

## For all deaths

## לכל מיתות –

### OVERVIEW

The דבי חזקיה teach us that the תורה equated an מיתות לכל לאיש. Superficially, this seems to mean that a woman is liable for the death penalty, just as a man is. תוספות, however negates this interpretation, offers a different one, and explains why.

-----  
- 'השוה הכתוב אשה לאיש לכל מיתות' explains that the phrase תוספות

**כלומר שחייבין עליהם מיתה או כופר כמו על האיש דבהכי איירי קרא דוהמית איש או אשה - means that one is liable for killing a woman, to receive the death penalty or to pay כופר, just as one is liable for killing a man.** תוספות supports this contention that the equality [between woman and man] discussed here, is in reference to the victim (as opposed to the perpetrator), **for this is what the פסוק או והמית איש או אשה is discussing.** The תורה is equating a woman victim to a man victim (but it is not comparing the different perpetrators).

תוספות brings an additional proof that we are discussing the victim:

**ובסמוך נמי קאמר משום איבוד נשמה חס רחמנא עלה -**

**And shortly also the גמרא states** (when it is explaining why we cannot derive the rule of השוה הכתוב אשה לאיש [for other instances] from the פסוק (והמית) that perhaps only by **the תורה had mercy on her because there is a loss of a soul,** therefore the perpetrator has to pay כופר (but not concerning other issues). Again we see that we are discussing the equality of the victims.

**ולא איירי באשה שהמיתה שתתחייב כמו איש:**

**And the גמרא is not discussing a case where a woman killed that she should be liable just as a man is.**<sup>1</sup>

### SUMMARY

The פסוק והמית איש או אשה teaches us that one is equally liable for killing a woman as for killing a man.

### THINKING IT OVER

From which of the (other) two דרשות is it more likely that we derive the rule that a woman is liable if she kills;<sup>2</sup> from שבתורה לכל עונשין שבתורה or from **?!לכל דינין שבתורה**<sup>3</sup>

<sup>1</sup> Seemingly this is derived from one of the other two דרשות, וצ"ע. See 'Thinking it over'.

<sup>2</sup> See footnote # 1.

<sup>3</sup> See, however, אמ"ה.