

XII.

BAVLI YEBAMOT CHAPTER TWELVE

FOLIOS 101A-106B

12:1

- A. The proper way to carry out the rite of removing the shoe is before three judges,
- B. and even though the three of them are laymen [it is valid].
- C. [If the woman] performed the rite of removing the shoe with a slipper, her performance of removing the shoe is valid.
- D. [If she did it] with a felt sock, her performance of removing the shoe is invalid.
- E. [If she did it] with a sandal which has a heel, it is valid.
- F. [If she did it] with a sandal which does not have a heel, it is invalid.
- G. [If the straps of the sandal were fastened] below the knee, her performance of removing the shoe is valid.
- H. [If the straps of the sandal were fastened] above the knee, it is invalid.

12:2A-B

- A. [If] (1) she performed the rite of removing the shoe with a sandal which does not belong to him, or (2) with a sandal made of wood, or (3) with the sandal for the left foot on the right foot, her performance of removing the shoe is valid.
- B. [If] (1) she performed the rite of removing the shoe with a sandal too large in which [nonetheless] he is able to walk about, or (2) with one too small which [nonetheless] covers the larger part of his foot, her performance of removing the shoe is valid.

- I.1** A. **[The proper way to carry out the rite of removing the shoe is before three judges, and even though the three of them are laymen it is valid]:**
- B. *Since it is the fact that even three laymen are acceptable for this procedure, what need do I have for a reference to judges at all [who obviously are acceptable]?*
- C. *In this way we are informed that we do require three men who know how to pronounce the required verses of Scripture like judges.*
- D. *That is what we have learned as a Tannaite formulation, as follows, which our rabbis have taught on Tannaite authority:*
- E. **The proper way to carry out the rite of removing the shoe is before three judges, and this is on condition that they know how to pronounce the verses of Scripture read in the rite.**
- F. **R. Judah says, “They must be five” [T. Yeb. 12:9A-C].**

- I.2** A. *What is the reasoning behind the position of the initial Tannaite authority?*
- B. *It is in line with that which has been taught on Tannaite authority:*
- C. “Elders” (Deu. 25: 7) – these are two, and, since there cannot be a court made up of an even number of judges, they add to the court one more, lo, three.
- D. And R. Judah?
- E. “Elders of...” (Deu. 25: 7) stands for two, “elders” (Deu. 25: 7) stands for two more, and there cannot be a court made up of an even number of judges, they add to the court one more, lo, five.”
- F. *So how does the initial Tannaite authority deal with “elders of”?*
- G. *He requires it to serve as an augmentative indicator, to show that even if the three are commoners and not judges, that suffices.*
- H. *And how does R. Judah derive from Scripture the fact that they may be commoners?*
- I. *For him, that derives from “before the eyes of” (Deu. 25: 9).*

J. *For a master has said, “before the eyes of” (Deu. 25: 9) – excludes the blind.”*

K. *Now [Judah reasons], since it was necessary to resort to the clause “before the eyes of” to exclude the blind, it must follow that, to begin with, commoners are acceptable in the rite. For if you should imagine that only men worthy of serving on the Sanhedrin are required, then why exclude in particular blind men? For that fact can have derived from what R. Joseph taught as a Tannaite statement. For R. Joseph taught as a Tannaite statement: “Just as a court must be clear in righteousness, so it must be clear of all blemishes, [101B] as it is said, ‘You are fair, my love, and there is no blemish in you’ (Son. 4: 7).”*

L. *And how does the other party interpret the language, “before the eyes of” (Deu. 25: 9)?*

M. *He interprets it in accord with Raba, deriving from it the deduction that Raba does, for said Raba, “It is necessary that the judges actually see the spit drooling from the mouth of the levirate widow, since it is written, ‘before the eyes of the elders and...spit’ (Deu. 25: 9).”*

N. *And does not the other party also require the same passage to derive from it the deduction that Raba does?*

O. *He does indeed.*

P. *So how does he know that commoners may supervise the rite?*

Q. *He derives that fact from the reference to “in Israel” (Deu. 25: 7), meaning, any Israelite can do it.*

R. *And how does the other party deal with this reference to “in Israel” (Deu. 25: 7)?*

S. *He requires it in connection with that which R. Samuel bar Judah set forth as a Tannaite statement, namely: “‘in Israel’ (Deu. 25: 7) means that the rite of removing the shoe must be done in front of a court of Israelites by birth, not a court of proselytes.”*

T. *And the other party?*

U. *There is a further reference to “in Israel” [for that purpose].*

V. *And the other party?*

W. *He requires that further reference to Israel in line with that which has been taught on Tannaite authority:*

X. Said R. Judah, "Once we were in session before R. Tarfon, and a levirate woman came to perform the rite of removing the shoe, and he said to us, 'All of you respond: "The man who has had his shoe removed" (Deu. 25:10).'"

Y. *And the other party?*

Z. *[The fact that the witnesses must do so] derives from "and his name shall be called" (Deu. 25:10). [That shows that the people present are to call him by that name.]*

AA. *[Since we have derived the rule from the use of "elders,"] then, "and they shall call" (Deu. 25: 9) implies two, "and they shall speak" (Deu. 25: 8) means two, so, in line with the position of R. Judah, there should be nine present, and, according to rabbis, seven!*

BB. *[Deu. 25:8] is required in line with that which has been taught on Tannaite authority:*

CC. "Then the elders of his city shall call him..." (Deu. 25: 8) – they but not their agent.

DD. "...and speak to him" – teaches that he is given advice appropriate to his situation. If he was a boy and she was an old lady, or he was an old man and she was a girl, they say to him, "What do you want with a girl? What do you want with an old lady? Go to someone your own age and don't start trouble in your house!"

I.3 A. Said Raba said R. Nahman, "The decided law: The rite of removing the shoe is done before three, *since the Tannaite framer of the passage has presented the anonymous rule in that manner.*"

B. Said Raba to R. Nahman, "If so, then the same should be so for the exercise of the right of refusal [by an underage girl married off by her father; when she reaches puberty, she may reject the marriage and walk out on it]. For we have learned in the Mishnah in an unattributed formulation of the rule: **The rite of**

removal of the shoe and the exercise of the right of refusal are done before three judges [M. San. 1:3C]. *And should you say that that is in fact the decided law, it has been taught on Tannaite authority:* As to the exercise of the right of refusal, the House of Shammai say, ‘It is done with a court of experts,’ and the House of Hillel say, ‘With a court and also not with a court of experts.’ But this party and that party concur that there must be three persons. R. Yosé b. R. Judah and R. Eleazar b. R. Yosé declare valid a court of two persons. And said R. Joseph bar Minyumi said R. Nahman, ‘The decided law is in accord with that pair.’”

C. With respect to exercise of the right of refusal, there is only a single unattributed statement, but here [with reference to the rite of removing the shoe] there are two [one here, the other at M. San. 1:1].

D. With respect to the right of refusal, in point of fact, there are also two unattributed sayings, for we have learned in the Mishnah: A sage who forbade a woman to her husband by reason of [her] vow, lo, this [sage] may not marry her. [If] she exercised the right of refusal or performed the rite of removing the shoe in his presence, he may marry her, because [in these latter instances,] he [is serving as a member of] a court [M. Yeb. 2:10A-C].

E. Rather, there [with regard to exercising the right of refusal] there are two unattributed, therefore authoritative statements, but here there are three unattributed statements.

F. Well, friend, if one is an unattributed statement and the other also is an unattributed statement, what difference does it make to me whether I have one or two or three such unattributed statements to choose from? Rather, said R. Nahman bar Isaac, “It is because we have an unattributed statement in the very context in which there is a dispute. For we have learned in the Mishnah: “The laying of hands [on a community

sacrifice] by elders and the breaking of the heifer's neck (Deu. 21:1-9) are done by three judges," the words of R. Simeon. R. Judah says, "By five." The rite of removal of the shoe [breaking the levirate bond] (Deu. 25:7-9) and the exercise of the right of refusal are done before three judges [M. San. 1:3A-C]. Now since R. Judah does not then differ, it must follow that R. Judah changed his mind on the matter."

