

בין עומד, בין יושב, בין מוטה, והחולצת
מן הסומא – חליצתה כשרה. אבל
במנעל הנפרם שאין חופה את רוב
הרגל בסנדל הנפחת שאינו מקבל את
רוב הרגל, ובסמיכת הידים, ובאנפיליא
של בגד, וחולצת מן הקטן – חליצתה
פסולה.

קב הקיטע מני – רבי מאיר היא. דתנן:
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באנפיליא של בגד – אתאן לרבנן!

אמר אביי: מדיסיפא רבנן – רישא נמי
רבנן, ורישא – במחופה עור.

אמר ליה רבא: אבל אין מחופה עור
מאי – פסול? אי הכי, אדתני סיפא
באנפיליא של בגד, ליפלוג בדידה:
במה דברים אמורים – במחופה עור,
אבל אין מחופה עור פסול!

whether the *yavam* is standing^N or sitting^H or leaning; and a woman who performs *halitza* on a blind *yavam*,^{NH} in all of these cases her *halitza* is valid. But if she performs *halitza* when he is wearing a shoe that is so torn^H that it does not cover most of the foot; or using a broken sandal that does not hold most of the foot; or using a hand blanket that the amputee wears on his hands, similar to a leather shoe, in order to drag himself using them; or using a soft shoe [*anpileya*] made of cloth; or a woman who performs *halitza* with a *yavam* who is a minor;^H in all these cases her *halitza* is disqualified.

The Gemara comments: Who is the *tanna* who holds that an amputee's prosthetic is considered a shoe? It is Rabbi Meir, as we learned in a mishna (*Shabbat* 65b): One with an amputated leg may go out on Shabbat with his wooden leg,^H as it has the legal status of a shoe; this is the statement of Rabbi Meir. He reasons that the prosthesis functions like the shoe of any other person, indicating that Rabbi Meir is not especially concerned about the material from which the shoe is made. And Rabbi Yosei, on the other hand, prohibits the amputee from going out on Shabbat with his wooden leg, as he does not consider it a shoe that is being worn, but rather a wooden object that is being carried.

The Gemara asks how Rabbi Meir can be the *tanna* of the *baraita*, as the continuation of the *baraita* states *halitza* is disqualified if performed with an *anpileya* made of cloth, as this cloth shoe is not to be considered a shoe. If so, have we come to the opinion of the Rabbis, who rule in accordance with Rabbi Yosei, and render it prohibited to use any shoes for *halitza* that are not made of leather?

In an attempt to resolve the contradiction Abaye said: Since the latter clause of the *baraita* is in accordance with the Rabbis, who rule like Rabbi Yosei, the first clause is also in accordance with the Rabbis. And therefore the first clause, which permits the amputee's prosthesis, is referring to a prosthetic foot covered in leather,^H as it constitutes a shoe due to its leather exterior.

Rava said to him: But according to your explanation, if the prosthesis is not covered in leather, what would its status be? It would be unfit. If so, rather than teaching in the latter clause: *Anpileya* made of cloth is invalid for *halitza*, let it distinguish within the matter itself and say: In what case is this statement that a wooden prosthesis is fit said? It is in the case of a prosthetic leg covered in leather, but if it is not covered in leather, it is unfit.

HALAKHA

Whether standing or sitting – בין עומד, בין יושב – The *yavam* and *yevama* stand for all elements of the *halitza ab initio*, including the recitation and the spitting. Although the *baraita* also permits sitting, this is only after the fact (*Tosafot*; Rosh; Rambam *Sefer Nashim*, *Hilkhot Yibbum* 4:6; *Shulhan Arukh*, *Even HaEzer* 169 and *Seder Halitza* 46).

A woman who performs *halitza* on a blind *yavam* – חליצת מן הסומא: A blind man may not perform *halitza ab initio*, but if he did perform *halitza*, it is valid after the fact. This ruling is implied from the wording of the *baraita*. The Ra'avad holds that if the blind man is the only *yavam*, then he may perform *halitza* even *ab initio* (Rambam *Sefer Nashim*, *Hilkhot Yibbum* 4:8; *Shulhan Arukh*, *Even HaEzer* 169:48 and *Seder Halitza* 17).

A shoe that is torn – מנעל הנפרם: If a woman performed *halitza* using a shoe so torn that it does not cover most of the foot, the *halitza* is invalid (Rambam *Sefer Nashim*, *Hilkhot Yibbum* 4:18; *Shulhan Arukh*, *Even HaEzer* 169:22).

Removing the shoe from a minor – חליצת קטן: A minor may not perform *halitza* until he is thirteen years old plus one day, and if he did perform *halitza*, the *halitza* is invalid (Rambam *Sefer Nashim*, *Hilkhot Yibbum* 4:16; *Shulhan Arukh*, *Even HaEzer* 169:10, 167:3).

One with an amputated leg may go out with his wooden leg – הקיטע יוצא בקב שלו: One with an amputated leg may go out in the public domain with his wooden leg only if it is necessary for walking. He may not go out if it was fashioned in order to improve his appearance and so that he not appear as one who is missing a leg (Rambam *Sefer Zemanim*, *Hilkhot Shabbat* 19:15; *Shulhan Arukh*, *Orah Hayyim* 301:15).

Covered in leather – במחופה עור: If the shoe used for *halitza* was made of wood or another material and covered with leather, or if a linen lining was sewn into a leather shoe or a shoe made of any material from within, the *halitza* is valid. This ruling is in accordance with Abaye's statement, as although his statements were rejected as the proper interpretation, they are nevertheless accepted as *halakha* (Rambam *Sefer Nashim*, *Hilkhot Yibbum* 4:19; *Shulhan Arukh*, *Even HaEzer* 169:22).

