

HALAKHA

The *halakha* does not follow this pair – אין הלכה כאותו – היוג: 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 היוג. והא אמר רב נחמן תדא וימנא! דאמר רב יוסף בר מניומי אמר רב נחמן: חליצה בשלשה!

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.

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

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.

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

§ 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.

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.

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".

§ 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.

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?!

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?

A mistaken *halitza* is valid – חֲלִיצָה מוּטְעָה כְּשֶׁרָה: If a *yavam* was deceived, e.g., if they said to him that the woman will pay him a large sum of money if he allows *halitza*, even if she does not pay him anything afterward, the *halitza* is valid, in accordance with Rabbi Yohanan's opinion. Even so, she is still obligated to give him what they agreed upon. This is in accordance with what Abaye said to the woman who performed *halitza* before him. However, in a case where the *yavam* is obligated by the court to perform *halitza* and he did not want to and therefore the court deceived him into doing so, then she does not owe him anything and need not pay, as in the case that came before Rabbi Ḥiyya (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:24; *Shulhan Arukh, Even HaEzer* 169:50).

אָלָא: כָּל שְׂאוּמְרִים לוֹ "חֲלוּץ לָהּ עַל מִנַּת שְׂתַתֵּן לְךָ מֵאֲתָיִם זָוִי". תִּנְיָא נִמְי הָבִי: חֲלִיצָה מוּטְעָה כְּשֶׁרָה. אִי זֶה הוּא חֲלִיצָה מוּטְעָה – כָּל שְׂאוּמְרִים "חֲלוּץ לָהּ עַל מִנַּת שְׂתַתֵּן לְךָ מֵאֲתָיִם זָוִי".

Rather, a mistaken *halitza* that is valid refers to any case in which they say to him: Let her perform *halitza* on you, with the intention of releasing her bond, on the condition that she will give you two hundred dinars afterward, and even if she does not give him the money the *halitza* is valid, as the stipulated condition is not binding.ⁿ This idea of Rabbi Yohanan is also taught in a *baraita*, which states: A mistaken *halitza* is valid.^h What constitutes a mistaken *halitza*? Any case in which they say: Let her perform *halitza* on you on condition that she will give you two hundred dinars.

וּמַעֲשֵׂה בְּאִשָּׁה אַחַת שֶׁנִּפְלְאָה לִפְנֵי יָבָם שְׂאִין גִּזּוֹן לָהּ, וְאָמְרוּ לוֹ: "חֲלוּץ לָהּ עַל מִנַּת שְׂתַתֵּן לְךָ מֵאֲתָיִם זָוִי", וּבָא מַעֲשֵׂה לִפְנֵי רַבִּי חִיָּיא, וְהִכְשִׁירָהּ.

And an incident occurred involving a certain woman, who happened before her *yavam* for levirate marriage, yet he was not suitable for her, and they, the judges, said to him: Let her perform *halitza* on the condition that she will give you two hundred dinars. Afterward, when she did not pay, the incident came before Rabbi Ḥiyyaⁿ and he validated that *halitza*.

הָהוּא דְאָתָא לְקַמֵּיהּ דְּרַבִּי חִיָּיא בַּר אֲבָא. אָבָא אָמַר לָהּ: בְּתִי, עֲמוּדִי אֲמַרָה לִי: אֵימָא יִשְׁבִּיתָה זֶה הוּא עֲמִידָתָה. אָמַר לָהּ: יָדְעֵת לִי? אֲמַרָה לִי: אֵין, מְמוּנָא הוּא דְאָתָא לָהּ, וְקָבְעִי לְמִכְלִיאָהּ מִיָּנָה.

One man came before Rabbi Ḥiyya bar Abba with his *yevama* in order to have the court convince her to perform a levirate marriage. Rabbi Ḥiyya said to her: My daughter, stand up, for we are beginning to discuss your case now, and the participants must stand. She said to him: Say that her sitting, referring to her desire to remain seated as an act of refusal of even contemplating the possibility of performing levirate marriage, is therefore tantamount to her standing, as levirate marriage is not an option for her. In other words, the option that will enable her to remain standing proud in the future is not to enter into levirate marriage with this man. Rabbi Ḥiyya said to her: Are you acquainted with this *yavam* and do you know him well enough to know why he wants to perform levirate marriage with you although you are not interested? She said to him: Yes, it is money that he saw in her, a euphemism for herself, and he wants to consume it by taking it from her, and therefore he wishes to enter levirate marriage.

אָמַר לָהּ: לָא מִתָּא לְךָ? אֲמַרָה לִי: לָא. אָמַר לִי: חֲלוּץ לָהּ וּבְכַךְ אָתָה בּוֹנָה. לְבַתָּר דְּחֲלוּץ לָהּ אָמַר לִי: הַשְׂתָּא, מִיָּנָה – אֲפֻסְלָא לָהּ, חֲלוּץ לָהּ חֲלִיצָה מַעֲלִימָתָא, כִּי הִיבִי דְתִישְׁתְּרִי לְעֻלְמָא.

Rabbi Ḥiyya said to her: Is he not amenable to you? She said to him: No, I am certain he is not good for me. Rabbi Ḥiyya accepted her wish, but knowing that the *yavam* was adamant in his desire to marry her, he said to the *yavam*: Let her remove your shoe, and in doing so you will take her in marriage, for he wanted to mislead him into allowing *halitza*, which would disqualify a subsequent levirate marriage between them. After he allowed her to perform *halitza*, Rabbi Ḥiyya said to the *yavam*: Now, she is disqualified for you forever, since you allowed her to perform *halitza*. Although you thought it was an act of marriage, she is no longer permitted to marry you, so you have nothing to lose if you permit her to marry others. Therefore, allow her to perform valid proper *halitza*, so she will be permitted to others. By performing a second *halitza*, even Rabbi Yohanan, who disqualified this form of a mistaken *halitza*, would have no problem permitting her to remarry based on the second *halitza*.