G. *That's decisive.*

- I.4** A. *Said Raba, "The judges have to assign a place for the rite: 'Then his brother's wife shall go up to the gate to the elders' (Deu. 25: 7)."*
- I.5** A. *R. Pappa and R. Huna b. R. Joshua carried out a practical case with five judges. In accord with whose view did they do this? Could it have accorded with R. Judah? But he changed his mind!*
 B. *It was for the purpose of making sure people knew about it.*
- I.6** A. *R. Ashi visited the household of R. Kahana. He said to him, "The master has come up to us [conveniently, so as] to complete the required quorum of five."*
- I.7** A. *Said R. Kahana, "I was standing before R. Judah, who said to me, 'Go, climb up on this bundle of reeds, so as to count among the five.'"*
 B. *They said to him, "How come five?"*
 C. *He said to them, "To make sure people know about it."*
- I.8** A. *R. Samuel bar Judah was standing before R. Judah. He said to him, "Go, climb up on this bundle of reeds, so as to count among the five, to make sure people know about it."*
 B. *He said to him, "We have learned as a Tannaite statement: 'In Israel' (Deu. 25: 7) means that the rite of removing the shoe must be done in front of a court of Israelites by birth, not a court of proselytes. But I am a proselyte."*
 C. *Said R. Judah, "On the say-so of such a man as R. Samuel bar Judah, I would extract money from whoever was holding it [even though under other circumstances two witnesses are necessary]!"*
 D. *"I would extract money" – is that what you really think? But Scripture is explicit: "On the testimony of two witnesses" (Deu. 19:15)!*

E. *Rather, "I would on his say-so call into question the validity of a bond."*

I.9 A. Said Raba, **[102A]** "According to the law of the Torah, a proselyte may judge his fellow proselyte: 'You shall certainly set him king [in this context: judge] over you whom the Lord your God shall choose: One from among your brethren shall you set as king over you' (Deu. 17:15) – it is in particular in the context of setting one over you that he has to be one from among your brethren; but if it is a matter of judging a proselyte, a fellow proselyte will do. If his mother was an Israelite, he may sit in judgment even on an Israelite. As to the rite of removing the shoe, one may serve on the court only if both the father and the mother were born Israelites: 'And his name shall be called in Israel' (Deu. 25:10)."

II.1 A. **[If the woman performed the rite of removing the shoe with a slipper, her performance of removing the shoe is valid:]** Said Rabbah said R. Kahana said Rab, "Should Elijah come and announce, 'People carry out with a slipper the rite of removing the shoe of the deceased childless brother to end the levirate connection,' people would obey him. But if he announced, 'People do not carry out with a sandal the rite of removing the shoe of the deceased childless brother to end the levirate connection,' people would not obey him, for the people now commonly practice the rite with a sandal."

B. And R. Joseph said R. Kahana said Rab said, "Should Elijah come and announce, 'People do not carry out with a slipper the rite of removing the shoe of the deceased childless brother to end the levirate connection,' people would obey him. But if he announced, 'People do not carry out with a sandal the rite of removing the shoe of the deceased childless brother to end the levirate connection,' people would not obey him, for the people now commonly practice the rite with a sandal."

C. *What is at stake between them?*

D. *At stake between them is whether or not, to begin with, one may use a slipper.* [Slotki: According to Rabbah it is improper to use a slipper; its use would be permitted only if Elijah came and declared it to be permissible; according to Joseph, its use is and remains permitted unless Elijah came and declared it inadmissible.]

E. *As to the opinion of him who has said that even to begin with it is proper to use a slipper, have we not learned in the Mishnah: [If the woman] performed the rite of removing the shoe with a slipper,*

her performance of removing the shoe is valid. *That language clearly is post facto, so to begin with, it is invalid.*

F. *Not at all, even to begin with, it is valid, but since the framer wanted to proceed to deal with the felt sock that follows: [If she did it] with a felt sock, her performance of removing the shoe is invalid, and that is the case even after the fact, he framed matters in the opening clause with reference to the rule prevailing after the fact.*

II.2 A. *As to whether, to begin with, it is permitted to use a slipper, there is a conflict of Tannaite formulations, for it has been taught on Tannaite authority:*

B. **Said R. Yosé [T.: Simeon], “Once I went to Nisibis. I found an elder there. I said to him, ‘Are you an expert in the teachings of R. Judah b. Betera?’**

C. **“He said to me, ‘Yes, he was a regular customer at my money changing table.’**

D. **“‘Did you ever see him supervise the rite of refusal of a levirate widow?’**

E. **“He said to me, ‘I saw him perform the rite many times.’**

F. **“‘With a slipper or a sandal?’**

G. **“He said to me, ‘So do they really perform the rite with a slipper?’**

H. **“I said to him, ‘If so, what led R. Meir to rule, “If one has performed the rite of removing the shoe with a slipper, the act of removing the shoe is valid”?’”**

I. **R. Jacob says in his name, “They perform the right of removing the shoe with a slipper to begin with” [T. Yeb. 12:11A-I].**

II.3 A. *As to the one who has said that, to begin with, one may not use a slipper, what is the operative consideration for that ruling? If I should say, it is because loosing the upper falls into the category of removing it “from off” and loosing the thong would be only “from off the from off,” which would not accord with the requirement, the Torah having specified, “from*

off,” but not “from off the from off,” *one might well answer: If that is the operative consideration, then even after the fact the rite should be invalid if done that way!*

B. *It is a precautionary decree on account of the use of a [Slotki:] flabby slipper or even a half-slipper.*

II.4 A. *Said Rab, “If I hadn’t seen my favorite uncle perform the rite of removing the shoe with a sandal that had laces, I would have permitted the rite of removing the shoe to be done only with a Tai-Arab sandal, which is fastened more firmly. And, with regard to a sandal that has a knot, still, a step should be tied to it, so as to assure that the rite of removing the shoe will meet the highest standard.”*

II.5 A. Said R. Judah said Rab, “The moment at which the levirate widow is released for marriage to anyone of her choice is the instant at which the greater part of the heel of the sandal that the levir is wearing has been removed.”

B. *An objection was raised: If the straps of the slipper or sandal came out, or if the greater part of the foot came out, the rite of removing the shoe was invalid [T. Yeb. 12:12D-F]. So the operative consideration is that he slipped it off; but if she had slipped it off, her performance of the rite of removing the shoe would have been valid. Not only so, but that concerns the greater part of the foot, but not the greater part of the heel. [Slotki: How then could Rab state that permissibility to marry a stranger comes into effect as soon as the greater part of the heel has been released?]*

C. *Well, the greater part of the foot is the same as the greater part of the heel, and it’s called the greater part of the foot because it bears all of the weight of the foot.*

II.6 A. *That supports what R. Yannai said, for said R. Yannai, “Whether the man loosed the thongs and the woman removed the shoe, or whether she loosened the thongs and he removed the shoe, the rite of performing the removal of the shoe is invalid. It is valid only if she loosens the thongs and she removes the shoe.”*

B. *R. Yannai raised this question: “If she tore off the sandal, what is the law? If she burned it? What we require is that the foot be exposed,*

and that has been done, or is 'taking off' required, and that has not been done?"

C. *The question stands.*

II.7 A. R. Nehemiah addressed this question to Rabbah: "In the case of two shoes one above the other, what is the law?"

B. *So what sort of case is contemplated here? If we should say that she took off the one on top and left the one on the bottom, did not the All-Merciful say, "From off" (Deu. 25: 9) and not "from off of the from off"?*

C. *The question is required to deal with a case in which she tore off the one on top and then drew off the one on the bottom, but the one on top remained in place, so at issue is whether or not the shoe has been removed, which is the case, or perhaps the foot also is supposed to have been exposed, and that is not the case?*

D. **[102B]** *But does such a thing ever happen?*

E. *Yes indeed, for rabbis saw R. Judah go out into the street wearing five pairs of felt socks.*

II.8 A. Said R. Judah said Rab, "A levirate widow who drew up together with the deceased's brothers may marry one of them, and we do not take into account the possibility that she may have removed the shoe of one of them."

