



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Kesubos Daf Ayin Gimmel

- It was taught, if a man gave kiddushin on a condition, and then married her without a condition, **Rav** says it is a valid marriage and would require a get, and **Shmuel** says the marriage is not valid and no get would be required.
 - **Abaye** said, the reason of **Rav** is not because the nissuin without a condition shows that he was mochel the condition. Rather, the reason is because a person does not want his tashmish to be znus, therefore, he has in mind at the time of the first bi'ah that it act as a new kiddushin.
 - **Q:** They already have this same machlokes regarding a minor who was married off by her mother or brothers (the marriage is D'Rabanan) and she then became an adult, and then went and married another man without receiving a get from the first man, where **Rav** says that she does not need a get from the second man (as soon as she becomes an adult the first man had in mind that the first bi'ah should act as a D'Oraisa kiddushin) and **Shmuel** says she does need a get from the second man. Why the need to repeat it again here? **A:** If we would only have that case we would think that **Rav** holds that way there, because there was no stipulation, but here where there was a stipulation, maybe he would agree with **Shmuel**. If we would only have this case we would think that in the other case **Shmuel** would agree with **Rav**. Therefore, we need both cases.
 - **Q:** Our Mishna says that if one married a woman without a condition and it turns out that she was under vows, she may be divorced without a kesubah payment. This suggests that she would need to receive a get. Presumably this is a case of where he gave kiddushin on a condition and entered nissuin without any condition, and we see that a get is required, not like **Shmuel**!? **A:** The case is where the kiddushin and the nissuin were done without any stipulation.
 - **Q:** This would mean that in a case where the kiddushin was made on a condition and the nissuin was done without a condition she would not need a get. If so, the Mishna should have given that case instead of the case of where the kiddushin was made on a condition and she was found to have been under vows, because if she doesn't need a get in the first case she surely won't need a get in this second case!? **A:** That is actually what the Mishna means when it says this case, and it should be read into the words of the Mishna.
 - **Q:** According to **Shmuel**, why is it that he doesn't have to pay the kesubah (based on the fact that he doesn't want to be married to a woman who takes vows) but still needs to give a get (the marriage shouldn't be effective at all)!? **A: Rabbah and R' Chisda** said, she only needs a get D'Rabanan. **Rava** said, the Tanna is unsure what the result should be, and therefore for a monetary case he is lenient and for the case of issurin he is machmir.
 - **Rabbah** said, the machlokes is where he gave kiddushin to 2 women – one with a condition that she not be under vows and the other with no such condition – and it was found that the second woman was under vows. **Shmuel** holds that since he made the condition with the first woman we assume he felt that way with the second woman as well, and the marriage is therefore not valid. **Rav** said that maybe he purposely didn't make the condition with the second woman and her marriage is therefore valid and would require a get to terminate it.
 - **Q: Abaye** asked, the Gemara used our Misha to ask on **Shmuel**, and clearly did not treat it as a case of two women as described by **Rabbah**!? **A:** It must be that

Rabbah meant to say that there was only one woman, who he first gave kiddushin with a condition, then divorced her, then gave her kiddushin a second time but without a condition. That is the case of the machlokes. However, if it was a straightforward case of a kiddushin with a condition and then a nissuin all would agree that a get would not be needed.

- **Q: Abaye** asked, a Braisa says if a kiddushin was done in error, there is a machlokes whether the husband would be koneh her with a later bi'ah. Now, presumably this refers to a case of an error regarding her being under vows, and is a straightforward case in which case **Rabbah** says that all would agree that there would be no effective marriage!? **A:** The error was that the kiddushin was done with less than the value of a perutah, and the man thought it would suffice for kiddushin.
 - **Q:** That case is expressly listed in the Braisa after the general case of "error"!? **A:** The Braisa is explaining the case of "error" as referring to the case of less than the value of a perutah.
 - The machlokes is that the **T"K** holds that a person knows kiddushin can't take place with less than a perutah, and therefore he has in mind to be koneh her with a later bi'ah. **R' Shimon ben Yehuda** in the Braisa holds that a person doesn't know that and therefore doesn't have in mind to be koneh her with a later bi'ah.
- **Q: Abaye** asked, a Braisa says that if a bi'ah was done as kiddushin on the condition that his father agreed, there is a machlokes whether the kiddushin is valid even if the father didn't agree. Now, according to **Rabbah's** explanation all should agree that the kiddushin should not be effective at all!? **A:** The machlokes there is whether we understand that the father can remain quiet to show acquiescence or whether he must actively agree, and the case was where the father remained quiet and did not actively agree.
- **Q: Abaye** asked, we find a machlokes in a Braisa whether a minor girl who was married off D'Rabanan and remained with her husband after becoming an adult, may do yibum or only chalitza. The machlokes would be whether the marriage becomes D'Oraisa with the first bi'ah after becoming an adult. This does not fit with **Rabbah's** explanation, which would hold that all would agree that the later bi'ah does not make a valid kiddushin!? **A:** The machlokes there is whether we say that everyone knows that the first kiddushin with the minor was ineffective and therefore he definitely had in mind to make a kiddushin with the bi'ah once she becomes an adult.