



Third-Party Warning

We opened *masechet Sotah* learning that the prerequisite for the process of *sotah* is that the woman is first warned against being in seclusion with an individual (*kinui*) and then subsequently witnessed in seclusion with that man (*setira*). The *Mishnah* (4:5) teaches that in certain situations, *Beit Din* can provide the *kinui*. These include if the husband became a *cheresh* (deaf-mute) or went mad, or if the husband was imprisoned. The *Mishnah* then debates the status of that *kinui*. According to the *Chachamim*, it is not equivalent to a regular *kinui* and the *sotah* process would not commence based on it. Instead the purpose of the *kinui* provided by *Beit Din*, is that if *setira* is witnessed, she would lose her *ketubah*. *R' Yossi* however argues that if the husband is freed (or recovers), then he can take his wife to the *Sanhedrin* to begin the process based on that *kinui*.

The *Bartenura* explains that the husband must be present for the process to begin since the *pasuk* (*Bamidbar* 5:15) explains, "and then the man shall bring his wife...". They argue however whether previous *pasuk* that states "... and he had warned his wife.." is connected, thus requiring the husband to provide the *kinui* as well. The *Gemara* (27a) explains that the *Chachamim* learn that the *Beit Din* can provide the *kinui* in these circumstance from the repetitious language of "*ish, ish*". The *Tosfot* explains that in truth the *pasuk* is required to teach the law that after *kinui* and *stira* she is forbidden to be with both her husband and the man she was warned against being in seclusion with. Instead, since the *Tosfot* understand that *ketuba* is rabbinic in the first place, the *Tana* cited in the

Gemara is using this *pasuk* as an *asmachta*. Furthermore, the *Tana* is teaching that for a women to lose her *ketubah* due to promiscuous behaviour (violating *daat moshe*) she would need to be forewarned.

The *Nodeh Beyehuda* (*Tenina* YD 159) notes that the *Beit Din* only provides the *kinui* in these cases when the husband is unable to do so. If however the husband is fully able, the *Beit Din* cannot provide the *kinui* despite her questionable behaviour. Citing *Rashi* (25b, s.v. *avdinan*), the *Nodeh Beyehuda* explains that in our *Mishnah*, the *Beit Din* functions as the husband's *shaliach* (agent). They can act in that capacity because we assume that husband would be happy with them taking this initiative. This is based on the principle of *zachin le'adam she'lo befanav* – one can act for the benefit of another even without their knowledge. If the husband however can provide the warning himself and has not done so, *Beit Din* cannot step in. This is because it is clear that he does not wish to do so himself. Consequently the *Beit Din* cannot act as his *shaliach*.

The *Nodeh Beyehuda* takes this line of reasoning one step further. He suggests that in the case where the husband was imprisoned, then *Beit Din* provide the *kinui* and the husband is freed, if the husband then says his is not happy with the *Beit Din's* actions, then the *kinui* does not take effect. Even though *kinui* cannot ordinarily be reverted, the husband's objection reveals that the *Beit Din* were not acting as his *shaliach* from the outset and the *kinui* is invalid.¹

Yisrael Bankier

¹ The *Nodeh Beyehuda* adds that since the *Beit Din* acts as the husband's *shaliach*, they would not be able to nominate someone else as their *shaliach* to provide the *kinui*. This is because since the substance of the *shlichut* is *mili* (words) they cannot be "handed over" to another to perform.

Revision Questions

סוטה ג' ה' – ה' ה':

- Explain the debate regarding whether *mei sotah* can have a delayed effect. (ג': ה')
- After which point is a *sotah's mincha* offering that became *tameh* burnt? What happens to the *mincha* offering if it became *tameh* before this point? (ג': ה')
- What is different about the *mincha* offering of a *sotah* who is the wife of a *Kohen*? (ג': ה')
- What are the four differences listed between a *Kohen* and a *Kohenet*? (ג': ה')
- What are two differences between men and women when it comes to the laws of *nazir*? (ג': ה')
- What are two differences between men and women when it comes to death penalty? (ג': ה')
- Can an *arusa* become a *sotah*? From which *pasuk* is this law derived? (ד': א')
- Can a *gerusha* that married a *kohen* become a *sotah*? (ד': א')
- Which four women listed, do not become a *sotah* yet are divorce without receiving a *ketubah*? (ד': ב')
- What is the debate between *Beit Shammai* and *Beit Hillel* regarding a *sotah* whose husband dies? (ד': ב')
- What is a *meuberet chaveiro* and explain the debate regarding this case? (ד': ג')
- Explain the debate regarding whether a *zkeina* can become a *sotah*. (ד': ג')
- If a *sotah* who is the wife of a *kohen* is found to be innocent, can she return to her husband? (ד': ד')
- Does the *kina* apply to *issurei arayot*? (ד': ד')
- In what three cases can the *beit din* provide the *kina* instead of the husband? Would this *kina* make her a *sotah*? (ה': ד')
- Who else would the *mei sotah* affect? (ה': א')
- If the *sotah* refused to drink, aside from her husband, who else would she be forbidden from marrying? (ה': ה')
- On the day that *R' Elazar ben Azarya* was elected as *nasi* what did *R' Akiva* expound regarding:
 - *Tum'ah ve'tahara*? (ה': ב')
 - *Tchum Shabbat*? (ה': ג')
- How was the *shirat ha'yam* sung according to *R' Akiva* and how was it sung according to *R' Nechemyah*? (ה': ד')
- Who learnt that *Iyov* worshipped *Hashem* through *yir'ah* and who learnt that he worshipped *Hashem* through *ahavah*? (ה': ה')

Melbourne, Australia

Sunday -Thursday

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Friday & Shabbat

10 minutes before *Mincha*
Mizrachi Shul
Melbourne, Australia

Efrat, Israel

Shiur in English

Sunday -Thursday

Rabbi Mordechai Scharf
9:00am
Kollel Magen Avraham
Reemon Neighbourhood

ONLINE SHIURIM

Yisrael Bankier
mishnahyomit.com/shiurim

Rabbi Chaim Brown
www.shemayisrael.com/mishna/

Rabbi E. Kornfeld
Rabbi C. Brown
<http://www.dafyomi.co.il/calendars/myomi/myomi-thisweek.htm>

SHIUR ON KOL HALOSHON

Rabbi Moshe Meir Weiss
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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
19 August ח' אלול	20 August ט' אלול	21 August י' אלול	22 August יא' אלול	23 August י"ב אלול	24 August י"ג אלול	25 August י"ד אלול
Sotah 3:5-6	Sotah 3:7-8	Sotah 4:1-2	Sotah 4:3-4	Sotah 4:5-5:1	Sotah 5:2-3	Sotah 5:4-5