NOTES

תְּנָאִים – Conditions with regard to performing *halitza* – בְּחֲלִיצָה: The Gemara's explanation of the details of the *halakha* of a mistaken *halitza* are predicated upon the assumption that one is not permitted to stipulate conditions with regard to *halitza*. Even if one were to stipulate a condition for *halitza*, the condition is deemed null and void, and the *halitza* is valid even if the condition is not fulfilled. Rashi explains that the rationale behind this principle is based on the Gemara in tractate *Ketubot* (74a). There it says that the biblical source stipulating that conditions are generally binding is from the Torah passage detailing the conditions set by Moses for the children of Gad and the children of Reuben to inherit the land in Transjordan (see Numbers 32:20–24). Therefore, conditions may apply only in cases similar to the biblical source. One of the relevant requirements for the condition to be binding is that it be contingent on an act that can be performed through an agent. Since *halitza* must be performed specifically by the *yavam* and the *yevama*, unlike

divorce, which can be accomplished through an agent, it is therefore not possible to set conditions upon it.

The Rosh in his *Tosafot* (see also *Tosefot Had Mikamma'ei*) provides an explanation based upon the other reason presented in the Gemara there: Since *halitza* is an action, a condition set through speech does not have the power to cancel it. A condition can limit the validity only of a matter that is contractual in nature, but because *halitza* is performed by way of an action, one cannot annul it through a verbal stipulation and consider it as if no action were performed. Others explain differently: Since *halitza* is a mitzva, one cannot attach a condition to it, just as he may not do so for other mitzvot, as the principle is that one cannot stipulate a condition concerning that which is written in the Torah (*Mei Neftoah*).

וּבָא מַעֲשֵׂה לָהּ – The incident came before Rabbi Ḥiyya, etc. – רַבִּי חִיָּיא וְכוּ: In the Jerusalem Talmud a slightly different version

of this story appears, in which Rabbi Ḥiyya says to the man: This woman does not want to be your wife through levirate marriage, but rather through regular marriage. Therefore, allow her to perform *halitza* in order to undo the levirate bond, and afterward you can marry her consensually as a wife. After she performed *halitza*, Rabbi Ḥiyya then said to the *yavam* that from now on the woman is forbidden to him forever and he must go back and allow her to perform a second, proper *halitza*. The early commentaries discuss what cases of mistaken and deceptive *halitza* are permitted: Are the examples stated explicitly in the Gemara the only types of permitted deception, as they broker an agreement in which the man allows *halitza* in return for sum of money or something similar? Or is any case effective in which the *yavam* performs *halitza* with the knowledge that in doing so he releases the *yevama* from the levirate bond, but conditions it upon another matter? See Rashba and *Yam shel Shlomo*.

NOTES

But what shall I say to him – וְאֵלָא הֵיכִי אֵימָא לִיהּ – The early commentaries asked: Apparently, Abaye could have acted similarly to Rabbi Ḥiyya bar Abba in this situation, deceptively convincing the *yavam* to allow invalid *ḥalitza*, and afterward he could compel him a second time to perform valid *ḥalitza*, so why didn't Abaye do so? The Rashba answers that perhaps this *yavam* was powerful and it would not be possible to compel him in court. Furthermore, even when the courts can compel, whenever possible, it is preferable to achieve the same result without the need for force.

The ferryman receives only his usual rate – אֵין לוֹ אֶלָּא – Various reasons have been given to explain why the passenger was not obligated to pay the full sum that he offered the ferryman. Some explain that the primary reason for the dispensation is that since the agreement was made under duress it does not constitute a valid obligation, as the passenger never truly intended to pay such a large sum. Others explain that since the ferryman was obligated to save the passenger's life, he was not permitted to take more than his usual rate. However, the Ramban notes that this reason is not sufficient to explain how the same principle is applied with respect to *ḥalitza*, as there is no mitzva specifically obligating *ḥalitza*. Others differ and state that *ḥalitza* does constitute a mitzva to some extent and one may not demand excessive payment for it (see Ritva and Meiri).

A more general question arises out of this Gemara, the beginning of which is already dealt with in *Tosafot*. Under what conditions is the agreement to give a large payment to someone valid when there is no relationship between the amount of work and exertion necessary to complete the job and the stipulated sum? Under what conditions is one allowed to say: I was fooling you, and be freed from paying the excessive sum? According to *Tosafot* it seems that with regard to any profession for whose services it is customary to pay large sums, the one who received the service cannot claim: I was fooling you (see Ramban and Rashba).

בַּת חַמוּהָ דְרַב פַּפָּא נִפְלְהָ לְפָנֵי יָבָם שְׂאִין הָגוֹן לָהּ, אֲתָא לְקַמְיָה דְאַבְיִי. אָמַר לִיהּ: חַלוּץ לָהּ, וּבִכְךָ אֲתָהּ כּוֹנֵסָה. אָמַר לִיהּ רַב פַּפָּא: לֹא סָבַר לָהּ מַר לְהָא דְאָמַר רַבִּי יוֹחָנָן? וְאֵלָא הֵיכִי אֵימָא לִיהּ?

אָמַר לִיהּ: חַלוּץ לָהּ עַל מְנַת שְׂתֵתָן לָךְ מֵאֲתָם זֶוּ! לְבַתָּךְ דְּחַלֵּץ לָהּ. אָמַר לָהּ: זֵיל הֵב לִיהּ! אָמַר לִיהּ: "מִשְׁטָה אָנִי בְּךָ" עֲבַדְהָ לִיהּ.

מִי לֹא תֵנָּא: הָרִי שְׁהִיָּה בּוֹרַח מִבֵּית הָאֶסְרוּן, וְהִיתָה מֵעֲבָרָא לְפָנֵינוּ, וְאָמַר לִיהּ: "טוֹל דִּינָר וְהֵעִבִירֵנִי," אֵין לוֹ אֶלָּא שְׂכָרוֹ.