B. *So the operative consideration is that we have not actually seen this happen; but if we had seen this happen, we do take into account that fact [and then make a precautionary decree on the possibility that her action has served as a valid rite of removing the shoe]. But lo, it has been taught on Tannaite authority: **If the levir had the proper intention and the levirate widow did not, or she had the proper intention and he did not, the rite of removing the shoe is invalid, unless both of them had the proper intention simultaneously** [T. **Yeb. 12:13C-E**].*

C. *This is the sense of the statement: Even though we may have observed such an action, we do not have to take into account the possibility that the two might have had the intention of performing the rite of removing the shoe.*

D. *So the operative consideration is that we have not actually seen this happen; but if we had seen this happen, we do take into account that fact. And as to the Tannaite formulation that we require valid intention, that is the case so*

far as freeing the woman to marry strangers. But as to entering a levirate marriage with the brothers, she is forbidden to do so.

- II.9** A. Said R. Judah said Rab, “With a shoe sown with flax the rite of removing the shoe is not carried out: ‘And I shod you with seal skin’ (Eze. 16:10) [that is, something like leather, and the shoe used for the rite must then be wholly made of leather (Slotki)].”
- B. *Then should I suppose that it must be seal skin but no other kind?*
- C. *When Scripture makes reference to “shoe” two times, that serves to include as acceptable all varieties of leather.*
- D. *Well, if we maintain that when Scripture makes reference to “shoe” two times, that serves to include as acceptable all varieties of leather, perhaps the intent is to treat as acceptable every other sort of material as well?*
- E. *If that were so, then why mention “seal skin”?*
- II.10** A. R. Eleazar asked Rab, “If the shoe was made of leather but the straps of animal hair?”
- B. *He said to him, “Do we not recite in connection with such a shoe, ‘And I shod you with seal skin’ (Eze. 16:10)?”*
- C. *If so, then maybe if the whole of the shoe were made of hair, that would be all right?*
- D. *Yeah, but that’s a slipper [not a shoe at all].*
- II.11** A. Said R. Kahana to Samuel, “How do we know that the meaning of the phrase, ‘she will remove his shoe from off his foot’ (Deu. 25: 9) means, ‘taking it off’?”
- B. *“Since it is written, ‘That they shall take out the stones in which the plague is’ (Lev. 14:40).”*
- C. *“But might I say that that means tying on [and not taking off the shoe], in accord with the usage, ‘Put on your weapons, you men from among you for the war’ (Num. 31: 1)?”*
- D. *But there the sense is, “slip out of your house and off to war.”*
- E. *But it also is written, “He puts the afflicted on [using the verb translated ‘remove’ at Deu. 25:9] in his afflictions” (Job. 36:15)?*
- F. *The sense is: He will remove him from the judgment of Gehenna as a reward for his affliction.*

- G. *And what about:* “The angel of the Lord encamps around about them who fear him and he puts [strength] on them” (Psa. 34: 8)?
- H. *The sense is:* He will remove him from the judgment of Gehenna as a reward for those who fear him.
- I. *And what about:* “And he will strengthen [using the verb translated ‘remove’ at Deu. 25:9] your bones” (Isa. 58:11)? And said R. Eleazar, “This is the most excellent of all possible blessings,” and said Raba, “*This refers to strengthening of the bones.*”
- J. *Well, true, it can bear this meaning, and it can also bear that, and the meaning here at Deu. 25:9 is as we have said, for if it were “tying on”, then the All-Merciful should have said, “And tie his shoe upon his foot” [rather than “from his foot”].*
- K. *But if the All-Merciful had written, “upon his foot,” I might have drawn the false conclusion, “only on his foot, not on his leg,” and the All-Merciful has used the language, “from off his foot,” to show that the rite of removing the shoe may be performed even on his leg. [So such a usage was necessary for a quite different purpose from the one that has been proposed.]*
- L. *If so, the All-Merciful should have written, “Upon...above his foot.” Why say, “from off his foot”? It can only be “to take off.”*

II.12 A. There was a *min* [Christian] who said to Rabban Gamaliel, “You are a people the master of which has performed the rite of removing the shoe [severing his connection (Slotki)], for it is written, ‘With their flocks and with their herds they shall go to seek the Lord but they shall not find them, he has drawn off the shoe from them’ (Hos. 5: 6).”

B. He said to him, “You jerk! Is it written, ‘he has drawn off the shoe for them’? It is written, ‘he has drawn off the shoe from them.’ Now if the levir drew off the shoe from the levirate widow, would such an act be valid?”

III.1 A. [If she did it] with a felt sock, her performance of removing the shoe is invalid:

- B. *This bears the implication that a sock is not classified as a shoe, and so, too, we have learned in the Mishnah: He who takes up the heave-offering went in wearing neither a sleeved cloak, nor shoes, sandals, phylacteries, nor an amulet – lest [in the coming year] he lose all his money and people say [about him], “Because of a transgression against the [sheqel] chamber did he lose his money.” Or lest he get rich, and people say about him, “From*

the heave-offering of the [sheqel] chamber did he get rich.” For a person must give no cause for suspicion to other people, just as he must give no cause for suspicion to the Omnipresent [M. Sheq. 3:2D-G].

- C. *But an objection was raised: All the same are a shoe, sandal, or sock: On the Day of Atonement one must not walk either from room to room or from bed to bed [so it is a shoe].*
- D. *Said Abbaye, “This speaks of a padded sock, which gives pleasure [not to be had on the Day of Atonement].”*
- E. *Said to him Raba, “And on account of pleasure is forbidden to walk around with shoes on the Day of Atonement? Lo, Rabbah b. R. Huna would wrap a scarf around his foot and walk around!”*
- F. *Rather, said Raba, “There is still no contradiction. The one speaks of a sock made of leather, the other of felt. And that stands to reason, for if you do not take that view, then we have contradictions between two rulings that relate to the Day of Atonement, for it has been taught on Tannaite authority: One may not walk around in slippers at home, but he may walk around in socks at home. So it must follow that one speaks of a sock made of leather, the other of felt.”*
- G. *True enough.*
 - H. *So, too, it has been taught on Tannaite authority in accord with the position of Raba:*
 - I. **If she performed the rite of removing the shoe with a torn shoe that covered the greater part of the foot, with a broken sandal that held the greater part of his foot, with a sandal of cork, bast, felt, with an artificial leg, with a felt sock, with a foot support, or with a leather sock,**
 - J. **or if she performed the rite of removing the shoe with an adult,**
 - K. **[103A] whether he was sitting or standing or lying,**
 - L. **or if she performed the rite of removing the shoe with a blind man, the rite is entirely valid.**
 - M. **If she did it with a torn shoe that did not cover the greater part of the foot, with a broken sandal that does not hold the greater part of the foot, with a cushion that supports the hands of a cripple, with a cloth sock,**
 - N. **or if she did it with a minor, the rite is invalid [T. Yeb. 12:10].**

III.2 A. *With reference to the statement, with an artificial leg whose view is represented [in the conception that it is classified as a shoe]?*

B. *It is R. Meir, for we have learned in the Mishnah: “A cripple [lacking a leg] goes forth with his wooden stump,” the words of R. Meir. And R. Yosé prohibits it [M. Shab. 6:8A-B].*

III.3 A. *...with a felt sock: This accords with rabbis [Slotki: who differ from Meir, in regarding neither the artificial foot nor the sock as a shoe].*

B. *Said Abbaye, “Well, if the latter clause stands for the position of rabbis, the former likewise stands for the position of rabbis, and the first then refers to a wooden stump that is covered with leather.”*

C. *Said to him Raba, “Then what would be the law if it was not covered with leather? Would it be unfit? Then, instead of formulating the concluding clause of the Tannaite statement with reference to ...with a felt sock, the framer of the passage ought to have introduced a distinction into the rule covering the peg leg itself: under what circumstances? In the case of one that is covered with leather. But if it is not covered with leather, it is invalid.”*

D. *Rather, said Raba, “Since the opening clause represents the position of R. Meir, the concluding one should likewise represent the position of R. Meir. The one [the artificial leg] protects the foot, the other doesn’t.”*

III.4 A. *Said Amemar, “One who performs the rite of removing the shoe must press his foot down.”*

B. *Said R. Ashi to Amemar, “But has it not been taught on a Tannaite authority: whether he was sitting or standing or lying?”*

C. *Read: But under all circumstances, that is so only if he was pressing his foot to the ground.*

III.5 A. *And said Amemar, “Someone who walks [Slotki/Jastrow:] with his feet turned outward so as to form an obtuse angle should not perform the rite of removing the shoe.”*

