

## And perhaps lashes is more severe

## ודלמא מלקות חמור –

### Overview

The גמרא asks how do we know that מיתה is more severe than מלקות, perhaps מלקות is more severe, and therefore since he was only warned for מיתה, which is relatively more lenient than מלקות, therefore the חובל only pays. However if he would be warned for מלקות (which is the more severe punishment), he would be לוקה ואינו משלם. Our תוספות proposes an answer to this question.

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הוה מצי לשנויי מסתברא מיתה חמורה שכן ניתנה לאנשי עיר הנדחת<sup>1</sup> –

The גמרא **could have answered; logically מיתה is more severe than מלקות, for it is the punishment of מיתה which is given to the people of the ‘corrupted city’ -**

**כדאמרינן<sup>2</sup> בפרק ד' מיתות (סנהדרין נא):**

**As the גמרא states in מיתות 'פרק ד'.**

### Summary

Since the אנשי עיר הנדחת receive מיתה that should prove that מיתה is ממלקות חמורה.

### Thinking it over

Why did תוספות choose to bring his proof from אנשי עיר הנדחת, he seemingly could have proven it from an individual who was עובד ע"ז, who is put to death, but not given מלקות, why הנדחת?!<sup>3</sup>

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<sup>1</sup> An עיר הנדחת is a city in which (most of) the inhabitants worshipped זרה. The worshippers are all put to death by the sword (הרג) סיף.

<sup>2</sup> The גמרא there discusses the relative severity of all the מיתות ב"ד, which are שריפה, הרג, וחנק. The גמרא there continually argues that אנשי עיר הנדחת (סיף) הרג is the most severe punishment for it is given to the אנשי עיר הנדחת. Their crime is the greatest since we find by them that they are severely punished, for besides being killed, their money is confiscated and forfeited, which we do not find in any other place. [The גמרא there has to find various answers and דרשות why indeed הרג is not the severest מיתה.] It is evident that we seek the maximum punishment for the אנשי עיר הנדחת, so if מלקות חמורה ממיתה, we would have given them מלקות.

<sup>3</sup> See footnote # 2.