

בס"ד

The 5782 *Shema Koleinu*
Shavuos Addendum
with *Divrei Torah* and Insight
from *Roshei Yeshivah* and *Talmidim*

מתיבתא ד'ישיבת רבינו יצחק אלחנן

In the introduction to the recent *Shema Koleinu Shavuot* Edition, we bemoaned the fact that we did not reach our goal of publishing articles on every *sefer* in *Tanach* and every *masechta* in *Shas*. Since then, while we still haven't reached that goal, we have received a few more submissions of *Divrei Torah* from *Talmidim* and *Roshei Yeshivah*. We decided that it would be worthwhile to publish these *Divrei Torah*, both to publicize these articles because of the great effort expended to write them, and to come closer to our goal which we had set months ago.

-Meir Morell and Yitzchak Hagler
Editors' in Chief Emeriti

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Shmuel
The Mystery of the Misplaced Thigh

Meir Morell ('22)

"וירם הטבח את השוק והעליה וישם לפני שאול ויאמר הנה הנשאר שים לפניך אכל כי למועד שמור לך לאמר העם קראתי ויאכל שאול עם שמואל ביום ההוא"

“The cook raised the thigh with what was attached to it, and placed it before Shaul. He [Shmuel] then said, "Here is what remains, put before you and eat, for it was kept for you until the appointed time because I told [the cook], 'I have invited the people.'" And Shaul ate with Shmuel on that day.” (I *Shmuel* 9:24)

When learning the above *passuk*, I was troubled by the fact that the thigh, which is usually given to a *kohein*, was given to Shaul, a mere Benjamite. This problem is addressed by Mahari Kara (a French commentator on various *sifrei Tanach* who lived from 1065 to 1135). He teaches: “Don’t wonder about the fact that the thigh wasn’t given to a *kohen* which is the law by *korbanos shelamim*, because [the requirement to give the *kohen* the] *chazeh* and *shok* [and the *terumas lachmei todah*] (chest, the thigh, and the *teruma* of the loaves of the thanks offering) isn’t observed on a [small] *bamah* (a private *mizbeach* in the times before the *Beis HaMikdash*), as is taught in [*Maseches*] *Zevachim* (117:).”

Rashi (*Zevachim* 117:) quotes *daf* 119: explaining that the reason the *chazeh* and *shok* aren’t observed on a *bamah* is learned from a *passuk*. By the commandment of the *chazeh* and *shok*, the *Torah* says “to wave a wave-offering before *Hashem*” (*Vayikra* 10:15) which teaches that this *mitzvah* is only observed “before *Hashem*” (namely, in the *Beis HaMikdash*) and not on a *bamah*.

Tosafos challenged Rashi: If the *Tana Kama* (of the *mishnah* at the beginning of the *perek*) holds that a *korban minchah* is observed when it’s brought on a small *bamah* even though there is no *tenufah* (waving), so too the *chazeh* and *shok* and the *terumas lachmei todah* should be given to the *kohein* when a *korban* is brought on a small *bamah* just without waving? *Tosafos* answered that the main *mitzvah* of the *chazeh* and *shok* and the *terumas lachmei todah* is the *tenufah*, and therefore it’s not done without *tenufah*. However, the main *mitzvah* of the *minchah* is the *kemitzah* and *haktarah* (scooping out a fistful of flour from the *minchah* and the burning of the *minchah*), and therefore it’s done without *tenufah*.

What’s the Source?

The *Ayeles HaShachar* asks where the source of the fact that *tenufah* is the “*ikar mitzvah*” of *chazeh* and *shok*, to the extent that without it the *kohein* couldn’t benefit from it, comes from. ` The *Yivareich Yisrael* answers that the source of *Tosafos*’ opinion is an explicit *Gemara* in *Maseches Chulin* on *daf* 130. The *Gemara* asks why one isn’t required to give the *chazeh* and *shok* of *chullin* (non-sacred) animals, if we can learn it from the following *kal vachomer*: If *kodshim* (sacred) animals, which are not obligated to have *matnos kehunah* (gifts of the *kohein*, namely the shoulder, the cheeks, and the maw) taken from them are still required to give the *chazeh* and *shok*, all the more so *chullin* animals which are obligated to have *matnos kehunah* taken from them should need to give the *chazeh*

and *shok*! The *Gemara* answers that since the *chazeh* and *shok* of *chullin* can't be waved, because it's forbidden to bring it into the *Azarah* of the *Beis HaMikdash*, and since one can't to do *tenufah* out of the *Azarah* since it needs to be "before *Hashem*" (as *Rashi* explains above), therefore it's not possible to do *tenufah* on the the *chazeh* and *shok* of *chullin* and it's therefore not required. The *Yivareich Yisrael* ends by saying that this clearly teaches that *tenufah* is the "*ikar mitzvah*" of the *chazeh* and *shok*, thereby validating the answer of *Tosafos*.

