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Yevamos Daf 102

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Sandal or *min’ol*

Rabbah stated in the name of Rav Kahana in the name of Rav: If Eliyahu the Prophet should come and declare that *chalitzah* may be performed with a *min’ol* (*made from soft leather and it covers the foot from all sides; it is made from many straps of leather*) he would be obeyed; were he, however, to declare that *chalitzah* may not be performed with a sandal (*made from hard leather and it covers the foot only from the bottom; it is made from one piece of leather*) he would not be obeyed, for the people have long ago adopted the practice of performing it with a sandal.

Rav Yosef, however, reported in the name of Rav Kahana in the name of Rav: If Eliyahu the Prophet should come and declare that *chalitzah* may **not** be performed with a *min’ol*, he would be obeyed; were he, however, to declare that *chalitzah* may not be performed with a sandal, he would not be obeyed, for the people have long ago adopted the practice of performing it with a sandal.

The *Gemora* asks: What is the practical difference between them?

The *Gemora* answers: The practical difference between them is the allowance of using a *min’ol* initially (*according to Rabbah, it would be improper to use a min’ol; its use would be permitted only if Eliyahu came and declared it to be permissible. According to Rav Yosef however, its use is and remains permitted unless Eliyahu should come and declare it to be inadmissible*). (102a1)

The *Gemora* asks: According to the one who stated that it was proper to use a *min’ol* (for *chalitzah*) even initially,

surely, we learned in a Mishna: if a woman performed the *chalitzah* with a *min’ol*, her *chalitzah* is valid, which implies that it is only valid after the action had been performed, but not initially!?

The *Gemora* answers: The law is that the *min’ol* may be used even initially. As, however, it was desired to state in the final clause: but if with a sock, it is invalid, where the law applies even after the action had been performed, a similar expression was used in the first clause as well. (102a2)

The *Gemora* states: The Amoraic dispute regarding if the *chalitzah* can be performed outright with a *min’ol* or not is actually a Tannaic dispute. For we learned in the following *braisa*: Rabbi Yosi said: I was once walking in the city of Netzivin and I happened upon an elderly man. I asked him if he is acquainted with Rabbi Yehudah ben Beseirah. He answered me that he is and that Rabbi Yehudah ben Beseirah constantly eats by him. Rabbi Yosi asked the elderly man: Have you ever observed the manner in which Rabbi Yehudah ben Beseirah conducts the *chalitzah* procedure. He responded: Yes, I have seen him conduct *chalitzah* many times. Rabbi Yosi asked him: Was the *chalitzah* done with a *min’ol* or a sandal. The old man replied: Is it permissible to perform *chalitzah* with a *min’ol*? Rabbi Yosi replied: If so, why did Rabbi Meir state that a *chalitzah* performed with a *min’ol* is valid? Rabbi Yaakov said in the name of Rabbi Meir that *chalitzah* can be performed initially with a *min’ol*.

The *Gemora* asks: What is the reason of the one who maintains that the *chalitzah* should not be performed with a *min’ol*, but if it is done, it is nevertheless valid? If you would suggest that it is because the upper part of the *min’ol* is regarded as being “on” the yavam’s foot (and the removing

of the upper part of the shoe may be described as *from off his foot*), and the strap is regarded as being on the upper section (of the *min'ol*), which is “on” the yavam’s foot (and the removing of the strap will be considered “from off of the from off”), a performance which is not in accordance with the Torah which said: *from off his foot* but not *from off of the from off*; it could well be retorted that if such were the reason, the *chalitzah* should be invalid even after the fact.

