

## Section 6

## Chag HaShavu'ot

Along with the setting of the month and of the year, the timing of Chag HaShavu'ot is one of the major calendrical disputes between Karaites and Rabbanites. We are commanded to count the 50 days leading up to *Chag HaShavu'ot*, with Shavuot being the 50<sup>th</sup> day. This 50-day period is traditionally referred to as the “counting of the *Omer*,” because on the first day of the count the priests performed a grain offering (the *Omer*) in the Temple. Karaites and Rabbanites disagree as to when to start counting these 50 days.

Karaites maintain that the count of the *Omer* begins on the Sunday during *Chag HaMatzot* and that consequently Shavu'ot is on the Sunday 50 days later. By contrast, Rabbanites maintain that the *Omer* begins on the 16<sup>th</sup> of the 1<sup>st</sup> month (the night of the “second seder,” in the Rabbinic tradition) and that Shavu'ot falls 50 days later.

I do not generally cover the extensive Karaite-Rabbanite debates present in *Adderet Eliyahu* because, as set forth in the introduction, the primary purpose of *Mikdash Me'at* is to explain the derivation of the “standard” Karaite *Halacha*; not to defend it against all possible critiques. Nevertheless, in §6.2 I will summarize the major points of the Karaite-Rabbanite debate regarding the timing of Shavu'ot because they comprise such a large part of the *Shavu'ot* section in the *Adderet*.

Before beginning this section the reader should be aware of two important matters of terminology. First, although biblically speaking, the term “*Omer*” (or more precisely “*hanafat ha'Omer*”) refers to the offering brought on the first day of the 50-day period preceding Shavu'ot. The term “*Omer*” is used in this section to refer to either the 50-day period or the *Omer* offering, depending on the context. Second, the term “morrow” (Heb: “*Machorat*”) is repeatedly used in this section as in the phrase “the morrow after the Shabbat”. The term “morrow” means the following morning – it does *not* mean the following day. For example, if it is currently noon on the 14<sup>th</sup> day of the month, the morrow is then the 15<sup>th</sup> day, because biblical days start at nightfall. However, if it is currently the night of the 14<sup>th</sup> day of the month, the morrow is still the 14<sup>th</sup> day, because both times fall within the same biblical day (which started at night on the 14<sup>th</sup> and would end at the next nightfall).

The topics I will cover in this section are:

1. Whether the Torah was Given on Shavu'ot
2. Why the *Omer* must begin on a Sunday
3. Why the *Omer* must begin during *Chag HaMatzot*
4. The Obligation to Count the *Omer*
5. Conclusion

“*Since the appointed time [of Shavu'ot] is not on a set day of the month as with the rest of the holidays but rather occurs on the fiftieth day following the morrow after the Shabbat...it is fitting for us to determine what exactly is meant by the phrase 'morrow after the Shabbat' –Adderet Eliyahu's Introduction to Section on Chag HaShavu'ot*”

### §6.1 Whether The Torah was Given on Shavu'ot

All Karaite sages agree that *Matan Torah* (“the giving of the Torah”) occurs **near** Shavuot. There is disagreement amongst the Karaite sages regarding whether the Torah was given **on** Shavu'ot. It appears that the majority of the sages held that *Matan Torah* did **not** occur **on** Shavu'ot<sup>1</sup> while others held that *Matan Torah* did occur on Shavuot.<sup>2</sup> These sages also disagree as to whether a primary purpose of Shavu'ot is to commemorate *Matan Torah*. The arguments for each position are given below.

#### §6.1a Arguments related to the underlying reason for the Omer

The sages who hold that the Shavu'ot does not commemorate *Matan Torah* explain the primary function of the *Omer* as being a time to seek mercy from *Hashem* so that the upcoming harvest will be bountiful. This is supported by Jeremiah's statement: “Let us now fear *Hashem* our God...who secures for us the appointed weeks (“*shevu'ot*”) of the harvest” (Jeremiah 5:24).

By contrast, Rav Yeshua ben Yehuda, who believes the Torah was given on *Shavu'ot*, holds that a primary reason for the *Omer* offering was spiritual purification before the giving of the Torah. This is consistent with the fact that the *Omer* excluding *Shavu'ot* is 7 weeks of 7 days each, because the purification from many impurities is dependent on periods of 7 days.

#### §6.1b Interpretation of the phrase “this very day”

Another major point of contention between these two groups of sages is the proper reading of Exodus 19:2:

*“on the third chodesh after the children of Israel had gone out of the land of Egypt on this very day they came into the wilderness of Sinai. They departed from Refidim and arrived at the wilderness of Sinai”*- (Exodus 19:2).

This verse is of interest because the giving of the Torah is recorded to have begun “on the third day” (Exodus 19:11), two days after the day “they came into the wilderness of Sinai” (Exodus 19:2) referenced in this verse.

The sages who hold that the Torah was **not** given on Shavu'ot understand the phrase “the third *chodesh*” to refer to the actual day of the “third new moon”. They understand the phrase “on this very day...” to refer to “the third new moon”, that is the first day of the third month. According to their interpretation, *Matan Torah* occurred two days later on the third day of the third month. Since Shavu'ot can at the earliest fall on the 4<sup>th</sup> of the 3<sup>rd</sup> month, it is impossible that the Torah was given on Shavu'ot<sup>3</sup>.

<sup>1</sup> Rav Yosef Haro'eh (see Gan Eden Inyan Shavuot Ch 9), Rav Aharon the Elder, and Rav Aharon the Younger all explicitly reject that the Torah was given on Shavu'ot.

<sup>2</sup> Rav Yeshua ben Yehudah and Rav Bashyatzi hold this position (See Adderet Eliyahu Introduction to Inyan Shavu'ot).

