

אמר קרא ככה עיכובא – The verse says ‘thus’; implying constraint

OVERVIEW

The גמרא explained that a יבמה cannot be released with a גט because concerning her release through חליצה the תורה uses the word ככה (thus); indicating that she can be released only in this manner (of חליצה), but not in any other manner (such as גט). תוספות explains that the term ככה excludes גט but not מיתת היבם.

תוספות asks:

ואם תאמר מנא לן דאתיא ככה למעוטי יבמה מגט –

And if you will say; from where do we derive that the word ככה is coming to exclude a יבמה from being released by a גט -

דילמא אתי למעוטי מיתת היבם¹ שלא תהא מותרת במיתת היבם –

Perhaps the word ככה is coming to exclude the death of the יבם; meaning that she is not permitted to wed (anyone) if the יבם dies!

תוספות answers:

ויש לומר דסברא הוא דככה יעשה לא ממעט אלא יציאות דבידי אדם –

And one can say; that it is logical that the phrase ככה יעשה (so it shall be done) is excluding only releases that are done by peoples' actions -

דהיינו גט דומיא דחליצה דתלו בעשיה –

This applies to גט which is similar to חליצה for they are both dependent on actions taken by people -

אבל יציאה דבידי שמים דהוי ממילא כגון מיתה לא ממעט:²

However a release that is accomplished by the ‘heavens’ which happens on its own, for instance death; this is not excluded by the phrase יעשה ככה.

SUMMARY

The term ככה יעשה indicates that the only action that can release a יבמה is חליצה (but not גט). However, it does not exclude that she cannot be released in other ways which do not require action, for instance מיתת היבם.

THINKING IT OVER

How can we explain that she is not מותרת לשוק with מיתת היבם?!³

¹ Various commentaries (פנ"י, או"ח וכו') understand that תוספות is asking that we should also exclude מיתת היבם [in addition to excluding גט]. The term ככה indicates that this is the only way; excluding all others.

² See תוספות הרא"ש who writes: דככה יעשה משמע במעשה הזה היא יוצאה ולא במעשה אחר אבל מיתת היבם ממילא הוי.

³ See אמ"ה # 136.