אֶלְמָא. אָמַר לִיהּ "מִשְׁטָה אָנִי בְּךָ", הֲכֹא נִמְי "מִשְׁטָה אָנִי בְּךָ".

אָמַר לִיהּ: אָבוּךָ הֵיכָא: אָמַר לִיהּ: בְּמִתָּא. אֵימְךָ הֵיכָא? אָמַר לִיהּ: בְּמִתָּא. יְהִיב בְּהוּ עֵינֵיהּ וּשְׂכִיבָן.

It is told: **The daughter of Rav Pappa's father-in-law, i.e., his sister-in-law, happened before her *yavam* for levirate marriage, yet he was not suitable for her, although he wished to perform levirate marriage. The case came before Abaye. Abaye said to the *yavam*: Let her remove your shoe, and in doing so you will take her in marriage. Rav Pappa⁸ said to him: Does the Master, i.e., do you, not accept what Rabbi Yoḥanan said, that this type of *ḥalitza* does not work at all? Abaye said to him: But what shall I say to him?⁹**

He said to Abaye that he should say to him as Rabbi Yoḥanan himself suggested: **Let her perform *ḥalitza* on the condition that she will give you two hundred dinars.** Convince him to allow *ḥalitza* on the basis that he will profit financially from it. Abaye told the *yavam* to do so and he did. **After he let her perform *ḥalitza*, Abaye said to Rav Pappa's sister-in-law: Go give him the money, for you have agreed to give him two hundred dinars. Rav Pappa said to Abaye on her behalf that a case of: I was fooling you, was what she did to him.** She never seriously intended to give him the money when accepting his stipulated condition, and even though the *ḥalitza* is valid one cannot force her to pay.

Isn't it taught in a *baraita*: **One who was running away from prison and came upon a ferry. He said to the ferry man: Take a dinar, i.e., he offered to pay an amount much larger than the standard fee, and take me across the river. Despite the escapee's commitment, it is ruled in the *baraita* that the ferryman receives nothing other than his usual rate,¹⁰ as the escapee is legally exempt from paying the higher amount he had agreed to pay.**

Apparently, one could have said in such a case: **I was deceiving you and never really intended to live up to my side of the agreement, and therefore it is not an actual debt. Here too, she may say to him: I was fooling you, and she is therefore exempt from paying the two hundred dinars. Abaye heard this and agreed.**

Abaye was amazed at Rav Pappa's sharpness, as he was a young man at the time of this incident. Therefore, **he said to Rav Pappa: Where is your father? He said to him: He is in the city. Where is your mother? He said: In the city.** Abaye, who was orphaned in his youth, felt that a large part of Rav Pappa's success came because his parents lived in close proximity to him and provided for all his needs, freeing him from any need to get involved in business affairs and enabling him to immerse himself in Torah without distractions. Abaye felt a twinge of jealousy and **set his gaze upon them, Rav Pappa's parents, in the pain that he did not have similarly supportive parents, and both Rav Pappa's father and mother died.**

PERSONALITIES

Rav Pappa – רַב פַּפָּא: Rav Pappa, from the fifth generation of Babylonian *amora'im*, was a student of both Abaye and Rava in Pumbedita. After Rava's death Rav Pappa established an academy in Neresh, where he was joined by his close friend, Rav Huna, son of Rav Yehoshua, who was appointed chief lecturer. Many of Rava's students came to study under Rav Pappa, who had more than two hundred students attending his lectures.

Rav Pappa's father was a wealthy merchant and supported him throughout many years of Talmud study. Rav Pappa became a wealthy businessman in his own right and a successful brewer of date beer. He also prospered in other business ventures. The Talmud records that he engaged in trade with both Jews and gentiles and had a reputation for fairness and generosity in his business dealings. Rav Huna became his partner in many such undertakings and became wealthy as well.

Rav Pappa had great respect for the Sages, and upon entering a city he would immediately call upon the rabbinic head of the community. Once, Rav Pappa felt that he had spoken inappropriately about one of the Sages, and he took upon himself a personal fast as penance for his act. He was reluctant to offer final rulings in various areas of *halakha*, and he often chose to be stringent in accordance with both opinions in the Talmud rather than rule in accordance with a single opinion.

Rav Pappa was blessed with ten sons, all of whom were Torah scholars. Traditionally, the names of Rav Pappa's ten sons are recited as part of the ceremony at the completion of the study of a tractate. While the source of this tradition is unclear and the identities of the sons are uncertain as well, the Rema suggests that it commemorates the celebrations made by Rav Pappa with his sons upon completing a course of study.

Recognizing and not recognizing – **מכירין ואין מכירין** – The early commentaries question why specifically with regard to *halitza* must one recognize the *yavam* and the *yevama*, while in cases of betrothal or permitting a woman to remarry based on testimony that her husband is dead, special recognition of the parties is not required? *Tosafot Yeshanim* explains that the case here is one where the *yavam* himself does not recognize the *yevama*, unlike the other cases where the individuals involved recognize one another. The Ramban states that specifically with respect to *halitza* one must be concerned about deviousness, as someone might come to a court claiming to be the *yavam* and release the woman through *halitza*, and then go with the woman to a different locale in order to marry her. Similar concerns don't apply in other situations (see Rashba).

One may perform *halitza* or make a declaration of refusal even when the judges do not recognize them – **חולצין** – **ממאנים אף שאין מכירים**: The reason a court cannot always wait to thoroughly clarify the identities of the participants is that on some occasions there is no time for background identifications, e.g., when the *yavam* is about to leave for an overseas country, or when the minor is about to reach the age of maturity and will not be able to make a declaration of refusal afterward (*Tosefot Rid*).

תנו רבנן: חליצה מוטעת – כשרה, גט מוטעה – פסול, חליצה מעושית – פסולה, גט מעושה – כשר. היכי דמי? אי דאמר "רוצה אני" – אפילו חליצה נמי, ואי לא אמר "רוצה אני" – גט נמי לא!