<sup>3</sup> *Shavu'ot* falls on the 4<sup>th</sup> of the 3<sup>rd</sup> month when the first day of *Chag Hamatzot* is a Sunday (*i.e.*, when the Passover sacrifice is on Saturday evening) and both the 1<sup>st</sup> month and the 2<sup>nd</sup> month are 30 day months.

Rav Yeshua ben Yehudah, however, rejects this reading of the verse. He claims that the phrase “the third *chodesh*” cannot refer to a specific day, *i.e.*, it does not refer to the third new moon. Rather, Rav Yeshua believes that it must refer to the third month as a whole. According to Rav Yeshua, if Exodus 19:2 were referring to “the third new moon after the Israelites had gone out of the land of Egypt”, then this would imply that there were three new moons after the Israelites left Egypt. Under this implication, the events of the passage would then be occurring in the 4<sup>th</sup> month. However, according to Rav Yeshua, we know that at this point in the Israelites journey there had only been two new moons since leaving Egypt<sup>4</sup>.

Rav Yeshua, in contrast to the sages who believe that *Matan Torah* was **not** on Shavu'ot, interprets the phrase “on this very day” to refer to the day that the Israelites left Refidim, which occurred sometime during the third month, *i.e.*, during “the third *chodesh*.” This reading allows for the possibility that the Torah was given on Shavu'ot.

### §6.1c Additional Arguments

Like Rav Yeshua ben Yehuda, Rav Bashyatzi also holds that Shavu'ot commemorates the giving of the Torah. Accepting Rav Yeshua's points, Rav Bashyatzi further argues that it would be surprising that such an important day as *Matan Torah* should not have a dedicated day of remembrance. He believes that Shavu'ot is intended as this day of remembrance.

Additionally, he notes that the Karaite prayers for Shavu'ot mention *Matan Torah* suggesting that this day may have been remembered by older generations of Karaites as the day of *Matan Torah*.

Rav Bashyatzi further argues that reaping the produce of the land and keeping Torah are codependent and thus it is only fitting that both are remembered on the same day. On the one hand, if we keep the Torah then the land will yield its produce as it is written: “if you walk in my laws and keep my commandments and do them then I will give you rain in the proper season and the land will yield her produce” (Leviticus 26:3). On the other hand, we may only learn Torah if we have bread to eat and this is what is meant by the saying “without flour there is no Torah”.<sup>5</sup>

### Notes on §6.1:

Another argument against Shavu'ot being a remembrance for *Matan Torah* is that *Matan Torah* did not happen on a single day. Certainly, great importance is given to the events of the “third day” referred to in Exodus 19 and this day is clearly related to the giving of the law. It is not, however, the only important law-giving event mentioned in the Torah.

Many important law-giving events occurred before the “third day” of Exodus 19. For instance, at least two weeks before the events of Exodus 19 the Israelites had already been given Shabbat (*see* the events of Exodus 16 which are dated as occurring on the 15<sup>th</sup> of the second month according to Exodus 16:1), a major symbol of the covenant. Additionally, the Israelites were given the statues of Passover and *Chag HaMatzot* when leaving Egypt (Exodus 12), at least a month and a half before the events of Exodus 19.

<sup>4</sup> I am not sure what Rav Yeshua's source is for the claim that there had been only 2 new moons.

<sup>5</sup> This saying is recorded in Pirke Avot 3:17

We also see that many important law-giving events occurred after the events of Exodus 19. For instance, Moshe comes down the mountain with the two tablets of stone at least 40 days after the events of Exodus 19.

In this light, it seems surprising that a single day could serve as the anniversary for the giving of the Torah. More poignantly, it seems unlikely that the Torah would have expected us to intuit that the events of Exodus 19, out of a plethora of law giving events recorded in the Torah, should serve as the sole anniversary for *Matan Torah*.

One potential response to this argument would be to assert that Shavu'ot is a remembrance for the giving of the Ten Commandments, not the entire Torah. Although the *Adderet* and many of the sages speak of the giving of the entire Torah when discussing Shavu'ot (using the generic term "Torah"), they may have actually believed that only the Ten Commandments were literally given on Shavu'ot. It is possible that they used the term "Torah," because the Ten Commandments are representative of the whole Torah<sup>6</sup>. Even if the Ten Commandments were given during the events of Exodus 19, however, they were given only to Moshe at this time, because Moshe came down with the tablets at least 40 days after the events of Exodus 19. Furthermore, Moshe smashed this specific set of tablets before their contents ever reached the Israelites.

## §6.2 Whether the Counting of the *Omer* Begins on Sunday or on the 16<sup>th</sup> of the 1<sup>st</sup> month

### §6.2a Contours of the Debate

Regarding the start of the *Omer* and the dating of *Shavu'ot* we find written:

*"And you shall count for yourselves from the morrow after the Shabbat from the day that you brought the sheaf of waving; seven complete Shabbatot there shall be. Until the morrow after the seventh Shabbat, you shall number fifty days and then you shall present a new meal offering....and there shall be a holy convocation for you"*-(Leviticus 23:15-21)

The Karaite sages hold that the *Omer* always begins on the Sunday of *Chag HaMatzot*; in contrast, the Rabbanites hold that it begins on the 16<sup>th</sup> of the 1<sup>st</sup> month. There are four major issues of contention in the Karaite-Rabbanite debate over the timing of *Shavu'ot*:

1. The meaning of the word "Shabbat" in the phrase "morrow after the Shabbat" from the verse quoted above. Namely, whether it means the standard Shabbat (the Karaite opinion) or "Yom Tov" – in this case, the first day of *Chag HaMatzot*<sup>7</sup> – the Rabbanite opinion).
2. The meaning of the word "Shabbatot" and "Shabbat" in the phrases "seven complete Shabbatot" and the phrase "morrow after the seventh Shabbat" from the verse quoted above. Namely, whether it means the standard Shabbat (the Karaite opinion) or "week" (the Rabbanite opinion).
3. The interpretation of Joshua 5:11, which records that the Israelites consumed of the lands new produce "on the morrow after the Passover". Because the new produce may not be consumed until the beginning of the *Omer*, the "morrow after the Passover" mentioned in this verse signifies the start of the *Omer*.