B. *Said R. Ashi to Amemar, “But has it not been taught on a Tannaite authority: **with a foot support**? Does this not mean that the rite of removing the shoe is performed with it?”*

C. *“Not at all. It means that he may lend it to someone else, who can perform the rite of removing the shoe with it.”*

III.6 A. *Said R. Ashi, “In line with what Amemar has said, neither Bar Oba nor Bar Qipof may undergo the rite of removing the shoe.”*

IV.1 A. **[If the straps of the sandal were fastened] below the knee, her performance of removing the shoe is valid:**

B. *A contrary formulation was raised in objection: When Scripture refers to “pilgrim festivals” using the word for “feet” (Exo. 23:14), it excludes from the requirement of coming up on the pilgrim festival a cripple who is stump legged. [Slotki: The leg is not regarded as a “foot,” contrary to the cited passage.]*

C. *This case is exceptional, since it is written, “From off his foot” (Deu. 25: 9) [thus: any part of the leg].*

D. *If so, then if it were fastened above the knee, the rite should be valid!*

E. *“From off his foot” (Deu. 25: 9) – and not “from off of from off...”*

IV.2 A. *Said R. Pappa, “That bears the implication that [Slotki:] the ankle bone reaches to the ground, for if it entered your mind that it did not, then it would be situated above the foot, and the leg would be above what is above the foot” [and the rite of removing the shoe performed there would be invalid (Slotki)].*

B. *R. Ashi said, “You may even say that it is disconnected, but anything near the foot is classified as part of the foot.”*

V.1 A. **[If the straps of the sandal were fastened] above the knee, it is invalid:**

B. *Objected R. Kahana, “‘And against her afterbirth that comes out from between her feet’ (Deu. 28:57).” [The area between the thighs is here called “between her feet” (Slotki).]*

C. *Said Abbaye, When a woman kneels down to give birth, she presses her heels against her thighs and that is how she gives birth.”*

- D. *Come and take note:* “He had neither dressed his feet nor trimmed his beard” (2Sa. 19:25).
- E. *That’s a euphemism.*
- F. “And Saul went in to cover his feet” (1Sa. 24: 4).
- G. *That’s a euphemism.*
- H. “Surely, he is covering his feet in the cabinet of the cool room” (Jud. 3:24).
- I. *That’s a euphemism.*
- J. “Between her feet” (Jud. 3:27).
- K. *That’s a euphemism.*

V.2 A. Said R. Yohanan, “That wicked man had sexual relations seven times that day: ‘Between her feet he sunk, he fell, he lay, at her feet he sunk, he fell, where he sunk, there he fell down dead’ (Jud. 5:27).”

B. *So didn’t she enjoy the transgression?*

C. Said R. Yohanan in the name of R. Simeon b. Yohai, “All the acts of goodness that wicked people do [103B] are wicked for the righteous: ‘Take heed to yourself that you speak to Jacob neither good nor evil’ (Gen. 31:24). *Now as to not speaking evil, that is o.k., but why not speak good? So that shows:* All the acts of goodness that wicked people do are wicked for the righteous.”

V.3 A. In the case of Laban, he might mention to him the name of his idol. But here what sort of wickedness is contemplated?

B. *That he would pump her up with passion.*

C. *For* said R. Yohanan, “When the snake had sexual relations with Eve, he pumped her up with passion. When the Israelites stood at Mount Sinai, the lust left; but the gentiles, who did not stand at Mount Sinai, never lost their lust.”

VI.1 A. [If] (1) she performed the rite of removing the shoe with a sandal which does not belong to him:

B. *Our rabbis have taught on Tannaite authority:*

C. “...pull the sandal off his foot”:

D. **I know only that the rule speaks of a sandal belonging to him. How on the basis of Scripture do I know that it is all right if the sandal belongs to someone else?**

- E. Scripture says, “pull the sandal” – under any circumstances.
- F. If so, why does Scripture say, “his sandal”?
- G. It excludes the case of a large shoe, in which one cannot actually walk, or a small one, which does not cover the larger part of his foot, or a slipper lacking a heel. [In such instances the act of removing the shoe is null] [Sifré Deu. CCXCI:II.2].

VI.2 A. *Abbayye was standing before R. Joseph. A levirate widow came to perform the rite of removing the shoe. He said to him, “Give me your sandal.” He gave him his left sandal.*

B. *He said to him, “Well, I can concede that rabbis said that that may be done after the fact, but, to begin with, have they made such a rule?”*

C. *He said to him, “Well, if so, then it should also be permitted to do it with a sandal that does not belong to him, and I would then say that rabbis have said that that is all right after the fact, but, to begin with, did they take that view?”*

D. *He said to him, “This is what I meant to say to you: ‘Give it to him and accord to him title of the shoe.’”*

VII.1 A. or with a sandal made of wood:

- B. *What Tannaite authority stands behind this rule?*
- C. *Said Samuel, “It is R. Meir, for we have learned in the Mishnah: ‘A cripple [lacking a leg] goes forth with his wooden stump,’ the words of R. Meir. And R. Yosé prohibits it [M. Shab. 6:8A-B].”*
- D. *Samuel’s father says, “This passage refers to one that is covered with leather and represents the opinion of all authorities.”*

VII.2 A. *Said R. Pappi in the name of Raba, “With a sandal that is shut up for inspection [as to whether or not it is affected with the ailment described at Lev. 13-14], a rite of removing the shoe may not be carried out. But if one has done so, the rite is valid. A sandal that has been confirmed as afflicted with that ailment is invalid for use in the rite of removing the shoe, and if one has done so, the rite is invalid.”*

- B. *R. Pappa in the name of Raba said, “All the same are a sandal that has been shut up for examination and one that has been confirmed as to its uncleanness; one should not make use of such a thing in performing the rite of removing the shoe, and if one has done so, the rite of removing the shoe is invalid.”*

- C. *An objection was raised: A house which is shut up renders unclean on its inside. And one which is certified unclean [renders unclean] inside and outside. This and this render unclean through [one's] coming [inside them] [M. Neg. 13:4A-C]. Now if it should enter your mind that an object that is going to be pulverized is classified as if it were already pulverized, then we require that "he go into the house" (Lev. 14:46) [but the house is going to be destroyed, so along these same lines, it is as though the house did not exist].*
- D. *The case of the house is exceptional, because Scripture there is explicit: "And he shall break down the house" (Lev. 14:45) – even at the very moment at which the house is to be pulverized, it is still classified as a house.*
- E. *Come and take note: A rag three by three fingerbreadths, even if in volume it does not add up to an olive's bulk, nonetheless, as soon as the greater part of it has been taken into a formerly clean house, the cloth has imparted uncleanness to the house [T. Neg. 7: 6A-C]. Is this not a piece of cloth confirmed as unclean [therefore one that is going to be burned, now treated as though it exists, not as though it did not exist, despite its certain fate]?*
- F. *No, one that has merely been shut up for inspection.*
- G. *Then look at what follows: If the volume was that of many olives' bulks, however, as soon as a piece of the cloth the size of one olive's bulk enters a formerly clean house, it imparts uncleanness to the house [T. Neg. 7:6]. Now if you take the view that the cloth is confirmed as unclean, that is why the cloth is treated as comparable to a corpse [bearing the same minimum volume to impart uncleanness, namely, an olive's bulk]. But if you say that the cloth is merely shut up for inspection, on what basis is it treated as comparable to corpse matter?*
- H. *That case is exceptional, for Scripture has said, "And he shall burn the garment" (Lev. 13:52) – even at the time that it is actually burned, it is still classified as a garment.*
- I. *So why not derive the rule governing what is suitable for the rite of removing the shoe from that case [and a sandal in the same status may be used]?*
- J. *We do not derive a prohibition from the laws of uncleanness.*

VII.3

A. *Said Raba, "The decided law is this: A levirate widow does not perform the rite of removing the shoe either with a sandal that has been shut up for examination or one that has been confirmed as unclean or with one that has*

belonged to idolatry. And if she has done so with such a thing, her rite of removing the shoe is valid. As to a sandal that was actually offered to an idol [104A] or one that belongs to a wayward town or one that has been made for the honor of a dead elder, one should not perform the rite of removing the shoe, and if one has done so, the rite is invalid.”

