

ביצד? שחטן לשמן וזרק דמן לשמן - קדש הלחם. שחט שלא לשמן וזרק לשמן - לא קדש הלחם. שחטן לשמן וזרק דמן שלא לשמן - קדוש ואינו קדוש. דברי רבי.

How so? If one slaughtered the lambs for their own sake, i.e., as lambs for *Shavuot*, and the priest sprinkled their blood for their own sake, the loaves are consecrated. However, if one slaughtered them not for their own sake, and the priest sprinkled their blood for their own sake, the loaves are not consecrated, as the factors indispensable in rendering the offering valid were not properly performed. If one slaughtered them for their own sake, and he sprinkled their blood not for their own sake, the fact that the lambs were properly slaughtered renders the loaves partially consecrated. Therefore, the loaves are consecrated to the extent that they cannot be redeemed, but they are not consecrated to the extent that they may be eaten. This is the statement of Rabbi Yehuda HaNasi.

רבי אלעזר ברבי שמעון אומר: לעולם אינו קדוש, עד שישחוט לשמן ויזרוק דמן לשמן.

Rabbi Elazar, son of Rabbi Shimon, says: Actually, the loaves are consecrated only when one slaughters the offerings for their own sake and sprinkles their blood for their own sake, i.e., only if both factors indispensable in rendering the offering valid were properly performed. If so, the teaching sent from Eretz Yisrael seems to be in accordance with Rabbi Yehuda HaNasi's opinion that even if only one of the two permitting factors of slaughter and sprinkling was performed, the loaves will still be consecrated. Likewise, with respect to *halitza*, where there is a need for two permitting factors, spitting and for removal of the shoe, performing one factor such as spitting is sufficient to disqualify the *yevama* from subsequently entering into levirate marriage.

ומי אמר רבי עקיבא רקיקה לא פסולה? והתניא: חליצה ולא

The Gemara questions the previous assumption with regard to Rabbi Akiva's opinion on the matter: **But did Rabbi Akiva say that spitting does not disqualify the *yevama* from a later levirate marriage to one of the other brothers? But isn't it taught in a *baraita*: If she removed the shoe but did not**

Perek XII
Daf 105 Amud a

רקיקה ולא קראה - חליצתה כשירה, רקיקה ולא חליצה ולא קראה - חליצתה פסולה, קראה ולא חליצה - אין פסולת בית מיוחד.

spit and did not recite the verses, her *halitza* is valid. If she spat but did not remove the shoe and did not recite the text, her *halitza* is disqualified. If she recited the verses but did not spit⁴ or did not remove the shoe, there is no doubt that she has done nothing, and her action has no halakhic significance.

מני? אילימא רבי אליעזר - חליצה ולא רקיקה ולא קראה חליצתה כשירה? והא אמר רבי אליעזר: "ככה יעשה" דבר שהוא מעשה - מעבב! אלא פשיטא - רבי עקיבא וקתני: רקיקה ולא חליצה ולא קראה - חליצתה פסולה. למאן?

The Gemara clarifies: **Who is the author of the *baraita*? If we say it is in accordance with the opinion of Rabbi Eliezer, could it be that he would hold that if she removed the shoe but did not spit or did not recite the verses, her *halitza* is valid, as stated in the *baraita*? But didn't Rabbi Eliezer say: The phrase "so shall it be done" (Deuteronomy 25:9) indicates that any element of the *halitza* process that constitutes an action is indispensable; therefore spitting is necessary. Rather, it is obvious that the *baraita* is in accordance with the opinion of Rabbi Akiva, and he teaches at the end of the *baraita* that if she spat but did not remove the shoe or did not recite the text, her *halitza* is disqualified.** The Gemara clarifies: **To whom is the *yevama* disqualified from marrying after such a *halitza*?**

אילימא לעלמא - פשיטא! מי הווי חליצה דאישתריא לעלמא? אלא לאו - לא חזין שמע מינה.

If we say that Rabbi Akiva means to teach us that she is disqualified from marriage to everyone in the world, this is unnecessary, as it is clear that spitting alone will not permit her to marry any stranger. It is obvious that her *halitza* is invalid, as did any *halitza* take place in order for her to be permitted to a stranger? Rather, is it not clear that Rabbi Akiva is ruling that she is disqualified from marriage to the brothers? Learn from here that Rabbi Akiva also thinks that spitting alone disqualifies her from marriage to the brothers, which is not in accordance with the previous assumption with regard to his opinion.

HALAKHA

קראה ולא רקיקה - וכו': If the *yevama* recited the text, and even if the *yavam* recites his statement as well, but she did not remove the shoe or spit, her actions have no halakhic significance, and she is not disqualified from later entering into levirate marriage with any of the *yevamin*, in accordance with all opinions (Rambam *Sefer Nashim*, *Hilkhot Yibbum* 4:14; *Shulhan Arukh*, *Even HaEzer* 169:47).

ולרבי עקיבא, מאי שנא ריקה ומאי שנא קרייה?

The Gemara asks: **But according to Rabbi Akiva's understanding that only an action performed on the body of the *yavam* is indispensable for *halitza*, what is different about spitting and what is different about recitation?** Both are not indispensable, so why is it that if she spat but did not remove the shoe she is disqualified from marriage to the brothers, yet if she recited the text but did not remove the shoe her action has no halakhic significance?

קרייה, דאיתא בין בתחלה בין בסוף – לא מיחלפא ליה, ריקה דבתחלה ליתא ולבסוף איתא – מיחלפא ליה, ואתו למישרי חלוצה לאחין.

