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.

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.

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 spilt...

Perek XII
Daf 105 Amud a

If she recited, but did not spilt, etc. – אֶלָּא כְּשֵׁיָא הָוְיָא לִשְׁמָן רָקְקָה...
The Gemara asks: But according to Rabbi Akiva’s understanding that only an action performed on the body of the yevam 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?

The Gemara answers: Rabbi Akiva finds a reason to rabbincally 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 yevam. 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 yevam after the halitza. Therefore, Rabbi Akiva finds reason to rabbincally prohibit a woman after spitting, although he doesn’t do so if they merely recited the verses of halitza.

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 spit another time. 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 yevam, so one may dismiss her case from the court, as she does not require another act of spitting.

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, 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 halitza, 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.

She is not required to spit – אֵינוּ לְהוֹרָא לְרָקָה: 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.

The correct order of recitation is that the yevama recites her statement, then the yevam 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 HaZer 169:43).

A disaster could be brought out from it – חוּרְבָּא מִיפֶּקָר: 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).
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.9 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.

Apropos adherence to instructions given in the Torah, the Gemara relates a story. Levi went out to the villages8 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?10 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.

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?11 It merely states: “And she shall spit,” indicating that even if she spits blood the halitza is valid.12

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?

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.

This is in accordance with the words of Rav Shimuel bar Ami, as Rav Shimuel bar Ami said that Rabbi Yonatan said: From where is it derived that a sentence of judgment 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.

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**NOTES**

9. 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).

8. 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 Agada, 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.

10. An armless woman who performed halitza – המדריך בלא הלכה

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 (Genin).

11. Does it say: And she shall spit saliva? – מדריך בלא הלכה

The Mei’eri explains that although the phrase ‘she shall spit’ does implies 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.

12. From where is it derived that a sentence of judgment, etc. – המדריך בלא הלכה

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 (Yeyun 131a).
Therefore, their descendants no longer had any righteousness.

Abaye added that rectification could come through the study of Torah, which is listed before service by the mishna. Abaye thought that rectification could also come through the third matter mentioned in the mishna, acts of kindness (Maharsha; Yyun Yodk). The age of eighteen is the established age for marriage in the Torah. When his nephew Abaye was orphaned at a young age, Rabba succeeded in instituting a wide range of ordinances that would enable the Jewish people in all generations.

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 stood alone against 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 Rabbi 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 rebuild-ing. 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.

Apropos this verse, the Gemara mentions what Rabba 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. Abaye 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. The members of the family came and told Rabban Yoḥanan ben Zakka to come. It is stated: “All the increase of your house shall die young men” (1 Samuel 2:13), 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 2:12), indicating that there is no longer any atonement for iniquity of a community.

Notes

But he may gain atonement through words of Torah study, etc. – רְבָּא: 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 (Pirke 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 righteousness.

The age of eighteen is the established age for marriage in the Mishna, and one who marries a woman and has a son at the age of eighteen is the established age for marriage in the Torah, as the mishna states. Abaye added that rectification could come through the study of Torah, which is listed before service by the mishna. Abaye thought that rectification could also come through the third matter mentioned in the mishna, acts of kindness (Maharsha; Yyun Yodk). 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 Lahar).

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Because it is not possible that blood came out, etc. – שֶׁאִי דָּם אֲלֹהֵינוּ מִפִּיו: 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 (ר קטנה). 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. – אִם אֲבֹהּ מִפִּיו מֵי קַפּוּרִים: The Shulhan Arukh writes 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.

HALAKHA

Blood that issues from his mouth, etc. – רַבָּה אֲבֹהּ מִפִּיו מִצְּרֵא: 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 ritual 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 impure just as saliva does, as saliva is a primary source of impurity (Rambam Tefilat Taharah, Hilchos Metamei Mishkav UMoshav 1:16).

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 mouth⁴ 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.

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 mouth⁴ 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.

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.
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.

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 Hyya and Rabbi Shimon bar Rabbi Yehuda HaNaasi 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 while praying, as it is stated by God with regard to the Holy Temple: “And My eyes and My heart shall be there perceptually” (1 Kings 3:3), 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, 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.

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, 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 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.

The Gemara wonders: How can a male minor perform halitza? The Gemara answers: It is Rabbi Yosei, who seems to be commenting on this incident. As, Rabbi Hyya and Rabbi Shimon bar Rabbi Yehuda HaNaasi 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 while praying, as it is stated by God with regard to the Holy Temple: “And My eyes and My heart shall be there perceptually” (1 Kings 3:3), meaning: The Divine Presence rests in the Eretz Yisrael, and one must direct his gaze to the sacred land when praying.

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In the meantime, while they were talking, Rabbi Yehuda HaNasi came to the house of study and everyone quickly went to sit in their assigned places. Those who were light-footed hurried and sat in their places. Rabbi Yishmael, son of Rabbi Yosei, due to his being very heavy, was stepping and walking slowly, as everyone was already sitting in his place on the ground, requiring him to pass over their heads in order to get to his place.

