

Questioning of Witnesses in Monetary and Capital Cases

Ref: *Sefer Shoftim, Hilchot Edut, Chapters 1–3*

🔊 | To question and interrogate the witnesses.² (*Chakiroth, Derishot, Bedikot*)

Chakiroth – 7 basic questions

- Which 7 year cycle
- Which year
- Which month
- Which day of month
- Which day of week
- What time
- Where

In addition to these 7 basic questions, the judges then ask basic questions as to the offense involved. These are called *derishot* i.e. defining the deed e.g. which forbidden labour was performed on *Shabbat* and how was it performed etc.

Bedikot – Incidental information peripheral to event. The more questions asked the more praiseworthy is the judge. E.g. What colour clothes did the accused wear etc.

The witness statements have to synchronise and be precise.

If not, the statement could become nullified, depending if it is a question of *chakirah*, *derishah* or *bedikah*.

E.g. In question of *chakirah* and *bedikah* if one testified and then the second testified leaving out one of the details, then the testimony is nullified.

With a question of *bedikah* i.e. what colour clothes were being worn by the accused (for e.g.), if one or both said ‘I don’t know’, testimony is allowed to stand. But if they contradicted each other on this point then testimony would be nullified.

	Questioning of witnesses	Explanation
Generally witnesses are cross-examined for both monetary and capital cases - <i>Deoraita</i>	✓	
📖 <i>Derabanan</i> , for monetary cases witnesses need not be cross-examined		So as not to discourage loans. If judge feels that the case at hand is fishy, he can cross-examine.
However financial cases involving fines	✓	Full questioning
Even in monetary cases without fines, if witnesses contradict each other with <i>chakiroth</i> and <i>derishot</i>		Testimony becomes nullified (this is not so with <i>bedikot</i>)
<i>Deoraita</i> there has to be 2 witnesses who give oral testimony	✓	
📖 <i>Derabanan</i> , in monetary cases where there is a legal document	✓ Written testimony allowed	So as not to discourage loans