The Gemara answers: Rabbi Akiva finds a reason to rabbinically prohibit the woman after spitting, yet holds that the reason is not valid after the recitation alone. **The recitation of the verses, which takes place both at the beginning of the process, before the removal of the shoe, and at the end, will not cause him to be confused** about a proper *halitza*, as one who witnesses her recitation knows that she may have only recited the text but has not yet removed the shoe, and therefore it will cause no harm to invalidate her *halitza* and permit her in levirate marriage to the *yevamin*. But with regard to **spitting, which does not take place at the beginning but takes place at the end**, after the removal of the shoe, one who witnesses her spitting might assume that she had already removed the shoe, and he might **confuse** this woman with a woman who removed the shoe, and if we would allow her to perform levirate marriage after the spitting, **they will come to permit a *yevama* who performed *halitza* to marry the brothers of the *yavam* after the *halitza***. Therefore, Rabbi Akiva finds reason to rabbinically prohibit a woman after spitting, although he doesn't do so if they merely recited the verses of *halitza*.

ואיכא דאמרי, הכי שלחו ליה: יבמה שרקקה – תחלוץ, ואינה צריכה לרוק פעם אחרת. כי הדין דאיתא לקמיה דרבי אמי, הוה יתיב רבי אבא בר ממל קמיה, ריקה מקמי דתחלוץ. אמר ליה רבי אמי: חלוץ לה ושרי לה תיגרא.

And there are those who say that **this is what they sent to Shmuel's father: A *yevama* who spat before removing the shoe shall remove the shoe, and she is not required to spitⁿ another time.**^h This is like the incident where a certain woman came before Rabbi Ami for *halitza*, and Rabbi Abba bar Memel sat before him at the time. **She spat before she removed the shoe. Rabbi Ami said to him: Rabbi Abba, tell her to remove the shoe of the *yavam*, so one may dismiss her case from the court, as she does not require another act of spitting.**

אמר ליה רבי אבא: והא בעינן מירק! הא ריקה לה. ותירוק ומה בכך? נפיק מיניה חורבא, דאי אמרת תיהדר ותירוק אמרי: ריקה קמיינתא לית בה מששא, ואתו למישרי חלוצה לאחין.

Rabbi Abba said to him: **But for *halitza* we need her to spit.** He answered: **She already spat.** Rabbi Abba said to him: That spitting was done before the removal, **so let her spit again, and what would be the problem with that?** He answered him: **A disaster could be brought out from it,^h as, if you say she should spit again there will be others who say: The first spitting has no halakhic significance and she is still permitted to the brothers if no spitting was performed subsequently, and they will come to permit a bona fide *halutza*, i.e., a *yevama* who has performed *halitza*, to the brothers, because when they see her spitting the first time they will say that she certainly already removed the shoe beforehand.**

NOTES

She is not required to spit – אינה צריכה לרוק – From the wording of the Gemara here the phrase: She is not required to spit, apparently means that they do not tell her to spit a second time, as it is unnecessary. However, the Rashba maintains, based on Rabbi Ami's words, that she must even be

prevented from spitting again. The Meiri disagrees with the Rashba, and explains that Rabbi Ami's statement can be understood to say that even though they do not tell her in court to spit again, if she wishes to spit, they do not prevent her from doing so.

HALAKHA

A *yevama* who spat need not spit again – יבמה שרקקה אינה צריכה לחזור: The correct order of *halitza* is that the *yevama* recites her statement, then the *yavam* recites his statement, and afterward she removes the shoe, spits, and recites another statement. But the order is not indispensable, and if she spat first she need not spit again (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:10; *Shulhan Arukh, Even HaEzer* 169:43).

A disaster could be brought out from it – נפיק מיניה חורבא – The *yevama* does not spit again in accordance with the proper order, so that others will not come to say that the first spitting did not count and then permit a woman who only spit initially to enter into levirate marriage with the brothers. This ruling is in accordance with Rabbi Ami (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:11).

כְּסֻדְרוֹ לֹא מְעַבְבָּא – Their proper order is not indispensable – Although the term “so shall” [*kakha*] (Deuteronomy 25:9) is written in the Torah with regard to *halitza* and is normally understood to indicate that the order written in the Torah is indispensable, once the Sages interpreted the Torah to be indicating that only actions conducted on the man are indispensable, then the stated order with regard to other aspects of *halitza* is not required (Ritva).

לְיוֹ נִפְקַל לְקַרְיֵיתָא – Levi went out to the villages – A more complete version of this story, with slight variations, appears in the Jerusalem Talmud. It is told there that Rabbi Yehuda HaNasi was asked to send someone to these villages who could serve as a halakhic authority and teacher of hermeneutics. Rabbi Yehuda HaNasi sent Levi and recommended him with the use of various accolades of praise. When Levi arrived there, they showed him great honor and began by asking him two halakhic questions. When he did not answer them, they said perhaps his strength is greater in Aggada, and consequently, they asked him questions pertaining to the interpretation of the Bible, but he did not answer these questions either. When Levi returned to Rabbi Yehuda HaNasi and told him what had transpired, Rabbi Yehuda HaNasi asked him the same questions and Levi answered them properly. In response to Rabbi Yehuda HaNasi's surprise that he had not answered accordingly when the questions were asked the first time, Levi explained that the great honor they had shown him there caused him to feel arrogant, which in turn caused him to forget.

גִּידְמַת שְׁחֻלְצָה – An armless woman who performed *halitza* – The *Halakhot Gedolot* maintains that a *yevama* with amputated hands may not perform *halitza*, but his opinion was not accepted. Although the Jerusalem Talmud states that *halitza* should ideally be conducted with the right hand, even there it states that a woman with amputated hands may perform *halitza* using her arm if she has no hand, or with her teeth if she cannot use her hands or arms at all (*ge'onim*).

מִי כְּתִיב וַיִּרְקַח רוּק – Does it say: And she shall spit saliva? – The Meiri explains that although the phrase “she shall spit” does imply that she should spit saliva, the students from the house of study maintained that by not stating explicitly that the woman must spit saliva, it indicates that one need not spit saliva by itself. If there is any amount of saliva in her spittle, even if the spittle consists mostly of blood, she fulfills the obligation of spitting.