A Question to Ponder

I saw that the *Halachah LeMosheh* is quoted to have asked that in *Maseches Menachos* on *daf* 61. *Tosafos* (*d"h B'Yisrael*) explained that a *korban shelamim* of a gentile doesn't have *tenufah* and nonetheless its *chazeh* and *shok* are given to the *kohen*. This seems to dispute the fact that *tenufah* is the main *mitzvah* of the *chazeh* and *shok*, which is a question on our *Tosfos* in *Zevachim*.

I don't know the answer and would be thrilled to hear one. Feel free to send one to morellmeir@gmail.com.

Divrei HaYamim

Why Do we Fail?

Avidan Loike ('22)

There are two specific failures in *Divrei HaYamim* that are not known by most and highlight key things that cause us to fail, not sin but fail. The first comes with Yehoram, he was king of *Malchus Yehudah* after Yehoshafat, he married the daughter of Achav, one of the worst kings of *Malchus Yisrael*. Due to the influence of his wife, Yehoram decided to bring *avodah zara* into the *Beis HaMikdash*. Yehoram's greatest failure was that he didn't recognize the power that his wife had when tempting him to commit a sin that he wanted to do. In general when there is a sin a person wants to commit they can overcome the urge and do the *yashar b'einei Hashem*, however when a person is in an environment where they are constantly being tempted to do wrong both from within and from the exterior that is far harder to overcome. This is basically what the Rambam says in *Hilchos Deos, perek 6*. The Rambam says that human nature is to be affected by those around you and one should make sure to be around good people in order to be positively affected, and not *chas v'shalom* around bad people which could send you in the other direction.

The next failure comes with Yehoram's grandson, Yoash. Yoash's sadistic grandmother (Yehoram's wife) decided to kill all the heirs to the throne in order to become queen over *Malchus Yehudah*. The daughter of the *Kohein Gadol* saves the life of the youngest of the heirs and Yehoyada (the *Kohein Gadol*) hides him and saves his life through hiding him in a place no one would look, the *Kodesh HaKadoshim*. Eventually this child, Yoash, grows up and takes back the kingdom. After Yehoyada dies the leaders of *Malchus Yehudah* at the time come to Yoash and bow down to him. The Malbim explains that they considered Yoash to be a God, while Yehoyada was alive Yoash didn't allow them to do this, however, once he died Yoash allowed it. What was the failure of Yoash? It was a lack of exceeding care to avoid people who would perpetuate such feelings. Yoash was told by his officers that he had been in the *kodesh kodashim* for six years and nothing happened to him so obviously Yoash has some kind of divinity. During the life of Yehoyada, Yoash didn't listen to them after they died he did, why? Because he had lost his good advisor (I.e. Yehoyada). The *Mesilas Yesharim* explains that having advisors that constantly empower your self image will lead to you believing them. Yoash as a result of his officers also served *avodah zara* and spread it throughout *Malchus Yehudah* (Radak). *Hashem* then sent the *navi* Zechariyah ben Yehoyada (same Yehoyada) to stop Yoash and Yoash had him stoned to death. As a result of Yoash's blatant arrogance and disregard for *hakaras hatov* to Zechariyah's father 200 or so years later the blood of the *kohein v'navi* was still on the steps to the *Beis HaMikdash* and the chief general of Nevuchadnetzar, Nevuzaradan, went on a killing spree as seen in the *Gemara in Sanhedrin (96b)*. We see from these two stories that there are different ways in which our environment can cause us to fail and we must take exceeding care to avoid both. There is the environment where we are closely related to someone who is making an active effort to cause us to fail and we must take care to avoid them, and then there are those who are allies but what they are doing is not helping us and they too must be avoided.