<sup>6</sup> For example in his work *Eshkol Hakofer* Rav Yehudah Hadassi grouped every mitzvah under one of the Ten Commandments.

<sup>7</sup> The first day of *Chag HaMatzot* is a Yom Tov, *i.e.*, a date on which *melechet avodah* is forbidden.

4. Whether the Karaite explanation allows us to conclusively know that the “morrow after the *Shabbat*” being discussed falls during *Chag HaMatzot*, because nowhere is this stated explicitly in the Torah.

We will cover the first three issues in §6.2b-d. The fourth issue is covered in §6.3.

#### §6.2b The Phrase “morrow after the *Shabbat*”

As explained in §6.2a, the counting of the *Omer* is to begin on the “morrow after the *Shabbat*” (Leviticus 23:15). Rabbanites understand the word “*Shabbat*” to refer to the first day of *Chag HaMatzot* which, like the weekly *Shabbat*, is a day in which one ceased (“shavat”) from working. By contrast, Karaites understand the term “*Shabbat*” to refer to the weekly *Shabbat*.

The Karaite sages argued that *Shabbat* is a Torah Term (§3.1) that is clearly defined in the text of Torah. As opposed to the Rabbanite understanding of the word *Shabbat* in this phrase, the Torah provides three explicit definitions of “*Shabbat*”: 1) The seventh day of the week, 2) Yom HaKippurim (see Leviticus 23:32) and, 3) the *shemita* year (see Leviticus 25:4). Since “*Shabbat*” is a Torah Term with precise definitions, its meaning cannot be loosely expanded past these three definitions to include the related but distinct concept of *Yom Tov*. Indeed, all other uses of the term “*Shabbat*” in Scripture are consistent with one or the other of these three precise definitions.

The Rabbanite definition of the word “*Shabbat*” in this context is an unlikely definition, because this definition would apply only in one instance in the entire Tanakh, namely in the presently discussed phrase “morrow after the *Shabbat*”.

The *Adderet* also refutes numerous Rabbanite arguments supporting their definition of “*Shabbat*” as “*Yom Tov*”. I list the most poignant of the Rabbanite arguments and the Karaite counter arguments below:

1. **Argument:** Shavu'ot must be on a fixed day of the month because all the other holidays are on fixed days and because it is the anniversary of the giving of the Torah, an event that occurred on a fixed day.

**Counter Argument:** Even in the Rabbanite system the date of Shavu'ot varied prior to the institution of the calculated calendar. This is because under the original Rabbanite calendar every month could have either 29 or 30 days. Thus, in the original Rabbanite calendar Shavu'ot could be on either the 5<sup>th</sup>, 6<sup>th</sup>, or 7<sup>th</sup> of the third month, even if in today's calculated calendar it is always on the 6<sup>th</sup>.

2. **Argument:** It is fitting that “*Shabbat*” also refers to *Yom Tov* since we cease (“*lishbot*”) from work on *Yom Tov* as we do on *Shabbat*.

**Counter Argument:** *Shabbat* is a Torah term. Thus it has a precise definition found in the text and its meaning cannot be informally expanded according to human reason<sup>8</sup>.

<sup>8</sup>Shawn Lichaa has provided additional support in favor of the Karaite view. The laws of *Shabbat*, on which cooking is prohibited, differ from the laws of *Yom Tov* (i.e., the first day of *Chag HaMatzot*), on which cooking is permitted (§5.2).

3. **Argument:** If the *shemita* year can be called "Shabbat" because it is like *Shabbat*, then all the more so *Yom Tov* may be called *Shabbat*.

**Counter Argument:** As already stated, "Shabbat" is a Torah term which is precisely defined in the text. Its explicit textual definition includes both the seventh day and "*Shemita*" (see Leviticus 25:4) but it is not fitting to expand its definition based on human reason. More abstractly, this is a *hekeish kal vachomer* (an *a fortiori* argument) and as a general rule we do not use *hekeish* on Torah terms because they are given a fixed, explicit definition by the text.

### §6.2c The Phrase "seven complete shabbatot" and "morrow after the seventh Shabbat"

The Karaites interpret "Shabbat" in the phrases "seven complete shabbatot" and "morrow after the seventh Shabbat" to mean the standard Shabbat. The Rabbanites interpret the term Shabbat in this verse to mean "week". If the Rabbanites interpreted the term to mean the standard Shabbat, they would have to concede that Shavu'ot, which falls on the "morrow after the seventh Shabbat", is always a Sunday.

In response to the Rabbanite claim, the Karaite sages note that nowhere else in Scripture is Shabbat interpreted as "week". In addition, the Karaite sages maintain that Shabbat is a Torah term and so its definition cannot be loosely expanded to include the concept of the week (see the analogous argument in §6.2c).

Furthermore, the Karaite sages note that had Scripture intended us to count seven weeks' worth of days as opposed to seven complete weeks, Scripture would have used the phrase a "week's-worth of days" and would not have told us to count "seven weeks" as the Rabbanites claim. By way of example we see the phrase a "week's-worth of days" used in Daniel 10:2 and the phrase "a month's-worth of days" used in Deuteronomy 21:13. (A week is any is the seven-day period which runs from Sunday through Saturday; while a week's-worth of days is any seven day period regardless of when the period begins.)

