

NOTES

**A convert may judge his fellow convert** – יג דן את חבריו: Rashi and most of the early commentaries disagree as to when in fact it is permitted for a convert to be appointed as a judge. According to Rashi, a convert is excluded from being a judge for Jews from birth only in capital cases; there are no limitations on a convert to act as a judge in monetary cases, and it is likewise permitted for him to be appointed to other positions of communal authority. The majority of early commentaries disagrees and posits that there are three different categories. In capital cases a convert is qualified to judge only his fellow converts. In monetary cases a convert whose mother is from Israel is also qualified to judge, and likewise it is permitted for him to be appointed to any authoritative position of leadership. To be appointed king, however, and also to act as a judge for *halitza*, it is required that one not be a convert at all but that he be the offspring of two Jews from birth (see Meiri). The Rambam states a controversial third opinion prohibiting a convert from being appointed to all positions of authority.

**And if the convert's mother was from Israel** – ואם היתה אמו מישראל: The concept of a convert whose mother is from Israel may strike one as odd. After all, if one's mother is Jewish, then the child is not a convert at all. Some understand that this phrase refers to one whose father is not Jewish and whose mother is, and although he is not actually a convert, he is called: A convert whose mother is from Israel. Others explain that it refers to one whose mother converted while pregnant, and therefore the child is referred to as a convert whose mother is from Israel, as the child was conceived while the mother was a gentile, and born when his mother was already Jewish (see Rashba).

**As it is stated: And his name shall be called in Israel** – שנקרא: Most of the early commentaries had an alternative version of the text that read: With regard to *halitza*, a convert cannot act as a judge based on the fact that in the Torah the phrase "in Israel" is written twice (see Deuteronomy 25:7, 10). They interpreted their version of the text to mean that the first mention in the verse of "in Israel" comes to teach that *halitza* is valid even if performed before laymen, and the second mention of "in Israel" comes to teach that the judges must be from Israel, to the exclusion of converts who were not born in Israel. Rashi, whose text matches the version published in the Gemara, seems to interpret that "in Israel" indicates within Israel, meaning that he must be a Jew from both sides of his family (Ramban).

**The people already have established the practice** – נהגו העם: This idea of following the custom even when the stated *halakha* might be otherwise is cited in the Jerusalem Talmud with the phrase: A custom cancels the *halakha*. There are those who misinterpreted this talmudic statement to mean that one could rely upon one's local custom even when it openly contradicted the *halakha*. The Meiri explains, however, that this is not the proper understanding of this statement. Customs determine practice only when there is no established *halakha* otherwise. In any place where there is such a custom, it is prohibited for even the greatest of scholars to abolish it. However, Rabbeinu Tam has already explained the danger of following customs that run counter to *halakha*. He points out that the Hebrew word for custom, *minhag*, spelled backward is *Geihinnom*, the Hebrew term for Gehenna. In other words, following a backward custom that contradicts *halakha* will actually lead one to Gehenna.

In fact, the logic behind relying upon a custom is based on people's general tendency to act based on the majority opinion even if the matter was never decisively determined in a house of study (*Gilyonei HaShas*, citing *Yishrei Lev*).

גַּר דֵּן אֶת חֲבֵרָיו דְּבַר תּוֹרָה, שֶׁנֶּאֱמַר "שׁוֹם תִּשֶׂם עָלֶיךָ מֶלֶךְ אֲשֶׁר יִבְחַר ה' אֱלֹהֶיךָ בּוֹ מִקְרֵב אַחֶיךָ תִּשֶׂם עָלֶיךָ מֶלֶךְ", עָלֶיךָ הוּא דְּבַעֲיָנָן "מִקְרֵב אַחֶיךָ", אֲבָל גַּר – דֵּן אֶת חֲבֵרָיו גַּר.

וְאִם הָיְתָה אִמּוֹ מִיִּשְׂרָאֵל – דֵּן אֶפְיָלוּ יִשְׂרָאֵל. וְלַעֲנֵן חֲלִיצָה – עַד שֶׁיִּהְיֶה אָבִיו וְאִמּוֹ מִיִּשְׂרָאֵל, שֶׁנֶּאֱמַר "וְנִקְרָא שְׁמוֹ בְּיִשְׂרָאֵל".

אָמַר רַבָּה, אָמַר רַב כְּהֵנָּא, אָמַר רַב: אִם יָבֵא אֶלְיָהוּ וְיֹאמַר "חֹלְצִין בְּמַנְעֵל" – שׁוֹמְעִין לוֹ. "אֵין חֹלְצִין בְּסַנְדַּל" – אֵין שׁוֹמְעִין לוֹ, שֶׁכְּבָר נִהְגוּ הָעָם בְּסַנְדַּל.

וְרַב יוֹסֵף, אָמַר רַב כְּהֵנָּא אָמַר רַב: אִם יָבֵא אֶלְיָהוּ וְיֹאמַר "אֵין חֹלְצִין בְּמַנְעֵל" – שׁוֹמְעִין לוֹ. "אֵין חֹלְצִין בְּסַנְדַּל" – אֵין שׁוֹמְעִין לוֹ, שֶׁכְּבָר נִהְגוּ הָעָם בְּסַנְדַּל.

מַאי בִּינְיָהוּ? אִיכָּא בִּינְיָהוּ מַנְעֵל לְכַתְחֻלָּה.

וְלִמָּאן דְּאָמַר אֶפְיָלוּ לְכַתְחֻלָּה, וְהִתְנַן: חֲלִיצָה בְּמַנְעֵל – חֲלִיצָתָהּ בְּשַׂדָּה, דִּיעֵבַד – אֵין, לְכַתְחֻלָּה – לֹא!

By Torah law a convert may judge his fellow convert,<sup>NH</sup> as it is stated: "You shall set a king over you, whom the Lord your God shall choose; one from among your brothers you shall set king over you" (Deuteronomy 17:15). The Gemara deduces from the terminology of the phrase "over you," i.e., when presiding over Jews by birth either as a king, a judge, or any other official, that from here it is where we require that the official must be: "From among your brothers," meaning a Jew by birth. However, a convert may judge his fellow convert, as the requirement of "one from among your brothers" doesn't apply when presiding over fellow converts.

And if the convert's mother was from Israel,<sup>N</sup> he may even preside as a judge in a court to adjudicate legal matters involving a native-born Jew. But with regard to *halitza*, he may not act as a judge unless both his father and his mother were from Israel from birth, as it is stated with regard to *halitza*: "And his name shall be called in Israel."<sup>N</sup> The house of he who had his shoe removed" (Deuteronomy 25:10), implying that he must be born as a member of the Jewish people from both of his parents.<sup>H</sup>

**Rabba said that Rav Kahana said that Rav said: If Elijah the Prophet should come and say: One may perform *halitza* using a soft leather shoe, the Rabbis would listen to him. But if he says: One may not perform *halitza* using a hard leather sandal, they would not listen to him, for the people already have established the practice<sup>N</sup> of performing *halitza* using a sandal.**

And Rav Yosef said that Rav Kahana said that Rav said: If Elijah the Prophet should come and say: One may not perform *halitza* using a soft leather shoe, they would listen to him. But if he says: One may not perform *halitza* using a hard leather sandal, they would not listen to him, for the people already have established the practice of performing *halitza* using a sandal.

The Gemara asks: What is the practical difference between these two opinions? Seemingly, they both say the same thing. The Gemara answers: The practical difference between them is with respect to performing *halitza* with a soft leather shoe *ab initio*. According to Rabba's opinion, one may not perform *halitza* this way *ab initio*, as Rabba said that only if Elijah comes and permits it would he be heeded, implying that until Elijah does so one may not perform *halitza* this way. According to Rav Yosef's opinion, one may perform *halitza* with a soft leather shoe until Elijah comes and teaches us otherwise.