Eiruvim
Holey Walls

Rabbi Yaakov Neuburger

The *Mishnah* (*Eiruvim* 15b) describes a case where a traveling caravan stops to camp in a *bika*, a valley, surrounded by animal equipment. We know from the *Gemara* (*Shabbos* 6b) that a *bika* is treated like a *reshus harabim* (meaning that one cannot carry four *amos* in a *bika* on *shabbos*, nor can one carry to or from a *bika* on *shabbos*) unless it has a *mechitzah*, some sort of wall around it. If it does have a *mechitzah*, it takes on the status of a *reshus hayachid*, thereby allowing one to carry four *amos* in it, carry from it to another *reshus hayachid*, or carry from another *reshus hayachid* to it. Our *Mishnah* rules that in the case of the animal equipment around the *bika*, one can carry within the *bika* (presumably because the animal equipment constitutes enough of a *mechitza* to give the *bika* the status of a *reshus hayachid*) as long as A] the animal equipment wall is ten *tefachim* high, and B] the total area of holes in the wall doesn't exceed the total area of solid material on the wall (assuming that each hole is more than three *tefachim*). The *Mishnah* goes on to explain that the reason why the *mechitzah* is *kosher* even though it has holes is because the holes are considered like doors on the wall. Therefore, if any one of the holes is bigger than the size of a door (ten *amos*), it invalidates the entire *mechitzah*.

We're going to focus on the *Mishnah*'s second condition, that a *kosher mechitzah* needs to have less total area of holes on the wall than total area of solid material. The *Gemara* (*Eiruvim* 15b-16b) wonders whether a *mechitzah* which has equal parts holes and solid wall is *kosher*. Rav Papa thinks that it would be *kosher*; but Rav Huna disagrees. Being that *hilchos mechitzah* are a *halachah leMoshe miSinai* (*Sukkah* 5b), the *Gemara* goes on to explain that the argument here is whether Hashem taught Moshe not to have holes in the majority of the *mechitzah*, and so since our "half-and-half" *mechitzah* isn't majority holes, it's *kosher*; or did He teach him that majority of the mechitzah needs to be tangible wall, and so our *mechitzah*, which is not majority tangible wall, would not be *kosher*. What are these two sides? Why would the *halachah leMoshe miSinai* be defined in either of these ways? Perhaps we can suggest that the *machlokes* in the *Gemara* centers around the nature of a *mechitzah*. The *Amoraim* were debating whether a *mechitzah* is a barrier whose function is to completely block outsiders from entering, or if it is just a separation which restricts the general public's easy access to the *bika*. If it's a barrier, it needs to have *rov* solid wall, and so our "half and half" *mechitzah* - which doesn't have *rov* solid wall - wouldn't be *kosher*. If it's a separation, it just needs to not have *rov pirtzos*, and so our *mechitzah* - which doesn't have *rov pirtzos* - would be *kosher*. In its discussion about the flaws and merits of each of these opinions, the *Gemara* attempts to bring proof from two parallel cases: the *schach* of a *sukkah* (where the *schach* needs to be mostly *kosher* materials), and a *mechitzah* regarding *kilayim* (where the *mechitzah* needs to be mostly solid wall). In the end, the *Gemara* determines that the language of our *Mishnah* supports Rav Papa, and so we *pasken* like him *lehalachah*.

Tosfos (*Eiruvim* 16b, *d"h vehilchisa kerav Papa*, and *Chullin* 29a, *d"h dekulei alma mechitzah al mechitzah eino kerov*) points out that our *sugya* in *Eiruvim* is similar to a *sugya* in *Chullin*. We know that to *shecht* an animal, one must cut most of its *simanim*. The *Gemara* (*Chullin* 28b-29a) considers the question of one who cut exactly half the animal's *simanim*. Rav says that meat from an animal which was half *shechted* is *muttar*, but Rav Kahana holds that it's *assur*. The *Gemara* goes on to deduce proof from the case of a *tamei* oven which gets split into two equal pieces. In that case, we say that even though really both pieces are considered *rov* of the oven, and therefore both should maintain their status of *tumah*, we hold both pieces to be *tahor* because, as a rule, we don't declare two pieces of one greater object to both be majority of that object. The *Gemara* concludes that Rav

and Rav Kahana were actually arguing about a different case, and so everyone agrees that the half *shechitah* meat is *assur*. Although these two *sugyas* are about similar topics, Tosfos has difficulty fitting them together. Why in *Chullin* do we discuss the case of the oven and *shechitah*, while in *Eiruvin* we discuss *kilayim*, *sukkah*, and *eiruv*? Shouldn't all five proofs be applicable to both *sugyas*, as all of them revolve around the same question of how to deal with *rov* in a case of half-and-half? Furthermore, why in *Chullin* do we *pasken* that half *shechitah* meat is *assur*, but in *Eiruvin* we *pasken* that a half *mechitzah* is *kosher*?

