

# MIMOHORAT HASHABBAT (I) - THE BOETHUSIAN DISPUTE (I)

*by Rabbi Yitzchak Etshalom*

## THE PRIMARY TEXT

The upcoming festival of Shavuot is the only "Mo'ed" (appointed time) regarding which the Torah does not establish a date. This omission was the source of a major dispute in the schismatic days which preceded the destruction of the Beit haMikdash; a dispute which may have been more than symptomatic of the great chasm which divided the Rabbinic community from non-Masoretic Jewry towards the end of the Second Commonwealth. It is to this textual difficulty, the attendant dispute that we turn our attentions this week and next. Although the association between Shavu'ot - a purely agricultural festival as presented in the Torah - and the Stand at Sinai will be elided during the essay, I hope to suggest a novel connection between Hag haKatzir and Z'man Mattan Torateinu.

Shavu'ot is presented in Sefer Sh'mot in two places. In Sefer haB'rit, we read:

Three times you shall keep a feast to me in the year..And the Hag haKatzir (Feast of Harvest), the first fruits of your labors, which you have sown in the field; and the Hag ha'Asif (Feast of Ingathering), which is at the end of the year, when you have gathered in your labors from the field. (23:14,16)

The lack of a specific date here is not surprising, as neither Hag ha'Aviv nor Hag ha'Asif are given dates - all three pilgrimage festivals are noted by their agricultural season.

The second reference provides a bit more information - which does more, at this point, to confound than to clarify:

And you shall observe the Hag haShavu'ot (Feast of Weeks), of the first fruits of wheat harvest, and the Hag ha'Asif at the yearis end. (34:22)

At this point, the Torah gives no clue as to the reference to "weeks".

(I am purposely leaving the selection from Vayyikra until after exhausting all the others, as that text is the exclusive source of the above-mentioned dispute and will serve as the focus of our analysis).

The one brief reference in Sefer Bamidbar does little to clear up the issue of a date for this holiday:

Also in the day of the Bikkurim (firstfruits), when you bring a new meal offering to Hashem, b'Shavu'oteikhem (in your feast of weeks), you shall have a holy gathering; you shall do no labor; (28:26)

Again, there is a reference to "weeks" - but the phrase is not inherently clear as to meaning. We surmise that this holiday is the same as the Hag haKatzir of Sefer Sh'mot, both from the sequence (following after Hag haMatzot) as well as context (Bikkurim being the first harvested fruits).

A much clearer picture is presented in Sefer D'varim:

Seven weeks shall you count; begin to number the seven weeks from such time as you begin to put the sickle to the grain. And you shall keep the Hag haShavu'ot to Hashem your G-d with a tribute of a freewill offering of your hand, which you shall give according as Hashem your G-d has blessed you. (16:9-10)

Summing up the information we have gleaned from Sh'mot, Bamidbar and D'varim about this holiday, we see that there is a harvest festival (Sh'mot 23), which involves the offering of a set of Korbanot (Bamidbar), a "freewill offering" (D'varim) a pilgrimage (Sh'mot 23 & 34), and which takes place at the time of the first fruits (Bamidbar), seven weeks after the beginning of the reaping season (D'varim). Every indication of this set of texts is that this festival has no set date whatsoever and that it is determined by the beginning of the harvest, whenever that may occur.

The fullest presentation comes in the middle of the Parashat haMo'adot (Vayyikra 23). Subsequent to the details of Pesach and Hag haMatzot, the Torah commands:

And Hashem spoke to Moses, saying, Speak to the people of Yisra'el, and say to them, When you come to the land which I give to you, and shall reap its harvest, then you shall bring a sheaf of the first fruits of your harvest to the priest; And he shall wave the sheaf before Hashem, to be accepted for you; Mimmohorat haShabbat (on the next day after the Shabbat) the priest shall wave it. And you shall offer that day when you wave the sheaf a male lamb without blemish of the first year for a burnt offering to Hashem. And the meal offering of it shall be two tenth deals of fine flour mixed with oil, an offering made by fire to Hashem for a sweet savor; and the drink offering of it shall be of wine, the fourth part of a hin. And you shall eat nor bread, nor parched grain, nor green ears, until the same day that you have brought an offering to your G-d; it shall be a statute forever throughout your generations in all your dwellings. (23:9-14)

