YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**"My Children have Defeated Me"**

**Fundamental questions in the study of the Oral Law**

**Rav Amnon Bazak**

**Shiur #29: Chapter Four (6)**

**Contradictions Between Midrash Halakha and the Plain Sense of Scripture**

**III. Contradictions by Virtue of the Authority of the Sages (continued)**

2. Changes based on practical and social considerations

The Sages of the Sanhedrin used their authority to expound Scripture to make different types of changes from the plain sense of the Biblical text, motivated by different concerns. The first category, discussed in the preceding *shiurim*, consists of changes that were made based on moral considerations.We will now examine a second category, in which changes were made based on practical and social considerations, through several examples:

a. One of the most important discussions regarding contradictions between the plain sense of Scripture and the Midrash Halakha concerns the proper time for bringing the *omer* offering, which of course has practical bearing on the timing of Shavuot. The Torah states that the *omer* offering is waved "on the morrow after the *shabbat*" (*Vayikra* 23:11) and is immediately followed by the counting of seven weeks, until the festival when a new meal-offering is brought: "And you shall count to you from **the morrow after the *shabbat***, from the day that you brought the sheaf of the waving; seven weeks shall there be complete; to **the morrow after the seventh *shabbat***shall you number fifty days; and you shall present a new meal-offering to the Lord" (*Vayikra* 23:15-16).

The plain sense of these verses is that "*shabbat*" is the seventh day of the week – the Sabbath – and "the morrow after the *shabbat*" is the first day of the week – i.e., Sunday. The correctness of this interpretation is proven from the verses which speak of counting seven weeks "to the morrow after the seventh *shabbat*," which would be the Sunday that follows the seventh Sabbath. Since the counting of the *omer* is not linked to any calendrical date, we cannot know the date on which the count ends.[[1]](#footnote-1) The festival of Shavuot – the fiftieth day of the count – is not described by the day of the month on which it falls (as is the customary practice), but only by the day of the week.

*Chazal*, however, famously stated: "'On the morrow after the *shabbat*' – on the morrow after the festival" (*Menachot* 65b, and elsewhere). According to this interpretation, the *omer* offering is not brought on the first day of the week after Pesach (or of one of the following weeks), but rather on the first day of the intermediate days of Pesach, that is to say, on the sixteenth of Nisan, and the festival of Shavuot always falls out fifty days later. Just as we saw regarding "an eye for an eye," many proofs for this interpretation are brought in the Talmud – most of which are rejected. Regarding this matter as well there was great controversy with the Sadducees,[[2]](#footnote-2) who maintained that the verses should be understood in their plain sense – that the reaping of the *omer* and the festival of Shavuot should always fall out on the first day of the week.[[3]](#footnote-3)

*Chazal's* interpretation was accepted by all commentators (including those who generally explain Scripture in accordance with its plain meaning, such as the Rashbam), but it is difficult to ignore its forced nature. First, nowhere do we find that the word "*shabbat*" by itself denotes a festival.[[4]](#footnote-4) Second, the interpretation of the word "*shabbat*" in the sense of a "festival" does not fit verse 16: "to the morrow of the seventh *shabbat* shall you number fifty days," for there is no festival on the forty-ninth day of the count. Thus, we are forced to say that the word "*shabbat*" is used in two different senses in two consecutive verses: "festival" in verse 15, and "end of the seventh week from the beginning of the count" (see Rashi) in verse 16. How then can we understand the gap between the plain sense of Scripture and the words of *Chazal*?[[5]](#footnote-5)

The key to answering this question can be found in the words of Rabbi Yehuda Halevi:

Now, suppose we allow the Karaite interpretation[[6]](#footnote-6) of the text: "From the morrow after the *shabbat*" and "to the morrow after the *shabbat*," as referring to Sunday. But we reply that one of the judges, priests, or pious kings, in agreement with the Sanhedrin and all the Sages, found that this period was fixed with the intention of creating an interval of fifty days between "the first fruits of the harvest of barley" and "the first fruits of the harvest of wheat," and to observe "seven weeks," which are "seven complete *shabbatot*." The first day of the week is only mentioned as an example, as if it said: should the day of "putting the sickle to the corn" be a Sunday, you count till Sunday. From this we conclude that should the beginning be on a Monday, we count till Monday. The date of putting the sickle, from which we count, is left for us to fix. This was fixed for the second day of Pesach, which does not contradict the Torah, and we are obligated to accept this determination as a *mitzva*,since it originated with "the place which the Lord shall choose."[[7]](#footnote-7)