NOTES

Whether standing, etc. – בין עומד וכו': The language of this *baraita* suggests that there are no meticulous *halakhot* with regard to the positions of the *yavam* and the *yevama* during *halitza*. In contrast, Ameimar's statements in the continuation of the passage imply that the *yavam* must stand during *halitza ab initio*. Many halakhic authorities relied upon the opinion of the *Sifrei* that the *yavam* should be standing while reciting the verses of *halitza*, based on the simple meaning of the verse: "He stands and he says" (Deuteronomy 25:8). They applied the same *halakha* to the *yevama*, maintaining that she should also stand while reciting her passages from the Torah (see *Tosafot*, *Rashba*, and *Ritva*).

A woman who performs *halitza* on a blind *yavam* – חליצת מן הסומא: The Gemara does not explicitly state why one would have thought to disqualify a person who is blind for *halitza*. The *Ritva* explains that one might have thought to disqualify a blind person based on similarity to the case of the deaf-mute, as initially there is a concern that he will not be able to fully identify the *yevama*. The Gemara, however, concludes that there is no reason to disqualify a blind man, as he is capable of recognizing the *yevama* based on her voice; consequently, the *halitza* would certainly be valid after the fact.

Must press his foot – צריך למדחסייה – Ameimar's reasoning is not explained in the Gemara, and therefore, the early commentaries offer several explanations for it. Some explain that the need to press one's foot in the ground is to ensure that it is evident that it was the *yevama* who removed the shoe. The concern is that otherwise, the shoe may be too big for the foot and fall off by itself, and therefore, if the *yavam* presses his foot to the ground the shoe should not fall off by itself, but must be removed by the *yevama* (*Nimmukei Yosef*).

The Ramban (*Sefer HaZekhut*) offers an alternative explanation of Ameimar's reasoning: By pressing his foot to the ground the *yavam* ensures that it rests on the ground in a normal manner. The later commentaries debated whether Ameimar intended to completely invalidate a *halitza* not performed in this fashion, possibly due to a tradition from Sinai that *halitza* must be performed while pressing one's foot to the ground, or whether he is merely teaching the preferred way to perform *halitza*.

Walks on the backs of his feet – דמסגי על לוחתא דכרעיה: This teaching of Ameimar that prohibits a clubfooted individual from performing *halitza* would seem to contradict Rashi's understanding of a teaching in the mishna. The mishna states that *halitza* from the knee down is valid, which Rashi understands to refer to a *halitza* performed on one whose leg has been amputated from the knee down. If one need not have a foot at all to perform *halitza*, just a knee, then there is no reason for Ameimar to disqualify one who is clubfooted. The early commentaries who accepted Rashi's understanding assert that Ameimar's statement is not in accordance with the *halakha*, and although Rav Ashi, a later authority whose opinions are usually in accordance with the *halakha*, questioned it, he was only trying to explain Ameimar's perspective, though he did not accept Ameimar's opinion himself.

Many other early commentaries prove from Ameimar's opinion that it is not possible to accept Rashi's interpretation of the mishna, although it is accepted by most of the *ge'onim*. They explain the phrase in the mishna: From the knee down it is valid *halitza*, as referring not to an amputated leg at all, but rather to the manner of tying the sandal, below or above the knee, in accordance with an understanding from the Jerusalem Talmud (Rif). On this basis, there were those who rule that an amputee's *halitza* is invalid (Rav Nissim Gaon).

Rabbeinu Hananel interprets the mishna in a manner that is similar to Rashi, explaining that the phrase: From the knee down it is valid *halitza*, does refer to one whose knee is amputated. However, he asserts that this does not contradict Ameimar's opinion and that Ameimar's two *halakhot* relate to one another, as they indicate that one who leans must also press his foot on the ground. Only one who cannot simultaneously lean and press his foot to the ground is disqualified for *halitza*. An amputee is capable of leaning and pressing his calf on the ground, which is not true for someone who is clubfooted, as he cannot lean and press his foot on the ground at all.

HALAKHA

He must press his foot to the ground – צריך למדחסייה לברעיה: The *yavam* must stand or lean against a wall or a pillar, and press his foot to the ground, in accordance with the opinion of Ameimar (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:17; *Shulhan Arukh, Even HaEzer* 169:30 and *Seder Halitza* 63).

Someone who walks on the backs of his feet – מאן דמסגי על לוחתא דכרעיה: If one's foot is twisted backward or upside down or to the side, or if he can walk only on his toes, he may not perform *halitza*, in accordance with Ameimar (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:17; *Shulhan Arukh, Even HaEzer* 169:34).

אָלֵא אָמַר רַבָּא: מְדַרְשָׁא רַבִּי מֵאִיר – סִיפָא נִמְי רַבִּי מֵאִיר, הָאִי מִגִּין וְהָאִי לֹא מִגִּין.

אָמַר אַמֵּימַר: הָאִי מֵאֵן דְּחָלִיץ צָרִיךְ לְמִדְחָסִייה לְכַרְעִיה.

אָמַר לִיָּה רַב אֲשִׁי לְאַמֵּימַר: וְהִתְנָא בֵּין עוֹמֵד בֵּין יוֹשֵׁב בֵּין מוֹטָה! אֵימָא: וְלַעוֹלָם דְּדָחִים לְכַרְעִיה.

וְאָמַר אַמֵּימַר: הָאִי מֵאֵן דְּמִסְגִּי עַל לִיחַתָּא דְּכַרְעִיה – לֹא חָלִיץ. אָמַר לִיָּה רַב אֲשִׁי לְאַמֵּימַר: וְהִתְנָא: סְמוּכוֹת הַרְגְּלִים, לֹא דְחָלִיץ בֵּה אִיהוּ? לֹא, דִּיהִיב לִיָּה לְאַחַר וְחָלִיץ.

אָמַר רַב אֲשִׁי: לְמֵאִי דְקָאמַר אַמֵּימַר – לֹא בַר אֹבָא חָלִיץ וְלֹא בַר קִיפּוֹף חָלִיץ.