The *Gemora* answers: It is because of a preventive measure against the possible use of a flabby shoe or even half a shoe (*such are not permitted at all for chalitzah purposes; were any foot-covering shoe permitted for use in chalitzah one might mistakenly use such a shoe even when it was burst or when it was flabby or even when half of it was torn away, therefore we prohibited using a min'ol; this measure was not necessary in the case of the sandal which, when burst or broken in halves cannot be worn at all*). (102a2 – 102a3)

Rav said: Had I not seen my uncle (R’ chiya) arranging a *chalitzah* with a sandal that had laces, I would have allowed a *chalitzah* only with an Arabian sandal, which can be more firmly fastened (to the foot). And in respect of our kind of sandal, though it has a knot (to prevent it from falling), a strap also should be tied to it, so that the *chalitzah* may be properly performed. (102a3)

Inquiries

(Mnemonic: You released a yevamah with a sandal.) Rav Yehudah reported in the name of Rav: The permissibility of a *yevamah* to marry a stranger takes effect as soon as the greater part of the heel is released (*during the chalitzah, even though the shoe was not entirely removed*).

The *Gemora* asks from the following *braisa*: If the straps of a *min'ol* or of a sandal were untied (*not by the yevamah*) or if the *yavam* slipped it off from the greater part of his foot, the *chalitzah* is invalid. The reason that the *chalitzah* is invalid is because the *yavam* slipped it off; had she, however, slipped it off, her *chalitzah* would have been valid; and this is

applicable only to the greater part of the foot, but not to the greater part of the heel (*which even if the yevamah would do would not constitute a chalitzah*).

The *Gemora* answers: The greater part of the foot has the same meaning as the greater part of the heel, and the reason why it was called the greater part of the foot is because all the weight of the foot rests on the heel.

The aforementioned *braisa* provides support for Rabbi Yannai. For Rabbi Yannai stated: Whether the yavam untied the straps and she removed the sandal or whether she untied the straps and he removed the sandal, her *chalitzah* remains invalid, unless she unties the straps and she removes the sandal.

Rabbi Yannai inquired: What is the halachah if she tore the sandal? What is the halachah if she burnt it? He explains: Is the exposure of the foot necessary, and this has here been effected, or is she required to remove the sandal from his foot, which has not taken place here?

This inquiry remains unresolved.

Rabbi Nechemia inquired of Rabbah: What is the halachah in the case of two shoes one above the other?

The *Gemora* explains the inquiry: If she removed the upper one and the lower one remained, surely, the Torah said: *From off* but not *from off of the from off*. The inquiry is necessary only where she tore a hole in the upper one and removed the lower one while the upper one remained on the *yavam*’s foot. Do we say that the requirement is the removing of the shoe which has been done, or is the exposure of the foot necessary, which was not effected here?

The *Gemora* asks: Do people actually wear two pairs of shoes simultaneously? (*It should therefore not be regarded as a chalitzah*.)

The *Gemora* responds: Yes. For the Rabbis observed Rav Yehudah, who would go out from his house with five pairs of felt socks. (102a3 – 102b1)

Without intention

Rav Yehudah reported in the name of Rav: A *yevamah* who was brought up together with the brothers is permitted to marry any one of the brothers and there is no need to consider the possibility that she might have removed the sandal from the foot of one of them.

The reason, then is because we did not actually observe it. Had we, however, observed it, we would have reason to be concerned that her *chalitzah* was valid. The *Gemora* asks: But, surely, it was taught in the following *braisa*: Whether the *yavam* had the intention of performing the commandment of *chalitzah* and she had no such intention, or whether she had such intention and he did not, *chalitzah* is invalid. In order for the *chalitzah* to be valid, they both are required to have such intention.

The *Gemora* answers: It is this that was meant: Although we observed it, there is no reason to be concerned that they might have intended to perform a valid *chalitzah*.

Others say: The reason is because we did not see it, had we, however, seen it, we would be forced to consider that the *chalitzah* is valid. That which we learned that intention is necessary, that is only in respect to the permissibility of the woman to strangers, but to the brothers she does become forbidden. (102b1 – 102b2)

Rav Yehudah stated in the name of Rav: No *chalitzah* may be performed with a sandal that was sewn with linen, for it is written: *And I shod you with tachash (indicating that a regular shoe is made using the hides of an animal).*

The *Gemora* asks: Might it be suggested that *tachash* (leather) is admissible, but not any other material?