And you shall count Mimmohorat haShabbat, from the day that you brought the sheaf of the wave offering; seven sabbaths shall be complete; To Mimmohorat haShabbat haSh'vi'it (the next day after the seventh Shabbat) shall you count fifty days; and you shall offer a new meal offering to Hashem. You shall bring out of your habitations two wave loaves of two tenth deals; they shall be of fine flour; they shall be baked with leaven; they are the first fruits to Hashem. And you shall offer with the bread seven lambs without blemish of the first year, and one young bull, and two rams; they shall be for a burnt offering to Hashem, with their meal offering, and their drink offerings, an offering made by fire, of sweet savor to Hashem. Then you shall sacrifice one kid of the goats for a sin offering, and two lambs of the first year for a sacrifice of peace offerings. And the priest shall wave them with the bread of the first fruits for a wave offering before Hashem with the two lambs; they shall be holy to

Hashem for the priest. And you shall proclaim on the same day, that it may be a holy gathering to you; you shall do no labor in it; it shall be a statute forever in all your dwellings throughout your generations. And when you reap the harvest of your land, you shall not make clean riddance up to the corners of your field when you reap, nor shall you gather any gleanings of your harvest; you shall leave them to the poor, and to the stranger; I am Hashem your G-d. (23:15-22)

In sum: 1) We are commanded that once we enter the Land and begin harvesting we are to bring the first of our harvest to the Kohen (note that the text makes no mention of when to bring this grain to the Kohen - however vague the time-parameter may be in this Parashah, it attains relevance only after the Kohen receives the Reishit haKatzir) 2) who will then offer it Mimmohorat haShabbat - therein lies the rub. To which day does the elliptical Shabbat refer? More correctly, when is haShabbat (with the definite article attached), such that it's morrow is the day of this offering? 3) We are to count seven weeks from the day of that offering (at which time, all newly harvested grain becomes permitted for consumption), which brings us to 4) The Mimohorat haShabbat haSh'vi'it, at which time a "new tribute" is brought, including two loaves and an attendant offering; 5) This day is then declared as a Mikra Kodesh (see V'shinantam 3/32 for an analysis of this term).

Hag haKatzir or Hag haShavu'ot is, then, seven weeks after the offering described in the first few verses of this selection. The very definitive, yet elusive, Mimmohorat haShabbat, implies that there is a set date (contrary to our impression from the remaining texts relating to Shavu'ot found in Humash) - but when is that day? It all depends, clearly, on the determination of the day of the 'Omer-offering.

## II

### THE DISPUTE

Megillat Ta'anit (the Tannaitic record of festivals marking salvations during the Second Commonwealth) records that

From the eighth of the same until the close of the Festival [of Passover], during which time the date for the Feast of Weeks was re-established, fasting is forbidden. For the Boethusians held that the Feast of Weeks must always be on the day after the Sabbath.

The Mishnah (Menahot 10:4) records that the Boethusian challenge necessitated that the cutting of the Omer's worth of barley be done with great fanfare and a responsive formula of command-compliance between the Beit-Din and the person cutting the barley.

The Boethusians were allies of the Hellenized Sadducees; there is a theory that the origin of the group dates to Herod's appointment of Shim'on ben Boethus as Kohen Gadol in 24 BCE (an appointment made so that Herod's could marry Boethus's daughter Mariamme). The evidence of material found in the Dead Sea Scrolls points to an earlier beginning of this sect. In any case, they were likely an offshoot of the Sadducees. The chief point of departure between the Pharisees

(Rabbinic community) and the Sadducees and their allies was the validity of the Oral Tradition in determining the meaning and proper interpretation of Scripture. Whether the Sadducees had their own methodology of interpretation or were "strict literalists" is subject to scholarly debate - what is clear is that they rejected the Torah sheBa'al Peh and the authority of the Hakh'mei haM'sorah.