The Gemara asks: And according to the one who says that one may even perform *halitza* with a soft leather shoe *ab initio*, didn't we learn in the mishna (101a): If she performed *halitza* with a soft leather shoe, her *halitza* is valid, and the past tense wording indicates after the fact, yes, but it is not valid *ab initio*?

HALAKHA

**A convert may judge his fellow convert** – יג דן את חבריו: If a convert's mother is from Israel, and certainly if his father is also from Israel, he is qualified to judge in monetary cases. But if his mother is not from Israel, he is disqualified from acting as a judge in cases involving a Jew from birth, although it is permitted for him to act as a judge in cases involving other converts (Rambam *Sefer Shofetim*, *Hilkhot Sanhedrin* 11:1; *Shulhan Arukh*, *Yoreh De'a* 269:11 and *Hoshen Mishpat* 7:1).

**A convert's fitness with respect to *halitza*** – יג לענין חליצה: A convert is not qualified to be a judge for *halitza*, even the *halitza* of a convert, as only someone whose mother and father are from Israel is qualified to be a judge for *halitza* (Rambam *Sefer Nashim*, *Hilkhot Yibbum* 4:5; *Shulhan Arukh*, *Even HaEzer* 169:2 and *Yoreh De'a* 269:11). Some say that even if only his father was from Israel he is qualified (Rema, citing *Sefer Mitzvot Gadol*).

Netzivin – נְצִיבִין – Nowadays this is known as Nusaybin, a city located in Turkey on the border with Syria, adjacent to Qamishi. This ancient city was the capital even prior to the Assyrian conquest. At the time of the Mishna it was under the rule of the kingdom of Adiabene, and afterward for a period of approximately one hundred years it was a war zone between Persia and Rome that often changed hands.

Netzivin was a center of trade due to its location, and it had an active Jewish population for centuries. Like Neharde'a, it was known as one of the centers of Torah learning in ancient Babylonia.

Netzivin reached its zenith in the period of Adiabene rule, as a number of members of the royal family converted to Judaism, and the academy of the sons of Beteira flourished.

The city, especially its Jewish inhabitants, suffered greatly during the constant battles that subsequently befell the city, and by the talmudic period the city's Jewish population had lost its prominence. However, after that period, it once again became home to a sizable Jewish population, which remained there into the twentieth century.

## PERSONALITIES

Rabbi Yehuda ben Beteira – רַבִּי יְהוּדָה בֶּן בֵּתֵירָא: There were at least two Sages with this name, all from the same family. They were most likely a Babylonian family, some of whose members moved to the Eretz Yisrael and assumed leadership positions there just prior to the appointment of Hillel the Elder. Other members of the family stayed in Babylonia, living in the town of Netzivin, a center of Jewish life. It seems that the Rabbi Yehuda ben Beteira mentioned here, sometimes called ben Petora, had previously been among the Sages of Yavne, where he engaged in halakhic debate with the great Sages of his generation, Rabbi Yehoshua and Rabbi Akiva. Afterward, it is believed that he went back to Babylonia where he became the leader of a large and prominent yeshiva in Netzivin.

Rabbi Yehuda ben Beteira enjoyed a long life, having lived long enough to have been mentioned in the days after the revolt of bar Kokheva. Even then, in his younger years, he was considered such a high-level halakhic authority that some of the Sages of Eretz Yisrael even traveled to Babylonia in order to learn Torah from him. Sometimes messengers from Eretz Yisrael were sent to him in order to receive answers to halakhic questions.

Rabbi Yehuda ben Beteira was highly esteemed by his contemporaries among the Sages. Rabbi Eliezer said about him: You are a great Sage, and he declared his court a righteous and beautiful court of law.

Even though most of his activity was in Babylonia, Rabbi Yehuda ben Beteira raised the banner of the importance of Eretz Yisrael and opposed any efforts to establish Babylonia as a competing center of Torah learning.

There are very few instances in the Talmud where *halakhot* are transmitted in his name. This may be because he served in Babylonia, where he imparted his teachings to Sages whose rulings were not recorded.

## LANGUAGE

Shoe [*panta*] – פִּנְתָּא: The term is Aramaic and refers specifically to the leather on the upper part of a shoe.

Straps [*arketa*] – אִרְקֵתָא: This may very well be a variant of the word *arkata*, a word also found in other sources, meaning shoelace. Others explain that it means the upper part of a shoe that covers the foot. Some of the *ge'onim* claim that *arketa* refers to the part of the shoe that covers the shins.

הוא הדין דאפילו לכתחלה, ואידי דבעי למיתני סיפא: באנפיליא – חליצתה פסולה, דאפילו דיעבד, תנא נמי וישא דיעבד.

ומנעל לכתחלה תנאי היא, דתנאי אמר רבי יוסי: פעם אחת הלכתי לנציבין, מצאתי זקן אחד, אמרתי לו: כלום אתה בקי ברבי יהודה בן בתירא? אמר לי: הן, ועל שולחני הוא תדיר. כלום ראית שחלץ ביבמה?

אמר לי: ראיתי שחלץ הרבה פעמים. במנעל או בסנדל? אמר לי: וכי חולצין במנעל? (והתורה אמרה "נעלו" ולא מנעלו!) אמרתי לו: אם כן, מה ראיה רבי מאיר לומר חלצה במנעל חליצתה כשירה!?

רבי יעקב אומר משמו: חולצין במנעל לכתחלה. ומאן דאמר לכתחלה לא – מאי טעמא?

אילימא משום דהויא פנתא מעל, וארקתא מעל דמעל, והתורה אמרה "נעלו" ולא מעל דמעל – אי הכי אפילו דיעבד נמי לא!

The Gemara answers: **The same is true that one may perform *halitza* with a soft leather shoe even *ab initio*, but since the *tanna* wished to teach in the latter clause of that mishna: If an *anpileya*, a soft shoe made of cloth, was used for *halitza*, her *halitza* is disqualified even after the fact, he also taught the first clause of the mishna using wording that indicates validity after the fact, even though it is in fact permitted even *ab initio*.**

The Gemara comments: **And performing *halitza* with a soft leather shoe *ab initio* is a dispute between *tanna'im*, as it is taught in a *baraita*, Rabbi Yosei said: One time I went to the city of Netzivin<sup>8</sup> in Babylonia, and I found there a certain Elder. I said to him: Do you know Rabbi Yehuda ben Beteira,<sup>9</sup> who was from Netzivin? He said to me: Yes, and he is a frequent visitor at my table.<sup>10</sup> I asked the Elder: Have you ever seen if he conducted the *halitza* of a *yevama*?**

**He said to me: I saw that he conducted *halitza* many times. I asked him: Using a soft leather shoe or a hard leather sandal? He said to me: Does anyone allow performing *halitza* with a soft leather shoe?<sup>11</sup> But the Torah said: "His shoe [*na'alo*]"<sup>12</sup> (Deuteronomy 25:9) and not: His shoe [*minalo*]. I said to him: If so, what did Rabbi Meir see that made him say that if a woman performed *halitza* using a soft leather shoe her *halitza* is valid?**

Rabbi Ya'akov says in the name of Rabbi Meir: **One may perform *halitza* using a soft leather shoe *ab initio*. The Gemara explains: And for the one who said one may not perform *halitza* with a soft leather shoe *ab initio*, what is the reason for this?**

**If we say that a soft leather shoe is disqualified because the upper side of the soft leather shoe [*panta*]<sup>13</sup> is on his foot directly, and the straps [*arketa*]<sup>14</sup> tied around the upper portion of the shoe are like a second shoe on top of the shoe that is directly on top of his foot, and the Torah says: "Remove the shoe from on his foot," indicating that the entire shoe must be "on his foot" but not from on something else that is on his foot,<sup>15</sup> if so, then even after the fact as well, it should not be fit for use. If a soft leather shoe is unfit for *halitza* by Torah law, it should be prohibited under all circumstances.**

## NOTES

He is a frequent visitor at my table [*shulhani*] – ועל שולחני: From the wording of the Gemara it seems that Rabbi Yehuda ben Beteira was frequently a guest of this Elder, seemingly because the latter was among the important people of his city. There are also versions of the text explaining the opposite, that the Elder was a frequent guest at Rabbi Yehuda ben Beteira's table. In the Jerusalem Talmud it is explained differently, that this same Elder was the money changer [*shulhani*] of his city, and Rabbi Yehuda ben Beteira was frequently found at his table, i.e., changing money with him.