The *Adderet* also refutes numerous Rabbanite Arguments. I list the most poignant Rabbanite arguments and the Karaite counter arguments below:

**Argument:** We find elsewhere in scripture "seven weeks (*shavu'ot*) you will count for yourself" (Deuteronomy 16:9). Assuming that the "seven complete shabbatot" and the "seven shavu'ot" are referring to the same command, it stands to reason that "shabbatot" must refer here to "shavu'ot" (weeks).

**Counter Argument:** The simpler reading is to say that we are given two separate ways of counting the same period; that is, we are commanded to count both the weeks and the shabbatot – since each Shabbat ends a week.

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Since these two categories differ in their precise legal definition, the Torah Term "Shabbat" cannot be used to describe both categories.

**Argument:** We find that we must count “seven *complete Shabbatot*”. The qualification that the *Shabbatot* be “*complete*” only makes sense if we interpret *Shabbatot* as weeks, because weeks are traditionally broken up into smaller pieces but the weekly Shabbat is generally complete.

**Counter Argument:** There are two Karaite explanations for the usage of the word “complete” in this verse.

The first explanation, held by the majority of the sages, is that the word “complete” is superfluous and simply serves to emphasize the statement that we must count 7 *Shabbatot* (and no fewer). The word “complete”, in their view, does not add any new information. We find other places in Scripture where words are used in this way. For instance, we find written “and the sun stayed in the middle of the heavens and hastened not to go down for about a **complete** day” (Joshua 10:13). Although this verse would have meant the same thing had the phrase simply read “for about a day”, Scripture uses the superfluous word “complete” to strengthen the language of the verse. Another example is that we find written “Hashem made not this covenant with our fathers but with us, even us (“*itanu anachnu*”) who are all of us here today....” Although it would have sufficed to say “but with us” (“*itanu*”) Scripture strengthens the language of the verse by saying “but with us, even us” (“*itanu anachnu*”). A similar example is God’s commandment to Avraham regarding Yitzchak: “take your son, your only son whom you love, Yitzchak, and go to Mount Moriyah...” (Genesis 22:2). God simply could have said “take Yitzchak”, but He chose to strengthen the language with apparently redundant words.

A second Karaite interpretation of the phrase “complete *Shabbatot*”, attributed to an anonymous sage, is that the word “complete” does more than simply strengthen the verse’s language. This sage argues that the word “complete” serves to preclude the interpretation that “the morrow after the *Shabbat*” refers to the morrow after Friday night. Since we are to count complete *Shabbatot* we know that the count cannot end in the middle of *Shabbat* on a Saturday morning but rather must end on a Sunday morning.

#### Notes on §6.2C:

The debate over the meaning of the word “complete” exemplifies a far reaching principal of Karaite exegetical theory. Whereas the Rabbanites hold that no word in Scripture is superfluous and thus derive new statutes from seemingly superfluous words (see “Notes on §1.4”), the Karaite sages utilize at least two different methods to explain seemingly superfluous words in Scripture. These methods are not mutually exclusive philosophies, and thus a single sage may use one or the other method on a case by case basis. I classify the methods below:

- 1) The word or phrase in question is not strictly necessary to convey the texts desired intent, but is included to strengthen or beautify the language used in the text. Examples of this method are given in the discussion of the first Karaite interpretation of “complete” above.
- 2) The word or phrase in question is not strictly necessary to derive the proper interpretation of the text, but its inclusion serves to clearly preclude another, improper interpretation of the text that would otherwise be more plausible. The second Karaite interpretation of “complete” above is an example of this method since it excludes the possibility that the count of the *Omer* should begin on a Saturday morning.

I note that in my discussion of the *Shabbat* laws, I use this second method repeatedly to explain the

apparent redundancy of words and phrases in the laws concerning Shabbat. (See “Notes on § 3.2C”.)

Another example of this method is Rav Aharon the Younger’s explanation for why the requirement to have at least two witnesses for a valid conviction is stated once in the case where the defendant is accused of committing “any sin or guilt” (Deuteronomy 19:15) and once again where the defendant is accused of committing murder (Numbers 35:30). Why, Rav Aharon asks, did the former statute not suffice since its scope includes that of the latter statute?

His answer<sup>9</sup> is that had only the more general statute been given, one could argue that two witnesses are not necessary in the special case of a murder trial. Because the alleged crime of murder is so severe, even a single witness should be sufficient to convict a potential murderer. We would not after all, want to allow such an egregious crime to be left unpunished. To the reader, this interpretation probably seems unlikely on the grounds that it prefers to risk punishing an innocent person over allowing free a guilty man; but the maxim of “innocent until proven guilty” has not always been highly valued across all societies. Thus, the Torah explicitly requires two witnesses for the case of alleged murder to preclude this interpretation.

By contrast, had scripture required multiple witnesses only in the case of alleged murder, one could not necessarily extend the requirement of two witnesses to the more minor cases. Indeed one might argue that the punishment in non-murder trials is less severe; thus fewer witnesses should be necessary to secure a conviction. This misinterpretation follows from the assumption that we may more readily risk punishing an innocent man if the punishment is not severe. To prevent this misinterpretation, the Torah explicitly requires the requirement for multiple witnesses on all trials.

There is a third repetition of the requirement for testimony by two witnesses in the case of an alleged idolater at risk of being given the death penalty (Deuteronomy 17:6). Rav Aharon does not explicitly deal with this repetition, but analogous reasoning may be used to explain the explicit inclusion of this case.

