



Escorting the Sotah

Masechet Sotah describes the process applied to a woman suspected of adultery. The process only begins if the woman was pre-warned against being in seclusion with a particular man and subsequently witnessed in seclusion with him. The *Mishnah* (1:3) explains that after those two incidents, the husband takes his wife to the *Sanhedrin* in *Yerushalaim*. The *Chachamim* maintain that they are joined by two *talmidei chachamim* to ensure that they do not have relations on the journey. *R' Yehuda* however argues that they can go alone. The *Gemara* (7a) initially explains that during their marriage the husband is trusted with being alone with his wife when she is in *niddah*. Considering that the prohibition of *niddah* is more severe, he should be trusted in our case. The *Gemara* however continues that that logic justifies the *Chachamim's* position. Considering that the prohibition of *Sotah* is more lenient than *niddah*, it heightens the concern justifying the need for them to be escorted. In other words, the severity of the prohibition is the deterrent, which is absent in our case.

The *Gemara* however continues by citing a *Beraita* that explains that *R' Yehuda's* position is based on the *pasuk*, "and the husband will bring his wife to the *kohen*." The logic cited earlier in the *Gemara* requiring the escort, is presented in the *Beraita* in the name of *R' Yossi*. There the *Chachamim* respond differently, arguing that the prohibition of *niddah* is temporary; the drive to violate the prohibition is not strong, since she will soon be permitted. In this case however, if she indeed had an affair she would be prohibited to him forever. The challenge to resist violating the prohibition is greater, consequently the two *talmidei Chachamim* must join them.

Understanding the *Chachamim's* two counter arguments is important. The *Tosfot R' Akiva Eiger* explains that the practical difference is found if the wife was a *niddah* when they go to *Yerushalaim*. According to the first argument, that the husband is trusted in the case of a *niddah* due to its severity, the *Chachamim* would agree in this case that they may travel alone. Since we have the added severe prohibition, there is no concern about prohibited activities on the journey. According to the second argument, that the husband is normally trusted when his wife is a *niddah* because the prohibition is temporary, they would still need to be accompanied – the issue of *Sotah* is permanent.

The *Tosfot R' Akiva Eiger* however cites the *Tosfot* who notes that *yichud*, being in seclusions with one who is an

issur arayot (prohibited relation), is a biblical law. Even if we may trust them, why can one be in *yichud* with his *niddah* wife in breach of this biblical law? The *Tosfot* answer that the biblical prohibition only covers relationships that are permanently prohibited, excluding *niddah*. The *Tosfot R' Akiva Eiger* therefore asks, if that the permit of *yichud* with one's wife who is a *niddah* does not apply to *sotah*, how could *R' Yehuda* (initially) use it as grounds to permit them go to *Yerushalaim* alone? The *Amudei Ohr* explains that this is not a question on *R' Yossi* for indeed this may have been the substance of the counter argument of the *Chachamim*. However according to *R' Yehuda* it is difficult to understand why he did not differentiate between *niddah* and *sotah* and why the *Chachamim* did not provide this distinction in their counter argument.

The *Amudei Ohr* cites the *Gemara* (*Yoma* 13b) that discusses a *kohen gadol* that, whilst in the middle of his service, hears that a close relative died. *R' Yehuda* argues that he must stop, since he is then prohibited for eating from the *korbanot*. *R' Yossi* however maintains he can continue – the prohibition is temporary as he will be permitted that evening. The *Gemara* however asks, that we find that if the *kohen gadol's* wife dies on *Yom Kippur*, *R' Yehuda* allows the *kohen gadol* to continue. The *Gemara* explains that the difference is that on *Yom Kippur* everyone is prohibited from eating. The *Amudei Ohr* notes that we find that *R' Yehuda* differentiates between objects prohibited to individuals and to everyone. He continues that *R' Yehuda* permits *yichud* with one's wife who is a *niddah* since unlike a relative, a woman in *niddah* is forbidden to everyone. Similarly in our case, *R' Yehuda* reasons that since the *sotah* is also prohibited to everyone equally, he can draw on *niddah* to allow them to travel alone.

This explains why the *Chachamim* do not respond with the same argument they provided to *R' Yossi*. *R' Yossi* understands that the basis for *yichud* with a *niddah* wife being is that the prohibition is temporary, much like the *Tosfot* explain. Consequently, the *Chachamim* argue that the prohibition of *Sotah* is (potentially) permanent. *R' Yehuda's* basis of the permit of *yichud* with a wife in *niddah* is based on her being universally prohibited. Consequently, the *Chachamim* respond by pointing to the flaw in using the severity of the prohibition as a basis for drawing the conclusion.

Yisrael Bankier

Revision Questions

נזיר ז' ג' – ט' ה'

- List some of the forms of *tumat met* that do not cause a *nazir* to forfeit all the days already observed? (ז' ג')
- Regarding the previous questions, would the *nazir* be required to bring a *korban* as a result of becoming *tameh met* in those manners? (ז' ג')
- If a *nazir* become a *zav*, do those days of *tumat hazav* count towards his *nezirut*? (ז' ג')
- According to *R' Eliezer* for what other *halacha* is the distinction between forms of *tumat hamet* important? (ז' ד')
- What is the law regarding a case where a person says to two *nazirs*, "I saw that one of you became *tumat hamet* but I am not sure which one"? (ז' ח')
- Regarding the previous case, what are the two opinions if one of the *nazirs* then dies? (ז' ח')
- What is the law regarding a *nazir* that is *tameh b'safek* and *muchlat b'safek*? (ז' ב')
- Can a *goi* become a *nazir*? (ז' א' ט')
- What is the difference between where a person is *meifer* his wife's *neder* to become a *nazir* and where a person is *meifer* his servant's *neder* to become a *nazir*? (ז' א' ט')
- Which form of *tumat hamet* does not forfeit any days, if it is discovered after a *nazir* has completed his term? Provide an examples of this form of *tumat hamet*. (ז' ט' ב')
- When is an area defined as *shechunat kevarot* and why is it important? (ז' א' ט')
- What are the seven ways to check a *zav* and after which point do these checks not apply? (ז' ד' ט')
- Aside from *Shimshon* which other *navi* was a *nazir*? (ז' ה' ט')

סוטה א' א' – ה'

- In the first *Mishnah*, about what is the debate between *R' Eliezer* and *R' Yehoshua*? (ז' א' א')
- What constitutes a warning for the purposes of *sotah*? (ז' ב' א')
- What are the five cases where a *sotah* does not drink *mei sotah*? (ז' ג' א')
- Where was a *sotah* first taken? (ז' ד' א')
- What was the first thing they would do to a *sotah*? (ז' ד' א')
- What would happen if a *sotah* admitted to having an affair? (ז' ה' א')
- If a *sotah* maintained her innocence, to where was she next taken? (ז' ה' א')

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Sotah 1:6-7	Sotah 1:8-9	Sotah 2:1-2	Sotah 2:3-4	Sotah 2:5-6	Sotah 3:1-2	Sotah 3:3-4