Rabbi Yehuda Halevi raises the possibility that at first Shavuot always fell out on Sunday, in accordance with the plain meaning of the words "on the morrow after the *shabbat*." At some point, however, "one of the judges, priests, or pious kings" made a change, which was accepted by the Sages of the Sanhedrin.

This explanation is based on two assumptions: First, that it is possible to understand that when the Torah said "on the morrow after the *shabbat,"* it meant only to illustrate how the time of Shavuot is calculated – not to state that the *omer* offering must be brought, and the count must begin, specifically on a Sunday;[[8]](#footnote-8) second, that with the consent of the Sanhedrin, "it was decided that the count "from the time the sickle is put to the corn" (*Devarim* 16:9) should always begin on the second day of Pesach.

Rabbi Yehuda Halevi's proposal resolves the gap between the plain sense of Scripture and the Midrash Halakha. When *Chazal* stated: "'From the morrow after the *shabbat*' – from the morrow of the festival," they did not mean this as an interpretation of the verse in *Vayikra*, but rather as a halakhic determination – based on the Sanhedrin's authority to establish the time for beginning the count on a specific date, even though the Torah does not require this.

However, Rabbi Yehuda Halevi offers no explanation as to *why* in fact it was decided to start the count specifically on the sixteenth of Nisan. It seems we can find the answer to this question in a *baraita*:

"On the morrow after the *shabbat*," that is, on the morrow of the festival. Perhaps it is not so, but rather on the morrow of the Sabbath of Creation? Rabbi Yose bar Yehuda says: Scripture states, "You shall number fifty days," that is, every time that you number, it shall not be more than fifty days. But should you say that the verse refers to the morrow of the Sabbath of Creation, then it might sometimes come to fifty-one and sometimes to fifty-two and fifty-three and fifty-four and fifty-five and fifty-six. (*Menachot* 65b)[[9]](#footnote-9)

At first glance, these words seem confusing: If we count fifty days, how do we reach other numbers? In fact, however, the explanation is simple: These numbers represent the changing interval between the first festival day of Pesach and the festival of Shavuot. If the count starts on the Sunday following the first festival day of Pesach, the distance between Pesach and Shavuot will change from year to year. When the 15th of Nisan falls on Shabbat, the count will begin on the 16th of Nisan, and Shavuot will be fifty days later; when the 15th of Nisan falls out on Friday, the count will begin only on the 17th of Nisan, and Shavuot will fall out fifty-one days after the first festival day of Pesach; when the 15th of Nisan falls out on Thursday, the count will begin only on the 18th of Nisan, and Shavuot will fall out fifty-two days after the first festival day of Pesach; and so forth.[[10]](#footnote-10)

Why was it so important to maintain a fixed interval between Pesach and Shavuot? It may be suggested that the motive is a matter of practicality. As noted earlier, Shavuot stands out among all the Jewish holidays in the Torah as the only holiday without a fixed date. Originally (according to Rabbi Yehuda Halevi), Shavuot fell out every year on a different date, and also at a different distance from Pesach. The determination that the count always begins on the 16th of Nisan also means that the time of Shavuot is relatively fixed:[[11]](#footnote-11) In ancient times, the date of Shavuot was determined based on two variables (the day of the week on which Pesach fell and the length of the months of Nisan and Iyar), whereas in the later period, only one variable remained (the length of the months of Nisan and Iyar). This had practical importance: Everyone would know when Shavuot would fall out, without having to engage in complicated calculations. According to this understanding, *Chazal* were driven by a practical consideration; they achieved their goal by finding a source in the Torah that would allow them to act in a manner different from the implication of the plain sense of Scripture and different from what had previously been the customary practice.[[12]](#footnote-12)