Rather, the fact that the *baraita* was not taught in that manner indicates that Abaye's explanation is incorrect. Therefore, Rava said that the contradiction should be reconciled in another way: **Since the first clause of the *baraita* is in accordance with the opinion of Rabbi Meir, that the shoes need not be made of leather, the latter clause is also taught in accordance with the opinion of Rabbi Meir, and the distinction between a wooden prosthetic and an *anpileya* of cloth is: This prosthesis protects the foot, and that soft shoe does not protect the foot, as it does not have a hard sole. Rabbi Meir does not require that the shoe be of leather, but he does require that it be protective footwear.**

With regard to the statement in the *baraita* that indicates that *halitza* may be performed even if the *yavam* is not standing, Ameimar said: **The one who performs *halitza* by having his *yevama* remove his shoe must press his foot^N to the ground,^H and while in this position the *yevama* will remove his shoe.**

Rav Ashi said to Ameimar: **But isn't it taught in the *baraita* above: She may perform *halitza* whether he was standing or sitting or leaning? One who is leaning cannot easily press his foot into the ground. He answered him: Say that the man may perform *halitza* while in any of these positions, but that actually this is true only if he presses his foot to the ground, which is admittedly more difficult to do while leaning.**

And Ameimar also said about this issue: **Someone who walks on the backs of his feet,^{NHB} meaning he is clubfooted and his foot is twisted upside down, cannot perform *halitza*. Rav Ashi said to Ameimar: But isn't it taught in a *baraita*: Leg supports can be used for *halitza*. Does this not mean that this lame individual performs *halitza* using these supports on his knees? This would indicate that even one with twisted feet can perform *halitza*. The Gemara answers: No, the intention is that if he gave these supports to another whose foot is shaped normally and he wore them while performing *halitza*, it is valid. That other one is allowed to perform *halitza* while wearing these supports because they are also considered shoes, but one whose foot is misshapen may not perform *halitza* with them, as it functions for him as a foot, not a shoe.**

Rav Ashi said: According to what Ameimar said, bar Uva cannot perform *halitza* and bar Kipof cannot perform *halitza*, as these two, who were famous eulogizers in Rav Ashi's generation, had feet that became so crooked that they were unable to walk normally.

BACKGROUND

מֵאֵן דְּמִסְגִּי עַל – לִיחַתָּא דְּכַרְעִיה: This condition, congenital talipes equinovarus, or CTEV, commonly known as clubfoot, is usually caused by a birth defect and is characterized by the sole of the foot being twisted upward or on the side of the foot, forcing one to walk on the sides of his feet or on his ankles. In some cases the heel is so radically arched that the affected person appears to be walking on his tiptoes. In the most extreme cases the foot is completely inverted so the bearer of this defect is forced to walk on the tops of his feet, with the soles facing upward.



Leg of infant with clubfoot

Festivals, comes to exclude people who have prostheses – רגלים פרט לבעלי קבין – A crippled individual is exempt from the mitzva of bringing an offering when he appears at the Temple during the three pilgrim Festivals and is also not obligated to make the pilgrimage, in accordance with the Gemara (Rambam *Sefer Korbanot, Hilkhot Hagiga* 2:1).

LANGUAGE

Heel bone [istavira] – איסתוריא: Possibly derived from the Greek σταυρός, *stauros*, meaning an upright pole with a sharp point, generally intersected by another pole, forming a shape like a cross, similar to the shape of the tarsal bone group in the heel. Others assert that the word is derived from the Iranian *ast-bara*, meaning bone carrier.

BACKGROUND

The heel bone reaches to the ground – איסתוריא: The anatomical drawing shows that the ankle bone, or talus, between the heel bone and the tibia and fibula, or so-called shank bones, does not continue down to the ground. Regardless, since there are no skeletal muscles, also called voluntary muscles, between the talus and the heel, both may be considered as one bone. In the first chapter of tractate *Oholot* there is a mishna in which the Sages enumerated the ten bones in the ankle.



Bones of a human foot

NOTES

Euphemism – לישנא מעליא: Apparently it does not make sense that the Gemara seems to ask the same type of question several times, providing the same answer. Furthermore, one would expect the challenges to be arranged according to the order of verses in the Bible. One explanation is that the questions of the Gemara are arranged in a logical order based upon how reasonable it is to assume that the verses are being euphemistic. The first question concerning “dressed his feet” can most readily be understood as a euphemism and therefore is placed first. With regard to Saul there is less reason to interpret the verse euphemistically, as the text is describing him urinating, which could be written more explicitly. Furthermore, even if with regard to Saul it is possible to say that in his honor as the king of Israel a euphemistic term was chosen, this should not be so for a foreign king like Eglon. Consequently, the Gemara explains that even here a euphemism is preferred when possible (*Arukh LaNer*).

”מן הארבוכה ולמטה” כו'. ורמיניה: רגלים – פרט לבעלי קבין!

It was taught in the mishna that if one’s leg was amputated from the knee down and his *yevama* performed *halitza* with him, the *halitza* is valid. The Gemara raises a contradiction from a *baraita* that comments on the pilgrimage one makes to Jerusalem during a Festival. The Torah states: “Three Festivals [*regalim*] you shall celebrate for Me in the year” (Exodus 23:14). The *baraita* comments on the verse: Festivals are referred to in the verse as *regalim*, which literally means feet, indicating that one must actually make the pilgrimage to Jerusalem by foot [*regel*] during the Festival, which comes to exclude people who have prostheses.^h This indicates that a prosthetic foot is not called a *regel*, which seems to contradict the mishna that allows *halitza* on a prosthetic from the knee down.

שאני הכא, דכתוב “מעל רגלו” – אי הכי, למעלה מן הארבוכה נמי! “מעל” ולא מעל דמעל.

The Gemara answers: It is different here, with respect to *halitza*, as it is written: “She removes the shoe from on his foot [*me’al raglo*]” (Deuteronomy 25:9), which indicates that not only can his actual foot be used for performing *halitza*, but also the part above it, i.e., the calf. The Gemara objects: If that is so, that one may use a part of his leg above his foot to perform *halitza*, then if one’s leg was amputated from above the knee, he should also be eligible for *halitza*; and yet, the same mishna taught that only one with a leg amputated from below the knee is eligible for *halitza*. The Gemara answers that the verse states: “From on his foot,” meaning above his foot, but not: From on that which is on his foot; the wording indicates that it can be above his foot until the knee, but not any further above that.