Abdon, the shortened form of the name of Rabbi Yehuda HaNasi’s student and attendant, Abba Yudan, said to him: Who is that individual stepping over the heads of a sacred people? for it appeared to him as an act of disrespect to those sitting that Rabbi Yishmael stepped over their heads. He said to him: I am Yishmael, son of Rabbi Yosei, who came to learn Torah from Rabbi Yehuda HaNasi. Abdon said to him: But are you fit to learn Torah from Rabbi Yehuda HaNasi, for it seems that you are showing disrespect to others in order to accomplish it?

He said to him: Was Moses fit to learn Torah from the mouth of the Almighty? Rather, it is not necessary that the student be as dignified as his teacher. He said to him: And are you Moses? Rabbi Yishmael said to him: And is your teacher God? Rava said about this part of the story: Here Rabbi Yehuda HaNasi received his retribution \[mittarpes\] for remaining silent during this discussion and not reprimanding his student for humiliating Rabbi Yishmael. And what is his retribution? When Rabbi Yishmael spoke to Abdon, he said your teacher, and not my teacher, implying that he did not accept Rabbi Yehuda HaNasi’s authority upon himself.

In the meantime, a yevama came before Rabbi, and she was a minor close to the age of maturity who had performed halitza, but it was not clear whether she had already reached the age of maturity necessary to validate her halitza. Rabbi Yehuda HaNasi said to Abdon: Go and check to see if she has already reached maturity. After Abdon left, Rabbi Yishmael said to Rabbi Yehuda HaNasi: My father, Rabbi Yosei, said as follows: “Man” is written in the Torah portion of halitza, but the woman may be either an adult woman or a female minor.

Rabbi Yehuda HaNasi said to Abdon: Come back. You do not need to check, as the Elder, Rabbi Yosei, has already ruled that a minor can perform halitza, and therefore no further examination is required. Abdon was stepping and coming over the heads of the others in order to return to his place. Rabbi Yishmael, son of Rabbi Yosei, said to him: One upon whom a holy people depends may step over the heads of a holy people. But one upon whom a holy people does not depend, as there is no longer a need for Abdon to examine the woman, how can he step over the heads of a holy people?

Rabbi Yehuda HaNasi said to Abdon: Stand in your place and do not go any further. It was taught: At that moment Abdon was afflicted with leprosy as a punishment for insulting Rabbi Yishmael, son of Rabbi Yosei, and two of his sons who were recently married drowned, and his two daughters-in-law, who were minors married to those sons, made declarations of refusal and annulled their marriages. Rav Nahman bar Yitzḥak said: Blessed is the Merciful One, Who shames Abdon in this world, for this prevents him from being punished further in the World-to-Come, as all his iniquities have been forgiven through this suffering.

Rabbi Ami said: From the words of the great man, Rabbi Yosei, let us learn: A female minor performs halitza even as a young child, at age six or seven. Rava said: She may not perform halitza until she reaches the age of vows as an eleven-year-old, when she has enough intellectual capacity to understand the meaning of a vow. However, the Gemara concludes: And the halakha is: She may not perform halitza until she has two pubic hairs.

**HALAKHA**

Stepping over the heads of a sacred people – \[mitzar\] It is prohibited for a scholar to behave with crudeness and to unnecessarily elevate himself over the community, as one must not act frivolously to commoners even by stepping over their heads. (Rambam Sefer Shoftim, Hilkhot Sanhedrin 2:2; Shulhan Arukh, Even HaCzer 16:4.)

Until she has two pubic hairs – \[mitzar\] A female minor may not perform halitza. According to Beit Shmuel, a minor’s halitza is invalid even after the fact. However, after a minor performed such a halitza, it is prohibited for her to enter into levirate marriage. She may perform halitza only once she has reached the age of twelve years old plus one day and has been examined to prove that she has two pubic hairs, in accordance with the opinion of Rava (Rambam Sefer Nashim, Hilkhot Yibbum 1:17, Shulhan Arukh, Even HaCzer 16:4).

**NOTES**

I am Yishmael, son of Rabbi Yosei – \[mitzar\] A number of commentaries explain that Abdon’s three punishments correspond to the three inappropriate things he said to Rabbi Yishmael, son of Rabbi Yosei (see Maharsha, Katan Shmuel, Jyvyn Yavzikov, and Arukh HaLevi).

**LANGUAGE**

Retribution \[mittarpes\] – \[mitzar\] Apparently from the Middle Iranian pāfīzā, meaning punishment or retribution. The word underwent a phonological shift and further changes were introduced by manuscript copyists.
How can we know what happened between him and her – a question which the Rashi poses from here on. "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 yevamah 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 act took place, it is not considered a halakhically valid act so long as it was done in private.

In prison – the Talmud asks: Why is it 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.

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 mishnah 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? 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 mishnah 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? 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.

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 halakah: 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. 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!