתם כשהוסיפו בכל מקום הוסיפו -

However it does not seem to apply here; for there in בכורות when they added to the size of a סלע, it was added everywhere; the value of a סלע or שקל was increased universally; all payments in שקל הקודש needed to be increased everywhere -

אבל כשמוסיפין במקום אחד אין נראה שבכך תשתנה מדה דאורייתא -

However when one place adds to the size of its שקל it does not seem right that by this action the תורה measurement should change and one should be required to give fifty of the larger שקלים.

תוספות reverts to the previous solution:

ומיהו בירושלמי דפירקין⁷ גרסינן אמתניתין דכתובה מאתים -

However in the תלמוד ירושלמי of our פרק we read regarding our משנה which states⁸ that the כתובה is two hundred זוז, the ירושלמי comments -

רבי מונא בשם שמואל אמר בשקל הקדש⁹ -

ר' מונא in the name of שמואל ruled that these two hundred זוז need be in the holy שקל, however -

רבי אבא בר בונא אמר מטבע יוצא¹⁰ וכן מסקי התם כמה אמוראי:

ruled the two hundred זוז need to be in issued currency, and many אמוראים there conclude similarly.

SUMMARY

There are opinions that if the שקל is increased in a particular place the כתובה

and you therefore still owe me another three זוזים. It is apparent that when the סלע was increased, more money needed to be paid. The same can be said concerning the שקלי קפוטקיא, since they were increased, the כתובה payment increases accordingly. See 'Thinking it over'.

⁵ The תלתא in בכורות is (three [זוזים]), not תילתא (a third [of a זוז]).

⁶ In our גמרא in בכורות the words ושדר להו do not appear.

⁷ (דף ג,ב in our ירושלמי it is הלכה ב').

⁸ י,ב.

⁹ The two hundred זוזים must be of equal value to fifty שקלי הקודש.

¹⁰ It needs to be fifty of the שקלים in the country they reside, even if it is more (or less?) than שקלי הקודש.

payment increases.

THINKING IT OVER

It seems that (regarding the גמרא in בכורות) the חכמים increased the value of the שקל (not any [specific] government).¹¹ How then does תוספות compare (even in the case of בכור where the חכמים dictated that the שקל increased and more money is due for פדה"ב, etc., to the case of קפוטקיא where the government issued larger שקלים?! Why would that affect the חיוב כתובה?¹²

¹¹ See footnote # 4.

¹² See אילת השחר in עד"ז.