אמר רב פפא: שמע מינה: האי איסתוריא – עד ארעא נחית. דאי סלקא דעתך מיפסק פסיק – הוה ליה איהו “מעל” ושוקא מעל דמעל. אמר רב אשי: אפילו תימא מיפסק פסיק, כל דבהדי כרעא – ככרעא דמי.

Rav Pappa said: Learn from here that the heel bone [*istavira*]^l reaches to the ground^b where it connects to the foot, for if it enters your mind to say that it is separate and divided, and there is another bone in between, then that ankle bone is “from on the foot” and the calf would be prohibited for *halitza*, as it would be considered: From on that which is on his foot. Rav Ashi said: Even if you say that it is separate and divided from the calf, because anything that is connected with the sole of the foot is considered like the foot, then the ankle is certainly part of the foot, making the calf the area that is “from on the foot.”

”מן הארבוכה ולמעלה”, מתיב רב כהנא: “ובשלייתה היוצאת מבין רגליה”! אמר אבוי: בשעה שפורעת לילד – נועצת עקביה בירכותיה ויוולדת.

It was taught in the mishna that if one’s legs were amputated from the knee and above, the *halitza* is invalid. This implies that the *regel* includes the calf but not the thigh. Rav Kahana raised an objection from the verse: “And against her afterbirth that emerges from between her legs [*ragleha*]” (Deuteronomy 28:57), implying that *regel* includes even the thighs. Abaye said: The verse actually means between her feet, as when a woman crouches to give birth, she pushes her heels into her thighs and she gives birth, so it appears as if the fetus emerges from between her feet.

תא שמע: “לא עשה רגליו ולא עשה שפמו”! לישנא מעליא. תא שמע: “ויבא שאול להסך את רגליו”! לישנא מעליא.

The Gemara continues its challenge. Come and hear another verse: “He had neither dressed his feet [*raglav*], nor trimmed his beard” (II Samuel 19:25). The phrase “dressed his feet [*raglav*]” is referring to treating his pubic hair, implying that even the area around the thigh is referred to as *regel*. The Gemara answers: This is a euphemism.ⁿ The Gemara attempts another challenge: Come and hear from another verse: “And Saul went in to cover his feet [*raglav*]” (I Samuel 24:3), meaning: To urinate, implying that *regel* refers even to the thighs. The Gemara answers: This is also a euphemism.

תא שמע: “אך מסוך הוא רגליו בחדר המקרה”! לישנא מעליא. “בין רגליה” כו’ לישנא מעליא.

Come and hear the meaning of: His feet, from the following verse regarding the Moabite king, Eglon, which states: “Surely he is covering his feet [*raglav*] in the cabinet of the cool chamber” (Judges 3:24). The Gemara answers: This is a euphemism. The Gemara attempts another proof from a verse regarding Sisera’s encounter with Yael: “At her feet [*ragleha*] he sunk, he fell” (Judges 5:27), which indicates that they had sexual intercourse, and implies that *regel* includes the thigh. The Gemara answers: This is also a euphemism.

אמר רבי יוחנן: שבע בעילות בעל
אותו רשע באותו היום, שנאמר "בין
רגליה כרע נפל שכב בין רגליה כרע
נפל באשר כרע שם נפל שדוד". והא
קא מתהניא מעבידה! אמר רבי יוחנן
משום רבי שמעון בן יוחי: כל טובתן
של רשעים

The Gemara elaborates on what happened when Sisera was in Yael's tent. **Rabbi Yoḥanan said: That wicked man, Sisera, had sexual intercourse with Yael seven times that day, as it is stated: "At her feet he sunk, he fell, he lay; at her feet he sunk, he fell; where he sunk, there he fell down dead"** (Judges 5:27). Each instance of the terms "sunk," "fell," or "lay" in the verse indicates an act of intercourse, as Yael sought to tire and weaken Sisera to enable her to kill him. The Gemara asks: **But how could Yael do this even for the noble purpose of killing the wicked Sisera, as she derived pleasure from the transgression of licentious sexual relations with a gentile? Rabbi Yoḥanan said in the name of Rabbi Shimon ben Yoḥai: Every act that is a benefit for the wicked**

רעה היא אצל צדיקים, שנאמר
"השמר לך פן תדבר עם יעקב מוטב
עד רע". בשלמא רע - לחיי, אלא
טוב - אמאי לא? אלא שמע מינה:
טובתן של רשעים רעה היא אצל
צדיקים.

is a disadvantage for the righteous, as a righteous individual gains no pleasure from this so-called beneficial act. **As it is stated by God to Laban: "Take heed to yourself that you speak not to Jacob either good or bad"** (Genesis 31:24). **Granted, speak no bad; this is rightly so, i.e., understandable. But speak no good? Why not? Rather, learn from here that even something that would be a good benefit to the wicked like Laban, is a disadvantage for the righteous.**

בשלמא התם, דלמא מדבר ליה
שמא דעבודת זרה, אלא הכא, מאי
רעה איכא?

The Gemara asks: **Granted, there, in Laban's words to Jacob, it is understandable that there could be a certain repulsive aspect to a wicked man speaking nicely to a righteous individual, as perhaps he will mention to him^N the name of the idol he worships and even though he means well, it still would repulse Jacob. But here, what disadvantage is there if she derives benefit from licentious relations with a wicked man?**

דקא שדי בה זיהמא. דאמר רבי
יוחנן: בשעה שבא נחש על חיה
הטיל בה זיהמא. ישראל, שעמדו על
הר סיני, פסקה זיהמתן, גוים, שלא
עמדו בהר סיני, לא פסקה זיהמתן.