VII.4 A. *Said Rabina to R. Ashi, “What differentiates a sandal made in honor of a deceased elder? Is it because it was not made for walking? Then one made for the court [for the purpose of performing this rite] also has not been made for walking?”*

B. *He said to him, “So if the court bailiff should use it for walking, would the court object anyhow?”*

12:2C-F

- C. [If] she performed the rite of removing the shoe by night, her performance of removing the shoe is valid.
- D. R. Eliezer invalidates it.
- E. [If she did it] with the left [shoe], her performance of the rite of removing the shoe is invalid.
- F. R. Eliezer validates it.

I.1 A. [If she performed the rite of removing the shoe by night, her performance of removing the shoe is valid. R. Eliezer invalidates it:] *May we say that at issue here is the following: One authority takes the view that the disposition of lawsuits is treated as comparable to the disposition of cases involving the skin ailment of Lev. 13-14 [Deu. 21:5, both done by day], and the other authority takes the view that we do not treat as comparable the disposition of cases involving the skin ailment and those involving lawsuits?*

- B. *Not at all. All parties hold that we do not treat as comparable the disposition of cases involving the skin ailment and those involving lawsuits. For if we were to treat them as comparable, then even the announcement of the legal decision could not be permitted by night. Here what is at issue is the following: One authority holds that the rite of removing the shoe is comparable to the commencement of the legal process [and that can be done only by day], and the other authority maintains that the rite of removing the shoe is not comparable to the commencement of the legal process.*

I.2 A. *Rabbah bar Hiyya of Ctesiphon carried out a rite of removing the shoe with a felt sock, all by himself [without male witnesses], and at*

night. Said Samuel, “Boy, this guy thinks he’s really special – acting in accord with a named opinion [against the unattributed, majority views]!”

B. So what’s his problem? If he objected to the other’s use of a felt sock, there is an unattributed statement that permits it. If it’s that he did it at night, our unattributed Mishnah rule permits it.

C. His problem is that he did it all by himself. How could he have done it all by himself, when it was only a single authority who approved doing it without witnesses, as we have learned in the Mishnah: **[If] she performed the rite of removing the shoe before two judges, or before three, one of whom turned out to be a relative or otherwise invalid, her performance of removing the shoe is invalid. R. Simeon and R. Yohanan Hassandlar validate it. A case: A certain man performed removing the shoe with his deceased childless brother’s widow by themselves in prison. And when the case came before R. Aqiba, he validated the rite [M. 12:5A-F].** [This is only an individual, attributed opinion, and how could he have followed Aqiba?]

D. And if you wish, I shall say, “All of these opinions have been presented as Tannaite formulations in the name of assigned authorities, for it has been taught on Tannaite authority: said R. Ishmael b. R. Yosé, ‘I personally have seen R. Ishmael b. Elisha perform the rite of removing the shoe with a felt sock, all by himself, at night.’”

- II.1** A. **[If she did it] with the left [shoe], her performance of the rite of removing the shoe is invalid. R. Eliezer validates it:**
- B. *What is the scriptural basis for the position of rabbis?*
- C. *Said Ulla, “We draw an analogy between the use of the word ‘foot’ here and its use in connection with the same usage with respect to the person healed from the skin ailment described at Lev. 13-14. Just as in that passage, it must be the right foot, so here it must be the right foot.”*
- D. *And does not R. Eliezer also draw an analogy between the use of the word ‘foot’ here and its use in connection with the same usage with respect to the person healed from the skin ailment described at Lev. 13-14? And has it not been taught on Tannaite authority: R. Eliezer says, “How on the basis of Scripture do we know that the boring of the ear of the Hebrew slave*

[Exo. 21:5] must be the right ear? Here we find a reference to ‘ear, and elsewhere, the same word is used [at Lev. 14:14]. Just as in the latter case, the right ear is meant, so here, too, the right ear is meant”?

- E. Said R. Isaac bar Joseph said R. Yohanan, “The attributions of opinions have to be exchanged.”
- F. *Raba said, “Not at all. While the references to ‘ear’ are both available for the purpose of establishing a verbal analogy, the term ‘foot’ in the two cases are not available for that purpose [Lev. 14:14 refers to foot twice, but Deu. 25:9 does so only once].”*

G. *So if they’re not available for that purpose, what sort of problem does that present?*

H. *One may present this problem: The case of the person afflicted with the skin ailment is to be differentiated from the other, since he is subject to the requirement of presenting also cedar wood, hyssop, and scarlet [and no analogy is to be drawn from that case to ours, where no such requirement exists].*

12:3

- A. [If] she removed the shoe and spit but did not pronounce the prescribed words, her performance of removing the shoe is valid.
- B. [If] she pronounced the prescribed words and spit but did not remove the shoe, her performance of removing the shoe is invalid.
- C. [If] she removed the shoe and pronounced the prescribed words but did not spit,
- D. R. Eliezer says, “Her performance of removing the shoe is invalid.”
- E. R. Aqiba says, “Her performance of removing the shoe is valid.”
- F. [104B] Said R. Eliezer, “‘Thus will be done’ (Deu. 25: 9) – anything which is an actual deed is essential [to the performance of the rite].”
- G. Said to him R. Aqiba, “Is there proof from that Scripture? ‘Thus will be done to the man’ [is the pertinent language, which means] – anything which is a deed done in regard to the man [is essential].”

12:4

- A. A deaf-mute boy with whom the rite of removing the shoe was carried out,
- B. a deaf-mute girl who performed the rite of removing the shoe,

- C. she who performs the rite of removing the shoe with a minor –
- D. her performance of removing the shoe is invalid.
- E. A minor girl who performed the rite of removing the shoe should perform the rite of removing the shoe again when she grows up.
- F. If she did not perform the rite of removing the shoe [later on], her performance of removing the shoe is invalid.

12:5

- A. [If] she performed the rite of removing the shoe before two judges,
- B. or before three, one of whom turned out to be a relative or otherwise invalid,
- C. her performance of removing the shoe is invalid.
- D. R. Simeon and R. Yohanan Hassandlar validate it.
- E. A case: A certain man performed removing the shoe with his deceased childless brother's widow by themselves in prison.
- F. And when the case came before R. Aqiba, he validated the rite [without any valid witnesses present].

- I.1**
- A. *Said Raba, "Now that you have said that properly reciting the formula of the rite is not essential to the performance of the rite, it must follow that the rite performed by a man or a woman who cannot speak is valid."*
 - B. *But we have learned in the Mishnah: A deaf-mute boy with whom the rite of removing the shoe was carried out, a deaf-mute girl who performed the rite of removing the shoe, she who performs the rite of removing the shoe with a minor – her performance of removing the shoe is invalid. Now what can be the operative consideration here? Is it not that these cannot make the required declaration?*
 - C. *No, it is because persons in these classifications are not qualified by the possession of valid intentionality.*
 - D. *If so, then the same is to be said to the man or woman who cannot speak!*
 - E. *Said Raba, "The man or woman who cannot speak are indeed fully possessed of intentionality, but it is the condition of their powers of speech that gives them trouble."*
 - F. *But lo, the household of R. Yannai say, "It is because the Scripture requirement, 'He shall say' (Deu. 25: 8) and 'she shall say' (Deu. 25:7, 9) in connection with the rite of removing the shoe cannot be carried out by them."*

- G. *Rather, when the statement of Raba was made, it pertained to the conclusion of the same paragraph, namely: **A deaf-mute boy with whom the rite of removing the shoe was carried out, a deaf-mute girl who performed the rite of removing the shoe, she who performs the rite of removing the shoe with a minor – her performance of removing the shoe is invalid.** Said Raba, “Now that you have said that properly reciting the formula of the rite is not essential to the performance of the rite, it must follow that the rite performed by a man or a woman who cannot speak is invalid.”*
- H. *Then our Mishnah paragraph [if she did not recite the declaration, the rite is valid] accords with that which R. Zira said, “In the case of whatever is suitable for mingling, actual mingling is not essential, and in the case of whatever is not suitable for mingling, actual mingling is indispensable.” [Cashdan, *Menahot* 18B: In Zira’s view the law before us is that mingling can be omitted so long as it is possible to do so if one wants, and the Mishnah’s rule would mean that no oil at all was poured in.]*

II.1 A. [If she removed the shoe and pronounced the prescribed words but did not spit, R. Eliezer says, “Her performance of removing the shoe is invalid.” R. Aqiba says, “Her performance of removing the shoe is valid”:] *They sent word to the father of Samuel: “A deceased childless brother’s widow who spat [before a court] must carry out the rite of removing the shoe [and may not enter into levirate marriage, even though the spitting was not part of a formal rite].”*

B. This then bears the implication that that act has invalidated her for marriage to the brothers. Now which authority stands behind that statement?