(Translated by David Strauss)

1. It should be noted that when the months were sanctified based on actual sighting of the new moon, it would have been impossible to calculate the precise date of the festival of Shavuot even if the date of the beginning of the count were a given, because the date of the festival depended on the number of days in the months of Nisan and Iyar. (See Tosefta *Arakhin* 1:9, p. 543: "Atzeret [=Shavuot] sometimes fell out on the fifth, or the sixth, or the seventh, [but] not before or after." That is to say, if Nisan and Iyar are full months (30 days), Shavuot falls out on the 5th of Sivan; if one is full and the other short (29 days), as is the case nowadays, it falls out on the 6th of Sivan; and if both are short, it falls out on the 7th of Nisan.) [↑](#footnote-ref-1)
2. Owing to this controversy, the reaping of the *omer* on the 16th of Nisan was done with "much display," described in the Mishna (*Menachot* 10:3): "All the inhabitants of the towns nearby assembled there, so that it might be reaped with much display. As soon as it became dark he called out: Has the sun set? And they answered: Yes. Has the sun set? And they answered: Yes. With this sickle? And they answered: Yes. With this sickle? And they answered: Yes. Into this basket? And they answered: Yes. Into this basket? And they answered: Yes. On the Sabbath he called out further: On this Sabbath? And they answered: Yes. On this Sabbath? And they answered: Yes. Shall I reap? And they answered: Reap. Shall I reap? And they answered: Reap. He repeated every matter three times, and they answered: Yes, Yes, Yes. And why was all this? Because of the Boethusians who maintained that the reaping of the *omer* was not to take place at the conclusion of the [first day of the] festival." [↑](#footnote-ref-2)
3. The confrontation is described in *Megilat Ta'anit*, ed. Noam, Jerusalem 5764, pp. 59-63, 174-179, and cited in *Menachot* 65a-b: "For the Boethusians held that Shavuot must always be on the day after the Sabbath. Rabbi Yochanan ben Zakkai entered into a discussion with them, saying: Fools that you are, from where do you derive it? Not one of them was able to answer him, except for one old man who started to babble and said: Moshe our teacher was a great lover of Israel, and knowing full well that Shavuot lasted only one day, he fixed it on the day after the Sabbath so that Israel might enjoy themselves for two successive days. [Rabbi Yochanan ben Zakkai then quoted to him the following verse: 'It is eleven days' journey from Chorev to Kadesh-Barnea by the way of Mount Seir' (*Devarim* 1:2). If Moshe was a great lover of Israel, why then did he detain them in the wilderness for forty years?" This is a sarcastic account of the position of the Sadducees, for the simple answer to Rabban Yochanan ben Zakkai's question should have been that this is the plain meaning of Scripture. The discussion then becomes more serious, as we will see below. [↑](#footnote-ref-3)
4. Festival days are sometimes referred to as a "*shabbaton*," but even this designation is used only for the festivals of the seventh month (Rosh Hashana, Yom Kippur [the only one called "*Shabbat Shabbaton*"], Sukkot, and Shemini Atzeret; see *Vayikra* 23: 24, 32, 39) – never for Pesach. [↑](#footnote-ref-4)
5. A detailed and in-depth discussion of this question is found in Rabbi D. Tz. Hoffman, *Peirush le-Sefer Vayikra*, vol. II, Jerusalem 5719, pp. 113-151. For a different approach, see Y. Bin Nun, "*Chametz u-Matza be-Pesach*, *be-Shavuot u-be-Korbanot ha-Lechem*," *Megadim* 13, 5751, pp. 32-37. [↑](#footnote-ref-5)
6. There is a connection here, quite rare, between the Karaites and the Sadducees: The Karaites interpreted the words "the morrow after the *shabbat*" as did the Sadducees, and according to them as well, Shavuot always falls out on Sunday (M. Corinaldi, *Entziklopedya ha-Ivrit*, vol. 30, s.v. *Kara'im*, Jerusalem-Tel Aviv 5738, col. 45). [↑](#footnote-ref-6)