The Gemara answers: **He implants filth in her^N and contaminates her, as her body accepts his semen. As Rabbi Yoḥanan also said, based on his understanding that the serpent seduced Eve into having sexual relations with him: When the serpent came upon Eve,^N he infected her with moral contamination, and this contamination remained in all human beings. When the Jewish people stood at Mount Sinai their contamination ceased, whereas with regard to gentiles, who did not stand at Mount Sinai, their contamination never ceased. Therefore, Yael was repulsed by the contamination that she allowed into her body, and she did not benefit from relations with Sisera.**

NOTES

דלמא מדבר ליה וכו' - Perhaps he will mention to him, etc. - Rashi explains that Laban's accusing Jacob of taking his idols (see Genesis 31:30) may lead him to mention the idols by name. A number of commentaries prefer Rashi's explanation elsewhere (*Nazir* 23b), where he explains that the concern was that perhaps with good intentions Laban would come to bless Jacob in the name of a false deity.

דקא שדי בה זיהמא - He implants filth in her - The primary element of the filth is the disgrace in having relations with one whose pleasure-seeking nature has not been purified through the experience at Sinai (Rashba). Others explain that a sexual relationship between people creates a certain connection between them, and therefore, when having relations with one who is wicked a righteous person cannot completely preserve himself from the negative influence of that connection.

בשבא נחש על חיה - When the serpent came upon Eve, etc. - The interpretation of these words by the Maharsha is similar to the explanation given in the Guide of the Perplexed, i.e., at the beginning of Creation, Adam and Eve were perfect in their nature, as both their body and their soul came from pure roots. When Eve sinned by partaking of the fruit of the Tree of Knowledge due to the seductive advice of the serpent, filth was laid upon her. She became like other creatures, as her body was tainted with impurity. The Rashba explains that this impurity is expressed through an overwhelming power that the evil inclination initially wielded over all of mankind. This impurity remained completely intact in all humanity until the Jewish people stood on Sinai, after which the Jewish people removed a level of influence of the evil inclination, while it remained unimpaired for gentiles.

I have derived only that the *yavam* may wear his shoe – אין – *Tosafot* comment that it seems as though two separate teachings are expounded from one verse. One explanation is that the Gemara here is not deriving a Torah obligation, but merely introducing a rabbinic decree. One should not use another's shoe lest it not fit properly and be either too large or too small in a way that will invalidate the *halitza* (Rashba).

לסנדל... שאין לו עקב – A sandal that does not have a heel – Rashi explains the word heel here to be referring to the sole of the shoe; a sandal without a sole is disqualified. Others question this interpretation, as it is obvious that a shoe without a sole is unfit, and therefore they explain that the heel here is referring to the back part of the sandal, which holds the heel of the foot. Any shoe that doesn't have this back portion may not be used for *halitza* as the mitzva of *halitza* involves removing the *yavam's* heel from the shoe, thereby obligating the use of a shoe with a section for the heel of the foot (*Tosafot Yeshanim*; see Meiri).

LANGUAGE

סנדל המסוליים – Heelless sandal [sandal hamesulyam] – It seems that the correct version of the text is that of the *Arukh* and the *geonim*, who read it as *sandal hamesulyas*, or *sulyas*. The source of this word is apparently the Latin solea, a kind of sandal that has no heel, meaning there is no fixture on the back to hold the heel, similar to modern flip-flops.



Ancient Egyptian heelless sandals

“חלצה במנעל שאינו שלו” וכו’. תנו רבנן: “נעלו”, אין לי אלא נעלו, נעל של כל אדם מנין? תלמוד לומר “נעלו” – מכל מקום.

It was taught in the mishna that if she performed *halitza* using a shoe that was not his, the *halitza* is valid. The Sages taught: From the verse “And remove his shoe from on his foot” (Deuteronomy 25:9), I have derived only that the *yavam* may wear “his shoe,”^N i.e., a shoe that belongs to him; from where do I derive that he may wear any person's shoe? The verse states the words “shoe” and “shoe” twice: “And remove his shoe” (Deuteronomy 25:9), and “The house of he who had his shoe removed” (Deuteronomy 25:10), to teach us that in any case it is acceptable, i.e., the shoes of another person may also be worn for *halitza*.

אם כן, מה תלמוד לומר “נעלו” – נעלו הראוי לו, פרט לגדול שאין יכול להלוך בו, ופרט לקטן שאינו חופה רוב רגלו, ופרט לסנדל המסוליים שאין לו עקב.

But if so, what is the meaning when the verse states: “His shoe,” which seems to indicate that he must own the shoe that he is wearing? It teaches that one must wear “his shoe,” i.e., a shoe that is fitting for him, excluding a shoe so large^H that he is unable to walk in it, and excluding a shoe so small it does not cover most of his foot, and also excluding a heelless sandal [*sandal hamesulyam*],^L a sandal that has only a sole but does not have a heel^N and is not fit for walking.

אבי היה קאי קמיה דרב יוסף, אתאי יבמה לחלוץ. אמר ליה: הב ליה סנדלך, יהיב ליה סנדלא דשמאלא. אמר ליה: אימר דאמור רבנן דיעבד, לכתחלה מי אמור?

The Gemara relates: Abaye was standing before Rav Yosef and a *yevama* came to perform *halitza*. Rav Yosef said to Abaye: Give the *yavam* your sandal so that the *halitza* may begin. He gave him his left sandal. Rav Yosef said to him: Granted, one can say that the Sages said that it is permitted to perform *halitza* with the left shoe after the fact,^H but did they say that it is also permitted *ab initio*?

אמר ליה: אי הכי, סנדל שאין שלו נמי, אימר דאמור רבנן דיעבד, לכתחלה מי אמור? אמר ליה הכי קאמינא לך הב ליה ואקני ליה.

He said to him: If so, then also with regard to a sandal that does not belong to him, say that the Sages said that it is permitted after the fact; however, did they say it is permitted as well to perform *halitza* using another's shoe *ab initio*? Rav Yosef said to Abaye: This is what I was saying to you: Give him your sandal and transfer ownership to him^H by giving it to him as a temporary gift so that it will be his, and therefore the *halitza* will be performed in an ideal manner, without any question as to its validity.