From where is it derived that a sentence of judgment, etc. – מִנֵּן לְגִזְרֵי דֵין וְכוּ: The question is asked: How can the Gemara prove from the decree concerning the house of Eli that a decree is never torn up. After all, there is reason to believe that that decree is more stringent, as the verse explicitly states that it is “forever”? It is possible to bring a proof from what is written later in the Gemara, that although proper behavior can cancel this decree in relation to certain people, even so, the decree of judgment is not totally annulled or torn up; rather, the punishment is merely pushed off temporarily (*lyyun Ya'akov*).

וְהָא בְּעֵינֵי כְּסֻדְרוֹ! כְּסֻדְרוֹ לֹא מְעַבְבָּא. הוא סבר דְּחַוִּי קָא מְדַחֵי לֵיהּ, נִפְקַ דְּק וְאִשְׁבַּת, דְּתַנְיָא: בֵּין שְׁהִקְדִים חֲלִיצָה לְרִיקָה, בֵּין שְׁהִקְדִים רִיקָה לְחִלְצָה – מַה שְׁעָשָׂה עָשׂוּי.

He challenged again: **But we require that *halitza* be performed in the proper order**, as recorded in the Torah. He answered him: **Their proper order is not indispensable.**^N Rabbi Abba bar Memel thought: **He is merely pushing off my legitimate questions with far-fetched attempts to justify his statements that are not well founded. Afterward, he went out from the house of study and examined the matter and discovered that it was as Rabbi Ami said. As it is taught in a *baraita*: Whether the removal of the shoe preceded the spitting, as the proper order requires, or whether the spitting preceded the removal of the shoe, what he did is done, i.e., is effective, as the woman is therefore permitted to remarry.**

לְיוֹ נִפְקַל לְקַרְיֵיתָא, בְּעוּ מֵינָה: גִּידְמַת מַהוּ שְׁתַּחְלוּץ? יְבָמָה שְׂרָקְקָה דָם מַהוּ? “אֲבָל אֲגִיד לָךְ אֶת הָרְשׁוּם בְּכֶתֶב אֲמַת” מִכֹּל דְּאִיבָא דְּכֶתֶב שְׂאִינוּ אֲמַת?

Apropos adherence to instructions given in the Torah, the Gemara relates a story. **Levi went out to the villages^N to teach people Torah. They asked him several questions: Firstly, what is the *halakha* for an armless woman, may she perform *halitza* with her teeth?^{NH} Secondly, what is the *halakha* if a *yevama* spat blood instead of saliva, is the *halitza* valid? Furthermore, they asked with regard to the verse: “But I will declare to you that which is inscribed in the writing of truth” (Daniel 10:21), if by inference, there is writing in Heaven that is not truth.**

לֹא הוּא בִּידֵיהּ. אֲתָא שְׂאִיל בִּי מְדַרְשָׁא, אָמְרוּ לֵיהּ: מִי כְּתִיב “וַיִּרְקַח רוּק” וּמִי כְּתִיב “וַיִּרְקַח רוּק”.

He did not have an answer at hand to these questions, so he came and asked at the house of study. They said to him in response to the first question: Does it say in the Torah: And she shall remove the shoe by hand? Clearly, she may remove the shoe in any manner and there is no reason to disqualify an armless woman. With regard to the second question, they said: And does it say in the verse: And she shall spit saliva?^N It merely states: “And she shall spit,” indicating that even if she spits blood the *halitza* is valid.^H

“אֲבָל אֲגִיד לָךְ הָרְשׁוּם בְּכֶתֶב אֲמַת” וְכִי יֵשׁ כְּתֶב שְׂאִינוּ אֲמַת –

With regard to the verse cited in the third question: **“But I will declare to you that which is inscribed in the writing of truth,”** about which you ask: **But is there writing in Heaven that is not truth?**

לֹא קִשְׁיָא: כָּאֵן – בְּגִזְרֵי דֵין שְׂיֵשׁ עֲמוּ שְׂבוּעָה, כָּאֵן – בְּגִזְרֵי דֵין שְׂאִין עֲמוּ שְׂבוּעָה.

This is **not difficult. Here, i.e., a writing of truth, refers to a sentence of judgment accompanied by an oath; this is called “writing of truth”** as it cannot ever be canceled. **There, i.e., the inferred untruthful writing, refers to a sentence of judgment that is not accompanied by an oath, as it could be canceled if conditions change.**

כְּדָרְב שְׂמוּאֵל בְּרֵי אַמִּי. דְּאָמַר רַב שְׂמוּאֵל בְּרֵי אַמִּי אָמַר רַבִּי יוֹנָתָן: מִנֵּן לְגִזְרֵי דֵין שְׂיֵשׁ עֲמוּ שְׂבוּעָה שְׂאִינוּ מִתְקַרְעֵ – שְׂנַאֲמַר “לִכֵּן נִשְׁבַּעְתִּי לְבֵית עֲלֵי אִם וְיִתְכַפֵּר עוֹן בֵּית עֲלֵי בְּזָבַח וּבְמִנְחָה עַד עוֹלָם”.

This is in accordance with the words of Rav Shmuel bar Ami, as Rav Shmuel bar Ami said that Rabbi Yonatan said: **From where is it derived that a sentence of judgment^N accompanied by an oath cannot be torn up? It is as it is stated: “Therefore I have sworn unto the house of Eli, that the iniquity of Eli’s house shall not be atoned for with sacrifice nor offering forever”** (1 Samuel 3:14), which indicates that due to the accompanying oath, the sentence of judgment cannot ever be rescinded, even if offerings of atonement are brought.