7. *Sefer ha-Kuzari*, part III, no. 41. Rabbi Yehuda Halevi's explanation accords with his general approach mentioned there (no. 39), according to which the rulings of theSanhedrin in "the place which the Lord shall choose" have the same status as a law given to Moshe at Sinai, for the Sanhedrin operates with direct Divine assistance: "Our law is linked to the 'law given to Moshe at Sinai,' or issues 'from the place which the Lord shall choose' … Its mediators were the Judges, Overseers, Priests, and the members of the Sanhedrin… This refers to the time when the order of the Temple service and the Sanhedrin, and the sections [of the Levites], who completed the organization, were still intact, and the Divine Influence was undeniably among them either in the form of prophecy or inspiration, as was the case during the time of the Second Temple." [↑](#footnote-ref-7)
8. One might perhaps raise an objection from the verse: "And they did eat of the produce of the land **on the morrow after the Pesach**, unleavened cakes and parched corn, **in the selfsame day**" (*Yehoshua* 5:11), which apparently parallels the verses in the section dealing with the counting of the *omer*: " And he shall wave the sheaf before the Lord, to be accepted for you; **on the morrow after the *shabbat*** the priest shall wave it… And you shall eat neither bread, nor parched corn, nor fresh ears, **until this selfsame day**" (*Vayikra* 23:11-14). From here it would seem that it was already established in the days of Yehoshua that "on the morrow after the *shabbat*" means "on the morrow after the Pesach" (see Rambam, *Hilkhot Temidin u-Musafin* 4:11). However, the verse in *Yehoshua* is actually difficult according to *Chazal*, for in Tanakh, the term "*Pesach*" as a date always refers to the 14th of Nisan (see, for example, *Bamidbar* 28:16; *Yehoshua* 5:10). If so, "on the morrow after the Pesach" is the 15th of Nisan, as in the verse: "And they journeyed from Rameses in the first month, **on the fifteenth day** of the first month; **on the morrow after the Pesach** the children of Israel went out with a high hand in the sight of all the Egyptians" (*Bamidbar* 33:3). In fact, *Chazal* disagree about whether the words "on the morrow after the Pesach" refer to the 15th or the 16th of Nisan (*Yerushalmi Challa* 2:1, 58b), and whether the prohibition of new grain applied then or only after they took possession of the land. The Biblical commentators also write that according to its plain sense, the verse in *Yehoshua* refers to the 15th of Nisan, and therefore to the eating of old grain, not new grain (see Radak, *Yehoshua* 5:11; Ibn Ezra, *Vayikra* 23:11). [↑](#footnote-ref-8)
9. The Gemara there brings various proofs that "from the morrow after the *shabbat*" means from the morrow after the festival. The very search for proofs seems to contradict Rabbi Yehuda Halevi's argument that we are dealing with a halakhic determination that does not stem from the Biblical text. However, it is possible that in his view these proofs are *asmakhtot* – attempts to find a hint in Scripture to a law that is not actually derived from the text, as a "sustaining *midrash*." [↑](#footnote-ref-9)
10. However, see Rashi, ad loc. (s.v. *kol*), who offers a different explanation. The Rashba, ad loc. (s.v. *kol*), adds: "It seems that this is not the real reason, for one should say to the Sadducees: Why did Scripture choose to count from the Sabbath in Pesach more so than from other Sabbaths, and to bring the *omer* offering on it? You must say that it is because of the sanctity of the festival day of Pesach. If it is so because of Pesach, then we should do this from the day of Pesach itself and the *omer* offering should be brought adjacent to the festival day of Pesach, that is, on the second day of Pesach." In any case, at the end of the passage (*Menachot* 66a), the Gemara says this argument can be refuted: "Perhaps the fifty days excludes those six days" (and see Rashi, ad loc., s.v. *dilma*). [↑](#footnote-ref-10)
11. See above, note 1. [↑](#footnote-ref-11)
12. The process of fixing the date of the festival of Shavuot was completed with the transition from sanctifying the months based on witnesses to a fixed calendar, at which time Shavuot was set on the 6th of Sivan. [↑](#footnote-ref-12)