C. Should I say that it is R. Aqiba? But if in the case of actually carrying out the religious duty, in which one may say the following: If even in the actual performance of the rite, in which instance it would be comparable to the burning of the portions of the sacrifices that go to the altar, the actual burning of those portions are not essential to the acceptability of the sacrifice if they are not available but burning them up is essential if they are available, which would be comparable to a case in which the actual religious duty of the rite of removing the shoe is being carried out, R. Aqiba has said that doing so is not essential, is there any reason to believe that he would regard the act of

spitting as the reason to disqualify the woman for marrying the brothers?

D. *Then should I say that it is R. Eliezer? But lo, these represent two acts [removing the shoe, spitting] that together effect permissibility, and in the case of two acts that working together effect permissibility, then one without the other is null!*

E. *Rather, it is in accord with Rabbi, for it has been taught on Tannaite authority:*

F. The lambs that are presented at Pentecost sanctify the bread only when they are slaughtered.

G. How so?

H. “If the officiating priest slaughtered them for the classification for which the beasts were originally designated, and tossed their blood for the classification for which the beasts were originally designated, the bread is likewise sanctified.

I. “If the officiating priest slaughtered them not for the classification for which the beasts were originally designated, and tossed their blood not for the classification for which the beasts were originally designated, the bread is not sanctified.

J. “If the officiating priest slaughtered them for the classification for which the beasts were originally designated, and tossed their blood not for the classification for which the beasts were originally designated, the bread is sanctified but not sanctified,” the words of Rabbi.

K. R. Eleazar b. R. Simeon says, “Under no circumstances is the bread sanctified unless the officiating priest slaughtered them for the classification for which the beasts were originally designated, and tossed their blood for the classification for which the beasts were originally designated.”

II.2 A. *And has R. Aqiba really taken the view that if she has performed the act of spitting, she is invalidated for levirate marriage? And has it not been taught on Tannaite authority:*

B. If the woman removed the shoe, but did not [105A] spit and did not make the required statement,

C. her act of removing the shoe constitutes a valid rite.

D. If she made the required statement and spit but did not remove the shoe,

E. her act of removing the shoe does not constitute a valid rite.

F. If she made the declaration but neither spit nor removed the shoe, there are no grounds for taking into account the possibility of such a rite's having been done [Sifré Deu. CCXCI:IV.2B-F].

G. *Now who is the authority behind this statement? Should we say that it is R. Eliezer? But then, as to the formulation, If the woman removed the shoe, but did not spit and did not make the required statement, her act of removing the shoe constitutes a valid rite, surely R. Eliezer has said, “‘Thus will be done’ (Deu. 25: 9) – anything which is an actual deed is essential [to the performance of the rite].” So it is obvious that it is R. Aqiba, and yet the passage says that if she spit but did not draw off the shoe and did not make the required declaration, her rite of removing the shoe is invalid. Now to whom is this invalidity effective? If I say that it is to outsiders in general, that is obvious, for has there been a rite of removing the shoe that she should be permitted to strangers in general? But is it not invalid vis-à-vis the brothers?*

H. *That proves it.*

II.3 A. *And from the viewpoint of R. Aqiba, what differentiates spitting from making the proper declaration?*

B. *As to making the proper declaration, since this pertains to both the beginning and the end of the rite, it cannot be confused. But spitting takes place not at the beginning of the rite but only at the end, so it might be mistaken for a proper rite of removing the shoe, and a woman who has gone through such a rite properly would turn out to be permitted to marry the brothers [which is not done, and that is why he prohibits the rite performed in this way].*

II.4 A. *There are those who lay matters out in this way:*

B. *They sent to [Samuel's father], "A levirate widow who spat [before a court, but not as part of a rite of removing the shoe] does not have to spit another time."*

C. *That is in line with the case that came before R. Ammi. R. Abba bar Mammel was in session before him. The woman spat before she removed the shoe. Said to him R. Ammi, "Arrange the rite of removing the shoe for her and permit her to marry."*

D. *Said to him R. Abba, "But lo, we require spitting."*

E. *"So she already spat."*

F. *"But let her spit again, what difference does it make?"*

G. *"A disaster will result, for if you say that she has to spit again, people will say that the first spitting was null, and they will turn out to permit a woman who has properly carried out the rite of removing the shoe to marry one of the other brothers!"*

H. *"But lo, we require that the stages in the rite of removing the shoe should follow the proper order of actions."*

I. *"The proper order of actions is not essential to the valid conduct of the rite."*

J. *He supposed that [Ammi] was just dismissing him. But he went out and found that it has been taught on Tannaite authority: whether the removing of the shoe came prior to the spitting, or the spitting came prior to removing the shoe, what is done is done.*

II.5 A. *Levi went out to the villages. They asked him, "What is the law on having a woman whose hand was cut off perform the rite of removing the shoe?"*

B. *"What is the law if the levirate widow spit blood?"*

C. *"Howbeit I will declare to you that which is inscribed in the writing of truth' (Dan. 10:21) – so is there a writing that is not of truth?"*

D. *He didn't have any answers. He came and asked in the schoolhouse. They said to him, "But is it written, 'She will remove with her hand'? And is it written, 'She will spit spit'?"*

E. “*As to ‘Howbeit I will declare to you that which is inscribed in the writing of truth’ (Dan. 10:21) – so there is a writing that is not of truth – that is no question. The writing of truth refers to a decree that is accompanied by an oath, the writing not of truth refers to a decree not accompanied by an oath.*”

F. *That accords with R. Samuel bar Ammi, for* said R. Samuel bar Ammi said R. Jonathan, “How on the basis of Scripture do we know that a decree that is accompanied by an oath is not going to be torn up? ‘Therefore I have sworn to the house of Eli, that the iniquity of Eli’s house shall not be expiated with sacrifice nor offering forever’ (1Sa. 3:15).”

II.6 A. Said Rabbah, “Not with sacrifice nor offering will it be atoned for, but it will be atoned for with words of Torah.”

B. Abbaye said, “Not with sacrifice nor offering will it be atoned for, but it will be atoned for with acts of loving kindness.”

C. Rabbah and Abbaye were descended from the house of Eli. Rabbah, who devoted himself to Torah study, lived for forty years. Abbaye, who devoted himself to both Torah study and acts of loving kindness, lived for sixty years.”

II.7 A. *Our rabbis have taught on Tannaite authority:*

B. There was a family in Jerusalem children of which would die at the age of eighteen years. They went and told Rabban Yohanan ben Zakkai. He said to them, “Is it possible that you descend from the house of Eli: ‘And all the increase of your house shall die as young men’ (1Sa. 2:33)? Go, take up Torah study, and you will live.”

C. They went and took up Torah study and lived.

D. And they called them, “The family of Yohanan,” in his honor.

II.8 A. Said R. Samuel bar Onia said Rab, “How on the basis of Scripture do we know that a decree against a community is not sealed?”

B. “Not sealed”? *But is it not written*, “For though you wash yourself with boraxo and take much soap, yet your iniquity is marked before me” (Jer. 2:22)?

C. Rather, how do we know that, even if it is sealed, it still may be torn up? As it is said, “What god is like the Lord, our God, whenever we call upon him” (Deu. 4: 7).

D. But it is also written, “Seek the Lord when he may be found” (Isa. 55: 6)!

E. *There is no contradiction, for the one verse [Isa. 55: 6] refers to an individual, the other, to the community.*

F. *Then when is the time for the individual?*

G. Said R. Nahman said Rabbah bar Abbuha, “This refers to the ten days that are between the New Year and the Day of Atonement.”

II.9 A. They sent to the father of Samuel, “As to a levirate widow who spit blood, she may perform the rite of removing the shoe, because it is not possible that blood should not contain some bits of spit.”

B. *An objection was raised:* Might one suppose that blood that issues from his mouth or from the hole of his penis might be unclean? Scripture states, “As to his issue it is unclean” (Lev. 15: 2) – it is unclean, but blood that issues from his mouth or from the hole of his penis is not unclean but clean.