If we think about it, this question needs explanation. As we mentioned earlier, *hilchos mechitzah* are a *halachah leMoshe miSinai*. Thus, the *machlokes Amoraim* about *mechitzah* is, *lechorah*, just a *machlokes* about what did Hashem teach Moshe about a half-and-half *mechitzah*, and therefore it has nothing to do with any other areas of *halachah* [except for *halachos* patterned after *mechitzah* by *eiruvin*, such as *hilchos sukkah* and *hilchos mechitzah* by *kilayim* -Ed.] So why does Tosfos's question - which is also asked by the Rashba and the Tosfos Harosh - even get off the ground? Why does he initially think that these two *sugyas* should be related to one another?

We can suggest that according to Tosfos, the *halachah leMoshe miSinai* by *eiruvin* never said anything about a half-and-half *mechitzah*. Instead, it was phrased in such a way that while it was clear that the *mechitzah* needs to be *rov* solid wall, no room was left for implications one way or another about our case of half-and-half. That being the case, the *machlokes* between Rav Papa and Rav Huna was not a *machlokes* about the contents of this specific *halachah leMoshe miSinai*, but a *machlokes* about the universal concept of *rov*. Rav Papa thinks that we consider exactly half of something (in this case the *mechitzah*) to be *rov*, but Rav Huna disagrees. Thus, Rav Papa thinks that when the *halachah leMoshe miSinai* called for *rov* of the *mechitzah*, *memeilah* that allowed for exactly half of it, but Rav Huna thinks that the requirement of *rov* of the *mechitzah* excludes exactly half of it, as *rov* always excludes exactly half. With this reading of the *Gemara* in mind, we turn to Rashi on our *sugya*. Rashi (15b *d'h agmeray rachmanah leMoshe*) comments that *hilchos mechitzah* are a *halachah leMoshe miSinai*. Perhaps Rashi is hinting that he doesn't agree with the underlying assumption of Tosfos that our *sugya* is a global *sugya* about *rov*, but rather he sees this as a self-contained *sugya* about the *halachah leMoshe miSinai* about *mechitzah*.

So now that we more clearly understand what drove Tosfos's question, how do we answer it? What is the reason to differentiate between *hilchos mechitzah* and *sukkah* on the one hand, and *hilchos shechitah* and *tumas keilim* on the other hand? Tosfos Harosh answers in the name of Rabbeinu Meir that in a case of half-and-half, the solid half is always more *chashuv*, and so that half takes on the status of *rov*. Therefore, just like regarding a half *mechitzah* and a half *sukkah* the solid part is considered the *rov* (making them *kosher*), so too regarding half *shechted simanim* the solid, non *shechted* half is considered the *rov* (making its meat *assur*). With regard to a *tamei* oven, since both halves are solid, both halves should really be considered *rov*, making them both *tamei*, but because we don't declare *rov* on two different parts of one object, they are *tahor*. The question now becomes [to use the *lshon* of my *Rebbe* Rabbi Mendelson -Ed.] why does the difference make a difference? Even if it's true that the more solid piece is more *chashuv*, why does the *chashivus* of the piece make it take on the status of *rov*? One possible answer is that *rov* is a *din* in *chashivus*. Really, the more *chashuv* piece of something should take on the status of the thing, but since the piece which is the majority of the thing is almost always more *chashuv*, we say that *rubo kekulo*. However, in these cases, where there is no technical majority, the *halachic* status of *rov* is given to the more *chashuv* piece, which Rabbeinu Meir defines as the solid piece. Another answer we can suggest is that the only way to change a thing from its status quo is if *rov* of that thing is not like the status quo.

How does that concept play itself out? By *shechitah*, the status quo is that the *simanim* are intact, and so to give them the new status of being destroyed, you need to cut *rov* of the *simanim*. Consequently, a half *shechitah* doesn't change the *simanim* to the new status of being destroyed, which is why the meat from a half *shechitah* is *assur*. Furthermore, it comes out that our *sugya* in *Eiruvin* is debating what in fact is the status quo for a *mechitzah* and for *schach*. Do we say that the status quo for *mechitzah/schach* is a *makom mufratz*, an empty space, and so we would require a *rov* of solid wall to change it into being considered *mechitzah/schach*, or does it initially have the status of *mechitzah/schach*, and so we would require a *rov* of *pirtzos* to change it into a *makom mufratz* (note: we are using the phrase "status quo" as the presumed *halachic* status of the potential *mechitzah*, and so the status quo would be the same regardless of if this *mechitzah* was a wall which was breached or one which was ever only half built). Finally, regarding the *tamei* oven, the status quo is a *kli tamei*, and so you would need to remove *rov* of the *kli* to make the remainder *tahor*. Thus, by an evenly split oven, both pieces are considered *rov* of the *kli*, because both never had *rov* of the *kli* removed from them, and so both pieces should be *tamei* if not for the rule that we don't declare two different parts of one object to both be *rov*. We now understand that the reason why *Eiruvin* didn't talk about *shechitah* or the oven is because while *Chullin* was where we established - based on those two cases - the rules of *mechtza kerov*, *Eiruvin* is focused on applying that rule to the case of a structure with holes in it, such as the *mechitzos* and *schach*.

