



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

Kesubos Daf Ayin Daled

- **R' Acha bar Yaakov in the name of R' Yochanan** said (like **Rabbah** said earlier) that if a kiddushin was given on a condition and the nissuin with a bi'ah later took place, although the condition was not fulfilled, all (**Rav and Shmuel**) would agree that the marriage is not valid and no get is needed to terminate the marriage.
 - **Q: R' Acha the son of R' Ika** asked, a Braisa says, **R' Yochanan** says that if one does chalitza on the promise of money and never gets the money, the chalitza is still valid. We see that when someone does an act he is mochel any previous condition. The same should be in our case, and once he does bi'ah with her it should show that he is mochel any previous condition!? **A: R' Acha bar Yaakov** answered, the reason the chalitza is valid in that case is because the condition was not a good condition. For a condition to be valid it must follow the pattern of the condition of Gad and Reuvein, one requirement of which is that it can be done by a shaliach. Since chalitza cannot be done by a shaliach, the condition was not valid to begin with.
 - **Q: Bi'ah** cannot be done with a shaliach and yet we see that a condition attached to it is valid!? **A: The only reason it is valid there is because the different forms of kiddushin are compared to each other.**
- **R' Ulla bar Abba in the name of Ulla in the name of R' Elazar** said, if one gives kiddushin with a loan, or with a condition, or with less than a perutah, and he then has bi'ah, all agree that he would need to give a get to terminate that marriage.
 - **R' Yosef bar Abba in the name of R' Menachem in the name of R' Ami** said, in the case of one who gave kiddushin of less than a perutah and then had bi'ah, she would need a get. He only agrees with that case because everybody knows that a perutah is needed and he clearly had in mind for the bi'ah to act as a kiddushin. Regarding the other cases, people don't know, and he therefore may not have had in mind for the bi'ah to act as a kiddushin.
 - **R' Kahana in the name of Ulla** said, if one gives kiddushin on a condition and then has bi'ah without the condition being fulfilled, she needs a get to terminate the marriage. This argues on a Tanna of a Braisa who says that the marriage is as if it didn't exist.
- A Braisa says, if a woman went to annul her vows and thereby fulfil the condition that she was not under vows, the kiddushin is valid. If she went to a doctor to fix her mum and thereby fulfil the condition not to have a mum, the kiddushin is nevertheless invalid. The reason for the difference is that annulment of the vow makes it as if it never existed at all. Healing the mum only takes it away from this point in time.
 - **Q: A Braisa** says that in both cases the kiddushin is not valid!? **A: Rabbah** said, the first Braisa follows **R' Meir** who says that a person doesn't mind having his wife be embarrassed by going to Beis Din, and therefore her going to annul fulfils the condition, and the second Braisa follows **R' Elazar** who says that a person does mind that, and therefore the condition was made that there should be no vow at all.
 - We find this machlokes in a Mishna. The Mishna says if one divorces his wife based on a vow she made, he may not remarry her. The same would be if he divorced her based on rumors of her znus. **R' Yehuda** says, if it was a publicly known vow he may not remarry her, but if it was not, he may remarry her. **R' Meir** says, if it was a vow that needs a chochom to annul it (it was not something the husband could have annulled) he may not remarry her. If it was a vow that he could have annulled, he may remarry her. **R' Elazar** said, they prohibited marriage in the case of a vow that needs a chochom's annulment only because of a vow that does not need his involvement.

- The machlokes is that **R' Meir** holds that a person is willing to have his wife embarrassed by having her go to Beis Din, whereas **R' Elazar** says he is not.
- **Rava** said, the Braisos are not contradictory. The second Braisa is dealing with a woman from a prominent family, and if the kiddushin is valid it would necessitate a divorce which would make the husband assur to all her relatives. He does not want to become assur to all her relatives, and he therefore does not want the kiddushin to be valid. The first Braisa is dealing with a woman from a regular family where this concern does not exist.
 - **Q:** The end of this second Braisa says that if the condition was for the husband not have been under vows, and he then goes to a chochom to annul vows that he is under, it is considered a valid fulfilment of the condition. According to **Rava**, we should say that it is not a valid kiddushin, and that this Braisa is discussing a man from a prominent family and the woman doesn't want the kiddushin to be valid so that she should not become assur to the rest of his family when the marriage must terminate in divorce!?!? **A:** A woman just wants to be married, and is not as concerned for the husband being from a prominent family, so she wants the kiddushin to be valid.