C. *There is no contradiction; the ruling Samuel’s father got refers to a case in which she sucks in [in which instance there will be spit with the blood], in the latter, the case is one in which the blood flows gently [following Slotki].*

III.1 A. **A deaf-mute boy with whom the rite of removing the shoe was carried out:**

- B. **[105B]** Said R. Judah said Rab, “This represents the view of R. Meir, but sages say, ‘A minor’s rite of removing the shoe is simply null.’” [Slotki: His act is null, and therefore she is not forbidden even to the boy.]

IV.1 A. A minor girl who performed the rite of removing the shoe should perform the rite of removing the shoe again when she grows up:

- B. Said R. Judah said Rab, “This represents the view of R. Meir, for he has said, “‘Man’ is written in the pertinent passage, and we draw an analogy from the man to the woman.’ But sages say, “‘A man’ is written in the pertinent passage, and, as to a woman, whether adult or minor, her rite of removing the shoe is valid.””

IV.2 A. Whom, in the foregoing, do “sages” stand for?

B. *It is R. Yosé.*

C. *For R. Hiyya and R. Simeon bar Rabbi were in session. One of them commenced by saying, “He who says the Prayer has to lower his eyes: ‘And my eyes and my heart shall be there perpetually’ (1Ki. 9: 3).”*

D. *The other said, “His eyes should be upward: ‘Let us lift up our heart with our hand’ (Lam. 3:41).”*

E. *In the meanwhile R. Ishmael b. R. Yosé came along. He said to them, “What’re you doing?”*

F. *They said to him, “We’re talking about the Prayer.”*

G. *He said to them, “This is what father said: ‘He who says the Prayer has to lower his eyes and lift up his heart, so as to carry out both of these verses of Scripture.’”*

H. *In the meanwhile Rabbi came to the session. They, who were swift, took their seats. R. Ishmael b. R. Yosé because of his corpulence plodded along. Said to him Abedan, “So who is this who strides over the heads of the holy people?”*

I. *He said to him, “I am Ishmael, son of R. Yosé, and I have come to study Torah with Rabbi.”*

J. *He said to him, “And are you worthy of studying Torah with Rabbi?”*

K. *He said to him, “And was Moses worthy of studying Torah with the Almighty?”*

L. *“And are you Moses?”*

M. "And is your lord God?"

N. *Said R. Joseph, "Rabbi got what was coming to him when he said to him, 'your lord,' but he did not say, 'my lord.'"*

O. *In the meanwhile a levirate widow came before Rabbi. Rabbi said to Abedan, "Go out and look into the case."*

P. *After he went out, R. Ishmael said to him, "This is what father said: "'A man"' is written in the pertinent passage, and, as to a woman, whether adult or minor, her rite of removing the shoe is valid."*

Q. *He said to him, "Come on back. You don't have to bother. The elder has already made the decision."* Abedan then came along, striding over the heads of the people. *Said to him R. Ishmael b. R. Yosé, "He whom the holy people need may well stride over the heads of the holy people, but he whom the holy people don't need – by what right should he stride over the heads of the people?"*

R. *Said Rabbi to Abedan: "Stand in place."*

IV.3 A. *A Tannaite statement:*

B. At that moment Abedan was afflicted with the skin ailment of Lev. 14-15. His two sons drowned. His two daughters-in-law exercised the right of refusal.

C. *Said R. Nahman bar Isaac, "Blessed is the All-Merciful, who has humiliated Abedan in this world."*

IV.4 A. Said R. Ammi, "From the statement of the distinguished master we may learn: A minor may perform the rite of removing the shoe even when she is still a child."

B. Raba said, "That is only if she has reached the age at which she may validly take a vow."

C. *But the decided law is:* She may do so only once she has produced two pubic hairs.

V.1 A. **[If] she performed the rite of removing the shoe before two judges, or before three, one of whom turned out to be a relative or otherwise invalid, her performance of removing the shoe is invalid. R. Simeon and R. Yohanan Hassandlar validate it:**

B. Said R. Joseph bar Minyumi said R. Nahman, "The decided law is not in accord with that pair."

C. *But lo, R. Nahman said this once, for said R. Joseph bar Minyumi said R. Nahman, "The decided law is that the rite of removing the shoe requires the presence of three judges."*

D. *Both are necessary, for if the former had been stated, I might have supposed that that is the case to begin with, but after the fact even two judges would suffice, so we are taught, "The decided law is not in accord with that pair." And if we had been told only, "The decided law is not in accord with that pair," but in accord with the initial Tannaite authority, I might have supposed that that is only after the fact, but, to begin with, five judges are needed for the rite. So the other statement also was required.*

VI.1 A. A case: A certain man performed removing the shoe with his deceased childless brother's widow by themselves in prison. And when the case came before R. Aqiba, he validated the rite:

B. *But if it happened privately, then how does anybody know about it?*

C. Said R. Judah said Samuel, "But witnesses see the deed, standing outside."

VI.2 A. The question was raised: Was it the case that a certain man performed removing the shoe with his deceased childless brother's widow by themselves outside, and then in prison the case came before R. Aqiba? Or perhaps a certain man performed removing the shoe with his deceased childless brother's widow by themselves in prison?

B. Said R. Judah said Rab, "The incident took place in prison, and the case came to R. Aqiba in prison."

VI.3 A. [106A] Our rabbis have taught on Tannaite authority:

B. **A rite of removing the shoe done under a false assumption is valid [T. Yeb. 12:13A].**

C. What is the definition of a rite of removing the shoe done under a false assumption?

D. Said R. Simeon b. Laqish, "It is any case in which they say to him, 'Perform the rite of removing the shoe, and in that way, you will enter into marriage with the levirate widow.'"

E. Said to him R. Yohanan, "I repeat [the following Tannaite statement:] **Whether he had the proper intention of carrying out the religious duty and she did not, or whether she did and he did not, her rite of removing the shoe is invalid, since it is necessary**

that both of them at one and the same time will have the same intentionality [T. **Yeb. 12:13B-E**]. *And yet you say, [A rite of removing the shoe done under a false assumption] is valid [T. **Yeb. 12:13A**]!* Rather, it is any in which they say to him, ‘Perform the rite of removing the shoe, on the stipulation that she will give you two hundred zuz.’”

F. *So, too, it has been taught on Tannaite authority:*

G. **A rite of removing the shoe done under a false assumption is valid [T. **Yeb. 12:13A**].**

H. What is the definition of a rite of removing the shoe done under a false assumption? It is any in which they say to him, “Perform the rite of removing the shoe, on the stipulation that she will give you two hundred zuz.”

I. There was a case of a woman who fell to the lot of a levir who was inappropriate for her, and they said to him, “Perform the rite of removing the shoe, on the stipulation that she will give you two hundred zuz.” The case came before R. Hiyya, who declared the rite valid.

VI.4 A. *There was a woman [who had fallen to the lot of a levir who was inappropriate for her] who came before R. Hiyya bar Abba. He said to her, “My daughter, stand up.”*

B. *Her mother said to him, “Her remaining seated is what will keep her standing [by not entering into levirate marriage with the man].”*

C. *He said to her, “Are you acquainted with this man?”*

D. *She said to him, “Yes, it’s her money that he saw, and he wants to use it up.”*

E. *He said to her, “You don’t want him?”*

F. *She said to him, “No.”*

G. *He said to him, “Go through the rite of removing the shoe with her, and through that means you will take her in marriage.”*

H. *After he had undergone the rite of removing the shoe with her, he said to him, "Now from you she has been rendered invalid for marriage; go through the rite again in a blameless manner, so that she will be permitted to anyone of her choice."*

VI.5 A. *A daughter of R. Pappa's father-in-law fell to the lot of a levir who was inappropriate for her. He came before Abbaye. He said to him, "Go through the rite of removing the shoe with her, and through that means you will take her in marriage."*

B. *Said to him R. Pappa, "Does not the master concur with what R. Yohanan said?"*

C. *"Then what should I say to him?"*

D. *He said to him, "Perform the rite of removing the shoe, on the stipulation that she will give you two hundred zuz."*

E. *After he had performed the rite of removing the shoe for her, he said to her, "Go, give him the money."*

F. *[Pappa] said to him, "She was only trifling with him. Has it not been taught on Tannaite authority: Lo, if someone was escaping from prison and there was a ford before him, and he said to the boatman, 'Take this denar as your fee and carry me across' – the boatman may claim only his usual fee [and not so huge a payment as was offered]? Therefore he could later on claim, 'That was just a come-on [I was only joking with you to get you to help].' Here, too, let him just say, 'That was just a come-on.'"*

G. *He said to him, "As to your father, where is he?"*

H. *He said to him, "In town."*

I. *"As to your mother, where is she?"*

J. *"In town."*

K. *He cast his eyes in their direction, and they dropped dead.*

VI.6 A. *Our rabbis have taught on Tannaite authority:*

- B. **A rite of removing the shoe done under a false assumption is valid [T. Yeb. 12:13A].** A writ of divorce issued under a false assumption is invalid. A rite of removing the shoe that is done under duress is invalid. A writ of divorce that is issued under duress is valid.