Does anyone allow performing *halitza* with a soft leather shoe – וכי חולצין במנעל: This is the version of the text in the Gemara and the *Tosefta*. The Vilna Gaon in *Haggahot HaGra*, however, expresses doubt about the authenticity of this text, as the opposite is stated in the Jerusalem Talmud. In a discussion in the Jerusalem Talmud it says: Is there any sandal used in our location, indicating that using a sandal was not the common custom. Furthermore, the discussion continues that they questioned how Rabbi Meir could entertain the possibility that one may not perform *halitza* with a soft leather shoe, seemingly indicating that the preferred means of performing *halitza* is with a soft leather shoe. Indeed, several early commentaries concluded, based upon the discussion in the Jerusalem Talmud, that since in most places people are not accustomed to using a sandal and do not know what it looks like, a soft leather shoe is preferable, as one can ensure that it will have all the necessary

elements mentioned in the Gemara (see Rosh). Although the Ramban disputes this opinion, the text of the Jerusalem Talmud seems to be the basis of the Rambam's similar halakhic ruling (see *Yam shel Shlomo*).

The Torah said: His shoe [*na'alo*] – והתורה אמרה נעלו: Rashi and most of the early commentaries erased this sentence, and likewise it is not found in the *Tosefta*, as they explained that the word *minal*, meaning shoe, is not found at all in the Bible. The Ritva quotes an opinion that upheld this version of the text by explaining that during biblical times everyone wore hard leather sandals, and therefore, stating the word shoe would obviously refer to a sandal. If so, since the Torah says "shoe" here and does not use another word it certainly is referring to a sandal (see Meiri).

From on something else that is on his foot – מעל דמעל: The *Tosefot Had Mikamma'e'i* explains that due to the doubt presented here with regard to whether *halitza* alone is sufficient or whether there must also be exposure of the foot, it is possible that one who is wearing socks will not be considered to have had his foot exposed, and should therefore refrain from wearing socks when performing *halitza*. Although several other commentaries say that this stringency is unfounded, as socks are made of a soft fabric that is insignificant, as is stated explicitly in the Jerusalem Talmud, still the *Yam shel Shlomo* says that one should be stringent in this matter.

NOTES

A torn [*merupat*] shoe – מְרֻפָּט: Opinions vary concerning the interpretation of the word *merupat*. Some say, in accordance with Rashi, that it is torn from above, and completely *merupat* means that all of the upper leather is torn (see Meiri). Rabbeinu Ḥananel explains that *merupat* means unstable, i.e., a shoe that is not at all suitable to be worn due to its size.

We tie a strap to it – קָטְרִינָן בֵּיהּ מִיתְנָא: The Ramban wrote that although generally a strap can be tied from a rope made of any material, because the Gemara (102b) states that one may make a *halitza* shoe only from leather and other similar materials, the strap tied to it must also be from leather. The commentaries explain that it refers here to a designated sandal that they would use for *halitza*, to which they would add another strap to tighten it. The Gemara explicitly mentions later that among the tools of the judges was a special sandal designated for *halitza* that they meticulously ensured had all the components necessary for *halitza*. The practice of having such a sandal designated for *halitza* was already recorded by the *ge'onim*, and this custom was maintained throughout the generations.

LANGUAGE

Ring [*humrata*] – הוּמְרָתָא: Apparently from the Middle Iranian muhr, which in this context means a ring. Due to a phonological shift, the letters were inverted in the Aramaic loanword.

גִּזְרָה מְשֻׁם מְנַעַל מְרֻפָּט.

Rather, it is a rabbinic decree due to the concern that one might use a **torn soft leather shoe**,<sup>N</sup> which may nevertheless be worn if torn due to its softness but is prohibited as it does not cover his foot. No similar concern exists with regard to a torn sandal, as due to its hard exterior it would never be worn if torn, and therefore there is no concern that it will be used for *halitza*.

אי נמי, משום חצי מנעל.

Alternatively, it is a rabbinic decree due to concern that one might perform *halitza* with a **half shoe**, as the *halitza* shoe must cover most of the foot, yet there are some who wear soft leather shoes that cover only half of the foot. Therefore, there is a prohibition against using a soft leather shoe for *halitza ab initio* for fear that a half shoe might also accidentally be used. No similar fear exists with a hard leather sandal as a half sandal is never worn.<sup>H</sup>

אמר רב: אי לאו דחמיתיה לחביבי דחליץ בסנדל דאית לה שינצין – אנא לא הואי חליצנא אלא בסנדלא דטייעא, דמיהדק טפי. והאי דידן, אף על גב דאית ביה חומרתא – קטרינן ביה מיתנא, כי היכי דתהוי חליצתה מעליה.

Rav said: If I had not seen my beloved uncle, Rabbi Ḥiyya, conduct a *halitza* using a sandal with laces, I would not have conducted *halitza* with anything other than a sandal of Arabs, which is more tight fitting and snug. The Gemara explains: And with regard to this sandal of ours, i.e., the customary sandal of that day, although it does have a ring [*humrata*]<sup>LH</sup> on top to ensure that it will not fall off the foot easily, we tie a strap to it<sup>N</sup> during *halitza* in order to make it tighter, so that her *halitza* will be of the highest standard. The strap is tied on so that the sandal will not come off by itself, to ensure that the *yevama* will have to untie the strap in order to remove the sandal.<sup>B</sup>

HALAKHA

*Halitza* with a soft leather shoe and a hard leather sandal – חליצה במנעל וסנדל: The accepted custom was to perform *halitza* with a hard shoe made entirely of leather, similar to an ancient sandal. Others determined the *halakha* to be in accordance with the final version of Rabbi Ya'akov, which states that one should perform *halitza* with a soft leather shoe *ab initio*. Others state that since sandals were not common in most places, the custom became to use a soft leather shoe, as it is certainly valid after the fact.

Some say that the stitching of the shoe must be in the interior, similar to a sandal, while others say that the stitching must be on its exterior. Furthermore, no additional fabric or leather should be sewn into the interior of the shoe, and likewise it should be made from one piece of leather. All of these requirements are so

that the shoe will be similar to a sandal (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:6; *Shulḥan Arukh, Even HaEzer* 169:16).

It does have a ring – דאית ביה חומרתא: The ring mentioned in the Gemara is a sort of ring through which a rope can be threaded from a hole from the other side of the sandal, enabling it to be tightly fastened to the shoe. Some say that one should tie at least two or three of these knots. The Rema states that the custom is to tie three knots, which are not part of the body of the shoe but rather are created by attaching additional straps to the top of the shoe. Likewise, hooks and loops are sewn onto the exterior part of the shoe on its opposite side for the purpose of fastening the additional straps (*Shulḥan Arukh, Even HaEzer* 169:19 and *Seder Halitza* 61).

