

מסכת גיטין · דף ל"ב ע"ב

Elucidated Talmud · Statement and Proof · Navy & Gold Edition

THE SUGYA

In this daf, we delve deeper into the delicate halachos of nullifying a get (bill of divorce) and the precise language a husband must use to make his cancellation effective. The Gemara guides us through the subtle differences in the husband's lashon, distinguishing between active statements of nullification and mere descriptive declarations that carry no halachic weight. We also explore the comparison between the laws of a get and those of sending a gift through an agent.

Additionally, the Sugya addresses the status of the physical get itself after the husband has cancelled the agency of the messenger. We are introduced to a fundamental machlokes between Rav Nahman and Rav Sheshet regarding whether the document itself is ruined or if it can still be used to divorce the wife later on, leading into a discussion on the nature of speech versus physical objects in halacha.

All introductions, summaries, and contextual notes are the editor's commentary and are not part of the original text.

EXPLANATION

שתי לשונות משמע – משמע דכטל, ומשמע דליפטיל.

The word batel **implies two meanings**: it **implies that** the object is already void, and it **implies that** it should become void in the future.

EXPLANATION

גבי גט לישנא דמהני ביה קאמר,

Therefore, **with regard to a bill of divorce**, where he has the power to nullify it now, **he stated the formulation that is effective with regard to it**, meaning that it should become void from this point onward.

EXPLANATION

גבי מתנה לישנא דמהני בה קאמר.

And **with regard to a gift**, where he cannot nullify it after it has been acquired, **he stated the formulation that is effective with regard to it**, meaning that the gift was void from the very outset.

STATEMENT

אמר אביי, נקיטיןנו: שליח מתנה הרי הוא כשליח הגט;

Abaye said: We have a tradition that **an agent sent to deliver a gift is like an agent sent to deliver a bill of divorce**.

EXPLANATION

נפקא מינה ל"הולך" לאו כ"זכי" דמי.

The **practical difference** that is learned from this is that saying to an agent "Take" this gift to so-and-so is **not considered like** saying "Acquire" it on his behalf. Therefore, the giver can retract the gift as long as it has not reached the recipient.

QUESTION

רבִּינָא אֲשַׁכְחִיה לְרַב נַחֲמָן בַּר יִצְחָק דְּתַלְי וְקָאֵי בְּעִיבְרָא דְּדִשָּׁא, וְקָא מִיבְעִיָּא לִיה: "בָּטֵל" מַהוּ?

Ravina found Rav Nahman bar Yitzhak as he was leaning and standing by the bar of the door deep in thought, and he was considering the following dilemma: If the husband said only "Batel" without saying "it is batel," what is the halakha? Does he mean to actively nullify it, or is he merely describing it as invalid?

RESOLUTION

תִּיקוּ.

The Gemara concludes: The question shall stand unresolved.

STATEMENT

אָמַר רַב שֵׁשֶׁת, וְאָמְרֵי לָהּ בְּמַתְנִיתָא תֵּנָא:

Rav Sheshet said, and some say that it was taught in a Braisa:

BRAISA

"גֵּט זֶה לֹא יוֹעִיל"; "לֹא יִתִּיר"; "לֹא יַעֲזִיב"; "לֹא יִשְׁלַח"; "לֹא יִגָּרֵשׁ"; "יִהְיֶה חָרָס"; "יִהְיֶה כְּחָרָס" – דְּבָרָיו קִיָּמִין.

If a husband says: "This bill of divorce shall not be effective"; "shall not release"; "shall not cause to leave"; "shall not send away"; "shall not divorce"; "shall be pottery"; or "shall be like pottery" — his words are binding, and the get is void.

BRAISA

"אֵינוֹ מוֹעִיל"; "אֵינוֹ מִתִּיר"; "אֵינוֹ מַעֲזִיב"; "אֵינוֹ מְשַׁלַּח"; "אֵינוֹ מְגָרֵשׁ"; "חָרָס הוּא"; "כְּחָרָס הוּא" – לֹא אָמַר כָּלוּם.

But if he says: "It has no effect"; "does not release"; "does not cause to leave"; "does not send away"; "does not divorce"; "it is pottery"; or "it is like pottery" — he has said nothing, because these are merely descriptive statements.

QUESTION

אִיבְעִיָּא לָהּ: "הֲרִי הוּא חָרָס", מַהוּ?

A dilemma was raised before them: If he says, "It is hereby pottery," what is the halakha? Is this an active nullification or a descriptive statement?

STATEMENT

אָמַר לִיה רַבִּינָא לְרַב אַחָא בְּרִיה דְּרַבָּא, וְאָמְרֵי לָהּ רַב אַחָא בְּרִיה דְּרַבָּא לְרַב אָשִׁי:

Ravina said to Rav Aha, the son of Rava — and some say that Rav Aha, the son of Rava, said to Rav Ashi:

ANSWER

מֵאִי שָׁנָא מִ"הֲרִי הוּא חָרָס"; "הֲרִי הוּא הַפְּקָר"?

In what way is this different from saying of one's property, "It is hereby consecrated," or "It is hereby ownerless," where the word "hereby" clearly designates an active change? Here too, it is an active nullification.

