And additionally; since it was taught later

-ועוד 1 מדקתני לקמן

OVERVIEW

The גמרא asks how can the משנה begin with כיצד העדים נעשין זוממין (which indicates that we will be discussing a case where we will implement the punishment of that we will be discussing a case where we will implement the punishment of משנה עשות לאחיו), when in fact in our משנה we do not implement the that נאמרו להם לו נאשר משנה (but rather we give them another punishment). The אמרו להם וכו' הרי אלו משנה that משנה that ועוד (אמרו להם וכו' הרי אלו הוספות משנה explain this (second) question in different ways.

- פירש הקונטרס² דמאי בעי כיצד וכולי הא קתני³ לקמן חכולי

רש"י explained that the משנה is asking (with the ועוד); why does the משנה inquire, 'how the עדים become זוממין, etc.' since the משנה later teaches us precisely the process how the עדים become זוממין, etc. (which is not taught in our משנה).

תוספות offers an alternate explanation:

רעוד יש לפרש ועוד כלומר ואם תמצא לומר דלשון הזמה הוא - 5 And additionally one can explain the question ועוד to mean; and if you will say in answer to the first question that the phrase כיצד העדים נעשין זוממין is (merely) discussing the language to be used in the הזמה process, but it is not coming to teach us the law of הזמה (that we perform the כאשר זמם). The response (of the זומה) to that is, that -

זה אינו 6 דעל כרחך דין הזמה קאמר כדקתני ולאלומי קושייתא קמייתא: This is not so, for perforce our משנה is teaching us the law of הזמה, for the language of הזמה is as we learn later in the following משנה. And the purpose of the כיצד אין העדים נעשין is to strengthen the first question that the משנה should have said כיצד אין העדים נעשין.

 $^{^{1}}$ This תוספות should precede the תוספות ב"ה כל הזוממין.

 $^{^2}$ רד"ה ועוד

³ The הגהות amends this to read קתני $\frac{d}{dt}$ לקמן (instead of קתני לקמן).

ה,א ⁴

⁵ The proposed (and ultimately refuted) answer here is that the משנה is not teaching us the laws of הזמה (since in our we do not carry out the משנה), but rather the משנה teaches us the process of משנה; what the witnesses say, and what the עדים המזימין say (even though this is not mentioned in the משנה [see 'Thinking it over']). Therefore we can circumvent the issue that משנה is not carried out in our משנה, since this is not the intent of the משנה.

⁶ Our משנה is not discussing the לשון for this is taught in the following משנה on א,ה. We must therefore conclude that our משנה is teaching the הזמה for this is not so (for we do not implement the משנה in our כאשר זמם in our כיצד אין העדים נעשין זוממין should have said ביצד אין העדים נעשין זוממין.

SUMMARY

The question ועוד can mean either why ask כיצד העדים וכו', when there is a משנה later which explains it (פרש"י), or you cannot answer (the first question) that our משנה means משנה, for that is the purpose of the next משנה, therefore the first question remains (stronger).

THINKING IT OVER

תוספות explains that the ועוד comes to refute a possible answer to the first question; that the משנה (only) wants to teach us לשון הזמה [the process of מדנה], but not דין הזמה However how can we even entertain such an explanation where there is no mention in the מדים at all regarding the statement of the עדים המזימים (the second set of משנה the first set? We do not need the second משנה to refute this proposed answer when it is self-refuted!

⁷ See footnote # 5.