The *Gemora* answers: The mention of 'shoe' twice indicates the inclusion of all kinds of leather.

The *Gemora* asks: If the repeated mention of 'shoe' indicates the inclusion of all kinds of leather, all other materials should also be included!?

The *Gemora* answers: If that were so, for what purpose was the term *tachash* used? (102b2)

Rabbi Elozar enquired of Rav: What is the law where the shoe was made of leather and its straps of (goat's) hair? Rav replied: Could we not apply to it: *And I shod you with tachash?!*

The *Gemora* asks: If so, a shoe completely made of hair should also be admissible!?

The *Gemora* answers: Such is called a *karka* (not a shoe). (102b2)

Ve'chaltzah

Rav Kahana said to Shmuel: How do we know that the verb *ve'chaltzah* means that she should remove his shoe from off his foot? Because it is written: *They shall take out the stones in which the plague is.* But perhaps one can suggest that the meaning is that of tying the shoes, for it is written: *Tie your men from among you for the war.*

The *Gemora* answers: There also, the underlying meaning is the leaving the house in order to go to war.

The *Gemora* asks: But, surely, it is also written: *He girds the afflicted in his affliction (which is similar to tying)?*

The *Gemora* answers: The meaning is that as a reward for his affliction, He will deliver him from the judgment of Gehinom.



The Gemora asks: What, however, is the explanation of the verse: *The angel of the Lord will encamp around those that fear him, and He girds them?*

The Gemora answers: The meaning is that as a reward for those who fear him He will deliver them from the judgment of Gehinom.

What explanation is there, however, for the verse: *And He will make strong your bones*, of which Rabbi Elozar said that this was the best of the blessings. Rava explained that the meaning was the strengthening of the bones.

The Gemora answers: Yes, it may bear the one meaning and it may also bear the other; but were the meaning here, by *chalitzah*, intended to be that of tying on, the Torah should have written: *ve'chaltzah* his shoe upon his foot.

The Gemora asks: But, had the Merciful One written: *on his foot*, it might have been suggested: only upon his foot (is when the *chalitzah* is valid), but not on his leg; therefore, the Merciful One wrote: *from on his foot*, to indicate that *chalitzah* may be performed even on the *yavam's* leg!

The Gemora asks: If so, the Merciful One should have written: upon that which is above his foot. Why then did He use the expression: *from on his foot*? Consequently, it must be inferred that the meaning is 'to remove.' (102b3)

A certain heretic once said to Rabban Gamliel: You are a people with whom its God has performed *chalitzah*, for it is written: *With their flocks and with their herds they shall go to seek the Lord, but they shall not find him; He has drawn off the shoe from them*. Rabban Gamliel replied: Fool, is it written: He has drawn off the shoe for them? It is written: He has drawn off the shoe from them. Now in the case of a *yevamah* from whom the brother removed the shoe, could there be any validity in the act? (102b3 – 102b4)

The Mishna had stated: If the *chalitzah* was performed with a sock, it is invalid, etc.

The Gemora notes: This then teaches us that a sock is not regarded as a shoe; and so it was also taught in a Mishna as well: The one entering the chamber to take the coins (from the Temple chamber) would not wear a garment with a hem, or a sock (lest someone would suspect that he took some of the coins for himself, causing him wealth or poverty; the Mishna explains that one must be clean in the eyes of people, just as he must be clean in the eyes of Hashem), and needless to say, with a *min'ol* or a sandal, for one does not enter the Courtyard with a *min'ol* or a sandal. But elsewhere, in a braisa, the contrary was taught: One (on Yom Kippur) must not walk with a *min'ol*, a sandal or a sock, neither from one house to another or even from one bed to another bed!? [Is a sock regarded as a shoe or not?]

Abaye replied: This (the braisa discussing the laws of Yom Kippur) refers to a sock which is furnished with small pieces of rags, the prohibition being due to the pleasure (but not because a sock is regarded as a shoe).

