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Intro

Today we will Be"h begin the fourth Perek of מסכת, and learn דף ל"ב,  $\tau$ 

The Perek begins with the Halachos of ביטול, how to void a us. The Gemara discusses which expressions may be used, where it may be performed, and whether voiding the agency of a שלים also voids the actual us.

Some of the topics we will learn about today include:

דיכזול הגכז

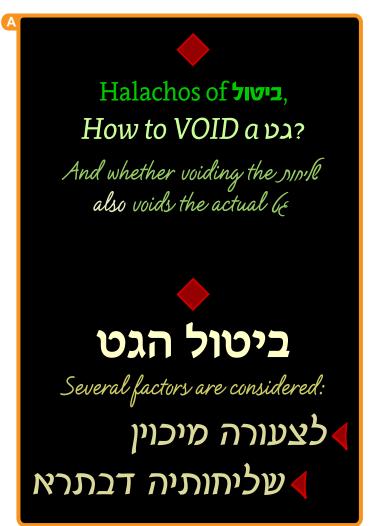
The Gemara discusses many Halachos pertaining to someone who wants to void a vs. Several factors are considered, including:

לצעורה מיכוין

Whether his intentions are sincere, or if he is merely trying to torment her, and

שליחותיה דבתרא

The ability of a second שליח to override the assignment of a prior שליח



לשון ביטול 🛮

The Gemara enumerates many different terms, and determines which ones are valid expressions of ביטול. This depends whether

לבטיל משמע

The term is understood in the future tense, as declaring it henceforth void, or

מעיקרא קאמר

It's understood as merely a statement regarding its present status, which does not void the גט.









שליח מתנה

The Gemara discusses the possibility of voiding the agency of a שליח bearing a gift, and explains that this depends whether

הולך כזכי

If the שליח acquired the gift on behalf of the recipient

חוזר ומגרש בו

The Gemara brings a מחלוקת whether the husband may divorce his wife using the same גט for which he had voided a שליחות, and differentiates between this scenario and other cases where ביטול IS effective, because אתי דיבור ומבטל דיבור

A mere verbal agreement can also become void through a simple declaration.



Gitten 32 - 2







So let's review...

Zugt di Mishnah

השולח גט לאשתו

If a husband sends someone as a שליח הולכה, an agent to deliver a גט to his wife,

והגיע בשליח

או ששלח אחריו שליח

And the husband himself, or another שליח whom he sends in his place, then meets the שליח BEFORE he delivers the גע

ואמר לו

גט שנתתי לך

בטל הוא

And declares the ky null and void,

הרי זה בטל

The גט is thereby voided.

The Gemara explains that the Mishnah is introducing two novel ideas:

1.

הגיעו לא קתני

אלא הגיע

Although he did NOT pursue the שליח, but merely happened to meet him, we do NOT assume

לצעורה הוא דקא מיכוין

That he only intends to torment her; rather, we assume that his intentions are sincere and the xx is void.

2.

Additionally,

אלימא

שליחותיה דבתרא

משליחותיה דקמא

He can also appoint another שליח to recall the first שליח, and the second שליח is empowered to override the first שליח.

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The Mishnah continues

קידם אצל אשתו

או ששלח אצלה שליח

If the husband himself, or a second שליח, contacts the wife BEFORE the first שליח reaches her,

ואמר לה

גט ששלחתי לך

, בטל הוא

And voids the גט,

הרי זה בטל

The vs is indeed void.

Here, too, the Mishnah is teaching us that we do NOT assume לצעורה קא מיכוין

That he merely intends to torment her, although

1.

לדידה

He spoke directly to her;

2.

Additionally, although

איהו הוא דלא טרח

אדעתא לצעורה

We may certainly assume that he would not inconvenience himself solely to torment her; however,

שליח

דלא איכפת ליה כי טרחו

ודאי לצעורה קא מיכוין

קמ"ל

The Mishnah teaches us that he would not send a שליח for this purpose either.

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3 The Mishnah continues:

אם משהגיע גט לידה

If he retracted the us AFTER the woman already received it.

שוב אינו יוכל לבטלו

It is too late to void the טג.

## The Gemara adds

אפילו דמהדר עליה מעיקרא לבטולי

Even if he was actively seeking to void the va BEFORE it was delivered,

לא אמרינן

איגלאי מלתא למפרע

דבטולי בטליה

It is NOT voided retroactively, because, as תוספות explains, דברים שבלב אינן דברים, his unexpressed intent cannot void the ט.

The Gemara now cites a ברייתא that specifies precisely which terms are valid expressions of ביטול:

בטל הוא

אי אפשי בו

דבריו קיימין

The expressions 'it is void' and 'I do not want it' are understood as declarations invalidating the υλ henceforth, and so they successfully void the υλ.