HALAKHA

חֲלִיצַת גִּידְמַת: *Halitza* of a woman with amputated hands – A woman who has no hands at all removes the shoe with her teeth, in accordance with the conclusion of the Gemara (Rambam *Sefer Nashim, Hilkhhot Yibbum* 4:23; *Shulhan Arukh, Even HaEzer* 169:31, 169:40).

A *yevama* who spat blood – *יְבָמָה שְׂרָקְקָה דָם*: If a *yevama* spat blood she need not spit again. This is in accordance with the statement of the students in the study hall, as understood by

the Ra'avad and the Rosh. The Rambam rules that this is specifically if she sucked her wound by drawing saliva into her mouth before spitting out the blood, as then the spittle would have some amount of saliva, but if she merely spit out blood from a wound in her mouth, the blood is assumed not to contain saliva and it is invalid, in accordance with the teaching sent to Shmuel's father (Rambam *Sefer Nashim, Hilkhhot Yibbum* 4:23; *Shulhan Arukh, Even HaEzer* 169:40).

But he may gain atonement through words of Torah study, etc. – אָבֵל מִתְכַּפֵּר הוּא בְּדַבְרֵי תוֹרָה וְכוּ' – The commentaries explain that the story can be understood in relation to the statement in the mishna that the world stands upon three matters: Torah, divine service, and acts of kindness (*Pirkei Avot* 1:2). The sons of Eli sinned by cheapening the divine service that they were responsible for as sons of the High Priest (1 Samuel 2:17). Therefore, their descendants no longer had any rectification through offerings of Temple service, as priests. Rabba thought that rectification could come through the study of Torah, which is listed before service by the mishna. Abaye added that rectification could also come through the third matter mentioned in the mishna, acts of kindness (Maharsha; *Iyyun Ya'akov*).

Around age eighteen – כִּכְּן שְׂמוֹנֶה עָשָׂרָה שָׁנָה – The age of eighteen is the established age for marriage in the Mishna, and one who marries a woman and has children is certainly viewed as having passed the stage of being a minor according to all opinions (Maharsha; see *Arukh LaNer*).

אָמַר רַבָּה: בְּזָבַח וּבִמְנַחָה אֵינוֹ מִתְכַּפֵּר, אֲבָל מִתְכַּפֵּר הוּא בְּדַבְרֵי תוֹרָה. אֲבִי אָמַר: בְּזָבַח וּבִמְנַחָה אֵינוֹ מִתְכַּפֵּר – אֲבָל מִתְכַּפֵּר בְּגִמְלוֹת חֻסְדִּים. רַבָּה וְאֲבִי מִדְּבֵית עֲלִי קָאָתוּ, רַבָּה דְּעָסַק בְּתוֹרָה חֵיה אַרְבַּעִין שָׁנִין, אֲבִי דְּעָסַק בְּתוֹרָה וּבְגִמְלוֹת חֻסְדִּים – חֵיה שְׁתֵּינִי שָׁנִין.

תְּנוּ רַבְּנֵי: מִשְׁפָּחָה אַחַת הִיְתָה בִירוּשָׁלַיִם שְׁהִיוּ מֵתִים כִּכְּן שְׂמוֹנֶה עָשָׂרָה שָׁנָה, בָּאוּ הַדּוֹדִיעוּ אֶת רַבִּין יוֹחָנָן בֶּן זַכַּי, אָמַר לָהֶם: שְׂמָא מִמְשַׁפַּחַת עֲלִי אַתֶּם, שְׂנֵאמַר "וְכָל מִרְבֵּית בֵּיתְךָ יָמוּתוּ אֲנָשִׁים" – לָכוּ וְעַסְקוּ בְּתוֹרָה וְתַחֲיוּ. הֲלָכוּ וְעַסְקוּ בְּתוֹרָה וְחֵיו, וְהָיוּ קוֹרִין אוֹתָן "מִשְׁפַּחַת יוֹחָנָן" עַל שְׁמוֹ.

אָמַר רַב שְׁמוּאֵל בְּרַ אֲוֵנָא אָמַר רַב: מִנֵּין לְגוֹר דִּין שֶׁל צְבוּר שְׂאִינוּ נְחַתֶּם? אֵינוּ נְחַתֶּם?! וְהָא כְּתִיב "כִּי אִם תִּכְבְּסִי בְּנֶתְךָ וְתִרְבִּי לָךְ בּוֹרִית נְכַתֶּם עִוְנֶךָ לְפָנַי!"

Apropos this verse, the Gemara mentions what Rabba^p said with regard to it: **With sacrifice and offering, one from the house of Eli will not be atoned for, but he may gain atonement through words of Torah study.**ⁿ Abaye^p said: **Through sacrifice and offering he may not achieve atonement, but he may gain atonement through acts of kindness.** The Gemara relates that Rabba and Abaye themselves descended from the house of Eli. Rabba, who immersed himself primarily in Torah study, lived forty years, while Abaye, who immersed himself both in Torah and acts of kindness, lived sixty years. They both lived longer lives than usual for descendants of the house of Eli, due to their actions.

The Gemara relates a similar story from a *baraita*: **The Sages taught: There was a certain family in Jerusalem whose children were dying at around age eighteen.**ⁿ The members of the family came and told Rabban Yoḥanan ben Zakkai^p about these tragic deaths. He said to them: **Perhaps you are from the house of Eli, as it is stated: "All the increase of your house shall die young men"** (1 Samuel 2:33), which teaches that as soon as they reach full maturity, old enough to be called "men," they die. Therefore, you must **go out and immerse yourselves in Torah, and you will live. They went and immersed themselves in Torah and lived longer lives, and people would call them: The family of Yoḥanan, after his name, as the advice he gave them enabled them to live.**

With regard to a decree of judgment that cannot be torn up, Rav Shmuel bar Unya said that Rav said: **From where is it derived that a sentence of judgment upon a community is never sealed?** The Gemara expresses surprise: **Is it truly not sealed? But isn't it written: "For although you wash yourself with niter, and take much soap for yourself, yet your iniquity is marked before Me"** (Jeremiah 2:22), indicating that there is no longer any atonement for iniquity of a community.