Rava said to him: [The cloth doesn't make something into a shoe], and comfort per se isn't prohibited on Yom Kippur, as we see from Rabbah bar Rav Huna, who walked outside (on Yom Kippur) with a kerchief wrapped around his foot.

Rather, said Rava, there is no difficulty: One braisa refers to a leather sock (and that is forbidden); the other refers to a fabric sock.

The Gemora notes: This explanation is indeed Supported, for were you not to say so, a contradiction would arise between one braisa dealing With Yom Kippur and another braisa which also deals with Yom Kippur, for it was taught in a braisa: No man may walk about in undershoes in his house, but he may walk about in his house in socks. Consequently, it must be inferred that one statement refers to a leather sock and the other to a fabric sock. This indeed proves it.

A braisa was taught in agreement with Rava: If a *yevamah* performed *chalitzah* with a torn *min'ol* which covered the

greater part of the yavam's foot, with a broken sandal which contained the greater part of his foot, with a sandal of rush or of bast, with an artificial wooden foot (of an amputee), with a felt sock, with a support of the feet, or with a leather sock, and also where she performed chalitzah with an adult, whether he is standing, sitting, or bent over, or when she performs chalitzah with a blind man, the chalitzah is valid. However, if the shoe of chalitzah is torn and does not cover most of the man's foot, or if it is a broken sandal that does not have room for most of the man's foot, or with a support for his hands (*made for a person who cannot walk, so that he can drag himself along*), or with a fabric sock, or if she accepts chalitzah from a minor, in all of these cases the chalitzah is invalid. (102b4 – 103a1)

DAILY MASHAL

What is the connection between the exorbitant fee of an expert surgeon and the *chalitzah* of a *yevamah*? It all begins with the story of Rabbi Papa's wife's sister whose husband died childless. The husband's brother, upon whom it was incumbent to marry her in performance of the mitzvah of *yibum*, was an unsuitable mate for her but was unwilling to free her through *chalitzah*. When the case came before the Sage Abaye, Rabbi Papa suggested that they lure him into doing *chalitzah* by offering him the generous sum of 200 zuz. After the *chalitzah* was performed Abaye asked the woman to give the fellow the money she had promised.

Even if she would not give the money, Rashi points out, the *chalitzah* would be valid. Only something which can be done through an agent is subject to conditions imposed by the parties and is nullified upon non-fulfillment of a condition. Since *chalitzah* cannot be performed through an agent, the failure to fulfill a condition attached to it does not nullify its effectiveness. Since the woman, however, had "hired" the services of her *yavam*, it was Abaye's opinion that she was legally obligated to pay the sum to which she had agreed.

Rabbi Papa contested this claim by comparing this case to that of an innocent man fleeing from dangerous pursuers whose only hope for freedom is a ferry which will take him

across the river. In desperation he offers the uncooperative ferry man a sum of money much larger than his usual fee. After he reaches safety, says the halacha, he has no obligation to pay more than the regular fee and can dismiss his offer as not being a serious one. This is so because the ferry man has a responsibility to save him and can therefore not demand an exorbitant fee. The *yavam* who is unfit for the *yevamah* similarly has a responsibility to free her through *chalitzah*, and since he loses nothing in doing so, the woman is not bound to fulfill her promise of money.

Ramban extends this concept to the case of a sick man who can only acquire the medicine he needs by promising the one possessing it an exorbitant sum of money. Not only is it wrong for the medicine's owner to demand such a price, but even if the sick man consents to promise him the money, he is not obligated to later fulfill his promise, and all he must pay is the market value of such medicine. When it comes to a physician charging for his services, however, there is a difference of opinion amongst the commentaries. Ritva contends that since the physician, like the medicine owner, is obligated to save the life of the patient, he can charge only for the time spent attending him. Ramban, however, rules that since it is his *wisdom* which the doctor is selling, there is no definable price tag and whatever they agree upon must be paid. (The latter opinion is upheld in *Shulchan Aruch Yoreh Deah 335:3*.)

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