BACKGROUND

Sandal for *halitza* – סנדל חליצה: To ensure that all the requirements for a valid *halitza* sandal are met, it is a long-standing custom for every court that conducts *halitza* to possess a shoe for this purpose. The shoe is built so that it conforms to all the stringent opinions, thereby guaranteeing that the *halitza* will be valid according to all opinions.



Shoe used for *halitza*, viewed from different angles

סימן: התרת יבמה סנדל. אמר רב יהודה אמר רב: התרת יבמה לשוק – בשמיטת רוב העקב.

The Gemara presents a mnemonic device for the following three *halakhot* that Rav Yehuda taught in the name of Rav: *Hatarat*, meaning release of; *yevama*; *sandal*. This mnemonic serves as a reminder that the release of a *yevama* is done through removing a sandal. Rav Yehuda said that Rav said: The release of a *yevama* to enable her marriage to a member of the public occurs when most of the heel is removed from the shoe.<sup>h</sup> Even though the shoe has not been entirely removed, or even removed from most of the *yavam's* foot; it is still permitted for her to remarry.

מתיבי: הותרו רצועות מנעל וסנדל, או ששמיט רוב הרגל, חליצתה פסולה.

The Gemara raises an objection from the following *baraita*: If the straps of a soft leather shoe or a hard leather sandal were untied,<sup>h</sup> but not through the actions of the *yevama*, or if the *yavam* removed most of his foot from the shoe himself before the *yevama* completed the removal, her *halitza* is disqualified.

טעמא דשמיט הוא, הא שמיטה היא – חליצתה בשרה. רוב הרגל – אין, רוב העקב – לא!

The Gemara infers: The reason her *halitza* is disqualified is specifically that he removed most of his foot and she only completed the removal, but had she removed most of the foot from the shoe, then her *halitza* would be valid. The Gemara continues: If so, yes, only when the *yevama* removes most of the foot is the *halitza* valid, but if she removed only most of the heel, it would not be sufficient.

לא, היינו רוב הרגל היינו רוב העקב. ואמאי קרו ליה רוב הרגל – דכולא חילא דכרעא עליה דחיס.

The Gemara rejects this question: No, most of the foot is the same as most of the heel, and therefore the inference should be that even if she removed most of the heel from the shoe the *halitza* is valid. And why do they call it: Most of the foot? Because the whole weight of the leg puts pressure on the heel.

מסייע ליה לרבי ינאי, דאמר רבי ינאי: בין שהתיר הוא ושמיטה היא, בין שהתירה היא ושמיט הוא – חליצתה פסולה, עד שתתיר היא ותשמיט היא. בעי רבי ינאי: קרעתהו מהו, שרפתהו מהו, גלויי כרעא בעינן – והאיכא, או דלמא חליצתה בעינן – וליכא? תיקו.

The Gemara comments: This *baraita* supports Rabbi Yannai, as Rabbi Yannai said: Whether he unties the shoe and she removes it, or whether she unties it and he removes it, her *halitza* is disqualified unless she both unties it and takes it off. And on the same topic, Rabbi Yannai asked: If she did not remove the sandal, but instead ripped it off him, what is the *halakha*? If she burned it<sup>h</sup> using coals, what is the *halakha*? The Gemara presents the real issue in question: Is exposure of the foot the essential act of *halitza* that we require, through any act of removing that which covers the foot, which exists here? Or perhaps it is removal of the shoe from over the foot that we require, which is lacking here? No answer was found to this question, so the Gemara concludes: The question shall stand unresolved.

#### HALAKHA

התרת – Releasing the *yevama* upon removing the heel – סימן: התרת יבמה בשמיטת עקב. The *yevama* sits and unties the shoe straps from the foot and then removes the shoe and places it on the ground. From the moment most of the heel of the *yavam* has been removed from the shoe, the *yevama* is considered released from the levirate bond, and it is permitted for her to marry freely (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:6).

הותרו רצועות – If the straps of a shoe or sandal were untied – מנעל: If the *yavam* untied the knot and the *yevama* took off the shoe, or if she untied the straps and he took off the shoe, the *halitza* is disqualified. The Rema quotes an

opinion, citing the Rosh, that if the *yavam* can still walk in the shoe while it is untied and subsequently she removes it, the *halitza* is valid even though he untied the knot (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:16; *Shulhan Arukh, Even HaEzer* 169:33).

קרעתהו... שרפתהו – If she ripped it... if she burned it – If the *yevama* tore the shoe from the foot or burned it, this does not constitute *halitza*. The *halakha* is such because Rabbi Yannai's query was not resolved, and concerning a Torah prohibition one should be stringent with regard to unresolved questions (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:21; *Shulhan Arukh, Even HaEzer* 169:36).

**Two shoes** – שני מנעלים: If the *yavam* was wearing two shoes and his *yevama* removed the outer one, then, even if she tore the inner one until his foot was exposed, her *halitza* is disqualified. The *halakha* is such because Rabbi Neḥemya's question, according to the version of the text used by the Rambam, was not resolved, and in a case of doubt concerning a Torah law one must be stringent (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:21; *Shulḥan Arukh, Even HaEzer* 169:37). However, if the *yevama* removes both shoes her *halitza* is valid (Rema).

בְּעַא מִימֵיהּ רַבִּי נְחֵמְיָהּ מְרַבָּה: שְׁנֵי מְנַעְלִים זֶה עַל גַּב זֶה, מַהוּ? הֵיכִי דְמִי? אֵילִימָא דְשִׁלְפִיתֵיהּ לְעֵילָאִי וְקָאִי תַתָּאִי – "מַעַל" אָמַר רַחֲמֵנָא, וְלֹא מַעַל דְּמַעַל! לֹא צְרִיכָא, דְקָרְעֵתִיהּ לְעֵילָאִי, וְשִׁלְפִיתֵיהּ לְתַתָּאִי וְקָאִי עֵילָאִי, מַאי? חֲלִיצָה בְּעֵינֵן – וְהָא אֵיכָא, אִו דְלִמָּא גְלוּיִי בְרַעָא בְּעֵינֵן – וְלֵיכָא?

Rabbi Neḥemya asked Rabba the following question: If the man were wearing two shoes,<sup>11</sup> one on top of the other, what is the *halakha*? The Gemara asks: What are the circumstances of the case? If we say that she removed the outer shoe and the inner shoe remains in place, but the Merciful One states in the Torah: "From on his foot" and not: From on that which is on his foot. The Gemara answers: No, this question wasn't asked in a case where the inner shoe remained on his foot. Rather, it is necessary in a case where she tore the outer shoe and took off the inner shoe, and the outer one still remains on his foot although it is torn. The question centers around the previous one with regard to the nature of *halitza*: What is the *halakha* for valid *halitza*? Is it removal of the shoe that we require, which we have brought about in this example? Or perhaps it is exposing the foot that we require, which is lacking here, as the foot is still covered by the torn outer shoe.

Perek XII  
Daf 102 Amud b

A *yevama* who grew up among her husband's brothers – יְבָמָה שֶׁהִגְדִּילָהּ בֵּין הָאָחִין: During *halitza* the *yavam* and *yevama* must have the intention that through the act of *halitza* the *yevama* will become permitted to marry a stranger. If they did not both have this intention, the *halitza* is invalid, meaning that the *halitza* will disqualify her from performing levirate marriage with any of the brothers, but she will not be free to marry a stranger until a proper *halitza* is performed. For this reason, if a *yevama* grew up among her husband's brothers and it was witnessed that she had once removed the shoe of one of them, it is prohibited for her to enter into levirate marriage with any of them. The concern is that they had intended to perform *halitza*, and therefore she requires valid *halitza* to free her. But if it was not witnessed that she removed a shoe from one of her brothers-in-law, the possibility that she might have done so is not taken into consideration, and it is permitted for her to enter into levirate marriage with any of the brothers (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:28; *Shulḥan Arukh, Even HaEzer* 169:44). This ruling is in accordance with the opinion of Rav and the final version of the text in the Gemara.