### §6.2d Consumption of the new grain on “the morrow after the Passover”

As described above, the Karaites consistently interpret the word “Shabbat” in the phrase the “morrow after the Sabbath” and its plural “Shabbatot” in Leviticus 23:15-21 to mean the weekly Sabbath and Sabbaths respectively. In contrast, the Rabbanites interpret the word “Shabbat” and its plural “Shabbatot” to have two different meanings: 1) the first day of *Chag HaMatzot*; and 2) “Weeks”.

The Book of Joshua further demonstrates that the Karaite position is the more likely interpretation. Recall that we are forbidden to consume the year’s produce until the *Omer* offering: “you shall eat neither bread nor parched corn nor fresh ears until this selfsame day” (Leviticus 23:14). Joshua records that when the Israelites first entered the Land of Israel, the Israelites “ate from the produce of the land on the morrow after the *Passover (Pesach)* unleavened cakes and parch corn” (Joshua 5:11). Thus the “morrow after the *Pesach*” referenced in Joshua refers to the start of the *Omer*.

Believing that “Passover” refers to *Chag HaMatzot*, one might mistakenly interpret the phrase the “morrow after the Passover Sacrifice (*Pesach*)” to be consistent with the Rabbanite opinion that the

<sup>9</sup> Rav Aharon’s wording when discussing this matter is brief and a little vague. Thus I give here my best interpretation of his answer with some elaboration on my part. For Rav Aharon’s wording see Gan Eden Din Edim (P. 194 column 2 in the 1864 edition).

count of the *Omer* begins on the day after the first day of *Chag HaMatzot*. Recall, though, that in every other instance in Scripture the word “*Pesach*” refers to the “Passover Sacrifice,” whereas *Chag HaMatzot* refers to the weeklong “Feast of Unleavened Bread.”

The analysis below explains the Karaite and Rabbanite interpretations of Joshua 5:11.

*The Karaite Position:*

Karaites interpret the phrase “the morrow after the Passover Sacrifice (*pesach*)” in Joshua 5:11 to mean the very next morning, *i.e.* the morning during the first day of Passover. The Karaite position finds direct support from elsewhere in the Tanakh.

In Numbers 33:3, we find that the Israelites “departed from Rameses in the first month on the **15<sup>th</sup> day** of the first month; on **the morrow after the Passover Sacrifice (*Pesach*)**, the children of Israel went out . . .” Recall that the Passover sacrifice was made at twilight towards the end of the 14<sup>th</sup> day of the first month (Exodus 12:18; Deuteronomy 16:4). Significantly for the Karaite interpretation, Numbers 33:3 describes the “morrow after the Passover Sacrifice (*Pesach*)” as the 15<sup>th</sup> day of the month. This proves that the phrase “morrow after the Passover Sacrifice (*Pesach*)” in Joshua 5:11 also refers to the 15<sup>th</sup> day of the first month. This is significant because according to the Karaite opinion the *Omer* will begin on the 15<sup>th</sup> when the 15<sup>th</sup> is a Sunday. However, according to the Rabbanites the *Omer* can only begin on the 16<sup>th</sup>. Thus, the verse in Joshua contradicts the Rabbanite position.

*The Rabbanite Position:*

The Rabbanites historically have interpreted Joshua 5:11 in ways that are consistent with their belief that the *Omer* begins on the 16<sup>th</sup> of the month. The Rabbanite interpretations of this verse and the Karaite responses are given below.

As previously noted, we are forbidden to begin harvesting the grains before the day of the *Omer* offering: “seven weeks you shall number for yourself from the first time the sickle is put to the standing corn” (Deuteronomy 16:9). In Joshua 5:11, the “morrow after the Passover” on which the *Omer* began that year was the first day of *Chag HaMatzot*, *i.e.*, the 15<sup>th</sup> of the first month. We are forbidden from performing *melechet avodah* on the first day of *Chag HaMatzot*; thus harvesting wheat would have been forbidden on the day that the Israelites ate of the new grain. And, according to the Karaite position, the day before the “morrow” would have been Shabbat on which harvesting wheat would also have been forbidden. Thus, the Rabbanites argued that according to the Karaite view, the Israelites must have begun harvesting the wheat on Friday, two days before the start of the *Omer*. This practice, so the Rabbanites argue, would contradict the stipulation that the *Omer* be counted “from the first time the sickle is put to the standing corn” (Deuteronomy 16:9).

The Rabbanites further argued that their reading of Joshua 5:11 does not pose this problem for them, because they begin the count of the *Omer* on the 16<sup>th</sup> of the first month and they thus understand “the morrow after the Passover” to mean “the morrow after the first day of *Chag HaMatzot*”. The 16<sup>th</sup> of the month, that is the second day of *Chag HaMatzot*, is a day on which harvesting is permitted.

In response to Rabbinic argument that the Karaite position would allow the grain to be cut before the first day of the *Omer*, the Karaite sages argued that the Rabbanite system must also overcome the same challenge. This is because the 16<sup>th</sup> of the month – the day the Rabbanites always start counting the *Omer* – occasionally falls on Shabbat. In this situation, one holding by the Rabbanite position could harvest neither on the 16<sup>th</sup>, because it is Shabbat, nor could he harvest on the 15<sup>th</sup>, because it is the first day of *Chag HaMatzot*. Thus, in years where the 16<sup>th</sup> happens to be a Shabbat, even the Rabbanites would be violating the requirement to start the *Omer* “from the first time the sickle is put to the standing corn” (Deuteronomy 16:9).<sup>10</sup>

To resolve the issue, the Karaite sages argued that the requirement to count seven weeks “from the first time (“*MeHechel*”) the sickle is put to the standing corn” does not literally require us to begin the *Omer* immediately after “the sickle is [first] put to the standing corn”. Rather, the requirement is to begin the *Omer* shortly after the start of the harvest.

