

For all deaths

לכל מיתות –

Overview

The אשה לאיש לכל מיתות תורה equated an teach us that the דבי חזקיה. 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' תוספות explains that the phrase

כלומר שחייבין עליהם מיתה או כופר כמו על האיש –

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) -

דבהכי איירי קרא דוהמית איש או אשה –

For this is what the פסוק of אשה או איש 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 לאיש [for other instances] from the פסוק of (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 שתחייב כמו איש:

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

Summary

The אשה או איש פסוק והמית איש 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 kills²; from שבתורה לכל עונשין or from לכל דינין³?

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

² See footnote # 1.

³ See, however, אמ"ה.