וּמִי אֵיכָא כִּי הָאִי גְוֹנָא? אֵינָן, דְחִזְוִיהּ רַבִּנָּן לְרַב יְהוּדָה דְנִפְקַב בְּחַמְשָׁא זְוִי מִקְיָא לְשׁוּקָא.

The Gemara asks: Is there really a case like this where people wear one shoe on top of another? The Gemara answers: Yes, for the Sages saw Rav Yehuda, who went out once to the market wearing five pairs of shoes, which were similar to slippers, one on top of another.

אָמַר רַב יְהוּדָה אָמַר רַב: יְבָמָה שֶׁהִגְדִּילָהּ בֵּין הָאָחִין – מוֹתֵרֵת לִינְשָׂא לְאָחִד מִן הָאָחִין, וְאֵין חוֹשְׁשִׁין שְׂמָא חֲלִיצָה סְגֻדָּל לְאָחִד מֵהֶן. טַעֲמָא – דְלֹא חִזְוִינָן, הָא חִזְוִינָן – חִיִּישְׁינָן?

Rav Yehuda said another *halakha* that Rav said: An underage *yevama* who grew up among her husband's brothers<sup>12</sup> before any *halitza* was performed is permitted to marry one of the brothers through levirate marriage, and we are not concerned about the possibility that during the time she was in the company of her *yevamin* she removed a sandal from one of them, and thereby she would have already performed *halitza*. The Gemara infers from this statement: The reason it is permitted to perform levirate marriage now is specifically that we did not see her remove one of their shoes, but if in fact we did see her do so, we are concerned and treat her as a *yevama* who already performed *halitza* and is thereby forbidden to all the brothers.

וְהָא תַנְיָא: בֵּין שְׁנַתְכּוּוֹן הוּא וְלֹא נִתְכּוּוֹנָה הִיא, בֵּין שְׁנַתְכּוּוֹנָה הִיא וְלֹא נִתְכּוּוֹן הוּא – חֲלִיצָתָהּ פְּסוּלָה, עַד שִׁיתְכּוּוֹנוּ שְׁנֵיהֶם כְּאָחִד! הֵכִי קָאָמַר: אֵף עַל גַּב דְחִזְוִינָן – אֵין חוֹשְׁשִׁין שְׂמָא כְּוֹנָן.

The Gemara challenges: But isn't it taught in a *baraita*: Whether he intended to perform *halitza* and she did not intend to, or whether she intended to perform *halitza* and he did not intend to, the *halitza* is invalid, unless they both intended it as one to perform a proper act of *halitza*? The Gemara answers: This is what Rav said: Even if we did see that she removed a shoe from one of them, we are not concerned that perhaps they intended to perform *halitza*.

וְאֵיכָא דְאָמְרִי: טַעֲמָא – דְלֹא חִזְוִינָן, הָא חִזְוִינָן חוֹשְׁשִׁין, וְדִקָּא תַנָּא בְּעֵי כְּוֹנָה, הֵנָּה מִילֵי לְאִישְׁתְּרוּיִי לְעֵלְמָא, אָבֵל לְאָחִין – מִיפְסָלָא.

And there are those who say the inference from Rav's statement should be made in the opposite manner: The reason it is permitted for her to perform levirate marriage now is specifically that we did not see<sup>13</sup> her remove a shoe from one of the brothers. But if we did see, we would be concerned and would treat her as a *yevama* who already performed *halitza*, despite our knowledge that she did not intend to perform *halitza*. And with regard to that which was taught in the *baraita*, that intention is required, this applies only as far as validating the act of *halitza* in order to permit her to marry a stranger. But performing an act of *halitza* even without intention is sufficient to disqualify her for the brothers, rendering prohibited an act of levirate marriage afterward.

NOTES

טַעֲמָא דְלֹא חִזְוִינָן – The reason is that we did not see, etc. – רַבִּי: The Gemara presents two versions of the inferences drawn from the statement of Rav Yehuda in the name of Rav. The early commentaries dealt with the differences between the two versions, explaining that according to the first version, in any instance where both do not intend to perform *halitza*, the *halitza* is completely invalid by Torah law. Nevertheless, if invalid *halitza* such as this were performed before a convened court, the court would render the couple disqualified to perform levirate marriage, because it appears as if an actual *halitza* had been performed. In contrast, according to the second version, even were this *halitza* performed outside of court, at an inappropriate time, or using an unfit shoe, nevertheless it would disqualify the couple from performing levirate marriage afterward, although this type of *halitza* cannot render the woman permitted to marry strangers (see *Tosefot HaRosh*, Ramban, and Rashba).

A sandal sewn with flax – סנדל התפור בפשתן – One should not perform *halitza* using a sandal sewn with flax. Therefore, one should sew such a sandal with leather *ab initio*, and this is the customary practice. The Rema, based on the opinion of the Ramah, mentions that there are those who invalidate a sandal sewn with flax even after the fact (Rambam *Sefer Nashim, Hilkhoh Yibbum* 4:18; *Shulhan Arukh, Even HaEzer* 169:15).

The sections that hold its straps are made of hair – תריסותיו של שער: The *Shulhan Arukh* rules that the straps of a sandal used for *halitza* do not necessarily need to be made of leather, in accordance with Rav's opinion. The Rema, however, cites others who maintain that the straps must also be made of leather (see *Nimmukei Yosef*). The common practice was to permit straps made only of leather, or those made of animal hair, as hair also comes from animals, while disqualifying straps of any other material (Rambam *Sefer Nashim, Hilkhoh Yibbum* 4:19; *Shulhan Arukh, Even HaEzer* 169:15).

LANGUAGE

Straps [tereiyyot] – תריסות: The source of this word is unclear. Some say that it comes from the Greek *θυρεός, thureos*, meaning shield. This became the Hebrew word *tris*, which also has several meanings. Its diminutive form, *trisit*, means part of a shoe or sandal.

אמר רב יהודה אמר רב: סנדל התפור בפשתן אין חולצין בו, שנאמר "ואנעלך תחש". ואימא: תחש אין מידי אחרונא לא! "נעל" נעל" ריבה.

Rav Yehuda also said that Rav said: One may not perform *halitza* using a sandal that was sewn together with threads made of flax,<sup>HN</sup> as it is stated: "And I made you shoes of *tahash*<sup>B</sup> skin" (Ezekiel 16:10), which is the skin of an animal, implying that a shoe is something made entirely of leather. The Gemara challenges: If the source is "*tahash*," let us say: A shoe made of *tahash* skin, yes, it is valid; but if made of anything else, no. The Gemara rejects this: Because "shoe" and "shoe" are written in the Torah multiple times, this amplifies and includes all types of shoes crafted from leather skins as valid for performing *halitza*.

אי "נעל" "נעל" ריבה – אפילו כל מילי נמי! אם בן "תחש" מאי אהני ליה?

The Gemara asks: If the inclusion of the words "shoe" and "shoe" amplifies, then should one include as valid for performing *halitza* shoes crafted from even any other materials as well, including those not produced from leather at all? The Gemara answers: If so, what purpose does "*tahash*" serve, as nothing is learned from it? Rather, from the word *tahash* it is derived that the shoe must be crafted entirely of leather, but all types of leather are included because the word "shoe" is repeated in the Torah numerous times.