Although there is a series of disputes between Haza"l and the Sadducees regarding the proper understanding and application of Halakhah, it seems that the establishment of the date of the Omer-offering (and, consequently, of Shavu'ot) was the most significant and noteworthy controversy which highlighted this schism.

It is possible that the Sadducees exercise significant control over the operation of the Beit haMikdash for a lengthy period during the first century BCE into the millenium (cf., inter alia, Mishnah Yoma 1:5), such that their interpretation regarding matters of offerings would have a profound and broad impact on national religious celebrations.

What is particularly difficult about this debate is that a simple, straightforward read of the text does lead us to the conclusion maintained by the Boethusians - or, at least, it would seem to. The Torah indicates that the offering is to take place "on the day after the Shabbat", which should comfortably be understood as Sunday.

In order to understand the dynamics of the dispute - and the Rabbinic position - we need to analyze the various possibilities of interpretation. We will find that no single explanation of the phrase Mimmohorat haShabbat will be "easy" and that the information provided by the Torah demands careful and thoughtful analysis in order to arrive at a proper appreciation of the meaning of the text.

### III

#### THREE A PRIORI APPROACHES

##### A: THE BOETHUSIAN UNDERSTANDING

The followers of Boethus maintained that Mimmohorat haShabbat must mean Sunday, interpreting the word Shabbat in its usual sense of the weekly Sabbath (which Haza"l refer to as "Shabbat B'resheet"). The casual reader of our Parashah (if such notion is not an oxymoronic impossibility) might come away with the impression that "the Boethusians are correct" and immediately place the Rabbinic understanding as on the defensive. Such is not the case, for several reasons:

1) The word "Shabbat" does not have an exclusive meaning of "the seventh day of the week"; not only is it used at the beginning of Vayyikra 25 to denote the Sabbatical year (note that the root Sh\*B\*T appears seven times within the Parashah of Sh'mittah [25:1-7], marking it as the Milah Manhah [guide word] for that Parashah), but even within the context of Parashat haMo'adot (the greater context of our selection) the word Shabbat is liberally used to denote any number of the holidays

(specifically, Yom haZikkaron, Yom haKippurim, Sukkot and Sh'mini Atzeret - see our discussion in V'shinantam 3/32 for an explanation as to the frequent and liberal use of Shabbat within this Parashah).

2) If, as the Boethusian claim goes, the Shabbat in question means the weekly Shabbat, which Shabbat is it? Since there are over 50 Shabbatot in a year, to which of these Shabbatot is the text referring? (This argument is marshalled by R. Yossi in Sifra Emor 12:4). The counter-argument might be contextual - that since this Parashah comes immediately after the Parashah of Hag HaMatzot, it is the Shabbat immediately after that holiday that is the referent - but which of those Shabbatot? The Shabbat which follows Pesach (i.e. what we refer to as Shabbat haMo'ed) or the one which follows Hag haMatzot?

3) More troubling is the use of the definite article at each of the appearances of this enigmatic phrase: the text does not tell us to wave the Omer offering on Mimmohorot Shabbat, which would be translated as "the day after Shabbat" (=Sunday), rather it states Mimmohorot haShabbat - literally "the day after the Shabbat". The use of the definite article poses a problem. The definite article is used when that article has previously been defined - or when it is so well known as to be the obvious referent. Had the previous section been devoted to an offering or other obligation of a particular Shabbat, the phrase Mimmohorot haShabbat would be clear - the next day after the Shabbat just discussed is now the topic being assayed. There is, however, no Shabbat in the immediately previous Parashah - as a matter of fact, Hag haMatzot and Hag haShavu'ot are the only two festivals which are not called Shabbat in this Parashah.