This dvar Torah is adapted from a shiur given by Rabbi Neuburger available on YUTorah which is titled "Eiruvin #1- Hilchos Mechtza", with Rabbi Neuburger's gracious permission.

Beitzah
B'Din Korban Shtei HaLechem

Rabbi Dovid Hirsch

Introduction

The *Gemara in Beitzah* on *daf* 20b states

אמר רב הונא: לדברי האומר נדרים ונדבות אין קרבין ביום טוב, לא תימא מדאורייתא מחזא חזו, ורבנן הוא דגזרי בהו גזירה שמא ישהה, אלא אפילו מדאורייתא נמי לא חזו. דהא שתי הלחם, דחובת היום נינהו, וליכא למגזר שמא ישהה, ואינו דוחה לא את השבת ולא את יום טוב.

Rav Huna says: According to those who say vow and gift *korbanos* aren't brought on *Yom Tov*, you should not say that by *Torah* law they are fit to be brought on *Yom Tov*, and that it was the Sages who issued a decree about them that they should not be sacrificed on *Yom Tov* as a preventive measure lest you delay the *korban*. Rather, even by *Torah* law they are not fit, as the two loaves brought on the *Shavuos* are an obligation of that day, and there is no reason to issue a decree about them lest one come to delay their *korban* (since they may be brought only on that *Yom Tov*), and yet their baking and preparation override neither *Shabbos* nor *Yom Tov*.

What is the *korban shtei halechem*? The *korban shtei halechem* is an interesting *korban*. It's a *minchah* of the *tzibbur*, and its loaves of bread accompany the *kivsei atzeres*; the loaves are baked first and then the *kivsei atzeres* are *shechted*. The *Mishnah* in *Menachos* on *daf* 95b writes that the *lisha* and *arichah* of the *shtei halechem* and the *lechem hapanim* are done outside the *azarah*, their *afiyah* is done inside the *azarah*, and none of these *avodos* are *docheh Shabbos V'Yom Tov*. The *Gemara* there on 95b has a major problem. If the *afiyah* is really done *bifnim*, the *tanur*, the oven inside, is *mikadeish* the loaves, giving them *kedushas klei shareis*, and therefore baking them should be *docheh Shabbos V'Yom Tov*. The *Gemara* asks this *kasha* and then compliments the one who asked it:

אמר רבה הקשה אדם קשה שהוא קשה כברזל ומנו רב ששת

Rava says, a tough man who's as tough as iron asked this question, and who is it? It's Rav Sheishes.

אמר רב אשי מאי קושיא דלמא מאי מבפנים במקום זריזין

Rav Ashi says, what's the question here? Maybe *bifnim* doesn't mean inside, it means that the baking is done by *zerizin*, vigilant *kohanim*.

והא דרב אשי ברותא היא מה נפשך אי אפייה בעינן זריזין לישא ועריכה נמי [בעינן] זריזין ואי לישא [ועריכה] לא בעינן זריזין אפייה נמי לא בעינן זריזין אלא דרב אשי ברותא היא

This statement of Rav Ashi is an error, because there should be no difference between the *afiyah*, *lisha*, and *arichah* regarding the enthusiasm of the *kohen* performing the *avodah*! The *Gemara* says Rav Ashi is wrong, leaving Rav Sheshes's *kasha* (namely how can the *reisha* of the *Mishnah* in *Menachos* say that the *afiyah* is done inside, implying that the *kli shareis*, the *tanur*, is *mikadeish*, and therefore the *afiyah* should be *docheh Shabbos V'Yom Tov*, if the next line says it isn't *docheh Shabbos V'Yom Tov*) unanswered. So the *Gemara* is very difficult, as it seems to conclude that the *Mishnah* doesn't fit. So *Tosafos* in *Menachos* on 95b (*d"h Elah D'Rav Ashi Berusah Hi*) says

ותברה מי ששנה זו לא שנה זו

There are two different *Tanaim*. The *mishnah* in the first line, which says that the baking of the *shtei halechem* and the *lechem hapanim* are done inside the *azarah*, would say that this *avodah* is *docheh Shabbos V'Yom Tov*. The second *tanna* holds that the baking is not done inside the *azarah*, allowing him to hold that it is not *docheh Shabbos V'Yom Tov*.