בעא מיניה רבי אלעזר מרב: הוא של עור ותריסותיו של שער מהו? אמר ליה: מי לא קרינן ביה: "ואנעלך תחש". אי הכי בולו של שער נמי! ההוא קרקא מקרי.

Rabbi Elazar asked Rav: What is the status of the following type of sandal used for performing *halitza*? In a case where it, the shoe itself, is made of leather,<sup>N</sup> and the sections that hold its straps [tereiyyot]<sup>LB</sup> are made of hair,<sup>H</sup> as they were woven together with goat's hair, what is the *halakha*? He said to him: Do we not refer to such a sandal as: "And I made you shoes of *tahash*"? Since it is crafted from material that comes from an animal it is valid. The Gemara asks: If that is so, i.e., that anything derived from an animal is valid, then even if it is fashioned entirely of hair it should also be valid. The Gemara answers: That would be called a slipper,<sup>B</sup> not a shoe.

NOTES

A sandal sewn with flax – סנדל התפור בפשתן – Rashi interprets this in two ways: According to his first interpretation, this refers to a shoe with a flax lining sewn to it. According to his second interpretation, the various parts of the shoe were sewn together with threads of flax. Most of the early commentaries do not accept Rashi's first interpretation, as even a wooden sandal covered with leather is valid for *halitza*, and therefore any sandal made completely of leather cannot be disqualified due to a flax lining. Consequently, most of the early commentaries accept Rashi's second explanation. The *Tosefot Rid* challenges the second interpretation based on the Gemara's case of a sandal whose straps are made of hair, and therefore offers a third

interpretation, which he maintains is actually the understanding of Rabbeinu Hananel. This third interpretation is that a sandal sewn with flax refers to a sandal whose sole is made of leather while the part that covers the foot is made of flax. The early halakhic authorities such as the *Or Zarua* discuss whether such a sandal sewn with flax is completely disqualified, even after the fact, or if it is invalidated only *ab initio* (see *Yam shel Shlomo*).

It is made of leather, etc. – הוא של עור וכו' – The Babylonian Talmud is consistent in maintaining that in order to qualify as a shoe that can be used for *halitza*, a sandal must be made of leather or at least mostly of leather. Likewise, since the source of this obligation is from the verse "I made you shoes of *tahash*," there are those who add that animal hair may also be used for the sandal's straps. Since the hair comes from animal skin, such shoes may therefore still be defined as shoes of a *tahash* (see *Nimmukei Yosef*). In a discussion in the Jerusalem Talmud, it is maintained that even a wooden sandal is valid for *halitza*, at least after the fact and maybe also *ab initio*, as anything called a shoe is valid for *halitza*.

BACKGROUND

*Tahash* – תחש: The identity of the *tahash* is a matter of great controversy that has not been resolved. Some authorities explain that the *tahash* is a whale of the species *Monodon monoceros*, commonly known as the narwhal. Narwhals travel in small groups, especially in northern ocean waters, and can grow to 6 m in length. The primary coloring of the narwhal is pale with numerous dark spots; narwhals are the only ocean mammals with spots. A twisted tusk, which was once thought to be the horn of the unicorn, grows out of one side of the narwhal's mouth and can measure up to 3 m long. It is possible that a group of these creatures approached the Red Sea and were thrown onto the shore or trapped there.

The narwhal's appearance closely parallels the descriptions of the *tahash* presented in tractate *Shabbat* (28a–b), according to which it is also spotted like the *tela ilan* and has a single horn on its forehead. The Gemara there also details that the Sages were unable to determine the precise nature of the *tahash*: domesticated or non-domesticated; kosher or non-kosher.

Professor Yehuda Feliks, one of the foremost scholars in the field of nature in the Bible, suggests that the *tahash* may have been a giraffe, which has many of the characteristics mentioned in various places in the Talmud concerning the *tahash*: A multicolored hide, a horn-like protrusion on its forehead, and some of the signs that would indicate that it is a kosher animal.

Straps [tereiyyot] – תריסות: The image below depicts Roman shoes of the Senator class and their *tereiyyot*, the lower leather straps that encase the foot.



Roman shoes



Narwhal

Slipper [karka] – קרקא: The image below depicts a shoe from Phrygia, in Asia Minor, that may be the *karka* mentioned in the Gemara.



Phrygian shoe

This is the greatest of blessings – 10 מעולה שבברכות – The Maharsha explains that the Gemara here is stating that even though this chapter in Isaiah lists eleven different blessings, beginning with the verse “Your light shall rise in darkness, and your darkness shall be as the afternoon” (Isaiah 58:10), still, this blessing of strengthening the body is the greatest of all the blessings listed there.

אמר ליה רב כהנא לטמואל: ממאי דהאי וְחִלְצָה נַעֲלוּ מַעַל רַגְלוֹ מִיִּשְׁלֵף הוּא? דְּכִתִּיב וְחִלְצוּ אֶת הָאֲבָנִים אֲשֶׁר בְּהֵן הַנִּגַּע.

ואימא ירוזי הוא – דכתיב “החלצו מאתכם אנשים לצבא!” הֵתֵם נְמִי: שְׁלוּפֵי מִבֵּיתָא לְקָרְבָּא.

והכתיב “יחלץ עמי בעמיו!” בְּשֹׁכֵר עָנִי וְחִלְצוּ מְדִינָה שְׁלֵם גִּיהֵנָם.

אלא הא דכתיב “חנה מלאך ה’ סביב ליראיו ויחלצם!” בְּשֹׁכֵר יִרְאִי וְחִלְצָם מְדִינָה שְׁלֵם גִּיהֵנָם.

אלא הא דכתיב “ועצמתך יחליץ” ואמר רבי אלעזר: זו מעולה שבברכות, ואמר רבא: ירוזי גרמי! אין משמע הכי ומשמע הכי. דהכא, אי סלקא דעתך ירוזי הוא, אם כן לכתוב רחמנא “וְחִלְצָה נַעֲלוּ בְּרַגְלוֹ.”

אי כתב רחמנא “ברגלו” הוה אמינא: “ברגלו” אין, בשוקו לא, כתב רחמנא “מעל רגלו” – דאפילו בשוקו! אם כן לכתוב רחמנא “במעל רגלו”, מאי “מעל רגלו” – שִׁמְעָה מִיְנָה מִיִּשְׁלֵף הוּא.

Rav Kahana said to Shmuel: From where is it known that this phrase: “And she shall remove [*haltza*] his shoe from on his foot” (Deuteronomy 25:9), means to remove? As it is written: “Then the priest shall command, and they shall take out [*hiltzu*] the stones in which the plague is” (Leviticus 14:40), indicating that the word *haltza* means that they shall remove the stones from their place.

The Gemara asks whether the word *haltza* can be interpreted differently based upon its apparent meaning in other contexts: But could you say it is a term for strengthening, as it is written: “Arm [*hehaleztu*] men from among you for the army” (Numbers 31:3), meaning that men among you will be strengthened and take up arms to prepare for battle? The Gemara answers: There too, the meaning of the word is referring to taking something from its place, as it means removing people from their houses in order to go out to war.

The Gemara challenges: But isn’t it written: “He delivers [*yehaletz*] the afflicted by His affliction [*be’onyo*]” (Job 36:15)? This indicates that the afflicted one becomes stronger due to his affliction, as, if the intention was to deliver him from his affliction, it should have said: From His affliction, rather than “by His affliction.” The Gemara answers that the verse should be interpreted as follows: *Be’onyo*, in other words, as reward for his suffering from affliction, He shall deliver him from the judgment of Gehenna, as is understood from the term *be’onyo*, through the reward due to his affliction.