VI.7 A. *What sort of case [involves duress]? If it is one in which the man finally says, "So I want it," then even a rite of removing the shoe also should be valid, and if he never ended up saying, "So I'll go along," then even a writ of divorce also should be unfit!*

B. *This is the sense of the statement: **A rite of removing the shoe done under a false assumption is valid under all circumstances.** A writ of divorce issued under a false assumption is invalid under all circumstances. A rite of removing the shoe that is done under duress and a writ of divorce that is issued under duress *sometimes are valid and sometimes invalid.* The one would be a case in which he ultimately said, "So I'll go along," the other would be a case in which he did not ultimately say, "So I'll go along."*

C. *For it has been taught on Tannaite authority: "If his obligation is a burnt-offering...he shall offer it a male without blemish" (Lev. 1: 3) – this teaches that they can force someone to bring an offering [that he has vowed to give].*

D. *Might one suppose that this is even against his will?*

E. *Scripture states, "of his own free will" (Lev. 1: 3).*

F. *How so?*

G. *They force him until he says, "Yes, I want it." [Even if the consent is under duress, it is still consent.]*

H. *So, too, in the case of issuing a writ of divorce to a woman, they force him until he says, "Yes, I want it."*

VI.8 A. Said Raba said R. Sehora said R. Huna, "[The judges] **perform the rite of removing the shoe for a woman, even if they do not know her. They execute the right of refusal for a woman, even if they do not know her [T. Yeb. 12:14A-B].** Therefore the court is not to order the writing of a writ of divorce through the rite of removing the shoe unless they do know the parties to the document, nor a certification of the exercise of the right of refusal, unless they do know the parties to the document, *for we take into account the possibility that a court may have made a mistake [through lack of knowledge of the identity and circumstances of the parties].*"

- B. And Raba on his own account says, “[The judges] do not perform the rite of removing the shoe for a woman, unless they know her. They do not execute the right of refusal for a woman, unless they know her. Therefore the court is not to order the writing of a writ of divorce through the rite of removing the shoe unless they do know the parties to the document, nor a certification of the exercise of the right of refusal, unless they do know the parties to the document, *for we do not take into account the possibility that a court may have made a mistake [through lack of knowledge of the identity and circumstances of the parties].*”

12:6

- A. [106B] The proper way to carry out the rite of removing the shoe [is as follows]:
- B. He and his deceased childless brother’s widow come to court.
- C. And they offer him such advice as is appropriate for him,
- D. since it says, “Then the elders of the city shall call him and speak to him” (Deu. 25: 8).
- E. “And she shall say, ‘My husband’s brother refuses to raise up for his brother a name in Israel. He will not perform the duty of a husband’s brother to me’” (Deu. 25: 7).
- F. “And he says, ‘I do not want to take her’” (Deu. 25: 7).
- G. And [all of this] was said in the Holy Language [of Hebrew].
- H. “Then his brother’s wife comes to him in the presence of the elders and removes his shoe from his foot and spits in his face” (Deu. 25: 9) – spit which is visible to the judges.
- I. “And she answers and says, ‘So shall it be done to the man who does not build up his brother’s house.’”
- J. Thus far did they pronounce [the words of Scripture].
- K. And when R. Hyrcanus pronounced [the words of Scripture] under the terebinth tree in Kefar Etam and completed the reading of the entire pericope, they became accustomed to complete the entire pericope.
- L. “And his name shall be called in Israel: ‘The house of him who has had his shoe removed’” (Deu. 25: 9) – it is the duty of the judges, and not the duty of the disciples [so to name him].

M. R. Judah says, “It is the duty of all bystanders to say, ‘The man whose shoe has been removed! The man whose shoe has been removed! The man whose shoe has been removed!’”

- I.1** A. Said R. Judah, “The proper conduct of the rite of removing the shoe is that the woman makes her statement, then the man makes his statement, then the woman removes the shoe and spits and makes her statement.”
- B. *And we reflected on that statement: What exactly does he wish to tell us? The order is made explicit by our Mishnah paragraph itself!*
- C. *This is what he wishes to tell us: This is precisely how the religious duty should be carried out, but if one reverses the order, we have no objection on that account.*
- D. *So, too, it has been taught on Tannaite authority:*
- E. Whether the removing of the shoe came before the spitting or the spitting before the removing of the shoe, what is done is valid.

- I.2** A. *Said Abbaye, “He who pronounces aloud in the rite of removing the shoe the language of the writ of divorce effected by that rite should, when reading her part, not distinguish the word ‘not’ from its context, or the clause, ‘he will perform the duty of a husband’s brother to me’ from its context, since doing so would produce the sense, ‘he will perform the duty of a husband’s brother to me.’ Rather, he should read without interruption: ‘he will not perform....’ And he should not proclaim when reading for the levir the word ‘not’ distinct from its context, and the clause, ‘I want,’ distinct from its context, since this would bear the sense, ‘I want to take her,’ but he would read the clause without pause, ‘I do not wish to take her.’”*
- B. Raba said, “Well, that simply comes at the end of a sentence, and a pause at the end of a sentence is of no consequence.”

- I.3** A. *R. Ashi came across R. Kahana, who was going to a good bit of trouble to state matters without pause: “My levir does not want....” He said to him, “Does not the master concur with what Raba has said?”*
- B. *He said to him, “Raba concedes in the case of ‘my levir does not want...’ [that one should not pause].”*

- I.4** A. *Said Abbaye, “One who writes out a writ of divorce effected through the rite of removing the shoe should write out this language: ‘We read out for her from the verse, “my husband’s brother will not....,” to, “...will perform the duty of a husband’s brother to me,” and for him we read out from the language,*

“not...,” to “take her.” *And we read out for her from, “so...,” to “him that has had his shoe drawn off.”*”

- I.5** A. *Mar Zutra would rule the paper and write out the entire pericope.*
B. *Objected Mar bar Idi, “But writing out only a pericope of this kind is not permitted.”*
C. *But the decided law is in accord with the position of Mar Zutra.*

I.6 A. Said Abbaye, “If she spit and the wind took up the spit, she has done nothing at all. *How come? We require that ‘she shall spit before his face’ (Deu. 25: 9). Therefore if he is tall and she is short, if the wind carried the spit, her act falls into the category of ‘before his face.’ If she was tall and he was short, we require that the spit fall down to the level of his face before it disappears.*”

I.7 A. Said Raba, “If she ate garlic and then spit, or ate a clod of dirt and then spit, she has done nothing whatsoever. *How come? We require that ‘she shall spit’ on her own account [and not because something in her mouth causes her to want to spit it out].*”

I.8 A. *And said Raba, “The judges have to see the spit spurt from the mouth of the levirate widow: ‘Before the eyes of the elders...and spit’ (Deu. 25: 9).”*

II.1 A. **And his name shall be called in Israel: The house of him who has had his shoe removed (Deu. 25: 9) – it is the duty of the judges, and not the duty of the disciples [so to name him]. R. Judah says, “It is the duty of all bystanders to say, ‘The man whose shoe has been removed! The man whose shoe has been removed! The man whose shoe has been removed!’”:**

B. *It has been taught on Tannaite authority:*

C. **Said R. Judah, “Once we were in session before R. Tarfon, and a levirate woman came to perform the rite of removing the shoe, and he said to us, ‘All of you respond: “The man who has had his shoe removed” (Deu. 25:10)’” [T. Yeb. 12:15F].**