QUESTION

חוזר ומגרש בו, או אינו חוזר ומגרש בו?

The Gemara asks: If a husband nullified a get, **can he go back and divorce with it, or can he not go back and divorce with it?** Did he only nullify the agency, or did he destroy the validity of the document itself?

STATEMENT

רב נחמן אמר: חוזר ומגרש בו; ורב ששת אמר: אינו חוזר ומגרש בו.

Rav Nahman said: He may go back and divorce with it; and Rav Sheshet said: He may not go back and divorce with it.

RULING

והלכתא כוותיה דרב נחמן.

And the halakha is in accordance with the opinion of Rav Nahman, that he may use it again.

OBJECTION

איני?! והא קיימא לן הלכתא כוותיה דרבי יוחנן, דאמר: חוזרת.

The Gemara asks: **Is that so?! But don't we establish that the halakha is in accordance with the opinion of Rabbi Yohanan, who said** that if a woman is betrothed effective after thirty days, **she can retract** her consent within the thirty days? This shows that speech can nullify a pending legal process, so the husband's speech should likewise nullify the get itself!

REFUTATION

הכי השתא?! הָתָם – דיבור ודיבור הוא, אֵתִי דיבור ומבטל דיבור;

The Gemara rejects this: **How can you compare these?! There**, in the case of betrothal, **it is speech and speech**; her initial consent was speech, and her retraction is speech, so **speech comes and nullifies speech**.

REFUTATION

והכא – נהי דבטליה לשליחותא דשליח, גיטא גופיה מי קא בטיל?

But here, granted that he nullified the agency of the agent through his speech, **is the bill of divorce itself nullified?** Since the get is a physical object, speech alone cannot destroy its physical validity.

MISHNAH מִשְׁנָה

MISHNAH

בראשונה הָיָה עוֹשֶׂה.

We learned in the Mishnah: **Initially, he would convene** a court and nullify the get.

GEMARA גְּמָרָא

QUESTION

אֵיתָמַר, בְּפָנֵי כַּמָּה הוּא מְבַטֵּלוֹ?

It was stated by the Amoraim: In the presence of how many people must he nullify it?

STATEMENT

רַב נַחֲמָן אָמַר: בְּפָנֵי שְׁנַיִם; רַב שֵׁשֶׁת אָמַר: בְּפָנֵי שְׁלֹשָׁה.

Rav Nahman said: In the presence of two people; Rav Sheshet said: In the presence of three people.

EXPLANATION

רַב שֵׁשֶׁת אָמַר בְּפָנֵי שְׁלֹשָׁה – "בֵּית דִּין" קִתְּנִי.

The Gemara explains: Rav Sheshet said "in the presence of three" because the Mishnah teaches "a court" [beis din], and a standard court consists of three judges.

EXPLANATION

וְרַב נַחֲמָן אָמַר בְּפָנֵי שְׁנַיִם – לְכִי תִרִי נָמִי "בֵּית דִּין" קָרִי לָהּ.

And Rav Nahman said "in the presence of two" because two people are also called "a court" in certain contexts.

PROOF

אָמַר רַב נַחֲמָן: מֵנָּה אָמִינָא לָהּ? דִּתְנִן: "מוֹסְרִנִי לְפָנֶיכֶם"

Rav Nahman said: From where do I say this? As we learned in a Mishnah regarding a prosbol: "I deliver to you, judges..."

SUMMARY

The Gemara clarifies that while a gift cannot be nullified after the recipient takes possession, an agent sent with a gift is treated like an agent for a get, meaning the giver can retract before delivery. In analyzing the husband's language of nullification, the Sages rule that active formulations (such as "it shall not divorce" or "it shall be pottery") successfully void the get, whereas descriptive phrases ("it has no effect" or "it is pottery") are meaningless. Finally, the Gemara rules in accordance with Rav Nahman that a husband who nullifies his agent's mission may still use the same physical get to divorce his wife later, as mere speech cannot destroy a physical document, before transitioning into a machlokes regarding whether the nullification must take place before a court of two or three people.

Look at the incredible precision the Gemara demands of our words on today's daf. If a husband says, "This get shall not be effective," his words have the power to nullify it. But if he says, "This get has no effect," it is as if he said nothing at all! Why? Because the first is an active statement of will, while the second is merely a passive, inaccurate description of reality. The Torah is teaching us a profound lesson about the power of the human mouth: our words are not just passive commentary on our lives; they are active tools of creation and change.

So often in our daily avodah, we fall into the trap of passive description. We look at our spiritual struggles, our difficult middos, or our daily challenges and say, "This is just how I am," or "It's impossible for me to change." Like the husband who says "it has no effect," we speak as if our spiritual state is a fixed, unchangeable reality. But a Yid must remember that Hashem gave us the power of speech to actively shape our reality, not just to describe our limitations.

When you speak to yourself or to others, do not use words that lock you into a passive, defeated state. Instead of saying "I can't do this" or "this is just my nature," use the active power of your ratzon (will) to declare what you want to achieve. Your words have the power to build or to destroy, to nullify the yetzer hara or to give it strength.

Today, catch yourself before you make a passive, self-limiting statement about your spiritual growth or your character. Instead, speak actively about your goals, saying, "With Hashem's help, I will overcome this challenge."