Contradiction in the Rambam

The problem is that the Rambam *paskens* both. In *Hilchos Timidim UMusafim perek 8 halachah 7*, the Rambam points out that the *shtei halechem's* *lishah* and *arichah* are *bachutz*, but its baking is inside like all *menachos*. So in *halachah 7* he says the baking is inside. In the very next *halachah*, *halachah 8*, he says

ואין עשיתן דוחה יום טוב ואין צריך לומר שבת אלא אופין אותן מערב יום טוב

Its preparation isn't *doche Yom Tov*, and obviously not *shabbos*, but rather we bake it on *erev Yom Tov*.

So there you have it, the Rambam says you bake it *bifnim*, so it should follow that it's *docheh Shabbos V'Yom Tov*, yet he says in the very next *halachah* that it's not *docheh Shabbos V'Yom Tov*. It's "duch a pele," this Rambam.

The *Lechem Mishneh* on the Rambam asks a *kasha* that the *Gemara* in *Menachos* asks: The *Gemara* says that since you have to bake it on *Erev Yom Tov*, it should be *passul belinah*. *Linah* means that it was left overnight, and that's a disqualification, that's a *peessul*.

So now we have two questions. Firstly, how can we *pasken* that the *korban shtei halechem* is baked inside while at the same time not allowing its baking to be *docheh Shabbos V'Yom Tov*? Furthermore, because we have to bake the *shtei halechem* on *Erev Shabbos* or *Yom Tov* and then not use it until morning, shouldn't the *peessul* of *linah* be created? Those are the two *kashas* on the Rambam. Let us offer five different *teirutzim* to answer the second *kasha* on the Rambam, about *linah*, and one of the five, the second answer, answers the first *kasha* as well.

I. The *Ohr Sameiach*

The *Ohr Sameiach* in *perek 7* of *Hilchos Maaseh Korbanos* points us to a *Gemara* in *Shevuos* on *daf* 11a. The *Gemara* is dealing with the *ketores*, which was manufactured once a year. The *Gemara* wonders why using this one *ketores* the whole year isn't *linah*. The *Gemara* answers:

שאני קטורת הואיל וצורתה בכל השנה כולה

Ketores is different. The *Torah* commands for it to be made once a year, therefore it is built into the *mitzvah* that there is no disqualification of *linah*.

Tosafos explains that since the manufacturing of the *ketores* is a *mitzvah* one time a year, by definition, if the *Halachah* describes it as a *mitzvah* done once a year, it can't be *linah*. The *peessul* of *linah* applies when one does something a day earlier than its proper time and then leaves it overnight. However, if the *Halachah* prescribes that if you do it once you're good for the whole year, so built in is that there is no problem of *linah*. The *Ohr Sameiach* says that we could say the same *vort* here. Since the *shtei halechem* is *assur* to bake on *Yom Tov*, and you therefore need to bake it on *Erev Yom Tov*, by definition there's no *peessul* *linah*. So according to the *Ohr Sameiach*, what do we do with the *Gemara* in *Menachos*? Why didn't it give this answer? Furthermore, does the Rambam go against the *Gemara* in *Menachos*? It must be that the *Gemara* in *Shevuos*, (which implies that if the fabric of the *Halachah* prescribes that it has to be done a day earlier, it is built in that there's no disqualification of *linah*,) is *cholek* on the *Gemara* in *Menachos*, which is worried about *linah* in our case where we are forced to bake the *shtei halechem* on *Erev Yom Tov* for use on *Yom Tov*. So that will be the *Ohr Sameiach*, we're just adding that the Rambam won't be going with the *Gemara* in *Menachos*, he'll be going with the *Gemara* in *Shevuos* that has this concept. So that'll be the first *teretz* to *farenfer* the Rambam.