“סנדל של עץ”. מאן תנא? אמר שמואל: רבי מאיר היא. דתנן: הקיטע יוצא בקב שלו, דברי רבי מאיר. רבי יוסי אוסר. אבוה דשמואל אומר: במחופה עור, ודברי הכל.

The mishna taught that if the *yevama* performed *halitza* while the *yavam* was wearing a wooden sandal the *halitza* is valid. The Gemara asks: Who is the *tanna* who taught that it is permitted to use a wooden sandal? Shmuel said: It is the opinion of Rabbi Meir, as we learned in a mishna (*Shabbat* 65b): One with an amputated leg may go out on Shabbat with his wooden leg, as it has the legal status of a shoe; this is the statement of Rabbi Meir. And Rabbi Yosei prohibits it, since he does not consider it to have the legal status of a shoe. Alternatively, the father of Shmuel says: Here the mishna is referring to a wooden sandal that is covered in leather, and all agree. This *halakha* was taught in accordance with all opinions, as even Rabbi Yosei agrees that the leather covering makes it a shoe.

HALAKHA

His shoe... excluding a shoe so large – נעלו... פרט לגדול – The shoe used for *halitza* must not be so large that the *yavam* cannot walk in it, nor so small that it does not cover most of his foot (Rambam *Sefer Nashim*, *Hilkhot Yibbum* 4:18; *Shulhan Arukh*, *Even HaEzer* 169:22).

Granted, say that the Sages said after the fact, etc. – אימר – דאמור רבנן דיעבד: If she performed *halitza* with the left shoe on the right foot of the *yavam*, the *halitza* is valid, but she should use the right shoe *ab initio* (Rambam *Sefer Nashim*, *Hilkhot Yibbum* 4:19; *Shulhan Arukh*, *Even HaEzer* 169:22, and in the comment of Rema).

הב ליה ואקני – Give him and transfer ownership to him – ליה: The sandal used for *halitza* should belong to the *yavam ab initio*, but since nowadays the practice is to use the court's sandal, the court gives it to the *yavam* as a gift before *halitza* so that it will belong to him during the *halitza*. After the *halitza* the *yavam* returns the shoe to the court. This ruling is in accordance with Rav Yosef. Some add that the *yavam* must walk for a short time in the court's shoe so that it will appear as if it is his shoe (Rambam *Sefer Nashim*, *Hilkhot Yibbum* 4:19; *Shulhan Arukh*, *Even HaEzer* 169:14 and *Seder Halitza* 54).

NOTES

סנדל – סנדל מוקדן ומוקדן – A quarantined sandal and a confirmed sandal – מוקדן ומוקדן: According to the Gemara's conclusion, there is no prohibition after the fact for one who performs *halitza* using a sandal with leprosy, and therefore the commentaries offer explanations as to why use of a sandal with confirmed leprosy cannot be used *ab initio*. The Rashba and the Ritva explain that the Sages were worried that if people saw that one could use a sandal with leprosy for *halitza*, even though it is to be burned, they might mistakenly assume that one could also use other shoes destined for burning, such as a shoe used for idol worship. Since it is prohibited to use a shoe used for idol worship for *halitza* even after the fact, they decreed as a preventive measure that one should not use a shoe with confirmed leprosy *ab initio*.

HALAKHA

סנדל מוקדן – סנדל מוקדן ומוקדן – Quarantined sandal and confirmed sandal – מוקדן ומוקדן: A quarantined sandal and a confirmed sandal, and likewise a sandal placed on the feet of an idol, should not be used for *halitza ab initio*, but if one did so, the *halitza* is valid after the fact (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:20).

בית מוקדן – בית מוקדן – A quarantined house and a confirmed house – מוקדן ומוקדן: A quarantined house imparts ritual impurity to one who touches it from the inside, and a house with confirmed leprosy causes ritual impurity by touching it on the inside or the outside. They both cause ritual impurity if one enters the house, even if he did not touch anything, in accordance with the mishna (Rambam *Sefer Tahara, Hilkhot Tumat Tzara'at* 16:2–3).

אמר רב פפי משמיה דרבא: סנדל המוקדן לא תחלוץ בו, ואם חלצה – חליצתה כשרה. סנדל המוקדן לא תחלוץ בו, ואם חלצה – חליצתה פסולה.

רב פפא משמיה דרבא אמר: אחד סנדל המוקדן ואחד סנדל המוקדן לא תחלוץ בו, ואם חלצה – חליצתה כשרה.

מיתבי: בית המוקדן – מטמא מתוכו, מוקדן – מתוכו ומאחוריו, וזה וזה מטמאין בבואה.

ואי סלקא דעתך כדמכתת דמי – והא בעינן "והבא אל הבית" וליבא!

Rav Pappi said in the name of Rava: **One should not perform *halitza* on a *yavam* wearing a quarantined sandal**, i.e., a sandal examined by a priest who found its signs of leprosy to be inconclusive, and places the sandal in isolation for a waiting period of up to two weeks to see if clear indications of leprosy develop. **But if she did perform *halitza* while the *yavam* was wearing it, her *halitza* is nevertheless valid after the fact.** On the other hand, if the sandal with leprosy is a **confirmed sandal**,^{HH} i.e., a sandal that was definitively ruled to have leprosy, **one may not perform *halitza* with it, and if she did perform *halitza* while the man was wearing it, her *halitza* is disqualified.** As an object with confirmed leprosy must be burned, it is considered halakhically as if it were already burnt, and is consequently considered to lack the qualities of a shoe necessary for *halitza*.

