

Review Questions on Lessons 5-8 Daf 2b-3a:

6)

(a)What does Ula mean when he speaks of a hint in the Torah for Eidim Zom'min?

(b)What problem does he have with the Pasuk in Ki Seitzei "ve'Hitzdiku es ha'Tzadik, ve'Hirshi'u es ha'Rasha; ve'Hayah Im bin Hakos ha'Rasha"?

(c)So how does he interpret it?

(d)Why do we need a special Pasuk? Why should they not receive Malkos from the Pasuk (in the Aseres ha'Dibros) "Lo Sa'aneh ve'Re'acha Eid Shaker"?

(e)Our Mishnah cited two cases where the witnesses receive Malkos (rather than the punishment that they tried to mete out to the defendant). The Tana Kama of the Beraisa cites two more cases. One of them is when they tried to make the defendant pay Kofer (by testifying that his Mu'ad ox [that already killed three animals] killed a person). What is the ...

1. ... fourth case?

2. ... fifth case added by Rebbi Akiva?

7)

(a)What is the logic behind the ruling that the false witnesses do not pay Kofer?

(b)In another Beraisa, the Tana Kama holds that Kofer entails paying the dead man's value. What does Rebbi Yishmael b'no shel Rebbi Yochanan ben Berokah say?

(c)According to Rav Chisda which Tana holds that Kofer is a Kaparah (and is therefore the author of the first Beraisa)? What does the second Tana then hold?

8)

(a)Rav Papa however, disagrees. According to him, both Tana'im hold that Kofer is a Kaparah' (in which case, either could be the author of our Beraisa). What do the Rabbanan learn from the 'Gezeirah-Shavah' "Hashasah" "Hashasah" ("Kasher Yashis alav Ba'al ha'Ishah", also in Ki Seitzei, in connection with a man who struck a pregnant woman and killed her baby)?

(b)What is then the reason of Rebbi Yishmael?

9)

(a)In the case of 'Ein Nimkarin be'Eved Ivri', Rav Hamnuna at first maintains that the Tana is speaking where the defendant has money to pay (in which case they are not sold, since *he* would not have been sold either, even if they had not turned out to be Eidim Zom'min). What would the law then be if the latter had no money to pay?

(b)On what grounds do we refute this explanation?

(c)How do we amend Rav Hamnuna's statement?

(d)What does Rava, based on the Pasuk in Mishpatim "ve'Nimkar bi'Geneivaso" finally rule?

10)

(a)We learned in the Beraisa that, according to Rebbi Akiva, the Eidim Zom'min do not pay by their own admission. Why not? What does he learn from the Pasuk there (in connection with paying Kefel) "asher Yarshi'un Elohim"?

(b)How does Rabah prove that Eidim Zom'min is a K'nas?

(c)Rav Nachman seems to bring a second proof from the fact that the money remains in the original owner's hands, yet the witnesses are obligated to pay. What problem do we have with Rav Nachman's statement?

(d)How do we therefore amend it?

Daf 3a:

1)

(a)When Rav Nachman ... Amar Rav says 'Eid Zomem Meshalem l'fi Chelko', why can he not mean to say that each of the false witnesses must pay a half?

(b)The word 'Meshalshin' (in the Mishnah later) might mean that Beis-Din become a third party to divide the sum equally among the Eidim Zom'min. What else might it mean.

(c)What objection do we raise against the suggestion that what Rav Nachman means is ...

1. ... that, in matters concerning Mamon, each witness must pay half?

2. ... that if one of the witnesses becomes a Zomem, he is obligated to pay his half?

(d)Why can we not then establish the case where he ...

1. ... he confesses that he testified falsely (and that Reuven does not really owe Shimon the money at all), like Rava?

2. ... admits that they both testified in another Beis-Din and were declared Zom'min?

(e)In the above-mentioned case where one of the witnesses confesses that he testified falsely (and that Reuven does not really owe Shimon the money at all), why would he be Chayav to pay anyway? What does Rav Nachman then refer to the witness as 'Eis Zomem'?

2)

(a)How do we finally amend the last suggestion, to establish Rav Nachman ... Amar Rav's case?

(b)What is the insight of that case?

3)

(a)Our Mishnah discusses a case where two witnesses claimed that Reuven had divorced his wife, and were then proven to be Zom'min. What monetary loss are they now obligated to pay for?

(b)What problem do we have with assessing it?

(c)So how do we assess it?

4)

(a)Besides the fact that a husband is currently Muchzak (the one in possession) in his wife's Kesubah, on what grounds are his stakes in his wife's Kesubah higher than hers?

(b)Why can we not extrapolate from the Tana, who says 'she'Im Nis'arm'lah ... ' (that if she becomes widowed) , that the Eidim Zom'min must pay the equivalent of the woman's stakes in the Kesubah?

(c) According to Rav Chisda, how much do the Eidim Zomemim pay ?