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**TALMUDIC METHODOLOGY**

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**TENUFA**

Several korbanot offered in the Beit Ha-mikdash involved a ceremony known as tenufa. At a certain point in the course of the sacrifice a segment of the korban was lifted and waved. Among the korbanot which required this step were the menachot or meal-offerings of a sota (suspected adulteress) and a nazir. Each brought a korban of flour - in the case of a nazir as an accompaniment to his animal sacrifice and in the case of a sota as her sole offering. In addition any time a korban shelamim (peace offering) was sacrificed the animal's chazeh ve-shok (chest and shoulder) were raised and waved in the process of tenufa. This article will examine a particular aspect of tenufa - how its multiple participants interact.

The gemara in several locations notes a discrepancy between the description of tenufa for a shelamim and the procedure for a sota or nazir. In the former case, the ceremony appears to be performed by the owner as the Torah writes, "his hands should deliver the korban (Vayikra 7:30)." However, in the case of the mincha of a sota and nazir the Torah describes the kohen taking the flour from the hand of the owner and performing the tenufa. The gemara reconciles this apparent setira (contradiction) by combining the two images of tenufa into one comprehensive picture. In the case of each korban BOTH the owner AND the kohen perform tenufa. By specifying the kohen's tenufa in the cases of nazir and sota and the owner's tenufa in the case of a standard shelamim, the Torah, in fact, mandates a dual tenufa for both cases. As the gemara portrays it, "the kohen places his hands underneath the hands of the owner and together they elevate the korban."

This scenario, though reconciling the apparently contradictory pesukim, raises a halakhic concern - one voiced by Tosafot. In general, whenever a mitzva must be performed with one's hands, direct contact between the person and the item is required. For example a person must directly grasp his lulav without any other substance causing a partition. Similarly, tefillin must be fastened directly upon a person's arm without any medium separating the two. This disqualifying situation is known as chatzitza - an obstruction or blockage which invalidates the mitzva. Shouldn't tenufa be subject to these rules of chatzitza and be disqualified if something separates between the hand and the item being lifted? Isn't the owner's hand which divides between the kohen's hand from the korban a chatzitza which should in turn disqualify the tenufa of the kohen?

Just in case we might speculate that tenufa is for some reason not subject to the laws of chatzitza, Tosafot cite a gemara in Menachot (94) which confirms that indeed

chatzitza DOES disqualify a tenufa. The mishna in Menachot (93:) declares that if several individuals form a partnership and bring a korban mincha, only one delegate performs tenufa on behalf of the group. The gemara questions this policy, suggesting that they all perform tenufa simultaneously. The gemara retorts that were they all to hold the vessel containing the flour, inevitably someone's hand would not be in direct contact with the vessel, thus invalidating his tenufa. Given the impossibility of joint tenufa, we opt instead for a single representative to perform it. This gemara clearly demonstrates that chatzitza DOES pose a concern for the mitzva of tenufa. How, then, can the gemara in Kiddushin suggest a dual tenufa in which the kohen places his hands underneath those of the owner if the tenufa of the kohen would thus be invalid due to interference? The logical question of Tosafot is given greater urgency by an explicit gemara!!!

Tosafot themselves provide two answers, each of which draws some distinction between the partnership described in Menachot and the kohen/owner team of Kiddushin. We will begin with the second answer which distinguishes between the FACTS of the respective cases. Tosafot reinterpret the "positioning of hands" suggested by the gemara in Kiddushin. Though the gemara describes the kohen's hands as being underneath, they were actually BELOW holding onto the vessel containing the korban at a lower and different point. "Tachat" here doesn't mean UNDERNEATH but rather BELOW, at a lower point on the vessel. In fact there was no chatzitza as the kohen was also grasping the vessel itself.

Though this answer manages to solve the contradiction it is somewhat unclear how Tosafot deduce this distinction; the gemara in Kiddushin makes no allusion to this setup. More importantly, why couldn't such a strategy have been utilized in the case of partners offering a mincha? Solving the contradiction entails locating a distinction between two cases. Tosafot, though suggesting an alternate pattern for the tenufa, fail to tell us why this should apply to the kohen but not to the partnership.

In contrast, Tosafot's first suggested answer notes an ESSENTIAL difference between the two cases. In each instance the facts are the same; there is a chatzitza (another person's hand) separating one of the principals from the item to be waved. What is different, however, is the relationship between the kohen and the owner on the one hand and the dynamics between the two partners on the other. Since sometimes though items number two in a physical sense, conceptually they are regarded as a single unit. For an example, the gemara in Bekhorot discusses the halakha of bechor chamor - offering a sheep as a korban in place of the first-born of a donkey. What happens if twins are born - which animal is considered the bechor? The mishna (9a) claims that invariably only one was actually first (even though to the human eye they appeared simultaneously) and therefore only one sheep to be offered. R. Yossi Ha-glili argues that they both were born "first" and hence two animals have to be offered to redeem the TWO first-born donkeys. Rabanan and R. Yossi Ha-glili, then, debate whether both or only one of these simultaneously born animals is considered the bechor.

The gemara poses the following question to Rabanan: The special status of bechor is conferred during birth as a function of direct contact with the mother's ENTIRE womb

during delivery. It is to be assumed that an animal who was born with a twin was not in contact with the entirety of the womb, as it must be separated from it at some point by its sibling. Therefore neither animal should enjoy the status of a bechor because the one born later will always act as a chatzitza between the real bechor and the mother's womb!!! The gemara challenges the Rabanan to defend their designation of one of the animals as bechor, for assuredly some chatzitza existed.