The Gemara challenges further: But with regard to that it is written: “The angel of the Lord encamps around those who fear Him and delivers them [*vayehaltzem*]” (Psalms 34:8), doesn’t *vayehaltzem* rather mean: He shall strengthen them? The Gemara answers: The verse means: As a reward for those that fear Him, He shall deliver them from the judgment of Gehenna. Therefore, the Gemara interprets *vayehaltzem* as “delivers them,” not as: Strengthens them.

The Gemara challenges further: But with regard to that which is written: “And the Lord will guide you, and satisfy your soul in drought, and make your bones strong [*yahalitz*]” (Isaiah 58:11), and Rabbi Elazar said regarding that verse: This is the greatest of blessings,<sup>n</sup> and Rava said it means: Strengthening of bones. This seems to indicate that the root of the word *halitza* is referring to strengthening. The Gemara answers: Yes, it has this connotation, and it has this connotation, i.e., the root *h-l-tz* sometimes connotes removal and sometimes connotes strengthening. But here, only one meaning is possible, as, if it enters your mind that *halitza* here connotes strengthening, then let the Merciful One write in the Torah: She shall strengthen [*haletza*] his shoe on his foot [*beraglo*], indicating that she should tighten the shoe on his foot, rather than stating: “From on his foot [*me’al raglo*],” which indicates that she is removing something from his foot.

The Gemara responds: If the Merciful One had written in the Torah: On his foot [*beraglo*], I would have said she must strengthen and tighten the shoe on his foot, yes, but on his calf, no; and if his foot were amputated she may no longer perform *halitza*. Therefore, the Merciful One writes in the Torah: “From on his foot [*me’al raglo*],” to teach that she may strengthen the shoe even on his calf, which is part of the leg, or *regel*, above the foot. The Gemara answers: If so, and *halitza* really means strengthening, let the Merciful One write in the Torah: She shall strengthen his shoe on the upper part of his foot [*beme’al raglo*], indicating that the shoe can also be tightened on the area of the calf. What then is the meaning of “from on his foot [*me’al raglo*],” which is written in the verse? Learn from here that in this context the word *halitza* clearly indicates removal, meaning that the mitzva of *halitza* is for the *yevama* to remove the shoe of the *yavam* and not to tighten it on his foot.

A certain heretic said, etc. – אָמַר לִיָּה הֵהוּא מִיָּנָא וְכוּ' – These heretics, some of whom were Christians or at least lived as Christians, knew the Bible and sought to prove from various verses that after the destruction of the Second Temple there was no longer any chance that Israel would recover. Consequently, the heretic wishes to prove that the people of Israel in exile, often compared by the prophets to a woman whose husband has left her, has no hope of reconciliation; she is like a widow whose *yavam* performed *ḥalitza* with her and is therefore unable to take her back (see Maharsha). Rabban Gamliel responded by saying that it is not God Who abandoned the Jewish people but they who abandoned Him, and He is anxiously awaiting their return.

## LANGUAGE

Garment [*pargod*] – פָּרְגוֹד: From the Greek παραγαυδης, *paragaudes*, meaning a garment adorned with trimmings of crimson.

Cuffed [*hafut*] – חֶפֶת: Some commentaries state that a *ḥefet* is the double fold at the hem of a garment. The *Arukh* interprets it to mean a kind of sleeve. It was prohibited for one collecting donations to the Temple to wear a garment with this type of sleeve for fear that it would lead to accusations of theft.

אָמַר לִיָּה הֵהוּא מִיָּנָא לְרַבֵּן גַּמְלִיאֵל:  
עָמָא דְחַלְצָ לִיָּה מְרִיָּה מִיָּנָה, דְּכַתִּיב  
"בְּצֵאנֶם וּבְבִקְרֶם יִלְכוּ לְבַקֵּשׁ אֶת ה'  
וְלֹא יִמְצְאוּ חֶלֶץ מֵהֶם".

Parentetical to this discussion, the Gemara relates: A certain heretic said<sup>n</sup> to Rabban Gamliel: You, the children of Israel, are a nation whose Master removed [*ḥalatz*] Himself from them, for God has left you in much the same way in which a *yavam* would perform *ḥalitza* with his *yevama*, as it is written: "With their flocks and with their herds they shall go to seek the Lord, but they shall not find Him. He has removed [*ḥalatz*] Himself from them [*mei hem*]" (Hoshea 5:6). The heretic tried to use this verse as scriptural support that God has performed *ḥalitza* with the Jewish people.

אָמַר לִיָּה: שׁוֹטֵה! מִי כְּתִיב "חֶלֶץ לָהֶם"?  
"חֶלֶץ מֵהֶם" כְּתִיב! וְאֵילוּ יִבְמָה דְּחַלְצוּ  
לָהּ אַחֲזִין – מִיָּדֵי מִשְׁטָא אֵית בֵּיהּ?!

He, Rabban Gamliel, said to him: Imbecile, does it say: He performed *ḥalitza* to them [*lahem*]? Rather, it says "ḥalatz from them [*mei hem*]," meaning it is as if they, the Jewish people, performed *ḥalitza* on Him. But if a *yevama* had her shoe removed by her *yevamin*, does this have any significance? Here too, the meaning of the verse is that the nation of Israel abandoned God by removing themselves from Him, and this abandonment has no significance.

"בְּאַנְפִּילָיָא חֲלִיצָתָהּ פְּסוּלָה" כּוּ'.  
לְמִימְרָא דְאַנְפִּילָיָא לָאו מְנַעַל הוּא?

The Gemara analyzes the phrase used in the mishna that discusses the types of shoes that can be used for *ḥalitza*. It was taught in the mishna that if he was wearing a soft shoe [*anpileya*] made of cloth for *ḥalitza*, her *ḥalitza* is invalid. The Gemara explains: That is to say that an *anpileya* is not considered a shoe.

וְהִתְנַן נַמִּי: אֵין הַתּוֹרֵם נִכְנֵס לֹא בְּפָרְגוֹד  
חֶפֶת וְלֹא בְּאַנְפִּילָיָא, וְאֵין צָרִיךְ לוֹמַר  
בְּמִנְעָל וְסַנְדָּל, לְפִי שֶׁאֵין נִכְנָסִין בְּמִנְעָל  
וְסַנְדָּל לְעוֹרָה.

And we also learned similarly in a mishna (*Shekalim* 3:2): The one who collects the funds of shekels donated to the Temple from the chamber<sup>h</sup> and puts them it into baskets in order to be used may not enter to collect the funds wearing a garment [*pargod*]<sup>l</sup> that is cuffed [*hafut*],<sup>l</sup> nor wearing an *anpileya*, and needless to say that he may not enter wearing a shoe or a sandal, because one may not enter the Temple courtyard wearing a shoe<sup>h</sup> or a sandal. It is prohibited for the one collecting funds from the chamber to enter the chamber wearing a garment or footwear in which money could be hidden, lest people come to suspect that he hid in them funds collected from the chamber. In any case, the wording of the mishna indicates that an *anpileya* is not considered a type of shoe, since it is permitted to enter the Temple wearing an *anpileya* when there is no reason for suspicion, unlike a shoe or sandal, which can never be worn in the Temple.

וְרַמְיָנָהּ: אַחַד מְנַעַל וְסַנְדָּל וְאַנְפִּילָיָא  
לֹא יִטְיִיל בְּהֵן לֹא מִבַּיִת לְבַיִת, וְלֹא  
מִמְטָה לְמְטָה!

And the Gemara raises a contradiction from a *baraita* concerning what footwear is permitted on Yom Kippur, which seems to indicate otherwise: The halakha is the same for a soft leather shoe, and a hard leather sandal, and an *anpileya*, as one may not walk in them from one house to another, nor from one bed to another on Yom Kippur,<sup>h</sup> due to the prohibition against wearing shoes, indicating that at least as far as Yom Kippur is concerned, an *anpileya* is considered a shoe.