In contrast, Rav Pappa said in the name of Rava: With regard to both a quarantined sandal and a confirmed sandal the same *halakha* applies: **She may not perform *halitza* with it *ab initio*, but if she did perform *halitza* with it, her *halitza* is valid.**

The Gemara raises an objection to Rav Pappi's version, from a mishna (*Nega'im* 13:4): **A quarantined house**, i.e., one in which a discoloration appeared and was then quarantined by a priest until it could be determined whether it would be deemed a confirmed house of leprosy or not, **renders one who touches it ritually impure from within**, i.e., if one touches the inside of the house he becomes ritually impure; a house with **confirmed leprosy**^B renders one impure not only **from touching it inside from within**, but additionally **from touching it behind**, by touching it on the outside; **and both this and that**, i.e., both a quarantined house and a confirmed house, **impart ritual impurity through entering it**, as one who enters into either house becomes ritually impure, even if he does not touch the walls.^H

The Gemara elaborates: **And if it enters your mind to say that an item with confirmed leprosy is considered as if it were crushed and not intact due to the requirement to burn it, then in order to contract ritual impurity through entering a house with leprosy, we require that there be a house**, as the verse states: **"Moreover, one who enters the house... shall be ritually impure"** (Leviticus 14:46)? **And this requirement is not satisfied here**, as the house confirmed with leprosy must be burned and consequently should be considered as if it is crushed and not intact.

BACKGROUND

בית – בית מוקדן – A quarantined house, a house with confirmed leprosy – מוקדן בית מוקדן: By Torah law (see Leviticus 14:33–57), if leprosy spots appear in a house, all of the objects in the house must be removed in order to prevent them from becoming ritually impure, after which a priest is brought to examine the house. If the priest confirms that there is evidence of leprosy, the house is quarantined and left uninhabited for a week, after which it is reexamined by the priest. If the leprosy spots darkened or disappeared, the priest scrapes away the blemished area and the house is declared ritually pure. If the spots are unchanged in color and size, the house is quarantined for a second week and inspected at the end of the week. If the spots have faded or disappeared, the priest scrapes away the place of the blemish and purifies the house with the purification process involving

birds, cedarwood, and red thread, parallel to the purification process by which a leper is purified.

If, at the end of the second week, the priest discovers that the blemish has spread or retained its color, the affected stones are removed, and the mortar that had supported them is scraped off and deposited outside the city. The house is then replastered and quarantined for a third week. If the spots reappear, the entire house must be destroyed, and its stones are disposed of in a ritually impure place. If the blemish did not reappear, then the priest purifies the house with the purification process. Both a quarantined house and a confirmed house render objects inside them ritually impure, with the exception of objects in hermetically sealed earthenware containers. Additionally, a confirmed house also renders objects that contact its exterior ritually impure.

שֶׁאֵינִי הַתֵּם, דָּאָמַר קָרָא "וְנִתַּץ אֶת
הַבַּיִת", אֶפִּילוּ בְשַׁעַת נְתִיבָה קָרוּי
בַּיִת.

The Gemara answers: **There it is different, as the verse states: "And he shall break down the house"** (Leviticus 14:45), which teaches that **even while it is being broken down it is still called a house**, until it is totally destroyed. Therefore, although for other purposes, objects that are required to be burned are considered crushed, the verse explicitly teaches that a house confirmed with leprosy is considered intact with regard to its ability to transmit ritual impurity to those who enter it.

תָּא שְׁמַע: מִטְּלִית שֵׁשׁ בּו שְׁלֹשׁ עַל
שְׁלֹשׁ, אִךְ עַל פִּי שְׂאִין בּו כּוּזַת, בֵּינָן
שְׁנַבְנָס רֹבְבָה לְבַיִת טָהוֹר טַמְאָתָהּ,
מָאִי לָאוּ – מוּחֲלָטָה? לָאוּ, מוּסְגָרָה.

Come and hear a proof from the *Tosefta* (*Nega'im* 7:3): If a rag that is three fingerbreadths by three fingerbreadths^H has a spot of leprosy, then even if it does not contain the minimum volume of an olive-bulk, once most of the rag enters a pure house it renders the house ritually impure. What, is it not referring to a rag with confirmed leprosy, implying that one should calculate its measurements even when its leprosy is confirmed and it is destined to be burned? The Gemara rejects this assumption: **No**, this is referring to a **quarantined** rag, which does not have to be burned and is consequently considered intact. It can be measured to determine if it has the minimum measurements required for imparting ritual impurity.

אִי הָכִי, אִימָא סִיפָא: הָיוּ בָּהּ כְּמָה
זֵיתִים, בֵּינָן שְׁנַבְנָס מִמְנָה כּוּזַת לְבַיִת
טָהוֹר – טַמְאָתָהּ.

The Gemara challenges: **If you interpret it so, say the latter clause: If the rag was the volume of several olives,**^H i.e., it was very thick and even a small section of the cloth was equal to an olive-bulk, **when one olive-bulk of the rag enters a ritually pure house**, even if it is a small portion of the rag, **it renders the house ritually impure.**

אִי אָמַרְתָּ בְּשִׁלְמָא מוּחֲלָטָה, הֵינִי
דְּאִיתְקַשׁ לְמַת, אֶלְאֵ אִי אָמַרְתָּ
מוּסְגָרָה – אִמָּאִי אִיתְקַשׁ לְמַת?

Granted, if you say that the entire *baraita* is referring to a rag with confirmed leprosy, this is so because a confirmed leper is juxtaposed with and thereby compared to a dead person (Numbers 12:12), and therefore an olive-bulk of the rag causes ritual impurity just as an olive-bulk of a corpse does. **But if you say it is speaking about a quarantined rag, why should it be juxtaposed to a dead person?** There is no biblical source comparing a quarantined leper to a corpse, and therefore, there is no reason to think that an olive-bulk of a rag transmits ritual impurity. Only if the rag is of the minimum dimensions and the entire rag enters the airspace does it transmit ritual impurity.

שֶׁאֵינִי הַתֵּם, דָּאָמַר קָרָא "וְשָׂרַף אֶת
הַבְּגָד": אֶפִּילוּ בְשַׁעַת שְׂרִיפָה קָרוּי
בְּגָד.

