

דין ד' מיתות לא בטלו –

The punishment of the four deaths did not cease

OVERVIEW

The **ברייתא** of **ר' חייא** states; 'from the day the **בית המ"ק** was destroyed, even though the **סנהדרין** ceased (to function), the punishment of the **מיתות ד'** did not cease'. **תוספות** will discuss whether they receive the exact punishment which is due to them.

ואם תאמר והא אמר בהשוכר את הפועלים (בבא מציעא פג,ב) בהוא דזקפיהו -

And if you will say; but the גמרא relates in פרק השוכר את הפועלים regarding a person that they hung him up to die -

אף על פי שהיה חייב סקילה שבעלו הוא ובנו נערה המאורסה¹ -

Even though he was really liable for stoning, since he and his son were intimate with a betrothed maiden. For stoning he should have fallen instead from the roof or be trampled by an animal, but not hanging (which would be more appropriate for **חנק**) so how can we say **דין ד' מיתות לא בטלו**?!

answers: **תוספות**

ויש לומר בשבעל בנו תחלה ואחר כך הוא דהוי בעולה והרי הוא בחנק -

And one can say; that the son was בועל first, and afterwards the launderer was בועל the same המאורסה, so now (when the father was בועל her) she is a בעולה, and his punishment for being intimate with an ארוסה who is a בעולה is חנק, which is why hanging is the appropriate punishment.

asks: **תוספות**

אבל קשה דחזינן כמה עבריינים² ועובדי עבודת כוכבים שמתים על מטותם –

However there is a difficulty, for we see many transgressors and idol worshippers who die on their beds and do not receive the punishment of מיתות ד' which they deserve. This would contradict the ברייתא of ר"ה!

¹ The story there is that **ר' אלעזר בר' שמעון** was forced into become a detective for the government. He arrested a certain launderer who spoke to him disrespectfully. When **ראב"ש** went to redeem him he was already hung. **ראב"ש** was very distraught until the people told him that this launderer and his son were **בועל** a **המאורסה**, which carries the death penalty of **סקילה**.

² **עבריינים** may be a euphemism for **משומדים**.

answers: תוספות

ויש לומר דעל ידי תשובה הקדוש ברוך הוא מיקל ולפעמים מוחל לגמרי -

And one can say; that through repentance, הקב"ה is lenient with them and occasionally may completely forgive the sin and not punish them at all -

או זכות תולה לו ואינו נפרע ממנו בחייו -

Or sometimes the sinner has a merit which suspends the punishment on this world and הקב"ה does not penalize him while he is alive, but rather he is punished in the world to come –

responds to an anticipated difficulty: תוספות

ובפרק אחד דיני ממונות (סנהדרין דף לז,ב ושם) דפריך והא בר נחש הוא³ לפי שהחמיר⁴ עליו⁵ יותר:

And in פרק אחד דיני ממונות where גמרא asks; 'is he to be killed by a snake'; seemingly what is the question, תוספות just explained that not always does one receive the punishment he deserves. תוספות replies; the question there was **that he was dealt with harshly**, worse than he deserved.

SUMMARY

The punishment of מיתות דין ד' generally is according to the sin (but not harsher); however תשובה or a זכות may mitigate or postpone the punishment.

THINKING IT OVER

Can we explain the case of בעל בא הוא ובנו על נערה מאורסה even if the father was תחילה?⁶

³ See previous [TIE footnote # 12]. תוס' ל,א ד"ה מיום

⁴ previously explained that it is possible that the sinners are dealt with lightly because of תשובה or a זכות; however by the snake he was dealt with harshly, therefore the question there is valid. For the answer see TIE there footnote # 13.

⁵ He should have received הרג (or its corresponding punishment of למכות, etc.) for murder; however he received a snakebite which corresponds to שריפה, a more severe מיתה.

⁶ See מהר"ם שי"ף.