## HALAKHA

The one who collects the funds of shekels donated to the Temple from the chamber, etc. – הַתּוֹרֵם וְכוּ': The man who collects the money from the Temple chamber may not enter there wearing a garment in which something may be hidden, nor may he wear shoes, sandals, phylacteries, or an amulet, in order to ensure that others will not come to suspect him of stealing from the consecrated money (Rambam *Sefer Zemanim*, *Hilkhot Shekalim* 2:10).

אֵין נִכְנָסִין – אַחַד מְנַעַל וְסַנְדָּל וְאַנְפִּילָיָא  
בְּמִנְעָל... לְעוֹרָה: One must conduct oneself with honor and reverence in the Temple, and therefore he may not enter the

Temple Mount while wearing sandals or shoes, nor with a staff, nor with a sack of money (Rambam *Sefer Avoda*, *Hilkhot Beit HaBehira* 7:2).

Shoes on Yom Kippur – מְנַעְלִים בְּיוֹם הַכִּפּוּרִים: It is prohibited on Yom Kippur to wear shoes or sandals made of leather. Even a prosthetic that is covered with leather although its body is made of wood is prohibited. But it is permitted to go out into the public domain wearing shoes of rubber, straw, or fabric (Rambam *Sefer Zemanim*, *Hilkhot Shevitat Asor* 3:7; *Shulhan Arukh*, *Orah Hayyim* 614:2). This ruling is in accordance with Rava's opinion and in accordance with Rav Huna's practice.

**LANGUAGE**

Slippers [*kordakisin*] – קוֹרְדָּקִיסִין: Some say that the source of this word is the Latin scordiscum, meaning leather. Others maintain that it comes from the Latin cortex, meaning bark, rind, shell, or hull.

Cork [*sha'am*] – שָׁעַם: Apparently this was not originally a Hebrew word but was borrowed from another language. It refers to the thick bark of a species of oak tree called *Quercus suber*, commonly known as the cork oak, which is used to make corks to this day.

Felt shoe [*muk*] – מוּק: Apparently based on the Middle Iranian mōk, meaning shoe. According to the *Arukh* it is referring to a leather shoe with a wooden sole. Rashi asserts that a *muk* is a felt shoe, which seems to be the simple explanation of the Gemara here.

**HALAKHA**

*Halitza* using a shoe whose seams were opened up – חִלְצָה בְּמַנְעֵל הַנִּפְרָם: If a woman performed *halitza* using a wooden sandal covered in leather, or if the shoe's sole was leather and its walls were of hair, or if the sandal was torn yet covered most of the foot, her *halitza* is valid (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:19). This ruling is in accordance with the *baraita* cited in the Gemara here.

אָמַר אַבְיִי: דְּאִית בֵּיהּ כְּתִיבִי, וּמִשּׁוּם תִּעֲנוּג. אָמַר לִיהּ רַבָּא: וּמִשּׁוּם תִּעֲנוּג, בְּלֹא מְנַעַל בְּיוֹם הַכְּפּוּרִים מִי אֶסְרִי? וְהָא רַבְהּ בַּר רַב הוּנָא כְּרִיךְ סוּדְרָא אֶכְרְעִיהּ וְנִפְיָא! אָלָא אָמַר רַבָּא: לֹא קִשְׂיָא: כָּאן – בְּאַנְפִּילִיָא שֶׁל עוֹר, כָּאן – בְּאַנְפִּילִיָא שֶׁל בְּגָד.

הָכִי נִמִּי מִסְתַּבְּרָא, דְּאִי לֹא תִימָא הָכִי – קִשְׂיָא יוֹם הַכְּפּוּרִים אִיוֹם הַכְּפּוּרִים, דְּתִנָּא: לֹא יִטְוִיל אָדָם בְּקוֹרְדָּקִיסִין בְּתוֹךְ בֵּיתוֹ, אֲבָל מְטִייל הוּא בְּאַנְפִּילִין בְּתוֹךְ בֵּיתוֹ! אָלָא לֹא שְׂמַע מִינָהּ: כָּאן בְּאַנְפִּילִיָא שֶׁל עוֹר, כָּאן בְּאַנְפִּילִיָא שֶׁל בְּגָד, שְׂמַע מִינָהּ.

תִּנָּא כְּוֹתִייהּ דְּרַבָּא: חִלְצָה בְּמַנְעֵל הַנִּפְרָם שְׁחוּפָה אֶת רוֹב הָרַגְל, בְּסַנְדָּל הַנִּפְחָת שְׂמַקְבֵּל אֶת רוֹב הָרַגְל, בְּסַנְדָּל שֶׁל שְׁעָם וְשֶׁל סִיב, בְּקַב הַקִּישָׁע, בְּמוּק, בְּסַמִּיכַת הָרַגְלִים, בְּאַנְפִּילִיָא שֶׁל עוֹר, וְהַחֹלְצַת מִן הַגְּדוּל,

Abaye said: There, with regard to Yom Kippur, it is referring to an *anpileya* that has cushioning, and this is forbidden due to the pleasure that one derives from cushioned footwear on a day when people are commanded to afflict themselves. Rava said to him: But is footwear that is not considered to be shoes forbidden on Yom Kippur due to the pleasure one derives from wearing them? But Rabba bar Rav Huna would wrap a scarf on his feet and go out on Yom Kippur so his feet would not be injured, implying that there is no prohibition against wearing something comfortable on one's foot, as long as it is not defined as a shoe. Rather, Rava said: This is not difficult. Here, when they said that an *anpileya* has the status of a shoe, it is referring to an *anpileya* made of leather. There, when they do not consider it a shoe, it is referring to an *anpileya* made of cloth.

The Gemara adds: And so too, it is reasonable to distinguish in this manner, as, if you do not say so, it is difficult to reconcile the seeming contradiction between one statement about Yom Kippur and another statement about Yom Kippur. As it is taught in a *baraita*: A person shall not walk while wearing slippers [*kordakisin*]<sup>1</sup> within his house on Yom Kippur, but he may walk while wearing an *anpileya* within his house. This would imply that wearing an *anpileya* is permitted, but the *baraita* quoted above taught that it is prohibited. Rather, must one not conclude from here that here, where it indicates that an *anpileya* is forbidden, it is referring to an *anpileya* made of leather, as they are considered like a shoe, and there, where an *anpileya* is permitted, it is referring to an *anpileya* made of cloth? The Gemara concludes: Indeed, learn from here that it is so.

It is taught in a *baraita* in accordance with the opinion of Rava: If she performed *halitza* using a shoe whose seams were opened up,<sup>h</sup> which still covered most of the foot; or if she performed *halitza* with a sandal whose sole was partially opened that still held most of the foot; or if she performed *halitza* with a sandal made of cork [*sha'am*],<sup>LB</sup> or of fibers from a tree; or with a prosthetic foot of an amputee; or with a felt shoe [*muk*];<sup>1</sup> or with a leg blanket that an amputee makes for his feet as a covering in which to put the stumps of his legs, which is not an actual shoe; or with a leather *anpileya*; and likewise, a woman who performs *halitza* with her *yavam* when he is an adult man,

**BACKGROUND**

Cork – שָׁעַם: This is referring to the bark of the cork oak, *Quercus suber*, from which cork is produced even today. Although this tree naturally grows in the western basin of the Mediterranean Sea, it was brought to the Middle East as early as the time of the Gemara. Cork was customarily used on the soles of sandals since it is both elastic and sturdy, and it is therefore an appropriate substitute for leather, which was more expensive.



Partially stripped cork oak



Close-up of bark of cork oak