This is consistent with other usages of the word “*hechel*” (“start”). The word “*MeHechel*” generally means “from the first time,” or “from the start” but it does not necessarily mean that something must occur immediately after the event in question. For instance, in 1 Samuel 3:2 we find the following use of “*hechel*”: “it came to pass when Eli lay down in his place and his eyes began (“*vehechelu*”) to weaken.” This verse does not imply that Eli’s eyesight began to fail at the exact moment when he lay down to sleep. Rather, his failing eyesight was a gradual process that had begun around the time mentioned in the verse but not exactly at the moment he lay down to sleep. Additionally, in Ruth 1:22 we see that Ruth and Naomi “arrived at Beit Lechem “at the beginning (“*betchilat*”) of the barley harvest” (Ruth 1:22). The qualifier “at the beginning” is not intended to indicate that they arrived at the literal instant at which the harvest began (*i.e.*, when the first stalk of barley was cut). Rather, they arrived towards the beginning of the barley harvest.

Similarly, the requirement to start the *Omer* “from the first time the sickle is put to the standing corn” does not require us to start the *Omer* immediately after the start of the harvest. Rather, it is a requirement to start the *Omer* near the beginning of the harvest (with the more exact time given by the phrase “on the morrow after the Shabbat”).

Rav Yefet further argues that the language of the verse “from the first time...you will start to count seven weeks” actually implies that we may cut the harvest up to a week before the start of the *Omer*. This is because the verse specifically discusses the counting of “weeks”; since the first week starts on the Sunday of *Chag HaMatzot*, the harvest may be brought up to 7 days before that Sunday. The count will then begin at the start of the upcoming week which is the proper time, the start of *Chag HaMatzot*.

Upon recognizing that the morrow after the Passover referred to in Joshua 5:11 was in fact referring to the 15<sup>th</sup> of the month, some of the Rabbanite sages argued that the grain the Israelites consumed in Joshua 5:11 was not in fact new grain but rather grain from the year before. Under this Rabbanite

<sup>10</sup> In the modern Rabbanite calendar instituted by Hillel II, the Passover seder, *i.e.*, the first night of Passover, can never fall on a Thursday night. However, in the Rabbanite calendar used at the time of the second temple, there was no such restriction.

theory, the morrow after the Passover would not need to refer to the start of the *Omer* since only new grain may not be eaten before the start of the *Omer*.

In response to this claim, the Karaite sages made several arguments.

First, the Karaite sages focus on the context of Joshua 5:11 to understand *why* the Israelites started eating grain of the Land on that day. Prior to that day, the Israelites had been eating manna. The manna stopped on the morrow after the Passover (Joshua 5:12), because that was the first day that the Israelites had permissible grain available to them from the Land (Joshua 5:11-12).

Second, during the events of Joshua 5:11, the Israelites were in the process of conquering the land of Israel. The nations with whom the Israelites were at war would not have left stocks of old grain available for the Israelites. Additionally, the text makes no record of the Israelites having forcibly acquired supplies or made war on any of the inhabitants prior to their attack on Jericho.

Third, the Israelites were said to have eaten “matzah and parched corn (“kalui”)” (Joshua 5:11) on the morrow after the Passover. “Parched corn” is made with aviv, which is barley that has not yet fully ripened (see §2.8c) and thus the food consumed must have been from new grain. This is alluded to in the phrase “aviv parched (“kalui”) in fire” (Leviticus 2:14).

### §6.2 Why the *Omer* Must Begin During Chag HaMatzot

Although we find written that the *Omer* begins “on the morrow after the Shabbat”, nowhere is it explicitly stated that the morrow after the Shabbat must occur during *Chag HaMatzot*. In other words, out of all the Sundays of the year, the text does not explicitly single out the Sunday during *Chag HaMatzot* as the start of the *Omer*. Nevertheless, this is the clear intent of the text.

First, as we have already noted the Israelites began the *Omer* on the “morrow after the Passover Sacrifice” the year that they first entered the land. This demonstrates that the “morrow after the Shabbat” in question falls during *Chag HaMatzot*.

Second, we know that the counting of the *Omer* must begin around the time that the barley crop is ready for picking. *Chag HaMatzot* is specifically timed to occur when the barley crop ripens (§2.8c); thus it is reasonable that the counting of the *Omer* should begin during *Chag HaMatzot*.

Third, the requirement to begin the *Omer* “on the morrow after the Shabbat” is found in the context of the complete list of *mo'adim* (“appointed times”) given in Leviticus 23. Leviticus 23's complete list of the *mo'adim* opens with the words “these are the *mo'adei* of Hashem” (Leviticus 23:3) and proceeds to list all the holidays including the “morrow after the Shabbat”. The passage then concludes with the verse “and Moshe declared to the children of Israel the *mo'adei* of Hashem” (Leviticus 23:44). Thus the “morrow after the Shabbat” must fall on a *mo'ed*. Because the start of the *Omer* must be timed about 50 days before the wheat harvest ripens, it is clear that this *mo'ed* must be *Chag HaMatzot*.

Now one might argue that the “morrow after the Shabbat” is in fact its own independent *mo'ed* and that therefore it need not be part of *Chag HaMatzot*. This is impossible, however, since Numbers 28-29

contains a second list of *mo'adim* and the supplementary offerings that were to be given on these days. The “morrow after the Shabbat” and the offerings given on this day (see Leviticus 23:11-12) are not explicitly mentioned in the list set forth in Numbers.

As we will demonstrate below, any *mo'ed* offering that is absent from Numbers 28-29 is absent because another supplementary offering on that *mo'ed* is already included in the list. In other words, the list in Numbers 28-29 mentions only one supplementary offering per *mo'ed*.