PERSONALITIES

Rabba – רַבָּה: Rav Abba bar Nahmani, commonly referred to as Rabba throughout the Babylonian Talmud, was a priest and a third-generation Babylonian *amora*.

Rabba was a student of Rav Huna, who was a student of Rav. Therefore, Rabba's approach to *halakha* was consistent with Rav's teachings. Rabba was considered the sharpest among his peers, to the extent that he was referred to as: One who uproots mountains, in contrast to his colleague, Rav Yosef, whose talent was in his comprehensive knowledge and was referred to as Sinai. In virtually every dispute between them, the ruling is in accordance with the opinion of Rabba.

Rabba had many students, and virtually all of the Sages of the following generation studied with him. His personal life was tragic; his children apparently died during his lifetime. He was poverty stricken throughout his life, barely subsisting on agricultural work. When his nephew Abaye was orphaned at a young age, Rabba took him into his home and raised him.

Abaye – אֲבִי: One of the outstanding Sages of the Talmud, Abaye was a fourth generation Babylonian *amora*. He lost both of his parents at an early age and was raised in the house of his uncle, Rabba. It is possible that his full name was Nahmani or Kilil and that Abaye was just a nickname. Although Rabba was a priest and the head of the yeshiva, he lived in poverty, as did Abaye.

Abaye was the primary student of Rabba and of Rav Yosef. After Rav Yosef's death, Abaye succeeded him as the head of the yeshiva in Pumbedita. In addition to his prominence as a Torah scholar, he was known for his righteousness and his acts of kindness.

His exchanges and halakhic arguments with his uncle and, even more so, with Rav Yosef, can be found throughout the Talmud. However, his disputes with his colleague Rava are especially significant. Their disputes, known as the discussions of Abaye and Rava, are examples of profound and edifying disputes and are among the foundations of the Babylonian Talmud. In these disputes, with six exceptions, the *halakha* is ruled in accordance with the opinion of Rava.

Rabban Yoḥanan ben Zakkai – רַבִּין יוֹחָנָן בֶּן זַכַּי: Rabban Yoḥanan ben Zakkai headed the Sanhedrin after the destruction of the Second Temple. He was one of the greatest leaders of the Jewish people in all generations.

Rabban Yoḥanan ben Zakkai was the youngest of Hillel the Elder's students; he lived to an old age and served as the leader of the Jewish people for many years. The Sages said of him that there was not a single area of Torah that he neglected. His greatness notwithstanding, he was a modest individual who greeted every person he met, including gentiles in the marketplace.

Even while the Temple stood he was acknowledged as a leading Torah scholar, and most of the Sages of that generation were his students. When the Great Revolt erupted, Rabban Yoḥanan strongly opposed it, seeking to resolve it peacefully. As one of the leaders of the besieged Jerusalem, he realized that the city would soon fall, and he succeeded in escaping with the help of several of his students, in order to appear before Vespasian, who received him warmly. When his prediction that Vespasian would be appointed emperor was fulfilled, Vespasian rewarded him by allowing him to establish a new center of Jewish Torah study and leadership in Yavne. Rabban Yoḥanan took this opportunity to save the life of Rabban Gamliel, as well.

In Yavne, Rabban Yoḥanan succeeded in instituting a wide range of ordinances that offered hope for Jewish continuity in the absence of the Temple, even as they served to commemorate the Temple and promised the possibility of its ultimate rebuilding. The results of his efforts are integral to the modern halakhic practice of Judaism. His success in this endeavor is felt to this day in religious practice.

His students taught Torah throughout Eretz Yisrael following the destruction of the Temple, and he served as a mentor for Rabban Gamliel of Yavne, who succeeded him in the leadership capacity of acting Nasi.

בללא צחצוח רוק – בלא צחצוח רוק: The salivary glands continually discharge a certain amount of saliva into the mouth to maintain its necessary moisture. The discharge varies, as it may increase by intentional sucking or puckering, or it may increase unintentionally, such as when one thinks about eating. As salivary glands cease functioning only in rare cases of illness, it would be highly unlikely that one could spit anything out of her mouth without it being accompanied by at least a trace of saliva.

HALAKHA

דם היוצא מפיו וכו' – Blood that issues from his mouth, etc. – Blood that issues from the mouth of a zav or that flows from his genital organ is considered like blood from his wound and causes ritually impurity only at the level of a second-degree ritual impurity. But if he puckered and spat blood, it is considered just like his saliva, and causes first degree ritually impurity just as saliva does, as saliva is a primary source of impurity (Rambam *Sefer Tahara, Hilkhot Metamei Mishkav UMoshav* 1:16).

אלא: מנין שאפילו נחתם מתקרב – שנאמר "מי בה' אלהינו בכל קראנו אליו". והכתוב "דרשו ה' בהמצאו"! לא קשיא: הא – ביחיד, הא – בעבור יחיד.

Rather, one must say as follows: **From where** is it derived that **even when a community's sentence is sealed, it may be torn up** as a result of repentance, **as it is stated: "For what great nation is there, that has God so close unto them, as the Lord our God is whenever we call upon Him?"** (Deuteronomy 4:7). The Gemara objects: **But isn't it written** in another verse: **"Seek the Lord while He may be found, call upon Him when He is near"** (Isaiah 55:6), implying that God is not always near and may not always answer whenever we call upon Him? The Gemara answers: This contradiction is **not difficult. This verse is concerning an individual** who must seek God where He is found, as He is not always equally accessible to answer those who call out to Him. **That first verse is concerning a community**, for whom He is accessible "whenever we call upon Him."