S The Sages taught: A mistaken *halitza* is valid, while a mistaken bill of divorce is invalid.^h A coerced *halitza*^h is invalid, while a coerced bill of divorce^h is valid. The Gemara clarifies: What are the circumstances of a coerced bill of divorce? If they force him until he says: I want to give the bill of divorce, then even this type of *halitza* also should be valid, as although he was initially coerced, he acquiesced. And if he did not say by the end of the giving of the bill of divorce: I want to divorce her, then even this type of coerced bill of divorce should also not be acceptable.

הכי קאמר: חליצה מוטעת לעולם כשר, וגט מוטעה – לעולם פסול. חליצה מעושית וגט מעושה – וימנן כשר, וימנן פסול. הא – דאמר "רוצה אני", הא – דלא אמר "רוצה אני".

The Gemara answers that this is what the Sage said: A mistaken *halitza* is always valid, while a mistaken bill of divorce is always invalid. A coerced *halitza* and a coerced bill of divorce are sometimes valid and sometimes invalid. How so? With regard to the one who says after being coerced: I want to give the bill of divorce, it is effective, although he says this as a result of being under compulsion. With regard to the one who does not say: I want to give the bill of divorce, the divorce is invalid.

דתנא: "יקריב אותו", מלמד שבפני אותו יכול בעל כרחו? תלמוד לומר "לרצונו". הא ביצד? בפני אותו עד שיאמר "רוצה אני". וכן אתה מוצא בגיטי נשים: כופין אותו עד שיאמר "רוצה אני".

As it is taught in a *baraita*: It is said with regard to some offerings: "He shall offer it" (Leviticus 1:3). This teaches that they may coerce him to bring the offering he owes. I might have thought this means that he brings the offering totally against his will. Therefore, the continuation of that verse states: "In accordance with his will" (Leviticus 1:3). How can these two contradictory expositions be reconciled? They coerce him by imposing fines or penalties until he says: I want to. And similarly, you find the same principle with respect to bills of divorce for women, as it is prohibited for anyone other than the husband to write the bill of divorce, but they coerce him until he says: I want to^h divorce her, and then write the bill of divorce on his behalf.

אמר רבא אמר רב סחורה אמר רב הונא: חולצין אף על פי שאין מכירין, ממאנים אף על פי שאין מכירין.

S Rava said that Rav Sehora said that Rav Huna said: Judges can allow a man and woman to conduct *halitza* even if the judges do not recognize the participants.ⁿ In other words, even if they do not have complete testimony before them that proves that these two people are a *yavam* and a *yevama*, if two people wish to perform *halitza*, the judges are not required to check their identities. Likewise, with regard to women making declarations of refusal: If a young woman after reaching majority comes to make a declaration of refusal against her husband, she may do so, even if witnesses do not recognize her and they do not know for sure that she is the wife of the supposed husband.ⁿ

HALAKHA

A mistaken bill of divorce is invalid – **גט מוטעה פסול** – If someone divorces his wife based on a condition, e.g., he divorces her on condition that she give him a certain sum of money, then, if the condition is fulfilled, the bill of divorce is valid, and if it is not fulfilled, she is not divorced, and it is permitted for her to return to her husband, even if her husband is a priest (Rambam *Sefer Nashim*, *Hilkhot Geirushin* 8:1; *Shulhan Arukh*, *Even HaEzer* 143:1).

Coerced *halitza* – **חליצה מעושית** – After the *yavam* agrees to allow *halitza*, they tell him to cancel any prior declarations that he gave that would render the *halitza* or divorce invalid. The *halakhot* with regard to one coerced to allow *halitza* are identical with the *halakhot* of one coerced to give a bill of divorce (Rema). This ruling is in accordance with the conclusion of the Gemara that states that there is no difference between *halitza* and a bill of divorce with regard to this issue (Rambam *Sefer Nashim*, *Hilkhot Yibbum* 4:25; *Shulhan Arukh*, *Even HaEzer* 169:13).

A coerced bill of divorce – **גט מעושה** – When one is under compulsion to give a bill of divorce, if he made an initial declaration stating that his giving of the bill of divorce is without proper intention, this cancels the bill of divorce. If he did not make such a declaration, but he was compelled unlawfully, the bill of divorce is invalid, but if they compelled him legally to give a bill of divorce, even if he agreed only due to the court's compulsion, it is still a valid bill of divorce. Therefore the court compels anyone who gives a bill of divorce to cancel all earlier declarations (Rambam *Sefer Nashim*, *Hilkhot Geirushin* 2:20; *Shulhan Arukh*, *Even HaEzer* 134:5).

They coerce him until he says: I want to – **כופין אותו עד** – **שיאמר רוצה אני**: Even though the verse in Leviticus quoted in the Gemara states that offerings are to be brought "in accordance with his will," one may compel in court one obligated to bring an offering until he says: I want to (Rambam *Sefer Avoda*, *Hilkhot Ma'aseh HaKorbanot* 14:16).

לְפִיכֶךָ, אִין בּוֹתְבִין גַּט חֲלִיצָה אֶלָּא
אִם בֶּן מִכִּירִין, וְאִין בּוֹתְבִין גַּט מִיֵּאוֹן
אֶלָּא אִם בֶּן מִכִּירִין, דְּחִיּוּשֵׁינָן לְבֵית
דִּין טוֹעִין.

Therefore, in cases where the woman is not identified, although the court may perform *halitza* and refusals, it **may not write a document of *halitza***, i.e., a document attesting that *halitza* took place, **unless they**, the judges, **recognize her**. And witnesses to the act **may not write a document of a declaration of refusal**, i.e., a document attesting that a refusal took place, **unless they**, the judges, **recognize the woman**, as we are concerned about the possibility of a **mistaken court**. Perhaps a court will not know that such a document is not complete proof that the action was conducted properly, and will consider it as proof that it was the *yevama* in this document who removed the shoe, or the wife in this document who made a declaration of refusal. Since the first court can conduct *halitza* and refusals without accepting witnesses attesting to the identities of the involved parties, a second court cannot rely on these attesting documents alone, but must verify the identities before declaring the women eligible for marriage.