## B: SHABBAT MEANS YOM TOV

This approach, adopted by many Rishonim (see Rasag, Rashi and Rashbam at 23:11), is the result of the series of arguments proffered against the Boethusian position, which can be found in Sifra and BT Menahot 65-66. Significantly, at no point do Haza"l ever suggest that the word "Shabbat" should be translated as "Yom Tov" - which is the impression given by those Rishonim who take this approach. Rather, the Midrash Halakhah begins with the statement that Mimmohorot haShabbat means Mimmohorot Yom Tov - and then goes on to argue, by using *reductio ad absurdum*, to demonstrate that the phrase in question cannot mean "the day after Shabbat" (Sunday). In other words, Haza"l do not maintain that the word "Shabbat" in our context should be translated as "Yom Tov"; rather, they claim that it cannot mean "Shabbat B'resheet" and therefore, by process of elimination, must refer to the Yom Tov of Hag haMatzot. This is not the way that the Rishonim presented this position - by and large, they stated that "Shabbat" here should be translated as "Yom Tov." (It is unclear whether Onkelos' rendition of "Yama Tava" should be understood as translation or interpretive, presenting the final result of the argument as well as the Oral Tradition).

While this understanding has much to recommend it - it solves the problems raised above against the Boethusian position - it is also not without its difficulties:

1) As mentioned above, although Shabbat=Yom Tov is the result of the arguments of Haza"l, it is not their position that we understand the word that way. 2) Very simply put, if the Torah wanted to instruct us to bring the offering on the day after the festival, why not state Mimmohorot haPesach? True, that might lead us to think that the day in question is the first day of Hag haMatzot, which is the day following Pesach (the fourteenth day of Aviv) - that understanding of the phrase Mimmohorot haPesach will raise other complications, specifically as regards Rambam's approach to the question (see below). In any case, the Torah certainly could have found an alternative way to say "Yom Tov" rather than using the obfuscatory "Shabbat". 3) Note that the phrase Mimmohorot haShabbat appears three times in our Parashah. The first two could be explained by the Shabbat=Yom Tov solution (if we could find a response to the first two challenges here), but the third - ad mimmohorot hashabbat hash'vi'it - will not bear this translative interpretation. Whereas the day before the offering is a Yom Tov, which might be called a Shabbat by the text, the day before the festival of Shavu'ot, by no stretch of the imagination, can be considered a "Yom Tov."

#### C: THE ARGUMENT FROM CONTEXT

If, instead of looking only at the tricky phrase in question, we take into account the entire Parashah and the other textual references to this holiday, we may gain a broader insight into understanding the term. For instance, the text demands that we count seven weeks to reach the holiday of Shavu'ot/Katzir - one might argue that if the Torah intended the Omer-offering to be brought on a Sunday (thus ensuring "seven perfect weeks"), there would be no need to command us to count - everyone knows when a week ends and when a new one begins. In addition, one might argue that since the text in D'varim points us to the "time you begin to put the sickle to the grain", there is no indication that this refers to any particular day of the week. This approach - interpretation from context - is the main thrust of the arguments presented by Haza"l in both BT Menahot and Sifra Emor. Persuasive though their arguments may be, we still need to confront the phrase Mimmohorot haShabbat and explain its meaning.

We can see that no single approach is overwhelmingly persuasive. Before moving on, I'd like to share two unusual explanations found in the Rishonim - the first suggested by R. Yehudah haLevi and the other by Rambam.

#### IV

#### TWO INTRIGUING APPROACHES

##### D: R. YEHUDAH HALEVI

R. Yehudah HaLevi (b. c 1080 Spain), in his magnum opus Kuzari, presents an argument that can be summarized as follows (the full argument is found in the third section, paragraph 41).