אימת? אמר רב נחמן אמר רבה בר אבוא: אלו עשרה ימים שבין ראש השנה ליום הכפורים.

The Gemara asks: For an individual, **when** is the time that God is close to him? **Rav Nahman said that Rabba bar Avuh said: These are the ten days that are between Rosh HaShana and Yom Kippur.**

שלחו ליה לאבוא דשמואל: יבמה שרקקה דם תחלוץ. לפי שאי אפשר לדם בלא צחצוח רוק.

The Gemara returns to the questions the villagers asked Levi: The Sages in Eretz Yisrael **sent this halakha to Shmuel's father: A yevama who spat blood shall remove the shoe, because it is not possible that blood came out^N of her mouth without any trace of saliva,^B** and she fulfills her obligation through this saliva.

מיתיבי: יכול, יהא דם היוצא מפיו ומפי האמה טמא – תלמוד לומר "זובו טמא" – ואין דם היוצא מפיו ומפי האמה טמא, אלא טהור!

The Gemara **raises an objection** from a *baraita* that states with regard to a zav: One **might** have thought that **blood that issues from his mouth^H or from the opening of his genital organ should be ritually impure**, like any of the secretions that issue from a zav e.g., saliva and urine; therefore, **the verse states: "His discharge is impure"** (Leviticus 15:2), to teach: Only his white, pus-like discharge and other secretions similar to it are ritually impure, **but blood that issues from his mouth or from his genital organ is not impure, but it is pure.** And from here one may learn that blood can issue from the mouth without saliva, for if it was as they said, that all spittle necessarily contains saliva, the blood in the spittle would be ritually impure due to the saliva.

לא קשיא: כאן – במוצצת, כאן – בשותת.

The Gemara answers: This is **not difficult. Here**, where it said that blood cannot issue from the mouth without saliva, it is referring **to a woman who sucks** up the blood in her mouth^N before spitting it out, in which case there will certainly be some saliva in the mouth. **There, it is referring to blood that was flowing** by itself from an oral wound of the zav, in which case the spittle of blood might contain no saliva in it at all.

"חרש שנחלץ" וכו'.

It was taught in the mishna: **if a deaf-mute man underwent halitza or a deaf-mute woman performed halitza, or if an adult woman performs halitza with a male minor, her halitza is invalid.**

NOTES

לפי שאי – אפשר לדם וכו' Because it is not possible that blood came out, etc. – Some explain that the Gemara is stating that the woman performing *halitza* has no obligation to spit saliva at all, and even if she spat blood without any saliva, the *halitza* is still valid (Ra'avad). A second explanation maintains that there must be some saliva in her spittle but there is no obligation to spit saliva alone. As long as there is some saliva in the spittle, the *halitza* is valid.

Here it is referring to a woman who sucks the blood, etc. – כאן במוצצת וכו' The *Shiltei HaGibborim* write that the Gemara's

distinction is that if the blood flowed by itself, without any attempt by the woman to spit, she is not considered to have spit at all and the *halitza* is certainly invalid. According to the Rambam, the Gemara's intention is that if she spat blood or the blood was flowing from her mouth, then the *halitza* is invalid. However, if she first drew blood from a wound in her mouth before spitting, then there is certainly spittle there as well. Rabbeinu Hananel, however, interpreted this in the opposite way: A woman who puckered to draw saliva into her mouth certainly drew only blood from the wound, but if the blood was flowing, probably some saliva mixed with it.

NOTES

מקשינן אשה לאיש – We juxtapose a woman with a man – Apparently, the Gemara concludes here that according to Rabbi Meir’s opinion, the *halitza* of a minor does not count at all, as it is not even considered invalid *halitza* that would render prohibited a future levirate marriage. *Tosafot*, however, note a number of difficulties with this interpretation, and consequently make note of an alternative version in the Jerusalem Talmud that is accepted by a number of commentaries as the authentic version of what is recorded in the Babylonian Talmud as well (see Ritva). In the Jerusalem Talmud it states that if a minor did not perform *halitza* once she became an adult, her initial *halitza* as a minor is nevertheless valid. According to this version, even Rabbi Meir, who maintains that the *halitza* of a minor is invalid only *ab initio*, agrees that after the fact it is valid. According to this understanding, the juxtaposition between man and woman does not constitute actual proof from the Torah, but acts merely as textual support for a rabbinic decree. Furthermore, in the Jerusalem Talmud it is explained that Rabbi Meir invalidated the *halitza* of a female minor only because he was concerned that the minor might turn out to be sexually underdeveloped as an adult, which would nullify the initial marriage. If so, there is clearly a concern only according to rabbinic law (see *Tosefot HaRosh* and *Rashba*).

עיניו למטה – His gaze downward – Rashi interprets the term downward as referring to directing his eyes toward Eretz Yisrael, indicating that even after the Temple was destroyed, the sanctity of the land remains. Therefore, one must direct his heart and eyes toward Israel since all prayers pass through that way, as King Solomon indicates in his prayer quoted in the verse from Kings in the Gemara (see *Maharsha*).

HALAKHA

תליצת קטן וקטנה – The *halitza* of a male and female minor – If a male minor performed *halitza*, the *halitza* is invalid and the *yevama* is permitted to later enter into levirate marriage with any of the brothers, including the minor himself. On the other hand, the *halitza* of a female minor is treated as invalid *halitza* that does not permit her to marry the brothers but renders prohibited a future levirate marriage. This ruling is not in accordance with Rabbi Meir’s opinion (Rambam *Sefer Nashim*, *Hilkhot Yibbum* 4:16; *Shulhan Arukh*, *Even HaEzer* 169:43).

דרך תפלה – Posture for prayer – One who prays must tilt his head slightly forward, so that his eyes will be directed downward, as he simultaneously directs his heart upward toward Heaven (Rambam *Sefer Ahava*, *Hilkhot Tefilla* 5:4; *Shulhan Arukh*, *Orah Hayyim* 95:2).