Thus, the fact that Numbers 28-29 mentions no offerings as being given on the “morrow after the Shabbat” indicates that the offerings must have been brought on a day in which another supplementary offering was also given. That is, they must be mentioned on a day already listed in Numbers 28-29. The only such days that would make sense is one of the days *Chag HaMatzot* since as we have already noted the count for the *Omer* must line up properly with the agricultural cycle.

How do we know that the list in Numbers 28-29 lists only one supplementary offering per *mo'ed*? This is clear because the bread offering of Shavuot (Leviticus 23:17) and one of the offerings given on Yom Kippur (Leviticus 16) are not mentioned in the list. However, the other offerings given on Shavu'ot and Yom Kippur are mentioned. This demonstrates that Numbers 28 lists only one set of supplementary offerings for each *mo'ed*. If the *mo'ed* requires more than one set of offerings they are listed elsewhere.

#### Notes on §6.2:

The verse in Joshua leaves no ambiguity that the count of the *Omer* must begin during *Chag HaMatzot*. It is less obvious, however, what is the source in the first five books from which this requirement was originally derived. Although the above derivations from the first five books are reasonable, the reader may be left wondering as to why the Torah required us to use these indirect arguments as opposed to simply having stated when the count begins.

I can only speculate that this is because it was very clear thematically that the *Omer* must begin during *Chag HaMatzot*. Indeed, to the Israelites *Chag HaMatzot* had the added agricultural significance of being the time of the barley crop (which is why the first month must coincide with the *aviv*) which ripens about 50 days before the wheat crop. Thus, it would have been thematically obvious to the Israelites that the count should begin then. Thematic obviousness, however, does not suffice as an actual derivation of the law. The rigorous derivation of the law is thus left to *hekeish*. Note that this argument is similar to the one I used to explain the unusual derivation of the permissible actions on Shabbat (“Notes on §3.3”). It is thematically obvious that many of these actions should be permitted based on the general idea behind Shabbat as a time dedicated to God and based on the idea that the Torah would not forbid something that is absolutely necessary. Yet, the actual list of permissible actions is rigorously determined through careful *hekeish*.

I will further note that the question of why the Torah requires the use of *hekeish* when it could more easily have stated something directly is not unique to the laws of Shavu'ot. As noted above, we already encountered this question when discussing the source of the permitted actions on Shabbat (notes on §3.3). Similarly, in the laws of incest there are many strong reasons to apply *hekeish* to the verses listing forbidden relatives (for instance the prohibition of marrying one's daughter is learned only through *hekeish*). Yet we are left with the question as to why the Torah requires us to use *hekeish* as opposed to simply stating its intent directly. In the easiest of cases, *hekeish* is simply a tool to rigorously define the intent of the *peshat* (“Notes on §1.5”); but in other cases it

appears to be more involved than rigorously defining what is intuitively the clear intent of the *peshat*. How are we to understand these cases? Is there a deeper reason for the Torah requiring us to use *hekeish* in these cases?

I am not sure I can yet answer these questions. However, the fact that these questions are encountered even in the case of Shavuot, a case in which the Karaite explanation is clearly correct (as demonstrated by Joshua 5:11), suggests that a *halakhic* opinion cannot necessarily be abandoned because it raises these questions. Indeed, the fact that *hekeish* is needed even in a case in which the final law is clear through verses not in the first five book (namely Joshua 5:11) suggests that *hekeish* as a general tool is justified. We cannot simply reject *hekeish* at times where it seems surprising that the Torah would require us to use *hekeish* instead of stating something directly.

### §6.3 On The Obligation to Count The Omer

#### §6.3a Whether the Omer Must be Counted Out Loud

We are required to count the days, the *shabbatot*, and the weeks of the *Omer* as it is written “and you will count for yourselves...seven *shabbatot* even unto the morrow of the seventh week you will count 50 days” (Leviticus 23:15) and “seven weeks you will count for yourself” (Deuteronomy 16:9).

The word “count” as it is used in scripture, however, does not necessarily imply counting out loud. For example, when the text commands that a woman “count” seven days of purification after the start of her monthly period (Leviticus 15:28), it does not require counting the days out loud.

It is then valid to ask whether the *Omer* must be counted out loud. Rav Bashyatzi believes that it is known through *sevel hayerusha* that the *Omer* must be counted out loud. Rav Bashyatzi argues that the practice of counting the *Omer* out loud satisfies all three criteria for *Sevel Hayerusha* (§1.6) : it is a tradition that all Israel agrees upon, it does not contradict scripture, and it has positive support from scripture (because presumably the word “count” can be interpreted to mean “count out loud” in addition to “count silently”). Counting the *Omer* is thus true *sevel hayerusha* and is legally binding.

#### Notes on §6.3A:

The requirement to count the *Omer* out-loud fulfills the three criteria of *sevel hayerusha*: it does not contradict scripture, it has a positive basis in scripture, and it is a tradition accepted by both Karaites and Rabbanites (§1.6). Yet, this tradition differs from other instances of *sevel hayerusha* because it is not contextual information well-known to the Israelites before the Torah was given (see notes on §1.6, and also §2.3 for examples of *sevel hayerusha* that are pre-Sinai contextual information). It is reasonable to assume that well-known contextual information would not have been explicitly repeated in the Torah. However, even if the tradition of counting the *Omer* fulfills the technical criteria of *sevel hayerusha*, it is still not clear why this tradition would not have been explicitly written down in scripture.

It seems to me that one potential explanation is that in this case the information was never intended to be transmitted orally. Whereas in cases such the definition of the biblical month the Torah chooses not to repeat information already well known to its readers (§2.3), in this case the original verse in the Torah was meant to require counting out loud. However, because the word “count” used in the verse is somewhat ambiguous, the reader may be unsure as to whether counting out loud is required or counting silently is sufficient. In olden times, prophecy could have been used to clarify the intended meaning of the word “count”, but today the best we can do to choose between two equally good explanations of the verse is to rely on the traditional practice. In

other words, we hope that the proper interpretation of the verse has been preserved through tradition kept by our ancestors.