II. Rav Wahrman and the *Mikdash Dovid*

There's another *mehalech* we can suggest and that's the following. There's a very interesting *chiddush* suggested in Rav Wahrman *zt"l's sefer, Sheairis Yosef*, in *siman 59*. The *Mikdash Dovid* also says this *chiddush*. It could very well be that there's two types of *kedushos*, *kedushas haguf* and *kedushas korban*. Every *korban* has two *gedarim*. Firstly, there's *kedushas haguf*, where we're *makdish* the *behemiah* verbally. The *kedushas haguf* is *chal* on the *behemiah*, and it is *shayach* to *reshus hekdesh*, the property of the *Beis HaMikdash*, even if it has a *mum*. But there's a higher element, *kedushas korban*. This is attained with the *sakin*. When you *shecht* the animal, it imbues it with *kedushas klei shareis*, and the animal gains *kedushas korban*. As we mentioned earlier, when we talk about *shtei halechem*, you bake the breads and then you *shecht* the *Kivsei Atzeres*. So it's possible to suggest that when you bake the bread, you imbue only a *kedushas haguf* in the bread, but *linah* only applies to *kedushas korban*. Perhaps this can help us answer our second question. We had asked that if you bake it on *Erev Yom Tov* and you wait until *Yom Tov* in the morning when you *shecht* the *kivsei atzeres*, isn't it going to be *linah*? We can suggest that it's not going to be a problem of *linah* because the bread only attained *kedushas haguf* when it was baked on *Erev Yom Tov*, and *linah* only applies to *kedushas korban*, which in this case is only created in the morning with the *shechting* of the *kivsei atzeres* which imbues *kedushas korban* on the bread. So *memeilah* if there's only *linah* on *kedushas korban*, this will *farefner* the *kasha* as well.

There is a Rashi in *Maseches Sukkah* on *daf 50b* when the *Gemara* is dealing with the *mayim*, the water used in the *Beis HaMikdash*. The *Gemara* says that there can be a *din* of *linah* after the *kli* is *mekadeish* the water. Now, *lechorah* there's no *kedushas korban* with just water, but if you look at Rashi there, he says that since it's *ikdishu*, it's like *eimurei korban*. Rashi goes out of his way to say *eimurei korban*. And what's the *makor* for *linah*? The *makor* for *linah* is in *Pesachim* on *daf 71*, which says the source is the *passuk* of "*Velo yalin*" which is said by the *haktaras eimurim*, and *Tosafos* over there applies it to all *eimurim* of every *korban*. So it's talking about the *chagigas chamishah asar* which becomes *passul* with *linah*, as the *passuk* says "*Lo yalin*," and *Tosafos* says that it's a *binyan av* that all *eimurim* have a *kedushas korban*, and since *eimurim* have a *kedushas korban* it's possible to say that this is the *makor* that *linah* can only apply to something that has *kedushas korban*. That's why Rashi says that the water is treated like *eimurei korban*, and that's why there's a *din linah*. Based on this we can *farefner* the *shitas HaRambam*. It could be that the *Gemara* in *Shevuos* might argue on this when it says that there is a *din linah* by the *ketores*, because at that time the *ketores* only had *kedushas korban*, and yet the *Gemara* still says there would be a *din linah* if not for the framework of the *ketores*. Perhaps it's a *machlokes* in the two *Gemaras* (*Shavuos* and *Pesachim* as understood by *Tosafos*), but Rav Wahrman wants to say a *sevara* that by *ketores* it attains a *sheim korban* even when you just mix the different parts together. Therefore, the second *teretz* emerges to *farefner* the *setirah* in the *Rambam*. Also, the first *kasha* is answered, as we can't bake it on *shabbos* or *yom tov* because it needs to have *kedushas korban* in order to be *docheh shabbos*, but when it's baked it only received a *kedushas haguf*, which is not enough *kedushah* to be *docheh shabbos*.

III. The *Kreisi Upleisi*

The third *teretz* can be found in a *sefer* called *Masos Halevi*, which is a collection of the *shiurim* of *HaRav HaGaon Rav Ruderman zt"l*. He points out a *teretz b'sheim* the *Kreisi Upleisi*. The *Kreisi Upleisi* wants to offer an amazing *teretz*. We know that there's a *Halachah* of *Ein Afiyah Achar Afiyah*. The *Kreisi Upleisi* suggests that on *erev Yom Tov* they would bake the *shtei halechem* until it's

maachal ben drusai (there's a *machlokes* between Rashi and the Rambam whether MB'D is a third or a half), and *l'maysah* on *shabbos* they would bake it the rest of the way. This answers our second question, because since the *shte halchem* wasn't fully baked on *erev Yom Tov*, it wasn't *niskadeish* on *erev Yom Tov*, and so there would be no *pessul linah*. This is all assuming that there's no *issur* of finishing the baking on *Shabbos* because finishing the baking is *afiyah achar afiyah*, baking something which was already baked, which is only an *issur derabanan*, and *ein shvus BaMikdash*. The reason why the *Gemara* in *Menachos* didn't give this answer is that *Shitas HaBavli* is *Ein Afiyah Achar Afiyah* only applies if you're *neefah kulah*, if you bake it fully, and so in this case, since you only baked it partially on *erev Yom Tov*, finishing the baking would be an *issur de'oraisa*. However, the *Shitas Yerushalmi* is that as long as you're *ofeh b'miktzas*, bake it partially, *afiyah achar afiyah* applies, and so finishing the baking would only be an *issur derabanan*. We're going to assume that the Rambam follows the *Yerushalmi* on this, and that's what the *Kreisi UPLEisi* wants to say to *farefner* the *setirah* in the Rambam. (The problem with that *teretz* is that it will only work by the *shte halchem*, but by the *lechem hapanim*, which was *matzah*, you're going to have a problem since baking it a little bit, but not fully, will cause it to become *chametz*. Another problem is that the Rambam usually *paskens* like the *Bavli*, and here we're saying that he *paskens* like the *Yerushalmi*.)