וְרַבָּא דִּידֵיהּ אָמַר: אִין חוֹלְצִין אֶלָּא
אִם בֶּן מִכִּירִין, וְאִין מְמַאֲנִין אֶלָּא אִם
בֶּן מִכִּירִין. לְפִיכֶךָ, בּוֹתְבִין גַּט חֲלִיצָה
אִף עַל פִּי שְׂאִין מִכִּירִין, וְכוֹתְבִין גַּט
מִיֵּאוֹן אִף עַל פִּי שְׂאִין מִכִּירִין, וְלֹא
חִיּוּשֵׁינָן לְבֵית דִּין טוֹעִין.

And Rava himself said the opposite of what he quoted in the name of others: A court **may not conduct *halitza* unless they**, the judges, **recognize the participants**,^h and a court **may not convene a declaration of refusal unless they**, the judges, **recognize the young woman**.^h Therefore, witnesses **may write a document of *halitza* even if they do not recognize the women themselves**,^h as one who witnessed a court conduct *halitza* can be sure that the court already checked the party's identities thoroughly. And witnesses **may write a document of refusal even if they do not recognize the young woman who has refused**,^h relying on the fact that witnesses must have already attested to their identities. **And we need not be concerned about the possibility of a mistaken court**, as there is no reason to fear that the first court conducted the case without properly identifying the participants.

HALAKHA

A court may not conduct *halitza* unless they recognize the participants – אִין חוֹלְצִין אֶלָּא אִם בֶּן מִכִּירִין – The court must recognize the man who comes to perform *halitza*. The court must also know that he is truly the brother of the deceased man, that he was alive in the lifetime of the deceased, and that the woman is the wife of the deceased, in accordance with the opinion of Rava (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:29; *Shulhan Arukh, Even HaEzer* 169:8).

A court may not convene a declaration of refusal unless they recognize the young woman – אִין מְמַאֲנִין אֶלָּא אִם בֶּן מִכִּירִין – Those before whom a minor makes a declaration of refusal must recognize her and her husband (Rambam *Sefer Nashim Hilkhot Geirushin* 11:10; *Shulhan Arukh, Even HaEzer* 155:8).

Witnesses may write a document of *halitza* even if they do not recognize the women themselves – אִין חוֹלְצִין אֶלָּא אִם בֶּן מִכִּירִין –

עַל פִּי שְׂאִין מִכִּירִין: After a woman performed *halitza*, the court writes a document for her stating that she did so in their presence. If the court did not write it for her, any two individuals who saw the *halitza* being carried out may write this document even if they do not know the *yavam* and *yevama*, as they may rely on the certainty that the court that oversaw their *halitza* identified the parties in advance (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:29; *Shulhan Arukh, Even HaEzer* 169:56).

One may write a document of refusal even if he does not recognize the young woman – אִין מְמַאֲנִין אֶלָּא אִם בֶּן מִכִּירִין – Anyone who saw a certain woman making a declaration of refusal before two people may write her a document of refusal, as the witnesses certainly recognized her, since a refusal cannot be performed unless the witnesses recognize the parties in advance (Rambam *Sefer Nashim, Hilkhot Geirushin* 11:9; *Shulhan Arukh, Even HaEzer* 155: 8).

מתני' מצות חליצה: בא הוא ויבמתו לבית דין, והן משיאיין לו עצה ההוגנת לו שנאמר 'וקראו לו וקני עירו ודברו אליו'.

והיא אומרת: 'מאן יבמי להקים לאחיו שם בישראל לא אבה יבמי', והוא אומר: 'לא חפצתי לקחתה'. ובלשון הקדוש היו אומרים. 'ונגשה יבמתו אליו לעיני הזקנים וחליצה נעלו מעל רגלו וירקה בפניו' ורק הנראה לדיינים. 'וענתה ואמרה ככה יעשה לאיש אשר לא יבנה את בית אחיו'. עד כאן היו מקריין.

ובשעה קרא רבי הורקנוס תחת האלה בכפר עיטם וגמר את כל הפרשה, הוחזקו להיות גומריין כל הפרשה. 'ונקרא שמו בישראל בית חלוץ הנעל'. מצוה בדיינין, ולא מצוה בתלמידים. רבי יהודה אומר: מצוה על כל העומדים שם לומר: 'חלוץ הנעל'.

MISHNA The mitzva of *halitza* is performed as follows: **He and his yevama come to the court, and the scholars of the court give him advice appropriate for him,**^h whether to enter levirate marriage or to perform *halitza*, as it is stated: **"And the Elders of his city shall call him and speak to him"** (Deuteronomy 25:8).

If they decide to perform *halitza*, she says:^h **"My brother-in-law refused to establish a name for his brother in Israel, he did not wish to consummate the levirate marriage"** (Deuteronomy 25:7), and afterward he says: **"I do not wish^h to take her"** (Deuteronomy 25:8). **And they would say these statements in the sacred Hebrew languageⁿ** and not in any other language. Afterward, the shoe is removed and she spits before him, as is written: **"His yevama shall approach him, before the Elders, and remove his shoe from on his foot and spit before him"** (Deuteronomy 25:9), which indicates that **this spittle must be visible to the judges.**^h **"And she shall respond and say: So shall it be done to the man who does not build his brother's house"** (Deuteronomy 25:9). **Up until this point the judges would prompt the parties to recite the text that they are required to say.**

And when Rabbi Hyrcanus^{lp} once prompted the participants in *halitza* under the *ela* tree in the village of Eitam, he prompted them to finish reciting the whole Torah passage, after which they established the custom of completing the whole Torah passage. Therefore, they continue and say the following verse: **"And his name shall be called in Israel: The house of he who had his shoe removed"** (Deuteronomy 25:10). **This mitzva of saying: The house of he who had his shoe removed, applies to the judges, but not to the students, i.e., the students of the judges and other onlookers who are present. Rabbi Yehuda says: It is a mitzva upon all those present^h to say: He who had his shoe removed.**

HALAKHA

הן משיאיין לו – They give him advice appropriate for him – **עצה ההוגנת לו:** When the *yavam* and the *yevama* come to the court the judges give them advice befitting their situation, whether to enter levirate marriage or perform *halitza* (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:1; *Shulhan Arukh, Even HaEzer* 167:1).