Rabbanites often make a similar claim. Namely, that the Oral Torah is a record of the proper interpretation of the verses of the written Torah which would otherwise be ambiguous or impossible to interpret. The difference between this Rabbanite argument and the usage of *sevel hayerusha* suggested above is twofold. First, when *sevel hayerusha* is used to differentiate between two potential interpretations, both those interpretations must be grounded in *peshat*<sup>11</sup>. By contrast, the Oral Torah often contains interpretations of verses that do not follow from the *peshat*. Second, *sevel hayerusha* is very rarely used to clarify between potential interpretations, whereas Rabbanites rely abundantly on the Oral Torah. This distinction is not merely quantitative; it is also qualitative. Whereas the Rabbanites believe that the Torah intended to be incomplete, the Karaite explanation suggested above attributes any ambiguity to limitations of human language not to the original intent of the text.

Thus, I believe that when conflicted with two equally good interpretations of Scripture, it is better to side with the traditional interpretation. Since we can no longer use prophecy to clarify between interpretations, it is better to heed a tradition that may have been passed down from a time when the proper interpretation was known through prophecy. This being said, I am unsure how often one encounters two interpretations that are truly “equally good”. In the vast majority of cases sufficient research will reveal the true meaning of the *peshat*.

Even in the case of counting the *Omer* out loud, I believe that further research could yield fruitful results. In particular, I am unaware of the word “count” (“*lispor*”) ever implying “count out loud” in scripture. Certainly voiced counting also fulfills the requirement to count in general but I do not believe the word “*lispor*” on its own ever includes the additional aspect of voiced counting to the exclusion of silent counting. This is in contrast to certain other words. For instance, we will demonstrate in the section on impurity that “to touch” (“*laga'at*”) can mean one of two things: “to touch either directly with one’s body or indirectly through an intermediary object” or “to touch directly with one’s body without the use of an intermediary object”. There is scriptural support for the idea that in some cases “*laga'at*” incorporates the additional aspect of *direct* touching to the exclusion of indirect touch. However, it is not clear that there is support for the notion that “*lispor*” ever incorporates the additional aspect of voiced counting versus general counting. More research is required, but if this is the case, then the tradition that voiced counting is a requirement may not actually have a basis in the *peshat* and is not technically binding (even if it is still advisable).

This being said, even if we can find no instance in Scripture of “*lispor*” that clearly means “count out loud” and not “count silently”, it is possible that this is simply due to a dearth of instances of the word “*lispor*” in Tanach. If this is suspected to be the case, then perhaps we should understand the tradition of counting the *Omer* as being a linguistic tradition that provides a definition for the word “*lispor*”.

### §6.3b Whether the Omer Must be Counted in The Morning or in the evening

The Rabbanites hold that the *Omer* should be counted in the evening since that is when the day starts. However, the Karaite sages held that the *Omer* should be counted in the morning since that is when the *Omer* offering was given as it is written “on the morrow after the Shabbat”.

## §6.5 Conclusion

The debate between Rabbanites and Karaites regarding the start of the *Omer* is in many ways a microcosm of the larger debate between proponents of the two exegetical systems. The Rabbanite position on Shavu'ot requires

<sup>11</sup> In addition to those given in “notes on §1.6” this is another reason for the requirement that *sevel hayerusha* have a basis in Scripture.

three novel definitions for common terms used throughout Tanach. First, it requires defining Shabbat as Yom Tov. Second, it requires defining Shabbat as “week”. And, third, it requires defining “Pesach” as “first day of *Chag HaMatzot*”. Each of these three definitions is on its own unlikely, but not completely implausible; there exists an understandable connection between the actual definition of these terms and the Rabbanite definition of each of these three words. However, it seems highly improbable that all three of these Rabbanite definitions should apply only in the verses pertaining to the dating of *shavu'ot*. The Karaite argument against the Rabbanite understanding can thus be understood as an appeal to Occam's Razor; the Rabbanite argument is not completely untenable, but it is very unlikely to be correct because it is unnecessarily complicated when compared to the Karaite explanation.

A general argument for the Karaite legal system over that of the Rabbanites is similarly an appeal to Occam's razor. There exists no single *coup de grace* argument that conclusively disproves the Rabbanite legal system. Anyone who would abandon an entire system after discovering a single difficulty with one aspect of the system should think twice before abandoning his system. Rather, the strongest reason to reject the Rabbanite exegetical system is that time-and-again it requires unlikely assumptions and interpretations. It is highly implausible that all these unlikely assumptions are valid in the face of a much simpler explanation.

The Rabbanite sages have an answer to the repeated implausible methods they use to interpret the biblical text. They claim that developing a *halakhic* system without making this string of unlikely assumptions and without using non-*peshat* readings of verses is impossible. How they ask, could one clarify the laws of *shechita* or of Shabbat by relying on the text of the Torah alone? One is left with no choice but to rely on the Oral Torah and its unlikely readings of the text. The Karaite response to this argument is the development of a functional, reasonably unambiguous *halakhic* system that is derived from the three Karaite pillars of law. If the sages are deemed successful in this endeavor, then the Karaite system appears the more plausible because the exegetical assumptions it makes are simpler. If not, then a more complicated explanation is likely correct, perhaps the Rabbanite explanation. Thus, the debate between the Karaite and Rabbanite exegetical systems is not one in which a single verse or argument proves that one system is correct and the other is not. In order to determine which system is more plausible, one must first come to a reasonably thorough understanding of both *halakhic* systems.