אמר רב יהודה אמר רב: זו דברי רבי מאיר, אבל חכמים אומרים: אין חליצת קטן כלום.

”קטנה שחלצה” וכו’. אמר רב יהודה אמר רב: זו דברי רבי מאיר. דאמר: “איש” בתוב בפרשה, ומקשינן אשה לאיש.

אבל חכמים אומרים: “איש” בתוב בפרשה, אשה – בין גדולה בין קטנה.

מאן חכמים – רבי יוסי היא. דרבי חיאי ורבי שמעון בר רבי הווי יתבי, פתח חד מיניהו ואמר: המתפלל צריך שיתן עיניו למטה, שנאמר “והיו עיני ולבי שם כל הימים”.

וחד אמר: עיניו למעלה, שנאמר “נשא לבבנו אל בפיס”. אדהכי אתא רבי ושמעאל ברבי יוסי לגביהו, אמר להו: במאי עסקיתו? אמרו ליה: בתפלה. אמר להו: כך אמר אבא, המתפלל צריך שיתן עיניו למטה ולבו למעלה, כדי שיתקיימו שני מקראות הללו.

Rav Yehuda said that Rav said: This teaching of the mishna with regard to a minor is the statement of Rabbi Meir, who maintains that such a *halitza* has significance in that it disqualifies a subsequent levirate marriage, but it is insufficient to permit the woman to marry a stranger. **But the Rabbis say: The *halitza* of a male minor isn’t significant of anything**, as she is permitted to one of the brothers in levirate marriage as one who no *halitza* was performed at all.

It was taught in the mishna: **If a female minor performed *halitza*, she must perform *halitza* a second time once she becomes an adult, and if she does not, her first *halitza* is invalid.** Rav Yehuda said that Rav said: **This is the statement of Rabbi Meir, who said: “Man” is written in the Torah portion about *halitza*: “And if the man does not wish” (Deuteronomy 25:7), implying an adult must perform *halitza*, and we juxtapose and compare a woman with a man,^N indicating that the woman must also be an adult at the time of *halitza*.**

But the Rabbis say: “Man” is written in this Torah portion, which indicates that an adult male must perform *halitza*, but with respect to the woman who removes the shoe, since the term woman is not used to describe her, but rather the more general term *yevama* is written, as the continuation of the above-mentioned verse says: “To take his *yevama*” (Deuteronomy 25:9), **she may be either an adult or a female minor.^H**

The Gemara asks: **Who are these Rabbis who disagree with Rabbi Meir?** The Gemara answers: **It is Rabbi Yosei**, as it seems from this incident: **As, Rabbi Hiyya and Rabbi Shimon bar Rabbi Yehuda HaNasi were sitting outside the house of study, immersed in Torah learning. One of them began and said: One who prays must direct his gaze downward^N while praying, as it is stated by God with regard to the Holy Temple: “And My eyes and My heart shall be there perpetually” (1 Kings 9:3), meaning: The Divine Presence rests in the Eretz Yisrael, and one must direct his gaze to the sacred land when praying.**

And one of them said he must direct his eyes upward, because it is stated: “Let us lift our hearts with our hands toward God in Heaven” (Lamentations 3:41). In the meantime, Rabbi Yishmael, son of Rabbi Yosei,^P came beside them. He said to them: What are you dealing with? They said to him: With prayer, as we are debating the proper posture for prayer. He said to them: My father, Rabbi Yosei, said as follows: One who prays must direct his eyes downward and his heart upward, in order to fulfill both of these verses.^H

PERSONALITIES

רבי ישמעאל ברבי יוסי – Rabbi Yishmael, son of Rabbi Yosei – Rabbi Yishmael was a *tanna* of the last generation of *tanna'im* and the eldest son of Rabbi Yosei bar Halafta. Although he studied under other Sages, including Rabbi Akiva, Rabbi Yishmael achieved renown as the outstanding disciple of his father, Rabbi Yosei, from whom he acquired most of his Torah knowledge. He was a noted scholar in his generation and was considered his father’s successor and the leading rabbinic authority in his hometown of Tzipori in the Galilee. Nevertheless, he still accepted the authority of Rabbi Yehuda HaNasi, with whom he established himself as the latter’s outstanding disciple, even though they were approximately the same age and he was a friend of Rabbi Yehuda HaNasi’s family. One also finds Rabbi Yishmael engaged in halakhic debates with Rabbi Shimon, the son of Rabbi Yehuda HaNasi, and with Rabbi Hiyya.

In addition to his greatness as a Torah scholar, Rabbi

Yishmael was learned in secular subjects, and was respected as an authority in many fields of knowledge. Despite his vast intellectual accomplishments, he remained humble, devout, and pious, which was expressed, among other ways, in the courtesy and love he showed to the poor and the simple.

Almost all of the disciples of Rabbi Yehuda HaNasi, from small to great, disseminated teachings in the name of Rabbi Yishmael. Rabbi Yehuda HaNasi himself esteemed Rabbi Yishmael, relying on the traditions he quoted, particularly the ones he transmitted in the name of his father.

Apparently, Rabbi Yishmael was wealthy, and was both a merchant and property owner who was forced at a certain point in his life to work for the Roman authorities. Though several prosaic details are known about him, including his being rather obese, there are no sources detailing anything about his private life or his family.

HALAKHA

The halakha does not follow this pair – אין הלכה כאותו – הווי: If a woman performed halitza before only two people serving as judges, or if one of the three judges was a relative of hers or disqualified from being a judge or witness in some other way, her halitza is invalid, even after the fact, in accordance with the opinion of Rav Nahman (Rambam Sefer Nashim, Hilkhoh Yibbum 4:16; Shulhan Arukh, Even HaEzer 169:3).