She says, etc. – היא אומרת וכו' – They prompt the *yevama* to recite the following words, one word at a time: "My brother-in-law refused to establish a name for his brother in Israel, he did not wish." But they prompt her to read the words: "He did not wish," all at once. This recitation, like the other recitations during *halitza*, must be recited in Hebrew, in accordance with the mishna and the conclusion of the Gemara (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:9; *Shulhan Arukh, Even HaEzer* 169:29 and *Seder Halitza* 48).

He says: I do not wish, etc. – הוא אומר: לא חפצתי וכו' – They prompt the *yavam* to recite: "I do not wish to take her." The Rema writes that they prompt him to recite "to take her [*lekahtah*]" with the final letter *heh* accentuated, and likewise

they prompt him to recite these words together, all at once, in accordance with Abaye's opinion (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:9; *Shulhan Arukh, Even HaEzer* 169:29, *Seder Halitza* 49).

רוק הנראה לדיינים – Spittle must be visible to the judges – **היא עומדת לפניו ופועה לפניו:** The *yevama* stands across from the *yavam* and spits on the ground before the face of the *yavam*. Her spittle must be visible to the judges from when it leaves her mouth until it reaches the space before the *yavam*. If they did not see it from the time it left her mouth, the *halitza* is still valid after the fact, in accordance with the mishna and Rava's opinion in the Gemara (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:23; *Shulhan Arukh, Even HaEzer* 169:38).

מצוה על כל העומדים – It is a mitzva upon all those present – **אומר: 'הוא אומר: לא חפצתי וכו' –** After the woman finishes reciting her verses, it is a mitzva upon all the onlookers there to say aloud: "He who had his shoe removed," three times, and some say that the *yevama* must also say it (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:6; *Shulhan Arukh, Even HaEzer* 169:42).

NOTES

They would say it in the sacred Hebrew language – **בלשון הקודש** – It states likewise in tractate *Sota* (32a) that since the Torah states with regard to *halitza*: "And she shall respond," it is learned by means of a verbal analogy from other places in which the term respond is used that the recitation must be done in the sacred language, i.e., Hebrew. *HaKetav VehaKabbala* explains that the term respond is a ceremonial phrase, and whenever it is used it means that this speech does not require understanding of the words, but rather details an action that must be performed in a particular way.

LANGUAGE

הורקנוס – Hyrcanus: From the Greek name Ἰρκανός, *Hyrcanus*, which was originally an epithet attached to the name of one who came from an area by that name. Later, this name became an epithet for several of the Hasmonean kings and for others in the generations that followed them.

PERSONALITIES

Rabbi Hyrcanus – רבי הורקנוס: This is the only mention of Rabbi Hyrcanus in the Talmud, although there are those who suggest that he was Hyrcanus, the son of Rabbi Eliezer HaGadol, mentioned in several places.

If this is the son of Rabbi Eliezer, it explains why the Sages gave such credence to his custom. It is safe to assume that Hyrcanus was acting according to the custom of his father, who was himself known for acting only according to the tradition of his masters.

The mitzva is like this – מצוה הכי – There is in fact a distinction between the word mitzva and the word obligation. The word mitzva indicates the manner in which something should be performed initially, as this is the proper way to do it *ab initio*. If one did not perform the mitzva in its ideal form, one may still fulfill the minimal obligation.

Rava concedes concerning: He did not wish – מודה – רבא בלא אבה: Rabbeinu Hananel cites an alternate version of the text that seems to have been accepted by a number of early commentaries. According to that version, Rava agrees that “He did not wish to consummate the levirate marriage” must be said carefully, in accordance with Rabbi Zeira’s principle that in the case of a meal-offering fit to be mixed, the actual mixing is not indispensable to it, but a meal-offering that is not fit to be mixed is invalid even though the actual mixing is not indispensable. From here, several halakhic authorities conclude that one need not actually say these verses properly, but must merely know how to do so. If they know how to say them correctly, even if they did not do so during the actual *halitza*, the *halitza* is still valid.

Other authorities accept the printed version of the text that requires that the words actually be read properly during the *halitza* itself. The Meiri adds that the very comparison of this issue to Rabbi Zeira’s statement is surprising, as the whole concern is that perhaps the participants who misread the words will misunderstand them, and therefore he asks: If they did not say them correctly during the *halitza*, what good is it if they were able to do so beforehand?

And as for the question of why Rava agrees specifically with regard to the words: “He did not wish to consummate the levirate marriage.” The Rif seems to understand that there is no distinction between the different phrases, and Rava agrees in both cases, but the Gemara means to say that it is not common for the *yavam* to have so little knowledge of Hebrew that he would have difficulty saying this phrase, which in Hebrew is only three words.

HALAKHA

If one switched the order, we have no problem with it – אי אפיך לית לן בה – The order of *halitza* is that first the *yevama* recites, then the *yavam* recites, and then she removes the shoe and spits and then recites again. But if they changed the order, they have still fulfilled the mitzva, in accordance with the conclusion of the Gemara (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:9; *Shulhan Arukh, Even HaEzer* 169:43).

The one who prompts, etc. – האי מאן דמקריבי: They train the *yevama* and *yavam* to recite their statements well, until they both know to say them properly, and they ensure that she can say: “He did not wish” in one breath, as Rava also agrees this is necessary. There is an opinion that says that they must also train him to say: “I do not wish” all at once, in accordance with Abaye, for even Rava disagreed with him only after the fact (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:4; *Shulhan Arukh, Even HaEzer* 169:29).

