

This one also goes out with חליצה

הא נמי יוצאה בחליצה –

OVERVIEW

The גמרא attempted to refute the ק"ו (which would teach us that a יבמה is מיתת היבם with מותרת לשוק) from אשה by arguing that an אשה is בגט but not a יבמה. The גמרא responded that a יבמה is [also] יוצאה with חליצה. Our תוספות explains this answer.

תוספות responds to an apparent difficulty:¹

כיון דחליצה במקום גט לא חשיב לה פירכא:²

Since חליצה is in the place of גט, therefore the גמרא **did not consider** the fact that an אשה is בגט and not a יבמה, to be a **valid refutation** of the ק"ו.

SUMMARY

Dissolving the relationship with חליצה is the equivalent of dissolving it with a גט.

THINKING IT OVER

1. In a ק"ו if we can show that the (original) קל (which is the מלמד) is more חמור in any way than the חומר (the למד), then the ק"ו is refuted regardless that in countless other ways the קל is more קל than the חומר. Why is this case different; seemingly only an אשה is בגט and not a יבמה? That fact that only a יבמה is יוצאה בחליצה does not alter the fact that only an אשה is יוצאה בגט!

2. How can תוספות answer that גט and חליצה are equal when later the גמרא attempts to learn out that both יבמה and אשה should go out with גט and חליצה respectively through a ק"ו?³

¹ The question of the גמרא is that an אשה is בגט and a יבמה is not; how did the גמרא refute this by saying that a יבמה goes out with חליצה. The fact still remains that a יבמה does not go out with גט!

² There is no advantage in the יציאה of an אשה over that of a יבמה. They each have a (separate but) equal manner to be freed from their bond.

³ See אמ"ה # 110 and בירורי השיטות.