The Gemara answers: That is correct; the *baraita* is referring to a rag with confirmed leprosy, but nevertheless it is not difficult for Rav Pappi. Although generally objects that are required to be burnt are considered crushed even before they are burnt, this is not true with regard to a garment with leprosy. **There the halakha for a garment that has confirmed leprosy is different, as the verse states: "And he shall burn the garment"** (Leviticus 13:52), which indicates that **even when it is being burned, it is still called a garment.**

HALAKHA

A rag that is three fingerbreadths by three fingerbreadths – If a rag afflicted with leprosy that is three fingerbreadths by three fingerbreadths transmits ritual impurity to a ritually pure house when most of the rag enters the house, even if it does not have the minimum measure of an olive-bulk (Rambam *Sefer Tahara, Hilkhot Tumat Tzara'at* 13:14).

הָיוּ בָּהּ כְּמָה זֵיתִים – If a large rag is afflicted with leprosy, as long as at least a portion of the rag that is equal in size to one olive-bulk enters a house, it renders the house ritually impure (Rambam *Sefer Tahara, Hilkhot Tumat Tzara'at* 13:14). This ruling does not differentiate between a quarantined or confirmed case of leprosy, as opposed to the simple understanding of the Gemara.

A sandal that functioned as an offering of idolatrous worship – סנדל של תקרובת עבודה זרה – *halitza* is invalid if performed using any of the following: a sandal that functioned as an idolatrous offering; a sandal from a city the majority of whose inhabitants participated in idolatry; or a sandal made as part of a shroud for burial. This is in accordance with the statement of Rava (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:20; *Shulhan Arukh, Even HaEzer* 169:23).

וְלִיגְמַר מִיְנִיָּה! אִיסוּר מְטוּמְאָה לָא גְמַרִינָן.

The Gemara asks: If your interpretation above is correct, that a garment with confirmed leprosy can still transmit ritual impurity even though the object is to be burned and should be considered crushed, **let us learn from this** concerning a sandal that even after it has been definitively determined to have leprosy, it is still considered a shoe and should be eligible for *halitza*, at least after the fact, in accordance with Rav Pappa's opinion. The Gemara answers: **We cannot derive a halakha of a prohibition from a halakha of ritual impurity,**^N as these different areas of *halakha* cannot be compared. Therefore, although a garment with leprosy is considered intact with regard to the transmission of ritual impurity, that status cannot act as a source to teach that it is intact for the purpose of ruling that *halitza* performed with a shoe with confirmed leprosy is valid.

אָמַר רַבָּא: הִלְכְתָּא: אֶחָד סַנְדָּל הַמּוֹסֵגֶר וְאֶחָד סַנְדָּל שְׂמוּחֶלֶט, וְאֶחָד סַנְדָּל שֶׁל עֲבוּדָה זָרָה – לֹא תַחְלוּץ, וְאִם חָלְצָה – חֲלִיצָתָהּ כְּשָׂרָה. שֶׁל תְּקֻרְבַת עֲבוּדָה זָרָה.

The Gemara cites Rava's final ruling: **Rava said that the halakha is the same for a quarantined sandal, a confirmed sandal, and a sandal of idolatrous worship,**^N i.e., a sandal that was placed on a statue of idolatrous worship; **one should not perform halitza with it, and if she did perform halitza with it, her halitza is valid.** If, however, he was wearing a sandal that functioned as an offering of idolatrous worship,^{HN} in that it was brought as a gift to an idol;

NOTES

A prohibition from ritual impurity – אִיסוּר מְטוּמְאָה: The sandal under discussion is in a unique position; although physically it is completely whole, because it is required to be burnt and destroyed it is halakhically defined for certain matters as if it has already been crushed and destroyed. Halakhic definitions are not the same in every area of *halakha*.

Sandal of idolatrous worship – סַנְדָּל שֶׁל עֲבוּדָה זָרָה: Rashi explains that this is referring to a sandal that belongs to a gentile, and therefore like all other items used by a gentile for idol worship, if the gentile were later to nullify the item as an object of idolatrous worship, the prohibited status of the item would be removed. For that reason, although currently the sandal is supposed to be burned, since it can be rectified by the gentile's nullification, it will ultimately not be considered as already burned. Furthermore, although it is ordinarily prohibited to derive benefit from an item of idolatrous worship, this is not a concern with regard to this sandal. This is because *halitza* is a mitzva, and mitzvot were not given for the purpose of deriving benefit from them. Consequently, fulfillment of a mitzva with this sandal is not considered an act of benefit.

Tosafot, however, disagree and explain that the Gemara is referring to a sandal that once belonged to gentile idol worshippers who had already nullified its status as an object of idol worship; there is therefore no longer an obligation to burn it. Although the sandal is no longer considered an item of idolatrous worship and is permitted for general use, it was prohibited *ab initio* to use it in *halitza* because it is disgraceful to use an item for the purpose of fulfilling a mitzva if it had

once been prohibited as an item of idolatrous worship. This interpretation may also be relevant with respect to a sandal with a spot of leprosy, as the prohibition *ab initio* against using it for *halitza* might be due to it being unbecoming to use an object with leprosy for a mitzva.

The Ramban explains alternatively that even though in general one is not considered to be benefiting when performing a mitzva with a forbidden object, with regard to *halitza*, one would say otherwise. He reasons that with respect to *halitza* there is a slight benefit to be gained, although there is no benefit from the mitzva itself, as the *yevama* benefits in that the *halitza* frees her to marry a man other than the *yavam*; she would consequently be considered to derive benefit from a forbidden object if she used a sandal of idolatrous worship for *halitza*.

An offering of idolatrous worship – תְּקֻרְבַת עֲבוּדָה זָרָה: Rashi explains this Gemara literally, as referring to a sandal that was brought as an offering as part of idolatrous worship. The Ramban, however, points out the *halakha* that any offering that is not customarily brought as a type of idolatrous offering is not prohibited as an object of idol worship, even if used for that purpose, and since one cannot sacrifice a sandal, it cannot become prohibited as an item of idol worship, as Rashi explains. Therefore, the Ramban explains that the Gemara is referring to a sandal made from leather that was taken from a bull that was sacrificed for idolatrous worship, and therefore the sandal is considered as if it were part of an offering of idolatrous worship.