Mar Zutra would score – מר זוטרא משרטט: After the woman removes the shoe, the court who witnessed her actions writes a *halitza* document for her, and they must score the parchment with lines, as documents containing scriptural verses must be scored (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:4; *Shulhan Arukh, Even HaEzer* 169:56).

גמ' אמר רב יהודה: מצות חליצה: קוראה, וקורא, וחולצת, ורוקקה, וקוראה. מאי קמשמע לן? מתניתין היא! הא קמשמע לן: מצוה הכי, ואי אפיך – לית לן בה.

תניא נמי הכי: בין שהקדים חליצה לרקיקה, ובין שהקדים רקיקה לחליצה – מה שעשה עשוי.

אמר אביי: האי מאן דמקרי גט חליצה – לא ליקרי לדידה “לא” לחודיה ו“אבה יבמי” לחודיה, דמשמע: אבה יבמי, אלא: “לא אבה יבמי”.

ולא ליקרי לדידה “לא” לחודיה “תפצתי” לחודיה, דמשמע: תפצתי לקחתה, אלא: “לא תפצתי לקחתה”. רבא אמר: אפסוקי מילתא היא, ואפסוקי מילתא – לית לן בה.

רב אשי אשכחיה לרב כהנא דקמצער ומקרי לה “לא אבה יבמי”. אמר ליה: לא סבר ליה מר להא דרבא?

אמר ליה: מודה רבא ב“לא אבה יבמי”. אמר אביי: האי מאן דכתב גיטא דחליצתא – לכתוב הכי: אקרינוה לדידה מן “מאן יבמי” עד “אבה יבמי”, ואקרינוהו לדידה מן “לא” עד “לקחתה”, ואקרינוהו לדידה מן “ככה” ועד “חלוץ הנעל”.

מר זוטרא משרטט וכתוב לכולא פרשה. מתקין לה מר בר אידי: והא לא ניתן ליכתוב! והלכתא כוותיה דמר זוטרא.

GEMARA Rav Yehuda said: This is the correct order for the mitzva of *halitza*: She recites the sentence beginning with “My brother-in-law refused” (Deuteronomy 25:7), and afterward he recites “I do not wish to take her” (Deuteronomy 25:8). Then she removes the shoe, and spits, and recites: “So shall it be done to the man who does not build his brother’s house” (Deuteronomy 25:9). The Gemara asks: What is Rav Yehuda teaching us? This is already explicit in the mishna. The Gemara answers: This teaches us that the mitzva is like this,ⁿ i.e., this is the proper order, but if one switched the order, we have no problem with it,^h as even though he did not fulfill the mitzva properly, the *halitza* is still valid, since the order is not indispensable.

The Gemara comments: This is also taught in a *baraita*: Whether the removal of the shoe preceded the spitting, or whether the spitting preceded the removal of the shoe, what he did is done, i.e., the *halitza* is valid.

Abaye said concerning the details of these *halakhot*: The one who prompts^h the *yavam* and the *yevama* to read the text for the bill of *halitza* should not prompt her by reciting “He did not” (Deuteronomy 25:7) by itself, and “wish to consummate the levirate marriage” (Deuteronomy 25:7) by itself, because such a way of reading sounds to one who hears only the second phrase like he is saying: My *yavam* does wish to consummate the marriage. Rather, he should prompt her all at once consecutively: “He did not wish to consummate the levirate marriage” (Deuteronomy 25:7), which will ensure that the intended meaning is clear.

And he should not read to the *yavam*: “I do not” by itself, followed by: “Wish to take her” by itself, as it sounds to one who heard only the second phrase like: I do wish to take her. Rather, he should read together at once: “I do not wish to take her.” Rava said: It is a mere interruption in the matter. And we have no problem with regard to an interruption in the matter as it is basically just a pause for taking a breath.

It is told: Rav Ashi found Rav Kahana painstakingly trying to prompt a certain *yevama*, so that she would recite: “He did not wish to consummate the levirate marriage” all at once, but the *yevama* did not understand and was distorting the meaning by not reciting the words together. Rav Ashi said to him: Does the Master not hold that which Rava said, that the proper pausing during the recitation is not indispensable?

He said to him: Although Rava disagreed with Abaye about interruptions in the recitation of: “I do not wish to take her,” Rava concedes concerning the recitation of: “He did not wishⁿ to consummate the levirate marriage,” as this recitation is essential and must be recited properly. Rav Kahana added that Abaye also said: One who writes a bill of *halitza* must write as follows: We prompted her to recite from “My brother-in-law refused” until “he did not wish to consummate the levirate marriage” (Deuteronomy 25:7); and we prompted him to recite from “I do not” until “take her” (Deuteronomy 25:8). And we prompted her to recite from “So shall” (Deuteronomy 25:9) until “he who had his shoe removed” (Deuteronomy 25:10).

Mar Zutra would score^h lines of a parchment and write the whole *halitza* passage on it as a bill of *halitza*, so it would be displayed before the *halitza* participants. Mar bar Idi strongly objected to this: But it is unable to be written like this on its own, as the Torah may be written only in a complete state, and it is prohibited to write parts of the Torah when there is no mitzva to write them separately. The Gemara comments: Even so, the *halakha* is in accordance with the opinion of Mar Zutra, because there is an aspect of a mitzva here, as it is being written as part of a bill of *halitza*, not for its own purpose.

If the *yevama* spat but the wind seized her saliva – רָקְקָה – וְקָלְטוּהָ הַרוּחַ: If the *yevama* spat and the wind seized the saliva before it reached the space across from his face, as might happen in a case where she is taller than he is, she must spit another time. But if the saliva reached the space across from his face and never dissipated before it reached the ground, it is valid, in accordance with Abaye (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:23; *Shulhan Arukh, Even HaEzer* 169:39).