Rashi notes that this problem of chatzitza was only raised by the gemara in response to the Rabanan's position that only ONE animal is the bechor. According to R. Yossi Ha-glili that they are BOTH bechor no question is raised. Rashi explains that according to R. Yossi Ha-glili, - since both animals have the status of bechor they are considered as ONE and neither acts as a chatzitza to the other. A chatzitza is defined as a foreign item which intervenes between two items which must be in contact (e.g., a shirt which separates the tefillin from one's arm). If the other item isn't foreign but integral then division just as the part of the lulav which one is holding doesn't act as a chatzitza between his hand and the part with which he is not in direct contact. Rashi reminds us that before assuming that there is a chatzitza we must carefully inspect the dynamics between the various items and the level of their integration.

In the case of the kohen and the owner, since the Torah requires each participant and no tenufa can be performed without their presence, they form the BARE ESSENTIALS of the tenufa. Though they are physically separate people they are considered "one" hand with regard to tenufa and no chatzitza is formed. In contrast, in the case of partners the extra hands are not basic requirements of a tenufa since the same korban could have been offered by a single individual. We in no way view all of their hands as one and instead disqualify the intervening hand as a potential chatzitza. One cannot equate the relationship between the kohen and the owner with the relationship between the partners. (For a full essay on this approach see the Kehillat Yaakov in his writings on masekhet Kiddushin).

A third option is suggested by Rashi in Menachot. This answer compares the relative IMPORTANCE of the kohen's act of tenufa to that of the owner. Rashi writes that since the tenufa of the kohen is only of secondary importance, we are unconcerned with a chatzitza. Rashi appears to "rate" the respective tenufot prioritizing that of the owner and thereby tolerating a chatzitza in the tenufa of the kohen. What is missing from Rashi is the nature of this classification. If the kohen's tenufa is necessary despite its secondary role no disqualifying chatzitza should be allowed. If, on the other hand, it is so insignificant that we tolerate a chatzitza, why must it be performed at all?

We might resolve this dilemma by examining a distinction drawn by Rav Chayim between two roles which the kohen performs when executing an avoda (act of worship). His first role is as the executor of that act. He sacrifices, sprinkles blood and carries items from one location to another. He is quite literally the AUTHOR of an action. Additionally, his physical hand actually serves as the "MAKOM" of the item - the location where the item must be residing during the act. In many cases a medium must be placed within a "kli sharet" - a holy vessel - during the time of the avoda. If it doesn't rest within the vessel

the avoda is invalid since it is not in the correct makom. Furthermore, in some cases the makom of an item (or a vessel housing an item) is the HAND of the kohen. Thus Rav Chayim distinguishes between the kohen as the AUTHOR of the action and the kohen as the MAKOM of the avoda. (See Rav Chayim for an interesting distinction regarding the possibility of using the left hand instead of the preferred right hand).

One logical difference which Rav Chayim raises between these two alternatives is the applicability of the concept of chatzitza. Indeed, if the kohen serves as the locus of the avoda we might require direct contact between his hand and the item. If a chatzitza exists we might not view the item as located in his hand per se. In contrast, in order to view the kohen as the author of the action it would suffice that the act is propelled by him and we would not demand direct contact. An act executed by the kohen without touching the item in question would still be considered his action or ma'aseh. Rav Chayim's distinction between ma'aseh and makom would have great influence upon the relevance of chatzitza to avoda in the Beit Ha-mikdash.

Given this distinction between two roles played in the Mikdash and the manner in which chatzitza depends upon the nature of the job, we might return to Rashi's troubling hierarchy. Rashi had ruled that the tenufa of the kohen, since it is different from that of the owner, is not invalidated by chatzitza. We were troubled by this ruling since Rashi still maintains that the kohen's tenufa is necessary even while tolerating a chatzitza. Could Rashi possibly have discerned a difference in the role the two tenufot play? When the gemara demands a dual participation might it have outlined DIFFERENT roles for the kohen and the owner. The kohen might be viewed as the author of the action, whereas the owner might also be considered as the makom - the site where the korban must be situated during the tenufa process!! If so, we might very well understand why chatzitza subverts the owner's tenufa and not the kohen's. As Rav Chayim postulated chatzitza is only problematic if a person is to serve as the location of a korban. As such, the owner whose hand must house the korban must have direct contact with it. In contrast only the tenufa is required of the kohen. Any act effected by him, even without direct contact, is still considered his.

#### METHODOLOGICAL POINTS:

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1. Resolving a "setira" is generally performed by distinguishing between the two instances in one of two ways. Sometimes the "metziut" is different, - i.e., the facts of the case, or what exactly happened. This is exemplified by Tosafot's second answer. At other times, a setira might be resolved by distinguishing between the two halakhot. Something essential changes in the two cases being compared.

2. Whenever two factors/items are "taken" in unison two questions must be asked:

a) What is their degree of integration - do we regard the kohen and the owner as one unit or as two separate people acting upon the korban? This seems to be the gist of Tosafot's first answer as explained by the Kehillat Yaakov.

b) Assuming they are indeed separate, are they equal or does one play a more central role than the other? This apparently underlies the position of Rashi in Menachot.

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