NOTES

How can we know what happened between him and her – בינו לבינה מי ידענא: The Rashba proves from here that halitza is considered a matter of forbidden sexual relationships, which requires the presence of two witnesses to deem it a valid act. Therefore, even though both the yavam and the yevama agree that halitza took place, it is insufficient to deem it valid. Others explain that for halitza to be valid it must be performed in the presence of a court, and therefore, even if one would trust the couple's word that the halitza took place, it is not considered a halakhically valid act so long as it was done in private.

In prison – בבית האסורין: The Yam shel Shlomo questions why it is necessary to determine the exact location of the incident and the location of Rabbi Akiva when he validated the act. After all, the halakha does not even follow Rabbi Akiva's opinion in this matter. He answers that the Gemara here clarifies that if three people were present, then certainly the halitza would be valid even in a prison, despite the fact that it was not an established place for the court to meet, as all of the additional requirements for the proper location of a halitza are not indispensable.

”חליצה בשנים” וכו'. אמר רב יוסף בר מניומי אמר רב נחמן: אין הלכה כאותו הויג. והא אמר רב נחמן תדא וימנא! דאמר רב יוסף בר מניומי אמר רב נחמן: חליצה בשלשה!

צריכי, דאי איתמר הך קמיינתא הוה אמנא: הני מילי – לכתחילה, אבל דיעבד – אפילו תרי, קא משמע לן: אין הלכה כאותו הויג. ואי אשמועינן אין הלכה כאותו הויג אלא בתנא קמא, הוה אמנא: דיעבד, אבל לכתחילה ליבעי חמשה, צריכא.

”מעשה שחלצו” כו'. בינו לבינה מי ידענא? אמר רב יהודה אמר שמואל: ועדים רואין אותו מבחוץ.

איבעיא להו: מעשה שחלצו בינו לבינה אבראי, ובא מעשה לפני רבי עקיבא בבית האסורין, או דלמא: מעשה שחלצו בינו לבינה בבית האסורין? אמר רב יהודה אמר רב: בבית האסורין היה מעשה, ולבית האסורין בא מעשה.

It was taught in the mishna: If she performed halitza before two or three people, and one of them is found to be disqualified to serve as a judge, Rabbi Shimon and Rabbi Yohanan the Cobbler validate it. Rav Yosef bar Minyumi said that Rav Nahman said: The halakha does not follow this pair⁴¹ who validate such a case. The Gemara asks: But didn't Rav Nahman already say this same ruling one time before? As Rav Yosef bar Minyumi said that Rav Nahman said: Halitza must be conducted before three people, indicating that there must be no fewer than three valid judges.

The Gemara answers: Both are necessary, for if only the first one, stating that halitza must be before three judges, were stated, I would say: This applies ab initio, but after the fact even two is acceptable. Therefore, he teaches us that the halakha does not follow this pair of Sages, and her halitza before two people is invalid even after the fact. And vice versa: If he would have told us only that the halakha does not follow this pair, but rather the first tanna, I would say that it is valid if performed before three people only after the fact, but they must require five people ab initio, in accordance with Rabbi Yehuda's opinion. Therefore it is necessary to say both of these statements.

§ A story is told in the mishna about an incident in which a couple once performed halitza between themselves in private while alone in prison, and the case later came before Rabbi Akiva and he validated it. The Gemara asks: How can we know what happened between him and her?⁴² There was no testimony to confirm it, and how can we be certain that the halitza was done properly to validate it? Rav Yehuda said that Shmuel said: And the halitza was validated because there were witnesses who saw them from outside the prison, who testified that the halitza was performed properly.

A dilemma was raised before the students in the house of study with regard to the incident recorded in the mishna in which a private halitza performed in a prison was validated: Did the incident in which they performed halitza between him and her privately actually take place outside in a different locale, and the reference to prison is that the case came before Rabbi Akiva when he was confined in prison?⁴³ Or, perhaps the incident when they performed halitza between him and her took place in prison, and then this case came before Rabbi Akiva? Rav Yehuda said that Rav said: The halitza incident took place in prison, and also the case came to Rabbi Akiva when he was in prison.

Perek XII Daf 106 Amud a

HALAKHA

Halitza must be performed with proper intention – אין חליצה אלא בכונה: Any halitza in which both parties do not intend to exempt the woman is invalid (Rambam Sefer Nashim, Hilkhoh Yibbum 4:16; Shulhan Arukh, Even HaEzer 169:44).

תנו רבנן: חליצה מוטעת בשרה. אי זו היא חליצה מוטעת? אמר ריש לקיש: כל שאומרים לו "חלוץ ובכך אתה בונסה".

אמר ליה רבי יוחנן: אני שונה בין שנתכוון הוא ולא נתכוונה היא, בין שנתכוונה היא ולא נתכוון הוא חליצתה פסולה, עד שיתכוונו שניהם כאחד – ואת אמרת חליצתה כשירה?!

§ The Sages taught: A mistaken halitza is valid. The Gemara asks: What constitutes a mistaken halitza? Reish Lakish said: Any case in which they say to a yavam who is not well versed in halakha: Let her remove your shoe, and in doing so you will take her in marriage, i.e., the yavam understands that by allowing halitza he will actually be marrying her. Although he actually intended to marry her, having allowed her to remove his shoe validates the halitza. Subsequently it is prohibited for the woman to marry him, and she is permitted to others.

Rabbi Yohanan said to him: I teach that whether in a case where he had intended to perform valid halitza and she did not intend, or whether she had intended and he did not intend, the halitza is invalid, unless they both intend together as one to perform a proper halitza that would permit her to marry others.⁴⁴ And yet you say that in that case when he doesn't have any intention of permitting her to others, and actually intends to marry her through the act of halitza, her halitza is valid?