However,

פסול הוא

אינו גט

לא אמר כלום

If he says 'it is invalid' or 'it is not a גט', the גט is still valid, because he is stating that they ARE already invalid, and this is simply not true.

The Gemara points out that this ברייתא holds דבטל לישנא דלבטיל משמע

The phrase 'בטל הוא' connotes nullification from this point onward.





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4 However, the Gemara cites another ברייתא:

מקבל מתנה שאמר

לאחר שבאתה מתנה לידו

If someone receives a gift and only THEN declares

בטלה היא

אינה מתנה

דבריו קיימין

'This gift is void' or 'it is not a gift', the gift IS רש"י, as רש"י explains

הודאת בעל דין

כמאה עדים דמי

והרי אומר שלא זכה בה

Essentially, he is admitting that the item was never his, and this carries the weight of valid witnesses; therefore, it reverts to its former owner.

This ברייתא indicates

בטל מעיקרא משמע

That the phrase בטל הוא is interpreted as a statement regarding the item's prior status?

The Gemara explains

בטל שתי לשונות משמע

The term can be understood either way; therefore, נישנא דמהני ביה קאמר

We always assume that his intention is for the meaning that will be effective. Therefore, if he says בטל הוא regarding a ביל הוא, we assume דלבטיל קאמר, he is referring to the future, and the נסי is ביל. Conversely, when he uses the term regarding a gift, we assume that he intends to invalidate it מעיקרא, retroactively, and the gift is not his.



The Gemara points out

שליח מתנה

הרי הוא כשליח הגט

An agent bearing a gift is comparable to a שליח delivering a גט and the owner can void the שליחות, because הולר

לאו כזכי דמי

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Asking someone to deliver a gift does NOT imply consent for him to acquire it on behalf of the recipient. Therefore, he can retract the gift BEFORE it reaches the recipient.









The Gemara now examines several other expressions:

Can he nullify the גט simply by declaring the word 'void', as if he said בטל הוא, voiding the גט henceforth, or is this only a statement regarding its present state, and therefore an invalid ביטול?

The Gemara responds

תיקו

Leaving the matter unresolved.



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Leaving the matter unresolved.









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The Gemara addresses several other expressions:

גט זה

לא יועיל

לא יתיר

לא יעזיב

לא ישלח

ולא יגרש

יהא חרס

יהא כחרס

דבריו קיימין

With all these terms, he is expressing his intention that the  $\kappa$  SHOULD NOT divorce her – in the future tense - and so the  $\kappa$  is void.

However, if he says

אינו מועיל

אינו מתיר

אינו מעזיב

אינו שמלח

אינו מגרש

חרס הוא

כחרס הוא

לא אמר כלום

If he declares 'The יש CANNOT divorce her', or any variation thereof, the יש is still valid, because he is merely reporting on the יש's current status and this does not void the יש.

גט זה לא יועיל < אינו מועיל אינו מתיר אינו מעזיב לא יעזיב אינו שמלח לא ישלח ולא יגרש אינו מגרש חרס הוא יהא חרס כחרס הוא יהא כחרס CURRENT status FUTURE tense דברין קייאין

9 The Gemara asks הרי הוא חרס מהו

Does the expression 'Behold, it is worthless' have a past or future connotation?

The **G**emara responds by pointing out that הרי הוא הקדש

הרי הוא הפקר

Are common phrases which successfully confer the status of הקדש or הפקר; clearly, the expression is understood in the future tense.

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The Gemara now debates the status of the actual va, the written bill of divorce:

רב נחמן אמר

חוזר ומגרש בו

ורב ששת אמר

אינו חוזר ומגרש בו

After a שליחות is voided, it is a מחלקות whether the גט can be used again at a future date.

## The Gemara establishes

והלכתא כוותיה

דרב נחמו

חוזר ומגרש בו

The Halachah follows the opinion that the KMAY be used in the future, and is NOT affected by his retraction;

## Although regarding קידושין the Halachah is

אמר לאשה

'התקדשי לי במעות הללו לאחר ל

'וחזרה בה בתוך ל

בטלו הקידושין

If a woman accepts a קידושין which is set to take effect after thirty days, she MAY retract her agreement within that time.

## The Gemara differentiates

התם דיבור ודיבור הוא

אתי דיבור ומבטל דיבור

The קידושין consisted of nothing more than her verbal agreement; therefore, her subsequent spoken retraction is valid.

However, regarding the va,

נהי דבטליה לשליחותיה דשליח

גיטא גופיה מי קא בטיל

His retraction only affects the שלים role, whom he appointed verbally; however, the actual גט, which is a tangible object, remains unaffected, and may be used at a future date.





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