He concedes that "Shabbat" means "Shabbat," and the day spoken of in the verse is thus Sunday. However, the Torah merely presents this day as an example by which to demonstrate how to calculate the fifty-day period between the "omer" offering and the festival of Shavuot. Should the first day, upon which the "omer" offering is brought, occur on Sunday, then the fiftieth day, Shavuot ("the day following the seventh Shabbat"), will also occur on Sunday. The Torah presents this example so as to clarify how the counting must be conducted and the date of Shavuot determined, in order to avoid possible confusion. However, the Torah does not establish a specific date for the offering of the "omer." The only requirement is that it coincide with the beginning of the wheat harvest. Then, seven weeks later, when the barley harvest begins, we observe Shavuot. All this is according to the simple meaning of the verse. However, the Halakha established a fixed day for the offering of the omer, namely, the second day of Pesach. This does not contradict the peshat, but neither is it necessitated by the peshat.

Although this approach is, by and large, ignored by both later Rishonim and Aharonim, it has much to recommend it. Besides directly addressing the phrase in question (albeit by accepting the Boethusian translation), it simultaneously supports the Hazalian approach to the Halakhah - to wit, the main concern of the Torah is that there be a full seven weeks from the Omer-offering and Shavu'ot.

The Kuzari's explanation must respond to the following question: How can it be that the Torah didn't determine any date for the Omer-offering? He might respond that the word *liR'tzon'khem* (23:11), which may be translated "by your will" (i.e. the will of the people) essentially leaves the date open-ended and up to the determination of the people. This would bring the selection in D'varim into greater harmony with our section, as that passage mandates merely that we count seven weeks from the beginning of harvest. In other words, the Torah provides no date whatsoever for the Omer-offering (and, consequently, no date for Shavu'ot). It was the Halakhah (meaning the Beit-Din) that established the second day of Hag HaMatzot as the day of the Omer-offering.

The problems with this approach should be apparent from the outset. The open-ended nature of the timing of this offering (and subsequent counting and consequent festival) are inconsistent with the Torah's entire scheme of ritual worship - as Ramban counters "this is vanity". There is one further problem with Kuzari's approach. According to the Halakhah, the Omer is cut and offered even on Shabbat, if the first day of Hag haMatzot is on a Friday (which cannot occur under the contemporary system of intercalation). How could a Beit-Din have made the determination of a specific date - if that date were indeed left open by the Torah - such that we would desecrate Shabbat by cutting barley?

E: RAMBAM

Rambam (Hilkhhot T'midin uMusafin 7:11) ignores all of the proofs found in the primary sources. Besides relying on the tradition for the determination of the proper date, he cites, as a proof-text, the

following passage from Yehoshua:

And the people of Yisra'el encamped in Gilgal, and kept the Pesach on the fourteenth day of the month in the evening in the plains of Yericho. And they ate of the Avur ha'Aretz (old grain OR bounty) of the land on the next day after the Pesach, unleavened cakes, and parched grain in the same day. (Yehoshua 5:10-11)

The Torah prohibits eating newly harvested grain until after the Omer-offering (Vayyikra 23:14) - since the text indicates that the people ate of the bounty of the Land (Rambam interprets Avur ha'Aretz as bounty, rather than "old grain") the day after Pesach (which Rambam here interprets as the day after the first day of Hag haMatzot - i.e. two days after the Pesach; see Ibn Ezra at Vayyikra 23:11 where he suggests that there are two different days called "Pesach"). The text is clearly associating the permission to eat of the newly harvested grain with the day in question - the day after the Pesach. Hence, one can see that the day of the Omer-offering (which permits the new grain to be eaten) is on the day after Pesach; ergo, the phrase Mimmohorat haShabbat must mean the day after the holiday of Pesach.

Attractive as this position is, it is, again, not without problems. As indicated by the parenthetic interjections, this proof rests on two interpretations which are far from universally accepted. To maintain that the day after Pesach means the 16th day Aviv (Nisan) is a stretch, as throughout the T'nakh, "Pesach" refers to the 14th of the first month. In addition, it is not clear that Avur ha'Aretz means "the new grain" - the very opposite may be suggested here (see Rada"k at Yehoshua 5:11).

In next week's shiur, we will share a few more suggestions which have been made - and then propose a new approach to this age-old problem.

The interested reader is directed to R. David Zvi Hoffman's commentary on Vayyikra 23 for a thorough review and analysis of the problem.

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