If she ate garlic, etc. – אָכְלָה תוּמָא וכו' –: If the *yevama* ate garlic or cress or any other item that increases saliva, and this saliva came out of her mouth on its own, it is not considered spitting. The custom on that day was that the *yevama* would not eat (*Sefer HaTeruma*) and would refrain from speaking excessively to ensure that the saliva would come on its own, in accordance with Rava (Rambam *Sefer Nashim, Hilkhot Yibbum* 4:22; *Shulhan Arukh, Even HaEzer* 169:41).

NOTES

וְיִרְקָה בְּפִנּוּ בְּעֵינַי – We require that she spit before him – The Meiri explains that it is clear that the words: Spit before him, do not mean that she must actually spit in his face, but rather to the side of his face, in front of him. That the spitting is done in front of the face of the *yavam* is the minimal requirement for the spitting to be valid. Based on this requirement, some said that the *halitza* of a blind man is invalid, as he cannot see the saliva and therefore it should be considered as if the spitting were not done before him at all. The Rashba explains that this is not so, and the *halitza* of a blind man is valid even *ab initio*, because the Gemara's intention is that the spitting take place in his presence, and the mitzva of seeing it is placed upon the judges.

חֲלוּץ הַנֶּעֱל – He who had his shoe removed, three times – שְׁלוֹשׁ פְּעָמִים: The reason for saying these words three times is in order to strengthen the matter of *halitza* (*Yam shel Shlomo*). It seems that the reason everyone present must say the words: "He who had his shoe removed" is that they want to establish the place as a place where *halitza* has been performed, as it says in the verse: "And his name shall be called in Israel: The house of he who had his shoe removed." By having the bystanders declare: He who had his shoe removed, the name of the place where *halitza* is performed is called as such in Israel.

BACKGROUND

Gargishta clay – גְּרִישְׁתָּא –: *Gargishta* is apparently an Aramaic word for clay, most likely referring to a very clean variety of clay, such as argyle clay, which is used for seals and contains aluminum silicate. It has also been employed as a remedy for digestive problems and pains associated with excess stomach acid. The practice of eating *gargishta* clay is mentioned several times in the Talmud.

אָמַר אַבְיִי: רָקְקָה וְקָלְטוּהָ הַרוּחַ – לא עֲשֵׂתָהּ וְלֹא כְלוּם. מֵאֵי טַעְמָא – וְיִרְקָה בְּפִנּוּ בְּעֵינַי. הַלֵּכְךָ: הוּא אֲרוּךְ וְהִיא גּוֹצָה, קָלְטָתָהּ הַרוּחַ – אֵיכָא בְּפִנּוּ, הִיא אֲרוּכָה וְהוּא גּוֹץ – בְּעֵינַי עַד דְּמַטִּי לְהַדִּי אִפִּיהּ וְהָדַר אָוִיל.

Abaye said: If the *yevama* spat, but the wind seized her saliva^h and it never landed in front of the face of the *yavam*, she did nothing, and her actions have no halakhic significance. What is the reason for this? We require that "she spit before him,"ⁿ as is mentioned in the verse. Therefore, if he is tall and she is short and the wind seized it, the requirement of "before him" is satisfied, because the moment the saliva left her mouth it was in front of the face of the *yavam*. But if she is tall and he is short, we require that the saliva reach the space across from his face, and afterward it may go with the wind; i.e., if she was taller than him and the saliva was taken by the wind before it reached the height of his face, she did not fulfill her obligation.

אָמַר רַבָּא: אָכְלָה תוּמָא וְרָקְתָהּ, אָכְלָה גְּרִישְׁתָּא וְרָקְתָהּ – לא עֲשֵׂתָהּ וְלֹא כְלוּם. מֵאֵי טַעְמָא? וְיִרְקָה, מַעֲצָמָה בְּעֵינַי, וְלֵיכָא. וְאָמַר רַבָּא: צְרִיכִי דִּינִי לְמִיחְזֵי וְרָקָא כִּי נִפְיָק מִפּוּמָא דִּיבְמָה, דְּכָתִיב "לְעֵינַי הִזְקִנִים וְיִרְקָה".

Rava said: If she ate garlic^h and spat, or if she ate *gargishta* clay,^b i.e., a type of clay once chewed for medicinal purposes, and spat, she did nothing and her actions have no halakhic significance, for this is not called spitting. What is the reason for this? We require that "she shall spit" on her own, and this is not satisfied here, for in this case she spits only on account of another thing that causes a pooling of saliva in her mouth. And Rava said: The judges must see the spittle when it leaves the mouth of the *yevama*, and the mere fact that she spat on the ground is insufficient, as it is written: "Before the Elders... and spit," indicating that the spitting must take place before the eyes of the judges.

וְנִקְרָא שְׁמוֹ בְּיִשְׂרָאֵל בֵּית חֲלוּץ הַנֶּעֱל – מַצּוּהָ בְּדֵינַי, וְלֹא בְּתַלְמִידִים. תִּנְיָא, אָמַר רַבִּי יְהוּדָה: פַּעַם אָחַת הָיִינוּ יוֹשְׁבִים לִפְנֵי רַבִּי טַרְפוֹן, וּבִאֲתָהּ יָבְמָה לְחֲלוּץ, וְאָמַר לָנוּ: עֲנוּ כּוֹלְכֶם: "חֲלוּץ הַנֶּעֱל", "חֲלוּץ הַנֶּעֱל", "חֲלוּץ הַנֶּעֱל".

It was taught in the mishna: With regard to the verse "And his name shall be called in Israel: The house of he who had his shoe removed," there is a mitzva upon the judges to recite this but it is not a requirement for the students or onlookers. It is taught in a *baraita* that Rabbi Yehuda says: Once we were sitting before Rabbi Tarfon and a *yevama* came to perform *halitza*. He said to us: You must all answer: "He who had his shoe removed," "He who had his shoe removed," "He who had his shoe removed," stating that portion of the verse three times.ⁿ

הַדְרִין עַלְךָ מִצּוֹת חֲלוּצָה