IV. Rav Ruderman

A fourth *teretz* is said by Rav Ruderman *zt"l* himself. The *Gemara* in *Menachos* on *daf 7b* has a *shaylah* whether a *Kli Shareis* can become *mukdash* only through *daas* or even *shelo midaas*. Meaning, when you touch a *kli shareis* to a *cheftza*, is it automatically *kadosh* or do you need *daas* to be involved with that? He wants to claim that if a *kli shareis* is only *mekadeish l'daas*, you need *daas gavra*. If you need *daas gavra*, you could make a condition that the *kedushah* shouldn't be *chal* until the next day, so it will avoid the *pessul* of *linah*. *Limashal*, there's a *Shitah Mekubetzes* in *Bava Metzia* on *daf 53a*. We know that you're not allowed to be *podeh maaser sheini* with *kesef* in *Yerushalayim*. But the *Shitah Mekubetzes* says that if from the outset you make a *tenai* that you want to be *podeh* the *maaser sheini* in *Yerushalayim*, that's good. So that's what Rav Ruderman wants to *tayna*, you could make a *tenai*. Obviously Rav Ruderman's assuming that he could make a *tenai* on a *mitzvah bein adam lemakom*, which is a *chiddush*. This is probably against the Rambam on *Bava Basra* 126, who according to the *pashtus* seems to say that a *tenai* is only on *mitzvos bein adam lechavero*. The *Mishnah Berurah* actually does say, like Rav Ruderman, that you can make a *tenai* on a *mitzvah bein adam lemakom* regarding *kerias shema b'zmanah*.

V. Rav Wahrman

A fifth *teretz* to answer the *stirah* in the Rambam is a very beautiful *chiddush* that Rav Wahrman *zt"l* says himself. Rav Wahrman posits that *linah* is only a problem when you talk about *kedushas klei shareis* that is attained through the *cheftza*. But how is the *kedushah* attained when you make the *shte halchem*? It's not attained by touching the oven, it's through a *maaseh afiyah*, through a process of baking. Perhaps one can entertain the *sevara* that *linah* is only a problem when you talk about *kedushah* that the *kli shareis* imbues through the *cheftzah*. But maybe *linah* is not a *kedushah* that is attained through a *maaseh*. As he points out, the *Gemara* in *Menachos* on *daf 57* makes a *derashah*. The *derashah* is

ממושבותיכם תביאו לחם תנופה שתיים שני עשרונים סלת תהיינה חמץ תאפינה בכורים לה' " אימתי הן לה' לאחר שנאפו"
 "You shall bring out of your dwellings two wave-loaves of two tenth-parts of an *ephah*. They shall be of fine flour; they shall be baked with leaven, for first produce to *Hashem*." When are they considered consecrated to *Hashem*? Only after they are baked.

Baking is a *maaseh*, and *linah* is not on *kedushah* that is attained through a *maaseh*, but rather through a *kedushah* that is attained by touching a *cheftza*.

Summary

Tosafos says that the *reisha* says that the *tanur* is *mekadeish* and therefore *docheh Shabbos V'Yom Tov*, but the *seifa* is a second *tanna* who holds that it's not baked inside and not *docheh Shabbos V'Yom Tov*. The *Rambam* says, however, that it's baked inside and it's not *docheh Shabbos V'Yom Tov*. How do these two *halachos* coexist, and what do we do about the problem of *linah*? We gave five answers to answer the second *kasha* about *linah*, and the second answer to the *kasha* about *linah* also answers why the *Rambam* can *pasken* that bread baked inside is not *docheh shabbos*.

This dvar Torah is adapted from a shiur given by Rabbi Hirsch (available on YUTorah) which is titled "Kollel Chaburah on Beitzah - Shte Halechem for lina and as korban tzibur (20b)," with Rabbi Hirsch's gracious permission.